

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

**INTRODUCED**

LLS NO. 26-0227.01 Pierce Lively x2059

**HOUSE BILL 26-1065**

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**HOUSE SPONSORSHIP**

**McCluskie and Woodrow**, Boesenecker, Camacho, Jackson, Lindsay, Paschal, Stewart R., Velasco, Zokaie

**SENATE SPONSORSHIP**

**Roberts and Exum**, Hinrichsen, Jodeh, Kipp

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**House Committees**  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING TRANSIT AND HOUSING INVESTMENT ZONES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Section 2** of the bill creates the "Transit Investment Area Act" and:

- Creates a mechanism for a local government and transit agency, subject to state approval, to undertake a transit investment project (project), to designate a transit investment area (area) in which the project will be built, and to create a transit investment authority (authority) or to designate other financing entities with the power to receive

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

and use the increment of revenue derived from the state sales tax collected in the area that is equal to the amount of state sales tax revenue collected in an area above a designated base amount plus 20% of that same revenue (state sales tax increment revenue) to be used to finance eligible improvements related to the project;

- Allows a local government to apply to the office of economic development and the Colorado economic development commission (commission) to undertake a project, and, in connection with the project, to form an authority or to designate a county revitalization authority, metropolitan district, or urban renewal authority as the approved financing entity;
- Specifies the information that a local government is required to include in the application for a project and the criteria that the project is required to satisfy to be approved;
- Requires the director of the office of economic development (director) to review each application for a project and to make an initial determination regarding whether the application meets the specified criteria;
- Requires the director to forward each application to the commission with a recommendation regarding whether the project should be approved;
- Directs the commission to review each application and to approve or reject the project and, as part of the approval of a project, allows the commission to authorize the collection and use of the state sales tax increment revenue for a designated number of years not to exceed 30 years;
- Allows the commission to approve no more than 3 transit investment projects in any calendar year and no more than 6 in total;
- Allows the commission to dedicate no more than \$75 million in a fiscal year to the transit investment projects it approves;
- If requested by the local government, allows the commission to authorize the creation of an authority to receive and spend state sales tax increment revenue;
- Specifies that an authority is governed by a board consisting of a certain number of members appointed by the commission and a certain number of members appointed by the local government;
- Specifies the powers of the authority and the manner in which the state sales tax increment revenue is divided and used;
- Requires the financing entity for a project to submit a

report containing specified information to the commission;  
and

- Authorizes a county revitalization authority, an urban renewal authority, or a metropolitan district to receive and disburse the state sales tax increment revenue generated within an area and to act as the financing entity for the area.

**Section 9** creates the Colorado affordable housing in transit investment zones tax credit (tax credit). The tax credit is administered in the same manner as the Colorado affordable housing in transit-oriented communities tax credit; except that the tax credit is awarded in connection with qualified low- and middle-income housing projects in transit and housing zones. The bill allows \$50 million of credits to be awarded each calendar year beginning in the 2027 calendar year through the 2033 calendar year.

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

**SECTION 1. Legislative declaration.**

(1) The general assembly finds and declares that:

(a) Colorado has invested significantly in public transit systems in the last several decades, funding over six billion dollars across eighty-five miles of new rail lines along the front range;

(b) Investments in public transit systems across Colorado will continue in the coming years with new bus rapid transit lines, rail systems, and upgrades to local, intercity, and regional bus services;

(c) Despite recent investments in public transit systems across Colorado, transit ridership in Colorado lags behind peer states around the country, due in part to a lack of housing near these transit lines and infrastructure barriers that can make it challenging for people to access transit stations;

(d) Encouraging more housing near transit is important for increasing transit ridership and improving the cost-effectiveness of transit services;

1 (e) Researchers have found that higher residential densities  
2 citywide increase cost-effectiveness for light rail and bus rapid transit  
3 services, as described in the article "Cost of a Ride: The Effects of  
4 Densities on Fixed-Guideway Transit Ridership and Costs" by Erick  
5 Guerra and Robert Cervero;

6 (f) Most light and commuter rail stations and frequent bus  
7 corridors in Colorado have lower housing unit density than is necessary  
8 to support frequent transit;

9 (g) Based on 2020 census block housing unit data, over ninety  
10 percent of rail stations and eighty-four percent of bus rapid transit and  
11 frequent bus corridors along the front range have fewer than fifteen  
12 housing units per acre on average within walking distance, while  
13 researchers have generally found that a minimum of fifteen housing units  
14 per acre of built density is needed to support frequent transit;

15 (h) Transit-oriented development, including connecting housing  
16 opportunities and services with safe multimodal infrastructure and public  
17 transit, improves the accessibility of communities for people with  
18 disabilities and limited mobility;

19 (i) People with disabilities are more likely to live in households  
20 with zero cars, are less likely to drive, and are more likely to rely on  
21 public transit or paratransit, according to the 2017 "National Household  
22 Travel Survey";

23 (j) The design of the built environment surrounding transit  
24 stations, including the presence of sidewalks, crosswalks, bike lanes, and  
25 other multimodal infrastructure, influences the accessibility to transit  
26 stations and overall transit ridership, as identified by studies such as  
27 "Travel and the Built Environment: A Meta-Analysis" by Reid Ewing and

1 Robert Cervero, and "Transit commuting, the network accessibility effect,  
2 and the built environment in station areas across the United States" in the  
3 journal Research in Transportation Economics;

4 (k) Improvements to the design of the built environment  
5 surrounding transit stations support placemaking, which is the process of  
6 intentionally planning, designing, and building infrastructure and housing  
7 that capitalize on a community's amenities and culture;

8 (l) Placemaking can enhance the desirability of a given  
9 community and the well-being of those who live in, work in, or visit a  
10 given community, and can create a strong demand for housing in a  
11 community;

12 (m) The 2023 Community and Transportation Preferences Survey  
13 published by the National Association of Realtors found that when  
14 deciding where to live, seventy-nine percent of people said being within  
15 an easy walk of other places and things, such as shops and parks, is  
16 very/somewhat important, eighty-five percent said sidewalks and places  
17 to walk are very/somewhat important, and sixty-five percent said having  
18 public transport nearby is very/somewhat important; and

19 (n) The 1998 Assessment of the Economic Impacts of Rural  
20 Public Transportation published by the Transit Cooperative Research  
21 Program, which assessed the economic impacts of rural public  
22 transportation, found that there was an eleven percent difference in  
23 average net earnings growth between rural counties that had public transit  
24 systems and those rural counties that did not.

25 (2) Therefore, by enacting this House Bill \_\_\_\_\_, the general  
26 assembly intends to establish new financing tools utilizing tax increment  
27 financing to encourage local government efforts to improve infrastructure

1 near transit and rail stations that will promote placemaking and spur  
2 housing development supported by tax credits, which would not occur  
3 without the enactment of this House Bill \_\_\_\_\_.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 4 to article  
5 46 of title 24 as follows:

6 **PART 4**

7 **TRANSIT INVESTMENT AREA ACT**

8 **24-46-401. Short title.**

9 THE SHORT TITLE OF THIS PART 4 IS THE "TRANSIT INVESTMENT  
10 AREA ACT".

11 **24-46-402. Definitions.**

12 AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE  
13 REQUIRES:

14 (1) "AERIAL TRANSIT FACILITY" MEANS ONE OR MORE PHYSICAL  
15 STRUCTURES THAT USE AERIAL CABLES TO MOVE PASSENGERS AND THAT  
16 LINK DIRECTLY TO ANOTHER FORM OF MASS TRANSIT, SUCH AS PASSENGER  
17 RAIL, LIGHT RAIL, OTHER TYPES OF TRAINS, TROLLEYS, OR BUSES.

18 (2) "BASE YEAR REVENUE" MEANS AN AMOUNT EQUAL TO THE  
19 STATE SALES TAX REVENUE COLLECTED ON SALES MADE AT PHYSICAL  
20 SITES WITHIN A PROPOSED TRANSIT INVESTMENT AREA DURING THE  
21 TWELVE-MONTH PERIOD IMMEDIATELY PRIOR TO THE MONTH IN WHICH A  
22 TRANSIT INVESTMENT PROJECT IS AUTHORIZED, AS DETERMINED BY THE  
23 DEPARTMENT.

24 (3) "BASELINE GROWTH RATE" MEANS THE FORECASTED GROWTH  
25 IN STATE SALES TAX REVENUE COLLECTED ON SALES MADE AT PHYSICAL  
26 SITES WITHIN A PROPOSED TRANSIT INVESTMENT AREA ABOVE THE BASE  
27 YEAR REVENUE THAT WOULD BE COLLECTED ON SALES MADE AT PHYSICAL

1 SITES WITHIN A PROPOSED TRANSIT INVESTMENT AREA IF THE PROPOSED  
2 TRANSIT INVESTMENT PROJECT DID NOT OCCUR, AS DETERMINED BY THE  
3 OFFICE OF ECONOMIC DEVELOPMENT PURSUANT TO SECTION 24-46-403 (2),  
4 BASED ON DATA FROM THE PREVIOUS TEN-YEAR PERIOD IMMEDIATELY  
5 PRECEDING THE SUBMISSION OF AN APPLICATION.

6 (4) "COMMISSION" MEANS THE COLORADO ECONOMIC  
7 DEVELOPMENT COMMISSION CREATED IN SECTION 24-46-102.

8 (5) "COUNTY REVITALIZATION AUTHORITY" HAS THE MEANING SET  
9 FORTH IN SECTION 30-31-103 (6).

10 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE  
11 CREATED IN SECTION 24-35-101.

12 (7) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO OFFICE  
13 OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101.

14 (8) "ELIGIBLE COSTS" MEANS THE COSTS OF:

15 (a) DESIGNING, CONSTRUCTING, FINANCING, AND MAINTAINING  
16 ELIGIBLE IMPROVEMENTS DESIGNATED BY THE COMMISSION AS PART OF AN  
17 APPROVED TRANSIT INVESTMENT PROJECT. THESE COSTS INCLUDE THE  
18 COSTS OF:

19 (I) ENGINEERING, INCLUDING CONSTRUCTION ENGINEERING;

20 (II) SURVEYING, INCLUDING CONSTRUCTION SURVEYING;

21 (III) CONSTRUCTION LABOR AND MATERIALS;

22 (IV) DESIGN, INCLUDING BONDING, INSURANCE, AND PERMITTING  
23 FEES;

24 (V) PLANNING;

25 (VI) LEGAL SERVICES;

26 (VII) ACCOUNTING;

27 (VIII) OVERHEAD OR ADMINISTRATIVE STAFFING;

1 (IX) FINANCING;  
2 (X) BOND ISSUANCE OR REISSUANCE AND UNDERWRITING;  
3 (XI) INTEREST PAYMENTS;  
4 (XII) LOAN ORIGINATION FEES;  
5 (XIII) OPERATIONS; AND  
6 (XIV) SIMILAR NECESSARY AND CONVENIENT COSTS INCURRED BY  
7 THE FINANCING ENTITY IN EXERCISING ITS POWERS PURSUANT TO THIS  
8 PART 4.

9 (b) FUNDS ADVANCED BY PRIVATE DEVELOPERS WITHIN THE  
10 TRANSIT INVESTMENT PROJECT TO, OR ON BEHALF OF, THE FINANCING  
11 ENTITY FOR ELIGIBLE IMPROVEMENTS, WHETHER A PRIVATE DEVELOPER  
12 ADVANCES THOSE FUNDS PURSUANT TO LOANS OR CONTRACTUAL FUNDING  
13 AND REIMBURSEMENT AGREEMENTS;

14 (c) REASONABLE INTEREST ON THE FUNDS ADVANCED BY A  
15 PRIVATE DEVELOPER PURSUANT TO SUBSECTION (8)(b) OF THIS SECTION;

16 (d) A FINANCING ENTITY'S COSTS FOR PURCHASING ELIGIBLE  
17 IMPROVEMENTS CONSTRUCTED AND OWNED BY THIRD PARTIES EITHER  
18 BEFORE OR AFTER DESIGNATION OF THE TRANSIT INVESTMENT PROJECT;  
19 AND

20 (e) COSTS AND EXPENSES INCURRED BY A FINANCING ENTITY  
21 PURSUANT TO SECTION 24-35-123 AND IN COMPLYING WITH ITS ANNUAL  
22 REPORT AND AUDIT OBLIGATIONS UNDER THIS PART 4.

23 (9) "ELIGIBLE IMPROVEMENTS" MEANS THE SPECIFIC  
24 IMPROVEMENTS AUTHORIZED BY THE COMMISSION AS PART OF AN  
25 APPROVED TRANSIT INVESTMENT PROJECT, INCLUDING:

26 (a) ROADS;  
27 (b) STREETS;



- 1 (c) STATE HIGHWAYS;
- 2 (d) RIGHTS-OF-WAY;
- 3 (e) LIGHTING;
- 4 (f) DIRECTION AND LOCATION SIGNAGE AND SIMILAR SIGNAGE;
- 5 (g) LAND ACQUISITION;
- 6 (h) SURVEYING, ENGINEERING, SOILS TESTING, SITE PLANNING,
- 7 GRADING, AND SIMILAR ACTIVITIES NECESSARY OR CONVENIENT FOR SITE
- 8 PREPARATION AND DEVELOPMENT;
- 9 (i) TRAILS AND PATHS;
- 10 (j) PUBLIC SAFETY FACILITIES;
- 11 (k) LANDSCAPING;
- 12 (l) TRANSPORTATION FACILITIES;
- 13 (m) BICYCLE AND PEDESTRIAN INFRASTRUCTURE;
- 14 (n) SURFACE AND STRUCTURED PARKING FACILITIES; AND
- 15 (o) ANY OTHER FACILITIES OR IMPROVEMENTS NECESSARY OR
- 16 CONVENIENT FOR THE COMPLETION OF AN APPROVED PROJECT.

17 (10) (a) "FINANCING ENTITY" MEANS THE ENTITY DESIGNATED BY  
18 THE COMMISSION IN CONNECTION WITH ITS APPROVAL OF A TRANSIT  
19 INVESTMENT PROJECT TO RECEIVE AND USE STATE SALES TAX INCREMENT  
20 REVENUE.

21 (b) A COUNTY REVITALIZATION AUTHORITY, A METROPOLITAN  
22 DISTRICT, AN URBAN RENEWAL AUTHORITY, OR ANY TRANSIT INVESTMENT  
23 AUTHORITY TO BE FORMED PURSUANT TO THIS PART 4 MAY QUALIFY AS A  
24 FINANCING ENTITY.

25 (11) "FINANCING TERM" MEANS THE AGGREGATE PERIOD NOT TO  
26 EXCEED THIRTY YEARS AUTHORIZED BY THE COMMISSION PURSUANT TO  
27 THIS PART 4 DURING WHICH THE FINANCING ENTITY IS AUTHORIZED TO

1 RECEIVE AND USE STATE SALES TAX INCREMENT REVENUE TO FINANCE  
2 ELIGIBLE COSTS.

3 (12) "INFLATION OR DEFLATION" MEANS THE ANNUAL PERCENTAGE  
4 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF  
5 LABOR STATISTICS CONSUMER PRICE INDEX, OR A SUCCESSOR INDEX, FOR  
6 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID FOR BY URBAN  
7 CONSUMERS.

8 (13) "LOCAL GOVERNMENT" MEANS A CITY, COUNTY, CITY AND  
9 COUNTY, TOWN, OR A GROUP OF CONTIGUOUS CITIES, COUNTIES, CITIES  
10 AND COUNTIES, OR TOWNS.

11 (14) "OFFICE OF ECONOMIC DEVELOPMENT" MEANS THE  
12 COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION  
13 24-48.5-101.

14 (15) "PASSENGER RAIL STATION" HAS THE MEANING SET FORTH IN  
15 SECTION 32-22-102 (8).

16 (16) "STATE SALES TAX INCREMENT REVENUE" MEANS AN ANNUAL  
17 AMOUNT EQUAL TO THE TOTAL OF:

18 (a) THE ANNUAL REVENUE DERIVED FROM STATE SALES TAXES,  
19 INCLUDING ANY REVENUE ATTRIBUTABLE TO THE BASELINE GROWTH  
20 RATE, COLLECTED ON SALES MADE AT PHYSICAL SITES WITHIN A  
21 DESIGNATED TRANSIT INVESTMENT AREA IN EXCESS OF THE AMOUNT OF  
22 BASE YEAR REVENUE ADJUSTED TO ACCOUNT FOR THE BASELINE GROWTH  
23 RATE; AND

24 (b) TWENTY PERCENT OF THE BASE YEAR REVENUE, WHICH  
25 TWENTY PERCENT APPROXIMATES ONLINE SALES THAT ARE NOT INCLUDED  
26 AS SALES MADE AT PHYSICAL SITES WITHIN A DESIGNATED TRANSIT  
27 INVESTMENT AREA.

