

**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

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TRANSPORTATION FUNDING.**

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

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.*

- ! \$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:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly

1 hereby finds and declares that:

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

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

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

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

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

25 (a) Address poor road and bridge conditions like potholes and
26 rough pavement that damage vehicles, require vehicle owners to pay for
27 expensive vehicle repairs, and increase costs for Colorado families;

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

16 **SECTION 2.** In Colorado Revised Statutes, 24-1-128.7, **add** (8)
17 as follows:

18 **24-1-128.7. Department of transportation - creation - repeal.**

19 (8) THE MULTIMODAL TRANSPORTATION OPTIONS COMMITTEE CREATED IN
20 SECTION 43-4-1104 (1) SHALL EXERCISE ITS POWERS AND PERFORM ITS
21 DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE**
22 **1** TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE DEPARTMENT OF
23 TRANSPORTATION.

24 **SECTION 3.** In Colorado Revised Statutes, 24-75-219, **amend**
25 (2)(c) introductory portion, (3)(b), and (4)(a) introductory portion; and
26 **repeal** (1)(c) and (2)(c)(I) as follows:

27 **24-75-219. Transfers - transportation - capital construction -**

1 **definitions.** (1) As used in this section, unless the context otherwise
2 requires:

3 (c) ~~"Funds" means the highway users tax fund and the capital~~
4 ~~construction fund.~~

5 (2) (c) For each state fiscal year from state fiscal year 2017-18
6 through ~~the~~ state fiscal year 2019-20, the state treasurer shall transfer
7 from the general fund to the:

8 (I) ~~Highway users tax fund, an amount equal to two percent of the~~
9 ~~total general fund revenues for the state fiscal year in which the transfer~~
10 ~~is made; and~~


11 (3) (b) Except as otherwise ~~set forth~~ PROVIDED in subsection (4)
12 of this section, the transfers required pursuant to ~~paragraph (c) of~~
13 ~~subsection (2)~~ SUBSECTION (2)(c)(II) of this section ~~shall~~ MUST be made
14 as follows:

15 (I) On the fifteenth day of the first month of each quarter of each
16 state fiscal year in which the transfers are required, an amount equal to
17 twenty percent of the total ~~amounts that are~~ AMOUNT THAT IS required to
18 be transferred to ~~the highway users tax fund and the capital construction~~
19 ~~fund for such~~ THE state fiscal year, which ~~amounts shall~~ AMOUNT MUST
20 be based on the most recent revenue estimate prepared by legislative
21 council staff that is available at the time of the ~~transfers~~ TRANSFER, shall
22 be transferred to the ~~respective funds~~ FUND.

23 (II) On the date during the state fiscal year on which the state
24 controller distributes the comprehensive annual financial report of the
25 state, the state treasurer shall transfer an amount equal to the ~~differences~~
26 DIFFERENCE between the actual ~~amounts~~ AMOUNT required to be
27 transferred to the ~~funds~~ CAPITAL CONSTRUCTION FUND and the TOTAL OF

1 THE estimated amounts previously transferred pursuant to ~~subparagraph~~
2 ~~(I) of this paragraph (b)~~ SUBSECTION (3)(b)(I) of this section.

3 (4) (a) For any state fiscal year for which there are excess state
4 revenues that are required to be refunded pursuant to section 20 of article
5 X of the state constitution, the quarterly and year-end amounts that are
6 required to be transferred to the ~~funds~~ CAPITAL CONSTRUCTION FUND
7 pursuant to ~~paragraph (b) of subsection (3)~~ SUBSECTION (3)(b) of this
8 section shall:

9 
10 **SECTION 4.** In Colorado Revised Statutes, 39-26-105, **amend**
11 (1)(a)(I)(A) as follows:

12 **39-26-105. Vendor liable for tax - repeal.** (1) (a) (I) (A) Except
13 as provided in ~~sub-subparagraph (B) of this subparagraph (I) and in~~
14 ~~subparagraph (H) of this paragraph (a)~~ SUBSECTIONS (1)(a)(I)(B) AND
15 (1)(a)(II) OF THIS SECTION, every retailer shall, irrespective of the
16 provisions of section 39-26-106, be liable and responsible for the
17 payment of an amount equivalent to two and ninety one-hundredths
18 percent of all sales made on or after January 1, 2001, BUT BEFORE
19 JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, AND AN AMOUNT
20 EQUAL TO THREE AND FIFTY-TWO ONE-HUNDREDTHS PERCENT OF ALL
21 SALES MADE ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1,
22 2038, by the retailer of commodities or services as specified in section
23 39-26-104.

24 **SECTION 5.** In Colorado Revised Statutes, 39-26-106, **amend**
25 (1) as follows:

26 **39-26-106. Schedule of sales tax.** (1) (a) (I) Except as otherwise
27 provided in ~~subparagraph (H) of this paragraph (a)~~, SUBSECTION (1)(a)(II)

1 OF THIS SECTION, there is imposed upon all sales of commodities and
2 services specified in section 39-26-104 a tax at the rate of ~~three~~ TWO AND
3 NINETY ONE-HUNDREDTHS percent of the amount of the sale, to be
4 computed in accordance with schedules or systems approved by the
5 executive director of the department of revenue. ~~Said~~ THE schedules or
6 systems shall be designed so that no ~~such~~ tax is charged on any sale of
7 seventeen cents or less.

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

19 (b) ~~Notwithstanding the three percent rate provisions of paragraph~~
20 ~~(a) of this subsection (1), for the period May 1, 1983, through July 31,~~
21 ~~1984, the rate of the tax imposed pursuant to this subsection (1) shall be~~
22 ~~three and one-half percent.~~

23 **SECTION 6.** In Colorado Revised Statutes, **amend** 39-26-112 as
24 follows:

25 **39-26-112. Excess tax - remittance.** If ~~any~~ A vendor, during any
26 reporting period, collects as a tax an amount in excess of ~~three percent of~~
27 ~~all taxable sales made prior to January 1, 2001,~~ and two and ninety

1 one-hundredths percent of all taxable sales made on or after January 1,
2 2001, ~~such~~ BUT BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY
3 1, 2038, OR COLLECTS AS A TAX AN AMOUNT IN EXCESS OF THREE AND
4 FIFTY-TWO ONE-HUNDREDTHS PERCENT OF ALL TAXABLE SALES MADE ON
5 OR AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1, 2038, THE vendor
6 shall remit to the executive director of the department of revenue the full
7 net amount of the tax imposed in this part 1 and also ~~such~~ THE excess.
8 The retention by the retailer or vendor of any excess of tax collections
9 over the ~~said~~ APPLICABLE percentage of the total taxable sales of ~~such~~ THE
10 retailer or vendor or the intentional failure to remit punctually to the
11 executive director the full amount required to be remitted by the
12 provisions of this part 1 is ~~declared to be~~ unlawful and constitutes a
13 misdemeanor.

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

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

26 (7) (a) THE STATE TREASURER SHALL CREDIT NET REVENUE
27 COLLECTED UNDER THE PROVISIONS OF THIS ARTICLE 26 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) AS
3 FOLLOWS:

4 (I) THE STATE TREASURER SHALL CREDIT THE FIRST THREE
5 HUNDRED SEVENTY-FIVE MILLION DOLLARS OF THE NET REVENUE PLUS
6 SEVENTY PERCENT OF THE REMAINDER OF THE NET REVENUE COLLECTED
7 DURING EACH STATE FISCAL YEAR TO THE HIGHWAY USERS TAX FUND FOR
8 ALLOCATION TO THE STATE, COUNTIES, AND MUNICIPALITIES AS SPECIFIED
9 IN SECTIONS 43-4-206 (4), 43-4-207 (1) AND (2)(b), AND 43-4-208 (1) AND
10 (6)(a); AND

11 (II) THE STATE TREASURER SHALL CREDIT THE REMAINING THIRTY
12 PERCENT OF THE REMAINDER OF THE NET REVENUE COLLECTED DURING
13 EACH STATE FISCAL YEAR TO THE MULTIMODAL TRANSPORTATION OPTIONS
14 FUND, AND SPECIFICALLY TO THE TRANSPORTATION OPTIONS ACCOUNT
15 AND THE PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT OF THE
16 FUND IN THE PERCENTAGES DESIGNATED BY THE TRANSPORTATION
17 COMMISSION PURSUANT TO SECTION 43-4-1103 (2), FOR USE AS
18 AUTHORIZED BY PART 11 OF ARTICLE 4 OF TITLE 43.

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

1 MANNER SPECIFIED IN SUBSECTION (7)(a) OF THIS SECTION.

2 **SECTION 8.** In Colorado Revised Statutes, 39-26-202, **amend**
3 (1)(a) and (1)(b); and **repeal** (2) as follows:

4 **39-26-202. Authorization of tax.** (1) (a) Except as otherwise
5 provided in ~~paragraph (b) of this subsection (1) and in subsection (3)~~
6 SUBSECTIONS (1)(b) AND (3) of this section, there is imposed and shall be
7 collected from every person in this state a tax or excise at the rate of ~~three~~
8 TWO AND NINETY ONE-HUNDREDTHS percent of storage or acquisition
9 charges or costs for the privilege of storing, using, or consuming in this
10 state any articles of tangible personal property purchased at retail.

