SENATE BILL 21-260

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

Bill Summary

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

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

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

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

(b) A sustainable transportation system:

(1) Has sufficient capacity to allow efficient movement of people, goods, and services in all parts of the state in light of significant
population growth;

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

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

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

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

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

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

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

(c) Although a sustainable transportation system is a public good that benefits all Coloradans and the state has intermittently expended
general fund money to fund transportation infrastructure, transportation
system user charges such as per gallon charges on motor fuels, motor
vehicle registration fees, and, increasingly, tolls have provided and
continue to provide the vast majority of dedicated transportation funding;
(d) Current flat rate per gallon charges on motor fuels are
unsustainable and do not reflect current or future transportation funding
needs because:
   (I) Such charges were last increased nearly three decades ago and
are not indexed to inflation; and
   (II) As internal combustion engines become more fuel efficient
and electric motor vehicle usage increases, such charges generate less
revenue per vehicle mile traveled and therefore are insufficient to
mitigate the burden put on transportation infrastructure by these more
efficient vehicles;
(e) Due to the decreased purchasing power of existing motor fuel
charges, existing dedicated transportation funding has failed to adequately
fund and will continue to fail to adequately fund both:
   (I) The planning, development, construction, maintenance, and
supervision of statewide highway transportation infrastructure; and
   (II) Multimodal infrastructure and other programs and incentives
needed to sufficiently reduce and mitigate the adverse environmental
effects and health effects of transportation-related air pollution and
greenhouse gas emissions to create a sustainable transportation system;
(f) While it is necessary and appropriate to increase general fund
expenditures for transportation as provided for in this act, because the
state has many other critical needs that require general fund money, it is
also necessary, appropriate, and more equitable to modernize user charges
based on the costs users impose on the transportation system so that such
charges remain the primary source of dedicated transportation funding;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The planning, funding, development, construction,
maintenance, and supervision of a sustainable transportation system
requires the implementation of a comprehensive regulatory scheme that
appropriately balances and funds the necessary elements of such a system,
including but not limited to:
The construction, maintenance, and supervision of highways and traditional highway infrastructure; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24-1-119. Department of public health and environment -
creation. (13) THE CLEAN FLEET ENTERPRISE, CREATED IN SECTION
25-7.5-103, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
THE SAME WERE TRANSFERRED BY A TYPE 1 TRANSFER, AS DEFINED IN
SECTION 24-1-105, TO THE DEPARTMENT OF PUBLIC HEALTH AND
ENVIRONMENT.
SECTION 4. In Colorado Revised Statutes, 24-1-128.7, amend (5); and add (9) and (10) as follows:

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

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

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

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

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", PUBLISHED BY THE COLORADO ENERGY OFFICE.
The community access enterprise created in Section 24-38.5-303
(1) and the clean fleet enterprise created in Section 25-7.5-103
(1)(a) shall also post the annual report on their websites.

24-38.5-111. Social cost of greenhouse gas pollution - estimate
methodology. Except where a different methodology is
prescribed by law, the Colorado energy office, the department
of transportation, and the department of public health and
environment shall, when estimating the social costs of
greenhouse gas pollution, base their estimate on the most
recent assessment of the social cost of carbon dioxide and other
greenhouse gas pollutants developed by the federal
government using a discount rate that is two and one-half
percent or less and does not yield a lower estimate of costs
than the costs published in the technical support document of
the federal interagency working group on the social cost of
greenhouse gases entitled "Technical Update of the Social Cost
of Carbon for Regulatory Impact Analysis Under Executive
Order 12866".

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

PART 3

COMMUNITY ACCESS TO ELECTRIC VEHICLE
CHARGING AND FUELING INFRASTRUCTURE
THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) Retail deliveries are increasing and are expected to continue to increase in urban and rural communities;
(b) The motor vehicles used to make retail deliveries are some of the most polluting vehicles on the road, which has resulted in additional and increasing air and greenhouse gas pollution at the local community level from idling delivery vehicles in neighborhoods;
(c) The adverse environmental and health impacts of increased local emissions from motor vehicles used to make retail deliveries can be mitigated and offset by investing in the charging and fueling infrastructure needed to support widespread public adoption of electric motor vehicles and zero emission vehicles and by replacing the state's dirtiest passenger vehicles with zero emission vehicles;
(d) Instead of reducing the impacts of retail deliveries by limiting retail delivery activity through regulation, it is more appropriate to continue to allow persons who receive retail deliveries to benefit from the convenience afforded by unfettered retail deliveries and instead impose a small fee on each retail delivery and use fee revenue to fund necessary mitigation activities;
(e) It is necessary, appropriate, and in the best interest of the state and all Coloradans to incentivize, support, and accelerate the use of electric motor vehicles throughout the state and to enable the state to achieve its electric motor vehicle adoption goals as set forth in the Colorado Energy
OFFICE'S "COLORADO ELECTRIC VEHICLE PLAN 2020" BECAUSE WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES:

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

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

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

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

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

(g) **One of the best ways to incentivize, support, and accelerate the adoption of electric motor vehicles in both urban and rural areas is to reduce range anxiety and inconvenience for electric motor vehicle users by building readily available, robust, easy to use, and efficient electric motor vehicle charging and fueling infrastructure in communities and along major highway corridors throughout the state;**

(h) **Another way to incentivize, support, and accelerate the adoption of electric motor vehicles, promote equitable access to electrical motor vehicles and less expensive electrical alternatives to motor vehicles, and encourage clean travel is to provide incentives in communities, including but not limited to disproportionately impacted communities, for acquisition or use of electric motor vehicles or electric alternatives to motor vehicles and use of transit. Creating access to electric motor vehicles or electric alternatives to motor vehicles for communities, including but not limited to disproportionately impacted communities, addresses inequities by allowing individuals who cannot afford to upgrade to more fuel efficient motor vehicles to upgrade to motor vehicles that produce little or no emissions in their communities.**

(i) **By reducing motor vehicle emissions, incentivizing, supporting, and accelerating the adoption of electric motor**
VEHICLES AT THE COMMUNITY LEVEL EFFECTIVELY REMEDIATES SOME OF
THE IMPACTS OF RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE
INCREASED MOTOR VEHICLE EMISSIONS RESULTING FROM RETAIL
DELIVERIES.

(2) The General Assembly further finds and declares that:

(a) To incentivize, support, and accelerate the
construction of electric motor vehicle charging and fueling
infrastructure in communities throughout the state;
incentivize, support, and accelerate the adoption of electric
motor vehicles by businesses, including transportation network
companies, governmental entities, and individuals; and thereby
increase access to electric motor vehicles, minimize and mitigate
the environmental and health impacts caused by
transportation-related emissions of air pollutants and
greenhouse gases, and allow the state and its citizens to reap
the environmental, health, business and governmental
operational efficiency, and personal motor vehicle total
ownership cost savings benefits of widespread adoption of
electric motor vehicles, it is necessary, appropriate, and in the
best interest of the state to create a community access
enterprise that can provide specialized business services,
including impact remediation services, that help communities,
businesses, and governmental entities construct the electric
motor vehicle charging and fueling infrastructure needed to
support widespread adoption of electric motor vehicles,
including light-duty, medium-duty, and heavy-duty motor
vehicles and motor vehicles used to make retail deliveries, and
thereby assuage range anxiety concerns, supply chain
DISRUPTION CONCERNS, AND ANY OTHER CONCERNS THAT CURRENTLY
DISINCENTIVIZE THE WIDESPREAD ADOPTION OF ELECTRIC MOTOR
VEHICLES;

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

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

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

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

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

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

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

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

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

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

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

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

24-38.5-302. Definitions. As used in this Part 3, unless the
context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

(10) "HYDROGEN FUEL CELL MOTOR VEHICLE" means a motor vehicle that is powered by electricity produced from a fuel cell that uses hydrogen gas as fuel.

(11) "INFLATION" means the average annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Aurora-Lakewood for all items and all urban consumers, or its applicable predecessor or successor index, for the five years ending on the last December 31 before the state fiscal year for which an inflation adjustment to be made to the community access retail delivery fee imposed pursuant to section 24-38.5-303 (7) begins.

(12) "LIGHT-DUTY ELECTRIC MOTOR VEHICLE" means an electric motor vehicle that has a gross vehicle weight rating, as defined in section 42-4-402 (6), of not more than ten thousand pounds.

(13) "MEDIUM-DUTY ELECTRIC MOTOR VEHICLE" means an electric motor vehicle that has a gross vehicle weight rating, as defined in section 42-4-402 (6), of more than ten thousand pounds and not more than twenty-six thousand pounds.

(14) "MOTOR VEHICLE" has the meaning set forth in section 42-1-102 (58). The term does not include a personal delivery device.

(15) "PERSONAL DELIVERY DEVICE" means an autonomously operated robot that is:

(I) Designed and manufactured for the purpose of transporting tangible personal property primarily on
SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE TYPICALLY USED BY PEDESTRIANS;

(II) Weighs no more than five hundred fifty pounds, excluding any tangible personal property being transported; and

(III) Operates at speeds of less than ten miles per hour when on sidewalks, crosswalks, and other public rights-of-way that are typically used by pedestrians.

(16) "Plug-in hybrid electric motor vehicle" means a motor vehicle that is powered by both a rechargeable battery pack that can be recharged by being plugged into an external source of electricity and a secondary source of propulsion such as an internal combustion engine.

(17) "Retail delivery" means a retail sale of tangible personal property by a retailer for delivery by a motor vehicle owned or operated by the retailer or any other person to the purchaser at a physical address in the state, which sale includes at least one item of tangible personal property that is subject to taxation under Article 26 of Title 39.

(18) "Retailer" has the same meaning as set forth in section 39-26-102 (8).

(19) "Retail sale" has the same meaning as set forth in section 39-26-102 (9).

(20) "Tangible personal property" has the same meaning as set forth in section 39-26-102 (15).

(21) "Transportation network company" has the same meaning as set forth in section 40-10.1-602 (3).

(22) "Transportation network company driver" has the
SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (4).

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

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

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

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

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

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

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

(b) The members of the board appointed by the governor serve for terms of four years; except that two of the members initially appointed shall serve for initial terms of three years. A member who is appointed by the governor to fill a vacancy on the board shall serve the remainder of the unexpired term of the former member. The other board members serve for as long as they hold their positions or are designated to serve.

(c) Members of the board serve without compensation but must be reimbursed from money in the fund for actual and necessary expenses incurred in the performance of their duties pursuant to this part 3.

(3) The business purpose of the enterprise is to support the widespread adoption of electric motor vehicles, including motor vehicles that originally were powered exclusively by internal combustion engines but have been converted into electric motor vehicles, in an equitable manner by directly investing in transportation infrastructure, making grants or providing rebates or other financing options to fund the construction of electric motor vehicle charging infrastructure throughout the state, and incentivizing the acquisition and use of electric motor vehicles and electric alternatives to motor vehicles in
COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES, AND BY OWNERS OF OLDER, LESS FUEL EFFICIENT, AND HIGHER POLLUTING VEHICLES. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

(a) IMPOSE A COMMUNITY ACCESS RETAIL DELIVERY FEE AS AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;
(b) INVEST IN TRANSPORTATION INFRASTRUCTURE PROGRAMS AS AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND
(c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND OTHER AVAILABLE MONEY OF THE ENTERPRISE.

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

(5) (a) THE COMMUNITY ACCESS ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF COMMUNITY ACCESS RETAIL DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE AND MAY BE EXPENDED TO PROVIDE GRANTS AND REBATES, PAY ITS REASONABLE AND NECESSARY OPERATING EXPENSES, INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, AND OTHERWISE EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS AUTHORIZED BY THIS PART 3.

(b) The Colorado Energy Office may transfer money from the Energy Fund created in Section 24-38.5-102.4 to the Enterprise for the purpose of defraying expenses incurred by the Enterprise before it receives fee revenue or revenue bond proceeds. The Enterprise may accept and expend any money so transferred, and, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer is a loan from the Colorado Energy Office to the Enterprise that is required to be repaid and is not a grant for purposes of Section 20 (2)(d) of Article X of the State Constitution or as defined in Section 24-77-102 (7). All money transferred as a loan to the Enterprise shall be credited to the Community Access Enterprise Initial Expenses Fund, which is hereby created in the State Treasury, and loan liabilities that are recorded in the Community Access Enterprise Initial Expenses Fund but that are not required to be paid in the current fiscal year shall not be considered when calculating sufficient statutory fund balance for purposes of Section 24-75-109. The State Treasurer shall credit all interest and income derived from the deposit and investment of money in the Community Access Enterprise Initial Expenses Fund to the Fund. The Community Access Enterprise

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INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE
ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE ENERGY FUND FOR
THE PRINCIPAL AMOUNT OF ANY LOAN FROM THE ENERGY FUND MADE BY
THE COLORADO ENERGY OFFICE PLUS INTEREST AT A RATE SET BY THE
COLORADO ENERGY OFFICE. UPON RECEIPT OF SUCH REIMBURSEMENT, THE
COLORADO ENERGY OFFICE SHALL INSTRUCT THE STATE TREASURER TO
TRANSFER FROM THE ENERGY FUND TO THE GENERAL FUND THE AMOUNT
NEEDED TO FULLY REPAY THE AMOUNT OF ANY GENERAL FUND MONEY
APPROPRIATED TO THE ENERGY FUND FOR THE PURPOSE OF FUNDING THE
LOAN MADE PURSUANT TO THIS SUBSECTION (5)(b) PLUS THE INTEREST
INCLUDED IN THE REIMBURSEMENT.

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

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

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

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

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

(e) To seek, accept, and expend gifts, grants, donations, or other payments from private or public sources for the purposes of this part 3 so long as the total amount of all grants from Colorado state and local governments received in any state fiscal year is less than ten percent of the enterprise’s total annual revenue for the state fiscal year. The enterprise shall transmit any money received through gifts, grants, donations, or other payments to the state treasurer, who shall credit the money to the fund.

(f) To publish grant and similar program processes by which the enterprise accepts applications, the criteria used for evaluating applications, and a list of grantees pursuant to subsection (8) of this section; and

(g) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers and duties granted by this section.

(7) (a) In furtherance of its business purpose, beginning in state fiscal year 2022-23, the enterprise shall impose, and the

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

(c)(I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II) OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE COMMUNITY ACCESS RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE COMMUNITY ACCESS RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN
March 15 of the calendar year in which the state fiscal year begins, and the Department of Revenue shall publish the amount no later than April 15 of the calendar year in which the state fiscal year begins.

(II) The enterprise is authorized to adjust the amount of the community access retail delivery fee for retail deliveries of tangible personal property purchased during a state fiscal year only if the Department of Revenue adjusts the amount of the retail delivery fee imposed by Section 43-4-218 (3) for retail deliveries of tangible personal property purchased during the state fiscal year.

(8) In furtherance of its business purpose, and subject to the requirements set forth in this subsection (8), the enterprise is authorized to implement grant, loan, or rebate programs for the following purposes:

(a) To fund the construction of electric motor vehicle charging infrastructure including but not limited to:

(I) public, workplace, transportation network company, and multifamily electric vehicle chargers;

(II) electric vehicle chargers for communities, including but not limited to disproportionately impacted communities;

(III) electric vehicle chargers for medium-duty electric motor vehicles and heavy-duty electric motor vehicles, including electrified refrigerated trailers;

(IV) infrastructure needs to support the powering of hydrogen fuel cell motor vehicles; and

(V) networks and plazas of direct current charging
INFRASTRUCTURE THAT OFFER FAST CHARGING FOR ELECTRIC MOTOR VEHICLES;

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

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

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


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

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

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

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

REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE COMMITTEES CONTINUES INDEFINITELY.

(b) The enterprise is subject to the open meetings provisions of the "COLORADO SUNSHINE ACT OF 1972", contained in part 4 of article 6 of this title 24, and the "COLORADO OPEN RECORDS ACT", part 2 of article 72 of this title 24.

(c) For purposes of the "COLORADO OPEN RECORDS ACT", part 2 of article 72 of this title 24, and except as may otherwise be provided by federal law or regulation or state law, the records of the enterprise are public records, as defined in section 24-72-202 (6), regardless of whether the enterprise receives less than ten percent of its total annual revenue in grants, as defined in section 24-77-102 (7), from all Colorado state and local governments combined.

(d) The enterprise is a public entity for purposes of part 2 of article 57 of title 11.

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

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

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

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

(f) One hundred ninety-nine million two hundred thousand dollars from the general fund to the highway users tax fund; and
(II) Forty-nine million eight hundred thousand dollars from the
general fund to the capital construction fund:

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

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

(II) Fifty-two million seven hundred thousand dollars from the
general fund to the capital construction fund:

(e) On June 30, 2018, the state treasurer shall transfer
seventy-nine million dollars from the general fund to the highway users
tax fund:

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

(I) Repealed:

(II) Sixty million dollars from the general fund to the capital
construction fund:

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

(I) Repealed:

(II) Sixty million dollars from the general fund to the capital
construction fund:

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

(e) Repealed:

(5) (a) On July 1, 2018, the state treasurer shall transfer a total
amount of four hundred ninety-five million dollars from the general fund
for the purposes of funding state and local transportation needs as
follows:
(I) Three hundred forty-six million five hundred thousand dollars to the state highway fund;

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

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

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

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

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

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

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

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

(I) and (II) Repealed;

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

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

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

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

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

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

(C) This subsection (5)(c)(IV) is repealed, effective January 1,
2022, if a ballot issue that authorizes the state to issue transportation
revenue anticipation notes is submitted to the registered electors of the
state for their approval or rejection at the November 2021 statewide
election pursuant to section 43-4-705 (13)(b) and a majority of the
electors voting on the ballot issue vote "No/Against";
(D) This subsection (5)(c)(IV)(D) and subsection (5)(c)(IV)(C) of
this section are repealed, effective January 1, 2022, if a ballot issue that
authorizes the state to issue transportation revenue anticipation notes is
submitted to the registered electors of the state for their approval or
rejection at the November 2021 statewide election pursuant to section
43-4-705 (13)(b) and a majority of the electors voting on the ballot issue
vote "Yes/For"; or
(d)(I) If the transportation commission allocates money from the
transportation revenue anticipation notes reserve account of the state
highway fund pursuant to section 43-4-714 (2) during any state fiscal
year, the amount of any transfer required by subsection (5)(c)(IV)(A) of
this section is reduced by an amount equal to the amount of the allocation
from the account:
(H) This subsection (5)(d) is repealed:
(A) (Deleted by amendment, L. 2019.)
(B) Effective January 1, 2022, if a ballot issue that authorizes the
state to issue transportation revenue anticipation notes is submitted to the
registered electors of the state for their approval or rejection at the
November 2021 statewide election pursuant to section 43-4-705 (13)(b)
and a majority of the electors voting on the ballot issue vote
"No/Against";
(III) This subsection (5)(d)(III) and subsection (5)(d)(II) of this
section are repealed, effective January 1, 2022, if a ballot issue that
authorizes the state to issue transportation revenue anticipation notes is
submitted to the registered electors of the state for their approval or
rejection at the November 2021 statewide election pursuant to section
43-4-705 (13)(b) and a majority of the electors voting on the ballot issue
vote “Yes/For”.