1           (17) "TRANSIT AGENCY" MEANS A LOCAL OR REGIONAL TRANSIT  
2 DISTRICT, OR A REGIONAL TRANSPORTATION AUTHORITY THAT PROVIDES  
3 PUBLIC TRANSIT.

4           (18) "TRANSIT AND HOUSING INVESTMENT ZONE" MEANS THE AREA  
5 DESIGNATED BY THE OFFICE OF ECONOMIC DEVELOPMENT IN THE TRANSIT  
6 AND HOUSING INVESTMENT ZONE MAP PURSUANT TO SECTION 24-48.5-136.

7           (19) "TRANSIT INVESTMENT AREA" MEANS A GEOGRAPHIC AREA  
8 THAT IS WITHIN A TRANSIT AND HOUSING INVESTMENT ZONE AND THAT  
9 THE COMMISSION APPROVES AS PART OF A TRANSIT INVESTMENT PROJECT  
10 PURSUANT TO SECTION 24-46-404 (3)(d)(I)(B). A TRANSIT INVESTMENT  
11 AREA SHALL NOT EXTEND INTO THE TERRITORIAL BOUNDARIES OF ANY  
12 LOCAL GOVERNMENT UNLESS A LOCAL GOVERNMENT REQUESTS THE  
13 DESIGNATION OF THE TRANSIT INVESTMENT AREA. A TRANSIT INVESTMENT  
14 AREA MAY BE LIMITED TO PORTIONS OF A LOCAL GOVERNMENT AND MAY  
15 INCLUDE NONCONTIGUOUS TRACTS OR PARCELS OF PROPERTY.

16           (20) "TRANSIT INVESTMENT AUTHORITY" OR "AUTHORITY" MEANS  
17 A CORPORATE BODY ORGANIZED PURSUANT TO THIS PART 4 FOR THE  
18 PURPOSES, WITH THE POWERS, AND SUBJECT TO THE RESTRICTIONS SET  
19 FORTH IN THIS PART 4 AND THE FORMATION OF WHICH HAS BEEN  
20 APPROVED BY THE COMMISSION PURSUANT TO THIS PART 4.

21           (21) "TRANSIT INVESTMENT PROJECT" OR "PROJECT" MEANS A  
22 DEVELOPMENT PROJECT THAT IS PLANNED TO INCLUDE A TRANSPORTATION  
23 FACILITY OR SIGNIFICANT IMPROVEMENTS TO A TRANSPORTATION FACILITY  
24 TOGETHER WITH ANCILLARY USES, STRUCTURES, AND IMPROVEMENTS,  
25 AND THAT THE COMMISSION APPROVES PURSUANT TO SECTION 24-46-404  
26 (3).

27           (22) (a) "TRANSIT STATION" MEANS A PHYSICAL LOCATION

1 DESIGNED TO INTEGRATE AND FACILITATE THE CONNECTION BETWEEN  
2 MULTIPLE MODES OF TRANSPORTATION, INCLUDING:

- 3 (I) PUBLIC TRANSIT, SUCH AS BUSES;
- 4 (II) LIGHT RAIL, AERIAL TRANSIT, AND COMMUTER RAIL;
- 5 (III) ACTIVE TRANSPORTATION, SUCH AS BICYCLE AND PEDESTRIAN
- 6 INFRASTRUCTURE;
- 7 (IV) SHARED MOBILITY SERVICES INCLUDING CAR SHARE, BIKE
- 8 SHARE, AND SCOOTER SHARE;
- 9 (V) RIDE-HAILING AND DEMAND-RESPONSIVE SERVICES; AND
- 10 (VI) PRIVATE VEHICLES.

11 (b) A TRANSIT STATION MAY INCLUDE RELATED INFRASTRUCTURE  
12 THAT SUPPORTS SEAMLESS AND EFFICIENT MULTIMODAL TRAVEL, SUCH AS  
13 PARK-AND-RIDE FACILITIES, ELECTRIC VEHICLE CHARGING STATIONS,  
14 BICYCLE STORAGE, WAYFINDING SYSTEMS, AND PASSENGER AMENITIES.

15 (23) "TRANSPORTATION FACILITY" MEANS A TRANSIT STATION OR  
16 PASSENGER RAIL STATION.

17 (24) "URBAN RENEWAL AUTHORITY" HAS THE MEANING SET FORTH  
18 IN SECTION 31-25-103 (8.5).

19 **24-46-403. Transit investment project - application -**  
20 **requirements - transit investment zones cash fund.**

21 (1) BEGINNING JANUARY 1, 2027, A LOCAL GOVERNMENT, EITHER  
22 ALONE OR IN PARTNERSHIP WITH A TRANSIT AGENCY THAT HAS  
23 JURISDICTION WITHIN A PROPOSED TRANSIT INVESTMENT AREA, MAY  
24 SUBMIT AN APPLICATION TO THE OFFICE OF ECONOMIC DEVELOPMENT FOR  
25 THE APPROVAL OF A TRANSIT INVESTMENT PROJECT, INCLUDING THE:

- 26 (a) DESIGNATION OF A TRANSIT INVESTMENT AREA;
- 27 (b) CREATION OF A TRANSIT INVESTMENT AUTHORITY, AS

1       NECESSARY; AND

2               (c) DESIGNATION OF A FINANCING ENTITY TO RECEIVE, USE, AND  
3       DISBURSE STATE SALES TAX INCREMENT REVENUE FOR ELIGIBLE COSTS.

4               (2) (a) BEFORE A LOCAL GOVERNMENT SUBMITS AN APPLICATION  
5       FOR A TRANSIT INVESTMENT PROJECT TO THE OFFICE OF ECONOMIC  
6       DEVELOPMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE LOCAL  
7       GOVERNMENT MUST SUBMIT A MAP SHOWING THE PROPOSED BOUNDARIES  
8       OF A PROPOSED TRANSIT INVESTMENT AREA TO THE OFFICE OF ECONOMIC  
9       DEVELOPMENT, ALONG WITH DATA AND A CALCULATION SHOWING THE  
10      PROJECTED BASELINE GROWTH RATE. THE OFFICE OF ECONOMIC  
11      DEVELOPMENT SHALL VERIFY WHETHER THE PROPOSED TRANSIT  
12      INVESTMENT AREA IS WITHIN A TRANSIT AND HOUSING INVESTMENT ZONE  
13      THAT IS ESTABLISHED IN RELATION TO A TRANSIT FACILITY THAT IS THE  
14      SUBJECT OF THE TRANSIT INVESTMENT PROJECT IN THE LOCAL  
15      GOVERNMENT'S APPLICATION SUBMITTED PURSUANT TO SUBSECTION (1)  
16      OF THIS SECTION, AND THE OFFICE OF ECONOMIC DEVELOPMENT SHALL  
17      ENTER INTO A CONTRACT WITH A THIRD PARTY TO DETERMINE THE  
18      BASELINE GROWTH RATE FOR THE PROPOSED TRANSIT INVESTMENT AREA.  
19      IN DETERMINING THE BASELINE GROWTH RATE, THE CONTRACTED THIRD  
20      PARTY SHALL CONSIDER THE GROWTH RATE FOR THE PROPOSED TRANSIT  
21      INVESTMENT AREA DURING AT LEAST THE PREVIOUS TEN CALENDAR  
22      YEARS. THE THIRD-PARTY CONTRACTOR SHALL DELIVER ITS FINDINGS TO  
23      THE OFFICE OF STATE PLANNING AND BUDGETING FOR REVIEW.

24              (b) THE OFFICE OF ECONOMIC DEVELOPMENT MAY CHARGE A  
25      LOCAL GOVERNMENT A SUBMISSION FEE OF UP TO FOUR THOUSAND FIVE  
26      HUNDRED DOLLARS PER SUBMISSION, AND THE STATE TREASURER SHALL  
27      CREDIT THAT FEE TO THE TRANSIT INVESTMENT ZONES CASH FUND

1       CREATED IN SUBSECTION (6) OF THIS SECTION, FOR THE COSTS INCURRED  
2       IN CONTRACTING WITH A THIRD PARTY FOR THE DETERMINATION OF THE  
3       BASELINE GROWTH RATE FOR THE PROPOSED TRANSIT INVESTMENT AREA  
4       PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. THE OFFICE OF  
5       ECONOMIC DEVELOPMENT SHALL ANNUALLY ADJUST FOR INFLATION OR  
6       DEFLATION THE FEE REQUIRED PURSUANT TO THIS SUBSECTION (2)(b) AND  
7       SHALL ROUND THE ADJUSTED AMOUNT UPWARD OR DOWNWARD TO THE  
8       NEAREST HUNDRED DOLLARS.

9               (c) THE LOCAL GOVERNMENT AND THE THIRD-PARTY ANALYST  
10       RETAINED PURSUANT TO SUBSECTION (3)(j) OF THIS SECTION SHALL USE  
11       THE BASELINE GROWTH RATE DETERMINED BY A CONTRACTED THIRD  
12       PARTY PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION IN THEIR  
13       ASSUMPTIONS AND ECONOMIC ANALYSES FOR THE PURPOSE OF  
14       CALCULATING THE TOTAL CUMULATIVE DOLLAR AMOUNT AVAILABLE TO  
15       BE PLEDGED TO THE PROPOSED TRANSIT INVESTMENT PROJECT AS  
16       REQUIRED BY SUBSECTIONS (3)(i) AND (3)(j) OF THIS SECTION.

17              (3) A LOCAL GOVERNMENT THAT SUBMITS AN APPLICATION  
18       PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST SUBMIT THE  
19       APPLICATION TO THE OFFICE OF ECONOMIC DEVELOPMENT IN A FORM AND  
20       MANNER TO BE DETERMINED BY THE COMMISSION. AN APPLICATION MUST  
21       INCLUDE AT LEAST:

22              (a) MAPS OF THE PROPOSED PROJECT AREA SHOWING BOTH  
23       CURRENT CONDITIONS AND A CONCEPTUAL RENDERING OF THE PROPOSED  
24       TRANSIT INVESTMENT PROJECT IN ITS ANTICIPATED BUILT CONDITION;

25              (b) A MAP SHOWING THE PROPOSED BOUNDARIES OF THE PROPOSED  
26       TRANSIT INVESTMENT AREA;

27              (c) A NARRATIVE DESCRIPTION OF THE PROPOSED TRANSIT

1 INVESTMENT PROJECT, INCLUDING:

2 (I) THE LOCATION AND ESTIMATED OVERALL COST;

3 (II) ESTIMATED ELIGIBLE COSTS;

4 (III) THE ANTICIPATED SCOPE AND PHASING OF ELIGIBLE

5 IMPROVEMENTS;

6 (IV) THE INFRASTRUCTURE EXISTING OR NEEDED IN CONNECTION

7 WITH THE PROPOSED TRANSIT INVESTMENT PROJECT; AND

8 (V) AN OPERATIONS, MAINTENANCE, AND CAPITAL RESERVE PLAN

9 FOR THE PROPOSED TRANSIT INVESTMENT PROJECT;

10 (d) A DISCUSSION OF THE APPLICATION CRITERIA ESTABLISHED IN

11 SUBSECTION (4) OF THIS SECTION AND HOW THE PROPOSED TRANSIT

12 INVESTMENT PROJECT WILL MEET THE CRITERIA. THIS DISCUSSION SHALL

13 INCLUDE AN ECONOMIC ANALYSIS DETAILING:

14 (I) PROJECTED ECONOMIC DEVELOPMENT;

15 (II) IMPACT OF THE PROJECT ON FUTURE STATE SALES TAX

16 REVENUE IN THE TRANSIT INVESTMENT AREA DURING AND AFTER THE

17 FINANCING TERM; AND

18 (III) ANY OTHER INFORMATION REASONABLY REQUESTED BY THE

19 COMMISSION;

20 (e) (I) A DESCRIPTION OF THE PROPOSED FINANCING ENTITY; AND

21 (II) A GENERAL DESCRIPTION OF THE PROPOSED FINANCING

22 ENTITY'S PLAN FOR FINANCING THE ELIGIBLE COSTS AND PROVIDING THE

23 PROPOSED ELIGIBLE IMPROVEMENTS;

24 (f) IF APPLICABLE, A REQUEST FOR AUTHORIZATION OF A TRANSIT

25 INVESTMENT AUTHORITY, WHICH REQUEST SHALL INCLUDE A DESCRIPTION

26 OF THE PROPOSED TRANSIT INVESTMENT AUTHORITY'S:

27 (I) GEOGRAPHIC BOUNDARIES;

1           (II) REQUESTED POWERS; AND

2           (III) ANTICIPATED SOURCES OF REVENUE, IF ANY, IN ADDITION TO

3       STATE SALES TAX INCREMENT REVENUE;

4           (g) IF IT IS ANTICIPATED THAT THE PROPOSED FINANCING ENTITY

5       WILL ENTER INTO CONTRACTUAL ARRANGEMENTS WITH ONE OR MORE

6       URBAN RENEWAL AUTHORITIES, METROPOLITAN DISTRICTS, AUTHORITIES

7       FORMED BY INTERGOVERNMENTAL AGREEMENT AMONG TWO OR MORE

8       METROPOLITAN DISTRICTS, LOCAL GOVERNMENTS, REGIONAL

9       TRANSPORTATION AUTHORITIES, OR PRIVATE PARTIES WITH RESPECT TO

10      THE METHOD OF FINANCING THE ELIGIBLE COSTS AND PROVIDING THE

11      PROPOSED ELIGIBLE IMPROVEMENTS, A GENERAL DESCRIPTION OF THE

12      CONTEMPLATED CONTRACTUAL ARRANGEMENTS;

13           (h) IF IT IS ANTICIPATED THAT THE PROPOSED ELIGIBLE

14      IMPROVEMENTS WILL BE CONSTRUCTED IN PHASES OR THAT FINANCING OF

15      THE ELIGIBLE COSTS WILL BE ACCOMPLISHED IN PHASES, A DESCRIPTION OF

16      THE CONTEMPLATED PHASES AND THE ANTICIPATED TIMING OF THE

17      PHASES;

18           (i) CONCERNING THE FINANCING OF THE PROPOSED ELIGIBLE

19      PUBLIC IMPROVEMENTS BY THE FINANCING ENTITY, THE FOLLOWING

20      PROPOSED ITEMS:

21           (I) THE FINANCING TERM;

22           (II) THE TOTAL CUMULATIVE DOLLAR AMOUNT OF REVENUE THAT

23      CAN BE ALLOCATED TO THE FINANCING ENTITY; AND

24           (III) THE PORTION OF THE FINANCING TERM DURING WHICH THE

25      PERCENTAGE OF STATE SALES TAX INCREMENT REVENUE TO BE

26      ALLOCATED TO THE FINANCING ENTITY IS TO BE ALLOCATED TO THE

27      FINANCING ENTITY;



1           (j) UPON RECEIPT OF AN APPLICATION, THE OFFICE OF ECONOMIC  
2 DEVELOPMENT SHALL COMMISSION A REPORT BY A THIRD-PARTY ANALYST  
3 WHO IS AN EXPERT IN THE FIELD OF ECONOMIC OR PUBLIC FINANCIAL  
4 ANALYSIS CALCULATING THE TOTAL CUMULATIVE DOLLAR AMOUNT  
5 AVAILABLE TO BE PLEDGED TO THE PROPOSED TRANSIT INVESTMENT  
6 PROJECT TO BE SET BY THE COMMISSION PURSUANT TO SECTION 24-46-404  
7 (3). THE REVIEWING THIRD-PARTY ANALYST MUST BE CHOSEN THROUGH  
8 A REQUEST FOR PROPOSALS ISSUED BY THE OFFICE OF ECONOMIC  
9 DEVELOPMENT TO ENSURE AN INDEPENDENT AND THOROUGH ANALYSIS,  
10 AND THE THIRD-PARTY ANALYST SHALL REPORT TO THAT OFFICE. THE  
11 OFFICE OF ECONOMIC DEVELOPMENT SHALL CHARGE AN APPLICATION FEE  
12 TO A LOCAL GOVERNMENT THAT SUBMITS AN APPLICATION PURSUANT TO  
13 SUBSECTION (1) OF THIS SECTION, AND THE STATE TREASURER SHALL  
14 CREDIT THAT FEE TO THE TRANSIT INVESTMENT ZONES CASH FUND  
15 CREATED IN SUBSECTION (6) OF THIS SECTION, TO PAY THE COSTS FOR THE  
16 THIRD-PARTY ANALYST TO:

17           (I) CALCULATE THE TOTAL ANTICIPATED STATE SALES TAX  
18 INCREMENT REVENUE DURING THE FINANCING TERM IN THE PROPOSED  
19 TRANSIT INVESTMENT AREA;

20           (II) CALCULATE THE TOTAL REGIONAL TRANSIT INVESTMENT AREA  
21 STATE SALES TAX INCREMENT REVENUE THAT EACH LOCAL GOVERNMENT  
22 THAT IS A PARTY TO A MULTIPARTY APPLICATION IS ELIGIBLE TO RECEIVE;  
23 AND

24           (III) ASSESS THE APPLICATION'S SATISFACTION OF THE CRITERIA  
25 DESCRIBED IN SUBSECTION (4) OF THIS SECTION AND THE PROVISION OF  
26 ANY INFORMATION REQUIRED BY THE OFFICE OF ECONOMIC DEVELOPMENT  
27 OR THE COMMISSION.