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

22 (2) ~~Notwithstanding the three percent rate provisions of~~
23 ~~subsection (1) of this section, for the period May 1, 1983, through July~~
24 ~~31, 1984, the rate of the tax imposed pursuant to this section shall be three~~
25 ~~and one-half percent.~~

26 **SECTION 9.** In Colorado Revised Statutes, 39-28.8-501, **amend**
27 (1) as follows:

1 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
2 **- legislative declaration.** (1) The marijuana tax cash fund, referred to in
3 this part 5 as the "fund", is created in the state treasury. The fund consists
4 of any applicable retail marijuana sales tax transferred pursuant to section
5 39-28.8-203 (1)(b) on or after July 1, 2014, and any ~~revenues~~ REVENUE
6 transferred to the fund from any sales tax imposed pursuant to ~~section~~
7 ~~39-26-106~~ SECTION 39-26-106 (1)(a)(I) on the retail sale of products
8 under articles 43.3 and 43.4 of title 12. ~~C.R.S.~~

9 **SECTION 10.** In Colorado Revised Statutes, **repeal** 42-3-112.

10 **SECTION 11.** In Colorado Revised Statutes, 43-1-117.5, **amend**
11 (3)(a) introductory portion, (3)(a)(VI), and (3)(a)(VII); and **add**
12 (3)(a)(VIII) as follows:

13 **43-1-117.5. Transit and rail division - created - powers and**
14 **duties.** (3) (a) The transit and rail division ~~shall be~~ IS responsible for the
15 planning, development, operation, and integration of transit and rail,
16 including, where appropriate, advanced guideway systems, into the
17 statewide transportation system AND shall, in coordination with other
18 transit and rail providers, plan, promote, and implement investments in
19 transit and rail services statewide. ~~and shall have~~ THE DIVISION ALSO HAS
20 the following specific powers and duties:

21 (VI) To support the department in representing the state with
22 respect to the development of intercity rail facilities, including but not
23 limited to submission of applications to the United States department of
24 transportation for approval and funding of high-speed rail projects,
25 commissioning of any necessary studies, and coordination with other
26 states to facilitate such applications; ~~and~~

27 (VII) To coordinate and cooperate with regional transportation

1 authorities created pursuant to part 6 of article 4 of this ~~title~~ TITLE 43 and
2 other regional or corridor-specific entities concerned with the planning,
3 development, operation, and integration of transit, passenger rail, or
4 advanced guideway systems in the statewide transportation system; AND

5 (VIII) AS DIRECTED BY AND UNDER THE SUPERVISION OF THE
6 MULTIMODAL TRANSPORTATION OPTIONS COMMITTEE CREATED IN SECTION
7 43-4-1104 (1), TO ASSIST THE COMMITTEE IN DETERMINING THE
8 ALLOCATION OF MONEY IN THE TRANSPORTATION OPTIONS ACCOUNT OF
9 THE MULTIMODAL TRANSPORTATION OPTIONS FUND CREATED IN SECTION
10 43-4-1103 (2) BY SOLICITING, RECEIVING, AND EVALUATING APPLICATIONS
11 FOR TRANSPORTATION OPTIONS PROJECT FUNDING FROM LOCAL
12 GOVERNMENTS AND TRANSIT AGENCIES THROUGHOUT THE STATE AND
13 PROPOSING FUNDING FOR INTERREGIONAL TRANSPORTATION OPTIONS
14 PROJECTS.

15 **SECTION 12.** In Colorado Revised Statutes, 43-4-205, **amend**
16 (6.3) as follows:

17 **43-4-205. Allocation of fund.** (6.3) (a) ~~Revenues~~ BEFORE
18 JANUARY 1, 2018, AND ON AND AFTER JANUARY 1, 2038, REVENUE from
19 the surcharges, fees, and fines credited to the highway users tax fund
20 pursuant to section 43-4-804 (1) shall be allocated and expended in
21 accordance with the formula specified in ~~paragraph (b) of subsection (6)~~
22 SUBSECTION (6)(b) of this section.

23 (b) ON AND AFTER JANUARY 1, 2018, BUT BEFORE JANUARY 1,
24 2038, REVENUE FROM THE SURCHARGES, FEES, AND FINES CREDITED TO
25 THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 43-4-804
26 (1)(a)(I)(D), (1)(a)(I)(E), (1)(b), (1)(c), (1)(d), AND (1)(e) SHALL BE
27 ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA

1 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AND REVENUE FROM THE
2 ROAD SAFETY SURCHARGE CREDITED TO THE HIGHWAY USERS TAX FUND
3 PURSUANT TO SECTION 43-4-804 (1)(a)(I)(A), (1)(a)(I)(B), AND
4 (1)(a)(I)(C) SHALL BE ALLOCATED AND EXPENDED AS FOLLOWS:

5 (I) FIFTY-FIVE PERCENT OF THE REVENUE SHALL BE PAID TO THE
6 COUNTY TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL
7 APPROPRIATION BY THE GENERAL ASSEMBLY, AND SHALL BE ALLOCATED
8 AND EXPENDED AS PROVIDED IN SECTION 43-4-207; AND

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

13 **SECTION 13.** In Colorado Revised Statutes, 43-4-206, **amend**
14 (1) introductory portion, (2)(a), (2)(b), and (3); and **add** (4) as follows:

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

24 (2) (a) ~~Notwithstanding the provisions of subsection (1) of this~~
25 ~~section, the revenues~~ REVENUE accrued to and transferred to the highway
26 users tax fund pursuant to section 39-26-123 (4)(a) or 24-75-219, ~~C.R.S.~~,
27 or appropriated to the highway users tax fund pursuant to House Bill

1 02-1389, enacted at the second regular session of the sixty-third general
2 assembly, and credited to the state highway fund pursuant to section
3 43-4-205 (6.5) shall be expended by the department of transportation for
4 the implementation of the strategic transportation project investment
5 program. ~~in the following manner:~~

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

12 ~~(H) (Deleted by amendment, L. 2000, p. 1741, § 1, effective June~~
13 ~~1, 2000.)~~

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

23 (I) The projects on which the ~~revenues~~ REVENUE credited to the
24 state highway fund pursuant to ~~paragraph (a) of this subsection (2)~~ are
25 SUBSECTIONS (2) AND (4) OF THIS SECTION IS to be expended, including
26 the estimated cost of each project, the aggregate amount of revenue
27 actually spent on each project, and the amount of revenue allocated for

1 each project in such fiscal year. The department of transportation shall
2 submit a prioritized list of such projects as part of the report.

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

5 (III) The projected amount of revenue that the department expects
6 to receive under this subsection (2) AND SUBSECTION (4) OF THIS SECTION
7 during ~~such~~ THE fiscal year;

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

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

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

1 transportation system, that enhance the safety of state highways for transit
2 users.

3 (4) THREE HUNDRED SEVENTY-FIVE MILLION DOLLARS PER YEAR
4 OF THE NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES
5 AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND
6 39-26-202 (1)(b) AND THAT THE STATE TREASURER CREDITS TO THE
7 HIGHWAY USERS TAX FUND AS REQUIRED BY SECTION 39-26-123 (7)(a)
8 SHALL BE PAID TO THE STATE HIGHWAY FUND AND EXPENDED BY THE
9 DEPARTMENT OF TRANSPORTATION AS FOLLOWS:

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

15
16 (b) ANY REMAINING REVENUE MAY BE EXPENDED ONLY FOR
17 QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING
18 MULTIMODAL CAPITAL PROJECTS, THAT ARE INCLUDED IN THE STRATEGIC
19 TRANSPORTATION PROJECT INVESTMENT PROGRAM OF THE DEPARTMENT
20 OF TRANSPORTATION AND ARE ON THE DEPARTMENT'S PRIORITY LIST FOR
21 TRANSPORTATION FUNDING AND FOR MAINTENANCE, INCLUDING RAPID
22 RESPONSE MAINTENANCE, OF STATE HIGHWAYS.

23 **SECTION 14.** In Colorado Revised Statutes, 43-4-207, **amend**
24 (1), (2) introductory portion, and (2)(b) introductory portion; and **add** (4)
25 as follows:

26 **43-4-207. County allocation.** (1) Colorado state patrol and
27 ~~such~~ ANY other costs of the department, exclusive of highway

1 construction, highway improvements, or highway maintenance, as THAT
2 are appropriated by the general assembly, ~~twenty-six percent of the~~
3 ~~balance of the highway users tax fund~~ THE REVENUE REQUIRED BY
4 SECTION 43-4-205 TO BE PAID FROM THE HIGHWAY USERS TAX FUND TO
5 THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES AND FIFTY
6 PERCENT OF THE NET REVENUE THAT IS ATTRIBUTABLE TO THE
7 ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS
8 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b), THAT THE STATE TREASURER
9 CREDITS TO THE HIGHWAY USERS TAX FUND AS REQUIRED BY SECTION
10 39-26-123 (7)(a), AND THAT REMAINS AFTER THE PAYMENT OF SUCH
11 REVENUE TO THE STATE HIGHWAY FUND REQUIRED BY SECTION 43-4-206
12 (4) IS MADE shall be paid to the county treasurers of the respective
13 counties, subject to annual appropriation by the general assembly, and
14 shall be allocated and expended as provided in this section. The ~~moneys~~
15 ~~thus~~ MONEY received ~~shall be~~ IS allocated to the counties as provided by
16 law and shall be expended by the counties only on the construction,
17 engineering, reconstruction, maintenance, repair, equipment,
18 improvement, and administration of the county highway systems and any
19 other public highways, including any state highways, together with
20 acquisition of rights-of-way and access rights for the same, for the
21 planning, designing, engineering, acquisition, installation, construction,
22 repair, reconstruction, maintenance, operation, or administration of
23 transit-related projects, including, but not limited to, designated bicycle
24 or pedestrian lanes of highway and infrastructure needed to integrate
25 different transportation modes within a multimodal transportation system,
26 AS MATCHING MONEY FOR PROJECTS RECEIVING FUNDING FROM THE
27 MULTIMODAL TRANSPORTATION OPTIONS FUND PURSUANT TO EITHER

1 SECTIONS 43-4-1103 (3)(a) AND 43-4-1104 (3)(c) OR SECTION 43-4-1103
2 (3)(b), and for no other purpose; except that ~~a county may expend no~~
3 ~~more than fifteen percent of the total amount expended under this~~
4 ~~subsection (1) for transit-related operational purposes and except that~~
5 ~~moneys~~ MONEY received pursuant to section 43-4-205 (6.3) shall be
6 expended by the counties only for road safety projects, as defined in
7 section 43-4-803 (21). The amount ~~to be~~ expended for administrative
8 purposes shall not exceed five percent of each county's share of the funds
9 available.

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

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

20 (4) (a) IF A COUNTY, AFTER THE END OF ITS FISCAL YEAR BUT
21 BEFORE IT FINALIZES ITS FINANCIAL STATEMENT, AS DEFINED IN 29-1-602
22 (3), FOR THE FISCAL YEAR, DETERMINES THAT ITS RECEIPT OF ALL OR A
23 PORTION OF THE NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL
24 SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106
25 (1)(a)(II) AND 39-26-202 (1)(b) AND WAS ALLOCATED TO IT DURING THE
26 FISCAL YEAR AS DEDICATED TRANSPORTATION FUNDING AND FOR NO
27 OTHER PURPOSE PURSUANT TO THIS SECTION WILL EITHER CAUSE IT TO

1 EXCEED ITS FISCAL YEAR SPENDING LIMIT AND REQUIRE IT TO REFUND
2 EXCESS COUNTY REVENUE PURSUANT TO SECTION 20 (7)(d) OF ARTICLE X
3 OF THE STATE CONSTITUTION OR INCREASE AN EXISTING OBLIGATION THAT
4 IT HAS TO REFUND EXCESS COUNTY REVENUE FOR THE FISCAL YEAR, THE
5 COUNTY MAY, IN ITS SOLE DISCRETION AND BEFORE IT FINALIZES THE
6 FINANCIAL STATEMENT, REMIT AN AMOUNT EQUAL TO ALL OR ANY
7 PORTION OF ITS ALLOCATION OF SUCH NET REVENUE BACK TO THE STATE
8 TREASURER IN ORDER TO ELIMINATE OR REDUCE THE AMOUNT OF THE
9 REQUIRED REFUND.

10 (b) FOR PURPOSES OF DETERMINING A COUNTY'S FISCAL YEAR
11 SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF THE STATE CONSTITUTION,
12 REVENUE REMITTED BACK TO THE STATE TREASURER BY A COUNTY
13 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS DEEMED TO HAVE
14 NEVER BEEN RECEIVED BY THE COUNTY AND IS NOT INCLUDED IN THE
15 COUNTY'S FISCAL YEAR SPENDING.

16 (c) ANY REVENUE REMITTED BACK TO THE STATE TREASURER
17 FROM A COUNTY PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS NOT
18 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF THE STATE
19 CONSTITUTION, OF THE STATE, SHALL BE PAID TO THE COUNTY
20 TREASURERS OF THE RESPECTIVE COUNTIES PURSUANT TO SECTION
21 43-4-205 (1) AND THIS SECTION IN THE SAME MANNER AS OTHER REVENUE
22 IS PAID TO THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES
23 PURSUANT TO SECTION 43-4-205 (1) AND THIS SECTION, AND IS ACCRUED
24 TO EACH COUNTY IN THE MONTH IN WHICH IT IS RECEIVED.

25 **SECTION 15.** In Colorado Revised Statutes, 43-4-208, **amend**
26 (1), (2) introductory portion, (2)(a), and (6)(a); and **add** (7) as follows:

27 **43-4-208. Municipal allocation.** (1) Colorado state patrol

1 and ~~such~~ ANY other costs of the department, exclusive of highway
2 construction, highway improvements, or highway maintenance, as THAT
3 are appropriated by the general assembly, ~~and making allocation as~~
4 ~~provided by sections 43-4-206 and 43-4-207, the remaining nine percent~~
5 ~~of the highway users tax fund~~ THE REVENUE REQUIRED BY SECTION TO BE
6 PAID FROM THE HIGHWAY USERS TAX FUND TO CITIES AND INCORPORATED
7 TOWNS AND FIFTY PERCENT OF THE NET REVENUE THAT IS ATTRIBUTABLE
8 TO THE ADDITIONAL SALES AND USE TAXES LEVIED PURSUANT TO
9 SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b), THAT THE STATE
10 TREASURER CREDITS TO THE HIGHWAY USERS TAX FUND AS REQUIRED BY
11 SECTION 39-26-123 (7)(a), AND THAT REMAINS AFTER THE PAYMENT OF
12 SUCH REVENUE TO THE STATE HIGHWAY FUND REQUIRED BY SECTION
13 43-4-206 (4) IS MADE shall be paid to the cities and incorporated towns
14 within the limits of the respective counties, subject to annual
15 appropriation by the general assembly, and shall be allocated and
16 expended as provided in this section. Each city treasurer shall account for
17 the moneys thus received as provided in this part 2. Moneys so allocated
18 shall be expended by the cities and incorporated towns for the
19 construction, engineering, reconstruction, maintenance, repair,
20 equipment, improvement, and administration of the system of streets of
21 such city or incorporated town or of any public highways located within
22 such city or incorporated town, including any state highways, together
23 with the acquisition of rights-of-way and access rights for the same, and
24 for the planning, designing, engineering, acquisition, installation,
25 construction, repair, reconstruction, maintenance, operation, or
26 administration of transit-related projects, including, but not limited to,
27 designated bicycle or pedestrian lanes of highway and infrastructure

1 needed to integrate different transportation modes within a multimodal
2 transportation system, AS MATCHING MONEY FOR PROJECTS RECEIVING
3 FUNDING FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND
4 PURSUANT TO EITHER SECTIONS 43-4-1103 (3)(a) AND 43-4-1104 (3)(c) OR
5 SECTION 43-4-1103 (3)(b), and for no other purpose; except that a city or
6 an incorporated town may expend no more than fifteen percent of the
7 total amount expended under this subsection (1) for transit-related
8 operational purposes and except that moneys MONEY paid to the cities and
9 incorporated towns pursuant to section 43-4-205 (6.3) shall be expended
10 by the cities and incorporated towns only for road safety projects, as
11 defined in section 43-4-803 (21). The amount to be expended for
12 administrative purposes shall not exceed five percent of each city's share
13 of the funds available.

