



Pueblo Area Council of Governments
Metropolitan Planning Organization (MPO)
Transportation Planning Region (TPR)



Urban Transportation Planning Division
www.PACOG.net

**Meeting Agenda of the
TRANSPORTATION ADVISORY COMMISSION
June 8, 2021
9:00 a.m.**

**ZOOM - <https://pueblo.zoom.us/j/94613129536>
Meeting Number 946 1312 9536 Password 598875**

**There are no accommodations for those wishing to attend
in Person Due to COVID-19**

Agenda items marked with * indicate additional materials are included in the packet.
Agenda items marked with ** indicate additional materials will be sent out later.

Individuals requiring Special Accommodations should notify the City MPO's Office
(719) 553-2242 by Noon on the Friday preceding the meeting.

AGENDA

1. Call Meeting to Order
2. Self-Introductions and Public Comments **(non-agenda items only)**
3. Approval of Minutes*
May 11, 2021 Minutes
Action Requested: Approve/Disapprove/Modify
4. CDOT Region II request(s) for PACOG MPO/TPR TIP amendment(s)
FY 2022-2025 Transportation Improvement Program

Project Name: SH 45 Access Control Plan
STIP Number: SR26645
Project Location and Description: **SH 45 MP 0 to 8.75**
Fund Source(s): **FY 2021 Hot Spot funding**
Federal Program Funds: \$
State Matching Funds: **\$217,292**
Local Matching Funds: \$
Other Project Funds: \$_
TOTAL PROJECT FUND AMENDMENT: \$217,292

Adding funds:

The Purpose of this project is to develop an Access Control Plan on SH45 from MM0.00 – MM8.75. The project will coordinate with City of Pueblo and Pueblo County to develop guidelines for future access locations as determined by the State Highway Access Code.

Project Name: I25 Drew Dix interchange Pueblo

STIP Number: SR26867.117

Project Location and Description: **I-25 at MP 104**

Fund Source(s): **FY 2022 SB 267 funding**

Federal Program Funds: \$

State Matching Funds: **\$1,500,000**

Local Matching Funds: \$

Other Project Funds: \$

TOTAL PROJECT FUND AMENDMENT: \$1,500,000

Adding funds:

There are 2 Stop sign controlled intersections within 50 feet of each other on the west side of I25 at the Drew Dix interchange north of Pueblo at mp 104. The intersections are for the on/off ramps as well as the frontage roads and Elizabeth. This project will be replacing the dual intersections with one roundabout, a 5 leg roundabout. The roundabout will accommodate all large interstate trucks

Project Name: I25 Through Pueblo New Freeway (US50 Interchange project)

STIP Number: SPB3865

Project Location and Description: I-25 and US 50 Bypass

Fund Source(s): **FY 2022 SB 267 funds**

Federal Program Funds: \$

State Matching Funds: **\$12,000,000**

Local Matching Funds: \$

Other Project Funds: \$

TOTAL PROJECT FUND AMENDMENT: \$12,000,000

Adding funds:

The limits of the project are from I-25 Pueblo from south of I25/US50B interchange to south of I-25/29th Street interchange, and US50B from I-25 to west of US50B/Hudson.

Project Name: Signal replacement at SH 96 and Prairie Avenue

STIP Number: SR26646

Project Location and Description: Sh 96 and Prairie Avenue

Fund Source(s): **FY 2021 Signal pool**

Federal Program Funds: \$

State Matching Funds: **\$909,000**

Local Matching Funds: \$

Other Project Funds: \$

TOTAL PROJECT FUND AMENDMENT: \$909,000

Adding funds:

This project will be removing and replacing traffic signals at the intersection of SH 96/Prairie Ave in Pueblo. The work will include removal of pavement marking, installation of pavement marking, removal and replacement of signals with their related equipment, and ADA ramp/sidewalk replacement.

Project Name: Culvert Repair and Cleaning on SH 96A & SH 165A

STIP Number: SR26646

Project Location and Description: Sh 96 and SH 165

Fund Source(s): **FY 2021 Signal pool**

Federal Program Funds: \$

State Matching Funds: **\$750,000**

Local Matching Funds: \$

Other Project Funds: \$

TOTAL PROJECT FUND AMENDMENT: \$750,000

Adding funds:

The project will rehabilitate and clean three culverts on two highways. The 72" dia. CMP culvert on SH 96A will be slip lined with a 54" liner. The 48" dia. CMP culvert on SH 165A at MP 32.4 will be extended to satisfy clear zone requirements and the culvert will be spray lined. The final culvert at MP 33.62 on SH 165A will be cleaned.

Action Requested: Informational No TAC or Board Action Required

5. Colorado Transportation Bills Introduced in 2021 Session

- a. SB21-260 - Sustainability of The Transportation System A.K.A Transportation Fee Bill
- b. SB21-200-Sustainability of The Transportation System Reduce Greenhouse Gases Increase Environmental Justice

Action Requested: Informational

6. Scope-of-Work FFY 2022 Urban Transportation Planning Program

Action Requested: Discussion

7. CDOT Region 2 and HQ Updates - Wendy Pettit and Aaron Willis

Action Requested: Informational

8. Federal Highway and Federal Transit Updates (If Needed)

Action Requested: Informational

9. Next TAC – July 13th, 2021 Location – VIRTUAL (ZOOM), In-Person, or Hybrid

Action Requested: Discussion

10. Items from TAC Members or scheduling of future Agenda Items

(Roundtable Discussion)

11. Adjourn at or before 11:00 am



Pueblo Area Council of Governments
Metropolitan Planning Organization (MPO)
Transportation Planning Region (TPR)



Urban Transportation Planning Division
www.PACOG.net

**Meeting minutes of the
TRANSPORTATION ADVISORY COMMISSION
May 11, 2021
9:00 a.m.**

**ZOOM - <https://pueblo.zoom.us/j/94613129536>
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AMENDED AGENDA

1. Call Meeting to Order

Chairman: John Adams

Time of Call: 9:02 a.m.

MPO Members Present: John Adams, Hannah Haunert, Eva Cosyleon

TAC Members Present: Wendy Pettit, Aaron Willis, Benjamin Valdez, Muhammed Jawadi, Scott Hobson, Shawn Winters, Chuck Roy

CAC Members Present: Cheryl Spinuzzi, Heather Norton, Kevin Sparks

Others Present: Lachelle Davis, Emma Belmont, Joy Morauski, Geoff Guthrie, Don Bruestle, Julie George, TJ Thiebaut, Ajin Hu, Kyle French, Tanis Manseau, Jeffrey Prillwitz, Nick VanderKwaak, Dan Dahlke, Sharon Terranova, Marvin Stommel, Mike Metcalf, Andy Karsian, Lachelle Davis

2. Self-Introductions and Public Comments (non-agenda items only)

Introductions were made for Kyle French – Transit and Rail (CDOT), Tanis Manseau – Pueblo County Public Works, Jeff Prillwitz – Bustang Outrider, Nick VanderKwaak – Mobility Hub, TJ Thiebaut - CDOT R2 ROW acquisition, Sharon Terranova – Transit and Rail Planner, Julie George - Local Agency CDOT, Marvin Stommel – Resident.

3. Approval of Minutes*

April 13, 2021 Minutes

Motion to Approve: Cheryl Spinuzzi

Second: Don Bruestle

Unanimous:

4. Update on the US 50-Purcell Blvd Project – Dan Dahlke- CDOT Region 2

Action Requested: Presentation and Discussion

The work area is on Hwy 50 West between Purcell Blvd and Hwy 45 Pueblo Blvd. There will be pedestrian improvements at McCulloch. A 3rd lane will be added, and Hwy 50 West will be an overpass over Purcell Blvd. The main interchange and bridge construction will begin in a few months. The on/off ramp will be for the through traffic and Purcell will be closed. The bridge will take about a year and it will take that much time to settle. For more information, contact Dan Dahlke at us50Pueblo@publicinfoteam.com or text us50purcell to 313131. Jawadi asked about who is going to maintain the signals and the speed limit, Dan said that CDOT will maintain the signals and the speed limit will be 65mph. There will be 12-foot shoulders on each direction. Purcell will be 35mph.

Shawn Winters asked about the McCulloch overlay between Hwy 50 and Industrial, Dan said that CDOT is still planning on doing that. Jawadi asked about high mast lighting, Dan said that they just have regular street lighting. Heather Norton had a concern about the new LED not being able to melt the snow that covers the bulbs, Dan said that he will pass that information to the team.

5. Joe Martinez Blvd Extension – Mike Ricottone and Tanis Manseau-Pueblo County**

Action Requested: Presentation and Discussion

Joe Martinez Blvd Extension will be 3.5 miles long, 4 lanes divided, 45-50 mph, estimated completion by early 2024, and the cost is \$28m. Tanis Manseau showed a map of two different routes, the yellow route will have less curves. Shawn Winters asked about traffic signals, Tanis said there will be signals at both locations – Hwy 45 Pueblo Blvd and Purcell Blvd. This would connect to W 24th St. Cheryl Spinuzzi asked about when the proposed Jail would be determined, Tanis said that this is still early but maybe late Fall. Scott Hobson suggested talking to Steven Meier about the Honor Farm area.

6. Pueblo Mobility Hub – Geoff Guthrie – CDOT Region 2*

Action Requested: Presentation and Discussion

There is SB 267 Funding for this project, there will be service every 10-miles. A mobility hub is a transportation center at select locations - this will be multimodal, seamless modes, real time passenger information, convenience, and to create higher intensity Transit. There are 4 hubs that are operational, there are 2 under construction, and the rest have not started or in planning/design phase. In the presentation there is a map of the locations and what the design would look like. CDOT is required to add EV charging (5% + 20%) stations and other amenities (shelter, parking, etc...). Pueblo would need an Origin Hub – Located in an area

with a high number of residents who commute to a regional destination for work and to attract riders who will use a car to access a park-and-ride. There are currently two Bustang Outrider Service – Lamar/Pueblo and Alamosa/Pueblo. The two current locations being looked at is the old Kmart along Elizabeth and CDOT Admin Building (Wills Blvd). Eva Cosyleon mentioned the use of Midtown Shopping Center. Cheryl Spinuzzi suggested the vacant land at NWC Hwy 47 and Dillon Dr. This hub would not have any bathrooms because the bathroom would be on the bus. Kevin Sparks suggested the Pueblo Mall for a location. Scott Hobson asked the Consultants if they require a certain acre, Nick VanderKwaak said he didn't know off the top of his head. Heather Norton had a suggestion for the Trailer Park along Elizabeth north of 29th St.

7. Consolidated Carry-Over Planning Grant (CPG) Funds for FFY 2021

Action Requested: Discussion

There hasn't really been much work the past month, July meeting with August approval for the 2022-2023 United Work Program.

8. PACOG 2045 Long Range Transportation Plan and Transportation Improvement Program - Update (LRTP)

Motion to Approve: Cheryl Spinuzzi

Second: Don Bruestle

Unanimous:

This will go to the Board for approval on May 27, 2021.

9. Public Participation Plan – Eva Cosyleon

Action Requested: Informational

Eva Cosyleon said that has been updated a few graphs and also added Zoom/Online Meeting. This will be approved in late summer or fall.

10. CDOT Region 2 and HQ Updates - Wendy Pettit and Aaron Willis

a. Colorado Transportation Bill Introduced – Julie George - CDOT

Action Requested: Informational

SB 260 Transportation Fee Bill – Passed with minor changes. There is a second reading on Friday. Andy Karsian is the contact person for this. Aaron Willis did not know when it will start. Wendy Pettit asked about the Long Bill and Aaron did not know.

11. Federal Highway and Federal Transit Updates (If Needed)

Action Requested: Informational

There were no discussions.

12. Next TAC – June 8th, 2021 Location - VIRTUAL ONLY (ZOOM)

Action Requested: Informational

City staff will return to the office this Monday, but we do not have a location.

**13. Items from TAC Members or scheduling of future Agenda Items
(Roundtable Discussion)**

Smart Mobility

14. Adjournment

Chairman John Adams adjourned the meeting at 10:43 a.m.



COLORADO

Department of Transportation

Region 2
5615 Wills Blvd.
Pueblo, CO 81008-2349

To: PACOG
211 E. D Street.
Pueblo, Colorado 81003
(719) 553-2244 FAX (719) 549-2359
Attn: John Adams

May 28, 2021

CDOT Region II request(s) for PACOG MPO/TPR TIP amendment(s)
FY 2022-2025 Transportation Improvement Program

Administrative notification of Roll Forward Project Funding or TIP/STIP Policy amendment(s) in the MPO and TPR area(s)
-no TAC or Board action required.

Administrative Action:

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Project Name: Culvert Repair and Cleaning on SH 96A & SH 165A

STIP Number: SR26646
 Project Location and Description: Sh 96 and SH 165
 Fund Source(s): FY 2021 Signal pool
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 State Matching Funds: \$750,000
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The project will rehabilitate and clean three culverts on two highways. The 72" dia. CMP culvert on SH 96A will be slip lined with a 54" liner. The 48" dia. CMP culvert on SH 165A at MP 32.4 will be extended to satisfy clear zone requirements and the culvert will be spray lined. The final culvert at MP 33.62 on SH 165A will be cleaned.

Please let me know if you have any additional questions about the proposed Administrative Notification.

Sincerely,

Wendy Pettit

Wendy Pettit
 CDOT Region 2 Planning



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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0263.01 Jason Gelender x4330

SENATE BILL 21-260

SENATE SPONSORSHIP

Fenberg and Winter, Priola

HOUSE SPONSORSHIP

Garnett and Gray,

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

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

HOUSE
Amended 2nd Reading
May 28, 2021

SENATE
Amended 3rd Reading
May 17, 2021

SENATE
Amended 2nd Reading
May 14, 2021

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.*

(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>.)

The bill creates new sources of dedicated funding and new state enterprises to enable the planning, funding, development, construction, maintenance, and supervision of a sustainable transportation system by preserving, improving, and expanding existing transportation infrastructure, developing the modern infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigating adverse environmental and health impacts of transportation system use as follows:

- **Section 6** of the bill creates the community access enterprise within the Colorado energy office (CEO) for the purpose of supporting the widespread and equitable adoption of electric motor vehicles and electric alternatives to motor vehicles in an equitable manner. The community access enterprise is authorized to impose a community access retail delivery fee to fund its business purpose. The governance and powers and duties of the community access enterprise are specified.
- **Section 7** makes various general fund transfers to the state highway fund, the highway users tax fund (HUTF), and the multimodal transportation and mitigation options fund, including limited contingent transfers of a portion of any additional general fund revenue made available due to the restoration of the excess state revenues cap (Referendum C cap) by **Section 8**.
- Section 8 restores the Referendum C cap, which the general assembly reduced in 2017, to its maximum voter-approved level.
- **Section 11** creates the clean fleet enterprise within the department of public health and environment (CDPHE) for the purpose of incentivizing and supporting the use of electric motor vehicles and other clean fleet technologies by owners and operators of motor vehicle fleets. The clean fleet enterprise is authorized to impose a clean fleet retail delivery fee to be paid by the purchaser of tangible personal property delivered to the purchaser by motor vehicle and a clean fleet per ride fee to be paid by a transportation network company (TNC) on each ride offered and accepted by the TNC to fund the clean fleet enterprise's business purpose. The governance and powers and duties of the clean fleet enterprise are specified.

- **Section 25** requires the department of revenue (DOR) to collect the per ride fees imposed by the clean fleet enterprise and the nonattainment area air pollution mitigation enterprise as authorized by **sections 11 and 50**. Both fees are first imposed for rides offered and accepted in state fiscal year (FY) 2022-23 and are annually adjusted for consumer price index (CPI) inflation thereafter.
- **Section 26** indexes the existing \$50 registration fee imposed on electric motor vehicles to national highway construction cost index (NHCCI) inflation and imposes additional electric motor vehicle road usage equalization fees on battery electric motor vehicles at a specified level and on plug-in hybrid electric motor vehicles at a lower level, with both additional fees being phased in on a set schedule from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation. Section 26 also imposes a commercial electric motor vehicle fee. The increase and new fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities; except that 40% of the revenue generated by inflation indexing of the existing \$50 registration fee is credited to the electric vehicle grant fund and 30% of the revenue generated by the commercial electric motor vehicle fee is credited to the state highway fund for freight-related projects. In 2026, specified executive agencies must jointly review the fees and make recommendations to the transportation legislation review committee of the general assembly as to whether the fees should be adjusted to ensure continued equalization of the average aggregate amount of registration fees and motor fuel charges annually paid by owners of electric motor vehicles and owners of motor vehicles powered exclusively by internal combustion engines.
- **Section 33** imposes road usage fees on gasoline and diesel purchases that are phased in from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation, with the road usage fees also being adjusted beginning in state FY 2032-33 in a manner calculated to generate the same amount of additional revenue as would be generated by indexing the existing state excise taxes imposed on gasoline and diesel to construction cost inflation. The fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities.
- Section 33 also imposes a retail delivery fee on retail deliveries by motor vehicle that include tangible personal property subject to the state sales tax, requires the fee to be

collected from the purchaser by the retailer, and requires simultaneous collection of community access, clean fleet, bridge and tunnel, clean transit, and air pollution mitigation retail delivery fees imposed, respectively, by the community access, clean fleet, statewide bridge and tunnel, clean transit, and nonattainment area air pollution mitigation enterprises. The fees are first collected in state FY 2022-23 and are annually adjusted for CPI inflation thereafter. Retail delivery fee revenue is credited to the HUTF for allocation to the state, counties, and municipalities and to the multimodal transportation and mitigation options fund and each enterprise's retail delivery fee revenue is collected by DOR on behalf of and credited to the cash fund controlled by the enterprise.

- **Sections 43, 44, and 46** change the name of the statewide bridge enterprise to the statewide bridge and tunnel enterprise, authorize the enterprise to complete tunnel projects, and authorize the enterprise to impose a bridge and tunnel impact fee on diesel fuel and a bridge and tunnel retail delivery fee to fund its business purpose. The bridge and tunnel impact fee is phased in from state FYs 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation.
- **Section 45** indexes the existing \$2 short-term daily vehicle rental fee to CPI inflation and, on or after July 1, 2022, requires a car sharing program to collect the daily vehicle rental fee for any short-term vehicle rental of 24 hours or longer that is enabled by the car sharing program.
- **Sections 47 through 49** change the name of the multimodal transportation options fund to the multimodal transportation and mitigation options fund and make greenhouse gas mitigation projects eligible for funding from the fund.
- **Section 50** creates the clean transit enterprise within the department of transportation (CDOT) for the purpose of supporting clean public transit through electrification planning efforts, facility upgrades, fleet motor vehicle replacement, and construction and development of associated electric motor vehicle charging and fueling infrastructure. The clean transit enterprise is authorized to impose a clean transit retail delivery fee of up to a specified amount to fund its business purpose. The governance and powers and duties of the clean transit enterprise are specified. Section 50 also creates the nonattainment area air pollution mitigation enterprise for the purpose of mitigating

transportation-related emissions in ozone nonattainment areas. The nonattainment area air pollution mitigation enterprise is authorized to impose air pollution mitigation per ride and retail delivery fees to fund its business purpose.

Section 1 makes legislative findings and declarations that explain the purpose of the bill and the reasons why it includes the new sources of dedicated funding and new state enterprises that it does. **Section 2** clarifies that an existing fee may be used to fund the functions of the freight mobility and safety branch created in **section 27**. **Sections 3 and 4** respectively clarify that the clean fleet enterprise operates as a **type 1** agency within CDPHE and that the clean transit enterprise and the nonattainment area air pollution mitigation enterprise operate as **type 1** agencies within CDOT.

Section 5 requires the CEO and CDPHE, after consultation with CDOT, to jointly and annually prepare a report for specified legislative committees that details the progress made toward the electric motor vehicle adoption goals set forth in the "Colorado Electric Vehicle Plan 2020" and the transportation sector greenhouse gas pollution reduction goals set forth in the "Colorado Greenhouse Gas Pollution Reduction Roadmap". Section 5 also specifies a methodology to be used by the CEO, CDOT, and CDPHE to estimate the social costs of greenhouse gas pollution.

Sections 9, 32, 42, and 51 effectuate the repeal of the requirement that a ballot question seeking approval for the issuance of transportation revenue anticipation notes be submitted to the voters of the state at the November 2021 statewide election.

Section 10 requires CDOT to comply with specified transparency and contractor short-listing requirements when using the integrated project delivery method of contract procurement for a public project. **Section 14** clarifies that sales and use tax is not levied on the retail delivery fees imposed by or as authorized by the bill. **Sections 16 through 21** provide legal authority for collection under an existing multistate agreement of the motor fuel road usage and bridge and tunnel impact fees imposed by or as authorized by the bill. **Section 22** requires the public utilities commission to conduct a certificated taxi carrier parity study.

Section 27 creates the freight mobility and safety branch in CDOT's transportation development division. **Section 28** requires CDOT and metropolitan planning organizations to engage in an enhanced level of planning, analysis, community engagement, and monitoring with respect to transportation capacity projects and specifies what that entails and also requires CDOT to conduct a road usage charge study and an autonomous vehicle study. **Section 29** allows some of the general fund money transferred to the state highway fund pursuant to section 7 to be

used for multimodal transportation projects. **Section 31** specifies the manner in which revenue credited to the HUTF as required by the bill is allocated and expended.

Sections 34 through 41 authorize a transportation planning organization (TPO), subject to territorial restrictions and TPO member jurisdiction approval requirements, to exercise the powers of a regional transportation authority (RTA). Among other powers, the powers of a RTA include the power to impose various charges, fees, and, with voter approval, visitor benefit, sales, and use taxes to generate transportation funding for the purpose of financing, constructing, operating, and maintaining regional transportation systems.

Any additional transportation funding obtained by a TPO exercising the power of a RTA is intended to supplement and not supplant state and federal transportation funding allocated within the boundaries of the TPO. Therefore, the transportation commission and CDOT are prohibited from taking such additional transportation funding into account when determining the amount of state and federal transportation funding to be allocated within the boundaries of a TPO, and CDOT, when submitting its annual proposed budget allocation plan, is required to provide evidence that the proposed allocation of state and federal transportation funding within the boundaries of any TPO that has obtained such additional transportation funding has not been reduced in any way on account of the additional transportation funding.

Section 45 reduces the amount of each road safety surcharge imposed on motor vehicle registration for registration periods beginning on or after January 1, 2022, but before January 1, 2024, by \$5.55.

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

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

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

8 (b) A sustainable transportation system:

9 (I) Has sufficient capacity to allow efficient movement of people,
10 goods, and services in all parts of the state in light of significant

- 1 population growth;
- 2 (II) Is safe, well-maintained, accessible, integrated, and
3 multimodal;
- 4 (III) Is planned, funded, designed, constructed, maintained,
5 supervised, and regulated in a way that:
- 6 (A) Actively encourages diverse public participation in the
7 planning process, including but not limited to participation from urban,
8 rural, and disproportionately impacted communities;
- 9 (B) Equitably distributes transportation infrastructure among both
10 urban and rural users in the state and is adequately and equitably funded
11 with contributions from users that bear a reasonable relationship to their
12 use of and impacts on the system and the environment and the costs
13 incurred in mitigating those impacts; and
- 14 (C) Prioritizes asset management of Colorado's roads, bridges, and
15 tunnels in order to achieve and maintain a state of good repair, consistent
16 with federal requirements and best practices;
- 17 (IV) Addresses inequities in transportation access and the
18 increased exposure to transportation-related air pollution for
19 communities, including disproportionately impacted communities,
20 communities near major roadways, and, as documented in multiple
21 peer-reviewed scientific studies, communities where many of the
22 residents are Black or Hispanic; and
- 23 (V) Reduces and mitigates adverse environmental and human
24 health impacts resulting from motor vehicle and other
25 transportation-related emissions by incentivizing the widespread adoption
26 of clean and efficient transportation technology such as personal electric
27 vehicles, fleet and transit electrification, and electric motor vehicle

1 charging and fueling infrastructure.

2 (c) Although a sustainable transportation system is a public good
3 that benefits all Coloradans and the state has intermittently expended
4 general fund money to fund transportation infrastructure, transportation
5 system user charges such as per gallon charges on motor fuels, motor
6 vehicle registration fees, and, increasingly, tolls have provided and
7 continue to provide the vast majority of dedicated transportation funding;

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

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

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

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

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

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

27 (f) While it is necessary and appropriate to increase general fund

1 expenditures for transportation as provided for in this act, because the
2 state has many other critical needs that require general fund money, it is
3 also necessary, appropriate, and more equitable to modernize user charges
4 based on the costs users impose on the transportation system so that such
5 charges remain the primary source of dedicated transportation funding;

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

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

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

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

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

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

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

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

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

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

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

27 (i) Because greenhouse gas pollution resulting from the

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

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

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

1 the modifications that should be made.

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

3 (a) The planning, funding, development, construction,
4 maintenance, and supervision of a sustainable transportation system
5 requires the implementation of a comprehensive regulatory scheme that
6 appropriately balances and funds the necessary elements of such a system,
7 including but not limited to:

8 (I) The construction, maintenance, and supervision of highways
9 and traditional highway infrastructure; and

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

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

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

26 (I) Providing additional sustainable funding for the construction,
27 maintenance, and supervision of traditional highway infrastructure by the

1 department of transportation, counties, and municipalities and for
2 multimodal transportation projects; and

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

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

19 (I) The community access enterprise is created to serve the
20 primary business purpose of equitably reducing and mitigating the
21 adverse environmental and health impacts of air pollution and greenhouse
22 gas emissions produced by motor vehicles used to make retail deliveries
23 to consumers within local communities. The enterprise will support the
24 adoption of electric motor vehicles and electric alternatives to motor
25 vehicles at the community level, which will support communities,
26 including rural, urban, and disproportionately impacted communities,
27 throughout the state, and will pursue its primary business purpose by, at

1 a minimum, providing funding or financing to:

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

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

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

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

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

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

25 (III) The clean transit enterprise is created to serve the primary
26 business purpose of reducing and mitigating the adverse environmental
27 and health impacts of air pollution and greenhouse gas emissions

1 produced by retail deliveries by supporting the replacement of existing
2 gasoline and diesel public transit vehicles with electric motor vehicles,
3 providing the associated recharging infrastructure for electric transit fleet
4 motor vehicles, supporting facility modifications that allow for the safe
5 operation and maintenance of electric transit motor vehicles, and funding
6 planning studies that enable transit agencies to plan for transit vehicle
7 electrification; and

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

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

25 (f) Because the community access enterprise, the clean fleet
26 enterprise, the nonattainment area air pollution mitigation enterprise, and
27 the clean transit enterprise each serve primarily their own purpose and

1 each enterprise is projected to receive revenue from fees and surcharges
2 of less than one hundred million dollars in its first five fiscal years,
3 including the fiscal year in which its board first meets, section 24-77-108,
4 C.R.S., does not require any of the enterprises to be approved at a
5 statewide general election; and

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

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

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

25 (II) Support the department of transportation in functions related
26 to freight movement and infrastructure in the state, INCLUDING THE
27 FUNCTIONS OF THE FREIGHT MOBILITY AND SAFETY BRANCH OF THE

1 TRANSPORTATION DEVELOPMENT DIVISION OF THE DEPARTMENT OF
2 TRANSPORTATION CREATED IN SECTION 43-1-117 (4), as well as
3 infrastructure projects that enhance the safety of movement of
4 commercial materials;

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

7 **24-1-119. Department of public health and environment -**
8 **creation.** (13) THE CLEAN FLEET ENTERPRISE, CREATED IN SECTION
9 25-7.5-103, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
10 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
11 SECTION 24-1-105, TO THE DEPARTMENT OF PUBLIC HEALTH AND
12 ENVIRONMENT.

13 **SECTION 4.** In Colorado Revised Statutes, 24-1-128.7, **amend**
14 (5); and **add** (9) and (10) as follows:

15 **24-1-128.7. Department of transportation - creation.** (5) The
16 statewide bridge AND TUNNEL enterprise created in section 43-4-805 (2),
17 ~~C.R.S.~~, shall exercise its powers and perform its duties and functions as
18 if the same were transferred by a **type 1** transfer, as defined in section
19 24-1-105, to the department of transportation.

20 (9) THE CLEAN TRANSIT ENTERPRISE, CREATED IN SECTION
21 43-4-1203, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
22 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
23 SECTION 24-1-105, TO THE DEPARTMENT OF TRANSPORTATION.

24 (10) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
25 ENTERPRISE, CREATED IN SECTION 43-4-1303, SHALL EXERCISE ITS POWERS
26 AND PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED BY A **TYPE**
27 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF

1 TRANSPORTATION.

2 **SECTION 5.** In Colorado Revised Statutes, **add 24-38.5-110 and**
3 24-38.5-111 as follows:

4 **24-38.5-110. Electric vehicle plan and greenhouse gas**
5 **pollution reduction roadmap - annual progress reports.** FOR STATE
6 FISCAL YEAR 2022-23, AND FOR EACH SUBSEQUENT STATE FISCAL YEAR,
7 THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF PUBLIC HEALTH
8 AND ENVIRONMENT SHALL, AFTER CONSULTATION WITH THE DEPARTMENT
9 OF TRANSPORTATION, JOINTLY PREPARE AND PRESENT TO THE
10 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
11 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
12 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
13 SUCCESSOR COMMITTEES, AN ANNUAL REPORT DETAILING THE PROGRESS
14 MADE TOWARD THE ELECTRIC MOTOR VEHICLE ADOPTION GOALS SET
15 FORTH IN THE "COLORADO ELECTRIC VEHICLE PLAN 2020" AND THE
16 TRANSPORTATION SECTOR GREENHOUSE GAS POLLUTION REDUCTION
17 GOALS SET FORTH IN THE "COLORADO GREENHOUSE GAS POLLUTION
18 REDUCTION ROADMAP", PUBLISHED BY THE COLORADO ENERGY OFFICE.
19 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
20 (1) AND THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103
21 (1)(a) SHALL ALSO POST THE ANNUAL REPORT ON THEIR WEBSITES.

22 **24-38.5-111. Social cost of greenhouse gas pollution - estimate**
23 **methodology.** EXCEPT WHERE A DIFFERENT METHODOLOGY IS
24 PRESCRIBED BY LAW, THE COLORADO ENERGY OFFICE, THE DEPARTMENT
25 OF TRANSPORTATION, AND THE DEPARTMENT OF PUBLIC HEALTH AND
26 ENVIRONMENT SHALL, WHEN ESTIMATING THE SOCIAL COSTS OF
27 GREENHOUSE GAS POLLUTION, BASE THEIR ESTIMATE ON THE MOST

1 RECENT ASSESSMENT OF THE SOCIAL COST OF CARBON DIOXIDE AND OTHER
2 GREENHOUSE GAS POLLUTANTS DEVELOPED BY THE FEDERAL
3 GOVERNMENT USING A DISCOUNT RATE THAT IS TWO AND ONE-HALF
4 PERCENT OR LESS AND DOES NOT YIELD A LOWER ESTIMATE OF COSTS
5 THAN THE COSTS PUBLISHED IN THE TECHNICAL SUPPORT DOCUMENT OF
6 THE FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF
7 GREENHOUSE GASES ENTITLED "TECHNICAL UPDATE OF THE SOCIAL COST
8 OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER EXECUTIVE
9 ORDER 12866".

10 **SECTION 6.** In Colorado Revised Statutes, **add** part 3 to article
11 38.5 of title 24 as follows:

12 PART 3

13 COMMUNITY ACCESS TO ELECTRIC VEHICLE
14 CHARGING AND FUELING INFRASTRUCTURE

15 **24-38.5-301. Legislative declaration.** (1) THE GENERAL
16 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

19 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE
20 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS
21 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS
22 POLLUTION AT THE LOCAL COMMUNITY LEVEL FROM IDLING DELIVERY
23 VEHICLES IN NEIGHBORHOODS;

24 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
25 INCREASED LOCAL EMISSIONS FROM MOTOR VEHICLES USED TO MAKE
26 RETAIL DELIVERIES CAN BE MITIGATED AND OFFSET BY INVESTING IN THE
27 CHARGING AND FUELING INFRASTRUCTURE NEEDED TO SUPPORT

1 WIDESPREAD PUBLIC ADOPTION OF ELECTRIC MOTOR VEHICLES AND ZERO
2 EMISSION VEHICLES AND BY REPLACING THE STATE'S DIRTIEST PASSENGER
3 VEHICLES WITH ZERO EMISSION VEHICLES;

4 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY
5 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE
6 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL
7 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY
8 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON
9 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY
10 MITIGATION ACTIVITIES;

11 (e) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
12 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND
13 ACCELERATE THE USE OF ELECTRIC MOTOR VEHICLES THROUGHOUT THE
14 STATE AND TO ENABLE THE STATE TO ACHIEVE ITS ELECTRIC MOTOR
15 VEHICLE ADOPTION GOALS AS SET FORTH IN THE COLORADO ENERGY
16 OFFICE'S "COLORADO ELECTRIC VEHICLE PLAN 2020" BECAUSE
17 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES:

18 (I) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING
19 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, AT THE
20 COMMUNITY LEVEL THAT CONTRIBUTE TO ADVERSE HUMAN HEALTH
21 EFFECTS SUCH AS ASTHMA, HEART ATTACKS, AND LUNG CANCER, AND
22 ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO
23 CLIMATE CHANGE, AND HELPS THE STATE MEET ITS STATEWIDE
24 GREENHOUSE GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN
25 SECTION 25-7-102 (2)(g) AND ITS TRANSPORTATION SECTOR GREENHOUSE
26 GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN THE COLORADO
27 ENERGY OFFICE'S "COLORADO GREENHOUSE GAS POLLUTION REDUCTION

1 ROADMAP" AND COMPLY WITH AIR QUALITY ATTAINMENT STANDARDS;

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

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

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

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

21 (g) ONE OF THE BEST WAYS TO INCENTIVIZE, SUPPORT, AND
22 ACCELERATE THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN BOTH
23 URBAN AND RURAL AREAS IS TO REDUCE RANGE ANXIETY AND
24 INCONVENIENCE FOR ELECTRIC MOTOR VEHICLE USERS BY BUILDING
25 READILY AVAILABLE, ROBUST, EASY TO USE, AND EFFICIENT ELECTRIC
26 MOTOR VEHICLE CHARGING AND FUELING INFRASTRUCTURE IN
27 COMMUNITIES AND ALONG MAJOR HIGHWAY CORRIDORS THROUGHOUT THE

1 STATE;

2 (h) ANOTHER WAY TO INCENTIVIZE, SUPPORT, AND ACCELERATE
3 THE ADOPTION OF ELECTRIC MOTOR VEHICLES, PROMOTE EQUITABLE
4 ACCESS TO ELECTRICAL MOTOR VEHICLES AND LESS EXPENSIVE
5 ELECTRICAL ALTERNATIVES TO MOTOR VEHICLES, AND ENCOURAGE CLEAN
6 TRAVEL IS TO PROVIDE INCENTIVES IN COMMUNITIES, INCLUDING BUT NOT
7 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES, FOR
8 ACQUISITION OR USE OF ELECTRIC MOTOR VEHICLES OR ELECTRIC
9 ALTERNATIVES TO MOTOR VEHICLES AND USE OF TRANSIT. CREATING
10 ACCESS TO ELECTRIC MOTOR VEHICLES OR ELECTRIC ALTERNATIVES TO
11 MOTOR VEHICLES FOR COMMUNITIES, INCLUDING BUT NOT LIMITED TO
12 DISPROPORTIONATELY IMPACTED COMMUNITIES, ADDRESSES INEQUITIES
13 BY ALLOWING INDIVIDUALS WHO CANNOT AFFORD TO UPGRADE TO MORE
14 FUEL EFFICIENT MOTOR VEHICLES TO UPGRADE TO MOTOR VEHICLES THAT
15 PRODUCE LITTLE OR NO EMISSIONS IN THEIR COMMUNITIES.

16 (i) BY REDUCING MOTOR VEHICLE EMISSIONS, INCENTIVIZING,
17 SUPPORTING, AND ACCELERATING THE ADOPTION OF ELECTRIC MOTOR
18 VEHICLES AT THE COMMUNITY LEVEL EFFECTIVELY REMEDIATES SOME OF
19 THE IMPACTS OF RETAIL DELIVERIES BY OFFSETTING A PORTION OF THE
20 INCREASED MOTOR VEHICLE EMISSIONS RESULTING FROM RETAIL
21 DELIVERIES.

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

23 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE
24 CONSTRUCTION OF ELECTRIC MOTOR VEHICLE CHARGING AND FUELING
25 INFRASTRUCTURE IN COMMUNITIES THROUGHOUT THE STATE;
26 INCENTIVIZE, SUPPORT, AND ACCELERATE THE ADOPTION OF ELECTRIC
27 MOTOR VEHICLES BY BUSINESSES, INCLUDING TRANSPORTATION NETWORK

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

22 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE
23 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL AND
24 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS AT
25 THE COMMUNITY LEVEL THROUGH SUPPORT OF THE ADOPTION OF ELECTRIC
26 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES AT
27 THE COMMUNITY LEVEL, INCLUDING BUT NOT LIMITED TO WITHIN

1 DISPROPORTIONATELY IMPACTED COMMUNITIES THROUGHOUT THE STATE;

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

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

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

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

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

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

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

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

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

27 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED

1 BASED ON THE IMPACTS CAUSED BY FEE PAYERS AND THE COST OF
2 REMEDIATING THOSE IMPACTS; AND

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

12 **24-38.5-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

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

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

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

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


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

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

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

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

14 (6) "ELECTRIC MOTOR VEHICLE CHARGING INFRASTRUCTURE"
15 MEANS ELECTRIC VEHICLE CHARGING SYSTEMS AND OTHER ELECTRICAL
16 EQUIPMENT INSTALLED ON SITE TO SUPPORT ELECTRIC MOTOR VEHICLE
17 CHARGING INCLUDING BUT NOT LIMITED TO BATTERY ENERGY STORAGE
18 SYSTEMS.

19 
20 (7) "ENTERPRISE" MEANS THE COMMUNITY ACCESS ENTERPRISE
21 CREATED IN SECTION 24-38.5-303 (1).

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

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

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

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

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

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

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

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

26 (I) DESIGNED AND MANUFACTURED FOR THE PURPOSE OF
27 TRANSPORTING TANGIBLE PERSONAL PROPERTY PRIMARILY ON

1 SIDEWALKS, CROSSWALKS, AND OTHER PUBLIC RIGHTS-OF-WAY THAT ARE
2 TYPICALLY USED BY PEDESTRIANS;

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

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

9 (16) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A
10 MOTOR VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY
11 PACK THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL
12 SOURCE OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH
13 AS AN INTERNAL COMBUSTION ENGINE.

14 (17) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
15 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
16 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
17 PURCHASER AT A LOCATION IN THE STATE, WHICH SALE INCLUDES AT
18 LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT TO
19 TAXATION UNDER ARTICLE 26 OF TITLE 39. EACH SUCH RETAIL SALE IS A
20 SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS
21 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
22 PURCHASED.

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

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

27 (20) "TANGIBLE PERSONAL PROPERTY" HAS THE SAME MEANING AS

1 SET FORTH IN SECTION 39-26-102 (15).

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

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

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

8 **24-38.5-303. Community access enterprise - creation - board**
9 **- powers and duties - fund - fee - transparency and reporting.**

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

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

18 (I) THE GOVERNOR SHALL APPOINT FOUR MEMBERS WITH THE
19 ADVICE AND CONSENT OF THE SENATE FOR TERMS OF THE LENGTH
20 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. OF THE FOUR, AT LEAST
21 ONE OF THE MEMBERS MUST REPRESENT DISPROPORTIONATELY IMPACTED
22 COMMUNITIES; AT LEAST ONE OF THE MEMBERS MUST REPRESENT THE
23 INTERESTS OF THE AUTOMOBILE INDUSTRY INCLUDING MANUFACTURERS
24 AND DEALERS, THE ELECTRIC VEHICLE CHARGING AND FUELING
25 BUSINESSES, OR OWNERS OR OPERATORS OF MOTOR VEHICLE FLEETS; AND
26 AT LEAST ONE OF THE MEMBERS MUST REPRESENT A BUSINESS OR
27 ORGANIZATION THAT SUPPORTS ELECTRIC ALTERNATIVES TO MOTOR

1 VEHICLES. THE GOVERNOR SHALL MAKE REASONABLE EFFORTS, TO THE
2 EXTENT SUCH APPLICATIONS HAVE BEEN SUBMITTED FOR CONSIDERATION
3 FOR THE BOARD, TO CONSIDER MEMBERS THAT REFLECT THE STATE'S
4 GEOGRAPHIC DIVERSITY WHEN MAKING APPOINTMENTS AND SHALL MAKE
5 INITIAL APPOINTMENTS TO THE BOARD NO LATER THAN OCTOBER 1, 2021.

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

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

10 AND

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

13 (b) THE MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR
14 SERVE FOR TERMS OF FOUR YEARS; EXCEPT THAT TWO OF THE MEMBERS
15 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS.
16 A MEMBER WHO IS APPOINTED BY THE GOVERNOR TO FILL A VACANCY ON
17 THE BOARD SHALL SERVE THE REMAINDER OF THE UNEXPIRED TERM OF
18 THE FORMER MEMBER. THE OTHER BOARD MEMBERS SERVE FOR AS LONG
19 AS THEY HOLD THEIR POSITIONS OR ARE DESIGNATED TO SERVE.

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

24 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO SUPPORT THE
25 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR
26 VEHICLES THAT ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL
27 COMBUSTION ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR

1 VEHICLES, IN AN EQUITABLE MANNER BY DIRECTLY INVESTING IN
2 TRANSPORTATION INFRASTRUCTURE, MAKING GRANTS OR PROVIDING
3 REBATES OR OTHER FINANCING OPTIONS TO FUND THE CONSTRUCTION OF
4 ELECTRIC MOTOR VEHICLE CHARGING INFRASTRUCTURE THROUGHOUT THE
5 STATE, AND INCENTIVIZING THE ACQUISITION AND USE OF ELECTRIC
6 MOTOR VEHICLES AND ELECTRIC ALTERNATIVES TO MOTOR VEHICLES IN
7 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
8 IMPACTED COMMUNITIES, AND BY OWNERS OF OLDER, LESS FUEL
9 EFFICIENT, AND HIGHER POLLUTING VEHICLES. TO ALLOW THE ENTERPRISE
10 TO ACCOMPLISH THIS BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS
11 AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

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

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

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

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

26 (5) (a) THE COMMUNITY ACCESS ENTERPRISE FUND IS HEREBY
27 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF COMMUNITY

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

14 (b) THE COLORADO ENERGY OFFICE MAY TRANSFER MONEY FROM
15 THE ENERGY FUND CREATED IN SECTION 24-38.5-102.4 TO THE ENTERPRISE
16 FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
17 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS. THE
18 ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED,
19 AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY
20 ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE
21 INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER
22 IS A LOAN FROM THE COLORADO ENERGY OFFICE TO THE ENTERPRISE THAT
23 IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION
24 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN
25 SECTION 24-77-102 (7). ALL MONEY TRANSFERRED AS A LOAN TO THE
26 ENTERPRISE SHALL BE CREDITED TO THE COMMUNITY ACCESS ENTERPRISE
27 INITIAL EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE

1 TREASURY, AND LOAN LIABILITIES THAT ARE RECORDED IN THE
2 COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND BUT THAT ARE
3 NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT BE
4 CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE
5 FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER SHALL
6 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
7 INVESTMENT OF MONEY IN THE COMMUNITY ACCESS ENTERPRISE INITIAL
8 EXPENSES FUND TO THE FUND. THE COMMUNITY ACCESS ENTERPRISE
9 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE
10 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
11 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
12 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
13 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE ENERGY FUND FOR
14 THE PRINCIPAL AMOUNT OF ANY LOAN FROM THE ENERGY FUND MADE BY
15 THE COLORADO ENERGY OFFICE PLUS INTEREST AT A RATE SET BY THE
16 COLORADO ENERGY OFFICE. UPON RECEIPT OF SUCH REIMBURSEMENT, THE
17 COLORADO ENERGY OFFICE SHALL INSTRUCT THE STATE TREASURER TO
18 TRANSFER FROM THE ENERGY FUND TO THE GENERAL FUND THE AMOUNT
19 NEEDED TO FULLY REPAY THE AMOUNT OF ANY GENERAL FUND MONEY
20 APPROPRIATED TO THE ENERGY FUND FOR THE PURPOSE OF FUNDING THE
21 LOAN MADE PURSUANT TO THIS SUBSECTION (5)(b) PLUS THE INTEREST
22 INCLUDED IN THE REIMBURSEMENT.

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

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

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

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

7 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY
8 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
9 GENERAL'S OFFICE FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
10 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
11 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
12 ENTERPRISE. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
13 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
14 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
15 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
16 SOLE-SOURCE CONTRACTS.

17 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
18 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
19 OF THIS PART 3 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
20 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
21 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
22 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
23 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
24 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
25 MONEY TO THE FUND.

26 (f) TO PUBLISH GRANT AND SIMILAR PROGRAM PROCESSES BY
27 WHICH THE ENTERPRISE ACCEPTS APPLICATIONS, THE CRITERIA USED FOR

1 EVALUATING APPLICATIONS, AND A LIST OF GRANTEE PURSUANT TO
2 SUBSECTION (8) OF THIS SECTION;

3 (g) TO PROMULGATE RULES FOR THE SOLE PURPOSE OF SETTING
4 THE AMOUNT OF THE COMMUNITY ACCESS RETAIL DELIVERY FEE AT OR
5 BELOW THE MAXIMUM AMOUNT AUTHORIZED IN THIS SECTION; AND

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

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

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

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

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

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

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

1 (I) PUBLIC, WORKPLACE, TRANSPORTATION NETWORK COMPANY,
2 AND MULTIFAMILY ELECTRIC VEHICLE CHARGERS;

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

5 (III) ELECTRIC VEHICLE CHARGERS FOR MEDIUM-DUTY ELECTRIC
6 MOTOR VEHICLES AND HEAVY-DUTY ELECTRIC MOTOR VEHICLES,
7 INCLUDING ELECTRIFIED REFRIGERATED TRAILERS;

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

10 (V) NETWORKS AND PLAZAS OF DIRECT CURRENT CHARGING
11 INFRASTRUCTURE THAT OFFER FAST CHARGING FOR ELECTRIC MOTOR
12 VEHICLES;

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

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

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

25 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
26 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND
27 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF

1 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE
2 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN
3 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE
4 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE
5 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND
6 THE DEPARTMENT OF TRANSPORTATION WHEN DEVELOPING THE RULES.

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

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

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

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

1 AND

2 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
3 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
4 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
5 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
6 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
7 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
8 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
9 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
10 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
11 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
12 COMMITTEES CONTINUES INDEFINITELY.

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

17 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
18 2 OF ARTICLE 72 OF THIS TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
19 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
20 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
21 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
22 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
23 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
24 LOCAL GOVERNMENTS COMBINED.

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

27 **SECTION 7.** In Colorado Revised Statutes, 24-75-219, **amend**

1 (1)(g); **repeal** (2) and (5); and **add** (1)(g.5) and (7) as follows:

2 **24-75-219. Transfers - transportation - capital construction -**
3 **definitions - repeal.** (1) As used in this section, unless the context
4 otherwise requires:

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

8 (g.5) "REVITALIZING MAIN STREETS PROGRAM" MEANS THE
9 DEPARTMENT OF TRANSPORTATION'S GRANT PROGRAM TO SUPPORT
10 COMMUNITIES ACROSS THE STATE AS THEY BUILD AND IMPROVE
11 MULTIMODAL INFRASTRUCTURE IN A WAY THAT SAFELY CONNECTS
12 COLORADANS TO THE COMMUNITY-FOCUSED DOWNTOWNS WHERE THEY
13 LIVE, WORK, DINE, AND SHOP.

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

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

17 ~~(H) Forty-nine million eight hundred thousand dollars from the~~
18 ~~general fund to the capital construction fund.~~

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

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

22 ~~(H) Fifty-two million seven hundred thousand dollars from the~~
23 ~~general fund to the capital construction fund.~~

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

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

1 ~~(I) Repealed.~~

2 ~~(H) Sixty million dollars from the general fund to the capital~~
3 ~~construction fund.~~

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

5 ~~(I) Repealed.~~

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

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

12 ~~(e) Repealed.~~

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

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

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

22 ~~(HH) Seventy-four million two hundred fifty thousand dollars to~~
23 ~~the multimodal transportation options fund.~~

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

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

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

4 ~~(HH) Twenty-two million five hundred thousand dollars to the~~
5 ~~multimodal transportation options fund.~~

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

9 ~~(c) The state treasurer shall transfer fifty million dollars from the~~
10 ~~general fund to the state highway fund on June 30, 2020. Except as~~
11 ~~otherwise provided in subsection (5)(d) of this section and section~~
12 ~~43-4-714 (2)(a), On June 30, 2023, and on each succeeding June 30~~
13 ~~through June 30, 2040, the state treasurer shall transfer money from the~~
14 ~~general fund to the state highway fund. as follows:~~

15 ~~(I) and (H) Repealed.~~

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

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

23 ~~(C) This subsection (5)(c)(HH) is repealed, effective January 1,~~
24 ~~2022, if a ballot issue that authorizes the state to issue transportation~~
25 ~~revenue anticipation notes is submitted to the registered electors of the~~
26 ~~state for their approval or rejection at the November 2021 statewide~~
27 ~~election pursuant to section 43-4-705 (13)(b) and a majority of the~~

1 electors voting on the ballot issue vote "Yes/For";

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

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

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

16 ~~(C) This subsection (5)(c)(IV) is repealed, effective January 1,~~
17 ~~2022, if a ballot issue that authorizes the state to issue transportation~~
18 ~~revenue anticipation notes is submitted to the registered electors of the~~
19 ~~state for their approval or rejection at the November 2021 statewide~~
20 ~~election pursuant to section 43-4-705 (13)(b) and a majority of the~~
21 ~~electors voting on the ballot issue vote "No/Against";~~

22 ~~(D) This subsection (5)(c)(IV)(D) and subsection (5)(c)(IV)(C) of~~
23 ~~this section are repealed, effective January 1, 2022, if a ballot issue that~~
24 ~~authorizes the state to issue transportation revenue anticipation notes is~~
25 ~~submitted to the registered electors of the state for their approval or~~
26 ~~rejection at the November 2021 statewide election pursuant to section~~
27 ~~43-4-705 (13)(b) and a majority of the electors voting on the ballot issue~~

1 vote "Yes/For"; or

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

8 (H) ~~This subsection (5)(d) is repealed:~~

9 (A) ~~(Deleted by amendment, L. 2019.)~~

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

16 (H) ~~This subsection (5)(d)(H) and subsection (5)(d)(I) of this~~
17 ~~section are repealed, effective January 1, 2022, if a ballot issue that~~
18 ~~authorizes the state to issue transportation revenue anticipation notes is~~
19 ~~submitted to the registered electors of the state for their approval or~~
20 ~~rejection at the November 2021 statewide election pursuant to section~~
21 ~~43-4-705 (13)(b) and a majority of the electors voting on the ballot issue~~
22 ~~vote "Yes/For".~~

23 (7) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY THIS
24 SECTION:

25 

26 (a) ON JUNE 30, 2021, FROM THE MONEY THAT THE STATE
27 RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY

1 FUND UNDER SECTION 9901 OF TITLE IX, SUBTITLE M OF THE FEDERAL
2 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, WHICH IS
3 ELIGIBLE TO BE USED AS SPECIFIED IN SECTION 602 (c)(I)(C) OF SAID
4 SECTION 9901, THE STATE TREASURER SHALL TRANSFER:

5 (I) ONE HUNDRED EIGHTY-TWO MILLION ONE HUNDRED SIXTY
6 THOUSAND DOLLARS TO THE STATE HIGHWAY FUND. OF THIS AMOUNT,
7 TWENTY-TWO MILLION ONE HUNDRED SIXTY THOUSAND DOLLARS IS FOR
8 THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE REVITALIZING
9 MAIN STREETS PROGRAM AND FIVE HUNDRED THOUSAND DOLLARS IS FOR
10 THE PURPOSE OF ACQUIRING, PLANNING THE DEVELOPMENT OF, OR
11 DEVELOPING THE BURNHAM YARD RAIL PROPERTY IN DENVER.

12 (II) ONE HUNDRED SIXTY-ONE MILLION THREE HUNDRED FORTY
13 THOUSAND DOLLARS TO THE MULTIMODAL TRANSPORTATION AND
14 MITIGATION OPTIONS FUND; AND

15 (III) THIRTY-SIX MILLION FIVE HUNDRED THOUSAND DOLLARS TO
16 THE HIGHWAY USERS TAX FUND.

17 (b) ON JULY 1, 2021, THE STATE TREASURER SHALL TRANSFER ONE
18 HUNDRED SEVENTY MILLION DOLLARS FROM THE GENERAL FUND TO THE
19 STATE HIGHWAY FUND.

20 (c) ON EACH JULY 1 FROM JULY 1, 2024, THROUGH JULY 1, 2031,
21 THE STATE TREASURER SHALL TRANSFER:

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

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

1 (d) (I) ON EACH JULY 1 FROM JULY 1, 2024, THROUGH JULY 1,
2 2028, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED MILLION
3 DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND; AND

4 (II) ON EACH JULY 1 FROM JULY 1, 2029, THROUGH JULY 1, 2031,
5 THE STATE TREASURER SHALL TRANSFER EIGHTY-TWO MILLION FIVE
6 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE
7 HIGHWAY FUND.

8 (e) THE DEPARTMENT OF TRANSPORTATION SHALL EXPEND TEN
9 MILLION DOLLARS OF EACH TRANSFER FROM THE GENERAL FUND TO THE
10 STATE HIGHWAY FUND MADE PURSUANT TO SUBSECTION (7)(d) OF THIS
11 SECTION FROM JULY 1, 2024, THROUGH JULY 1, 2028, SOLELY TO MITIGATE
12 THE ENVIRONMENTAL AND HEALTH IMPACTS OF INCREASED AIR POLLUTION
13 FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS BY FUNDING
14 PROJECTS THAT REDUCE VEHICLE MILES TRAVELED OR THAT DIRECTLY
15 REDUCE AIR POLLUTION.

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

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

27 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND

1 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
2 REVITALIZING MAIN STREETS PROGRAM.

3 (II) ON JUNE 30, 2023, AND ON JUNE 30 OF EACH SUCCEEDING
4 STATE FISCAL YEAR THROUGH JUNE 30, 2026, THE STATE TREASURER
5 SHALL TRANSFER FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE
6 LESSER OF FIFTY PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE
7 PRIOR STATE FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE
8 REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT
9 EXCEED THE CAP FOR THE PRIOR STATE FISCAL YEAR IS ESTIMATED TO
10 EXCEED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN
11 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR
12 TO THE ENACTMENT OF SENATE BILL 21-260, ENACTED IN 2021, OR ONE
13 HUNDRED FIFTEEN MILLION DOLLARS LESS THE CUMULATIVE AMOUNT OF
14 ALL TRANSFERS PREVIOUSLY MADE PURSUANT TO THIS SUBSECTION (7)(f)
15 AS FOLLOWS:

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

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

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

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

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

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

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

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

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

26 (G) FOR THE 2021-22 FISCAL YEAR AND EACH SUCCEEDING FISCAL
27 YEAR, THE AMOUNT OF THE EXCESS STATE REVENUES CAP FOR THE

1 2020-21 FISCAL YEAR CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(F)
2 OF THIS SECTION, ADJUSTED EACH SUBSEQUENT FISCAL YEAR FOR
3 INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE
4 QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE
5 CHANGES.

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

9 **24-82-1303. Lease-purchase agreements for capital**
10 **construction and transportation projects.** (2) (b) ~~The anticipated~~
11 ~~annual state-funded payments for the principal and interest components~~
12 ~~of the amount payable under all lease-purchase agreements entered into~~
13 ~~pursuant to subsection (2)(a) of this section shall not exceed one hundred~~
14 ~~twelve million five hundred thousand dollars.~~

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

24 (II) ~~Next, for state fiscal year 2021-22 and for each succeeding~~
25 ~~state fiscal year for which a payment under any lease-purchase agreement~~
26 ~~must be made, thirty-six million seven hundred thousand dollars annually,~~
27 ~~or any lesser amount that is sufficient to make each full payment due,~~

1 shall be paid from any legally available money under the control of the
2 transportation commission solely for the purpose of allowing the
3 construction, supervision, and maintenance of state highways to be
4 funded with the proceeds of lease-purchase agreements as specified in
5 subsection (4)(b) of this section and section 43-4-206 (1)(b)(V); except
6 that, for the payment due during state fiscal year 2021-22 only, forty-eight
7 million seven hundred thousand dollars, or any lesser amount that is
8 sufficient to make the full payment due shall be paid from such legally
9 available money for said purpose; and

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

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

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

27 (I) HOLD PUBLIC MEETINGS WITH THE CONSTRUCTION INDUSTRY

1 AND THE GENERAL PUBLIC TO DISCUSS THE JUSTIFICATION FOR SELECTING
2 THE IPD METHOD. THE REQUIRED PUBLIC MEETINGS MAY BE HELD IN
3 CONJUNCTION WITH OTHER REQUIRED PUBLIC MEETINGS ABOUT THE
4 PROJECT OR AS STAND-ALONE MEETINGS.

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

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

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

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

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

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

25 (3) THE REQUIREMENTS OF THIS SECTION APPLY ONLY TO A PUBLIC
26 PROJECT INVOLVING INFRASTRUCTURE THAT IS PART OF THE STATE
27 HIGHWAY SYSTEM, AS DESCRIBED IN SECTION 43-2-101 (1).

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

3 **ARTICLE 7.5**

4 **Clean Motor Vehicle Fleet Support**

5 **25-7.5-101. Legislative declaration.** (1) THE GENERAL
6 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

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

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

20 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES
21 AND RIDES ARRANGED THROUGH TRANSPORTATION NETWORK COMPANIES
22 BY LIMITING RETAIL DELIVERY AND TRANSPORTATION NETWORK COMPANY
23 RIDE ACTIVITY THROUGH REGULATION, IT IS MORE APPROPRIATE TO
24 CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL DELIVERIES AND
25 BENEFIT FROM THE CONVENIENCE AFFORDED BY UNFETTERED RETAIL
26 DELIVERIES AND TO ALLOW TRANSPORTATION NETWORK COMPANIES THAT
27 ARRANGE PREARRANGED RIDES TO CONTINUE TO PROVIDE THAT SERVICE

1 WITHOUT UNDUE RESTRICTIONS AND INSTEAD IMPOSE A SMALL FEE ON
2 EACH RETAIL DELIVERY AND RIDE AND USE FEE REVENUE TO FUND
3 NECESSARY MITIGATION ACTIVITIES; AND

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

19 (I) GENERALLY REDUCES EMISSIONS OF AIR POLLUTANTS,
20 INCLUDING OZONE PRECURSORS, PARTICULATE MATTER POLLUTANTS,
21 OTHER HAZARDOUS AIR POLLUTANTS, AND GREENHOUSE GASES, THAT
22 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS SUCH AS CLIMATE
23 CHANGE AND ADVERSE HUMAN HEALTH EFFECTS, INCLUDING BUT NOT
24 LIMITED TO ASTHMA, REDUCED LUNG CAPACITY, INCREASED
25 SUSCEPTIBILITY TO RESPIRATORY ILLNESSES, CHRONIC BRONCHITIS, HEART
26 DISEASE, AND LUNG CANCER, AND HELPS THE STATE MEET ITS STATEWIDE
27 GREENHOUSE GAS POLLUTION REDUCTION TARGETS ESTABLISHED IN

1 SECTION 25-7-102 (2)(g), COMPLY WITH AIR QUALITY ATTAINMENT
2 STANDARDS, AND REDUCE ADVERSE ENVIRONMENTAL AND HEALTH
3 IMPACTS ACROSS THE STATE AND IN COMMUNITIES, INCLUDING BUT NOT
4 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES;

5 (II) SPECIFICALLY REDUCES HIGHER LOCALIZED EMISSIONS OF
6 SUCH AIR POLLUTANTS IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO
7 DISPROPORTIONATELY IMPACTED COMMUNITIES, WHERE:

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

11 (B) USAGE OF FLEET MOTOR VEHICLES IS CONCENTRATED; AND

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

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

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

21 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE ADOPTION OF
22 ELECTRIC MOTOR VEHICLES IN MOTOR VEHICLE FLEETS IN THE STATE AND
23 THEREBY MINIMIZE AND MITIGATE THE ENVIRONMENTAL AND HEALTH
24 IMPACTS OF THE TRANSPORTATION SYSTEM AND REAP THE
25 ENVIRONMENTAL, HEALTH, AND BUSINESS AND GOVERNMENTAL
26 OPERATIONAL EFFICIENCY BENEFITS THAT RESULT FROM MOTOR VEHICLE
27 FLEET ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST

1 INTEREST OF THE STATE TO CREATE A CLEAN FLEET ENTERPRISE TO HELP
2 BUSINESSES AND GOVERNMENTAL ENTITIES THAT OWN OR OPERATE FLEETS
3 OF MOTOR VEHICLES USE MORE ELECTRIC MOTOR VEHICLES, AND, TO THE
4 EXTENT TEMPORARILY NECESSITATED BY THE LIMITATIONS OF CURRENT
5 ELECTRIC MOTOR VEHICLE TECHNOLOGY FOR CERTAIN FLEET USES, MORE
6 COMPRESSED NATURAL GAS MOTOR VEHICLES THAT ARE FUELED BY
7 RECOVERED METHANE, IN THEIR MOTOR VEHICLE FLEETS;

8 (b) THE ENTERPRISE PROVIDES BUSINESS SERVICES, INCLUDING
9 REMEDIATION SERVICES, WHEN, IN EXCHANGE FOR THE PAYMENT OF FEES,
10 IT:

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

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

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

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

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

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

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

8 (VII) CONTRIBUTES TO THE IMPLEMENTATION OF THE
9 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
10 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND
11 SUPERVISION OF A SUSTAINABLE TRANSPORTATION SYSTEM; AND

12 (IX) PROVIDES ADDITIONAL REMEDIATION SERVICES TO OFFSET
13 IMPACTS CAUSED BY FEE PAYERS AS MAY BE PROVIDED BY LAW,
14 INCLUDING BUT NOT LIMITED TO:

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

16 (B) PROVIDING PLANNING SERVICES TO SUPPORT COMMUNITIES,
17 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED
18 COMMUNITIES; AND

19 (C) PROVIDING SCRAPPAGE SERVICES;

20 (c) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY THIS
21 SECTION, THE ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE
22 PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES
23 AS A BUSINESS;

24 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY
25 THIS SECTION, THE ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN
26 IT REMEDIATES THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS
27 A BUSINESS IN ACCORDANCE WITH THE DETERMINATION OF THE

1 COLORADO SUPREME COURT IN *COLORADO UNION OF TAXPAYERS*
2 *FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

3 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
4 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
5 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
6 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
7 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
8 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
9 GENERATED BY FEES, NOT TAXES, BECAUSE THE FEES IMPOSED BY THE
10 ENTERPRISE AS AUTHORIZED BY SECTION 25-7.5-103 (7) AND (8) ARE:

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

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

23 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
24 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
25 REVENUE FROM THE FEES COLLECTED BY THE ENTERPRISE IS NOT STATE
26 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE
27 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT

1 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED
2 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS
3 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

4 **25-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS
5 THE CONTEXT OTHERWISE REQUIRES:

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

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

12 (3) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH
13 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
14 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
15 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER
16 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

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

19 (5) "COMPRESSED NATURAL GAS MOTOR VEHICLE" MEANS A
20 VEHICLE THAT IS POWERED BY AN ENGINE FUELED BY COMPRESSED
21 NATURAL GAS.

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

24 (7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
25 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
26 ACCORDANCE WITH THE MOST RECENT UNITED STATES DECENNIAL
27 CENSUS, WHERE THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME

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

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

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

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

11 (8) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
12 MOTOR VEHICLE, A HYDROGEN FUEL CELL MOTOR VEHICLE, OR A PLUG-IN
13 HYBRID ELECTRIC MOTOR VEHICLE.

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

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

18 (11) "HEAVY-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE
19 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION
20 42-2-402 (6), OF GREATER THAN TWENTY-SIX THOUSAND POUNDS.

21 (12) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
22 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
23 THAT USES HYDROGEN GAS AS FUEL.

24 (13) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
25 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
26 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
27 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN

1 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
2 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
3 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
4 CLEAN FLEET PER RIDE FEE IMPOSED BY SECTION 25-7.5-103 (7) OR THE
5 CLEAN FLEET RETAIL DELIVERY FEE IMPOSED BY SECTION 25-7.5-103 (8)
6 BEGINS.

7 (14) "MEDIUM-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE
8 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION
9 42-2-402 (6), OF MORE THAN TEN THOUSAND POUNDS AND NOT MORE
10 THAN TWENTY-SIX THOUSAND POUNDS.

11 (15) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION
12 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY
13 DEVICE.

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

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

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

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

23 (II) THE GROUP OF MOTOR VEHICLES IS OWNED OR OPERATED BY
24 A COMPANY THAT RENTS MOTOR VEHICLES IN THE FLEET TO
25 TRANSPORTATION NETWORK COMPANY DRIVERS FOR USE IN PROVIDING
26 TRANSPORTATION NETWORK COMPANY SERVICES OR IS OWNED AND
27 OPERATED DIRECTLY, OR INDIRECTLY THROUGH INDEPENDENT

1 CONTRACTORS WHO OWN OR LEASE INDIVIDUAL MOTOR VEHICLES IN THE
2 GROUP, BY A TRANSPORTATION NETWORK COMPANY OR BY A RETAILER
3 FOR THE PURPOSE OF MAKING RETAIL DELIVERIES.

4 (17) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
5 OPERATED ROBOT THAT IS:

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

10 (b) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,
11 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;
12 AND

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

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

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

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

26 (a) BIOMETHANE;

27 (b) METHANE DERIVED FROM:

- 1 (I) MUNICIPAL SOLID WASTE;
- 2 (II) BIOMASS PYROLYSIS OR ENZYMATIC BIOMASS; OR
- 3 (III) WASTEWATER TREATMENT; AND
- 4 (c) COAL MINE METHANE, AS DEFINED IN SECTION 40-2-124
- 5 (1)(a)(II).

6 (21) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
7 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
8 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
9 PURCHASER AT A LOCATION IN THE STATE, WHICH SALE INCLUDES AT
10 LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT TO
11 TAXATION UNDER ARTICLE 26 OF TITLE 39. EACH SUCH RETAIL SALE IS A
12 SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS
13 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
14 PURCHASED.

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

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

19 (24) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION
20 40-10.1-602 (5).

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

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

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

27 (28) "TRANSPORTATION NETWORK COMPANY SERVICES" HAS THE

1 SAME MEANING AS SET FORTH IN SECTION 40-10.1-602 (6).

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

4 **25-7.5-103. Clean fleet enterprise - creation - board - powers**
5 **and duties - fees - fund.** (1) (a) THE CLEAN FLEET ENTERPRISE IS HEREBY
6 CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A
7 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO
8 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS
9 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES SET
10 FORTH IN THIS SECTION.

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

15 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
16 NINE MEMBERS AS FOLLOWS:

17 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WITH THE
18 ADVICE AND CONSENT OF THE SENATE FOR TERMS OF THE LENGTH
19 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. ONE MEMBER SHALL
20 REPRESENT A DISPROPORTIONATELY IMPACTED COMMUNITY, ONE MEMBER
21 SHALL HAVE EXPERTISE IN AIR POLLUTION REDUCTION, ONE MEMBER
22 SHALL HAVE EXPERTISE IN TRANSPORTATION, ONE MEMBER SHALL HAVE
23 EXPERTISE IN MOTOR VEHICLE FLEET ELECTRIFICATION, ONE MEMBER
24 SHALL HAVE EXPERTISE IN BUSINESS OR SUPPLY CHAIN MANAGEMENT, AND
25 ONE MEMBER SHALL REPRESENT A BUSINESS THAT OWNS OR OPERATES A
26 MOTOR VEHICLE FLEET. THE GOVERNOR SHALL MAKE REASONABLE
27 EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN SUBMITTED FOR

1 CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS THAT REFLECT
2 THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING APPOINTMENTS AND
3 SHALL MAKE INITIAL APPOINTMENTS NO LATER THAN OCTOBER 1, 2021.

4 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE
5 EXECUTIVE DIRECTOR'S DESIGNEE;

6 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
7 DIRECTOR'S DESIGNEE; AND

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

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

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

21 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO INCENTIVIZE
22 AND SUPPORT THE USE OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR
23 VEHICLES THAT ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL
24 COMBUSTION ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR
25 VEHICLES, AND, TO THE EXTENT TEMPORARILY NECESSITATED BY THE
26 LIMITATIONS OF CURRENT ELECTRIC MOTOR VEHICLE TECHNOLOGY FOR
27 CERTAIN FLEET USES, COMPRESSED NATURAL GAS MOTOR VEHICLES THAT

1 ARE FUELED BY RECOVERED METHANE, BY BUSINESSES AND
2 GOVERNMENTAL ENTITIES THAT OWN OR OPERATE FLEETS OF MOTOR
3 VEHICLES, INCLUDING FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES
4 OWNED OR LEASED BY INDIVIDUAL CONTRACTORS WHO PROVIDE
5 PREARRANGED RIDES FOR TRANSPORTATION NETWORK COMPANIES OR
6 DELIVER GOODS FOR A THIRD-PARTY DELIVERY SERVICE. TO ALLOW THE
7 ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS
8 POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

9 (a) IMPOSE A CLEAN FLEET PER RIDE FEE AND A CLEAN FLEET
10 RETAIL DELIVERY FEE AS AUTHORIZED BY SUBSECTIONS (7) AND (8) OF
11 THIS SECTION;

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

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

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

24 (5) (a) THE CLEAN FLEET ENTERPRISE FUND IS HEREBY CREATED IN
25 THE STATE TREASURY. THE FUND CONSISTS OF CLEAN FLEET PER RIDE FEE
26 REVENUE AND CLEAN FLEET RETAIL DELIVERY FEE REVENUE CREDITED TO
27 THE FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY

1 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED
2 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE
3 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
4 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
5 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
6 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND
7 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES
8 SET FORTH IN THIS ARTICLE 7.5 AND TO PAY THE ENTERPRISE'S
9 REASONABLE AND NECESSARY OPERATING EXPENSES, INCLUDING THE
10 REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF
11 THIS SECTION.

12 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
13 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
14 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
15 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
16 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
17 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
18 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
19 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
20 ENTERPRISE THAT IS REQUIRED TO BE REPAYED AND IS NOT A GRANT FOR
21 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
22 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
23 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
24 CLEAN FLEET ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY
25 CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE
26 RECORDED IN THE CLEAN FLEET ENTERPRISE INITIAL EXPENSES FUND BUT
27 THAT ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL

1 NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND
2 BALANCE FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER
3 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
4 AND INVESTMENT OF MONEY IN THE CLEAN FLEET ENTERPRISE INITIAL
5 EXPENSES FUND TO THE FUND. THE CLEAN FLEET ENTERPRISE INITIAL
6 EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR
7 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
8 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS. AS THE
9 ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE
10 ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL
11 AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS INTEREST AT A
12 RATE SET BY THE DEPARTMENT. UPON RECEIPT OF SUCH REIMBURSEMENT,
13 THE DEPARTMENT SHALL REMIT TO THE STATE TREASURER FOR CREDITING
14 TO THE GENERAL FUND THE AMOUNT NEEDED TO FULLY REPAY THE
15 AMOUNT OF ANY GENERAL FUND MONEY APPROPRIATED TO THE
16 DEPARTMENT FOR THE PURPOSE OF FUNDING THE LOAN MADE PURSUANT
17 TO THIS SUBSECTION (5)(b) PLUS THE INTEREST INCLUDED IN THE
18 REIMBURSEMENT.

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

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

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

26 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
27 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND

1 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS AND
2 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS
3 BUSINESS PURPOSE;

4 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
5 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
6 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
7 OFFICE SPACE, AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
8 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
9 ENTERPRISE. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
10 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
11 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
12 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
13 SOLE-SOURCE CONTRACTS.

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

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

25 (g) TO PUBLISH THE PROCESSES BY WHICH THE ENTERPRISE
26 ACCEPTS APPLICATIONS, THE CRITERIA FOR EVALUATING APPLICATIONS,
27 AND A LIST OF GRANTEEES OR PROGRAM PARTICIPANTS PURSUANT TO

1 SUBSECTION (9) OF THIS SECTION;

2 (h) TO PROMULGATE RULES FOR THE SOLE PURPOSE OF SETTING
3 THE AMOUNTS OF THE CLEAN FLEET PER RIDE FEE AND THE CLEAN FLEET
4 RETAIL DELIVERY FEE AT OR BELOW THE MAXIMUM AMOUNTS AUTHORIZED
5 IN THIS SECTION; AND

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

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

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

27 (I) THREE AND THREE-QUARTERS CENTS FOR EACH PREARRANGED

1 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS
2 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

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

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

18 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
19 THE CLEAN FLEET PER RIDE FEE FOR PREARRANGED RIDES REQUESTED AND
20 ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE RATE OF INFLATION
21 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST
22 ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN APPLIED TO THE SUM OF
23 THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR
24 POLLUTION MITIGATION PER RIDE FEE IMPOSED AS REQUIRED BY SECTION
25 43-4-1303 (7) AND ROUNDED TO THE NEAREST WHOLE CENT, WILL RESULT
26 IN AN INCREASE OF AT LEAST ONE WHOLE CENT IN THE TOTAL AMOUNT OF
27 THE CLEAN FLEET PER RIDE FEE AND THE AIR POLLUTION MITIGATION PER

1 RIDE FEE PAID BY A PERSON WHO REQUESTS AND ACCEPTS A PREARRANGED
2 RIDE. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO THE SUM
3 OF THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR
4 POLLUTION MITIGATION PER RIDE FEE AND ROUNDED TO THE NEAREST
5 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE
6 PERCENT.

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

11 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
12 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
13 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
14 ENTERPRISE, A CLEAN FLEET RETAIL DELIVERY FEE ON EACH RETAIL
15 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
16 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
17 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
18 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
19 43-4-218 (6) THE CLEAN FLEET RETAIL DELIVERY FEE. FOR THE PURPOSE
20 OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND ADMINISTRATIVE
21 COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT
22 AND ADMINISTER THE CLEAN FLEET RETAIL DELIVERY FEE ON BEHALF OF
23 THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND
24 ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218
25 (3).

26 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
27 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL

1 IMPOSE THE CLEAN FLEET RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
2 OF FIVE AND THREE-TENTHS CENTS.

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

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

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

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

4 (I) TO HELP PUBLIC AND PRIVATE OWNERS AND OPERATORS OF
5 MOTOR VEHICLE FLEETS FINANCE ELECTRIC MOTOR VEHICLE ACQUISITIONS
6 TO REDUCE THE UP-FRONT COSTS OF ACQUIRING ELECTRIC MOTOR
7 VEHICLES, THROUGH DECEMBER 31, 2026, TO HELP PUBLIC AND PRIVATE
8 OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS FINANCE
9 ACQUISITIONS OF COMPRESSED NATURAL GAS MOTOR VEHICLES THAT ARE
10 TRUCKS IF AT LEAST NINETY PERCENT OF THE FUEL FOR THE TRUCKS WILL
11 BE RECOVERED METHANE, AND, ON AND AFTER JANUARY 1, 2027, FOR SO
12 LONG AS THE ENTERPRISE DETERMINES THAT ELECTRIC MOTOR VEHICLES
13 OR NOT YET PRACTICALLY AVAILABLE OR DO NOT MEET THE OPERATIONAL
14 REQUIREMENTS SUCH AS CARGO CARRYING CAPACITY AND DRIVING RANGE
15 FOR SPECIFIC CATEGORIES OF TRUCKS, TO HELP PUBLIC AND PRIVATE
16 OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS FINANCE
17 ACQUISITIONS OF COMPRESSED NATURAL GAS MOTOR VEHICLES THAT ARE
18 TRUCKS IF AT LEAST NINETY PERCENT OF THE FUEL FOR THE TRUCKS WILL
19 BE RECOVERED METHANE;

20 (II) TO ASSESS AND IMPLEMENT CLEANER MOBILE SOURCE
21 TECHNOLOGY TO SUPPORT ELECTRIFICATION OF MOTOR VEHICLES AND
22 ELECTRIC MOTOR VEHICLE FLEETS;

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

1 (IV) TO RESEARCH AND ASSESS INNOVATIVE AND EMERGING
2 MOTOR VEHICLE EMISSION STRATEGIES FOR MOTOR VEHICLES AND
3 ENGINES AND MODERNIZE AND IMPROVE CURRENT TESTING, INSPECTION,
4 AND READJUSTMENT SERVICES OFFERED BY THE DEPARTMENT;

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

8 (VI) TO RESEARCH AND DEVELOP STRATEGIES, BUSINESS PLANS,
9 AND GUIDANCE TO SUPPORT THE CONSISTENT APPLICATION OF GRANTS
10 AND OTHER ENTERPRISE BUSINESS SERVICES, INCLUDING REMEDIATION
11 SERVICES;

12 (VII) TO PROVIDE OUTREACH, EDUCATION, OR TRAINING TO
13 SUPPORT THE SUCCESSFUL APPLICATION AND PERFORMANCE BY ENTITIES
14 RECEIVING FUNDS;

15 (VIII) TO PROVIDE OR SUPPORT THE DELIVERY OF COMPANION
16 SERVICES SUCH AS FLEET MOTOR VEHICLE TESTING, INSPECTION, AND
17 READJUSTMENT SERVICES;

18 (IX) TO REDUCE HEALTH DISPARITIES IN DISPROPORTIONATELY
19 IMPACTED COMMUNITIES RESULTING FROM INCREASED EXPOSURE TO
20 MOTOR VEHICLE FLEET EMISSIONS;

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

26 (XI) TO HELP TRANSPORTATION NETWORK COMPANIES PROVIDE
27 INCENTIVES FOR TRANSPORTATION NETWORK COMPANY DRIVERS TO

1 PROVIDE PREARRANGED RIDES IN ELECTRIC MOTOR VEHICLES; AND

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

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

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

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

25 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
26 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
27 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE

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

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

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

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

26 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
27 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE

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

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

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

11 **39-21-102. Scope.** (7) THE PROVISIONS OF THIS ARTICLE 21 APPLY
12 TO THE FEES IMPOSED PURSUANT TO PART 3 OF ARTICLE 38.5 OF TITLE 24,
13 ARTICLE 7.5 OF TITLE 25, AND THE FEES COLLECTED PURSUANT TO SECTION
14 40-10.1-607.5, BUT ONLY TO THE EXTENT THAT THE PROVISIONS OF THIS
15 ARTICLE 21 ARE NOT INCONSISTENT WITH THE PROVISIONS OF PART 3 OF
16 ARTICLE 38.5 OF TITLE 24, ARTICLE 7.5 OF TITLE 25, AND SECTION
17 40-10.1-607.5.

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

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

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

27 (i) Any motor fuel tax OR FEE return required to be filed and

1 payment required to be made pursuant to section 39-27-303;

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

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

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

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

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

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

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

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

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

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

27 **39-26-102. Definitions.** As used in this article 26, unless the

1 context otherwise requires:

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

9 **SECTION 15.** In Colorado Revised Statutes, 39-26-123, **repeal**
10 (3.5) as follows:

11 **39-26-123. Receipts - disposition - transfers of general fund**
12 **surplus - sales tax holding fund - creation - definitions.** (3.5) For each
13 ~~state fiscal year commencing on or after the first state fiscal year in which~~
14 ~~an appropriation or transfer is permitted pursuant to section 24-75-219~~
15 ~~(2)(d), C.R.S., the general assembly may appropriate or transfer, in its~~
16 ~~sole discretion, moneys from the general fund to the sales and use tax~~
17 ~~holding fund.~~

18 **SECTION 16.** In Colorado Revised Statutes, 39-27-301, **amend**
19 (1), (4), and (6); and **add** (3.3) as follows:

20 **39-27-301. Definitions.** As used in this part 3, unless the context
21 otherwise requires:

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

24 (3.3) "FEE" MEANS THE ROAD USAGE FEE IMPOSED BY SECTION
25 43-4-217 (3) AND (4) AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED
26 BY SECTION 43-4-805 (5)(g.5).

27 (4) "Licensee" means a motor carrier who has been issued a fuel

1 tax license under a motor fuel tax AND FEE agreement.

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

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

6 **39-27-302. Agreements between jurisdictions.** The department
7 may enter into a motor fuel tax AND FEE cooperative agreement with
8 another jurisdiction or jurisdictions that provide for the administration,
9 collection, and enforcement of each jurisdiction's motor fuel taxes AND
10 FEES on motor fuel used by motor carriers. The agreement shall not
11 contain any provision that exempts any motor vehicle, owner, or operator
12 from complying with the laws, rules, and regulations pertaining to motor
13 vehicle licensing, size, weight, load, or operation upon the public
14 highways of this state.

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

17 **39-27-304. Provisions of agreements.** (1) An agreement entered
18 into under this part 3 may provide for:

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

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

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

26 (e) Establishing tax AND FEE reporting periods not to exceed one
27 calendar quarter and TAX AND FEE report due dates not to exceed one

1 calendar month after the close of the reporting period;

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

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

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

9 **39-27-305. Credit for purchases.** Any licensee purchasing more
10 tax-paid AND FEE-PAID motor fuel in this state than the licensee uses in
11 this state during the course of a reporting period shall be permitted a
12 credit against future tax AND FEE liability for the excess tax-paid AND
13 FEE-PAID fuel purchased. Upon request, this credit may be refunded to the
14 licensee by the department in accordance with the agreement.

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

17 **39-27-306. Tax and fee collection.** (1) The agreement may
18 require the department to perform audits of licensees or persons required
19 to be licensed and who are based in this state to determine whether motor
20 fuel taxes AND FEES to be collected under the agreement have been
21 reported properly and paid to each jurisdiction that is a party to the
22 agreement. The agreement may authorize other jurisdictions to perform
23 audits on licensees or persons required to be licensed and who are based
24 in such other jurisdictions on behalf of the state of Colorado and forward
25 the audit findings to the department. Such findings may be served upon
26 the licensee or such other person in the same manner as audits performed
27 by the department.

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

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

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

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

10 **40-10.1-118. Certificated taxi carrier parity report -**
11 **recommendations - legislative declaration - repeal.** (1) THE GENERAL
12 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

13 (a) WHEN THE GENERAL ASSEMBLY ENACTED SENATE BILL
14 21-260, ENACTED IN 2021, IT ESTABLISHED A POLICY THAT A SUSTAINABLE
15 TRANSPORTATION SYSTEM MUST BE FUNDED ADEQUATELY AND
16 EQUITABLY WITH CONTRIBUTIONS FROM USERS THAT BEAR A REASONABLE
17 RELATIONSHIP TO THEIR USE OF AND IMPACTS ON THE SYSTEM AND THE
18 ENVIRONMENT AND THE COSTS INCURRED IN MITIGATING THOSE IMPACTS;

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

25 (c) CONSISTENT WITH THE POLICY THAT THE TRANSPORTATION
26 SYSTEM BE FUNDED ADEQUATELY AND EQUITABLY WITH CONTRIBUTIONS
27 FROM USERS, IT IS NECESSARY AND APPROPRIATE TO ASSESS WHETHER

1 THERE IS PARITY BETWEEN CERTIFICATED TAXI CARRIERS AND
2 TRANSPORTATION NETWORK COMPANIES WITH RESPECT TO THEIR
3 CONTRIBUTIONS TO THE FUNDING OF THE TRANSPORTATION SYSTEM.

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

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

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

17 **40-10.1-605. Operational requirements.** (1) The following
18 requirements apply to the provision of services:

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

- 25 (I) A valid driver's license;
- 26 (II) Proof of automobile insurance; AND
- 27 (III) Proof of a Colorado vehicle registration; ~~and~~

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

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

5 **40-10.1-607. Fees - transportation network company fund -**
6 **creation.** The commission shall transmit all fees PAYABLE TO AND
7 collected BY THE COMMISSION pursuant to this part 6 to the state treasurer,
8 who shall credit the fees to the transportation network company fund,
9 which is hereby created in the state treasury. The ~~moneys~~ MONEY in the
10 fund ~~are~~ IS continuously appropriated to the commission for the purposes
11 set forth in this part 6. All interest earned from the DEPOSIT AND
12 investment of ~~moneys~~ MONEY in the fund is credited to the fund. Any
13 ~~moneys~~ MONEY not expended at the end of the fiscal year ~~remain~~
14 REMAINS in the fund and ~~do~~ DOES not revert to the general fund or any
15 other fund.

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

18 **40-10.1-607.5. Fees - enterprise per ride fees - collection -**
19 **distribution of fee proceeds - rules - definitions.** (1) AS USED IN THIS
20 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

25 (b) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH
26 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
27 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS

1 SEPARATELY REQUESTED A PREARRANGED RIDE.

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

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

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

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

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

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

24 (4) WHEN COLLECTING THE ENTERPRISE PER RIDE FEES, THE
25 DEPARTMENT OF REVENUE SHALL RETAIN AN AMOUNT THAT DOES NOT
26 EXCEED THE TOTAL COST OF COLLECTING, ADMINISTERING, AND
27 ENFORCING THE ENTERPRISE PER RIDE FEES AND SHALL TRANSMIT THE

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

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

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

17 **42-3-304. Registration fees - passenger and passenger-mile**
18 **taxes - clean screen fund - rules - definitions.** (25) (a) In addition to
19 any other fee imposed by this section, FOR REGISTRATION PERIODS
20 BEGINNING DURING STATE FISCAL YEARS PRIOR TO STATE FISCAL YEAR
21 2022-23, each authorized agent shall annually collect a fee of fifty dollars
22 at the time of registration on every ~~plug-in~~ electric motor vehicle. FOR
23 REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR 2022-23
24 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH AUTHORIZED
25 AGENT SHALL CONTINUE TO COLLECT THE FEE, AND THE AMOUNT OF THE
26 FEE FOR REGISTRATION PERIODS BEGINNING DURING ANY GIVEN STATE
27 FISCAL YEAR IS THE AMOUNT OF THE FEE COLLECTED FOR REGISTRATION

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

14 (a.5) (I) IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS
15 SECTION, INCLUDING THE FEE IMPOSED BY SUBSECTION (25)(a) OF THIS
16 SECTION, FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
17 YEAR 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH
18 AUTHORIZED AGENT SHALL ANNUALLY COLLECT AN ELECTRIC MOTOR
19 VEHICLE ROAD USAGE EQUALIZATION FEE AT THE TIME OF REGISTRATION
20 ON EVERY BATTERY ELECTRIC MOTOR VEHICLE AS SPECIFIED IN
21 SUBSECTIONS (25)(a.5)(II) AND (25)(a.5)(III) OF THIS SECTION AND ON
22 EVERY PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE AS SPECIFIED IN
23 SUBSECTIONS (25)(a.5)(IV) AND (25)(a.5)(V) OF THIS SECTION. THE
24 AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE TREASURER,
25 WHO SHALL CREDIT IT TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION
26 AND EXPENDITURE AS SPECIFIED IN SECTION 43-4-205 (6.8).

27 (II) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL

1 YEARS 2022-23 THROUGH 2031-32, THE AMOUNT OF THE ELECTRIC MOTOR
2 VEHICLE ROAD USAGE EQUALIZATION FEE FOR A BATTERY ELECTRIC
3 MOTOR VEHICLE IS AS FOLLOWS:

4	FISCAL YEAR	FEE
5	2022-2023	\$4
6	2023-2024	\$8
7	2024-2025	\$12
8	2025-2026	\$16
9	2026-2027	\$26
10	2027-2028	\$36
11	2028-2029	\$51
12	2029-2030	\$66
13	2030-2031	\$81
14	2031-2032	\$96

15 (III) FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL
16 YEAR 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
17 AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION
18 FEE FOR A BATTERY ELECTRIC MOTOR VEHICLE IS THE AMOUNT OF THE FEE
19 FOR REGISTRATION PERIODS BEGINNING DURING THE PRIOR STATE FISCAL
20 YEAR, ADJUSTED FOR INFLATION; EXCEPT THAT AN ADJUSTMENT SHALL BE
21 MADE ONLY IF THE RATE OF INFLATION IS POSITIVE AND MUST BE THE
22 LESSER OF THE ACTUAL RATE OF INFLATION OR FIVE PERCENT. THE
23 DEPARTMENT OF REVENUE SHALL ANNUALLY CALCULATE THE INFLATION
24 ADJUSTED AMOUNT OF THE ELECTRIC MOTOR VEHICLE ROAD USAGE
25 EQUALIZATION FEE FOR A BATTERY ELECTRIC MOTOR VEHICLE FOR
26 REGISTRATION PERIODS BEGINNING DURING EACH STATE FISCAL YEAR AND
27 SHALL NOTIFY AUTHORIZED AGENTS OF THE AMOUNT NO LATER THAN THE

1 MAY 1 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

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

6	FISCAL YEAR	FEE
7	2022-2023	\$3
8	2023-2024	\$5
9	2024-2025	\$8
10	2025-2026	\$11
11	2026-2027	\$13
12	2027-2028	\$16
13	2028-2029	\$19
14	2029-2030	\$21
15	2030-2031	\$24
16	2031-2032	\$27

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

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

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

22 (a.7) (I) IN LIEU OF ANY OTHER FEE IMPOSED BY THIS SUBSECTION
23 (25), FOR REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR
24 2022-23 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH
25 AUTHORIZED AGENT SHALL ANNUALLY COLLECT A COMMERCIAL ELECTRIC
26 MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE IN THE AMOUNT
27 SPECIFIED IN SUBSECTION (25)(a.7)(II) OR (25)(a.7)(III) OF THIS SECTION.

1 THE AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE
2 TREASURER, WHO SHALL CREDIT IT AS SPECIFIED IN SUBSECTION
3 (25)(a.7)(IV) OF THIS SECTION.

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

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

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

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

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

1 SHALL NOTIFY AUTHORIZED AGENTS OF THE AMOUNT NO LATER THAN THE
2 MAY 1 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

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

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

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

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

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

1 COLORADO LIGHT-DUTY AND COMMERCIAL MOTOR VEHICLE FLEETS OR, IF
2 COLORADO DATA IS NOT AVAILABLE, FOR THE UNITED STATES
3 LIGHT-DUTY AND COMMERCIAL MOTOR VEHICLE FLEETS. TO THE EXTENT
4 FEASIBLE BASED ON THE DATA AVAILABLE, ANALYSIS OF COMMERCIAL
5 MOTOR VEHICLE FLEET DATA SHALL ACCOUNT SEPARATELY FOR
6 DIFFERENT CATEGORIES OR WEIGHT CLASSES OF COMMERCIAL MOTOR
7 VEHICLES.

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

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

15 (II) "COMMERCIAL ELECTRIC MOTOR VEHICLE" MEANS AN
16 ELECTRIC MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE.

17 (III) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
18 MOTOR VEHICLE AND A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE.

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

27 (V) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A MOTOR

1 VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY PACK
2 THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL SOURCE
3 OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH AS AN
4 INTERNAL COMBUSTION ENGINE.

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

12 **SECTION 27. In Colorado Revised Statutes, 42-4-307, add (16)**
13 **as follows:**

14 **42-4-307. Powers and duties of the department of public**
15 **health and environment - division of administration - automobile**
16 **inspection and readjustment program - basic emissions program -**
17 **enhanced emissions program - clean screen program. (16) PRIOR TO**
18 **JULY 1, 2022, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**
19 **SHALL SEEK APPROVAL FROM THE ENVIRONMENTAL PROTECTION AGENCY**
20 **TO MODIFY THE STATE IMPLEMENTATION PLAN TO EXPAND THE TESTING**
21 **EXEMPTION FOR NEW VEHICLES TO TEN MODEL YEARS. IF THE**
22 **ENVIRONMENTAL PROTECTION AGENCY APPROVES THE REQUEST, THE**
23 **COMMISSION SHALL ADOPT A RULE EXPANDING THE TESTING EXEMPTION**
24 **FOR NEW VEHICLES TO TEN MODEL YEARS WITHIN TWELVE MONTHS**
25 **FOLLOWING THE APPROVAL. IN ADDITION, THE DEPARTMENT OF PUBLIC**
26 **HEALTH AND ENVIRONMENT SHALL SEEK APPROVAL FROM THE**
27 **ENVIRONMENTAL PROTECTION AGENCY TO EXPAND THE TESTING**

1 EXEMPTION FOR PLUG-IN HYBRID ELECTRIC MOTOR VEHICLES TO TWELVE
2 MODEL YEARS.

3 **SECTION 28.** In Colorado Revised Statutes, 43-1-116, **add** (5)
4 as follows:

5 **43-1-116. Engineering, design, and construction division -**
6 **created - duties - environmental justice and equity branch.** (5) THE
7 ENVIRONMENTAL JUSTICE AND EQUITY BRANCH IS CREATED IN THE
8 ENGINEERING, DESIGN, AND CONSTRUCTION DIVISION. THE FUNCTION OF
9 THE ENVIRONMENTAL JUSTICE AND EQUITY BRANCH IS TO WORK DIRECTLY
10 WITH DISPROPORTIONATELY IMPACTED COMMUNITIES, AS WELL AS WITH
11 OTHER DEPARTMENT PROGRAMS, IN THE PROJECT PLANNING,
12 ENVIRONMENTAL STUDY, AND PROJECT DELIVERY PHASES OF
13 TRANSPORTATION CAPACITY PROJECTS. THE ENVIRONMENTAL JUSTICE
14 AND EQUITY BRANCH SHALL IDENTIFY AND ADDRESS TECHNOLOGICAL,
15 LANGUAGE, AND INFORMATION BARRIERS THAT MAY PREVENT
16 DISPROPORTIONATELY IMPACTED COMMUNITIES FROM PARTICIPATING
17 FULLY IN TRANSPORTATION DECISIONS THAT AFFECT HEALTH, QUALITY OF
18 LIFE, AND ACCESS FOR DISADVANTAGED AND MINORITY BUSINESSES IN
19 PROJECT DELIVERY.

20 **SECTION 29.** In Colorado Revised Statutes, 43-1-117, **add** (4)
21 as follows:

22 **43-1-117. Transportation development division - created -**
23 **duties - freight mobility and safety branch.** (4) THE FREIGHT MOBILITY
24 AND SAFETY BRANCH IS CREATED IN THE TRANSPORTATION DEVELOPMENT
25 DIVISION. THE FUNCTION OF THE FREIGHT MOBILITY AND SAFETY BRANCH
26 IS TO PLAN, DESIGN, AND IMPLEMENT PROGRAMS AND PROJECTS THAT
27 ENHANCE FREIGHT MOBILITY AND SAFETY WITHIN THE STATE. NO LATER

1 THAN JANUARY 1, 2022, THE FREIGHT MOBILITY AND SAFETY BRANCH
2 SHALL PROVIDE TO THE COMMISSION A LONG-TERM STRATEGIC PLAN THAT
3 SETS FORTH THE VISION AND GOALS FOR THE BRANCH, KEY PRIORITIES FOR
4 ALL FREIGHT-RELATED PROGRAMS, ACTIVITIES, AND PROJECTS, AND
5 GUIDELINES FOR COORDINATION BETWEEN THE BRANCH AND THE FREIGHT
6 ADVISORY COMMITTEE.

7 **SECTION 30.** In Colorado Revised Statutes, **add** 43-1-128,
8 43-1-129, and 43-1-130 as follows:

9 **43-1-128. Environmental impacts of capacity projects -**
10 **additional requirements - legislative declaration - definitions.** (1) THE
11 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

12 (a) TRANSPORTATION CAPACITY PROJECTS THAT ARE INTENDED TO
13 ALLEVIATE TRAFFIC CONGESTION, ADDRESS MOBILITY, AND IMPROVE
14 TRAVEL TIME RELIABILITY BY INCREASING THE CAPACITY OF HIGHWAYS IN
15 MAJOR TRANSPORTATION CORRIDORS CAN CAUSE ADVERSE
16 ENVIRONMENTAL IMPACTS, INCLUDING BUT NOT LIMITED TO INCREMENTAL
17 ACCELERATION OF CLIMATE CHANGE, AND ADVERSE HEALTH IMPACTS;

18 (b) THESE IMPACTS FALL MOST HEAVILY ON COMMUNITIES
19 ADJACENT TO PROJECTS, INCLUDING DISPROPORTIONATELY IMPACTED
20 COMMUNITIES;

21 (c) TO MINIMIZE THE ADVERSE ENVIRONMENTAL AND HEALTH
22 IMPACTS OF PLANNED TRANSPORTATION CAPACITY PROJECTS AND
23 ADDRESS INEQUITABLE DISTRIBUTION OF THE BURDENS OF SUCH PROJECTS,
24 IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE
25 AND ALL COLORADANS TO REQUIRE THE DEPARTMENT AND
26 METROPOLITAN PLANNING ORGANIZATIONS, WHICH ARE THE STATE'S
27 PRIMARY TRANSPORTATION PLANNING ENTITIES WITH RESPONSIBILITY FOR

1 SELECTING AND FUNDING TRANSPORTATION CAPACITY PROJECTS, TO
2 ENGAGE IN AN ENHANCED LEVEL OF PLANNING, MODELING AND OTHER
3 ANALYSIS, COMMUNITY ENGAGEMENT, AND MONITORING WITH RESPECT
4 TO SUCH PROJECTS AS REQUIRED BY THIS SECTION; AND

5 (d) THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO AND
6 SHALL TO THE EXTENT PRACTICABLE BE EXECUTED CONCURRENTLY WITH,
7 AND DO NOT SUPPLANT, ANY OTHER REQUIREMENTS OR PROCESSES,
8 INCLUDING FEDERAL SAFETY AND STATE OF GOOD REPAIR REQUIREMENTS,
9 FOR TRANSPORTATION PLANNING, PROJECT PRIORITIZATION, PUBLIC
10 OUTREACH, PROJECT IMPLEMENTATION, OR TRANSPARENCY AND
11 ACCOUNTABILITY THAT ARE ESTABLISHED BY LAW, RULE, OR COMMISSION
12 OR DEPARTMENT POLICY.

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

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

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

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

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

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

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

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

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

13 (3) EFFECTIVE AS OF JULY 1, 2022, THE DEPARTMENT SHALL
14 ESTABLISH AND PROPOSE TO THE COMMISSION FOR ITS REVIEW
15 IMPLEMENTING PROCEDURES AND GUIDELINES THAT REQUIRE THE
16 DEPARTMENT AND METROPOLITAN PLANNING ORGANIZATIONS TO TAKE
17 ADDITIONAL STEPS IN THE PLANNING PROCESS FOR REGIONALLY
18 SIGNIFICANT TRANSPORTATION CAPACITY PROJECTS TO ACCOUNT FOR THE
19 IMPACTS ON THE AMOUNT OF STATEWIDE GREENHOUSE GAS POLLUTION
20 AND STATEWIDE VEHICLE MILES TRAVELED THAT ARE EXPECTED TO
21 RESULT FROM SUCH PROJECTS. SUCH GUIDELINES AND PROCEDURES SHALL
22 APPLY TO ADOPTION OF THE NEXT TEN-YEAR PLAN AND SUBSEQUENT
23 PLANNING CYCLES AND SHALL FULLY EVALUATE THE POTENTIAL
24 ENVIRONMENTAL AND HEALTH IMPACTS ON DISPROPORTIONATELY
25 IMPACTED COMMUNITIES. THE COMMISSION SHALL, WITH SUCH
26 MODIFICATIONS AS THE COMMISSION MAY MAKE SUBJECT TO THE
27 REQUIREMENTS OF THIS SECTION AND WITH OPPORTUNITIES FOR PUBLIC

1 INVOLVEMENT, ADOPT THE PROCEDURES AND GUIDELINES. AT A MINIMUM,
2 BOTH THE PROPOSED AND ADOPTED PROCEDURES AND GUIDELINES MUST
3 REQUIRE THE DEPARTMENT AND METROPOLITAN PLANNING
4 ORGANIZATIONS TO:

5 (a) IMPLEMENT RELEVANT RULES AND REGULATIONS ISSUED
6 PURSUANT TO SECTION 25-7-105;

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

10 (c) MODIFY THEIR GUIDANCE DOCUMENTS TO ENSURE THAT AT
11 LEAST THE SAME LEVEL OF ANALYTICAL SCRUTINY IS GIVEN TO
12 GREENHOUSE GAS POLLUTANTS AS IS GIVEN TO OTHER AIR POLLUTANTS OF
13 CONCERN IN THE STATE INCLUDING CONSIDERATION OF THE IMPACT ON
14 EMISSIONS OF GREENHOUSE GAS POLLUTANTS OF INDUCED DEMAND
15 RESULTING FROM REGIONALLY SIGNIFICANT TRANSPORTATION CAPACITY
16 PROJECTS ALONGSIDE TRAFFIC MODELING; AND

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

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

26 (a) USE ENVIRONMENTAL PROTECTION AGENCY APPROVED MODELS
27 TO DETERMINE AIR POLLUTANT EMISSIONS IMPACTS FOR THE PLANNED

1 PROJECT AND PROVIDE MONITORING AND MEASUREMENT OF CRITERIA
2 POLLUTANTS PRIOR TO CONSTRUCTION;

3 (b) DEVELOP AND IMPLEMENT A PARTICULATE MATTER
4 CONSTRUCTION PLAN TO PROVIDE CONTINUOUS MONITORING AND
5 TRANSPARENT PUBLIC REPORTING OF CONCENTRATIONS, PUBLIC ALERTS
6 ISSUED AS SOON AS POSSIBLE WHEN EXCEEDANCE EVENTS OCCUR, AND
7 ACTION PLANS TO ADDRESS EMISSION LEVELS ON CONSTRUCTION PROJECTS
8 PRIOR TO EXCEEDANCES WITH PARTICULAR FOCUS ON
9 DISPROPORTIONATELY IMPACTED COMMUNITIES; AND

10 (c) DEVELOP AND IMPLEMENT A PLAN TO MITIGATE AIR QUALITY
11 IMPACTS ON COMMUNITIES, INCLUDING BUT NOT LIMITED TO
12 DISPROPORTIONATELY IMPACTED COMMUNITIES ADJACENT TO THE
13 PROJECT, WITH PARTICULAR FOCUS WHERE FEASIBLE ON MITIGATION OF
14 FINE PARTICULATE MATTER POLLUTION.

15 (5) WITH THE EXCEPTION OF THE INTERSTATE HIGHWAY 270
16 CORRIDOR IMPROVEMENT PROJECT, THE REQUIREMENTS OF SUBSECTIONS
17 (4)(a) AND (4)(c) OF THIS SECTION DO NOT APPLY TO ANY PROJECTS THAT
18 HAVE, ON OR BEFORE JULY 1, 2022, A SIGNED RECORD OF DECISION,
19 FINDING OF NO SIGNIFICANT IMPACT, OR CATEGORICAL EXCLUSIONS AS
20 PROVIDED BY THE NATIONAL ENVIRONMENTAL POLICY ACT.

21 (6) TO PROMOTE TRANSPARENCY AND INCREASE BOTH PUBLIC
22 PARTICIPATION AND PUBLIC CONFIDENCE IN REGIONALLY SIGNIFICANT
23 TRANSPORTATION CAPACITY PROJECT SELECTION, PLANNING, AND
24 IMPLEMENTATION IN COMMUNITIES, INCLUDING BUT NOT LIMITED TO
25 DISPROPORTIONATELY IMPACTED COMMUNITIES, THE DEPARTMENT SHALL,
26 WITH OPPORTUNITY FOR PUBLIC INPUT, REVIEW, UPDATE, AND IMPROVE AS
27 NECESSARY ITS PUBLIC ENGAGEMENT PROGRAM FOR PLANNED

1 TRANSPORTATION CAPACITY PROJECTS. IN DOING SO, THE DEPARTMENT
2 SHALL CREATE DIVERSE AND IMPACTFUL WAYS TO GATHER INPUT FROM
3 COMMUNITIES ACROSS THE STATE BY COMMUNICATING IN MULTIPLE
4 LANGUAGES AND MULTIPLE FORMATS AND TRANSPARENTLY SHARING
5 READILY UNDERSTANDABLE INFORMATION ABOUT POTENTIAL ADVERSE
6 IMPACTS, INCLUDING BUT NOT LIMITED TO ENVIRONMENTAL AND HEALTH
7 IMPACTS, OF POTENTIAL TRANSPORTATION CAPACITY PROJECTS.

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

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

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

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

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

26 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE
27 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION

1 43-2-145 (1) DURING THE 2023 LEGISLATIVE INTERIM.

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

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

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

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

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

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

1 SUCH MODIFICATIONS OR ADDITIONS; AND

2 (e) IDENTIFY AND SUMMARIZE LEGAL ISSUES RELATING TO THE USE
3 OF AUTONOMOUS MOTOR VEHICLES.

4 (2) THE DEPARTMENT SHALL PRESENT THE REPORT TO THE
5 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
6 43-2-145 (1) DURING THE 2025 LEGISLATIVE INTERIM.

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

8 **SECTION 31.** In Colorado Revised Statutes, **amend** 43-1-219 as
9 follows:

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

1 treasurer upon warrants drawn by the controller. The controller is
2 authorized as directed to draw warrants payable out of the specified fund
3 upon such vouchers properly certified and audited. Nothing in this part 2
4 shall operate to alter the manner of the execution and issuance of
5 transportation revenue anticipation notes provided in part 7 of article 4 of
6 this ~~title~~ TITLE 43.

7 **SECTION 32.** In Colorado Revised Statutes, 43-4-203, **amend**
8 (1) introductory portion; and **add** (1)(f) and (1)(g) as follows:

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

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

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

17 **SECTION 33.** In Colorado Revised Statutes, 43-4-205, **amend**
18 (6) introductory portion and (6)(b) introductory portion; and **add** (6.8)
19 and (6.9) as follows:

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

1 (b) The remaining balance of such revenue may be expended only
2 for improvements to highways within the state, including new
3 construction, safety improvements, maintenance, and capacity
4 improvements, and for other transportation-related projects to the extent
5 authorized by SUBSECTION (6.8) OF THIS SECTION AND sections 43-4-206
6 (3), 43-4-207 (1), and 43-4-208 (1), and may not be expended for
7 administrative purposes. Such revenue is allocated as follows:

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

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

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

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

1 (C) TWENTY-SEVEN PERCENT MUST BE PAID TO THE CITIES AND
2 INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION BY THE
3 GENERAL ASSEMBLY, AND MUST BE ALLOCATED AND EXPENDED AS
4 PROVIDED IN SECTION 43-4-208 (2)(b) AND (6)(a).

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

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

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

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

21 **SECTION 34.** In Colorado Revised Statutes, 43-4-206, **amend**
22 (2)(b) introductory portion, (2)(b)(III), and (2)(b)(IV) as follows:

23 **43-4-206. State allocation.** (2) (b) Notwithstanding section
24 24-1-136 (11)(a)(I), beginning in 1998, the department of transportation
25 shall report annually to the transportation committee of the senate and the
26 transportation and energy committee of the house of representatives
27 concerning the revenue expended by the department pursuant to

1 subsection (2)(a) of this section and, beginning in 2019, ~~any state general~~
2 ~~fund money that is credited to the state highway fund pursuant to section~~
3 ~~24-75-219 (5) and any net proceeds of lease-purchase agreements~~
4 ~~executed as required by section 24-82-1303 (2)(a) that are credited to the~~
5 ~~state highway fund pursuant to section 24-82-1303 (4)(b) and expended~~
6 ~~by the department pursuant to subsection (1)(b)(V) of this section. and~~
7 ~~any net proceeds of transportation revenue anticipation notes issued as~~
8 ~~authorized by a ballot issue submitted to and approved by the registered~~
9 ~~electors of the state at the 2020 statewide election pursuant to section~~
10 ~~43-4-705 (13)(b) that are credited to the state highway fund pursuant to~~
11 ~~this section.~~ The department shall present the report at the joint meeting
12 required under section 43-1-113 (9)(a), and the report shall describe for
13 each fiscal year, if applicable:

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

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

22 **SECTION 35.** In Colorado Revised Statutes, **add** 43-4-217 and
23 43-4-218 as follows:

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

27 (a) STATE MOTOR FUEL EXCISE TAXES LEVIED ON THE PURCHASE

1 OF MOTOR FUELS REPRESENT THE LARGEST SOURCE OF STATE FUNDING FOR
2 THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE HIGHWAYS,
3 ROADS, AND STREETS OF THE STATE;

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

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

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

20 (II) MOTOR VEHICLES HAVE BECOME MORE FUEL-EFFICIENT OVER
21 TIME;

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

1 SOLELY FOR THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE
2 HIGHWAYS OF THE STATE;

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

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

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

23 (I) THE FEES ARE IMPOSED NOT TO RAISE REVENUE FOR GENERAL
24 GOVERNMENTAL PURPOSES BUT INSTEAD ARE IMPOSED FOR THE SOLE
25 PURPOSE OF FUNDING THE CONSTRUCTION, MAINTENANCE, AND
26 SUPERVISION OF THE TRANSPORTATION SYSTEM, WITH A PRIORITY PLACED
27 ON PROJECTS THAT ARE DESIGNATED AS TEN-YEAR VISION PROJECTS ON

1 THE DEPARTMENT'S TEN-YEAR VISION PROJECT LIST:

2 (II) FEE REVENUE DEFRAYS COSTS INCURRED BY THE STATE IN
3 FUNDING CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE
4 TRANSPORTATION SYSTEM THAT IS NECESSITATED BY INCREASED USE OF
5 THE SYSTEM BY THE FEE PAYERS WHO USE MOTOR VEHICLES ON THE
6 TRANSPORTATION SYSTEM; AND

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

12 (2) AS USED IN THIS SECTION:

13 (a) "GASOLINE" MEANS GASOLINE, AS DEFINED IN SECTION
14 39-27-101 (12), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION
15 39-27-102 (1)(a)(II)(A).

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

24 (c) "SPECIAL FUEL" MEANS SPECIAL FUEL, AS DEFINED IN SECTION
25 39-27-101 (29), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION
26 39-27-102 (1)(a)(II)(B). "SPECIAL FUEL" DOES NOT INCLUDE DIESEL FUEL
27 AND KEROSENE TO WHICH INDELIBLE DYE MEETING FEDERAL REGULATIONS

1 IS ADDED BEFORE OR UPON REMOVAL FROM A TERMINAL SO LONG AS SUCH
2 FUEL IS NOT USED FOR A TAXABLE PURPOSE AS DESCRIBED IN SECTION
3 39-27-102.5 (1.5).

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

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

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

21 AND

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

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

1 FISCAL YEAR IS THE SUM OF:

2 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
3 2030, ADJUSTED FOR INFLATION; AND

4 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF
5 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
6 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,
7 2030.

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

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

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

26 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;

27 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;

1 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
2 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
3 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
4 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;
5 AND
6 (G) EIGHT CENTS PER GALLON FOR STATE FISCAL YEARS 2028-29
7 THROUGH 2031-32.

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

13 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
14 2030, ADJUSTED FOR INFLATION; AND

15 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF TWENTY
16 AND ONE-HALF CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
17 AND THE NOMINAL AMOUNT OF TWENTY AND ONE-HALF CENTS ON
18 DECEMBER 31, 2030.

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

26 (5) EACH DISTRIBUTOR OF SPECIAL FUEL THAT PAYS THE EXCISE
27 TAX IMPOSED ON SPECIAL FUEL SHALL ALSO PAY, AT THE SAME TIME AND

1 IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE FEE
2 IMPOSED PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS SECTION, A
3 BRIDGE AND TUNNEL IMPACT FEE IN THE AMOUNT IMPOSED BY THE
4 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE AS AUTHORIZED BY SECTION
5 43-4-805 (5)(g.5). THE COLLECTION AND ADMINISTRATION OF THE BRIDGE
6 AND TUNNEL IMPACT FEE BY THE DEPARTMENT OF REVENUE ON BEHALF OF
7 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE IS DONE ON BEHALF OF
8 THE ENTERPRISE FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
9 DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR THE STATE, AND ALL
10 BRIDGE AND TUNNEL IMPACT FEE REVENUE IS REVENUE OF THE
11 ENTERPRISE ONLY AND IS EXCLUDED FROM STATE FISCAL YEAR SPENDING,
12 AS DEFINED IN SECTION 24-77-102 (17).

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

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

27 (c) THE BURDEN OF PROVING THAT GASOLINE OR SPECIAL FUEL IS

1 NOT SUBJECT TO THE ROAD USAGE FEE IMPOSED BY SUBSECTION (3) OR (4)
2 OF THIS SECTION OR THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
3 AUTHORIZED BY SECTION 43-4-805 (5)(g.5) IS ON THE DISTRIBUTOR UNDER
4 SUCH REASONABLE REQUIREMENTS OF PROOF AS THE EXECUTIVE
5 DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PRESCRIBE.

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

22 (8) IN ACCORDANCE WITH SECTION 43-4-203 (1)(f), THE STATE
23 TREASURER SHALL CREDIT ALL ROAD USAGE FEE REVENUE COLLECTED AS
24 REQUIRED BY THIS SECTION TO THE HIGHWAY USERS TAX FUND CREATED
25 IN SECTION 43-4-201. IN ACCORDANCE WITH SECTION 43-4-805 (5)(g.5),
26 THE STATE TREASURER SHALL CREDIT ALL BRIDGE AND TUNNEL IMPACT
27 FEE REVENUE COLLECTED AS REQUIRED BY THIS SECTION TO THE

1 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE SPECIAL REVENUE FUND
2 CREATED IN SECTION 43-4-805 (3)(a). ALL FEES CREDITED TO THE
3 HIGHWAY USERS TAX FUND PURSUANT TO THIS SECTION SHALL BE
4 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,
5 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8).

6 **43-4-218. Additional funding - retail delivery fee - fund**
7 **created - simultaneous collection of enterprise fees - rules - legislative**
8 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
9 AND DECLARES THAT:

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

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

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

25 (d) THIS ADDITIONAL USAGE HAS ALSO INCREASED AND IS
26 EXPECTED TO CONTINUE TO INCREASE MOTOR-VEHICLE-RELATED
27 EMISSIONS OF AIR POLLUTANTS, INCLUDING OZONE PRECURSORS,

1 PARTICULATE MATTER POLLUTANTS, OTHER HAZARDOUS AIR POLLUTANTS,
2 AND GREENHOUSE GASES, THAT CONTRIBUTE TO ADVERSE
3 ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO CLIMATE
4 CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS;

5 (e) IT IS THEREFORE NECESSARY AND APPROPRIATE:

6 (I) TO IMPOSE A RETAIL DELIVERY FEE AS SPECIFIED IN THIS
7 SECTION AND TO CREDIT THE PROCEEDS OF THE FEE TO THE HIGHWAY
8 USERS TAX FUND CREATED IN SECTION 43-4-201 FOR ALLOCATION TO THE
9 STATE, COUNTIES, AND MUNICIPALITIES AND TO THE MULTIMODAL
10 TRANSPORTATION AND MITIGATION OPTIONS FUND CREATED IN SECTION
11 43-4-1103 (1)(a);

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

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

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

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

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

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

17 (III) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED BY
18 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION
19 43-4-805 (2)(a)(I), AS SPECIFIED IN SECTION 43-4-805 (5)(g.7);

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

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

27 (b) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE

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

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

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

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

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

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

24 (e) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
25 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
26 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
27 PURCHASER AT A LOCATION IN THIS STATE, WHICH SALE INCLUDES AT

1 LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT TO
2 TAXATION UNDER ARTICLE 26 OF TITLE 39. EACH SUCH RETAIL SALE IS A
3 SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS
4 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
5 PURCHASED.

6 (f) "RETAILER" HAS THE SAME MEANING AS SET FORTH IN SECTION
7 39-26-102 (8).

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

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

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

19 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(c) OF
20 THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
21 PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING ANY
22 SUBSEQUENT STATE FISCAL YEAR, EACH RETAILER WHO MAKES A RETAIL
23 DELIVERY SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT
24 FROM THE PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE
25 TIME AND IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN
26 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION A RETAIL DELIVERY
27 FEE EQUAL TO THE AMOUNT OF THE RETAIL DELIVERY FEE FOR RETAIL

1 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
2 PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE DEPARTMENT OF
3 REVENUE SHALL ANNUALLY CALCULATE THE INFLATION ADJUSTED
4 AMOUNT OF THE RETAIL DELIVERY FEE TO BE IMPOSED ON RETAIL
5 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
6 STATE FISCAL YEAR AND SHALL PUBLISH THE AMOUNT NO LATER THAN
7 APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
8 BEGINS.

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

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

1 TO A PURCHASER WHO IS EXEMPT FROM PAYING STATE SALES TAX UNDER
2 ARTICLE 26 OF TITLE 39 IS EXEMPT FROM THE RETAIL DELIVERY FEE AND
3 FROM THE ENTERPRISE RETAIL DELIVERY FEES.

4 (4) (a) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
5 RETAILERS AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT
6 OF REVENUE SHALL, WHEN IT COLLECTS THE RETAIL DELIVERY FEE
7 IMPOSED BY SUBSECTION (3) OF THIS SECTION, ALSO COLLECT ON BEHALF
8 OF THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
9 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a),
10 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION
11 43-4-805 (2)(a)(I), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
12 43-1-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION
13 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), THE
14 ENTERPRISE RETAIL DELIVERY FEES.

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

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

5 (I) SEVENTY-ONE AND ONE-TENTH PERCENT SHALL BE CREDITED
6 TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 AND
7 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,
8 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8);
9 AND

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

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

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

19 (II) ALL NET CLEAN FLEET RETAIL DELIVERY FEE REVENUE SHALL
20 BE CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION
21 25-7.5-103 (5);

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

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

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

5 (6) (a) EXCEPT TO THE EXTENT OTHERWISE AUTHORIZED OR
6 REQUIRED BY THE DEPARTMENT OF REVENUE PURSUANT TO SUBSECTION
7 (6)(d) OF THIS SECTION WITH RESPECT TO THE TIMING OF THE REMITTANCE
8 OF FEES TO THE DEPARTMENT, THE COLLECTION, ADMINISTRATION, AND
9 ENFORCEMENT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)
10 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES SHALL BE
11 PERFORMED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
12 REVENUE IN THE SAME MANNER AS THE COLLECTION, ADMINISTRATION,
13 AND ENFORCEMENT OF STATE SALES TAX PURSUANT TO ARTICLE 26 OF
14 TITLE 39.

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

25 (c) EVERY RETAILER WHO MAKES A RETAIL DELIVERY IS LIABLE
26 AND RESPONSIBLE FOR THE PAYMENT OF AN AMOUNT EQUIVALENT TO THE
27 TOTAL AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)

1 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES FOR EACH
2 RETAIL DELIVERY MADE IRRESPECTIVE OF THE REQUIREMENTS OF
3 SUBSECTION (6)(b) OF THIS SECTION. THE BURDEN OF PROVING THAT A
4 RETAILER IS EXEMPT FROM COLLECTING THE FEES ON ANY RETAIL
5 DELIVERY AND PAYING THE FEES TO THE EXECUTIVE DIRECTOR OF THE
6 DEPARTMENT OF REVENUE IS ON THE RETAILER UNDER SUCH REASONABLE
7 REQUIREMENTS OF PROOF AS THE EXECUTIVE DIRECTOR MAY PRESCRIBE.
8 THE RETAILER IS ENTITLED, AS COLLECTING AGENT FOR THE STATE, TO
9 APPLY AND CREDIT THE AMOUNT OF THE RETAILER'S COLLECTIONS
10 AGAINST THE AMOUNT TO BE PAID PURSUANT TO THIS SUBSECTION (6)(c).

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

19 (e) ALL MONEY PAID TO A RETAILER AS A RETAIL DELIVERY FEE
20 IMPOSED BY SUBSECTION (3) OF THIS SECTION, OR AS ONE OR MORE OF THE
21 ENTERPRISE RETAIL DELIVERY FEES, SHALL BE AND REMAINS PUBLIC
22 MONEY, THE PROPERTY OF THE STATE OF COLORADO, IN THE HANDS OF
23 THE RETAILER, AND THE RETAILER SHALL HOLD THE MONEY IN TRUST FOR
24 THE SOLE USE AND BENEFIT OF THE STATE OF COLORADO UNTIL PAID TO
25 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, AND, FOR
26 FAILURE TO PAY THE MONEY TO THE EXECUTIVE DIRECTOR, A RETAILER
27 SHALL BE PUNISHED AS PROVIDED BY LAW. IF ANY RETAILER COLLECTS

1 FEES IN EXCESS OF THE AMOUNT IMPOSED BY THIS SECTION AND SECTIONS
2 24-38.5-303 (7), 25-7.5-103 (8), 43-4-1203 (7), AND 43-4-1303 (8), THE
3 RETAILER SHALL REMIT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
4 OF REVENUE THE FULL AMOUNT OF THE FEES AND ALSO THE FULL AMOUNT
5 OF THE EXCESS.

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

8 **SECTION 36.** In Colorado Revised Statutes, 43-4-602, **amend**
9 (1.5), (2), and (12.5); and **add** (3.5) and (19) as follows:

10 **43-4-602. Definitions.** As used in this part 6, unless the context
11 otherwise requires:

12 (1.5) "Authority" means a body corporate and political subdivision
13 of the state created pursuant to this part 6 OR A TRANSPORTATION
14 PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
15 AUTHORIZED BY SECTION 43-4-622.

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

19 (3.5) "BOUNDARIES OF THE AUTHORITY" MEANS THE BOUNDARIES
20 SPECIFIED IN THE CONTRACT CREATING THE AUTHORITY, AS MAY BE
21 CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2), OR THE
22 BOUNDARIES OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING
23 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
24 AUTHORITY AS SPECIFIED IN THE RESOLUTION AUTHORIZING THE
25 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
26 AN AUTHORITY ADOPTED BY THE BOARD OF THE TRANSPORTATION
27 PLANNING ORGANIZATION AS AUTHORIZED BY SECTION 43-4-622, AS MAY

1 BE CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2).

2 (12.5) "Region" means all of the territory within the boundaries
3 of, and subject to the jurisdiction of, the governing body of any member
4 of a combination that creates an authority pursuant to section 43-4-603 OR
5 THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING
6 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
7 AUTHORIZED BY SECTION 43-4-622.

8 (19) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A
9 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION
10 43-1-1102 (4), OR A RURAL TRANSPORTATION PLANNING ORGANIZATION
11 RESPONSIBLE FOR TRANSPORTATION PLANNING FOR A TRANSPORTATION
12 PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8).

13 **SECTION 37.** In Colorado Revised Statutes, 43-4-603, **amend**
14 (1), (1.5), and (3); and **add** (2.5) as follows:

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

1 THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION
2 AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall
3 provide a copy of the contract OR RESOLUTION to the department of
4 transportation for comment and, if the territory of the proposed authority
5 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING
6 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
7 AUTHORITY includes or borders any territory of the regional transportation
8 district created in article 9 of title 32 ~~C.R.S.~~, or intersects with or is likely
9 to divert vehicle traffic to or from a toll highway operated by a public
10 highway authority established under part 5 of this ~~article~~ ARTICLE 4, shall
11 also provide a copy of the contract OR RESOLUTION to the district or the
12 affected public highway authority, as applicable, for comment. The
13 combination OR TRANSPORTATION PLANNING ORGANIZATION shall also
14 provide a copy of the contract OR RESOLUTION FOR COMMENT to each
15 county and municipality that is not a member of the combination OR A
16 MEMBER OF THE TRANSPORTATION PLANNING ORGANIZATION but that
17 includes territory that borders the territory of the proposed authority ~~for~~
18 ~~comment~~ OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING
19 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
20 AUTHORITY. A TRANSPORTATION PLANNING ORGANIZATION ADOPTING A
21 RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY
22 SHALL ALSO PROVIDE A COPY OF THE RESOLUTION FOR COMMENT TO ANY
23 EXISTING AUTHORITY THAT INCLUDES OR BORDERS ANY OF THE TERRITORY
24 IN WHICH THE TRANSPORTATION PLANNING ORGANIZATION WILL EXERCISE
25 THE POWERS OF AN AUTHORITY AND TO THE REGIONAL TRANSPORTATION
26 DISTRICT CREATED IN SECTION 32-9-105 IF THE REGIONAL
27 TRANSPORTATION DISTRICT INCLUDES OR BORDERS ANY OF THAT

1 TERRITORY. IF THE TRANSPORTATION PLANNING ORGANIZATION IS
2 REQUIRED TO PROVIDE A COPY OF THE RESOLUTION FOR COMMENT TO THE
3 REGIONAL TRANSPORTATION DISTRICT, IT SHALL ALSO COLLABORATE WITH
4 THE DISTRICT AND ENSURE THAT THE DISTRICT'S SERVICES ARE TAKEN
5 INTO CONSIDERATION AND PROTECTED WHEN THE ORGANIZATION PLANS
6 TO EXERCISE AND EXERCISES THE POWERS OF AN AUTHORITY. The director
7 shall issue the certificate upon the filing with the director of a copy of the
8 contract by the combination joining in the creation of the authority OR A
9 COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF THE
10 TRANSPORTATION PLANNING ORGANIZATION AUTHORIZING THE
11 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
12 AN AUTHORITY. The director shall cause the certificate to be recorded in
13 the real estate records in each county having territory included in the
14 boundaries of the authority. Upon issuance of the certificate by the
15 director, ~~the AN authority shall constitute~~ CREATED BY A COMBINATION BY
16 CONTRACT CONSTITUTES a separate political subdivision and body
17 corporate of the state and shall have all of the duties, privileges,
18 immunities, rights, liabilities, and disabilities of a public body politic and
19 corporate.

20 (1.5) ~~On and after January 1, 2006,~~ If, after reviewing a contract
21 that creates an authority OR A RESOLUTION AUTHORIZING A
22 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
23 AN AUTHORITY provided pursuant to subsection (1) of this section, but in
24 no event more than ninety days after a copy of the contract OR
25 RESOLUTION is provided pursuant to subsection (1) of this section, the
26 department of transportation, the regional transportation district created
27 in article 9 of title 32, ~~C.R.S.~~, a bordering county or municipality, or a

1 public highway authority established under part 5 of this ~~article~~ ARTICLE
2 4, OR, WITH RESPECT TO A RESOLUTION ONLY, AN EXISTING AUTHORITY,
3 informs the combination that executed the contract OR THE
4 TRANSPORTATION PLANNING ORGANIZATION THAT ADOPTED THE
5 RESOLUTION that any portions of the regional transportation systems to be
6 provided by the proposed authority that involve road construction or
7 improvement, as specified in the contract OR RESOLUTION pursuant to
8 ~~paragraph (a) of subsection (2) of this section~~ SUBSECTION (2)(a) OF THIS
9 SECTION, and that are on, alter the physical structure of, or negatively
10 impact safe operation of any highway, road, or street under its jurisdiction
11 or will provide mass transportation services that impact the district, then,
12 at the request of the affected entity, the combination OR THE
13 TRANSPORTATION PLANNING ORGANIZATION shall enter into an
14 intergovernmental agreement concerning the identified portions or mass
15 transportation services with the department, the district, the bordering
16 county or municipality, the public highway authority, THE EXISTING
17 AUTHORITY, or any combination thereof, as applicable, within one
18 hundred eighty days after a copy of the contract OR RESOLUTION was
19 provided, ~~or~~ eliminate those portions or services from the list of projects
20 specified in the contract before it submits the contract to a vote of the
21 registered electors residing within the boundaries of the proposed
22 authority as required by subsection (4) of this section, OR AMEND OR
23 REPLACE THE RESOLUTION TO ELIMINATE THOSE PORTIONS OR SERVICES
24 FROM THE LIST OF PROJECTS SPECIFIED IN THE RESOLUTION. When
25 requesting that an intergovernmental agreement be entered into or that
26 portions of a regional transportation system be eliminated due to a
27 negative impact to safe operation of a highway, road, or street, the

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

18 (2.5) A RESOLUTION AUTHORIZING A TRANSPORTATION PLANNING
19 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY ADOPTED AS
20 AUTHORIZED BY SECTION 43-4-622 MUST SPECIFY:

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

22 AND

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

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

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

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

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

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

16 (VI) TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF
17 A COUNTY THAT IS NOT A MEMBER OF THE TRANSPORTATION PLANNING
18 ORGANIZATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY
19 EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT THE CONSENT
20 OF THE GOVERNING BODY OF THE COUNTY.

21 (3) No municipality, county, or special district shall enter into a
22 contract establishing an authority AND NO TRANSPORTATION PLANNING
23 ORGANIZATION SHALL ADOPT A RESOLUTION AUTHORIZING IT TO EXERCISE
24 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622
25 without holding at least two public hearings thereon in addition to other
26 requirements imposed by law for public notice. The municipality, county,
27 ~~or~~ special district, OR TRANSPORTATION PLANNING ORGANIZATION shall

1 give notice of the time, place, and purpose of the public hearing by
2 publication in a newspaper of general circulation in the municipality,
3 county, ~~or~~ special district, OR TERRITORY OF THE TRANSPORTATION
4 PLANNING ORGANIZATION as the case may be, at least ten days prior to the
5 date of the public hearing.