(7) In addition to any other transfers required by this section:

(a) On the later of July 1, 2021, or the effective date of
this subsection (7)(a), the state treasurer shall transfer:

(I) Three hundred forty-seven million dollars from the
general fund to the state highway fund;

(II) Twenty-four million dollars from the general fund to
the highway users tax fund;

(III) One hundred twenty-seven million eight hundred
forty thousand dollars from the general fund to the
multimodal transportation and mitigation options fund; and

(IV) An additional eight million one hundred sixty
thousand dollars from the general fund to the state highway
fund for the purpose of providing additional funding for the
revitalizing main streets program of the department of
transportation.

(b) On July 1, 2022, the state treasurer shall transfer
twelve million dollars from the general fund to the highway
users tax fund.

(c) On each July 1 from July 1, 2022, through July 1, 2031,
the state treasurer shall transfer:
(I) Ten million five hundred thousand dollars from the general fund to the multimodal transportation and mitigation options fund; and

(II) Seven million dollars from the general fund to the state highway fund for the purpose of providing additional funding for the revitalizing main streets program of the department of transportation.

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

(e)(I) On June 30, 2022, the state treasurer shall transfer from the general fund an amount equal to the lesser of fifty percent of the amount by which revenue for the 2020-21 state fiscal year that is subject to the excess state revenues cap, as defined in section 24-77-103.6 (6)(b), and does not exceed the cap exceeded what the cap would have been if the cap had been calculated in accordance with law in effect immediately prior to the enactment of Senate Bill 21-260, enacted in 2021, or one hundred fifteen million dollars as follows:

(A) Ninety-four percent of the amount to the multimodal transportation and mitigation options fund; and

(B) Six percent of the amount to the state highway fund for the purpose of providing additional funding for the revitalizing main streets program of the department of transportation

(II) On June 30, 2023, and on June 30 of each succeeding
STATE FISCAL YEAR THROUGH JUNE 30, 2026, THE STATE TREASURER SHALL TRANSFER FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE LESSER OF FIFTY PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE PRIOR STATE FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT EXCEED THE CAP FOR THE PRIOR STATE FISCAL YEAR IS ESTIMATED TO EXCEED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR TO THE ENACTMENT OF SENATE BILL 21-260, ENACTED IN 2021, OR ONE HUNDRED FIFTEEN MILLION DOLLARS LESS THE CUMULATIVE AMOUNT OF ALL TRANSFERS PREVIOUSLY MADE PURSUANT TO THIS SUBSECTION (7)(e) AS FOLLOWS:

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

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

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

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

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

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

(D) For the 2018-19 fiscal year, and each succeeding fiscal year, the amount of the excess state revenues cap for the 2017-18 fiscal year calculated pursuant to subsection (6)(b)(I)(C) of this section, adjusted each subsequent fiscal year for inflation, the percentage change in state population, the qualification or disqualification of enterprises, and debt service changes;

(E) For the 2019-20 fiscal year, the amount of the excess state revenues cap for the 2018-19 fiscal year calculated pursuant to subsection (6)(b)(I)(D) of this section, adjusted for inflation, the percentage change in state population, the qualification or disqualification of enterprises, and debt service changes;

(F) For the 2020-21 fiscal year, an amount that is equal to the excess state revenues cap for the 2019-20 fiscal year calculated pursuant to subsection (6)(b)(I)(E) of this section, adjusted for inflation, the percentage change in state population, the qualification or disqualification of enterprises, and debt service changes, plus two hundred twenty-four million nine hundred fifty-seven thousand six hundred two dollars; and

(G) For the 2021-22 fiscal year and each succeeding fiscal year, the amount of the excess state revenues cap for the 2020-21 fiscal year calculated pursuant to subsection (6)(b)(I)(F) of this section, adjusted each subsequent fiscal year for
INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE
QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE
CHANGES.

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

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

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

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

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

24-93-110. Department of transportation - additional requirements for integrated project delivery contracts - short-listing - transparency. (1) The department of transportation shall not exclude a participating entity from a short list, prepared and announced by the department as required by section 24-93-105 (2), of responding participating entities that have been determined to be most qualified to receive a request for proposals for an IPD contract for a public project based solely on the participating entity's lack of experience in delivering a public project in the state by the IPD method to be used for the public project.

(2) (a) If the cost to complete a public project is expected to exceed seventy-five million dollars, the department of transportation shall, before selecting the IPD method for a construction project and beginning the procurement process:

(I) Hold public meetings with the construction industry and the general public to discuss the justification for selecting the IPD method. The required public meetings may be held in
CONJUNCTION WITH OTHER REQUIRED PUBLIC MEETINGS ABOUT THE
PROJECT OR AS STAND-ALONE MEETINGS.

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

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

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

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

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

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

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

ARTICLE 7.5

Clean Motor Vehicle Fleet Support

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

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

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

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

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

(e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF THE STATE AND ALL COLORADANS TO INCENTIVIZE AND SUPPORT THE USE
OF ELECTRIC MOTOR VEHICLES AND, TO THE EXTENT TEMPORARILY
NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC MOTOR
VEHICLE TECHNOLOGY AND AVAILABILITY FOR CERTAIN FLEET USES,
COMPRESSED NATURAL GAS MOTOR VEHICLES THAT ARE FUELED BY
RECOVERED METHANE AND THAT PRODUCE FEWER EMISSIONS THAN
GASOLINE OR DIESEL POWERED MOTOR VEHICLES BY BUSINESSES AND
GOVERNMENTAL ENTITIES THAT USE FLEETS OF MOTOR VEHICLES,
INCLUDING FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES OWNED BY
INDIVIDUAL CONTRACTORS WHO PROVIDE PREARRANGED RIDES FOR
TRANSPORTATION NETWORK COMPANIES OR MAKE RETAIL DELIVERIES,
AND TO ENABLE THE STATE TO ACHIEVE ITS STATED ELECTRIC MOTOR
VEHICLE ADOPTION GOALS BECAUSE INCREASED USAGE OF ELECTRIC
MOTOR VEHICLES IN MOTOR VEHICLE FLEETS:

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

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

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

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

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

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

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

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

(b) THE ENTERPRISE PROVIDES BUSINESS SERVICES, INCLUDING
REMETDATION SERVICES, WHEN, IN EXCHANGE FOR THE PAYMENT OF FEES,
IT:

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

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

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

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

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

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

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

(VII) CONtributes to the implementation of the comprehensive regulatory scheme required for the planning, funding, development, construction, maintenance, and supervision of a sustainable transportation system; and

(IX) provides additional remediation services to offset impacts caused by fee payers as may be provided by law, including but not limited to:

(A) incentivizing the use of clean mobile equipment;

(B) providing planning services to support communities, including but not limited to disproportionately impacted communities; and

(C) providing scarpage services;

(c) by providing remediation services as authorized by this section, the enterprise engages in an activity conducted in the pursuit of a benefit, gain, or livelihood and therefore operates as a business;

(d) by providing remediation services as authorized by this section, the enterprise provides a benefit to fee payers when it remediates the impacts they cause and therefore operates as a business in accordance with the determination of the Colorado supreme court in Colorado Union of Taxpayers Foundation v. City of Aspen, 2018 CO 36;

(d) consistent with the determination of the Colorado supreme court in Nicholl v. E-470 Public Highway Authority, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is
INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS GENERATED BY FEES, NOT TAXES, BECAUSE THE FEES IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY SECTION 25-7.5-103 (7) AND (8) ARE:

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

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

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

25-7.5-102. Definitions. As used in this article 7.5, unless the context otherwise requires:
"Battery electric motor vehicle" means a motor vehicle that is powered exclusively by a rechargeable battery pack that can be recharged by being plugged into an external source of electricity and that has no secondary source of propulsion.

(2) "Board" means the governing board of the enterprise.

(3) "Carshare ride" means a prearranged ride for which the rider agrees, at the time the rider requests the ride through a digital network, to be transported with another rider who has separately requested a prearranged ride regardless of whether or not another rider is actually transported with the rider.

(4) "Commission" means the air quality control commission created in section 25-7-104.

(5) "Compressed natural gas motor vehicle" means a vehicle that is powered by an engine fueled by compressed natural gas.

(6) "Department" means the department of public health and environment created in section 24-1-119 (1).

(7) (a) "Disproportionately impacted community" means a community that is in a census block group, as determined in accordance with the most recent United States decennial census, where the proportion of households that are low income is greater than forty percent, the proportion of households that identify as minority is greater than forty percent, or the proportion of households that are housing cost-burdened is greater than forty percent.

(b) As used in this subsection (7):
(I) "Cost-burdened" means a household that spends more than thirty percent of its income on housing.

(II) "Low income" means the median household income is less than or equal to two hundred percent of the federal poverty guideline.

(8) "Electric motor vehicle" means a battery electric motor vehicle, a hydrogen fuel cell motor vehicle, or a plug-in hybrid electric motor vehicle.

(9) "Enterprise" means the clean fleet enterprise created in section 25-7.5-103 (1)(a)(I).

(10) "Fund" means the clean fleet enterprise fund created in section 25-7.5-103 (5).

(11) "Heavy-duty motor vehicle" means a motor vehicle that has a gross vehicle weight rating, as defined in section 42-2-402 (6), of greater than twenty-six thousand pounds.

(12) "Hydrogen fuel cell motor vehicle" means a motor vehicle that is powered by electricity produced from a fuel cell that uses hydrogen gas as fuel.

(13) "Inflation" means the average annual percentage change in the United States department of labor, bureau of labor statistics, consumer price index for Denver-Aurora-Lakewood for all items and all urban consumers, or its applicable predecessor or successor index, for the five years ending on the last December 31 before a state fiscal year for which an inflation adjustment to be made to the clean fleet per ride fee imposed by section 25-7.5-103 (7) or the clean fleet retail delivery fee imposed by section 25-7.5-103 (8).
"MEDIUM-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION 42-2-402 (6), OF MORE THAN TEN THOUSAND POUNDS AND NOT MORE THAN TWENTY-SIX THOUSAND POUNDS.

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

"MOTOR VEHICLE FLEET" MEANS A GROUP OF MOTOR VEHICLES THAT IS OWNED OR OPERATED:

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

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

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

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

"PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY OPERATED ROBOT THAT IS:
(I) Designed and manufactured for the purpose of transporting tangible personal property primarily on sidewalks, crosswalks, and other public rights-of-way that are typically used by pedestrians;

(II) Weighs no more than five hundred fifty pounds, excluding any tangible personal property being transported; and

(III) Operates at speeds of less than ten miles per hour when on sidewalks, crosswalks, and other public rights-of-way that are typically used by pedestrians.

(18) "Plug-in hybrid electric motor vehicle" means a motor vehicle that is powered by both a rechargeable battery pack that can be recharged by being plugged into an external source of electricity and a secondary source of propulsion such as an internal combustion engine.

(19) "Prearranged ride" has the same meaning as set forth in section 40-10.1-602 (2).

(20) "Recovered methane" means any of the following if the air pollution control division determines them to provide a net reduction in greenhouse gas emissions:

(a) Biomethane;

(b) Methane derived from:

(I) Municipal solid waste;

(II) Biomass pyrolysis or enzymatic biomass; or

(III) Wastewater treatment; and

(c) Coal mine methane, as defined in section 40-2-124 (1)(a)(II).
(21) "Retail delivery" means a retail sale of tangible personal property by a retailer for delivery by a motor vehicle owned or operated by the retailer or any other person to the purchaser at a physical address in the state, which sale includes at least one item of tangible personal property that is subject to taxation under article 26 of title 39.

(22) "Retailer" has the same meaning as set forth in section 39-26-102 (8).

(23) "Retail sale" has the same meaning as set forth in section 39-26-102 (9).

(24) "Rider" has the same meaning as set forth in section 40-10.1-602 (5).

(25) "Tangible personal property" has the same meaning as set forth in section 39-26-102 (15).

(26) "Transportation network company" has the same meaning as set forth in section 40-10.1-602 (3).

(27) "Transportation network company driver" has the same meaning as set forth in section 40-10.1-602 (4).

(28) "Transportation network company services" has the same meaning as set forth in section 40-10.1-602 (6).

(29) "Zero emissions motor vehicle" means a battery electric motor vehicle or a hydrogen fuel cell motor vehicle.

25-7.5-103. Clean fleet enterprise - creation - board - powers and duties - fees - fund. (1) (a) The clean fleet enterprise is hereby created in the department. The enterprise is and operates as a government-owned business within the department in order to execute its business purpose as specified in subsection (3) of this
SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES SET
FORTH IN THIS SECTION.

(b) The enterprise exercises its powers and performs its
duties and functions under the department as if the same were
transferred to the department by a **Type 1** transfer, as defined
in Section 24-1-105.

(2) (a) The governing board of the enterprise consists of
nine members as follows:

(I) The governor shall appoint six members who shall
serve at the pleasure of the governor for terms of the length
specified in subsection (2)(b) of this section. One member shall
represent a disproportionately impacted community, one member
shall have expertise in air pollution reduction, one member
shall have expertise in transportation, one member shall have
expertise in motor vehicle fleet electrification, one member
shall have expertise in business or supply chain management, and
one member shall represent a business that owns or operates a
motor vehicle fleet. The governor shall make reasonable
efforts, to the extent such applications have been submitted for
consideration for the board, to consider members that reflect
the state's geographic diversity when making appointments and
shall make initial appointments no later than October 1, 2021.

(II) The executive director of the department or the
executive director's designee;

(III) The director of the Colorado energy office or the
director's designee; and

(IV) The executive director of the department of
TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

(b) Members of the board appointed by the Governor serve for terms of four years; except that four of the members initially appointed shall serve for initial terms of three years. A member who is appointed to fill a vacancy on the board shall serve the remainder of the unexpired term of the former member. The other board members serve for as long as they hold their positions or are designated to serve.

(c) Members of the board serve without compensation but must be reimbursed from money in the fund for actual and necessary expenses incurred in the performance of their duties pursuant to this Article 7.5.

(3) The business purpose of the enterprise is to incentivize and support the use of electric motor vehicles, including motor vehicles that originally were powered exclusively by internal combustion engines but have been converted into electric motor vehicles, and, to the extent temporarily necessitated by the limitations of current electric motor vehicle technology for certain fleet uses, compressed natural gas motor vehicles that are fueled by recovered methane, by businesses and governmental entities that own or operate fleets of motor vehicles, including fleets composed of personal motor vehicles owned or leased by individual contractors who provide prearranged rides for transportation network companies or deliver goods for a third-party delivery service. To allow the enterprise to accomplish this purpose and fully exercise its powers and duties through the board, the enterprise may:
(a) IMPOSE A CLEAN FLEET PER RIDE FEE AND A CLEAN FLEET RETAIL DELIVERY FEE AS AUTHORIZED BY SUBSECTIONS (7) AND (8) OF THIS SECTION;

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

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

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

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

(b) The department may transfer money from any legally
available source to the enterprise for the purpose of defraying
expenses incurred by the enterprise before it receives fee
revenue or revenue bond proceeds. The enterprise may accept
and expend any money so transferred, and, notwithstanding any
state fiscal rule or generally accepted accounting principle
that could otherwise be interpreted to require a contrary
conclusion, such a transfer is a loan from the department to the
enterprise that is required to be repaid and is not a grant for
purposes of section 20 (2)(d) of article X of the state
constitution or as defined in section 24-77-102 (7). All money
transferred as a loan to the enterprise shall be credited to the
clean fleet enterprise initial expenses fund, which is hereby
created in the state treasury, and loan liabilities that are
recorded in the clean fleet enterprise initial expenses fund but
that are not required to be paid in the current fiscal year shall
not be considered when calculating sufficient statutory fund
balance for purposes of section 24-75-109. The state treasurer
shall credit all interest and income derived from the deposit
and investment of money in the clean fleet enterprise initial
expenses fund to the fund. The clean fleet enterprise initial
does not have a defined purpose of defraying expenses incurred by the enterprise
before it receives fee revenue or revenue bond proceeds. As the
ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A RATE SET BY THE DEPARTMENT. UPON RECEIPT OF SUCH REIMBURSEMENT, THE DEPARTMENT SHALL REMIT TO THE STATE TREASURER FOR CREDITING TO THE GENERAL FUND THE AMOUNT NEEDED TO FULLY REPAY THE AMOUNT OF ANY GENERAL FUND MONEY APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSE OF FUNDING THE LOAN MADE PURSUANT TO THIS SUBSECTION (5)(b) PLUS THE INTEREST INCLUDED IN THE REIMBURSEMENT.

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

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

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

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

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

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

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

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

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

(7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE A CLEAN FLEET PER RIDE FEE TO BE PAID BY A TRANSPORTATION NETWORK
COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND ACCEPTED
THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE PURPOSE OF
MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION NETWORK
COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE
DEPARTMENT OF REVENUE SHALL COLLECT THE CLEAN FLEET PER RIDE FEE
ON BEHALF OF THE ENTERPRISE, AND A TRANSPORTATION NETWORK
COMPANY SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS
REQUIRED BY SECTION 40-10.1-607.5 (2). THE ENTERPRISE SHALL ENSURE
THAT DURING THE FIRST TEN STATE FISCAL YEARS OF FEE COLLECTIONS,
EXPENDITURES THAT SUPPORT TRANSPORTATION NETWORK COMPANY
OPERATIONS EQUAL OR EXCEED CUMULATIVE CLEAN FLEET PER RIDE FEE
REVENUE.

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

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

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

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


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

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

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

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

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

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

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

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

(II) To assess and implement cleaner mobile source technology to support electrification of motor vehicles and electric motor vehicle fleets;

(III) To coordinate engagement with public entities and owners and operators of motor vehicle fleets to develop strategies for electrifying motor vehicle fleets and other not yet electrified freight transportation and retail delivery operations that can be electrified;

(IV) To research and assess innovative and emerging motor vehicle emission strategies for motor vehicles and engines and modernize and improve current testing, inspection, and readjustment services offered by the department;

(V) To provide training and development of a clean transportation workforce to support the adoption of electric motor vehicles for use in motor vehicle fleets;

(VI) To research and develop strategies, business plans, and guidance to support the consistent application of grants and other enterprise business services, including remediation services;

(VII) To provide outreach, education, or training to support the successful application and performance by entities receiving funds;

(VIII) To provide or support the delivery of companion services such as fleet motor vehicle testing, inspection, and readjustment services;

(IX) To address nonattainment of national ambient air
QUALITY STANDARDS BEFORE IT BECOMES NECESSARY TO IMPOSE MORE
RESTRICTIVE MEASURES TO ACHIEVE ATTAINMENT THAT WOULD IMPOSE
BURDENS ON BUSINESS THAT OWN OR OPERATE MOTOR VEHICLES FLEETS
IN OR NEAR NONATTAINMENT AREAS;
(X) TO ADDRESS COMMUNITY EXPOSURE, INCLUDING EXPOSURE IN
DISPROPORTIONATELY IMPACTED COMMUNITIES, AND HEALTH DISPARITIES
IN SUCH COMMUNITIES RESULTING FROM INCREASED EXPOSURE TO MOTOR
VEHICLE FLEET OPERATIONS;
(XI) TO HELP COMPANIES THAT MAINTAIN MOTOR VEHICLE FLEETS
AND RENT MOTOR VEHICLES IN THE FLEETS TO TRANSPORTATION NETWORK
COMPANY DRIVERS FOR USE IN PROVIDING TRANSPORTATION NETWORK
COMPANY SERVICES PURCHASE OR LEASE ELECTRIC MOTOR VEHICLES FOR
THAT USE;
(XII) TO HELP TRANSPORTATION NETWORK COMPANIES PROVIDE
INCENTIVES FOR TRANSPORTATION NETWORK COMPANY DRIVERS TO
PROVIDE PREARRANGED RIDES IN ELECTRIC MOTOR VEHICLES; AND
(XIII) TO PROVIDE ADDITIONAL REMEDIATION SERVICES TO FEE
PAYERS AS MAY BE PROVIDED BY LAW INCLUDING BUT NOT LIMITED TO
INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT, PROVIDE PLANNING
SERVICES TO SUPPORT COMMUNITIES, INCLUDING BUT NOT LIMITED TO
DISPROPORTIONATELY IMPACTED COMMUNITIES, OR PROVIDE SCRAPPAGE
SERVICES.
(10) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
CONTROL DIVISION OF THE DEPARTMENT TO DEVELOP PROPOSED RULES
FOR THE CONSIDERATION OF THE COMMISSION THAT WILL SUPPORT THE
ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN
A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE
STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF TRANSPORTATION WHEN DEVELOPING THE RULES.

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

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

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

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

AND

(IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION

(b) The enterprise is subject to the open meetings provisions of the "COLORADO SUNSHINE ACT OF 1972", contained in part 4 of article 6 of title 24, and the "COLORADO OPEN RECORDS ACT", part 2 of article 72 of title 24.

(c) For purposes of the "COLORADO OPEN RECORDS ACT", part 2 of article 72 of title 24, and except as may otherwise be provided by federal law or regulation or state law, the records of the enterprise are public records, as defined in section 24-72-202 (6), regardless of whether the enterprise receives less than ten percent of its total annual revenue in grants, as defined in section 24-77-102 (7), from all Colorado state and local governments combined.

(d) The enterprise is a public entity for purposes of part 2 of article 57 of title 11.

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

39-21-102. Scope. (7) The provisions of this article apply to the fees imposed pursuant to part 3 of article 38.5 of title 24,
ARTICLE 7.5 OF TITLE 25, AND THE FEES COLLECTED PURSUANT TO SECTION 40-10.1-607.5, BUT ONLY TO THE EXTENT THAT THE PROVISIONS OF THIS ARTICLE 21 ARE NOT INCONSISTENT WITH THE PROVISIONS OF PART 3 OF ARTICLE 38.5 OF TITLE 24, ARTICLE 7.5 OF TITLE 25, AND SECTION 40-10.1-607.5.

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


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

(i) Any motor fuel tax or fee return required to be filed and payment required to be made pursuant to section 39-27-303;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**39-27-310. Construction of this part 3 - rules and regulations.** (1) This part 3 shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this part 3 among jurisdictions enacting it for the purpose of participating in a multijurisdictional motor fuel tax AND FEE agreement.

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

**40-10.1-118. Certificated taxi carrier parity study - recommendations - legislative declaration - repeal.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:
(a) When the General Assembly enacted Senate Bill
\[21-260,\] enacted in 2021, it established a policy that a sustainable
transportation system must be funded adequately and
equitably with contributions from users that bear a reasonable
relationship to their use of and impacts on the system and the
environment and the costs incurred in mitigating those impacts;

(b) As a result of the enactment of Senate Bill \[21-260,\]
enacted in 2021, on and after July 1, 2022, transportation
network companies will pay per ride fees for each prearranged
ride requested and accepted through their digital networks, but
certificated taxi carriers will not be required to pay per ride
fees; and

(c) Consistent with the policy that the transportation
system be funded adequately and equitably with contributions
from users, it is necessary and appropriate to assess whether
there is parity between certificated taxi carriers and
transportation network companies with respect to their
contributions to the funding of the transportation system.

(2) The commission shall conduct a study to assess
whether, taking into account any relevant differences in their
business models, regulatory burdens, and impacts on the
sustainability of the transportation system, there is parity
between certificated taxi carriers and transportation network
companies with respect to their contributions to the funding of
the transportation system. The commission shall report the
results of the study to the transportation legislation review
committee of the General Assembly created in Section 43-2-145
DURING THE 2023 LEGISLATIVE INTERIM.

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

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

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

(d) Before permitting a person to act as a driver on its digital network, a transportation network company shall confirm that the person has self-certified to the transportation network company through the transportation network company's online application or digital network that he or she is physically and mentally fit to drive, is at least twenty-one years of age and possesses:

(I) A valid driver's license;

(II) Proof of automobile insurance; AND

(III) Proof of a Colorado vehicle registration; and

(IV) Within ninety days of June 5, 2014, and pursuant to commission rules, proof that the person is medically fit to drive.

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

40-10.1-607. Fees - transportation network company fund - creation. The commission shall transmit all fees payable to and collected by the commission pursuant to this part 6 to the state treasurer, who shall credit the fees to the transportation network company fund, which is hereby created in the state treasury. The moneys in the fund are continuously appropriated to the commission for the purposes set forth in this part 6. All interest earned from the deposit and investment of moneys in the fund is credited to the fund. Any
moneys not expended at the end of the fiscal year remain in the fund and do not revert to the general fund or any other fund.

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

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

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

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

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

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

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

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

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

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

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

MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

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

42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund - rules - definitions. (25) (a) In addition to any other fee imposed by this section, FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEARS PRIOR TO STATE FISCAL YEAR 2022-23, each authorized agent shall annually collect a fee of fifty dollars at the time of registration on every plug-in electric motor vehicle. FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH AUTHORIZED AGENT SHALL CONTINUE TO COLLECT THE FEE, AND THE AMOUNT OF THE FEE FOR REGISTRATION PERIODS BEGINNING DURING ANY GIVEN STATE FISCAL YEAR IS THE AMOUNT OF THE FEE COLLECTED FOR REGISTRATION PERIODS BEGINNING DURING THE PRIOR STATE FISCAL YEAR, ADJUSTED FOR INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE MADE ONLY IF THE RATE OF INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL RATE OF INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL ANNUALLY CALCULATE THE INFLATION-ADJUSTED AMOUNT OF THE FEE FOR REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL YEAR AND SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS. The authorized agent shall transmit the fee to the state treasurer, who shall credit thirty dollars, ADJUSTED FOR INFLATION, of each fee to the highway users tax fund created in section 43-4-201, and twenty dollars, ADJUSTED FOR INFLATION, of each fee to the electric vehicle grant fund created in
section 24-38.5-103.

(a.5) (I) In addition to any other fee imposed by this section, including the fee imposed by subsection (25)(a) of this section, for registration periods beginning during state fiscal year 2022-23 or during any subsequent state fiscal year, each authorized agent shall annually collect an electric motor vehicle road usage equalization fee at the time of registration on every battery electric motor vehicle as specified in subsections (25)(a.5)(II) and (25)(a.5)(III) of this section and on every plug-in hybrid electric motor vehicle as specified in subsections (25)(a.5)(IV) and (25)(a.5)(V) of this section. The authorized agent shall transmit the fee to the state treasurer, who shall credit it to the highway users tax fund for allocation and expenditure as specified in section 43-4-205 (6.8).

(II) For registration periods beginning during state fiscal years 2022-23 through 2031-32, the amount of the electric motor vehicle road usage equalization fee for a battery electric motor vehicle is as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fee</th>
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<tbody>
<tr>
<td>2022-2023</td>
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<tr>
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<td>2028-2029</td>
<td>$51</td>
</tr>
<tr>
<td>2029-2030</td>
<td>$66</td>
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</tbody>
</table>
(III) For registration periods beginning during state fiscal year 2032-33 or during any subsequent state fiscal year, the amount of the electric motor vehicle road usage equalization fee for a battery electric motor vehicle is the amount of the fee for registration periods beginning during the prior state fiscal year, adjusted for inflation; except that an adjustment shall be made only if the rate of inflation is positive and must be the lesser of the actual rate of inflation or five percent. The department of revenue shall annually calculate the inflation adjusted amount of the electric motor vehicle road usage equalization fee for a battery electric motor vehicle for registration periods beginning during each state fiscal year and shall notify authorized agents of the amount no later than the May 1 of the calendar year in which the state fiscal year begins.

(IV) For registration periods beginning during state fiscal years 2022-23 through 2031-32, the amount of the electric motor vehicle road usage equalization fee for a plug-in hybrid electric motor vehicle is:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fee</th>
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<tbody>
<tr>
<td>2022-2023</td>
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<tr>
<td>2023-2024</td>
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<td>2026-2027</td>
<td>$13</td>
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<tr>
<td>2027-2028</td>
<td>$16</td>
</tr>
</tbody>
</table>
(V) For registration periods beginning during state fiscal year 2032-33 or during any subsequent state fiscal year, the amount of the electric motor vehicle road usage equalization fee for a plug-in hybrid electric motor vehicle is the amount of the fee for registration periods commencing during the prior state fiscal year, adjusted for inflation; except that an adjustment shall be made only if the rate of inflation is positive and the adjustment must be the lesser of the actual rate of inflation or five percent. The department of revenue shall calculate the inflation adjusted amount of the electric motor vehicle road usage equalization fee for a plug-in hybrid electric motor vehicle for registration periods beginning during each state fiscal year and shall notify authorized agents of the amount no later than the May 1 of the calendar year in which the state fiscal year begins.

(a.6) Because the electric motor vehicle fee imposed pursuant to subsection (25)(a) of this section and the electric motor vehicle road usage equalization fee imposed pursuant to subsection (25)(a.5) of this section are intended to equalize 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, and because motor fuel charges are paid

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

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

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

(B) ONE HUNDRED DOLLARS FOR A COMMERCIAL ELECTRIC MOTOR VEHICLE THAT WEIGHS MORE THAN SIXTEEN THOUSAND POUNDS BUT NOT MORE THAT TWENTY-SIX THOUSAND POUNDS; AND
(C) One hundred fifty dollars for a commercial electric motor vehicle that weighs more than twenty-six thousand pounds.

(III) For registration periods beginning during state fiscal year 2023-24 or during any subsequent state fiscal year, the amount of the commercial electric motor vehicle road usage equalization fee is the amount of the fee for registration periods commencing during the prior state fiscal year, adjusted for inflation; except that an adjustment shall be made only if the rate of inflation is positive and the adjustment must be the lesser of the actual rate of inflation or five percent. The department of revenue shall calculate the inflation adjusted amount of the commercial electric motor vehicle road usage equalization fee for a plug-in hybrid electric motor vehicle for registration periods beginning during each state fiscal year and shall notify authorized agents of the amount no later than the May 1 of the calendar year in which the state fiscal year begins.

(IV) The state treasurer shall credit fee revenue collected pursuant subsections (25)(a.7)(II) and (25)(a.7)(III) as follows:

(A) Seventy percent to the highway users tax fund for allocation and expenditure as specified in section 43-4-205 (6.8); and

(B) Thirty percent to the state highway fund created in section 43-1-219 for the purpose of funding freight-related projects that ease effective, efficient, and safe freight transport.
(a.8) During the 2026 legislative interim, the Colorado Energy Office, the Department of Transportation, and the Department of Public Health and Environment, after consulting with the Community Access Enterprise created in Section 24-38.5-303 (1), the Clean Fleet Enterprise created in Section 25-7.5-103 (1)(a), the Clean Transit Enterprise created in Section 43-4-1203 (1)(a), and the Nonattainment Area Air Pollution Mitigation Enterprise created in Section 43-4-1303 (1)(a), shall jointly complete a written report and present the report at a hearing of the Transportation Legislation Review Committee created in Section 43-2-145 (1)(a). The report shall detail progress on all projects completed or undertaken using funding provided pursuant to Senate Bill 21-260, enacted in 2021, identify other projects expected to be completed in the next five years, specifically document the use of general fund money provided pursuant to Senate Bill 21-260, enacted in 2021, and make recommendations as to whether additional general fund money should be provided for similar uses in light of current economic conditions, inflation, and other project completion cost factors, and available state revenue. The report shall also include the joint recommendations of the office and the departments as to whether, beginning in State Fiscal Year 2027-28 or a later State Fiscal Year, the amount of any or all of the fees imposed by this subsection (25) should be adjusted to ensure that the goal of equalizing 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

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

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

(II) "COMMERCIAL ELECTRIC MOTOR VEHICLE" MEANS AN ELECTRIC MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE.
(III) "Electric motor vehicle" means a battery electric motor vehicle, and a plug-in hybrid electric motor vehicle.

(IV) "Inflation" means the average annual percentage change in the United States Department of Transportation, Federal Highway Administration, National Highway Construction Cost Index or its applicable predecessor or successor index for the five-year period ending on the last December 31 before a state fiscal year for which an annual inflation adjustment to the amount of any fee imposed pursuant to this subsection (25) is to be made begins.

(V) "Plug-in hybrid electric motor vehicle" means a motor vehicle that is powered by both a rechargeable battery pack that can be recharged by being plugged into an external source of electricity and a secondary source of propulsion such as an internal combustion engine.

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

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

43-1-117. Transportation development division - created - duties - freight mobility and safety branch. (4) The freight mobility and safety branch is created in the transportation development

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

43-1-128. Environmental impacts of capacity projects - additional requirements - legislative declaration - definitions. (1) The General Assembly hereby finds and declares that:

(a) Transportation capacity projects that are intended to alleviate traffic congestion by increasing the capacity of highways in major transportation corridors can cause adverse environmental impacts, including but not limited to incremental acceleration of climate change, and adverse health impacts;

(b) These impacts fall most heavily on communities in the areas where the projects are located, including disproportionately impacted communities;

(c) To minimize the adverse environmental and health impacts of planned transportation capacity projects and address inequitable distribution of the burdens of such projects, it is necessary, appropriate, and in the best interests of the state and all Coloradans to require the department and
METROPOLITAN PLANNING ORGANIZATIONS, WHICH ARE THE STATE’S
PRIMARY TRANSPORTATION PLANNING ENTITIES WITH RESPONSIBILITY FOR
SELECTING AND FUNDING TRANSPORTATION CAPACITY PROJECTS, TO
ENGAGE IN AN ENHANCED LEVEL OF PLANNING, ANALYSIS, COMMUNITY
ENGAGEMENT, AND MONITORING WITH RESPECT TO SUCH PROJECTS AS
REQUIRED BY THIS SECTION; AND

(d) THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO, AND
DO NOT SUPPLANT, ANY OTHER REQUIREMENTS, INCLUDING FEDERAL
SAFETY AND STATE OF GOOD REPAIR REQUIREMENTS, FOR
TRANSPORTATION PLANNING, PROJECT PRIORITIZATION, PUBLIC
OUTREACH, PROJECT IMPLEMENTATION, OR TRANSPARENCY AND
ACCOUNTABILITY THAT ARE ESTABLISHED BY LAW, RULE, OR COMMISSION
OR DEPARTMENT POLICY.

