

CHAPTER 401

GOVERNMENT - SPECIAL DISTRICTS

SENATE BILL 21-238

BY SENATOR(S) Garcia and Zenzinger, Priola, Simpson, Bridges, Buckner, Coleman, Coram, Donovan, Fenberg, Fields, Jaquez Lewis, Lee, Story, Winter, Danielson, Ginal, Gonzales, Hansen, Moreno, Pettersen, Rodriguez; also REPRESENTATIVE(S) Esgar and Gray, Bernett, Bird, Caraveo, Cutter, Gonzales-Gutierrez, Kipp, Lontine, McCormick, Michaelson Jenet, Ricks, Snyder, Titone, Valdez D., Garnett.

AN ACT

CONCERNING THE FRONT RANGE PASSENGER RAIL DISTRICT, AND, IN CONNECTION THEREWITH, CREATING THE DISTRICT FOR THE PURPOSE OF PLANNING, DESIGNING, DEVELOPING, FINANCING, CONSTRUCTING, OPERATING, AND MAINTAINING A PASSENGER RAIL SYSTEM, SPECIFYING THE TERRITORY, GOVERNING STRUCTURE, POWERS, AND DUTIES OF THE DISTRICT, AND REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 22 to title 32 as follows:

ARTICLE 22
Front Range Passenger Rail District

32-22-101. Short title. THE SHORT TITLE OF THIS ARTICLE 22 IS THE "FRONT RANGE PASSENGER RAIL DISTRICT ACT".

32-22-102. Definitions. AS USED IN THIS ARTICLE 22, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE DISTRICT.

(2) "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, CONTRACT, OR OTHER OBLIGATION OF THE DISTRICT AUTHORIZED BY AND ISSUED PURSUANT TO THIS ARTICLE 22.

(3) "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, OR RECONSTRUCTION

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OF A PASSENGER RAIL SYSTEM.

(4) "DISTRICT" MEANS THE FRONT RANGE PASSENGER RAIL DISTRICT CREATED IN SECTION 32-22-103.

(5) "FRONT RANGE" MEANS THE AREA THAT COMPRISES THE DISTRICT.

(6) "LOCAL GOVERNMENT" MEANS A COUNTY, A CITY AND COUNTY, A MUNICIPALITY, AND ANY OTHER POLITICAL SUBDIVISION OF THE STATE AND DOES NOT INCLUDE THE STATE OR ANY STATE DEPARTMENT, DIVISION, OR OTHER AGENCY.

(7) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(8) "PASSENGER RAIL STATION" MEANS A STATION ON A PASSENGER RAIL SYSTEM WHERE TRAINS STOP SO THAT PASSENGERS CAN BOARD AND GET OFF OF THE TRAINS AND INCLUDES RELATED OR CONNECTED INFRASTRUCTURE AND FACILITIES.

(9) "PASSENGER RAIL SYSTEM" MEANS A RAIL SYSTEM, INCLUDING RELATED OR CONNECTED INFRASTRUCTURE AND FACILITIES, THAT IS USED FOR PASSENGER SERVICE AND IS COMPETITIVE IN TERMS OF TRAVEL TIME WITH OTHER MODES OF SURFACE TRANSPORTATION WITHIN THE DISTRICT. A PASSENGER RAIL SYSTEM SHALL NOT BE USED TO TRANSPORT FREIGHT.

(10) "PUBLIC-PRIVATE PARTNERSHIP" MEANS AN AGREEMENT BETWEEN THE DISTRICT AND ONE OR MORE PRIVATE OR PUBLIC ENTITIES THAT PROVIDES FOR:

(a) ACCEPTANCE OF A PRIVATE CONTRIBUTION TO THE CONSTRUCTION OF ALL OR A PORTION OF A PASSENGER RAIL SYSTEM IN EXCHANGE FOR A PUBLIC BENEFIT CONCERNING THE SYSTEM OTHER THAN ONLY A MONEY PAYMENT;

(b) SHARING OF RESOURCES AND THE MEANS OF CONSTRUCTING ALL OR A PORTION OF A PASSENGER RAIL SYSTEM; AND

(c) COOPERATION IN RESEARCHING, DEVELOPING, CONSTRUCTING, OPERATING, OR MAINTAINING ALL OR A PORTION OF A PASSENGER RAIL SYSTEM.

(11) "REGIONAL PLANNING COMMISSION" MEANS A REGIONAL PLANNING COMMISSION FORMED UNDER SECTION 30-28-105 THAT PREPARES AND SUBMITS A TRANSPORTATION PLAN PURSUANT TO SECTION 43-1-1103.

(12) "REGIONAL TRANSPORTATION DISTRICT" MEANS THE REGIONAL TRANSPORTATION DISTRICT CREATED IN SECTION 32-9-105.

32-22-103. Front range passenger rail district - creation - purpose - boundaries. (1) THE FRONT RANGE PASSENGER RAIL DISTRICT IS HEREBY CREATED AS A BODY POLITIC AND CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE. THE DISTRICT IS NOT AN AGENCY OF STATE GOVERNMENT AND IS NOT SUBJECT TO ADMINISTRATIVE DIRECTION BY ANY DEPARTMENT, COMMISSION, BOARD, BUREAU, OR AGENCY OF THE STATE.

(2) THE PURPOSE OF THE DISTRICT IS TO RESEARCH, DEVELOP, CONSTRUCT, OPERATE, AND MAINTAIN AN INTERCONNECTED PASSENGER RAIL SYSTEM WITHIN THE FRONT RANGE THAT IS COMPETITIVE IN TERMS OF TRAVEL TIME FOR COMPARABLE TRIPS WITH OTHER MODES OF SURFACE TRANSPORTATION. IN ADDITION TO A MAIN NORTH-SOUTH PASSENGER RAIL LINE, THE DISTRICT SHALL, AS SPECIFIED IN THIS ARTICLE 22:

(a) COLLABORATE WITH THE REGIONAL TRANSPORTATION DISTRICT TO ENSURE INTERCONNECTIVITY WITH ANY PASSENGER RAIL SYSTEM OPERATED BY OR FOR THE REGIONAL TRANSPORTATION DISTRICT;

(b) IF DEEMED APPROPRIATE BY THE BOARD AND BY THE BOARD OF THE REGIONAL TRANSPORTATION DISTRICT, SHARE CAPITAL COSTS ASSOCIATED WITH SHARED USE OF RAIL LINE INFRASTRUCTURE IN THE NORTHWEST RAIL LINE CORRIDOR FOR PASSENGER TRAIN SERVICE;

(c) COLLABORATE WITH AMTRAK ON INTERCONNECTIVITY WITH AMTRAK'S SOUTHWEST CHIEF, CALIFORNIA ZEPHYR, AND WINTER PARK EXPRESS TRAINS, INCLUDING BUT NOT LIMITED TO REROUTING OF THE AMTRAK SOUTHWEST CHIEF PASSENGER TRAIN;

(d) COORDINATE WITH THE DEPARTMENT OF TRANSPORTATION TO ENSURE THAT ANY DISTRICT FRONT RANGE PASSENGER RAIL SYSTEM IS WELL-INTEGRATED INTO THE STATE'S MULTIMODAL TRANSPORTATION SYSTEM AND DOES NOT IMPAIR THE EFFICIENCY OR SAFETY OF OR OTHERWISE ADVERSELY AFFECT EXISTING TRANSPORTATION INFRASTRUCTURE OR OPERATIONS AND HOLD AT LEAST ONE JOINT MEETING ANNUALLY OF THE BOARD AND THE TRANSPORTATION COMMISSION CREATED IN SECTION 43-1-106 (1);

(e) HOLD AT LEAST ONE JOINT MEETING ANNUALLY OF THE BOARD AND THE BOARD OF DIRECTORS OF THE I-70 COALITION, OR A SUCCESSOR ENTITY OF THE COALITION, TO ENSURE THAT ANY DISTRICT FRONT RANGE PASSENGER RAIL SYSTEM INTERCONNECTS WITH ANY PASSENGER RAIL SYSTEM THAT SERVES THE INTERSTATE HIGHWAY 70 MOUNTAIN CORRIDOR; AND

(f) HOLD AT LEAST ONE JOINT MEETING ANNUALLY OF THE BOARD AND THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT TO DISCUSS AND RESOLVE OPERATIONAL AND INTERCONNECTIVITY ISSUES.