6 **SECTION 38.** In Colorado Revised Statutes, 43-4-604, **amend**
7 (3)(i) as follows:

8 **43-4-604. Board of directors.** (3) The board, in addition to all
9 other powers conferred by this part 6, has the following powers:

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

17 **SECTION 39.** In Colorado Revised Statutes, 43-4-605, **amend**
18 (1) introductory portion, (1)(f), (1)(i), (1)(i.5)(I) introductory portion,
19 (1)(j)(I), and (2)(a) as follows:

20 **43-4-605. Powers of the authority - inclusion or exclusion of**
21 **property - determination of regional transportation system alignment**
22 **- fund created - repeal.** (1) In addition to any other powers granted to
23 ~~the~~ AN authority pursuant to this part 6, ~~the~~ AN authority has the following
24 powers:

25 (f) To finance, construct, operate, or maintain regional
26 transportation systems within or without the boundaries of the authority;
27 except that the authority shall not construct regional transportation

1 systems in any territory located outside the boundaries of the authority
2 and within the boundaries of a municipality as the boundaries of the
3 municipality exist on the date the authority is created without the consent
4 of the governing body of the municipality; outside the boundaries of the
5 authority and within the unincorporated boundaries of a county as the
6 unincorporated boundaries of the county exist on the date the authority is
7 created without the consent of the governing body of the county; or inside
8 or outside the boundaries of the authority if the regional transportation
9 systems would alter the state highway system, as defined in section
10 43-2-101 (1), or the interstate system, as defined in section 43-2-101 (2),
11 except as authorized by an intergovernmental agreement entered into by
12 the members of the combination that created the authority OR THE
13 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF
14 AN AUTHORITY and the department of transportation as required by
15 section 43-4-603 (1.5);

16 (i) To impose an annual motor vehicle registration fee of not more
17 than ten dollars for each motor vehicle registered with the authorized
18 agent, as defined in section 42-1-102, of the county by persons residing
19 in all or any designated portion of the members of the combination OR OF
20 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION
21 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
22 43-4-622; except that the authority shall not impose a motor registration
23 fee with respect to motor vehicles registered to persons residing outside
24 the boundaries of the authority and within the boundaries of a
25 municipality as the boundaries of the municipality exist on the date the
26 authority is created OR THE RESOLUTION AUTHORIZING THE
27 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF

1 AN AUTHORITY IS ADOPTED without the consent of the governing body of
2 the municipality or outside the boundaries of the authority and within the
3 unincorporated boundaries of a county as the unincorporated boundaries
4 of the county exist on the date the authority is created without the consent
5 of the governing body of the county. The registration fee is in addition to
6 any fee or tax imposed by the state or any other governmental unit. If a
7 motor vehicle is registered in a county that is a member of more than one
8 authority, the total of all fees imposed pursuant to this subsection (1)(i)
9 for ~~any such~~ THE motor vehicle shall not exceed ten dollars. The
10 authorized agent of the county in which the registration fee is imposed
11 shall collect the fee and remit the fee to the authority. The authority shall
12 apply the registration fees solely to the financing, construction, operation,
13 or maintenance of regional transportation systems that are consistent with
14 the expenditures specified in section 18 of article X of the state
15 constitution.

16 (i.5) (I) Subject to the provisions of section 43-4-612, to impose,
17 in all or any designated portion of the members of the combination OR OF
18 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION
19 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
20 43-4-622, a visitor benefit tax on persons who purchase overnight rooms
21 or accommodations in any amount that would not cause the aggregate
22 amount of the visitor benefit tax and any lodging tax imposed on such
23 overnight rooms or accommodations to exceed two percent of the price
24 of such overnight rooms or accommodations; except that the authority
25 shall not impose ~~any such~~ A visitor benefit tax on overnight rooms or
26 accommodations that are in any territory:

27 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all

1 or any designated portion of the members of the combination OR OF THE
2 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING
3 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, a
4 sales or use tax, or both, at a rate not to exceed one percent upon every
5 transaction or other incident with respect to which a sales or use tax is
6 levied by the state; except that, ~~on and after January 1, 2006,~~ if the
7 authority includes territory that is within the regional transportation
8 district created and existing pursuant to article 9 of title 32, ~~C.R.S.~~, a
9 designated portion of the members of the combination OR OF THE
10 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION in which
11 a new tax is levied ~~shall~~ MUST be composed of entire territories of
12 members of the combination OR OF THE MEMBERS OF THE
13 TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
14 imposed pursuant to this part 6 within the territory of any single member
15 of the combination OR OF THE MEMBERS OF THE TRANSPORTATION
16 PLANNING ORGANIZATION is uniform and except that the authority shall
17 not levy a sales or use tax on any transaction or other incident occurring
18 in any territory located outside the boundaries of the authority and within
19 the boundaries of a municipality as the boundaries of the municipality
20 exist on the date the authority is created without the consent of the
21 governing body of the municipality or outside the boundaries of the
22 authority and within the unincorporated boundaries of a county as the
23 unincorporated boundaries exist on the date the authority is created
24 without the consent of the governing body of the county. Subject to the
25 provisions of section 43-4-612, the authority may elect to levy any such
26 sales or use tax at different rates in different designated portions of the
27 members of the combination OR OF THE MEMBERS OF THE

1 TRANSPORTATION PLANNING ORGANIZATION; except that, ~~on and after~~
2 ~~January 1, 2006~~, if the authority includes territory that is within the
3 regional transportation district, a designated portion of the members of
4 the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING
5 ORGANIZATION in which a new tax is levied ~~shall~~ MUST be composed of
6 entire territories of members of the combination OR OF THE MEMBERS OF
7 THE TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
8 imposed pursuant to this part 6 within the territory of any single member
9 of the combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
10 is uniform. If the authority so elects, it shall submit a single ballot
11 question that lists all of the different rates to the registered electors of all
12 designated portions of the members of the combination OR OF THE
13 TRANSPORTATION PLANNING ORGANIZATION in which the proposed sales
14 or use tax is to be levied. The tax imposed pursuant to this ~~paragraph (j)~~
15 SUBSECTION (1)(j) is in addition to any other sales or use tax imposed
16 pursuant to law. If a member of the combination OR OF THE
17 TRANSPORTATION PLANNING ORGANIZATION is located within more than
18 one authority, the sales or use tax, or both, authorized by this ~~paragraph~~
19 ~~(j)~~ SUBSECTION (1)(j) shall not exceed one percent upon every transaction
20 or other incident with respect to which a sales or use tax is levied by the
21 state. The executive director of the department of revenue shall collect,
22 administer, and enforce the sales or use tax, to the extent feasible, in the
23 manner provided in section 29-2-106. ~~C.R.S.~~ The director shall make
24 monthly distributions of the tax collections to the authority, which shall
25 apply the proceeds solely to the financing, construction, operation, or
26 maintenance of regional transportation systems. The department shall
27 retain an amount not to exceed the ~~net incremental~~ TOTAL cost of the

1 collection, administration, and enforcement and shall transmit the amount
2 to the state treasurer, who shall credit the same to the regional
3 transportation authority sales tax fund, which fund is hereby created. The
4 amounts so retained are hereby appropriated annually from the fund to the
5 department to the extent necessary for the department's collection,
6 administration, and enforcement of ~~the provisions of~~ this part 6. Any
7 ~~moneys~~ MONEY remaining in the fund attributable to taxes collected in the
8 prior fiscal year shall be transmitted to the authority; except that, prior to
9 the transmission to the authority of such ~~moneys~~ MONEY, any ~~moneys~~
10 MONEY appropriated from the general fund to the department for the
11 collection, administration, and enforcement of the tax for the prior fiscal
12 year shall be repaid.

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

1 not be included without the consent of the governing body of ~~such~~ THE
2 county.

3 **SECTION 40.** In Colorado Revised Statutes, 43-4-611, **amend**
4 (2) as follows:

5 **43-4-611. Powers of governmental units.** (2) To assist in the
6 financing, construction, operation, or maintenance of a regional
7 transportation system, any county, municipality, or special district that is
8 a member of a combination OR OF A TRANSPORTATION PLANNING
9 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
10 AUTHORIZED BY SECTION 43-4-622 may, by contract, pledge to the
11 authority all or a portion of the revenues it receives from the highway
12 users tax fund or from any other legally available funds. The authority
13 shall apply revenues that it receives pursuant to the pledge to the
14 financing, construction, operation, or maintenance of any regional
15 transportation system. The authority may refuse to accept any revenues
16 that would cause a member of the combination OR OF THE
17 TRANSPORTATION PLANNING ORGANIZATION to exceed its allowable fiscal
18 year spending under section 20 of article X of the state constitution and
19 that could result in a refund of excess revenues under said section 20.

20 **SECTION 41.** In Colorado Revised Statutes, 43-4-612, **amend**
21 (1) as follows:

22 **43-4-612. Referendum.** (1) (a) No action by an authority to
23 establish or increase any tax authorized by this part 6 shall take effect
24 unless first submitted to a vote of the registered electors of that portion of
25 the combination OR THAT PORTION OF THE TERRITORY IN WHICH A
26 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE
27 THE POWERS OF AN AUTHORITY in which the tax is proposed to be

1 collected.

2 (b) THE EFFECTIVE DATE OF ANY SALES OR USE TAX ADOPTED
3 UNDER THIS PART 6 MUST BE EITHER JANUARY 1 OR JULY 1 FOLLOWING
4 THE DATE OF THE ELECTION IN WHICH THE SALES OR USE TAX IS APPROVED,
5 AND THE BOARD SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE
6 DEPARTMENT OF REVENUE OF THE ADOPTION OF A SALES OR USE TAX
7 PROPOSAL AT LEAST FORTY-FIVE DAYS PRIOR TO THE EFFECTIVE DATE OF
8 THE TAX. IF A SALES OR USE TAX PROPOSAL IS APPROVED AT AN ELECTION
9 HELD LESS THAN FORTY-FIVE DAYS PRIOR TO THE JANUARY 1 OR JULY 1
10 FOLLOWING THE DATE OF THE ELECTION, THE TAX SHALL NOT BE
11 EFFECTIVE UNTIL THE NEXT SUCCEEDING JANUARY 1 OR JULY 1.

12 **SECTION 42.** In Colorado Revised Statutes, **amend** 43-4-615 as
13 follows:

14 **43-4-615. Agreement of the state not to limit or alter rights of**
15 **obligees.** The state hereby pledges and agrees with the holders of any
16 bonds issued under this part 6 and with those parties who enter into
17 contracts with an authority or any member of ~~the~~ A combination OR
18 MEMBER OF A TRANSPORTATION PLANNING ORGANIZATION EXERCISING
19 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622
20 pursuant to this part 6 that the state will not impair the rights vested in the
21 authority or the rights or obligations of any person with which the
22 authority contracts to fulfill the terms of any agreements made pursuant
23 to this part 6. The state further agrees that it will not impair the rights or
24 remedies of the holders of any bonds of the authority until the bonds have
25 been paid or until adequate provision for payment has been made. The
26 authority may include this provision and undertaking for the state in ~~such~~
27 THE bonds.

1 **SECTION 43.** In Colorado Revised Statutes, **add** 43-4-622 as
2 follows:

3 **43-4-622. Exercise of authority powers by transportation**
4 **planning organization.** (1) BY ADOPTING A RESOLUTION, THE BOARD OF
5 A TRANSPORTATION PLANNING ORGANIZATION MAY AUTHORIZE ITSELF TO
6 EXERCISE SOME OR ALL OF THE POWERS OF AN AUTHORITY SET FORTH IN
7 THIS PART 6 WITHIN THE REGION OR ANY PORTION OF THE REGION OF THE
8 TRANSPORTATION PLANNING ORGANIZATION.

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

13 (a) THE NOTICE REQUIREMENTS SET FORTH IN SECTIONS 43-4-603
14 (1), 43-4-613, AND 43-4-614 (1);

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

17 (c) THE PUBLIC HEARING REQUIREMENTS SET FORTH IN SECTION
18 43-4-603 (3);

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

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

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

27 (g) THE VOTER APPROVAL REQUIREMENTS SET FORTH IN SECTION

1 43-4-612.

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

16 (4) NOTWITHSTANDING ANY PROVISION OF THIS PART 6 TO THE
17 CONTRARY, A TRANSPORTATION PLANNING ORGANIZATION MAY NOT
18 EXERCISE ANY OF THE POWERS OF AN AUTHORITY WITHIN THE BOUNDARIES
19 OF AN EXISTING AUTHORITY WITHOUT THE PRIOR APPROVAL OF THE BOARD
20 OF THE EXISTING AUTHORITY BY ADOPTION OF A RESOLUTION BY THE
21 AFFIRMATIVE VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE BOARD.
22 THE BOARD OF THE EXISTING AUTHORITY SHALL FILE ANY SUCH
23 RESOLUTION ADOPTED WITH THE DIRECTOR OF THE DIVISION. THE
24 DIRECTOR OF THE DIVISION SHALL NOT ISSUE THE CERTIFICATE REQUIRED
25 BY SECTION 43-4-603 (1) TO A TRANSPORTATION PLANNING
26 ORGANIZATION, IF THE TRANSPORTATION PLANNING ORGANIZATION IS
27 ATTEMPTING TO EXERCISE THE POWERS OF AN AUTHORITY WITHIN THE

1 BOUNDARIES OF AN EXISTING AUTHORITY WITHOUT THE EXISTING
2 AUTHORITY'S DULY ADOPTED AND FILED RESOLUTION OF APPROVAL.

3 **SECTION 44.** In Colorado Revised Statutes, 43-4-705, **repeal**
4 (2)(a)(II.5) and (13)(b) as follows:

5 **43-4-705. Revenue anticipation notes - ballot issue - repeal.**

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

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

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

24 ~~(II) Notwithstanding section 43-1-113 (19) and subsection (12)(a)~~
25 ~~of this section, before issuing any revenue anticipation notes as~~
26 ~~authorized by subsection (13)(b)(I) of this section, the transportation~~
27 ~~commission shall adopt a resolution in which it agrees, subject to the~~

1 requirements of section ~~43-4-706 (2)~~, that it intends to annually allocate
2 from legally available money under its control any amount needed for
3 payment of the notes until the notes are fully repaid. The commission
4 shall first allocate for payment of the notes money transferred from the
5 general fund to the state highway fund pursuant to section ~~24-75-219~~
6 ~~(5)(b)~~ and any money allocated by the commission from the transportation
7 revenue anticipation notes reserve account created in section ~~43-4-714 (2)~~
8 and thereafter shall allocate for payment of the notes any other legally
9 available money under its control.

10 (HH) ~~The secretary of state shall submit to the registered electors~~
11 ~~of the state for their approval or rejection at the November 2021 statewide~~
12 ~~election the following ballot issue: "Shall state of Colorado debt be~~
13 ~~increased \$1,337,000,000, with a maximum repayment cost of~~
14 ~~\$1,865,000,000, without raising taxes, through the issuance of~~
15 ~~transportation revenue anticipation notes for the purpose of addressing~~
16 ~~critical priority transportation needs in the state by financing~~
17 ~~transportation projects, shall note proceeds and investment earnings on~~
18 ~~note proceeds be excluded from state fiscal year spending limits, and shall~~
19 ~~the amount of lease-purchase agreements required by current law to be~~
20 ~~issued for the purpose of financing transportation projects be reduced?"~~

21 (IV) ~~No later than May 1, 2021, the department shall provide to~~
22 ~~the director of research of the legislative council the most recent available~~
23 ~~list of qualified federal aid transportation projects, including multimodal~~
24 ~~capital projects, that are designated for tier 1 funding as ten-year~~
25 ~~development program projects on the department's 2021 development~~
26 ~~program project list and that the department will fund with proceeds of~~
27 ~~any transportation revenue anticipation notes issued as authorized by this~~

1 subsection (13)(b). In order to fully inform the voters of the state
2 concerning the projects to be funded with proceeds of any such additional
3 transportation revenue anticipation notes before the voters vote on the
4 ballot question specified in subsection (13)(b)(III) of this section, the
5 director of research shall publish the list, including any subsequent
6 updates to the list made before final approval by the legislative council of
7 the 2021 ballot information booklet prepared pursuant to section
8 1-40-124.5, which updates the department shall expeditiously provide to
9 the director of research, in the ballot information booklet.

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

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

14 (C) ~~This subsection (13)(b)(V) is repealed, effective January 1,~~
15 ~~2022, if a majority of the electors voting on the ballot issue in subsection~~
16 ~~(13)(b)(III) of this section vote "Yes/For".~~

17 **SECTION 45.** In Colorado Revised Statutes, 43-4-802, **amend**
18 (2)(c), (2)(d), (2)(f), and (3)(a) introductory portion as follows:

19 **43-4-802. Legislative declaration.** (2) The general assembly
20 further finds and declares that:

21 (c) Increasing funding for designated bridge projects, TUNNEL
22 PROJECTS, and road safety projects in the short- and medium-term through
23 the imposition of bridge and road safety surcharges, A BRIDGE AND
24 TUNNEL IMPACT FEE, and other new fees at rates reasonably calculated
25 based on the benefits received by the persons paying the fees will not only
26 provide funding to complete the projects but will also accelerate the
27 state's economic recovery by increasing bridge, TUNNEL, and road

1 construction, repair, reconstruction, and maintenance activity, as well as
2 related economic activity, and by employing significant numbers of
3 Coloradans;

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

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

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

25 (a) While it is necessary, appropriate, and in the best interests of
26 the state to fund designated bridge projects, TUNNEL PROJECTS, and
27 highway safety projects and stimulate economic recovery in the short- and

1 medium-term, the state must also develop a long-term strategy to provide
2 sustainable long-term revenue streams dedicated for the construction of
3 important surface transportation infrastructure projects and the continuing
4 maintenance, repair, and reconstruction of the statewide surface
5 transportation system that will:

6 **SECTION 46.** In Colorado Revised Statutes, 43-4-803, **amend**
7 (4) and (7); and **add** (26.5) as follows:

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

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

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

14 (26.5) "TUNNEL PROJECT" MEANS A PROJECT TO REPAIR,
15 MAINTAIN, OR ENHANCE THE OPERATION OF ANY TUNNEL THAT IS PART OF
16 THE STATE HIGHWAY SYSTEM.

17 **SECTION 47.** In Colorado Revised Statutes, 43-4-804, **amend**
18 (1)(a)(I) introductory portion and (1)(b)(I); and **add** (1)(a)(VIII) and
19 (1)(b)(IV) as follows:

20 **43-4-804. Highway safety projects - surcharges and fees -**
21 **crediting of money to highway users tax fund - definition.** (1) On and
22 after July 1, 2009, the following surcharges, fees, and fines shall be
23 collected and credited to the highway users tax fund created in section
24 43-4-201 (1)(a) and allocated to the state highway fund, counties, and
25 municipalities as specified in section 43-4-205 (6.3):

26 (a) (I) A road safety surcharge, which, except as otherwise
27 provided in subsections (1)(a)(II) and (1)(a)(VI) of this section, is

1 imposed for any registration period that commences on or after July 1,
2 2009, upon the registration of any vehicle for which a registration fee
3 must be paid pursuant to ~~the provisions of~~ part 3 of article 3 of title 42.
4 Except as otherwise provided in subsections ~~(1)(a)(IV) and (1)(a)(V)~~
5 (1)(a)(IV), (1)(a)(V), AND (1)(a)(VIII) of this section, the amount of the
6 surcharge is:

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

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

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

1 (B) As used in this ~~section~~ SUBSECTION (1)(b), "short-term vehicle
2 rental" means the rental of any motor vehicle, as defined in section
3 42-1-102 (58), ~~C.R.S.~~, with a gross vehicle weight rating of twenty-six
4 thousand pounds or less that is rented within Colorado for a period of not
5 more than thirty days.

6 (IV) (A) FOR SHORT-TERM VEHICLE RENTALS BEGINNING DURING
7 STATE FISCAL YEAR 2022-23 AND FOR SHORT-TERM VEHICLE RENTAL
8 PERIODS BEGINNING DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE
9 DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THE AMOUNT OF THE
10 DAILY VEHICLE RENTAL FEE FOR INFLATION. THE DEPARTMENT OF
11 REVENUE SHALL CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE
12 SHORT-TERM VEHICLE RENTAL FEE FOR EACH STATE FISCAL YEAR AND
13 SHALL PUBLISH THE AMOUNT NO LATER THAN THE MAY 1 OF THE
14 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

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

23 **SECTION 48.** In Colorado Revised Statutes, 43-4-805, **amend**
24 (1), (2)(a)(I), (2)(b) introductory portion, (2)(b)(I), (2)(c), (3)(a), (3)(c),
25 (4), (5)(c), (5)(k), (5)(r)(I), and (5)(r)(III)(A); and **add** (5)(g.5) and
26 (5)(g.7) as follows:

27 **43-4-805. Statewide bridge enterprise - creation - board -**

1 **funds - powers and duties - legislative declaration - definition.**

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

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

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

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

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

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

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

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

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

5 (c) The bridge enterprise shall constitute an enterprise for
6 purposes of section 20 of article X of the state constitution so long as it
7 retains the authority to issue revenue bonds and receives less than ten
8 percent of its total revenues in grants from all Colorado state and local
9 governments combined. So long as it constitutes an enterprise pursuant
10 to this ~~paragraph (c)~~ SUBSECTION (2)(c), the bridge enterprise shall not be
11 subject to any provisions of section 20 of article X of the state
12 constitution. Consistent with the determination of the Colorado supreme
13 court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo.
14 1995), that the power to impose taxes is inconsistent with "enterprise"
15 status under section 20 of article X of the state constitution, the general
16 assembly finds and declares that a bridge safety surcharge, A BRIDGE AND
17 TUNNEL IMPACT FEE, OR A BRIDGE AND TUNNEL RETAIL DELIVERY FEE
18 imposed by the bridge enterprise pursuant to ~~paragraph (g) of subsection~~
19 ~~(5)~~ AS AUTHORIZED BY SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) of this
20 section is not a tax but is instead a fee imposed by the bridge enterprise
21 to defray the cost of completing designated bridge projects AND TUNNEL
22 PROJECTS that the enterprise provides as a specific service to the persons
23 upon whom the fee is imposed and at rates reasonably calculated based
24 on the benefits received by such persons.

25 (3) (a) The statewide bridge AND TUNNEL enterprise special
26 revenue fund, referred to in this part 8 as the "bridge special fund", is
27 hereby created in the state treasury. All ~~revenues~~ REVENUE received by

1 the bridge enterprise, including, but not limited to, ~~any revenues~~ REVENUE
2 from a bridge safety surcharge collected pursuant to ~~paragraph (g) of~~
3 ~~subsection (5)~~ IMPOSED AS AUTHORIZED BY SUBSECTION (5)(g) of this
4 section, REVENUE FROM A BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
5 AUTHORIZED BY SUBSECTION (5)(g.5) OF THIS SECTION, REVENUE FROM A
6 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED AS AUTHORIZED BY
7 SUBSECTION (5)(g.7) OF THIS SECTION, and any ~~moneys~~ MONEY loaned to
8 the enterprise by the state pursuant to ~~paragraph (r) of subsection (5) of~~
9 SUBSECTION (5)(r) of this section, shall be deposited into the bridge
10 special fund. The bridge enterprise board may establish separate accounts
11 within the bridge special fund as needed in connection with any specific
12 designated bridge ~~project OR TUNNEL PROJECT~~. The bridge enterprise also
13 may deposit or permit others to deposit other ~~moneys~~ MONEY into the
14 bridge special fund, but in no event may ~~revenues~~ REVENUE from any tax
15 otherwise available for general purposes be deposited into the bridge
16 special fund. The state treasurer, after consulting with the bridge
17 enterprise board, shall invest any ~~moneys~~ MONEY in the bridge special
18 fund, including any surplus or reserves, but excluding any proceeds from
19 the sale of bonds or earnings on such proceeds invested pursuant to
20 section 43-4-807 (2), that are not needed for immediate use. Such ~~moneys~~
21 MONEY may be invested in the types of investments authorized in sections
22 24-36-109, 24-36-112, and 24-36-113. ~~C.R.S.~~

23 (c) The bridge enterprise may expend ~~moneys~~ MONEY in the
24 bridge special fund to pay bond or loan obligations, to fund the
25 administration, planning, financing, repair, reconstruction, replacement,
26 or maintenance of designated bridges AND THE COMPLETION OF TUNNEL
27 PROJECTS, and for the acquisition of land to the extent required in

1 connection with any designated bridge project. The bridge enterprise may
2 also expend ~~moneys~~ MONEY in the bridge special fund to pay its operating
3 costs and expenses. The bridge enterprise board shall have exclusive
4 authority to budget and approve the expenditure of ~~moneys~~ MONEY in the
5 bridge special fund.

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

27 (5) In addition to any other powers and duties specified in this

1 section, the bridge enterprise board has the following powers and duties:

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

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

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

- 24 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
- 25 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
- 26 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
- 27 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;

1 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
2 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;
3 AND
4 (G) EIGHT CENTS PER GALLON FOR STATE FISCAL YEARS 2028-29
5 THROUGH 2031-32.

6 (III) FOR EACH GALLON OF SPECIAL FUEL ACQUIRED, SOLD,
7 OFFERED FOR SALE, OR USED IN THIS STATE DURING STATE FISCAL YEARS
8 2032-33 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE
9 ENTERPRISE SHALL IMPOSE THE BRIDGE AND TUNNEL IMPACT FEE IN AN
10 AMOUNT OF UP TO THE MAXIMUM AMOUNT OF THE FEE FOR THE PRIOR
11 STATE FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE
12 SHALL NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE
13 BRIDGE AND TUNNEL IMPACT FEE TO BE COLLECTED FOR EACH STATE
14 FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR IN
15 WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
16 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
17 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

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

26 (g.7) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
27 IN STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE SHALL IMPOSE,

1 AND THE DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
2 BRIDGE ENTERPRISE, A BRIDGE AND TUNNEL RETAIL DELIVERY FEE ON
3 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY
4 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE
5 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND
6 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH
7 SECTION 43-4-218 (6) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE.
8 FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND
9 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
10 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL RETAIL
11 DELIVERY FEE ON BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME
12 MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY
13 FEE IMPOSED BY SECTION 43-4-218 (3).

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

18 (III) (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
19 (5)(g.7)(III)(B) OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE
20 PERSONAL PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR
21 DURING ANY SUBSEQUENT STATE FISCAL YEAR, THE BRIDGE ENTERPRISE
22 SHALL IMPOSE THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IN A
23 MAXIMUM AMOUNT THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE
24 FISCAL YEAR ADJUSTED FOR INFLATION. THE BRIDGE ENTERPRISE SHALL
25 NOTIFY THE DEPARTMENT OF REVENUE OF THE AMOUNT OF THE BRIDGE
26 AND TUNNEL RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
27 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH

1 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
2 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
3 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
4 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

5 (B) THE BRIDGE ENTERPRISE IS AUTHORIZED TO ADJUST THE
6 AMOUNT OF THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE FOR RETAIL
7 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
8 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
9 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
10 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
11 DURING THE STATE FISCAL YEAR.

12 (IV) AS USED IN THIS SUBSECTION (5)(g.7):

13 (A) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
14 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
15 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
16 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
17 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
18 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
19 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
20 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED PURSUANT TO THIS
21 SUBSECTION (5)(g.7) BEGINS.

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

1 SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS
2 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
3 PURCHASED.

4 (k) To prepare, or cause to be prepared, detailed plans,
5 specifications, or estimates for any designated bridge project OR TUNNEL
6 PROJECT within the state;

7 (r) (I) To contract with the state to borrow ~~moneys~~ MONEY under
8 the terms of one or more loan contracts entered into by the state and the
9 bridge enterprise pursuant to ~~subparagraph (H) of this paragraph (r)~~
10 SUBSECTION (5)(r)(III) OF THIS SECTION, to expend any ~~moneys~~ MONEY
11 borrowed from the state for the purpose of completing designated bridge
12 projects AND TUNNEL PROJECTS and for any other authorized purpose that
13 constitutes the construction, supervision, and maintenance of the public
14 highways of this state for purposes of section 18 of article X of the state
15 constitution, and to use ~~revenues~~ REVENUE generated by any bridge safety
16 surcharge, BRIDGE AND TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL
17 RETAIL DELIVERY FEE imposed pursuant to ~~paragraph (g) of this~~
18 ~~subsection (5)~~ SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION
19 and any other legally available ~~moneys~~ MONEY of the bridge enterprise to
20 repay the ~~moneys~~ MONEY borrowed and any other amounts payable under
21 the terms of the loan contract.

22 (III) (A) If the state treasurer receives a list from the governor
23 pursuant to ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II)
24 OF THIS SECTION, the state, acting by and through the state treasurer, may
25 enter into a loan contract with the bridge enterprise and may raise the
26 money needed to make a loan pursuant to the terms of the loan contract
27 by selling or leasing one or more of the state buildings or other state

1 capital facilities on the list. The state treasurer shall have sole discretion
2 to enter into a loan contract on behalf of the state and to determine the
3 amount of a loan; except that the principal amount of a loan shall not
4 exceed the maximum amount specified by the governor pursuant to
5 ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II) OF THIS
6 SECTION. The state treasurer shall also have sole discretion to determine
7 the timing of the entry of the state into any loan contract or the sale or
8 lease of one or more state buildings or other state capital facilities. The
9 loan contract shall require the bridge enterprise to pledge to the state all
10 or a portion of the revenues of any bridge safety surcharge, BRIDGE AND
11 TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL RETAIL DELIVERY FEE
12 imposed pursuant to ~~paragraph (g) of this subsection (5)~~ SUBSECTION
13 (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION for the repayment of the loan
14 and may also require the BRIDGE enterprise to pledge to the state any other
15 legally available ~~revenues~~ REVENUE of the BRIDGE enterprise. Any loan
16 contract entered into by the state, acting by and through the state
17 treasurer, and the bridge enterprise pursuant to this ~~sub-subparagraph (A)~~
18 SUBSECTION (5)(r)(III)(A) and any pledge of ~~revenues~~ REVENUE by the
19 BRIDGE enterprise pursuant to such a loan contract shall be only for the
20 benefit of, and enforceable only by, the state and the BRIDGE enterprise.
21 Specifically, but without limiting the generality of said limitation, no such
22 loan contract or pledge shall be for the benefit of, or enforceable by, a
23 lessor under a lease-purchase agreement entered into pursuant to this
24 ~~subparagraph (H)~~ SUBSECTION (5)(r)(III), an owner of any instrument
25 evidencing rights to receive rentals or other payments made and to be
26 made under such a lease-purchase agreement as authorized by
27 ~~sub-subparagraph (B) of subparagraph (IV) of this paragraph (r)~~

1 SUBSECTION (5)(r)(IV)(B) OF THIS SECTION, a party to any ancillary
2 agreement or instrument entered into pursuant to ~~subparagraph (V) of this~~
3 ~~paragraph (r)~~ SUBSECTION (5)(r)(V) OF THIS SECTION, or a party to any
4 interest rate exchange agreement entered into pursuant to
5 ~~sub-subparagraph (A) of subparagraph (VII) of this paragraph (r)~~
6 SUBSECTION (5)(r)(VII)(A) OF THIS SECTION.

7 **SECTION 49.** In Colorado Revised Statutes, **amend** 43-4-1101
8 as follows:

9 **43-4-1101. Legislative declaration.** (1) The general assembly
10 hereby finds and declares that it is necessary, appropriate, and in the best
11 interest of the state to use a portion of the general fund money that is
12 dedicated for transportation purposes pursuant to section 24-75-219 ~~(5)~~
13 to fund multimodal transportation projects and operations throughout the
14 state AND TO USE A PORTION OF THE MONEY THAT IS GENERATED BY THE
15 RETAIL DELIVERY FEE IMPOSED ON THE DELIVERY OF RETAIL GOODS
16 TRANSPORTED TO THE DELIVERY SITE BY MOTOR VEHICLE PURSUANT TO
17 SECTION 43-4-218 (3) TO FUND TRANSPORTATION-RELATED GREENHOUSE
18 GAS MITIGATION EXPENSES THROUGHOUT THE STATE as authorized by this
19 part 11 because, in addition to the general benefits that it provides to all
20 Coloradans, a complete and integrated multimodal transportation system
21 THAT INCLUDES GREENHOUSE GAS MITIGATION PROJECTS AND SERVICES:

22 (a) Benefits seniors by making aging in place more feasible for
23 them;

24 (b) Benefits residents of COMMUNITIES, IN rural ~~areas~~ AND
25 DISPROPORTIONATELY IMPACTED COMMUNITIES, by providing them with
26 MORE ACCESSIBLE AND flexible public transportation services;

27 (c) Provides enhanced mobility for persons with disabilities; ~~and~~

- 1 (d) Provides safe routes to schools for children; AND
2 (e) Reduces EMISSIONS OF AIR POLLUTANTS, INCLUDING
3 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT
4 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT
5 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS.

6 **SECTION 50.** In Colorado Revised Statutes, 43-4-1102, **amend**
7 (4) and (5); **repeal** (1); and **add** (4.5) as follows:

8 **43-4-1102. Definitions.** As used in this part 11, unless the context
9 otherwise requires:

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

13 (4) "Fund" means the multimodal transportation AND MITIGATION
14 options fund created in section 43-4-1103 (1)(a).

15 (4.5) "GREENHOUSE GAS MITIGATION PROJECT" MEANS A PROJECT
16 THAT HELPS ACHIEVE COMPLIANCE WITH FEDERAL OR STATE LAWS OR
17 RULES THAT REGULATE TRANSPORTATION-RELATED GREENHOUSE GAS
18 EMISSIONS BY REDUCING VEHICLE MILES TRAVELED OR INCREASING
19 MULTIMODAL TRAVEL.

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

25 **SECTION 51.** In Colorado Revised Statutes, 43-4-1103, **amend**
26 (1)(a), (2)(a), (2)(c), (3)(a) introductory portion, (3)(a)(I), and (3)(a)(II)
27 introductory portion; **repeal** (1)(b) and (2)(b); and **add** (2)(a)(IV), (2)(d),

1 and (3)(a.5) as follows:

2 **43-4-1103. Multimodal transportation options fund - creation**

3 **- revenue sources for fund - use of fund.** (1) (a) The multimodal
4 transportation AND MITIGATION options fund is hereby created in the state
5 treasury. The fund consists of money transferred from the general fund to
6 the fund pursuant to section 24-75-219, ~~(5)(a)(HH) and (5)(b)(HH)~~ RETAIL
7 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SECTION
8 43-4-218 (5)(a)(II), and any other money that the general assembly may
9 appropriate or transfer to the fund. The state treasurer shall credit all
10 interest and income derived from the deposit and investment of money in
11 the fund to the fund.

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

18 (2) (a) (I) Except as otherwise provided in ~~subsections (2)(a)(H)~~
19 ~~and (2)(a)(HH)~~ SUBSECTIONS (2)(a)(IV) AND (2)(d) of this section, subject
20 to annual appropriation by the general assembly, money must be
21 expended from the fund as follows:

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

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

26 (II) ~~On July 1, 2018, the state treasurer shall transfer two million~~
27 ~~five hundred thousand dollars from the fund to the fund created in section~~

1 ~~43-4-1002 (1):~~

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

4 (IV) (A) ~~ON JULY 1, 2021, THE STATE TREASURER SHALL~~
5 ~~TRANSFER TWELVE MILLION DOLLARS FROM THE FUND TO THE FUND~~
6 ~~CREATED IN SECTION 43-4-1002 FOR THE PURPOSE OF PROVIDING~~
7 ~~ADDITIONAL FUNDING FOR THE SOUTHWEST CHIEF LA JUNTA ROUTE~~
8 ~~RESTORATION PROGRAM.~~

9 (B) ~~ON FEBRUARY 15, 2022, THE STATE TREASURER SHALL~~
10 ~~TRANSFER TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE FUND~~
11 ~~CREATED IN SECTION 43-4-1002.~~

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

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

16 ~~(B) Fifteen percent to the commission for state multimodal~~
17 ~~projects that are selected by the commission.~~

18 ~~(H) The commission shall ensure, in cooperation with each~~
19 ~~recipient of such money from the account, that any net proceeds of~~
20 ~~tax-exempt transportation revenue anticipation notes credited to the~~
21 ~~account and any interest and income derived from the deposit and~~
22 ~~investment of any such proceeds are expended only in compliance with~~
23 ~~all applicable federal laws and regulations governing the use of~~
24 ~~tax-exempt note proceeds.~~

25 (c) ~~With respect to the distribution~~ DISTRIBUTIONS of money for
26 local multimodal projects required by subsection (2)(a)(I)(A) of this
27 section, ~~and, for net proceeds of taxable transportation revenue~~

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

18 (d) (I) ON AND AFTER OCTOBER 1, 2022, UNLESS THE DEPARTMENT
19 HAS BOTH ADOPTED IMPLEMENTING GUIDELINES AND PROCEDURES THAT
20 SATISFY THE REQUIREMENTS OF SECTION 43-1-128 (3) AND UPDATED ITS
21 TEN-YEAR VISION PLAN TO COMPLY WITH THE IMPLEMENTING GUIDELINES
22 AND PROCEDURES, EXPENDITURES FROM THE FUNDS MADE AVAILABLE FOR
23 MULTIMODAL PROJECTS PURSUANT TO SECTIONS 24-75-219 (7)(c)(I) AND
24 43-4-218 (3) FOR STATE MULTIMODAL PROJECTS SHALL ONLY BE MADE
25 FOR MULTIMODAL PROJECTS THAT THE DEPARTMENT, IN CONSULTATION
26 WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,
27 DETERMINES WILL HELP BRING THE TEN-YEAR VISION PLAN INTO

1 COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-1-128 (3).

2 (II) ON AND AFTER OCTOBER 1, 2022, UNLESS THE DEPARTMENT
3 HAS ADOPTED IMPLEMENTING GUIDELINES AND PROCEDURES THAT
4 SATISFY THE REQUIREMENTS OF SECTION 43-1-128 (3) AND A
5 METROPOLITAN PLANNING ORGANIZATION THAT IS IN AN AREA OR
6 INCLUDES AN AREA THAT HAS BEEN OUT OF ATTAINMENT FOR NATIONAL
7 AMBIENT AIR QUALITY STANDARDS FOR OZONE FOR TWO YEARS OR MORE
8 HAS UPDATED ITS REGIONAL TRANSPORTATION PLAN TO COMPLY WITH THE
9 IMPLEMENTING GUIDELINES AND PROCEDURES, EXPENDITURES FROM THE
10 FUNDS MADE AVAILABLE FOR MULTIMODAL PROJECTS PURSUANT TO
11 SECTIONS 24-75-219 (7)(c)(I) AND 43-4-218 (3) FOR LOCAL MULTIMODAL
12 PROJECTS WITHIN THE TERRITORY OF THE METROPOLITAN PLANNING
13 ORGANIZATION SHALL ONLY BE MADE FOR MULTIMODAL PROJECTS THAT
14 THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC
15 HEALTH AND ENVIRONMENT, DETERMINES WILL HELP BRING THE REGIONAL
16 TRANSPORTATION PLAN INTO COMPLIANCE WITH THE REQUIREMENTS OF
17 SECTION 43-1-128 (3).

18 (III) THE RESTRICTIONS SET FORTH IN SUBSECTIONS (2)(d)(I) AND
19 (2)(d)(II) OF THIS SECTION APPLY UNTIL THE DEPARTMENT OR AN
20 AFFECTED METROPOLITAN PLANNING ORGANIZATION UPDATES ITS
21 TEN-YEAR VISION PLAN OR REGIONAL TRANSPORTATION PLAN, AS
22 APPLICABLE, TO COMPLY WITH THE IMPLEMENTING GUIDELINES AND
23 PROCEDURES AS REQUIRED. BOTH THE DEPARTMENT AND AN AFFECTED
24 METROPOLITAN PLANNING ORGANIZATION SHALL WORK DILIGENTLY TO
25 ACHIEVE SUCH COMPLIANCE UNTIL IT IS ACHIEVED.

26 (3) (a) The department shall annually report to the transportation
27 legislation review committee of the general assembly created in section

1 43-2-145 (1) regarding its expenditures from the fund ~~and the account~~
2 including, at a minimum:

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

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

7 (a.5) EACH TRANSPORTATION PLANNING REGION SHALL ANNUALLY
8 REPORT TO THE DEPARTMENT REGARDING THE STATUS OF LOCAL
9 MULTIMODAL PROJECTS WITHIN THE REGION THAT HAVE RECEIVED
10 FUNDING FROM THE FUND.

11 **SECTION 52.** In Colorado Revised Statutes, **add** parts 12 and 13
12 to article 4 of title 43 as follows:

13 PART 12

14 CLEAN TRANSIT

15 **43-4-1201. Legislative declaration.** (1) THE GENERAL ASSEMBLY
16 HEREBY FINDS AND DECLARES THAT:

17 (a) RETAIL DELIVERIES ARE INCREASING AND ARE EXPECTED TO
18 CONTINUE TO INCREASE IN COMMUNITIES ACROSS THE STATE;

19 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE
20 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS
21 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS
22 POLLUTION;

23 (c) THE ADVERSE ENVIRONMENTAL AND HEALTH IMPACTS OF
24 INCREASED EMISSIONS FROM MOTOR VEHICLES USED TO MAKE RETAIL
25 DELIVERIES CAN BE MITIGATED AND OFFSET BY SUPPORTING THE
26 WIDESPREAD ADOPTION OF ELECTRIC BUSES FOR TRANSIT FLEETS AND
27 REDUCING VEHICLE MILES TRAVELED BY ENCOURAGING PEOPLE TO

1 CHOOSE CLEAN, EFFICIENT, PUBLIC TRANSIT OPTIONS INSTEAD OF
2 PERSONAL MOTOR VEHICLE TRAVEL;

3 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY
4 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE
5 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL
6 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY
7 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON
8 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY
9 MITIGATION ACTIVITIES;

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

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

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

1 USE; AND

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

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

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

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

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

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

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

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

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

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

23 (d) BY PROVIDING REMEDIATION SERVICES AS AUTHORIZED BY
24 THIS SECTION, THE CLEAN TRANSIT ENTERPRISE ENGAGES IN AN ACTIVITY
25 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND
26 THEREFORE OPERATES AS A BUSINESS IN ACCORDANCE WITH THE
27 DETERMINATION OF THE COLORADO SUPREME COURT IN *COLORADO UNION*

1 *OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*, 2018 CO 36;

2 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
3 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
4 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
5 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
6 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
7 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
8 GENERATED BY FEES, NOT TAXES, BECAUSE THE CLEAN TRANSIT RETAIL
9 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY SECTION
10 43-4-1203 (7) IS:

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

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

23 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
24 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
25 REVENUE FROM THE CLEAN TRANSIT RETAIL DELIVERY FEE COLLECTED BY
26 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
27 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION

1 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE
2 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF
3 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
4 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

5 **43-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

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

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

13 (3) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
14 CREATED IN SECTION 43-1-106 (1).

15 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
16 CREATED IN SECTION 24-1-128.7.

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

25 (b) AS USED IN THIS SUBSECTION (5):

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

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

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

7 (7) "ELECTRIC MOTOR VEHICLE CHARGING INFRASTRUCTURE"
8 MEANS ELECTRIC VEHICLE CHARGING SYSTEMS AND OTHER ELECTRICAL
9 EQUIPMENT INSTALLED ON SITE TO SUPPORT ELECTRIC MOTOR VEHICLE
10 CHARGING INCLUDING BUT NOT LIMITED TO BATTERY ENERGY STORAGE
11 SYSTEMS.

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

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

16 (10) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
17 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
18 THAT USES HYDROGEN GAS AS FUEL.

19 (11) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
20 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
21 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
22 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
23 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
24 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
25 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
26 CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED PURSUANT TO SECTION
27 43-4-1203 (7) BEGINS.

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

4 (13) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
5 OPERATED ROBOT THAT IS:

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

10 (b) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS,
11 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;
12 AND

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

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

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

1 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
2 PURCHASED.

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

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

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

9 (19) "TRANSIT" MEANS MASS TRANSIT, AS DEFINED IN SECTION
10 43-1-102 (4).

11 (20) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY
12 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

13 **43-4-1203. Clean transit enterprise - creation - board - powers**
14 **and duties - fees - fund.** (1) (a) THE CLEAN TRANSIT ENTERPRISE IS
15 HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES
16 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER
17 TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF
18 THIS SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES
19 SET FORTH IN THIS SECTION.

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

24 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
25 NINE MEMBERS APPOINTED AS FOLLOWS:

26 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WITH THE ADVICE
27 AND CONSENT OF THE SENATE FOR TERMS OF THE LENGTH SPECIFIED IN

1 SUBSECTION (2)(b) OF THIS SECTION. THE GOVERNOR SHALL MAKE
2 REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN
3 SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS
4 THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING
5 APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS NO LATER THAN
6 OCTOBER 1, 2021. OF THE MEMBERS APPOINTED BY THE GOVERNOR:

7 (A) ONE MEMBER MUST BE A MEMBER OF THE COMMISSION AND
8 HAVE STATEWIDE TRANSPORTATION EXPERTISE;

9 (B) ONE MEMBER MUST REPRESENT AN URBAN AREA AND HAVE
10 TRANSIT EXPERTISE;

11 (C) ONE MEMBER MUST REPRESENT A RURAL AREA AND HAVE
12 TRANSIT EXPERTISE;

13 (D) ONE MEMBER MUST HAVE EXPERTISE IN ZERO-EMISSIONS
14 TRANSPORTATION, MOTOR VEHICLE FLEETS, OR UTILITIES;

15 (E) ONE MEMBER MUST REPRESENT A TRANSPORTATION-FOCUSED
16 ORGANIZATION THAT SERVES AN ENVIRONMENTAL JUSTICE COMMUNITY;

17 AND

18 (F) ONE MEMBER MUST REPRESENT A PUBLIC ADVOCACY GROUP
19 THAT HAS TRANSIT OR COMPREHENSIVE TRANSPORTATION EXPERTISE.

20 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
21 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

22 (III) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
23 DIRECTOR'S DESIGNEE; AND

24 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
25 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

26 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE
27 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS

1 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS
2 AND THE TERM OF THE MEMBER APPOINTED PURSUANT TO SUBSECTION
3 (2)(a)(I)(A) OF THIS SECTION CONTINUES FOR AS LONG AS THE MEMBER IS
4 A MEMBER OF THE COMMISSION. A MEMBER WHO IS APPOINTED TO FILL A
5 VACANCY ON THE BOARD SHALL SERVE THE REMAINDER OF THE
6 UNEXPIRED TERM OF THE FORMER MEMBER. THE OTHER BOARD MEMBERS
7 SERVE FOR AS LONG AS THEY HOLD THEIR POSITIONS OR ARE DESIGNATED
8 TO SERVE.

9 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
10 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND
11 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
12 PURSUANT TO THIS PART 12.

13 (3) THE PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO
14 REDUCE AND MITIGATE THE ADVERSE ENVIRONMENTAL AND HEALTH
15 IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS PRODUCED
16 BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES BY SUPPORTING
17 THE REPLACEMENT OF EXISTING GASOLINE AND DIESEL TRANSIT VEHICLES
18 WITH ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES THAT
19 ORIGINALLY WERE POWERED EXCLUSIVELY BY INTERNAL COMBUSTION
20 ENGINES BUT HAVE BEEN CONVERTED INTO ELECTRIC MOTOR VEHICLES,
21 PROVIDING THE ASSOCIATED CHARGING INFRASTRUCTURE FOR ELECTRIC
22 TRANSIT FLEET MOTOR VEHICLES, SUPPORTING FACILITY MODIFICATIONS
23 THAT ALLOW FOR THE SAFE OPERATION AND MAINTENANCE OF ELECTRIC
24 TRANSIT MOTOR VEHICLES, AND FUNDING PLANNING STUDIES THAT
25 ENABLE TRANSIT AGENCIES TO PLAN FOR TRANSIT VEHICLE
26 ELECTRIFICATION. TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS
27 BUSINESS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES

1 THROUGH THE BOARD, THE ENTERPRISE MAY:

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

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

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

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

16 (5) (a) THE CLEAN TRANSIT ENTERPRISE FUND IS HEREBY CREATED
17 IN THE STATE TREASURY. THE FUND CONSISTS OF CLEAN TRANSIT RETAIL
18 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO
19 SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,
20 DONATIONS, OR OTHER MONEY RECEIVED BY THE ENTERPRISE, ANY
21 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER
22 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
23 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
25 FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE
26 GENERAL ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE
27 FUND TO PROVIDE GRANTS, PAY ITS REASONABLE AND NECESSARY

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

5 (b) THE COMMISSION MAY TRANSFER MONEY FROM THE STATE
6 HIGHWAY FUND CREATED IN SECTION 43-1-219 TO THE ENTERPRISE FOR
7 THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
8 BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND PROCEEDS, AND A
9 TRANSFER FOR SUCH PURPOSE IS MADE, IN ACCORDANCE WITH SECTION 18
10 OF ARTICLE X OF THE STATE CONSTITUTION, FOR THE SUPERVISION OF THE
11 PUBLIC HIGHWAYS OF THIS STATE. THE ENTERPRISE MAY ACCEPT AND
12 EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
13 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
14 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
15 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE COMMISSION TO THE
16 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR
17 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
18 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
19 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
20 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY
21 CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE
22 RECORDED IN THE FUND BUT THAT ARE NOT REQUIRED TO BE PAID IN THE
23 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
24 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
25 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
26 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
27 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND TO THE FUND. THE

1 CLEAN TRANSIT ENTERPRISE INITIAL EXPENSES FUND IS CONTINUOUSLY
2 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
3 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
4 REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES
5 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
6 REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF
7 ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY
8 THE COMMISSION.

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

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

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

16 (c) TO EMPLOY AND SUPERVISE INDIVIDUALS, PROFESSIONAL
17 CONSULTANTS AND CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT
18 TO CARRY OUT ITS BUSINESS PURPOSE;

19 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY;

20 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND
21 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
22 PART 12. THE ENTERPRISE SHALL TRANSMIT ANY MONEY RECEIVED
23 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO
24 SHALL CREDIT THE MONEY TO THE FUND;

25 (f) TO DIRECTLY PROVIDE ANY SERVICE THAT IT IS AUTHORIZED TO
26 PROVIDE INDIRECTLY THROUGH GRANTS AWARDED PURSUANT TO
27 SUBSECTION (8) OF THIS SECTION;

1 (g) TO PROMULGATE RULES TO SET THE AMOUNT OF THE CLEAN
2 TRANSIT RETAIL DELIVERY FEE AT OR BELOW THE MAXIMUM AMOUNT
3 AUTHORIZED IN THIS SECTION AND TO GOVERN THE PROCESS BY WHICH
4 THE ENTERPRISE ACCEPTS APPLICATIONS FOR, AWARDS, AND OVERSEES
5 GRANTS, LOANS, AND REBATES PURSUANT TO SUBSECTION (8) OF THIS
6 SECTION; AND

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

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

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

1 OF THREE CENTS.

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

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

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

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

1 FUND:

2 (I) CLEAN TRANSIT PLANNING EFFORTS;

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

6 (III) THE CONSTRUCTION OF ELECTRIC MOTOR VEHICLE CHARGING
7 INFRASTRUCTURE USED BY PUBLIC TRANSIT PROVIDERS; AND

8 (IV) THE REPLACEMENT OF MOTOR VEHICLES USED BY PUBLIC
9 TRANSIT PROVIDERS THAT ARE NOT ELECTRIC MOTOR VEHICLES BY
10 ELECTRIC MOTOR VEHICLES, OR, IF ELECTRIC MOTOR VEHICLES ARE NOT
11 PRACTICALLY AVAILABLE, BY COMPRESSED NATURAL GAS MOTOR
12 VEHICLES, AS DEFINED IN SECTION 25-7.5-102 (5), IF AT LEAST NINETY
13 PERCENT OF THE FUEL FOR THE COMPRESSED NATURAL GAS MOTOR
14 VEHICLES WILL BE RECOVERED METHANE, AS DEFINED IN SECTION
15 25-7.5-102 (20).

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

20 (9) THE ENTERPRISE SHALL CONTRACT WITH THE AIR POLLUTION
21 CONTROL DIVISION OF THE DEPARTMENT OF PUBLIC HEALTH AND
22 ENVIRONMENT TO DEVELOP PROPOSED RULES FOR THE CONSIDERATION OF
23 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE
24 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN
25 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE
26 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE
27 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND

1 THE DEPARTMENT WHEN DEVELOPING THE RULES.

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

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

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

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

24 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
25 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
26 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
27 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND

1 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
2 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
3 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
4 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
5 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
6 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
7 COMMITTEES CONTINUES INDEFINITELY.

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

12 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
13 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
14 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
15 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
16 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
17 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
18 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
19 LOCAL GOVERNMENTS COMBINED.

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

22 PART 13

23 NONATTAINMENT AREA AIR POLLUTION

24 MITIGATION ENTERPRISE

25 **43-4-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY
26 HEREBY FINDS AND DECLARES THAT:

27 (a) RAPID AND CONTINUING GROWTH IN RETAIL DELIVERIES MADE

1 BY MOTOR VEHICLES AND IN PREARRANGED RIDES ARRANGED THROUGH
2 TRANSPORTATION NETWORK COMPANIES HAS INCREASED AND WILL
3 CONTINUE TO INCREASE TRAFFIC CONGESTION AND AIR POLLUTION FROM
4 MOTOR VEHICLE EMISSIONS, ALONG WITH THE ADVERSE ENVIRONMENTAL
5 AND HEALTH IMPACTS THAT RESULT FROM SUCH POLLUTION, IN
6 NONATTAINMENT AREAS, INCLUDING BUT NOT LIMITED TO
7 DISPROPORTIONATELY IMPACTED COMMUNITIES AND COMMUNITIES
8 ADJACENT TO HIGHWAYS;

9 (b) IT IS NECESSARY AND APPROPRIATE TO OFFSET AND MITIGATE
10 THESE IMPACTS BY CREATING A NONATTAINMENT AREA AIR POLLUTION
11 MITIGATION ENTERPRISE THAT HAS THE BUSINESS PURPOSE OF PROVIDING
12 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC CONGESTION,
13 INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE
14 ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE TRAVEL
15 DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL CONSUMPTION OR
16 THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS RETROFITTING OF
17 CONSTRUCTION EQUIPMENT;

18 (c) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES
19 AND PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION
20 NETWORK COMPANIES, BY LIMITING RETAIL DELIVERY AND PREARRANGED
21 RIDE ACTIVITY THROUGH REGULATION, IT IS MORE APPROPRIATE TO
22 CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL DELIVERIES AND
23 BENEFIT FROM THE CONVENIENCE AFFORDED BY UNFETTERED RETAIL
24 DELIVERIES AND TO ALLOW TRANSPORTATION NETWORK COMPANIES THAT
25 ARRANGE PREARRANGED RIDES TO CONTINUE TO PROVIDE THAT SERVICE
26 WITHOUT UNDUE RESTRICTIONS AND TO INSTEAD IMPOSE A SMALL FEE ON
27 EACH RETAIL DELIVERY AND PREARRANGED RIDE AND USE FEE REVENUE

1 TO FUND NECESSARY MITIGATION ACTIVITIES.

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

3 (a) THE ENTERPRISE PROVIDES IMPACT REMEDIATION SERVICES
4 WHEN, IN EXCHANGE FOR THE PAYMENT OF AIR POLLUTION MITIGATION
5 PER RIDE FEES BY TRANSPORTATION NETWORK COMPANIES AND AIR
6 POLLUTION MITIGATION RETAIL DELIVERY FEES BY PURCHASERS OF
7 TANGIBLE PERSONAL PROPERTY FOR RETAIL DELIVERY, IT ACTS AS
8 AUTHORIZED BY THIS SECTION TO MITIGATE THE IMPACTS OF
9 PREARRANGED RIDES ARRANGED THROUGH TRANSPORTATION NETWORK
10 COMPANIES AND RESIDENTIAL AND COMMERCIAL DELIVERIES ON THE
11 STATE'S TRANSPORTATION INFRASTRUCTURE, AIR QUALITY, AND
12 EMISSIONS.

13 (b) BY PROVIDING IMPACT REMEDIATION SERVICES AS AUTHORIZED
14 BY THIS SECTION, THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
15 ENTERPRISE PROVIDES A BENEFIT TO FEE PAYERS WHEN IT REMEDIATES
16 THE IMPACTS THEY CAUSE AND THEREFORE OPERATES AS A BUSINESS IN
17 ACCORDANCE WITH THE DETERMINATION OF THE COLORADO SUPREME
18 COURT IN *COLORADO UNION OF TAXPAYERS FOUNDATION V. CITY OF ASPEN*,
19 2018 CO 36;

20 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
21 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
22 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
23 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
24 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
25 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
26 GENERATED BY FEES, NOT TAXES, BECAUSE THE AIR POLLUTION
27 MITIGATION PER RIDE FEE AND THE AIR POLLUTION MITIGATION RETAIL

1 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY
2 SUBSECTIONS (7) AND (8) OF THIS SECTION ARE:

3 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
4 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE REMEDIATION
5 SERVICES SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO
6 AIR QUALITY AND GREENHOUSE GAS EMISSIONS CAUSED BY THE
7 ACTIVITIES ON WHICH THE FEES ARE ASSESSED, AND CONTRIBUTE TO THE
8 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
9 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
10 MAINTENANCE, AND SUPERVISION OF A SUSTAINABLE TRANSPORTATION
11 SYSTEM; AND

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

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

24 **43-4-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

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

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

6 (3) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

7 (4) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH
8 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
9 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
10 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER
11 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

12 (5) "CMAQ" MEANS THE CONGESTION MITIGATION AND AIR
13 QUALITY IMPROVEMENT PROGRAM ADMINISTERED BY THE FEDERAL
14 HIGHWAY ADMINISTRATION OR ANY SUBSTANTIALLY SIMILAR SUCCESSOR
15 PROGRAM.

16 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF
17 TRANSPORTATION.

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

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

27 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE

1 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

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

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

8 (9) "ELIGIBLE ENTITY" MEANS A METROPOLITAN PLANNING
9 ORGANIZATION OR ANY OTHER PUBLIC ENTITY THAT IS ELIGIBLE TO
10 RECEIVE CMAQ FUNDING AND THAT IS SEEKING FUNDING FROM THE FUND
11 FOR AN ELIGIBLE PROJECT.

12 (10) "ELIGIBLE PROJECT" MEANS A PROJECT LOCATED WITHIN A
13 NONATTAINMENT AREA THAT:

14 (a) IS ELIGIBLE FOR CMAQ FUNDING; OR

15 (b) REDUCES EMISSIONS OF AIR POLLUTANTS OR GREENHOUSE GAS
16 POLLUTANTS.

17 (11) "ENTERPRISE" MEANS THE NONATTAINMENT AREA AIR
18 POLLUTION MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303
19 (1)(a).

20 (12) "FUND" MEANS THE NONATTAINMENT AREA AIR POLLUTION
21 MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303 (5).

22 (13) "GREENHOUSE GAS POLLUTANT" MEANS ANTHROPOGENIC
23 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,
24 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,
25 AND SULFUR HEXAFLUORIDE.

26 (14) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
27 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL

1 THAT USES HYDROGEN GAS AS FUEL.

2 (15) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
3 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
4 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
5 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
6 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
7 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
8 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
9 AIR POLLUTION MITIGATION PER RIDE FEE IMPOSED BY SECTION 43-4-1303
10 (7) OR THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IMPOSED BY
11 SECTION 43-4-1303 (8) BEGINS.

12 (16) "NONATTAINMENT AREA" MEANS AN AREA THAT THE AIR
13 QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104 HAS
14 DESIGNATED AS A NONATTAINMENT AREA PURSUANT TO SECTION
15 25-7-107.

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

21 (18) "PREARRANGED RIDE" HAS THE SAME MEANING AS SET FORTH
22 IN SECTION 40-10.1-602 (2).

23 (19) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
24 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE
25 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
26 PURCHASER AT A LOCATION IN THE STATE, WHICH SALE INCLUDES AT
27 LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS SUBJECT TO

1 TAXATION UNDER ARTICLE 26 OF TITLE 39. EACH SUCH RETAIL SALE IS A
2 SINGLE RETAIL DELIVERY REGARDLESS OF THE NUMBER OF SHIPMENTS
3 NECESSARY TO DELIVER THE ITEMS OF TANGIBLE PERSONAL PROPERTY
4 PURCHASED.

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

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

9 (22) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION
10 40-10.1-602 (5).

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

13 (24) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME
14 MEANING AS SET FORTH IN SECTION 40-10.1-602 (3).

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

17 **43-4-1303. Nonattainment area air pollution mitigation**
18 **enterprise - creation - board - powers and duties - fees - fund.**

19 (1) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
20 ENTERPRISE IS HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS
21 AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE
22 DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED
23 IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS AND
24 PERFORMING THE DUTIES SET FORTH IN THIS SECTION.

25 (b) THE ENTERPRISE EXERCISES ITS POWERS AND PERFORMS ITS
26 DUTIES AND FUNCTIONS UNDER THE DEPARTMENT AS IF THE SAME WERE
27 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1** TRANSFER, AS DEFINED

1 IN SECTION 24-1-105.

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

4 (I) FIVE MEMBERS APPOINTED BY THE GOVERNOR WITH THE
5 CONSENT OF THE SENATE AS FOLLOWS:

6 (A) ONE MEMBER WITH EXPERTISE ON ENVIRONMENTAL,
7 ENVIRONMENTAL JUSTICE, OR PUBLIC HEALTH ISSUES;

8 (B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A
9 DISPROPORTIONATELY IMPACTED COMMUNITY THAT IS A MEMBER OF THE
10 DENVER REGIONAL COUNCIL OF GOVERNMENTS;

11 (C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A LOCAL
12 GOVERNMENT THAT IS A MEMBER OF THE NORTH FRONT RANGE
13 METROPOLITAN PLANNING ORGANIZATION; AND

14 (D) UP TO TWO MEMBERS WHO ARE REPRESENTATIVES OF
15 DISPROPORTIONATELY IMPACTED COMMUNITIES;

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

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

20 (b) APPOINTED MEMBERS OF THE BOARD SERVE AT THE PLEASURE
21 OF THE GOVERNOR. THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS
22 THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS OR ARE DESIGNATED
23 TO SERVE BY AN EXECUTIVE DIRECTOR.

24 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO MITIGATE THE
25 ENVIRONMENTAL AND HEALTH IMPACTS OF INCREASED AIR POLLUTION
26 FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS THAT
27 RESULTS FROM THE RAPID AND CONTINUING GROWTH IN RETAIL

1 DELIVERIES MADE BY MOTOR VEHICLES AND IN PREARRANGED RIDES
2 PROVIDED BY TRANSPORTATION NETWORK COMPANIES BY PROVIDING
3 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC, INCLUDING
4 DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE ALTERNATIVES TO
5 DRIVING ALONE OR THAT DIRECTLY REDUCE AIR POLLUTION, SUCH AS
6 RETROFITTING OF CONSTRUCTION EQUIPMENT, CONSTRUCTION OF
7 ROADSIDE VEGETATION BARRIERS, AND PLANTING TREES ALONG MEDIANS.
8 TO ALLOW THE ENTERPRISE TO ACCOMPLISH THIS PURPOSE AND FULLY
9 EXERCISE ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE
10 MAY:

11 (a) IMPOSE AN AIR POLLUTION MITIGATION PER RIDE FEE AND AN
12 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AS AUTHORIZED BY
13 SUBSECTIONS (7) AND (8) OF THIS SECTION;

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

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

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

26 (5) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
27 ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND

1 CONSISTS OF AIR POLLUTION MITIGATION PER RIDE FEE REVENUE AND AIR
2 POLLUTION MITIGATION RETAIL DELIVERY FEE REVENUE CREDITED TO THE
3 FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY
4 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED
5 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE
6 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
7 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
8 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
9 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND
10 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES
11 SET FORTH IN THIS PART 13 AND TO PAY THE ENTERPRISE'S REASONABLE
12 AND NECESSARY OPERATING EXPENSES, INCLUDING THE REPAYMENT OF
13 ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

14 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
15 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
16 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
17 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
18 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
19 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
20 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
21 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
22 ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR
23 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
24 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
25 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
26 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE INITIAL
27 EXPENSES FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY, AND

1 LOAN LIABILITIES THAT ARE RECORDED IN THE NONATTAINMENT AREA AIR
2 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND BUT THAT
3 ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT
4 BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND
5 BALANCE FOR PURPOSES OF SECTION 24-75-109. THE STATE TREASURER
6 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
7 AND INVESTMENT OF MONEY IN THE NONATTAINMENT AREA AIR
8 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND TO THE FUND.
9 THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE
10 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE
11 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
12 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
13 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
14 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR
15 THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS
16 INTEREST AT A RATE SET BY THE DEPARTMENT.

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

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

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

24 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
25 DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, TO EMPLOY AND
26 SUPERVISE INDIVIDUALS, PROFESSIONAL CONSULTANTS, AND
27 CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT TO CARRY OUT ITS

1 BUSINESS PURPOSE;

2 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY,
3 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
4 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
5 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
6 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
7 ENTERPRISE. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
8 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
9 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
10 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
11 SOLE-SOURCE CONTRACTS.

12 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
13 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
14 OF THIS PART 13 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
15 COLORADO STATE AND LOCAL GOVERNMENTS RECEIVED IN ANY STATE
16 FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S TOTAL
17 ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE SHALL
18 TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS, DONATIONS,
19 OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL CREDIT THE
20 MONEY TO THE FUND.

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

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

27 (h) TO PROMULGATE RULES FOR THE SOLE PURPOSE OF SETTING

1 THE AMOUNTS OF THE AIR POLLUTION MITIGATION PER RIDE FEE AND THE
2 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AT OR BELOW THE
3 MAXIMUM AMOUNTS AUTHORIZED IN THIS SECTION; AND

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

7 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
8 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE AN AIR
9 POLLUTION MITIGATION PER RIDE FEE TO BE PAID BY A TRANSPORTATION
10 NETWORK COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND
11 ACCEPTED THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE
12 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION
13 NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE
14 DEPARTMENT OF REVENUE SHALL COLLECT THE AIR POLLUTION
15 MITIGATION PER RIDE FEE ON BEHALF OF THE ENTERPRISE, AND A
16 TRANSPORTATION NETWORK COMPANY SHALL PAY THE FEE TO THE
17 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 40-10.1-607.5 (2).

18 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING
19 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE AIR
20 POLLUTION MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT OF:

21 (I) ELEVEN AND ONE-QUARTER CENTS FOR EACH PREARRANGED
22 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS
23 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

24 (II) TWENTY-TWO AND ONE-HALF CENTS FOR EVERY OTHER
25 PREARRANGED RIDE.

26 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
27 OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED

1 DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE
2 FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE AIR POLLUTION
3 MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT THAT IS THE
4 APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
5 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
6 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
7 MITIGATION PER RIDE FEE TO BE COLLECTED FOR RIDES REQUESTED AND
8 ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
9 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
10 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER
11 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
12 BEGINS.

13 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
14 THE AIR POLLUTION MITIGATION PER RIDE FEE FOR PREARRANGED RIDES
15 REQUESTED AND ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE
16 RATE OF INFLATION IS POSITIVE AND CUMULATIVE INFLATION FROM THE
17 TIME OF THE LAST ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN
18 APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION MITIGATION PER
19 RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE IMPOSED AS
20 REQUIRED BY SECTION 25-7.5-103 (7) AND ROUNDED TO THE NEAREST
21 WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE WHOLE CENT
22 IN THE TOTAL AMOUNT OF THE AIR POLLUTION MITIGATION PER RIDE FEE
23 AND THE CLEAN FLEET PER RIDE FEE PAID BY A PERSON WHO REQUESTS
24 AND ACCEPTS A PREARRANGED RIDE. THE AMOUNT OF CUMULATIVE
25 INFLATION TO BE APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION
26 MITIGATION PER RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE
27 AND ROUNDED TO THE NEAREST WHOLE CENT IS THE LESSER OF ACTUAL

1 CUMULATIVE INFLATION OR FIVE PERCENT.

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

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

21 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
22 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL
23 IMPOSE THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A
24 MAXIMUM AMOUNT OF SEVEN-TENTHS OF ONE CENT.

25 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)
26 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
27 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING

1 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
2 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
3 THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
4 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
5 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
6 MITIGATION RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
7 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
8 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
9 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
10 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
11 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

12 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
13 THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE FOR RETAIL
14 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
15 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
16 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
17 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
18 DURING THE STATE FISCAL YEAR.

19 (9) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO
20 THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE ENTERPRISE
21 IS AUTHORIZED TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR ELIGIBLE
22 PROJECTS. THE ENTERPRISE SHALL ACTIVELY SEEK INPUT FROM
23 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
24 IMPACTED COMMUNITIES, AND LOCAL GOVERNMENTS TO MITIGATE THE
25 ENVIRONMENTAL AND HEALTH IMPACTS OF HIGHWAY PROJECTS, REDUCE
26 TRAFFIC CONGESTION, AND IMPROVE NEIGHBORHOOD CONNECTIVITY FOR
27 COMMUNITIES ADJACENT TO HIGHWAYS. THE ENTERPRISE SHALL INCLUDE

1 MITIGATION STRATEGIES THAT TAKE INTO ACCOUNT THE INPUT AS WELL
2 AS ISSUES AND IMPACTS OF PARTICULAR IMPORTANCE TO THE STATE SUCH
3 AS REDUCTION OF GREENHOUSE GAS EMISSIONS AND FINE PARTICULATE
4 MATTER.

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

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

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

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

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

1 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
2 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
3 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
4 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
5 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
6 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
7 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
8 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
9 COMMITTEES CONTINUES INDEFINITELY.

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

14 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
15 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
16 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
17 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
18 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
19 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
20 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
21 LOCAL GOVERNMENTS COMBINED.

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

24 **SECTION 53.** In Colorado Revised Statutes, **repeal** 43-4-714.

1 **SECTION 54. Appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting for the fiscal year beginning July 1, 2021. Section**

2 **2 of SB 21-205, amend Part IV (1)(C), as follows:**

3 **Section 2. Appropriation.**

4 **PART IV**

5 **GOVERNOR - LIEUTENANT GOVERNOR - STATE PLANNING AND BUDGETING**

7 **(1) OFFICE OF THE GOVERNOR**

8 **(C) Colorado Energy Office**

9	<u>Program Administration</u>	<u>6,257,311</u>	<u>2,625,625</u>	<u>3,631,686(I)</u>
10		<u>(24.8 FTE)</u>		
11	<u>Electric Vehicle Charging</u>			
12	<u>Station Grants</u>	<u>1,036,204</u>	<u>1,036,204^g</u>	
13			<u>1,036,204(I)^a</u>	
14	<u>Legal Services</u>	<u>486,329</u>	<u>433,951</u>	<u>52,378(I)</u>
15	<u>Vehicle Lease Payments</u>	<u>13,182</u>	<u>13,182</u>	
16	<u>Leased Space</u>	<u>218,835</u>	<u>218,835</u>	
17	<u>Indirect Cost Assessment</u>	<u>153,808</u>	<u>37,763</u>	<u>116,045(I)</u>
18		<u>8,165,669</u>		

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^a 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 TO SECTION 24-38.5-103 (2)(a), C.R.S.

TOTALS PART IV

(GOVERNOR-

LIEUTENANT

GOVERNOR- STATE

PLANNING AND

BUDGETING)

\$365,384,731

\$57,569,143

\$16,648,484^a

\$284,399,642

\$6,767,462^b

^a Of this amount, ~~\$7,300,000~~ \$8,336,204 contains an (I) notation.

^b This amount contains an (I) notation.

1 **SECTION 55. Appropriation.** (1) For the 2021-22 state
2 fiscal year, \$161,099,957 is appropriated to the department of
3 transportation. This appropriation consists of \$259,957 from the state
4 highway fund created in section 43-1-219, C.R.S., \$146,340,000 from the
5 multimodal transportation options and mitigation fund created in section
6 43-4-1103 (1)(a), C.R.S., and \$14,500,000 from the southwest chief rail
7 line economic development, rural tourism, and infrastructure repair and
8 maintenance fund created in Section 43-4-1002 (1), C.R.S. To implement
9 this act, the department may use this appropriation as follows:

10 (a) \$259,957 from the state highway fund for administration,
11 which amount is based on an assumption that the department will require
12 an additional 3.0 FTE;

13 (b) \$14,500,000 from the southwest chief rail line economic
14 development, rural tourism, and infrastructure repair and maintenance
15 fund for southwest chief and front range passenger rail commission; and

16 (c) \$146,340,000 from the multimodal transportation options and
17 mitigation fund for multimodal transportation projects.

18 (2) For the 2021-22 state fiscal year, \$1,104,661 is appropriated
19 to the department of revenue. This appropriation consists of \$1,082,480
20 from the general fund and \$22,181 from the license plate cash fund
21 created in section 42-3-301 (1)(b), C.R.S. To implement this act, the
22 department may use this appropriation as follows:

23 (a) \$109,135 general fund for use by the executive director's
24 office for personal services related to administration and support, which
25 amount is based on an assumption that the office will require an
26 additional 1.8 FTE;

27 (b) \$259,875 general fund for use by the taxation business group

1 for tax administration IT system (GenTax) support related to
2 administration;

3 (c) \$231,020 general fund for use by the taxation business group
4 for personal services related to taxation services, which amount is based
5 on an assumption that the group will require an additional 3.5 FTE;

6 (d) \$70,250 general fund for use by the taxation business group
7 for operating expenses related to taxation services;

8 (e) \$412,200 general fund for use by the division of motor
9 vehicles for DRIVES maintenance and support; and

10 (f) \$22,181 from the license plate cash fund for use by the division
11 of motor vehicles for license plate ordering.

12 (3) For the 2021-22 state fiscal year, \$100,491 is appropriated to
13 the energy fund created in section 24-38.5-102.4, C.R.S. This
14 appropriation is from the general fund. The office of the governor is
15 responsible for the accounting related to this appropriation.

16 (4) For the 2021-22 state fiscal year, \$1,702,187 is appropriated
17 to the department of public health and environment. This appropriation
18 is from the general fund. To implement this act, the department may use
19 this appropriation as follows:

20 (a) \$23,449 for use by the air pollution control division for
21 personal services related to mobile sources, which amount is based on an
22 assumption that the division will require an additional 0.3 FTE;

23 (b) \$9,405 for use by the air pollution control division for
24 operating expenses related to mobile sources; and

25 (c) \$1,669,333 for use by the air pollution control division for
26 transfer to the clean fleet enterprise initial expenses fund pursuant to

1 section 25-7.5-103 (5)(b), C.R.S.

2 (5) For the 2021-22 state fiscal year, \$504,583 is appropriated to
3 the department of law and is based on the assumption that the department
4 will require an additional 2.6 FTE. Of this appropriation, \$191,412 is
5 from reappropriated funds received from the department of transportation
6 under subsection (1)(a) of this section and is based on an assumption that
7 the department of law will require an additional 1.0 FTE; \$100,491 is
8 from reappropriated funds received from the office of the governor under
9 subsection (3) of this section and is based on an assumption that the
10 department of law will require an additional 0.5 FTE; and \$212,680 is
11 from reappropriated funds received from the department of public health
12 and environment under subsection (4)(c) of this section and is based on
13 an assumption that the department of law will require an additional 1.1
14 FTE. To implement this act, the department of law may use this
15 appropriation to provide legal services for the department of
16 transportation, office of the governor, and department of public health
17 and environment.

18 **SECTION 56. Appropriation.** (1) For the 2021-22 state fiscal
19 year, \$158,599,957 is appropriated to the department of transportation.
20 This appropriation consists of \$259,957 from the state highway fund
21 created in section 43-1-219, C.R.S., \$146,340,000 from the multimodal
22 transportation options and mitigation fund created in section 43-4-1103
23 (1)(a), C.R.S., and \$12,000,000 from the southwest chief rail line
24 economic development, rural tourism, and infrastructure repair and
25 maintenance fund created in Section 43-4-1002 (1), C.R.S. To implement
26 this act, the department may use this appropriation as follows:

1 (a) \$259,957 from the state highway fund for administration,
2 which amount is based on an assumption that the division will require an
3 additional 3.0 FTE;

4 (b) \$12,000,000 from the southwest chief rail line economic
5 development, rural tourism and infrastructure repair and maintenance
6 fund for southwest chief and front range passenger rail commission; and

7 (c) \$146,340,000 from the multimodal transportation options and
8 mitigation fund for multimodal transportation projects.

9 (2) For the 2021-22 state fiscal year, \$1,104,661 is appropriated
10 to the department of revenue. This appropriation consists of \$1,082,480
11 from the general fund and \$22,181 from the license plate cash fund
12 created in section 42-3-301 (1)(b), C.R.S. To implement this act, the
13 department may use this appropriation as follows:

14 (a) \$109,135 general fund for use by the executive director's
15 office for personal services related to administration and support, which
16 amount is based on an assumption that the office will require an
17 additional 1.8 FTE;

18 (b) \$259,875 general fund for use by the taxation business group
19 for tax administration IT system (GenTax) support related to
20 administration;

21 (c) \$231,020 general fund for use by the taxation business group
22 for personal services related to taxation services, which amount is based
23 on an assumption that the group will require an additional 3.5 FTE;

24 (d) \$70,250 general fund for use by the taxation business group
25 for operating expenses related to taxation services;

26 (e) \$412,200 general fund for use by the division of motor

1 vehicles for DRIVES maintenance and support; and

2 (f) \$22,181 from the license plate cash fund for use by the division
3 of motor vehicles for license plate ordering.

4 (3) For the 2021-22 state fiscal year, \$100,491 is appropriated to
5 the energy fund created in section 24-38.5-102.4, C.R.S. This
6 appropriation is from the general fund. The office of the governor is
7 responsible for the accounting related to this appropriation.

8 (4) For the 2021-22 state fiscal year, \$1,702,187 is appropriated
9 to the department of public health and environment. This appropriation
10 is from the general fund. To implement this act, the department may use
11 this appropriation as follows:

12 (a) \$23,449 for use by the air pollution control division for
13 personal services related to mobile sources, which amount is based on an
14 assumption that the division will require an additional 0.3 FTE;

15 (b) \$9,405 for use by the air pollution control division for
16 operating expenses related to mobile sources; and

17 (c) \$1,669,333 for use by the air pollution control division for
18 transfer to the clean fleet enterprise initial expenses fund pursuant to
19 section 25-7.5-103 (5)(b), C.R.S.

20 (5) For the 2021-22 state fiscal year, \$504,583 is appropriated to
21 the department of law and is based on the assumption that the department
22 will require an additional 2.6 FTE. Of this appropriation, \$191,412 is
23 from reappropriated funds received from the department of transportation
24 under subsection (1)(a) of this section and is based on an assumption that
25 the department of law will require an additional 1.0 FTE; \$100,491 is
26 from reappropriated funds received from the office of the governor under

1 subsection (3) of this section and is based on an assumption that the
2 department of law will require an additional 0.5 FTE; and \$212,680 is
3 from reappropriated funds received from the department of public health
4 and environment under subsection (4)(c) of this section and is based on
5 an assumption that the department of law will require an additional 1.1
6 FTE. To implement this act, the department of law may use this
7 appropriation to provide legal services for the department of
8 transportation, office of the governor, and department of public health
9 and environment.

10 **SECTION 57. Severability.** If any provision of this Senate Bill
11 21-260 or the application thereof to any person or circumstance is held
12 invalid, such invalidity does not affect other provisions or applications of
13 this Senate Bill 21-260 that can be given effect without the invalid
14 provision or application, and to this end the provisions of this Senate Bill
15 21-260 are declared to be severable.

16 **SECTION 58. Effective date.** (1) Except as otherwise provided
17 in this section, this act takes effect upon passage.

18 (2) Section 54 of this act and section 43-1-1103 (2)(a)(IV)(B),
19 Colorado Revised Statutes, as enacted in section 51 of this act, take effect
20 only if Senate Bill 21-238 becomes law, in which case section 54 of this
21 act and section 43-1-1103 (2)(a)(IV)(B) take effect either upon the
22 effective date of this act or Senate Bill 21-238, whichever is later.

23 (3) Section 55 of this act takes effect only if Senate Bill 21-238
24 does not become law.

25 **SECTION 59. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0559.01 Thomas Morris x4218

SENATE BILL 21-200

SENATE SPONSORSHIP

Winter and Moreno,

HOUSE SPONSORSHIP

Jackson,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO FURTHER ENVIRONMENTAL PROTECTIONS,
102 AND, IN CONNECTION THEREWITH, ADOPTING MEASURES TO
103 REDUCE EMISSIONS OF GREENHOUSE GASES AND ADOPTING
104 PROTECTIONS FOR DISPROPORTIONATELY IMPACTED
105 COMMUNITIES.

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>.)

Current law requires the air quality control commission (AQCC) to adopt rules that will result in the statewide reduction of greenhouse gas

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.

(GHG) emissions of 26% by 2025, 50% by 2030, and 90% by 2050, as compared to 2005 emissions. **Section 2** of the bill supplements these requirements by:

- Directing the AQCC to:
 - Consider the social cost of GHG emissions;
 - Require GHG reductions on a linear or more stringent path; and
 - Finalize its implementing rules by March 1, 2022, including specific net emission weight limits for various emission sectors, subject to modification by the AQCC, including through the use of a multi-sector program;
- Directing each wholesale generation and transmission electric cooperative to file with the public utilities commission a responsible energy plan that will achieve at least an 80% GHG reduction by 2030 as compared to 2005 levels and specifying that if a plan is not filed, the cooperative must achieve at least a 90% GHG reduction by 2030 as compared to 2005 levels; and
- Directing each retail, wholesale, and municipal electric utility and cooperative electric association to reduce its GHG emissions by at least 95% between 2035 and 2040 and by 100% by 2040.

Section 3 adds GHG to the definition of "regulated pollutant", prohibits the AQCC from excluding GHG emissions from the requirement to pay annual emission fees that are based on emissions of regulated pollutants, gives the AQCC rule-making authority to set the GHG annual emission fee, and authorizes the use of these fees for outreach to and engagement of disproportionately impacted communities. **Section 4** requires the AQCC's GHG reporting rules to establish an assumed emission rate representing the average regional fossil fuel generation emission rate for electricity generated by a renewable energy resource for which the associated renewable energy credit is not retired in the year generated.

Section 5 creates an environmental justice ombudsperson position and an environmental justice advisory board in the department of public health and environment. The ombudsperson and the advisory board will work collaboratively to promote environmental justice in Colorado. Sections 2 and 5 specify processes for soliciting and facilitating input from disproportionately impacted communities regarding proposed AQCC rule changes and departmental decision-making.

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

1 **SECTION 1.** In Colorado Revised Statutes, 25-7-102, **add** (3) as
2 follows:

3 **25-7-102. Legislative declaration.** (3) (a) (I) IT IS DECLARED TO
4 BE THE POLICY OF THIS STATE THAT THE COMMISSION SHALL ADOPT RULES,
5 INCLUDING EMISSION CONTROL REGULATIONS, THAT ARE SUFFICIENT TO
6 ACHIEVE QUANTIFIABLE AND ENFORCEABLE REDUCTIONS IN GREENHOUSE
7 GAS EMISSIONS CONSISTENT WITH THE CLIMATE GOALS SET FORTH IN
8 SUBSECTION (2)(g) OF THIS SECTION AS QUICKLY AS POSSIBLE, TAKING
9 INTO ACCOUNT THE FEASIBILITY, COST-EFFECTIVENESS, AND EQUITY
10 IMPLICATIONS OF MEASURES TO REDUCE THE STATE'S CONTRIBUTION TO
11 CLIMATE CHANGE.

12 (II) THE GENERAL ASSEMBLY RECOGNIZES THAT PROMPT ACTION
13 IS ESSENTIAL FOR COLORADO TO MEET ITS CLIMATE GOALS, GIVEN, AMONG
14 OTHER THINGS, THE SLOW TURNOVER OF EQUIPMENT, VEHICLES,
15 APPLIANCES, AND OTHER TECHNOLOGIES THAT BURN OR RELEASE FOSSIL
16 FUELS. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT CLIMATE
17 CHANGE IS A CUMULATIVE EMISSIONS PROBLEM. THIS IS BECAUSE
18 LONG-LIVED CLIMATE POLLUTANTS CAN PERSIST FOR CENTURIES IN THE
19 ATMOSPHERE, THUS COMMITTING US TO WARMING FOR GENERATIONS TO
20 COME. AS WE CONTINUE TO EMIT GREENHOUSE GASES INTO THE
21 ATMOSPHERE OVER THE NEXT DECADE, AND EVEN OVER THE NEXT FEW
22 YEARS, WE WILL CONTINUE TO EXACERBATE THE CLIMATE DAMAGES WE
23 ARE ALREADY SEEING AND INCREASE THE RISK OF CATASTROPHIC
24 DISRUPTION. THEREFORE, EARLY ACTION TO REDUCE THE POLLUTANTS
25 THAT CONTRIBUTE TO CLIMATE CHANGE, THEREBY REDUCING OVERALL
26 ATMOSPHERIC GREENHOUSE GAS CONCENTRATIONS, IS ESSENTIAL.
27 COLORADO NEEDS TO SECURE STEADY, PERSISTENT REDUCTIONS IN

1 POLLUTION OVER TIME THAT ALIGN WITH THE ESTIMATED CARBON DIOXIDE
2 BUDGETS IDENTIFIED BY THE UNITED NATIONS' INTERGOVERNMENTAL
3 PANEL ON CLIMATE CHANGE (IPCC) CONSISTENT WITH LIMITING THE
4 AVERAGE GLOBAL WARMING, IN COMPARISON TO ACCEPTED HISTORICAL
5 AVERAGE TEMPERATURES, TO ONE AND ONE-HALF DEGREES CELSIUS.

6 (b) IT IS FURTHER DECLARED THAT:

7 (I) DUE TO HISTORICAL SYSTEMS AND PRACTICES THAT
8 INTENTIONALLY TARGETED BLACK AND INDIGENOUS PEOPLE,
9 COMMUNITIES OF COLOR, AND LOW-INCOME COMMUNITIES, THERE
10 CONTINUES TO BE A RACIAL AND SOCIOECONOMIC INEQUITY IN REGARD TO
11 THE IMPACTS OF CLIMATE CHANGE AND POLLUTION. DISPROPORTIONATELY
12 IMPACTED COMMUNITIES SUFFER FROM HIGHER RATES OF AIR POLLUTION
13 AND DAMAGE DUE TO CHANGING AND MORE SEVERE WEATHER, AND HAVE
14 BEEN SYSTEMATICALLY EXCLUDED FROM GOVERNANCE AND
15 DECISION-MAKING. IT IS THEREFORE THE RESPONSIBILITY OF THE STATE TO
16 INCLUDE AND ENGAGE THESE COMMUNITIES MORE FULLY IN
17 POLICYMAKING AT EVERY LEVEL AND TO ENSURE THAT CLIMATE POLICY
18 WORKS TOWARD RESTORATIVE JUSTICE AND BENEFITING THESE
19 COMMUNITIES.

20 (II) THE PUBLIC SHOULD HAVE A MEANINGFUL OPPORTUNITY TO
21 PARTICIPATE IN RULE-MAKING PROCEEDINGS BEFORE THE COMMISSION.
22 THIS REQUIRES THAT MEMBERS OF THE PUBLIC BE PROVIDED WITH TIMELY
23 ACCESS TO INFORMATION NEEDED TO UNDERSTAND PROPOSED RULES AND
24 TO DEVELOP ALTERNATIVE PROPOSALS, AND THAT THEY BE AFFORDED THE
25 TIME NECESSARY TO DO SO.

26 (III) THE COMMISSION SHOULD REMOVE BARRIERS TO PUBLIC
27 PARTICIPATION IN RULE-MAKING PROCEEDINGS TO THE EXTENT POSSIBLE.

1 THE COMMISSION IS ENCOURAGED TO USE LANGUAGE THAT IS
2 UNDERSTANDABLE TO CITIZENS WHO DO NOT HAVE SPECIALIZED
3 KNOWLEDGE OF THE MATTERS BEFORE THE COMMISSION.

4 **SECTION 2.** In Colorado Revised Statutes, 25-7-105, **amend**
5 (1)(e)(I), (1)(e)(II), and (1)(e)(III); and **add** (1)(e)(VIII)(G),
6 (1)(e)(VIII)(H), (1)(e)(VIII)(I), (1)(e)(VIII)(J), and (1)(e)(XI)(B.5) as
7 follows:

8 **25-7-105. Duties of commission - rules - legislative declaration**
9 **- definitions - repeal.** (1) Except as provided in sections 25-7-130 and
10 25-7-131, the commission shall promulgate such rules and regulations as
11 are consistent with the legislative declaration set forth in section 25-7-102
12 and necessary for the proper implementation and administration of this
13 article 7, including, but not limited to:

14 (e) (I) (A) Statewide greenhouse gas pollution abatement.

15 (B) THE COMMISSION MAY CONSIDER THE SOCIAL COST OF
16 GREENHOUSE GAS EMISSIONS IN ANY RULE-MAKING PROCEEDING. IN ANY
17 RULE-MAKING PROCEEDING THAT HAS THE POTENTIAL TO MATERIALLY
18 AFFECT GREENHOUSE GAS EMISSIONS, THE DIVISION SHALL, AND OTHER
19 PARTIES ARE ENCOURAGED TO, USE THE SOCIAL COST OF GREENHOUSE
20 GASES IN ANY ECONOMIC IMPACT ANALYSIS OF THE EMISSION REDUCTIONS
21 OR BENEFITS OF A PROPOSAL AND IN ANY COST-BENEFIT ANALYSIS. THE
22 VALUE OF THE SOCIAL COST OF CARBON MUST BE NO LESS THAN THE
23 APPROPRIATE VALUE IN THE 2016 TECHNICAL SUPPORT DOCUMENT OF THE
24 FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF
25 GREENHOUSE GASES, ENTITLED "TECHNICAL UPDATE OF THE SOCIAL
26 COST OF CARBON FOR REGULATORY IMPACT ANALYSIS - UNDER
27 EXECUTIVE ORDER 12866". THE VALUE OF THE SOCIAL COST OF METHANE

1 AND THE SOCIAL COST OF NITROUS OXIDE MUST BE NO LESS THAN THE
2 APPROPRIATE VALUES IN THE ADDENDUM TO THE 2016 TECHNICAL
3 SUPPORT DOCUMENT OF THE FEDERAL INTERAGENCY WORKING GROUP,
4 ENTITLED "ADDENDUM TO TECHNICAL SUPPORT DOCUMENT ON SOCIAL
5 COST OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER
6 EXECUTIVE ORDER 12866: APPLICATION OF THE METHODOLOGY TO
7 ESTIMATE THE SOCIAL COST OF METHANE AND THE SOCIAL COST OF
8 NITROUS OXIDE". A SOCIAL COST OF CARBON, SOCIAL COST OF METHANE,
9 OR SOCIAL COST OF NITROUS OXIDE HIGHER THAN THE CORRESPONDING
10 VALUE IN THE 2016 TECHNICAL SUPPORT DOCUMENT AND ITS ADDENDUM
11 MAY BE USED IF IT IS ADEQUATELY SUPPORTED OR IF THE FEDERAL
12 GOVERNMENT HAS PUBLISHED A MORE RECENT CALCULATION OF THE
13 SOCIAL COST OF GREENHOUSE GASES, IN WHICH CASE THE SOCIAL COST OF
14 GREENHOUSE GASES MUST BE NO LESS THAN THE HIGHEST VALUE.

15 (II) (A) Consistent with section 25-7-102 (2)(g), the commission
16 shall timely promulgate implementing rules and regulations. The
17 implementing rules may take into account other relevant laws and rules,
18 as well as voluntary actions taken by local communities and the private
19 sector, to enhance efficiency and cost-effectiveness, and shall be revised
20 as necessary over time to ensure timely progress toward the 2025, 2030,
21 and 2050 goals. The implementing rules shall provide for ongoing
22 tracking of emission sources that adversely affect disproportionately
23 impacted communities and are subject to rules implemented pursuant to
24 this subsection (1)(e) and must include strategies designed to achieve
25 reductions in harmful air pollution affecting those communities.

26 (B) THE COMMISSION'S IMPLEMENTING RULES PROMULGATED
27 PURSUANT TO THIS SUBSECTION (1)(e)(II) MUST REQUIRE REDUCTIONS OF

1 STATEWIDE GREENHOUSE GAS POLLUTION ON A LINEAR OR MORE
2 STRINGENT PATHWAY CORRESPONDING TO THE GOALS ESTABLISHED IN
3 SECTION 25-7-102 (2)(g), TAKING INTO ACCOUNT EARLY REDUCTIONS OF
4 EMISSIONS BELOW THAT PATHWAY.

5 (C) THE COMMISSION SHALL ADOPT FINAL IMPLEMENTING RULES
6 NO LATER THAN MARCH 1, 2022. EXCEPT AS SPECIFIED IN SUBSECTIONS
7 (1)(e)(II)(E) AND (1)(e)(II)(F) OF THIS SECTION, THE RULES MUST, AT A
8 MINIMUM, ENSURE THAT: ANNUAL GREENHOUSE GAS EMISSIONS FROM THE
9 POWER SECTOR, INCLUDING ALL EMISSIONS ASSOCIATED WITH POWER
10 GENERATED IN COLORADO AND ALL IMPORTED POWER USED TO SERVE
11 COLORADO CUSTOMERS, DO NOT EXCEED TWENTY-ONE MMTCO₂E BY
12 2025 AND DO NOT EXCEED EIGHT MMTCO₂E BY 2030; ANNUAL
13 GREENHOUSE GAS EMISSIONS FROM THE COMBUSTION OF FOSSIL FUELS IN
14 RESIDENTIAL AND COMMERCIAL BUILDINGS AND INDUSTRIAL PROCESSES
15 DO NOT EXCEED TWENTY-SIX MMTCO₂E BY 2025 AND DO NOT EXCEED
16 TWENTY MMTCO₂E BY 2030; ANNUAL GREENHOUSE GAS EMISSIONS FROM
17 TRANSPORTATION AND MOBILE SOURCES DO NOT EXCEED TWENTY-THREE
18 MMTCO₂E BY 2025 AND DO NOT EXCEED EIGHTEEN MMTCO₂E BY 2030;
19 ANNUAL GREENHOUSE GAS EMISSIONS FROM OIL AND GAS EXPLORATION
20 AND PRODUCTION, PROCESSING, TRANSMISSION, AND STORAGE DO NOT
21 EXCEED THIRTEEN MMTCO₂E BY 2025 AND DO NOT EXCEED EIGHT
22 MMTCO₂E BY 2030; AND ANNUAL GREENHOUSE GAS EMISSIONS FROM
23 REMAINING SOURCES DO NOT EXCEED THE MAXIMUM AMOUNT ALLOWABLE
24 TO MEET THE GOALS SET FORTH IN SECTION 25-7-102 (2)(g) BY 2025 AND
25 BY 2030.

26 (D) THE COMMISSION SHALL DESIGN THE IMPLEMENTING RULES
27 FOR THE POWER SECTOR LIMITS IN SUBSECTION (1)(e)(II)(C) OF THIS

1 SECTION, REGARDLESS OF WHETHER THOSE LIMITS ARE MODIFIED
2 PURSUANT TO SUBSECTION (1)(e)(II)(E) OF THIS SECTION OR LOWERED
3 PURSUANT TO SUBSECTION (1)(e)(II)(F) OF THIS SECTION, TO ACCELERATE
4 NEAR-TERM REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM THE
5 POWER SECTOR SO AS TO ACHIEVE THE MAXIMUM PRACTICABLE
6 CUMULATIVE REDUCTIONS IN GREENHOUSE GAS POLLUTION FROM THE
7 POWER SECTOR BY 2030.

8 (E) THE COMMISSION MAY MODIFY THE SECTOR-SPECIFIC TARGETS
9 SPECIFIED IN SUBSECTION (1)(e)(II)(C) OF THIS SECTION, BUT ONLY IF IT
10 DETERMINES THAT THE MODIFICATION WILL: INCREASE THE
11 COST-EFFECTIVENESS OF THE OVERALL REGULATORY STRUCTURE AND
12 RESULT IN AN EQUIVALENT OR LOWER LEVEL OF CUMULATIVE
13 GREENHOUSE GAS EMISSIONS BY 2025 AND BY 2030 THAN WOULD RESULT
14 FROM THE SECTOR-SPECIFIC TARGETS IN SUBSECTION (1)(e)(II)(C) OF THIS
15 SECTION; OR RESULT IN A LOWER LEVEL OF CUMULATIVE GREENHOUSE GAS
16 EMISSIONS BY 2025 AND BY 2030 THAN WOULD RESULT FROM THE
17 SECTOR-SPECIFIC TARGETS IN SUBSECTION (1)(e)(II)(C) OF THIS SECTION.

18 (F) THE COMMISSION SHALL LOWER THE MAXIMUM AMOUNTS OF
19 GREENHOUSE GAS EMISSIONS ALLOWED BY 2025 AND BY 2030 PURSUANT
20 TO SUBSECTION (1)(e)(II)(C) OR (1)(e)(II)(E) OF THIS SECTION TO REFLECT
21 THE AGGREGATE VERIFIED GREENHOUSE GAS EMISSION REDUCTIONS
22 FORECASTED IN CLEAN ENERGY PLANS AND RESPONSIBLE ENERGY PLANS
23 APPROVED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO
24 SUBSECTION (1)(e)(VIII) OF THIS SECTION IF THOSE PLANS RESULT IN
25 LOWER OVERALL GREENHOUSE GAS EMISSIONS FROM THE POWER SECTOR
26 BY 2025 AND BY 2030. IN NO EVENT SHALL THE COMMISSION INCREASE
27 THE MAXIMUM AMOUNT OF GREENHOUSE GAS EMISSIONS ALLOWED BY

1 2025 OR BY 2030 PURSUANT TO SUBSECTION (1)(e)(II)(C) OF THIS
2 SECTION, AND IMPLEMENTING RULES ADOPTED PURSUANT TO SUBSECTION
3 (1)(e)(II)(C) OR (1)(e)(II)(G) OF THIS SECTION MUST GUARANTEE THAT
4 THE GREENHOUSE GAS EMISSION REDUCTIONS FORECASTED IN CLEAN
5 ENERGY PLANS AND RESPONSIBLE ENERGY PLANS ARE ACHIEVED.

6 (G) THE COMMISSION SHALL EVALUATE AND DETERMINE WHETHER
7 A MULTI-SECTOR PROGRAM WITH AN OVERALL LIMIT ON GREENHOUSE GAS
8 EMISSIONS WOULD ENABLE THE STATE TO ACHIEVE THE GOALS
9 ESTABLISHED IN SECTION 25-7-102 (2)(g) IN A MANNER CONSISTENT WITH
10 THE FACTORS SPECIFIED IN SUBSECTION (1)(e)(VI) OF THIS SECTION.
11 NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (1)(e)(II)(C) OF
12 THIS SECTION, IF THE COMMISSION DETERMINES THAT SUCH A
13 MULTI-SECTOR PROGRAM CONTAINING STRATEGIES DESIGNED TO ACHIEVE
14 REDUCTIONS IN HARMFUL AIR POLLUTION AFFECTING
15 DISPROPORTIONATELY IMPACTED COMMUNITIES WOULD ENSURE THAT THE
16 STATE ACHIEVES THE GOALS ESTABLISHED IN SECTION 25-7-102 (2)(g) IN
17 A MANNER THAT IS CONSISTENT WITH THE FACTORS IN SUBSECTION
18 (1)(e)(VI) OF THIS SECTION, THE COMMISSION MAY ADOPT SUCH A
19 MULTI-SECTOR PROGRAM BY RULE IN LIEU OF THE SECTOR-SPECIFIC LIMITS
20 SET FORTH IN SUBSECTION (1)(e)(II)(C) OF THIS SECTION.

21 (III) (A) The commission ~~will~~ SHALL identify disproportionately
22 impacted communities. In identifying these communities, the commission
23 will consider: Minority, low-income, tribal, or indigenous populations in
24 the state that potentially experience disproportionate environmental harms
25 and risks. This disproportionality can be a result of increased vulnerability
26 to environmental degradation, lack of opportunity for public participation,
27 or other factors. Increased vulnerability may be attributable to an

1 accumulation of negative or lack of positive environmental, health,
2 economic, or social conditions within these populations.
3 "Disproportionately impacted communities" describes situations where
4 multiple factors, including both environmental and socioeconomic
5 stressors, may act cumulatively to affect health and the environment and
6 contribute to persistent environmental health disparities.

7 (B) THE COMMISSION SHALL ALSO NOTIFY, CONDUCT OUTREACH
8 TO, AND ENGAGE WITH DISPROPORTIONATELY IMPACTED COMMUNITIES
9 THAT MAY BE AFFECTED BY A PROPOSED RULE, ALLOWING SUFFICIENT
10 TIME FOR MEANINGFUL COMMUNICATION BETWEEN THE COMMISSION AND
11 DISPROPORTIONATELY IMPACTED COMMUNITIES.

12 (C) IN DETERMINING WHETHER A DISPROPORTIONATELY IMPACTED
13 COMMUNITY MAY BE AFFECTED BY A PROPOSED RULE, THE COMMISSION
14 SHALL MAKE AN INITIAL DETERMINATION TO ACCOMPANY THE NOTICE OF
15 HEARING. IF THE COMMISSION DETERMINES THAT NO
16 DISPROPORTIONATELY IMPACTED COMMUNITY IS LIKELY TO BE AFFECTED
17 BY A PROPOSED RULE, ANY MEMBER OF THE PUBLIC MAY REQUEST
18 RECONSIDERATION OF THAT DETERMINATION WITHIN FOURTEEN
19 CALENDAR DAYS AFTER THE DETERMINATION. IF THE COMMISSION
20 DETERMINES THAT THE PROPOSED RULE WILL ADVERSELY AFFECT ANY
21 DISPROPORTIONATELY IMPACTED COMMUNITY, IT SHALL PLAN OUTREACH
22 TO AND ENGAGEMENT OF THE DISPROPORTIONATELY IMPACTED
23 COMMUNITY IN COORDINATION WITH THE ENVIRONMENTAL JUSTICE
24 OMBUDSPERSON AND THE ENVIRONMENTAL JUSTICE ADVISORY BOARD
25 ESTABLISHED IN SECTION 25-1-131.

26 (D) FOR EACH HEARING ON A PROPOSED RULE, THE COMMISSION
27 SHALL PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT THAT MEET THE

1 FOLLOWING MINIMUM REQUIREMENTS: THE COMMISSION SHALL PROVIDE
2 AT LEAST TWO OPPORTUNITIES FOR PUBLIC COMMENT, ONE ON A WEEKDAY
3 AT A TIME BETWEEN THE HOURS OF 9 A.M. AND 5 P.M. AND ANOTHER ON A
4 WEEKDAY AT A TIME BETWEEN THE HOURS OF 5 P.M. AND 10 P.M.; THE
5 COMMISSION SHALL ENSURE THAT MEMBERS OF THE PUBLIC CAN PROVIDE
6 COMMENT REMOTELY THROUGH AN ONLINE SERVICE THAT IS AVAILABLE
7 FREE TO THE PUBLIC; AND THE COMMISSION SHALL ENSURE THAT SPANISH
8 LANGUAGE OUTREACH MATERIALS AND REAL-TIME TRANSLATION
9 SERVICES ARE AVAILABLE TO MEMBERS OF THE PUBLIC AND SHALL
10 REASONABLY ACCOMMODATE REQUESTS FOR MEMBERS OF THE PUBLIC TO
11 USE A TRANSLATOR IN A LANGUAGE OTHER THAN SPANISH.

12 (E) THE DIVISION SHALL DEVELOP BEST PRACTICES TO ENGAGE
13 DISPROPORTIONATELY IMPACTED COMMUNITIES IN THE RULE-MAKING
14 PROCESS AND PRESENT THOSE BEST PRACTICES FOR REVIEW BY THE
15 COMMISSION NO LATER THAN JULY 1, 2021, AND SHALL PROVIDE A REPORT
16 DESCRIBING THESE BEST PRACTICES TO THE GENERAL ASSEMBLY BY
17 SEPTEMBER 1, 2021. THIS SUBSECTION (1)(e)(III)(E) IS REPEALED,
18 EFFECTIVE SEPTEMBER 1, 2023.

19 (VIII) (G) EACH WHOLESALE GENERATION AND TRANSMISSION
20 ELECTRIC COOPERATIVE SHALL FILE WITH THE PUBLIC UTILITIES
21 COMMISSION A RESPONSIBLE ENERGY PLAN THAT WILL ACHIEVE AT LEAST
22 AN EIGHTY-PERCENT REDUCTION BY 2030, RELATIVE TO 2005 LEVELS, IN
23 GREENHOUSE GAS EMISSIONS CAUSED BY THE COOPERATIVE'S PROVISION
24 OF ELECTRICITY TO CUSTOMERS WITHIN THE STATE. THE RESPONSIBLE
25 ENERGY PLAN MAY BE INCLUDED AS PART OF ANY PENDING ELECTRIC
26 RESOURCE PLAN BEFORE THE PUBLIC UTILITIES COMMISSION. THE DIVISION
27 SHALL VERIFY WHETHER THE RESPONSIBLE ENERGY PLAN, AS APPROVED

1 BY THE PUBLIC UTILITIES COMMISSION, WILL ACHIEVE AT LEAST AN
2 EIGHTY-PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY
3 THE COOPERATIVE'S PROVISION OF ELECTRICITY TO WHOLESALE
4 CUSTOMERS WITHIN THE STATE, INCLUDING EMISSIONS ASSOCIATED WITH
5 ELECTRICITY IMPORTED TO THE STATE, BY 2030 AS COMPARED TO 2005
6 LEVELS. THE CALCULATION OF EMISSIONS REDUCTIONS FROM THE PLAN
7 MUST BE BASED ON AND REFLECT CHANGES IN THE UTILIZATION AND
8 PROVISION OF RESOURCES THAT RESULT IN DEMONSTRATED REDUCTIONS
9 IN ACTUAL GREENHOUSE GAS EMISSIONS TO THE ATMOSPHERE, RATHER
10 THAN RESOURCE SHUFFLING, WHICH INCLUDES ANY PLAN, SCHEME,
11 TRANSACTION, ARTIFICE, OR DESIGNATION THAT ATTEMPTS TO
12 DEMONSTRATE REDUCTIONS IN GREENHOUSE GAS EMISSIONS BASED ON
13 EMISSIONS REDUCTIONS THAT HAVE NOT ACTUALLY OCCURRED AND THAT
14 INVOLVE OR AFFECT THE DELIVERY OF ELECTRICITY TO THE STATE. THE
15 PUBLIC UTILITIES COMMISSION SHALL APPROVE A PLAN MEETING THE
16 REQUIREMENTS OF THIS SUBSECTION (1)(e)(VIII)(G) NO LATER THAN
17 DECEMBER 31, 2022.

18 (H) CLEAN ENERGY PLANS REQUIRED BY SUBSECTIONS
19 (1)(e)(VIII)(C) AND (1)(e)(VIII)(F) OF THIS SECTION AND RESPONSIBLE
20 ENERGY PLANS REQUIRED BY SUBSECTION (1)(e)(VIII)(G) OF THIS SECTION
21 MUST MAXIMIZE NEAR-TERM GREENHOUSE GAS EMISSION REDUCTIONS TO
22 THE GREATEST EXTENT PRACTICABLE AND SHALL BE SUBMITTED IN
23 ACCORDANCE WITH DEADLINES AND PROCEDURES ESTABLISHED BY THE
24 COMMISSION AND THE PUBLIC UTILITIES COMMISSION. FOR UTILITIES THAT
25 ARE NOT INVESTOR-OWNED OR WHOLESALE GENERATION AND
26 TRANSMISSION COOPERATIVE UTILITIES, THE DIVISION SHALL FULLY
27 EVALUATE AND VERIFY ALL CLEAN ENERGY AND RESPONSIBLE ENERGY

1 PLANS NO LATER THAN JULY 1, 2022. CLEAN ENERGY PLANS SUBMITTED
2 PURSUANT TO SUBSECTION (1)(e)(VIII)(C) OF THIS SECTION AND
3 RESPONSIBLE ENERGY PLANS SUBMITTED PURSUANT TO SUBSECTION
4 (1)(e)(VIII)(G) OF THIS SECTION MUST ALSO BE APPROVED BY THE PUBLIC
5 UTILITIES COMMISSION. IN VERIFYING CLEAN ENERGY OR RESPONSIBLE
6 ENERGY PLANS, THE DIVISION SHALL PREVENT DOUBLE COUNTING OF
7 EMISSION REDUCTIONS AMONG UTILITIES AND SHALL CONSIDER
8 ELECTRICITY GENERATED BY RENEWABLE ENERGY RESOURCES AS HAVING
9 ZERO GREENHOUSE GAS EMISSIONS ONLY IF THE ELECTRICITY IS
10 ACCOMPANIED BY A RENEWABLE ENERGY CREDIT THAT IS RETIRED ON
11 BEHALF OF THE UTILITY'S CUSTOMERS IN THE YEAR GENERATED. ONCE
12 VERIFIED BY THE DIVISION, THE PROJECTED ANNUAL GREENHOUSE GAS
13 EMISSION LEVELS IN THE CLEAN ENERGY PLAN OR RESPONSIBLE ENERGY
14 PLAN ARE UTILITY-SPECIFIC EMISSION LIMITS ENFORCEABLE BY THE
15 DIVISION.

16 (I) A UTILITY INTENDING TO FILE A CLEAN ENERGY OR
17 RESPONSIBLE ENERGY PLAN MUST INFORM THE DIVISION NO LATER THAN
18 JULY 1, 2021. AN ELECTRIC UTILITY THAT DOES NOT INDICATE INTENT TO
19 FILE A CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN OR THAT DOES NOT
20 SUBMIT A CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN AFTER
21 EXPRESSING INTENT TO DO SO SHALL REDUCE GREENHOUSE GAS EMISSIONS
22 AT LEAST NINETY PERCENT BY 2030, AS COMPARED TO 2005 LEVELS,
23 INCLUDING EMISSIONS ASSOCIATED WITH IMPORTED ELECTRICITY. AN
24 ELECTRIC UTILITY THAT FAILS TO ACHIEVE THE EMISSION REDUCTIONS
25 FORECASTED IN A VERIFIED CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN
26 IS SUBJECT TO ALTERNATIVE EMISSION LIMITS THAT SECURE GREATER
27 CUMULATIVE GREENHOUSE GAS EMISSION REDUCTIONS THAN ARE

1 FORECASTED IN A VERIFIED CLEAN ENERGY OR RESPONSIBLE ENERGY PLAN
2 AND THAT ARE ADOPTED DURING THE RULE-MAKING HELD PURSUANT TO
3 SUBSECTION (1)(e)(II)(C) OR (1)(e)(II)(G) OF THIS SECTION.

4 (J) NO LATER THAN DECEMBER 31, 2025, EACH RETAIL ELECTRIC
5 UTILITY AND WHOLESALE GENERATION AND TRANSMISSION COOPERATIVE
6 SHALL FILE WITH THE PUBLIC UTILITIES COMMISSION AN APPLICATION FOR
7 APPROVAL OF A PLAN TO ACHIEVE THE GREENHOUSE GAS EMISSION
8 REDUCTIONS SPECIFIED IN THIS SUBSECTION (1)(e)(VIII)(J) AND TO
9 MAXIMIZE NEAR-TERM EMISSIONS REDUCTIONS BY REDUCING
10 GREENHOUSE GAS EMISSIONS AS EARLY AS POSSIBLE CONSISTENT WITH
11 MAINTAINING RELIABLE ELECTRIC SERVICE. NO LATER THAN DECEMBER
12 31, 2025, EACH MUNICIPAL UTILITY AND COOPERATIVE ELECTRIC
13 ASSOCIATION THAT HAS VOTED TO EXEMPT ITSELF FROM REGULATION BY
14 THE PUBLIC UTILITIES COMMISSION PURSUANT TO SECTION 40-9.5-103
15 SHALL SUBMIT TO ITS RESPECTIVE GOVERNING BODY FOR APPROVAL A
16 PLAN TO ACHIEVE THE EMISSION REDUCTIONS SPECIFIED IN THIS
17 SUBSECTION (1)(e)(VIII)(J) AND TO MAXIMIZE NEAR-TERM GREENHOUSE
18 GAS EMISSION REDUCTIONS BY REDUCING GREENHOUSE GAS EMISSIONS AS
19 EARLY AS POSSIBLE CONSISTENT WITH MAINTAINING RELIABLE ELECTRIC
20 SERVICE. EACH RETAIL AND WHOLESALE ELECTRIC UTILITY SERVING
21 CUSTOMERS IN COLORADO SHALL REDUCE GREENHOUSE GAS EMISSIONS
22 CAUSED BY ITS PROVISION OF ELECTRICITY TO CUSTOMERS WITHIN THE
23 STATE BY AT LEAST NINETY-FIVE PERCENT BETWEEN 2035 AND 2040 AND
24 BY ONE HUNDRED PERCENT BY 2040, RELATIVE TO 2005 EMISSIONS
25 LEVELS.

26 (XI) As used in this subsection (1)(e):

27 (B.5) "MmTCo2e" MEANS MILLION METRIC TONS OF CARBON

1 DIOXIDE EQUIVALENT.

2 **SECTION 3.** In Colorado Revised Statutes, 25-7-114.7, **amend**
3 (2)(a)(I) introductory portion, (2)(a)(I)(A), and (2)(b)(III)(G); and **add**
4 (1)(b)(I)(E), (2)(b)(III)(I), and (2)(b)(III)(J) as follows:

5 **25-7-114.7. Emission fees - fund - rules - definition - repeal.**

6 (1) As used in this section, unless the context otherwise requires:

7 (b) (I) "Regulated pollutant" means:

8 (E) A GREENHOUSE GAS, AS DEFINED IN SECTION 25-7-140 (6).

9 (2) (a) (I) The commission shall designate by rule those classes of
10 sources of air pollution that are exempt from the requirement to pay an
11 annual emission fee BUT SHALL NOT CATEGORICALLY EXEMPT ANY
12 GREENHOUSE GAS EMISSIONS FROM THE REQUIREMENT TO PAY ANNUAL
13 EMISSION FEES. Every owner or operator of an air pollution source not
14 otherwise exempt in accordance with ~~such commission~~ THE rules shall
15 pay an annual fee as follows:

16 (A) For state fiscal year 2020-21, the fee is thirty-two dollars per
17 ton of regulated pollutant reported in the most recent air pollution
18 emission notice on file with the division. For state fiscal year 2021-22, the
19 fee is thirty-six dollars per ton of regulated pollutant reported in the most
20 recent air pollution emission notice on file with the division; EXCEPT
21 THAT THE COMMISSION SHALL ESTABLISH, BY RULE, A FEE PER TON OF
22 GREENHOUSE GAS, AS DEFINED IN SECTION 25-7-140 (6), THAT WAS
23 REPORTED IN THE MOST RECENT AIR POLLUTION EMISSION NOTICE ON FILE
24 WITH THE DIVISION IN AN AMOUNT THAT IS SUFFICIENT TO COVER THE
25 INDIRECT AND DIRECT COSTS REQUIRED TO DEVELOP AND ADMINISTER THE
26 PROGRAMS ESTABLISHED PURSUANT TO THIS ARTICLE 7 THAT PERTAIN TO
27 EMISSIONS OF GREENHOUSE GASES. Thereafter, the commission may adjust

1 the fee, OTHER THAN THE FEE FOR GREENHOUSE GASES, by rule to cover
2 the indirect and direct costs required to develop and administer the
3 programs established pursuant to this article 7, AND MAY ADJUST THE FEE
4 FOR GREENHOUSE GASES BY RULE TO COVER THE INDIRECT AND DIRECT
5 COSTS REQUIRED TO DEVELOP AND ADMINISTER THE PROGRAMS
6 ESTABLISHED PURSUANT TO THIS ARTICLE 7 THAT PERTAIN TO EMISSIONS
7 OF GREENHOUSE GASES.

8 (b) (III) The division shall expend the portion of the fee revenue
9 collected pursuant to subsections (2)(a)(I)(A), (2)(a)(I)(B), and (2)(a)(III)
10 of this section and section 25-7-114.1 (6)(a) attributable to the increases
11 authorized in 2020 by Senate Bill 20-204 for the following purposes:

12 (G) Expanding the division's capacity to quickly respond to and
13 better understand public health issues that are related to exposure to air
14 toxics, such as benzene and other volatile organic compounds; ~~and~~

15 (I) ENABLING OUTREACH TO AND ENGAGEMENT OF
16 DISPROPORTIONATELY IMPACTED COMMUNITIES; AND

17 (J) PAYING FOR THE ENVIRONMENTAL JUSTICE OMBUDSPERSON
18 AND THE ENVIRONMENTAL JUSTICE ADVISORY BOARD CREATED IN SECTION
19 25-1-131.

20 **SECTION 4.** In Colorado Revised Statutes, 25-7-140, **amend**
21 (2)(a)(I) as follows:

22 **25-7-140. Greenhouse gas emissions - data collection -**
23 **legislative declaration - rules - reporting - forecasting - public**
24 **information - definitions. (2) Rules. (a) The commission shall:**

25 (I) ~~By June 1, 2020;~~ Adopt rules requiring
26 greenhouse-gas-emitting entities to monitor and publicly report their
27 emissions as the commission deems appropriate to support Colorado's

1 greenhouse gas emission inventory efforts and to facilitate
2 implementation of rules that will timely achieve Colorado's greenhouse
3 gas emission reduction goals. The commission shall consider what
4 information is already being publicly reported by the federal
5 environmental protection agency and tailor new reporting requirements
6 to fill any gaps in data, as it determines is appropriate, to allow for
7 maintaining and updating state inventories that are sufficiently
8 comprehensive and robust. The rules must include requirements for
9 providers of retail or wholesale electric service in the state of Colorado
10 to track and report emissions from all generation sources within the state
11 and elsewhere that electricity consumption by their customers in this state
12 causes to be emitted AND MUST ESTABLISH AN ASSUMED EMISSION RATE
13 REPRESENTING THE AVERAGE REGIONAL FOSSIL FUEL GENERATION
14 EMISSION RATE FOR ELECTRICITY GENERATED BY A RENEWABLE ENERGY
15 RESOURCE FOR WHICH THE ASSOCIATED RENEWABLE ENERGY CREDIT IS
16 NOT RETIRED IN THE YEAR GENERATED. The commission may require
17 emitting entities to report the amount of emissions of each of the seven
18 individual components of greenhouse gases as well as the carbon dioxide
19 equivalent of those emissions.

20 **SECTION 5.** In Colorado Revised Statutes, **add** 25-1-131 as
21 follows:

22 **25-1-131. Environmental justice - ombudsperson - advisory**
23 **board - definitions - repeal.** (1) **Environmental justice**
24 **ombudsperson.** (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE
25 EXECUTIVE DIRECTOR THE POSITION OF AN ENVIRONMENTAL JUSTICE
26 OMBUDSPERSON. THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE
27 SUPPORT FOR THE OMBUDSPERSON. THE OMBUDSPERSON OTHERWISE

1 FUNCTIONS INDEPENDENTLY IN EXERCISING ITS POWERS.

2 (b) THE EXECUTIVE DIRECTOR SHALL APPOINT THE OMBUDSPERSON
3 AS SOON AS PRACTICABLE BUT NO LATER THAN FEBRUARY 1, 2022, AND
4 AS NECESSARY THEREAFTER TO FILL A VACANCY. PRIOR TO AN
5 APPOINTMENT, THE EXECUTIVE DIRECTOR SHALL CONSULT WITH, AND MAY
6 RECEIVE RECOMMENDATIONS FROM, THE ADVISORY BOARD, THE GENERAL
7 ASSEMBLY, REPRESENTATIVES OF DISPROPORTIONATELY IMPACTED
8 COMMUNITIES, AND OTHER RELEVANT STAKEHOLDERS REGARDING THE
9 SELECTION OF THE OMBUDSPERSON.

10 (c) THE OMBUDSPERSON MUST BE QUALIFIED BY TRAINING OR
11 EXPERIENCE IN ENVIRONMENTAL JUSTICE, AND SHOULD HAVE BEEN A
12 RESIDENT OF ONE OR MORE DISPROPORTIONATELY IMPACTED
13 COMMUNITIES OR HAVE WORKED TO ADVANCE ENVIRONMENTAL JUSTICE
14 WITHIN DISPROPORTIONATELY IMPACTED COMMUNITIES.

15 (d) THE OMBUDSPERSON SHALL:

16 (I) WORK COLLABORATIVELY WITH THE ENVIRONMENTAL JUSTICE
17 ADVISORY BOARD, ESTABLISHED IN SUBSECTION (2) OF THIS SECTION, FOR
18 THE PURPOSE OF PROMOTING ENVIRONMENTAL JUSTICE FOR THE PEOPLE OF
19 COLORADO;

20 (II) SERVE AS AN ADVOCATE FOR DISPROPORTIONATELY IMPACTED
21 COMMUNITIES AND AS A LIAISON BETWEEN DISPROPORTIONATELY
22 IMPACTED COMMUNITIES AND THE DEPARTMENT;

23 (III) ADDRESS THE RELATIONSHIPS AND INTERACTIONS BETWEEN
24 DISPROPORTIONATELY IMPACTED COMMUNITIES AND THE DEPARTMENT;

25 (IV) INCREASE THE FLOW OF INFORMATION BETWEEN THE
26 DEPARTMENT AND DISPROPORTIONATELY IMPACTED COMMUNITIES
27 CONCERNING THE ENVIRONMENT AND DEPARTMENTAL PROGRAMS USING

1 METHODS OF OUTREACH THAT INCLUDE, AT A MINIMUM:

2 (A) DISSEMINATING INFORMATION THROUGH LOCAL SCHOOLS,
3 SOCIAL MEDIA, LOCAL SOCIAL AND ACTIVITY CLUBS, LIBRARIES, OR OTHER
4 LOCAL SERVICES; AND

5 (B) PRIORITIZING IN-PERSON MEETINGS IN COMMUNITIES WITH
6 POPULATIONS THAT ARE PREDOMINANTLY BLACK, INDIGENOUS, OR PEOPLE
7 OF COLOR, THAT HAVE AN AVERAGE INCOME BELOW THE STATE'S
8 AVERAGE, OR THAT ARE IN RURAL LOCATIONS;

9 (V) ENABLE MEANINGFUL PARTICIPATION IN THE
10 DECISION-MAKING PROCESSES OF THE DEPARTMENT;

11 (VI) MAINTAIN A TELEPHONE NUMBER, WEBSITE, AND MAILING
12 ADDRESS FOR THE RECEIPT OF COMPLAINTS AND INQUIRIES;

13 (VII) ESTABLISH PROCEDURES TO RESOLVE COMPLAINTS TO THE
14 EXTENT PRACTICABLE;

15 (VIII) ENSURE THAT NO COMMUNITY IS DISPROPORTIONATELY
16 AFFECTED BY ENVIRONMENTAL BURDENS TO THE EXTENT PRACTICABLE;
17 AND

18 (IX) SERVE IN AN ADVISORY CAPACITY TO OTHER STATE AGENCIES
19 CONDUCTING OUTREACH TO AND ENGAGEMENT OF DISPROPORTIONATELY
20 IMPACTED COMMUNITIES IN LIGHT OF A PROPOSED AGENCY ACTION.

21 (2) **Environmental justice advisory board.** (a) THERE IS
22 HEREBY CREATED IN THE DEPARTMENT THE ENVIRONMENTAL JUSTICE
23 ADVISORY BOARD. THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE
24 SUPPORT FOR THE ADVISORY BOARD. THE ADVISORY BOARD OTHERWISE
25 FUNCTIONS INDEPENDENTLY IN EXERCISING ITS POWERS.

26 (b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL
27 APPOINTMENTS AS SOON AS PRACTICABLE, BUT NO LATER THAN THREE

1 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

2 (c) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING MEMBERS
3 WHO, TO THE EXTENT PRACTICABLE, MUST RESIDE IN DIFFERENT
4 GEOGRAPHIC AREAS OF THE STATE, REFLECT THE RACIAL AND ETHNIC
5 DIVERSITY OF THE STATE, AND HAVE EXPERIENCE WITH A RANGE OF
6 ENVIRONMENTAL ISSUES, INCLUDING AIR POLLUTION, WATER
7 CONTAMINATION, AND PUBLIC HEALTH IMPACTS:

8 (I) FIVE MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR, OF
9 WHOM FOUR MUST HAVE BEEN RESIDENTS OF ONE OR MORE
10 DISPROPORTIONATELY IMPACTED COMMUNITIES AND ONE MUST BE FROM
11 A NONGOVERNMENTAL ORGANIZATION THAT REPRESENTS STATEWIDE
12 INTERESTS TO ADVANCE ENVIRONMENTAL JUSTICE; AND

13 (II) FOUR MEMBERS, ONE OF WHOM IS APPOINTED BY EACH OF THE
14 FOLLOWING:

15 (A) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

16 (B) THE PRESIDENT OF THE SENATE;

17 (C) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

18 AND

19 (D) THE MINORITY LEADER OF THE SENATE.

20 (d) EACH MEMBER'S TERM OF APPOINTMENT IS FOUR YEARS;
21 EXCEPT THAT THE INITIAL TERM OF TWO MEMBERS APPOINTED BY THE
22 EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (2)(c)(I) OF THIS
23 SECTION, AS SPECIFIED BY THE EXECUTIVE DIRECTOR, AND EACH MEMBER
24 APPOINTED PURSUANT TO SUBSECTIONS (2)(c)(II)(C) AND (2)(c)(II)(D) OF
25 THIS SECTION IS TWO YEARS. THE APPOINTING OFFICIALS SHALL FILL ANY
26 VACANCIES ON THE ADVISORY BOARD, INCLUDING FOR THE REMAINDER OF
27 ANY UNEXPIRED TERM.

1 (e) AS AUTHORIZED BY SECTION 25-7-114.7 (2)(b)(III)(J), EACH
2 MEMBER OF THE ADVISORY BOARD IS ENTITLED TO RECEIVE
3 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES.

4 (f) THE ADVISORY BOARD SHALL ELECT A CHAIRPERSON FROM
5 AMONG ITS MEMBERS EVERY YEAR. THE ADVISORY BOARD SHALL MEET AT
6 LEAST ONCE EVERY QUARTER. THE CHAIRPERSON MAY CALL SUCH
7 ADDITIONAL MEETINGS AS ARE NECESSARY FOR THE ADVISORY BOARD TO
8 COMPLETE ITS DUTIES.

9 (g) THE ADVISORY BOARD SHALL:

10 (I) SERVE IN AN ADVISORY CAPACITY TO THE OMBUDSPERSON IN
11 ADDRESSING THE RELATIONSHIP BETWEEN THE DEPARTMENT AND
12 DISPROPORTIONATELY IMPACTED COMMUNITIES BY INCREASING THE FLOW
13 OF INFORMATION, ENABLING MEANINGFUL PARTICIPATION IN
14 DEPARTMENTAL DECISION-MAKING, AND WORKING TO ENSURE THAT NO
15 COMMUNITY IS DISPROPORTIONATELY IMPACTED BY ENVIRONMENTAL
16 BURDENS;

17 (II) HOLD A PORTION OF ADVISORY BOARD MEETINGS FOR THE
18 OMBUDSPERSON TO JOINTLY RECEIVE STAKEHOLDER INPUT INTO THE
19 ACTIVITIES AND PRIORITIES OF THE OMBUDSPERSON;

20 (III) ADDRESS ANY OTHER MATTERS RELATING TO ADVERSE
21 ENVIRONMENTAL EFFECTS ON DISPROPORTIONATELY IMPACTED
22 COMMUNITIES AS REFERRED TO THE ADVISORY BOARD BY THE GOVERNOR
23 OR THE EXECUTIVE DIRECTOR; AND

24 (IV) STUDY, RESEARCH, AND ADVISE THE DEPARTMENT ON
25 MATTERS THAT IT DEEMS APPROPRIATE TO ENABLE THE DEPARTMENT TO
26 INTERACT WITH DISPROPORTIONATELY IMPACTED COMMUNITIES IN THE
27 BEST MANNER POSSIBLE.

1 (h) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
2 2027. BEFORE THE REPEAL, THE ADVISORY BOARD AND ITS FUNCTIONS ARE
3 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

4 (3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
5 OTHERWISE REQUIRES:

6 (a) "ADVISORY BOARD" MEANS THE ENVIRONMENTAL JUSTICE
7 ADVISORY BOARD CREATED IN SUBSECTION (2) OF THIS SECTION.

8 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
9 THE DEPARTMENT.

10 (c) "OMBUDSPERSON" MEANS THE ENVIRONMENTAL JUSTICE
11 OMBUDSPERSON APPOINTED PURSUANT TO SUBSECTION (1) OF THIS
12 SECTION.

13 **SECTION 6.** In Colorado Revised Statutes, 2-3-1203, **add**
14 (18.5)(a)(II) as follows:

15 **2-3-1203. Sunset review of advisory committees - legislative**
16 **declaration - definition - repeal.** (18.5) (a) The following statutory
17 authorizations for the designated advisory committees will repeal on
18 September 1, 2027:

19 (II) THE ENVIRONMENTAL JUSTICE ADVISORY BOARD CREATED IN
20 SECTION 25-1-131 (2).

21 **SECTION 7. Applicability.** This act applies to conduct occurring
22 on or after the effective date of this act.

23 **SECTION 8. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.