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

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

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

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

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

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

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

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

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

(3) THE DEPARTMENT SHALL ESTABLISH AND PROPOSE TO THE COMMISSION FOR ITS REVIEW IMPLEMENTING PROCEDURES AND GUIDELINES THAT REQUIRE THE DEPARTMENT AND METROPOLITAN PLANNING ORGANIZATIONS TO TAKE ADDITIONAL STEPS IN THE PLANNING PROCESS FOR TRANSPORTATION CAPACITY PROJECTS TO ACCOUNT FOR THE IMPACTS ON THE AMOUNT OF STATEWIDE GREENHOUSE GAS POLLUTION AND STATEWIDE VEHICLE MILES TRAVELED THAT ARE EXPECTED TO RESULT FROM SUCH PROJECTS. THE COMMISSION SHALL, WITH SUCH MODIFICATIONS AS THE COMMISSION MAY MAKE SUBJECT TO THE REQUIREMENTS OF THIS SECTION, ADOPT THE PROCEDURES AND GUIDELINES. AT A MINIMUM, BOTH THE PROPOSED AND ADOPTED PROCEDURES AND GUIDELINES MUST REQUIRE THE DEPARTMENT AND METROPOLITAN PLANNING ORGANIZATIONS TO:

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

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

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

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

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

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

(b) DEVELOP AND IMPLEMENT A CONSTRUCTION PLAN TO PROVIDE
TRANSPARENT PUBLIC REPORTING OF CRITERIA POLLUTANT DATA AND
TIMELY PUBLIC ALERTS WHEN CRITERIA POLLUTANT EXCEEDANCE EVENTS
OCCUR; AND
(c) **Develop and implement a plan to mitigate air quality impacts on communities, including but not limited to disproportionately impacted communities, in the area of the project with particular focus where feasible on mitigation of fine particulate matter pollution.**

(5) **To promote transparency and increase both public participation and public confidence in transportation capacity project selection, planning, and implementation in communities, including but not limited to disproportionately impacted communities, the department shall review, update, and improve as necessary its public engagement program for planned transportation capacity projects. In doing so, the department shall create diverse and impactful ways to gather input from communities across the state by communicating in multiple languages and multiple formats and transparently sharing readily understandable information about potential adverse impacts, including but not limited to environmental and health impacts, of potential transportation capacity projects.**

43-1-129. Road usage charge study - repeal. (1) The department shall study the feasibility of implementing a road usage charge program in the state. The study must, at a minimum:

(a) **Identify and analyze the implementation of road usage charge programs in other states;**

(b) **Identify and assess available and developing technology for tracking mileage and collecting road usage charges;**

(c) **Identify barriers to implementing a road usage charge**
PROGRAM AND IDENTIFY AND ASSESS OPTIONS FOR OVERCOMING THOSE BARRIERS; AND

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

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

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

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

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

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

(c) Summarize the anticipated safety benefits, including benefits to transportation systems associated with the transition to automated commercial and government motor vehicle fleets and personal motor vehicles, and safety risks, including cybersecurity risks, of autonomous motor vehicles;

(d) Identify any modifications or additions that existing state transportation infrastructure may need to enable the use of autonomous motor vehicles, the timeline for making such modifications or additions, and the anticipated cost of making such modifications or additions; and

(e) Identify and summarize legal issues relating to the use of autonomous motor vehicles.

(2) The department shall present the report to the transportation legislation review committee created in section 43-2-145 (1) during the 2025 legislative interim.

(3) This section is repealed, effective July 1, 2026.

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

43-1-219. Funds created. There are hereby created two separate funds, one to be known as the state highway fund and the other to be known as the state highway supplementary fund. All money paid into either of said funds shall be available immediately, without further appropriation, for the purposes of such fund as provided by law. Money transferred to the state highway fund pursuant to section 24-75-219 (7)(c) and (7)(e) and any interest and income
DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH MONEY MAY BE EXPENDED FOR MULTIMODAL PROJECTS, AS DEFINED IN SECTION 43-4-1102 (5). Any sums paid into the state treasury, which by law belong to the state highway fund or to the state highway supplementary fund, shall be immediately placed by the state treasurer to the credit of the appropriate fund. Upon request of the commission or of the chief engineer, it is the duty of the state treasurer to report to the commission or to the chief engineer the amount of money on hand in each of said THE two funds and the amounts derived from each source from which each such fund is accumulated. All accounts and expenditures from each of said THE two funds shall be certified by the chief engineer and paid by the state treasurer upon warrants drawn by the controller. The controller is authorized as directed to draw warrants payable out of the specified fund upon such vouchers properly certified and audited. Nothing in this part 2 shall operate to alter the manner of the execution and issuance of transportation revenue anticipation notes provided in part 7 of article 4 of this title TITLE 43.

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

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

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

(g) FROM THE IMPOSITION OF ROAD USAGE FEES PURSUANT TO SECTION 43-4-217 (3) AND (4).
SECTION 31. In Colorado Revised Statutes, 43-4-205, amend (6) introductory portion and (6)(b) introductory portion; and add (6.8) and (6.9) as follows:

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

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

(6.8) (a) Revenue from the electric motor vehicle fee, the electric motor vehicle road usage equalization fee, and the commercial electric motor vehicle fee imposed pursuant to section 42-3-304 (25) that is credited to the highway users tax fund as required by section 42-3-304 (25)(a), (25)(a.5), and (25)(a.7) and revenue from the road usage fees imposed pursuant to section 43-4-217 (3) and (4) that is credited to the highway users tax fund as required by section 43-4-217 (8) must be allocated and expended in accordance with the formula specified in
SUBSECTION (6)(b) OF THIS SECTION.

(b) (I) Revenue from the retail delivery fee imposed pursuant to Section 43-4-218 (3) that is credited to the highway users tax fund as required by Section 43-4-218 (5)(a)(I) must be allocated and expended as follows:

(A) Forty percent must be paid to the state highway fund and expended as provided in Section 43-4-206;

(B) Thirty-three percent must be paid to the county treasurers of the respective counties, subject to annual appropriation by the General Assembly, and allocated and expended as provided in Section 43-4-207; and

(C) Twenty-seven percent must be paid to the cities and incorporated towns, subject to annual appropriation by the General Assembly, and must be allocated and expended as provided in Section 43-4-208 (2)(b) and (6)(a).

(II) Revenue from the retail delivery fee may be expended for the purposes specified in Subsection (6)(b) of this section and may also be expended for transit-related projects needed to integrate different transportation modes within a multimodal transportation system.

(c) Money transferred from the general fund to the highway users tax fund pursuant to Section 24-75-219 (7)(a)(II) and (7)(b) must be allocated and expended as follows:

(I) Fifty-five percent must be paid to the county treasurers of the respective counties, subject to annual appropriation by the General Assembly, and allocated and expended as provided in Section 43-4-207;
(II) Forty-five percent must be paid to the cities and incorporated towns, subject to annual appropriation by the general assembly, and must be allocated and expended as provided in section 43-4-208 (2)(b) and (6)(a).

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

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

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

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

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

43-4-217. Additional funding - road usage fees - legislative declaration - definition. (1) The general assembly hereby finds and declares that:

(a) State motor fuel excise taxes levied on the purchase of motor fuels represent the largest source of state funding for the construction, maintenance, and supervision of the highways, roads, and streets of the state;

(b) The amount of motor fuel taxes paid for motor fuel used to propel a motor vehicle bears a reasonable relationship to the vehicle's use of and impact on the highways, roads, and streets of the state because the amount of motor fuel used by a vehicle is in large part a function of the amount of miles traveled by the vehicle and the weight of the vehicle;

(c) Motor fuel tax rates have not been increased in over twenty-five years, and motor fuel tax revenue has not kept pace and will not keep pace with inflation or the increased transportation infrastructure demands of the growing population of the state because:

(i) The amount of motor fuel tax paid does not depend on the price of motor fuel and therefore does not increase when
(II) Motor vehicles have become more fuel-efficient over time; and

(d) It is necessary, appropriate, and in the best interest of the state to mitigate the declining purchasing power of motor fuel excise taxes by collecting a road usage fee from persons who use the transportation system to travel by motor vehicle, basing the amount of the fee on reasonable estimates of fee payers' usage of and impact on the system, and using fee revenue solely for the construction, maintenance, and supervision of the highways of the state;

(e) Because motor fuel consumption is reasonably related to use of and impact on the transportation system, it is fair to fee payers, reasonable, and appropriate to calculate the amount of the road use fee based on their motor fuel consumption;

(f) It is also fair to fee payers, reasonable, and appropriate to streamline fee collection by collecting the road use fee from distributors of motor fuels when motor fuel taxes are collected because the amount of the fee will be incorporated into the retail price of motor fuel and therefore passed on to users of the transportation system in precise proportion to their consumption of motor fuel and in reasonable relation to their use of and impact on the transportation system; and
In accordance with numerous Colorado judicial precedents, the road usage fee and the bridge and tunnel impact fee imposed as authorized by section 43-4-805 (5)(g.5) and collected by the Department of Revenue on behalf of the statewide bridge and tunnel enterprise pursuant to this section are fees and are not taxes because:

(I) The fees are imposed not to raise revenue for general governmental purposes but instead are imposed for the sole purpose of funding the construction, maintenance, and supervision of the transportation system;

(II) Fee revenue defrays costs incurred by the State in funding construction, maintenance, and supervision of the transportation system that is necessitated by increased use of the system by the fee payers who use motor vehicles on the transportation system; and

(III) The fees are imposed at rates that are reasonably calculated to defray the costs of providing the service, are based on the use and impact on the transportation system by fee payers, and are thus proportional to the benefits received by fee payers.

(2) As used in this section:

(a) "Gasoline" means gasoline, as defined in section 39-27-101 (12), that is taxed at the rate specified in section 39-27-102 (1)(a)(II)(A).

(b) "Inflation" means the average annual percentage change in the United States Department of Transportation, Federal Highway Administration, National Highway Construction
COST INDEX OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX FOR THE FIVE-YEAR PERIOD ENDING ON THE LAST DECEMBER 31 BEFORE A STATE FISCAL YEAR FOR WHICH AN ADJUSTMENT TO THE ROAD USAGE FEE IMPOSED PURSUANT TO SUBSECTION (3) OR (4) OF THIS SECTION IS TO BE MADE BEGINS.

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

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

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

(A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
(B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
(C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
(D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
(E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
(F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;
AND
(G) EIGHT CENTS PER GALLON FOR STATE FISCAL YEARS 2028-29 THROUGH 2031-32.

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

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

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

(III) AN ADJUSTMENT FOR INFLATION SHALL BE MADE PURSUANT TO SUBSECTION (3)(b)(II) OF THIS SECTION ONLY IF THE RATE OF INFLATION IS POSITIVE AND MUST BE THE LESSER OF THE ACTUAL RATE OF INFLATION OR FIVE PERCENT. THE DEPARTMENT OF REVENUE SHALL CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ROAD USAGE FEE FOR STATE FISCAL YEAR 2032-33 AND SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15, 2032.

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

(b) (I) The amount of the road usage fee for each gallon of special fuel acquired, sold, offered for sale, or used in this state during state fiscal years 2022-23 through 2031-32 is:

(A) Two cents per gallon for state fiscal year 2022-23;
(B) Three cents per gallon for state fiscal year 2023-24;
(C) Four cents per gallon for state fiscal year 2024-25;
(D) Five cents per gallon for state fiscal year 2025-26;
(E) Six cents per gallon for state fiscal year 2026-27;
(F) Seven cents per gallon for state fiscal year 2027-28;

AND

(G) Eight cents per gallon for state fiscal years 2028-29 through 2031-32.

(II) Except as otherwise provided in subsection (4)(b)(III) of this section, the amount of the road usage fee for each gallon of special fuel acquired, sold, offered for sale, or used in this state during state fiscal year 2032-33 or during any subsequent state fiscal year is the sum of:

(A) The nominal amount of eight cents on December 31, 2030, adjusted for inflation; and

(B) The difference between the nominal amount of twenty-two cents on December 31, 2030, adjusted for inflation, and the nominal amount of twenty-two cents on December 31, 2030.
(III) An adjustment for inflation shall be made pursuant to subsection (4)(b)(II) of this section only if the rate of inflation is positive and must be the lesser of the actual rate of inflation or five percent. The Department of Revenue shall calculate the inflation adjusted amount of the road usage fee for state fiscal year 2032-33 and shall publish the amount no later than April 15, 2032.

(5) Each distributor of special fuel that pays the excise tax imposed on special fuel shall also pay, at the same time and in the same manner as the excise tax and the road usage fee imposed pursuant to subsections (3) and (4) of this section, a bridge and tunnel impact fee in the amount imposed by the statewide bridge and tunnel enterprise as authorized by section 43-4-805 (5)(g.5). The collection and administration of the bridge and tunnel impact fee by the Department of Revenue on behalf of the statewide bridge and tunnel enterprise is done on behalf of the enterprise for the purpose of minimizing compliance costs for distributors and administrative costs for the state, and all bridge and tunnel impact fee revenue is revenue of the enterprise only and is excluded from state fiscal year spending, as defined in section 24-77-102 (17).

(6) (a) A distributor is not required to pay the road usage fee imposed by subsection (3) or (4) of this section or the bridge and tunnel impact fee imposed as authorized by section 43-4-805 (5)(g.5), if the distributor would otherwise be liable for the excise tax on the gasoline or special fuel subject to the fee but is allowed to sell the gasoline or special fuel without payment
OF THE APPLICABLE EXCISE TAX PURSUANT TO SECTION 39-27-102
(1)(b)(II) OR SECTION 39-27-102.5 (2)(b).

(b) Gasoline or special fuel removed from a terminal in
this state by a person licensed as an exporter pursuant to
section 39-27-104 exclusively for delivery to another state is
not subject to the road usage fee imposed by subsection (3) or (4)
of this section or the bridge and tunnel impact fee imposed as
authorized by section 43-4-805 (5)(g.5).

(c) The burden of proving that gasoline or special fuel is
not subject to the road usage fee imposed by subsection (3) or (4)
of this section or the bridge and tunnel impact fee imposed as
authorized by section 43-4-805 (5)(g.5) is on the distributor under
such reasonable requirements of proof as the executive
director of the department of revenue may prescribe.

(7) The collection, administration, and enforcement of
the road usage fees imposed by subsection (3) or (4) of this
section, and the bridge and tunnel impact fee imposed as
authorized by section 43-4-805 (5)(g.5) shall be performed by the
executive director of the department of revenue in the same
manner as the collection, administration, and enforcement of
state gasoline and special fuel taxes pursuant to article 27 of
title 39. A distributor who pays the road usage fee as required
by subsection (3) or (4) of this section shall remit the fee,
together with any bridge and tunnel impact fee that the
distributor also pays as required by section 43-4-805 (5)(g.5) and
subsection (5) of this section to the department of revenue at
the same time and in the same manner in which the distributor
REMTS GASOLINE OR SPECIAL FUEL TAXES COLLECTED BY THE DISTRIBUTOR AS REQUIRED BY ARTICLE 27 OF TITLE 39. THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION. 

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

43-4-218. Additional funding - retail delivery fee - fund created - simultaneous collection of enterprise fees - rules - legislative declaration - definitions. (1) The general assembly hereby finds and declares that:

(a) In recent years, the number of retail deliveries of tangible personal property, including restaurant food, has rapidly increased, and this rapid growth is expected to continue;

(b) The World Economic Forum estimates that by 2030 there will be over thirty percent more delivery vehicles on roads to deliver seventy-eight percent more packages, which will increase usage of the highways, roads, and streets of the state by motor vehicles used to make retail deliveries, traffic congestion, and retail-delivery-related emissions;
(c) This additional usage has accelerated and is expected to continue to accelerate deterioration of surface transportation system infrastructure, and has required and is expected to continue to require the state, counties, and municipalities to perform more maintenance and reconstruction of state highways, county roads, and city streets;

(d) This additional usage has also increased and is expected to continue to increase motor-vehicle-related emissions of air pollutants, including ozone precursors, particulate matter pollutants, other hazardous air pollutants, and greenhouse gases, that contribute to adverse environmental effects, including but not limited to climate change, and adverse human health effects;

(e) It is therefore necessary and appropriate:

(I) To impose a retail delivery fee as specified in this section and to credit the proceeds of the fee to the highway users tax fund created in section 43-4-201 for allocation to the state, counties, and municipalities and to the multimodal transportation and mitigation options fund created in section 43-4-1103 (1)(a);

(II) To authorize the community access enterprise created in section 24-38.5-303 (1) to impose a community access retail delivery fee as specified in section 24-38.5-303 (7), authorize the clean fleet enterprise created in section 25-7.5-103 (1)(a) to impose a clean fleet retail delivery fee as specified in section 25-7.5-103 (8), authorize the statewide bridge and tunnel enterprise created in section 43-4-805 (2)(a)(I) to impose a bridge...
AND TUNNEL RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-4-805
(5)(g.7), AUTHORIZE THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
43-4-1203 (1)(a) TO IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS
SPECIFIED IN SECTION 43-4-1203 (7), AND AUTHORIZE THE
NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE CREATED
IN SECTION 43-4-1303 (1)(a) TO IMPOSE AN AIR POLLUTION MITIGATION
RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-1-1303 (8) TO HELP
FUND THE ENTERPRISES' PURSUIT OF THEIR RESPECTIVE BUSINESS
PURPOSES; AND

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

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
REQUIRES:
(a) "ENTERPRISE RETAIL DELIVERY FEES" MEANS:
(I) THE COMMUNITY ACCESS RETAIL DELIVERY FEE IMPOSED BY
THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
(1), AS SPECIFIED IN SECTION 24-38.5-303 (7);
(II) THE CLEAN FLEET RETAIL DELIVERY FEE IMPOSED BY THE
CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a), AS
SPECIFIED IN SECTION 25-7.5-103 (8);
(III) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED BY
THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION
43-4-805 (2)(a)(I), AS SPECIFIED IN SECTION 43-4-805 (5)(g.7);

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

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

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

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

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

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

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

AND

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

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

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

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

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

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

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

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

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

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

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

(5) (a) The department of revenue shall transmit all net revenue collected from the retail delivery fee imposed by subsection (3) of this section to the state treasurer, who shall credit the net revenue as follows:

(I) Seventy-one and one-tenth percent shall be credited to the highway users tax fund created in section 43-4-201 and allocated from the highway users tax fund to the state, counties, and municipalities as required by section 43-4-205 (6.8); and

(II) Twenty-eight and nine-tenths percent shall be credited to the multimodal transportation and mitigation options fund created in section 43-4-1103 (1)(a);

(b) The department of revenue shall transmit all net revenue collected from enterprise retail delivery fees to the state treasurer who shall credit the net revenue as follows:

(I) All net community access retail delivery fee revenue shall be credited to the community access enterprise fund created in section 24-38.5-303 (5);

(II) All net clean fleet retail delivery fee revenue shall be credited to the clean fleet enterprise fund created in section 25-7.5-103 (5);
(III) All net bridge and tunnel retail delivery fee revenue shall be credited to the statewide bridge and tunnel enterprise special revenue fund created in section 43-4-805 (3)(a);

(IV) All net clean transit retail delivery fee revenue shall be credited to the clean transit enterprise fund created in section 43-4-1203 (5); and

(V) All net air pollution mitigation retail delivery fee revenue shall be credited to the nonattainment area air pollution mitigation enterprise fund created in section 43-4-1303 (5).