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

17 (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS
18 SECTION, eighty percent shall be allocated to the cities and incorporated
19 towns in proportion to the adjusted urban motor vehicle registration in
20 each city and incorporated town. The term "urban motor vehicle
21 registration" includes all passenger, truck, truck-tractor, and motorcycle
22 registrations. The number of registrations used in computing the
23 percentage shall be those certified to the state treasurer by the department
24 of revenue as constituting the urban motor vehicle registration for the last
25 preceding year. The adjusted registration shall be computed by applying
26 a factor to the actual number of such registrations to reflect the increased
27 standards and costs of construction resulting from the concentration of

1 vehicles in cities and incorporated places. For this purpose the following
 2 table of actual registration numbers and factors shall be employed:

	Actual registrations	Factor
4	1 -- 500	1.0
5	501 -- 1,250	1.1
6	1,251 -- 2,500	1.2
7	2,501 -- 5,000	1.3
8	5,001 -- 12,500	1.4
9	12,501 -- 25,000	1.5
10	25,001 -- 50,000	1.6
11	50,001 -- 85,000	1.7
12	85,001 -- 130,000	1.8
13	130,001 -- 185,000	1.9
14	185,001 and over	2.0

15 (6) (a) In addition to the provisions of subsection (2)(a) of this
 16 section, on or after July 1, 1979, eighty percent of all additional funds
 17 MONEY becoming available to cities and incorporated towns from the
 18 highway users tax fund pursuant to sections 24-75-215 ~~C.R.S.~~, and
 19 43-4-205 (6)(b)(III) AND (6)(c) AND, ON AND AFTER JANUARY 1, 2018,
 20 EIGHTY PERCENT OF THE MONEY CREDITED TO THE HIGHWAY USERS TAX
 21 FUND AS REQUIRED BY SECTION 39-26-123 (7)(a) THAT IS REQUIRED BY
 22 SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE CITIES AND
 23 INCORPORATED TOWNS WITHIN THE LIMITS OF THE RESPECTIVE COUNTIES
 24 shall be allocated to the cities and incorporated towns in proportion to the
 25 adjusted urban motor vehicle registration in each city and incorporated
 26 town. The term "urban motor vehicle registration", as used in this section,
 27 includes all passenger, truck, truck-tractor, and motorcycle registrations.

1 The number of registrations used in computing the percentage shall be
 2 those certified to the state treasurer by the department of revenue as
 3 constituting the urban motor vehicle registration for the last preceding
 4 year. The adjusted registration shall be computed by applying a factor to
 5 the actual number of such registrations to reflect the increased standards
 6 and costs of construction resulting from the concentration of vehicles in
 7 cities and incorporated places. For this purpose the following table of
 8 actual registration numbers and factors shall be employed:

	Actual registrations	Factor
9		
10	1 -- 500	1.0
11	501 -- 1,250	1.1
12	1,251 -- 2,500	1.2
13	2,501 -- 5,000	1.3
14	5,001 -- 12,500	1.4
15	12,501 -- 25,000	1.5
16	25,001 -- 50,000	1.6
17	50,001 -- 85,000	1.7
18	85,001 -- 125,000	1.8
19	125,001 -- 165,000	1.9
20	165,001 -- 205,000	2.0
21	205,001 -- 245,000	2.1
22	245,001 -- 285,000	2.2
23	285,001 -- 325,000	2.3
24	325,001 -- 365,000	2.4
25	365,001 -- 405,000	2.5
26	405,001 -- 445,000	2.6
27	445,001 -- 485,000	2.7

1	485,001 -- 525,000	2.8
2	525,001 -- 565,000	2.9
3	565,001 -- 605,000	3.0

4 (4) (a) IF A CITY OR INCORPORATED TOWN, AFTER THE END OF ITS
5 FISCAL YEAR BUT BEFORE IT FINALIZES ITS FINANCIAL STATEMENT, AS
6 DEFINED IN 29-1-602 (3), FOR THE FISCAL YEAR, DETERMINES THAT ITS
7 RECEIPT OF ALL OR A PORTION OF THE NET REVENUE THAT IS
8 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
9 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AND
10 WAS ALLOCATED TO IT DURING THE FISCAL YEAR AS DEDICATED
11 TRANSPORTATION FUNDING AND FOR NO OTHER PURPOSE PURSUANT TO
12 THIS SECTION WILL EITHER CAUSE IT TO EXCEED ITS FISCAL YEAR
13 SPENDING LIMIT AND REQUIRE IT TO REFUND EXCESS CITY OR
14 INCORPORATED TOWN REVENUE PURSUANT TO SECTION 20 (7)(d) OF
15 ARTICLE X OF THE STATE CONSTITUTION OR INCREASE AN EXISTING
16 OBLIGATION THAT IT HAS TO REFUND EXCESS CITY OR INCORPORATED
17 TOWN REVENUE FOR THE FISCAL YEAR, THE CITY OR INCORPORATED TOWN
18 MAY, IN ITS SOLE DISCRETION AND BEFORE IT FINALIZES THE FINANCIAL
19 STATEMENT, REMIT AN AMOUNT EQUAL TO ALL OR ANY PORTION OF ITS
20 ALLOCATION OF SUCH NET REVENUE BACK TO THE STATE TREASURER IN
21 ORDER TO ELIMINATE OR REDUCE THE AMOUNT OF THE REQUIRED REFUND.

22 (b) FOR PURPOSES OF DETERMINING A CITY OR INCORPORATED
23 TOWN'S FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF THE
24 STATE CONSTITUTION, REVENUE REMITTED BACK TO THE STATE
25 TREASURER BY A CITY OR INCORPORATED TOWN PURSUANT TO
26 SUBSECTION (4)(a) OF THIS SECTION IS DEEMED TO HAVE NEVER BEEN
27 RECEIVED BY THE CITY OR INCORPORATED TOWN AND IS NOT INCLUDED IN

1 THE CITY OR INCORPORATED TOWN'S FISCAL YEAR SPENDING.
2 (c) ANY REVENUE REMITTED BACK TO THE STATE TREASURER
3 FROM A CITY OR INCORPORATED TOWN PURSUANT TO SUBSECTION (4)(a)
4 OF THIS SECTION IS NOT FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20
5 (2)(e) OF THE STATE CONSTITUTION, OF THE STATE, SHALL BE PAID TO THE
6 CITIES AND INCORPORATED TOWNS PURSUANT TO SECTION 43-4-205 (1)
7 AND THIS SECTION IN THE SAME MANNER AS OTHER REVENUE IS PAID TO
8 THE CITIES AND INCORPORATED TOWNS PURSUANT TO SECTION 43-4-205
9 (1) AND THIS SECTION, AND IS ACCRUED TO EACH CITY AND INCORPORATED
10 TOWN IN THE MONTH IN WHICH IT IS RECEIVED.

11 **SECTION 16.** In Colorado Revised Statutes, 43-4-705, **amend**
12 (13) as follows:

13 **43-4-705. Revenue anticipation notes - repeal.**
14 (13) (a) Notwithstanding any other provision of this part 7 to the
15 contrary, the executive director shall have the authority to issue revenue
16 anticipation notes pursuant to this part 7 only if voters statewide approve
17 the ballot question submitted at the November, 1999, statewide election
18 pursuant to section 43-4-703 (1) and only then to the extent allowed under
19 the maximum amounts of debt and repayment cost so approved.

20 (b) (I) AFTER THE REPAYMENT IN FULL OF ALL REVENUE
21 ANTICIPATION NOTES ISSUED AS AUTHORIZED BY SUBSECTION (13)(a) OF
22 THIS SECTION, AND UPON VOTER APPROVAL OF THE BALLOT ISSUE
23 SUBMITTED AT THE NOVEMBER 2017 STATEWIDE ELECTION PURSUANT TO
24 SUBSECTION (13)(b)(III) OF THIS SECTION AND THE REPAYMENT FUNDING
25 COMMITMENT REQUIREMENT SPECIFIED IN SUBSECTION (13)(b)(II) OF THIS
26 SECTION, THE EXECUTIVE DIRECTOR SHALL ISSUE ADDITIONAL REVENUE
27 ANTICIPATION NOTES IN A MAXIMUM AMOUNT OF THREE AND ONE-HALF

1 BILLION DOLLARS AND WITH A MAXIMUM REPAYMENT COST OF FIVE
2 BILLION DOLLARS. THE MAXIMUM REPAYMENT TERM FOR ANY NOTES
3 ISSUED PURSUANT TO THIS SUBSECTION (13)(b) IS TWENTY YEARS, AND
4 THE CERTIFICATE, TRUST INDENTURE, OR OTHER INSTRUMENT
5 AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE STATE MAY PAY
6 THE NOTES IN FULL BEFORE THE END OF THE SPECIFIED PAYMENT TERM
7 WITHOUT PENALTY.

8 (II) NOTWITHSTANDING SECTION 43-1-113 (19) AND SUBSECTION
9 (12)(a) OF THIS SECTION, BEFORE ISSUING ANY REVENUE ANTICIPATION
10 NOTES AS AUTHORIZED BY SUBSECTION (13)(b)(I) OF THIS SECTION, THE
11 TRANSPORTATION COMMISSION SHALL ADOPT A RESOLUTION IN WHICH IT
12 COVENANTS THAT AMOUNTS IT ALLOCATES ON AN ANNUAL BASIS
13 PURSUANT TO SECTION 43-1-113 TO PAY THE REVENUE ANTICIPATION
14 NOTES WILL BE PAID AS FOLLOWS: FIRST, FIFTY MILLION DOLLARS FROM
15 ANY LEGALLY AVAILABLE MONEY UNDER ITS CONTROL OTHER THAN SALES
16 AND USE TAX NET REVENUE CREDITED TO THE STATE HIGHWAY FUND
17 PURSUANT TO SECTION 43-4-206 (4); NEXT, FROM SALES AND USE TAX NET
18 REVENUE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION
19 43-4-206 (4); AND, IF SUCH REVENUE IS INSUFFICIENT, LAST, FROM ANY
20 OTHER LEGALLY AVAILABLE MONEY UNDER ITS CONTROL ANY AMOUNT
21 NEEDED FOR PAYMENT OF THE NOTES UNTIL THE NOTES ARE FULLY REPAID.

