

SB21-260

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE McKean

1 Amend reengrossed bill, page 18, after line 1 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16 (b) THIS SUBSECTION (32.5) IS REPEALED, EFFECTIVE JULY 1,  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 39, line 7, strike "PUBLISH" and substitute "PUBLISH, SUBMIT TO THE  
20 GENERAL ASSEMBLY,".

21 Page 39, line 8, strike "DETAILS" and substitute "DETAILS, THROUGH A  
22 SPECIFIC PLAN, GOALS, AND ANNUAL BENCHMARKS,".

23 Page 40, after line 24 insert:

24 **"24-38.5-304. Repeal.** (1) THIS PART 3 IS REPEALED, EFFECTIVE  
25 JULY 1, 2032. BEFORE ITS REPEAL, THIS PART 3 IS SCHEDULED FOR REVIEW  
26 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

1 COLLECT THE COMMUNITY ACCESS RETAIL DELIVERY FEE AFTER JUNE 30,  
2 2032.

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

6 Page 75, line 27, strike "PUBLISH" and substitute "PUBLISH, SUBMIT TO  
7 THE GENERAL ASSEMBLY,".

8 Page 76, line 1, strike "DETAILS" and substitute "DETAILS, THROUGH A  
9 SPECIFIC PLAN, GOALS, AND ANNUAL BENCHMARKS,".

10 Page 77, after line 17 insert:

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 Repeal.** (1) THIS ARTICLE 7.5 IS REPEALED,  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

14 (2) WHEN ANALYZING AND EVALUATING THE PERFORMANCE OF  
15 THE ENTERPRISE AS REQUIRED BY SECTION 24-34-104 (5)(a), THE  
16 DEPARTMENT OF REGULATORY AGENCIES SHALL FOCUS ON THE EXTENT TO  
17 WHICH THE ENTERPRISE HAS ACHIEVED ITS PLAN, GOALS, AND ANNUAL  
18 BENCHMARKS AS SET FORTH IN THE TEN-YEAR PLAN THAT IT PUBLISHES,  
19 SUBMITS TO THE GENERAL ASSEMBLY, AND POSTS ON ITS WEBSITE BY JUNE  
20 1, 2022, AS REQUIRED BY SECTION 25-7.5-103 (11)(a)(I).

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

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

28 Page 105, line 27, strike "(25)(a.7)".

29 Page 106, line 1, strike "AND" and substitute "(25)(a.7)".

30 Page 106, line 3, strike "43-4-217 (8)" and substitute "43-4-217 (8), AND  
31 MONEY THAT IS CREDITED TO THE HIGHWAY USERS TAX FUND AS  
32 REQUIRED BY SECTIONS 24-38.5-304 (4), 25-7.5-104 (4), 43-4-1204 (4),  
33 AND 43-4-1304 (4)".

34 Page 106, line 20, after "FEE" insert "THAT IS ALLOCATED PURSUANT TO  
35 THIS SUBSECTION (6.8)(b)".

1 Page 107, after line 8 insert:

2 "(d) REVENUE FROM THE RETAIL DELIVERY FEE IMPOSED  
3 PURSUANT TO SECTION 43-4-218 (3) THAT IS CREDITED TO THE HIGHWAY  
4 USERS TAX FUND AS REQUIRED BY SECTION 43-4-218 (8) MUST BE  
5 ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA  
6 SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION."

