

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT

UNEDITED
UNREVISED
DRAFT
4.29.21

LLS NO. 21-0263.01 Jason Gelender x4330

SENATE BILL

SENATE SPONSORSHIP

Fenberg and Winter, Priola

HOUSE SPONSORSHIP

Garnett and Gray,

BILL TOPIC: "Sustainability Of The Transportation System"

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 IMPACTS OF TRANSPORTATION**
109 **SYSTEM USE; AND EXPANDING AUTHORITY FOR REGIONAL**
110 **TRANSPORTATION IMPROVEMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does

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

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, supervision, and regulation 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 impacts and health impacts of transportation system use as follows:

- **Section 5** 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 of up to a specified amount to fund its business purpose. The governance and powers and duties of the community access enterprise are specified.
- **Section 6** 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 any additional general fund revenue made available due to the restoration of the Referendum C cap by **Section 7** of the bill.
- **Section 7** restores the excess state revenues (Referendum C) cap, which the general assembly reduced in 2017, to its maximum voter-approved level.
- **Section 10** 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 businesses and governmental entities that own or operate fleets of motor vehicles. The clean fleet enterprise is authorized to impose a clean fleet retail delivery fee and a clean fleet per ride fee hat is to be paid by a transportation network company (TNC) on each ride offered and accepted by the TNC of up to a specified amount to fund its business purpose. The governance and powers and duties of the clean fleet enterprise are specified.

- **Section 22** 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 10 and 47, Both fees are first imposed for rides offered and accepted in state FY 2022-23 and are annually adjusted for consumer price index (CPI) inflation thereafter.
- **Section 23** 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 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 23 also imposes a commercial electric motor vehicle fee. The increase and new fee revenue is credited to the HUFF 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 F'S 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 HUFF 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, clean transit, and nonattainment area enterprise retail delivery fees imposed, respectively, by the community access, clean fleet, 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 HUFF 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 the department of revenue (DOR) on behalf of and credited to the cash fund controlled by the enterprise.

- **Sections 40, 41, and 43** 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. The bridge and tunnel impact fee is phased in from state F'S 2022-23 through 2031-32 and thereafter indexed to NHCCI inflation
- **Section 42** 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 44 through 46** 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 47** 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 47** 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. **Sections 2 and 3** 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 4 requires 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 4 also specifies a methodology to be used by CEO, CDOT, and CDPHE to estimate the social costs of greenhouse gas pollution.

Sections 8, 29, 39, and 48 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 9 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 13** clarifies that sales and use tax is not levied on the retail delivery fees imposed by or as authorized by the bill. **Sections 15-20** 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 24 creates the office of freight mobility is created in CDOT's transportation development division. **Section 25** requires CDOT 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 certificated taxi carrier parity study. **Section 26** allows some of the general fund money transferred to the state highway fund pursuant to **section 6** to be used for multimodal transportation projects. **Section 28** specifies the manner in which revenue credited to the HUFF s required by the bill is to be allocated and expended.

Sections 31 through 38 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 the department of transportation (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 42 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, supervision, and regulation of
7 a sustainable 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;

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

13 (III) Is planned, funded designed, constructed, maintained,

1 supervised, and regulated in a way that:

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

5 (B) Equitably distributes the benefits and burdens of
6 transportation infrastructure among both urban and rural users in the state
7 and is funded adequately and equitably with contributions from users that
8 bear a reasonable relationship to a user's use of and impacts on the system
9 and the environment and the costs incurred in mitigating those impacts;

10 (C) Reduces and mitigates roadway wear and tear as well as
11 adverse environmental impacts and human health impacts resulting from
12 motor vehicle and other transportation related emissions by promoting
13 the adoption of electric motor vehicles, electric alternatives to motor
14 vehicles, and associated transportation technologies that do not rely on
15 fossil fuels;

16 (IV) Addresses inequities in transportation access and the
17 increased exposure to transportation related air pollution such as the
18 impact on disproportionately impacted communities and communities
19 near major roadways; and

20 (V) Incentivizes widespread adoption of clean and efficient
21 transportation technology such as personal electric vehicles, motor
22 vehicle fleet and transit electrification, and electric motor vehicle
23 charging and fueling infrastructure.

24 (c) Although a sustainable transportation system is a public good
25 that benefits all Coloradans and the state has intermittently expended
26 general fund money to fund transportation infrastructure, transportation
27 system user charges such as per gallon charges on motor fuels, motor

1 vehicle registration fees, and, increasingly, tolls have provided and
2 continue to provide the vast majority of dedicated transportation funding;

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

6 (I) Such flat rate per gallon charges were last increased nearly
7 three decades ago and are not indexed to inflation; and

8 (II) As internal combustion engines become more fuel efficient
9 and use of electric motor vehicles increases, flat rate per gallon charges
10 generate less revenue per vehicle mile traveled and do not accurately
11 reflect the burden put on transportation infrastructure by more efficient
12 vehicles.

13 (e) Due to the decreased purchasing power of current flat rate per
14 gallon motor fuel charges, current sources of dedicated transportation
15 funding have failed to adequately fund and will continue to fail to
16 adequately fund both:

17 (I) The planning, development, construction, maintenance,
18 supervision, and regulation of traditional highway transportation
19 infrastructure needed to ensure that the transportation system has the
20 capacity necessary and is in good enough condition to allow efficient
21 movement of people, goods, and services in all parts of the state; and

22 (II) The multimodal infrastructure and other modern and
23 innovative infrastructure, programs, and incentives needed to sufficiently
24 reduce and mitigate the adverse environmental effects and health effects
25 of transportation related air pollution and greenhouse gas emissions to
26 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 a myriad of other critical needs that require general fund money,
3 it is also necessary, appropriate, and more equitable to continue to rely on
4 transportation system user charges based on the costs users impose on the
5 transportation system as the primary source of dedicated transportation
6 funding;

7 (g) Because charges imposed on electric motor vehicles are
8 annually applied whereas charges on motor vehicles powered by internal
9 combustion engines are applied on a per gallon basis, it is necessary and
10 appropriate to evaluate future opportunities to further equalize the
11 average aggregate amount paid by owners of electric motor vehicles and
12 motor vehicles powered by internal combustion engines, which
13 opportunities may include through charges based on vehicle miles
14 traveled, annual charges, or other charges.

15 (h) To ensure that transportation system user charges are imposed
16 reasonably and equitably on transportation system users and at adequate
17 levels for the funding of a sustainable transportation system, it is
18 necessary, appropriate, equitable, and in the best interest of all
19 Coloradans to:

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

22 (II) Increase motor vehicle registration fees imposed on electric
23 motor vehicles to equalize the average aggregate amount of registration
24 fees and motor fuel charges annually paid by owners of electric motor
25 vehicles and owners of motor vehicles powered by internal combustion
26 engines and index those fees to inflation;

27 (III) Impose new retail delivery fees on each delivery made to a

1 consumer who makes a retail purchase of tangible personal property for
2 delivery to the consumer's home or business and index those fees to
3 inflation because:

4 (A) Rising demand for retail deliveries has increased and will
5 continue to increase usage and wear and tear on transportation
6 infrastructure and, as documented by the World Economic Forum and
7 also reported by many other organizations, has also increased and will
8 continue to increase traffic congestion, motor vehicle emissions, and
9 associated adverse environmental impacts and health impacts;

10 (B) Imposing reasonably calculated retail delivery fees on each
11 retail delivery made to a consumer helps to ensure that consumers pay
12 their fair share for the impacts of their use of the transportation system
13 and generates the revenue needed to mitigate the impact of retail
14 deliveries on transportation system infrastructure and reduce and mitigate
15 retail delivery related environmental impacts and health impacts;

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

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

27 (B) Imposing reasonably calculated per ride fees on each

1 passenger ride arranged through a transportation network company helps
2 to ensure that transportation network companies pay their fair share of the
3 costs of reducing and mitigating the increased environmental impacts and
4 health impacts of such prearranged rides;

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

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

20 (j) (I) As part of its national infrastructure funding plan, the
21 federal government may provide a significant amount of funding to the
22 state for public transit, rail, and other forms of multimodal transportation
23 and for the purpose of modernizing the state transportation system so that
24 the system can support the widespread adoption of electric motor vehicles
25 and otherwise be modified and improved to minimize and mitigate its
26 adverse environmental impacts and health impacts.

27 (II) If the state receives such federal funding, the general assembly

1 intends that the state executive branch departments and agencies that are
2 involved in the planning, funding, development, construction, maintenance, supervision, and regulation of a sustainable transportation system evaluate whether, without reducing the total amount of such revenue dedicated to mitigation of the adverse environmental impacts and health impacts of the state transportation system, the allocation of revenue generated by the fees imposed as authorized by this act should be modified. If it is determined that the allocation should be modified, the general assembly intends that recommendations be made to the general assembly regarding the modifications that should be made.

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

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

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

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

26 (b) The implementation of the comprehensive regulatory scheme depends, at a minimum, on the institutional and individual knowledge,

1 expertise, and experience of the Colorado energy office, the department
2 of transportation, the department of public health and environment, the
3 department of revenue, other organizations and individuals interested in
4 a sustainable transportation system, and the general public;

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

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

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

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

1 (I) The community access enterprise is created to serve the
2 primary business purpose of equitably reducing and mitigating the
3 adverse environmental impacts and health impacts of air pollution and
4 greenhouse gas emissions produced by motor vehicles used to make retail
5 deliveries to consumers within communities. The enterprise will support
6 the adoption of electric motor vehicles and electric alternatives to motor
7 vehicles at the community level, INCLUDING BUT NOT LIMITED TO
8 disproportionately impacted communities throughout the state, and will
9 pursue its primary business purpose by, at a minimum, providing funding
10 or financing to:

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

14 (B) Providing financial incentives and assistance, especially in
15 disproportionately impacted communities, that make it possible for
16 owners of older, less fuel efficient, and higher polluting vehicles to
17 replace those motor vehicles with electric motor vehicles and encourage
18 use of electric alternatives to motor vehicles and public transit.

19 (II) The clean fleet enterprise is created to serve the primary
20 business purpose of reducing and mitigating the adverse environmental
21 impacts and health impacts of air pollution and greenhouse gas emissions
22 produced by transportation network companies by supporting the
23 electrification of their fleets and other fleets owned or operated by
24 businesses and governments, and the enterprise will support the
25 electrification of motor vehicle fleets and pursue its primary business
26 purpose by, at a minimum, providing funding or financing to:

27 (A) Help owners and operators of motor vehicle fleets finance

1 electric motor vehicle acquisitions and upgrades and construction or
2 installation of specialized electric motor vehicle charging and hydrogen
3 refueling infrastructure;

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

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

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

19 (IV) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
20 ENTERPRISE IS CREATED TO SERVE THE PRIMARY BUSINESS PURPOSE OF
21 MITIGATE THE ENVIRONMENTAL IMPACTS AND HEALTH IMPACTS OF
22 INCREASED AIR POLLUTION FROM MOTOR VEHICLE EMISSIONS IN
23 NONATTAINMENT AREAS THAT RESULTS FROM THE RAPID AND CONTINUING
24 GROWTH IN RETAIL DELIVERIES MADE BY MOTOR VEHICLES AND IN
25 PREARRANGED RIDES PROVIDED BY TRANSPORTATION NETWORK
26 COMPANIES BY PROVIDING FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE
27 TRAFFIC CONGESTION, INCLUDING DEMAND MANAGEMENT PROJECTS THAT

1 ENCOURAGE ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE
2 TRAVEL DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL
3 CONSUMPTION OR THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS
4 RETROFITTING OF CONSTRUCTION EQUIPMENT.

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

11 (f) Because the community access enterprise, the clean fleet
12 enterprise, and the clean transit enterprise each serve primarily their own
13 purpose and each enterprise is projected to receive revenue from fees and
14 surcharges of less than one hundred million dollars in its first five fiscal
15 years, including the fiscal year in which it is created, section 24-77-108,
16 C.R.S., does not require any of the enterprises to be approved at a
17 statewide general election.

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

1 reasonably related to the impacts caused by the activity subject to the fee
2 and the amount expended to mitigate that impact.

3 **SECTION 2.** In Colorado Revised Statutes, 24-1-119, **add** (13)
4 as follows:

5 **24-1-119. Department of public health and environment -**
6 **creation.** (13) THE CLEAN FLEET ENTERPRISE, CREATED BY SECTION
7 25-7.5-103, SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
8 THE SAME WERE TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN
9 SECTION 24-1-105, TO THE DEPARTMENT OF PUBLIC HEALTH AND
10 ENVIRONMENT.

11 **SECTION 3.** In Colorado Revised Statutes, 24-1-128.7, **add** (9)
12 and (10) as follows:

13 **24-1-128.7. Department of transportation - creation.** (9) THE
14 CLEAN TRANSIT ENTERPRISE, CREATED IN SECTION 43-4-1203, SHALL
15 EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF THE SAME WERE
16 TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105,
17 TO THE DEPARTMENT OF TRANSPORTATION.

18 (10) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
19 ENTERPRISE, CREATED IN SECTION 43-4-1303, SHALL EXERCISE ITS POWERS
20 AND PERFORM ITS DUTIES AS IF THE SAME WERE TRANSFERRED BY A **TYPE**
21 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF
22 TRANSPORTATION.

23 **SECTION 4.** In Colorado Revised Statutes, **add** 24-38.5-110 and
24 24-38.5-111 as follows:

25 **24-38.5-110. Electric vehicle plan and greenhouse gas**
26 **pollution reduction roadmap - annual progress reports.** FOR STATE
27 FISCAL YEAR 2022-23 AND FOR EACH SUBSEQUENT STATE FISCAL YEAR,

1 THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF PUBLIC HEALTH
2 AND ENVIRONMENT SHALL, AFTER CONSULTATION WITH THE DEPARTMENT
3 OF TRANSPORTATION, JOINTLY PREPARE AND PRESENT TO THE
4 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
5 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
6 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
7 SUCCESSOR COMMITTEES, AN ANNUAL REPORT DETAILING THE PROGRESS
8 MADE TOWARD THE ELECTRIC MOTOR VEHICLE ADOPTION GOALS SET
9 FORTH IN THE "COLORADO ELECTRIC VEHICLE PLAN 2020" AND THE
10 TRANSPORTATION SECTOR GREENHOUSE GAS POLLUTION REDUCTION
11 GOALS SET FORTH IN THE "COLORADO GREENHOUSE GAS POLLUTION
12 REDUCTION ROADMAP", PUBLISHED BY THE COLORADO ENERGY OFFICE.
13 THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
14 (1) AND THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103
15 (1)(a) SHALL ALSO POST THE ANNUAL REPORT ON THEIR WEBSITES.

16 **24-38.5-111. Social cost of greenhouse gas pollution - estimate**
17 **methodology.** EXCEPT WHERE A DIFFERENT METHODOLOGY IS
18 PRESCRIBED BY LAW, THE COLORADO ENERGY OFFICE, THE DEPARTMENT
19 OF TRANSPORTATION, AND THE DEPARTMENT OF PUBLIC HEALTH AND
20 ENVIRONMENT SHALL, WHEN ESTIMATING THE SOCIAL COSTS OF
21 GREENHOUSE GAS POLLUTION, BASE ITS ESTIMATE ON THE MOST RECENT
22 ASSESSMENT OF THE SOCIAL COST OF CARBON DIOXIDE AND OTHER
23 GREENHOUSE GAS POLLUTANTS DEVELOPED BY THE FEDERAL
24 GOVERNMENT USING A DISCOUNT RATE THAT IS TWO AND ONE-HALF
25 PERCENT OR LESS AND DOES NOT YIELD A LOWER ESTIMATE OF COSTS
26 THAN THE COSTS PUBLISHED IN THE TECHNICAL SUPPORT DOCUMENT OF
27 THE FEDERAL INTERAGENCY WORKING GROUP ON THE SOCIAL COST OF

1 GREENHOUSE GASES, ENTITLED "TECHNICAL UPDATE OF THE SOCIAL COST
2 OF CARBON FOR REGULATORY IMPACT ANALYSIS UNDER EXECUTIVE
3 ORDER 12866".

4 **SECTION 5.** In Colorado Revised Statutes, **add** part 3 to article
5 38.5 of title 24 as follows:

6 **PART 3**

7 **COMMUNITY ACCESS TO ELECTRIC VEHICLE
8 CHARGING AND FUELING INFRASTRUCTURE**

9 **24-38.5-301. Legislative declaration.** (1) THE GENERAL
10 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

13 (b) THE MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES ARE
14 SOME OF THE MOST POLLUTING VEHICLES ON THE ROAD, WHICH HAS
15 RESULTED IN ADDITIONAL AND INCREASING AIR AND GREENHOUSE GAS
16 POLLUTION AT THE LOCAL COMMUNITY LEVEL FROM IDLING DELIVERY
17 VEHICLES IN NEIGHBORHOODS;

18 (c) THE ADVERSE HEALTH IMPACTS AND ENVIRONMENTAL IMPACTS
19 OF INCREASED LOCAL EMISSIONS FROM MOTOR VEHICLES USED TO MAKE
20 RETAIL DELIVERIES CAN MITIGATED AND OFFSET BY INVESTING IN THE
21 CHARGING AND FUELING INFRASTRUCTURE NEEDED TO SUPPORT
22 WIDESPREAD PUBLIC ADOPTION OF ELECTRIC MOTOR VEHICLES AND ZERO
23 EMISSION VEHICLES AND BY REPLACING THE STATE'S DIRTIEST PASSENGER
24 VEHICLES WITH ZERO EMISSION VEHICLES;

25 (d) INSTEAD OF REDUCING THE IMPACTS OF RETAIL DELIVERIES BY
26 LIMITING RETAIL DELIVERY ACTIVITY THROUGH REGULATION, IT IS MORE
27 APPROPRIATE TO CONTINUE TO ALLOW PERSONS WHO RECEIVE RETAIL

1 DELIVERIES TO BENEFIT FROM THE CONVENIENCE AFFORDED BY
2 UNFETTERED RETAIL DELIVERIES AND INSTEAD IMPOSE A SMALL FEE ON
3 EACH RETAIL DELIVERY AND USE FEE REVENUE TO FUND NECESSARY
4 MITIGATION ACTIVITIES.

5 (a) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
6 THE STATE AND ALL COLORADANS TO INCENTIVIZE, SUPPORT, AND
7 ACCELERATE THE USE OF ELECTRIC MOTOR VEHICLES THROUGHOUT THE
8 STATE AND TO ENABLE THE STATE TO ACHIEVE ITS ELECTRIC MOTOR
9 VEHICLE ADOPTION GOALS AS SET FORTH IN THE COLORADO ENERGY
10 OFFICE'S "COLORADO ELECTRIC VEHICLE PLAN 2020" BECAUSE
11 WIDESPREAD ADOPTION OF ELECTRIC MOTOR VEHICLES:

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

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

27 (III) REDUCES THE SOCIAL COSTS OF GREENHOUSE GAS EMISSIONS

1 AND EMISSIONS OF OTHER AIR POLLUTANTS BY REDUCING SUCH EMISSIONS;

2 (b) ONE OF THE BEST WAYS TO INCENTIVIZE, SUPPORT, AND
3 ACCELERATE THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN BOTH
4 URBAN AND RURAL AREAS IS TO REDUCE RANGE ANXIETY AND
5 INCONVENIENCE FOR ELECTRIC MOTOR VEHICLE USERS BY BUILDING
6 READILY AVAILABLE, ROBUST, EASY TO USE, AND EFFICIENT ELECTRIC
7 MOTOR VEHICLE CHARGING AND FUELING INFRASTRUCTURE IN
8 COMMUNITIES AND ALONG MAJOR HIGHWAY CORRIDORS THROUGHOUT THE
9 STATE;

10 (c) ANOTHER WAY TO INCENTIVIZE, SUPPORT, AND ACCELERATE
11 THE ADOPTION OF ELECTRIC MOTOR VEHICLES, PROMOTE EQUITABLE
12 ACCESS TO ELECTRICAL MOTOR VEHICLES AND LESS EXPENSIVE
13 ELECTRICAL ALTERNATIVES TO MOTOR VEHICLES, AND ENCOURAGE CLEAN
14 TRAVEL IS TO PROVIDE INCENTIVES IN COMMUNITIES, INCLUDING BUT NOT
15 LIMITED TO DISPROPORTIONATELY IMPACTED COMMUNITIES, FOR
16 ACQUISITION OR USE OF ELECTRIC MOTOR VEHICLES OR ELECTRIC
17 ALTERNATIVES TO MOTOR VEHICLES AND USE OF TRANSIT. CREATING
18 ACCESS TO ELECTRIC MOTOR VEHICLES OR ELECTRIC ALTERNATIVES TO
19 MOTOR VEHICLES FOR COMMUNITIES, INCLUDING BUT NOT LIMITED TO
20 DISPROPORTIONATELY IMPACTED COMMUNITIES, ADDRESSES INEQUITIES
21 BY ALLOWING INDIVIDUALS WHO CANNOT AFFORD TO UPGRADE TO MORE
22 FUEL EFFICIENT MOTOR VEHICLES TO UPGRADE TO MOTOR VEHICLES THAT
23 PRODUCE LITTLE OR NO EMISSIONS IN THEIR COMMUNITIES.

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

25 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE
26 CONSTRUCTION OF ELECTRIC MOTOR VEHICLE CHARGING AND FUELING
27 INFRASTRUCTURE IN COMMUNITIES THROUGHOUT THE STATE;

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

22 (b) THE SPECIFIC FOCUS OF THE ENTERPRISE IS THE EQUITABLE
23 REDUCTION AND MITIGATION OF THE ADVERSE ENVIRONMENTAL IMPACTS
24 AND HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS
25 EMISSIONS AT THE COMMUNITY LEVEL PRODUCED BY MOTOR VEHICLES
26 USED TO MAKE RETAIL DELIVERIES TO CONSUMERS WITHIN COMMUNITIES
27 BY SUPPORT THE ADOPTION OF ELECTRIC MOTOR VEHICLES AND ELECTRIC

1 ALTERNATIVES TO MOTOR VEHICLES AT THE COMMUNITY LEVEL,
2 INCLUDING BUT NOT LIMITED TO WITHIN DISPROPORTIONATELY IMPACTED
3 COMMUNITIES THROUGHOUT THE STATE;

4 (c) THE ENTERPRISE PROVIDES BUSINESS SERVICES WHEN, IN
5 EXCHANGE FOR THE PAYMENT OF COMMUNITY ACCESS RETAIL DELIVERY
6 FEES BY PURCHASERS OF TANGIBLE PERSONAL PROPERTY FOR RETAIL
7 DELIVERY, IT INVESTS IN TRANSPORTATION INFRASTRUCTURE, MAKES
8 GRANTS, OR PROVIDES REBATES OR OTHER FINANCING OPTIONS TO
9 MITIGATE THE IMPACTS ON COMMUNITIES OF RESIDENTIAL AND
10 COMMERCIAL DELIVERIES ON THE STATE'S TRANSPORTATION
11 INFRASTRUCTURE, AIR QUALITY, AND EMISSIONS BY:

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

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

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

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

5 (V) PROVIDING ADDITIONAL BUSINESS SERVICES TO FEE PAYERS AS
6 MAY BE PROVIDED BY LAW;

7 (c) BY PROVIDING BUSINESS SERVICES AS AUTHORIZED BY THIS
8 SECTION, THE COMMUNITY ACCESS ENTERPRISE ENGAGES IN AN ACTIVITY
9 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND
10 THEREFORE OPERATES AS A BUSINESS;

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

1 PAYERS; AND

2 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
3 BASED ON THE COST OF REMEDIATING IMPACTS AND THE BENEFITS
4 RECEIVED BY THOSE ENTITIES AND THE COSTS OF THE OTHER SERVICES
5 THAT THE ENTERPRISE PROVIDES; AND

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

15 **24-38.5-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

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

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

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

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

19 (7) "FUND" MEANS THE COMMUNITY ACCESS ENTERPRISE FUND
20 CREATED IN SECTION 24-38.5-303 (5)

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

25 (9) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
26 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
27 THAT USES HYDROGEN GAS AS FUEL.