22 (III) THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED
23 ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE
24 STATEWIDE ELECTION HELD IN NOVEMBER 2017 THE FOLLOWING BALLOT
25 ISSUE: "SHALL STATE TAXES BE INCREASED BY SEVEN HUNDRED TWO
26 MILLION TWO HUNDRED THOUSAND DOLLARS ANNUALLY AND
27 TEMPORARILY TO PAY FOR STATE AND LOCAL TRANSPORTATION PROJECTS,

1 INCLUDING MUNICIPAL AND COUNTY ROADS, STATE HIGHWAYS,
2 AFFORDABLE AND ACCESSIBLE TRANSPORTATION OPTIONS FOR SENIORS
3 AND PERSONS WITH DISABILITIES, BUS AND RAIL SERVICE, RAPID RESPONSE
4 MAINTENANCE PROGRAMS, AND TO ENHANCE MOBILITY AND SAFETY FOR
5 ALL COLORADANS, BY A STATE SALES AND USE TAX RATE INCREASE OF
6 0.62% FOR THE TWENTY-YEAR PERIOD BEGINNING JANUARY 1, 2018, AND
7 ENDING DECEMBER 31, 2037; SHALL STATE DEBT BE INCREASED UP TO
8 \$3,500,000,000, WITH MAXIMUM REPAYMENT COST OF \$5,000,000,000 BY
9 THE ISSUANCE OF ADDITIONAL TRANSPORTATION REVENUE ANTICIPATION
10 NOTES SOLELY TO FUND SPECIFIED HIGH-PRIORITY TRANSPORTATION
11 PROJECTS IN ALL AREAS OF THE STATE; AND SHALL ALL REVENUE FROM
12 THE TAX RATE INCREASE IN THE STATED AMOUNT IN THE FIRST FULL
13 FISCAL YEAR AND IN WHATEVER AMOUNTS ARE COLLECTED IN FUTURE
14 FISCAL YEARS BY IMPOSITION OF THE 0.62% SALES TAX RATE INCREASE
15 AND EARNINGS ON SUCH REVENUES AND ON PROCEEDS OF THE NOTES BE
16 RETAINED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE?"

17 (IV) WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS
18 SUBSECTION (13)(b)(IV), THE DEPARTMENT SHALL PROVIDE TO THE
19 DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL THE MOST RECENT
20 AVAILABLE LIST OF PROJECTS, INCLUDING MULTIMODAL CAPITAL
21 PROJECTS, THAT ARE ON THE DEPARTMENT'S PRIORITY LIST FOR
22 TRANSPORTATION FUNDING AND THAT THE DEPARTMENT WILL FUND WITH
23 PROCEEDS OF ANY ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS
24 AUTHORIZED BY THIS SUBSECTION (13)(b). IN ORDER TO FULLY INFORM
25 THE VOTERS OF THE STATE CONCERNING THE PROJECTS TO BE FUNDED
26 WITH PROCEEDS OF ANY SUCH ADDITIONAL REVENUE ANTICIPATION NOTES
27 BEFORE THE VOTERS VOTE ON THE BALLOT QUESTION SPECIFIED IN

1 SUBSECTION (13)(b)(III) OF THIS SECTION, THE DIRECTOR OF RESEARCH
2 SHALL PUBLISH THE LIST, INCLUDING ANY SUBSEQUENT UPDATES TO THE
3 LIST MADE BEFORE FINAL APPROVAL BY THE LEGISLATIVE COUNCIL OF THE
4 2017 BALLOT INFORMATION BOOKLET PREPARED PURSUANT TO SECTION
5 1-40-124.5, WHICH UPDATES THE DEPARTMENT SHALL EXPEDITIOUSLY
6 PROVIDE TO THE DIRECTOR OF RESEARCH, IN THE BALLOT INFORMATION
7 BOOKLET.

8 (V) (A) IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT
9 ISSUE IN SUBSECTION (13)(b)(III) OF THIS SECTION VOTE "NO/AGAINST",
10 THEN THIS SUBSECTION (13)(b) IS REPEALED, EFFECTIVE JANUARY 1, 2018.

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

14 **SECTION 17.** In Colorado Revised Statutes, **amend** 43-4-713 as
15 follows:

16 **43-4-713. Annual reports - provision of information of**
17 **website.** (1) No later than ~~January 15, 2001~~ JANUARY 15, 2019, and no
18 later than January 15 of each year thereafter, the executive director shall
19 submit a report to ~~the members of the joint budget committee of the~~
20 ~~general assembly, the members of the legislative audit committee of the~~
21 ~~general assembly, the chair of the transportation and energy committee of~~
22 ~~the house of representatives, and the chair of the transportation committee~~
23 of the senate that includes, at a minimum, the following information:

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

27 (b) The qualified federal aid transportation projects, INCLUDING

1 MULTIMODAL CAPITAL PROJECTS, THAT ARE ON THE DEPARTMENT'S
2 PRIORITY LIST FOR TRANSPORTATION FUNDING AND for which the proceeds
3 from ~~such~~ THE ADDITIONAL revenue anticipation notes have been
4 expended, the amount of note proceeds expended on each project, the
5 status of each project, THE ACTUAL COST OF EACH COMPLETED PROJECT
6 AND A COMPARISON OF THE ACTUAL COST WITH THE ESTIMATED COST
7 PUBLISHED IN THE 2017 BALLOT INFORMATION BOOKLET AS REQUIRED BY
8 SECTION 43-4-705 (13)(b)(IV), and the estimated date of completion for
9 ~~such~~ ANY projects not yet completed;

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

13 (d) The total amount of proceeds from the issuance of THE
14 ADDITIONAL revenue anticipation notes, state matching funds, and federal
15 transportation funds allocated by the commission in each state fiscal year
16 for the payment of ~~such~~ THE ADDITIONAL revenue anticipation notes and
17 the costs associated with the issuance and administration of such notes.

18 (2) IN ADDITION TO POSTING AND MAINTAINING THE ANNUAL
19 REPORTS REQUIRED BY SUBSECTION (1) OF THIS SECTION ON ITS WEBSITE,
20 THE DEPARTMENT SHALL POST AND MAINTAIN ON ITS WEBSITE IN AN
21 EASILY ACCESSIBLE AND USER-FRIENDLY FORMAT, AND REGULARLY
22 UPDATE, THE INFORMATION REQUIRED TO BE INCLUDED IN ITS ANNUAL
23 REPORTS PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

24 (3) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING
25 REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION CONTINUES
26 UNTIL THE YEAR FOLLOWING THE YEAR IN WHICH THE LAST PAYMENT ON
27 ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY

1 SECTION 43-4-705 (13)(b) IS MADE.

2 **SECTION 18.** In Colorado Revised Statutes, **amend** 43-4-714 as
3 follows:

4 **43-4-714. Priority of strategic transportation project**
5 **investment program.** (1) If the executive director issues any revenue
6 anticipation notes in accordance with the provisions of this part 7, the
7 proceeds from the sale of such notes that are not otherwise pledged for
8 the payment of such notes shall be used for the qualified federal aid
9 transportation projects included in the strategic transportation project
10 investment program of the department of transportation.

11 (2) IN ADDITION TO THE REQUIREMENT SPECIFIED IN SUBSECTION
12 (1) OF THIS SECTION, PROCEEDS FROM THE SALE OF ANY ADDITIONAL
13 REVENUE ANTICIPATION NOTES THAT THE EXECUTIVE DIRECTOR ISSUES
14 PURSUANT TO SECTION 43-4-705 (13)(b) THAT ARE NOT OTHERWISE
15 PLEDGED FOR THE PAYMENT OF THE NOTES AND REVENUE GENERATED BY
16 ANY ADDITIONAL STATE SALES AND USE TAX THAT IS ALLOCATED TO THE
17 STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-206 (4) IN EXCESS OF
18 AMOUNTS NEEDED FOR PAYMENT OF THE NOTES MAY BE USED ONLY FOR
19 PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE ON THE
20 DEPARTMENT'S PRIORITY LIST FOR TRANSPORTATION FUNDING AND FOR
21 MAINTENANCE, INCLUDING RAPID RESPONSE MAINTENANCE, OF STATE
22 HIGHWAYS.

23 **SECTION 19.** In Colorado Revised Statutes, **add** 43-4-714.5 as
24 follows:

25 **43-4-714.5. Transportation revenue anticipation notes citizen**
26 **oversight committee - creation - appointment of members - charge -**
27 **report.** (1) (a) THE TRANSPORTATION REVENUE ANTICIPATION NOTES

1 CITIZEN OVERSIGHT COMMITTEE IS HEREBY CREATED TO PROVIDE
2 OVERSIGHT OF THE EXPENDITURE BY THE DEPARTMENT OF THE PROCEEDS
3 OF ADDITIONAL REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY
4 SECTION 43-4-705 (13)(b). THE COMMITTEE CONSISTS OF THE ~~THE~~
5 ~~EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE~~ AND
6 FOURTEEN APPOINTED MEMBERS, AT LEAST ONE OF WHOM MUST BE
7 APPOINTED FROM AND ACTUALLY RESIDE IN EACH OF THE ELEVEN
8 TRANSPORTATION COMMISSION DISTRICTS OF THE STATE CREATED IN
9 SECTION 43-1-106 (2) AND THE REMAINING THREE OF WHOM SERVE AS
10 AT-LARGE MEMBERS OF THE COMMITTEE, WHO MUST BE APPOINTED AS
11 FOLLOWS:

12 (I) THE GOVERNOR SHALL APPOINT SIX MEMBERS OF THE
13 COMMITTEE, AND NO MORE THAN FOUR OF THE MEMBERS APPOINTED BY
14 THE GOVERNOR SHALL BE AFFILIATED WITH THE SAME POLITICAL PARTY;

15 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
16 APPOINT TWO MEMBERS OF THE COMMITTEE;

17 (III) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO
18 MEMBERS OF THE COMMITTEE;

19 (IV) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
20 SHALL APPOINT TWO MEMBERS OF THE COMMITTEE; AND

21 (V) THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO
22 MEMBERS OF THE COMMITTEE.

23 (b) COMMITTEE MEMBERS SERVE FOR FOUR-YEAR TERMS AND MAY
24 BE REMOVED FOR CAUSE BY THE APPOINTING AUTHORITY; EXCEPT THAT
25 THE INITIAL TERMS OF THREE OF THE MEMBERS APPOINTED BY THE
26 GOVERNOR, AND ONE OF THE MEMBERS APPOINTED BY EACH OF THE OTHER
27 APPOINTING AUTHORITIES, AS DESIGNATED BY THE GOVERNOR OR OTHER

1 APPOINTING AUTHORITY, ARE TWO YEARS. COMMITTEE MEMBERS RECEIVE
2 NO COMPENSATION OR REIMBURSEMENT FOR THEIR SERVICE ON THE
3 COMMITTEE.

4 (c) THE APPOINTING AUTHORITIES SHALL CONSULT WITH EACH
5 OTHER TO ENSURE THAT THE MEMBERSHIP OF THE COMMITTEE INCLUDES:

6 (I) A MEMBER WHO HAS PROFESSIONAL PUBLIC FINANCE
7 EXPERIENCE;

8 (II) A MEMBER WHO IS A CERTIFIED PUBLIC ACCOUNTANT;

9 (III) A MEMBER WHO IS A LICENSED ATTORNEY;

10 (IV) A MEMBER WHO IS A CONTRACTOR WITH EXPERIENCE
11 WORKING ON TRANSPORTATION INFRASTRUCTURE PROJECTS;

12 (V) A MEMBER WHO IS A LICENSED CIVIL ENGINEER;

13 (VI) A MEMBER WHO REPRESENTS OR ADVOCATES FOR TRANSIT
14 PROVIDERS;

15 (VII) A MEMBER WHO IS A PERSON WITH A DISABILITY AND WHO
16 REPRESENTS OR ADVOCATES FOR PERSONS WITH ALL TYPES OF
17 DISABILITIES; AND

18 (VIII) A MEMBER WHO IS AN ADVOCATE FOR AFFORDABLE
19 TRANSPORTATION OPTIONS.

20 (d) A COMMITTEE MEMBER WHO IS APPOINTED FROM A
21 TRANSPORTATION COMMISSION DISTRICT IS DEEMED TO HAVE RESIGNED
22 FROM THE COMMITTEE IF THE MEMBER CEASES TO RESIDE IN THE DISTRICT.

23 (2) THE COMMITTEE SHALL MEET AT LEAST FOUR TIMES PER YEAR,
24 AND THE CHARGE OF THE COMMITTEE IS TO SPECIFICALLY EXAMINE THE
25 EXPENDITURE BY THE DEPARTMENT OF ANY PROCEEDS OF
26 TRANSPORTATION REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED
27 BY SECTION 43-4-705 (13)(b) AND ANY ADDITIONAL STATE SALES AND USE

1 TAX REVENUE THAT IS ALLOCATED TO THE STATE HIGHWAY FUND
2 PURSUANT TO SECTION 43-4-206 (4) AND VERIFY THAT SUCH NOTE
3 PROCEEDS AND TAX REVENUE ARE EXPENDED:

4 (a) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 43-4-714
5 (2);

6 (b) FOR THE PURPOSE OF FUNDING PROJECTS LISTED IN THE 2017
7 BALLOT INFORMATION BOOKLET PREPARED BY THE DIRECTOR OF
8 RESEARCH OF THE LEGISLATIVE COUNCIL AS REQUIRED BY SECTION
9 43-4-705 (13)(b)(IV); AND

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

12 (3) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE
13 TRANSPORTATION LEGISLATION REVIEW COMMITTEE CREATED IN SECTION
14 43-2-145 REGARDING ITS ACTIVITIES AND FINDINGS.

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

20 **SECTION 20.** In Colorado Revised Statutes, 43-4-804, **amend**
21 (1)(a)(I) introductory portion, (1)(a)(I)(A), (1)(a)(I)(B), and (1)(a)(I)(C);
22 **and repeal (1)(e)** as follows:

23 **43-4-804. Highway safety projects - surcharges and fees -**
24 **crediting of money to highway users tax fund - definition.** (1) On and
25 after July 1, 2009, the following surcharges, fees, and fines shall be
26 collected and credited to the highway users tax fund created in section
27 43-4-201 (1)(a) and allocated to the state highway fund, counties, and

1 municipalities as specified in section 43-4-205 (6.3):

2 (a) (I) A road safety surcharge, which, except as otherwise
3 provided in ~~subparagraphs (III) and (VI) of this paragraph (a)~~
4 ~~SUBSECTIONS (1)(a)(III) AND (1)(a)(VI) OF THIS SECTION~~, shall be imposed
5 for any registration period that commences on or after July 1, 2009, upon
6 the registration of any vehicle for which a registration fee must be paid
7 pursuant to the provisions of part 3 of article 3 of title 42. ~~C.R.S.~~ Except
8 as otherwise provided in ~~subparagraphs (IV) and (V) of this paragraph (a)~~
9 ~~SUBSECTIONS (1)(a)(IV) AND (1)(a)(V) OF THIS SECTION~~, the amount of the
10 surcharge ~~shall be~~ IS:

11 (A) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,
12 2038, sixteen dollars AND ON AND AFTER JANUARY 1, 2018, BUT BEFORE
13 JANUARY 1, 2038, SIX DOLLARS for any vehicle that is a motorcycle,
14 motorscooter, or motorbicycle, as respectively defined in section
15 42-1-102 (55) and (59), ~~C.R.S.~~, or that weighs two thousand pounds or
16 less;

17 (B) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,
18 2038, twenty-three dollars AND ON AND AFTER JANUARY 1, 2018, BUT
19 BEFORE JANUARY 1, 2038, NINE DOLLARS for any vehicle that weighs
20 more than two thousand pounds but not more than five thousand pounds;

21 (C) BEFORE JANUARY 1, 2018, AND ON AND AFTER JANUARY 1,
22 2038, twenty-eight dollars AND ON AND AFTER JANUARY 1, 2018, BUT
23 BEFORE JANUARY 1, 2038, ELEVEN DOLLARS for any vehicle that weighs
24 more than five thousand pounds but not more than ten thousand pounds;

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

27 **SECTION 21.** In Colorado Revised Statutes, **add** part 11 to

1 article 4 of title 43 as follows:

2 PART 11

3 MULTIMODAL TRANSPORTATION OPTIONS FUNDING

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

6 (a) BY APPROVING THE BALLOT ISSUE SUBMITTED AT THE
7 NOVEMBER 2017 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705
8 (13)(b), THE VOTERS OF THE STATE AUTHORIZED THE STATE TO COLLECT,
9 AND THE STATE ■ TO RETAIN AND SPEND, A SUBSTANTIAL AMOUNT OF
10 NEW DEDICATED FUNDING, MOST OF WHICH WILL BE USED TO ACCELERATE
11 THE COMPLETION OF HIGHWAY PROJECTS THROUGHOUT THE STATE;

12 (b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
13 THE STATE TO USE A PORTION OF THE NEWLY AUTHORIZED DEDICATED
14 TRANSPORTATION FUNDING TO FUND MULTIMODAL TRANSPORTATION
15 PROJECTS AND OPERATIONS THROUGHOUT THE STATE AS AUTHORIZED BY
16 THIS PART 11 BECAUSE, IN ADDITION TO THE GENERAL BENEFITS THAT IT
17 PROVIDES TO ALL COLORADANS, A COMPLETE AND INTEGRATED
18 MULTIMODAL TRANSPORTATION SYSTEM:

19 (I) BENEFITS SENIORS BY MAKING AGING IN PLACE MORE FEASIBLE
20 FOR THEM;

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

23 (III) PROVIDES ENHANCED MOBILITY FOR PERSONS WITH
24 DISABILITIES; AND

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

26 **43-4-1102. Definitions.** AS USED IN THIS PART 11, UNLESS THE
27 CONTEXT OTHERWISE REQUIRES:

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

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

6 (3) "COMMITTEE" MEANS THE MULTIMODAL TRANSPORTATION
7 OPTIONS COMMITTEE CREATED IN SECTION 43-4-1104 (1).