(6) (a) Except to the extent otherwise authorized or required by the department of revenue pursuant to subsection (6)(d) of this section with respect to the timing of the remittance of fees to the department, the collection, administration, and enforcement of the retail delivery fee imposed by subsection (3) of this section and the enterprise retail delivery fees shall be performed by the executive director of the department of revenue in the same manner as the collection, administration, and enforcement of state sales tax pursuant to article 26 of title 39.

(b) Every retailer who makes a retail delivery shall add the retail delivery fee imposed by subsection (3) of this section and the enterprise retail delivery fees to the price or charge for the retail delivery showing the total of the fees as one item called "retail delivery fees" that is separate and distinct from the price and any other taxes or fees imposed on the retail delivery. When added, the fees constitute a part of the retail delivery.
DELIVERY PRICE OR CHARGE, ARE A DEBT FROM THE PURCHASER TO THE
RETAILER UNTIL PAID, AND ARE RECOVERABLE AT LAW IN THE SAME
MANNER AS OTHER DEBTS.

(c) EVERY RETAILER WHO MAKES A RETAIL DELIVERY IS LIABLE
AND RESPONSIBLE FOR THE PAYMENT OF AN AMOUNT EQUIVALENT TO THE
TOTAL AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)
OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES FOR EACH
RETAIL DELIVERY MADE IRRESPECTIVE OF THE REQUIREMENTS OF
SUBSECTION (6)(b) OF THIS SECTION. THE BURDEN OF PROVING THAT A
RETAILER IS EXEMPT FROM COLLECTING THE FEES ON ANY RETAIL
DELIVERY AND PAYING THE FEES TO THE EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REVENUE IS ON THE RETAILER UNDER SUCH REASONABLE
REQUIREMENTS OF PROOF AS THE EXECUTIVE DIRECTOR MAY PRESCRIBE.
The retailer is entitled, as collecting agent for the state, to
APPLY AND CREDIT THE AMOUNT OF THE RETAILER'S COLLECTIONS
AGAINST THE AMOUNT TO BE PAID PURSUANT TO THIS SUBSECTION (6)(c).

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

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

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

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

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

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

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

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

(12.5) "Region" means all of the territory within the boundaries of, and subject to the jurisdiction of, the governing body of any member of a combination that creates an authority pursuant to section 43-4-603 or the governing body of any member of a transportation planning organization exercising the powers of an authority as authorized by section 43-4-622.

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

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

43-4-603. Creation of authorities - exercise of powers of an authority by transportation planning organization. (1) Any combination may create, by contract, an authority that is authorized to exercise the functions conferred by the provisions of this part 6 upon the issuance by the director of the division of a certificate stating that the authority has been duly organized according to the laws of the state. In addition, any transportation planning organization may adopt
A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622 UPON THE ISSUANCE BY THE DIRECTOR OF THE DIVISION OF A CERTIFICATE STATING THAT THE TRANSPORTATION PLANNING ORGANIZATION HAS BEEN DULY AUTHORIZED TO EXERCISE THE POWERS OF AN AUTHORITY ACCORDING TO THE LAWS OF THE STATE. The combination joining in the creation of the authority OR THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall provide a copy of the contract OR RESOLUTION to the department of transportation for comment and, if the territory of the proposed authority OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN AUTHORITY includes or borders any territory of the regional transportation district created in article 9 of title 32 C.R.S., or intersects with or is likely to divert vehicle traffic to or from a toll highway operated by a public highway authority established under part 5 of this article ARTICLE 4, shall also provide a copy of the contract OR RESOLUTION to the district or the affected public highway authority, as applicable, for comment. The combination OR TRANSPORTATION PLANNING ORGANIZATION shall also provide a copy of the contract OR RESOLUTION FOR COMMENT to each county and municipality that is not a member of the combination OR A MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION but that includes territory that borders the territory of the proposed authority for comment OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN AUTHORITY. A TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY
SHALL ALSO PROVIDE A COPY OF THE RESOLUTION FOR COMMENT TO ANY
EXISTING AUTHORITY THAT INCLUDES OR BORDERS ANY OF THE TERRITORY
IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION WILL EXERCISE
THE POWERS OF AN AUTHORITY. The director shall issue the certificate
upon the filing with the director of a copy of the contract by the
combination joining in the creation of the authority OR A COPY OF THE
RESOLUTION ADOPTED BY THE BOARD OF THE TRANSPORTATION PLANNING
ORGANIZATION AUTHORIZING THE TRANSPORTATION PLANNING
ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY. The director
shall cause the certificate to be recorded in the real estate records in each
county having territory included in the boundaries of the authority. Upon
issuance of the certificate by the director, the authority shall constitute
CREATED BY A COMBINATION BY CONTRACT CONSTITUTES a separate
political subdivision and body corporate of the state and shall have all of
the duties, privileges, immunities, rights, liabilities, and disabilities of a
public body politic and corporate.

(1.5) On and after January 1, 2006, If, after reviewing a contract
that creates an authority OR A RESOLUTION AUTHORIZING A
TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
AN AUTHORITY provided pursuant to subsection (1) of this section, but in
no event more than ninety days after a copy of the contract OR
RESOLUTION is provided pursuant to subsection (1) of this section, the
department of transportation, the regional transportation district created
in article 9 of title 32, C.R.S., a bordering county or municipality, or a
public highway authority established under part 5 of this article ARTICLE
4, OR, WITH RESPECT TO A RESOLUTION ONLY, AN EXISTING AUTHORITY,
inform the combination that executed the contract OR THE
TRANSPORTATION PLANNING ORGANIZATION THAT ADOPTED THE RESOLUTION that any portions of the regional transportation systems to be provided by the proposed authority that involve road construction or improvement, as specified in the contract OR RESOLUTION pursuant to paragraph (a) of subsection (2) of this section, and that are on, alter the physical structure of, or negatively impact safe operation of any highway, road, or street under its jurisdiction or will provide mass transportation services that impact the district, then, at the request of the affected entity, the combination OR THE TRANSPORTATION PLANNING ORGANIZATION shall enter into an intergovernmental agreement concerning the identified portions or mass transportation services with the department, the district, the bordering county or municipality, the public highway authority, THE EXISTING AUTHORITY, or any combination thereof, as applicable, within one hundred eighty days after a copy of the contract OR RESOLUTION was provided, or eliminate those portions or services from the list of projects specified in the contract before it submits the contract to a vote of the registered electors residing within the boundaries of the proposed authority as required by subsection (4) of this section, OR AMEND OR REPLACE THE RESOLUTION TO ELIMINATE THOSE PORTIONS OR SERVICES FROM THE LIST OF PROJECTS SPECIFIED IN THE RESOLUTION. When requesting that an intergovernmental agreement be entered into or that portions of a regional transportation system be eliminated due to a negative impact to safe operation of a highway, road, or street, the requesting entity shall provide, at the time of the request, evidence of the negative impact. The intergovernmental agreement shall specify whatever terms the combination OR TRANSPORTATION PLANNING ORGANIZATION...
and the affected entity or entities deem necessary to avoid duplication of
effort and to ensure coordinated transportation planning, efficient
allocation of resources, and equitable sharing of costs. If the department
is a party to the intergovernmental agreement, the agreement shall also
describe in detail any effect on department funding of any portion of the
state highway system within the proposed region that is expected to result
from the creation of the proposed authority OR THE EXERCISE OF THE
POWER OF AN AUTHORITY BY THE TRANSPORTATION PLANNING
ORGANIZATION. Nothing in this subsection (1.5) shall be construed to
preclude a combination, or any
authority, OR TRANSPORTATION PLANNING
ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY from entering
into an intergovernmental agreement with the department, the district, a
public highway authority, a bordering county or municipality, or any other
governmental entity regarding any regional transportation system.

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

(a) THE REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED;

AND

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

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

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

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

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

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


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

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

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

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

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

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

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

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

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

(j) (I) Subject to the provisions of section 43-4-612, to levy, in all
or any designated portion of the members of the combination OR OF THE
MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING
THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, a
sales or use tax, or both, at a rate not to exceed one percent upon every
transaction or other incident with respect to which a sales or use tax is
levied by the state; except that, on and after January 1, 2006, if the
authority includes territory that is within the regional transportation
district created and existing pursuant to article 9 of title 32, C.R.S.; a
designated portion of the members of the combination OR OF THE
MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION in which
a new tax is levied shall MUST be composed of entire territories of
members of the combination OR OF THE MEMBERS OF THE
TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
imposed pursuant to this part 6 within the territory of any single member
of the combination OR OF THE MEMBERS OF THE TRANSPORTATION
PLANNING ORGANIZATION is uniform and except that the authority shall
not levy a sales or use tax on any transaction or other incident occurring
in any territory located outside the boundaries of the authority and within
the boundaries of a municipality as the boundaries of the municipality
exist on the date the authority is created without the consent of the
governing body of the municipality or outside the boundaries of the
authority and within the unincorporated boundaries of a county as the
unincorporated boundaries exist on the date the authority is created
without the consent of the governing body of the county. Subject to the
provisions of section 43-4-612, the authority may elect to levy any such
sales or use tax at different rates in different designated portions of the
members of the combination OR OF THE MEMBERS OF THE
TRANSPORTATION PLANNING ORGANIZATION; except that, on and after
January 1, 2006, if the authority includes territory that is within the
regional transportation district, a designated portion of the members of
the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING
ORGANIZATION in which a new tax is levied shall MUST be composed of
entire territories of members of the combination OR OF THE MEMBERS OF
THE TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
imposed pursuant to this part 6 within the territory of any single member
of the combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
is uniform. If the authority so elects, it shall submit a single ballot
question that lists all of the different rates to the registered electors of all
designated portions of the members of the combination OR OF THE
TRANSPORTATION PLANNING ORGANIZATION in which the proposed sales
or use tax is to be levied. The tax imposed pursuant to this paragraph (j)
SUBSECTION (1)(j) is in addition to any other sales or use tax imposed
pursuant to law. If a member of the combination OR OF THE
TRANSPORTATION PLANNING ORGANIZATION is located within more than
one authority, the sales or use tax, or both, authorized by this paragraph
(j) SUBSECTION (1)(j) shall not exceed one percent upon every transaction
or other incident with respect to which a sales or use tax is levied by the
state. The executive director of the department of revenue shall collect,
administer, and enforce the sales or use tax, to the extent feasible, in the
manner provided in section 29-2-106. C.R.S. The director shall make
monthly distributions of the tax collections to the authority, which shall
apply the proceeds solely to the financing, construction, operation, or
maintenance of regional transportation systems. The department shall
retain an amount not to exceed the net incremental TOTAL cost of the
collection, administration, and enforcement and shall transmit the amount
to the state treasurer, who shall credit the same to the regional
transportation authority sales tax fund, which fund is hereby created. The
amounts so retained are hereby appropriated annually from the fund to the
department to the extent necessary for the department's collection,
administration, and enforcement of the provisions of this part 6. Any
moneys remaining in the fund attributable to taxes collected in the
prior fiscal year shall be transmitted to the authority; except that, prior to
the transmission to the authority of such moneys, any moneys
appropriated from the general fund to the department for the
collection, administration, and enforcement of the tax for the prior fiscal
year shall be repaid.

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

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

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

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

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

(b) The effective date of any sales or use tax adopted under this part 6 must be either January 1 or July 1 following
THE DATE OF THE ELECTION IN WHICH THE SALES OR USE TAX IS APPROVED,
AND THE BOARD SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF REVENUE OF THE ADOPTION OF A SALES OR USE TAX
PROPOSAL AT LEAST FORTY-FIVE DAYS PRIOR TO THE EFFECTIVE DATE OF
THE TAX. IF A SALES OR USE TAX PROPOSAL IS APPROVED AT AN ELECTION
HELD LESS THAN FORTY-FIVE DAYS PRIOR TO THE JANUARY 1 OR JULY 1
FOLLOWING THE DATE OF THE ELECTION, THE TAX SHALL NOT BE
EFFECTIVE UNTIL THE NEXT SUCCEEDING JANUARY 1 OR JULY 1.

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

43-4-615. Agreement of the state not to limit or alter rights of
obligees. The state hereby pledges and agrees with the holders of any
bonds issued under this part 6 and with those parties who enter into
contracts with an authority or any member of the a combination or
member of a transportation planning organization exercising
the powers of an authority as authorized by section 43-4-622
pursuant to this part 6 that the state will not impair the rights vested in the
authority or the rights or obligations of any person with which the
authority contracts to fulfill the terms of any agreements made pursuant
to this part 6. The state further agrees that it will not impair the rights or
remedies of the holders of any bonds of the authority until the bonds have
been paid or until adequate provision for payment has been made. The
authority may include this provision and undertaking for the state in such
the bonds.

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

43-4-622. Exercise of authority powers by transportation
planning organization. (1) By adopting a resolution, the board of
a transportation planning organization may authorize itself to
exercise some or all of the powers of an authority set forth in
this part 6 within the region or any portion of the region of the
transportation planning organization.

(2) The exercise of the powers of an authority by a
transportation planning organization is subject to all
requirements and limitations set forth in this part 6 or any
other law including, but not limited to:

(a) The notice requirements set forth in sections 43-4-603
(1), 43-4-613, and 43-4-614 (1);

(b) The intergovernmental agreement and services
elimination requirements set forth in section 43-4-603 (1.5);

(c) The public hearing requirements set forth in section
43-4-603 (3);

(d) The limitations on the board delegating certain
powers set forth in section 43-4-604 (1);

(e) All requirements set forth in this part 6 that require
the consent of a county or municipality that is not a member of
the transportation planning organization to operations,
taxation, or other activities within its territory;

(f) All board super-majority voting requirements set
forth in this part 6; and

(g) The voter approval requirements set forth in section
43-4-612.

(3) Before commencing construction of a regional
transportation system, a transportation planning organization
EXERCISING THE POWERS OF AN AUTHORITY SHALL COMPLY WITH THE PROCEDURES AND GUIDELINES ADOPTED BY THE TRANSPORTATION COMMISSION PURSUANT TO SECTION 43-1-128 (3) AND ANALYZE AND DOCUMENT TO THE DEPARTMENT OF TRANSPORTATION THE SYSTEM'S ANTICIPATED IMPACTS ON THE ACHIEVEMENT OF THE STATE GREENHOUSE GAS POLLUTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g) AND ON COMPLIANCE WITH APPLICABLE STANDARDS UNDER THE ATTAINMENT PROGRAM CREATED AND DEVELOPED PURSUANT TO PART 3 OF ARTICLE 7 OF TITLE 25. UPON THE REQUEST OF A RURAL TRANSPORTATION PLANNING ORGANIZATION, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE TECHNICAL ASSISTANCE TO FACILITATE THE COMPLETION OF THE ANALYSIS.

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

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

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

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

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

(13) (b) (I) Subject to voter approval of the ballot issue submitted at the November 2021 statewide election pursuant to subsection (13)(b)(III) of this section and the repayment funding commitment requirement specified in subsection (13)(b)(II) of this section, the executive director shall issue additional transportation revenue anticipation notes in a maximum amount of one billion three hundred thirty-seven million dollars and with a maximum repayment cost of one billion eight hundred sixty-five million dollars. The maximum repayment term for any notes issued pursuant to this subsection (13)(b) is twenty years, and the certificate, trust indenture, or other instrument authorizing their issuance shall provide that the state may pay the notes in full without penalty no later than ten years following the date of issuance.

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

(III) The secretary of state shall submit to the registered electors of the state for their approval or rejection at the November 2021 statewide election the following ballot issue: "Shall state of Colorado debt be increased $1,337,000,000, with a maximum repayment cost of $1,865,000,000, without raising taxes, through the issuance of transportation revenue anticipation notes for the purpose of addressing critical priority transportation needs in the state by financing transportation projects, shall note proceeds and investment earnings on note proceeds be excluded from state fiscal year spending limits, and shall the amount of lease-purchase agreements required by current law to be issued for the purpose of financing transportation projects be reduced?"

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

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

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

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

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

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

(c) Increasing funding for designated bridge projects, TUNNEL
PROJECTS, and road safety projects in the short- and medium-term through
the imposition of bridge and road safety surcharges, A BRIDGE AND
TUNNEL IMPACT FEE, and other new fees at rates reasonably calculated
based on the benefits received by the persons paying the fees will not only
provide funding to complete the projects but will also accelerate the
state's economic recovery by increasing bridge, TUNNEL, and road
construction, repair, reconstruction, and maintenance activity, as well as
related economic activity, and by employing significant numbers of
Coloradans;
(d) The creation of a statewide bridge AND TUNNEL enterprise authorized to complete designated bridge projects AND TUNNEL PROJECTS, to impose a bridge safety surcharge AND A BRIDGE AND TUNNEL IMPACT FEE and issue revenue bonds, and, if required approvals are obtained, to contract with the state to receive one or more loans of moneys received by the state under the terms of one or more lease-purchase agreements authorized by this part 8 and to use the revenues generated by the bridge safety surcharge AND THE BRIDGE AND TUNNEL IMPACT FEE to repay any such loan or loans, will improve the safety and efficiency of the state transportation system by allowing the state to accelerate the repair, reconstruction, and replacement of structurally deficient, functionally obsolete, and rated as poor bridges AND REPAIR, MAINTAIN, AND MORE SAFELY OPERATE TUNNELS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


(B) AS USED IN THIS SUBSECTION (1)(b)(IV), "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO THE SHORT-TERM VEHICLE RENTAL FEE IS TO BE MADE BEGINS.

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

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

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

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

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

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

(II) Impose a bridge safety surcharge, A BRIDGE AND TUNNEL IMPACT FEE, AND A BRIDGE AND TUNNEL RETAIL DELIVERY FEE at rates reasonably calculated to defray the costs of completing designated bridge projects AND TUNNEL PROJECTS and distribute the burden of defraying the costs in a manner based on the benefits received by persons paying the fees and using designated bridges AND TUNNELS AND RECEIVING RETAIL DELIVERIES, receive and expend revenues generated by the surcharge AND FEES and other moneys, issue revenue bonds and other obligations, contract with the state, if required approvals are obtained, to receive one or more loans of moneys received by the state under the terms of one or more lease-purchase agreements authorized by this part 8, expend revenues generated by the surcharge to repay any such loan or loans received, and exercise other powers necessary and appropriate to carry out its purposes; and

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

(2) (a) (I) The SCOPE OF THE EXISTING statewide bridge enterprise is hereby created IN THIS SUBSECTION (2)(a)(I) IN 2009 IS HEREBY EXPANDED TO INCLUDE BOTH DESIGNATED BRIDGE PROJECTS AND SURFACE TRANSPORTATION INFRASTRUCTURE PROJECTS FOR TUNNELS, AND THE NAME OF THE EXPANDED ENTERPRISE IS THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE. The bridge enterprise shall be and shall operate IS AND OPERATES as a government-owned business within the department. The commission shall serve as the bridge enterprise board and shall, with the consent of the executive director, appoint a bridge enterprise director who shall possess such qualifications as may be established by the commission and the state personnel board. The bridge enterprise director shall oversee the discharge of all responsibilities of the bridge enterprise and shall serve at the pleasure of the bridge enterprise board.

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

(I) Impose a bridge safety surcharge, a bridge and tunnel impact fee, and a bridge and tunnel retail delivery fee as authorized in paragraph (g) of subsection (5) BY SUBSECTIONS (5)(g), (5)(g.5), AND (5)(g.7) of this.
(c) The bridge enterprise shall constitute an enterprise for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to this paragraph (c) SUBSECTION (2)(c), the bridge enterprise shall not be subject to any provisions of section 20 of article X of the state constitution. Consistent with the determination of the Colorado supreme court in Nicholl v. E-470 Public Highway Authority, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with "enterprise" status under section 20 of article X of the state constitution, the general assembly finds and declares that a bridge safety surcharge, A BRIDGE AND TUNNEL IMPACT FEE, OR A BRIDGE AND TUNNEL RETAIL DELIVERY FEE imposed by the bridge enterprise pursuant to paragraph (g) of subsection (5) AS AUTHORIZED BY SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) of this section is not a tax but is instead a fee imposed by the bridge enterprise to defray the cost of completing designated bridge projects AND TUNNEL PROJECTS that the enterprise provides as a specific service to the persons upon whom the fee is imposed and at rates reasonably calculated based on the benefits received by such persons.

(3) (a) The statewide bridge AND TUNNEL enterprise special revenue fund, referred to in this part 8 as the "bridge special fund", is hereby created in the state treasury. All revenues received by the bridge enterprise, including, but not limited to, any revenues from a bridge safety surcharge collected pursuant to paragraph (g) of subsection (5) imposed as authorized by subsection (5)(g) of this
section, REVENUE FROM A BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS AUTHORIZED BY SUBSECTION (5)(g.5) OF THIS SECTION, REVENUE FROM A BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED AS AUTHORIZED BY SUBSECTION (5)(g.7) OF THIS SECTION, and any moneys MONEY loaned to the enterprise by the state pursuant to paragraph (r) of subsection (5) of SUBSECTION (5)(r) of this section, shall be deposited into the bridge special fund. The bridge enterprise board may establish separate accounts within the bridge special fund as needed in connection with any specific designated bridge project. The bridge enterprise also may deposit or permit others to deposit other moneys MONEY into the bridge special fund, but in no event may revenues REVENUE from any tax otherwise available for general purposes be deposited into the bridge special fund. The state treasurer, after consulting with the bridge enterprise board, shall invest any moneys MONEY in the bridge special fund, including any surplus or reserves, but excluding any proceeds from the sale of bonds or earnings on such proceeds invested pursuant to section 43-4-807 (2), that are not needed for immediate use. Such moneys MONEY may be invested in the types of investments authorized in sections 24-36-109, 24-36-112, and 24-36-113. C.R.S:

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

(4) The commission may transfer moneys from the state highway fund created in section 43-1-219 to the bridge enterprise for the purpose of defraying expenses incurred by the enterprise prior to the receipt of bond proceeds or revenues by the enterprise. The bridge enterprise may accept and expend any moneys so transferred, and, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer shall constitute a loan from the commission to the bridge enterprise and shall not be considered a grant for purposes of section 20 (2)(d) of article X of the state constitution. As the bridge enterprise receives sufficient revenues in excess of expenses, the enterprise shall reimburse the state highway fund for the principal amount of any loan from the state highway fund made by the commission plus interest at a rate set by the commission. Any moneys loaned from the state highway fund to the bridge enterprise pursuant to this section shall be deposited into a fund to be known as the statewide bridge AND TUNNEL enterprise operating fund, which fund is hereby created, and shall not be deposited into the bridge special fund. Moneys from the bridge special fund may, however, be used to reimburse the state highway fund for the amount of any loan from the state highway fund or any interest thereon.

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

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

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

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

(A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
(B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
(C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
(D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
(E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
(F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;
AND
(G) Eight cents per gallon for state fiscal years 2028-29 through 2031-32.

(III) For each gallon of special fuel acquired, sold, offered for sale, or used in this state during state fiscal years 2032-33 or during any subsequent state fiscal year, the bridge enterprise shall impose the bridge and tunnel impact fee in an amount of up to the maximum amount of the fee for the prior state fiscal year adjusted for inflation. The bridge enterprise shall notify the department of revenue of the amount of the bridge and tunnel impact fee to be collected for each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins, and the department of revenue shall publish the amount no later than April 15 of the calendar year in which the state fiscal year begins.

(IV) As used in this subsection (5)(g.5), "inflation" means the average annual percentage change in the United States department of transportation, federal highway administration, national highway construction cost index or its applicable predecessor or successor index for the five-year period ending on the last December 31 before a state fiscal year for which an adjustment to the bridge and tunnel impact fee imposed as authorized by this subsection (5)(g.5) is to be made begins.

(g.7) (I) In furtherance of its business purpose, beginning in state fiscal year 2022-23, the bridge enterprise shall impose, and the department of revenue shall collect on behalf of the bridge enterprise, a bridge and tunnel retail delivery fee on each retail delivery. Each retailer who makes a retail delivery
SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE
PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND
IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH
SECTION 43-4-218 (6) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE.

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

(II) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
PURCHASED DURING STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE
SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A
MAXIMUM AMOUNT OF TWO AND SEVEN-TENTHS CENTS.

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

(B) The bridge enterprise is authorized to adjust the amount of the bridge and tunnel retail delivery fee for retail deliveries of tangible personal property purchased during a state fiscal year only if the Department of Revenue adjusts the amount of the retail delivery fee imposed by Section 43-4-218 (3) for retail deliveries of tangible personal property purchased during the state fiscal year.

(IV) As used in this subsection (5)(g.7), "inflation" means the average annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Aurora-Lakewood for all items and all urban consumers, or its applicable predecessor or successor index, for the five years ending on the last December 31 before a state fiscal year for which an inflation adjustment to be made to the bridge and tunnel retail delivery fee imposed pursuant to this subsection (5)(g.7) begins.

(k) To prepare, or cause to be prepared, detailed plans, specifications, or estimates for any designated bridge project or tunnel project within the state;

(r) (I) To contract with the state to borrow money under the terms of one or more loan contracts entered into by the state and the bridge enterprise pursuant to subparagraph (III) of this paragraph (r) subsection (5)(r)(III) of this section, to expend any money borrowed from the state for the purpose of completing designated bridge projects and tunnel projects and for any other authorized purpose that constitutes the construction, supervision, and maintenance of the public...
highways of this state for purposes of section 18 of article X of the state constitution, and to use revenues generated by any bridge safety surcharge, BRIDGE AND TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL RETAIL DELIVERY FEE imposed pursuant to paragraph (g) of this subsection (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION and any other legally available moneys of the bridge enterprise to repay the moneys borrowed and any other amounts payable under the terms of the loan contract.

(III) (A) If the state treasurer receives a list from the governor pursuant to subparagraph (II) of this paragraph (r) OF THIS SECTION, the state, acting by and through the state treasurer, may enter into a loan contract with the bridge enterprise and may raise the money needed to make a loan pursuant to the terms of the loan contract by selling or leasing one or more of the state buildings or other state capital facilities on the list. The state treasurer shall have sole discretion to enter into a loan contract on behalf of the state and to determine the amount of a loan; except that the principal amount of a loan shall not exceed the maximum amount specified by the governor pursuant to subparagraph (II) of this paragraph (r) OF THIS SECTION. The state treasurer shall also have sole discretion to determine the timing of the entry of the state into any loan contract or the sale or lease of one or more state buildings or other state capital facilities. The loan contract shall require the bridge enterprise to pledge to the state all or a portion of the revenues of any bridge safety surcharge, BRIDGE AND TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL RETAIL DELIVERY FEE imposed pursuant to paragraph (g) of this subsection (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION for the repayment of the loan.
and may also require the BRIDGE enterprise to pledge to the state any other legally available revenues of the BRIDGE enterprise. Any loan contract entered into by the state, acting by and through the state treasurer, and the bridge enterprise pursuant to this sub-subparagraph (A) SUBSECTION (5)(r)(III)(A) and any pledge of revenues by the BRIDGE enterprise pursuant to such a loan contract shall be only for the benefit of, and enforceable only by, the state and the BRIDGE enterprise. Specifically, but without limiting the generality of said limitation, no such loan contract or pledge shall be for the benefit of, or enforceable by, a lessor under a lease-purchase agreement entered into pursuant to this subparagraph (III) SUBSECTION (5)(r)(III), an owner of any instrument evidencing rights to receive rentals or other payments made and to be made under such a lease-purchase agreement as authorized by sub-subparagraph (B) of subparagraph (IV) of this paragraph (r) SUBSECTION (5)(r)(IV)(B) OF THIS SECTION, a party to any ancillary agreement or instrument entered into pursuant to subparagraph (V) of this paragraph (r) SUBSECTION (5)(r)(V) OF THIS SECTION, or a party to any interest rate exchange agreement entered into pursuant to sub-subparagraph (A) of subparagraph (VII) of this paragraph (r) SUBSECTION (5)(r)(VII)(A) OF THIS SECTION.

SECTION 47. In Colorado Revised Statutes, amend 43-4-1101 as follows:

43-4-1101. Legislative declaration. (1) The general assembly hereby finds and declares that it is necessary, appropriate, and in the best interest of the state to use a portion of the general fund money that is dedicated for transportation purposes pursuant to section 24-75-219 (5) to fund multimodal transportation projects and operations throughout the
state AND TO USE A PORTION OF THE MONEY THAT IS GENERATED BY THE
RETAIL DELIVERY FEE IMPOSED ON THE DELIVERY OF RETAIL GOODS
TRANSPORTED TO THE DELIVERY SITE BY MOTOR VEHICLE PURSUANT TO
SECTION 43-4-218 (3) TO FUND TRANSPORTATION-RELATED GREENHOUSE
GAS MITIGATION EXPENSES THROUGHOUT THE STATE as authorized by this
part 11 because, in addition to the general benefits that it provides to all
Coloradans, a complete and integrated multimodal transportation system
THAT INCLUDES GREENHOUSE GAS MITIGATION PROJECTS AND SERVICES:
   (a) Benefits seniors by making aging in place more feasible for
   them;
   (b) Benefits residents of COMMUNITIES, IN rural areas AND
   DISPROPORTIONATELY IMPACTED COMMUNITIES, by providing them with
   MORE ACCESSIBLE AND flexible public transportation services;
   (c) Provides enhanced mobility for persons with disabilities; and
   (d) Provides safe routes to schools for children; AND
   (e) Reduces EMISSIONS OF AIR POLLUTANTS, INCLUDING
   HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT
   CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT
   LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS.

SECTION 48. In Colorado Revised Statutes, 43-4-1102, amend
(4) and (5); repeal (1); and add (4.5) as follows:

43-4-1102. Definitions. As used in this part 11, unless the context
otherwise requires:

(1) "Account" means the transportation revenue anticipation notes
proceeds account of the multimodal transportation options fund created
in section 43-4-1103 (1)(b):

(4) "Fund" means the multimodal transportation AND MITIGATION
(4.5) "GREENHOUSE GAS MITIGATION PROJECT" MEANS A PROJECT THAT HELPS ACHIEVE COMPLIANCE WITH FEDERAL OR STATE LAWS OR RULES THAT REGULATE TRANSPORTATION-RELATED GREENHOUSE GAS EMISSIONS BY REDUCING VEHICLE MILES TRAVELED OR INCREASING MULTIMODAL TRAVEL.

(5) "Multimodal projects" means capital or operating costs for fixed route and on-demand transit, transportation demand management programs, multimodal mobility projects enabled by new technology, multimodal transportation studies, MODELING TOOLS, GREENHOUSE GAS MITIGATION PROJECTS, and bicycle or pedestrian projects.

SECTION 49. In Colorado Revised Statutes, 43-4-1103, amend (1)(a), (2)(a)(I) introductory portion, (2)(c), (3)(a) introductory portion, (3)(a)(I), and (3)(a)(II) introductory portion; repeal (1)(b), (2)(a)(II), (2)(a)(III), and (2)(b); and add (2)(a)(IV) and (3)(a.5) as follows:

43-4-1103. Multimodal transportation options fund - creation - revenue sources for fund - use of fund. (1) (a) The multimodal transportation AND MITIGATION options fund is hereby created in the state treasury. The fund consists of money transferred from the general fund to the fund pursuant to section 24-75-219, (5)(a)(III) and (5)(b)(III) RETAIL DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SECTION 43-4-218 (5)(a)(II), and any other money that the general assembly may appropriate or transfer to the fund. The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.

(b) The transportation revenue anticipation notes proceeds account is hereby created in the fund. Net proceeds of transportation revenue
anticipation notes that the state issues shall be credited to the account as
specified in section 43-4-714 (1)(b). The state treasurer shall credit all
interest and income derived from the deposit and investment of money in
the account to the account:

(2) (a) (I) Except as otherwise provided in subsections (2)(a)(II) and (2)(a)(III) subsection (2)(a)(IV) of this section, subject to annual
appropriation by the general assembly, money must be expended from the
fund as follows:

(II) On July 1, 2018, the state treasurer shall transfer two million
five hundred thousand dollars from the fund to the fund created in section
43-4-1002 (1):

(III) On June 30, 2020, the state treasurer shall transfer ten million
dollars from the fund to the general fund:

(IV) On February 15, 2022, the state treasurer shall
transfer two million five hundred thousand dollars to the fund
created in section 43-4-1002.

(b) (I) Subject to the limitations set forth in subsection (2)(b)(II)
of this section, money must be expended from the account as follows:

(A) Eighty-five percent to the commission for local multimodal
projects; and

(B) Fifteen percent to the commission for state multimodal
projects that are selected by the commission:

(I) The commission shall ensure, in cooperation with each
recipient of such money from the account, that any net proceeds of
tax-exempt transportation revenue anticipation notes credited to the
account and any interest and income derived from the deposit and
investment of any such proceeds are expended only in compliance with

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all applicable federal laws and regulations governing the use of
tax-exempt note proceeds.

(c) With respect to the distribution of money for local multimodal projects required by subsection (2)(a)(I)(A) of this section, and, for net proceeds of taxable transportation revenue anticipation notes and interest and income derived from the deposit and investment of such proceeds only, the distribution of money for local multimodal projects required by subsection (2)(b)(I)(A) of this section, the commission shall establish a formula for disbursement of the amount allocated for local multimodal projects, based on population and transit ridership AND OTHER CRITERIA DEVELOPED in consultation with the transportation advisory committee created in section 43-1-1104, the transit and rail advisory committee of the department, THE STATE TRANSPORTATION ADVISORY COMMITTEE OF THE DEPARTMENT, transit advocacy organizations, and bicycle and pedestrian advocacy organizations. Recipients shall provide a match equal to the amount of the award; except that the commission may create a formula for reducing or exempting the match requirement for local governments or agencies due to their size or any other special circumstances AND MAY ALSO, IF RECOMMENDED BY DEPARTMENT STAFF, REDUCE OR EXEMPT ANY INDIVIDUAL RECIPIENT FROM THE MATCH REQUIREMENT FOR A SPECIFIC PROJECT.

(3) (a) The department shall annually report to the transportation legislation review committee of the general assembly created in section 43-2-145 (1) regarding its expenditures from the fund including, at a minimum:

(I) An aggregate accounting of all money expended from the fund
and the account during the prior fiscal year; and

(II) A listing of all projects receiving funding from the fund and the account during the prior fiscal year that includes for each project:

(a.5) Each transportation planning region shall annually report to the department regarding the status of local multimodal projects within the region that have received funding from the fund.

SECTION 50. In Colorado Revised Statutes, add parts 12 and 13 to article 4 of title 43 as follows:

PART 12

CLEAN TRANSIT

43-4-1201. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Retail deliveries are increasing and are expected to continue to increase in communities across the state;

(b) The motor vehicles used to make retail deliveries are some of the most polluting vehicles on the road, which has resulted in additional and increasing air and greenhouse gas pollution;

(c) The adverse environmental and health impacts of increased emissions from motor vehicles used to make retail deliveries can be mitigated and offset by supporting the widespread adoption of electric buses for transit fleets and reducing vehicle miles traveled by encouraging people to choose clean, efficient, public transit options instead of personal motor vehicle travel;

(d) Instead of reducing the impacts of retail deliveries by
LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE
APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL
DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY
UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON
EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY
MITIGATION ACTIVITIES;

(e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND
ACCELERATE THE ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND
URBAN AREAS THROUGHOUT THE STATE BECAUSE ELECTRIFICATION:

(I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING
HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT
CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT
LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS IN
AND BETWEEN COMMUNITIES, INCLUDING COMMUNITIES NEAR HIGH-USE
TRANSIT CORRIDORS AND DISPROPORTIONATELY IMPACTED COMMUNITIES,
AND HELPS THE STATE MEET ITS STATUTORY GREENHOUSE GAS POLLUTION
REDUCTION TARGETS AND COMPLY WITH AIR QUALITY ATTAINMENT
STANDARDS; AND

(II) BY REDUCING FUEL AND MAINTENANCE COSTS ASSOCIATED
WITH THE USE OF MOTOR VEHICLES, HELPS PUBLIC TRANSIT PROVIDERS
OPERATE MORE EFFICIENTLY, USE COST SAVINGS TO PROVIDE MORE
RELIABLE AND CONVENIENT TRANSIT SERVICE TO MORE RIDERS, AND
FURTHER REDUCE EMISSIONS BY REDUCING PERSONAL MOTOR VEHICLE
USE; AND

(f) BY REDUCING MOTOR VEHICLE EMISSIONS, TRANSIT FLEET
ELECTRIFICATION EFFECTIVELY REMEDIATES SOME OF THE IMPACTS OF
RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE INCREASED MOTOR
VEHICLE EMISSIONS RESULTING FROM SUCH DELIVERIES.

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

(a) IN ORDER TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE
ELECTRIFICATION OF PUBLIC TRANSIT AND THEREBY REAP THE
ENVIRONMENTAL, HEALTH, BUSINESS, AND OPERATIONAL EFFICIENCY
BENEFITS OF ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN
THE BEST INTEREST OF THE STATE TO CREATE A CLEAN TRANSIT
ENTERPRISE THAT CAN PROVIDE SPECIALIZED REMEDIATION AND OTHER
SERVICES THAT HELP PUBLIC TRANSIT PROVIDERS FUND BOTH THE
CONSTRUCTION OF THE CHARGING INFRASTRUCTURE NEEDED TO SUPPORT
ELECTRIFICATION AND THE ACQUISITION OF ELECTRIC MOTOR VEHICLES;

(b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE
REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND
HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS
THROUGH INCENTIVIZATION, SUPPORT, AND ACCELERATION OF THE
ELECTRIFICATION OF PUBLIC TRANSIT IN RURAL AND URBAN AREAS
THROUGHOUT THE STATE;

(c) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
WHEN, IN EXCHANGE FOR THE PAYMENT OF CLEAN TRANSIT RETAIL
DELIVERY FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR
RETAIL DELIVERY, IT ACTS TO MITIGATE THE IMPACTS OF RESIDENTIAL AND
COMMERCIAL DELIVERIES ON THE STATE’S TRANSPORTATION
INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

(I) MAKING GRANTS OR LOANS OR PROVIDING REBATES TO FUND
THE ACQUISITION OF CLEAN, QUIET, AND COST-EFFICIENT ELECTRIC MOTOR
VEHICLES FOR USE IN TRANSIT FLEETS AND THE CONSTRUCTION OF
CHARGING INFRASTRUCTURE THAT SUPPORTS THE USE OF SUCH ELECTRIC MOTOR VEHICLES FOR PUBLIC TRANSIT AND THEREBY:

(A) IMPROVING TRANSPORTATION OPTIONS FOR FEE PAYERS AND THE GENERAL PUBLIC, MAKING TRANSIT MORE ATTRACTIVE TO NEW OR INFREQUENT USERS, AND REDUCING PERSONAL MOTOR VEHICLE EMISSIONS; AND

(B) BY MAKING TRANSIT MORE ATTRACTIVE, REDUCING TRAFFIC CONGESTION, WHICH ALLOWS MORE TIMELY AND EFFICIENT RETAIL DELIVERIES, FURTHER REDUCES EMISSIONS OF AIR POLLUTANTS AND GREENHOUSE GAS POLLUTANTS FROM MOTOR VEHICLES, AND REDUCES AND MITIGATES THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF SUCH EMISSIONS;

(II) CONTRIBUTING IN A UNIQUE AND TARGETED WAY TO THE IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION SYSTEM; AND

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

(d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY THIS SECTION, THE CLEAN TRANSIT ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY OF ASPEN, 2018 CO 36;

(e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY, 896
P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with enterprise status under section 20 of article X of the state constitution, it is the conclusion of the general assembly that the revenue collected by the enterprise is generated by fees, not taxes, because the clean transit retail delivery fee imposed by the enterprise as authorized by section 43-4-1203 (7) is:

(I) Imposed for the specific purpose of allowing the enterprise to defray the costs of providing the remediation services specified in this section, including mitigating impacts to air quality and greenhouse gas emissions caused by the activities on which the fee is assessed, and contributes to the implementation of the comprehensive regulatory scheme required for the planning, funding, development, construction, maintenance, and supervision of a sustainable transportation system specified in this section; and

(II) Collected at rates that are reasonably calculated based on the impacts caused by fee payers and the cost of remediating those impacts; and

(f) So long as the enterprise qualifies as an enterprise for purposes of section 20 of article X of the state constitution, the revenue from the clean transit retail delivery fee collected by the enterprise is not state fiscal year spending, as defined in section 24-77-102 (17), or state revenues, as defined in section 24-77-103.6 (6)(c), and does not count against either the state fiscal year spending limit imposed by section 20 of article X of the state constitution or the excess state revenues cap, as
DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

43-4-1202. Definitions. As used in this part 12, unless the context otherwise requires:

(1) "Battery electric motor vehicle" means a motor vehicle that is powered exclusively by a rechargeable battery pack that can be recharged by being plugged into an external source of electricity and that has no secondary source of propulsion.

(2) "Board" means the governing board of the enterprise.

(3) "Commission" means the transportation commission created in section 43-1-106 (1).

(4) "Department" means the department of transportation created in section 24-1-128.7.

(5) (a) "Disproportionately impacted community" means a community that is in a census block group, as determined in accordance with the most recent United States decennial census, where the proportion of households that are low income is greater than forty percent, the proportion of households that identify as minority is greater than forty percent, or the proportion of households that are housing cost-burdened is greater than forty percent.

(b) As used in this subsection (5):

(I) "Cost-burdened" means a household that spends more than thirty percent of its income on housing.

(II) "Low income" means the median household income is less than or equal to two hundred percent of the federal poverty guideline.
"ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN
HYBRID ELECTRIC MOTOR VEHICLE.

"ENTERPRISE" MEANS THE CLEAN TRANSIT ENTERPRISE
CREATED IN SECTION 43-4-1203 (1)(a).

"FUND" MEANS THE CLEAN TRANSIT ENTERPRISE FUND
CREATED IN SECTION 43-4-1203 (5)

"HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
THAT USES HYDROGEN GAS AS FUEL.

"INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
LABOR STATISTICS, CONSUMER PRICE INDEX FOR
DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED PURSUANT TO SECTION
43-4-1203 (7) BEGINS.

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

"PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
OPERATED ROBOT THAT IS:

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

(b) Weighs no more than five hundred fifty pounds, excluding any tangible personal property being transported; and

(c) Operates at speeds of less than ten miles per hour when on sidewalks, crosswalks, and other public rights-of-way that are typically used by pedestrians.

(13) "Plug-in hybrid electric motor vehicle" means a motor vehicle that is powered by both a rechargeable battery pack that can be recharged by being plugged into an external source of electricity and a secondary source of propulsion such as an internal combustion engine.

(14) "Retail delivery" means a retail sale of tangible personal property by a retailer for delivery by a motor vehicle owned or operated by the retailer or any other person to the purchaser at a physical address in the state, which sale includes at least one item of tangible personal property that is subject to taxation under article 26 of title 39.

(15) "Retailer" has the same meaning as set forth in section 39-26-102 (8).

(16) "Retail sale" has the same meaning as set forth in section 39-26-102 (9).

(17) "Tangible personal property has the same meaning as set forth in section 39-26-102 (15).

(18) "Transit" means mass transit, as defined in section 43-1-102 (4).

(19) "Zero emissions motor vehicle" means a battery
43-4-1203. Clean transit enterprise - creation - board - powers and duties - fees - fund. (1) (a) The clean transit enterprise is hereby created in the department. The enterprise is and operates as a government-owned business within the department in order to execute its business purpose as specified in subsection (3) of this section by exercising the powers and performing the duties set forth in this section.

(b) The enterprise exercises its powers and performs its duties and functions under the department as if the same were transferred to the department by a Type 1 transfer, as defined in section 24-1-105.

(2) (a) The governing board of the enterprise consists of nine members appointed as follows:

   (I) The governor shall appoint six members who shall serve at the pleasure of the governor for terms of the length specified in subsection (2)(b) of this section. The governor shall make reasonable efforts, to the extent such applications have been submitted for consideration for the board, to consider members that reflect the state's geographic diversity when making appointments and shall make initial appointments no later than October 1, 2021. Of the members appointed by the governor:

       (A) One member must be a member of the commission and have statewide transportation expertise;

       (B) One member must represent an urban area and have transit expertise;
(C) One member must represent a rural area and have transit expertise;

(D) One member must have expertise in zero-emissions transportation, motor vehicle fleets, or utilities;

(E) One member must represent a transportation-focused organization that serves an environmental justice community;

and

(F) One member must represent a public advocacy group that has transit or comprehensive transportation expertise.

(II) The executive director of the department of transportation or the executive director's designee;

(III) The director of the Colorado Energy Office or the director's designee; and

(IV) The executive director of the department of public health and environment or the executive director's designee.

(b) Members of the board appointed by the governor serve for terms of four years; except that four of the members initially appointed shall serve for initial terms of three years and the term of the member appointed pursuant to subsection (2)(a)(I)(A) of this section continues for as long as the member is a member of the commission. A member who is appointed to fill a vacancy on the board shall serve the remainder of the unexpired term of the former member. The other board members serve for as long as they hold their positions or are designated to serve.

(c) Members of the board serve without compensation but must be reimbursed from money in the fund for actual and
NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
PURSUANT TO THIS PART 12.

(3) THE PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO
REDUCE AND MITIGATE THE ADVERSE ENVIRONMENTAL AND HEALTH
IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS PRODUCED
BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES BY SUPPORTING
THE REPLACEMENT OF EXISTING GASOLINE AND DIESEL TRANSIT VEHICLES
WITH ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES THAT
ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL COMBUSTION
ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR VEHICLES,
PROVIDING THE ASSOCIATED RECHARGING INFRASTRUCTURE FOR ELECTRIC
TRANSIT FLEET MOTOR VEHICLES, SUPPORTING FACILITY MODIFICATIONS
THAT ALLOW FOR THE SAFE OPERATION AND MAINTENANCE OF ELECTRIC
TRANSIT MOTOR VEHICLES, AND FUNDING PLANNING STUDIES THAT
ENABLE TRANSIT AGENCIES TO PLAN FOR TRANSIT VEHICLE
ELECTRIFICATION. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS
BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
THROUGH THE BOARD, THE ENTERPRISE MAY:

(a) IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS
AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

(b) ISSUE GRANTS AND PROVIDE LOANS AND REBATES AS
AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

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

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

(5) (a) THE CLEAN TRANSIT ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF CLEAN TRANSIT RETAIL DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER MONEY RECEIVED BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE FUND TO PROVIDE GRANTS, PAY ITS REASONABLE AND NECESSARY OPERATING EXPENSES, INCLUDING REPAYMENT OF ANY LOAN RECEIVED BY THE ENTERPRISE PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, AND OTHERWISE EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS AUTHORIZED BY THIS PART 3.

(b) THE COMMISSION MAY TRANSFER MONEY FROM THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS, AND A TRANSFER FOR SUCH PURPOSE IS MADE, IN ACCORDANCE WITH SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, FOR THE SUPERVISION OF THE
PUBLIC HIGHWAYS OF THIS STATE. THE ENTERPRISE MAY ACCEPT AND
EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE COMMISSION TO THE
ENTERPRISE THAT IS REQUIRED TO BE REPAYED AND IS NOT A GRANT FOR
PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY
CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE
RECORDED IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE
CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND TO THE FUND. THE
CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND IS CONTINUOUSLY
APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES
SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF
ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY
THE COMMISSION.

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

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) To acquire, hold title to, and dispose of real and personal property;

(c) To employ and supervise individuals, professional consultants and contractors as are necessary in its judgment to carry out its business purpose;

(d) To contract with any public or private entity;

(e) To seek, accept, and expend gifts, grants, and donations from private or public sources for the purposes of this part 12. The enterprise shall transmit any money received through gifts, grants, or donations to the state treasurer, who shall credit the money to the fund;

(f) To directly provide any service that it is authorized to provide indirectly through grants awarded pursuant to subsection (8) of this section;

(g) To promulgate rules governing the process by which the enterprise accepts applications for, awards, and oversees grants pursuant to subsection (8) of this section; and

(h) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers and duties granted by this section.

(7) (a) In furtherance of its business purpose, beginning in state fiscal year 2022-23, the enterprise shall impose, and the department of revenue shall collect on behalf of the enterprise, a clean transit retail delivery fee on each retail

(b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT OF THREE CENTS.

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

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

(8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT
TO THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8), THE
ENTERPRISE IS AUTHORIZED TO MAKE GRANTS, LOANS, OR REBATES TO
SUPPORT ELECTRIFICATION OF PUBLIC TRANSIT.

(b) THE ENTERPRISE MAY MAKE GRANTS, LOANS, OR REBATES TO
FUND:

(I) CLEAN TRANSIT PLANNING EFFORTS;

(II) FACILITY UPGRADES NECESSARY FOR THE SAFE OPERATION
AND MAINTENANCE OF ELECTRIC MOTOR VEHICLES USED BY PUBLIC
TRANSIT PROVIDERS;

(III) THE CONSTRUCTION OF CHARGING INFRASTRUCTURE FOR
ELECTRIC MOTOR VEHICLES USED BY PUBLIC TRANSIT PROVIDERS; AND

(IV) THE REPLACEMENT BY ELECTRIC MOTOR VEHICLES OF MOTOR
VEHICLES USED BY PUBLIC TRANSIT PROVIDERS THAT ARE NOT ELECTRIC
MOTOR VEHICLES.

(c) THE ENTERPRISE SHALL AWARD GRANTS ON A COMPETITIVE
BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE ENTERPRISE IN
ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF GRANT
APPLICATIONS.

(9) The enterprise shall contract with the air pollution control division of the department of public health and environment to develop proposed rules for the consideration of the air quality control commission that will support the enterprise’s business services, including remediation services, in a manner that maintains compliance with the federal and state statutes, rules, and regulations governing air quality. The division shall collaborate with the Colorado energy office and the department when developing the rules.

(10) (a) To ensure transparency and accountability, the enterprise shall:

(I) No later than June 1, 2022, publish and post on its website a ten-year plan that details how the enterprise will execute its business purpose during state fiscal years 2022-23 through 2031-32 and estimates the amount of funding needed to implement the plan. No later than January 1, 2032, the enterprise shall publish and post on its website a new ten-year plan for state fiscal years 2032-33 through 2041-42;

(II) Create, maintain, and regularly update on its website a public accountability dashboard that provides, at a minimum, accessible and transparent summary information regarding the implementation of its ten-year plan, the funding status and progress toward completion of each project that it wholly or partly funds, and its per project and total funding and expenditures;

(III) Engage regularly regarding its projects and
ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES; AND


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

(d) The enterprise is a public entity for purposes of Part 2 of Article 57 of Title 11.

PART 13

NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE

43-4-1301. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Rapid and continuing growth in retail deliveries made by motor vehicles and in prearranged rides arranged through transportation network companies has increased and will continue to increase traffic congestion and air pollution from motor vehicle emissions, along with the adverse environmental and health impacts that result from such pollution, in nonattainment areas, including but not limited to disproportionately impacted communities and communities adjacent to highways;

(b) It is necessary and appropriate to offset and mitigate these impacts by creating a nonattainment area air pollution mitigation enterprise that has the business purpose of providing funding for eligible projects that reduce traffic congestion, including demand management projects that encourage alternatives to driving alone, and thereby reduce travel delays, engine idle time, and unproductive fuel consumption or that directly reduce emissions by means such as retrofitting of construction equipment;

(c) Instead of reducing the impacts of retail deliveries
AND PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION NETWORK COMPANIES, BY LIMITING RETAIL DELIVERY AND PREARRANGED RIDE ACTIVITY THROUGH REGULATION, IT IS MORE APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL DELIVERIES AND BENEFIT FROM THE CONVENIENCE AFFORDED BY UNFETTERED RETAIL DELIVERIES AND TO ALLOW TRANSPORTATION NETWORK COMPANIES THAT ARRANGE PREARRANGED RIDES TO CONTINUE TO PROVIDE THAT SERVICE WITHOUT UNDUE RESTRICTIONS AND TO INSTEAD IMPOSE A SMALL FEE ON EACH RETAIL DELIVERY AND PREARRANGED RIDE AND USE FEE REVENUE TO FUND NECESSARY MITIGATION ACTIVITIES.

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

(a) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES WHEN, IN EXCHANGE FOR THE PAYMENT OF AIR POLLUTION MITIGATION PER RIDE FEES BY TRANSPORTATION NETWORK COMPANIES AND AIR POLLUTION MITIGATION RETAIL DELIVERY FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR RETAIL DELIVERY, IT ACTS AS AUTHORIZED BY THIS SECTION TO MITIGATE THE IMPACTS OF PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION NETWORK COMPANIES AND RESIDENTIAL AND COMMERCIAL DELIVERIES ON THE STATE’S TRANSPORTATION INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS.