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

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

18 (13) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION
19 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY
20 DEVICE.

21 (14) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
22 OPERATED ROBOT THAT IS:

27 (II) WEIGHS NO MORE THAN FIVE HUNDRED FIFTY POUNDS.

1 EXCLUDING ANY TANGIBLE PERSONAL PROPERTY BEING TRANSPORTED;

2 AND

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

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

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

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

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

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

23 **24-38.5-303. Community access enterprise - creation - board**

24 **- powers and duties - fund - fee - transparency and reporting.**

25 (1) THE COMMUNITY ACCESS ENTERPRISE IS HEREBY CREATED IN THE
26 COLORADO ENERGY OFFICE. THE ENTERPRISE IS AND OPERATES AS A
27 GOVERNMENT-OWNED BUSINESS WITHIN THE OFFICE TO EXECUTE ITS

1 BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION BY
2 EXERCISING THE POWERS AND PERFORMING THE DUTIES SET FORTH IN THIS
3 SECTION.

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

6 (I) THE GOVERNOR SHALL APPOINT FOUR MEMBERS WHO SHALL
7 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH
8 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. OF THE FOUR, AT LEAST
9 ONE OF THE MEMBERS MUST REPRESENT DISPROPORTIONATELY IMPACTED
10 COMMUNITIES; AT LEAST ONE OF THE MEMBERS MUST REPRESENT THE
11 INTERESTS OF MOTOR VEHICLE MANUFACTURERS, THE ELECTRIC VEHICLE
12 CHARGING AND FUELING BUSINESSES, OR OWNERS OR OPERATORS OF
13 MOTOR VEHICLE FLEETS; AND AT LEAST ONE OF THE MEMBERS MUST
14 REPRESENT A BUSINESS OR ORGANIZATION THAT SUPPORTS ELECTRIC
15 ALTERNATIVES TO MOTOR VEHICLES. THE GOVERNOR SHALL MAKE
16 REASONABLE EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN
17 SUBMITTED FOR CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS
18 THAT REFLECT THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING
19 APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS TO THE BOARD
20 NO LATER THAN OCTOBER 1, 2021.

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

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

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

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 3.

27 (a) IMPOSE A COMMUNITY ACCESS RETAIL DELIVERY FEE AS

1 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;

2 (b) INVEST IN TRANSPORTATION INFRASTRUCTURE PROGRAMS AS

3 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

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

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

14 (5) (a) THE COMMUNITY ACCESS ENTERPRISE FUND IS HEREBY
15 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF COMMUNITY
16 ACCESS RETAIL DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT
17 TO SUBSECTION (7) OF THIS SECTION, ANY MONETARY GIFTS, GRANTS,
18 DONATIONS, OR OTHER PAYMENTS RECEIVED BY THE ENTERPRISE, ANY
19 FEDERAL MONEY THAT MAY BE CREDITED TO THE FUND, AND ANY OTHER
20 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
21 TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
23 FUND TO THE FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED
24 TO THE ENTERPRISE AND MAY BE EXPENDED TO PROVIDE GRANTS AND
25 REBATES, PAY ITS REASONABLE AND NECESSARY OPERATING EXPENSES,
26 INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO
27 SUBSECTION (5)(b) OF THIS SECTION, AND OTHERWISE EXERCISE ITS

1 POWERS AND PERFORM ITS DUTIES AS AUTHORIZED BY THIS PART 3.

2 (b) THE COLORADO ENERGY OFFICE MAY TRANSFER MONEY FROM
3 THE CLEAN ENERGY FUND CREATED IN SECTION 24-38.5-102.4 TO THE
4 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
5 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
6 PROCEEDS. THE ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY SO
7 TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR
8 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE
9 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, SUCH A
10 TRANSFER IS A LOAN FROM THE COLORADO ENERGY OFFICE TO THE
11 ENTERPRISE THAT IS REQUIRED TO BE REPAYED AND IS NOT A GRANT FOR
12 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
13 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
14 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
15 COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND, WHICH IS
16 HEREBY CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT
17 ARE RECORDED IN THE COMMUNITY ACCESS ENTERPRISE INITIAL
18 EXPENSES FUND BUT WHICH ARE NOT REQUIRED TO BE PAID IN THE
19 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
20 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
21 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
23 COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND TO THE FUND.
24 THE COMMUNITY ACCESS ENTERPRISE INITIAL EXPENSES FUND IS
25 CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF
26 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES
27 FEE REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES

1 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
2 REIMBURSE THE CLEAN ENERGY FUND FOR THE PRINCIPAL AMOUNT OF ANY
3 LOAN FROM THE CLEAN ENERGY FUND MADE BY THE COLORADO ENERGY
4 OFFICE PLUS INTEREST AT A RATE SET BY THE COLORADO ENERGY OFFICE.

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

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

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

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

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

10 (f) TO PUBLISH GRANT AND SIMILAR PROGRAM PROCESSES BY
11 WHICH THE ENTERPRISE ACCEPTS APPLICATIONS, THE CRITERIA USED FOR
12 EVALUATING APPLICATIONS, AND A LIST OF GRANTEES PURSUANT TO
13 SUBSECTION (8) OF THIS SECTION; AND

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

17 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
18 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
19 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
20 ENTERPRISE, A COMMUNITY ACCESS RETAIL DELIVERY FEE ON EACH RETAIL
21 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
22 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
23 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
24 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
25 43-4-218 (6) THE COMMUNITY ACCESS RETAIL DELIVERY FEE. FOR THE
26 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND
27 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE

1 SHALL COLLECT AND ADMINISTER THE COMMUNITY ACCESS RETAIL
2 DELIVERY FEE ON BEHALF OF THE ENTERPRISE IN THE SAME MANNER IN
3 WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED
4 BY SECTION 43-4-218 (3).

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

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

23 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
24 THE COMMUNITY ACCESS RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF
25 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR
26 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE
27 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL

1 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
2 STATE FISCAL YEAR.

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

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

9 (I) PUBLIC, WORKPLACE, TRANSPORTATION NETWORK COMPANY,
10 AND MULTIFAMILY ELECTRIC VEHICLE CHARGERS;

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

13 (III) ELECTRIC VEHICLE CHARGERS FOR MEDIUM-DUTY ELECTRIC
14 MOTOR VEHICLES AND HEAVY-DUTY ELECTRIC MOTOR VEHICLES,
15 INCLUDING ELECTRIFIED REFRIGERATED TRAILERS;

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

18 (V) NETWORKS AND PLAZAS OF DIRECT CURRENT CHARGING
19 INFRASTRUCTURE THAT OFFER FAST CHARGING FOR ELECTRIC MOTOR
20 VEHICLES.

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

24 (c) TO SUPPORT THE ADOPTION OF ELECTRIC MOTOR VEHICLES IN
25 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
26 IMPACTED COMMUNITIES, INCLUDING BY INCENTIVIZING REPLACEMENT OF
27 HIGH-EMITTING MOTOR VEHICLES WITH ELECTRIC MOTOR VEHICLES.

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

26 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
27 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND

1 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO
2 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS
3 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;
4 AND

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

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

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

3 **SECTION 6.** In Colorado Revised Statutes, 24-75-219, **amend**
4 (1)(g); **repeal** (2) and (5); and **add** (7) as follows:

5 **24-75-219. Transfers - transportation - capital construction -**
6 **definitions - repeal.** (1) As used in this section, unless the context
7 otherwise requires:

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

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

14 (H) Forty-nine million eight hundred thousand dollars from the
15 general fund to the capital construction fund.

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

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

19 (H) Fifty-two million seven hundred thousand dollars from the
20 general fund to the capital construction fund.

21 (c) On June 30, 2018, the state treasurer shall transfer
22 seventy-nine million dollars from the general fund to the highway users
23 tax fund.

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

25 (I) Repealed.

26 (H) Sixty million dollars from the general fund to the capital
27 construction fund.

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

2 (f) Repealed.

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

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

9 (e) Repealed.

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

14 (I) Three hundred forty-six million five hundred thousand dollars
15 to the state highway fund;

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

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

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

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

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

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

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

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

12 ~~(I) and (II) Repealed.~~

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

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

20 ~~(C) This subsection (5)(c)(III) is repealed, effective January 1,~~
21 ~~2022, if a ballot issue that authorizes the state to issue transportation~~
22 ~~revenue anticipation notes is submitted to the registered electors of the~~
23 ~~state for their approval or rejection at the November 2021 statewide~~
24 ~~election pursuant to section 43-4-705 (13)(b) and a majority of the~~
25 ~~electors voting on the ballot issue vote "Yes/For";~~

26 ~~(D) This subsection (5)(c)(III)(D) and subsection (5)(c)(III)(C) of~~
27 ~~this section are repealed, effective January 1, 2022, if a ballot issue that~~

1 authorizes the state to issue transportation revenue anticipation notes is
2 submitted to the registered electors of the state for their approval or
3 rejection at the November 2021 statewide election pursuant to section
4 43-4-705 (13)(b) and a majority of the electors voting on the ballot issue
5 vote "No/Against"; or

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

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

13 (C) This subsection (5)(c)(IV) is repealed, effective January 1,
14 2022, if a ballot issue that authorizes the state to issue transportation
15 revenue anticipation notes is submitted to the registered electors of the
16 state for their approval or rejection at the November 2021 statewide
17 election pursuant to section 43-4-705 (13)(b) and a majority of the
18 electors voting on the ballot issue vote "No/Against";

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

26 (d) (I) If the transportation commission allocates money from the
27 transportation revenue anticipation notes reserve account of the state

1 highway fund pursuant to section 43-4-714 (2) during any state fiscal
2 year, the amount of any transfer required by subsection (5)(c)(IV)(A) of
3 this section is reduced by an amount equal to the amount of the allocation
4 from the account.

5 (II) This subsection (5)(d) is repealed:

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

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

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

20 (7) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY THIS
21 SECTION:

22 (a) ON THE LATER OF JULY 1, 2021, OR THE EFFECTIVE DATE OF
23 THIS SUBSECTION (7)(a), THE STATE TREASURER SHALL TRANSFER:

24 (I) THREE HUNDRED TWENTY-NINE MILLION TEN THOUSAND
25 DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND;

26 (II) TWENTY-FOUR MILLION DOLLARS FROM THE GENERAL FUND
27 TO THE HIGHWAY USERS TAX FUND;

4 (IV) AN ADDITIONAL EIGHT MILLION ONE HUNDRED SIXTY
5 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE HIGHWAY
6 FUND FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
7 REVITALIZING MAIN STREETS AND SAFER MAIN STREETS PROGRAMS OF THE
8 DEPARTMENT OF TRANSPORTATION.

12 (c) ON EACH JULY 1 FROM JULY 1, 2022, THROUGH JULY 1, 2031,
13 THE STATE TREASURER SHALL TRANSFER:

21 (d) ON EACH JULY 1 FROM JULY 1, 2024, THROUGH JULY 1, 2031,
22 THE STATE TREASURER SHALL TRANSFER EIGHTY-TWO MILLION FIVE
23 HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE STATE
24 HIGHWAY FUND.

25 (e) (I) ON JUNE 30, 2022, THE STATE TREASURER SHALL TRANSFER
26 FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE LESSER OF FIFTY
27 PERCENT OF THE AMOUNT BY WHICH REVENUE FOR THE 2020-21 STATE

1 FISCAL YEAR THAT IS SUBJECT TO THE EXCESS STATE REVENUES CAP, AS
2 DEFINED IN SECTION 24-77-103.6 (6)(b), AND DOES NOT EXCEED THE CAP
3 EXCEEDED WHAT THE CAP WOULD HAVE BEEN IF THE CAP HAD BEEN
4 CALCULATED IN ACCORDANCE WITH LAW IN EFFECT IMMEDIATELY PRIOR
5 TO THE ENACTMENT OF SENATE BILL 21-____, ENACTED IN 2021, OR ONE
6 HUNDRED FIFTEEN MILLION DOLLARS AS FOLLOWS:

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

9 (B) SIX PERCENT OF THE AMOUNT TO THE STATE HIGHWAY FUND
10 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDING FOR THE
11 REVITALIZING MAIN STREETS AND SAFER MAIN STREETS PROGRAMS OF THE
12 DEPARTMENT OF TRANSPORTATION

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

25 (A) NINETY-FOUR PERCENT OF THE AMOUNT TO THE MULTIMODAL
26 TRANSPORTATION 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 AND SAFER MAIN STREETS PROGRAMS OF THE
3 DEPARTMENT OF TRANSPORTATION.

4 **SECTION 7.** In Colorado Revised Statutes, 24-77-103.6, **amend**
5 (6)(b)(I)(C) and (6)(b)(I)(D); and **add** (6)(b)(I)(E), (6)(b)(I)(F), and
6 (6)(b)(I)(G) as follows:

7 **24-77-103.6. Retention of excess state revenues - general fund**
8 **exempt account - required uses - excess state revenues legislative**
9 **report - definitions.** (6) As used in this section:

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

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

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

23 (E) **FOR THE 2019-20 FISCAL YEAR, THE AMOUNT OF THE EXCESS**
24 **STATE REVENUES CAP FOR THE 2018-19 FISCAL YEAR CALCULATED**
25 **PURSUANT TO SUBSECTION (6)(b)(I)(D) OF THIS SECTION, ADJUSTED FOR**
26 **INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE**
27 **QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE**

1 CHANGES;

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

9 (G) FOR THE 2021-22 FISCAL YEAR AND EACH SUCCEEDING FISCAL
10 YEAR, THE AMOUNT OF THE EXCESS STATE REVENUES CAP FOR THE
11 2020-21 FISCAL YEAR CALCULATED PURSUANT TO SUBSECTION (6)(b)(I)(F)
12 OF THIS SECTION, ADJUSTED EACH SUBSEQUENT FISCAL YEAR FOR
13 INFLATION, THE PERCENTAGE CHANGE IN STATE POPULATION, THE
14 QUALIFICATION OR DISQUALIFICATION OF ENTERPRISES, AND DEBT SERVICE
15 CHANGES.

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

19 **24-82-1303. Lease-purchase agreements for capital**
20 **construction and transportation projects.** (2) (b) ~~The anticipated~~
21 ~~annual state-funded payments for the principal and interest components~~
22 ~~of the amount payable under all lease-purchase agreements entered into~~
23 ~~pursuant to subsection (2)(a) of this section shall not exceed one hundred~~
24 ~~twelve million five hundred thousand dollars.~~

25 (d) Any lease-purchase agreement executed as required by
26 subsection (2)(a) of this section shall provide that all of the obligations of
27 the state under the agreement are subject to the action of the general

1 assembly in annually making money available for all payments
2 thereunder. Payments under any lease-purchase agreement must be made,
3 subject to annual allocation pursuant to section 43-1-113 by the
4 transportation commission created in section 43-1-106 (1) or subject to
5 annual appropriation by the general assembly, as applicable, from the
6 following sources of money:

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

20 **SECTION 9.** In Colorado Revised Statutes, **add 24-93-110** as
21 follows:

22 **24-93-110. Department of transportation - additional
23 requirements for integrated project delivery contracts - short-listing
24 - transparency.** (1) THE DEPARTMENT OF TRANSPORTATION SHALL NOT
25 EXCLUDE A PARTICIPATING ENTITY FROM A SHORT LIST, PREPARED AND
26 ANNOUNCED BY THE DEPARTMENT AS REQUIRED BY SECTION 24-93-105
27 (2), OF RESPONDING PARTICIPATING ENTITIES THAT HAVE BEEN

1 DETERMINED TO BE MOST QUALIFIED TO RECEIVE A REQUEST FOR
2 PROPOSALS FOR AN IPD CONTRACT FOR A PUBLIC PROJECT BASED SOLELY
3 ON THE PARTICIPATING ENTITY'S LACK OF EXPERIENCE IN DELIVERING A
4 PUBLIC PROJECT IN THIS STATE BY THE IPD METHOD TO BE USED FOR THE
5 PUBLIC PROJECT.

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

10 (I) HOLD PUBLIC MEETINGS WITH THE CONSTRUCTION INDUSTRY
11 AND THE GENERAL PUBLIC TO DISCUSS THE JUSTIFICATION FOR SELECTING
12 THE IPD METHOD. THE REQUIRED PUBLIC MEETINGS MAY BE HELD IN
13 CONJUNCTION WITH OTHER REQUIRED PUBLIC MEETINGS ABOUT THE
14 PROJECT OR AS STAND-ALONE MEETINGS.

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

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

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

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

26 (III) FOLLOWING THE AWARD OF THE IPD CONTRACT TO A
27 PARTICIPATING ENTITY, PUBLISH ON THE DEPARTMENT'S WEBSITE THE

1 EVALUATION SCORES FOR EACH STEP OF THE IPD CONTRACT SOLICITATION
2 PHASE FOR ALL SOLICITATIONS RECEIVED AND EVALUATED; AND

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

8 **SECTION 10.** In Colorado Revised Statutes, **add** article 7.5 to
9 title 25 as follows:

10 **ARTICLE 7.5**

11 **Clean Motor Vehicle Fleet Support**

12 **25-7.5-101. Legislative declaration.** (1) THE GENERAL
13 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

14 (a) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
15 THE STATE AND ALL COLORADANS TO INCENTIVIZE AND SUPPORT THE USE
16 OF ELECTRIC MOTOR VEHICLES, AND, TO THE EXTENT TEMPORARILY
17 NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC MOTOR
18 VEHICLE TECHNOLOGY FOR CERTAIN FLEET USES, COMPRESSED NATURAL
19 GAS MOTOR VEHICLES THAT PRODUCE FEWER EMISSIONS THAN GASOLINE
20 OR DIESEL POWERED MOTOR VEHICLES, BY BUSINESSES AND
21 GOVERNMENTAL ENTITIES THAT USE FLEETS OF MOTOR VEHICLES,
22 INCLUDING FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES OWNED BY
23 INDIVIDUAL CONTRACTORS WHO PROVIDE PREARRANGED RIDES FOR
24 TRANSPORTATION NETWORK COMPANIES OR MAKE RETAIL DELIVERIES,
25 AND TO ENABLE THE STATE TO ACHIEVE ITS STATED ELECTRIC VEHICLE
26 ADOPTION GOALS BECAUSE INCREASED USAGE OF ELECTRIC MOTOR
27 VEHICLES IN MOTOR VEHICLE FLEETS:

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

18 (A) FLEET YARDS, WAREHOUSES, DISTRIBUTION CENTERS,
19 REFINERIES, FUEL DEPOTS, WASTE FACILITIES, AND MAJOR INTERSTATE
20 HIGHWAYS ARE LOCATED:

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

22 (C) RESIDENTS EXPERIENCE INCREASED RISKS OF AIR POLLUTION
23 RELATED HEALTH IMPACTS SUCH AS ASTHMA, RESPIRATORY INFECTIONS,
24 HEART DISEASE, AND LUNG CANCER; AND

25 (II) BY REDUCING FUEL AND MAINTENANCE COSTS, HELPS
26 BUSINESSES AND GOVERNMENTAL ENTITIES OPERATE MORE EFFICIENTLY
27 OVER TIME, ALLOWING THE COST SAVINGS TO BE REINVESTED IN BUSINESS

1 GROWTH OR USED FOR BENEFICIAL PUBLIC PURPOSES.

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

3 (a) TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE ADOPTION OF
4 ELECTRIC MOTOR VEHICLES IN MOTOR VEHICLE FLEETS IN THE STATE AND
5 THEREBY MINIMIZE AND MITIGATE THE ENVIRONMENTAL AND HEALTH
6 IMPACTS OF THE TRANSPORTATION SYSTEM AND REAP THE
7 ENVIRONMENTAL, HEALTH, AND BUSINESS AND GOVERNMENTAL
8 OPERATIONAL EFFICIENCY BENEFITS THAT RESULT FROM MOTOR VEHICLE
9 FLEET ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN THE BEST
10 INTEREST OF THE STATE TO CREATE A CLEAN FLEET ENTERPRISE THAT CAN
11 PROVIDE SPECIALIZED BUSINESS SERVICES THAT HELP BUSINESSES AND
12 GOVERNMENTAL ENTITIES THAT OWN OR OPERATE FLEETS OF MOTOR
13 VEHICLES USE MORE ELECTRIC MOTOR VEHICLES, AND, TO THE EXTENT
14 TEMPORARILY NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC
15 MOTOR VEHICLE TECHNOLOGY FOR CERTAIN FLEET USES, MORE
16 COMPRESSED NATURAL GAS MOTOR VEHICLES, IN THEIR MOTOR VEHICLE
17 FLEETS.

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

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

23 (II) HELPS OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS
24 REDUCE THE UP-FRONT AND TOTAL COSTS OF USING MORE ELECTRIC
25 MOTOR VEHICLES, AND, TO THE EXTENT TEMPORARILY NECESSITATED BY
26 THE LIMITATIONS OF CURRENT ELECTRIC MOTOR VEHICLE TECHNOLOGY
27 FOR CERTAIN FLEET USES, MORE COMPRESSED NATURAL GAS MOTOR

1 VEHICLES, IN THEIR FLEETS;

2 (III) SUPPORTS COMPANION SERVICES SUCH AS TESTING,

3 INSPECTION AND READJUSTMENT SERVICES;

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

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

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

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

16 (VII) CONTRIBUTES TO THE COMPREHENSIVE REGULATORY
17 SCHEME REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT,
18 CONSTRUCTION, MAINTENANCE, SUPERVISION, AND REGULATION OF A
19 SUSTAINABLE TRANSPORTATION SYSTEM; AND

20 (IX) PROVIDES ADDITIONAL BUSINESS SERVICES TO FEE PAYERS AS
21 MAY BE PROVIDED BY LAW, INCLUDING BUT NOT LIMITED TO:

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

23 (B) PROVIDING PLANNING SERVICES TO SUPPORT COMMUNITIES,
24 INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY IMPACTED
25 COMMUNITIES; AND

26 (C) PROVIDING SCRAPPAGE SERVICES.

27 (c) BY PROVIDING BUSINESS SERVICES AS AUTHORIZED BY THIS

1 SECTION, THE CLEAN FLEET ENTERPRISE ENGAGES IN AN ACTIVITY
2 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND
3 THEREFORE OPERATES AS A BUSINESS;

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

12 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
13 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BUSINESS SERVICES
14 SPECIFIED IN THIS SECTION TO FEE PAYERS; AND

15 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
16 BASED ON THE BENEFITS RECEIVED BY THOSE ENTITIES AND THE COSTS OF
17 THE SERVICES, INCLUDING THE COSTS OF CONTRIBUTING TO THE
18 IMPLEMENTATION OF THE COMPREHENSIVE REGULATORY SCHEME
19 REQUIRED FOR THE PLANNING, FUNDING, DEVELOPMENT, CONSTRUCTION,
20 MAINTENANCE, SUPERVISION, AND REGULATION OF A SUSTAINABLE
21 TRANSPORTATION SYSTEM THAT THE ENTERPRISE PROVIDES; AND

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

1 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS
2 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

3 **25-7.5-102. Definitions.** AS USED IN THIS ARTICLE 7.5, UNLESS
4 THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (13) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
24 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
25 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
26 DENVER-AURORA-LAKWOOD FOR ALL ITEMS AND ALL URBAN
27 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR

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

6 (14) "MEDIUM-DUTY MOTOR VEHICLE" MEANS A MOTOR VEHICLE
7 THAT HAS A GROSS VEHICLE WEIGHT RATING, AS DEFINED IN SECTION
8 42-4-402 (6), OF MORE THAN TEN THOUSAND POUNDS AND NOT MORE
9 THAN TWENTY-SIX THOUSAND POUNDS.

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

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

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

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

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

22 (II) THE GROUP OF MOTOR VEHICLES IS OWNED OR OPERATED
23 DIRECTLY, OR INDIRECTLY THROUGH INDEPENDENT CONTRACTORS WHO
24 OWN OR LEASE INDIVIDUAL MOTOR VEHICLES IN THE GROUP, BY A
25 TRANSPORTATION NETWORK COMPANY OR BY A RETAILER FOR THE
26 PURPOSE OF MAKING RETAIL DELIVERIES.

27 (17) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY

1 OPERATED ROBOT THAT IS:

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

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

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

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

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

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

22 (a) BIOMETHANE;

23 (b) METHANE DERIVED FROM:

24 (I) MUNICIPAL SOLID WASTE;

25 (II) THE PYROLYSIS OF MUNICIPAL SOLID WASTE OR OF TIRES, AS
26 DEFINED IN SECTION 30-20-1402 (8), EXCEPT FOR THE PYROLYSIS OF
27 SOURCE-SEPARATED RECYCLABLE MATERIALS THAT COULD OTHERWISE BE

1 ECONOMICALLY RECYCLED AS DETERMINED BY THE DEPARTMENT OF
2 PUBLIC HEALTH AND THE ENVIRONMENT;

3 (III) BIOMASS PYROLYSIS OR ENZYMATIC BIOMASS; OR

4 (IV) WASTEWATER TREATMENT; AND

5 (c) COAL MINE METHANE, AS DEFINED IN SECTION 40-2-124
6 (1)(a)(II).

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

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

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

17 (24) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION
18 40-10.1-602 (5).

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

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

23 (27) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY
24 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

25 **25-7.5-103. Clean fleet enterprise - creation - board - powers**
26 **and duties -fees - fund.** (1) (a) THE CLEAN FLEET ENTERPRISE IS HEREBY
27 CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES AS A

1 GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER TO
2 EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF THIS
3 SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES SET
4 FORTH IN THIS SECTION.

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

9 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
10 NINE MEMBERS AS FOLLOWS:

11 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS WHO SHALL
12 SERVE AT THE PLEASURE OF THE GOVERNOR FOR TERMS OF THE LENGTH
13 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. ONE MEMBER SHALL
14 REPRESENT A DISPROPORTIONATELY IMPACTED COMMUNITY, ONE MEMBER
15 SHALL HAVE EXPERTISE IN AIR POLLUTION REDUCTION, ONE MEMBER
16 SHALL HAVE EXPERTISE IN TRANSPORTATION, ONE MEMBER SHALL HAVE
17 EXPERTISE IN MOTOR VEHICLE FLEET ELECTRIFICATION, ONE MEMBER
18 SHALL HAVE EXPERTISE IN BUSINESS OR SUPPLY CHAIN MANAGEMENT, AND
19 ONE MEMBER SHALL REPRESENT A BUSINESS THAT OWNS OR OPERATES A
20 MOTOR VEHICLE FLEET. THE GOVERNOR SHALL MAKE REASONABLE
21 EFFORTS, TO THE EXTENT SUCH APPLICATIONS HAVE BEEN SUBMITTED FOR
22 CONSIDERATION FOR THE BOARD, TO CONSIDER MEMBERS THAT REFLECT
23 THE STATE'S GEOGRAPHIC DIVERSITY WHEN MAKING APPOINTMENTS AND
24 SHALL MAKE INITIAL APPOINTMENTS NO LATER THAN OCTOBER 1, 2021.

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

27 (III) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE

1 OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

2 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF

3 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

4 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE
5 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS
6 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS.

7 A MEMBER WHO IS APPOINTED TO FILL A VACANCY ON THE BOARD SHALL
8 SERVE THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.

9 THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS THEY HOLD THEIR
10 EXECUTIVE DIRECTOR POSITIONS OR ARE DESIGNATED TO SERVE BY AN
11 EXECUTIVE DIRECTOR.

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

16 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO INCENTIVIZE
17 AND SUPPORT THE USE OF ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR
18 VEHICLES THAT ORIGINALLY WERE POWERED BY FOSSIL FUELS BUT HAVE
19 BEEN CONVERTED INTO ELECTRIC MOTOR VEHICLES, AND, TO THE EXTENT
20 TEMPORARILY NECESSITATED BY THE LIMITATIONS OF CURRENT ELECTRIC
21 MOTOR VEHICLE TECHNOLOGY FOR CERTAIN FLEET USES, COMPRESSED
22 NATURAL GAS MOTOR VEHICLES, BY BUSINESSES AND GOVERNMENTAL
23 ENTITIES THAT OWN OR OPERATE FLEETS OF MOTOR VEHICLES, INCLUDING
24 FLEETS COMPOSED OF PERSONAL MOTOR VEHICLES OWNED OR LEASED BY
25 INDIVIDUAL CONTRACTORS WHO PROVIDE PREARRANGED RIDES FOR
26 TRANSPORTATION NETWORK COMPANIES OR DELIVER GOODS FOR A
27 THIRD-PARTY DELIVERY SERVICE. TO ALLOW THE ENTERPRISE TO

1 ACCOMPLISH THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES
2 THROUGH THE BOARD, THE ENTERPRISE MAY:

3 (a) IMPOSE A CLEAN FLEET PER RIDE FEE AND A CLEAN FLEET
4 DELIVERY FEE AS AUTHORIZED BY SUBSECTIONS (7) AND (8) OF THIS
5 SECTION;

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

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

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

18 (5) (a) THE CLEAN FLEET ENTERPRISE FUND IS HEREBY CREATED IN
19 THE STATE TREASURY. THE FUND CONSISTS OF CLEAN FLEET PER RIDE FEE
20 REVENUE AND CLEAN FLEET RETAIL DELIVERY FEE REVENUE CREDITED TO
21 THE FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS SECTION, ANY
22 MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER PAYMENTS RECEIVED
23 BY THE ENTERPRISE, ANY FEDERAL MONEY THAT MAY BE CREDITED TO THE
24 FUND, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
25 APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL
26 CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
27 INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE FUND

1 IS CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES
2 SET FORTH IN THIS ARTICLE 7.5 AND TO PAY THE ENTERPRISE'S
3 REASONABLE AND NECESSARY OPERATING EXPENSES, INCLUDING THE
4 REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO SUBSECTION (5)(b) OF
5 THIS SECTION.

6 (b) THE DEPARTMENT MAY TRANSFER MONEY FROM ANY LEGALLY
7 AVAILABLE SOURCE TO THE ENTERPRISE FOR THE PURPOSE OF DEFRAYING
8 EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES FEE
9 REVENUE OR REVENUE BOND PROCEEDS. THE ENTERPRISE MAY ACCEPT
10 AND EXPEND ANY MONEY SO TRANSFERRED, AND, NOTWITHSTANDING ANY
11 STATE FISCAL RULE OR GENERALLY ACCEPTED ACCOUNTING PRINCIPLE
12 THAT COULD OTHERWISE BE INTERPRETED TO REQUIRE A CONTRARY
13 CONCLUSION, SUCH A TRANSFER IS A LOAN FROM THE DEPARTMENT TO THE
14 ENTERPRISE THAT IS REQUIRED TO BE REPAYED AND IS NOT A GRANT FOR
15 PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
16 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). ALL MONEY
17 TRANSFERRED AS A LOAN TO THE ENTERPRISE SHALL BE CREDITED TO THE
18 CLEAN FLEET ENTERPRISE INITIAL EXPENSES FUND, WHICH IS HEREBY
19 CREATED IN THE STATE TREASURY, AND LOAN LIABILITIES THAT ARE
20 RECORDED IN THE CLEAN FLEET ENTERPRISE INITIAL EXPENSES FUND BUT
21 WHICH ARE NOT REQUIRED TO BE PAID IN THE CURRENT FISCAL YEAR
22 SHALL NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY
23 FUND BALANCE FOR PURPOSES OF SECTION 24-75-109. THE STATE
24 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
25 DEPOSIT AND INVESTMENT OF MONEY IN THE CLEAN FLEET ENTERPRISE
26 INITIAL EXPENSES FUND TO THE FUND. THE CLEAN FLEET ENTERPRISE
27 INITIAL EXPENSES FUND IS CONTINUOUSLY APPROPRIATED TO THE

1 ENTERPRISE FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE
2 ENTERPRISE BEFORE IT RECEIVES FEE REVENUE OR REVENUE BOND
3 PROCEEDS. AS THE ENTERPRISE RECEIVES SUFFICIENT REVENUE IN EXCESS
4 OF EXPENSES, THE ENTERPRISE SHALL REIMBURSE THE DEPARTMENT FOR
5 THE PRINCIPAL AMOUNT OF ANY LOAN MADE BY THE DEPARTMENT PLUS
6 INTEREST AT A RATE SET BY THE DEPARTMENT.

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

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

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

14 (c) IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE
15 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR THE EXECUTIVE
16 DIRECTOR'S DESIGNEE, TO EMPLOY AND SUPERVISE INDIVIDUALS,
17 PROFESSIONAL CONSULTANTS AND CONTRACTORS AS ARE NECESSARY IN
18 ITS JUDGMENT TO CARRY OUT ITS BUSINESS PURPOSE;

19 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY
20 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
21 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
22 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
23 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE,
24 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112
25 OF TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
26 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
27 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF

1 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
2 SINGLE-SOURCE BIDS.

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

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

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

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

21 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
22 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE A CLEAN
23 FLEET PER RIDE FEE TO BE PAID BY A TRANSPORTATION NETWORK
24 COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND ACCEPTED
25 THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE PURPOSE OF
26 MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION NETWORK
27 COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE

1 DEPARTMENT OF REVENUE SHALL COLLECT THE CLEAN FLEET PER RIDE FEE
2 ON BEHALF OF THE ENTERPRISE, AND A TRANSPORTATION NETWORK
3 COMPANY SHALL PAY THE FEE TO THE DEPARTMENT OF REVENUE AS
4 REQUIRED BY SECTION 40-10.1-607.5 (2).

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

8 (I) THREE AND THREE-QUARTERS CENTS FOR EACH PREARRANGED
9 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS
10 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND
11 (II) SEVEN AND ONE-HALF CENTS FOR EVERY OTHER
12 PREARRANGED RIDE.

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

26 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
27 THE CLEAN FLEET PER RIDE FEE FOR PREARRANGED RIDES REQUESTED AND

1 ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE RATE OF INFLATION
2 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST
3 ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN APPLIED TO THE SUM OF
4 THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR
5 POLLUTION MITIGATION PER RIDE FEE IMPOSED AS REQUIRED BY SECTION
6 43-4-1303 (7) AND ROUNDED TO THE NEAREST WHOLE CENT, WILL RESULT
7 IN AN INCREASE OF AT LEAST ONE WHOLE CENT IN THE TOTAL AMOUNT OF
8 THE CLEAN FLEET PER RIDE FEE AND THE AIR POLLUTION MITIGATION PER
9 RIDE FEE PAID BY A PERSON WHO REQUESTS AND ACCEPTS A PREARRANGED
10 RIDE. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO THE SUM
11 OF THE CURRENT CLEAN FLEET PER RIDE FEE AND THE CURRENT AIR
12 POLLUTION MITIGATION PER RIDE FEE AND ROUNDED TO THE NEAREST
13 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE
14 PERCENT.

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

19 (8) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
20 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE, AND THE
21 DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
22 ENTERPRISE, A CLEAN FLEET RETAIL DELIVERY FEE ON EACH RETAIL
23 DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
24 TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE PURCHASER,
25 AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND IN THE
26 MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION
27 43-4-218 (6) THE CLEAN FLEET RETAIL DELIVERY FEE. FOR THE PURPOSE

1 OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND ADMINISTRATIVE
2 COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE SHALL COLLECT
3 AND ADMINISTER THE CLEAN FLEET RETAIL DELIVERY FEE ON BEHALF OF
4 THE ENTERPRISE IN THE SAME MANNER IN WHICH IT COLLECTS AND
5 ADMINISTERS THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218
6 (3).

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

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

25 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
26 THE CLEAN FLEET RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF
27 TANGIBLE PERSONAL PROPERTY PURCHASED DURING A STATE FISCAL YEAR

1 ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE AMOUNT OF THE
2 RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3) FOR RETAIL
3 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING THE
4 STATE FISCAL YEAR.

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

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

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

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

25 (III) TO COORDINATE ENGAGEMENT WITH PUBLIC ENTITIES AND
26 OWNERS AND OPERATORS OF MOTOR VEHICLE FLEETS TO DEVELOP
27 STRATEGIES FOR ELECTRIFYING MOTOR VEHICLE FLEETS AND OTHER NOT

1 YET ELECTRIFIED FREIGHT TRANSPORTATION AND RETAIL DELIVERY
2 OPERATIONS THAT CAN BE ELECTRIFIED;

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

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

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

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

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

19 (IX) TO ADDRESS NONATTAINMENT OF NATIONAL AMBIENT AIR
20 QUALITY STANDARDS BEFORE IT BECOMES NECESSARY TO IMPOSE MORE
21 RESTRICTIVE MEASURES TO ACHIEVE ATTAINMENT THAT WOULD IMPOSE
22 BURDENS ON BUSINESS THAT OWN OR OPERATE MOTOR VEHICLES FLEETS
23 IN OR NEAR NONATTAINMENT AREAS;

24 (X) TO ADDRESS DISPROPORTIONATELY IMPACTED COMMUNITIES
25 AND HEALTH DISPARITIES IN SUCH COMMUNITIES RESULTING FROM
26 INCREASED EXPOSURE TO MOTOR VEHICLE FLEET OPERATIONS; AND

27 (XI) TO PROVIDE ADDITIONAL BUSINESS SERVICES TO FEE PAYERS

1 AS MAY BE PROVIDED BY LAW INCLUDING BUT NOT LIMITED TO
2 INCENTIVIZING THE USE OF CLEAN MOBILE EQUIPMENT, PROVIDE PLANNING
3 SERVICES TO SUPPORT COMMUNITIES, INCLUDING BUT NOT LIMITED TO
4 DISPROPORTIONATELY IMPACTED COMMUNITIES, OR PROVIDE SCRAPPAGE
5 SERVICES.

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

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

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

23 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
24 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
25 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
26 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
27 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR

1 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND
2 EXPENDITURES;

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

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

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

24 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
25 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
26 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
27 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION

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

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

7 **SECTION 11.** In Colorado Revised Statutes, 39-21-102, **add** (7)
8 as follows:

9 **39-21-102. Scope.** (7) THE PROVISIONS OF THIS ARTICLE APPLY TO
10 THE FEES IMPOSED PURSUANT TO PART 3 OF ARTICLE 38.5 OF TITLE 24,
11 ARTICLE 7.5 OF TITLE 25, AND THE FEES COLLECTED PURSUANT TO SECTION
12 40-10.1-607.5, BUT ONLY TO THE EXTENT THAT THE PROVISIONS OF THIS
13 ARTICLE ARE NOT INCONSISTENT WITH THE PROVISIONS OF PART 3 OF
14 ARTICLE 38.5 OF TITLE 24, ARTICLE 7.5 OF TITLE 25, AND SECTION
15 40-10.1-607.5.

16 **SECTION 12.** In Colorado Revised Statutes, 39-21-119.5,
17 **amend** (2)(i), (2)(s), (2)(t), (4)(d), (4)(i), and (4)(j); and **add** (2)(u) and
18 (4)(k) as follows:

19 **39-21-119.5. Mandatory electronic filing of returns -**
20 **mandatory electronic payment - penalty - waiver - definitions.**

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

25 (i) Any motor fuel tax OR FEE return required to be filed and
26 payment required to be made pursuant to section 39-27-303;

27 (s) Any prepaid wireless 911 charge report required to be filed and

1 payment required to be made pursuant to section 29-11-102.5 (3); and

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

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

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

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

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

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

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

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

23 **SECTION 13.** In Colorado Revised Statutes, 39-26-102, **amend**

24 (7)(a) introductory portion as follows:

25 **39-26-102. Definitions.** As used in this article 26, unless the
26 context otherwise requires:

27 (7) (a) "Purchase price" means the price to the consumer,

1 exclusive of any direct tax imposed by the federal government or by this
2 article, EXCLUSIVE OF ANY RETAIL DELIVERY FEE AND ENTERPRISE RETAIL
3 DELIVERY FEES IMPOSED OR COLLECTED AS SPECIFIED IN SECTION
4 43-4-218, and, in the case of all retail sales involving the exchange of
5 property, also exclusive of the fair market value of the property
6 exchanged at the time and place of the exchange, if:

7 **SECTION 14.** In Colorado Revised Statutes, 39-26-123, **repeal**
8 (3.5) as follows:

9 **39-26-123. Receipts - disposition - transfers of general fund**
10 **surplus - sales tax holding fund - creation - definitions.** (3.5) For each
11 state fiscal year commencing on or after the first state fiscal year in which
12 an appropriation or transfer is permitted pursuant to section 24-75-219
13 (2)(d), C.R.S., 24-75-219 (2), the general assembly may appropriate or
14 transfer, in its sole discretion, moneys from the general fund to the sales
15 and use tax holding fund.

16 **SECTION 15.** In Colorado Revised Statutes, 39-27-301, **amend**
17 (1), (4), and (6); and **add** (3.3) as follows:

18 **39-27-301. Definitions.** As used in this part 3, unless the context
19 otherwise requires: (1) "Agreement" means a motor fuel tax AND FEE
20 agreement under this part 3.

21 (3.3) "FEE" MEANS THE ROAD USAGE FEE IMPOSED BY SECTION
22 43-4-217 (3) AND (4) AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED
23 BY SECTION 43-4-805 (5)(g.5).

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

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

1 **SECTION 16.** In Colorado Revised Statutes, **amend** 39-27-302

2 as follows:

3 **39-27-302. Agreements between jurisdictions.** The department
4 may enter into a motor fuel tax AND FEE cooperative agreement with
5 another jurisdiction or jurisdictions that provide for the administration,
6 collection, and enforcement of each jurisdiction's motor fuel taxes AND
7 FEES on motor fuel used by motor carriers. The agreement shall not
8 contain any provision that exempts any motor vehicle, owner, or operator
9 from complying with the laws, rules, and regulations pertaining to motor
10 vehicle licensing, size, weight, load, or operation upon the public
11 highways of this state.

12 **SECTION 17.** In Colorado Revised Statutes, 39-27-304, **amend**
13 (1)(a), (1)(b), (1)(c), (1)(e), (1)(f), and (1)(g) as follows:

14 **39-27-304. Provisions of agreements.** (1) An agreement entered
15 into under this part 3 may provide for:

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

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

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

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

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

4 **SECTION 18.** In Colorado Revised Statutes, amend 39-27-305
5 as follows:

6 **39-27-305. Credit for purchases.** Any licensee purchasing more
7 tax-paid AND FEE-PAID motor fuel in this state than the licensee uses in
8 this state during the course of a reporting period shall be permitted a
9 credit against future tax AND FEE liability for the excess tax-paid AND
10 FEE-PAID fuel purchased. Upon request, this credit may be refunded to the
11 licensee by the department in accordance with the agreement.

12 **SECTION 19.** In Colorado Revised Statutes, 39-27-306, amend
13 (1) as follows:

14 **39-27-306. Tax and fee collection.** (1) The agreement may
15 require the department to perform audits of licensees or persons required
16 to be licensed and who are based in this state to determine whether motor
17 fuel taxes AND FEES to be collected under the agreement have been
18 reported properly and paid to each jurisdiction that is a party to the
19 agreement. The agreement may authorize other jurisdictions to perform
20 audits on licensees or persons required to be licensed and who are based
21 in such other jurisdictions on behalf of the state of Colorado and forward
22 the audit findings to the department. Such findings may be served upon
23 the licensee or such other person in the same manner as audits performed
24 by the department.

25 **SECTION 20.** In Colorado Revised Statutes, 39-27-310, amend
26 (1) as follows:

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

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

5 **SECTION 21.** In Colorado Revised Statutes, **amend** 40-10.1-607
6 as follows:

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

18 **SECTION 22.** In Colorado Revised Statutes, **add** 40-10.1-607.5
19 as follows:

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

23 (a) "AIR POLLUTION MITIGATION PER RIDE FEE" MEANS THE AIR
24 POLLUTION MITIGATION PER RIDE FEE IMPOSED BY THE NONATTAINMENT
25 AREA AIR POLLUTION MITIGATION ENTERPRISE AS REQUIRED BY SECTION
26 43-4-1303 (7).

27 (b) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH

1 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
2 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
3 SEPARATELY REQUESTED A PREARRANGED RIDE.

4 (c) "CLEAN FLEET PER RIDE FEE" MEANS THE CLEAN FLEET PER
5 RIDE FEE IMPOSED BY THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
6 25-7.5-103 (1)(a) AS REQUIRED BY SECTION 25-7.5-103 (7).

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

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

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

20 (a) ALL NET CLEAN FLEET PER RIDE FEE REVENUE SHALL BE
21 CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION
22 25-7.5-103 (5); AND

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

26 (4) WHEN COLLECTING THE ENTERPRISE PER RIDE FEES, THE
27 DEPARTMENT OF REVENUE SHALL RETAIN AN AMOUNT THAT DOES NOT

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

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

16 **SECTION 23.** In Colorado Revised Statutes, 42-3-304, **amend**
17 (25)(a) and (25)(b); and **add** (25)(a.5), (25)(a.6), (25)(a.7), and (25)(a.8)
18 as follows:

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

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

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

1 SPECIFIED IN SECTION 43-4-205 (6.8).

2 (II) 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 BATTERY ELECTRIC
5 MOTOR VEHICLE IS AS FOLLOWS:

	FISCAL YEAR	Fee
7	2022-2023	\$4
8	2023-2024	\$8
9	2024-2025	\$12
10	2025-2026	\$16
11	2026-2027	\$26
12	2027-2028	\$36
13	2028-2029	\$51
14	2029-2030	\$66
15	2030-2031	\$81
16	2031-2032	\$96

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

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

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

	FISCAL YEAR	Fee
9	2022-2023	\$3
10	2023-2024	\$5
11	2024-2025	\$8
12	2025-2026	\$11
13	2026-2027	\$13
14	2027-2028	\$16
15	2028-2029	\$19
16	2029-2030	\$21
17	2030-2031	\$24
18	2031-2032	\$27

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

1 CALCULATE THE INFLATION ADJUSTED AMOUNT OF THE ELECTRIC MOTOR
2 VEHICLE ROAD USAGE EQUALIZATION FEE FOR A PLUG-IN HYBRID ELECTRIC
3 MOTOR VEHICLE FOR REGISTRATION PERIODS BEGINNING DURING EACH
4 STATE FISCAL YEAR AND SHALL NOTIFY AUTHORIZED AGENTS OF THE
5 AMOUNT NO LATER THAN THE MAY 1 OF THE CALENDAR YEAR IN WHICH
6 THE STATE FISCAL YEAR BEGINS.

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

24 (a.7) IN LIEU OF ANY OTHER FEE IMPOSED BY THIS SECTION, FOR
25 REGISTRATION PERIODS BEGINNING DURING STATE FISCAL YEAR 2022-23
26 OR DURING ANY SUBSEQUENT STATE FISCAL YEAR, EACH AUTHORIZED
27 AGENT SHALL ANNUALLY COLLECT A COMMERCIAL ELECTRIC MOTOR

1 VEHICLE ROAD USAGE EQUALIZATION FEE IN THE AMOUNT SPECIFIED IN
2 SUBSECTION (25)(a.7)(I) OR (25)(a.7)(II) OF THIS SECTION. THE
3 AUTHORIZED AGENT SHALL TRANSMIT THE FEE TO THE STATE TREASURER,
4 WHO SHALL CREDIT IT AS SPECIFIED IN SUBSECTION (25)(a.7)(III) OF THIS
5 SECTION.

6 (I) For registration periods beginning during state fiscal
7 year 2022-23, the amount of the commercial electric motor
8 vehicle road usage equalization fee is:

9 (A) Fifty dollars for an commercial electric motor
10 vehicle that weighs more than ten thousand pounds but not
11 more than sixteen thousand pounds;

12 (B) One hundred dollars for a commercial electric motor
13 vehicle that weighs more than sixteen thousand pounds but not
14 more than twenty-six thousand pounds; and

15 (C) One hundred fifty dollars for a commercial electric
16 motor vehicle that weighs more than twenty-six thousand
17 pounds.

18 (II) For registration periods beginning during state fiscal
19 year 2023-24 or during any subsequent state fiscal year, the
20 amount of the commercial electric motor vehicle road usage
21 equalization fee is the amount of the fee for registration periods
22 commencing during the prior state fiscal year, adjusted for
23 inflation; except that an adjustment shall be made only if the
24 rate of inflation is positive and the adjustment must be the
25 lesser of the actual rate of inflation or five percent. The
26 department of revenue shall calculate the inflation adjusted
27 amount of the commercial electric motor vehicle road usage

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

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

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

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

15 (a.8) DURING THE 2026 LEGISLATIVE INTERIM, THE COLORADO
16 ENERGY OFFICE, THE DEPARTMENT OF TRANSPORTATION, AND THE
17 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AFTER CONSULTING
18 WITH THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION
19 24-38.5-303 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
20 25-7.5-103 (1)(a), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
21 43-4-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION
22 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), SHALL
23 JOINTLY COMPLETE A WRITTEN REPORT AND PRESENT THE REPORT AT A
24 HEARING OF THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE
25 CREATED IN SECTION 43-12-145 (1)(a). THE REPORT SHALL DETAIL
26 PROGRESS ON ALL PROJECTS COMPLETED OR UNDERTAKEN USING FUNDING
27 PROVIDED PURSUANT TO SENATE BILL 21-____, ENACTED IN 2021, IDENTIFY

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

1 FLEET DATA SHALL ACCOUNT SEPARATELY FOR DIFFERENT CATEGORIES OR
2 WEIGHT CLASSES OF COMMERCIAL MOTOR VEHICLES.

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

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

10 (II) "COMMERCIAL ELECTRIC MOTOR VEHICLE" MEANS AN
11 ELECTRIC MOTOR VEHICLE THAT IS A COMMERCIAL VEHICLE.

12 (III) "ELECTRIC MOTOR VEHICLE" MEANS A BATTERY ELECTRIC
13 MOTOR VEHICLE, AND A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE.

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

22 (V) "PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE" MEANS A MOTOR
23 VEHICLE THAT IS POWERED BY BOTH A RECHARGEABLE BATTERY PACK
24 THAT CAN BE RECHARGED BY BEING PLUGGED INTO AN EXTERNAL SOURCE
25 OF ELECTRICITY AND A SECONDARY SOURCE OF PROPULSION SUCH AS AN
26 INTERNAL COMBUSTION ENGINE.

27 (b) The department of revenue shall create an electric vehicle

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

7 **SECTION 24.** In Colorado Revised Statutes, 43-1-117, **add** (4)
8 as follows:

9 **43-1-117. Transportation development division - created -**
10 **duties.** (4) THE OFFICE OF FREIGHT MOBILITY IS CREATED IN THE
11 TRANSPORTATION DEVELOPMENT DIVISION. THE FUNCTION OF THE OFFICE
12 IS TO PLAN AND COORDINATE FREIGHT MOBILITY WITH THE FREIGHT
13 INDUSTRY.

14 **SECTION 25.** In Colorado Revised Statutes, **add** 43-1-128 and
15 43-1-129 as follows:

16 **43-1-128. Environmental impacts of capacity projects -**
17 **additional requirements - definitions - legislative declaration -**
18 **definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
19 THAT:

20 (a) TRANSPORTATION CAPACITY PROJECTS, INCLUDING BUT NOT
21 LIMITED TO LARGE HIGHWAY PROJECTS THAT ARE INTENDED TO ALLEVIATE
22 TRAFFIC CONGESTION BY INCREASING THE CAPACITY OF HIGHWAYS IN
23 MAJOR TRANSPORTATION CORRIDORS, CAN CAUSE ADVERSE
24 ENVIRONMENTAL IMPACTS, INCLUDING BUT NOT LIMITED TO INCREMENTAL
25 ACCELERATION OF CLIMATE CHANGE, AND ADVERSE HEALTH IMPACTS;

26 (b) THESE IMPACTS FALL MOST HEAVILY ON COMMUNITIES IN THE
27 AREAS WHERE THE PROJECTS ARE LOCATED, WHICH IN MANY CASES ARE

1 DISPROPORTIONATELY IMPACTED COMMUNITIES;

2 (c) TO MINIMIZE THE ADVERSE ENVIRONMENTAL AND HEALTH
3 IMPACTS OF TRANSPORTATION CAPACITY PROJECTS AND ADDRESS
4 INEQUITABLE DISTRIBUTION OF THE BURDENS OF SUCH PROJECTS, IT IS
5 NECESSARY, APPROPRIATE, AND IN THE BEST INTERESTS OF THE STATE AND
6 ALL COLORADANS TO REQUIRE THE STATE'S PRIMARY TRANSPORTATION
7 PLANNING ENTITIES WITH RESPONSIBILITY FOR SELECTING AND FUNDING
8 TRANSPORTATION CAPACITY PROJECTS, THE DEPARTMENT AND
9 METROPOLITAN PLANNING ORGANIZATIONS, TO ENGAGE IN AN ENHANCED
10 LEVEL OF PLANNING, ANALYSIS, COMMUNITY ENGAGEMENT, AND
11 MONITORING WITH RESPECT TO SUCH PROJECTS AS REQUIRED BY THIS
12 SECTION; AND

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

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

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

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

27 (c) (I) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A

1 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
2 ACCORDANCE WITH THE MOST RECENT UNITED STATES CENSUS, WHERE
3 THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER
4 THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY
5 AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF
6 HOUSEHOLDS THAT ARE HOUSING COST BURDENED IS GREATER THAN
7 FORTY PERCENT.

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

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

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

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

18 (e) "STATEWIDE GREENHOUSE GAS POLLUTION" HAS THE SAME
19 MEANING AS SET FORTH IN SECTION 25-1-107 (22.5).

20 (f) "TRANSPORTATION CAPACITY PROJECT" OR "PROJECT" MEANS
21 ANY CHANGE IN A ROADWAY THAT INCREASES THE MAXIMUM
22 THROUGHPUT FOR AT LEAST ONE MILE, SUCH AS:

23 (I) CONSTRUCTION OF A NEW OR ADDITIONAL TRAVEL LANE;

24 (II) WIDENING OR RESTRIPIING OF LANES OR SHOULDERS TO ALLOW
25 THE OPERATION OF AN ADDITIONAL TRAVEL LANE WITHIN THE CROSS
26 SECTION OF THE ROADWAY; OR

27 (III) ADDITION OF TRANSIT FACILITIES OR OPERATIONS.

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

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

18 (c) TO MODIFY ITS GUIDANCE DOCUMENTS TO ENSURE THAT AT
19 LEAST THE SAME LEVEL OF ANALYTICAL SCRUTINY IS GIVEN TO
20 GREENHOUSE GAS POLLUTANTS AS IS GIVEN TO OTHER AIR POLLUTANTS OF
21 CONCERN IN THIS STATE INCLUDING CONSIDERATION OF THE IMPACT ON
22 EMISSIONS OF GREENHOUSE GAS POLLUTANTS OF INDUCED DEMAND
23 RESULTING FROM TRANSPORTATION CAPACITY PROJECTS.

24 (4) IF A TRANSPORTATION CAPACITY PROJECT IS A REGIONALLY
25 SIGNIFICANT PROJECT, AS DETERMINED BY THE DEPARTMENT WITH
26 CONSIDERATION GIVEN TO FEDERAL LAW OR REGULATIONS THAT DEFINE
27 OR DESCRIBE SUCH PROJECTS, THE DEPARTMENT SHALL:

8 (c) DEVELOP AND IMPLEMENT A PLAN TO MITIGATE AIR QUALITY
9 IMPACTS ON DISPROPORTIONATELY IMPACTED COMMUNITIES IN THE AREA
10 OF THE PROJECT WITH PARTICULAR FOCUS WHERE FEASIBLE ON
11 MITIGATION OF FINE PARTICULATE MATTER POLLUTION.

25 **43-1-129. Certificated taxi carrier parity study -**
26 **recommendations - legislative declaration.** (1) THE GENERAL
27 ASSEMBLY HEREBY FINDS AND DECLARIES THAT:

1 (a) WHEN THE GENERAL ASSEMBLY ENACTED SENATE BILL 21 ___,
2 ENACTED IN 2021, IT ESTABLISHED A POLICY THAT A SUSTAINABLE
3 TRANSPORTATION SYSTEM MUST BE FUNDED ADEQUATELY AND
4 EQUITABLY WITH CONTRIBUTIONS FROM USERS THAT BEAR A REASONABLE
5 RELATIONSHIP TO A USER'S USE OF AND IMPACTS ON THE SYSTEM AND THE
6 ENVIRONMENT AND THE COSTS INCURRED IN MITIGATING THOSE IMPACTS;

7 (b) AS A RESULT OF THE ENACTMENT OF SENATE BILL 21 ___,
8 ENACTED IN 2021, ON AND AFTER JULY 1, 2022, TRANSPORTATION
9 NETWORK COMPANIES WILL PAY PER RIDE FEES FOR EACH PREARRANGED
10 RIDE REQUESTED AND ACCEPTED THROUGH THEIR DIGITAL NETWORKS, BUT
11 CERTIFIED TAXI CARRIERS WILL NOT BE REQUIRED TO PAY PER RIDE
12 FEES;

13 (c) CONSISTENT WITH THE POLICY THAT THE TRANSPORTATION
14 SYSTEM BE FUNDED ADEQUATELY AND EQUITABLY WITH CONTRIBUTIONS
15 FROM USERS, IT IS NECESSARY AND APPROPRIATE TO ASSESS WHETHER
16 THERE IS PARITY BETWEEN CERTIFICATED TAXI CARRIERS AND
17 TRANSPORTATION NETWORK COMPANIES WITH RESPECT TO THEIR
18 CONTRIBUTIONS TO THE FUNDING OF THE TRANSPORTATION SYSTEM.

1 (1)(a) DURING THE 2022 LEGISLATIVE INTERIM.

2 **SECTION 26.** In Colorado Revised Statutes, **amend** 43-1-219 as
3 follows:

4 **43-1-219. Funds created.** There are hereby created two separate
5 funds, one to be known as the state highway fund and the other to be
6 known as the state highway supplementary fund. All ~~moneys~~ MONEY paid
7 into either of ~~said~~ THE funds shall be available immediately, without
8 further appropriation, for the purposes of ~~such~~ THE fund as provided by
9 law. MONEY TRANSFERRED TO THE STATE HIGHWAY FUND PURSUANT TO
10 SECTION 24-75-219 (7)(c) AND (7)(e) AND ANY INTEREST AND INCOME
11 DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH MONEY MAY BE
12 EXPENDED FOR MULTIMODAL PROJECTS, AS DEFINED IN SECTION 43-4-1102
13 (5). Any sums paid into the state treasury, which by law belong to the
14 state highway fund or to the state highway supplementary fund, shall be
15 immediately placed by the state treasurer to the credit of the appropriate
16 fund. Upon request of the commission or of the chief engineer, it is the
17 duty of the state treasurer to report to the commission or to the chief
18 engineer the amount of money on hand in each of said two funds and the
19 amounts derived from each source from which each such fund is
20 accumulated. All accounts and expenditures from each of said two funds
21 shall be certified by the chief engineer and paid by the state treasurer
22 upon warrants drawn by the controller. The controller is authorized as
23 directed to draw warrants payable out of the specified fund upon such
24 vouchers properly certified and audited. Nothing in this part 2 shall
25 operate to alter the manner of the execution and issuance of transportation
26 revenue anticipation notes provided in part 7 of article 4 of this title TITLE
27 43.

1 **SECTION 27.** In Colorado Revised Statutes, 43-4-203, **amend**

2 (1) introductory portion; and **add** (1)(f) and (1)(g) as follows:

3 **43-4-203. Sources of revenue.** (1) All net revenue from the
4 following sources shall be paid into and credited to the highway users tax
5 fund as soon as IT IS received:

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

8 AND

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

11 **SECTION 28.** In Colorado Revised Statutes, 43-4-205, **amend**
12 (6) introductory portion and (6)(b) introductory portion; and **add** (6.8)
13 and (6.9) as follows:

14 **43-4-205. Allocation of fund.** (6) ~~Revenues~~ REVENUE raised by
15 the excise tax imposed on gasoline and special fuel pursuant to sections
16 39-27-102 and 39-27-102.5, ~~C.R.S.~~, in excess of seven cents per gallon
17 of tax, shall be placed in the highway users tax fund to be allocated as
18 follows; except that ~~revenues~~ REVENUE raised by the excise tax imposed
19 on gasoline in excess of eighteen cents per gallon of tax shall be allocated
20 according to ~~the provisions of paragraph (b) of this subsection (6)~~
21 SUBSECTION (6)(b) OF THIS SECTION:

22 (b) The remaining balance of such revenue may be expended only
23 for improvements to highways within the state, including new
24 construction, safety improvements, maintenance, and capacity
25 improvements, and for other transportation-related projects to the extent
26 authorized by SUBSECTION (6.8) OF THIS SECTION AND sections 43-4-206
27 (3), 43-4-207 (1), and 43-4-208 (1), and may not be expended for

1 administrative purposes. Such revenue is allocated as follows:

2 (6.8) (a) REVENUE FROM THE ELECTRIC MOTOR VEHICLE FEE, THE
3 ELECTRIC MOTOR VEHICLE ROAD USAGE EQUALIZATION FEE, AND THE
4 COMMERCIAL ELECTRIC MOTOR VEHICLE FEE IMPOSED PURSUANT TO
5 SECTION 42-3-304 (25) THAT IS CREDITED TO THE HIGHWAY USERS TAX
6 FUND AS REQUIRED BY SECTION 42-3-304 (25)(a), (25)(a.5), AND (25)(a.7)
7 AND REVENUE FROM THE ROAD USAGE FEES IMPOSED PURSUANT TO
8 SECTION 43-4-217 (3) AND (4) THAT IS CREDITED TO THE HIGHWAY USERS
9 TAX FUND AS REQUIRED BY SECTION 43-4-217 (8) MUST BE ALLOCATED
10 AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN
11 SUBSECTION (6)(b) OF THIS SECTION.

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

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

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

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

26 (II) REVENUE FROM THE RETAIL DELIVERY FEE MAY BE EXPENDED
27 FOR THE PURPOSES SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AND

1 MAY ALSO BE EXPENDED FOR TRANSIT-RELATED PROJECTS NEEDED TO
2 INTEGRATE DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL
3 TRANSPORTATION SYSTEM.

4 (c) MONEY TRANSFERRED FROM THE GENERAL FUND TO THE
5 HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-219 (7)(a)(II)
6 AND (7)(b) MUST BE ALLOCATED AND EXPENDED AS FOLLOWS:

7 (I) FIFTY-FIVE PERCENT MUST BE PAID TO THE COUNTY
8 TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL
9 APPROPRIATION BY THE GENERAL ASSEMBLY, AND ALLOCATED AND
10 EXPENDED AS PROVIDED IN SECTION 43-4-207.

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

15 **SECTION 29.** In Colorado Revised Statutes, 43-4-206, **amend**
16 (2)(b) introductory portion, (2)(b)(III), and (2)(b)(IV) as follows:

17 **43-4-206. State allocation.** (2) (b) Notwithstanding section
18 24-1-136 (11)(a)(I), beginning in 1998, the department of transportation
19 shall report annually to the transportation committee of the senate and the
20 transportation and energy committee of the house of representatives
21 concerning the revenue expended by the department pursuant to
22 subsection (2)(a) of this section and, beginning in 2019, ~~any state general~~
23 ~~fund money that is credited to the state highway fund pursuant to section~~
24 ~~24-75-219 (5) and~~ any net proceeds of lease-purchase agreements
25 executed as required by section 24-82-1303 (2)(a) that are credited to the
26 state highway fund pursuant to section 24-82-1303 (4)(b) and expended
27 by the department pursuant to subsection (1)(b)(V) of this section. ~~and~~

1 any ~~net proceeds of transportation revenue anticipation notes issued as~~
2 ~~authorized by a ballot issue submitted to and approved by the registered~~
3 ~~electors of the state at the 2020 statewide election pursuant to section~~
4 ~~43-4-705 (13)(b) that are credited to the state highway fund pursuant to~~
5 ~~this section~~. The department shall present the report at the joint meeting
6 required under section 43-1-113 (9)(a), and the report shall describe for
7 each fiscal year, if applicable:

8 (III) The projected amounts of revenue and net proceeds that the
9 department expects to receive under this subsection (2), ~~section~~
10 ~~24-75-219 (5), AND section 24-82-1303 (4)(b) and section 43-4-714 (1)(a)~~
11 during the fiscal year;

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

16 **SECTION 30.** In Colorado Revised Statutes, **add 43-4-217 and**
17 **43-4-218 as follows:**

18 **43-4-217. Additional funding - road usage fees - legislative**
19 **declaration - definition.** (1) THE GENERAL ASSEMBLY HEREBY FINDS
20 AND DECLARES THAT:

21 (a) STATE MOTOR FUEL EXCISE TAXES LEVIED ON THE PURCHASE
22 OF MOTOR FUELS REPRESENT THE LARGEST SOURCE OF STATE FUNDING FOR
23 THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE HIGHWAYS,
24 ROADS, AND STREETS OF THE STATE;

25 (b) THE AMOUNT OF MOTOR FUEL TAXES PAID FOR MOTOR FUEL
26 USED TO PROPEL A MOTOR VEHICLE BEARS A REASONABLE RELATIONSHIP
27 TO THE VEHICLE'S USE OF AND IMPACT ON THE HIGHWAYS, ROADS, AND

1 STREETS OF THE STATE BECAUSE THE AMOUNT OF MOTOR FUEL USED BY A
2 VEHICLE IS IN LARGE PART A FUNCTION OF THE AMOUNT OF MILES
3 TRAVELED BY THE VEHICLE AND THE WEIGHT OF THE VEHICLE;

4 (c) MOTOR FUEL TAX RATES HAVE NOT BEEN INCREASED IN OVER
5 TWENTY-FIVE YEARS, AND MOTOR FUEL TAX REVENUE HAS NOT KEPT PACE
6 AND WILL NOT KEEP PACE WITH INFLATION OR THE INCREASED
7 TRANSPORTATION INFRASTRUCTURE DEMANDS OF THE GROWING
8 POPULATION OF THE STATE BECAUSE:

9 (I) THE AMOUNT OF MOTOR FUEL TAX PAID DOES NOT DEPEND ON
10 THE PRICE OF MOTOR FUEL AND THEREFORE DOES NOT INCREASE WHEN
11 MOTOR FUEL PRICES INCREASE BUT INSTEAD DEPENDS ON THE QUANTITY
12 OF MOTOR FUEL PURCHASED, WHICH FOR MOST DRIVERS DOES NOT
13 INCREASE OVER TIME; AND

14 (II) MOTOR VEHICLES HAVE BECOME MORE FUEL-EFFICIENT OVER
15 TIME;

16 (d) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
17 THE STATE TO MITIGATE THE DECLINING PURCHASING POWER OF MOTOR
18 FUEL EXCISE TAXES BY COLLECTING A ROAD USAGE FEE FROM PERSONS
19 WHO USE THE TRANSPORTATION SYSTEM TO TRAVEL BY MOTOR VEHICLE,
20 BASING THE AMOUNT OF THE FEE ON REASONABLE ESTIMATES OF FEE
21 PAYERS USAGE OF AND IMPACT ON THE SYSTEM, AND USING FEE REVENUE
22 SOLELY FOR THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE
23 HIGHWAYS OF THE STATE;

24 (e) BECAUSE MOTOR FUEL CONSUMPTION IS REASONABLY RELATED
25 TO USE OF AND IMPACT ON THE TRANSPORTATION SYSTEM, IT IS FAIR TO
26 FEE PAYERS, REASONABLE, AND APPROPRIATE TO CALCULATE THE
27 AMOUNT OF THE ROAD USE FEE BASED ON THEIR MOTOR FUEL

1 CONSUMPTION;

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

11 (h) IN ACCORDANCE WITH NUMEROUS COLORADO JUDICIAL
12 PRECEDENTS, THE ROAD USAGE FEE AND THE BRIDGE AND TUNNEL IMPACT
13 FEE IMPOSED AS AUTHORIZED BY SECTION 43-4-805 (5)(g.5) AND
14 COLLECTED BY THE DEPARTMENT OF REVENUE ON BEHALF OF THE
15 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE PURSUANT TO THIS SECTION
16 ARE FEES AND ARE NOT TAXES BECAUSE:

17 (I) THE FEES ARE IMPOSED NOT TO RAISE REVENUE FOR GENERAL
18 GOVERNMENTAL PURPOSES BUT INSTEAD ARE IMPOSED FOR THE SOLE
19 PURPOSE OF FUNDING THE CONSTRUCTING, MAINTENANCE, AND
20 SUPERVISION OF THE TRANSPORTATION SYSTEM;

21 (II) FEE REVENUE DEFRAYS COSTS INCURRED BY THE STATE IN
22 FUNDING CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF THE
23 TRANSPORTATION SYSTEM THAT IS NECESSITATED BY INCREASED USE OF
24 THE SYSTEM BY THE FEE PAYERS WHO USE MOTOR VEHICLES ON THE
25 TRANSPORTATION SYSTEM; AND

26 (III) THE FEES ARE IMPOSED AT RATES THAT ARE REASONABLY
27 CALCULATED TO DEFRAY THE COSTS OF PROVIDING THE SERVICE, ARE

1 BASED ON THE USE AND IMPACT ON THE TRANSPORTATION SYSTEM BY FEE
2 PAYERS, AND ARE THUS PROPORTIONAL TO THE BENEFITS RECEIVED BY FEE
3 PAYERS.

4 (2) AS USED IN THIS SECTION:

5 (a) "GASOLINE" MEANS GASOLINE, AS DEFINED IN SECTION
6 39-27-101, THAT IS TAXED AT THE RATE SPECIFIED IN SECTION 39-27-102
7 (1)(a)(II)(A).

8 (b) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
9 CHANGE IN THE UNITED STATES DEPARTMENT OF TRANSPORTATION,
10 FEDERAL HIGHWAY ADMINISTRATION, NATIONAL HIGHWAY CONSTRUCTION
11 COST INDEX OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX FOR
12 THE FIVE-YEAR PERIOD ENDING ON THE LAST DECEMBER 31 BEFORE A
13 STATE FISCAL YEAR FOR WHICH AN ADJUSTMENT TO THE ROAD USAGE FEE
14 IMPOSED PURSUANT TO SUBSECTION (3) OR (4) OF THIS SECTION IS TO BE
15 MADE BEGINS.

16 (c) "SPECIAL FUEL" MEANS SPECIAL FUEL, AS DEFINED IN SECTION
17 39-27-101 (29), THAT IS TAXED AT THE RATE SPECIFIED IN SECTION
18 39-27-102(1)(a)(II)(B). "SPECIAL FUEL" DOES NOT INCLUDE DIESEL FUEL
19 AND KEROSENE TO WHICH INDELIBLE DYE MEETING FEDERAL REGULATIONS
20 IS ADDED BEFORE OR UPON REMOVAL FROM A TERMINAL SO LONG AS SUCH
21 FUEL IS NOT USED FOR A TAXABLE PURPOSE AS DESCRIBED IN SECTION
22 39-27-102.5 (1.5).

23 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF
24 THIS SECTION, ON AND AFTER JULY 1, 2022, EACH DISTRIBUTOR OF
25 GASOLINE THAT PAYS THE EXCISE TAX IMPOSED ON GASOLINE SHALL ALSO
26 PAY, AT THE SAME TIME AND IN THE SAME MANNER AS THE EXCISE TAX, A
27 ROAD USAGE FEE IN THE AMOUNT SPECIFIED IN SUBSECTION (3)(b)(I) OF

1 THIS SECTION OR ANNUALLY CALCULATED BY THE DEPARTMENT OF
2 REVENUE AS REQUIRED BY SUBSECTION (3)(b)(II) OR (3)(b)(III) OF THIS
3 SECTION.

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

7 (A) TWO CENTS PER GALLON FOR STATE FISCAL YEAR 2022-23;
8 (B) THREE CENTS PER GALLON FOR STATE FISCAL YEAR 2023-24;
9 (C) FOUR CENTS PER GALLON FOR STATE FISCAL YEAR 2024-25;
10 (D) FIVE CENTS PER GALLON FOR STATE FISCAL YEAR 2025-26;
11 (E) SIX CENTS PER GALLON FOR STATE FISCAL YEAR 2026-27;
12 (F) SEVEN CENTS PER GALLON FOR STATE FISCAL YEAR 2027-28;

13 AND

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

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

21 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
22 2030, ADJUSTED FOR INFLATION; AND

23 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF
24 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
25 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,
26 2030.

27 (III) AN ADJUSTMENT FOR INFLATION SHALL BE MADE PURSUANT

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

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

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

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

24 AND

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

27 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b)(III) OF

1 THIS SECTION, THE AMOUNT OF THE ROAD USAGE FEE FOR EACH GALLON
2 OF SPECIAL FUEL ACQUIRED, SOLD, OFFERED FOR SALE, OR USED IN THIS
3 STATE DURING STATE FISCAL YEAR 2032-33 OR DURING ANY SUBSEQUENT
4 STATE FISCAL YEAR IS THE SUM OF:

5 (A) THE NOMINAL AMOUNT OF EIGHT CENTS ON DECEMBER 31,
6 2030, ADJUSTED FOR INFLATION; AND

7 (B) THE DIFFERENCE BETWEEN THE NOMINAL AMOUNT OF
8 TWENTY-TWO CENTS ON DECEMBER 31, 2030, ADJUSTED FOR INFLATION,
9 AND THE NOMINAL AMOUNT OF TWENTY-TWO CENTS ON DECEMBER 31,
10 2030.

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

18 (5) EACH DISTRIBUTOR OF SPECIAL FUEL THAT PAYS THE EXCISE
19 TAX IMPOSED ON SPECIAL FUEL SHALL ALSO PAY, AT THE SAME TIME AND
20 IN THE SAME MANNER AS THE EXCISE TAX AND THE ROAD USAGE FEE
21 IMPOSED PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS SECTION, A
22 BRIDGE AND TUNNEL IMPACT FEE IN THE AMOUNT IMPOSED BY THE
23 STATEWIDE BRIDGE AND TUNNEL ENTERPRISE AS AUTHORIZED BY SECTION
24 43-4-805 (5)(g.5). THE COLLECTION AND ADMINISTRATION OF THE BRIDGE
25 AND TUNNEL IMPACT FEE BY THE DEPARTMENT OF REVENUE ON BEHALF OF
26 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE IS DONE ON BEHALF OF
27 THE ENTERPRISE FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR

1 DISTRIBUTORS AND ADMINISTRATIVE COSTS FOR THE STATE, AND ALL
2 BRIDGE AND TUNNEL IMPACT FEE REVENUE IS REVENUE OF THE
3 ENTERPRISE ONLY AND IS EXCLUDED FROM STATE FISCAL YEAR SPENDING,
4 AS DEFINED IN SECTION 24-77-102 (17).

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

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

19 (c) THE BURDEN OF PROVING THAT GASOLINE OR SPECIAL FUEL IS
20 NOT SUBJECT TO THE ROAD USAGE FEE IMPOSED BY SUBSECTION (3) OR (4)
21 OF THIS SECTION OR THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS
22 AUTHORIZED BY SECTION 43-4-805 (5)(g.5) IS ON THE DISTRIBUTOR UNDER
23 SUCH REASONABLE REQUIREMENTS OF PROOF AS THE EXECUTIVE
24 DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PRESCRIBE.

25 (6) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
26 THE ROAD USAGE FEES IMPOSED BY SUBSECTION (3) OR (4) OF THIS
27 SECTION, AND THE BRIDGE AND TUNNEL IMPACT FEE IMPOSED AS

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

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

25 **43-4-218. Additional funding - retail delivery fee -**
26 **simultaneous collection of enterprise fees - legislative declaration -**
27 **definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES

1 THAT:

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

5 (b) THE WORLD ECONOMIC FORUM ESTIMATES THAT BY 2030
6 THERE WILL BE OVER THIRTY PERCENT MORE DELIVERY VEHICLES ON
7 ROADS TO DELIVER SEVENTY-EIGHT PERCENT MORE PACKAGES, WHICH
8 WILL INCREASE USAGE OF THE HIGHWAYS, ROADS, AND STREETS OF THE
9 STATE BY MOTOR VEHICLES USED TO MAKE RETAIL DELIVERIES AND
10 INCREASE TRAFFIC CONGESTION AND RETAIL DELIVERY RELATED
11 EMISSIONS.

12 (c) THIS ADDITIONAL USAGE HAS ACCELERATED AND IS EXPECTED
13 TO CONTINUE TO ACCELERATE DETERIORATION OF SURFACE
14 TRANSPORTATION SYSTEM INFRASTRUCTURE, AND HAS REQUIRED AND IS
15 EXPECTED TO CONTINUE TO REQUIRE THE STATE, COUNTIES, AND
16 MUNICIPALITIES TO PERFORM MORE MAINTENANCE AND RECONSTRUCTION
17 OF STATE HIGHWAYS, COUNTY ROADS, AND CITY STREETS;

18 (d) THIS ADDITIONAL USAGE HAS ALSO INCREASED AND IS
19 EXPECTED TO CONTINUE TO INCREASE MOTOR VEHICLE RELATED
20 EMISSIONS OF AIR POLLUTANTS, INCLUDING GROUND LEVEL OZONE,
21 PARTICULATE MATTER POLLUTANTS, OTHER HAZARDOUS AIR POLLUTANTS,
22 AND GREENHOUSE GASES, THAT CONTRIBUTE TO ADVERSE
23 ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT LIMITED TO CLIMATE
24 CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS;

25 (e) IT IS THEREFORE NECESSARY AND APPROPRIATE:

26 (I) TO IMPOSE A RETAIL DELIVERY FEE AS SPECIFIED IN THIS
27 SECTION AND TO CREDIT THE PROCEEDS OF THE FEE TO THE HIGHWAY

1 USERS TAX FUND CREATED IN SECTION 43-4-201 FOR ALLOCATION TO THE
2 STATE, COUNTIES, AND MUNICIPALITIES AND TO THE MULTIMODAL
3 TRANSPORTATION AND MITIGATION OPTIONS FUND CREATED IN SECTION
4 43-4-1103 (1)(a);

5 (II) (A) TO AUTHORIZE THE COMMUNITY ACCESS ENTERPRISE
6 CREATED IN SECTION 24-38.5-303 (1) TO IMPOSE A COMMUNITY ACCESS
7 RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 24-38.5-303 (7),
8 AUTHORIZE THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
9 25-7.5-103 (1)(a) TO IMPOSE A CLEAN FLEET RETAIL DELIVERY FEE AS
10 SPECIFIED IN SECTION 25-7.5-103 (8), AUTHORIZE THE STATEWIDE BRIDGE
11 AND TUNNEL ENTERPRISE CREATED IN SECTION 43-4-805 (2)(a)(I) TO
12 IMPOSE A BRIDGE AND TUNNEL RETAIL DELIVERY FEE AS SPECIFIED IN
13 SECTION 43-4-805 (5)(g.7), AUTHORIZE THE CLEAN TRANSIT ENTERPRISE
14 CREATED IN SECTION 43-4-1203 (1)(a) TO IMPOSE A CLEAN TRANSIT RETAIL
15 DELIVERY FEE AS SPECIFIED IN SECTION 43-4-1203 (7), AND AUTHORIZE
16 THE NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE
17 CREATED IN SECTION 43-4-1303 (1)(a) TO IMPOSE AN AIR POLLUTION
18 MITIGATION RETAIL DELIVERY FEE AS SPECIFIED IN SECTION 43-1-1303 (8)
19 TO HELP FUND THE ENTERPRISES' PURSUIT OF THEIR RESPECTIVE BUSINESS
20 PURPOSES; AND

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

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

2 REQUIRES:

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

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

10 (III) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED BY
11 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION
12 43-4-805 (2)(a)(I) AS SPECIFIED IN SECTION 43-4-805 (5)(g.7);

13 (IV) The clean transit retail delivery fee imposed by the clean
14 transit enterprise created in section 43-4-1203 (1)(a) AS SPECIFIED IN
15 SECTION 43-4-1203 (7); AND

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

20 (b) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
21 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
22 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
23 DENVER-AURORA-LAKWOOD FOR ALL ITEMS AND ALL URBAN
24 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
25 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE THE
26 CALENDAR YEAR IN WHICH A STATE FISCAL YEAR FOR WHICH AN
27 INFLATION ADJUSTMENT TO THE RETAIL DELIVERY FEE IMPOSED BY

1 SUBSECTION (3) OF THIS SECTION IS TO BE MADE BEGINS.

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

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

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

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

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

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

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

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

27 (h) "TANGIBLE PERSONAL PROPERTY" HAS THE MEANING SET FORTH

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

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

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

26 (II) THE DEPARTMENT OF REVENUE SHALL ADJUST THE AMOUNT OF
27 THE RETAIL DELIVERY FEE FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL

1 PROPERTY PURCHASED DURING A STATE FISCAL YEAR ONLY IF INFLATION
2 IS POSITIVE AND CUMULATIVE INFLATION FROM THE TIME OF THE LAST
3 ADJUSTMENT IN THE AMOUNT OF THE RETAIL DELIVERY FEE, WHEN
4 APPLIED TO THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL
5 CURRENT ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE
6 NEAREST WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE
7 WHOLE CENT IN THE TOTAL AMOUNT OF THE RETAIL DELIVERY FEE AND
8 ALL ENTERPRISE RETAIL DELIVERY FEES IMPOSED ON EACH RETAIL
9 DELIVERY. THE AMOUNT OF CUMULATIVE INFLATION TO BE APPLIED TO
10 THE SUM OF THE CURRENT RETAIL DELIVERY FEE AND ALL CURRENT
11 ENTERPRISE RETAIL DELIVERY FEES AND ROUNDED TO THE NEAREST
12 WHOLE CENT IS THE LESSER OF ACTUAL CUMULATIVE INFLATION OR FIVE
13 PERCENT.

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

21 (4) (a) FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR
22 RETAILERS AND ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT
23 OF REVENUE SHALL, WHEN IT COLLECTS THE RETAIL DELIVERY FEE
24 IMPOSED BY SUBSECTION (3) OF THIS SECTION, ALSO COLLECT ON BEHALF
25 OF THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION 24-38.5-303
26 (1), THE CLEAN FLEET ENTERPRISE CREATED IN SECTION 25-7.5-103 (1)(a),
27 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE CREATED IN SECTION

1 43-4-805 (2)(a)(I), THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
2 43-1-1203 (1)(a), AND THE NONATTAINMENT AREA AIR POLLUTION
3 MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a), THE
4 ENTERPRISE RETAIL DELIVERY FEES.

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

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

22 (I) SEVENTY-ONE AND ONE-TENTH PERCENT SHALL BE CREDITED
23 TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 AND
24 ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE,
25 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205 (6.8);
26 AND

27 (II) TWENTY-EIGHT AND NINE-TENTHS PERCENT SHALL BE

1 CREDITED TO THE MULTIMODAL TRANSPORTATION AND MITIGATION
2 OPTIONS FUND CREATED IN SECTION 43-4-1103 (1)(a);

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

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

9 (II) ALL NET CLEAN FLEET RETAIL DELIVERY FEE REVENUE SHALL
10 BE CREDITED TO THE CLEAN FLEET ENTERPRISE FUND CREATED IN SECTION
11 25-7.5-103 (5);

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

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

18 (V) ALL NET AIR POLLUTION MITIGATION RETAIL DELIVERY FEE
19 REVENUE SHALL BE CREDITED TO THE NONATTAINMENT AREA AIR
20 POLLUTION MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303
21 (5).

22 (6) (a) EXCEPT TO THE EXTENT OTHERWISE AUTHORIZED OR
23 REQUIRED BY THE DEPARTMENT OF REVENUE PURSUANT TO SUBSECTION
24 (6)(d) OF THIS SECTION WITH RESPECT TO THE TIMING OF THE REMITTANCE
25 OF FEES TO THE DEPARTMENT, THE COLLECTION, ADMINISTRATION, AND
26 ENFORCEMENT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)
27 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES SHALL BE

1 PERFORMED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
2 REVENUE IN THE SAME MANNER AS THE COLLECTION, ADMINISTRATION,
3 AND ENFORCEMENT OF STATE SALES TAX PURSUANT TO ARTICLE 26 OF
4 TITLE 39.

5 (b) EVERY RETAILER WHO MAKES A RETAIL DELIVERY SHALL ADD
6 THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3) OF THIS SECTION
7 AND THE ENTERPRISE RETAIL DELIVERY FEES TO THE PRICE OR CHARGE FOR
8 THE RETAIL DELIVERY SHOWING THE TOTAL OF THE FEES AS ONE ITEM
9 CALLED "RETAIL DELIVERY FEES" THAT IS SEPARATE AND DISTINCT FROM
10 THE PRICE AND ANY OTHER TAXES OR FEES IMPOSED ON THE RETAIL
11 DELIVERY. WHEN ADDED, THE FEES CONSTITUTE A PART OF THE RETAIL
12 DELIVERY PRICE OR CHARGE, ARE A DEBT FROM THE PURCHASER TO THE
13 RETAILER UNTIL PAID AND ARE RECOVERABLE AT LAW IN THE SAME
14 MANNER AS OTHER DEBTS.

15 (c) EVERY RETAILER WHO MAKES A RETAIL DELIVERY IS LIABLE
16 AND RESPONSIBLE FOR THE PAYMENT OF AN AMOUNT EQUIVALENT TO THE
17 TOTAL AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SUBSECTION (3)
18 OF THIS SECTION AND THE ENTERPRISE RETAIL DELIVERY FEES FOR EACH
19 RETAIL DELIVERY MADE IRRESPECTIVE OF THE REQUIREMENTS OF
20 SUBSECTION (6)(b) OF THIS SECTION. THE BURDEN OF PROVING THAT A
21 RETAILER IS EXEMPT FROM COLLECTING THE FEES ON ANY RETAIL
22 DELIVERY AND PAYING THE FEES TO THE EXECUTIVE DIRECTOR OF THE
23 DEPARTMENT OF REVENUE IS ON THE RETAILER UNDER SUCH REASONABLE
24 REQUIREMENTS OF PROOF AS THE EXECUTIVE DIRECTOR MAY PRESCRIBE.
25 THE RETAILER IS ENTITLED, AS COLLECTING AGENT FOR THE STATE, TO
26 APPLY AND CREDIT THE AMOUNT OF THE RETAILER'S COLLECTIONS
27 AGAINST THE AMOUNT TO BE PAID PURSUANT TO THIS SUBSECTION (6)(c).

25 **SECTION 31.** In Colorado Revised Statutes, 43-4-602, amend
26 (1.5), (2), and (12.5); and **add** (3.5) and (19) as follows:

27 **43-4-602. Definitions.** As used in this part 6, unless the context

1 otherwise requires:

2 (1.5) "Authority" means a body corporate and political subdivision
3 of the state created pursuant to this part 6 OR A TRANSPORTATION
4 PLANNING ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
5 AUTHORIZED BY SECTION 43-4-622.

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

9 (3.5) "BOUNDARIES OF THE AUTHORITY" MEANS THE BOUNDARIES
10 SPECIFIED IN THE CONTRACT CREATING THE AUTHORITY, AS MAY BE
11 CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2), OR THE
12 BOUNDARIES OF THE TERRITORY IN WHICH A TRANSPORTATION PLANNING
13 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
14 AUTHORITY AS SPECIFIED IN THE RESOLUTION AUTHORIZING THE
15 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
16 AN AUTHORITY ADOPTED BY THE BOARD OF THE TRANSPORTATION
17 PLANNING ORGANIZATION AS AUTHORIZED BY SECTION 43-4-622, AS MAY
18 BE CHANGED IN THE MANNER PROVIDED IN SECTION 43-4-605 (2).

19 (12.5) "Region" means all of the territory within the boundaries
20 of, and subject to the jurisdiction of, the governing body of any member
21 of a combination that creates an authority pursuant to section 43-4-603 OR
22 THE GOVERNING BODY OF ANY MEMBER OF A TRANSPORTATION PLANNING
23 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
24 AUTHORIZED BY SECTION 43-4-622.

25 (19) "TRANSPORTATION PLANNING ORGANIZATION" MEANS A
26 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION
27 43-1-1102 (4), OR A RURAL TRANSPORTATION PLANNING ORGANIZATION

1 RESPONSIBLE FOR TRANSPORTATION PLANNING FOR A TRANSPORTATION
2 PLANNING REGION, AS DEFINED IN SECTION 43-1-1102 (8).

3 **SECTION 32.** In Colorado Revised Statutes, 43-4-603, **amend**
4 (1), (1.5), and (3); and **add** (2.5) as follows:

5 **43-4-603. Creation of authorities - exercise of powers of an**
6 **authority by transportation planning organization.** (1) Any
7 combination may create, by contract, an authority that is authorized to
8 exercise the functions conferred by ~~the provisions of~~ this part 6 upon the
9 issuance by the director of the division of a certificate stating that the
10 authority has been duly organized according to the laws of the state. IN
11 ADDITION, ANY TRANSPORTATION PLANNING ORGANIZATION MAY ADOPT
12 A RESOLUTION AUTHORIZING IT TO EXERCISE THE POWERS OF AN
13 AUTHORITY AS AUTHORIZED BY SECTION 43-4-622 UPON THE ISSUANCE BY
14 THE DIRECTOR OF THE DIVISION OF A CERTIFICATE STATING THAT THE
15 TRANSPORTATION PLANNING ORGANIZATION HAS BEEN DULY AUTHORIZED
16 TO EXERCISE THE POWERS OF AN AUTHORITY ACCORDING TO THE LAWS OF
17 THE STATE. The combination joining in the creation of the authority OR
18 THE TRANSPORTATION PLANNING ORGANIZATION ADOPTING A RESOLUTION
19 AUTHORIZING IT TO EXERCISE THE POWERS OF AN AUTHORITY shall
20 provide a copy of the contract OR RESOLUTION to the department of
21 transportation for comment and, if the territory of the proposed authority
22 OR THE TERRITORY IN WHICH THE TRANSPORTATION PLANNING
23 ORGANIZATION IS AUTHORIZED TO EXERCISE THE POWERS OF AN
24 AUTHORITY includes or borders any territory of the regional transportation
25 district created in article 9 of title 32 C.R.S., or intersects with or is likely
26 to divert vehicle traffic to or from a toll highway operated by a public
27 highway authority established under part 5 of this ~~article~~ ARTICLE 4, shall

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

(1.5) ~~On and after January 1, 2006, If, after reviewing a contract that creates an authority OR A RESOLUTION AUTHORIZING A TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY provided pursuant to subsection (1) of this section, but in no event more than ninety days after a copy of the contract OR RESOLUTION is provided pursuant to subsection (1) of this section, the department of transportation, the regional transportation district created in article 9 of title 32, E.R.S., a bordering county or municipality, or a public highway authority established under part 5 of this article ARTICLE 4, OR, WITH RESPECT TO A RESOLUTION ONLY, AN EXISTING AUTHORITY, informs the combination that executed the contract OR THE TRANSPORTATION PLANNING ORGANIZATION THAT ADOPTED THE RESOLUTION that any portions of the regional transportation systems to be provided by the proposed authority that involve road construction or improvement, as specified in the contract OR RESOLUTION pursuant to paragraph (a) of subsection (2) of this section SUBSECTION (2)(a) OF THIS SECTION, and that are on, alter the physical structure of, or negatively impact safe operation of any highway, road, or street under its jurisdiction or will provide mass transportation services that impact the district, then, at the request of the affected entity, the combination OR THE TRANSPORTATION PLANNING ORGANIZATION shall enter into an intergovernmental agreement concerning the identified portions or mass transportation services with the department, the district, the bordering county or municipality, the public highway authority, THE EXISTING AUTHORITY, or any combination thereof, as applicable, within one hundred eighty days after a copy of the contract OR RESOLUTION was provided, or eliminate those portions or services from the list of projects~~

1 specified in the contract before it submits the contract to a vote of the
2 registered electors residing within the boundaries of the proposed
3 authority as required by subsection (4) of this section, OR AMEND OR
4 REPLACE THE RESOLUTION TO ELIMINATE THOSE PORTIONS OR SERVICES
5 FROM THE LIST OF PROJECTS SPECIFIED IN THE RESOLUTION. When
6 requesting that an intergovernmental agreement be entered into or that
7 portions of a regional transportation system be eliminated due to a
8 negative impact to safe operation of a highway, road, or street, the
9 requesting entity shall provide, at the time of the request, evidence of the
10 negative impact. The intergovernmental agreement shall specify whatever
11 terms the combination OR TRANSPORTATION PLANNING ORGANIZATION
12 and the affected entity or entities deem necessary to avoid duplication of
13 effort and to ensure coordinated transportation planning, efficient
14 allocation of resources, and equitable sharing of costs. If the department
15 is a party to the intergovernmental agreement, the agreement shall also
16 describe in detail any effect on department funding of any portion of the
17 state highway system within the proposed region that is expected to result
18 from the creation of the proposed authority OR THE EXERCISE OF THE
19 POWER OF AN AUTHORITY BY THE TRANSPORTATION PLANNING
20 ORGANIZATION. Nothing in this subsection (1.5) shall be construed to
21 preclude a combination, ~~or any~~ authority, OR TRANSPORTATION PLANNING
22 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY from entering
23 into an intergovernmental agreement with the department, the district, a
24 public highway authority, a bordering county or municipality, or any other
25 governmental entity regarding any regional transportation system.

26 (2.5) A RESOLUTION AUTHORIZING A TRANSPORTATION PLANNING
27 ORGANIZATION TO EXERCISE THE POWERS OF AN AUTHORITY ADOPTED AS

1 AUTHORIZED BY SECTION 43-4-622 MUST SPECIFY:

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

3 AND

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

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

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

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

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

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

24 (VI) TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF
25 A COUNTY THAT IS NOT A MEMBER OF THE TRANSPORTATION PLANNING
26 ORGANIZATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY
27 EXIST ON THE DATE THE RESOLUTION IS ADOPTED WITHOUT THE CONSENT

1 OF THE GOVERNING BODY OF THE COUNTY.

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

14 **SECTION 33.** In Colorado Revised Statutes, 43-4-604, **amend**
15 (3)(i) as follows:

16 **43-4-604. Board of directors.** (3) The board, in addition to all
17 other powers conferred by this part 6, has the following powers:

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

25 **SECTION 34.** In Colorado Revised Statutes, 43-4-605, **amend**
26 (1) introductory portion, (1)(f), (1)(i), (1)(i.5)(I) introductory portion,
27 (1)(j)(I), and (2)(a) as follows:

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

6 (f) To finance, construct, operate, or maintain regional
7 transportation systems within or without the boundaries of the authority;
8 except that the authority shall not construct regional transportation
9 systems in any territory located outside the boundaries of the authority
10 and within the boundaries of a municipality as the boundaries of the
11 municipality exist on the date the authority is created without the consent
12 of the governing body of the municipality; outside the boundaries of the
13 authority and within the unincorporated boundaries of a county as the
14 unincorporated boundaries of the county exist on the date the authority is
15 created without the consent of the governing body of the county; or inside
16 or outside the boundaries of the authority if the regional transportation
17 systems would alter the state highway system, as defined in section
18 43-2-101 (1), or the interstate system, as defined in section 43-2-101 (2),
19 except as authorized by an intergovernmental agreement entered into by
20 the members of the combination that created the authority OR THE
21 TRANSPORTATION PLANNING ORGANIZATION EXERCISING THE POWERS OF
22 AN AUTHORITY and the department of transportation as required by
23 section 43-4-603 (1.5);

24 (i) To impose an annual motor vehicle registration fee of not more
25 than ten dollars for each motor vehicle registered with the authorized
26 agent, as defined in section 42-1-102, of the county by persons residing
27 in all or any designated portion of the members of the combination OR OF

1 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION
2 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
3 43-4-622; except that the authority shall not impose a motor registration
4 fee with respect to motor vehicles registered to persons residing outside
5 the boundaries of the authority and within the boundaries of a
6 municipality as the boundaries of the municipality exist on the date the
7 authority is created OR THE RESOLUTION AUTHORIZING THE
8 TRANSPORTATION PLANNING ORGANIZATION TO EXERCISE THE POWERS OF
9 AN AUTHORITY IS ADOPTED without the consent of the governing body of
10 the municipality or outside the boundaries of the authority and within the
11 unincorporated boundaries of a county as the unincorporated boundaries
12 of the county exist on the date the authority is created without the consent
13 of the governing body of the county. The registration fee is in addition to
14 any fee or tax imposed by the state or any other governmental unit. If a
15 motor vehicle is registered in a county that is a member of more than one
16 authority, the total of all fees imposed pursuant to this subsection (1)(i)
17 for ~~any such~~ THE motor vehicle shall not exceed ten dollars. The
18 authorized agent of the county in which the registration fee is imposed
19 shall collect the fee and remit the fee to the authority. The authority shall
20 apply the registration fees solely to the financing, construction, operation,
21 or maintenance of regional transportation systems that are consistent with
22 the expenditures specified in section 18 of article X of the state
23 constitution.

24 (i.5) (I) Subject to the provisions of section 43-4-612, to impose,
25 in all or any designated portion of the members of the combination OR OF
26 THE MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION
27 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION

1 43-4-622, a visitor benefit tax on persons who purchase overnight rooms
2 or accommodations in any amount that would not cause the aggregate
3 amount of the visitor benefit tax and any lodging tax imposed on such
4 overnight rooms or accommodations to exceed two percent of the price
5 of such overnight rooms or accommodations; except that the authority
6 shall not impose ~~any such~~ a visitor benefit tax on overnight rooms or
7 accommodations that are in any territory:

8 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all
9 or any designated portion of the members of the combination OR OF THE
10 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION EXERCISING
11 THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION 43-4-622, a
12 sales or use tax, or both, at a rate not to exceed one percent upon every
13 transaction or other incident with respect to which a sales or use tax is
14 levied by the state; except that, ~~on and after January 1, 2006~~, if the
15 authority includes territory that is within the regional transportation
16 district created and existing pursuant to article 9 of title 32, E.R.S., a
17 designated portion of the members of the combination OR OF THE
18 MEMBERS OF THE TRANSPORTATION PLANNING ORGANIZATION in which
19 a new tax is levied ~~shall~~ MUST be composed of entire territories of
20 members of the combination OR OF THE MEMBERS OF THE
21 TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
22 imposed pursuant to this part 6 within the territory of any single member
23 of the combination OR OF THE MEMBERS OF THE TRANSPORTATION
24 PLANNING ORGANIZATION is uniform and except that the authority shall
25 not levy a sales or use tax on any transaction or other incident occurring
26 in any territory located outside the boundaries of the authority and within
27 the boundaries of a municipality as the boundaries of the municipality

1 exist on the date the authority is created without the consent of the
2 governing body of the municipality or outside the boundaries of the
3 authority and within the unincorporated boundaries of a county as the
4 unincorporated boundaries exist on the date the authority is created
5 without the consent of the governing body of the county. Subject to the
6 provisions of section 43-4-612, the authority may elect to levy any such
7 sales or use tax at different rates in different designated portions of the
8 members of the combination OR OF THE MEMBERS OF THE
9 TRANSPORTATION PLANNING ORGANIZATION; except that, ~~on and after~~
10 ~~January 1, 2006~~, if the authority includes territory that is within the
11 regional transportation district, a designated portion of the members of
12 the combination OR OF THE MEMBERS OF THE TRANSPORTATION PLANNING
13 ORGANIZATION in which a new tax is levied ~~shall~~ MUST be composed of
14 entire territories of members of the combination OR OF THE MEMBERS OF
15 THE TRANSPORTATION PLANNING ORGANIZATION so that the rate of tax
16 imposed pursuant to this part 6 within the territory of any single member
17 of the combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
18 is uniform. If the authority so elects, it shall submit a single ballot
19 question that lists all of the different rates to the registered electors of all
20 designated portions of the members of the combination OR OF THE
21 TRANSPORTATION PLANNING ORGANIZATION in which the proposed sales
22 or use tax is to be levied. The tax imposed pursuant to this ~~paragraph (j)~~
23 SUBSECTION (1)(j) is in addition to any other sales or use tax imposed
24 pursuant to law. If a member of the combination OR OF THE
25 TRANSPORTATION PLANNING ORGANIZATION is located within more than
26 one authority, the sales or use tax, or both, authorized by this ~~paragraph~~
27 ~~(j)~~ SUBSECTION (1)(j) shall not exceed one percent upon every transaction

1 or other incident with respect to which a sales or use tax is levied by the
2 state. The executive director of the department of revenue shall collect,
3 administer, and enforce the sales or use tax, to the extent feasible, in the
4 manner provided in section 29-2-106. ~~E.R.S.~~ The director shall make
5 monthly distributions of the tax collections to the authority, which shall
6 apply the proceeds solely to the financing, construction, operation, or
7 maintenance of regional transportation systems. The department shall
8 retain an amount not to exceed the ~~net incremental~~ TOTAL cost of the
9 collection, administration, and enforcement and shall transmit the amount
10 to the state treasurer, who shall credit the same to the regional
11 transportation authority sales tax fund, which fund is hereby created. The
12 amounts so retained are hereby appropriated annually from the fund to the
13 department to the extent necessary for the department's collection,
14 administration, and enforcement of ~~the provisions of~~ this part 6. Any
15 ~~moneys~~ MONEY remaining in the fund attributable to taxes collected in the
16 prior fiscal year shall be transmitted to the authority; except that, prior to
17 the transmission to the authority of such ~~moneys~~ MONEY, any ~~moneys~~
18 MONEY appropriated from the general fund to the department for the
19 collection, administration, and enforcement of the tax for the prior fiscal
20 year shall be repaid.

21 (2) (a) The board may include property within or exclude property
22 from the boundaries of the authority in the manner provided in this
23 subsection (2). Property may not be included within the boundaries of the
24 authority unless it is within the boundaries of the members of the
25 combination OR OF THE TRANSPORTATION PLANNING ORGANIZATION
26 EXERCISING THE POWERS OF AN AUTHORITY AS AUTHORIZED BY SECTION
27 43-4-622 at the time of the inclusion. Property located within the

1 boundaries of a municipality that is not a member of the combination OR
2 OF THE TRANSPORTATION PLANNING ORGANIZATION as the boundaries of
3 the municipality exist on the date the property is included may not be
4 included without the consent of the governing body of ~~such~~ THE
5 municipality, and property within the unincorporated boundaries of a
6 county that is not a member of the combination OR OF THE
7 TRANSPORTATION PLANNING ORGANIZATION as the unincorporated
8 boundaries of the county exist on the date the property is included may
9 not be included without the consent of the governing body of ~~such~~ THE
10 county.

11 **SECTION 35.** In Colorado Revised Statutes, 43-4-611, **amend**
12 (2) as follows:

13 **43-4-611. Powers of governmental units.** (2) To assist in the
14 financing, construction, operation, or maintenance of a regional
15 transportation system, any county, municipality, or special district that is
16 a member of a combination OR OF A TRANSPORTATION PLANNING
17 ORGANIZATION EXERCISING THE POWERS OF AN AUTHORITY AS
18 AUTHORIZED BY SECTION 43-4-622 may, by contract, pledge to the
19 authority all or a portion of the revenues it receives from the highway
20 users tax fund or from any other legally available funds. The authority
21 shall apply revenues that it receives pursuant to the pledge to the
22 financing, construction, operation, or maintenance of any regional
23 transportation system. The authority may refuse to accept any revenues
24 that would cause a member of the combination OR OF THE
25 TRANSPORTATION PLANNING ORGANIZATION to exceed its allowable fiscal
26 year spending under section 20 of article X of the state constitution and
27 that could result in a refund of excess revenues under said section 20.

1 **SECTION 36.** In Colorado Revised Statutes, 43-4-612, **amend**

2 (1) as follows:

3 **43-4-612. Referendum.** (1) (a) No action by an authority to
4 establish or increase any tax authorized by this part 6 shall take effect
5 unless first submitted to a vote of the registered electors of that portion of
6 the combination OR THAT PORTION OF THE TERRITORY IN WHICH A
7 TRANSPORTATION PLANNING ORGANIZATION IS AUTHORIZED TO EXERCISE
8 THE POWERS OF AN AUTHORITY in which the tax is proposed to be
9 collected.

10 (b) THE EFFECTIVE DATE OF ANY SALES OR USE TAX ADOPTED
11 UNDER THIS PART 6 MUST BE EITHER JANUARY 1 OR JULY 1 FOLLOWING
12 THE DATE OF THE ELECTION IN WHICH THE SALES OR USE TAX IS APPROVED,
13 AND THE BOARD SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE
14 DEPARTMENT OF REVENUE OF THE ADOPTION OF A SALES OR USE TAX
15 PROPOSAL AT LEAST FORTY-FIVE DAYS PRIOR TO THE EFFECTIVE DATE OF
16 THE TAX. IF A SALES OR USE TAX PROPOSAL IS APPROVED AT AN ELECTION
17 HELD LESS THAN FORTY-FIVE DAYS PRIOR TO THE JANUARY 1 OR JULY 1
18 FOLLOWING THE DATE OF THE ELECTION, THE TAX SHALL NOT BE
19 EFFECTIVE UNTIL THE NEXT SUCCEEDING JANUARY 1 OR JULY 1.

20 **SECTION 37.** In Colorado Revised Statutes, **amend** 43-4-615 as
21 follows:

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

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

9 **SECTION 38.** In Colorado Revised Statutes, **add** 43-4-622 as
10 follows:

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

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

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

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

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

27 (d) THE LIMITATIONS ON THE BOARD DELEGATING CERTAIN

1 POWERS SET FORTH IN SECTION 43-4-604 (1);

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

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

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

10 (3) BEFORE COMMENCING CONSTRUCTION OF A REGIONAL
11 TRANSPORTATION SYSTEM, A TRANSPORTATION PLANNING ORGANIZATION
12 EXERCISING THE POWERS OF AN AUTHORITY SHALL ANALYZE AND
13 DOCUMENT TO THE DEPARTMENT OF TRANSPORTATION THE SYSTEM'S
14 ANTICIPATED IMPACTS ON THE ACHIEVEMENT OF THE STATE GREENHOUSE
15 GAS POLLUTION GOALS SET FORTH IN SECTION 25-7-102 (2)(g) AND ON
16 COMPLIANCE WITH APPLICABLE STANDARDS UNDER THE ATTAINMENT
17 PROGRAM CREATED AND DEVELOPED PURSUANT TO PART 3 OF ARTICLE 7
18 OF TITLE 25. UPON THE REQUEST OF A RURAL TRANSPORTATION PLANNING
19 ORGANIZATION, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE
20 TECHNICAL ASSISTANCE TO FACILITATE THE COMPLETION OF THE
21 ANALYSIS.

22 (4) NOTWITHSTANDING ANY PROVISION OF THIS PART 6 TO THE
23 CONTRARY, A TRANSPORTATION PLANNING ORGANIZATION MAY NOT
24 EXERCISE ANY OF THE POWERS OF AN AUTHORITY WITHIN THE BOUNDARIES
25 OF AN EXISTING AUTHORITY WITHOUT THE PRIOR APPROVAL OF THE BOARD
26 OF THE EXISTING AUTHORITY BY ADOPTION OF A RESOLUTION BY THE
27 AFFIRMATIVE VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE

1 BOARD. THE BOARD OF THE EXISTING AUTHORITY SHALL FILE ANY SUCH
2 RESOLUTION ADOPTED WITH THE DIRECTOR OF THE DIVISION. THE
3 DIRECTOR OF THE DIVISION SHALL NOT ISSUE THE CERTIFICATE REQUIRED
4 BY SECTION 43-4-603 (1) TO A TRANSPORTATION PLANNING
5 ORGANIZATION, IF THE TRANSPORTATION PLANNING ORGANIZATION IS
6 ATTEMPTING TO EXERCISE THE POWERS OF AN AUTHORITY WITHIN THE
7 BOUNDARIES OF AN EXISTING AUTHORITY WITHOUT THE EXISTING
8 AUTHORITY'S DULY ADOPTED AND FILED RESOLUTION OF APPROVAL.

9 **SECTION 39.** In Colorado Revised Statutes, 43-4-705, **repeal**
10 (2)(a)(II.5) and (13)(b) as follows:

11 **43-4-705. Revenue anticipation notes - ballot issue - repeal.**
12 (2) (a) Subject to the provisions of this subsection (2), the principal of
13 and interest on revenue anticipation notes and any costs associated with
14 the issuance and administration of such notes shall be payable solely
15 from:

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

18 (13) (b) ~~(f)~~ Subject to voter approval of the ballot issue submitted
19 at the November 2021 statewide election pursuant to subsection
20 (13)(b)(III) of this section and the repayment funding commitment
21 requirement specified in subsection (13)(b)(II) of this section, the
22 executive director shall issue additional transportation revenue
23 anticipation notes in a maximum amount of one billion three hundred
24 thirty-seven million dollars and with a maximum repayment cost of one
25 billion eight hundred sixty-five million dollars. The maximum repayment
26 term for any notes issued pursuant to this subsection (13)(b) is twenty
27 years, and the certificate, trust indenture, or other instrument authorizing

1 their issuance shall provide that the state may pay the notes in full without
2 penalty no later than ten years following the date of issuance.

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

16 (III) The secretary of state shall submit to the registered electors
17 of the state for their approval or rejection at the November 2021 statewide
18 election the following ballot issue: "Shall state of Colorado debt be
19 increased \$1,337,000,000, with a maximum repayment cost of
20 \$1,865,000,000, without raising taxes, through the issuance of
21 transportation revenue anticipation notes for the purpose of addressing
22 critical priority transportation needs in the state by financing
23 transportation projects, shall note proceeds and investment earnings on
24 note proceeds be excluded from state fiscal year spending limits, and shall
25 the amount of lease-purchase agreements required by current law to be
26 issued for the purpose of financing transportation projects be reduced?"

27 (IV) No later than May 1, 2021, the department shall provide to

1 the director of research of the legislative council the most recent available
2 list of qualified federal aid transportation projects, including multimodal
3 capital projects, that are designated for tier 1 funding as ten-year
4 development program projects on the department's 2021 development
5 program project list and that the department will fund with proceeds of
6 any transportation revenue anticipation notes issued as authorized by this
7 subsection (13)(b). In order to fully inform the voters of the state
8 concerning the projects to be funded with proceeds of any such additional
9 transportation revenue anticipation notes before the voters vote on the
10 ballot question specified in subsection (13)(b)(III) of this section, the
11 director of research shall publish the list, including any subsequent
12 updates to the list made before final approval by the legislative council of
13 the 2021 ballot information booklet prepared pursuant to section
14 1-40-124.5, which updates the department shall expeditiously provide to
15 the director of research, in the ballot information booklet.

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

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

20 (C) This subsection (13)(b)(V) is repealed, effective January 1,
21 2022, if a majority of the electors voting on the ballot issue in subsection
22 (13)(b)(III) of this section vote "Yes/For".

23 **SECTION 40.** In Colorado Revised Statutes, 43-4-802, amend
24 (2)(c), (2)(d), (2)(f), and (3)(a) introductory portion as follows:

25 **43-4-802. Legislative declaration.**

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

27 (c) Increasing funding for designated bridge projects, TUNNEL

1 PROJECTS, and road safety projects in the short- and medium-term through
2 the imposition of bridge and road safety surcharges, A BRIDGE AND
3 TUNNEL IMPACT FEE, and other new fees at rates reasonably calculated
4 based on the benefits received by the persons paying the fees will not only
5 provide funding to complete the projects but will also accelerate the
6 state's economic recovery by increasing bridge, TUNNEL, and road
7 construction, repair, reconstruction, and maintenance activity, as well as
8 related economic activity, and by employing significant numbers of
9 Coloradans;

10 (d) The creation of a statewide bridge AND TUNNEL enterprise
11 authorized to complete designated bridge projects AND TUNNEL PROJECTS,
12 to impose a bridge safety surcharge AND A BRIDGE AND TUNNEL IMPACT
13 FEE and issue revenue bonds, and, if required approvals are obtained, to
14 contract with the state to receive one or more loans of moneys received
15 by the state under the terms of one or more lease-purchase agreements
16 authorized by this part 8 and to use the revenues generated by the bridge
17 safety surcharge AND THE BRIDGE AND TUNNEL IMPACT FEE to repay any
18 such loan or loans, will improve the safety and efficiency of the state
19 transportation system by allowing the state to accelerate the repair,
20 reconstruction, and replacement of structurally deficient, functionally
21 obsolete, and rated as poor bridges AND REPAIR, MAINTAIN, AND MORE
22 SAFELY OPERATE TUNNELS;

23 (f) Granting the bridge enterprise and the transportation enterprise
24 both responsibility for the completion, respectively, of designated bridge
25 projects AND TUNNEL PROJECTS and other important surface transportation
26 projects and the flexibility to execute their respective missions in a variety
27 of innovative ways will ensure that available resources for such projects

1 are efficiently and effectively leveraged so that both the projects and the
2 state's economic recovery can be completed as quickly as possible.

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

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

12 **SECTION 41.** In Colorado Revised Statutes, 43-4-803, **amend**
13 (4) and (7); and **add** (26.5) as follows:

14 **43-4-803. Definitions.** As used in this part 8, unless the context
15 otherwise requires: (4) "Bridge enterprise" means the statewide bridge
16 AND TUNNEL enterprise created in section 43-4-805 (2).

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

19 (26.5) "TUNNEL PROJECT" MEANS A PROJECT TO REPAIR, MAINTAIN
20 OR ENHANCE THE OPERATION OF ANY TUNNEL THAT IS PART OF THE STATE
21 HIGHWAY SYSTEM.

22 **SECTION 42.** In Colorado Revised Statutes, 43-4-804, **amend**
23 (1)(a)(I) introductory portion and (1)(b)(I); and **add** (1)(a)(VIII) and
24 (1)(b)(IV) as follows:

25 **43-4-804. Highway safety projects - surcharges and fees -**
26 **crediting of money to highway users tax fund - definition.** (1) On and
27 after July 1, 2009, the following surcharges, fees, and fines shall be

1 collected and credited to the highway users tax fund created in section
2 43-4-201 (1)(a) and allocated to the state highway fund, counties, and
3 municipalities as specified in section 43-4-205 (6.3):

4 (a) (I) A road safety surcharge, which, except as otherwise
5 provided in subsections (1)(a)(II) and (1)(a)(VI) of this section, is
6 imposed for any registration period that commences on or after July 1,
7 2009, upon the registration of any vehicle for which a registration fee
8 must be paid pursuant to ~~the provisions of~~ part 3 of article 3 of title 42.
9 Except as otherwise provided in subsections ~~(1)(a)(IV) and (1)(a)(V)~~
10 (1)(a)(IV), (1)(a)(V), AND (1)(a)(VIII) of this section, the amount of the
11 surcharge is:

12 (VIII) FOR ANY REGISTRATION PERIOD THAT BEGINS ON OR AFTER
13 JANUARY 1, 2022, 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 (III) 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.

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.

23 **SECTION 43.** 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.** (1) The general
2 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 AUTHORIZED BY SUBSECTION (5)(g.5) OF THIS SECTION, REVENUE FROM A
2 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED AS AUTHORIZED BY
3 SUBSECTION (5)(g.7) OF THIS SECTION, and any ~~moneys~~ MONEY loaned to
4 the enterprise by the state pursuant to ~~paragraph (r) of subsection (5) of~~
5 SUBSECTION (5)(r) of this section, shall be deposited into the bridge
6 special fund. The bridge enterprise board may establish separate accounts
7 within the bridge special fund as needed in connection with any specific
8 designated bridge project. The bridge enterprise also may deposit or
9 permit others to deposit other ~~moneys~~ MONEY into the bridge special fund,
10 but in no event may ~~revenues~~ REVENUE from any tax otherwise available
11 for general purposes be deposited into the bridge special fund. The state
12 treasurer, after consulting with the bridge enterprise board, shall invest
13 any ~~moneys~~ MONEY in the bridge special fund, including any surplus or
14 reserves, but excluding any proceeds from the sale of bonds or earnings
15 on such proceeds invested pursuant to section 43-4-807 (2), that are not
16 needed for immediate use. Such ~~moneys~~ MONEY may be invested in the
17 types of investments authorized in sections 24-36-109, 24-36-112, and
18 24-36-113. ~~C.R.S.~~

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

1 bridge special fund.

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

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

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

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

21 (g.7) (I) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING
22 IN STATE FISCAL YEAR 2022-23, THE BRIDGE ENTERPRISE SHALL IMPOSE,
23 AND THE DEPARTMENT OF REVENUE SHALL COLLECT ON BEHALF OF THE
24 BRIDGE ENTERPRISE, A BRIDGE AND TUNNEL RETAIL DELIVERY FEE ON
25 EACH RETAIL DELIVERY. EACH RETAILER WHO MAKES A RETAIL DELIVERY
26 SHALL ADD TO THE PRICE OF THE RETAIL DELIVERY, COLLECT FROM THE
27 PURCHASER, AND PAY TO THE DEPARTMENT OF REVENUE AT THE TIME AND

1 IN THE MANNER PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH
2 SECTION 43-4-218 (6) THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE.
3 FOR THE PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR RETAILERS AND
4 ADMINISTRATIVE COSTS FOR THE STATE, THE DEPARTMENT OF REVENUE
5 SHALL COLLECT AND ADMINISTER THE BRIDGE AND TUNNEL RETAIL
6 DELIVERY FEE ON BEHALF OF THE BRIDGE ENTERPRISE IN THE SAME
7 MANNER IN WHICH IT COLLECTS AND ADMINISTERS THE RETAIL DELIVERY
8 FEE IMPOSED BY SECTION 43-4-218 (3).

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

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

27 (B) THE BRIDGE ENTERPRISE IS AUTHORIZED TO ADJUST THE

1 AMOUNT OF THE BRIDGE AND TUNNEL RETAIL DELIVERY FEE FOR RETAIL
2 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
3 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
4 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
5 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
6 DURING THE STATE FISCAL YEAR.

7 (IV) AS USED IN THIS SUBSECTION (5)(g.7), "INFLATION" MEANS
8 THE AVERAGE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
9 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE
10 INDEX FOR DENVER-AURORA-LAKWOOD FOR ALL ITEMS AND ALL URBAN
11 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
12 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
13 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
14 BRIDGE AND TUNNEL RETAIL DELIVERY FEE IMPOSED PURSUANT TO THIS
15 SUBSECTION (5)(g.7) BEGINS.

16 (k) To prepare, or cause to be prepared, detailed plans,
17 specifications, or estimates for any designated bridge project OR TUNNEL
18 PROJECT within the state;

19 (r) (I) To contract with the state to borrow ~~moneys~~ MONEY under
20 the terms of one or more loan contracts entered into by the state and the
21 bridge enterprise pursuant to ~~subparagraph (III) of this paragraph (r)~~
22 SUBSECTION (5)(r)(III) OF THIS SECTION, to expend any ~~moneys~~ MONEY
23 borrowed from the state for the purpose of completing designated bridge
24 projects AND TUNNEL PROJECTS and for any other authorized purpose that
25 constitutes the construction, supervision, and maintenance of the public
26 highways of this state for purposes of section 18 of article X of the state
27 constitution, and to use ~~revenues~~ REVENUE generated by any bridge safety

1 surcharge, BRIDGE AND TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL
2 RETAIL DELIVERY FEE imposed pursuant to paragraph (g) of this
3 subsection (5) SUBSECTION (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION
4 and any other legally available ~~moneys~~ MONEY of the bridge enterprise to
5 repay the ~~moneys~~ MONEY borrowed and any other amounts payable under
6 the terms of the loan contract.

7 (III) (A) If the state treasurer receives a list from the governor
8 pursuant to ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II)
9 OF THIS SECTION, the state, acting by and through the state treasurer, may
10 enter into a loan contract with the bridge enterprise and may raise the
11 money needed to make a loan pursuant to the terms of the loan contract
12 by selling or leasing one or more of the state buildings or other state
13 capital facilities on the list. The state treasurer shall have sole discretion
14 to enter into a loan contract on behalf of the state and to determine the
15 amount of a loan; except that the principal amount of a loan shall not
16 exceed the maximum amount specified by the governor pursuant to
17 ~~subparagraph (H) of this paragraph (r)~~ SUBSECTION (5)(r)(II) OF THIS
18 SECTION. The state treasurer shall also have sole discretion to determine
19 the timing of the entry of the state into any loan contract or the sale or
20 lease of one or more state buildings or other state capital facilities. The
21 loan contract shall require the bridge enterprise to pledge to the state all
22 or a portion of the revenues of any bridge safety surcharge, BRIDGE AND
23 TUNNEL IMPACT FEE, OR BRIDGE AND TUNNEL RETAIL DELIVERY FEE
24 imposed pursuant to ~~paragraph (g) of this subsection (5)~~ SUBSECTION
25 (5)(g), (5)(g.5), OR (5)(g.7) OF THIS SECTION for the repayment of the loan
26 and may also require the BRIDGE enterprise to pledge to the state any other
27 legally available ~~revenues~~ REVENUE of the BRIDGE enterprise. Any loan

1 contract entered into by the state, acting by and through the state
2 treasurer, and the bridge enterprise pursuant to this ~~sub-subparagraph (A)~~
3 SUBSECTION (5)(r)(III)(A) and any pledge of ~~revenues~~ REVENUE by the
4 BRIDGE enterprise pursuant to such a loan contract shall be only for the
5 benefit of, and enforceable only by, the state and the BRIDGE enterprise.
6 Specifically, but without limiting the generality of said limitation, no such
7 loan contract or pledge shall be for the benefit of, or enforceable by, a
8 lessor under a lease-purchase agreement entered into pursuant to this
9 ~~subparagraph (III)~~ SUBSECTION (5)(r)(III), an owner of any instrument
10 evidencing rights to receive rentals or other payments made and to be
11 made under such a lease-purchase agreement as authorized by
12 ~~sub-subparagraph (B) of subparagraph (IV) of this paragraph (r)~~
13 SUBSECTION (5)(r)(IV)(B) OF THIS SECTION, a party to any ancillary
14 agreement or instrument entered into pursuant to ~~subparagraph (V) of this~~
15 ~~paragraph (r)~~ SUBSECTION (5)(r)(V) OF THIS SECTION, or a party to any
16 interest rate exchange agreement entered into pursuant to
17 ~~sub-subparagraph (A) of subparagraph (VII) of this paragraph (r)~~
18 SUBSECTION (5)(r)(VII)(A) OF THIS SECTION.

19 **SECTION 44.** In Colorado Revised Statutes, **amend** 43-4-1101
20 as follows:

21 **43-4-1101. Legislative declaration.** (1) The general assembly
22 hereby finds and declares that it is necessary, appropriate, and in the best
23 interest of the state to use a portion of the general fund money that is
24 dedicated for transportation purposes pursuant to section 24-75-219 (5)
25 to fund multimodal transportation projects and operations throughout the
26 state AND TO USE A PORTION OF THE MONEY THAT IS GENERATED BY THE
27 RETAIL DELIVERY FEE IMPOSED ON THE DELIVERY OF RETAIL GOODS

1 TRANSPORTED TO THE DELIVERY SITE BY MOTOR VEHICLE PURSUANT TO
2 SECTION 43-4-218 (3) TO FUND TRANSPORTATION RELATED GREENHOUSE
3 GAS MITIGATION EXPENSES THROUGHOUT THE STATE as authorized by this
4 part 11 because, in addition to the general benefits that it provides to all
5 Coloradans, a complete and integrated multimodal transportation system
6 THAT INCLUDES GREENHOUSE GAS MITIGATION INFRASTRUCTURE AND
7 SERVICES:

8 (a) Benefits seniors by making aging in place more feasible for
9 them;

10 (b) Benefits residents of rural areas by providing them with
11 flexible public transportation services;

12 (c) Provides enhanced mobility for persons with disabilities; **and**

13 (d) Provides safe routes to schools for children; **AND**

14 (e) REDUCES THE NEGATIVE IMPACTS OF MOTORIZED
15 TRANSPORTATION ON AIR QUALITY, THE CLIMATE, AND PUBLIC HEALTH.

16 **SECTION 45.** In Colorado Revised Statutes, 43-4-1102, **amend**
17 (4) and (5); **repeal** (1); and **add** (4.5) as follows:

18 **43-4-1102. Definitions.** As used in this part 11, unless the context
19 otherwise requires:

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

23 (4) "Fund" means the multimodal transportation AND MITIGATION
24 options fund created in section 43-4-1103 (1)(a).

25 (4.5) "GREENHOUSE GAS MITIGATION PROJECT" MEANS A PROJECT
26 THAT HELPS ACHIEVE COMPLIANCE WITH FEDERAL OR STATE LAWS OR
27 RULES THAT REGULATE TRANSPORTATION RELATED GREENHOUSE GAS

1 EMISSIONS.

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

7 **SECTION 46.** In Colorado Revised Statutes, 43-4-1103, **amend**
8 (1)(a), (2)(a)(I) introductory portion, (2)(c), (3)(a) introductory portion,
9 (3)(a)(I), and (3)(a)(II) introductory portion; **repeal** (1)(b), (2)(a)(II),
10 (2)(a)(III), and (2)(b); and **add** (2)(a)(IV) and (3)(a.5) as follows:

11 **43-4-1103. Multimodal transportation options fund - creation**
12 **- revenue sources for fund - use of fund.** (1) (a) The multimodal
13 transportation AND MITIGATION options fund is hereby created in the state
14 treasury. The fund consists of money transferred from the general fund to
15 the fund pursuant to section 24-75-219, ~~(5)(a)(III) and (5)(b)(III)~~ RETAIL
16 DELIVERY FEE REVENUE CREDITED TO THE FUND PURSUANT TO SECTION
17 43-4-218 (5)(a)(II), and any other money that the general assembly may
18 appropriate or transfer to the fund. The state treasurer shall credit all
19 interest and income derived from the deposit and investment of money in
20 the fund to the fund.

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

27 (2) (a) (I) Except as otherwise provided in subsections (2)(a)(II)

1 and (2)(a)(III) SUBSECTION (2)(a)(IV) of this section, subject to annual
2 appropriation by the general assembly, money must be expended from the
3 fund as follows:

4 (II) On July 1, 2018, the state treasurer shall transfer two million
5 five hundred thousand dollars from the fund to the fund created in section
6 43-4-1002 (1).

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

9 (IV) ON FEBRUARY 15, 2022, THE STATE TREASURER SHALL
10 TRANSFER TWO AND ONE-HALF MILLION DOLLARS TO THE FUND CREATED
11 IN SECTION 43-4-1002.

12 (b) (I) Subject to the limitations set forth in subsection (2)(b)(II)
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 (II) 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, in consultation with the transportation advisory committee
7 created in section 43-1-1104, the transit and rail advisory committee of
8 the department, transit advocacy organizations, and bicycle and pedestrian
9 advocacy organizations. Recipients shall provide a match equal to the
10 amount of the award; except that the commission may create a formula
11 for reducing or exempting the match requirement for local governments
12 or agencies due to their size or any other special circumstances AND MAY
13 ALSO, IF RECOMMENDED BY DEPARTMENT STAFF, REDUCE OR EXEMPT ANY
14 INDIVIDUAL RECIPIENT FROM THE MATCH REQUIREMENT FOR A SPECIFIC
15 PROJECT.

16 (3) (a) The department shall annually report to the transportation
17 legislation review committee of the general assembly created in section
18 43-2-145 (1) regarding its expenditures from the fund ~~and the account~~
19 including, at a minimum:

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

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

24 (3) (a.5) EACH TRANSPORTATION PLANNING REGION SHALL
25 ANNUALLY REPORT TO THE DEPARTMENT REGARDING THE STATUS OF
26 LOCAL MULTIMODAL PROJECTS WITHIN THE REGION THAT HAVE RECEIVED
27 FUNDING FROM THE FUND.

1 **SECTION 47.** In Colorado Revised Statutes, **add** parts 12 and 13
2 to article 4 of title 43 as follows:

PART 12

CLEAN TRANSIT

5 **43-4-1201. Legislative declaration.** (1) THE GENERAL ASSEMBLY
6 HEREBY FINDS AND DECLARES THAT IT IS NECESSARY, APPROPRIATE, AND
7 IN THE BEST INTEREST OF THE STATE AND ALL COLORADANS TO
8 INCENTIVIZE, SUPPORT, AND ACCELERATE THE ELECTRIFICATION OF PUBLIC
9 TRANSIT IN RURAL AND URBAN AREAS THROUGHOUT THE STATE BECAUSE
10 ELECTRIFICATION:

11 (a) REDUCES EMISSIONS OF AIR POLLUTANTS, INCLUDING
12 HAZARDOUS AIR POLLUTANTS AND GREENHOUSE GASES, THAT
13 CONTRIBUTE TO ADVERSE ENVIRONMENTAL EFFECTS, INCLUDING BUT NOT
14 LIMITED TO CLIMATE CHANGE, AND ADVERSE HUMAN HEALTH EFFECTS,
15 ESPECIALLY IN HIGH-USE TRANSIT CORRIDORS WHERE
16 DISPROPORTIONATELY IMPACTED COMMUNITIES ARE OFTEN LOCATED, AND
17 HELPS THE STATE MEET ITS STATUTORY GREENHOUSE GAS POLLUTION
18 REDUCTION TARGETS AND COMPLY WITH AIR QUALITY ATTAINMENT
19 STANDARDS; AND

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

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

27 (a) IN ORDER TO INCENTIVIZE, SUPPORT, AND ACCELERATE THE

1 ELECTRIFICATION OF PUBLIC TRANSIT AND THEREBY REAP THE
2 ENVIRONMENTAL, HEALTH, BUSINESS, AND OPERATIONAL EFFICIENCY
3 BENEFITS OF ELECTRIFICATION, IT IS NECESSARY, APPROPRIATE, AND IN
4 THE BEST INTEREST OF THE STATE TO CREATE A CLEAN TRANSIT
5 ENTERPRISE THAT CAN PROVIDE SPECIALIZED BUSINESS SERVICES THAT
6 HELP PUBLIC TRANSIT PROVIDERS FUND BOTH THE CONSTRUCTION OF THE
7 CHARGING INFRASTRUCTURE NEEDED TO SUPPORT ELECTRIFICATION AND
8 THE ACQUISITION OF ELECTRIC MOTOR VEHICLES;

9 (b) THE ENTERPRISE PROVIDES BUSINESS SERVICES WHEN:

10 (I) IN EXCHANGE FOR THE PAYMENT OF CLEAN TRANSIT RETAIL
11 DELIVERY FEES, IT MAKES GRANTS OR LOANS OR PROVIDES REBATES TO
12 FUND THE CONSTRUCTION OF CHARGING INFRASTRUCTURE THAT SUPPORTS
13 THE USE OF CLEAN, QUIET, AND COST-EFFICIENT ELECTRIC MOTOR
14 VEHICLES FOR PUBLIC TRANSIT AND THEREBY:

15 (A) IMPROVES TRANSPORTATION OPTIONS FOR FEE PAYERS AND
16 THE GENERAL PUBLIC AND MAKES TRANSIT MORE ATTRACTIVE TO NEW OR
17 INFREQUENT USERS;

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

24 (II) CONTRIBUTES IN A UNIQUE AND TARGETED WAY TO THE
25 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
26 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, SUPERVISION,
27 AND REGULATION OF A SUSTAINABLE TRANSPORTATION SYSTEM; AND

3 (c) BY PROVIDING BUSINESS SERVICES AS AUTHORIZED BY THIS
4 SECTION, THE CLEAN TRANSIT ENTERPRISE ENGAGES IN AN ACTIVITY
5 CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN, OR LIVELIHOOD AND
6 THEREFORE OPERATES AS A BUSINESS;

7 (d) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
8 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
9 P.2D 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
10 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
11 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
12 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
13 GENERATED BY FEES, NOT TAXES, BECAUSE THE CLEAN TRANSIT RETAIL
14 DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY SECTION
15 43-4-1203 (7) IS:

24 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
25 BASED ON THE BENEFITS RECEIVED BY THOSE ENTITIES AND THE COSTS OF
26 THE SERVICES THAT THE ENTERPRISE PROVIDES; AND

27 (e) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR

1 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
2 REVENUE FROM THE CLEAN TRANSIT RETAIL DELIVERY FEE COLLECTED BY
3 THE ENTERPRISE IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
4 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION
5 24-77-103.6 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE
6 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF
7 THE STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS
8 DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(D).

9 **43-4-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

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

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

17 (3) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
18 CREATED IN SECTION 43-1-106 (1).

19 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
20 CREATED IN SECTION 21-1-128.7.

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

1 FORTY PERCENT.

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

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

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

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

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

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

15 (8) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR
16 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
17 THAT USES HYDROGEN GAS AS FUEL.

18 (9) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
19 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
20 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
21 DENVER-AURORA-LAKWOOD FOR ALL ITEMS AND ALL URBAN
22 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
23 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
24 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
25 CLEAN TRANSIT RETAIL DELIVERY FEE IMPOSED PURSUANT TO SECTION
26 43-4-1203 (7) BEGINS.

27 (10) "MOTOR VEHICLE" HAS THE MEANING SET FORTH IN SECTION

1 42-1-102 (58). THE TERM DOES NOT INCLUDE A PERSONAL DELIVERY
2 DEVICE.

3 (11) "PERSONAL DELIVERY DEVICE" MEANS AN AUTONOMOUSLY
4 OPERATED ROBOT THAT IS:

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

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

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

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

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

22 (14) "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 PHYSICAL ADDRESS IN THIS STATE, WHICH SALE
26 INCLUDES AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS
27 SUBJECT TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

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

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

5 (17) "TRANSIT" MEANS MASS TRANSIT, AS DEFINED IN SECTION
6 43-1-102 (4).

7 (18) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY
8 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

9 **43-4-1203. Clean transit enterprise - creation - board - powers**
10 **and duties - fees - fund.** (1) (a) THE CLEAN TRANSIT ENTERPRISE IS
11 HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS AND OPERATES
12 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT IN ORDER
13 TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED IN SUBSECTION (3) OF
14 THIS SECTION BY EXERCISING THE POWERS AND PERFORMING THE DUTIES
15 SET FORTH IN THIS SECTION.

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

20 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF
21 NINE MEMBERS APPOINTED AS FOLLOWS:

1 MAKING APPOINTMENTS AND SHALL MAKE INITIAL APPOINTMENTS NO
2 LATER THAN OCTOBER 1, 2021. OF THE MEMBERS APPOINTED BY THE
3 GOVERNOR:

4 (A) ONE MEMBER MUST BE A MEMBER OF THE COMMISSION AND
5 HAVE STATEWIDE TRANSPORTATION EXPERTISE;

6 (B) ONE MEMBER MUST REPRESENT AN URBAN AREA AND HAVE
7 TRANSIT EXPERTISE;

8 (C) ONE MEMBER MUST REPRESENT A RURAL AREA AND HAVE
9 TRANSIT EXPERTISE;

10 (D) ONE MEMBER MUST HAVE EXPERTISE IN ZERO-EMISSIONS
11 TRANSPORTATION, MOTOR VEHICLE FLEETS, OR UTILITIES;

12 (E) ONE MEMBER MUST REPRESENT A TRANSPORTATION-FOCUSED
13 ORGANIZATION THAT SERVES AN ENVIRONMENTAL JUSTICE COMMUNITY;

14 AND

15 (F) ONE MEMBER MUST REPRESENT A PUBLIC ADVOCACY GROUP
16 THAT HAS TRANSIT OR COMPREHENSIVE TRANSPORTATION EXPERTISE.

17 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
18 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

19 (III) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE
20 OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

21 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
22 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

23 (b) MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR SERVE
24 FOR TERMS OF FOUR YEARS; EXCEPT THAT FOUR OF THE MEMBERS
25 INITIALLY APPOINTED SHALL SERVE FOR INITIAL TERMS OF THREE YEARS
26 AND THE TERM OF THE MEMBER APPOINTED PURSUANT TO SUBSECTION
27 (2)(a)(I)(A) OF THIS SECTION CONTINUES FOR AS LONG AS THE MEMBER IS

1 A MEMBER OF THE COMMISSION. A MEMBER WHO IS APPOINTED TO FILL A
2 VACANCY ON THE BOARD SHALL SERVE THE REMAINDER OF THE
3 UNEXPIRED TERM OF THE FORMER MEMBER. THE OTHER BOARD MEMBERS
4 SERVE FOR AS LONG AS THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS
5 OR ARE DESIGNATED TO SERVE BY AN EXECUTIVE DIRECTOR.

6 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
7 MUST BE REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND
8 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
9 PURSUANT TO THIS PART 13.

10 (3) THE PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO
11 REDUCE AND MITIGATE THE ADVERSE ENVIRONMENTAL IMPACTS AND
12 HEALTH IMPACTS OF AIR POLLUTION AND GREENHOUSE GAS EMISSIONS
13 PRODUCED BY MOTOR VEHICLES USED FOR PUBLIC TRANSIT BY SUPPORTING
14 THE REPLACEMENT OF EXISTING GASOLINE AND DIESEL TRANSIT VEHICLES
15 WITH ELECTRIC MOTOR VEHICLES, INCLUDING MOTOR VEHICLES THAT
16 ORIGINALLY WERE POWERED BY FOSSIL FUELS BUT HAVE BEEN CONVERTED
17 INTO ELECTRIC MOTOR VEHICLES, PROVIDING THE ASSOCIATED
18 RECHARGING INFRASTRUCTURE FOR ELECTRIC TRANSIT FLEET MOTOR
19 VEHICLES, SUPPORTING FACILITY MODIFICATIONS THAT ALLOW FOR THE
20 SAFE OPERATION AND MAINTENANCE OF ELECTRIC TRANSIT MOTOR
21 VEHICLES FUNDING PLANNING STUDIES THAT ENABLE TRANSIT AGENCIES
22 TO PLAN FOR TRANSIT VEHICLE ELECTRIFICATION. TO ALLOW THE
23 ENTERPRISE TO ACCOMPLISH THIS BUSINESS PURPOSE AND FULLY EXERCISE
24 ITS POWERS AND DUTIES THROUGH THE BOARD, THE ENTERPRISE MAY:

25 (a) IMPOSE A CLEAN TRANSIT RETAIL DELIVERY FEE AS
26 AUTHORIZED BY SUBSECTION (7) OF THIS SECTION;
27 (b) ISSUE GRANTS AND PROVIDE LOANS AND REBATES AS

1 AUTHORIZED BY SUBSECTION (8) OF THIS SECTION; AND

2 (c) ISSUE REVENUE BONDS PAYABLE FROM THE REVENUE AND

3 OTHER AVAILABLE MONEY OF THE ENTERPRISE.

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

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

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

1 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
2 REIMBURSE THE STATE HIGHWAY FUND FOR THE PRINCIPAL AMOUNT OF
3 ANY LOAN MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY
4 THE COMMISSION.

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

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

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

12 (c) TO EMPLOY AND SUPERVISE INDIVIDUALS, PROFESSIONAL
13 CONSULTANTS AND CONTRACTORS AS ARE NECESSARY IN ITS JUDGMENT
14 TO CARRY OUT ITS BUSINESS PURPOSE;

15 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY;

16 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND
17 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS
18 PART 12. THE ENTERPRISE SHALL TRANSMIT ANY MONEY RECEIVED
19 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO
20 SHALL CREDIT THE MONEY TO THE FUND;

21 (f) TO DIRECTLY PROVIDE ANY SERVICE THAT IT IS AUTHORIZED TO
22 PROVIDE INDIRECTLY THROUGH GRANTS AWARDED PURSUANT TO
23 SUBSECTION (8) OF THIS SECTION;

24 (g) TO PROMULGATE RULES GOVERNING THE PROCESS BY WHICH
25 THE ENTERPRISE ACCEPTS APPLICATIONS FOR, AWARDS, AND OVERSEES
26 GRANTS PURSUANT TO SUBSECTION (8) OF THIS SECTION; AND

27 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY

1 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
2 GRANTED BY THIS SECTION.

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

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

22 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
23 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
24 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
25 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
26 CLEAN TRANSIT RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT THAT IS
27 THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR ADJUSTED FOR

1 INFLATION. THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT OF REVENUE
2 OF THE AMOUNT OF THE CLEAN TRANSIT RETAIL DELIVERY FEE TO BE
3 COLLECTED FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
4 PURCHASED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
5 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
6 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER
7 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
8 BEGINS.

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

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

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

22 (I) CLEAN TRANSIT PLANNING EFFORTS;
23 (II) FACILITY UPGRADES NECESSARY FOR THE SAFE OPERATION
24 AND MAINTENANCE OF ELECTRIC MOTOR VEHICLES USED BY PUBLIC
25 TRANSIT PROVIDERS;

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

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

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

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

26 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
27 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,

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

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

12 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
13 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
14 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
15 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
16 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
17 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
18 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL
19 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
20 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
21 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
22 COMMITTEES CONTINUES INDEFINITELY.

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

27 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART

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

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

10 **PART 13**

11 **NONATTAINMENT AREA AIR POLLUTION**
12 **MITIGATION ENTERPRISE**

13 **43-4-1301. Legislative declaration.** (1) THE GENERAL ASSEMBLY
14 HEREBY FINDS AND DECLARES THAT:

15 (a) RAPID AND CONTINUING GROWTH IN RETAIL DELIVERIES MADE
16 BY MOTOR VEHICLES AND IN PREARRANGED RIDES ARRANGED THROUGH
17 TRANSPORTATION NETWORK COMPANIES HAS INCREASED AND WILL
18 CONTINUE TO INCREASE TRAFFIC CONGESTION AND AIR POLLUTION FROM
19 MOTOR VEHICLE EMISSIONS, ALONG WITH THE ADVERSE ENVIRONMENTAL
20 IMPACTS AND HEALTH IMPACTS THAT RESULT FROM SUCH POLLUTION, IN
21 NONATTAINMENT AREAS, ESPECIALLY IN DISPROPORTIONATELY IMPACTED
22 COMMUNITIES AND COMMUNITIES ADJACENT TO HIGHWAYS;

23 (b) IT IS NECESSARY AND APPROPRIATE TO OFFSET AND MITIGATE
24 THESE IMPACTS BY CREATING A NONATTAINMENT AREA AIR POLLUTION
25 MITIGATION ENTERPRISE THAT HAS THE BUSINESS PURPOSE OF PROVIDING
26 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC CONGESTION,
27 INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE

1 ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE TRAVEL
2 DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL CONSUMPTION OR
3 THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS RETROFITTING OF
4 CONSTRUCTION EQUIPMENT;

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

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

17 (a) BY PROVIDING BUSINESS SERVICES AS AUTHORIZED BY THIS
18 SECTION, THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
19 ENTERPRISE ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A
20 BENEFIT, GAIN, OR LIVELIHOOD AND THEREFORE OPERATES AS A BUSINESS;

21 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
22 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
23 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
24 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
25 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
26 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS
27 GENERATED BY FEES, NOT TAXES, BECAUSE THE COMMUNITY ACCESS

1 RETAIL DELIVERY FEE IMPOSED BY THE ENTERPRISE AS AUTHORIZED BY
2 SECTION 24-38.5-303 (7) IS:

3 (I) IMPOSED FOR THE SPECIFIC PURPOSE OF ALLOWING THE
4 ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE BUSINESS SERVICES
5 SPECIFIED IN THIS SECTION, INCLUDING MITIGATING IMPACTS TO SURFACE
6 TRANSPORTATION INFRASTRUCTURE, AIR QUALITY, AND GREENHOUSE GAS
7 EMISSIONS AND CONTRIBUTING TO THE IMPLEMENTATION OF THE
8 COMPREHENSIVE REGULATORY SCHEME REQUIRED FOR THE PLANNING,
9 FUNDING, DEVELOPMENT, CONSTRUCTION, MAINTENANCE, SUPERVISION,
10 AND REGULATION OF A SUSTAINABLE TRANSPORTATION SYSTEM, TO FEE
11 PAYERS; AND

12 (II) COLLECTED AT RATES THAT ARE REASONABLY CALCULATED
13 BASED ON THE COST OF REMEDIATING IMPACTS AND THE BENEFITS
14 RECEIVED BY THOSE ENTITIES AND THE COSTS OF THE OTHER SERVICES
15 THAT THE ENTERPRISE PROVIDES; AND

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

25 **43-4-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "AIR POLLUTANT" HAS THE SAME MEANING AS SET FORTH IN

1 SECTION 25-7-103 (1.5).

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

7 (3) "BOARD" MEANS THE GOVERNING BOARD OF THE ENTERPRISE.

8 (4) "CARSHARE RIDE" MEANS A PREARRANGED RIDE FOR WHICH
9 THE RIDER AGREES, AT THE TIME THE RIDER REQUESTS THE RIDE THROUGH
10 A DIGITAL NETWORK, TO BE TRANSPORTED WITH ANOTHER RIDER WHO HAS
11 SEPARATELY REQUESTED A PREARRANGED RIDE REGARDLESS OF WHETHER
12 OR NOT ANOTHER RIDER IS ACTUALLY TRANSPORTED WITH THE RIDER.

13 (5) "CMAQ" MEANS THE CONGESTION MITIGATION AND AIR
14 QUALITY IMPROVEMENT PROGRAM ADMINISTERED BY THE FEDERAL
15 HIGHWAY ADMINISTRATION OR ANY SUBSTANTIALLY SIMILAR SUCCESSOR
16 PROGRAM.

17 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF
18 TRANSPORTATION.

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

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

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

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

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

9 (9) "ELIGIBLE ENTITY" MEANS A METROPOLITAN PLANNING
10 ORGANIZATION OR ANY OTHER PUBLIC ENTITY THAT IS ELIGIBLE TO
11 RECEIVE CMAQ FUNDING AND THAT IS SEEKING FUNDING FROM THE FUND
12 FOR AN ELIGIBLE PROJECT.

13 (10) "ELIGIBLE PROJECT" MEANS A PROJECT LOCATED WITHIN A
14 NONATTAINMENT AREA THAT:

15 (a) IS ELIGIBLE FOR CMAQ FUNDING; OR
16 (b) REDUCES EMISSIONS OF AIR POLLUTANTS OR GREENHOUSE GAS
17 POLLUTANTS.

18 (11) "ENTERPRISE" MEANS THE NONATTAINMENT AREA AIR
19 POLLUTION MITIGATION ENTERPRISE CREATED IN SECTION 43-4-1303
20 (1)(a).

21 (12) "FUND" MEANS THE NONATTAINMENT AREA AIR POLLUTION
22 MITIGATION ENTERPRISE FUND CREATED IN SECTION 43-4-1303 (5)

23 (13) "GREENHOUSE GAS POLLUTANT" MEANS ANTHROPOGENIC
24 EMISSIONS OF CARBON DIOXIDE, METHANE, NITROUS OXIDE,
25 HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE,
26 AND SULFUR HEXAFLUORIDE.

27 (14) "HYDROGEN FUEL CELL MOTOR VEHICLE" MEANS A MOTOR

1 VEHICLE THAT IS POWERED BY ELECTRICITY PRODUCED FROM A FUEL CELL
2 THAT USES HYDROGEN GAS AS FUEL.

3 (15) "INFLATION" MEANS THE AVERAGE ANNUAL PERCENTAGE
4 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
5 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
6 DENVER-AURORA-LAKewood FOR ALL ITEMS AND ALL URBAN
7 CONSUMERS, OR ITS APPLICABLE PREDECESSOR OR SUCCESSOR INDEX, FOR
8 THE FIVE YEARS ENDING ON THE LAST DECEMBER 31 BEFORE A STATE
9 FISCAL YEAR FOR WHICH AN INFLATION ADJUSTMENT TO BE MADE TO THE
10 AIR POLLUTION MITIGATION PER RIDE FEE IMPOSED BY SECTION 43-4-1303
11 (7) OR THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IMPOSED BY
12 SECTION 43-4-1303 (8) BEGINS.

13 (16) "NONATTAINMENT AREA" MEANS AN AREA THAT THE AIR
14 QUALITY CONTROL COMMISSION CREATED IN SECTION 25-7-104 HAS
15 DESIGNATED AS A NONATTAINMENT AREA PURSUANT TO SECTION
16 25-7-107.

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

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

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

26 (20) "RETAIL DELIVERY" MEANS A RETAIL SALE OF TANGIBLE
27 PERSONAL PROPERTY BY A RETAILER FOR DELIVERY BY A MOTOR VEHICLE

1 OWNED OR OPERATED BY THE RETAILER OR ANY OTHER PERSON TO THE
2 PURCHASER AT A PHYSICAL ADDRESS IN THIS STATE, WHICH SALE
3 INCLUDES AT LEAST ONE ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS
4 SUBJECT TO TAXATION UNDER ARTICLE 26 OF TITLE 39.

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

7 (22) "RIDER" HAS THE SAME MEANING AS SET FORTH IN SECTION
8 40-10.1-602 (5).

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

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

13 (25) "ZERO EMISSIONS MOTOR VEHICLE" MEANS A BATTERY
14 ELECTRIC MOTOR VEHICLE OR A HYDROGEN FUEL CELL MOTOR VEHICLE.

15 **43-4-1303. Nonattainment area air pollution mitigation
16 enterprise - creation - board - powers and duties - fees - fund.**

17 (1) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
18 ENTERPRISE IS HEREBY CREATED IN THE DEPARTMENT. THE ENTERPRISE IS
19 AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE
20 DEPARTMENT IN ORDER TO EXECUTE ITS BUSINESS PURPOSE AS SPECIFIED
21 IN SUBSECTION (3) OF THIS SECTION BY EXERCISING THE POWERS AND
22 PERFORMING THE DUTIES SET FORTH IN THIS SECTION.

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

27 (2) (a) THE GOVERNING BOARD OF THE ENTERPRISE CONSISTS OF

1 FIVE MEMBERS AS FOLLOWS:

2 (I) THREE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

3 (A) ONE MEMBER WHO IS A REPRESENTATIVE OF A
4 NONGOVERNMENTAL ORGANIZATION THAT FOCUSES ON ENVIRONMENTAL
5 OR PUBLIC HEALTH ISSUES;

6 (B) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A
7 DISPROPORTIONATELY IMPACTED COMMUNITY THAT IS A MEMBER OF THE
8 DENVER REGIONAL COUNCIL OF GOVERNMENTS; AND

9 (C) ONE MEMBER WHO IS AN ELECTED OFFICIAL OF A LOCAL
10 GOVERNMENT THAT IS A MEMBER OF THE NORTH FRONT RANGE
11 METROPOLITAN PLANNING ORGANIZATION;

12 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
13 TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

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

16 (b) APPOINTED MEMBERS OF THE BOARD SERVE AT THE PLEASURE
17 OF THE GOVERNOR. THE OTHER BOARD MEMBERS SERVE FOR AS LONG AS
18 THEY HOLD THEIR EXECUTIVE DIRECTOR POSITIONS OR ARE DESIGNATED
19 TO SERVE BY AN EXECUTIVE DIRECTOR.

20 (3) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO MITIGATE THE
21 ENVIRONMENTAL IMPACTS AND HEALTH IMPACTS OF INCREASED AIR
22 POLLUTION FROM MOTOR VEHICLE EMISSIONS IN NONATTAINMENT AREAS
23 THAT RESULTS FROM THE RAPID AND CONTINUING GROWTH IN RETAIL
24 DELIVERIES MADE BY MOTOR VEHICLES AND IN PREARRANGED RIDES
25 PROVIDED BY TRANSPORTATION NETWORK COMPANIES BY PROVIDING
26 FUNDING FOR ELIGIBLE PROJECTS THAT REDUCE TRAFFIC CONGESTION,
27 INCLUDING DEMAND MANAGEMENT PROJECTS THAT ENCOURAGE

1 ALTERNATIVES TO DRIVING ALONE, AND THEREBY REDUCE TRAVEL
2 DELAYS, ENGINE IDLE TIME, AND UNPRODUCTIVE FUEL CONSUMPTION OR
3 THAT DIRECTLY REDUCE EMISSIONS BY MEANS SUCH AS RETROFITTING OF
4 CONSTRUCTION EQUIPMENT. TO ALLOW THE ENTERPRISE TO ACCOMPLISH
5 THIS PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES THROUGH
6 THE BOARD, THE ENTERPRISE MAY:

7 (a) IMPOSE AN AIR POLLUTION MITIGATION PER RIDE FEE AND AN
8 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AS AUTHORIZED BY
9 SUBSECTIONS (7) AND (8) OF THIS SECTION;

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

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

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

22 (5) (a) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
23 ENTERPRISE FUND IS HEREBY CREATED IN THE STATE TREASURY. THE
24 FUND CONSISTS OF AIR POLLUTION MITIGATION PER RIDE FEE REVENUE
25 AND AIR POLLUTION MITIGATION RETAIL DELIVERY FEE REVENUE
26 CREDITED TO THE FUND PURSUANT TO SUBSECTIONS (7) AND (8) OF THIS
27 SECTION, ANY MONETARY GIFTS, GRANTS, DONATIONS, OR OTHER

1 PAYMENTS RECEIVED BY THE ENTERPRISE, ANY FEDERAL MONEY THAT
2 MAY BE CREDITED TO THE FUND, AND ANY OTHER MONEY THAT THE
3 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE
4 STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
5 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE
6 FUND. MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
7 ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS PART 13 AND TO PAY
8 THE ENTERPRISE'S REASONABLE AND NECESSARY OPERATING EXPENSES,
9 INCLUDING THE REPAYMENT OF ANY LOAN RECEIVED PURSUANT TO
10 SUBSECTION (5)(b) OF THIS SECTION.

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

1 CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN CALCULATING
2 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
3 24-75-109. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
5 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE INITIAL
6 EXPENSES FUND TO THE FUND. THE NONATTAINMENT AREA AIR
7 POLLUTION MITIGATION ENTERPRISE INITIAL EXPENSES FUND IS
8 CONTINUOUSLY APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSE OF
9 DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE BEFORE IT RECEIVES
10 FEE REVENUE OR REVENUE BOND PROCEEDS. AS THE ENTERPRISE RECEIVES
11 SUFFICIENT REVENUE IN EXCESS OF EXPENSES, THE ENTERPRISE SHALL
12 REIMBURSE THE DEPARTMENT FOR THE PRINCIPAL AMOUNT OF ANY LOAN
13 MADE BY THE DEPARTMENT PLUS INTEREST AT A RATE SET BY THE
14 DEPARTMENT.

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

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

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

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

27 (d) TO CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY

1 INCLUDING STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY
2 GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL ASSISTANCE,
3 OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND OTHER
4 SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE,
5 WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112
6 OF TITLE 24. THE ENTERPRISE IS ENCOURAGED TO ISSUE GRANTS ON A
7 COMPETITIVE BASIS BASED ON WRITTEN CRITERIA ESTABLISHED BY THE
8 ENTERPRISE IN ADVANCE OF ANY DEADLINES FOR THE SUBMISSION OF
9 GRANT APPLICATIONS. THE BOARD SHALL GENERALLY AVOID USING
10 SINGLE-SOURCE BIDS.

11 (e) TO SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, DONATIONS, OR
12 OTHER PAYMENTS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES
13 OF THIS PART 13 SO LONG AS THE TOTAL AMOUNT OF ALL GRANTS FROM
14 THE STATE AND COLORADO LOCAL GOVERNMENTS RECEIVED IN ANY
15 STATE FISCAL YEAR IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S
16 TOTAL ANNUAL REVENUE FOR THE STATE FISCAL YEAR. THE ENTERPRISE
17 SHALL TRANSMIT ANY MONEY RECEIVED THROUGH GIFTS, GRANTS,
18 DONATIONS, OR OTHER PAYMENTS TO THE STATE TREASURER, WHO SHALL
19 CREDIT THE MONEY TO THE FUND.

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

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

26 (h) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY
27 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES

1 GRANTED BY THIS SECTION.

2 (7) (a) IN FURTHERANCE OF ITS BUSINESS PURPOSE, BEGINNING IN
3 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE AN AIR
4 POLLUTION MITIGATION PER RIDE FEE TO BE PAID BY A TRANSPORTATION
5 NETWORK COMPANY FOR EACH PREARRANGED RIDE REQUESTED AND
6 ACCEPTED THROUGH THE COMPANY'S DIGITAL NETWORK. FOR THE
7 PURPOSE OF MINIMIZING COMPLIANCE COSTS FOR TRANSPORTATION
8 NETWORK COMPANIES AND ADMINISTRATIVE COSTS FOR THE STATE, THE
9 DEPARTMENT OF REVENUE SHALL COLLECT THE AIR POLLUTION
10 MITIGATION PER RIDE FEE ON BEHALF OF THE ENTERPRISE, AND A
11 TRANSPORTATION NETWORK COMPANY SHALL PAY THE FEE TO THE
12 DEPARTMENT OF REVENUE AS REQUIRED BY SECTION 40-10.1-607.5 (2).

13 (b) FOR PREARRANGED RIDES REQUESTED AND ACCEPTED DURING
14 STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL IMPOSE THE AIR
15 POLLUTION MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT OF:

16 (I) ELEVEN AND ONE-QUARTER CENTS FOR EACH PREARRANGED
17 RIDE THAT IS A CARSHARE RIDE OR FOR WHICH THE DRIVER TRANSPORTS
18 THE RIDER IN A ZERO EMISSIONS MOTOR VEHICLE; AND

19 (II) TWENTY-TWO AND ONE-HALF CENTS FOR EVERY OTHER
20 PREARRANGED RIDE.

21 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7)(c)(II)
22 OF THIS SECTION, FOR PREARRANGED RIDES REQUESTED AND ACCEPTED
23 DURING STATE FISCAL YEAR 2023-24 OR DURING ANY SUBSEQUENT STATE
24 FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE AIR POLLUTION
25 MITIGATION PER RIDE FEE IN A MAXIMUM AMOUNT THAT IS THE
26 APPLICABLE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
27 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE

1 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION
2 MITIGATION PER RIDE FEE TO BE COLLECTED FOR RIDES REQUESTED AND
3 ACCEPTED DURING EACH STATE FISCAL YEAR NO LATER THAN MARCH 15
4 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS, AND
5 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE AMOUNT NO LATER
6 THAN APRIL 15 OF THE CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR
7 BEGINS.

8 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
9 THE AIR POLLUTION MITIGATION PER RIDE FEE FOR PREARRANGED RIDES
10 REQUESTED AND ACCEPTED DURING A STATE FISCAL YEAR ONLY IF THE
11 RATE OF INFLATION IS POSITIVE AND CUMULATIVE INFLATION FROM THE
12 TIME OF THE LAST ADJUSTMENT IN THE AMOUNT OF THE FEE, WHEN
13 APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION MITIGATION PER
14 RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE IMPOSED AS
15 REQUIRED BY SECTION 25-7.5-103 (7) AND ROUNDED TO THE NEAREST
16 WHOLE CENT, WILL RESULT IN AN INCREASE OF AT LEAST ONE WHOLE CENT
17 IN THE TOTAL AMOUNT OF THE AIR POLLUTION MITIGATION PER RIDE FEE
18 AND THE CLEAN FLEET PER RIDE FEE PAID BY A PERSON WHO REQUESTS
19 AND ACCEPTS A PREARRANGED RIDE. THE AMOUNT OF CUMULATIVE
20 INFLATION TO BE APPLIED TO THE SUM OF THE CURRENT AIR POLLUTION
21 MITIGATION PER RIDE FEE AND THE CURRENT CLEAN FLEET PER RIDE FEE
22 AND ROUNDED TO THE NEAREST WHOLE CENT IS THE LESSER OF ACTUAL
23 CUMULATIVE INFLATION OR FIVE PERCENT.

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

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

16 (b) FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY
17 PURCHASED DURING STATE FISCAL YEAR 2022-23, THE ENTERPRISE SHALL
18 IMPOSE THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A
19 MAXIMUM AMOUNT OF SEVEN-TENTHS OF ONE CENT.

20 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8)(c)(II)
21 OF THIS SECTION, FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL
22 PROPERTY PURCHASED DURING STATE FISCAL YEAR 2023-24 OR DURING
23 ANY SUBSEQUENT STATE FISCAL YEAR, THE ENTERPRISE SHALL IMPOSE THE
24 AIR POLLUTION MITIGATION RETAIL DELIVERY FEE IN A MAXIMUM AMOUNT
25 THAT IS THE MAXIMUM AMOUNT FOR THE PRIOR STATE FISCAL YEAR
26 ADJUSTED FOR INFLATION. THE ENTERPRISE SHALL NOTIFY THE
27 DEPARTMENT OF REVENUE OF THE AMOUNT OF THE AIR POLLUTION

1 MITIGATION RETAIL DELIVERY FEE TO BE COLLECTED FOR RETAIL
2 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING EACH
3 STATE FISCAL YEAR NO LATER THAN MARCH 15 OF THE CALENDAR YEAR
4 IN WHICH THE STATE FISCAL YEAR BEGINS, AND THE DEPARTMENT OF
5 REVENUE SHALL PUBLISH THE AMOUNT NO LATER THAN APRIL 15 OF THE
6 CALENDAR YEAR IN WHICH THE STATE FISCAL YEAR BEGINS.

7 (II) THE ENTERPRISE IS AUTHORIZED TO ADJUST THE AMOUNT OF
8 THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE FOR RETAIL
9 DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED DURING A
10 STATE FISCAL YEAR ONLY IF THE DEPARTMENT OF REVENUE ADJUSTS THE
11 AMOUNT OF THE RETAIL DELIVERY FEE IMPOSED BY SECTION 43-4-218 (3)
12 FOR RETAIL DELIVERIES OF TANGIBLE PERSONAL PROPERTY PURCHASED
13 DURING THE STATE FISCAL YEAR.

14 (9) IN FURTHERANCE OF ITS BUSINESS PURPOSE, AND SUBJECT TO
15 THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (9), THE ENTERPRISE
16 IS AUTHORIZED TO PROVIDE GRANTS TO ELIGIBLE ENTITIES FOR ELIGIBLE
17 PROJECTS. THE ENTERPRISE SHALL ACTIVELY SEEK INPUT FROM
18 COMMUNITIES, INCLUDING BUT NOT LIMITED TO DISPROPORTIONATELY
19 IMPACTED COMMUNITIES, AND LOCAL GOVERNMENTS TO MITIGATE THE
20 ENVIRONMENTAL IMPACTS AND HEALTH IMPACTS OF HIGHWAY PROJECTS,
21 REDUCE TRAFFIC CONGESTION, AND IMPROVE NEIGHBORHOOD
22 CONNECTIVITY FOR COMMUNITIES ADJACENT TO HIGHWAYS. THE
23 ENTERPRISE SHALL INCLUDE MITIGATION STRATEGIES THAT TAKE INTO
24 ACCOUNT THE INPUT AS WELL AS ISSUES AND IMPACTS OF PARTICULAR
25 IMPORTANCE TO THE STATE SUCH AS REDUCTION OF GREENHOUSE GAS
26 EMISSIONS AND FINE PARTICULATE MATTER.

27 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE

1 ENTERPRISE SHALL:

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

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

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

21 (IV) PREPARE AN ANNUAL REPORT REGARDING ITS ACTIVITIES AND
22 FUNDING AND PRESENT THE REPORT TO THE TRANSPORTATION
23 COMMISSION CREATED IN SECTION 43-1-106 (1) AND TO THE
24 TRANSPORTATION AND LOCAL GOVERNMENT AND ENERGY AND
25 ENVIRONMENT COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
26 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR ANY
27 SUCCESSOR COMMITTEES. THE ENTERPRISE SHALL ALSO POST THE ANNUAL

1 REPORT ON ITS WEBSITE. NOTWITHSTANDING THE REQUIREMENT IN
2 SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT
3 REQUIRED IN THIS SUBSECTION (10)(a)(IV) TO THE SPECIFIED LEGISLATIVE
4 COMMITTEES CONTINUES INDEFINITELY.

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

9 (c) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
10 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
11 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
12 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
13 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
14 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
15 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
16 LOCAL GOVERNMENTS COMBINED.

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

19 **SECTION 48.** In Colorado Revised Statutes, **repeal** 43-4-714.

20 **SECTION 49. Severability.** If any provision of this Senate Bill
21-__ or the application thereof to any person or circumstance is held
22 invalid, such invalidity does not affect other provisions or applications of
23 this Senate Bill 21-__ that can be given effect without the invalid
24 provision or application, and to this end the provisions of this Senate Bill
25 21-__ are declared to be severable.

26 **SECTION 50. Effective date.** This act takes effect upon passage;
27 except that section 43-4-1103 (2)(a)(IV), Colorado Revised Statutes, as

1 enacted in section 47 of this act takes effect only if Senate Bill 21-238
2 becomes law and takes effect either upon the effective date of this act or
3 Senate Bill 21-238, whichever is later.

4 **SECTION 51. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety.