

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0200.04 Jason Gelender x4330

HOUSE BILL 17-1242

HOUSE SPONSORSHIP

Duran and Mitsch Bush,

SENATE SPONSORSHIP

Grantham and Baumgardner,

House Committees

Transportation & Energy
Finance
Appropriations

Senate Committees

Transportation
Finance

A BILL FOR AN ACT

101 **CONCERNING TRANSPORTATION FUNDING, AND IN CONNECTION**
102 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

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

Section 15 of the bill requires a ballot question to be submitted to the voters of the state at the November 2017 statewide election that seeks approval for the state to temporarily increase the rate of the state sales and use tax for 20 years beginning in 2018. If the voters approve the temporary sales and use tax rate increase, the new revenue generated is allocated solely for transportation infrastructure funding purposes, with

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
March 31, 2017

HOUSE
Amended 2nd Reading
March 30, 2017

specific projects to be funded required to be included in the 2017 ballot information booklet provided to the voters of the state, as follows:

- ! \$300 million annually to the state highway fund for use by the department of transportation (CDOT); and
- ! Of the remaining new revenue:
 - ! 70% to counties and municipalities in equal total amounts; and
 - ! 30% to a newly created multimodal transportation options fund (fund).

If the voters approve the temporary state sales and use tax rate increase:

- ! CDOT may issue up to a specified amount of transportation revenue anticipation notes (TRANs) for the purpose of funding transportation projects that are part of CDOT's strategic transportation investment program and are on CDOT's priority list for funding and the transportation commission must covenant that amounts it allocates on an annual basis to pay TRANs shall be paid: First, from \$50 million from any legally available money under its control other than the new sales and use tax revenue; next, from the new sales and use tax revenue; and last, if necessary, from any other legally available money under its control any amount needed for payment of the TRANs until the TRANs are fully repaid;
- ! The revenue allocations to counties and municipalities are further allocated to each county and municipality in accordance with certain existing statutory formulas used to allocate highway users tax fund (HUTF) money to each county and municipality;
- ! The existing statutory requirement that at least 10% of the sales and use tax net revenue and other general fund revenue that may be transferred or appropriated to the HUTF and subsequently credited to the state highway fund must be expended for transit purposes of transit-related capital improvements is repealed;
- ! A transportation options account and a pedestrian and active transportation account are created in the fund and the transportation commission is required to designate the percentages of fund revenue to be credited to each account subject to the limitations that for any given fiscal year no more than 75% of the revenue may be credited to the transportation options account and at least 25% of the revenue must be credited to the pedestrian and active transportation account;
- ! A multimodal transportation options committee of

gubernatorial appointees representing transit agencies, transportation planning organizations, local governments, and CDOT is created as a **type 1** agency within CDOT for the purpose of allocating the money in the transportation options account of the fund for transportation options projects throughout the state. Under the supervision and guidance of the committee, the transit and rail division of CDOT is required to solicit, receive, and evaluate proposed transportation options projects and propose funding for interregional transportation options projects. Any transportation options project receiving funding from the transportation options account of the fund must also be funded by at least an equal total amount of local government, regional transportation authority, or transit agency funding.

- ! CDOT is required to allocate the money in the pedestrian and active transportation account of the fund for projects for transportation infrastructure that is designed for users of nonmotorized mobility-enhancing equipment;
- ! Transfers of 2% of general fund revenue to the HUTF that are scheduled under current law to be made for state fiscal years 2017-18, 2018-19, and 2019-20 are eliminated;
- ! The state road safety surcharges imposed on motor vehicles weighing 10,000 pounds or less are reduced for the same period during which the rates of the state sales and use taxes are increased. The resulting reduction in state fee revenue is taken entirely from the share of such fee revenue that is kept by the state so that county and municipal allocations of such revenue are not reduced.
- ! CDOT must annually report to the joint budget committee, legislative audit committee, house transportation and energy committee, and senate transportation committee regarding its use of TRANs proceeds and must post the reports and certain user-friendly project-specific information on its website; and
- ! The transportation revenue anticipation notes citizen oversight committee is created to provide oversight of the expenditure by the department of the proceeds of additional TRANs. The committee must annually report to the transportation legislation review committee regarding its activities and findings.

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

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

3 (a) It is critical to construct, improve, and maintain transportation
4 infrastructure throughout the state in order to meet the demands created
5 by both current and future statewide economic expansion and population
6 growth;

7 (b) Sufficient, sustainable, steady, and dedicated funding streams
8 are needed to fund the critical transportation infrastructure construction,
9 improvement, and maintenance that will allow the statewide
10 transportation system to meet both current and future demands;

11 (c) Current sources of dedicated transportation funding are not
12 generating enough revenue to fund current and future transportation
13 infrastructure needs throughout the state. The state last increased the rates
14 of the taxes on gasoline and special fuel, the largest source of dedicated
15 transportation funding, in the early 1990s, and these taxes do not increase
16 with inflation. As a result, the declining purchasing power of the revenue
17 generated by these taxes has prevented the state's transportation budget
18 from keeping pace with the growing transportation infrastructure needs
19 throughout the state.

20 (d) An additional source of voter-approved funding for
21 transportation is needed to meet statewide transportation infrastructure
22 funding needs.

23 (2) The general assembly further finds and declares that all new
24 voter-approved transportation funding will be spent throughout the state
25 to:

26 (a) Address poor road and bridge conditions like potholes and
27 rough pavement that damage vehicles, require vehicle owners to pay for

- 1 expensive vehicle repairs, and increase costs for Colorado families;
- 2 (b) Reconstruct and rehabilitate state highways to better maintain
- 3 them and prevent and avoid costly future repairs;
- 4 (c) Support local government efforts to fund local transportation
- 5 projects that are critical for their communities;
- 6 (d) Improve highways to increase their capacity and accommodate
- 7 population growth;
- 8 (e) Provide additional seasonal maintenance on state highways;
- 9 (f) Address increased traffic congestion through multimodal
- 10 transportation options;
- 11 (g) Allow the state's growing population of seniors to age in place
- 12 and provide greater mobility for persons with disabilities; and
- 13 (h) Invest in the economic future of the state by providing a
- 14 modern multimodal statewide transportation system that will support and
- 15 strengthen the economy of the state and attract more businesses and
- 16 employers to the state.

17 == =====

18 **SECTION 2. In Colorado Revised Statutes, 24-75-219, repeal as**

19 **added by Senate Bill 17-262 (2)(c.3)(I) and (2)(c.7)(I); and add (2)(c.8)**

20 **as follows:**

21 **24-75-219. Transfers - transportation - capital construction -**

22 **definitions. (2) (c.3) On June 30, 2019, the state treasurer shall transfer:**

23 **(I) One hundred sixty million dollars from the general fund to the**

24 **highway users tax fund; and**

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

26 **(I) One hundred sixty million dollars from the general fund to the**

27 **highway users tax fund; and**

1 (c.8) ON JUNE 30 OF EACH STATE FISCAL YEAR COMMENCING ON
2 OR AFTER JULY 1, 2018, BUT BEFORE JULY 1, 2038, THE STATE TREASURER
3 SHALL TRANSFER ONE HUNDRED MILLION DOLLARS FROM THE GENERAL
4 FUND TO THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219.

5 **SECTION 3.** In Colorado Revised Statutes, 24-92-103.5, **add**
6 **(3.5) as follows:**

7 **24-92-103.5. Construction of public projects - competitive**
8 **sealed best value bidding.** (3.5) NOTWITHSTANDING SUBSECTION (3)(c)
9 OF THIS SECTION OR ANY OTHER PROVISION OF THIS ARTICLE 92, IF A
10 CONTRACT FOR A TRANSPORTATION PROJECT HAS A TOTAL ESTIMATED
11 COMPLETION COST OF FIFTY MILLION DOLLARS OR LESS AND THE
12 DEPARTMENT OF TRANSPORTATION USES A COMPETITIVE SEALED BEST
13 VALUE BIDDING CONTRACT AWARD PROCESS FOR THE PROJECT, THE
14 DEPARTMENT, WHEN DETERMINING WHICH OF THE BIDDERS IS PROVIDING
15 THE BEST VALUE, SHALL NOT PENALIZE ANY DESIGN-BUILD FIRM THAT
16 SATISFIES THE LEVEL OF PREQUALIFICATION REQUIRED FOR THE PROJECT
17 FOR A LACK OF EXPERIENCE IN COMPLETING PROJECTS AWARDED ON A
18 BEST VALUE BASIS.

19 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-92-107 as
20 follows:

21 **24-92-107. Prequalification of contractors - limitation on**
22 **shortlisting.** Prospective contractors may be prequalified for particular
23 types of construction, and the method of compiling a list of and soliciting
24 from such potential contractors shall be pursuant to rules. IN ORDER TO
25 LOWER CONTRACTING COSTS AND ENSURE FAIR ACCESS TO CONTRACTING
26 OPPORTUNITIES FOR LOCAL CONTRACTORS AND WORKERS AND
27 DISADVANTAGED AND WOMEN-OWNED BUSINESS ENTERPRISES, RULES OF

1 THE DEPARTMENT OF TRANSPORTATION THAT GOVERN THE
2 CONSIDERATION OF SUBMITTALS FOR ANY LEGALLY AUTHORIZED MEANS
3 OF CONTRACT PROCUREMENT FOR A PROJECT MUST LIMIT THE USE OF
4 SHORTLISTING BY REQUIRING THE DEPARTMENT TO CONSIDER, AT A
5 MINIMUM, THE LESSER OF ALL BIDS OR PROPOSALS SUBMITTED BY
6 PREQUALIFIED CONTRACTORS OR FIVE BIDS OR PROPOSALS SUBMITTED BY
7 PREQUALIFIED CONTRACTORS.

8
9 **SECTION 5.** In Colorado Revised Statutes, 39-26-105, **amend**
10 (1)(a)(I)(A) as follows:

11 **39-26-105. Vendor liable for tax - repeal.** (1) (a) (I) (A) Except
12 as provided in ~~sub-subparagraph (B) of this subparagraph (I) and in~~
13 ~~subparagraph (H) of this paragraph (a)~~ SUBSECTIONS (1)(a)(I)(B) AND
14 (1)(a)(II) OF THIS SECTION, every retailer shall, irrespective of the
15 provisions of section 39-26-106, be liable and responsible for the
16 payment of an amount equivalent to two and ninety one-hundredths
17 percent of all sales made on or after January 1, 2001, BUT BEFORE
18 JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, AND AN AMOUNT
19 EQUAL TO THREE AND FOUR-TENTHS PERCENT OF ALL SALES MADE ON AND
20 AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1, 2038, by the retailer of
21 commodities or services as specified in section 39-26-104.

22 **SECTION 6.** In Colorado Revised Statutes, 39-26-106, **amend**
23 (1) as follows:

24 **39-26-106. Schedule of sales tax.** (1) (a) (I) Except as otherwise
25 provided in ~~subparagraph (H) of this paragraph (a)~~, SUBSECTION (1)(a)(II)
26 OF THIS SECTION, there is imposed upon all sales of commodities and
27 services specified in section 39-26-104 a tax at the rate of ~~three~~ TWO AND

1 NINETY ONE-HUNDREDTHS percent of the amount of the sale, to be
2 computed in accordance with schedules or systems approved by the
3 executive director of the department of revenue. ~~Said~~ THE schedules or
4 systems shall be designed so that no ~~such~~ tax is charged on any sale of
5 seventeen cents or less.

