

SB21-260

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Priola

1 Amend printed bill, page 17, after line 15 insert:

2 "SECTION 5. In Colorado Revised Statutes, 24-34-104, add
3 (32.5) as follows:

4 **24-34-104. General assembly review of regulatory agencies
5 and functions for repeal, continuation, or reestablishment - legislative
6 declaration - repeal.** (32.5) (a) THE FOLLOWING AGENCIES, FUNCTIONS,
7 OR BOTH, ARE SCHEDULED FOR REPEAL ON JULY 1, 2032:

8 (I) THE COMMUNITY ACCESS ENTERPRISE CREATED IN SECTION
9 24-38.5-303 (1);

10 (II) THE CLEAN FLEET ENTERPRISE CREATED IN SECTION
11 25-7.5-103 (1)(a);

12 (III) THE CLEAN TRANSIT ENTERPRISE CREATED IN SECTION
13 43-4-1203 (1)(a); AND

14 (IV) THE NONATTAINMENT AREA AIR POLLUTION MITIGATION
15 ENTERPRISE CREATED IN SECTION 43-4-1303 (1)(a).

16 (b) THIS SUBSECTION (32.5) IS REPEALED, EFFECTIVE JULY 1,
17 2034."

18 Renumber succeeding sections accordingly.

19 Page 37, line 19, strike "PUBLISH" and substitute "PUBLISH, SUBMIT TO
20 THE GENERAL ASSEMBLY,".

21 Page 37, line 20, strike "DETAILS" and substitute "DETAILS, THROUGH A
22 SPECIFIC PLAN, GOALS, AND ANNUAL BENCHMARKS,".

23 Page 39, after line 9 insert:

24 **"24-38.5-304. Repeal.** (1) THIS PART 3 IS REPEALED, EFFECTIVE
25 JULY 1, 2032. BEFORE THE REPEAL, THIS PART 3 IS SCHEDULED FOR
26 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

27 (2) WHEN ANALYZING AND EVALUATING THE PERFORMANCE OF
28 THE ENTERPRISE AS REQUIRED BY SECTION 24-34-104 (5)(a), THE
29 DEPARTMENT OF REGULATORY AGENCIES SHALL FOCUS ON THE EXTENT TO
30 WHICH THE ENTERPRISE HAS ACHIEVED ITS PLAN, GOALS, AND ANNUAL
31 BENCHMARKS AS SET FORTH IN THE TEN-YEAR PLAN THAT IT PUBLISHES,
32 SUBMITS TO THE GENERAL ASSEMBLY, AND POSTS ON ITS WEBSITE BY JUNE
33 1, 2022, AS REQUIRED BY SECTION 24-38.5-303 (10)(a)(I).

34 (3) NOTWITHSTANDING THE WIND-UP PERIOD DESCRIBED IN
35 SECTION 24-34-104 (2)(b), THE ENTERPRISE SHALL NOT IMPOSE OR
36 COLLECT THE COMMUNITY ACCESS RETAIL DELIVERY FEE AFTER JUNE 30,
37 2032.

1 (4) ON JULY 1, 2032, THE STATE TREASURER SHALL TRANSFER ALL
2 UNALLOCATED MONEY IN THE COMMUNITY ACCESS ENTERPRISE FUND TO
3 THE HIGHWAY USERS TAX FUND."

4 Page 73, line 20, strike "PUBLISH" and substitute "PUBLISH, SUBMIT TO
5 THE GENERAL ASSEMBLY,".

6 Page 73, line 21, strike "DETAILS" and substitute "DETAILS, THROUGH A
7 SPECIFIC PLAN, GOALS, AND ANNUAL BENCHMARKS,".

8 Page 75, after line 10 insert:

9 "25-7.5-104. Repeal. (1) THIS ARTICLE 7.5 IS REPEALED,
10 EFFECTIVE JULY 1, 2032. BEFORE THE REPEAL, THIS ARTICLE 7.5 IS
11 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

12 (2) WHEN ANALYZING AND EVALUATING THE PERFORMANCE OF
13 THE ENTERPRISE AS REQUIRED BY SECTION 24-34-104 (5)(a), THE
14 DEPARTMENT OF REGULATORY AGENCIES SHALL FOCUS ON THE EXTENT TO
15 WHICH THE ENTERPRISE HAS ACHIEVED ITS PLAN, GOALS, AND ANNUAL
16 BENCHMARKS AS SET FORTH IN THE TEN-YEAR PLAN THAT IT PUBLISHES,
17 SUBMITS TO THE GENERAL ASSEMBLY, AND POSTS ON ITS WEBSITE BY JUNE
18 1, 2022, AS REQUIRED BY SECTION 25-7.5-103 (11)(a)(I).

19 (3) NOTWITHSTANDING THE WIND-UP PERIOD DESCRIBED IN
20 SECTION 24-34-104 (2)(b), THE ENTERPRISE SHALL NOT IMPOSE OR
21 COLLECT THE CLEAN FLEET PER RIDE FEE OR THE CLEAN FLEET RETAIL
22 DELIVERY FEE AFTER JUNE 30, 2032.

23 (4) ON JULY 1, 2032, THE STATE TREASURER SHALL TRANSFER ALL
24 UNALLOCATED MONEY IN THE CLEAN FLEET ENTERPRISE FUND TO THE
25 HIGHWAY USERS TAX FUND."

26 Page 102, lines 7 and 8, strike "(25)(a.7) AND" and substitute "(25)(a.7),".

27 Page 102, line 10, strike "43-4-217(8)" and substitute "43-4-217(8), AND
28 MONEY THAT IS CREDITED TO THE HIGHWAY USERS TAX FUND AS
29 REQUIRED BY SECTIONS 24-38.5-304 (4), 25-7.5-104 (4), 43-4-1204 (4),
30 AND 43-4-1304 (4)".

31 Page 102, line 27, after "FEE" insert "THAT IS ALLOCATED PURSUANT TO
32 THIS SUBSECTION (6.8)(b)".

33 Page 103, after line 15 insert:

34 "(d) REVENUE FROM THE RETAIL DELIVERY FEE IMPOSED
35 PURSUANT TO SECTION 43-4-218 (3) THAT IS CREDITED TO THE HIGHWAY

1 USERS TAX FUND AS REQUIRED BY SECTION 43-4-218 (8) MUST BE
2 ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA
3 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION."

4 Page 122, after line 24 insert:

5 "(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
6 ON JULY 1, 2032, THE AMOUNT OF THE RETAIL DELIVERY FEE SHALL BE
7 INCREASED BY AN AMOUNT EQUAL TO THE COMBINED AMOUNT OF THE
8 ENTERPRISE RETAIL DELIVERY FEES IN EFFECT ON JUNE 30, 2032, FOR ALL
9 ENTERPRISES, IF ANY, THAT ARE REPEALED ON JULY 1, 2032, IN
10 ACCORDANCE WITH SECTION 24-34-104 (32.5) AND SECTIONS 24-38.5-304,
11 25-7.5-104, 43-4-1204, OR 43-4-1304. ALL REVENUE GENERATED BY ANY
12 INCREASE IN THE AMOUNT OF THE RETAIL DELIVERY FEE RESULTING FROM
13 THE OPERATION OF THIS SUBSECTION (8) SHALL BE CREDITED TO THE
14 HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 AND
15 ALLOCATED FROM THE HIGHWAYS USERS TAX FUND TO THE STATE,
16 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205
17 (6.8)."

18 Page 177, line 15, strike "PUBLISH" and substitute "PUBLISH, SUBMIT TO
19 THE GENERAL ASSEMBLY,".

20 Page 177, line 16, strike "DETAILS" and substitute "DETAILS, THROUGH A
21 SPECIFIC PLAN, GOALS, AND ANNUAL BENCHMARKS,".

22 Page 179, after line 5 insert:

23 "**43-4-1204. Repeal.** (1) THIS ARTICLE 12 IS REPEALED, EFFECTIVE
24 JULY 1, 2032. BEFORE THE REPEAL, THIS ARTICLE 12 IS SCHEDULED FOR
25 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

26 (2) WHEN ANALYZING AND EVALUATING THE PERFORMANCE OF
27 THE ENTERPRISE AS REQUIRED BY SECTION 24-34-104 (5)(a), THE
28 DEPARTMENT OF REGULATORY AGENCIES SHALL FOCUS ON THE EXTENT TO
29 WHICH THE ENTERPRISE HAS ACHIEVED ITS PLAN, GOALS, AND ANNUAL
30 BENCHMARKS AS SET FORTH IN THE TEN-YEAR PLAN THAT IT PUBLISHES,
31 SUBMITS TO THE GENERAL ASSEMBLY, AND POSTS ON ITS WEBSITE BY JUNE
32 1, 2022, AS REQUIRED BY SECTION 43-4-1203 (10)(a)(I).

33 (3) NOTWITHSTANDING THE WIND-UP PERIOD DESCRIBED IN
34 SECTION 24-34-104 (2)(b), THE ENTERPRISE SHALL NOT IMPOSE OR
35 COLLECT THE CLEAN TRANSIT RETAIL DELIVERY FEE AFTER JUNE 30, 2032.

36 (4) ON JULY 1, 2032, THE STATE TREASURER SHALL TRANSFER ALL
37 UNALLOCATED MONEY IN THE CLEAN TRANSIT ENTERPRISE FUND TO THE
38 HIGHWAY USERS TAX FUND."

1 Page 195, line 11, strike "PUBLISH" and substitute "PUBLISH, SUBMIT TO
2 THE GENERAL ASSEMBLY,".

3 Page 195, line 12, strike "DETAILS" and substitute "DETAILS, THROUGH A
4 SPECIFIC PLAN, GOALS, AND ANNUAL BENCHMARKS,".

5 Page 196, after line 27 insert:

6 **"43-4-1304. Repeal.** (1) THIS ARTICLE 13 IS REPEALED, EFFECTIVE
7 JULY 1, 2032. BEFORE THE REPEAL, THIS ARTICLE 13 IS SCHEDULED FOR
8 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

9 (2) WHEN ANALYZING AND EVALUATING THE PERFORMANCE OF
10 THE ENTERPRISE AS REQUIRED BY SECTION 24-34-104 (5)(a), THE
11 DEPARTMENT OF REGULATORY AGENCIES SHALL FOCUS ON THE EXTENT TO
12 WHICH THE ENTERPRISE HAS ACHIEVED ITS PLAN, GOALS, AND ANNUAL
13 BENCHMARKS AS SET FORTH IN THE TEN-YEAR PLAN THAT IT PUBLISHES,
14 SUBMITS TO THE GENERAL ASSEMBLY, AND POSTS ON ITS WEBSITE BY JUNE
15 1, 2022, AS REQUIRED BY SECTION 43-4-1303 (10)(a)(I).

16 (3) NOTWITHSTANDING THE WIND-UP PERIOD DESCRIBED IN
17 SECTION 24-34-104 (2)(b), THE ENTERPRISE SHALL NOT IMPOSE OR
18 COLLECT THE AIR POLLUTION MITIGATION RETAIL DELIVERY FEE AFTER
19 JUNE 30, 2032.

20 (4) ON JULY 1, 2032, THE STATE TREASURER SHALL TRANSFER ALL
21 UNALLOCATED MONEY IN THE NONATTAINMENT AREA AIR POLLUTION
22 MITIGATION ENTERPRISE FUND TO THE HIGHWAY USERS TAX FUND."

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