

CHAPTER 142

GOVERNMENT - STATE

SENATE BILL 13-070

BY SENATOR(S) Schwartz, Jones, Aguilar, Guzman, Hudak, Kefalas, Newell, Nicholson, Todd;
also REPRESENTATIVE(S) Scott and Tyler, Fischer, Hamner, Young, Buckner, Court, Hullinghorst, Labuda, Lebsack,
Mitsch Bush, Pabon, Pettersen, Rankin, Rosenthal, Salazar, Schafer, Singer, Williams.

AN ACT**CONCERNING THE PURCHASE OF VEHICLES THAT OPERATE ON ALTERNATIVE FUELS FOR THE STATE
MOTOR VEHICLE FLEET SYSTEM.**

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

SECTION 1. In Colorado Revised Statutes, 24-30-1104, **amend** (2) (c) (II) introductory portion; and **add** (2) (c) (III) (D) and (2) (c) (V) as follows:

24-30-1104. Central services functions of the department - definitions. (2) In addition to the county-specific functions set forth in subsection (1) of this section, the department of personnel shall take such steps as are necessary to fully implement a central state motor vehicle fleet system by January 1, 1993. The provisions of the motor vehicle fleet system created pursuant to this subsection (2) shall apply to the executive branch of the state of Colorado, its departments, its institutions, and its agencies; except that the governing board of each institution of higher education, by formal action of the board, and the Colorado commission on higher education, by formal action of the commission, may elect to be exempt from the provisions of this subsection (2) and may obtain a motor vehicle fleet system independent of the state motor vehicle fleet system. Under the direction of the executive director, the department of personnel shall perform the following functions pertaining to the motor vehicle fleet system throughout the state:

(c) (II) By January 1, 2008, the executive director shall adopt a policy to significantly increase the utilization of alternative fuels and that establishes increasing utilization objectives for each following year. To encourage compliance with this policy, the rules promulgated pursuant to this paragraph (c) may establish progressively more stringent percentage mileposts and, ~~shall~~, for fiscal years commencing after July 1, 2004, require the collection of data concerning the annual

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

percentage of state-owned bi-fueled vehicles that were fueled exclusively with an alternative fuel. For the years commencing on January 1, 2008, and January 1, 2009, the executive director shall purchase flexible fuel vehicles or hybrid vehicles, subject to availability, unless the increased cost of such vehicle is more than ten percent over the cost of a comparable ~~nonflexible~~ DEDICATED PETROLEUM fuel vehicle. Beginning on January 1, 2010, the executive director shall purchase motor vehicles that operate on compressed natural gas, PLUG-IN HYBRID ELECTRIC VEHICLES, OR VEHICLES THAT OPERATE ON OTHER ALTERNATIVE FUELS, subject to their availability and the availability of adequate fuel and fueling infrastructure, ~~unless~~ IF EITHER the increased base cost of such vehicle or the increased life-cycle cost of such vehicle is NOT more than ten percent over the cost of a comparable ~~nonflexible~~ DEDICATED PETROLEUM fuel vehicle. ~~If the executive director does not purchase a motor vehicle that operates on compressed natural gas because of its cost, he or she shall purchase another type of flexible fuel vehicle or a hybrid vehicle, subject to availability, unless the increased cost of such vehicle is more than ten percent over the cost of a comparable nonflexible fuel vehicle.~~ The executive director shall adopt a policy to allow some vehicles to be exempted from this requirement. ~~During the second regular session of the sixty-seventh general assembly in 2010,~~ The executive director OR THE DIRECTOR'S DESIGNEE shall SUBMIT AN ANNUAL report ~~simultaneously~~ to the transportation ~~committee~~ COMMITTEES of the senate and the ~~transportation and energy committee~~ of the house of representatives, or any successor committees, AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, detailing the ~~key financial decision points and analysis that led to the executive director's determination to purchase or decline to purchase motor vehicles that operate on natural gas as required by this subparagraph (H)~~ ITEMS SPECIFIED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH (c). As used in this subparagraph (II):

(III) For purposes of this paragraph (c):

(D) "LIFE-CYCLE COST" MEANS THE PURCHASE COST OF A VEHICLE MINUS THE RESALE VALUE AT THE END OF THE VEHICLE'S EXPECTED USEFUL LIFE, IN ADDITION TO THE FUEL, OPERATING, AND MAINTENANCE COSTS INCURRED DURING THE VEHICLE'S EXPECTED USEFUL LIFE. FUEL COSTS PER MILE TRAVELED SHALL BE CALCULATED BASED ON THE REFERENCE CASE PROJECTIONS PUBLISHED BY THE UNITED STATES ENERGY INFORMATION ADMINISTRATION FOR THE EXPECTED USEFUL LIFE OF THE VEHICLE. THE EXPECTED USEFUL LIFE OF A VEHICLE SHALL BE THE STANDARD THAT IS SET BY THE STATE FLEET MANAGEMENT PROGRAM FOR ANALYSIS AND LIFE-CYCLE COSTING PURPOSES.

(V) ON OR BEFORE NOVEMBER 1, 2013, AND EACH NOVEMBER 1 THEREAFTER, THE EXECUTIVE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c). THE REPORT MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(A) THE NUMBER OF VEHICLES THAT THE EXECUTIVE DIRECTOR OR THE DIRECTOR'S DESIGNEE PURCHASED SINCE JANUARY 1, 2008, FOR THE MOTOR VEHICLE FLEET SYSTEM THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS;

(B) AN ESTIMATE OF THE NUMBER OF DEDICATED PETROLEUM FUEL VEHICLES THAT THE EXECUTIVE DIRECTOR OR THE DIRECTOR'S DESIGNEE PURCHASED FOR THE MOTOR VEHICLE FLEET SYSTEM SINCE JANUARY 1, 2008, INSTEAD OF A VEHICLE THAT OPERATES ON COMPRESSED NATURAL GAS OR OTHER ALTERNATIVE FUEL BECAUSE THE BASE COST OR LIFE-CYCLE COST OF THE COMPRESSED NATURAL GAS VEHICLE OR OTHER ALTERNATIVE FUEL VEHICLE WAS MORE THAN TEN PERCENT OVER THE COST OF A COMPARABLE DEDICATED PETROLEUM FUEL VEHICLE;

(C) AN EXPLANATION OF THE AVAILABILITY OF ADEQUATE FUEL AND FUELING INFRASTRUCTURE IN THE STATE FOR COMPRESSED NATURAL GAS VEHICLES AND OTHER ALTERNATIVE FUEL VEHICLES AND WHETHER LIMITED AVAILABILITY OF FUEL OR FUELING INFRASTRUCTURE CONTRIBUTES TO THE PURCHASE OF DEDICATED PETROLEUM FUEL VEHICLES FOR THE MOTOR VEHICLE FLEET SYSTEM INSTEAD OF VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS;

(D) A SUMMARY OF THE POLICY THAT ALLOWS THE EXECUTIVE DIRECTOR TO EXEMPT SOME VEHICLES FROM THE REQUIREMENT TO PURCHASE VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND THE PERCENTAGE OF DEDICATED PETROLEUM FUEL VEHICLES THAT THE DIRECTOR PURCHASED PURSUANT TO THIS EXEMPTION;

(E) A SUMMARY OF THE ADMINISTRATIVE PROCEDURES OR POLICIES IN PLACE WITHIN THE DEPARTMENT, IF ANY, THAT ARE INTENDED TO FACILITATE THE PURCHASE OF VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS;

(F) THE EXECUTIVE DIRECTOR'S SUGGESTED CHANGES TO THE REQUIREMENTS AND LIMITATIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) OR OTHER STATE LAW THAT WOULD FACILITATE THE GRADUAL CONVERSION OF THE MOTOR VEHICLE FLEET SYSTEM TO VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS, ALLOW THE STATE TO ACCOUNT FOR THE BENEFIT OF REDUCED EMISSIONS FROM VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS IN ITS ANALYSIS REGARDING THE PURCHASE OF SUCH VEHICLES, AND ENABLE THE DEPARTMENT TO PROVIDE THE BEST VALUE TO THE STATE IN THE MOTOR VEHICLE FLEET SYSTEM WHILE PURCHASING VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS; AND

(G) A PLAN FOR PUTTING IN PLACE THE INFRASTRUCTURE NECESSARY TO SUPPORT VEHICLES IN THE STATE'S MOTOR VEHICLE FLEET SYSTEM THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 26, 2013