(3) SUBJECT TO THE ENVIRONMENTAL REVIEW PROCESS REQUIRED BY THE "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42 U.S.C. SEC. 4321 ET SEQ., AND A COMPLETE ALTERNATIVES ANALYSIS, THE PREFERRED ALIGNMENT FOR THE NORTHERN SEGMENT OF THE MAIN NORTH-SOUTH PASSENGER RAIL LINE IS THROUGH THE NORTHWEST RAIL CORRIDOR. THE DISTRICT SHALL PRIORITIZE THE INITIATION OF CONSTRUCTION AND COMPLETION OF THAT CORRIDOR.

(4) THE AREA THAT COMPRISES THE DISTRICT EXTENDS FROM WYOMING TO NEW MEXICO AND INCLUDES:

(a) THE ENTIRETY OF THE CITY AND COUNTY OF BROOMFIELD AND THE CITY AND COUNTY OF DENVER;

(b) ALL AREAS WITHIN ADAMS, ARAPAHOE, BOULDER, DOUGLAS, EL PASO, HUERFANO, JEFFERSON, LARIMER, LAS ANIMAS, PUEBLO, AND WELD COUNTIES THAT ARE LOCATED WITHIN THE TERRITORY OF A METROPOLITAN PLANNING ORGANIZATION;

(c) ALL AREAS WITHIN HUERFANO, LAS ANIMAS, AND PUEBLO COUNTIES THAT ARE NOT LOCATED WITHIN THE TERRITORY OF A METROPOLITAN PLANNING ORGANIZATION AND ARE LOCATED WITHIN A COUNTY PRECINCT, AS DEFINED IN SECTION 1-1-104 (30), THAT IS LOCATED WHOLLY OR PARTLY WITHIN FIVE MILES OF THE PUBLIC RIGHT-OF-WAY OF INTERSTATE HIGHWAY 25; AND

(d) ALL AREAS WITHIN LARIMER AND WELD COUNTIES THAT ARE NOT LOCATED WITHIN THE TERRITORY OF A METROPOLITAN PLANNING ORGANIZATION AND ARE LOCATED WITHIN A COUNTY PRECINCT, AS DEFINED IN SECTION 1-1-104 (30), THAT IS NORTH OF THE CITY OF FORT COLLINS AND IS LOCATED WHOLLY OR PARTLY WITHIN FIVE MILES OF THE PUBLIC RIGHT-OF-WAY OF INTERSTATE HIGHWAY 25.

32-22-104. Board of directors - appointment - meetings - compensation - conflicts of interest. (1) THE DISTRICT IS GOVERNED BY A BOARD OF DIRECTORS, ALL OF WHOM SHALL REPRESENT THE RESIDENTS OF THE DISTRICT, WHICH CONSISTS OF:

(a) (I) SIX DIRECTORS APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE SENATE. THE DIRECTORS APPOINTED BY THE GOVERNOR SHALL SUPPORT THE PURPOSES OF THE DISTRICT AS OUTLINED IN SUBSECTION (2) OF THIS SECTION, AND MUST COLLECTIVELY HAVE PROFESSIONAL EXPERIENCE OR EXPERTISE IN THE FOLLOWING AREAS:

(A) TRANSPORTATION OR PUBLIC FINANCE;

(B) SUPPORTING A STATEWIDE EMPLOYEE ORGANIZATION;

(C) PASSENGER RAIL SYSTEM DEVELOPMENT OR OPERATIONS; AND

(D) ENVIRONMENTAL CONSERVATION.

(II) IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTION (1)(a)(I) OF THIS SECTION, AT LEAST ONE OF THE DIRECTORS APPOINTED BY THE GOVERNOR MUST BE A RESIDENT OF A COUNTY, CITY AND COUNTY, OR MUNICIPALITY THROUGH WHICH LIGHT OR COMMUTER RAIL SERVICE WAS PLANNED AS PART OF THE VOTER-APPROVED FASTRACKS TRANSIT EXPANSION PROGRAM OF THE REGIONAL TRANSPORTATION DISTRICT BUT HAS NOT BEEN CONSTRUCTED.

(III) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS NO LATER THAN APRIL 1, 2022, AND THE INITIAL DIRECTORS APPOINTED MAY ACT AS DIRECTORS PENDING THEIR CONFIRMATION BY THE SENATE. DIRECTORS APPOINTED BY THE GOVERNOR PURSUANT TO THIS SUBSECTION (1)(a) ARE APPOINTED FOR FOUR-YEAR TERMS; EXCEPT THAT THE INITIAL TERMS OF THREE OF THE DIRECTORS OTHER THAN THE DIRECTOR WHO IS A RESIDENT OF A COUNTY, CITY AND COUNTY, OR MUNICIPALITY THROUGH WHICH LIGHT OR COMMUTER RAIL SERVICE WAS PLANNED AS PART OF THE VOTER-APPROVED FASTRACKS TRANSIT EXPANSION PROGRAM OF

THE REGIONAL TRANSPORTATION DISTRICT BUT HAS NOT BEEN CONSTRUCTED ARE TWO YEARS. THE REQUIREMENT THAT ONE DIRECTOR BE SUCH A RESIDENT EXPIRES AFTER TWO FOUR-YEAR TERMS HAVE BEEN SERVED BY A DIRECTOR WHO MEETS THE REQUIREMENT.

(b) (I) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1)(b)(II) OF THIS SECTION, TEN DIRECTORS APPOINTED SUBJECT TO SENATE CONFIRMATION BY METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS THAT CONDUCT TRANSPORTATION PLANNING FOR STATE TRANSPORTATION PLANNING REGIONS THAT INCLUDE TERRITORY OF THE DISTRICT AS FOLLOWS:

(A) EACH METROPOLITAN PLANNING ORGANIZATION THAT REPRESENTS MORE THAN ONE MILLION FIVE HUNDRED THOUSAND RESIDENTS IN THE DISTRICT, WHICH INCLUDES THE DENVER REGIONAL COUNCIL OF GOVERNMENTS, SHALL APPOINT FOUR DIRECTORS; EXCEPT THAT, IF A SINGLE CITY AND COUNTY OR MUNICIPALITY HAS FIFTY-FIVE PERCENT OR MORE OF THE TOTAL POPULATION OF THE METROPOLITAN PLANNING ORGANIZATION'S TERRITORY, THE CITY AND COUNTY OR MUNICIPALITY SHALL APPOINT ONE OF THE FOUR DIRECTORS THAT WOULD OTHERWISE BE APPOINTED BY THE METROPOLITAN PLANNING ORGANIZATION;

(B) EACH METROPOLITAN PLANNING ORGANIZATION THAT REPRESENTS MORE THAN FIVE HUNDRED THOUSAND RESIDENTS, BUT FEWER THAN ONE MILLION RESIDENTS IN THE DISTRICT, WHICH INCLUDES THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS AND THE NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION, SHALL APPOINT TWO DIRECTORS; EXCEPT THAT, IF A SINGLE CITY AND COUNTY OR MUNICIPALITY HAS FIFTY-FIVE PERCENT OR MORE OF THE TOTAL POPULATION OF THE METROPOLITAN PLANNING ORGANIZATION'S TERRITORY, THE CITY AND COUNTY OR MUNICIPALITY SHALL APPOINT ONE OF THE FOUR DIRECTORS THAT WOULD OTHERWISE BE APPOINTED BY THE METROPOLITAN PLANNING ORGANIZATION;

(C) THE PUEBLO AREA COUNCIL OF GOVERNMENTS SHALL APPOINT ONE DIRECTOR; AND

(D) THE SOUTH CENTRAL COUNCIL OF GOVERNMENTS SHALL APPOINT ONE DIRECTOR.