(b) BY PROVIDING IMPACT REMEDIATION SERVICES AS AUTHORIZED BY THIS SECTION, THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN IT REMEDIATES THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE COLORADO SUPREME COURT IN COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY OF ASPEN,
(b) Consistent with the determination of the Colorado Supreme Court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with enterprise status under Section 20 of Article X of the State Constitution, it is the conclusion of the General Assembly that the revenue collected by the enterprise is generated by fees, not taxes, because the air pollution mitigation per ride fee and the air pollution mitigation retail delivery fee imposed by the enterprise as authorized by subsections (7) and (8) of this section are:

(I) Imposed for the specific purpose of allowing the enterprise to defray the costs of providing the remediation services specified in this section, including mitigating impacts to air quality and greenhouse gas emissions caused by the activities on which the fees are assessed, and contribute to the implementation of the comprehensive regulatory scheme required for the planning, funding, development, construction, maintenance, and supervision of a sustainable transportation system; and

(II) Collected at rates that are reasonably calculated based on the impacts caused by fee payers and the cost of remediating those impacts; and

(c) So long as the enterprise qualifies as an enterprise for purposes of Section 20 of Article X of the State Constitution, the revenue from the community access retail delivery fee collected by the enterprise is not state fiscal year spending, as
DEFINED IN SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN
SECTION 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE
STATE FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE
X OF THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

43-4-1302. Definitions. As used in this Part 13, unless the
context otherwise requires:

(1) "Air pollutant" has the same meaning as set forth in
Section 25-7-103 (1.5).

(2) "Battery electric motor vehicle" means a motor
vehicle that is powered exclusively by a rechargeable battery
pack that can be recharged by being plugged into an external
source of electricity and that has no secondary source of
propulsion.

(3) "Board" means the governing board of the enterprise.

(4) "Carshare ride" means a prearranged ride for which
the rider agrees, at the time the rider requests the ride through
a digital network, to be transported with another rider who has
separately requested a prearranged ride regardless of whether
or not another rider is actually transported with the rider.

(5) "CMAQ" means the congestion mitigation and air
quality improvement program administered by the federal
highway administration or any substantially similar successor
program.

(6) "Department" means the department of
transportation.

(7) (a) "Disproportionately impacted community" means a
COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS GREATER THAN FORTY PERCENT.

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

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

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

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

(9) "Eligible entity" means a metropolitan planning organization or any other public entity that is eligible to receive CMAQ funding and that is seeking funding from the fund for an eligible project.

(10) "Eligible project" means a project located within a nonattainment area that:

(a) is eligible for CMAQ funding; or

(b) reduces emissions of air pollutants or greenhouse gas pollutants.

(11) "Enterprise" means the nonattainment area air pollution mitigation enterprise created in section 43-4-1303.
(12) "Fund" means the nonattainment area air pollution mitigation enterprise fund created in section 43-4-1303 (5).

(13) "Greenhouse gas pollutant" means anthropogenic emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride, and sulfur hexafluoride.

(14) "Hydrogen fuel cell motor vehicle" means a motor vehicle that is powered by electricity produced from a fuel cell that uses hydrogen gas as fuel.

(15) "Inflation" means the average annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Aurora-Lakewood for all items and all urban consumers, or its applicable predecessor or successor index, for the five years ending on the last December 31 before a state fiscal year for which an inflation adjustment to be made to the air pollution mitigation per ride fee imposed by section 43-4-1303 (7) or the air pollution mitigation retail delivery fee imposed by section 43-4-1303 (8) begins.

(16) "Nonattainment area" means an area that the air quality control commission created in section 25-7-104 has designated as a nonattainment area pursuant to section 25-7-107.

(17) "Plug-in hybrid electric motor vehicle" means a motor vehicle that is powered by both a rechargeable battery pack that can be recharged by being plugged into an external
SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH AS AN INTERNAL COMBUSTION ENGINE.

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

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

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

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

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

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

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

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

43-4-1303. Nonattainment area air pollution mitigation enterprise - creation - board - powers and duties - fees - fund.

(1) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE IS HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE
DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED
IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS AND
PERFORMING THE DUTIES SET FORTH IN THIS SECTION.

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

(2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
UP TO SEVEN MEMBERS AS FOLLOWS:

(I) FIVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(A) ONE MEMBER WITH EXPERTISE ON ENVIRONMENTAL,
ENVIRONMENTAL JUSTICE, OR PUBLIC HEALTH ISSUES;

(B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A
DISPROPORTIONATELY IMPACTED COMMUNITY THAT IS A MEMBER OF THE
DENVER REGIONAL COUNCIL OF GOVERNMENTS;

(C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A LOCAL
GOVERNMENT THAT IS A MEMBER OF THE NORTH FRONT RANGE
METROPOLITAN PLANNING ORGANIZATION; AND

(D) UP TO TWO MEMBERS WHO ARE REPRESENTATIVES OF
DISPROPORTIONATELY IMPACTED COMMUNITIES;

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

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

(b) APPOINTED MEMBERS OF THE BOARD SERVE AT THE PLEASURE
OF THE GOVERNOR. THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS
THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS OR ARE DESIGNATED
TO SERVE BY AN EXECUTIVE DIRECTOR.

(3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO MITIGATE THE ENVIRONMENTAL AND HEALTH IMPACTS OF INCREASED AIR POLLUTION FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS THAT RESULTS FROM THE RAPID AND CONTINUING GROWTH IN RETAIL DELIVERIES MADE BY MOTOR VEHICLES AND IN PREARRANGED RIDES PROVIDED BY TRANSPORTATION NETWORK COMPANIES BY PROVIDING FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC, INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE ALTERNATIVES TO DRIVING ALONE OR THAT DIRECTLY REDUCE AIR POLLUTION, SUCH AS RETROFITTING OF CONSTRUCTION EQUIPMENT, CONSTRUCTION OF ROADSIDE VEGETATION BARRIERS, AND PLANTING TREES ALONG MEDIANS.

TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

(a) IMPOSE AN AIR POLLUTION MITIGATION PER RIDE FEE AND AN AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AS AUTHORIZED BY SUBSECTIONS (7) AND (8) OF THIS SECTION;

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

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

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

(5) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND
CONSISTS OF AIR POLLUTION MITIGATION PER RIDE FEE REVENUE AND AIR
POLLUTION MITIGATION RETAIL DELIVERY FEE REVENUE CREDITED TO THE
FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY
MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED
BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE
FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND
IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES
SET FORTH IN THIS PART 13 AND TO PAY THE ENTERPRISE'S REASONABLE
AND NECESSARY OPERATING EXPENSES, INCLUDING THE REPAYMENT OF
ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

(b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR
PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE INITIAL
EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY, AND
LOAN LIABILITIES THAT ARE RECORDED IN THE NONATTAINMENT AREA AIR
POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND BUT THAT
ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT
BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND
BALANCE FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER
SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
AND INVESTMENT OF MONEY IN THE NONATTAINMENT AREA AIR
POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND TO THE FUND.
THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE
INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE
ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR
THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS
INTEREST AT A RATE SET BY THE DEPARTMENT.

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

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

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

(c) In consultation with the Executive Director of the Department, or the Executive Director's designee, to employ and supervise individuals, professional consultants, and contractors as are necessary in its judgment to carry out its business purpose;

(d) To contract with any public or private entity, including state agencies, consultants, and the Attorney General's office, for professional and technical assistance, office space and administrative services, advice, and other services related to the conduct of the affairs of the enterprise, without regard to the "Procurement Code", Articles 101 to 112 of Title 24. The enterprise is encouraged to issue grants on a competitive basis based on written criteria established by the enterprise in advance of any deadlines for the submission of grant applications. The board shall generally avoid using single-source bids.

(e) To seek, accept, and expend gifts, grants, donations, or other payments from private or public sources for the purposes of this Part 13 so long as the total amount of all grants from Colorado state and local governments received in any state fiscal year is less than ten percent of the enterprise's total annual revenue for the state fiscal year. The enterprise shall transmit any money received through gifts, grants, donations, or other payments to the state treasurer, who shall credit the money to the fund.

(f) To provide services as set forth in subsection (9) of this
(g) To publish the processes by which the enterprise accepts applications, the criteria for evaluating applications, and a list of grantees or program participants pursuant to subsection (9) of this section; and

(h) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers and duties granted by this section.

(7) (a) In furtherance of its business purpose, beginning in state fiscal year 2022-23, the enterprise shall impose an air pollution mitigation per ride fee to be paid by a transportation network company for each prearranged ride requested and accepted through the company’s digital network. For the purpose of minimizing compliance costs for transportation network companies and administrative costs for the state, the department of revenue shall collect the air pollution mitigation per ride fee on behalf of the enterprise, and a transportation network company shall pay the fee to the department of revenue as required by section 40-10.1-607.5 (2).

(b) For prearranged rides requested and accepted during state fiscal year 2022-23, the enterprise shall impose the air pollution mitigation per ride fee in a maximum amount of:

(I) Eleven and one-quarter cents for each prearranged ride that is a carshare ride or for which the driver transports the rider in a zero emissions motor vehicle; and

(II) Twenty-two and one-half cents for every other prearranged ride.
(c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II) OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE AIR POLLUTION MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT THAT IS THE APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION MITIGATION PER RIDE FEE TO BE COLLECTED FOR RIDES REQUESTED AND ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

MITIGATION PER RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE
AND ROUNDED TO THE NEAREST WHOLE CENT IS THE LESSER OF ACTUAL
CUMULATIVE INFLATION OR FIVE PERCENT.

(d) AS REQUIRED BY SECTION 40-10.1-607.5 (3)(a), THE
DEPARTMENT OF REVENUE SHALL TRANSMIT ALL NET AIR POLLUTION
MITIGATION PER RIDE FEE REVENUE COLLECTED TO THE STATE TREASURER,
WHO SHALL CREDIT THE REVENUE TO THE FUND.

(8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
ENTERPRISE, AN AIR POLLUTION MITIGATION RETAIL DELIVERY FEE ON
EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY
SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE
PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND
IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH
SECTION 43-4-218 (6) THE AIR POLLUTION MITIGATION RETAIL DELIVERY
FEE. FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS
AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF
REVENUE SHALL COLLECT AND ADMINISTER THE AIR POLLUTION
MITIGATION RETAIL DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE
SAME MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL
DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3).

(b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL
IMPOSE THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A
MAXIMUM AMOUNT OF SEVEN-TENTHS OF ONE CENT.

(c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)
OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
MITIGATION RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

(II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE FOR RETAIL
DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
DURING THE STATE FISCAL YEAR.

(9) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO
THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE ENTERPRISE
IS AUTHORIZED TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR ELIGIBLE
PROJECTS. THE ENTERPRISE SHALL ACTIVELY SEEK INPUT FROM
COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
IMPACTED COMMUNITIES, AND LOCAL GOVERNMENTS TO MITIGATE THE
ENVIRONMENTAL AND HEALTH IMPACTS OF HIGHWAY PROJECTS, REDUCE
TRAFFIC CONGESTION, AND IMPROVE NEIGHBORHOOD CONNECTIVITY FOR COMMUNITIES ADJACENT TO HIGHWAYS. THE ENTERPRISE SHALL INCLUDE MITIGATION STRATEGIES THAT TAKE INTO ACCOUNT THE INPUT AS WELL AS ISSUES AND IMPACTS OF PARTICULAR IMPORTANCE TO THE STATE SUCH AS REDUCTION OF GREENHOUSE GAS EMISSIONS AND FINE PARTICULATE MATTER.

(10) (a) To ensure transparency and accountability, the enterprise shall:

(I) No later than June 1, 2022, publish and post on its website a ten-year plan that details how the enterprise will execute its business purpose during state fiscal years 2022-23 through 2031-32 and estimates the amount of funding needed to implement the plan. No later than January 1, 2032, the enterprise shall publish and post on its website a new ten-year plan for state fiscal years 2032-33 through 2041-42;

(II) Create, maintain, and regularly update on its website a public accountability dashboard that provides, at a minimum, accessible and transparent summary information regarding the implementation of its ten-year plan, the funding status and progress toward completion of each project that it wholly or partly funds, and its per project and total funding and expenditures;

(III) Engage regularly regarding its projects and activities with the public, including but not limited to seeking input from disproportionately impacted communities and interest groups that are likely to be interested in the projects and activities; and

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

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

SECTION 51. In Colorado Revised Statutes, repeal 43-4-714.
SECTION 52. Appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting for the fiscal year beginning July 1, 2021. Section 2 of SB 21-205, amend Part IV (1)(C), as follows:

Section 2. Appropriation.

PART IV

GOVERNOR - LIEUTENANT GOVERNOR - STATE PLANNING AND BUDGETING

(1) OFFICE OF THE GOVERNOR

(C) Colorado Energy Office

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget 2021</th>
<th>Budget 2022</th>
<th>Budget 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Administration</td>
<td>6,257,311</td>
<td>2,625,625</td>
<td>3,631,686</td>
</tr>
<tr>
<td>(24.8 FTE)</td>
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</tr>
<tr>
<td>Electric Vehicle Charging</td>
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<td></td>
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</tr>
<tr>
<td>Station Grants</td>
<td>1,036,204</td>
<td></td>
<td>1,036,204</td>
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<td>(I)</td>
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<td>Legal Services</td>
<td>486,329</td>
<td>433,951</td>
<td>52,378</td>
</tr>
<tr>
<td>Vehicle Lease Payments</td>
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<tr>
<td>Leased Space</td>
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<tr>
<td>Indirect Cost Assessment</td>
<td>153,808</td>
<td>37,763</td>
<td>116,045</td>
</tr>
<tr>
<td>Total</td>
<td>8,165,669</td>
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</tbody>
</table>

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This amount shall be from the Electric Vehicle Grant Fund created in Section 24-38.5-103 (1)(a), C.R.S. This amount is shown for informational purposes only because the Electric Vehicle Grant Fund is continuously appropriated to the Office pursuant Section 24-38.5-103 (2)(a), C.R.S.

**TOTALS PART IV**

<table>
<thead>
<tr>
<th>(GOVERNOR-</th>
<th>LIEUTENANT</th>
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<tbody>
<tr>
<td>GOVERNOR- STATE</td>
<td></td>
</tr>
<tr>
<td>PLANNING AND</td>
<td></td>
</tr>
</tbody>
</table>

| BUDGETING) | $365,384,731 | $57,569,143 | $16,648,484 | $284,399,642 | $6,767,462 |

"\(^a\) Of this amount, $7,300,000 $8,336,204 contains an (I) notation.

"\(^b\) This amount contains an (I) notation."
SECTION 53. Appropriation. (1) For the 2021-22 state fiscal year, $125,599,957 is appropriated to the department of transportation. This appropriation consists of $259,957 from the state highway fund created in section 43-1-219, C.R.S., and $125,340,000 from the multimodal transportation options and mitigation fund created in section 43-4-1103 (1)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) $259,957 from the state highway fund for administration, which amount is based on an assumption that the division will require an additional 3.0 FTE; and

(b) $125,340,000 from the multimodal transportation options and mitigation fund for multimodal transportation projects.

(2) For the 2021-22 state fiscal year, $1,104,661 is appropriated to the department of revenue. This appropriation consists of $1,082,480 from the general fund and $22,181 from the license plate cash fund created in section 42-3-301 (1)(b), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) $109,135 general fund for use by the executive director's office for personal services related to administration and support, which amount is based on an assumption that the office will require an additional 1.8 FTE;

(b) $259,875 general fund for use by the taxation business group for tax administration IT system (GenTax) support related to administration;

(c) $231,020 general fund for use by the taxation business group for personal services related to taxation services, which amount is based on an assumption that the group will require an additional 3.5 FTE;
(d) $70,250 general fund for use by the taxation business group for operating expenses related to taxation services;
(e) $412,200 general fund for use by the division of motor vehicles for DRIVES maintenance and support; and
(f) $22,181 from the license plate cash fund for use by the division of motor vehicles for license plate ordering.

(3) For the 2021-22 state fiscal year, $100,491 is appropriated to the energy fund created in section 24-38.5-102.4, C.R.S. This appropriation is from the general fund. The office of the governor is responsible for the accounting related to this appropriation.

(4) For the 2021-22 state fiscal year, $1,669,333 is appropriated to the department of public health and environment. This appropriation is from the general fund. To implement this act, the department may use this appropriation for transfer to the clean fleet enterprise initial expenses fund for startup costs.

(5) For the 2021-22 state fiscal year, $504,583 is appropriated to the department of law and is based on the assumption that the department will require an additional 2.6 FTE. Of this appropriation, $191,412 is from reappropriated funds received from the department of transportation under subsection (1)(a) of this section and is based on an assumption that the department of law will require an additional 1.0 FTE; $100,491 is from reappropriated funds received from the office of the governor under subsection (3) of this section and is based on an assumption that the department of law will require an additional 0.5 FTE; and $212,680 is from reappropriated funds received from the department of public health and environment under subsection (4) of this section and is based on an
assumption that the department of law will require an additional 1.1 FTE.

To implement this act, the department of law may use this appropriation to provide legal services for the department of transportation, office of the governor, and department of public health and environment.

SECTION 54. Severability. If any provision of this Senate Bill 21-260 or the application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this Senate Bill 21-260 that can be given effect without the invalid provision or application, and to this end the provisions of this Senate Bill 21-260 are declared to be severable.

SECTION 55. Effective date. This act takes effect upon passage; except that section 43-4-1103 (2)(a)(IV), Colorado Revised Statutes, as enacted in section 49 of this act, takes effect only if Senate Bill 21-238 becomes law, in which case section 43-4-1103 (2)(a)(IV) and takes effect either upon the effective date of this act or Senate Bill 21-238, whichever is later.

SECTION 56. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.