

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0526.01 Jason Gelender x4330

HOUSE BILL 24-1012

HOUSE SPONSORSHIP

Mauro and Boesenecker, Kipp, Lindstedt, Mabrey

SENATE SPONSORSHIP

Zenzinger,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE OPERATIONAL EFFICIENCY OF THE FRONT RANGE
102 PASSENGER RAIL DISTRICT.

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>.)

To improve the operational efficiency of the front range passenger rail district (district):

- **Section 1** of the bill replaces the requirement that the board of the district (board) hold annual joint meetings with the transportation commission, the board of directors of the I-70 coalition or any successor entity, and the board of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

directors of the regional transportation district with a requirement that the board provide an annual update, which may be provided by district staff and may be provided electronically, to each of those entities;

- **Section 2** eliminates the requirement that board directors appointed by transportation planning organizations be confirmed by the senate; clarifies when the terms of board members begin and end; and prohibits an advisory nonvoting member of the board from participating in an executive session if the board determines that a particular matter to be discussed in the executive session concerns the appointing authority for the advisory nonvoting member and should not be discussed when the advisory nonvoting member is present;
- **Section 3** establishes that the board exercises its powers by a majority vote of a quorum of its voting directors rather than by a majority vote of a quorum of its total membership and, in conjunction with **section 4**, clarifies that the board has discretion to delegate its power to enter into contracts and agreements other than intergovernmental agreements and contracts for public-private partnerships to the officers and employees of the district; and
- **Section 5** changes the name of a state-required district plan for developing rail service to avoid potential confusion that could be caused by similarity between the current name of the plan and the name of a federally required plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-22-103, **amend**
3 (2)(d), (2)(e), and (2)(f) as follows:

4 **32-22-103. Front range passenger rail district - creation -**
5 **purpose - boundaries.** (2) The purpose of the district is to research,
6 develop, construct, operate, and maintain an interconnected passenger rail
7 system within the front range that is competitive in terms of travel time
8 for comparable trips with other modes of surface transportation. In
9 addition to a main North-South passenger rail line, the district shall, as
10 specified in this article 22:

1 (d) Coordinate with the department of transportation to ensure that
2 any district front range passenger rail system is well-integrated into the
3 state's multimodal transportation system and does not impair the
4 efficiency or safety of or otherwise adversely affect existing
5 transportation infrastructure or operations and ~~hold at least one joint~~
6 ~~meeting annually of the board and~~ PROVIDE AN ANNUAL UPDATE, WHICH
7 MAY BE PROVIDED BY DISTRICT STAFF AND MAY BE PROVIDED
8 ELECTRONICALLY, TO the transportation commission created in section
9 43-1-106 (1);

10 (e) ~~Hold at least one joint meeting annually of the board and~~
11 PROVIDE AN ANNUAL UPDATE, WHICH MAY BE PROVIDED BY DISTRICT
12 STAFF AND MAY BE PROVIDED ELECTRONICALLY, TO the board of directors
13 of the I-70 coalition, or a successor entity of the coalition, to ensure that
14 any district front range passenger rail system interconnects with any
15 passenger rail system that serves the interstate highway 70 mountain
16 corridor; and

17 (f) ~~Hold at least one joint meeting annually of the board and~~
18 PROVIDE AN ANNUAL UPDATE, WHICH MAY BE PROVIDED BY DISTRICT
19 STAFF AND MAY BE PROVIDED ELECTRONICALLY, TO the board of directors
20 of the regional transportation district ~~to discuss and resolve~~ REGARDING
21 operational and interconnectivity issues.

22 **SECTION 2.** In Colorado Revised Statutes, 32-22-104, **amend**
23 (1)(a)(III), (1)(b)(I) introductory portion, (1)(b)(II), and (2)(c) as follows:

24 **32-22-104. Board of directors - appointment - meetings -**
25 **compensation - conflicts of interest.** (1) The district is governed by a
26 board of directors, all of whom shall represent the residents of the district,
27 which consists of:

1 (a) (III) The governor shall make the initial appointments no later
2 than April 1, 2022, and the initial directors appointed may act as directors
3 pending their confirmation by the senate. Directors appointed by the
4 governor pursuant to this subsection (1)(a) are appointed for four-year
5 terms; except that the initial terms of three of the directors other than the
6 director who is a resident of a county, city and county, or municipality
7 through which light or commuter rail service was planned as part of the
8 voter-approved Fastracks transit expansion program of the regional
9 transportation district but has not been constructed are two years. THE
10 TERMS OF THE DIRECTORS APPOINTED PURSUANT TO THIS SUBSECTION
11 (1)(a) OTHER THAN THE DIRECTORS INITIALLY APPOINTED COMMENCE ON
12 THE LATER OF MAY 1 OF THE YEAR IN WHICH AN APPOINTMENT IS MADE OR
13 THE EFFECTIVE DATE OF THE APPOINTMENT AND RUN THROUGH THE
14 FOURTH SUCCEEDING APRIL 30. The requirement that one director be such
15 a resident expires after two four-year terms have been served by a director
16 who meets the requirement. EACH BOARD MEMBER APPOINTED PURSUANT
17 TO THIS SUBSECTION (1)(a) HOLDS OFFICE UNTIL THE MEMBER'S TERM
18 EXPIRES OR UNTIL THE GOVERNOR APPOINTS A SUCCESSOR.

19 (b) (I) Subject to the requirements of subsection (1)(b)(II) of this
20 section, ten directors appointed ~~subject to senate confirmation~~ by
21 metropolitan planning organizations and rural transportation planning
22 organizations that conduct transportation planning for state transportation
23 planning regions that include territory of the district as follows:

24 (II) A director appointed by a metropolitan planning organization
25 or a council of governments pursuant to subsection (1)(b)(I) of this
26 section must be or must have been an appointed representative to the
27 board of directors of the appointing authority and must represent or must

1 have represented a member local government of the appointing authority
2 that is wholly or partly included within the district. When appointing such
3 a director, only members of the board of directors of the appointing
4 authority who represent a member local government of the appointing
5 authority that is wholly or partly included within the district may vote on
6 the appointment. The appointing authorities for such directors shall make
7 initial appointments no later than March 1, 2022. ~~and the initial directors~~
8 ~~appointed may act as directors pending their confirmation by the senate.~~
9 Directors are appointed for four-year terms; except that the initial terms
10 of two of the directors appointed pursuant to subsection (1)(b)(I)(A) of
11 this section, one of the directors appointed by each metropolitan planning
12 organization pursuant to subsection (1)(b)(I)(B) of this section, and the
13 director appointed pursuant to subsection (1)(b)(I)(D) of this section are
14 two years. THE TERMS OF THE DIRECTORS APPOINTED PURSUANT TO THIS
15 SUBSECTION (1)(b) OTHER THAN THE DIRECTORS INITIALLY APPOINTED
16 COMMENCE ON THE LATER OF MAY 1 OF THE YEAR IN WHICH AN
17 APPOINTMENT IS MADE OR THE EFFECTIVE DATE OF THE APPOINTMENT AND
18 RUN THROUGH THE FOURTH SUCCEEDING APRIL 30. EACH BOARD MEMBER
19 APPOINTED PURSUANT TO THIS SUBSECTION (1)(b) HOLDS OFFICE UNTIL
20 THE MEMBER'S TERM EXPIRES OR UNTIL THE GOVERNOR APPOINTS A
21 SUCCESSOR. By a two-thirds vote of its members, the senate may remove
22 any member of the board appointed pursuant to subsection (1)(a) of this
23 section or this subsection (1)(b) for cause.

24 (2) (c) A majority of the voting directors of the board constitutes
25 a quorum, and, except as otherwise specifically provided in this article 22,
26 a majority of a quorum may make binding decisions for the board.
27 Advisory nonvoting members of the board may participate, in a nonvoting

1 capacity, in all board meetings, including executive SESSIONS; EXCEPT
2 THAT, AN ADVISORY NONVOTING MEMBER OF THE BOARD SHALL NOT
3 PARTICIPATE IN AN EXECUTIVE SESSION IF THE BOARD DETERMINES THAT
4 A PARTICULAR MATTER TO BE DISCUSSED IN THE EXECUTIVE SESSION, AS
5 IDENTIFIED BY THE BOARD PURSUANT TO SECTION 24-6-402 (4), CONCERNS
6 THE APPOINTING AUTHORITY FOR THE ADVISORY NONVOTING MEMBER AND
7 SHOULD NOT BE DISCUSSED WHEN THE ADVISORY NONVOTING MEMBER IS
8 PRESENT. By a two-thirds vote of the voting directors of all voting
9 directors of the board, the board may add additional advisory nonvoting
10 members to the board for either fixed terms of four years or for service at
11 the pleasure of a majority of the voting directors of the board.

12 **SECTION 3.** In Colorado Revised Statutes, 32-22-105, **amend**
13 (1)(a) introductory portion and (1)(a)(VIII) as follows:

14 **32-22-105. Board of directors - powers and duties.**

15 (1) (a) Except as otherwise specifically provided in this article 22, the
16 board, acting by a majority vote of a quorum of its ~~total membership,~~
17 VOTING DIRECTORS shall exercise and perform all powers, privileges, and
18 duties vested in or imposed upon the district pursuant to this article 22.
19 The board may delegate any of its powers to its officers and employees;
20 except that, to ensure that the public interest is represented in policy
21 decisions, the board shall not delegate any of the following:

22 (VIII) The power to enter into ~~contracts on behalf of the district,~~
23 ~~including but not limited to~~ intergovernmental agreements and contracts
24 for public-private partnerships.

25 **SECTION 4.** In Colorado Revised Statutes, 32-22-106, **add**
26 (1)(c)(I.5) as follows:

27 **32-22-106. District - general powers and duties - funds**

1 **created.** (1) In addition to any other powers granted to the district by this
2 article 22, the district has the following powers:

3 (c) (I.5) EXCEPT AS OTHERWISE PROVIDED IN SECTION 32-22-105
4 (1)(a)(VIII), THE BOARD MAY, TO THE EXTENT THAT IT DEEMS
5 APPROPRIATE, DELEGATE TO ITS OFFICERS AND EMPLOYEES ITS POWER TO
6 ENTER INTO CONTRACTS AND AGREEMENTS ON BEHALF OF THE DISTRICT.

7 **SECTION 5.** In Colorado Revised Statutes, 32-22-109, **amend**
8 (1)(a) as follows:

9 **32-22-109. Taxes, assessments, and multiple-fiscal year**
10 **borrowing - voter approval required.** (1) No action by the district to
11 establish or increase any tax and no action of the governing body of any
12 station area improvement district to establish or increase any tax or any
13 special assessment on real property authorized by this article 22 shall take
14 effect unless it is first submitted, as applicable, to a vote of the registered
15 electors of the district or of the station area improvement district in which
16 the assessment or tax is proposed to be collected. Before submitting a
17 question to establish any district tax to the registered electors of the
18 district, the district shall:

19 (a) Publish a proposed ~~service development plan, an operating~~
20 ~~plan~~ FOR DEVELOPING THE PASSENGER RAIL SERVICE and a detailed
21 financing plan. The ~~service development~~ plan FOR DEVELOPING THE
22 PASSENGER RAIL SERVICE must identify the route and phasing of the
23 passenger rail system to be funded by the tax. The financing plan must
24 identify committed and potential financial partners, including but not
25 limited to the regional transportation district, the federal government,
26 Amtrak, and private partners; and

27 **SECTION 6. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2024 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.