7 Page 126, after line 19 insert:

8 "(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
9 ON JULY 1, 2032, THE AMOUNT OF THE RETAIL DELIVERY FEE SHALL BE  
10 INCREASED BY AN AMOUNT EQUAL TO THE COMBINED AMOUNT OF THE  
11 ENTERPRISE RETAIL DELIVERY FEES IN EFFECT ON JUNE 30, 2032, FOR ALL  
12 ENTERPRISES, IF ANY, THAT ARE REPEALED ON JULY 1, 2032, IN  
13 ACCORDANCE WITH SECTION 24-34-104 (32.5) AND SECTION 24-38.5-304,  
14 25-7.5-104, 43-4-1204, OR 43-4-1304. ALL REVENUE GENERATED BY ANY  
15 INCREASE IN THE AMOUNT OF THE RETAIL DELIVERY FEE RESULTING FROM  
16 THE OPERATION OF THIS SUBSECTION (8) SHALL BE CREDITED TO THE  
17 HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 AND  
18 ALLOCATED FROM THE HIGHWAYS USERS TAX FUND TO THE STATE,  
19 COUNTIES, AND MUNICIPALITIES AS REQUIRED BY SECTION 43-4-205  
20 (6.8)."

21 Page 182, line 13, strike "PUBLISH" and substitute "PUBLISH, SUBMIT TO  
22 THE GENERAL ASSEMBLY,".

23 Page 182, line 14, strike "DETAILS" and substitute "DETAILS, THROUGH A  
24 SPECIFIC PLAN, GOALS, AND ANNUAL BENCHMARKS,".

25 Page 184, after line 3 insert:

26 "**43-4-1204. Repeal.** (1) THIS ARTICLE 12 IS REPEALED, EFFECTIVE  
27 JULY 1, 2032. BEFORE ITS REPEAL, THIS ARTICLE 12 IS SCHEDULED FOR  
28 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

29 (2) WHEN ANALYZING AND EVALUATING THE PERFORMANCE OF  
30 THE ENTERPRISE AS REQUIRED BY SECTION 24-34-104 (5)(a), THE  
31 DEPARTMENT OF REGULATORY AGENCIES SHALL FOCUS ON THE EXTENT TO  
32 WHICH THE ENTERPRISE HAS ACHIEVED ITS PLAN, GOALS, AND ANNUAL  
33 BENCHMARKS AS SET FORTH IN THE TEN-YEAR PLAN THAT IT PUBLISHES,  
34 SUBMITS TO THE GENERAL ASSEMBLY, AND POSTS ON ITS WEBSITE BY JUNE  
35 1, 2022, AS REQUIRED BY SECTION 43-4-1203 (10)(a)(I).

36 (3) NOTWITHSTANDING THE WIND-UP PERIOD DESCRIBED IN

1 SECTION 24-34-104 (2)(b), THE ENTERPRISE SHALL NOT IMPOSE OR  
2 COLLECT THE CLEAN TRANSIT RETAIL DELIVERY FEE AFTER JUNE 30, 2032.

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

6 Page 200, line 12, strike "PUBLISH" and substitute "PUBLISH, SUBMIT TO  
7 THE GENERAL ASSEMBLY,".

8 Page 200, line 13, strike "DETAILS" and substitute "DETAILS, THROUGH A  
9 SPECIFIC PLAN, GOALS, AND ANNUAL BENCHMARKS,".

10 Page 202, after line 1 insert:

11 **"43-4-1304. Repeal.** (1) THIS ARTICLE 13 IS REPEALED, EFFECTIVE  
12 JULY 1, 2032. BEFORE ITS REPEAL, THIS ARTICLE 13 IS SCHEDULED FOR  
13 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

14 (2) WHEN ANALYZING AND EVALUATING THE PERFORMANCE OF  
15 THE ENTERPRISE AS REQUIRED BY SECTION 24-34-104 (5)(a), THE  
16 DEPARTMENT OF REGULATORY AGENCIES SHALL FOCUS ON THE EXTENT TO  
17 WHICH THE ENTERPRISE HAS ACHIEVED ITS PLAN, GOALS, AND ANNUAL  
18 BENCHMARKS AS SET FORTH IN THE TEN-YEAR PLAN THAT IT PUBLISHES,  
19 SUBMITS TO THE GENERAL ASSEMBLY, AND POSTS ON ITS WEBSITE BY JUNE  
20 1, 2022, AS REQUIRED BY SECTION 43-4-1303 (10)(a)(I).

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

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

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