

An Act

SENATE BILL 18-001

BY SENATOR(S) Baumgardner and Cooke, Coram, Crowder, Gardner, Grantham, Hill, Holbert, Lambert, Lundberg, Marble, Scott, Sonnenberg, Tate, Aguilar, Court, Fenberg, Fields, Garcia, Guzman, Jahn, Kagan, Kefalas, Martinez Humenik, Merrifield, Moreno, Priola, Todd, Williams A., Zenzinger;

also REPRESENTATIVE(S) Buck and Winter, Arndt, Bridges, Buckner, Coleman, Danielson, Esgar, Exum, Ginal, Gray, Hamner, Hansen, Herod, Jackson, Kennedy, Kraft-Tharp, Lee, Lontine, McLachlan, Melton, Michaelson Jenet, Pabon, Pettersen, Roberts, Rosenthal, Salazar, Valdez, Weissman, Young, Duran.

CONCERNING TRANSPORTATION INFRASTRUCTURE FUNDING, AND, IN CONNECTION THEREWITH, REQUIRING SPECIFIED AMOUNTS TO BE TRANSFERRED FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND, THE HIGHWAY USERS TAX FUND, AND A NEW MULTIMODAL TRANSPORTATION OPTIONS FUND DURING STATE FISCAL YEARS 2018-19 AND 2019-20 FOR THE PURPOSE OF FUNDING TRANSPORTATION PROJECTS AND TO THE STATE HIGHWAY FUND DURING ANY STATE FISCAL YEAR FROM 2019-20 THROUGH 2038-39 FOR STATE HIGHWAY PURPOSES AND TO REPAY ANY TRANSPORTATION REVENUE ANTICIPATION NOTES THAT MAY BE ISSUED AS SPECIFIED IN THE BILL AND, IF NO CITIZEN-INITIATED BALLOT MEASURE THAT REQUIRES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS APPROVED BY

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE VOTERS OF THE STATE AT THE NOVEMBER 2018 GENERAL ELECTION, REQUIRING THE SECRETARY OF STATE TO SUBMIT A BALLOT QUESTION TO THE VOTERS OF THE STATE AT THE NOVEMBER 2019 STATEWIDE ELECTION, WHICH, IF APPROVED, WOULD REQUIRE THE STATE, WITH NO INCREASE IN ANY TAXES, TO ISSUE ADDITIONAL TRANSPORTATION REVENUE ANTICIPATION NOTES FOR THE PURPOSE OF ADDRESSING CRITICAL PRIORITY TRANSPORTATION NEEDS IN THE STATE BY FUNDING TRANSPORTATION PROJECTS; WOULD EXCLUDE NOTE PROCEEDS AND INVESTMENT EARNINGS ON NOTE PROCEEDS FROM STATE FISCAL YEAR SPENDING LIMITS; AND WOULD REDUCE THE AMOUNT OF LEASE-PURCHASE AGREEMENTS REQUIRED BY CURRENT LAW TO BE ISSUED FOR THE PURPOSE OF FUNDING TRANSPORTATION PROJECTS.

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

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

(a) Colorado's population is expected to increase to over six million nine hundred thousand by 2030;

(b) Population growth has significantly increased traffic and congestion and will continue to do so in the future, causing longer travel times, increasing air pollution, decreasing Coloradans' access to recreational opportunities, and accelerating the deterioration of Colorado's transportation infrastructure;

(c) The growth of the economy of the state has prompted new and ever-increasing uses of public highways, roads, and other transportation infrastructure, and the existing transportation infrastructure of the state cannot accommodate such greatly increased uses;

(d) In order to preserve and improve Colorado's economic prosperity and quality of life, it is necessary to develop and maintain a modern, efficient, and cost-effective multimodal transportation system that can move people, goods, and information without undue delays or environmental consequences;

(e) One of the major concerns of the citizens of the state is the ability of the state and local governments to address the long-term transportation infrastructure needs of the state that are critical to the continued growth of the state's economy and the maintenance of citizens' quality of life;

(f) The state has significantly decreased its contribution of general state revenue available in recent years to fund critical priority transportation infrastructure needs, and current transportation funding mechanisms do not provide adequate revenue to keep pace with the increasing demands on transportation infrastructure statewide;

(g) Needed transportation projects remain unfunded or underfunded while construction costs escalate and congestion worsens;

(h) With the combination of changes to tax policy and a forecasted growing economy, the state has an opportunity in the upcoming two or three state fiscal years to commit revenue for prioritized state government expenses, including the backlog of transportation needs and the foregone state share of total program funding of K-12 public schools;

(i) In 1999, the general assembly and the voters of the state approved Referendum A, which authorized the state to issue transportation revenue anticipation notes to accelerate the funding and completion of twenty-eight strategic transportation projects in significant corridors, including the T-REX project, the highly successful expansion and congestion mitigation project for the Interstate 25 corridor in the Denver metropolitan area;

(j) The success of the 1999 transportation revenue anticipation notes program shows that leveraging existing revenue is a prudent and cost-effective means to accelerate and deliver transportation projects throughout the state;

(k) In 2017, the general assembly enacted Senate Bill 17-267, which:

(I) Requires the state to enter into lease-purchase agreements for state facilities in the amount of three hundred eighty million dollars during the 2018-19 state fiscal year and five hundred million dollars during each

of the 2019-20, 2020-21, and 2021-22 state fiscal years in order to accelerate the funding of high-priority transportation projects throughout the state; and

(II) Significantly increases the amount of money that the state may retain and spend under its fiscal year spending limit;

(I) While the lease-purchase agreements required by Senate Bill 17-267 will provide some increased funding for transportation, such agreements leverage state capital assets, rather than state revenue, and, to the extent currently authorized, provide less total funding than transportation revenue anticipation notes can;

(m) If the state enters into all of the lease-purchase agreements required by Senate Bill 17-267, the state will be required to spend approximately one hundred fifty million dollars per year, including one hundred million dollars per year from the state general fund and fifty million dollars per year from money under the control of the transportation commission, to repay the lease-purchase agreements;

(n) It is necessary, in order to avoid delaying critical transportation projects that are expected to be funded in part with proceeds of lease-purchase agreements to be issued during the 2018-19 state fiscal year, for the state to enter into lease-purchase agreements as required by Senate Bill 17-267 during the 2018-19 state fiscal year;

(o) It is also necessary, appropriate, and in the best interest of the state to:

(I) Repeal the requirement that the state enter into additional lease-purchase agreements during the 2019-20, 2020-21, and 2021-22 state fiscal years;

(II) If required statewide voter approval can be obtained for a ballot issue submitted by the state that authorizes the state to issue transportation revenue anticipation notes as specified in this act, use transportation revenue anticipation notes instead of lease-purchase agreements to finance transportation projects because doing so will generate a larger amount of up-front revenue for the projects and will enable the state to design and construct the projects more efficiently; and

(III) Use the money that will no longer be needed to repay lease-purchase agreements, as well as a portion of the additional general fund money that the state may retain and spend under its fiscal year spending limit due to the enactment of Senate Bill 17-267, to repay the transportation revenue anticipation notes; and

(p) The issuance of new transportation revenue anticipation notes in lieu of the execution of lease-purchase agreements will accelerate the funding and efficient completion of specific and designated projects, including multimodal transportation projects, throughout the state that the Colorado department of transportation and the transportation planning regions of the state have determined to be of highest priority and economically significant to the state and the regions in which they will be built.