6 (II) On and after ~~January 1, 2001~~ JANUARY 1, 2018, BUT BEFORE
7 JANUARY 1, 2038, IN ADDITION TO THE TAX IMPOSED UNDER SUBSECTION
8 (1)(a)(I) OF THIS SECTION, there is imposed upon all sales of commodities
9 and services specified in section 39-26-104 a tax at the rate of ~~two and~~
10 ~~ninety one-hundredths~~ ONE-HALF OF ONE percent of the amount of the sale
11 to be computed in accordance with schedules or systems approved by the
12 executive director of the department of ~~revenue~~. ~~Said~~ REVENUE; EXCEPT
13 THAT THE TAX IS NOT IMPOSED ON SALES OF AVIATION FUELS USED IN
14 TURBO-PROPELLER OR JET ENGINE AIRCRAFT. THE schedules or systems
15 shall be designed so that no ~~such~~ tax is charged on any sale of seventeen
16 cents or less.

17 (b) ~~Notwithstanding the three percent rate provisions of paragraph~~
18 ~~(a) of this subsection (1), for the period May 1, 1983, through July 31,~~
19 ~~1984, the rate of the tax imposed pursuant to this subsection (1) shall be~~
20 ~~three and one-half percent.~~

21 **SECTION 7.** In Colorado Revised Statutes, **amend** 39-26-112 as
22 follows:

23 **39-26-112. Excess tax - remittance.** If ~~any~~ A vendor, during any
24 reporting period, collects as a tax an amount in excess of ~~three percent of~~
25 ~~all taxable sales made prior to January 1, 2001,~~ and two and ninety
26 one-hundredths percent of all taxable sales made on or after January 1,
27 2001, ~~such~~ BUT BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY

1 1, 2038, OR COLLECTS AS A TAX AN AMOUNT IN EXCESS OF THREE AND
2 FOUR-TENTHS PERCENT OF ALL TAXABLE SALES MADE ON OR AFTER
3 JANUARY 1, 2018, BUT BEFORE JANUARY 1, 2038, THE vendor shall remit
4 to the executive director of the department of revenue the full net amount
5 of the tax imposed in this part 1 and also ~~such~~ THE excess. The retention
6 by the retailer or vendor of any excess of tax collections over the ~~said~~
7 APPLICABLE percentage of the total taxable sales of ~~such~~ THE retailer or
8 vendor or the intentional failure to remit punctually to the executive
9 director the full amount required to be remitted by the provisions of this
10 part 1 is ~~declared to be~~ unlawful and constitutes a misdemeanor.

11 **SECTION 8.** In Colorado Revised Statutes, 39-26-123, **amend**
12 (3); and **add** (7) as follows:

13 **39-26-123. Receipts - disposition - transfers of general fund**
14 **surplus - sales tax holding fund - creation - definitions.** (3) EXCEPT AS
15 OTHERWISE PROVIDED IN SUBSECTION (7) OF THIS SECTION, for any state
16 fiscal year commencing on or after July 1, 2013, the state treasurer shall
17 credit eighty-five percent of all net revenue collected under the provisions
18 of this ~~article~~ ARTICLE 26 to the old age pension fund created in section
19 1 of article XXIV of the state constitution. The state treasurer shall credit
20 to the general fund the remaining fifteen percent of the net revenue, less
21 ten million dollars, which the state treasurer shall credit to the older
22 Coloradans cash fund created in section 26-11-205.5 (5). ~~C.R.S.~~

23 (7) (a) THE STATE TREASURER SHALL CREDIT NET REVENUE
24 COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE 26 THAT IS
25 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
26 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AS
27 FOLLOWS:

1 (I) THE STATE TREASURER SHALL CREDIT EIGHTY-FIVE PERCENT
2 OF THE NET REVENUE COLLECTED DURING EACH STATE FISCAL YEAR TO
3 THE HIGHWAY USERS TAX FUND FOR ALLOCATION TO THE STATE,
4 COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTIONS 43-4-206 (4),
5 43-4-207 (1) AND (2)(b), AND 43-4-208 (1) AND (6)(a); AND

6 (II) THE STATE TREASURER SHALL CREDIT FIFTEEN PERCENT OF
7 THE NET REVENUE COLLECTED DURING EACH STATE FISCAL YEAR TO THE
8 MULTIMODAL TRANSPORTATION OPTIONS FUND, AND SPECIFICALLY TO THE
9 TRANSPORTATION OPTIONS ACCOUNT AND THE PEDESTRIAN AND ACTIVE
10 TRANSPORTATION ACCOUNT OF THE FUND IN THE PERCENTAGES
11 DESIGNATED BY THE TRANSPORTATION COMMISSION PURSUANT TO
12 SECTION 43-4-1103 (2), FOR USE AS AUTHORIZED BY PART 11 OF ARTICLE
13 4 OF TITLE 43.

14 (b) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT
15 BECAUSE THE SALES AND USE TAX REVENUE GENERATED BY THE SALES
16 AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(I) AND
17 39-26-202 (1)(a) IS SUFFICIENT TO FULLY FUND THE OLD AGE PENSION
18 FUND AS REQUIRED BY ARTICLE XXIV OF THE STATE CONSTITUTION, THE
19 STATE MAY CONSTITUTIONALLY CREDIT ALL REVENUE GENERATED BY THE
20 ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS
21 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) TO THE HIGHWAY USERS TAX
22 FUND AND THE MULTIMODAL TRANSPORTATION OPTIONS FUND IN THE
23 MANNER SPECIFIED IN SUBSECTION (7)(a) OF THIS SECTION.

24 **SECTION 9.** In Colorado Revised Statutes, 39-26-202, **amend**
25 (1)(a) and (1)(b); and **repeal** (2) as follows:

26 **39-26-202. Authorization of tax.** (1) (a) Except as otherwise
27 provided in ~~paragraph (b) of this subsection (1) and in subsection (3)~~

1 SUBSECTIONS (1)(b) AND (3) of this section, there is imposed and shall be
2 collected from every person in this state a tax or excise at the rate of ~~three~~
3 TWO AND NINETY ONE-HUNDREDTHS percent of storage or acquisition
4 charges or costs for the privilege of storing, using, or consuming in this
5 state any articles of tangible personal property purchased at retail.

6 (b) On and after ~~January 1, 2001~~ JANUARY 1, 2018, BUT BEFORE
7 JANUARY 1, 2038, IN ADDITION TO THE TAX IMPOSED UNDER SUBSECTION
8 (1)(a) OF THIS SECTION, there is imposed and shall be collected from every
9 person in this state a tax or excise at the rate of ~~two and ninety~~
10 one-hundredths ONE-HALF OF ONE percent of storage or acquisition
11 charges or costs for the privilege of storing, using, or consuming in this
12 state any articles of tangible personal property purchased at ~~retail~~ RETAIL;
13 EXCEPT THAT THE TAX OR EXCISE IS NOT IMPOSED ON STORAGE OR
14 ACQUISITION CHARGES OR COSTS FOR THE PRIVILEGE OF STORING, USING,
15 OR CONSUMING IN THIS STATE ANY AVIATION FUELS USED IN
16 TURBO-PROPELLER OR JET ENGINE AIRCRAFT PURCHASED AT RETAIL.

17 (2) ~~Notwithstanding the three percent rate provisions of~~
18 ~~subsection (1) of this section, for the period May 1, 1983, through July~~
19 ~~31, 1984, the rate of the tax imposed pursuant to this section shall be three~~
20 ~~and one-half percent.~~

21 **SECTION 10.** In Colorado Revised Statutes, 39-28.8-501,
22 **amend** (1) as follows:

23 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
24 **- legislative declaration.** (1) The marijuana tax cash fund, referred to in
25 this part 5 as the "fund", is created in the state treasury. The fund consists
26 of any applicable retail marijuana sales tax transferred pursuant to section
27 39-28.8-203 (1)(b) on or after July 1, 2014, and any ~~revenues~~ REVENUE

1 transferred to the fund from any sales tax imposed pursuant to ~~section~~
2 ~~39-26-106~~ SECTION 39-26-106 (1)(a)(I) on the retail sale of products
3 under articles 43.3 and 43.4 of title 12. ~~C.R.S.~~

4 **SECTION 11.** In Colorado Revised Statutes, **repeal as amended**
5 **by House Bill 17-1107** 42-3-112.

6 **SECTION 12.** In Colorado Revised Statutes, **43-1-1104, amend**
7 **(1)(b) and (2) as follows:**

8 **43-1-1104. Transportation advisory committee.** (1)(b) No later
9 than three months after May 20, 2009, the executive director, in
10 consultation with the commission, shall appoint a special interim transit
11 and rail advisory committee to specifically advise the commission and the
12 executive director regarding the initial focus of the transit and rail
13 division created in section 43-1-117.5 and to recommend a long-term
14 advisory structure, including the advisory structure's purpose and role, in
15 support of the transit and rail-related functions of the department. The
16 special interim transit and rail advisory committee shall MUST include
17 such representatives of industries and other groups interested in transit
18 and rail issues and such other individuals as the executive director, in
19 consultation with the commission, deems appropriate; except that the
20 committee shall include, at a minimum, one or more:

21 (I) Representatives of transit operators;

22 (II) Representatives of class I railroads;

23 (III) Representatives of short line railroads; and

24 (IV) Representatives of entities or interest groups involved in the
25 promotion, planning, or development of passenger rail systems;

26 (V) REPRESENTATIVES OF METROPOLITAN PLANNING
27 ORGANIZATIONS;

- 1 (VI) REPRESENTATIVES OF LOCAL GOVERNMENTS;
- 2 (VII) ADVOCATES FOR AFFORDABLE TRANSPORTATION OPTIONS;
- 3 (VIII) PERSONS WITH DISABILITIES WHO ADVOCATE FOR PERSONS
- 4 WITH ALL TYPES OF DISABILITIES; AND
- 5 (IX) ADVOCATES FOR BICYCLISTS AND PEDESTRIANS.

6 (2) The committee shall provide advice to both the department and
7 the commission on the needs of the transportation systems in Colorado,
8 including but not limited to budgets, transportation improvement
9 programs, the statewide transportation improvement program,
10 transportation plans, and state transportation policies, and shall review
11 and provide comment to both the department and the commission on all
12 regional transportation plans submitted for the transportation planning
13 regions, AND SHALL OVERSEE THE ALLOCATION OF MONEY IN THE
14 TRANSPORTATION OPTIONS ACCOUNT OF THE MULTIMODAL
15 TRANSPORTATION OPTIONS FUND CREATED IN SECTION 43-4-1103 (1) AS
16 SPECIFIED IN PART 11 OF ARTICLE 4 OF THIS TITLE 43. The activities of the
17 committee shall not be construed to DO NOT constrain or replace the
18 county hearing process.

19 **SECTION 13.** In Colorado Revised Statutes, 43-1-117.5, **amend**
20 (3)(a) introductory portion, (3)(a)(VI), and (3)(a)(VII); and **add**
21 (3)(a)(VIII) as follows:

22 **43-1-117.5. Transit and rail division - created - powers and**
23 **duties.** (3) (a) The transit and rail division ~~shall be~~ IS responsible for the
24 planning, development, operation, and integration of transit and rail,
25 including, where appropriate, advanced guideway systems, into the
26 statewide transportation system AND shall, in coordination with other
27 transit and rail providers, plan, promote, and implement investments in

1 transit and rail services statewide. ~~and shall have~~ THE DIVISION ALSO HAS
2 the following specific powers and duties:

3 (VI) To support the department in representing the state with
4 respect to the development of intercity rail facilities, including but not
5 limited to submission of applications to the United States department of
6 transportation for approval and funding of high-speed rail projects,
7 commissioning of any necessary studies, and coordination with other
8 states to facilitate such applications; ~~and~~

9 (VII) To coordinate and cooperate with regional transportation
10 authorities created pursuant to part 6 of article 4 of this ~~title~~ TITLE 43 and
11 other regional or corridor-specific entities concerned with the planning,
12 development, operation, and integration of transit, passenger rail, or
13 advanced guideway systems in the statewide transportation system; AND

14 (VIII) AS DIRECTED BY AND UNDER THE SUPERVISION OF THE
15 TRANSIT AND RAIL ADVISORY COMMITTEE CREATED IN SECTION 43-1-1104
16 (1), TO ASSIST THE COMMITTEE IN DETERMINING THE ALLOCATION OF
17 MONEY IN THE TRANSPORTATION OPTIONS ACCOUNT OF THE MULTIMODAL
18 TRANSPORTATION OPTIONS FUND CREATED IN SECTION 43-4-1103 (2) BY
19 SOLICITING, RECEIVING, AND EVALUATING APPLICATIONS FOR
20 TRANSPORTATION OPTIONS PROJECT FUNDING FROM LOCAL GOVERNMENTS
21 AND TRANSIT AGENCIES THROUGHOUT THE STATE AND PROPOSING
22 FUNDING FOR INTERREGIONAL TRANSPORTATION OPTIONS PROJECTS.

23 **SECTION 14. In Colorado Revised Statutes, 43-1-123, add (2.5)**
24 **as follows:**

25 **43-1-123. Project closure and project reporting requirements.**
26 **(2.5) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW AND IN**
27 **ADDITION TO THE INFORMATION REQUIRED TO BE REPORTED PURSUANT TO**

1 SUBSECTION (2) OF THIS SECTION, FOR ANY TRANSPORTATION PROJECT FOR
2 WHICH THE DEPARTMENT AWARDS A CONTRACT BASED ON BEST VALUE
3 SELECTION ON OR AFTER JULY 1, 2018, THE DEPARTMENT, IN ORDER TO
4 PROVIDE INFORMATION TO THE PUBLIC AND IMPROVE THE TRANSPARENCY
5 OF ITS PROPOSAL SOLICITATION AND CONTRACT AWARD PROCESS FOR
6 TRANSPORTATION PROJECTS, SHALL:

7 (a) REPORT ON ITS PUBLIC WEBSITE WITHIN THIRTY DAYS OF THE
8 CONTRACT AWARD AND MAINTAIN ON ITS WEBSITE FOR AT LEAST ONE
9 YEAR THEREAFTER AN EXECUTIVE SUMMARY OF ALL PROPOSALS
10 SUBMITTED IN RESPONSE TO ITS SOLICITATION OF PROPOSALS FOR THE
11 PROJECT;

12 (b) MAKE AVAILABLE FOR REVIEW AND REPRODUCTION AT THE
13 DEPARTMENT'S HEADQUARTERS FOR A PERIOD OF AT LEAST ONE YEAR
14 FOLLOWING THE DATE OF THE CONTRACT AWARD THE DEPARTMENT'S
15 SCORING OF ALL PROPOSALS SUBMITTED IN RESPONSE TO ITS SOLICITATION
16 OF PROPOSALS FOR THE PROJECT; AND

17 (c) MAKE AVAILABLE FOR REVIEW ONLY AT THE DEPARTMENT'S
18 HEADQUARTERS FOR A PERIOD OF AT LEAST ONE YEAR FOLLOWING THE
19 DATE OF THE CONTRACT AWARD THE STATEMENT OF QUALIFICATIONS AND
20 PROPOSALS FOR EACH PERSON THAT SUBMITTED A PROPOSAL IN RESPONSE
21 TO THE DEPARTMENT'S SOLICITATION OF PROPOSALS FOR THE PROJECT;
22 EXCEPT THAT THE DEPARTMENT SHALL NOT MAKE ANY SPECIFIC
23 CORPORATE FINANCIAL INFORMATION SUBMITTED AVAILABLE FOR REVIEW.

24 **SECTION 15.** In Colorado Revised Statutes, add 43-1-125 as
25 follows:

26 **43-1-125. Study of high-occupancy vehicle (HOV) and**
27 **high-occupancy toll (HOT) lanes - report required. (1) NO LATER**

1 THAN AUGUST 1, 2018, THE DEPARTMENT SHALL PREPARE AND PRESENT
2 TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN
3 SECTION 43-2-145 (1) A REPORT CONCERNING THE DEPARTMENT'S
4 EVALUATION OF OPTIONS FOR MORE FLEXIBLE USE OF HIGH-OCCUPANCY
5 VEHICLE AND HIGH-OCCUPANCY TOLL LANES. THE REPORT SHALL
6 INCLUDE, AT A MINIMUM, THE RESULTS OF THE DEPARTMENT'S
7 EVALUATION OF OPTIONS FOR:

8 (a) CONVERSION OF HIGH-OCCUPANCY VEHICLE AND
9 HIGH-OCCUPANCY TOLL LANES FOR WHICH FREE USE BY A MOTOR VEHICLE
10 REQUIRES OCCUPANCY BY THREE OR MORE INDIVIDUALS, INCLUDING THE
11 DRIVER, TO FREE USE BY VEHICLES OCCUPIED BY TWO OR MORE
12 INDIVIDUALS, INCLUDING THE DRIVER, OR BY ONLY ONE INDIVIDUAL; AND

13 (b) MORE FLEXIBLE USE OF HIGH-OCCUPANCY VEHICLE AND
14 HIGH-OCCUPANCY TOLL LANES FOR WHICH FREE USE BY A MOTOR VEHICLE
15 GENERALLY REQUIRES OCCUPANCY BY THREE OR MORE INDIVIDUALS,
16 INCLUDING THE DRIVER, TO ALLOW FREE USE BY VEHICLES OCCUPIED BY
17 TWO OR MORE INDIVIDUALS, INCLUDING THE DRIVER, OR BY ONLY ONE
18 INDIVIDUAL, AT CERTAIN TIMES, ON THE BASIS OF CERTAIN TRAFFIC
19 CONDITIONS, OR ON OTHER APPROPRIATE GROUNDS.

20 **SECTION 16.** In Colorado Revised Statutes, 43-1-1406, add (6)
21 as follows:

22 **43-1-1406. General procedures. (6)** NOTWITHSTANDING ANY
23 OTHER PROVISION OF THIS PART 14, IF A DESIGN-BUILD CONTRACT FOR A
24 TRANSPORTATION PROJECT HAS A TOTAL ESTIMATED COMPLETION COST OF
25 FIFTY MILLION DOLLARS OR LESS AND THE DEPARTMENT USES EITHER A
26 BEST VALUE OR ADJUSTED SCORE DESIGN-BUILD CONTRACT PROCESS, THE
27 DEPARTMENT, WHEN DETERMINING WHICH OF THE DESIGN-BUILD FIRMS

1 THAT HAVE SUBMITTED STATEMENTS OF QUALIFICATIONS ARE THE MOST
2 HIGHLY QUALIFIED AND MAY RESPOND TO A REQUEST FOR PROPOSALS FOR
3 THE TRANSPORTATION PROJECT OR WHEN DETERMINING WHICH
4 DESIGN-BUILD FIRM THAT HAS MADE A RESPONSIVE PROPOSAL IS
5 PROVIDING THE BEST VALUE, SHALL NOT PENALIZE ANY DESIGN-BUILD
6 FIRM THAT SATISFIES THE LEVEL OF PREQUALIFICATION REQUIRED FOR THE
7 PROJECT FOR A LACK OF EXPERIENCE IN COMPLETING PROJECTS AWARDED
8 ON A DESIGN-BUILD BASIS.

9 **SECTION 17.** In Colorado Revised Statutes, 43-4-205, **amend**
10 (6.3) as follows:

11 **43-4-205. Allocation of fund.** (6.3) (a) **Revenues** BEFORE
12 JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, REVENUE from
13 the surcharges, fees, and fines credited to the highway users tax fund
14 pursuant to section 43-4-804 (1) shall be allocated and expended in
15 accordance with the formula specified in ~~paragraph (b) of subsection (6)~~
16 SUBSECTION (6)(b) of this section.

17 (b) ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1,
18 2038, REVENUE FROM THE SURCHARGES, FEES, AND FINES CREDITED TO
19 THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-804
20 (1)(a)(I)(D), (1)(a)(I)(E), (1)(b), (1)(c), (1)(d), AND (1)(e) SHALL BE
21 ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA
22 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AND REVENUE FROM THE
23 ROAD SAFETY SURCHARGE CREDITED TO THE HIGHWAY USERS TAX FUND
24 PURSUANT TO SECTION 43-4-804 (1)(a)(I)(A), (1)(a)(I)(B), AND
25 (1)(a)(I)(C) SHALL BE ALLOCATED AND EXPENDED AS FOLLOWS:

26 (I) FIFTY-FIVE PERCENT OF THE REVENUE SHALL BE PAID TO THE
27 COUNTY TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL

1 APPROPRIATION BY THE GENERAL ASSEMBLY, AND SHALL BE ALLOCATED
2 AND EXPENDED AS PROVIDED IN SECTION 43-4-207; AND

3 (II) FORTY-FIVE PERCENT OF THE REVENUE SHALL BE PAID TO THE
4 CITIES AND INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION
5 BY THE GENERAL ASSEMBLY, AND SHALL BE ALLOCATED AND EXPENDED
6 AS PROVIDED IN SECTION 43-4-208 (2)(b) AND (6)(a).

7 **SECTION 18.** In Colorado Revised Statutes, 43-4-206, **amend**
8 (1) introductory portion, (2)(a), (2)(b), and (3); and **add** (4) and (5) as
9 follows:

10 **43-4-206. State allocation.** (1) Except as otherwise provided in
11 ~~subsection (2)~~ SUBSECTIONS (2), (3), AND (4) of this section, ~~after~~
12 ~~paying the costs of the Colorado state patrol and such ANY other costs of~~
13 ~~the department, exclusive of highway construction, highway~~
14 ~~improvements, or highway maintenance, as THAT are appropriated by the~~
15 ~~general assembly, sixty-five percent of the balance of MONEY IN the~~
16 ~~highway users tax fund shall be paid to the state highway fund IN~~
17 ~~ACCORDANCE WITH SECTION 43-4-205 and shall be expended for the~~
18 ~~following purposes:~~

19 (2) (a) ~~Notwithstanding the provisions of subsection (1) of this~~
20 ~~section, the revenues~~ REVENUE accrued to and transferred to the highway
21 users tax fund pursuant to section 39-26-123 (4)(a) or 24-75-219, ~~C.R.S.~~,
22 or appropriated to the highway users tax fund pursuant to House Bill
23 02-1389, enacted at the second regular session of the sixty-third general
24 assembly, and credited to the state highway fund pursuant to section
25 43-4-205 (6.5) shall be expended by the department of transportation for
26 the implementation of the strategic transportation project investment
27 program. ~~in the following manner:~~

1 ~~(I) No more than ninety percent of such revenues shall be~~
2 ~~expended for highway purposes or highway-related capital improvements,~~
3 ~~including, but not limited to, high occupancy vehicle lanes, park-and-ride~~
4 ~~facilities, and transportation management systems, and at least ten percent~~
5 ~~of such revenues shall be expended for transit purposes or for~~
6 ~~transit-related capital improvements.~~

7 ~~(II) (Deleted by amendment, L. 2000, p. 1741, § 1, effective June~~
8 ~~1, 2000.)~~

9 (b) Beginning in 1998, the department of transportation shall
10 report annually to the transportation committee of the senate and the
11 transportation and energy committee of the house of representatives
12 concerning the ~~revenues~~ REVENUE expended by the department pursuant
13 to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION
14 AND, BEGINNING IN 2018, SUBSECTION (4) OF THIS SECTION. The
15 DEPARTMENT SHALL PRESENT THE report ~~shall be presented~~ at the joint
16 meeting required under section 43-1-113 (9)(a) and THE REPORT shall
17 describe for each fiscal year, if applicable:

18 (I) The projects on which the ~~revenues~~ REVENUE credited to the
19 state highway fund pursuant to ~~paragraph (a) of this subsection (2)~~ are
20 SUBSECTIONS (2) AND (4) OF THIS SECTION IS to be expended, including
21 the estimated cost of each project, the aggregate amount of revenue
22 actually spent on each project, and the amount of revenue allocated for
23 each project in such fiscal year. The department of transportation shall
24 submit a prioritized list of such projects as part of the report.

25 (II) The status of such projects that the department has undertaken
26 in any previous fiscal year;

27 (III) The projected amount of revenue that the department expects

1 to receive under this subsection (2) AND SUBSECTION (4) OF THIS SECTION
2 during ~~such~~ THE fiscal year;

3 (IV) The amount of revenue that the department has already
4 received under this subsection (2) AND SUBSECTION (4) OF THIS SECTION
5 during ~~such~~ THE fiscal year; and

6 (V) How the ~~revenues~~ REVENUE expended under this subsection
7 (2) during ~~such~~ THE fiscal year ~~relate~~ RELATES to the total funding of the
8 FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING MULTIMODAL
9 CAPITAL PROJECTS, THAT ARE INCLUDED IN THE strategic transportation
10 project investment program.

11 (3) ~~Notwithstanding the provisions of subsection (1) of this~~
12 ~~section, the revenues~~ THE REVENUE credited to the highway users tax fund
13 pursuant to section 43-4-205 (6.3) shall be expended by the department
14 of transportation only for road safety projects, as defined in section
15 43-4-803 (21); except that the department shall, in furtherance of its duty
16 to supervise state highways and as a consequence in compliance with
17 section 43-4-810, expend ten million dollars per year of the revenues for
18 the planning, designing, engineering, acquisition, installation,
19 construction, repair, reconstruction, maintenance, operation, or
20 administration of transit-related projects, including, but not limited to,
21 designated bicycle or pedestrian lanes of highway and infrastructure
22 needed to integrate different transportation modes within a multimodal
23 transportation system, that enhance the safety of state highways for transit
24 users.

25 (4) SUBJECT TO THE LIMITATION SPECIFIED IN SUBSECTION (5) OF
26 THIS SECTION, FORTY-ONE AND TWO-TENTHS PERCENT OF THE NET
27 REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE

1 TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND
2 39-26-202 (1)(b) AND THAT THE STATE TREASURER CREDITS TO THE
3 HIGHWAY USERS TAX FUND AS REQUIRED BY SECTION 39-26-123 (7)(a)
4 SHALL BE PAID TO THE STATE HIGHWAY FUND AND EXPENDED BY THE
5 DEPARTMENT OF TRANSPORTATION AS FOLLOWS:

6 (a) AS MUCH OF THE REVENUE AS IS NEEDED TO MAKE FULL
7 PAYMENTS OF AMOUNTS ALLOCATED BY THE TRANSPORTATION
8 COMMISSION ON AN ANNUAL BASIS PURSUANT TO SECTION 43-1-113 SHALL
9 BE EXPENDED TO MAKE PAYMENTS ON REVENUE ANTICIPATION NOTES
10 ISSUED PURSUANT TO SECTION 43-4-705 (13)(b); AND

11 [REDACTED]
12 (b) ANY REMAINING REVENUE MAY BE EXPENDED ONLY FOR
13 QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING
14 MULTIMODAL CAPITAL PROJECTS, THAT ARE DESIGNATED FOR TIER 1
15 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE
16 DEPARTMENT'S 2017 DEVELOPMENT PROGRAM PROJECT LIST, UNTIL ALL OF
17 THE PROJECTS HAVE BEEN FUNDED IN WHOLE OR IN PART WITH SUCH
18 REVENUE AND ALL OF THE PROJECTS ARE FULLY FUNDED, FOR TIER 2
19 FUNDING FOR SUCH PROJECTS THEREAFTER, AND FOR MAINTENANCE,
20 INCLUDING RAPID RESPONSE MAINTENANCE, OF STATE HIGHWAYS.

21 (5) THE DEPARTMENT OF TRANSPORTATION SHALL NOT EXPEND
22 NET REVENUE THAT IS CREDITED TO THE STATE HIGHWAY FUND PURSUANT
23 TO SUBSECTION (4) OF THIS SECTION TO SUPPORT TOLL HIGHWAYS. THE
24 DEPARTMENT SHALL NOT EXPEND SUCH NET REVENUE TO SUPPORT TOLL
25 LANE CONSTRUCTION OR MAINTENANCE UNLESS:

26 (a) (I) A FEDERAL RECORD OF DECISION HAS BEEN ISSUED AS OF
27 THE EFFECTIVE DATE OF THIS SUBSECTION (5)(a)(I); AND

1 (II) THE RECORD OF DECISION INCLUDED PLANNING STAGES IN
2 WHICH THE DEPARTMENT SOLICITED AND RECEIVED MEANINGFUL PUBLIC
3 PARTICIPATION AND INPUT; OR

4 (b) TOLL REVENUE IS NOT COLLECTED FOR THE SINGULAR OR
5 PRIMARY PURPOSE OF REVENUE GENERATION;

6 (c) TOLL REVENUE COLLECTION IS UTILIZED AS A MECHANISM TO
7 INCREASE TRAVEL TIME RELIABILITY AND MITIGATE CONGESTION;

8 (d) THE PROJECT CONTAINS ONE OR MORE MULTIMODAL OR
9 ALTERNATIVE MODES OF TRAVEL FOR NONTOLL PAYING PERSONS,
10 INCLUDING BUS RAPID TRANSIT, INTERREGIONAL BUS SERVICE, LOCAL BUS
11 SERVICE, OR HIGH-OCCUPANCY PASSENGER VEHICLES;

12 (e) TOLL REVENUE REMAINS ON THE CORRIDOR IN WHICH IT WAS
13 RAISED AND IS EXPENDED BY THE DEPARTMENT ONLY FOR MAINTENANCE,
14 OPERATIONS, OR CONSTRUCTION OF MOBILITY IMPROVEMENTS; AND

15 (f) THE TOLL LANE IS CONSTRUCTED ADJACENT TO ONE OR MORE
16 UNTOLLED LANES, AND THE ADDITION OF THE TOLL LANE WILL RESULT IN
17 DEMONSTRABLY LOWER CONGESTION IN THE UNTOLLED LANES.

18 **SECTION 19.** In Colorado Revised Statutes, 43-4-207, **amend**
19 (1), (2) introductory portion, and (2)(b) introductory portion as follows:

20 **43-4-207. County allocation.** (1) After paying the costs of the
21 Colorado state patrol and ~~such~~ ANY other costs of the department,
22 exclusive of highway construction, highway improvements, or highway
23 maintenance, ~~as~~ THAT are appropriated by the general assembly,
24 ~~twenty-six percent of the balance of the highway users tax fund~~ THE
25 REVENUE REQUIRED BY SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY
26 USERS TAX FUND TO THE COUNTY TREASURERS OF THE RESPECTIVE
27 COUNTIES AND FIFTY PERCENT OF THE NET REVENUE THAT IS

1 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
2 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b), THAT
3 THE STATE TREASURER CREDITS TO THE HIGHWAY USERS TAX FUND AS
4 REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT REMAINS AFTER THE
5 PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY FUND REQUIRED BY
6 SECTION 43-4-206 (4) IS MADE shall be paid to the county treasurers of the
7 respective counties, subject to annual appropriation by the general
8 assembly, and shall be allocated and expended as provided in this section.
9 ~~The moneys thus~~ MONEY received ~~shall be~~ IS allocated to the counties as
10 provided by law and shall be expended by the counties only on the
11 construction, engineering, reconstruction, maintenance, repair,
12 equipment, improvement, and administration of the county highway
13 systems and any other public highways, including any state highways,
14 together with acquisition of rights-of-way and access rights for the same,
15 for the planning, designing, engineering, acquisition, installation,
16 construction, repair, reconstruction, maintenance, operation, or
17 administration of transit-related projects, including, but not limited to,
18 designated bicycle or pedestrian lanes of highway and infrastructure
19 needed to integrate different transportation modes within a multimodal
20 transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING
21 FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND
22 PURSUANT TO EITHER SECTIONS 43-4-1103 (3)(a) AND 43-4-1104(1)(c) OR
23 SECTION 43-4-1103 (3)(b), and for no other purpose; except that a county
24 ~~may expend no more than fifteen percent of the total amount expended~~
25 ~~under this subsection (1) for transit-related operational purposes and~~
26 ~~except that moneys~~ MONEY received pursuant to section 43-4-205 (6.3)
27 shall be expended by the counties only for road safety projects, as defined

1 in section 43-4-803 (21). The amount ~~to be~~ expended for administrative
2 purposes shall not exceed five percent of each county's share of the funds
3 available.

4 (2) For the fiscal year commencing July 1, 1989, and each fiscal
5 year thereafter, for the purpose of allocating ~~moneys~~ MONEY in the
6 highway users tax fund to the various counties throughout the state, the
7 following method is ~~hereby~~ adopted:

8 (b) All ~~moneys~~ MONEY credited to the fund in excess of eighty-six
9 million seven hundred thousand dollars ~~shall be~~ AND ALL MONEY
10 CREDITED TO THE FUND AS REQUIRED BY SECTION 39-26-123 (7)(a) THAT
11 IS REQUIRED BY SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE
12 COUNTY TREASURERS OF THE RESPECTIVE COUNTIES IS allocated to the
13 counties in the following manner:

14 **SECTION 20.** In Colorado Revised Statutes, 43-4-208, **amend**
15 (1), (2) introductory portion, (2)(a), and (6)(a) as follows:

16 **43-4-208. Municipal allocation.** (1) ~~After paying the costs of~~
17 ~~the Colorado state patrol and such ANY other costs of the department,~~
18 ~~exclusive of highway construction, highway improvements, or highway~~
19 ~~maintenance, as THAT are appropriated by the general assembly, and~~
20 ~~making allocation as provided by sections 43-4-206 and 43-4-207, the~~
21 ~~remaining nine percent of the highway users tax fund~~ THE REVENUE
22 REQUIRED BY SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY USERS
23 TAX FUND TO CITIES AND INCORPORATED TOWNS AND FIFTY PERCENT OF
24 THE NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND
25 USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND
26 39-26-202 (1)(b), THAT THE STATE TREASURER CREDITS TO THE HIGHWAY
27 USERS TAX FUND AS REQUIRED BY SECTION 39-26-123 (7)(a), AND THAT

1 REMAINS AFTER THE PAYMENT OF SUCH REVENUE TO THE STATE HIGHWAY
2 FUND REQUIRED BY SECTION 43-4-206 (4) IS MADE shall be paid to the
3 cities and incorporated towns within the limits of the respective counties,
4 subject to annual appropriation by the general assembly, and shall be
5 allocated and expended as provided in this section. Each city treasurer
6 shall account for the moneys thus received as provided in this part 2.
7 Moneys so allocated shall be expended by the cities and incorporated
8 towns for the construction, engineering, reconstruction, maintenance,
9 repair, equipment, improvement, and administration of the system of
10 streets of such city or incorporated town or of any public highways
11 located within such city or incorporated town, including any state
12 highways, together with the acquisition of rights-of-way and access rights
13 for the same, and for the planning, designing, engineering, acquisition,
14 installation, construction, repair, reconstruction, maintenance, operation,
15 or administration of transit-related projects, including, but not limited to,
16 designated bicycle or pedestrian lanes of highway and infrastructure
17 needed to integrate different transportation modes within a multimodal
18 transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING
19 FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND
20 PURSUANT TO EITHER SECTIONS 43-4-1103 (3)(a) AND 43-4-1104(1)(c) OR
21 SECTION 43-4-1103 (3)(b), and for no other purpose; except that a city or
22 ~~an incorporated town may expend no more than fifteen percent of the~~
23 ~~total amount expended under this subsection (1) for transit-related~~
24 ~~operational purposes and except that moneys~~ MONEY paid to the cities and
25 incorporated towns pursuant to section 43-4-205 (6.3) shall be expended
26 by the cities and incorporated towns only for road safety projects, as
27 defined in section 43-4-803 (21). The amount ~~to be~~ expended for

1 administrative purposes shall not exceed five percent of each city's share
2 of the funds available.

3 (2) For the purpose of allocating ~~moneys~~ MONEY in the highway
4 users tax fund to the various cities and incorporated towns throughout the
5 state, the following method is adopted:

6 (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS
7 SECTION, eighty percent shall be allocated to the cities and incorporated
8 towns in proportion to the adjusted urban motor vehicle registration in
9 each city and incorporated town. The term "urban motor vehicle
10 registration" includes all passenger, truck, truck-tractor, and motorcycle
11 registrations. The number of registrations used in computing the
12 percentage shall be those certified to the state treasurer by the department
13 of revenue as constituting the urban motor vehicle registration for the last
14 preceding year. The adjusted registration shall be computed by applying
15 a factor to the actual number of such registrations to reflect the increased
16 standards and costs of construction resulting from the concentration of
17 vehicles in cities and incorporated places. For this purpose the following
18 table of actual registration numbers and factors shall be employed:

	Actual registrations	Factor
19		
20	1 -- 500	1.0
21	501 -- 1,250	1.1
22	1,251 -- 2,500	1.2
23	2,501 -- 5,000	1.3
24	5,001 -- 12,500	1.4
25	12,501 -- 25,000	1.5
26	25,001 -- 50,000	1.6
27	50,001 -- 85,000	1.7

1	85,001 -- 130,000	1.8
2	130,001 -- 185,000	1.9
3	185,001 and over	2.0

4 (6) (a) In addition to the provisions of subsection (2)(a) of this
5 section, on or after July 1, 1979, eighty percent of all additional funds
6 MONEY becoming available to cities and incorporated towns from the
7 highway users tax fund pursuant to sections 24-75-215 ~~C.R.S.~~, and
8 43-4-205 (6)(b)(III) AND (6)(c) AND, ON AND AFTER JANUARY 1, 2018,
9 EIGHTY PERCENT OF THE MONEY CREDITED TO THE HIGHWAY USERS TAX
10 FUND AS REQUIRED BY SECTION 39-26-123 (7)(a) THAT IS REQUIRED BY
11 SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE CITIES AND
12 INCORPORATED TOWNS WITHIN THE LIMITS OF THE RESPECTIVE COUNTIES
13 shall be allocated to the cities and incorporated towns in proportion to the
14 adjusted urban motor vehicle registration in each city and incorporated
15 town. The term "urban motor vehicle registration", as used in this section,
16 includes all passenger, truck, truck-tractor, and motorcycle registrations.
17 The number of registrations used in computing the percentage shall be
18 those certified to the state treasurer by the department of revenue as
19 constituting the urban motor vehicle registration for the last preceding
20 year. The adjusted registration shall be computed by applying a factor to
21 the actual number of such registrations to reflect the increased standards
22 and costs of construction resulting from the concentration of vehicles in
23 cities and incorporated places. For this purpose the following table of
24 actual registration numbers and factors shall be employed:

25	Actual registrations	Factor
26	1 -- 500	1.0
27	501 -- 1,250	1.1

1	1,251 -- 2,500	1.2
2	2,501 -- 5,000	1.3
3	5,001 -- 12,500	1.4
4	12,501 -- 25,000	1.5
5	25,001 -- 50,000	1.6
6	50,001 -- 85,000	1.7
7	85,001 -- 125,000	1.8
8	125,001 -- 165,000	1.9
9	165,001 -- 205,000	2.0
10	205,001 -- 245,000	2.1
11	245,001 -- 285,000	2.2
12	285,001 -- 325,000	2.3
13	325,001 -- 365,000	2.4
14	365,001 -- 405,000	2.5
15	405,001 -- 445,000	2.6
16	445,001 -- 485,000	2.7
17	485,001 -- 525,000	2.8
18	525,001 -- 565,000	2.9
19	565,001 -- 605,000	3.0

20 **SECTION 21.** In Colorado Revised Statutes, 43-4-705, **amend**
21 (13) as follows:

22 **43-4-705. Revenue anticipation notes - repeal.**

23 (13) (a) Notwithstanding any other provision of this part 7 to the
24 contrary, the executive director shall have the authority to issue revenue
25 anticipation notes pursuant to this part 7 only if voters statewide approve
26 the ballot question submitted at the November, 1999, statewide election
27 pursuant to section 43-4-703 (1) and only then to the extent allowed under

1 the maximum amounts of debt and repayment cost so approved.

2 (b) (I) AFTER THE REPAYMENT IN FULL OF ALL REVENUE
3 ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SUBSECTION (13)(a) OF
4 THIS SECTION, AND UPON VOTER APPROVAL OF THE BALLOT ISSUE
5 SUBMITTED AT THE NOVEMBER 2017 STATEWIDE ELECTION PURSUANT TO
6 SUBSECTION (13)(b)(III) OF THIS SECTION AND THE REPAYMENT FUNDING
7 COMMITMENT REQUIREMENT SPECIFIED IN SUBSECTION (13)(b)(II) OF THIS
8 SECTION, THE EXECUTIVE DIRECTOR SHALL ISSUE ADDITIONAL REVENUE
9 ANTICIPATION NOTES IN A MAXIMUM AMOUNT OF THREE AND ONE-HALF
10 BILLION DOLLARS AND WITH A MAXIMUM REPAYMENT COST OF FIVE
11 BILLION FIVE HUNDRED MILLION DOLLARS. THE MAXIMUM REPAYMENT
12 TERM FOR ANY NOTES ISSUED PURSUANT TO THIS SUBSECTION (13)(b) IS
13 TWENTY YEARS, AND THE CERTIFICATE, TRUST INDENTURE, OR OTHER
14 INSTRUMENT AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE
15 STATE MAY PAY THE NOTES IN FULL OR IN PART BEFORE THE END OF THE
16 SPECIFIED PAYMENT TERM NO LATER THAN TEN YEARS AFTER THEIR
17 ISSUANCE WITHOUT PENALTY.

18 (II) NOTWITHSTANDING SECTION 43-1-113 (19) AND SUBSECTION
19 (12)(a) OF THIS SECTION, BEFORE ISSUING ANY REVENUE ANTICIPATION
20 NOTES AS AUTHORIZED BY SUBSECTION (13)(b)(I) OF THIS SECTION, THE
21 TRANSPORTATION COMMISSION SHALL ADOPT A RESOLUTION IN WHICH IT
22 COVENANTS THAT AMOUNTS IT ALLOCATES ON AN ANNUAL BASIS
23 PURSUANT TO SECTION 43-1-113 TO PAY THE REVENUE ANTICIPATION
24 NOTES WILL BE PAID AS FOLLOWS: FIRST, FROM THE MONEY TRANSFERRED
25 FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND ON JUNE 30 OF
26 THE PRIOR FISCAL YEAR PURSUANT TO SECTION 24-75-219 (2)(c.8) UNTIL
27 ALL OF THE MONEY TRANSFERRED IS PAID; NEXT, FROM ANY LEGALLY

1 AVAILABLE MONEY UNDER ITS CONTROL OTHER THAN SALES AND USE TAX
2 NET REVENUE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO
3 SECTION 43-4-206 (4) UNTIL FIFTY MILLION DOLLARS IS PAID; NEXT, FROM
4 SALES AND USE TAX NET REVENUE CREDITED TO THE STATE HIGHWAY
5 FUND PURSUANT TO SECTION 43-4-206 (4); AND, IF SUCH REVENUE IS
6 INSUFFICIENT, LAST, FROM ANY OTHER LEGALLY AVAILABLE MONEY
7 UNDER ITS CONTROL ANY AMOUNT NEEDED FOR PAYMENT OF THE NOTES
8 UNTIL THE NOTES ARE FULLY REPAID.

9 (III) THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED
10 ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE
11 STATEWIDE ELECTION HELD IN NOVEMBER 2017 THE FOLLOWING BALLOT
12 ISSUE: "SHALL STATE TAXES BE INCREASED BY FIVE HUNDRED
13 SEVENTY-SIX MILLION SEVEN HUNDRED THOUSAND DOLLARS ANNUALLY
14 AND TEMPORARILY TO PAY FOR STATE AND LOCAL TRANSPORTATION
15 PROJECTS, INCLUDING FUNDING LOCAL CITY AND COUNTY PRIORITIES,
16 MUNICIPAL AND COUNTY ROADS, STATE HIGHWAYS, INTERSTATE
17 HIGHWAYS, INCLUDING BUT NOT LIMITED TO I-25 AND I-70, AFFORDABLE
18 AND ACCESSIBLE TRANSPORTATION OPTIONS FOR SENIORS AND PERSONS
19 WITH DISABILITIES, BUS AND RAIL SERVICE, RAPID RESPONSE
20 MAINTENANCE PROGRAMS, AND TO ENHANCE MOBILITY AND SAFETY FOR
21 ALL COLORADANS, BY A STATE SALES AND USE TAX RATE INCREASE OF
22 0.50% WITH THE EXCEPTION OF FOOD, MEDICINE, UTILITIES, AND GAS,
23 WHICH WILL BE EXEMPT, FOR THE TWENTY-YEAR PERIOD BEGINNING
24 JANUARY 1, 2018, AND ENDING DECEMBER 31, 2037; SHALL STATE DEBT
25 BE INCREASED UP TO \$3,500,000,000, WITH A MAXIMUM REPAYMENT COST
26 OF \$5,500,000,000 BY THE ISSUANCE OF ADDITIONAL TRANSPORTATION
27 REVENUE ANTICIPATION NOTES SOLELY TO FUND SPECIFIED HIGH-PRIORITY

1 TRANSPORTATION PROJECTS IN ALL AREAS OF THE STATE; AND SHALL ALL
2 REVENUE FROM THE TAX RATE INCREASE IN THE STATED AMOUNT IN THE
3 FIRST FULL FISCAL YEAR AND IN WHATEVER AMOUNTS ARE COLLECTED IN
4 FUTURE FISCAL YEARS BY IMPOSITION OF THE 0.50% SALES TAX RATE
5 INCREASE AND EARNINGS ON SUCH REVENUES AND ON PROCEEDS OF THE
6 NOTES BE RETAINED AND SPENT AS A VOTER-APPROVED REVENUE
7 CHANGE?"

8 (IV) WITHIN FORTY-FIVE DAYS OF THE EFFECTIVE DATE OF THIS
9 SUBSECTION (13)(b)(IV), THE DEPARTMENT SHALL PROVIDE TO THE
10 DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL THE MOST RECENT
11 AVAILABLE LIST OF QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS,
12 INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE DESIGNATED FOR
13 TIER 1 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE
14 DEPARTMENT'S 2017 DEVELOPMENT PROGRAM PROJECT LIST AND THAT
15 THE DEPARTMENT WILL FUND WITH PROCEEDS OF ANY ADDITIONAL
16 REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY THIS
17 SUBSECTION (13)(b). IN ORDER TO FULLY INFORM THE VOTERS OF THE
18 STATE CONCERNING THE PROJECTS TO BE FUNDED WITH PROCEEDS OF ANY
19 SUCH ADDITIONAL REVENUE ANTICIPATION NOTES BEFORE THE VOTERS
20 VOTE ON THE BALLOT QUESTION SPECIFIED IN SUBSECTION (13)(b)(III) OF
21 THIS SECTION, THE DIRECTOR OF RESEARCH SHALL PUBLISH THE LIST,
22 INCLUDING ANY SUBSEQUENT UPDATES TO THE LIST MADE BEFORE FINAL
23 APPROVAL BY THE LEGISLATIVE COUNCIL OF THE 2017 BALLOT
24 INFORMATION BOOKLET PREPARED PURSUANT TO SECTION 1-40-124.5,
25 WHICH UPDATES THE DEPARTMENT SHALL EXPEDITIOUSLY PROVIDE TO THE
26 DIRECTOR OF RESEARCH, IN THE BALLOT INFORMATION BOOKLET.

27 (V) (A) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT

1 ISSUE IN SUBSECTION (13)(b)(III) OF THIS SECTION VOTE "NO/AGAINST",
2 THEN THIS SUBSECTION (13)(b) IS REPEALED, EFFECTIVE JANUARY 1, 2018.

3 (B) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE
4 IN SUBSECTION (13)(b)(III) OF THIS SECTION VOTE "YES/FOR", THEN THIS
5 SUBSECTION (13)(b)(V) IS REPEALED, EFFECTIVE JANUARY 1, 2018.

6 **SECTION 22.** In Colorado Revised Statutes, **amend** 43-4-713 as
7 follows:

8 **43-4-713. Annual reports - provision of information of**
9 **website.** (1) No later than ~~January 15, 2001~~ JANUARY 15, 2019, and no
10 later than January 15 of each year thereafter, the executive director shall
11 submit a report to ~~the members of the joint budget committee of the~~
12 ~~general assembly, the members of the legislative audit committee of the~~
13 ~~general assembly, the chair of the transportation and energy committee of~~
14 ~~the house of representatives, and the chair of the transportation committee~~
15 of the senate that includes, at a minimum, the following information:

16 (a) The total amount of ADDITIONAL revenue anticipation notes
17 issued by the executive director ~~in accordance with this part 7~~ AS
18 AUTHORIZED BY SECTION 43-4-705 (13)(b);

19 (b) The qualified federal aid transportation projects, INCLUDING
20 MULTIMODAL CAPITAL PROJECTS, THAT ARE ON THE DEPARTMENT'S
21 PRIORITY LIST FOR TRANSPORTATION FUNDING AND for which the proceeds
22 from ~~such~~ THE ADDITIONAL revenue anticipation notes have been
23 expended, the amount of note proceeds expended on each project, the
24 status of each project, THE ACTUAL COST OF EACH COMPLETED PROJECT
25 AND A COMPARISON OF THE ACTUAL COST WITH THE ESTIMATED COST
26 PUBLISHED IN THE 2017 BALLOT INFORMATION BOOKLET AS REQUIRED BY
27 SECTION 43-4-705 (13)(b)(IV), and the estimated date of completion for

1 ~~such~~ ANY projects not yet completed;

2 (c) The total amount of federal transportation funds paid to the
3 department since ~~such~~ THE ADDITIONAL revenue anticipation notes ~~have~~
4 ~~been~~ WERE issued; and

5 (d) The total amount of proceeds from the issuance of THE
6 ADDITIONAL revenue anticipation notes, state matching funds, and federal
7 transportation funds allocated by the commission in each state fiscal year
8 for the payment of ~~such~~ THE ADDITIONAL revenue anticipation notes and
9 the costs associated with the issuance and administration of such notes.

10 (2) IN ADDITION TO POSTING AND MAINTAINING THE ANNUAL
11 REPORTS REQUIRED BY SUBSECTION (1) OF THIS SECTION ON ITS WEBSITE,
12 THE DEPARTMENT SHALL POST AND MAINTAIN ON ITS WEBSITE IN AN
13 EASILY ACCESSIBLE AND USER-FRIENDLY FORMAT, AND REGULARLY
14 UPDATE, THE INFORMATION REQUIRED TO BE INCLUDED IN ITS ANNUAL
15 REPORTS PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

16 (3) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING
17 REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION CONTINUES
18 UNTIL THE YEAR FOLLOWING THE YEAR IN WHICH THE LAST PAYMENT ON
19 ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY
20 SECTION 43-4-705 (13)(b) IS MADE.

21 **SECTION 23.** In Colorado Revised Statutes, **amend** 43-4-714 as
22 follows:

23 **43-4-714. Priority of strategic transportation project**
24 **investment program.** (1) If the executive director issues any revenue
25 anticipation notes in accordance with the provisions of this part 7, the
26 proceeds from the sale of such notes that are not otherwise pledged for
27 the payment of such notes shall be used for the qualified federal aid

1 transportation projects included in the strategic transportation project
2 investment program of the department of transportation.

3 (2) IN ADDITION TO THE REQUIREMENT SPECIFIED IN SUBSECTION
4 (1) OF THIS SECTION, PROCEEDS FROM THE SALE OF ANY ADDITIONAL
5 REVENUE ANTICIPATION NOTES THAT THE EXECUTIVE DIRECTOR ISSUES
6 PURSUANT TO SECTION 43-4-705 (13)(b) THAT ARE NOT OTHERWISE
7 PLEDGED FOR THE PAYMENT OF THE NOTES AND REVENUE GENERATED BY
8 ANY ADDITIONAL STATE SALES AND USE TAX THAT IS ALLOCATED TO THE
9 STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-206 (4) IN EXCESS OF
10 AMOUNTS NEEDED FOR PAYMENT OF THE NOTES MAY BE USED ONLY FOR
11 QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING
12 MULTIMODAL CAPITAL PROJECTS, THAT ARE DESIGNATED FOR TIER 1
13 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE
14 DEPARTMENT'S 2017 DEVELOPMENT PROGRAM PROJECT LIST, UNTIL ALL OF
15 THE PROJECTS HAVE BEEN FUNDED IN WHOLE OR IN PART WITH SUCH
16 PROCEEDS AND REVENUE AND ALL OF THE PROJECTS ARE FULLY FUNDED,
17 FOR TIER 2 FUNDING FOR SUCH PROJECTS THEREAFTER, AND FOR
18 MAINTENANCE, INCLUDING RAPID RESPONSE MAINTENANCE, OF STATE
19 HIGHWAYS.

20 **SECTION 24.** In Colorado Revised Statutes, **add** 43-4-714.5 as
21 follows:

22 **43-4-714.5. Transportation revenue anticipation notes citizen**
23 **oversight committee - creation - appointment of members - charge -**
24 **report.** (1) (a) THE TRANSPORTATION REVENUE ANTICIPATION NOTES
25 CITIZEN OVERSIGHT COMMITTEE IS HEREBY CREATED TO PROVIDE
26 OVERSIGHT OF THE EXPENDITURE BY THE DEPARTMENT OF THE PROCEEDS
27 OF ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY

1 SECTION 43-4-705 (13)(b). THE COMMITTEE CONSISTS OF THE EXECUTIVE
2 DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE AND FOURTEEN
3 APPOINTED MEMBERS. THE APPOINTING AUTHORITIES SHALL GIVE
4 CONSIDERATION TO THE GEOGRAPHIC DIVERSITY OF THE COMMITTEE WHEN
5 MAKING APPOINTMENTS AND SHALL SPECIFICALLY ENSURE THAT THE
6 WESTERN SLOPE AND EASTERN PLAINS ARE REPRESENTED ON THE
7 COMMITTEE. COMMITTEE MEMBERS MUST BE APPOINTED AS FOLLOWS:

8 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS, AT LEAST ONE
9 OF WHOM HAS PROFESSIONAL FINANCE EXPERIENCE, AT LEAST ONE OF
10 WHOM IS A LICENSED CIVIL ENGINEER, AT LEAST ONE OF WHOM IS AN
11 ADVOCATE FOR AFFORDABLE TRANSPORTATION OPTIONS, AT LEAST ONE
12 OF WHOM IS A REPRESENTATIVE OF THE TRUCKING INDUSTRY, AND AT
13 LEAST ONE OF WHOM IS A CERTIFIED PUBLIC ACCOUNTANT. NO MORE THAN
14 FOUR OF THE MEMBERS APPOINTED BY THE GOVERNOR SHALL BE
15 AFFILIATED WITH THE SAME POLITICAL PARTY;

16 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
17 APPOINT TWO MEMBERS, AT LEAST ONE OF WHOM MUST BE A PERSON WITH
18 A DISABILITY WHO ADVOCATES FOR PERSONS WITH ALL TYPES OF
19 DISABILITIES;

20 (III) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO
21 MEMBERS, AT LEAST ONE OF WHOM MUST BE A CONTRACTOR WITH
22 EXPERIENCE WORKING ON TRANSPORTATION PROJECTS;

23 (IV) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
24 SHALL APPOINT TWO MEMBERS, AT LEAST ONE OF WHOM MUST BE A
25 LICENSED ATTORNEY; AND

26 (V) THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO
27 MEMBERS, AT LEAST ONE OF WHOM MUST REPRESENT OR ADVOCATE FOR

1 TRANSIT PROVIDERS.

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(b) COMMITTEE MEMBERS SERVE FOR FOUR-YEAR TERMS AND MAY BE REMOVED FOR CAUSE BY THE APPOINTING AUTHORITY; EXCEPT THAT THE INITIAL TERMS OF THREE OF THE MEMBERS APPOINTED BY THE GOVERNOR, AND ONE OF THE MEMBERS APPOINTED BY EACH OF THE OTHER APPOINTING AUTHORITIES, AS DESIGNATED BY THE GOVERNOR OR OTHER APPOINTING AUTHORITY, ARE TWO YEARS. COMMITTEE MEMBERS RECEIVE NO COMPENSATION OR REIMBURSEMENT FOR THEIR SERVICE ON THE COMMITTEE.

(2) THE COMMITTEE SHALL MEET AT LEAST FOUR TIMES PER YEAR, AND THE CHARGE OF THE COMMITTEE IS TO SPECIFICALLY EXAMINE THE EXPENDITURE BY THE DEPARTMENT OF ANY PROCEEDS OF TRANSPORTATION REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SECTION 43-4-705 (13)(b) AND ANY ADDITIONAL STATE SALES AND USE TAX REVENUE THAT IS ALLOCATED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-206 (4) AND VERIFY THAT SUCH NOTE PROCEEDS AND TAX REVENUE ARE EXPENDED:

(a) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-4-714 (2);

(b) FOR THE PURPOSE OF FUNDING PROJECTS LISTED IN THE 2017 BALLOT INFORMATION BOOKLET PREPARED BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AS REQUIRED BY SECTION 43-4-705 (13)(b)(IV); AND

(c) APPROPRIATELY, TRANSPARENTLY, EFFECTIVELY, AND EFFICIENTLY.

1 (3) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE
2 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
3 43-2-145 REGARDING ITS ACTIVITIES AND FINDINGS.

4 (b) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING
5 REQUIREMENT SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION
6 CONTINUES UNTIL THE YEAR FOLLOWING THE YEAR IN WHICH THE LAST
7 PAYMENT ON ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS
8 AUTHORIZED BY SECTION 43-4-705 (13)(b) IS MADE.

9 **SECTION 25.** In Colorado Revised Statutes, 43-4-804, **amend**
10 (1)(a)(I) introductory portion, (1)(a)(I)(A), (1)(a)(I)(B), and (1)(a)(I)(C);
11 and **repeal** (1)(e) as follows:

12 **43-4-804. Highway safety projects - surcharges and fees -**
13 **crediting of money to highway users tax fund - definition.** (1) On and
14 after July 1, 2009, the following surcharges, fees, and fines shall be
15 collected and credited to the highway users tax fund created in section
16 43-4-201 (1)(a) and allocated to the state highway fund, counties, and
17 municipalities as specified in section 43-4-205 (6.3):

18 (a) (I) A road safety surcharge, which, except as otherwise
19 provided in ~~subparagraphs (III) and (VI) of this paragraph (a)~~
20 SUBSECTIONS (1)(a)(III) AND (1)(a)(VI) OF THIS SECTION, shall be imposed
21 for any registration period that commences on or after July 1, 2009, upon
22 the registration of any vehicle for which a registration fee must be paid
23 pursuant to the provisions of part 3 of article 3 of title 42. ~~C.R.S.~~ Except
24 as otherwise provided in ~~subparagraphs (IV) and (V) of this paragraph (a)~~
25 SUBSECTIONS (1)(a)(IV) AND (1)(a)(V) OF THIS SECTION, the amount of the
26 surcharge shall be IS:

27 (A) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,

1 2038, sixteen dollars AND ON AND AFTER JANUARY 1, 2018, BUT BEFORE
2 JANUARY 1, 2038, SIX DOLLARS for any vehicle that is a motorcycle,
3 motorscooter, or motorbicycle, as respectively defined in section
4 42-1-102 (55) and (59), ~~C.R.S.~~, or that weighs two thousand pounds or
5 less;

6 (B) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,
7 2038, twenty-three dollars AND ON AND AFTER JANUARY 1, 2018, BUT
8 BEFORE JANUARY 1, 2038, NINE DOLLARS for any vehicle that weighs
9 more than two thousand pounds but not more than five thousand pounds;

10 (C) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,
11 2038, twenty-eight dollars AND ON AND AFTER JANUARY 1, 2018, BUT
12 BEFORE JANUARY 1, 2038, ELEVEN DOLLARS for any vehicle that weighs
13 more than five thousand pounds but not more than ten thousand pounds;

14 ~~(e) Late registration fees required to be credited to the highway~~
15 ~~users tax fund pursuant to section 42-3-112 (2), C.R.S.~~

16 **SECTION 26.** In Colorado Revised Statutes, **add** part 11 to
17 article 4 of title 43 as follows:

18 PART 11

19 MULTIMODAL TRANSPORTATION OPTIONS FUNDING

20 **43-4-1101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
21 HEREBY FINDS AND DECLARES THAT:

22 (a) BY APPROVING THE BALLOT ISSUE SUBMITTED AT THE
23 NOVEMBER 2017 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705
24 (13)(b), THE VOTERS OF THE STATE AUTHORIZED THE STATE TO COLLECT,
25 RETAIN, AND SPEND, A SUBSTANTIAL AMOUNT OF NEW DEDICATED
26 FUNDING, MOST OF WHICH WILL BE USED TO ACCELERATE THE COMPLETION
27 OF HIGHWAY PROJECTS THROUGHOUT THE STATE;

1 (b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
2 THE STATE TO USE A PORTION OF THE NEWLY AUTHORIZED DEDICATED
3 TRANSPORTATION FUNDING TO FUND MULTIMODAL TRANSPORTATION
4 PROJECTS AND OPERATIONS THROUGHOUT THE STATE AS AUTHORIZED BY
5 THIS PART 11 BECAUSE, IN ADDITION TO THE GENERAL BENEFITS THAT IT
6 PROVIDES TO ALL COLORADANS, A COMPLETE AND INTEGRATED
7 MULTIMODAL TRANSPORTATION SYSTEM:

8 (I) BENEFITS SENIORS BY MAKING AGING IN PLACE MORE FEASIBLE
9 FOR THEM;

10 (II) BENEFITS RESIDENTS OF RURAL AREAS BY PROVIDING THEM
11 WITH FLEXIBLE PUBLIC TRANSPORTATION SERVICES;

12 (III) PROVIDES ENHANCED MOBILITY FOR PERSONS WITH
13 DISABILITIES; AND

14 (IV) PROVIDES SAFE ROUTES TO SCHOOLS FOR CHILDREN.

15 **43-4-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "AGING IN PLACE" MEANS HAVING THE ABILITY TO LIVE IN
18 ONE'S OWN HOME AND COMMUNITY SAFELY, INDEPENDENTLY, AND
19 COMFORTABLY, REGARDLESS OF AGE, INCOME, OR ABILITY LEVEL.

20 (2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION
21 CREATED IN SECTION 43-1-106 (1).

22 (3) "COMMITTEE" MEANS THE TRANSIT AND RAIL ADVISORY
23 COMMITTEE APPOINTED PURSUANT TO SECTION 43-1-1104 (1)(b).

24 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF
25 TRANSPORTATION.

26 (5) "DIVISION" MEANS THE TRANSIT AND RAIL DIVISION CREATED
27 IN SECTION 43-4-117.5 (1).

1 (6) "FUND" MEANS THE MULTIMODAL TRANSPORTATION OPTIONS
2 FUND CREATED IN SECTION 43-4-1103 (1).

3 (7) "MULTIMODAL TRANSPORTATION OPTIONS" MEANS BOTH
4 PUBLIC TRANSIT INFRASTRUCTURE AND OPERATIONS AND
5 TRANSPORTATION INFRASTRUCTURE THAT IS DESIGNED FOR USERS OF
6 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT.

7 (8) "TRANSPORTATION OPTIONS" MEANS TRANSPORTATION
8 INFRASTRUCTURE, OPERATIONS, AND SERVICES, OTHER THAN PORTIONS OF
9 HIGHWAYS, ROADS, OR STREETS DESIGNED PRIMARILY FOR PERSONAL AND
10 SINGLE OCCUPANT MOTOR VEHICLE USE, THAT ARE PROVIDED BY OR
11 CONTRACTED FOR BY OR ON BEHALF OF THE STATE, OR ONE OR MORE
12 LOCAL GOVERNMENTS, REGIONAL TRANSPORTATION AUTHORITIES, OR
13 TRANSIT AGENCIES AND INCLUDES:

14 (a) BUS AND RAIL FACILITIES, INCLUDING BUS LANES, EQUIPMENT,
15 AND SERVICES, INCLUDING:

16 (I) LOCAL, REGIONAL, AND INTERCITY BUS AND RAIL FACILITIES,
17 EQUIPMENT, AND SERVICES THAT ARE PROVIDED BY OR CONTRACTED FOR
18 BY OR ON BEHALF OF THE STATE, OR ONE OR MORE LOCAL GOVERNMENTS,
19 REGIONAL TRANSPORTATION AUTHORITIES, OR TRANSIT AGENCIES;

20 (II) FIRST AND FINAL MILE CONNECTIONS TO BUS AND RAIL
21 FACILITIES, EQUIPMENT, AND SERVICES; AND

22 (III) RELATED ROADWAY OR INTERSECTION IMPROVEMENTS
23 NEEDED TO EFFECTIVELY AND SAFELY INTEGRATE BUS AND RAIL
24 FACILITIES WITH ROADWAYS, SIDEWALKS, OR MULTIMODAL
25 TRANSPORTATION OPTIONS;

26 (b) TRANSPORTATION SERVICES FOR SENIORS AND PERSONS WITH
27 DISABILITIES;

- 1 (c) TRANSPORTATION DEMAND MANAGEMENT PROGRAMS;
- 2 (d) INFRASTRUCTURE DESIGNED FOR PEDESTRIANS AND USERS OF
- 3 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT; AND
- 4 (e) DEVELOPMENT AND IMPLEMENTATION OF NEW
- 5 TRANSPORTATION TECHNOLOGY.

6 **43-4-1103. Multimodal transportation options fund - creation**
7 **- revenue source for fund - use of fund - definition.** (1) THE
8 MULTIMODAL TRANSPORTATION OPTIONS FUND IS HEREBY CREATED IN THE
9 STATE TREASURY. THE FUND CONSISTS OF SALES AND USE TAX NET
10 REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE
11 TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND
12 39-26-202 (1)(b) AND THAT IS CREDITED TO THE FUND PURSUANT TO
13 SECTION 39-26-123 (7)(b) AND ANY OTHER MONEY THAT THE GENERAL
14 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE
15 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
16 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND AND
17 SHALL ALLOCATE THE INTEREST AND INCOME BETWEEN THE ACCOUNTS OF
18 THE FUND IN THE PERCENTAGES DESIGNATED BY THE COMMISSION
19 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

20 (2) THE TRANSPORTATION OPTIONS ACCOUNT AND THE
21 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT ARE CREATED IN
22 THE FUND. THE COMMISSION SHALL DESIGNATE, AND MAY AT ANY TIME BY
23 SUBSEQUENT RESOLUTION MODIFY, THE PERCENTAGES OF THE MONEY
24 CREDITED TO THE FUND TO BE CREDITED TO EACH ACCOUNT SUBJECT TO
25 THE LIMITATION THAT DURING ANY GIVEN FISCAL YEAR NO MORE THAN
26 SEVENTY-FIVE PERCENT OF THE MONEY MAY BE CREDITED TO THE
27 TRANSPORTATION OPTIONS ACCOUNT AND AT LEAST TWENTY-FIVE

1 PERCENT OF THE REVENUE MUST BE CREDITED TO THE PEDESTRIAN AND
2 ACTIVE TRANSPORTATION ACCOUNT.

3 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
4 ASSEMBLY, MONEY MUST BE EXPENDED FROM THE FUND AS FOLLOWS:

5 (a) THE COMMITTEE SHALL EXPEND MONEY FROM THE
6 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND TO FUND
7 TRANSPORTATION OPTIONS PROJECTS THAT IT HAS APPROVED FOR FUNDING
8 PURSUANT TO SECTION 43-4-1104 (1)(c).

9 (b) (I) THE DEPARTMENT SHALL EXPEND MONEY FROM THE
10 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT OF THE FUND FOR
11 PROJECTS FOR TRANSPORTATION INFRASTRUCTURE THAT IS DESIGNED FOR
12 NONMOTORIZED USE, INCLUDING PATHS, SIDEWALKS, AND ROADWAYS
13 INTENDED FOR USE WITH NONMOTORIZED EQUIPMENT. SUCH PROJECTS
14 INCLUDE NONMOTORIZED LANES AND PATHWAYS, SIDEWALKS, AND
15 ROADWAY IMPROVEMENTS, INCLUDING SHOULDERS, CROSSWALKS, AND
16 INTERSECTION IMPROVEMENTS, THAT ENHANCE SAFETY FOR USERS OF
17 NONMOTORIZED MULTIMODAL TRANSPORTATION OPTIONS. EXCEPT AS
18 OTHERWISE PROVIDED IN SUBSECTION (3)(b)(II) OF THIS SECTION, THE
19 DEPARTMENT SHALL ALLOCATE THE MONEY IN THE PEDESTRIAN AND
20 ACTIVE TRANSPORTATION ACCOUNT IN THE SAME MANNER IN WHICH
21 FEDERAL SURFACE TRANSPORTATION PROGRAM SET-ASIDE MONEY IS
22 ALLOCATED WITHIN THE STATE PURSUANT TO 23 U.S.C. SEC. 133 (h).

23 (II) TOTAL LOCAL GOVERNMENT, REGIONAL TRANSPORTATION
24 AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A PROJECT RECEIVING
25 FUNDING FROM THE PEDESTRIAN AND ACTIVE TRANSPORTATION OPTIONS
26 ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF
27 FUNDING PROVIDED FROM THE ACCOUNT; EXCEPT THAT THE FOLLOWING

1 ENTITIES MAY PROVIDE MATCHING MONEY FOR A PROJECT IN AN AMOUNT
2 EQUAL TO TWENTY PERCENT OF THE AMOUNT OF FUNDING FOR THE
3 PROJECT PROVIDED FROM THE ACCOUNT:

4 (A) CITIES OR COUNTIES THAT COLLECT LESS THAN FIFTEEN
5 MILLION DOLLARS PER YEAR IN TOTAL ANNUAL SALES TAX REVENUES; AND

6 (B) REGIONAL TRANSPORTATION AUTHORITIES OR TRANSIT
7 AGENCIES THAT HAVE TOTAL ANNUAL OPERATING BUDGETS OF LESS THAN
8 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS PER YEAR.

9 (c) FOR PURPOSES OF THIS SUBSECTION (3), "NONMOTORIZED USE"
10 INCLUDES USE OF A MOTORIZED WHEELCHAIR, SCOOTER, OR
11 FUNCTIONALLY SIMILAR ASSISTIVE TECHNOLOGY BY A PERSON WITH A
12 DISABILITY WHO USES THE MOTORIZED WHEELCHAIR, SCOOTER, OR
13 FUNCTIONALLY SIMILAR ASSISTIVE TECHNOLOGY FOR THE PURPOSE OF
14 MOBILITY ASSISTANCE.

15 (4) (a) THE DEPARTMENT SHALL ANNUALLY REPORT TO THE
16 TRANSPORTATION LEGISLATION REVIEW COMMITTEE OF THE GENERAL
17 ASSEMBLY CREATED IN SECTION 43-2-145 (1) REGARDING ITS
18 EXPENDITURES FROM THE PEDESTRIAN AND ACTIVE TRANSPORTATION
19 ACCOUNT OF THE FUND INCLUDING, AT A MINIMUM:

20 (I) AN AGGREGATE ACCOUNTING OF ALL MONEY EXPENDED FROM
21 THE ACCOUNT OF THE FUND DURING THE PRIOR FISCAL YEAR; AND

22 (II) A LISTING OF ALL PROJECTS RECEIVING FUNDING FROM THE
23 ACCOUNT DURING THE PRIOR FISCAL YEAR THAT INCLUDES FOR EACH
24 PROJECT:

25 (A) IDENTIFICATION OF THE ENTITY RECEIVING FUNDING FOR THE
26 PROJECT;

27 (B) THE AMOUNT OF ACCOUNT FUNDING PROVIDED FOR THE

1 PROJECT; AND

2 (C) THE AMOUNT OF LOCAL MATCHING MONEY PROVIDED FOR THE
3 PROJECT.

4 (b) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING
5 REQUIREMENT SPECIFIED IN SUBSECTION (4)(a) OF THIS SECTION
6 CONTINUES INDEFINITELY.

7

8 **43-4-1104. Allocation of fund by transit and rail advisory**
9 **committee - annual reporting requirement.** (1) THE COMMITTEE SHALL

10 EQUITABLY, EFFICIENTLY, AND EFFECTIVELY ALLOCATE THE MONEY IN THE
11 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND TO FUND
12 TRANSPORTATION OPTIONS PROJECTS THROUGHOUT THE STATE. TO
13 FURTHER THAT PURPOSE, THE COMMITTEE, IN ADDITION TO ANY OTHER
14 POWERS AND DUTIES SPECIFIED IN THIS PART 11, HAS THE FOLLOWING
15 POWERS AND DUTIES:

16 (a) TO DEVELOP A FORMULA FOR ALLOCATING THE MONEY AMONG
17 THE REGIONS OF THE STATE. THE FORMULA MUST TAKE INTO ACCOUNT
18 POPULATION, TRANSPORTATION OPTIONS NEEDS, TRANSPORTATION
19 OPTIONS PERFORMANCE, AND THE AVAILABILITY OF LOCAL MATCHING
20 MONEY.

21 (b) TO SUPERVISE AND PROVIDE GUIDANCE TO THE DIVISION IN ITS
22 SOLICITATION, RECEIPT, AND EVALUATION OF SPECIFIC TRANSPORTATION
23 OPTIONS PROJECT PROPOSALS FROM LOCAL GOVERNMENTS, REGIONAL
24 TRANSPORTATION AUTHORITIES, AND TRANSIT AGENCIES AND ITS
25 DEVELOPMENT OF INTERREGIONAL TRANSPORTATION OPTIONS PROJECTS
26 PURSUANT TO SECTION 43-1-117.5 (3)(a)(VIII);

27 (c) TO DETERMINE WHICH TRANSPORTATION OPTIONS PROJECTS

1 RECEIVE FUNDING AND THE AMOUNT OF THE FUNDING PROVIDED FOR EACH
2 PROJECT RECEIVING FUNDING. TOTAL LOCAL GOVERNMENT, REGIONAL
3 TRANSPORTATION AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A
4 PROJECT RECEIVING FUNDING FROM THE TRANSPORTATION OPTIONS
5 ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF
6 FUNDING PROVIDED FROM THE ACCOUNT; EXCEPT THAT THE FOLLOWING
7 ENTITIES MAY PROVIDE MATCHING MONEY FOR A PROJECT IN AN AMOUNT
8 EQUAL TO TWENTY PERCENT OF THE AMOUNT RECEIVED FOR THE PROJECT
9 FROM THE ACCOUNT:

10 (A) CITIES OR COUNTIES THAT COLLECT LESS THAN FIFTEEN
11 MILLION DOLLARS PER YEAR IN TOTAL ANNUAL SALES TAX REVENUES; AND

12 (B) REGIONAL TRANSPORTATION AUTHORITIES OR TRANSIT
13 AGENCIES THAT HAVE TOTAL ANNUAL OPERATING BUDGETS OF LESS THAN
14 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS PER YEAR.

15 (d) TO PROPOSE PROGRAMS, INCLUDING FREE TRANSPORTATION
16 OPTIONS PASS AND REDUCED FARE PROGRAMS, TO PROVIDE AT LEAST A
17 BASIC LEVEL OF TRANSPORTATION OPTIONS SERVICE TO LOW-INCOME
18 COLORADANS THROUGHOUT THE STATE.

19 (2) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE
20 TRANSPORTATION LEGISLATION REVIEW COMMITTEE OF THE GENERAL
21 ASSEMBLY CREATED IN SECTION 43-2-145 (1) REGARDING ITS ACTIVITIES
22 INCLUDING, AT A MINIMUM:

23 (I) AN AGGREGATE ACCOUNTING OF ALL MONEY EXPENDED FROM
24 THE TRANSPORTATION OPTIONS ACCOUNT OF THE FUND DURING THE PRIOR
25 FISCAL YEAR; AND

26 (II) A LISTING OF ALL TRANSPORTATION OPTIONS PROJECTS
27 RECEIVING FUNDING FROM THE TRANSPORTATION OPTIONS ACCOUNT OF

1 THE FUND DURING THE PRIOR FISCAL YEAR THAT INCLUDES FOR EACH
2 PROJECT;

3 (A) IDENTIFICATION OF THE ENTITY RECEIVING FUNDING FOR THE
4 PROJECT;

5 (B) THE AMOUNT OF TRANSPORTATION OPTIONS ACCOUNT
6 FUNDING PROVIDED FOR THE PROJECT; AND

7 (C) THE AMOUNT OF LOCAL MATCHING MONEY PROVIDED FOR THE
8 PROJECT.

9 (b) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING
10 REQUIREMENT SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION
11 CONTINUES INDEFINITELY.

12 **43-4-1105. "Keep Jobs In Colorado Act of 2013" - application.**

13 The provisions of the "Keep Jobs In Colorado Act of 2013", article 17 of
14 title 8, apply to this part 11.

15 **SECTION 27. Appropriation.** (1) For the 2017-18 state fiscal
16 year, \$179,550 is appropriated to the department of revenue. This
17 appropriation is from the general fund. To implement this act, the
18 department may use this appropriation as follows:

19 (a) \$47,788 for use by the taxpayer services division for personal
20 services, which amount is based on an assumption that the division will
21 require an additional 1.1 FTE;

22 (b) \$5,748 for use by the taxpayer services division for operating
23 expenses;

24 (c) \$111,414 for use by the executive director's office for postage;
25 and

26 (d) \$14,600 for tax administration IT system (GenTax) support;

27 (2) For the 2017-18 state fiscal year, \$6,592 is appropriated to the

1 department of revenue. This appropriation is from the Colorado state
2 titling and registration account in the highway users tax fund created in
3 section 42-1-211 (2), C.R.S. To implement this act, the department may
4 use this appropriation for DMV IT system (DRIVES) support.

5 (3) For the 2017-18 state fiscal year, \$6,592 is appropriated to the
6 office of the governor for use by the office of information technology.
7 This appropriation is from reappropriated funds received from the
8 department of revenue under subsection (2) of this section. To implement
9 this act, the office may use this appropriation to provide information
10 technology services for the department of revenue.

11 **SECTION 28. Effective date.** (1) Except as otherwise provided
12 in subsection (2) of this section, this act takes effect only if, at the
13 November 2017 statewide election, a majority of voters approve the ballot
14 issue submitted pursuant to section 43-4-705 (13)(b), Colorado Revised
15 Statutes, as enacted in section 21 of this act, and, in such case, this act
16 takes effect on the date of the official declaration of the vote thereon by
17 the governor.

18 (2) Sections 21, 28, and 29 of this act takes effect upon passage.

19 **SECTION 29. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.