(II) A DIRECTOR APPOINTED BY A METROPOLITAN PLANNING ORGANIZATION OR A COUNCIL OF GOVERNMENTS PURSUANT TO SUBSECTION (1)(b)(I) OF THIS SECTION MUST BE OR MUST HAVE BEEN AN APPOINTED REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE APPOINTING AUTHORITY AND MUST REPRESENT OR MUST HAVE REPRESENTED A MEMBER LOCAL GOVERNMENT OF THE APPOINTING AUTHORITY THAT IS WHOLLY OR PARTLY INCLUDED WITHIN THE DISTRICT. WHEN APPOINTING SUCH A DIRECTOR, ONLY MEMBERS OF THE BOARD OF DIRECTORS OF THE APPOINTING AUTHORITY WHO REPRESENT A MEMBER LOCAL GOVERNMENT OF THE APPOINTING AUTHORITY THAT IS WHOLLY OR PARTLY INCLUDED WITHIN THE DISTRICT MAY VOTE ON THE APPOINTMENT. THE APPOINTING AUTHORITIES FOR SUCH DIRECTORS SHALL MAKE INITIAL APPOINTMENTS NO LATER THAN MARCH 1, 2022, AND THE INITIAL DIRECTORS APPOINTED MAY ACT AS DIRECTORS PENDING THEIR CONFIRMATION BY THE SENATE. DIRECTORS ARE APPOINTED FOR FOUR-YEAR TERMS; EXCEPT THAT THE

INITIAL TERMS OF TWO OF THE DIRECTORS APPOINTED PURSUANT TO SUBSECTION (1)(b)(I)(A) OF THIS SECTION, ONE OF THE DIRECTORS APPOINTED BY EACH METROPOLITAN PLANNING ORGANIZATION PURSUANT TO SUBSECTION (1)(b)(I)(B) OF THIS SECTION, AND THE DIRECTOR APPOINTED PURSUANT TO SUBSECTION (1)(b)(I)(D) OF THIS SECTION ARE TWO YEARS. BY A TWO-THIRDS VOTE OF ITS MEMBERS, THE SENATE MAY REMOVE ANY MEMBER OF THE BOARD APPOINTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION OR THIS SUBSECTION (1)(b) FOR CAUSE.

(c) ONE DIRECTOR APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION WHO SHALL SERVE AT THE PLEASURE OF THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL MAKE THE APPOINTMENT NO LATER THAN DECEMBER 1, 2021.

(d) (I) IF THE RESPECTIVE RAILROADS CHOOSE TO MAKE APPOINTMENTS, THREE ADVISORY NONVOTING DIRECTORS APPOINTED AS DESIGNATED REPRESENTATIVES OF RAILROADS THAT OPERATE IN THE STATE AS FOLLOWS:

(A) ONE DIRECTOR APPOINTED BY THE CHIEF EXECUTIVE OFFICER OF THE BNSF RAILWAY;

(B) ONE DIRECTOR APPOINTED BY THE CHIEF EXECUTIVE OFFICER OF THE UNION PACIFIC RAILROAD; AND

(C) ONE DIRECTOR APPOINTED BY THE CHIEF EXECUTIVE OFFICER OF THE NATIONAL RAILROAD PASSENGER CORPORATION, ALSO KNOWN AS AMTRAK.

(II) THE APPOINTING AUTHORITIES FOR ANY DIRECTORS APPOINTED PURSUANT TO SUBSECTION (1)(d)(I) OF THIS SECTION SHALL MAKE INITIAL APPOINTMENTS NO LATER THAN DECEMBER 1, 2021. EACH SUCH DIRECTOR SERVES AT THE PLEASURE OF THE APPOINTING AUTHORITY.

(e) ONE ADVISORY NONVOTING DIRECTOR APPOINTED BY THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT. THE BOARD OF DIRECTORS SHALL MAKE THE INITIAL APPOINTMENT NO LATER THAN DECEMBER 1, 2021. THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE BOARD OF DIRECTORS, BUT THE APPOINTMENT MUST BE REAFFIRMED BY THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT NOT LATER THAN FOUR YEARS FROM THE DATE OF THE INITIAL APPOINTMENT AND NOT LATER THAN FOUR YEARS FROM THE DATE OF ANY SUBSEQUENT REAFFIRMATION.

(f) ONE ADVISORY NONVOTING DIRECTOR APPOINTED BY THE BOARD OF DIRECTORS OF THE I-70 MOUNTAIN CORRIDOR COALITION, OR ANY SUCCESSOR ENTITY TO THE COALITION. THE BOARD OF DIRECTORS SHALL MAKE THE INITIAL APPOINTMENT NO LATER THAN DECEMBER 1, 2021. THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE BOARD OF DIRECTORS, BUT THE APPOINTMENT MUST BE REAFFIRMED BY THE BOARD OF DIRECTORS OF THE I-70 MOUNTAIN CORRIDOR COALITION NOT LATER THAN FOUR YEARS FROM THE DATE OF THE INITIAL APPOINTMENT AND NOT LATER THAN FOUR YEARS FROM THE DATE OF ANY SUBSEQUENT REAFFIRMATION.

(g) IF THE RESPECTIVE GOVERNORS CHOOSE TO MAKE APPOINTMENTS, THE FOLLOWING TWO ADVISORY NONVOTING DIRECTORS:

(I) A RESIDENT OF NEW MEXICO APPOINTED BY THE GOVERNOR OF NEW MEXICO TO REPRESENT COMMUNITIES IN NEW MEXICO WHO SHALL SERVE AT THE PLEASURE OF THE GOVERNOR OF NEW MEXICO; AND

(II) A RESIDENT OF WYOMING APPOINTED BY THE GOVERNOR OF WYOMING TO REPRESENT COMMUNITIES IN WYOMING WHO SHALL SERVE AT THE PLEASURE OF THE GOVERNOR OF WYOMING.

(2)(a) THE BOARD SHALL CONVENE FOR ITS FIRST MEETING NO LATER THAN MAY 15, 2022, AND SHALL, AT THAT MEETING, SELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS MEMBERSHIP. THE BOARD SHALL ALSO DETERMINE HOW TO INSTRUCT THE STATE TREASURER TO COMPLETE THE TRANSFER, ON JULY 1, 2022, OF ANY REMAINING BALANCE OF THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE FUND, AS THAT FUND EXISTED BEFORE THE REPEAL OF SECTION 43-4-1002 BY SENATE BILL 21-238, ENACTED IN 2021, TO THE DISTRICT AS REQUIRED BY SECTION 43-4-1004 (1).

(b) (I) THE BOARD SHALL CONDUCT ALL BUSINESS AT PUBLIC MEETINGS. WHENEVER PRACTICABLE, THE BOARD SHALL LIVE BROADCAST ITS MEETINGS, AND THE BOARD SHALL PROVIDE REASONABLE ACCOMMODATIONS TO ALLOW PERSONS WITH DISABILITIES TO ATTEND, LISTEN TO, OR WATCH BOARD MEETINGS.

(II) THE BOARD SHALL MAKE AN AUDIO OR AUDIO-VIDEO RECORDING OF EACH BOARD MEETING AVAILABLE ON THE DISTRICT'S WEBSITE.

(III) THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24 APPLY TO ALL BOARD MEETINGS.

(c) A MAJORITY OF THE VOTING DIRECTORS OF THE BOARD CONSTITUTES A QUORUM, AND, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS ARTICLE 22, A MAJORITY OF A QUORUM MAY MAKE BINDING DECISIONS FOR THE BOARD. ADVISORY NONVOTING MEMBERS OF THE BOARD MAY PARTICIPATE, IN A NONVOTING CAPACITY, IN ALL BOARD MEETINGS, INCLUDING EXECUTIVE SESSIONS. BY A TWO-THIRDS VOTE OF THE VOTING DIRECTORS OF ALL VOTING DIRECTORS OF THE BOARD, THE BOARD MAY ADD ADDITIONAL ADVISORY NONVOTING MEMBERS TO THE BOARD FOR EITHER FIXED TERMS OF FOUR YEARS OR FOR SERVICE AT THE PLEASURE OF A MAJORITY OF THE VOTING DIRECTORS OF THE BOARD.

(d) DIRECTORS OF THE BOARD, INCLUDING ADVISORY NONVOTING DIRECTORS, RECEIVE NO COMPENSATION FOR THEIR SERVICES; EXCEPT THAT DIRECTORS MAY RECEIVE PER DIEM PAYMENTS FOR DAYS SPENT WORKING ON DISTRICT MATTERS AND MAY BE REIMBURSED BY THE DISTRICT FOR THEIR NECESSARY EXPENSES WHILE SERVING AS DIRECTORS OF THE BOARD.

(e) A DIRECTOR OF THE BOARD SHALL DISQUALIFY HIMSELF OR HERSELF FROM VOTING ON ANY ISSUE WITH RESPECT TO WHICH HE OR SHE HAS A CONFLICT OF INTEREST, UNLESS THE DIRECTOR HAS DISCLOSED THE CONFLICT OF INTEREST IN

COMPLIANCE WITH SECTION 18-8-308.

(f) DIRECTORS OF THE BOARD AND OFFICERS AND EMPLOYEES OF THE DISTRICT ARE PUBLIC EMPLOYEES FOR PURPOSES OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

32-22-105. Board of directors - powers and duties. (1) (a) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS ARTICLE 22, THE BOARD, ACTING BY A MAJORITY VOTE OF A QUORUM OF ITS TOTAL MEMBERSHIP, SHALL EXERCISE AND PERFORM ALL POWERS, PRIVILEGES, AND DUTIES VESTED IN OR IMPOSED UPON THE DISTRICT PURSUANT TO THIS ARTICLE 22. THE BOARD MAY DELEGATE ANY OF ITS POWERS TO ITS OFFICERS AND EMPLOYEES; EXCEPT THAT, TO ENSURE THAT THE PUBLIC INTEREST IS REPRESENTED IN POLICY DECISIONS, THE BOARD SHALL NOT DELEGATE ANY OF THE FOLLOWING:

(I) ADOPTION OF BOARD POLICY AND PROCEDURES;

(II) APPROVAL OF PASSENGER RAIL ROUTES AND STATION LOCATIONS WITH COLLABORATION OF LOCAL GOVERNMENTS, AS PROVIDED IN SECTION 32-22-106 (1)(h), WITH RESPECT TO SPECIFIC LOCATIONS;

(III) RATIFICATION OF LAND ACQUISITION BY NEGOTIATED SALE;

(IV) INSTITUTION OF AN EMINENT DOMAIN ACTION, WHICH MUST BE AT A PUBLIC HEARING.

(V) INITIATING OR CONTINUING LEGAL ACTION;

(VI) ESTABLISHMENT OF FARES AND OTHER USER FEE POLICIES;

(VII) REFERRAL OF BALLOT ISSUES SEEKING VOTER APPROVAL FOR THE DISTRICT TO LEVY TAXES OR ISSUE OR REFINANCE BONDS; AND

(VIII) THE POWER TO ENTER INTO CONTRACTS ON BEHALF OF THE DISTRICT, INCLUDING BUT NOT LIMITED TO INTERGOVERNMENTAL AGREEMENTS AND CONTRACTS FOR PUBLIC-PRIVATE PARTNERSHIPS.

(b) THE BOARD SHALL PROMULGATE AND ADHERE TO POLICIES AND PROCEDURES THAT GOVERN ITS CONDUCT AND PROVIDE MEANINGFUL OPPORTUNITIES FOR PUBLIC INPUT. THE POLICIES MUST INCLUDE STANDARDS AND PROCEDURES FOR CALLING AN EMERGENCY MEETING.

(2) IN ADDITION TO ALL OTHER POWERS OF THE DISTRICT GRANTED BY THIS ARTICLE 22 TO BE EXERCISED BY THE BOARD ON BEHALF OF THE DISTRICT, THE BOARD HAS THE FOLLOWING POWERS:

(a) TO ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS MEMBERSHIP;

(b) TO ADOPT BYLAWS;

(c) TO FIX THE TIME AND PLACE OF ITS MEETINGS AND, CONSISTENT WITH THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, THE METHOD OF PROVIDING NOTICE OF THE MEETINGS;

(d) TO MAKE AND PASS ORDERS AND RESOLUTIONS NECESSARY FOR THE GOVERNMENT AND MANAGEMENT OF THE AFFAIRS OF THE DISTRICT AND THE EXECUTION OF THE DISTRICT'S POWERS AND DUTIES;

(e) TO ADOPT AND USE A SEAL;

(f) TO MAINTAIN OFFICES AT ANY PLACE OR PLACES WITHIN THE DISTRICT THAT IT MAY DESIGNATE;

(g) TO APPOINT, HIRE, RETAIN, AND TERMINATE EMPLOYEES, AGENTS, ENGINEERS, ATTORNEYS, ACCOUNTANTS, AUDITORS, FINANCIAL ADVISERS, INVESTMENT BANKERS, AND OTHER PROFESSIONAL CONSULTANTS;

(h) TO PRESCRIBE METHODS FOR AUDITING AND ALLOWING OR REJECTING CLAIMS AND DEMANDS; FOR THE LETTING OF CONTRACTS FOR THE CONSTRUCTION OF IMPROVEMENTS, WORKS, OR STRUCTURES; FOR THE ACQUISITION OF EQUIPMENT; OR FOR THE PERFORMANCE OR FURNISHING OF LABOR, MATERIALS, OR SUPPLIES THAT MAY BE REQUIRED TO CARRY OUT THE PURPOSES OF THIS ARTICLE 22; AND

(i) TO APPOINT SUBCOMMITTEES OF THE BOARD AND ADVISORY COMMITTEES AND DEFINE THE DUTIES OF SUCH SUBCOMMITTEES AND ADVISORY COMMITTEES.

32-22-106. District - general powers and duties - funds created. (1) IN ADDITION TO ANY OTHER POWERS GRANTED TO THE DISTRICT BY THIS ARTICLE 22, THE DISTRICT HAS THE FOLLOWING POWERS:

(a) TO HAVE PERPETUAL EXISTENCE;

(b) TO SUE AND BE SUED;

(c) (I) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH ANY PERSON, INCLUDING THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND AMTRAK, AS NECESSARY TO EXERCISE ITS POWERS AND FULFILL ITS DUTIES. THE POWER TO CONTRACT INCLUDES BUT IS NOT LIMITED TO:

(A) THE POWER TO ENTER INTO MEMORANDUMS OF UNDERSTANDING AND INTERGOVERNMENTAL AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES, INCLUDING STATES THAT BORDER COLORADO, AND TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS;

(B) THE POWER TO CONTRACT WITH THIRD PARTIES FOR THE OPERATION OF PASSENGER RAIL SERVICE; AND

(C) THE POWER TO NEGOTIATE AND ENTER INTO AGREEMENTS WITH ANY PERSON OR PUBLIC ENTITY FOR THE PROVISION OF RETAIL AND COMMERCIAL GOODS AND SERVICES TO THE PUBLIC AT OR ADJACENT TO PASSENGER RAIL STATIONS OR FOR THE PROVISION OF RESIDENTIAL USES OR OTHER USES AT OR ADJACENT TO SUCH

FACILITIES.

(II) ANY DEVELOPMENT OF ANY PORTION OF A PASSENGER RAIL STATION OR ADJACENT PROPERTY MADE AVAILABLE BY THE DISTRICT TO A THIRD PARTY FOR THE PROVISION OF RETAIL OR COMMERCIAL GOODS OR SERVICES OR FOR THE PROVISION OF RESIDENTIAL USES OR OTHER USES IS SUBJECT TO ALL APPLICABLE LOCAL ZONING ORDINANCES;

(d) TO DEPOSIT AND INVEST DISTRICT MONEY AS AUTHORIZED BY PART 6 OF ARTICLE 75 OF TITLE 24;

(e) SUBJECT TO SECTION 32-22-109, TO BORROW MONEY AND ISSUE DISTRICT SECURITIES EVIDENCING THE BORROWING;

(f) TO RECEIVE FEDERAL MONEY AND GRANTS AND COLLABORATE WITH AMTRAK AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION;

(g) TO RESEARCH, DEVELOP, FINANCE, CONSTRUCT, OPERATE, AND MAINTAIN AN INTERCONNECTED PASSENGER RAIL SYSTEM THAT COEXISTS WITH TRANSPORTATION OF FREIGHT BY RAIL WITHIN THE DISTRICT. THIS POWER INCLUDES BUT IS NOT LIMITED TO THE POWER TO:

(I) ENTER ONTO LAND WITHIN THE DISTRICT TO CONDUCT NECESSARY SURVEYS, BORINGS, SOUNDINGS, AND EXAMINATIONS SUBJECT TO THE REQUIREMENT THAT ENTRY ONTO ANY LAND OWNED BY THE UNION PACIFIC RAILROAD OR THE BNSF RAILWAY MUST BE DONE IN ACCORDANCE WITH THEIR RESPECTIVE AUTHORIZATION AND APPROVAL PROTOCOLS;

(II) CONSTRUCT, MANAGE, OPERATE, AND MAINTAIN INTEGRAL BUILDINGS, WORKS, AND IMPROVEMENTS;

(III) HOLD PUBLIC HEARINGS AT WHICH TESTIMONY FROM INTERESTED MEMBERS OF THE PUBLIC IS ALLOWED;

(IV) CONSULT WITH THE DEPARTMENT OF TRANSPORTATION, THE COUNTIES AND MUNICIPALITIES OF THE STATE, AFFECTED METROPOLITAN PLANNING ORGANIZATIONS AND REGIONAL PLANNING COMMISSIONS, AND AFFECTED TRANSIT PROVIDERS; AND

(V) CONSIDER CONTEXT-SENSITIVE SOLUTIONS.

(h) THE BOARD, WITH COLLABORATION OF LOCAL GOVERNMENTS AND IN COMPLIANCE WITH LAND USE AUTHORITY, PERMITTING REQUIREMENTS, AND REAL PROPERTY RIGHTS OF SUCH LOCAL GOVERNMENTS WITH RESPECT TO SPECIFIC LOCATIONS, SHALL DETERMINE ROUTE AND STATION LOCATIONS OF A PASSENGER RAIL SYSTEM;

(i) TO SPECIFY STRUCTURAL AND PERFORMANCE SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO SAFETY STANDARDS CONSISTENT WITH FEDERAL AND STATE LAWS, REGULATIONS, AND RULES, FOR A PASSENGER RAIL SYSTEM;

(j) TO EVALUATE AND SELECT APPROPRIATE TECHNOLOGIES FOR A PASSENGER

RAIL SYSTEM;

(k) TO PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE, CONDEMN, OR OTHERWISE LAWFULLY ACQUIRE, TO SELL, LEASE, LEASE WITH AN OPTION TO PURCHASE, CONCESSION LEASE, OR OTHERWISE LAWFULLY DISPOSE OF, AND TO MORTGAGE OR PLEDGE REAL OR PERSONAL PROPERTY AND ANY INTEREST THEREIN, INCLUDING EASEMENTS, RIGHTS-OF-WAY, AND CONCESSION LEASES;

(l) TO ACCEPT REAL OR PERSONAL PROPERTY AND OTHER CONVEYANCES UPON SUCH TERMS AND CONDITIONS AS THE BOARD MAY APPROVE;

(m) TO ISSUE REQUESTS FOR PROPOSALS AND AWARD CONTRACTS TO PRIVATE SECTOR BUSINESS ENTITIES FOR PERFORMANCE OF ANY COMPONENT OF THE DESIGN, DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A PASSENGER RAIL SYSTEM;

(n) TO ESTABLISH TIMELINES FOR THE DEVELOPMENT AND CONSTRUCTION OF A PASSENGER RAIL SYSTEM;

(o) TO ESTABLISH AND COLLECT FARES AND OTHER USER FEES FOR THE USE OF A PASSENGER RAIL SYSTEM WITHOUT THE FARES AND FEES BEING SUBJECT TO ANY SUPERVISION OR REGULATION BY ANY BOARD, AGENCY, COMMISSION, OR OFFICIAL; EXCEPT THAT ANY FEES, TOLLS, RATES, AND CHARGES IMPOSED FOR THE USE OF ANY PASSENGER RAIL SYSTEM SHALL BE FIXED AND ADJUSTED SO THAT THE FEES, TOLLS, RATES, AND CHARGES COLLECTED, ALONG WITH OTHER REVENUE, IF ANY, OF THE DISTRICT ARE AT LEAST SUFFICIENT TO REPAY ANY BONDS ISSUED PURSUANT TO THIS ARTICLE 22;

(p) UPON A MAJORITY VOTE OF THE REGISTERED VOTERS OF THE DISTRICT VOTING ON THE ISSUE AS REQUIRED BY SECTION 32-22-109, TO EXERCISE TAXING AUTHORITY COMMON TO SPECIAL DISTRICTS AS SPECIFIED IN SECTION 32-1-1101 (1)(a) AND (1)(b);

(q) (I) UPON A MAJORITY VOTE OF THE REGISTERED VOTERS OF THE DISTRICT VOTING ON THE ISSUE AS REQUIRED BY SECTION 32-22-109, TO LEVY A SALES TAX OR A USE TAX, OR BOTH, THROUGHOUT THE DISTRICT AT A MAXIMUM RATE OF EIGHT-TENTHS OF 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. THE EXECUTIVE DIRECTOR SHALL MAKE MONTHLY DISTRIBUTIONS OF THE TAX COLLECTIONS TO THE DISTRICT, WHICH SHALL APPLY THE PROCEEDS SOLELY TO THE DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A PASSENGER RAIL SYSTEM. THE DEPARTMENT SHALL RETAIN AN AMOUNT NOT TO EXCEED THE NET INCREMENTAL COST OF THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THE SALES TAX OR USE TAX, OR BOTH, AND SHALL TRANSMIT THE AMOUNT TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE FRONT RANGE PASSENGER RAIL DISTRICT SALES AND USE TAX FUND, WHICH FUND IS HEREBY CREATED. ALL MONEY SO RETAINED IS HEREBY CONTINUOUSLY APPROPRIATED FROM THE FUND TO THE DEPARTMENT TO THE EXTENT NECESSARY FOR THE DEPARTMENT'S COLLECTION, ADMINISTRATION, AND

ENFORCEMENT OF THIS SUBSECTION (1)(q). ANY MONEY REMAINING IN THE FUND ATTRIBUTABLE TO TAXES COLLECTED IN THE PRIOR FISCAL YEAR SHALL BE TRANSMITTED TO THE DISTRICT; EXCEPT THAT, BEFORE THE TRANSMISSION TO THE DISTRICT OF SUCH MONEY, ANY MONEY 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.

(II) A SALES OR USE TAX, OR BOTH, LEVIED PURSUANT TO SUBSECTION (1)(q)(I) OF THIS SECTION SHALL NOT BE LEVIED ON THE SALE OF TANGIBLE PERSONAL PROPERTY:

(A) DELIVERED BY A RETAILER OR A RETAILER'S AGENT OR TO A COMMON CARRIER FOR DELIVERY TO A DESTINATION OUTSIDE THE DISTRICT; OR

(B) UPON WHICH SPECIFIC OWNERSHIP TAX HAS BEEN PAID OR IS PAYABLE IF THE PURCHASER RESIDES OUTSIDE THE STATE OR THE PURCHASER'S PRINCIPAL PLACE OF BUSINESS IS OUTSIDE THE STATE AND IF THE PERSONAL PROPERTY IS REGISTERED OR REQUIRED TO BE REGISTERED IN A COUNTY OF THE STATE THAT DOES NOT INCLUDE ANY AREA THAT IS PART OF THE DISTRICT OR OUTSIDE THE STATE.

(r) TO DIRECTLY PROVIDE RETAIL AND COMMERCIAL GOODS AND SERVICES AT PASSENGER RAIL STATIONS, INCLUDING BUT NOT LIMITED TO THE SALE OF PASSENGER RAIL TICKETS, TOKENS, PASSES, AND OTHER ITEMS DIRECTLY AND NECESSARILY RELATED TO THE OPERATION OF A PASSENGER RAIL SYSTEM, SUBJECT TO THE LIMITATION THAT ANY DEVELOPMENT OF ANY PORTION OF A PASSENGER RAIL STATION FOR THE PROVISION OF RETAIL OR COMMERCIAL GOODS OR SERVICES BY THE DISTRICT IS SUBJECT TO ALL APPLICABLE LOCAL ZONING ORDINANCES;

(s) TO ACCEPT GIFTS, GRANTS, AND DONATIONS, WHETHER CASH OR IN-KIND IN NATURE, FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE 22; AND

(t) TO EXERCISE ANY OTHER LAWFUL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS GRANTED BY THIS ARTICLE 22. THE SPECIFIC POWERS SHALL NOT BE CONSIDERED AS A LIMITATION UPON ANY POWER NECESSARY AND APPROPRIATE TO CARRY OUT THE PURPOSES AND INTENT OF THIS ARTICLE 22.

(2) IF THE STATE CONTRIBUTES FUNDING FOR THE CONSTRUCTION OF A PASSENGER RAIL SYSTEM, THE CONSTRUCTION BIDDING PROVISIONS OF ARTICLE 92 OF TITLE 24 SHALL APPLY, BUT NOTHING IN THIS SUBSECTION (2) AFFECTS THE ABILITY OF THE DISTRICT, THE STATE, OR ANY OTHER ENTITY TO ENTER INTO DESIGN-BUILD CONTRACTS AS PERMITTED BY STATE LAW.

32-22-107. Station area improvement districts. WITH THE APPROVAL OF EACH COUNTY OR MUNICIPALITY HAVING JURISDICTION OVER THE AREA OF SUCH A DISTRICT, THE DISTRICT MAY ESTABLISH A STATION AREA IMPROVEMENT DISTRICT TO FINANCE THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF A STATION FOR A PASSENGER RAIL SYSTEM. A STATION AREA IMPROVEMENT DISTRICT MAY CONSIST ONLY OF ALL OR A PORTION OF THE AREA WITHIN A TWO-MILE RADIUS OF THE STATION TO BE FUNDED BY THE STATION AREA IMPROVEMENT DISTRICT, AND THE

GENERAL ASSEMBLY FINDS THAT THE AREA WITHIN A TWO-MILE RADIUS OF A PASSENGER RAIL STATION, OR ANY PORTION OF SUCH AN AREA THAT THE BOARD MAY DESIGNATE AS A STATION AREA IMPROVEMENT DISTRICT, IS AN AREA THAT WILL BE ESPECIALLY BENEFITED BY THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF SUCH A STATION. THE BOARD SHALL NOT ESTABLISH A STATION AREA IMPROVEMENT DISTRICT UNLESS IT RECEIVES A PETITION SIGNED BY THE OWNERS OF PROPERTY THAT WILL BEAR A MAJORITY OF THE PROPOSED ASSESSMENTS AND BY A PETITION SIGNED BY THE LESSER OF A MAJORITY OF THE REGISTERED ELECTORATE IN THE PROPOSED STATION AREA IMPROVEMENT DISTRICT OR ONE THOUSAND REGISTERED ELECTORS IN THE PROPOSED STATION AREA IMPROVEMENT DISTRICT. THE METHOD OF CREATING A STATION AREA IMPROVEMENT DISTRICT, MAKING IMPROVEMENTS, ASSESSING THE COSTS OF IMPROVEMENTS MADE AGAINST PROPERTY, AND LEVYING A SALES TAX SHALL BE AS PROVIDED IN PART 6 OF ARTICLE 20 OF TITLE 30; EXCEPT THAT THE BOARD SHALL PERFORM THE DUTIES OF THE BOARD OF COUNTY COMMISSIONERS UNDER SAID PART 6 AND THE IMPROVEMENTS SHALL BE LIMITED TO THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF A PASSENGER RAIL STATION.

32-22-108. Bonds. (1) THE DISTRICT MAY ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES. THE DISTRICT SHALL ISSUE BONDS PURSUANT TO A RESOLUTION OF THE BOARD, AND BONDS SHALL BE PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE REVENUE OF THE DISTRICT AS DESIGNATED BY THE BOARD.

(2) AS PROVIDED IN THE RESOLUTION OF THE BOARD UNDER WHICH BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN THE DISTRICT AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING FULL TRUST POWERS, BONDS MAY:

- (a) BE EXECUTED AND DELIVERED BY THE DISTRICT AT SUCH TIMES;
- (b) BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH TERMS AND MATURITIES;
- (c) BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A PREMIUM;
- (d) BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH;
- (e) BEAR SUCH CONVERSION PRIVILEGES;
- (f) BE PAYABLE IN SUCH INSTALLMENTS AND AT SUCH TIMES NOT EXCEEDING FORTY YEARS FROM THE DATE THEREOF;
- (g) BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR WITHOUT THE STATE;
- (h) BEAR INTEREST AT SUCH RATE OR RATES PER ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX, PROCEDURE, OR FORMULA OR AS DETERMINED BY THE DISTRICT OR ITS AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION

APPEARING IN ANY OTHER LAW OF THE STATE;

(i) BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE DISTRICT AND BE EVIDENCED IN SUCH MANNER;

(j) BE EXECUTED BY THE OFFICERS OF THE DISTRICT, INCLUDING THE USE OF ONE OR MORE FACSIMILE SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON THE BONDS, WHICH SIGNATURES MAY BE EITHER OF AN OFFICER OF THE DISTRICT OR OF AN AGENT AUTHENTICATING THE SAME;

(k) BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR FACSIMILE SIGNATURE OF AN OFFICER OF THE DISTRICT; AND

(l) CONTAIN ANY OTHER NECESSARY PROVISIONS NOT INCONSISTENT WITH THIS ARTICLE 22.

(3) BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT ANY PRICE OR PRICES, IN ANY MANNER, AND AT ANY TIMES AS THE BOARD MAY DETERMINE, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN CONNECTION WITH THE SALE OF BONDS. THE POWER TO FIX THE DATE OF SALE OF BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE DISTRICT. ANY OUTSTANDING BONDS MAY BE REFUNDED BY THE DISTRICT PURSUANT TO ARTICLE 56 OF TITLE 11. ALL BONDS AND ANY INTEREST COUPONS APPLICABLE TO BONDS ARE DECLARED TO BE NEGOTIABLE INSTRUMENTS.

(4) THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE REVENUE OF THE DISTRICT, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE DISTRICT DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN PROVISIONS THAT THE DISTRICT DEEMS APPROPRIATE FOR THE SECURITY OF THE HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

(5) ANY PLEDGE OF REVENUE OR PROPERTY MADE BY THE DISTRICT OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE DISTRICT CONTRACTS IS VALID AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE REVENUE OR PROPERTY SO PLEDGED IS IMMEDIATELY SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF THE PLEDGE IS VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING PARTY, IRRESPECTIVE OF WHETHER SUCH CLAIMING PARTY HAS NOTICE OF SUCH LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT BE RECORDED OR FILED.

(6) NEITHER THE DIRECTORS OF THE BOARD, EMPLOYEES OF THE DISTRICT, OR ANY PERSON EXECUTING THE BONDS IS LIABLE PERSONALLY FOR BONDS OR SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE OF

BONDS.

(7) THE DISTRICT MAY PURCHASE ITS BONDS OUT OF ANY AVAILABLE FUNDS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL THE BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE HOLDERS OF THE BONDS.

32-22-109. Taxes, assessments, and multiple-fiscal year borrowing - voter approval required. (1) NO ACTION BY THE DISTRICT TO ESTABLISH OR INCREASE ANY TAX AND NO ACTION OF THE GOVERNING BODY OF ANY STATION AREA IMPROVEMENT DISTRICT TO ESTABLISH OR INCREASE ANY TAX OR ANY SPECIAL ASSESSMENT ON REAL PROPERTY AUTHORIZED BY THIS ARTICLE 22 SHALL TAKE EFFECT UNLESS IT IS FIRST SUBMITTED, AS APPLICABLE, TO A VOTE OF THE REGISTERED ELECTORS OF THE DISTRICT OR OF THE STATION AREA IMPROVEMENT DISTRICT IN WHICH THE ASSESSMENT OR TAX IS PROPOSED TO BE COLLECTED. BEFORE SUBMITTING A QUESTION TO ESTABLISH ANY DISTRICT TAX TO THE REGISTERED ELECTORS OF THE DISTRICT, THE DISTRICT SHALL:

(a) PUBLISH A PROPOSED SERVICE DEVELOPMENT PLAN, AN OPERATING PLAN, AND A DETAILED FINANCING PLAN. THE SERVICE DEVELOPMENT PLAN MUST IDENTIFY THE ROUTE AND PHASING OF THE PASSENGER RAIL SYSTEM TO BE FUNDED BY THE TAX. THE FINANCING PLAN MUST IDENTIFY COMMITTED AND POTENTIAL FINANCIAL PARTNERS, INCLUDING BUT NOT LIMITED TO THE REGIONAL TRANSPORTATION DISTRICT, THE FEDERAL GOVERNMENT, AMTRAK, AND PRIVATE PARTNERS; AND

(b) ADOPT A RESOLUTION CERTIFYING THAT THE DISTRICT HAS MADE EVERY REASONABLE EFFORT TO SECURE FEDERAL FUNDING TO SUPPORT THE DEVELOPMENT, FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PASSENGER RAIL SYSTEM; AND

(c) APPROVE THE SUBMISSION OF THE QUESTION BY AN AFFIRMATIVE VOTE OF TWO-THIRDS OF ALL VOTING DIRECTORS OF THE BOARD.

(2) NO ACTION BY THE DISTRICT CREATING A MULTIPLE-FISCAL YEAR DEBT OR OTHER FINANCIAL OBLIGATION THAT IS SUBJECT TO SECTION 20 (4)(b) OF ARTICLE X OF THE STATE CONSTITUTION SHALL TAKE EFFECT UNLESS FIRST SUBMITTED TO A VOTE OF THE REGISTERED ELECTORS OF THE DISTRICT.

(3) BALLOT ISSUES PROPOSED TO THE REGISTERED ELECTORS AS REQUIRED BY SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. THE ACTION SHALL NOT TAKE EFFECT UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING ON THE BALLOT ISSUE VOTE TO APPROVE THE BALLOT ISSUE. THE ELECTION SHALL BE CONDUCTED IN SUBSTANTIALLY THE SAME MANNER AS COUNTY ELECTIONS, AND THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE ELECTION IS CONDUCTED SHALL ASSIST THE DISTRICT IN CONDUCTING THE ELECTION. THE DISTRICT SHALL PAY THE COSTS INCURRED BY EACH COUNTY IN CONDUCTING SUCH AN ELECTION. NO PUBLIC MONEY OF THE DISTRICT MAY BE USED TO URGE OR OPPOSE PASSAGE OF A BALLOT ISSUE SUBMITTED FOR VOTER APPROVAL AS REQUIRED UNDER THIS SECTION.

32-22-110. District - successor to southwest chief and front range passenger

rail commission - additional authority to succeed prior entity - assumption of rights, obligations, and liabilities. (1) THE DISTRICT IS THE SUCCESSOR TO THE CONTRACTUAL RIGHTS AND OBLIGATIONS OF THE SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL COMMISSION AS THE COMMISSION EXISTED BEFORE ITS AUTHORIZING STATUTES WERE REPEALED AND THE COMMISSION WAS TERMINATED BY SENATE BILL 21-238, ENACTED IN 2021, AND, TO THE EXTENT PERMITTED BY FEDERAL LAW, ALSO IS THE SUCCESSOR TO THE COMMISSION FOR THE PURPOSE OF PURSUING PENDING COMMISSION APPLICATIONS FOR AND RECEIVING FEDERAL GRANTS.

(2) THE DISTRICT MAY CONTRACT WITH ANY EXISTING NONPROFIT CORPORATION, AGENCY, OR OTHER ENTITY ORGANIZED TO EVALUATE THE FEASIBILITY OF, ADVOCATE FOR, PROMOTE, DEVELOP, FINANCE, CONSTRUCT, OPERATE, OR MAINTAIN A PASSENGER RAIL SYSTEM TO BE THE SUCCESSOR TO THE CORPORATION, AGENCY, OR OTHER ENTITY. UPON EXECUTION OF SUCH A CONTRACT, THE DISTRICT SHALL ASSUME ALL CONTRACTUAL RIGHTS, PRIVILEGES, OBLIGATIONS, AND LIABILITIES OF THE CORPORATION, AGENCY, OR OTHER ENTITY UNDER ITS EXISTING CONTRACTS; EXCEPT THAT THE DISTRICT MAY NOT ASSUME ANY MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DISTRICT DEBT OR OTHER FINANCIAL OBLIGATION WHATSOEVER FOR WHICH VOTER APPROVAL IN ADVANCE IS REQUIRED UNDER SECTION 20 (4)(b) OF ARTICLE X OF THE STATE CONSTITUTION UNLESS THE CORPORATION, AGENCY, OR OTHER ENTITY THAT ORIGINALLY INCURRED THE DEBT OR FINANCIAL OBLIGATION OBTAINED VOTER APPROVAL BEFORE DOING SO OR THE DISTRICT OBTAINS VOTER APPROVAL IN ADVANCE TO ASSUME THE DEBT OR FINANCIAL OBLIGATION. THE ASSUMPTION OF OBLIGATIONS AND LIABILITIES BY THE DISTRICT PURSUANT TO THIS SECTION DOES NOT CREATE ANY NEW DEBT OR OBLIGATION FOR PURPOSES OF THE STATE CONSTITUTION OR THE LAWS OF THE STATE.

32-22-111. 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 ARTICLE 22 AND WITH ANY PARTIES WHO ENTER INTO CONTRACTS WITH THE DISTRICT PURSUANT TO THIS ARTICLE 22 THAT THE STATE WILL NOT IMPAIR THE RIGHTS VESTED IN THE DISTRICT OR THE RIGHTS OR OBLIGATIONS OF ANY PERSON WITH WHICH THE DISTRICT CONTRACTS TO FULFILL THE TERMS OF ANY AGREEMENTS MADE PURSUANT TO THIS ARTICLE 22. THE STATE FURTHER AGREES THAT IT WILL NOT IMPAIR THE RIGHTS OR REMEDIES OF THE HOLDERS OF ANY BONDS OF THE DISTRICT UNTIL THE BONDS HAVE BEEN PAID OR UNTIL ADEQUATE PROVISION FOR PAYMENT HAS BEEN MADE. THE DISTRICT MAY INCLUDE THIS PROVISION AND UNDERTAKING FOR THE STATE IN SUCH BONDS.

32-22-112. Investments. THE DISTRICT MAY INVEST OR DEPOSIT ANY MONEY OF THE DISTRICT IN THE MANNER PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24. IN ADDITION, THE DISTRICT MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS DISTRICT MONEY TO INVEST OR DEPOSIT THE MONEY IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE SPECIFIED BY SAID PART 6 IF THE BOARD DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED IN SECTION 15-1-304, THE INCOME IS AT LEAST COMPARABLE TO INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID PART 6, AND THE INVESTMENT WILL ASSIST THE DISTRICT IN THE FINANCING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF A PASSENGER RAIL SYSTEM.

32-22-113. Bonds eligible for investment. ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST ANY MONEY WITHIN THEIR CONTROL IN ANY BONDS ISSUED PURSUANT TO THIS ARTICLE 22. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), MAY INVEST PUBLIC MONEY IN THE BONDS ONLY IF THE BONDS SATISFY THE INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF TITLE 24.

32-22-114. Exemption from taxation - securities laws. THE INCOME OR OTHER REVENUE OF THE DISTRICT, ALL PROPERTIES AT ANY TIME OWNED BY THE DISTRICT, ANY BONDS ISSUED BY THE DISTRICT, AND THE TRANSFER OF AND THE INCOME FROM ANY BONDS ISSUED BY THE DISTRICT ARE EXEMPT FROM ALL TAXATION AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR INDENTURE AUTHORIZING THE BONDS, THE DISTRICT MAY WAIVE THE EXEMPTION FROM FEDERAL INCOME TAXATION FOR INTEREST ON THE BONDS.

32-22-115. No action maintainable. AN ACTION OR PROCEEDING AT LAW OR IN EQUITY TO REVIEW ANY ACTS OR PROCEEDINGS OR TO QUESTION THE VALIDITY OR ENJOIN THE PERFORMANCE OF ANY ACT OR PROCEEDINGS OR THE ISSUANCE OF ANY BONDS OR FOR ANY OTHER RELIEF AGAINST OR FROM ANY ACTS OR PROCEEDINGS DONE UNDER THIS ARTICLE 22, WHETHER BASED UPON IRREGULARITIES OR JURISDICTIONAL DEFECTS, SHALL NOT BE MAINTAINED UNLESS COMMENCED WITHIN THIRTY DAYS AFTER THE PERFORMANCE OF THE ACT OR PROCEEDINGS OR THE EFFECTIVE DATE THEREOF, WHICHEVER OCCURS FIRST, AND IS THEREAFTER PERPETUALLY BARRED.

32-22-116. Judicial examination of powers, acts, proceedings, or contracts of the district. IN ITS DISCRETION, THE BOARD MAY FILE A PETITION AT ANY TIME IN THE DISTRICT COURT IN AND FOR ANY COUNTY IN WHICH THE DISTRICT IS LOCATED WHOLLY OR IN PART SEEKING A JUDICIAL EXAMINATION AND DETERMINATION OF ANY POWER CONFERRED TO THE DISTRICT, ANY REVENUE-RAISING POWER EXERCISED OR THAT MAY BE EXERCISED BY THE DISTRICT, OR ANY ACT, PROCEEDING, OR CONTRACT OF THE DISTRICT, WHETHER OR NOT THE CONTRACT HAS BEEN EXECUTED. THE JUDICIAL EXAMINATION AND DETERMINATION SHALL BE CONDUCTED IN SUBSTANTIALLY THE MANNER SET FORTH IN SECTION 32-4-540; EXCEPT THAT THE NOTICE REQUIRED SHALL BE PUBLISHED ONCE A WEEK FOR THREE CONSECUTIVE WEEKS AND THE HEARING SHALL BE HELD NOT LESS THAN THIRTY DAYS NOR MORE THAN FORTY DAYS AFTER THE FILING OF THE PETITION.

32-22-117. Reporting - auditing. (1) NO LATER THAN JANUARY 31, 2024, AND NO LATER THAN EACH JANUARY 31 THEREAFTER, THE DISTRICT SHALL PUBLISH AND PRESENT AT A JOINT MEETING OF THE TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, A COMPREHENSIVE ANNUAL REPORT OF ITS ACTIVITIES FOR THE PRIOR DISTRICT FISCAL YEAR. THE DISTRICT SHALL ALSO PRESENT THE REPORT TO EACH METROPOLITAN PLANNING ORGANIZATION AND RURAL TRANSPORTATION PLANNING ORGANIZATION THAT APPOINTS MEMBERS TO THE BOARD PURSUANT TO SECTION 32-22-104 (1)(b)(1).

(2) IF THE VOTERS OF THE DISTRICT APPROVE AND THE DISTRICT LEVIES A TAX THROUGHOUT THE DISTRICT AS AUTHORIZED BY THIS ARTICLE 22, THE STATE

AUDITOR SHALL CONDUCT A COMPREHENSIVE FINANCIAL AUDIT OF THE DISTRICT ONCE EVERY TWO YEARS. THE DISTRICT SHALL PAY THE STATE AUDITOR FOR THE COSTS OF EACH AUDIT.

SECTION 2. In Colorado Revised Statutes, 24-1-128.7, **repeal** (8) as follows:

24-1-128.7. Department of transportation - creation. (8) (a) ~~The southwest chief and front range passenger rail commission created in section 43-4-1001 (2)(a) 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:~~

~~(b) The southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance commission created in section 43-4-1001 (4) prior to the repeal and reenactment of said section by Senate Bill 17-153, enacted in 2017, and its powers, duties, and functions are transferred by a **type 3** transfer, as defined in section 24-1-105, to the southwest chief and front range passenger rail commission created in section 43-4-1001 (2)(a) and the southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance commission is abolished.~~

SECTION 3. In Colorado Revised Statutes, 38-1-202, **amend** (1)(f)(XXXIX) and (1)(f)(XL); and **add** (1)(f)(XLI) as follows:

38-1-202. Governmental entities, corporations, and persons authorized to use eminent domain. (1) The following governmental entities, types of governmental entities, and public corporations, in accordance with all procedural and other requirements specified in this article 1 and articles 2 to 7 of this title 38 and to the extent and within any time frame specified in the applicable authorizing statute, may exercise the power of eminent domain:

(f) The following types of single purpose districts, special districts, authorities, boards, commissions, and other governmental entities that serve limited governmental purposes or that may exercise eminent domain for limited purposes on behalf of a county, city and county, city, or town:

(XXXIX) A regional transportation authority created pursuant to section 43-4-603, ~~C.R.S.~~; as authorized in section 43-4-604 (1)(a)(IV); ~~C.R.S.~~; and

(XL) The Colorado aeronautical board created in section 43-10-104, ~~C.R.S.~~; as authorized in section 43-10-106; ~~(1), C.R.S.~~ AND

(XLI) THE FRONT RANGE PASSENGER RAIL DISTRICT CREATED IN SECTION 32-22-103 (1), AS AUTHORIZED IN SECTION 32-22-106 (1)(k).

SECTION 4. In Colorado Revised Statutes, **add** 43-4-1004 as follows:

43-4-1004. Repeal of part - transfer of fund balance to front range passenger rail district. (1) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER ANY UNENCUMBERED BALANCE OF THE FUND TO THE FRONT RANGE PASSENGER RAIL DISTRICT AS INSTRUCTED BY THE BOARD OF DIRECTORS OF THE DISTRICT, OR A

DESIGNEE OF THE BOARD PURSUANT TO SECTION 32-22-104 (2)(a).

(2) THIS PART 10 IS REPEALED, EFFECTIVE JULY 1, 2022.

SECTION 5. Amend section 58 (2) of Senate Bill 21-260 as follows:

Section 58. **Effective date.** (2) Section 55 of this act and section ~~43-1-1103 (2)(a)(IV)(B)~~ 43-4-1103 (2)(a)(IV)(B), Colorado Revised Statutes, as enacted in section 51 of this act, take effect only if Senate Bill 21-238 becomes law, in which case section 55 of this act and section ~~43-1-1103 (2)(a)(IV)(B)~~ 43-4-1103 (2)(a)(IV)(B) take effect either upon the effective date of this act OR UPON THE EFFECTIVE DATE OF SECTIONS 1 AND 3 THROUGH 7 of Senate Bill 21-238, whichever is later.

SECTION 6. Effective date. This act takes effect upon passage; except that section 2 of this act takes effect May 15, 2022.

SECTION 7. 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.

Approved: June 30, 2021