(2) The general assembly further finds and declares that:

(a) This act does not increase taxes or refer a ballot issue to the voters of the state seeking their approval to raise taxes;

(b) Private citizens have proposed certain transportation funding ballot measures by initiative, one or more of which may be placed on the ballot for the November 2018 general election;

(c) All of the citizen-initiated ballot measures, if approved by the voters of the state, will authorize the state to issue transportation revenue anticipation notes to provide additional funding for transportation infrastructure projects, but only some of the measures will also authorize the state to collect additional taxes to provide a source of money to repay the notes;

(d) It is necessary and appropriate for the state to refer a ballot issue that authorizes the state to issue transportation revenue anticipation notes to the voters of the state at the November 2019 statewide election as specified in this act if:

(I) No citizen-initiated transportation funding ballot measure is placed on the ballot for the November 2018 general election; or

(II) The voters reject every citizen-initiated transportation funding

ballot measure that is placed on that ballot; and

(e) Because the state must fund many high priority needs and has limited resources with which to do so, if the voters of the state approve a citizen-initiated ballot measure at the November 2018 general election that authorizes the state to issue transportation revenue anticipation notes but does not authorize the state to collect additional taxes to provide a source of money to repay the notes and therefore requires the state to divert money from other high priority needs to repay the notes, it will be neither necessary nor appropriate for the state to refer a ballot issue that authorizes the state to issue additional transportation revenue anticipation notes to the voters of the state at the November 2019 statewide election.

SECTION 2. In Colorado Revised Statutes, 24-75-219, **add** (1)(g), (1)(h), and (5) as follows:

24-75-219. Transfers - transportation - capital construction - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

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

(h) "STATE HIGHWAY FUND" MEANS THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219.

(5) (a) ON JULY 1, 2018, THE STATE TREASURER SHALL TRANSFER A TOTAL AMOUNT OF FOUR HUNDRED NINETY-FIVE MILLION DOLLARS FROM THE GENERAL FUND FOR THE PURPOSES OF FUNDING STATE AND LOCAL TRANSPORTATION NEEDS AS FOLLOWS:

(I) THREE HUNDRED FORTY-SIX MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE STATE HIGHWAY FUND;

(II) SEVENTY-FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION TO COUNTIES AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205 (6.4); AND

(III) SEVENTY-FOUR MILLION TWO HUNDRED FIFTY THOUSAND

DOLLARS TO THE MULTIMODAL TRANSPORTATION OPTIONS FUND.

(b) ON JULY 1, 2019, THE STATE TREASURER SHALL TRANSFER A TOTAL AMOUNT OF ONE HUNDRED FIFTY MILLION DOLLARS FROM THE GENERAL FUND FOR THE PURPOSES OF FUNDING STATE AND LOCAL TRANSPORTATION NEEDS AS FOLLOWS:

(I) ONE HUNDRED FIVE MILLION DOLLARS TO THE STATE HIGHWAY FUND;

(II) TWENTY-TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION TO COUNTIES AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205 (6.4); AND

(III) TWENTY-TWO MILLION FIVE HUNDRED THOUSAND DOLLARS TO THE MULTIMODAL TRANSPORTATION OPTIONS FUND.

(c) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5)(d) OF THIS SECTION AND SECTION 43-4-714 (2)(a), ON JUNE 30, 2020, AND ON EACH SUCCEEDING JUNE 30 THROUGH JUNE 30, 2039, THE STATE TREASURER SHALL TRANSFER MONEY FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND AS FOLLOWS:

(I) (A) IF A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES BUT DOES NOT AUTHORIZE THE STATE TO COLLECT ADDITIONAL TAX REVENUE FOR THE PURPOSE OF PROVIDING A REVENUE SOURCE FOR REPAYMENT OF THE NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR", THEN, EVEN IF ANOTHER CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES AND ALSO AUTHORIZES THE STATE TO COLLECT ADDITIONAL TAX REVENUE FOR THE PURPOSE OF PROVIDING A REVENUE SOURCE FOR REPAYMENT OF THE NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR", ZERO DOLLARS;

(B) THIS SUBSECTION (5)(c)(I) IS REPEALED, EFFECTIVE JANUARY 1,

2019, IF A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES BUT DOES NOT AUTHORIZE THE STATE TO COLLECT ADDITIONAL TAX REVENUE FOR THE PURPOSE OF PROVIDING A REVENUE SOURCE FOR REPAYMENT OF THE NOTES IS NOT SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION OR IF SUCH A BALLOT ISSUE IS SUBMITTED AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "No/AGAINST";

(C) THIS SUBSECTION (5)(c)(I)(C) AND SUBSECTION (5)(c)(I)(B) OF THIS SECTION ARE REPEALED, EFFECTIVE JANUARY 1, 2019, IF A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES BUT DOES NOT AUTHORIZE THE STATE TO COLLECT ADDITIONAL TAX REVENUE FOR THE PURPOSE OF PROVIDING A REVENUE SOURCE FOR REPAYMENT OF THE NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "Yes/For";

(II) (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5)(c)(I)(A) OF THIS SECTION, IF A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES AND ALSO AUTHORIZES THE STATE TO COLLECT ADDITIONAL TAX REVENUE FOR THE PURPOSE OF PROVIDING A REVENUE SOURCE FOR REPAYMENT OF THE NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "Yes/For", FIFTY MILLION DOLLARS;

(B) THIS SUBSECTION (5)(c)(II) IS REPEALED, EFFECTIVE JANUARY 1, 2019, IF A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES AND ALSO AUTHORIZES THE STATE TO COLLECT ADDITIONAL TAX REVENUE FOR THE PURPOSE OF PROVIDING A REVENUE SOURCE FOR REPAYMENT OF THE NOTES IS NOT SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION, IF SUCH A BALLOT ISSUE IS SUBMITTED AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "No/AGAINST", OR IF A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE

TRANSPORTATION REVENUE ANTICIPATION NOTES BUT DOES NOT AUTHORIZE THE STATE TO COLLECT ADDITIONAL TAX REVENUE FOR THE PURPOSE OF PROVIDING A REVENUE SOURCE FOR REPAYMENT OF THE NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR";

(C) THIS SUBSECTION (5)(c)(II)(C) AND SUBSECTION (5)(c)(II)(B) OF THIS SECTION ARE REPEALED, EFFECTIVE JANUARY 1, 2019, IF A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES AND ALSO AUTHORIZES THE STATE TO COLLECT ADDITIONAL TAX REVENUE FOR THE PURPOSE OF PROVIDING A REVENUE SOURCE FOR REPAYMENT OF THE NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR" AND EITHER A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES BUT DOES NOT AUTHORIZE THE STATE TO COLLECT ADDITIONAL TAX REVENUE FOR THE PURPOSE OF PROVIDING A REVENUE SOURCE FOR REPAYMENT OF THE NOTES IS NOT SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION OR, IF SUCH A BALLOT ISSUE IS SUBMITTED, A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST";

(III) (A) IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST", FIFTY MILLION DOLLARS;

(B) THIS SUBSECTION (5)(c)(III) IS REPEALED, EFFECTIVE JANUARY 1, 2019, IF ANY CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION OR AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR";

(C) THIS SUBSECTION (5)(c)(III) IS REPEALED, EFFECTIVE JANUARY 1, 2020, IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR";

(D) THIS SUBSECTION (5)(c)(III)(D) AND SUBSECTIONS (5)(c)(III)(B) AND (5)(c)(III)(C) OF THIS SECTION ARE REPEALED, EFFECTIVE JANUARY 1, 2020, IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST"; OR

(IV) (A) IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR", ONE HUNDRED TWENTY-TWO MILLION SIX HUNDRED THOUSAND DOLLARS;

(B) THIS SUBSECTION (5)(c)(IV) IS REPEALED, EFFECTIVE JANUARY 1, 2019, IF ANY CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR";

(C) THIS SUBSECTION (5)(c)(IV) IS REPEALED, EFFECTIVE JANUARY 1, 2020, IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST";

(D) THIS SUBSECTION (5)(c)(IV)(D) AND SUBSECTIONS (5)(c)(IV)(B) AND (5)(c)(IV)(C) OF THIS SECTION ARE REPEALED, EFFECTIVE JANUARY 1, 2020, IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR"; OR

(d) (I) IF THE TRANSPORTATION COMMISSION ALLOCATES MONEY FROM THE TRANSPORTATION REVENUE ANTICIPATION NOTES RESERVE ACCOUNT OF THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-714 (2) DURING ANY STATE FISCAL YEAR, THE AMOUNT OF ANY TRANSFER REQUIRED BY SUBSECTION (5)(c)(IV)(A) OF THIS SECTION IS REDUCED BY AN AMOUNT EQUAL TO THE AMOUNT OF THE ALLOCATION FROM THE ACCOUNT.

(II) THIS SUBSECTION (5)(d) IS REPEALED:

(A) EFFECTIVE JANUARY 1, 2019, IF A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR";

(B) EFFECTIVE JANUARY 1, 2020, IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST".

(III) THIS SUBSECTION (5)(d)(III) AND SUBSECTION (5)(d)(II) OF THIS SECTION ARE REPEALED, EFFECTIVE JANUARY 1, 2020, IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR".

SECTION 3. In Colorado Revised Statutes, 24-82-1303, amend (2)(a), (2)(b), and (2)(d)(II); and repeal (1) as follows:

24-82-1303. Lease-purchase agreements for capital construction and transportation projects. (1) ~~On or before December 31, 2017, the state architect, the director of the office of state planning and budgeting or his or her designee, and the state institutions of higher education shall identify and prepare a collaborative list of eligible state facilities that can be collateralized as part of the lease-purchase agreements for capital construction and transportation projects authorized in this part 13. The total current replacement value of the identified buildings must equal at least two billion dollars.~~

(2) (a) Notwithstanding the provisions of sections 24-82-102 (1)(b) and 24-82-801, and pursuant to section 24-36-121, no sooner than July 1, 2018, the state, acting by and through the state treasurer, shall execute lease-purchase agreements, each for no more than twenty years of annual payments, for the projects described in subsection (4) of this section. The state shall execute the lease-purchase agreements ~~only in accordance with the following schedule:~~ DURING THE 2018-19 STATE FISCAL YEAR IN AN AMOUNT UP TO FIVE HUNDRED MILLION DOLLARS.

~~(I) During the 2018-19 state fiscal year, the state shall execute lease-purchase agreements in an amount up to five hundred million dollars;~~

~~(II) During the 2019-20 state fiscal year, the state shall execute lease-purchase agreements in an amount up to five hundred million dollars;~~

~~(III) During the 2020-21 state fiscal year, the state shall execute lease-purchase agreements in an amount up to five hundred million dollars; and~~

~~(IV) During the 2021-22 fiscal year, the state shall execute lease-purchase agreements in an amount up to five hundred million dollars.~~

(b) The anticipated annual state-funded payments for the principal and interest components of the amount payable under all lease-purchase agreements entered into pursuant to subsection (2)(a) of this section shall not exceed ~~one hundred fifty~~ THIRTY-SEVEN million FIVE HUNDRED THOUSAND dollars.

