

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

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

LLS NO. 24-0526.01 Jason Gelender x4330

**HOUSE BILL 24-1012**

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**HOUSE SPONSORSHIP**

**Mauro and Boesenecker**, Kipp, Lindstedt, Mabrey

**SENATE SPONSORSHIP**

**Zenzinger**,

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.*

HOUSE  
Amended 2nd Reading  
February 9, 2024

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.

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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 the transportation commission created  
7 in section 43-1-106 (1), WHICH MEETING SHALL INCLUDE AN ANNUAL  
8 UPDATE, WHICH MAY BE PROVIDED BY DISTRICT STAFF, AND MAY BE HELD  
9 IN A MANNER THAT ALLOWS MEMBERS OF THE BOARD AND COMMISSION TO  
10 ATTEND REMOTELY BY ELECTRONIC MEANS.

11 (e) Hold at least one joint meeting annually of the board and the  
12 board of directors of the I-70 coalition, or a successor entity of the  
13 coalition, WHICH MEETING SHALL INCLUDE AN ANNUAL UPDATE, WHICH  
14 MAY BE PROVIDED BY DISTRICT STAFF, AND MAY BE HELD IN A MANNER  
15 THAT ALLOWS MEMBERS OF THE BOARD AND COMMISSION TO ATTEND  
16 REMOTELY BY ELECTRONIC MEANS, to ensure that any district front range  
17 passenger rail system interconnects with any passenger rail system that  
18 serves the interstate highway 70 mountain corridor; and

19 (f) Hold at least one joint meeting annually of the board and the  
20 board of directors of the regional transportation district, ~~to discuss and~~  
21 ~~resolve~~ WHICH MEETING SHALL INCLUDE AN ANNUAL UPDATE, WHICH MAY  
22 BE PROVIDED BY DISTRICT STAFF, AND MAY BE HELD IN A MANNER THAT  
23 ALLOWS MEMBERS OF THE BOARD AND COMMISSION TO ATTEND REMOTELY  
24 BY ELECTRONIC MEANS, REGARDING operational and interconnectivity  
25 issues.

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

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

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

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

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

1           (2) (c) A majority of the voting directors of the board constitutes  
2 a quorum, and, except as otherwise specifically provided in this article 22,  
3 a majority of a quorum may make binding decisions for the board.  
4 Advisory nonvoting members of the board may participate, in a nonvoting  
5 capacity, in all board meetings, including executive SESSIONS; EXCEPT  
6 THAT, AN ADVISORY NONVOTING MEMBER OF THE BOARD SHALL NOT  
7 PARTICIPATE IN AN EXECUTIVE SESSION IF THE BOARD DETERMINES THAT  
8 A PARTICULAR MATTER TO BE DISCUSSED IN THE EXECUTIVE SESSION, AS  
9 IDENTIFIED BY THE BOARD PURSUANT TO SECTION 24-6-402 (4), CONCERNS  
10 THE APPOINTING AUTHORITY FOR THE ADVISORY NONVOTING MEMBER AND  
11 SHOULD NOT BE DISCUSSED WHEN THE ADVISORY NONVOTING MEMBER IS  
12 PRESENT. By a two-thirds vote of the voting directors of all voting  
13 directors of the board, the board may add additional advisory nonvoting  
14 members to the board for either fixed terms of four years or for service at  
15 the pleasure of a majority of the voting directors of the board.

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

18           **32-22-105. Board of directors - powers and duties.**

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

26           (VIII) The power to enter into ~~contracts on behalf of the district,~~  
27 ~~including but not limited to~~ intergovernmental agreements and contracts

1 for public-private partnerships.

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

4 **32-22-106. District - general powers and duties - funds**  
5 **created.** (1) In addition to any other powers granted to the district by this  
6 article 22, the district has the following powers:

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

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

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

23 (a) Publish a proposed ~~service development plan, an operating~~  
24 ~~plan~~ FOR DEVELOPING THE PASSENGER RAIL SERVICE and a detailed  
25 financing plan. The ~~service development~~ plan FOR DEVELOPING THE  
26 PASSENGER RAIL SERVICE must identify the route and phasing of the  
27 passenger rail system to be funded by the tax. The financing plan must

1 identify committed and potential financial partners, including but not  
2 limited to the regional transportation district, the federal government,  
3 Amtrak, and private partners; and

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