

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 05-0181.01 Jason Gelender

HOUSE BILL 05-1064

HOUSE SPONSORSHIP

May M.,

SENATE SPONSORSHIP

Williams,

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REGIONAL TRANSPORTATION, AND, IN CONNECTION**
102 **THEREWITH, ALLOWING LOCAL GOVERNMENTS THROUGHOUT**
103 **THE STATE TO FORM REGIONAL TRANSPORTATION**
104 **AUTHORITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Changes the "Rural Transportation Authority Law" to the "Regional Transportation Authority Law" to allow any combination of 2 or more counties or municipalities, or both (combination), including any combination of counties or municipalities within the Denver metropolitan area that cannot currently form rural transportation authorities, to form a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 2, 2005

HOUSE
Amended 2nd Reading
February 22, 2005

regional transportation authority (authority) for the purpose of providing regional transportation systems. If the regional transportation systems to be provided by a proposed authority would significantly impact any transportation projects or operations of the Denver metropolitan area regional transportation district (RTD), the department of transportation, a county or municipality that borders the territory of the authority, or a public highway authority, requires the combination to enter into an intergovernmental agreement concerning the projects with the affected entity or entities or eliminate the projects from the list of projects specified in the contract that creates the authority before it submits the question of the creation of the authority to a vote of the appropriate registered electors.

Requires the intergovernmental agreement to address coordination of effort and financing issues, and allows an authority to construct a regional transportation system that would alter the state highway system or the interstate system only as authorized by the intergovernmental agreement. Allows the board of the RTD to establish local improvement districts in any authority located in whole or in part within the boundaries of the RTD.

Specifies that moneys generated by an authority shall not supplant existing or budgeted department of transportation funding except as described in an intergovernmental agreement. Makes legislative declarations. Makes conforming amendments.

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

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

4 (a) The "Rural Transportation Authority Law", part 6 of article 4
5 of title 43, Colorado Revised Statutes, authorizes combinations of
6 counties and municipalities in all areas of the state, except areas in the
7 Denver metropolitan region that are included within the boundaries of the
8 regional transportation district established in article 9 of title 32,
9 Colorado Revised Statutes, to create rural transportation systems to assist
10 in addressing the transportation needs within their boundaries.

11 (b) Counties and municipalities within the Denver metropolitan
12 region whose territory is partly or entirely included within the regional

1 transportation district should have the same power to create a
2 transportation authority as other local governments in the state.

3 (c) It is necessary and appropriate to change the name of the
4 "Rural Transportation Authority Law" to the "Regional Transportation
5 Authority Law" and to amend its provisions so that all counties and
6 municipalities in the state can combine to establish regional transportation
7 authorities to assist in addressing the transportation needs within their
8 boundaries.

9 **SECTION 2.** 43-4-601, Colorado Revised Statutes, is amended
10 to read:

11 **43-4-601. Short title.** This part 6 shall be known and may be
12 cited as the ~~"Rural"~~ "REGIONAL Transportation Authority Law".

13 **SECTION 3.** 43-4-602 (5), (9) (a), (9) (b) (I), (11), (13), (14),
14 (15), and (16), Colorado Revised Statutes, are amended, and the said
15 43-4-602 is further amended BY THE ADDITION OF THE
16 FOLLOWING NEW SUBSECTIONS, to read:

17 **43-4-602. Definitions.** As used in this part 6, unless the context
18 otherwise requires:

19 (5) "Construct" or "construction" means the planning, designing,
20 engineering, acquisition, installation, construction, or reconstruction of
21 ~~rural~~ REGIONAL transportation systems.

22 (9) (a) "Grant" means a cash payment of public funds made
23 directly to a ~~rural~~ REGIONAL transportation activity enterprise by a
24 governmental unit within the state, which cash payment is not required
25 to be repaid.

26 (b) "Grant" does not include the following:

27 (I) Public funds paid or advanced to a ~~rural~~ REGIONAL

1 transportation activity enterprise by a governmental unit in exchange for
2 an agreement by a ~~rural~~ REGIONAL transportation activity enterprise to
3 provide a ~~rural~~ REGIONAL transportation system or for the use of property
4 included in or in connection with a ~~rural~~ REGIONAL transportation system;

5 (11) "Operation and maintenance expenses" means all reasonable
6 and necessary current expenses of the authority, paid or accrued, of
7 operating, maintaining, and repairing any ~~rural~~ REGIONAL transportation
8 system.

9 (12.5) "REGION" MEANS ALL OF THE TERRITORY WITHIN THE
10 BOUNDARIES OF, AND SUBJECT TO THE JURISDICTION OF, THE GOVERNING
11 BODY OF ANY MEMBER OF A COMBINATION THAT CREATES AN AUTHORITY
12 PURSUANT TO SECTION 43-4-603.

13 (13) ~~"Revenues" means any tolls, fees, rates, charges,~~
14 ~~assessments, taxes, grants, contributions, or other income and revenues~~
15 ~~received by the authority.~~

16 (14) ~~"Rural region" means any area of the state that is not~~
17 ~~included in the boundaries of the regional transportation district~~
18 ~~established under article 9 of title 32, C.R.S.~~

19 (15) ~~Rural~~ "REGIONAL transportation activity enterprise" means
20 any ~~rural~~ REGIONAL transportation activity business owned by an
21 authority, which enterprise receives under ten percent of its annual
22 revenues in grants from all state and local governments within the state
23 combined and is authorized to issue its own revenue bonds pursuant to
24 this part 6.

25 (16) ~~Rural~~ "REGIONAL transportation system" means any
26 property, improvement, or system designed to be compatible with
27 established state and local transportation plans that transports or conveys

1 people or goods or permits people or goods to be transported or conveyed
2 within a ~~rural~~ region by any means, including, but not limited to, an
3 automobile, truck, bus, rail, air, or gondola. The term includes any real
4 or personal property or equipment, or interest therein, that is appurtenant
5 or related to any property, improvement, or system that transports or
6 conveys people or goods or permits people or goods to be transported or
7 conveyed within a ~~rural~~ region by any means or that is financed,
8 constructed, operated, or maintained in connection with the financing,
9 construction, operation, or maintenance of any such property,
10 improvement, or system. The term may also include, but is not limited
11 to, any highway, road, street, bus system, railroad, airport, gondola
12 system, or mass transit system and any real or personal property or
13 equipment, or interest therein, used in connection therewith; any real or
14 personal property or equipment, or interest therein, that is used to
15 transport or convey gas, electricity, water, sewage, or information or that
16 is used in connection with the transportation, conveyance, or provisions
17 of any other utilities; and paving, grading, landscaping, curbs, gutters,
18 culverts, sidewalks, bikeways, lighting, bridges, overpasses, underpasses,
19 cross-roads, parkways, drainage facilities, mass transit lanes,
20 park-and-ride facilities, toll collection facilities, service areas, and
21 administrative or maintenance facilities. Rights-of-way included in a
22 ~~rural~~ REGIONAL transportation system shall be considered public
23 rights-of-way for purposes of the location of utilities owned by persons
24 other than the authority; EXCEPT THAT NO RIGHT-OF-WAY WITHIN THE
25 REGIONAL TRANSPORTATION DISTRICT CREATED AND EXISTING PURSUANT
26 TO ARTICLE 9 OF TITLE 32, C.R.S., THAT IS NOT PUBLICALLY DEDICATED
27 RIGHT-OF-WAY BY A MUNICIPALITY, A COUNTY, OR THE STATE SHALL BE

1 CONSIDERED PUBLIC RIGHT-OF-WAY AS A RESULT OF ITS INCLUSION IN THE
2 DISTRICT.

3 (16.5) "REVENUES" MEANS ANY TOLLS, FEES, RATES, CHARGES,
4 ASSESSMENTS, TAXES, GRANTS, CONTRIBUTIONS, OR OTHER INCOME AND
5 REVENUES RECEIVED BY THE AUTHORITY.

6 **SECTION 4.** 43-4-603 (1), (2) (a), and (3), Colorado Revised
7 Statutes, are amended, and the said 43-4-603 is further amended BY THE
8 ADDITION OF A NEW SUBSECTION, to read:

9 **43-4-603. Creation of authorities.** (1) Any combination may
10 create, by contract, an authority that is authorized to exercise the
11 functions conferred by the provisions of this part 6 upon the issuance by
12 the director of the division of a certificate stating that the authority has
13 been duly organized according to the laws of the state. THE
14 COMBINATION JOINING IN THE CREATION OF THE AUTHORITY SHALL
15 PROVIDE A COPY OF THE CONTRACT TO THE DEPARTMENT OF
16 TRANSPORTATION FOR COMMENT AND, IF THE TERRITORY OF THE
17 PROPOSED AUTHORITY INCLUDES OR BORDERS ANY TERRITORY OF THE
18 REGIONAL TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE 32,
19 C.R.S., OR INTERSECTS WITH OR IS LIKELY TO DIVERT VEHICLE TRAFFIC TO
20 OR FROM A TOLL HIGHWAY OPERATED BY A PUBLIC HIGHWAY AUTHORITY
21 ESTABLISHED UNDER PART 5 OF THIS ARTICLE, SHALL ALSO PROVIDE A
22 COPY OF THE CONTRACT TO THE DISTRICT OR THE AFFECTED PUBLIC
23 HIGHWAY AUTHORITY, AS APPLICABLE, FOR COMMENT. THE COMBINATION
24 SHALL ALSO PROVIDE A COPY OF THE CONTRACT TO EACH COUNTY AND
25 MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION BUT THAT
26 INCLUDES TERRITORY THAT BORDERS THE TERRITORY OF THE PROPOSED
27 AUTHORITY FOR COMMENT. The director shall issue the certificate upon

1 the filing with the director of a copy of the contract by the combination
2 joining in the creation of the authority. The director shall cause the
3 certificate to be recorded in the real estate records in each county having
4 territory included in the boundaries of the authority. Upon issuance of
5 the certificate by the director, ~~of the division~~, the authority shall
6 constitute a separate political subdivision and body corporate of the state
7 and shall have all of the duties, privileges, immunities, rights, liabilities,
8 and disabilities of a public body politic and corporate.

9 (1.5) ON AND AFTER JANUARY 1, 2006, IF, AFTER REVIEWING A
10 CONTRACT THAT CREATES AN AUTHORITY PROVIDED PURSUANT TO
11 SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT OF TRANSPORTATION,
12 THE REGIONAL TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE
13 32, C.R.S., A BORDERING COUNTY OR MUNICIPALITY, OR A PUBLIC
14 HIGHWAY AUTHORITY ESTABLISHED UNDER PART 5 OF THIS ARTICLE
15 INFORMS THE COMBINATION THAT EXECUTED THE CONTRACT THAT THE
16 REGIONAL TRANSPORTATION SYSTEMS TO BE PROVIDED BY THE PROPOSED
17 AUTHORITY, AS SPECIFIED IN THE CONTRACT PURSUANT TO PARAGRAPH (a)
18 OF SUBSECTION (2) OF THIS SECTION, WOULD SIGNIFICANTLY IMPACT ANY
19 DEPARTMENT, DISTRICT, BORDERING COUNTY OR MUNICIPALITY, OR
20 PUBLIC HIGHWAY AUTHORITY TRANSPORTATION PROJECTS OR OPERATIONS
21 BY INTERSECTING OR CREATING IMPROVEMENTS ON ANY STATE HIGHWAY,
22 COUNTY ROAD, OR MUNICIPAL STREET, THE COMBINATION SHALL ENTER
23 INTO AN INTERGOVERNMENTAL AGREEMENT CONCERNING THE PROJECTS
24 WITH THE DEPARTMENT, THE DISTRICT, THE BORDERING COUNTY OR
25 MUNICIPALITY, THE PUBLIC HIGHWAY AUTHORITY, OR ANY COMBINATION
26 THEREOF, AS APPLICABLE, OR ELIMINATE THE PROJECTS FROM THE LIST OF
27 PROJECTS SPECIFIED IN THE CONTRACT BEFORE IT SUBMITS THE CONTRACT

1 TO A VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE
2 BOUNDARIES OF THE PROPOSED AUTHORITY AS REQUIRED BY SUBSECTION
3 (4) OF THIS SECTION. THE INTERGOVERNMENTAL AGREEMENT SHALL
4 SPECIFY WHATEVER TERMS THE COMBINATION AND THE AFFECTED ENTITY
5 OR ENTITIES DEEM NECESSARY TO AVOID DUPLICATION OF EFFORT AND TO
6 ENSURE COORDINATED TRANSPORTATION PLANNING, EFFICIENT
7 ALLOCATION OF RESOURCES, AND EQUITABLE SHARING OF COSTS. IF THE
8 DEPARTMENT IS A PARTY TO THE INTERGOVERNMENTAL AGREEMENT, THE
9 AGREEMENT SHALL ALSO DESCRIBE IN DETAIL ANY EFFECT ON
10 DEPARTMENT FUNDING OF ANY PORTION OF THE STATE HIGHWAY SYSTEM
11 WITHIN THE PROPOSED REGION THAT IS EXPECTED TO RESULT FROM THE
12 CREATION OF THE PROPOSED AUTHORITY. NOTHING IN THIS SUBSECTION
13 (1.5) SHALL BE CONSTRUED TO PRECLUDE A COMBINATION OR ANY
14 AUTHORITY FROM ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT
15 WITH THE DEPARTMENT, THE DISTRICT, A PUBLIC HIGHWAY AUTHORITY, A
16 BORDERING COUNTY OR MUNICIPALITY, OR ANY OTHER GOVERNMENTAL
17 ENTITY REGARDING ANY REGIONAL TRANSPORTATION SYSTEM.

18 (2) Any contract establishing an authority shall specify:

19 (a) The name and purpose of the authority and the ~~rural~~ REGIONAL
20 transportation systems to be provided;

21 (3) No municipality or county shall enter into a contract
22 establishing an authority, THE TERRITORY OF WHICH IS ENTIRELY OUTSIDE
23 THE REGIONAL TRANSPORTATION DISTRICT CREATED AND EXISTING
24 PURSUANT TO ARTICLE 9 OF TITLE 32, C.R.S., without holding at least two
25 public hearings thereon in addition to other requirements imposed by law
26 for public notice. NO MUNICIPALITY OR COUNTY SHALL ENTER INTO A
27 CONTRACT ESTABLISHING AN AUTHORITY IF ANY PORTION OF THE

1 TERRITORY OF THE MUNICIPALITY OR COUNTY IS INCLUDED IN THE
2 REGIONAL TRANSPORTATION DISTRICT WITHOUT THE GOVERNING BODY OF
3 THE MUNICIPALITY OR COUNTY FIRST HOLDING AT LEAST TWO PUBLIC
4 HEARINGS THEREON WITHIN THE BOUNDARIES OF THE MUNICIPALITY OR
5 COUNTY IN ADDITION TO OTHER REQUIREMENTS IMPOSED BY LAW FOR
6 PUBLIC NOTICE. The municipality or county shall give notice of the time,
7 place, and purpose of ~~the~~ EACH public hearing by publication in a
8 newspaper of general circulation in the municipality or county, as the
9 case may be, at least ten days prior to the date of the public hearing.

10

11 SECTION 5. 43-4-605 (1) (d), (1) (f), (1) (i), (1) (i.5) (II), (1)
12 (i.5) (IV), (1) (i.5) (V), (1) (j), (4), and (5), Colorado Revised Statutes,
13 are amended to read:

14 **43-4-605. Powers of the authority - inclusion or exclusion of**
15 **property - determination of regional transportation system alignment**
16 **- fund created.** (1) In addition to any other powers granted to the

17 authority pursuant to this part 6, the authority has the following powers:

18 (d) To establish, collect, and, from time to time, increase or
19 decrease fees, tolls, rates, and charges for the privilege of traveling on or
20 using any property included in any ~~rural~~ REGIONAL transportation system
21 financed, constructed, operated, or maintained by the authority, without
22 the fees, tolls, rates, and charges being subject to any supervision or
23 regulation by any board, agency, bureau, commission, or official; except
24 that any fees, tolls, rates, and charges imposed for the use of any ~~rural~~
25 REGIONAL transportation system shall be fixed and adjusted so that the
26 fees, tolls, rates, and charges collected, along with other revenues, if any,
27 are at least sufficient to pay for any bonds issued pursuant to this part 6

1 and interest thereon;

2 (f) To finance, construct, operate, or maintain ~~rural~~ REGIONAL
3 transportation systems within or without the boundaries of the authority;
4 except that the authority shall not construct ~~rural~~ REGIONAL transportation
5 systems in any territory located outside the boundaries of the authority
6 and within the boundaries of a municipality as the boundaries of the
7 municipality exist on the date the authority is created without the consent
8 of the governing body of ~~such~~ THE municipality, ~~or~~ outside the
9 boundaries of the authority and within the unincorporated boundaries of
10 a county as the unincorporated boundaries of the county exist on the date
11 the authority is created without the consent of the governing body of ~~such~~
12 THE county, OR INSIDE OR OUTSIDE THE BOUNDARIES OF THE AUTHORITY
13 IF THE REGIONAL TRANSPORTATION SYSTEMS WOULD ALTER THE STATE
14 HIGHWAY SYSTEM, AS DEFINED IN SECTION 43-2-101 (1), OR THE
15 INTERSTATE SYSTEM, AS DEFINED IN SECTION 43-2-101 (2), EXCEPT AS
16 AUTHORIZED BY AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO BY
17 THE MEMBERS OF THE COMBINATION THAT CREATED THE AUTHORITY AND
18 THE DEPARTMENT OF TRANSPORTATION AS REQUIRED BY SECTION 43-4-603
19 (1.5);

20 (i) To impose an annual motor vehicle registration fee of not more
21 than ten dollars for each motor vehicle registered with the county clerk
22 and recorder of the county by persons residing in all or any designated
23 portion of the members of the combination; ~~EXCEPT THAT THE AUTHORITY~~
24 ~~SHALL NOT IMPOSE A MOTOR VEHICLE REGISTRATION FEE ON ANY TRACTOR~~
25 ~~OR TRAILER THAT IS USED IN INTERSTATE COMMERCE AND~~ except that the
26 authority shall not impose a motor registration fee with respect to motor
27 vehicles registered to persons residing outside the boundaries of the

1 authority and within the boundaries of a municipality as the boundaries
2 of the municipality exist on the date the authority is created without the
3 consent of the governing body of ~~such~~ THE municipality or outside the
4 boundaries of the authority and within the unincorporated boundaries of
5 a county as the unincorporated boundaries of the county exist on the date
6 the authority is created without the consent of the governing body of ~~such~~
7 THE county. The registration fee is in addition to any fee or tax imposed
8 by the state or any other governmental unit. If a motor vehicle is
9 registered in a county that is a member of more than one authority, the
10 total of all fees imposed pursuant to this paragraph (i) for any such motor
11 vehicle shall not exceed ten dollars. The county clerk and recorder of the
12 county in which the registration fee is imposed shall collect the fee and
13 remit the fee to the authority. The authority shall apply the registration
14 fees solely to the financing, construction, operation, or maintenance of
15 ~~rural~~ REGIONAL transportation systems that are consistent with the
16 expenditures specified in section 18 of article X of the state constitution.

17 (i.5) (II) The visitor benefit tax is in addition to any fee or tax
18 imposed by the state or any other governmental unit and a minimum of
19 seventy-five percent of the net revenue derived from the tax shall be used
20 by the authority solely to finance, construct, operate, and maintain ~~rural~~
21 REGIONAL transportation systems and provide incentives to overnight
22 visitors to use public transportation.

23 (IV) Any authority that imposes a visitor benefit tax shall give due
24 consideration to the transportation needs of persons who pay the visitor
25 benefit tax on the purchase of overnight rooms or accommodations when
26 constructing, operating, and maintaining ~~rural~~ REGIONAL transportation
27 systems and shall ensure that such visitors have easy access to ~~such rural~~

1 THE REGIONAL transportation systems.

2 (V) Upon the request of the authority, the executive director of
3 the department of revenue shall administer and collect the visitor benefit
4 tax authorized by subparagraph (I) of this paragraph (i.5). If the authority
5 requests that the executive director administer and collect the tax, the
6 executive director shall make monthly distributions of the tax collections
7 to the authority. The department of revenue shall retain an amount not
8 to exceed the cost of the collection, administration, and enforcement and
9 shall transmit the amount to the state treasurer who shall credit the same
10 to the ~~rural~~ REGIONAL transportation authority visitor benefit tax fund,
11 which fund is hereby created. The amounts so retained are hereby
12 appropriated annually from the fund to the department to the extent
13 necessary for the department's collection, administration, and
14 enforcement of the provisions of this part 6. Any moneys remaining in
15 the fund attributable to taxes collected in the prior fiscal year shall be
16 transmitted to the authority; except that, prior to the transmission to the
17 authority of such moneys, any moneys appropriated from the general fund
18 to the department for the collection, administration, and enforcement of
19 the tax for the prior fiscal year shall be repaid.

20 (j) (I) Subject to the provisions of section 43-4-612, to levy, in all
21 or any designated portion of the members of the combination, a sales or
22 use tax, or both, at a rate not to exceed one percent upon every
23 transaction or other incident with respect to which a sales or use tax is
24 levied by the state; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF
25 THIS PARAGRAPH (j), AS AMENDED, IF THE AUTHORITY INCLUDES
26 TERRITORY THAT IS WITHIN THE REGIONAL TRANSPORTATION DISTRICT
27 CREATED AND EXISTING PURSUANT TO ARTICLE 9 OF TITLE 32, C.R.S., A

1 DESIGNATED PORTION OF THE MEMBERS OF THE COMBINATION IN WHICH
2 A NEW TAX IS LEVIED SHALL BE COMPRISED OF ENTIRE TERRITORIES OF
3 MEMBERS OF THE COMBINATION SO THAT THE RATE OF TAX IMPOSED
4 WITHIN THE TERRITORY OF ANY SINGLE MEMBER OF THE COMBINATION IS
5 UNIFORM; AND EXCEPT THAT THE AUTHORITY SHALL NOT LEVY A SALES OR
6 USE TAX ON ANY PURCHASE OR SALE OF TRACTORS, TRAILERS, OR TRACTOR
7 OR TRAILER PARTS THAT ARE USED IN INTERSTATE COMMERCE AND except
8 that the authority shall not levy ~~any such~~ a sales or use tax on any
9 transaction or other incident occurring in any territory located outside the
10 boundaries of the authority and within the boundaries of a municipality
11 as the boundaries of the municipality exist on the date the authority is
12 created without the consent of the governing body of ~~such~~ the
13 municipality or outside the boundaries of the authority and within the
14 unincorporated boundaries of a county as the unincorporated boundaries
15 exist on the date the authority is created without the consent of the
16 governing body of ~~such~~ the county. Subject to the provisions of section
17 43-4-612, the authority may elect to levy any such sales or use tax at
18 different rates in different designated portions of the members of the
19 combination; EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS
20 PARAGRAPH (j), AS AMENDED, IF THE AUTHORITY INCLUDES TERRITORY
21 THAT IS WITHIN THE REGIONAL TRANSPORTATION DISTRICT, A DESIGNATED
22 PORTION OF THE MEMBERS OF THE COMBINATION IN WHICH A NEW TAX IS
23 LEVIED SHALL BE COMPRISED OF ENTIRE TERRITORIES OF MEMBERS OF THE
24 COMBINATION SO THAT THE RATE OF TAX IMPOSED WITHIN THE TERRITORY
25 OF ANY SINGLE MEMBER OF THE COMBINATION IS UNIFORM. If the
26 authority so elects, it shall submit a single ballot question that lists all of
27 the different rates to the registered electors ~~of all designated portions~~

1 of the members of the combination in which the proposed sales or use tax
2 is to be levied. The tax imposed pursuant to this paragraph (j) is in
3 addition to any other sales or use tax imposed pursuant to law and is
4 exempt from the limitation imposed by section 29-2-108, C.R.S. If a
5 member of the combination is located within more than one authority, the
6 sales or use tax, or both, authorized by this paragraph (j) shall not exceed
7 one percent upon every transaction or other incident with respect to
8 which a sales or use tax is levied by the state. The executive director of
9 the department of revenue shall collect, administer, and enforce the sales
10 or use tax, to the extent feasible, in the manner provided in section
11 29-2-106, C.R.S. The director shall make monthly distributions of the tax
12 collections to the authority, which shall apply the proceeds solely to the
13 financing, construction, operation, or maintenance of ~~rural~~ REGIONAL
14 transportation systems. The department of revenue shall retain an amount
15 not to exceed the cost of the collection, administration, and enforcement
16 and shall transmit the amount to the state treasurer, who shall credit the
17 same to the ~~rural~~ REGIONAL transportation authority sales tax fund, which
18 fund is hereby created. The amounts so retained are hereby appropriated
19 annually from the fund to the department to the extent necessary for the
20 department's collection, administration, and enforcement of the provisions
21 of this part 6. Any moneys remaining in the fund attributable to taxes
22 collected in the prior fiscal year shall be transmitted to the authority;
23 except that, prior to the transmission to the authority of such moneys, any
24 moneys appropriated from the general fund to the department for the
25 collection, administration, and enforcement of the tax for the prior fiscal
26 year shall be repaid.

27 (II) A SALES OR USE TAX, OR BOTH, LEVIED PURSUANT TO

1 SUBPARAGRAPH (I) OF THIS PARAGRAPH (j) SHALL NOT BE LEVIED ON THE
2 SALE OF TANGIBLE PERSONAL PROPERTY:

3 (A) DELIVERED BY A RETAILER OR A RETAILER'S AGENT OR TO A
4 COMMON CARRIER FOR DELIVERY TO A DESTINATION OUTSIDE THE
5 AUTHORITY; OR

6 (B) UPON WHICH SPECIFIC OWNERSHIP TAX HAS BEEN PAID OR IS
7 PAYABLE IF THE PURCHASER RESIDES OUTSIDE THE BOUNDARIES OF THE
8 AUTHORITY OR THE PURCHASER'S PRINCIPAL PLACE OF BUSINESS IS
9 OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND IF THE PERSONAL
10 PROPERTY IS REGISTERED OR REQUIRED TO BE REGISTERED OUTSIDE THE
11 BOUNDARIES OF THE AUTHORITY.

12 (4) The board, upon the affirmative vote of two-thirds of the
13 directors of the board, may determine the location of the ~~rural~~ REGIONAL
14 transportation system.

15 (5) Any ~~rural~~ REGIONAL transportation system constructed by an
16 authority under this part 6 that is funded, in whole or in part, from the
17 highway users tax fund and that may be reasonably expected to exceed
18 one hundred fifty thousand dollars in the aggregate for any fiscal year
19 shall be subject to the construction bidding provisions in part 7 of article
20 1 of title 29, C.R.S. If the state is involved in the construction of ~~such~~
21 ~~rural~~ THE REGIONAL transportation system, the construction bidding
22 provisions in article 92 of title 24, C.R.S., shall apply. Nothing herein
23 shall be construed to affect the ability of such entities to enter into
24 design-build contracts under applicable state laws.

25 **SECTION 6.** Part 6 of article 4 of title 43, Colorado Revised
26 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
27 read:

1 **43-4-605.5. Preservation of state highway funding - legislative**
2 **declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
3 THAT MONEYS MADE AVAILABLE FOR REGIONAL TRANSPORTATION
4 SYSTEMS PURSUANT TO THIS PART 6 SHALL NOT BE USED TO SUPPLANT
5 EXISTING OR BUDGETED DEPARTMENT OF TRANSPORTATION FUNDING OF
6 ANY PORTION OF THE STATE HIGHWAY SYSTEM WITHIN THE TERRITORY OF
7 ANY AUTHORITY OR ANY TRANSPORTATION PLANNING REGION, AS DEFINED
8 IN SECTION 43-1-1102 (8), THAT INCLUDES ANY PORTION OF THE
9 TERRITORY OF THE AUTHORITY EXCEPT AS DESCRIBED IN DETAIL IN AN
10 INTERGOVERNMENTAL AGREEMENT ENTERED INTO PURSUANT TO SECTION
11 43-4-603 (1.5).

12 **SECTION 7.** 43-4-606, Colorado Revised Statutes, is amended
13 to read:

14 **43-4-606. Establishment of regional transportation activity**
15 **enterprises.** (1) Any authority may establish ~~rural~~ REGIONAL
16 transportation activity enterprises for the purpose of pursuing or
17 continuing activities authorized by this part 6. Any ~~rural~~ REGIONAL
18 transportation activity enterprise established or maintained pursuant to
19 this part 6 is not subject to the provisions of section 20 of article X of the
20 state constitution.

21 (2)(a) Each ~~rural~~ REGIONAL transportation activity enterprise shall
22 be wholly owned by a single authority and shall not be combined with
23 any ~~rural~~ REGIONAL transportation activity enterprise owned by another
24 authority; except that each authority may establish more than one ~~rural~~
25 REGIONAL transportation activity enterprise and each ~~rural~~ REGIONAL
26 transportation activity enterprise may conduct or continue to conduct one
27 or more activities authorized by this part 6 as may be determined by the

1 governing body of the ~~rural~~ REGIONAL transportation activity enterprise.

2 (b) This subsection (2) does not limit the authority of a ~~rural~~
3 REGIONAL transportation activity enterprise to contract with any other
4 person or entity, including other authorities, other state or local
5 governments, or other ~~rural~~ REGIONAL transportation activity enterprises.

6 (3) The governing body of a ~~rural~~ REGIONAL transportation
7 activity enterprise is the board of the authority that owns the enterprise.

8 (4) The governing body for each ~~rural~~ REGIONAL transportation
9 activity enterprise may exercise the authority's legal authority relating to
10 activities authorized by this part 6, but no ~~rural~~ REGIONAL transportation
11 activity enterprise may levy a tax that is subject to the requirements of
12 section 20 (4) of article X of the state constitution.

13 (5) Each ~~rural~~ REGIONAL transportation activity enterprise,
14 through its governing body, may issue or reissue revenue bonds in
15 accordance with the provisions of section 43-4-609. Each bond issued
16 under this subsection (5) shall recite in substance that the bond, including
17 the interest thereon, is payable from the revenues and other available
18 funds of the ~~rural~~ REGIONAL transportation activity enterprise pledged for
19 the payment thereof.

20 (6) The powers provided in this section for ~~rural~~ REGIONAL
21 transportation activity enterprises shall not modify, limit, or affect the
22 powers conferred by any other law, either directly or indirectly.

23 (7) Loan agreements subject to repayment or contracts to provide
24 ~~rural~~ REGIONAL transportation systems or the use of property included in
25 or in connection with a ~~rural~~ REGIONAL transportation system, which
26 involve the payment of funds for such systems or the use of the property
27 to an authority or its ~~rural~~ REGIONAL transportation activity enterprise by

1 a state or local government or by another authority or ~~rural~~ REGIONAL
2 transportation activity enterprise, are not grants for purposes of the
3 definition of enterprise under section 20 (2) (d) of article X of the state
4 constitution.

5 (8) An authority or its ~~rural~~ REGIONAL transportation activity
6 enterprise may contract with any other governmental or private source of
7 funding for loans and grants related to ~~rural~~ REGIONAL transportation
8 activity enterprise functions.

9 (9) Revenues collected or spent by an authority for ~~rural~~
10 REGIONAL transportation systems or the use of property included in or in
11 connection with a ~~rural~~ REGIONAL transportation system rendered or
12 provided by a ~~rural~~ REGIONAL transportation activity enterprise owned by
13 the authority are not subject to the provisions of section 20 (4) and (7) of
14 article X of the state constitution.

15 (10) The rates or a change in the rates charged by an authority for
16 ~~rural~~ REGIONAL transportation systems or for the use of property included
17 in or in connection with a ~~rural~~ REGIONAL transportation system rendered
18 or provided by a ~~rural~~ REGIONAL transportation activity enterprise owned
19 by the authority are not taxes subject to the provisions of section 20 (4)
20 and (7) of article X of the state constitution.

21 (11) The authority granted to a ~~rural~~ REGIONAL transportation
22 activity enterprise under this section is in addition to all other authority
23 provided by law. Nothing contained in this part 6 shall be construed to
24 require the establishment, operation, or continuation of a ~~rural~~ REGIONAL
25 transportation activity enterprise or to limit the authority of any state or
26 local government to utilize other policies and procedures for establishing,
27 operating, or continuing any enterprise for any lawful purpose.

1 **SECTION 8.** 43-4-607, Colorado Revised Statutes, is amended
2 to read:

3 **43-4-607. Traffic laws - toll collection.** (1) The traffic laws of
4 this state and of any municipality, in which a ~~rural~~ REGIONAL
5 transportation system is constructed, operated, or maintained by an
6 authority, and the authority's rules ~~and regulations~~ regarding toll
7 collection and enforcement shall pertain to and govern the use of any
8 ~~such rural~~ REGIONAL transportation system on which vehicles subject to
9 the traffic laws or rules ~~and regulations~~ are operated. State and local law
10 enforcement authorities are authorized to enter into traffic and toll
11 enforcement agreements with authorities. Any funds received by a state
12 law enforcement authority pursuant to the toll enforcement agreement are
13 subject to annual appropriation by the general assembly to the law
14 enforcement authority for the purpose of performing its duties pursuant
15 to the agreement.

16 (2) Any person who fails to pay a required fee, toll, rate, or charge
17 for the privilege of traveling on or using any property included in a ~~rural~~
18 REGIONAL transportation system pursuant to this part 6 is subject to the
19 penalty specified in sections 42-4-613 and 42-4-1701 (4) (a) (I) (G),
20 C.R.S.

21 **SECTION 9.** 43-4-608, Colorado Revised Statutes, is amended
22 to read:

23 **43-4-608. Local improvement districts.** The board, OR THE
24 BOARD OF THE REGIONAL TRANSPORTATION DISTRICT ESTABLISHED UNDER
25 ARTICLE 9 OF TITLE 32, C.R.S., IN THE CASE OF ANY AUTHORITY WHOSE
26 TERRITORY IS LOCATED IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF
27 THE DISTRICT, may establish local improvement districts within the

1 boundaries of the authority to facilitate the financing, construction,
2 operation, or maintenance of ~~rural~~ REGIONAL transportation systems. The
3 board may establish ~~such~~ local improvement districts whenever any area
4 within the boundaries of the authority, in the opinion of the board, will
5 be especially benefited by the financing, construction, operation, or
6 maintenance of a ~~rural~~ REGIONAL transportation system. The board shall
7 not establish a local improvement district unless the board receives a
8 petition signed by the owners of the property that will bear a majority of
9 the proposed assessments and a petition signed by the lesser of a majority
10 of the registered electorate in the proposed district or one thousand
11 registered electors in the proposed district. The method of creating local
12 improvement districts, making the improvements, and assessing the costs
13 thereof shall be as provided in part 6 of article 20 of title 30, C.R.S.;
14 except that the board shall perform the duties of the board of county
15 commissioners thereunder and the improvements shall be ~~rural~~ REGIONAL
16 transportation systems as defined by section 43-4-602 (16).

17 **SECTION 10.** 43-4-610, Colorado Revised Statutes, is amended
18 to read:

19 **43-4-610. Cooperative powers.** (1) The authority has the power
20 to cooperate with any person:

21 (a) To accept contributions, loans, advances, or liens securing
22 obligations to or of the authority from any person with respect to the
23 financing, construction, operation, or maintenance of a ~~rural~~ REGIONAL
24 transportation system and, in connection with any loan or advance, to
25 enter into contracts establishing the repayment terms;

26 (b) To enter into contracts with respect to and to cooperate in the
27 financing, construction, operation, or maintenance of a specified ~~rural~~

- 1 REGIONAL transportation system;
- 2 (c) To enter into joint operating contracts concerning a ~~rural~~
- 3 REGIONAL transportation system;
- 4 (d) To acquire easements or rights-of-way for a ~~rural~~ REGIONAL
- 5 transportation system;
- 6 (e) To transfer dominion over all or any portion of a ~~rural~~
- 7 REGIONAL transportation system financed, constructed, operated, or
- 8 maintained by the authority to the federal government, the state
- 9 government, other governmental units, or any person; and
- 10 (f) To designate a ~~rural~~ REGIONAL transportation system as part of
- 11 the federal highway system, the state highway system, a county highway
- 12 system, or a municipal highway system if the person with jurisdiction
- 13 over the applicable highway system consents to the designation.

14 **SECTION 11.** 43-4-611, Colorado Revised Statutes, is amended

15 to read:

16 **43-4-611. Powers of governmental units.** (1) A governmental

17 unit, for the purpose of aiding and cooperating in the financing,

18 construction, operation, or maintenance of any ~~rural~~ REGIONAL

19 transportation system, has the power:

- 20 (a) To sell, lease, loan, donate, grant, convey, assign, transfer, and
- 21 otherwise dispose to the authority any real or personal property or
- 22 interests therein;
- 23 (b) To enter into agreements with any person for the joint
- 24 financing, construction, operation, or maintenance of any ~~rural~~ REGIONAL
- 25 transportation system. Upon compliance with applicable constitutional
- 26 or charter limitations, the governmental unit may agree to make
- 27 payments, without limitation as to amount except as set forth in the

1 agreement, from revenues received from one or more fiscal years, to the
2 authority or any person to defray the costs of the financing, construction,
3 operation, or maintenance of a ~~rural~~ REGIONAL transportation system.

4 (c) To transfer or assign to the authority any contracts that may
5 have been awarded by the governmental unit for construction, operation,
6 or maintenance of any ~~rural~~ REGIONAL transportation system.

7 (2) To assist in the financing, construction, operation, or
8 maintenance of a ~~rural~~ REGIONAL transportation system, any county or
9 municipality that is a member of a combination may, by contract, pledge
10 to the authority all or a portion of the revenues it receives from the
11 highway users tax fund or from any other legally available funds. The
12 authority shall apply revenues that it receives pursuant to the pledge to
13 the financing, construction, operation, or maintenance of any ~~rural~~
14 REGIONAL transportation system. The authority may refuse to accept any
15 revenues that would cause a member of the combination to exceed its
16 allowable fiscal year spending under section 20 of article X of the state
17 constitution and that could result in a refund of excess revenues under
18 said section 20.

19 **SECTION 12.** 43-4-612 (2), Colorado Revised Statutes, is
20 amended to read:

21 **43-4-612. Referendum.** (2) No action by an authority creating
22 a multiple fiscal year debt or other financial obligation that is subject to
23 section 20 (4) (b) of article X of the state constitution shall take effect
24 unless first submitted to a vote of the registered electors residing within
25 the boundaries of the authority; except that no such vote is required for
26 obligations of ~~rural~~ REGIONAL transportation activity enterprises
27 established under section 43-4-606 or for obligations of any other

1 enterprise under section 20 (2) (d) of article X of the state constitution.

2 **SECTION 13.** 43-4-614 (1) (a) and (3) (a), Colorado Revised
3 Statutes, are amended to read:

4 **43-4-614. Notice - coordination of information.** (1) (a) At least
5 forty-five days prior to the creation of any authority pursuant to this part
6 6, a notice containing the proposed boundaries of the authority and the
7 methods proposed for financing ~~rural~~ REGIONAL transportation systems
8 in the authority shall be sent to the division and to the department of
9 revenue.

10 (3) (a) The division shall file an annual report with the state
11 auditor and transportation commission concerning the activities of
12 authorities created pursuant to this part 6. The report shall detail how
13 many authorities have been created, describe their boundaries, and
14 specify the ~~rural~~ REGIONAL transportation systems that are being provided
15 and how they are being financed.

16 **SECTION 14.** 43-4-616, Colorado Revised Statutes, is amended
17 to read:

18 **43-4-616. Investments.** An authority may invest or deposit any
19 funds in the manner provided by part 6 of article 75 of title 24, C.R.S. In
20 addition, an authority may direct a corporate trustee that holds funds of
21 the authority to invest or deposit the funds in investments or deposits
22 other than those specified by said part 6 if the board determines, by
23 resolution, that the investment or deposit meets the standard established
24 in section 15-1-304, C.R.S., the income is at least comparable to income
25 available on investments or deposits specified by said part 6, and the
26 investment will assist the authority in the financing, construction,
27 operation, or maintenance of ~~rural~~ REGIONAL transportation systems.

1 **SECTION 15.** 24-72-202 (5), Colorado Revised Statutes, is
2 amended to read:

3 **24-72-202. Definitions.** As used in this part 2, unless the context
4 otherwise requires:

5 (5) "Political subdivision" means and includes every county, city
6 and county, city, town, school district, special district, public highway
7 authority, ~~rural~~ REGIONAL transportation authority, and housing authority
8 within this state.

9 **SECTION 16.** 39-21-201 (2), Colorado Revised Statutes, is
10 amended to read:

11 **39-21-201. Program established.** (2) A taxpayer eligible to
12 participate in the tax amnesty program shall include any taxpayer liable
13 for payment of income taxes imposed pursuant to article 22 of this title,
14 estate taxes imposed pursuant to article 23.5 of this title, inheritance taxes
15 imposed pursuant to article 24 of this title, gift taxes imposed pursuant to
16 article 25 of this title, sales and use taxes imposed pursuant to article 26
17 of this title, gasoline and special fuel taxes imposed pursuant to article 27
18 of this title, cigarette taxes imposed pursuant to article 28 of this title,
19 taxes on tobacco products imposed pursuant to article 28.5 of this title,
20 severance taxes imposed pursuant to article 29 of this title, waste tire fees
21 collected by the department pursuant to section 25-17-202, C.R.S.,
22 county or municipal sales taxes collected by the executive director
23 pursuant to article 2 of title 29, C.R.S., local marketing and promotion
24 taxes collected by the department pursuant to section 29-25-112, C.R.S.,
25 county lodging taxes collected by the department pursuant to section
26 30-11-107.5, C.R.S., county rental taxes collected by the department
27 pursuant to section 30-11-107.7, C.R.S., local improvement district sales

1 taxes collected by the department pursuant to section 30-20-604.5,
2 C.R.S., regional transportation district sales and use taxes imposed
3 pursuant to article 9 of title 32, C.R.S., Denver metropolitan scientific
4 and cultural facilities district sales and use taxes imposed pursuant to
5 article 13 of title 32, C.R.S., Denver metropolitan major league baseball
6 stadium district sales and use taxes imposed pursuant to article 14 of title
7 32, C.R.S., metropolitan football stadium district sales and use taxes
8 imposed pursuant to article 15 of title 32, C.R.S., and ~~rural~~ REGIONAL
9 transportation authority sales and use taxes collected by the department
10 pursuant to section 43-4-605 (1) (j), C.R.S.

11 **SECTION 17.** 42-4-613, Colorado Revised Statutes, is amended
12 to read:

13 **42-4-613. Failure to pay toll established by regional**
14 **transportation authority.** Any person who fails to pay a required fee,
15 toll, rate, or charge established by a ~~rural~~ REGIONAL transportation
16 authority created pursuant to part 6 of article 4 of title 43, C.R.S., for the
17 privilege of traveling on or using any property included in a ~~rural~~
18 REGIONAL transportation system pursuant to part 6 of article 4 of title 43,
19 C.R.S., commits a class A traffic infraction.

20 **SECTION 18.** 43-2-145 (1.9), Colorado Revised Statutes, is
21 amended to read:

22 **43-2-145. Transportation legislation review - committee.**
23 (1.9) The committee may review any phase of operations of any ~~rural~~
24 REGIONAL transportation authority created pursuant to part 6 of article 4
25 of this title, including the planning and construction of ~~rural~~ REGIONAL
26 transportation systems, prior to and during the completion of such
27 systems. The committee may also conduct a postoperation review of any

1 system to determine whether the system was completed in the most
2 cost-effective and efficient manner. The committee may require any ~~rural~~
3 REGIONAL transportation authority to prepare and adopt long-range plans
4 for the development of ~~rural~~ REGIONAL transportation systems, and the
5 committee shall monitor the progress of ~~such~~ THE plans. The committee
6 may also require financial or performance audits to be conducted.

7 **SECTION 19. Effective date.** (1) This act shall take effect
8 January 1, 2006.

9 (2) However, if a referendum petition is filed against this act or
10 an item, section, or part of this act during the 90-day period after final
11 adjournment of the general assembly that is allowed for submitting a
12 referendum petition pursuant to article V, section 1 (3) of the state
13 constitution, then the act, item, section, or part, shall not take effect
14 unless approved by the people at a biennial regular general election and
15 shall take effect on the date specified in subsection (1) or on the date of
16 the official declaration of the vote thereon by proclamation of the
17 governor, whichever is later.