8 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF
9 TRANSPORTATION.

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

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

14 (7) "MULTIMODAL TRANSPORTATION OPTIONS" MEANS BOTH
15 PUBLIC TRANSIT INFRASTRUCTURE AND OPERATIONS AND
16 TRANSPORTATION INFRASTRUCTURE THAT IS DESIGNED FOR USERS OF
17 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT.

18 (8) "TRANSPORTATION OPTIONS" MEANS TRANSPORTATION
19 INFRASTRUCTURE, OPERATIONS, AND SERVICES, OTHER THAN PORTIONS OF
20 HIGHWAYS, ROADS, OR STREETS DESIGNED PRIMARILY FOR PERSONAL AND
21 SINGLE OCCUPANT MOTOR VEHICLE USE, THAT ARE PROVIDED BY OR
22 CONTRACTED FOR BY OR ON BEHALF OF THE STATE, OR ONE OR MORE
23 LOCAL GOVERNMENTS, REGIONAL TRANSPORTATION AUTHORITIES, OR
24 TRANSIT AGENCIES AND INCLUDES:

25 (a) BUS AND RAIL FACILITIES, INCLUDING BUS LANES, EQUIPMENT,
26 AND SERVICES, INCLUDING:

27 (I) LOCAL, REGIONAL, AND INTERCITY BUS AND RAIL FACILITIES,

1 EQUIPMENT, AND SERVICES THAT ARE PROVIDED BY OR CONTRACTED FOR
2 BY OR ON BEHALF OF THE STATE, OR ONE OR MORE LOCAL GOVERNMENTS,
3 REGIONAL TRANSPORTATION AUTHORITIES, OR TRANSIT AGENCIES;

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

6 (III) RELATED ROADWAY OR INTERSECTION IMPROVEMENTS
7 NEEDED TO EFFECTIVELY AND SAFELY INTEGRATE BUS AND RAIL
8 FACILITIES WITH ROADWAYS, SIDEWALKS, OR MULTIMODAL
9 TRANSPORTATION OPTIONS;

10 (b) TRANSPORTATION SERVICES FOR SENIORS AND PERSONS WITH
11 DISABILITIES;

12 (c) TRANSPORTATION DEMAND MANAGEMENT PROGRAMS;

13 (d) INFRASTRUCTURE DESIGNED FOR PEDESTRIANS AND USERS OF
14 NONMOTORIZED MOBILITY-ENHANCING EQUIPMENT; AND

15 (e) DEVELOPMENT AND IMPLEMENTATION OF NEW
16 TRANSPORTATION TECHNOLOGY.

17 **43-4-1103. Multimodal transportation options fund - creation**
18 **- revenue source for fund - use of fund - definition.** (1) THE
19 MULTIMODAL TRANSPORTATION OPTIONS FUND IS HEREBY CREATED IN THE
20 STATE TREASURY. THE FUND CONSISTS OF SALES AND USE TAX NET
21 REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE
22 TAXES LEVIED PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND
23 39-26-202 (1)(b) AND THAT IS CREDITED TO THE FUND PURSUANT TO
24 SECTION 39-26-123 (7)(b) AND ANY OTHER MONEY THAT THE GENERAL
25 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE
26 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
27 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND AND

1 SHALL ALLOCATE THE INTEREST AND INCOME BETWEEN THE ACCOUNTS OF
2 THE FUND IN THE PERCENTAGES DESIGNATED BY THE COMMISSION
3 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

4 (2) THE TRANSPORTATION OPTIONS ACCOUNT AND THE
5 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT ARE CREATED IN
6 THE FUND. THE COMMISSION SHALL DESIGNATE, AND MAY AT ANY TIME BY
7 SUBSEQUENT RESOLUTION MODIFY, THE PERCENTAGES OF THE MONEY
8 CREDITED TO THE FUND TO BE CREDITED TO EACH ACCOUNT SUBJECT TO
9 THE LIMITATION THAT DURING ANY GIVEN FISCAL YEAR NO MORE THAN
10 SEVENTY-FIVE PERCENT OF THE MONEY MAY BE CREDITED TO THE
11 TRANSPORTATION OPTIONS ACCOUNT AND AT LEAST TWENTY-FIVE
12 PERCENT OF THE REVENUE MUST BE CREDITED TO THE PEDESTRIAN AND
13 ACTIVE TRANSPORTATION ACCOUNT.

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

16 (a) THE COMMITTEE SHALL EXPEND MONEY FROM THE
17 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND TO FUND
18 TRANSPORTATION OPTIONS PROJECTS THAT IT HAS APPROVED FOR FUNDING
19 PURSUANT TO SECTION 43-4-1104 (3)(c).

20 (b) (I) THE DEPARTMENT SHALL EXPEND MONEY FROM THE
21 PEDESTRIAN AND ACTIVE TRANSPORTATION ACCOUNT OF THE FUND FOR
22 PROJECTS FOR TRANSPORTATION INFRASTRUCTURE THAT IS DESIGNED FOR
23 NONMOTORIZED USE, INCLUDING PATHS, SIDEWALKS, AND ROADWAYS
24 INTENDED FOR USE WITH NONMOTORIZED EQUIPMENT. SUCH PROJECTS
25 INCLUDE NONMOTORIZED LANES AND PATHWAYS, SIDEWALKS, AND
26 ROADWAY IMPROVEMENTS, INCLUDING SHOULDERS, CROSSWALKS, AND
27 INTERSECTION IMPROVEMENTS, THAT ENHANCE SAFETY FOR USERS OF

1 NONMOTORIZED MULTIMODAL TRANSPORTATION OPTIONS. EXCEPT AS
2 OTHERWISE PROVIDED IN SUBSECTION (3)(b)(II) OF THIS SECTION, THE
3 DEPARTMENT SHALL ALLOCATE THE MONEY IN THE PEDESTRIAN AND
4 ACTIVE TRANSPORTATION ACCOUNT IN THE SAME MANNER IN WHICH
5 FEDERAL SURFACE TRANSPORTATION PROGRAM SET-ASIDE MONEY IS
6 ALLOCATED WITHIN THE STATE PURSUANT TO 23 U.S.C. SEC. 133 (h).

7 (II) TOTAL LOCAL GOVERNMENT, REGIONAL TRANSPORTATION
8 AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A PROJECT RECEIVING
9 FUNDING FROM THE PEDESTRIAN AND ACTIVE TRANSPORTATION OPTIONS
10 ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF
11 FUNDING PROVIDED FROM THE ACCOUNT; EXCEPT THAT THE FOLLOWING
12 ENTITIES MAY PROVIDE MATCHING MONEY FOR A PROJECT IN AN AMOUNT
13 EQUAL TO TWENTY PERCENT OF THE AMOUNT OF FUNDING FOR THE
14 PROJECT PROVIDED FROM THE ACCOUNT:

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

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

20 (c) FOR PURPOSES OF THIS SUBSECTION (3), "NONMOTORIZED USE"
21 INCLUDES USE OF A MOTORIZED WHEELCHAIR, SCOOTER, OR
22 FUNCTIONALLY SIMILAR ASSISTIVE TECHNOLOGY BY A PERSON WITH A
23 DISABILITY WHO USES THE MOTORIZED WHEELCHAIR, SCOOTER, OR
24 FUNCTIONALLY SIMILAR ASSISTIVE TECHNOLOGY FOR THE PURPOSE OF
25 MOBILITY ASSISTANCE.

26 **43-4-1104. Multimodal transportation options committee -**
27 **created - membership - powers and duties - annual reporting**

1 **requirement.** (1) (a) THE MULTIMODAL TRANSPORTATION OPTIONS
2 COMMITTEE IS CREATED IN THE DEPARTMENT OF TRANSPORTATION. THE
3 COMMITTEE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AS IF
4 THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 1**
5 TRANSFER, AS DEFINED IN SECTION 24-1-105. THE COMMITTEE CONSISTS
6 OF ELEVEN MEMBERS, A MAJORITY OF WHOM CONSTITUTE A QUORUM OF
7 THE COMMITTEE. THE GOVERNOR, TAKING INTO ACCOUNT GEOGRAPHIC
8 DIVERSITY WHEN MAKING APPOINTMENTS, SHALL APPOINT TEN MEMBERS
9 OF THE COMMITTEE AS FOLLOWS:

10 (I) TWO MEMBERS WHO REPRESENT TRANSIT AGENCIES, ONE OF
11 WHOM MUST REPRESENT A TRANSIT AGENCY THAT PROVIDES SERVICE
12 EXCLUSIVELY OR PRIMARILY OUTSIDE THE BOUNDARIES OF METROPOLITAN
13 STATISTICAL AREAS;

14 (II) THREE MEMBERS, EACH OF WHOM REPRESENTS EITHER A
15 METROPOLITAN PLANNING ORGANIZATION, AS DEFINED IN SECTION
16 43-1-1102 (4), OR A REGIONAL PLANNING COMMISSION, AS DEFINED IN
17 SECTION 43-4-1102 (5);

18 (III) FOUR MEMBERS WHO REPRESENT LOCAL GOVERNMENTS, AT
19 LEAST ONE OF WHOM MUST RESIDE IN A COMMUNITY THAT IS WEST OF THE
20 CONTINENTAL DIVIDE; AND

21 (IV) ONE MEMBER WHO IS AN ADVOCATE FOR AFFORDABLE
22 TRANSPORTATION OPTIONS.

23 (b) THE DIRECTOR OF THE DEPARTMENT OR THE DIRECTOR'S
24 DESIGNEE IS A MEMBER OF THE COMMITTEE.

25 (2) (a) INITIAL MEMBERS OF THE COMMITTEE SHALL BE APPOINTED
26 NO LATER THAN MARCH 1, 2018.

27 (b) COMMITTEE MEMBERS APPOINTED BY THE GOVERNOR SERVE

1 FOR TERMS OF FOUR YEARS; EXCEPT THAT THE INITIAL TERMS OF ONE OF
2 THE MEMBERS APPOINTED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS
3 SECTION, TWO OF THE MEMBERS APPOINTED PURSUANT TO SUBSECTION
4 (1)(a)(II) OF THIS SECTION, AND TWO OF THE MEMBERS APPOINTED
5 PURSUANT TO SUBSECTION (1)(a)(III) OF THIS SECTION ARE TWO YEARS.
6 THE GOVERNOR MAY REMOVE A COMMITTEE MEMBER APPOINTED BY THE
7 GOVERNOR FOR ANY CAUSE THAT RENDERS THE MEMBER INCAPABLE OF
8 DISCHARGING OR UNFIT TO DISCHARGE THE MEMBER'S DUTIES AND SHALL
9 FILL ANY VACANCY ON THE COMMITTEE BY APPOINTMENT OF A NEW
10 MEMBER, WHO SHALL SERVE UNTIL THE EXPIRATION OF THE TERM FOR
11 WHICH THE VACANCY WAS FILLED. COMMITTEE MEMBERS APPOINTED BY
12 THE GOVERNOR SERVE WITHOUT COMPENSATION, BUT RECEIVE
13 REIMBURSEMENT FOR TRAVEL AND OTHER NECESSARY EXPENSES
14 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

15 (3) THE FUNCTION OF THE COMMITTEE IS TO EQUITABLY,
16 EFFICIENTLY, AND EFFECTIVELY ALLOCATE THE MONEY IN THE
17 TRANSPORTATION OPTIONS ACCOUNT OF THE FUND TO FUND
18 TRANSPORTATION OPTIONS PROJECTS THROUGHOUT THE STATE. TO
19 FURTHER THE PERFORMANCE OF ITS FUNCTION, THE COMMITTEE, IN
20 ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN THIS PART 11,
21 HAS THE FOLLOWING POWERS AND DUTIES:

22 (a) TO DEVELOP A FORMULA FOR ALLOCATING THE MONEY AMONG
23 THE REGIONS OF THE STATE. THE FORMULA MUST TAKE INTO ACCOUNT
24 POPULATION, TRANSPORTATION OPTIONS NEEDS, TRANSPORTATION
25 OPTIONS PERFORMANCE, AND THE AVAILABILITY OF LOCAL MATCHING
26 MONEY.

27 (b) TO SUPERVISE AND PROVIDE GUIDANCE TO THE DIVISION IN ITS

1 SOLICITATION, RECEIPT, AND EVALUATION OF SPECIFIC TRANSPORTATION
2 OPTIONS PROJECT PROPOSALS FROM LOCAL GOVERNMENTS, REGIONAL
3 TRANSPORTATION AUTHORITIES, AND TRANSIT AGENCIES AND ITS
4 DEVELOPMENT OF INTERREGIONAL TRANSPORTATION OPTIONS PROJECTS
5 PURSUANT TO SECTION 43-1-117.5 (3)(a)(VIII);

6 (c) TO DETERMINE WHICH TRANSPORTATION OPTIONS PROJECTS
7 RECEIVE FUNDING AND THE AMOUNT OF THE FUNDING PROVIDED FOR EACH
8 PROJECT RECEIVING FUNDING. TOTAL LOCAL GOVERNMENT, REGIONAL
9 TRANSPORTATION AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A
10 PROJECT RECEIVING FUNDING FROM THE TRANSPORTATION OPTIONS
11 ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF
12 FUNDING PROVIDED FROM THE ACCOUNT; EXCEPT THAT THE FOLLOWING
13 ENTITIES MAY PROVIDE MATCHING MONEY FOR A PROJECT IN AN AMOUNT
14 EQUAL TO TWENTY PERCENT OF THE AMOUNT RECEIVED FOR THE PROJECT
15 FROM THE ACCOUNT:

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

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

21 (d) TO PROPOSE AND FUND PROGRAMS, INCLUDING FREE
22 TRANSPORTATION OPTIONS PASS AND REDUCED FARE PROGRAMS, TO
23 PROVIDE AT LEAST A BASIC LEVEL OF TRANSPORTATION OPTIONS SERVICE
24 TO LOW-INCOME COLORADANS THROUGHOUT THE STATE. WHEN
25 CONSIDERING AN APPLICATION FOR FUNDING FOR PUBLIC TRANSIT
26 SERVICES, THE COMMITTEE SHALL CONSIDER WHAT STEPS APPLICANTS ARE
27 TAKING TO REDUCE FARES OR PROVIDE REDUCED COST PASSES TO

1 LOW-INCOME USERS.

2 (e) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
3 THE CONDUCT OF ITS BUSINESS; AND

4 (f) TO PROMULGATE ANY RULES, IN ACCORDANCE WITH ARTICLE
5 4 OF TITLE 24, THAT ARE NECESSARY AND PROPER FOR THE
6 ADMINISTRATION OF THIS PART 11.

7 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MONEY
8 RECEIVED FROM THE TRANSPORTATION OPTIONS FUND SHALL NOT BE
9 CONSIDERED WHEN CALCULATING COMPLIANCE WITH OTHER RELATED
10 STATUTORY OBLIGATIONS.

11 (5) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE
12 TRANSPORTATION LEGISLATION REVIEW COMMITTEE OF THE GENERAL
13 ASSEMBLY CREATED IN SECTION 43-2-145 (1) REGARDING ITS ACTIVITIES
14 INCLUDING, AT A MINIMUM:

15 (I) AN AGGREGATE ACCOUNTING OF ALL MONEY EXPENDED FROM
16 THE TRANSPORTATION OPTIONS ACCOUNT OF THE FUND DURING THE PRIOR
17 FISCAL YEAR; AND

18 (II) A LISTING OF ALL TRANSPORTATION OPTIONS PROJECTS
19 RECEIVING FUNDING FROM THE TRANSPORTATION OPTIONS ACCOUNT OF
20 THE FUND DURING THE PRIOR FISCAL YEAR THAT INCLUDES FOR EACH
21 PROJECT:

22 (A) IDENTIFICATION OF THE ENTITY RECEIVING FUNDING FOR THE
23 PROJECT;

24 (B) THE AMOUNT OF TRANSPORTATION OPTIONS ACCOUNT
25 FUNDING PROVIDED FOR THE PROJECT; AND

26 (C) THE AMOUNT OF LOCAL MATCHING MONEY PROVIDED FOR THE
27 PROJECT.

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

4 **SECTION 22. Effective date.** (1) Except as otherwise provided
5 in subsection (2) of this section, this act takes effect only if, at the
6 November 2017 statewide election, a majority of voters approve the ballot
7 issue submitted pursuant to section 43-4-705 (13)(b), Colorado Revised
8 Statutes, as enacted in section 16 of this act, and, in such case, this act
9 takes effect on the date of the official declaration of the vote thereon by
10 the governor.

11 (2) Section 16 of this act takes effect upon passage.

12 **SECTION 23. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.