(d) Any lease-purchase agreement executed as required by subsection (2)(a) of this section shall provide that all of the obligations of the state under the agreement are subject to the action of the general assembly in annually making money available for all payments thereunder. Payments under any lease-purchase agreement must be made, subject to annual allocation pursuant to section 43-1-113 by the transportation commission created in section 43-1-106 (1) or subject to annual appropriation by the general assembly, as applicable, from the following sources of money:

(II) (A) Next, ~~fifty~~ FOR STATE FISCAL YEAR 2018-19 ONLY, TWENTY-EIGHT million FIVE HUNDRED THOUSAND dollars, ~~annually~~, or any lesser amount that is sufficient to make each full payment due, shall be paid from any legally available money under the control of the transportation commission solely for the purpose of allowing the construction, supervision, and maintenance of state highways to be funded with the proceeds of lease-purchase agreements as specified in subsection (4)(b) of this section and section 43-4-206 (1)(b)(V); ~~and~~ OR

(B) NEXT, FOR EACH SUCCEEDING STATE FISCAL YEAR FOR WHICH A PAYMENT UNDER ANY LEASE-PURCHASE AGREEMENT MUST BE MADE, TEN MILLION ONE HUNDRED THOUSAND DOLLARS ANNUALLY, OR ANY LESSER AMOUNT THAT IS SUFFICIENT TO MAKE EACH FULL PAYMENT DUE, SHALL BE PAID FROM ANY LEGALLY AVAILABLE MONEY UNDER THE CONTROL OF THE TRANSPORTATION COMMISSION SOLELY FOR THE PURPOSE OF ALLOWING THE CONSTRUCTION, SUPERVISION, AND MAINTENANCE OF STATE HIGHWAYS TO BE FUNDED WITH THE PROCEEDS OF LEASE-PURCHASE AGREEMENTS AS SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION AND SECTION 43-4-206 (1)(b)(V); AND

SECTION 4. In Colorado Revised Statutes, add 43-2-151 as follows:

43-2-151. Managed lanes - study by department of transportation - repeal. (1) THE DEPARTMENT OF TRANSPORTATION SHALL CONDUCT OR CONTRACT WITH AN INDEPENDENT THIRD PARTY TO CONDUCT A DATA DRIVEN STUDY OF THE USE OF MANAGED LANES THROUGHOUT THE STATE. THE STUDY SHALL, AT A MINIMUM:

(a) REPORT ON THE NUMBER OF MANAGED LANES AND THE TOTAL

LANE MILES OF MANAGED LANES IN THE STATE;

(b) DESCRIBE HOW MANAGED LANES ARE BEING USED TO FINANCE HIGHWAY PROJECTS AND, WITH RESPECT TO ANY PROJECT FINANCED IN WHOLE OR IN PART THROUGH THE USE OF MANAGED LANES, WHETHER THE PROJECT WOULD OR COULD HAVE BEEN COMPLETED WITHOUT THE USE OF MANAGED LANES;

(c) IDENTIFY AND QUANTIFY THE STATEWIDE, REGIONAL AND TRANSPORTATION CORRIDOR-SPECIFIC IMPACTS OF MANAGED LANES ON TRAFFIC CONGESTION; AND

(d) QUANTIFY THE NUMBER OF TRIPS MADE ON MANAGED LANES BY DIFFERENT TYPES OF MOTOR VEHICLES INCLUDING BUT NOT LIMITED TO TRANSIT VEHICLES, COMMERCIAL VEHICLES, HIGH-OCCUPANCY VEHICLES, AND SINGLE OCCUPANT VEHICLES.

(2) THE DEPARTMENT SHALL REPORT THE RESULTS OF THE STUDY AS PART OF ITS 2018 PRESENTATION TO THE JOINT LEGISLATIVE COMMITTEE OF REFERENCE THAT IS ASSIGNED TO OVERSEE THE DEPARTMENT MADE PURSUANT TO SECTION 2-7-203 (2)(a).

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

SECTION 5. In Colorado Revised Statutes, 43-4-205, **add** (6.4) as follows:

43-4-205. Allocation of fund. (6.4) MONEY TRANSFERRED FROM THE GENERAL FUND TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-219 (5)(a)(II) AND (5)(b)(II) IS ALLOCATED AND EXPENDED AS FOLLOWS:

(a) FIFTY PERCENT OF THE MONEY IS PAID TO THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, AND ALLOCATED AND EXPENDED AS PROVIDED IN SECTION 43-4-207; AND

(b) FIFTY PERCENT OF THE MONEY IS PAID TO THE CITIES AND INCORPORATED TOWNS, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, AND ALLOCATED AND EXPENDED AS PROVIDED IN

SECTIONS 43-4-208 (2) AND (6)(a).

SECTION 6. In Colorado Revised Statutes, 43-4-206, **amend** (1) introductory portion, (2)(b) introductory portion, (2)(b)(III), and (2)(b)(IV) as follows:

43-4-206. State allocation. (1) Except as otherwise provided in ~~subsections (1)(a)(V);~~ SUBSECTIONS (1)(b)(V), (2), and (3) of this section, after paying the costs of the Colorado state patrol and any other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, that are appropriated by the general assembly, money in the highway users tax fund shall be paid to the state highway fund and expended for the following purposes:

(2) (b) Beginning in 1998, the department of transportation shall report annually to the transportation committee of the senate and the transportation and energy committee of the house of representatives concerning the revenue expended by the department pursuant to subsection (2)(a) of this section and, beginning in ~~2018;~~ any 2019, ANY STATE GENERAL FUND MONEY THAT IS CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 24-75-219 (5), ANY NET proceeds of lease-purchase agreements executed as required by section 24-82-1303 (2)(a) that are credited to the state highway fund pursuant to section 24-82-1303 (4)(b) and expended by the department pursuant to subsection (1)(b)(V) of this section, AND ANY NET PROCEEDS OF TRANSPORTATION REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY A BALLOT ISSUE SUBMITTED TO AND APPROVED BY THE REGISTERED ELECTORS OF THE STATE AT THE 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) THAT ARE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO THIS SECTION. The department shall present the report at the joint meeting required under section 43-1-113 (9)(a), and the report shall describe for each fiscal year, if applicable:

(III) The projected amounts of revenue and net proceeds that the department expects to receive under this subsection (2), ~~and subsection (1)(b)(V) of this section~~ SECTION 24-75-219 (5), SECTION 24-82-1303 (4)(b), AND SECTION 43-4-714 (1)(a) during the fiscal year;

(IV) The amount of revenue and net proceeds that the department has already received under this subsection (2), ~~and subsection (1)(b)(V) of this section~~ SECTION 24-75-219 (5), SECTION 24-82-1303 (4)(b), AND

SECTION 43-4-714 (1)(a) during the fiscal year; and

SECTION 7. In Colorado Revised Statutes, 43-4-207, **amend** (1), (2) introductory portion, and (2)(b) introductory portion as follows:

43-4-207. County allocation. (1) After paying the costs of the Colorado state patrol and ~~such~~ ANY other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, ~~as~~ THAT are appropriated by the general assembly, ~~twenty-six percent of the balance of the highway users tax fund~~ THE MONEY, INCLUDING MONEY TRANSFERRED FROM THE GENERAL FUND TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-219 (5)(a)(II) AND (5)(b)(II), THAT SECTION 43-4-205 REQUIRES TO BE PAID FROM THE HIGHWAY USERS TAX FUND TO THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES shall be paid to the county treasurers of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. The ~~moneys thus~~ MONEY received ~~shall be~~ IS allocated to the counties as provided by law and shall be expended by the counties only on the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the county highway systems and any other public highways, including any state highways, together with acquisition of rights-of-way and access rights for the same, for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, and for no other purpose; ~~except that a county may expend no more than fifteen percent of the total amount expended under this subsection (1) for transit-related operational purposes and except that moneys~~ MONEY received pursuant to section 43-4-205 (6.3) shall be expended by the counties only for road safety projects, as defined in section 43-4-803 (21). The amount ~~to be~~ expended for administrative purposes shall not exceed five percent of each county's share of the funds available.

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

(b) All ~~moneys~~ MONEY credited to the fund in excess of eighty-six million seven hundred thousand dollars ~~shall be~~ AND ALL MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION 24-75-219 (5)(a)(II) AND (5)(b)(II) THAT IS REQUIRED BY SECTION 43-4-205 (6.4)(a) AND SUBSECTION (1) OF THIS SECTION TO BE PAID TO THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES IS allocated to the counties in the following manner:

SECTION 8. In Colorado Revised Statutes, 43-4-208, **amend** (1), (2) introductory portion, (2)(a), and (6)(a) as follows:

43-4-208. Municipal allocation. (1) After paying the costs of the Colorado state patrol and ~~such~~ ANY other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, as THAT are appropriated by the general assembly, ~~and making allocation as provided by sections 43-4-206 and 43-4-207, the remaining nine percent of the highway users tax fund~~ THE MONEY, INCLUDING MONEY TRANSFERRED FROM THE GENERAL FUND TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-219 (5)(a)(II) AND (5)(b)(II), THAT SECTION 43-4-205 REQUIRES TO BE PAID FROM THE HIGHWAY USERS TAX FUND TO CITIES AND INCORPORATED TOWNS shall be paid to the cities and incorporated towns within the limits of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. Each city treasurer shall account for the ~~moneys thus~~ MONEY received as provided in this part 2. ~~Moneys~~ MONEY so allocated shall be expended by the cities and incorporated towns for the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the system of streets of such city or incorporated town or of any public highways located within such city or incorporated town, including any state highways, together with the acquisition of rights-of-way and access rights for the same, and for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, and for no other purpose; ~~except that a city or an incorporated town may expend no more than fifteen percent of the total amount expended under this subsection (1) for transit-related operational purposes and except that moneys~~ MONEY paid to the cities and incorporated towns pursuant to section 43-4-205 (6.3) shall be expended by the cities and incorporated towns only for road safety projects, as defined

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

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

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

Actual registrations	Factor
1 -- 500	1.0
501 -- 1,250	1.1
1,251 -- 2,500	1.2
2,501 -- 5,000	1.3
5,001 -- 12,500	1.4
12,501 -- 25,000	1.5
25,001 -- 50,000	1.6
50,001 -- 85,000	1.7
85,001 -- 130,000	1.8
130,001 -- 185,000	1.9
185,001 and over	2.0

(6) (a) In addition to the provisions of subsection (2)(a) of this section, on or after July 1, 1979, eighty percent of all additional ~~funds~~ MONEY becoming available to cities and incorporated towns from the highway users tax fund pursuant to sections 24-75-215 ~~C.R.S.~~, and 43-4-205 (6)(b)(III) ~~shall be~~ AND, ON AND AFTER JULY 1, 2018, EIGHTY

PERCENT OF THE GENERAL FUND MONEY TRANSFERRED FROM THE GENERAL FUND TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 24-75-219 (5)(a)(II) AND (5)(b)(II) THAT IS REQUIRED BY SECTION 43-4-205 (6.4)(b) AND SUBSECTION (1) OF THIS SECTION TO BE ALLOCATED TO THE CITIES AND INCORPORATED TOWNS IS allocated to the cities and incorporated towns in proportion to the adjusted urban motor vehicle registration in each city and incorporated town. The term "urban motor vehicle registration", as used in this section, includes all passenger, truck, truck-tractor, and motorcycle registrations. The number of registrations used in computing the percentage shall be those certified to the state treasurer by the department of revenue as constituting the urban motor vehicle registration for the last preceding year. The adjusted registration shall be computed by applying a factor to the actual number of such registrations to reflect the increased standards and costs of construction resulting from the concentration of vehicles in cities and incorporated places. For this purpose the following table of actual registration numbers and factors shall be employed:

Actual registrations	Factor
1 -- 500	1.0
501 -- 1,250	1.1
1,251 -- 2,500	1.2
2,501 -- 5,000	1.3
5,001 -- 12,500	1.4
12,501 -- 25,000	1.5
25,001 -- 50,000	1.6
50,001 -- 85,000	1.7
85,001 -- 125,000	1.8
125,001 -- 165,000	1.9
165,001 -- 205,000	2.0
205,001 -- 245,000	2.1
245,001 -- 285,000	2.2
285,001 -- 325,000	2.3
325,001 -- 365,000	2.4
365,001 -- 405,000	2.5
405,001 -- 445,000	2.6
445,001 -- 485,000	2.7
485,001 -- 525,000	2.8
525,001 -- 565,000	2.9
565,001 -- 605,000	3.0

SECTION 9. In Colorado Revised Statutes, 43-4-702, **repeal** (7); and **add** (9) as follows:

43-4-702. Definitions. As used in this part 7, unless the context otherwise requires:

(7) ~~"Revenue anticipation notes" or "notes" means revenue anticipation notes authorized by and issued in accordance with this part 7.~~

(9) "TRANSPORTATION REVENUE ANTICIPATION NOTES", "REVENUE ANTICIPATION NOTES", OR "NOTES" MEANS REVENUE ANTICIPATION NOTES AUTHORIZED BY AND ISSUED IN ACCORDANCE WITH THIS PART 7.

SECTION 10. In Colorado Revised Statutes, 43-4-705, **amend** (2)(a)(II) and (13); and **add** (2)(a)(II.5) as follows:

43-4-705. Revenue anticipation notes - repeal. (2) (a) Subject to the provisions of this subsection (2), the principal of and interest on revenue anticipation notes and any costs associated with the issuance and administration of such notes shall be payable solely from:

(II) Any proceeds of such notes and any earnings from the investment of such note proceeds pledged for such purpose; ~~and~~

(II.5) MONEY TRANSFERRED FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 24-75-219 (5)(c); AND

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

(b) (I) SUBJECT TO VOTER APPROVAL OF THE BALLOT ISSUE SUBMITTED AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SUBSECTION (13)(b)(III) OF THIS SECTION AND THE REPAYMENT FUNDING COMMITMENT REQUIREMENT SPECIFIED IN SUBSECTION (13)(b)(II) OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL ISSUE ADDITIONAL TRANSPORTATION REVENUE ANTICIPATION NOTES IN A MAXIMUM AMOUNT

OF TWO BILLION THREE HUNDRED THIRTY-SEVEN MILLION DOLLARS AND WITH A MAXIMUM REPAYMENT COST OF THREE BILLION TWO HUNDRED FIFTY MILLION DOLLARS. THE MAXIMUM REPAYMENT TERM FOR ANY NOTES ISSUED PURSUANT TO THIS SUBSECTION (13)(b) IS TWENTY YEARS, AND THE CERTIFICATE, TRUST INDENTURE, OR OTHER INSTRUMENT AUTHORIZING THEIR ISSUANCE SHALL PROVIDE THAT THE STATE MAY PAY THE NOTES IN FULL WITHOUT PENALTY NO LATER THAN TEN YEARS FOLLOWING THE DATE OF ISSUANCE.

(II) NOTWITHSTANDING SECTION 43-1-113 (19) AND SUBSECTION (12)(a) OF THIS SECTION, BEFORE ISSUING ANY REVENUE ANTICIPATION NOTES AS AUTHORIZED BY SUBSECTION (13)(b)(I) OF THIS SECTION, THE TRANSPORTATION COMMISSION SHALL ADOPT A RESOLUTION IN WHICH IT AGREES, SUBJECT TO THE REQUIREMENTS OF SECTION 43-4-706 (2), THAT IT INTENDS TO ANNUALLY ALLOCATE FROM LEGALLY AVAILABLE MONEY UNDER ITS CONTROL ANY AMOUNT NEEDED FOR PAYMENT OF THE NOTES UNTIL THE NOTES ARE FULLY REPAYED. THE COMMISSION SHALL FIRST ALLOCATE FOR PAYMENT OF THE NOTES MONEY TRANSFERRED FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 24-75-219 (5)(b) AND ANY MONEY ALLOCATED BY THE COMMISSION FROM THE TRANSPORTATION REVENUE ANTICIPATION NOTES RESERVE ACCOUNT CREATED IN SECTION 43-4-714 (2) AND THEREAFTER SHALL ALLOCATE FOR PAYMENT OF THE NOTES ANY OTHER LEGALLY AVAILABLE MONEY UNDER ITS CONTROL.

(III) THE SECRETARY OF STATE SHALL SUBMIT TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION THE FOLLOWING BALLOT ISSUE: "SHALL STATE OF COLORADO DEBT BE INCREASED \$2,337,000,000, WITH A MAXIMUM REPAYMENT COST OF \$3,250,000,000, WITHOUT RAISING TAXES, THROUGH THE ISSUANCE OF TRANSPORTATION REVENUE ANTICIPATION NOTES FOR THE PURPOSE OF ADDRESSING CRITICAL PRIORITY TRANSPORTATION NEEDS IN THE STATE BY FINANCING TRANSPORTATION PROJECTS, SHALL NOTE PROCEEDS AND INVESTMENT EARNINGS ON NOTE PROCEEDS BE EXCLUDED FROM STATE FISCAL YEAR SPENDING LIMITS, AND SHALL THE AMOUNT OF LEASE-PURCHASE AGREEMENTS REQUIRED BY CURRENT LAW TO BE ISSUED FOR THE PURPOSE OF FINANCING TRANSPORTATION PROJECTS BE REDUCED?"

(IV) NO LATER THAN MAY 1, 2019, THE DEPARTMENT SHALL

PROVIDE TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL THE MOST RECENT AVAILABLE LIST OF QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS, INCLUDING MULTIMODAL CAPITAL PROJECTS, THAT ARE DESIGNATED FOR TIER 1 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE DEPARTMENT'S 2019 DEVELOPMENT PROGRAM PROJECT LIST AND THAT THE DEPARTMENT WILL FUND WITH PROCEEDS OF ANY TRANSPORTATION REVENUE ANTICIPATION NOTES ISSUED AS AUTHORIZED BY THIS SUBSECTION (13)(b). IN ORDER TO FULLY INFORM THE VOTERS OF THE STATE CONCERNING THE PROJECTS TO BE FUNDED WITH PROCEEDS OF ANY SUCH ADDITIONAL TRANSPORTATION REVENUE ANTICIPATION NOTES BEFORE THE VOTERS VOTE ON THE BALLOT QUESTION SPECIFIED IN SUBSECTION (13)(b)(III) OF THIS SECTION, THE DIRECTOR OF RESEARCH SHALL PUBLISH THE LIST, INCLUDING ANY SUBSEQUENT UPDATES TO THE LIST MADE BEFORE FINAL APPROVAL BY THE LEGISLATIVE COUNCIL OF THE 2019 BALLOT INFORMATION BOOKLET PREPARED PURSUANT TO SECTION 1-40-124.5, WHICH UPDATES THE DEPARTMENT SHALL EXPEDITIOUSLY PROVIDE TO THE DIRECTOR OF RESEARCH, IN THE BALLOT INFORMATION BOOKLET.

(V) (A) THIS SUBSECTION (13)(b) IS REPEALED, EFFECTIVE JANUARY 1, 2019, IF A CITIZEN-INITIATED BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR".

(B) THIS SUBSECTION (13)(b) IS REPEALED, EFFECTIVE JANUARY 1, 2020, IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE IN SUBSECTION (13)(b)(III) OF THIS SECTION VOTE "NO/AGAINST".

(C) THIS SUBSECTION (13)(b)(V) IS REPEALED, EFFECTIVE JANUARY 1, 2020, IF A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE IN SUBSECTION (13)(b)(III) OF THIS SECTION VOTE "YES/FOR".

SECTION 11. In Colorado Revised Statutes, amend 43-4-714 as follows:

43-4-714. Use of note proceeds - repeal. (1) ~~If the executive director issues any revenue anticipation notes in accordance with the provisions of this part 7, the proceeds from the sale of such notes that are not otherwise pledged for the payment of such notes shall be used for the~~

~~qualified federal aid transportation projects included in the strategic transportation project investment program of the department of transportation.~~ NET PROCEEDS FROM THE SALE OF ANY TRANSPORTATION REVENUE ANTICIPATION NOTES THAT THE EXECUTIVE DIRECTOR ISSUES PURSUANT TO SECTION 43-4-705 (13)(b) THAT ARE NOT OTHERWISE PLEDGED FOR THE PAYMENT OF THE NOTES SHALL BE ALLOCATED AS FOLLOWS:

(a) EIGHTY-FIVE PERCENT OF THE NET PROCEEDS SHALL BE CREDITED TO THE STATE HIGHWAY FUND CREATED IN SECTION 43-1-219 AND EXPENDED BY THE DEPARTMENT ONLY FOR QUALIFIED FEDERAL AID TRANSPORTATION PROJECTS THAT ARE INCLUDED IN THE STRATEGIC TRANSPORTATION PROJECT INVESTMENT PROGRAM OF THE DEPARTMENT OF TRANSPORTATION AND THAT ARE DESIGNATED FOR TIER 1 FUNDING AS TEN-YEAR DEVELOPMENT PROGRAM PROJECTS ON THE DEPARTMENT'S DEVELOPMENT PROGRAM PROJECT LIST, WITH AT LEAST TWENTY-FIVE PERCENT OF THE NET PROCEEDS OF TRANSPORTATION REVENUE ANTICIPATION NOTES THAT ARE CREDITED TO THE STATE HIGHWAY FUND BEING USED FOR PROJECTS THAT ARE LOCATED IN COUNTIES WITH POPULATIONS OF FIFTY THOUSAND OR LESS AS OF JULY 2015 AS REPORTED BY THE STATE DEMOGRAPHY OFFICE OF THE DEPARTMENT OF LOCAL AFFAIRS.

(b) FIFTEEN PERCENT OF THE NET PROCEEDS SHALL BE CREDITED TO THE TRANSPORTATION REVENUE ANTICIPATION NOTES PROCEEDS ACCOUNT OF THE MULTIMODAL TRANSPORTATION OPTIONS FUND CREATED IN SECTION 43-4-1103 (1).

(2) (a) THE TRANSPORTATION REVENUE ANTICIPATION NOTES RESERVE ACCOUNT IS HEREBY CREATED IN THE STATE HIGHWAY FUND. THE STATE TREASURER SHALL CREDIT A PORTION OF THE MONEY TRANSFERRED FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 24-75-219 (5)(c)(IV)(A) TO THE RESERVE ACCOUNT AS FOLLOWS:

(I) ON JUNE 30, 2020, SEVENTY-FIVE MILLION NINE HUNDRED FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS; AND

(II) ON JUNE 30, 2021, SEVENTY-FIVE MILLION NINE HUNDRED FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS.

(b) DURING ANY STATE FISCAL YEAR FOR WHICH THERE IS A GENERAL

FUND REVENUE SHORTFALL AND THE GOVERNOR FORMULATES AND IMPLEMENTS A PLAN TO REDUCE GENERAL FUND EXPENDITURES AS REQUIRED BY SECTION 24-75-201.5, THE TRANSPORTATION COMMISSION, IN CONSULTATION WITH THE GOVERNOR, MAY ALLOCATE MONEY FROM THE ACCOUNT FOR THE SOLE PURPOSE OF PAYING ALL OR A PORTION OF ANY PAYMENT ON TRANSPORTATION REVENUE ANTICIPATION NOTES DUE DURING THE STATE FISCAL YEAR. IN ADDITION, THE COMMISSION MAY ALLOCATE MONEY FROM THE ACCOUNT AT ANY TIME IF DOING SO WILL ALLOW THE COMMISSION TO FULLY REPAY THE NOTES. ONCE ALL TRANSPORTATION REVENUE ANTICIPATION NOTES ARE REPAID IN FULL, THE STATE TREASURER SHALL TRANSFER ANY MONEY REMAINING IN THE ACCOUNT TO THE STATE HIGHWAY FUND.

(3) (a) THIS SECTION IS REPEALED:

(I) EFFECTIVE JANUARY 1, 2019, IF A BALLOT ISSUE INITIATED BY PRIVATE CITIZENS THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2018 GENERAL ELECTION AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR".

(II) EFFECTIVE JANUARY 1, 2020, IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "NO/AGAINST".

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1, 2020, IF A BALLOT ISSUE THAT AUTHORIZES THE STATE TO ISSUE TRANSPORTATION REVENUE ANTICIPATION NOTES IS SUBMITTED TO THE REGISTERED ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION AT THE NOVEMBER 2019 STATEWIDE ELECTION PURSUANT TO SECTION 43-4-705 (13)(b) AND A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT ISSUE VOTE "YES/FOR".

SECTION 12. In Colorado Revised Statutes, **add** part 11 to article 4 of title 43 as follows:

PART 11
MULTIMODAL TRANSPORTATION OPTIONS FUNDING

43-4-1101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF THE STATE TO USE A PORTION OF THE GENERAL FUND MONEY THAT IS DEDICATED FOR TRANSPORTATION PURPOSES PURSUANT TO SECTION 24-75-219 (5) TO FUND MULTIMODAL TRANSPORTATION PROJECTS AND OPERATIONS THROUGHOUT THE STATE AS AUTHORIZED BY THIS PART 11 BECAUSE, IN ADDITION TO THE GENERAL BENEFITS THAT IT PROVIDES TO ALL COLORADANS, A COMPLETE AND INTEGRATED MULTIMODAL TRANSPORTATION SYSTEM:

(a) BENEFITS SENIORS BY MAKING AGING IN PLACE MORE FEASIBLE FOR THEM;

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

(c) PROVIDES ENHANCED MOBILITY FOR PERSONS WITH DISABILITIES;
AND

(d) PROVIDES SAFE ROUTES TO SCHOOLS FOR CHILDREN.

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

(1) "ACCOUNT" MEANS THE TRANSPORTATION REVENUE ANTICIPATION NOTES PROCEEDS ACCOUNT OF THE MULTIMODAL TRANSPORTATION OPTIONS FUND CREATED IN SECTION 43-4-1103 (1)(b).

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

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION.

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

(5) "MULTIMODAL PROJECTS" MEANS CAPITAL OR OPERATING COSTS

FOR FIXED ROUTE AND ON-DEMAND TRANSIT, TRANSPORTATION DEMAND MANAGEMENT PROGRAMS, MULTIMODAL MOBILITY PROJECTS ENABLED BY NEW TECHNOLOGY, MULTIMODAL TRANSPORTATION STUDIES, AND BICYCLE OR PEDESTRIAN PROJECTS.

43-4-1103. Multimodal transportation options fund and transportation revenue anticipation notes proceeds account of fund - creation - revenue sources for fund - use of fund - limitations on use of tax-exempt note proceeds. (1) (a) THE MULTIMODAL TRANSPORTATION OPTIONS FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED FROM THE GENERAL FUND TO THE FUND PURSUANT TO SECTION 24-75-219 (5)(a)(III) AND (5)(b)(III) AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(b) THE TRANSPORTATION REVENUE ANTICIPATION NOTES PROCEEDS ACCOUNT IS HEREBY CREATED IN THE FUND. ANY NET PROCEEDS OF TRANSPORTATION REVENUE ANTICIPATION NOTES THAT THE STATE ISSUES SHALL BE CREDITED TO THE ACCOUNT. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE ACCOUNT TO THE ACCOUNT.

(2) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(a)(II) OF THIS SECTION, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, MONEY MUST BE EXPENDED FROM THE FUND AS FOLLOWS:

(A) EIGHTY-FIVE PERCENT TO THE COMMISSION FOR LOCAL MULTIMODAL PROJECTS; AND

(B) FIFTEEN PERCENT TO THE COMMISSION FOR STATE MULTIMODAL PROJECTS THAT ARE SELECTED BY THE COMMISSION.

(II) ON JULY 1, 2018, THE STATE TREASURER SHALL TRANSFER TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE FUND TO THE FUND CREATED IN SECTION 43-4-1002 (1).

(b) (I) SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (2)(b)(II) OF THIS SECTION, MONEY MUST BE EXPENDED FROM THE ACCOUNT

AS FOLLOWS:

(A) EIGHTY-FIVE PERCENT TO THE COMMISSION FOR LOCAL MULTIMODAL PROJECTS; AND

(B) FIFTEEN PERCENT TO THE COMMISSION FOR STATE MULTIMODAL PROJECTS THAT ARE SELECTED BY THE COMMISSION.

(II) THE COMMISSION SHALL ENSURE, IN COOPERATION WITH EACH RECIPIENT OF SUCH MONEY FROM THE ACCOUNT, THAT ANY NET PROCEEDS OF TAX-EXEMPT TRANSPORTATION REVENUE ANTICIPATION NOTES CREDITED TO THE ACCOUNT AND ANY INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF ANY SUCH PROCEEDS ARE EXPENDED ONLY IN COMPLIANCE WITH ALL APPLICABLE FEDERAL LAWS AND REGULATIONS GOVERNING THE USE OF TAX-EXEMPT NOTE PROCEEDS.

(c) WITH RESPECT TO THE DISTRIBUTION OF MONEY FOR LOCAL MULTIMODAL PROJECTS REQUIRED BY SUBSECTION (2)(a)(I)(A) OF THIS SECTION AND, FOR NET PROCEEDS OF TAXABLE TRANSPORTATION REVENUE ANTICIPATION NOTES AND INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF SUCH PROCEEDS ONLY, THE DISTRIBUTION OF MONEY FOR LOCAL MULTIMODAL PROJECTS REQUIRED BY SUBSECTION (2)(b)(I)(A) OF THIS SECTION, THE COMMISSION SHALL ESTABLISH A FORMULA FOR DISBURSEMENT OF THE AMOUNT ALLOCATED FOR LOCAL MULTIMODAL PROJECTS, BASED ON POPULATION AND TRANSIT RIDERSHIP, IN CONSULTATION WITH THE TRANSPORTATION ADVISORY COMMITTEE CREATED IN SECTION 43-1-1104, THE TRANSIT AND RAIL ADVISORY COMMITTEE OF THE DEPARTMENT, TRANSIT ADVOCACY ORGANIZATIONS, AND BICYCLE AND PEDESTRIAN ADVOCACY ORGANIZATIONS. RECIPIENTS SHALL PROVIDE A MATCH EQUAL TO THE AMOUNT OF THE AWARD; EXCEPT THAT THE COMMISSION MAY CREATE A FORMULA FOR REDUCING OR EXEMPTING THE MATCH REQUIREMENT FOR LOCAL GOVERNMENTS OR AGENCIES DUE TO THEIR SIZE OR ANY OTHER SPECIAL CIRCUMSTANCES.

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

(I) AN AGGREGATE ACCOUNTING OF ALL MONEY EXPENDED FROM

THE FUND AND THE ACCOUNT DURING THE PRIOR FISCAL YEAR; AND

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

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

(B) THE AMOUNT OF FUNDING PROVIDED FOR THE PROJECT; AND

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

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

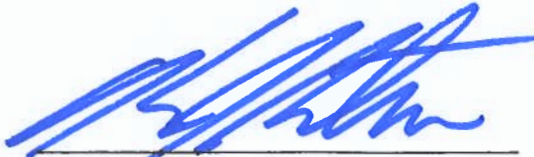
SECTION 13. Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect upon passage.

(2) Section 3 of this act takes effect only if either:

(a) A citizen-initiated ballot issue that authorizes the state to issue transportation revenue anticipation notes but does not authorize the state to collect additional tax revenue for the purpose of providing a revenue source for repayment of the notes is submitted to the registered electors of the state for their approval or rejection at the November 2018 general election and a majority of the electors voting on the ballot issue vote "Yes/For", and, in such case, section 3 of this act takes effect on the date of the official declaration of the vote thereon by the governor; or

(b) A ballot issue that authorizes the state to issue transportation revenue anticipation notes is submitted to the registered electors of the state for their approval or rejection at the November 2019 statewide election pursuant to section 43-4-705 (13)(b), Colorado Revised Statutes, enacted in section 10 of this act, and a majority of the electors voting on the ballot issue vote "Yes/For", and, in such case, section 3 of this act takes effect on the date of the official declaration of the vote thereon by the governor.

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



Kevin J. Grantham
PRESIDENT OF
THE SENATE



Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

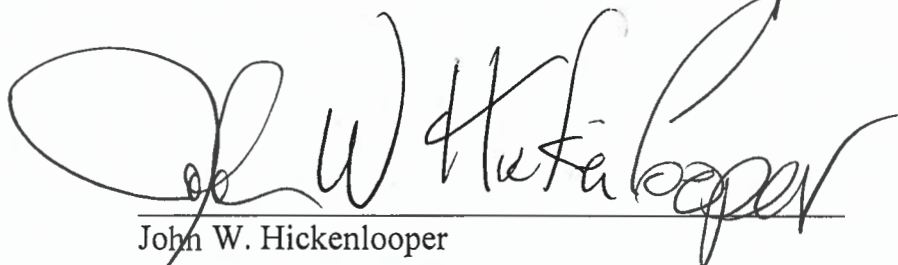


Effie Ameen
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED 11:52 AM 5/31/18



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO