

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

DRAFT  
10.7.19

**BILL 6**

LLS NO. 20-0348.01 Jason Gelender x4330

**INTERIM COMMITTEE BILL**

**Transportation Legislation Review Committee**

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**BILL TOPIC: "Transp Planning Org Auth Act As Regl Transp Auth"**

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**A BILL FOR AN ACT**

101 **CONCERNING AUTHORIZATION FOR A TRANSPORTATION PLANNING**  
102 **ORGANIZATION TO EXERCISE THE POWERS OF A REGIONAL**  
103 **TRANSPORTATION AUTHORITY.**

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**Bill Summary**

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

**Transportation Legislation Review Committee.** The bill authorizes a transportation planning organization to exercise the powers of a regional transportation authority.

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*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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

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

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

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

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

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

21 (12.5) "Region" means all of the territory within the boundaries  
22 of, and subject to the jurisdiction of, the governing body of any member  
23 of a combination that creates an authority pursuant to section 43-4-603 OR  
24 THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING  
25 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS  
26 AUTHORIZED BY SECTION 43-4-622.

27 (19) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A

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

5 **SECTION 2.** In Colorado Revised Statutes, 43-4-603, **amend** (1),  
6 (1.5), and (3); and **add** (2.5) as follows:

7 **43-4-603. Creation of authorities - exercise of powers of an**  
8 **authority by transportation planning organization.** (1) Any  
9 combination may create, by contract, an authority that is authorized to  
10 exercise the functions conferred by ~~the provisions of this part 6~~ upon the  
11 issuance by the director of the division of a certificate stating that the  
12 authority has been duly organized according to the laws of the state. In  
13 ADDITION, ANY TRANSPORTATION PLANNING ORGANIZATION MAY ADOPT  
14 A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN  
15 AUTHORITY AS AUTHORIZED BY SECTION 43-4-622 UPON THE ISSUANCE BY  
16 THE DIRECTOR OF THE DIVISION OF A CERTIFICATE STATING THAT THE  
17 TRANSPORTATION PLANNING ORGANIZATION HAS BEEN DULY AUTHORIZED  
18 TO EXERCISE THE POWERS OF AN AUTHORITY ACCORDING TO THE LAWS OF  
19 THE STATE. The combination joining in the creation of the authority OR  
20 THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION  
21 AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall  
22 provide a copy of the contract OR RESOLUTION to the department of  
23 transportation for comment and, if the territory of the proposed authority  
24 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING  
25 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN  
26 AUTHORITY includes or borders any territory of the regional transportation  
27 district created in article 9 of title 32 ~~C.R.S.~~, or intersects with or is likely

1 to divert vehicle traffic to or from a toll highway operated by a public  
2 highway authority established under part 5 of this article 4, shall also  
3 provide a copy of the contract OR RESOLUTION to the district or the  
4 affected public highway authority, as applicable, for comment. The  
5 combination OR TRANSPORTATION PLANNING ORGANIZATION shall also  
6 provide a copy of the contract FOR COMMENT to each county and  
7 municipality that is not a member of the combination OR A MEMBER OF  
8 THE TRANSPORTATION PLANNING ORGANIZATION but that includes  
9 territory that borders the territory of the proposed authority ~~for comment~~  
10 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING  
11 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN  
12 AUTHORITY. The director shall issue the certificate upon the filing with  
13 the director of a copy of the contract by the combination joining in the  
14 creation of the authority OR A COPY OF THE RESOLUTION ADOPTED BY THE  
15 BOARD OF THE TRANSPORTATION PLANNING ORGANIZATION AUTHORIZING  
16 THE TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE  
17 POWERS OF AN AUTHORITY. The director shall cause the certificate to be  
18 recorded in the real estate records in each county having territory included  
19 in the boundaries of the authority. Upon issuance of the certificate by the  
20 director, ~~the AN authority shall constitute~~ CREATED BY A COMBINATION BY  
21 CONTRACT CONSTITUTES a separate political subdivision and body  
22 corporate of the state and shall have all of the duties, privileges,  
23 immunities, rights, liabilities, and disabilities of a public body politic and  
24 corporate.

25 (1.5) ~~On and after January 1, 2006,~~ If, after reviewing a contract  
26 that creates an authority OR A RESOLUTION AUTHORIZING A  
27 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF

1 AN AUTHORITY provided pursuant to subsection (1) of this section, but in  
2 no event more than ninety days after a copy of the contract OR  
3 RESOLUTION is provided pursuant to subsection (1) of this section, the  
4 department of transportation, the regional transportation district created  
5 in article 9 of title 32, ~~C.R.S.~~, a bordering county or municipality, or a  
6 public highway authority established under part 5 of this article ~~4~~ informs  
7 the combination that executed the contract OR THE TRANSPORTATION  
8 PLANNING ORGANIZATION THAT ADOPTED THE RESOLUTION that any  
9 portions of the regional transportation systems to be provided by the  
10 proposed authority that involve road construction or improvement, as  
11 specified in the contract OR RESOLUTION pursuant to ~~paragraph (a) of~~  
12 ~~subsection (2) of this section~~ SUBSECTION (2)(a) OF THIS SECTION, and that  
13 are on, alter the physical structure of, or negatively impact safe operation  
14 of any highway, road, or street under its jurisdiction or will provide mass  
15 transportation services that impact the district, then, at the request of the  
16 affected entity, the combination OR THE TRANSPORTATION PLANNING  
17 ORGANIZATION shall enter into an intergovernmental agreement  
18 concerning the identified portions or mass transportation services with the  
19 department, the district, the bordering county or municipality, the public  
20 highway authority, or any combination thereof, as applicable, within one  
21 hundred eighty days after a copy of the contract OR RESOLUTION was  
22 provided, ~~or~~ eliminate those portions or services from the list of projects  
23 specified in the contract before it submits the contract to a vote of the  
24 registered electors residing within the boundaries of the proposed  
25 authority as required by subsection (4) of this section, OR AMEND OR  
26 REPLACE THE RESOLUTION TO ELIMINATE THOSE PORTIONS OR SERVICES  
27 FROM THE LIST OF PROJECTS SPECIFIED IN THE RESOLUTION. When

1 requesting that an intergovernmental agreement be entered into or that  
2 portions of a regional transportation system be eliminated due to a  
3 negative impact to safe operation of a highway, road, or street, the  
4 requesting entity shall provide, at the time of the request, evidence of the  
5 negative impact. The intergovernmental agreement shall specify whatever  
6 terms the combination OR TRANSPORTATION PLANNING ORGANIZATION  
7 and the affected entity or entities deem necessary to avoid duplication of  
8 effort and to ensure coordinated transportation planning, efficient  
9 allocation of resources, and equitable sharing of costs. If the department  
10 is a party to the intergovernmental agreement, the agreement shall also  
11 describe in detail any effect on department funding of any portion of the  
12 state highway system within the proposed region that is expected to result  
13 from the creation of the proposed authority OR THE EXERCISE OF THE  
14 POWER OF AN AUTHORITY BY THE TRANSPORTATION PLANNING  
15 ORGANIZATION. Nothing in this subsection (1.5) shall be construed to  
16 preclude a combination, ~~or any~~ authority, OR TRANSPORTATION PLANNING  
17 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY from entering  
18 into an intergovernmental agreement with the department, the district, a  
19 public highway authority, a bordering county or municipality, or any other  
20 governmental entity regarding any regional transportation system.

21 (2.5) A RESOLUTION AUTHORIZING A TRANSPORTATION PLANNING  
22 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY ADOPTED AS  
23 AUTHORIZED BY SECTION 43-4-622 MUST SPECIFY:

24 (a) THE REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED;

25 AND

26 (b) THE BOUNDARIES OF THE TERRITORY IN WHICH THE  
27 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE

1 THE POWERS OF AN AUTHORITY, WHICH MAY NOT INCLUDE TERRITORY  
2 OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF THE TRANSPORTATION  
3 PLANNING ORGANIZATION, MAY NOT INCLUDE TERRITORY WITHIN THE  
4 BOUNDARIES OF A MUNICIPALITY THAT IS NOT A MEMBER OF THE  
5 TRANSPORTATION PLANNING ORGANIZATION AS THE BOUNDARIES OF THE  
6 MUNICIPALITY EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT  
7 THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY, AND MAY  
8 NOT INCLUDE TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF  
9 A COUNTY THAT IS NOT A MEMBER OF THE TRANSPORTATION PLANNING  
10 ORGANIZATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY  
11 EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT THE CONSENT  
12 OF THE GOVERNING BODY OF THE COUNTY.

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

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

27 **43-4-604. Board of directors.** (3) The board, in addition to all

1 other powers conferred by this part 6, has the following powers:

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

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

12 **43-4-605. Powers of the authority - inclusion or exclusion of**  
13 **property - determination of regional transportation system alignment**  
14 **- fund created - repeal.** (1) In addition to any other powers granted to  
15 ~~the~~ AN authority pursuant to this part 6, ~~the~~ AN authority has the following  
16 powers:

17 (f) To finance, construct, operate, or maintain regional  
18 transportation systems within or without the boundaries of the authority;  
19 except that the authority shall not construct regional transportation  
20 systems in any territory located outside the boundaries of the authority  
21 and within the boundaries of a municipality as the boundaries of the  
22 municipality exist on the date the authority is created without the consent  
23 of the governing body of the municipality; outside the boundaries of the  
24 authority and within the unincorporated boundaries of a county as the  
25 unincorporated boundaries of the county exist on the date the authority is  
26 created without the consent of the governing body of the county; or inside  
27 or outside the boundaries of the authority if the regional transportation

1 systems would alter the state highway system, as defined in section  
2 43-2-101 (1), or the interstate system, as defined in section 43-2-101 (2),  
3 except as authorized by an intergovernmental agreement entered into by  
4 the members of the combination that created the authority OR THE  
5 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF  
6 AN AUTHORITY and the department of transportation as required by  
7 section 43-4-603 (1.5);

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

1 for ~~any such~~ THE motor vehicle shall not exceed ten dollars. The  
2 authorized agent of the county in which the registration fee is imposed  
3 shall collect the fee and remit the fee to the authority. The authority shall  
4 apply the registration fees solely to the financing, construction, operation,  
5 or maintenance of regional transportation systems that are consistent with  
6 the expenditures specified in section 18 of article X of the state  
7 constitution.

8 (i.5) (I) Subject to the provisions of section 43-4-612, to impose,  
9 in all or any designated portion of the members of the combination OR OF  
10 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION  
11 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION  
12 43-4-622, a visitor benefit tax on persons who purchase overnight rooms  
13 or accommodations in any amount that would not cause the aggregate  
14 amount of the visitor benefit tax and any lodging tax imposed on such  
15 overnight rooms or accommodations to exceed two percent of the price  
16 of such overnight rooms or accommodations; except that the authority  
17 shall not impose ~~any such~~ A visitor benefit tax on overnight rooms or  
18 accommodations that are in any territory:

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

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

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

1 to the authority of such ~~moneys~~ MONEY, any ~~moneys~~ MONEY appropriated  
2 from the general fund to the department for the collection, administration,  
3 and enforcement of the tax for the prior fiscal year shall be repaid.

4 (2) (a) The board may include property within or exclude property  
5 from the boundaries of the authority in the manner provided in this  
6 subsection (2). Property may not be included within the boundaries of the  
7 authority unless it is within the boundaries of the members of the  
8 combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION  
9 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION  
10 43-4-622 at the time of the inclusion. Property located within the  
11 boundaries of a municipality that is not a member of the combination OR  
12 OF THE TRANSPORTATION PLANNING ORGANIZATION as the boundaries of  
13 the municipality exist on the date the property is included may not be  
14 included without the consent of the governing body of ~~such~~ THE  
15 municipality, and property within the unincorporated boundaries of a  
16 county that is not a member of the combination OR OF THE  
17 TRANSPORTATION PLANNING ORGANIZATION as the unincorporated  
18 boundaries of the county exist on the date the property is included may  
19 not be included without the consent of the governing body of ~~such~~ THE  
20 county.

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

23 **43-4-611. Powers of governmental units.** (2) To assist in the  
24 financing, construction, operation, or maintenance of a regional  
25 transportation system, any county, municipality, or special district that is  
26 a member of a combination OR OF A TRANSPORTATION PLANNING  
27 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS

1 AUTHORIZED BY SECTION 43-4-622 may, by contract, pledge to the  
2 authority all or a portion of the revenues it receives from the highway  
3 users tax fund or from any other legally available funds. The authority  
4 shall apply revenues that it receives pursuant to the pledge to the  
5 financing, construction, operation, or maintenance of any regional  
6 transportation system. The authority may refuse to accept any revenues  
7 that would cause a member of the combination OR OF THE  
8 TRANSPORTATION PLANNING ORGANIZATION to exceed its allowable fiscal  
9 year spending under section 20 of article X of the state constitution and  
10 that could result in a refund of excess revenues under said section 20.

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

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

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

22 **43-4-615. Agreement of the state not to limit or alter rights of**  
23 **obligees.** The state hereby pledges and agrees with the holders of any  
24 bonds issued under this part 6 and with those parties who enter into  
25 contracts with an authority or any member of ~~the~~ A combination OR  
26 MEMBER OF A TRANSPORTATION PLANNING ORGANIZATION EXERCISING  
27 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622

1 pursuant to this part 6 that the state will not impair the rights vested in the  
2 authority or the rights or obligations of any person with which the  
3 authority contracts to fulfill the terms of any agreements made pursuant  
4 to this part 6. The state further agrees that it will not impair the rights or  
5 remedies of the holders of any bonds of the authority until the bonds have  
6 been paid or until adequate provision for payment has been made. The  
7 authority may include this provision and undertaking for the state in ~~such~~  
8 THE bonds.

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

11 **43-4-622. Exercise of authority powers by transportation**  
12 **planning organization.** (1) BY ADOPTING A RESOLUTION, THE BOARD OF  
13 A TRANSPORTATION PLANNING ORGANIZATION MAY AUTHORIZE ITSELF TO  
14 EXERCISE SOME OR ALL OF THE POWERS OF AN AUTHORITY SET FORTH IN  
15 THIS PART 6 WITHIN THE REGION OR ANY PORTION OF THE REGION OF THE  
16 TRANSPORTATION PLANNING ORGANIZATION.

17 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
18 SECTION, THE EXERCISE OF THE POWERS OF AN AUTHORITY BY A  
19 TRANSPORTATION PLANNING ORGANIZATION IS SUBJECT TO ALL  
20 REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS PART 6 OR ANY  
21 OTHER LAW INCLUDING, BUT NOT LIMITED TO:

22 (a) THE NOTICE REQUIREMENTS SET FORTH IN SECTION 43-4-603  
23 (1), 43-4-613, AND 43-4-614 (1);

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

26 (c) THE PUBLIC HEARING REQUIREMENTS SET FORTH IN SECTION  
27 43-4-603 (3);

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

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

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

9 (g) THE VOTER APPROVAL REQUIREMENTS SET FORTH IN SECTION  
10 43-4-612.

11 (3) WHERE THE CONTEXT CLEARLY INDICATES THAT A  
12 REQUIREMENT OR LIMITATION SET FORTH IN THIS PART 6 THAT APPLIES TO  
13 A CONTRACT FORMING AN AUTHORITY, A COMBINATION, OR INDIVIDUAL  
14 MEMBERS OF A COMBINATION CANNOT REASONABLY BE APPLIED TO A  
15 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF  
16 AN AUTHORITY, THE REQUIREMENT OR LIMITATION DOES NOT APPLY TO  
17 THE TRANSPORTATION PLANNING ORGANIZATION.

18 **SECTION 9. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly (August  
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
22 referendum petition is filed pursuant to section 1 (3) of article V of the  
23 state constitution against this act or an item, section, or part of this act  
24 within such period, then the act, item, section, or part will not take effect  
25 unless approved by the people at the general election to be held in  
26 November 2020 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.