1           (k) A LOCAL GOVERNMENT THAT SUBMITS AN APPLICATION  
2 PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST SHARE THE DATA  
3 AND ASSUMPTIONS IT USED IN ITS APPLICATION WITH THE THIRD-PARTY  
4 ANALYST, AND THE ANALYST SHALL RELY ON THE DATA AND REASONING  
5 AS IT DEEMS APPROPRIATE IN THE EXERCISE OF ITS INDEPENDENT  
6 JUDGMENT. AN APPLICANT THAT IS DISSATISFIED WITH THE REPORT  
7 PRODUCED BY THE THIRD-PARTY ANALYST MAY REVISE ITS APPLICATION  
8 AND REQUEST THAT THE THIRD-PARTY ANALYST REVISE THE REPORT.

9           (4) AN APPLICATION MUST DEMONSTRATE THAT IT SATISFIES EACH  
10 OF THE FOLLOWING CRITERIA:

11           (a) THE PROPOSED TRANSIT INVESTMENT PROJECT IS REASONABLY  
12 ANTICIPATED TO RESULT IN A SUBSTANTIAL INCREASE IN TRANSIT  
13 UTILIZATION;

14           (b) THE BOUNDARIES OF THE PROPOSED TRANSIT INVESTMENT  
15 AREA ARE ONLY AS LARGE AS NECESSARY TO ACCOMPLISH THE PROPOSED  
16 TRANSIT INVESTMENT PROJECT GOALS;

17           (c) THE PROPOSED TRANSIT INVESTMENT PROJECT OR SUBSTANTIAL  
18 PORTIONS OF THE PROPOSED PROJECT HAVE BEEN IDENTIFIED AS PART OF  
19 A LOCAL PLANNING PROCESS;

20           (d) THE COSTS IDENTIFIED PURSUANT TO SECTION 24-46-403  
21 (3)(c)(II) ARE ELIGIBLE COSTS;

22           (e) THE STATE SALES TAX INCREMENT REVENUE THAT EXCEEDS  
23 THE PROJECTED COSTS OF ELIGIBLE COSTS WILL BE SPENT ON ADDITIONAL  
24 ELIGIBLE COSTS INCURRED IN CONNECTION WITH THE TRANSIT  
25 INVESTMENT PROJECT; AND

26           (f) THE LOCAL GOVERNMENT THAT SUBMITTED THE APPLICATION  
27 FOR THE PROPOSED TRANSIT INVESTMENT PROJECT HAS PROVIDED

1 RELIABLE ECONOMIC DATA DEMONSTRATING THAT, IN THE ABSENCE OF  
2 STATE SALES TAX INCREMENT REVENUE, THE PROPOSED PROJECT IS NOT  
3 REASONABLY ANTICIPATED TO BE DEVELOPED WITHIN THE FORESEEABLE  
4 FUTURE.

5 (5) THE OFFICE OF ECONOMIC DEVELOPMENT SHALL PROVIDE THE  
6 COMMISSION WITH EACH APPLICATION RECEIVED AFTER THE DIRECTOR'S  
7 REVIEW PURSUANT TO SECTION 24-46-404.

8 (6) (a) THE TRANSIT INVESTMENT ZONES CASH FUND IS CREATED  
9 IN THE STATE TREASURY. THE FUND CONSISTS OF APPLICATION FEES  
10 COLLECTED BY THE OFFICE OF ECONOMIC DEVELOPMENT AND CREDITED TO  
11 THE FUND PURSUANT TO SUBSECTION (3)(j) OF THIS SECTION, SUBMISSION  
12 FEES COLLECTED BY THE OFFICE OF ECONOMIC DEVELOPMENT AND  
13 CREDITED TO THE FUND PURSUANT TO SUBSECTION (2)(b) OF THIS  
14 SECTION, AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
15 APPROPRIATE OR TRANSFER TO THE FUND.

16 (b) IN ACCORDANCE WITH SECTION 24-36-114 (1), THE STATE  
17 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE  
18 DEPOSIT AND INVESTMENT OF MONEY IN THE TRANSIT INVESTMENT ZONES  
19 CASH FUND TO THE GENERAL FUND.

20 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
21 OFFICE OF ECONOMIC DEVELOPMENT TO PAY:

22 (I) THE COST INCURRED IN CONTRACTING WITH A THIRD PARTY TO  
23 DETERMINE THE BASELINE GROWTH RATE FOR THE PROPOSED TRANSIT  
24 INVESTMENT AREA PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION;  
25 AND

26 (II) THE COSTS FOR THIRD-PARTY ANALYSTS AS DESCRIBED IN  
27 SUBSECTION (3)(j) OF THIS SECTION.

1                   **24-46-404. Transit investment project approval - director -**  
2                   **commission - review.**

3                   (1) UPON RECEIPT OF A LOCAL GOVERNMENT'S APPLICATION FOR  
4                   THE APPROVAL OF A TRANSIT INVESTMENT PROJECT, THE DIRECTOR OR THE  
5                   DIRECTOR'S DESIGNEE SHALL REVIEW THE APPLICATION AND MAKE AN  
6                   INITIAL DETERMINATION AS TO WHETHER THE APPLICATION HAS MET THE  
7                   CRITERIA FOR A TRANSIT INVESTMENT PROJECT SPECIFIED IN SECTION  
8                   24-46-403 (4).

9                   (2) AFTER REVIEWING AN APPLICATION FOR APPROVAL OF A  
10                  TRANSIT INVESTMENT PROJECT FOR COMPLETENESS, THE DIRECTOR SHALL  
11                  FORWARD THE APPLICATION:

12                (a) TO THE THIRD-PARTY ANALYST WHO WILL REVIEW THE  
13                APPLICATION PURSUANT TO SECTION 24-46-403 (3)(j);

14                (b) AT LEAST THIRTY DAYS PRIOR TO A PUBLIC HEARING HELD  
15                PURSUANT TO SUBSECTION (3) OF THIS SECTION, TO ANY LOCAL  
16                GOVERNMENT THAT IS ADJACENT TO THE LOCATION OF THE PROPOSED  
17                TRANSIT INVESTMENT AREA TO NOTIFY THE ADJACENT JURISDICTIONS OF  
18                THE PROPOSAL; AND

19                (c) TO THE COMMISSION WITH A RECOMMENDATION THAT THE  
20                COMMISSION APPROVE, APPROVE WITH CONDITIONS, OR DENY THE  
21                APPLICATION.

22                (3) (a) UPON RECEIVING AN APPLICATION FOR THE APPROVAL OF  
23                A TRANSIT INVESTMENT PROJECT, THE COMMISSION SHALL HOLD A PUBLIC  
24                HEARING, SUBJECT TO THE OPEN MEETINGS LAW UNDER PART 4 OF ARTICLE  
25                6 OF THIS TITLE 24, TO REVIEW AND CONSIDER THE APPLICATION. THE  
26                COMMISSION MAY HOLD THE HEARING VIRTUALLY.

27                (b) AFTER HOLDING A HEARING PURSUANT TO SUBSECTION (3)(a)

1 OF THIS SECTION, WHILE GIVING CONSIDERATION TO THE DIRECTOR'S  
2 RECOMMENDATIONS AND THE REPORT COMPLETED BY A THIRD-PARTY  
3 ANALYST PURSUANT TO SECTION 24-46-403 (3)(j), THE COMMISSION SHALL  
4 TIMELY APPROVE, APPROVE WITH CONDITIONS, OR DENY AN APPLICATION.

5 (c) THE COMMISSION SHALL APPROVE A LOCAL GOVERNMENT'S  
6 APPLICATION FOR THE APPROVAL OF A TRANSIT INVESTMENT PROJECT IF A  
7 MAJORITY OF THE COMMISSIONERS PARTICIPATING IN THE REVIEW OF THE  
8 APPLICATION FINDS THAT THE APPLICATION DEMONSTRATES THAT EACH  
9 OF THE CRITERIA IDENTIFIED IN SECTION 24-46-403 (4) ARE MATERIALLY  
10 MET.

11 (d) (I) IF THE COMMISSION APPROVES AN APPLICATION FOR A  
12 TRANSIT INVESTMENT PROJECT, IT SHALL ADOPT A RESOLUTION THAT  
13 SPECIFIES:

14 (A) THE LOCAL GOVERNMENT THAT HAS BEEN APPROVED TO  
15 UNDERTAKE A TRANSIT INVESTMENT PROJECT;

16 (B) THE BOUNDARY OF THE TRANSIT INVESTMENT AREA  
17 ESTABLISHED IN CONNECTION WITH THE TRANSIT INVESTMENT PROJECT;

18 (C) WHETHER THE COMMISSION HAS AUTHORIZED THE CREATION  
19 OF A TRANSIT INVESTMENT AUTHORITY; AND

20 (D) THE TOTAL CUMULATIVE DOLLAR AMOUNT THAT CAN BE  
21 DEDICATED TO THE TRANSIT INVESTMENT PROJECT, AS DETERMINED  
22 PURSUANT TO SUBSECTION (3)(d)(II) OF THIS SECTION.

23 (II) (A) IN DETERMINING THE TOTAL CUMULATIVE DOLLAR  
24 AMOUNT THAT CAN BE DEDICATED TO THE TRANSIT INVESTMENT PROJECT  
25 PURSUANT TO SUBSECTION (3)(d)(I)(D) OF THIS SECTION, THE COMMISSION  
26 SHALL AWARD AN AMOUNT EQUAL TO THE TOTAL CUMULATIVE DOLLAR  
27 AMOUNT THAT THE THIRD-PARTY ANALYST DETERMINES CAN BE

1 DEDICATED TO THE TRANSIT INVESTMENT PROJECT AS REPORTED  
2 PURSUANT TO SECTION 24-46-403 (3)(j).

3 (B) NOTWITHSTANDING SUBSECTION (3)(d)(II)(A) OF THIS  
4 SECTION, IF THE ESTIMATED ELIGIBLE COSTS IDENTIFIED PURSUANT TO  
5 SECTION 24-46-403 (3)(c)(II) ARE LESS THAN THE TOTAL CUMULATIVE  
6 DOLLAR AMOUNT THAT THE THIRD-PARTY ANALYST DETERMINES CAN BE  
7 DEDICATED TO THE TRANSIT INVESTMENT PROJECT AS REPORTED  
8 PURSUANT TO SECTION 24-46-403 (3)(j) AND THE APPLICATION DID NOT  
9 AFFIRM THAT STATE SALES TAX INCREMENT REVENUE THAT EXCEEDS THE  
10 ESTIMATED ELIGIBLE COSTS WILL BE SPENT ON ADDITIONAL ELIGIBLE  
11 COSTS INCURRED IN CONNECTION WITH THE TRANSIT INVESTMENT  
12 PROJECT, IN DETERMINING THE TOTAL CUMULATIVE DOLLAR AMOUNT  
13 THAT CAN BE DEDICATED TO THE TRANSIT INVESTMENT PROJECT  
14 PURSUANT TO SUBSECTION (3)(d)(I)(D) OF THIS SECTION, THE COMMISSION  
15 SHALL AWARD A TOTAL CUMULATIVE DOLLAR AMOUNT EQUAL TO THE  
16 ESTIMATED ELIGIBLE COSTS IDENTIFIED PURSUANT TO SECTION 24-46-403  
17 (3)(c)(II).

18 (C) NOTWITHSTANDING SUBSECTION (3)(d)(II)(A) OF THIS  
19 SECTION, IF THE ESTIMATED ELIGIBLE COSTS IDENTIFIED PURSUANT TO  
20 SECTION 24-46-403 (3)(c)(II) ARE LESS THAN THE TOTAL CUMULATIVE  
21 DOLLAR AMOUNT THAT THE THIRD-PARTY ANALYST DETERMINES CAN BE  
22 DEDICATED TO THE TRANSIT INVESTMENT PROJECT AS REPORTED  
23 PURSUANT TO SECTION 24-46-403 (3)(j) AND THE APPLICATION AFFIRMED  
24 THAT STATE SALES TAX INCREMENT REVENUE THAT EXCEEDS THE  
25 ESTIMATED ELIGIBLE COSTS WILL BE SPENT ON ADDITIONAL ELIGIBLE  
26 COSTS INCURRED IN CONNECTION WITH THE TRANSIT INVESTMENT  
27 PROJECT, IN DETERMINING THE TOTAL CUMULATIVE DOLLAR AMOUNT

1 THAT CAN BE DEDICATED TO THE TRANSIT INVESTMENT PROJECT  
2 PURSUANT TO SUBSECTION (3)(d)(I)(D) OF THIS SECTION, THE COMMISSION  
3 SHALL AWARD A TOTAL CUMULATIVE DOLLAR AMOUNT EQUAL TO THE  
4 ESTIMATED ELIGIBLE COSTS IDENTIFIED PURSUANT TO SECTION 24-46-403  
5 (3)(c)(II) AND ALLOW FOR THE EXPENDITURE OF ADDITIONAL STATE SALES  
6 TAX INCREMENT REVENUE FOR ADDITIONAL ELIGIBLE COSTS INCURRED IN  
7 CONNECTION WITH THE TRANSIT INVESTMENT PROJECT BEYOND THOSE  
8 ESTIMATED IN THE APPLICATION.

9 (e) THE COMMISSION SHALL NOT APPROVE ANY PROPOSED TRANSIT  
10 INVESTMENT PROJECT THAT WOULD LIKELY CREATE A STATE SALES TAX  
11 INCREMENT REVENUE DEDICATION OF MORE THAN SEVENTY-FIVE MILLION  
12 DOLLARS TO ALL TRANSIT INVESTMENT PROJECTS IN ANY GIVEN FISCAL  
13 YEAR.

14 (f) (I) THE COMMISSION SHALL NOT APPROVE MORE THAN THREE  
15 TRANSIT INVESTMENT PROJECTS PURSUANT TO THIS SUBSECTION (3) IN  
16 ANY CALENDAR YEAR AND SHALL NOT APPROVE MORE THAN SIX TRANSIT  
17 INVESTMENT PROJECTS PURSUANT TO THIS SUBSECTION (3) IN TOTAL.

18 (II) IF THE COMMISSION DOES NOT APPROVE A PROPOSED TRANSIT  
19 INVESTMENT PROJECT BECAUSE DOING SO WOULD CAUSE THE COMMISSION  
20 TO APPROVE MORE THAN THREE PROPOSED TRANSIT INVESTMENT  
21 PROJECTS IN THE SAME CALENDAR YEAR, THE COMMISSION MAY CONSIDER  
22 SUCH A PROJECT FOR APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL  
23 IN THE NEXT CALENDAR YEAR.

24 (4) (a) AS PART OF THE APPROVAL OF A PROPOSED TRANSIT  
25 INVESTMENT PROJECT, THE COMMISSION SHALL AUTHORIZE:

26 (I) THE DEPARTMENT TO COLLECT THE STATE SALES TAX  
27 INCREMENT REVENUE SET TO BE COLLECTED IN CONNECTION WITH THE

1 PROPOSED TRANSIT INVESTMENT PROJECT ON BEHALF OF THE RELEVANT  
2 FINANCING ENTITY;

3 (II) A FINANCING ENTITY TO RECEIVE AND USE THE STATE SALES  
4 TAX INCREMENT REVENUE FOR THE DURATION OF THE FINANCING TERM;  
5 AND

6 (III) THE USE OF THE STATE SALES TAX INCREMENT REVENUE BY  
7 THE FINANCING ENTITY PURSUANT TO THIS PART 4 AND ANY CONDITIONS  
8 OF APPROVAL IMPOSED BY THE COMMISSION AND INCORPORATED IN  
9 WRITING INTO THE COMMISSION'S RESOLUTION APPROVING THE PROPOSED  
10 TRANSIT INVESTMENT PROJECT.

11 (b) IN IMPLEMENTING THE AUTHORIZATION DESCRIBED IN  
12 SUBSECTION (4)(a)(II) OF THIS SECTION, THE DEPARTMENT SHALL REMIT  
13 STATE SALES TAX INCREMENT REVENUE TO THE FINANCING ENTITY ON A  
14 MONTHLY BASIS PROMPTLY AFTER COLLECTING THAT REVENUE.

15 (5) (a) THE TOTAL AMOUNT OF STATE SALES TAX INCREMENT  
16 REVENUE DEDICATED TO A TRANSIT INVESTMENT PROJECT FOR THE ENTIRE  
17 DURATION OF THE PROJECT SHALL NOT EXCEED THE TOTAL CUMULATIVE  
18 DOLLAR AMOUNT SPECIFIED BY THE COMMISSION PURSUANT TO  
19 SUBSECTION (3) OF THIS SECTION. THE DEPARTMENT SHALL TRACK THE  
20 ANNUAL AND CUMULATIVE STATE SALES TAX INCREMENT REVENUE  
21 REMITTED TO THE FINANCING ENTITY IN CONNECTION WITH A TRANSIT  
22 INVESTMENT PROJECT AND SHALL NOTIFY THE COMMISSION WHEN  
23 CUMULATIVE PAYMENTS EQUAL NINETY PERCENT OF THE LIMITS SET BY  
24 THE COMMISSION PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR THE  
25 COMMISSION'S CONCURRENCE REGARDING THE DOLLAR LIMITS.

26 (b) AFTER THE DEPARTMENT HAS REMITTED THE TOTAL  
27 CUMULATIVE DOLLAR AMOUNT OF STATE SALES TAX INCREMENT REVENUE



1 SPECIFIED BY THE COMMISSION PURSUANT TO SUBSECTION (3) OF THIS  
2 SECTION TO THE FINANCING ENTITY, THE DEPARTMENT SHALL NOT REMIT  
3 ANY ADDITIONAL STATE SALES TAX INCREMENT REVENUE FROM THE STATE  
4 TO THE FINANCING ENTITY, EVEN IF THE APPROVED FINANCING TERM IS  
5 NOT COMPLETED. THE DEPARTMENT SHALL NOTIFY THE COMMISSION IF IT  
6 IS NO LONGER REMITTING STATE SALES TAX INCREMENT REVENUE TO THE  
7 FINANCING ENTITY PURSUANT TO THIS SUBSECTION (5)(b).

8 (6) FOLLOWING THE COMMISSION'S APPROVAL OF AN APPLICATION,  
9 AND THE ESTABLISHMENT OF THE TERMS OF AWARD INCLUDING THE ITEMS  
10 DESCRIBED IN SUBSECTION (3)(d)(I) OF THIS SECTION, THE COMMISSION  
11 SHALL PROMPTLY TRANSMIT WRITTEN NOTICE AND A COPY OF THE  
12 APPROVAL TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT. THE  
13 COMMISSION SHALL INCLUDE ANY INFORMATION DEEMED NECESSARY BY  
14 THE DEPARTMENT TO FULFILL ITS OBLIGATIONS PURSUANT TO THIS PART  
15 4 IN THE WRITTEN NOTICE.

16 **24-46-405. Transit investment authority - board - creation -**  
17 **powers and duties.**

18 (1) THE COMMISSION SHALL NOT DENY A REQUEST TO AUTHORIZE  
19 THE CREATION OF A TRANSIT INVESTMENT AUTHORITY IF THE COMMISSION  
20 OTHERWISE APPROVES AN APPLICATION FOR A TRANSIT INVESTMENT  
21 PROJECT THAT INCLUDES A REQUEST FOR THE FORMATION OF A TRANSIT  
22 INVESTMENT AUTHORITY.

23 (2) A TRANSIT INVESTMENT AUTHORITY IS GOVERNED BY A BOARD  
24 CONSISTING OF THE FOLLOWING MEMBERS:

25 (a) IF THE TRANSIT INVESTMENT AUTHORITY IS A SINGLE LOCAL  
26 GOVERNMENT:

27 (I) TWO MEMBERS APPOINTED BY THE COMMISSION WHO ARE

1 OWNERS OF COMMERCIAL PROPERTY WITHIN THE TRANSIT INVESTMENT  
2 AREA;

3 (II) TWO MEMBERS APPOINTED BY THE LOCAL GOVERNMENT WHO  
4 ARE ELECTED OFFICIALS OF THE LOCAL GOVERNMENT; AND

5 (III) ONE MEMBER APPOINTED BY THE TRANSIT AGENCY THAT  
6 OPERATES THE TRANSPORTATION FACILITY THAT IS THE SUBJECT OF THE  
7 PROPOSED TRANSIT INVESTMENT PROJECT.

8 (b) IF THE TRANSIT INVESTMENT AUTHORITY IS TWO LOCAL  
9 GOVERNMENTS:

10 (I) TWO MEMBERS APPOINTED BY THE COMMISSION WHO ARE  
11 OWNERS OF COMMERCIAL PROPERTY WITHIN THE TRANSIT INVESTMENT  
12 AREA;

13 (II) ONE MEMBER APPOINTED BY THE TRANSIT AGENCY THAT  
14 OPERATES THE TRANSPORTATION FACILITY THAT IS THE SUBJECT OF THE  
15 PROPOSED TRANSIT INVESTMENT PROJECT; AND

16 (III) ONE MEMBER APPOINTED BY EACH OF THE TWO LOCAL  
17 GOVERNMENTS WHO IS AN ELECTED OFFICIAL OF ONE OF THE LOCAL  
18 GOVERNMENTS.

19 (c) IF THE TRANSIT INVESTMENT AUTHORITY IS MORE THAN TWO  
20 LOCAL GOVERNMENTS:

21 (I) ONE MEMBER APPOINTED BY EACH LOCAL GOVERNMENT IN THE  
22 TRANSIT INVESTMENT AUTHORITY WHO IS AN ELECTED OFFICIAL OF ONE OF  
23 THE LOCAL GOVERNMENTS; AND

24 (II) THREE OR MORE MEMBERS, AS DETERMINED BY THE  
25 COMMISSION SO THAT THE TOTAL NUMBER OF MEMBERS ON A GOVERNING  
26 BOARD IS AN ODD NUMBER, REPRESENTING COMMERCIAL PROPERTY  
27 OWNERS WITHIN THE TRANSIT INVESTMENT AREA, APPOINTED BY THE

1 COMMISSION.

2 (3) UNLESS LIMITED BY THE COMMISSION'S CONDITIONS OF  
3 APPROVAL, EACH TRANSIT INVESTMENT AUTHORITY HAS ALL THE POWERS  
4 NECESSARY OR CONVENIENT TO CARRY OUT THIS PART 4, INCLUDING THE  
5 FOLLOWING POWERS:

6 (a) PERPETUAL EXISTENCE AND SUCCESSION;

7 (b) TO ADOPT, HAVE, AND USE A CORPORATE SEAL;

8 (c) TO SUE AND BE SUED AND TO BE A PARTY TO SUITS, ACTIONS,  
9 AND PROCEEDINGS;

10 (d) TO UNDERTAKE TRANSIT INVESTMENT PROJECTS;

11 (e) TO ENTER INTO CONTRACTS AND AGREEMENTS AFFECTING THE  
12 AFFAIRS OF THE TRANSIT INVESTMENT AUTHORITY AS NECESSARY TO  
13 COMPLETE A TRANSIT INVESTMENT PROJECT;

14 (f) TO RECEIVE, INVEST, PLEDGE, SPEND, AND OTHERWISE USE AND  
15 EXPEND STATE SALES TAX INCREMENT REVENUE IN ACCORDANCE WITH AN  
16 APPROVED TRANSIT INVESTMENT PROJECT;

17 (g) TO ASSIGN AND PLEDGE TO ANY COUNTY REVITALIZATION  
18 AUTHORITY, METROPOLITAN DISTRICT, AUTHORITY FORMED BY  
19 INTERGOVERNMENTAL AGREEMENT AMONG TWO OR MORE METROPOLITAN  
20 DISTRICTS, REGIONAL TRANSPORTATION AUTHORITY, OR URBAN RENEWAL  
21 AUTHORITY HAVING ALL OR ANY PORTION OF THE TRANSIT INVESTMENT  
22 AREA WITHIN ITS BOUNDARIES OR SERVICE AREA THE TRANSIT  
23 INVESTMENT AUTHORITY'S RIGHT TO RECEIVE AND USE STATE SALES TAX  
24 INCREMENT REVENUE TO SUPPORT BONDS OR OTHER FINANCING  
25 INSTRUMENTS ISSUED OR ENTERED INTO BY THE COUNTY REVITALIZATION  
26 AUTHORITY, METROPOLITAN DISTRICT, AUTHORITY FORMED BY  
27 INTERGOVERNMENTAL AGREEMENT AMONG TWO OR MORE METROPOLITAN

1 DISTRICTS, REGIONAL TRANSPORTATION AUTHORITY, OR URBAN RENEWAL  
2 AUTHORITY FOR ELIGIBLE COSTS OR TO ACQUIRE ELIGIBLE IMPROVEMENTS,  
3 INCLUDING LOANS OR FUNDING AND REIMBURSEMENT AGREEMENTS WITH  
4 DEVELOPERS INVOLVED IN THE TRANSIT INVESTMENT PROJECT OR OTHER  
5 THIRD PARTIES;

6 (h) TO BORROW MONEY AND INCUR INDEBTEDNESS AND EVIDENCE  
7 THE SAME BY CERTIFICATES AND NOTE AND DEBENTURES;

8 (i) TO ISSUE BONDS IN ACCORDANCE WITH SECTION 24-46-409;

9 (j) TO INVEST ANY OF THE AUTHORITY'S FUNDS THAT ARE NOT  
10 REQUIRED FOR IMMEDIATE DISBURSEMENT;

11 (k) TO DEPOSIT ANY FUNDS NOT REQUIRED FOR IMMEDIATE  
12 DISBURSEMENT IN ANY DEPOSITORY AUTHORIZED IN SECTION 24-75-603  
13 AND, FOR THE PURPOSE OF MAKING THE DEPOSITS, TO APPOINT BY WRITTEN  
14 RESOLUTION ONE OR MORE PERSONS TO ACT AS CUSTODIANS OF THE  
15 AUTHORITY'S FUND, WHICH PERSON SHALL GIVE SURETY BONDS IN THE  
16 AMOUNTS AND FORM AND FOR THE PURPOSES REQUIRED BY THE  
17 AUTHORITY;

18 (l) TO MAKE APPROPRIATIONS AND EXPENDITURES OF ITS FUNDS  
19 AND TO SET UP, ESTABLISH, AND MAINTAIN GENERAL, SEPARATE, OR  
20 SPECIAL FUNDS AND BANK ACCOUNTS OR OTHER ACCOUNTS AS IT DEEMS  
21 NECESSARY OR CONVENIENT TO CARRY OUT THIS PART 4;

22 (m) TO ACCEPT ON ITS OWN BEHALF REAL OR PERSONAL PROPERTY  
23 FOR ITS OWN USE;

24 (n) TO ACCEPT GIFTS AND CONVEYANCES MADE TO THE  
25 AUTHORITY UPON THE TERMS OR CONDITIONS APPROVED BY THE  
26 AUTHORITY'S BOARD;

27 (o) TO ADOPT, AMEND, AND ENFORCE BYLAWS AND RULES THAT

1 ARE NOT IN CONFLICT WITH THE CONSTITUTION AND LAWS OF THE STATE  
2 FOR CARRYING OUT THE BUSINESS, OBJECTS, AND AFFAIRS OF THE  
3 AUTHORITY;

4 (p) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
5 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS GRANTED TO  
6 THE TRANSIT INVESTMENT AUTHORITY BY THIS PART 4. THE SPECIFIC  
7 POWERS SHALL NOT BE CONSIDERED A LIMITATION UPON ANY POWER  
8 NECESSARY OR APPROPRIATE TO CARRY OUT THIS PART 4.

9 (q) TO AUTHORIZE THE USE OF ELECTRONIC RECORDS OR  
10 SIGNATURES AND TO ADOPT RULES, STANDARDS, POLICIES, AND  
11 PROCEDURES FOR USE OF ELECTRONIC RECORDS OR SIGNATURES PURSUANT  
12 TO ARTICLE 71.3 OF THIS TITLE 24.

13 (4) A TRANSIT INVESTMENT AUTHORITY DOES NOT HAVE THE  
14 POWER OF EMINENT DOMAIN AND DOES NOT HAVE THE POWER TO IMPOSE  
15 OR LEVY ANY SALES TAX, USE TAX, PROPERTY TAX, OR ANY OTHER TAX.

16 (5) THE BOARD OF DIRECTORS OF A TRANSIT INVESTMENT  
17 AUTHORITY IS SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART  
18 2 OF ARTICLE 72 OF THIS TITLE 24, AND THE "COLORADO SUNSHINE ACT  
19 OF 1972", ARTICLE 6 OF THIS TITLE 24.

20 **24-46-406. State sales tax increment revenue.**

21 (1) IN ORDER TO IMPLEMENT THE COLLECTION OF STATE SALES TAX  
22 INCREMENT REVENUE, THE RESOLUTION ADOPTED BY THE COMMISSION  
23 APPROVING A TRANSIT INVESTMENT PROJECT SHALL STATE THAT THE  
24 DEPARTMENT SHALL, NO LATER THAN NINETY DAYS AFTER THE  
25 COMMISSION'S ADOPTION OF THE RESOLUTION AND AFTER RETAINING AN  
26 AMOUNT OF THE STATE SALES TAX INCREMENT REVENUE ESTABLISHED BY  
27 THE DEPARTMENT AS NECESSARY TO OFFSET THE DEPARTMENT'S ACTUAL

1 DIRECT COSTS AND EXPENSES INCURRED IN PERFORMING THE  
2 DEPARTMENT'S COLLECTION AND DISBURSEMENT FUNCTIONS ESTABLISHED  
3 IN THIS PART 4 IN CONNECTION WITH THE TRANSIT INVESTMENT PROJECT,  
4 DIVIDE AND DISTRIBUTE STATE SALES TAXES LEVIED AND COLLECTED ON  
5 SALES MADE AT PHYSICAL SITES WITHIN THE TRANSIT INVESTMENT AREA  
6 COMMENCING ON THE FIRST DAY OF THE FIRST MONTH AFTER THE  
7 DEPARTMENT HAS COLLECTED THE BASE YEAR REVENUE FOR THE YEAR  
8 AFTER THE EFFECTIVE DATE OF THE COMMISSION'S APPROVAL OF THE  
9 PROJECT AS FOLLOWS:

10 (a) FIRST, THE PORTION OF STATE SALES TAXES COLLECTED ON  
11 SALES MADE AT PHYSICAL SITES WITHIN THE BOUNDARIES OF THE TRANSIT  
12 INVESTMENT AREA EQUAL TO THE BASE YEAR REVENUE AND THE BASELINE  
13 GROWTH RATE IS PAID INTO THE STATE TREASURY AS STATE SALES TAXES  
14 ARE NORMALLY COLLECTED AND PAID;

15 (b) SECOND, THE STATE SALES TAXES COLLECTED ON SALES MADE  
16 AT PHYSICAL SITES WITHIN THE BOUNDARIES OF THE TRANSIT INVESTMENT  
17 AREA EQUAL TO THE STATE SALES TAX INCREMENT REVENUE ~~IS~~ ARE PAID  
18 INTO A SPECIAL FUND ESTABLISHED BY THE FINANCING ENTITY PURSUANT  
19 TO SUBSECTION (2) OF THIS SECTION; AND

20 (c) THIRD, ANY EXCESS STATE SALES TAX COLLECTIONS NOT  
21 ALLOCATED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION ARE PAID  
22 INTO THE STATE TREASURY AS SALES TAXES ARE NORMALLY COLLECTED  
23 AND PAID AND, IF THERE IS INSUFFICIENT STATE SALES TAXES COLLECTED  
24 ON SALES MADE AT PHYSICAL SITES WITHIN THE BOUNDARIES OF THE  
25 TRANSIT INVESTMENT AREA TO MAKE THE ALLOCATION DESCRIBED IN  
26 SUBSECTION (1)(b) OF THIS SECTION, THE STATE TREASURER SHALL  
27 TRANSFER THE NECESSARY DIFFERENCE FROM STATE SALES TAX REVENUE

1 PAID INTO THE GENERAL FUND PURSUANT TO SUBSECTION (1)(a) OF THIS  
2 SECTION INTO THE SAME SPECIAL FUND ESTABLISHED BY THE FINANCING  
3 ENTITY PURSUANT TO SUBSECTION (2) OF THIS SECTION.

4 (2) (a) A FINANCING ENTITY MUST SEGREGATE REVENUE  
5 ALLOCATED TO THE FINANCING ENTITY BY THE DEPARTMENT PURSUANT  
6 TO SUBSECTION (1)(b) OF THIS SECTION IN A SPECIAL FUND. THE  
7 FINANCING ENTITY SHALL SEGREGATE THE SPECIAL FUND FROM THE  
8 FINANCING ENTITY'S OTHER FUNDS. THE FINANCING ENTITY MAY USE THE  
9 MONEY IN THE SPECIAL FUND TO PAY THE PRINCIPAL OF, THE INTEREST ON,  
10 AND ANY PREMIUMS DUE IN CONNECTION WITH THE BONDS OF, LOANS OR  
11 ADVANCES TO, OR INDEBTEDNESS INCURRED BY, WHETHER FUNDED,  
12 REFUNDED, ASSUMED, OR OTHERWISE, THE FINANCING ENTITY FOR  
13 FINANCING OR REFINANCING, IN WHOLE OR IN PART, A TRANSIT  
14 INVESTMENT PROJECT.

15 (b) A FINANCING ENTITY MAY USE REVENUE ALLOCATED TO THE  
16 FINANCING ENTITY BY THE DEPARTMENT PURSUANT TO SUBSECTION (1)(b)  
17 OF THIS SECTION SOLELY TO FINANCE ELIGIBLE COSTS INCURRED FOR THE  
18 PURPOSE OF CONSTRUCTING THE ELIGIBLE IMPROVEMENTS AND  
19 IMPLEMENTING THE TRANSIT INVESTMENT PROJECT.

20 (3) STATE SALES TAX INCREMENT REVENUE, TOGETHER WITH ANY  
21 INVESTMENT INCOME EARNED ON THAT REVENUE, IS FOR ALL PURPOSES  
22 ASSIGNED TO, THE PROPERTY OF, AND THE REVENUE OF THE APPLICABLE  
23 FINANCING ENTITY AND IS NOT FOR ANY PURPOSE REVENUE OR PROPERTY  
24 OF THE STATE.

25 (4) A SINGLE DEBT ISSUANCE OF A FINANCING ENTITY MUST NOT  
26 HAVE A MATURITY DATE IN EXCESS OF THIRTY YEARS FROM THE DATE OF  
27 ISSUANCE, UNLESS THE FINANCING ENTITY BOTH:

1           (a) ANTICIPATES ISSUING A SERIES OF BONDS OR OTHER FORMS OF  
2 DEBT; AND

3           (b) HAS THE ABILITY TO CONSOLIDATE OR REFINANCE PREVIOUSLY  
4 ISSUED DEBT OR BONDS WITH A MATURITY DATE FOR SUCH CONSOLIDATED  
5 OR REFINANCED DEBT OR BONDS NOT TO EXCEED THIRTY YEARS FROM THE  
6 DATE OF ISSUANCE OF THE CONSOLIDATING OR REFINANCING BONDS.

7           (5) ON OR BEFORE JULY 1, 2029, AND ON OR BEFORE JULY 1 EVERY  
8 THREE YEARS THEREAFTER, THE DEPARTMENT MUST SUBMIT A REPORT TO  
9 THE OFFICE OF STATE PLANNING AND BUDGETING AND THE COMMISSION ON  
10 TECHNOLOGICAL OR OTHER METHODS TO INCORPORATE DELIVERY SALES  
11 INTO THE CALCULATION OF THE INCREMENT AND TO ALLOW FOR THE  
12 DESIGNATION OF ADDITIONAL TRANSIT AND HOUSING INVESTMENT ZONES  
13 AND TRANSIT INVESTMENT AREAS, INCLUDING COST ESTIMATES,  
14 ADMINISTRATIVE BURDEN, AND BURDEN ON TAXPAYERS.

15           **24-46-407. Annual report - audit.**

16           (1)(a) WITHIN NINETY DAYS OF THE END OF THE FIRST FULL STATE  
17 FISCAL YEAR AFTER THE COMMISSION APPROVES A TRANSIT INVESTMENT  
18 PROJECT AND ON THE SAME DATE EACH YEAR THEREAFTER, THE  
19 FINANCING ENTITY SHALL PREPARE AND SUBMIT TO THE COMMISSION AN  
20 ANNUAL REPORT DETAILING:

21           (I) THE TOTAL AMOUNT OF STATE SALES TAX INCREMENT REVENUE  
22 THAT THE FINANCING ENTITY HAS RECEIVED OVER THE PAST YEAR;

23           (II) HOW THE FINANCING ENTITY HAS SPENT THE STATE SALES TAX  
24 INCREMENT REVENUE THAT IT HAS RECEIVED;

25           (III) PROJECTED STATE SALES TAX INCREMENT REVENUE FOR THE  
26 REMAINDER OF THE PERIOD FOR WHICH THE FINANCING ENTITY MAY  
27 RECEIVE STATE SALES TAX INCREMENT REVENUE; AND



1           (IV) A SUMMARY OF THE STATUS OF CONSTRUCTION OF THE  
2 ELIGIBLE IMPROVEMENTS RELATED TO THE TRANSIT INVESTMENT PROJECT.

3           (b) IN ADDITION TO THE INFORMATION DESCRIBED IN SUBSECTION  
4 (1)(a) OF THIS SECTION, A FINANCING ENTITY SUBMITTING A REPORT  
5 PURSUANT TO THIS SUBSECTION (1) SHALL ALSO INCLUDE IN THAT REPORT  
6 WHETHER THE FINANCIAL ENTITY IS USING ANY STATE SALES TAX  
7 INCREMENT REVENUE FOR PURPOSES OTHER THAN FOR ELIGIBLE COSTS  
8 AND ANY OTHER FINANCIAL INFORMATION THAT IS REASONABLY REQUIRED  
9 BY THE COMMISSION.

10          (c) IF ANY INFORMATION PROVIDED IN THE ANNUAL REPORT  
11 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION WILL BE A TRADE  
12 SECRET, PROPRIETARY, OR OTHERWISE ENTITLED TO PROTECTION  
13 PURSUANT TO PART 2 OF ARTICLE 72 OF THIS TITLE 24, THAT INFORMATION  
14 IS SO DESIGNATED BY THE FINANCING ENTITY AND KEPT CONFIDENTIAL BY  
15 THE STATE.

16          (d) THE GOVERNING BODY OF THE FINANCING ENTITY SHALL  
17 ATTEST TO THE ACCURACY OF THE INFORMATION PROVIDED IN THE  
18 ANNUAL REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

19          (2) (a) IN CONNECTION WITH THE ANNUAL REPORT REQUIRED  
20 PURSUANT TO SUBSECTION (1) OF THIS SECTION, A FINANCING ENTITY  
21 SHALL SUBMIT AN INDEPENDENT AUDIT OF ITS FINANCIAL STATUS THAT IS  
22 PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT ATTESTING TO THE  
23 ACCURACY OF THE ANNUAL REPORT.

24          (b) IF THE AUDIT PREPARED PURSUANT TO SUBSECTION (2)(a) OF  
25 THIS SECTION FINDS THAT A FINANCING ENTITY HAS USED STATE SALES  
26 TAX INCREMENT REVENUE FOR UNAUTHORIZED PURPOSES, THE FINANCING  
27 ENTITY IS LIABLE FOR THE REPAYMENT TO THE GENERAL FUND OF THE

1 STATE SALES TAX INCREMENT REVENUE THAT WAS INTENDED FOR THE  
2 TRANSIT INVESTMENT PROJECT. THE FINANCING ENTITY MAY MAKE THE  
3 REPAYMENT:

4 (I) FROM THE FINANCING ENTITY'S FUNDS DERIVED FROM SOURCES  
5 OTHER THAN STATE SALES TAX INCREMENT REVENUE;

6 (II) BY OFFSETTING AGAINST FUTURE STATE SALES TAX  
7 INCREMENT REVENUE THAT THE DEPARTMENT WOULD OTHERWISE  
8 DISBURSE TO THE FINANCING ENTITY; OR

9 (III) FROM OTHER FUNDS THAT ARE LEGALLY AVAILABLE TO THE  
10 FINANCING ENTITY FOR SUCH PURPOSE.

11 (4) IF A FINANCING ENTITY IS A COUNTY REVITALIZATION  
12 AUTHORITY, A METROPOLITAN DISTRICT, AN AUTHORITY FORMED BY  
13 INTERGOVERNMENTAL AGREEMENT AMONG TWO OR MORE METROPOLITAN  
14 DISTRICTS, A REGIONAL TRANSPORTATION AUTHORITY, OR AN URBAN  
15 RENEWAL AUTHORITY, IT MAY COMPLY WITH THIS SECTION BY SUBMITTING  
16 TO THE COMMISSION A COPY OF THE REPORT THAT THE COUNTY  
17 REVITALIZATION AUTHORITY, METROPOLITAN DISTRICT, AUTHORITY  
18 FORMED BY INTERGOVERNMENTAL AGREEMENT AMONG TWO OR MORE  
19 METROPOLITAN DISTRICTS, REGIONAL TRANSPORTATION AUTHORITY, OR  
20 URBAN RENEWAL AUTHORITY IS OTHERWISE REQUIRED TO SUBMIT TO A  
21 LOCAL GOVERNMENT PURSUANT TO LAW. THE FINANCING ENTITY SHALL  
22 DELIVER A COPY OF THE REPORT THAT THE COUNTY REVITALIZATION  
23 AUTHORITY, METROPOLITAN DISTRICT, AUTHORITY FORMED BY  
24 INTERGOVERNMENTAL AGREEMENT AMONG TWO OR MORE METROPOLITAN  
25 DISTRICTS, REGIONAL TRANSPORTATION AUTHORITY, OR URBAN RENEWAL  
26 AUTHORITY IS OTHERWISE REQUIRED TO SUBMIT TO A LOCAL GOVERNMENT  
27 PURSUANT TO LAW AT THE SAME TIME AS AN ANNUAL REPORT OR AUDIT

1 OTHERWISE REQUIRED BY LAW.

2 (5) THE OFFICE OF ECONOMIC DEVELOPMENT AND THE  
3 DEPARTMENT SHALL PREPARE A REPORT FOR THE OFFICE OF ECONOMIC  
4 DEVELOPMENT TO SUBMIT NO LATER THAN NOVEMBER 1 OF THE  
5 APPLICABLE FISCAL YEAR TO THE FINANCE COMMITTEES OF THE HOUSE OF  
6 REPRESENTATIVES AND SENATE; THE BUSINESS AND ECONOMIC  
7 DEVELOPMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES; AND THE  
8 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE OF THE SENATE; OR ANY  
9 SUCCESSOR COMMITTEES. THE REPORT SHALL INCLUDE INFORMATION ON  
10 ALL STATE SALES TAX INCREMENT REVENUE COLLECTED FOR TRANSIT  
11 INVESTMENT DURING THE PRIOR STATE FISCAL YEAR AND INFORMATION  
12 FROM THE REPORTS REQUIRED PURSUANT TO SUBSECTION (6) OF THIS  
13 SECTION.

14 (6) (a) EACH YEAR, NO LATER THAN SEPTEMBER 1, THE  
15 DEPARTMENT SHALL REPORT TO THE COMMISSION THE AGGREGATE  
16 AMOUNT OF STATE SALES TAX INCREMENT REVENUE ALLOCATED TO  
17 FINANCING ENTITIES FOR APPROVED TRANSIT INVESTMENT PROJECTS.

18 (b) EVERY TWO YEARS, NO LATER THAN NOVEMBER 1, THE OFFICE  
19 OF ECONOMIC DEVELOPMENT AND THE DEPARTMENT SHALL REPORT TO  
20 THE COMMISSION DETAILED INFORMATION ON EACH TRANSIT INVESTMENT  
21 PROJECT APPROVED TO RECEIVE STATE SALES TAX INCREMENT REVENUE,  
22 INCLUDING:

23 (I) THE AMOUNT OF STATE SALES TAX INCREMENT REVENUE  
24 ALLOCATED FOR THE PROJECT;

25 (II) THE BOUNDARIES OF THE APPROVED TRANSIT INVESTMENT  
26 AREA AND NARRATIVE FOR THE TRANSIT INVESTMENT PROJECT;

27 (III) THE PROPOSED TERM OF FINANCING AND THE NEW NET

1 REVENUE THAT IS APPROVED FOR THE TRANSIT INVESTMENT PROJECT;  
2 (IV) THE ACTUAL STATE SALES TAX INCREMENT REVENUE  
3 COLLECTED WITHIN THE TRANSIT INVESTMENT AREA COMPARED TO THE  
4 PROJECTED REVENUES CONTAINED IN THE APPROVED APPLICATION THAT  
5 PROPOSED THE TRANSIT INVESTMENT AREA; AND  
6 (V) AN ASSESSMENT OF THE OVERALL EFFECTIVENESS OF THE  
7 TRANSIT INVESTMENT PROJECT IN ACHIEVING INCREASED TRANSIT  
8 RIDERSHIP.

9 **24-46-408. Commencement of development.**

10 (1) SUBSTANTIAL WORK ON A TRANSIT INVESTMENT PROJECT,  
11 INCLUDING THE FINANCING ENTITY'S ISSUANCE OF BONDS OR OTHER DEBT  
12 INSTRUMENTS, THE REPAYMENT OF WHICH IS SECURED BY A PLEDGE OF  
13 THE STATE SALES TAX INCREMENT REVENUE OR THE COMMENCEMENT OF  
14 ACTUAL DEVELOPMENT OR PREDEVELOPMENT, SUCH AS ERECTING  
15 PERMANENT STRUCTURES, EXCAVATING THE GROUND TO LAY  
16 FOUNDATIONS, MASS GRADING OF THE SITE, OR WORK OF A SIMILAR  
17 DESCRIPTION THAT MANIFESTS AN INTENTION AND PURPOSE TO COMPLETE  
18 THE PROJECT MUST COMMENCE WITHIN FIVE YEARS FROM THE DATE OF  
19 THE COMMISSION'S APPROVAL OF THE PROJECT.

20 (2) IF SUBSTANTIAL WORK ON THE TRANSIT INVESTMENT PROJECT  
21 TOWARD THE GOALS SPECIFIED IN THE APPLICATION PURSUANT TO SECTION  
22 24-46-403 DOES NOT COMMENCE WITHIN FIVE YEARS OF THE  
23 COMMISSION'S APPROVAL, THE COMMISSION MAY REVOKE OR MODIFY ITS  
24 APPROVAL OF THE FINANCING ENTITY OR THE PROJECT. REVOCATION OF  
25 APPROVAL MAY BE APPEALED TO THE COMMISSION, WHICH MAY  
26 REINSTATE ITS APPROVAL UPON A SHOWING OF GOOD CAUSE FOR THE  
27 DELAY. IF SUBSTANTIAL WORK ON THE PROJECT DOES NOT COMMENCE

1        WITHIN ONE YEAR OF REINSTATEMENT OF APPROVAL FROM THE  
2        COMMISSION, THE COMMISSION SHALL REVOKE APPROVAL OF THE PROJECT.

3            (3) UPON THE REVOCATION OF THE APPROVAL OF A FINANCING  
4        ENTITY OR THE TRANSIT INVESTMENT PROJECT:

5            (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(b) OF  
6        THIS SECTION, THE COMMISSION MAY REQUIRE THE FINANCING ENTITY TO  
7        REFUND TO THE STATE TREASURER ANY STATE SALES TAX INCREMENT  
8        REVENUE THAT THE PROJECT HAS GENERATED OR THAT THE FINANCING  
9        ENTITY HAS COLLECTED FROM THE TIME OF THE ORIGINAL APPROVAL FOR  
10       THE PROJECT OR FINANCING ENTITY;

11           (b) ANY STATE SALES TAX INCREMENT REVENUE THAT THE  
12       TRANSIT INVESTMENT PROJECT HAS GENERATED OR THAT THE FINANCING  
13       ENTITY HAS COLLECTED FROM THE TIME OF THE ORIGINAL APPROVAL FOR  
14       THE PROJECT OR FINANCING ENTITY MAY REMAIN DEDICATED TO THE  
15       PROJECT ONLY TO THE EXTENT THAT IT HAS BEEN PREVIOUSLY EXPENDED  
16       OR PLEDGED BY THE FINANCING ENTITY FOR THE FINANCING OF ELIGIBLE  
17       COSTS; AND

18           (c) THE STATE SHALL NOT REMIT FURTHER FUNDS TO THE REVOKED  
19       FINANCIAL ENTITY OR TRANSIT INVESTMENT PROJECT.

20           (4) IN EVALUATING WHETHER SUBSTANTIAL WORK HAS BEEN  
21       COMMENCED FOR PURPOSES OF ADMINISTERING THIS SECTION, THE  
22       COMMISSION SHALL RELY ON THE INFORMATION AND DATA SUPPLIED IN  
23       THE ANNUAL REPORTS SUBMITTED BY THE FINANCING ENTITY OR  
24       CERTIFIED PUBLIC ACCOUNTANT PURSUANT TO SECTION 24-46-407 AND  
25       ANY SUPPLEMENTAL DATA DEEMED NECESSARY BY THE COMMISSION.

26           (5) THE COMMISSION ONLY HAS THE AUTHORITY TO REVOKE ITS  
27       APPROVAL OF A FINANCING ENTITY OR A TRANSIT INVESTMENT PROJECT

1 PURSUANT TO THIS SECTION.

2 **24-46-409. Issuance of bonds by a financing entity.**

3 (1) A FINANCING ENTITY MAY ISSUE BONDS FROM TIME TO TIME IN  
4 ITS DISCRETION TO FINANCE ANY ELIGIBLE IMPROVEMENTS WITH RESPECT  
5 TO A TRANSIT INVESTMENT PROJECT AND MAY ALSO ISSUE REFUNDING OR  
6 OTHER BONDS OF THE FINANCING ENTITY FROM TIME TO TIME IN ITS  
7 DISCRETION FOR THE PAYMENT, RETIREMENT, RENEWAL, OR EXTENSION OF  
8 ANY BONDS PREVIOUSLY ISSUED BY THE FINANCING ENTITY UNDER THIS  
9 SECTION AND TO PROVIDE FOR THE REPLACEMENT OF LOST, DESTROYED,  
10 OR MUTILATED BONDS PREVIOUSLY ISSUED UNDER THIS SECTION.

11 (2) (a) BONDS ISSUED UNDER THIS SECTION MAY BE GENERAL  
12 OBLIGATION OR SPECIAL REVENUE BONDS OF THE FINANCING ENTITY, THE  
13 PAYMENT OF WHICH, AS TO PRINCIPAL AND INTEREST AND PREMIUMS, IF  
14 ANY, THE FULL FAITH, CREDIT, AND ASSETS, ACQUIRED AND TO BE  
15 ACQUIRED, OF THE FINANCING ENTITY ARE IRREVOCABLY PLEDGED.

16 (b) BONDS ISSUED UNDER THIS SECTION MAY BE SPECIAL  
17 OBLIGATIONS OF THE FINANCING ENTITY THAT, AS TO PRINCIPAL AND  
18 INTEREST AND PREMIUMS, IF ANY, ARE PAYABLE SOLELY FROM AND  
19 SECURED ONLY BY A PLEDGE OF ANY INCOME, PROCEEDS, REVENUES, OR  
20 FUNDS OF THE FINANCING ENTITY, INCLUDING, WITHOUT LIMITATION,  
21 STATE SALES TAX INCREMENT REVENUE.

22 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
23 ANY BONDS ISSUED UNDER THIS SECTION MAY BE ADDITIONALLY SECURED  
24 AS TO THE PAYMENT OF THE PRINCIPAL AND INTEREST AND PREMIUMS, IF  
25 ANY, BY A MORTGAGE OF ANY TRANSIT INVESTMENT PROJECT, OR ANY  
26 PART THEREOF, TITLE TO WHICH IS THEN OR THEREAFTER IN THE  
27 FINANCING ENTITY OR OF ANY OTHER REAL OR PERSONAL PROPERTY OR

1 INTERESTS THEREIN THEN OWNED OR THEREAFTER ACQUIRED BY THE  
2 FINANCING ENTITY.

3 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
4 GENERAL OBLIGATION BONDS ISSUED UNDER THIS SECTION MAY BE  
5 ADDITIONALLY SECURED AS TO THE PAYMENT OF THE PRINCIPAL AND  
6 INTEREST AND PREMIUMS, IF ANY, AS PROVIDED IN SUBSECTION (2) OF THIS  
7 SECTION, WITH OR WITHOUT BEING ALSO ADDITIONALLY SECURED AS TO  
8 PAYMENT OF THE PRINCIPAL AND INTEREST AND PREMIUMS, IF ANY, BY A  
9 MORTGAGE AS PROVIDED IN SUBSECTION (3) OF THIS SECTION OR A TRUST  
10 AGREEMENT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION.

11 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
12 ANY BONDS ISSUED UNDER THIS SECTION MAY BE ADDITIONALLY SECURED  
13 AS TO THE PAYMENT OF THE PRINCIPAL AND INTEREST AND PREMIUMS, IF  
14 ANY, BY A TRUST AGREEMENT OR INDENTURE BY AND BETWEEN THE  
15 FINANCING ENTITY AND A CORPORATE TRUSTEE, WHICH MAY BE ANY  
16 TRUST COMPANY OR BANK HAVING THE POWERS OF A TRUST COMPANY  
17 WITHIN OR WITHOUT THE STATE.

18 (6) BONDS ISSUED UNDER THIS SECTION DO NOT CONSTITUTE AN  
19 INDEBTEDNESS OF THE STATE OR OF ANY COUNTY, MUNICIPALITY, OR  
20 PUBLIC BODY OF THE STATE OTHER THAN THE FINANCING ENTITY ISSUING  
21 THE BONDS AND ARE NOT SUBJECT TO ANY OTHER LAW OR OF THE  
22 CHARTER OF ANY MUNICIPALITY RELATING TO THE AUTHORIZATION,  
23 ISSUANCE, OR SALE OF BONDS.

24 (7) BONDS ISSUED UNDER THIS SECTION SHALL BE AUTHORIZED BY  
25 A RESOLUTION OF THE FINANCING ENTITY AND MAY BE ISSUED IN ONE OR  
26 MORE SERIES AND SHALL BEAR SUCH DATE; BE PAYABLE UPON DEMAND OR  
27 MATURE AT A TIME DETERMINED BY THE FINANCING ENTITY NOT TO

1 EXCEED THIRTY YEARS, EXCEPT AS THE MATURITY MAY BE EXTENDED IN  
2 ACCORDANCE WITH SECTION 24-46-406 (4); BEAR INTEREST AT A RATE  
3 PAYABLE OR COMPOUNDABLE AT INTERVALS DETERMINED BY THE  
4 FINANCING ENTITY; BE IN SUCH DENOMINATION; BE IN SUCH FORM, EITHER  
5 COUPON OR REGISTERED OR OTHERWISE; CARRY SUCH CONVERSION OR  
6 REGISTRATION PRIVILEGES; HAVE SUCH RANK OR PRIORITY; BE EXECUTED  
7 IN THE NAME OF THE FINANCING ENTITY IN SUCH MANNER, BE PAYABLE IN  
8 SUCH MEDIUM OF PAYMENT; BE PAYABLE AT SUCH PLACE; BE SUBJECT TO  
9 SUCH CALLABILITY PROVISIONS OR TERMS OF REDEMPTION, WITH OR  
10 WITHOUT PREMIUMS; BE SECURED IN SUCH MANNER; BE OF SUCH  
11 DESCRIPTION; CONTAIN OR BE SUBJECT TO SUCH COVENANTS, PROVISIONS,  
12 TERMS, CONDITIONS, AND AGREEMENTS, INCLUDING PROVISIONS  
13 CONCERNING EVENTS OF DEFAULT; AND HAVE OTHER CHARACTERISTICS  
14 THAT MAY BE PROVIDED BY THE RESOLUTION OR BY THE TRUST  
15 AGREEMENT, INDENTURE, OR MORTGAGE, IF ANY, ISSUED PURSUANT TO  
16 THE RESOLUTION. THE SEAL, OR A FACSIMILE THEREOF, OF THE FINANCING  
17 ENTITY SHALL BE AFFIXED, IMPRINTED, ENGRAVED, OR OTHERWISE  
18 REPRODUCED UPON EACH OF ITS BONDS ISSUED UNDER THIS SECTION.  
19 BONDS ISSUED UNDER THIS SECTION SHALL BE EXECUTED IN THE NAME OF  
20 THE FINANCING ENTITY BY THE MANUAL OR FACSIMILE SIGNATURES OF  
21 OFFICIALS THAT MAY BE DESIGNATED IN SAID RESOLUTION OR TRUST  
22 AGREEMENT, INDENTURE, OR MORTGAGE; EXCEPT THAT AT LEAST ONE  
23 SIGNATURE ON EACH BOND SHALL BE A MANUAL SIGNATURE. COUPONS, IF  
24 ANY, ATTACHED TO THE BONDS SHALL BEAR THE FACSIMILE SIGNATURE OF  
25 THE OFFICIAL OF THE FINANCING ENTITY THAT MAY BE DESIGNATED AS  
26 PROVIDED IN THIS SUBSECTION (7). SAID RESOLUTION OR TRUST  
27 AGREEMENT, INDENTURE, OR MORTGAGE MAY PROVIDE FOR THE



1 AUTHENTICATION OF THE PERTINENT BONDS BY THE TRUSTEE.

2 (8) BONDS ISSUED UNDER THIS SECTION MAY BE SOLD BY THE  
3 FINANCING ENTITY IN A MANNER AND FOR A PRICE AS THE FINANCING  
4 ENTITY, IN ITS DISCRETION, MAY DETERMINE, AT PAR, BELOW PAR, OR  
5 ABOVE PAR, AT PRIVATE SALE OR AT PUBLIC SALE AFTER NOTICE IS  
6 PUBLISHED PRIOR TO THE SALE IN A NEWSPAPER HAVING GENERAL  
7 CIRCULATION IN THE MUNICIPALITY, OR IN ANOTHER MEDIUM OF  
8 PUBLICATION AS THE FINANCING ENTITY MAY DEEM APPROPRIATE, OR MAY  
9 BE EXCHANGED BY THE FINANCING ENTITY FOR OTHER BONDS ISSUED BY  
10 IT UNDER THIS SECTION.

11 (9) IF ANY OF THE OFFICIALS OF THE FINANCING ENTITY WHOSE  
12 SIGNATURES OR FACSIMILE SIGNATURES APPEAR ON ANY OF ITS BONDS OR  
13 COUPONS ISSUED UNDER THIS SECTION CEASE TO BE OFFICIALS BEFORE THE  
14 DELIVERY OF THE BONDS, THE SIGNATURES OR FACSIMILE SIGNATURES, AS  
15 THE CASE MAY BE, ARE NEVERTHELESS VALID AND SUFFICIENT FOR ALL  
16 PURPOSES, THE SAME AS IF THE OFFICIALS HAD REMAINED IN OFFICE UNTIL  
17 THE DELIVERY.

18 (10) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY  
19 BONDS THAT ARE ISSUED PURSUANT TO THIS SECTION ARE FULLY  
20 NEGOTIABLE.

21 (11) IN ANY SUIT, ACTION, OR PROCEEDING INVOLVING THE  
22 VALIDITY OR ENFORCEABILITY OF ANY A BOND THAT IS ISSUED UNDER THIS  
23 SECTION OR THE SECURITY OF SUCH A BOND, ANY BOND RECITING IN  
24 SUBSTANCE THAT IT HAS BEEN ISSUED BY THE FINANCING ENTITY IN  
25 CONNECTION WITH A TRANSIT INVESTMENT PROJECT OR ANY ACTIVITY OR  
26 OPERATION OF THE FINANCING ENTITY UNDER THIS PART 4 IS  
27 CONCLUSIVELY DEEMED TO HAVE BEEN ISSUED FOR SUCH PURPOSES; AND

1 SUCH TRANSIT INVESTMENT PROJECT OR SUCH OPERATION OR ACTIVITY, AS  
2 THE CASE MAY BE, IS CONCLUSIVELY DEEMED TO HAVE BEEN INITIATED,  
3 PLANNED, LOCATED, UNDERTAKEN, ACCOMPLISHED, AND CARRIED OUT IN  
4 ACCORDANCE WITH THIS PART 4. ANY SUIT, ACTION, OR PROCEEDING  
5 INVOLVING THE VALIDITY OR ENFORCEABILITY OF ANY BOND THAT IS  
6 ISSUED UNDER THIS SECTION OR THE SECURITY OF SUCH A BOND SHALL BE  
7 COMMENCED WITHIN THIRTY DAYS OF THE AUTHORIZATION OF THE BOND  
8 OR BONDS BY THE FINANCING ENTITY.

9 (12) PENDING THE PREPARATION OF ANY DEFINITIVE BONDS UNDER  
10 THIS SECTION, A FINANCING ENTITY MAY ISSUE ITS INTERIM CERTIFICATES  
11 OR RECEIPTS OR ITS TEMPORARY BONDS, WITH OR WITHOUT COUPONS,  
12 EXCHANGEABLE FOR DEFINITIVE BONDS WHEN THE LATTER HAVE BEEN  
13 EXECUTED AND ARE AVAILABLE FOR DELIVERY.

14 (13) A PERSON RETAINED OR EMPLOYED BY A FINANCING ENTITY  
15 AS AN ADVISOR OR A CONSULTANT FOR THE PURPOSE OF RENDERING  
16 FINANCIAL ADVICE AND ASSISTANCE MAY PURCHASE OR PARTICIPATE IN  
17 THE PURCHASE OR DISTRIBUTION OF ITS BONDS WHEN THE BONDS ARE  
18 OFFERED AT PUBLIC OR PRIVATE SALE.

19 (14) NO COMMISSIONER OR OTHER OFFICER OF A FINANCING  
20 ENTITY ISSUING BONDS UNDER THIS SECTION AND NO PERSON EXECUTING  
21 THE BONDS IS LIABLE PERSONALLY ON THE BONDS OR IS SUBJECT TO ANY  
22 PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE  
23 OF THE BONDS.

24 (15) NO COMMISSIONER OR OTHER OFFICER OF A TRANSIT  
25 INVESTMENT AUTHORITY ISSUING BONDS PURSUANT TO THIS PART 4 AND  
26 NO PERSON EXECUTING THE BONDS IS LIABLE PERSONALLY ON THE BONDS  
27 OR SUBJECT TO ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON

1 OF THE ISSUANCE OF THE BONDS.

2 (16) BONDS THAT ARE ISSUED PURSUANT TO THIS PART 4 ARE  
3 DECLARED TO BE ISSUED FOR AN ESSENTIAL PUBLIC AND GOVERNMENTAL  
4 PURPOSE AND, TOGETHER WITH INTEREST THEREON AND INCOME  
5 THEREFROM, ARE EXEMPT FROM ALL STATE OF COLORADO TAXES.

6 **SECTION 3.** In Colorado Revised Statutes, **add** 24-35-123 as  
7 follows:

8 **24-35-123. Transit investment area - authority of department**  
9 **- definitions.**

10 (1) IN ADDITION TO THE OTHER FUNCTIONS AND POWERS OF THE  
11 DEPARTMENT AND THE EXECUTIVE DIRECTOR PURSUANT TO THIS PART 1,  
12 THE DEPARTMENT SHALL:

13 (a) ESTABLISH AND DETERMINE THE BASE YEAR REVENUE FOR  
14 EACH TRANSIT INVESTMENT AREA;

15 (b) COLLECT, ACCOUNT FOR, AND REMIT TO THE APPLICABLE  
16 FINANCING ENTITY THE RELEVANT AMOUNT OF STATE SALES TAX  
17 INCREMENT REVENUE GENERATED WITHIN EACH TRANSIT INVESTMENT  
18 AREA;

19 (c) SHARE DATA AS NECESSARY WITH THE COLORADO OFFICE OF  
20 ECONOMIC DEVELOPMENT IN CONNECTION WITH THE "TRANSIT  
21 INVESTMENT AREA ACT", PART 4 OF ARTICLE 46 OF THIS TITLE 24; AND

22 (d) OTHERWISE PERFORM THE FUNCTIONS REQUIRED OF THE  
23 DEPARTMENT IN THE WRITTEN NOTICE PROVIDED TO THE EXECUTIVE  
24 DIRECTOR IN CONNECTION WITH THE ESTABLISHMENT OF A FINANCING  
25 ENTITY OR TRANSIT INVESTMENT AREA.

26 (2) THE EXECUTIVE DIRECTOR HAS THE AUTHORITY TO:

27 (a) CREATE FORMS AND ADOPT RULES AS NECESSARY OR

1 CONVENIENT TO IMPLEMENT THE DEPARTMENT'S RESPONSIBILITIES WITH  
2 RESPECT TO THE DETERMINATION OF BASE YEAR REVENUE, COLLECTION  
3 AND DISBURSEMENT OF STATE SALES TAX INCREMENT REVENUE, AND  
4 OTHER FUNCTIONS OF THE DEPARTMENT PURSUANT TO PART 4 OF ARTICLE  
5 46 OF THIS TITLE 24; AND

6 (b) ENTER INTO CONTRACTS WITH FINANCING ENTITIES, IN THE  
7 MANNER PROVIDED FOR IN SECTION 24-35-110, REGARDING THE  
8 PERFORMANCE OF THE DEPARTMENT'S FUNCTIONS IN IMPLEMENTING PART  
9 4 OF ARTICLE 46 OF THIS TITLE 24.

10 (3) ALL STATE SALES TAX INCREMENT REVENUE COLLECTED BY  
11 THE DEPARTMENT ON BEHALF OF A FINANCING ENTITY IS FOR ALL  
12 PURPOSES ASSIGNED TO, THE PROPERTY OF, AND THE REVENUE OF THE  
13 APPLICABLE FINANCING ENTITY AND IS NOT TO BE CONSTRUED OR TREATED  
14 FOR ANY PURPOSE AS REVENUE OR PROPERTY OF THE STATE.

15 (4) IN COLLECTING AND DISBURSING STATE SALES TAX INCREMENT  
16 REVENUE AS PROVIDED IN THIS SECTION AND OTHERWISE PERFORMING ITS  
17 RESPONSIBILITIES PURSUANT TO PART 4 OF ARTICLE 46 OF THIS TITLE 24,  
18 THE DEPARTMENT SHALL ACT SOLELY AS A COLLECTING AGENT FOR A  
19 FINANCING ENTITY AND SHALL SEGREGATE IN A SEPARATE FUND ANY  
20 PORTION OF STATE SALES TAX INCREMENT REVENUE THAT IS DEDICATED  
21 TO THE FINANCING ENTITY BUT WILL NOT BE REMITTED TO THE FINANCING  
22 ENTITY IN THE IMMEDIATE FUTURE.

23 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
24 REQUIRES:

25 (a) "BASE YEAR REVENUE" HAS THE MEANING SET FORTH IN  
26 SECTION 24-46-402 (2).

27 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE

1       CREATED IN SECTION 24-35-101.

2               (c) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
3       THE DEPARTMENT.

4               (d) "FINANCING ENTITY" HAS THE MEANING SET FORTH IN SECTION  
5       24-46-402 (10).

6               (e) "STATE SALES TAX INCREMENT REVENUE" HAS THE MEANING  
7       SET FORTH IN SECTION 24-46-402 (16).

8               (f) "TRANSIT INVESTMENT AREA" HAS THE MEANING SET FORTH IN  
9       SECTION 24-46-402 (19).

10              **SECTION 4.** In Colorado Revised Statutes, **add** 24-48.5-136 as  
11      follows:

12              **24-48.5-136. Transit and housing investment zones map -**  
13      **transit and housing investment zone criteria - definitions.**

14              (1) ON OR BEFORE OCTOBER 30, 2026, THE COLORADO OFFICE OF  
15      ECONOMIC DEVELOPMENT, IN CONSULTATION WITH THE DEPARTMENT OF  
16      LOCAL AFFAIRS AND THE DEPARTMENT OF TRANSPORTATION, SHALL  
17      PUBLISH A TRANSIT AND HOUSING INVESTMENT ZONE MAP BASED ON THE  
18      CRITERIA FOR IDENTIFYING TRANSIT AND HOUSING INVESTMENT ZONES  
19      ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

20              (2) THE DEPARTMENT SHALL DESIGNATE TRANSIT AND HOUSING  
21      INVESTMENT ZONES, FOR PURPOSES OF SUBSECTION (1) OF THIS SECTION,  
22      AND SHALL DO SO BASED ON THE LOCATION OF TRANSPORTATION  
23      FACILITIES AS IDENTIFIED IN A PUBLISHED TRANSIT PLAN AND MAY, IN  
24      CONSULTATION WITH LOCAL GOVERNMENTS AND TRANSIT AGENCIES, USE  
25      PREEXISTING ROUTES, MAPS, AND SCHEDULES TO INFORM THE  
26      DEPARTMENT'S DESIGNATION OF TRANSIT AND HOUSING INVESTMENT  
27      ZONES.

1           (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
2 REQUIRES:

3           (a) "PASSENGER RAIL STATION" HAS THE MEANING SET FORTH IN  
4 SECTION 32-22-102 (8).

5           (b) "TRANSIT AND HOUSING INVESTMENT ZONE" MEANS THE AREA  
6 WITHIN ONE AND ONE-HALF MILES OF A TRANSPORTATION FACILITY AS  
7 IDENTIFIED BY THE DEPARTMENT IN THE TRANSIT AND HOUSING  
8 INVESTMENT ZONES MAP CREATED PURSUANT TO SUBSECTION (1) OF THIS  
9 SECTION.

10           (c) "TRANSIT STATION" HAS THE MEANING SET FORTH IN SECTION  
11 24-46-402 (22).

12           (d) "TRANSPORTATION FACILITY" MEANS A TRANSIT STATION OR  
13 PASSENGER RAIL STATION.

14           **SECTION 5.** In Colorado Revised Statutes, 29-1-102, **amend**  
15 (13) as follows:

16           **29-1-102. Definitions.**

17           As used in this part 1, unless the context otherwise requires:

18           (13) "Local government" means any authority, county,  
19 municipality, city and county, district, or other political subdivision of the  
20 state of Colorado; any institution, department, agency, or authority of any  
21 of the foregoing; and any other entity, organization, or corporation  
22 formed by intergovernmental agreement or other contract between or  
23 among any of the foregoing. The office of the county public trustee shall  
24 be deemed an agency of the county for the purposes of this part 1. "Local  
25 government" does not include the Colorado educational and cultural  
26 facilities authority, the university of Colorado hospital authority,  
27 colleinvest, the Colorado health facilities authority, the Colorado

1 housing and finance authority, the Colorado agricultural development  
2 authority, the Colorado sheep and wool authority, the Colorado beef  
3 council authority, the Colorado horse development authority, the building  
4 urgent infrastructure and leveraging dollars authority, the middle-income  
5 housing authority, the fire and police pension association, A TRANSIT  
6 INVESTMENT AUTHORITY, any public entity insurance or investment pool  
7 formed pursuant to state law, any county or municipal housing authority,  
8 any association of political subdivisions formed pursuant to section  
9 29-1-401, or any home rule city or town, home rule city and county, cities  
10 and towns operating under a territorial charter, school district, or local  
11 college district.

12 **SECTION 6.** In Colorado Revised Statutes, **add** 30-31-116.5 as  
13 follows:

14 **30-31-116.5. Transit investment areas - definition.**

15 (1) A COUNTY REVITALIZATION AUTHORITY THAT IS DESIGNATED  
16 AS A FINANCING ENTITY, PURSUANT TO PART 4 OF ARTICLE 46 OF TITLE 24,  
17 HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT PART 4  
18 OF ARTICLE 46 OF TITLE 24, INCLUDING THE POWER TO RECEIVE STATE  
19 SALES TAX INCREMENT REVENUE GENERATED WITHIN AN APPROVED  
20 TRANSIT INVESTMENT AREA, AS DEFINED IN SECTION 24-46-402 (19), AND  
21 TO DISBURSE AND OTHERWISE USE THE REVENUE FOR ALL LAWFUL  
22 PURPOSES, INCLUDING FINANCING ELIGIBLE COSTS AND THE DESIGN,  
23 CONSTRUCTION, MAINTENANCE, AND OPERATION OF ELIGIBLE  
24 IMPROVEMENTS, AS SUCH TERMS ARE DEFINED IN SECTION 24-46-402 OR  
25 OTHERWISE INCORPORATED INTO THE COLORADO ECONOMIC  
26 DEVELOPMENT COMMISSION'S CONDITIONS OF APPROVAL.

27 (2) NOTWITHSTANDING SECTION 30-31-109 (8), AUTHORIZATION

1 TO RECEIVE STATE SALES TAX INCREMENT REVENUE, PURSUANT TO PART  
2 4 OF ARTICLE 46 OF TITLE 24, IS NOT A SUBSTANTIAL MODIFICATION TO  
3 THE PLAN, AND CORRESPONDING CHANGES TO THE PLAN MAY BE MADE BY  
4 THE GOVERNING BODY OF THE AUTHORITY TO INCORPORATE THE USE OF  
5 STATE SALES TAX INCREMENT REVENUE WITHOUT THE REQUIREMENT OF  
6 SUBMISSION TO OR APPROVAL BY THE GOVERNING BODY OF THE COUNTY  
7 THAT HAS ESTABLISHED THE AUTHORITY.

8 (3) A COUNTY REVITALIZATION AUTHORITY THAT RECEIVES STATE  
9 SALES TAX INCREMENT REVENUE, WHETHER PURSUANT TO DESIGNATION  
10 AS A FINANCING ENTITY PURSUANT TO PART 4 OF ARTICLE 46 OF TITLE 24,  
11 OR PURSUANT TO A CONTRACT ENTERED INTO WITH ANY SUCH FINANCING  
12 ENTITY, SHALL NOT USE THE STATE SALES TAX INCREMENT REVENUE TO  
13 ACQUIRE PROPERTY THROUGH THE EXERCISE OF EMINENT DOMAIN.

14 (4) NOTHING IN THIS SECTION OBVIATES OR OVERRIDES THE  
15 REQUIREMENTS FOR THE AUTHORIZATION OF A NEW COUNTY  
16 REVITALIZATION AUTHORITY PURSUANT TO THIS ARTICLE 31.

17 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
18 REQUIRES, "STATE SALES TAX INCREMENT REVENUE" HAS THE MEANING  
19 SET FORTH IN SECTION 24-46-402 (16).

20 **SECTION 7.** In Colorado Revised Statutes, **add** 31-25-117 as  
21 follows:

22 **31-25-117. Transit investment areas - definition.**

23 (1) AN URBAN RENEWAL AUTHORITY THAT IS DESIGNATED AS A  
24 FINANCING ENTITY PURSUANT TO PART 4 OF ARTICLE 46 OF TITLE 24 HAS  
25 ALL OF THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT PART 4 OF  
26 ARTICLE 46 OF TITLE 24, INCLUDING THE POWERS TO RECEIVE STATE SALES  
27 TAX INCREMENT REVENUE GENERATED WITHIN AN APPROVED TRANSIT



1 INVESTMENT AREA, AS DEFINED IN SECTION 24-46-402 (19), AND DISBURSE  
2 AND OTHERWISE USE SUCH REVENUE FOR ALL LAWFUL PURPOSES,  
3 INCLUDING FINANCING OF ELIGIBLE COSTS AND THE DESIGN,  
4 CONSTRUCTION, MAINTENANCE, AND OPERATION OF ELIGIBLE  
5 IMPROVEMENTS, AS SUCH TERMS ARE DEFINED IN SECTION 24-46-402, OR  
6 OTHERWISE INCORPORATED INTO THE COLORADO ECONOMIC  
7 DEVELOPMENT COMMISSION'S CONDITIONS OF APPROVAL.

8 (2) NOTWITHSTANDING SECTION 31-25-107 (7), AUTHORIZATION  
9 TO RECEIVE STATE SALES TAX INCREMENT REVENUE, PURSUANT TO PART  
10 4 OF ARTICLE 46 OF TITLE 24, IS NOT A SUBSTANTIAL MODIFICATION TO  
11 THE PLAN AND CORRESPONDING CHANGES TO THE PLAN MAY BE MADE BY  
12 THE GOVERNING BODY OF THE AUTHORITY TO INCORPORATE THE USE OF  
13 STATE SALES TAX INCREMENT REVENUE WITHOUT THE REQUIREMENT OF  
14 SUBMISSION TO OR APPROVAL BY THE GOVERNING BODY OF A  
15 MUNICIPALITY THAT HAS ESTABLISHED THE AUTHORITY PURSUANT TO  
16 SECTION 31-25-104 (1).

17 (3) AN URBAN RENEWAL AUTHORITY THAT RECEIVES STATE SALES  
18 TAX INCREMENT REVENUE, WHETHER PURSUANT TO DESIGNATION AS A  
19 FINANCING ENTITY PURSUANT TO PART 4 OF ARTICLE 46 OF TITLE 24, OR  
20 PURSUANT TO A CONTRACT ENTERED INTO WITH ANY SUCH FINANCING  
21 ENTITY, SHALL NOT USE THE STATE SALES TAX INCREMENT REVENUE TO  
22 ACQUIRE PROPERTY THROUGH THE EXERCISE OF EMINENT DOMAIN.

23 (4) NOTHING IN THIS SECTION OBVIATES OR OVERRIDES THE  
24 REQUIREMENTS FOR THE AUTHORIZATION OF A NEW URBAN RENEWAL  
25 AUTHORITY UNDER THIS PART 1.

26 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
27 REQUIRES, "STATE SALES TAX INCREMENT REVENUE" HAS THE MEANING

1 SET FORTH IN SECTION 24-46-402 (16).

2 **SECTION 8.** In Colorado Revised Statutes, **add** 32-1-1010 as  
3 follows:

4 **32-1-1010. Transit investment areas - definition.**

5 (1) IN ADDITION TO THE POWERS SPECIFIED IN THIS PART 10, AND  
6 NOTWITHSTANDING ANY LIMITATION ON THE POWERS OF A METROPOLITAN  
7 DISTRICT OTHERWISE SPECIFIED IN THIS PART 10 OR IN THE METROPOLITAN  
8 DISTRICT'S SERVICE PLAN, ANY METROPOLITAN DISTRICT DESIGNATED AS  
9 AN APPROVED FINANCING ENTITY, PURSUANT TO PART 4 OF ARTICLE 46 OF  
10 TITLE 24, HAS ALL THE POWERS NECESSARY OR CONVENIENT TO CARRY  
11 OUT PART 4 OF ARTICLE 46 OF TITLE 24, INCLUDING THE POWER TO  
12 RECEIVE STATE SALES TAX INCREMENT REVENUE AND TO DISBURSE AND  
13 OTHERWISE USE SUCH REVENUE FOR ALL LAWFUL PURPOSES PURSUANT TO  
14 PART 4 OF ARTICLE 4 OF TITLE 24. LAWFUL PURPOSES INCLUDE THE  
15 FINANCING OF ELIGIBLE COSTS AND THE DESIGN, CONSTRUCTION,  
16 MAINTENANCE, AND OPERATION OF ELIGIBLE IMPROVEMENTS AS DEFINED  
17 IN SECTION 24-46-402 (9) OR OTHERWISE INCORPORATED INTO THE  
18 COLORADO ECONOMIC DEVELOPMENT COMMISSION'S CONDITIONS OF  
19 APPROVAL PURSUANT TO PART 4 OF ARTICLE 46 OF TITLE 24.

20 (2) NOTWITHSTANDING ANY PROVISION OF SECTION 32-1-207 OR  
21 OF THE METROPOLITAN DISTRICT'S SERVICE PLAN, AUTHORIZATION TO  
22 RECEIVE STATE SALES TAX INCREMENT REVENUE, PURSUANT TO PART 4 OF  
23 ARTICLE 46 OF TITLE 24, IS NOT CONSIDERED A SUBSTANTIAL  
24 MODIFICATION TO THE PLAN AND CORRESPONDING CHANGES TO THE PLAN  
25 MAY BE MADE BY THE GOVERNING BODY TO INCORPORATE THE USE OF  
26 STATE SALES TAX INCREMENT REVENUE OF THE METROPOLITAN DISTRICT  
27 WITHOUT THE REQUIREMENT OF PETITION TO OR APPROVAL BY THE BOARD

1 OF COUNTY COMMISSIONERS OR THE GOVERNING BODY OF THE  
2 MUNICIPALITY, AS APPLICABLE.

3 (3) A METROPOLITAN DISTRICT RECEIVING STATE SALES TAX  
4 INCREMENT REVENUE, WHETHER PURSUANT TO DESIGNATION AS A  
5 FINANCING ENTITY PURSUANT TO PART 4 OF ARTICLE 46 OF TITLE 24, OR  
6 PURSUANT TO A CONTRACT ENTERED INTO WITH ANY SUCH ENTITY, SHALL  
7 NOT USE THE STATE SALES TAX INCREMENT REVENUE TO ACQUIRE  
8 PROPERTY THROUGH THE EXERCISE OF EMINENT DOMAIN.

9 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
10 REQUIRES, "STATE SALES TAX INCREMENT REVENUE" HAS THE MEANING  
11 SET FORTH IN SECTION 24-46-402 (16).

12 **SECTION 9.** In Colorado Revised Statutes, 39-21-113, **add** (40)  
13 as follows:

14 **39-21-113. Reports and returns - rule - repeal.**

15 (40)(a) NOTWITHSTANDING THE CONFIDENTIALITY REQUIREMENTS  
16 IN THIS SECTION:

17 (I) THE EXECUTIVE DIRECTOR MAY PROVIDE THE COLORADO  
18 OFFICE OF ECONOMIC DEVELOPMENT WITH ANY INFORMATION OBTAINED  
19 PURSUANT TO THIS SECTION IN RELATION TO PART 4 OF ARTICLE 46 OF  
20 TITLE 24 AND, IN CONNECTION WITH PROVIDING THE INFORMATION, MAY  
21 ENTER INTO AN AGREEMENT WITH THE COLORADO OFFICE OF ECONOMIC  
22 DEVELOPMENT THAT PROVIDES FOR THE PAYMENT OF THE COSTS  
23 INCURRED IN CONNECTION WITH SUPPLYING THE INFORMATION AND  
24 PROVIDING FOR THE PERIODIC UPDATING OF THE INFORMATION SUPPLIED;  
25 AND

26 (II) BOTH THE EXECUTIVE DIRECTOR AND THE COLORADO OFFICE  
27 OF ECONOMIC DEVELOPMENT MAY PROVIDE INFORMATION OBTAINED

1 PURSUANT TO THIS SECTION IN RELATION TO PART 4 OF ARTICLE 46 OF  
2 TITLE 24 TO A THIRD-PARTY ANALYST.

3 (b) ANY INFORMATION PROVIDED TO THE COLORADO OFFICE OF  
4 ECONOMIC DEVELOPMENT OR A THIRD-PARTY ADMINISTRATOR PURSUANT  
5 TO THIS SUBSECTION (40) IS CONFIDENTIAL, AND ALL EMPLOYEES OF THE  
6 COLORADO OFFICE OF ECONOMIC DEVELOPMENT AND THE THIRD-PARTY  
7 ANALYST ARE SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (4)  
8 OF THIS SECTION AND THE PENALTIES SPECIFIED IN SUBSECTION (6) OF THIS  
9 SECTION.

10 **SECTION 10.** In Colorado Revised Statutes, **add** part 57 to  
11 article 22 of title 39 as follows:

12 **PART 57**  
13 **COLORADO AFFORDABLE HOUSING IN**  
14 **TRANSIT AND HOUSING INVESTMENT ZONES**  
15 **TAX CREDIT**

16 **39-22-5701. Tax preference performance statement - report.**

17 (1) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH  
18 REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE  
19 A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A STATUTORY  
20 LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY FINDS AND  
21 DECLARES THAT THE PURPOSE OF THE TAX CREDIT PROVIDED IN THIS  
22 SECTION IS TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS BY  
23 SUPPORTING THE DEVELOPMENT OF AFFORDABLE HOUSING WITHIN  
24 TRANSIT AND HOUSING INVESTMENT ZONES.

25 (2) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL  
26 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE  
27 SPECIFIED IN SUBSECTION (1) OF THIS SECTION BASED ON THE REPORT

1 DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

2 (3) FOR EACH ALLOCATION YEAR, THE AUTHORITY SHALL, BY  
3 DECEMBER 31 OF THAT YEAR, PROVIDE A WRITTEN REPORT TO THE  
4 GENERAL ASSEMBLY AND MAKE THE REPORT AVAILABLE TO THE PUBLIC.  
5 WITH RESPECT TO TAX CREDITS ALLOCATED PURSUANT TO THIS PART 57,  
6 THE REPORT MUST:

7 (a) SPECIFY THE TOTAL NUMBER OF QUALIFIED DEVELOPMENTS  
8 AND UNITS SUPPORTED BY EACH DEVELOPMENT IN CONNECTION WITH THE  
9 CREDIT;

10 (b) DESCRIBE EACH QUALIFIED DEVELOPMENT IN CONNECTION  
11 WITH WHICH THE AUTHORITY ISSUED CREDITS, INCLUDING IN THAT  
12 DESCRIPTION THE GEOGRAPHIC LOCATION OF THE DEVELOPMENT, THE  
13 HOUSEHOLD TYPE AND ANY SPECIFIC DEMOGRAPHIC INFORMATION  
14 AVAILABLE ABOUT RESIDENTS INTENDED TO BE SERVED BY THE  
15 DEVELOPMENT, THE INCOME LEVELS INTENDED TO BE SERVED BY THE  
16 DEVELOPMENT, AND THE RENTS OR SET-ASIDES AUTHORIZED FOR EACH  
17 DEVELOPMENT; AND

18 (c) PROVIDE HOUSING MARKET AND DEMOGRAPHIC INFORMATION  
19 THAT DEMONSTRATES HOW THE QUALIFIED DEVELOPMENTS SUPPORTED BY  
20 CREDITS ARE ADDRESSING THE NEED FOR AFFORDABLE HOUSING WITHIN  
21 THE COMMUNITIES THEY ARE INTENDED TO SERVE AS WELL AS  
22 INFORMATION ABOUT ANY REMAINING DISPARITIES IN THE AFFORDABILITY  
23 OF HOUSING WITHIN THOSE COMMUNITIES.

24 **39-22-5702. Definitions.**

25 AS USED IN THIS PART 57, UNLESS THE CONTEXT OTHERWISE  
26 REQUIRES:

27 (1) "ALLOCATION CERTIFICATE" MEANS A STATEMENT ISSUED BY

1 THE AUTHORITY CERTIFYING THAT A GIVEN DEVELOPMENT QUALIFIES FOR  
2 THE CREDIT AND SPECIFYING THE AMOUNT OF THE CREDIT ALLOWED.

3 (2) "ALLOCATION PLAN" MEANS AN ALLOCATION PLAN ADOPTED  
4 BY THE AUTHORITY THAT GOVERNS THE SELECTION CRITERIA AND  
5 PREFERENCES FOR ALLOCATING THE TAX CREDIT ALLOWED PURSUANT TO  
6 THIS PART 57.

7 (3) "AUTHORITY" MEANS THE COLORADO HOUSING AND FINANCE  
8 AUTHORITY CREATED IN SECTION 29-4-704.

9 (4) "COMPLIANCE PERIOD" MEANS THE PERIOD OF FIFTEEN YEARS  
10 BEGINNING WITH THE FIRST TAXABLE YEAR OF A CREDIT PERIOD.

11 (5) "CREDIT" MEANS THE COLORADO AFFORDABLE HOUSING IN  
12 TRANSIT AND HOUSING INVESTMENT ZONES TAX CREDIT ALLOWED  
13 PURSUANT TO THIS PART 57.

14 (6) "CREDIT PERIOD" MEANS THE PERIOD OF SIX INCOME TAX  
15 YEARS BEGINNING WITH THE INCOME TAX YEAR IN WHICH A QUALIFIED  
16 DEVELOPMENT IS PLACED IN SERVICE. IF A QUALIFIED DEVELOPMENT IS  
17 COMPRISED OF MORE THAN ONE BUILDING, THE DEVELOPMENT IS DEEMED  
18 TO BE PLACED IN SERVICE IN THE INCOME TAX YEAR DURING WHICH THE  
19 LAST BUILDING OF THE QUALIFIED DEVELOPMENT IS PLACED IN SERVICE.

20 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

21 (8) "FEDERAL TAX CREDIT" MEANS THE FEDERAL LOW-INCOME  
22 HOUSING TAX CREDIT PROVIDED BY SECTION 42 OF THE INTERNAL  
23 REVENUE CODE.

24 (9) "QUALIFIED BASIS" MEANS THE QUALIFIED BASIS OF THE  
25 DEVELOPMENT AS DETERMINED PURSUANT TO SECTION 42 OF THE  
26 INTERNAL REVENUE CODE.

27 (10) "QUALIFIED DEVELOPMENT" MEANS A HOUSING

1 DEVELOPMENT THAT IS LOCATED IN A TRANSIT AND HOUSING INVESTMENT  
2 ZONE WITHIN THE STATE AND IS DETERMINED BY THE AUTHORITY TO MEET  
3 THE CRITERIA ESTABLISHED IN THE ALLOCATION PLAN, INCLUDING  
4 PROVIDING THE REQUIRED NUMBER OF AFFORDABLE HOUSING UNITS.

5 (11) "QUALIFIED TAXPAYER" MEANS AN INDIVIDUAL, A PERSON, A  
6 FIRM, A CORPORATION, OR ANY OTHER ENTITY THAT OWNS AN INTEREST,  
7 DIRECT OR INDIRECT, IN A QUALIFIED DEVELOPMENT AND IS SUBJECT TO  
8 THE TAXES IMPOSED BY THIS ARTICLE 22.

9 (12) "TRANSIT AND HOUSING INVESTMENT ZONE" MEANS THE AREA  
10 DESIGNATED BY THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT IN  
11 THE TRANSIT AND HOUSING INVESTMENT ZONE MAP PURSUANT TO SECTION  
12 24-48.5-136.

13 **39-22-5703. Credit against tax - affordable housing located in**  
14 **a transit and housing investment zone.**

15 (1) FOR INCOME TAX YEARS DURING THE CREDIT PERIOD, THERE IS  
16 ALLOWED TO ANY QUALIFIED TAXPAYER A CREDIT WITH RESPECT TO THE  
17 INCOME TAXES IMPOSED BY THIS ARTICLE 22 IN THE AMOUNT DETERMINED  
18 BY THE AUTHORITY PURSUANT TO THIS PART 57.

19 (2) (a) DURING EACH CALENDAR YEAR OF THE PERIOD BEGINNING  
20 ON JANUARY 1, 2027, AND ENDING ON DECEMBER 31, 2033, THE  
21 AUTHORITY MAY ALLOCATE A CREDIT, THE FULL AMOUNT OF WHICH MAY  
22 BE CLAIMED AGAINST THE TAXES IMPOSED BY THIS ARTICLE 22, FOR EACH  
23 TAXABLE YEAR OF THE SIX-YEAR CREDIT PERIOD. DURING EACH  
24 CALENDAR YEAR OF THE PERIOD BEGINNING ON JANUARY 1, 2027, AND  
25 ENDING ON DECEMBER 31, 2033, THE AGGREGATE AMOUNT OF THE  
26 CREDITS ALLOCATED BY THE AUTHORITY SHALL NOT EXCEED EIGHT  
27 MILLION THREE HUNDRED THIRTY-THREE THOUSAND THREE HUNDRED

1 THIRTY-THREE DOLLARS.

2 (b) THE AUTHORITY MAY ALSO ALLOCATE NO MORE THAN HALF OF  
3 ANY UNALLOCATED CREDITS FROM THE IMMEDIATELY PRECEDING  
4 CALENDAR YEAR, AND THESE UNALLOCATED CREDITS ARE NOT INCLUDED  
5 IN THE ANNUAL DOLLAR LIMITS SPECIFIED IN SUBSECTION (2)(a) OF THIS  
6 SECTION.

7 (c) THE AGGREGATE AMOUNT OF CREDITS ALLOCATED BY THE  
8 AUTHORITY IN EACH OF THE 2027 THROUGH 2033 CALENDAR YEARS MUST  
9 NOT EXCEED THE AGGREGATE AMOUNT OF ANY CREDIT RECAPTURED OR  
10 OTHERWISE RETURNED TO THE AUTHORITY IN THE CALENDAR YEAR.

11 (3) THE AUTHORITY MAY ALLOCATE CREDITS TO AN OWNER OF A  
12 QUALIFIED DEVELOPMENT BY ISSUING TO THE OWNER AN ALLOCATION  
13 CERTIFICATE. THE AUTHORITY MAY DETERMINE THE TIME AT WHICH THE  
14 ALLOCATION CERTIFICATE IS ISSUED. THE CREDIT MUST BE IN AN AMOUNT  
15 DETERMINED BY THE AUTHORITY, SUBJECT TO THE FOLLOWING  
16 GUIDELINES:

17 (a) THE CREDIT MUST BE NECESSARY FOR THE FINANCIAL  
18 FEASIBILITY OF THE DEVELOPMENT; AND

19 (b) THE AGGREGATE SUM OF CREDITS ALLOCATED ANNUALLY  
20 MUST NOT EXCEED THE LIMITS SET FORTH IN SUBSECTION (2) OF THIS  
21 SECTION.

22 (4) IF AN OWNER OF A QUALIFIED DEVELOPMENT RECEIVING AN  
23 ALLOCATION OF A CREDIT IS A PARTNERSHIP, LIMITED LIABILITY COMPANY,  
24 S CORPORATION, OR SIMILAR PASS-THROUGH ENTITY, THE OWNER MAY  
25 ALLOCATE THE CREDIT AMONG ITS PARTNERS, SHAREHOLDERS, MEMBERS,  
26 OR OTHER QUALIFIED TAXPAYERS IN ANY MANNER AGREED TO BY SUCH  
27 PERSONS REGARDLESS OF WHETHER ANY SUCH PERSONS ARE DEEMED A



1 PARTNER FOR FEDERAL INCOME TAX PURPOSES. THE OWNER SHALL  
2 CERTIFY TO THE DEPARTMENT THE AMOUNT OF CREDIT ALLOCATED TO  
3 EACH PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED TAXPAYER.  
4 EACH PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED TAXPAYER  
5 ADMITTED AS A PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED  
6 TAXPAYER OF THE OWNER PRIOR TO THE FILING OF A TAX RETURN  
7 CLAIMING THE CREDIT IS ALLOWED TO CLAIM SUCH AMOUNT SUBJECT TO  
8 ANY RESTRICTIONS SET FORTH IN THIS PART 57.

9 (5) (a) THE AUTHORITY MAY ALLOCATE CREDITS TO A  
10 GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY, INCLUDING THE  
11 MIDDLE-INCOME HOUSING AUTHORITY CREATED IN SECTION 29-4-1104,  
12 WITH RESPECT TO A QUALIFIED DEVELOPMENT THAT IS OWNED BY SUCH  
13 ENTITY.

14 (b) (I) A GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY MAY  
15 TRANSFER CREDITS THAT THE AUTHORITY HAS ALLOCATED TO IT  
16 PURSUANT TO THIS SUBSECTION (5) TO AN INDIVIDUAL, PERSON, FIRM,  
17 CORPORATION, OR OTHER ENTITY SUBJECT TO THE TAXES IMPOSED BY THIS  
18 ARTICLE 22.

19 (II) A GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY THAT  
20 TRANSFERS A CREDIT PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION  
21 SHALL INVEST IN THE RELEVANT QUALIFIED DEVELOPMENT ANY  
22 COMPENSATION RECEIVED IN CONNECTION WITH THE TRANSFER MADE  
23 PURSUANT TO SUBSECTION (5)(b)(I) OF THIS SECTION AND SHALL NOTIFY  
24 THE DEPARTMENT OF THE IDENTITY OF THE TRANSFEREE.

25 (III) A TRANSFEREE TO WHICH A CREDIT IS TRANSFERRED BY A  
26 GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY PURSUANT TO THIS  
27 SUBSECTION (5)(b) IS ENTITLED TO CLAIM THE CREDIT IN THE SAME

1 MANNER AND SUBJECT TO THE SAME CONDITIONS AND ALLOCATION  
2 RIGHTS AS AN OWNER OF A QUALIFIED DEVELOPMENT TO WHICH THE  
3 AUTHORITY HAS ALLOCATED A CREDIT PURSUANT TO SUBSECTION (3) OF  
4 THIS SECTION.

5 (c) (I) CREDITS THAT THE AUTHORITY HAS ALLOCATED TO A  
6 GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY PURSUANT TO  
7 SUBSECTION (5)(a) OF THIS SECTION OR A CREDIT THAT A GOVERNMENTAL  
8 OR QUASI-GOVERNMENTAL ENTITY TRANSFERS PURSUANT TO SUBSECTION  
9 (5)(b) OF THIS SECTION ARE SUBJECT TO RECAPTURE PURSUANT TO  
10 SECTION 39-22-5704.

11 (II) IF A CREDIT TRANSFERRED BY A GOVERNMENTAL OR  
12 QUASI-GOVERNMENTAL ENTITY IS RECAPTURED PURSUANT TO SECTION  
13 39-22-5704, THE TRANSFEREE MUST INCREASE THE TRANSFEREE'S STATE  
14 INCOME TAX LIABILITY PURSUANT TO SECTION 39-22-5704 IN THE MANNER  
15 AND TO THE SAME EXTENT AS A PARTNER, SHAREHOLDER, MEMBER, OR  
16 OTHER QUALIFIED TAXPAYER ALLOCATED A CREDIT PURSUANT TO SECTION  
17 39-22-5703 (4).

18 (6) NO CREDIT SHALL BE ALLOCATED PURSUANT TO THIS PART 57  
19 UNLESS THE QUALIFIED DEVELOPMENT IS THE SUBJECT OF A RECORDED  
20 DEED RESTRICTION REQUIRING THE DEVELOPMENT TO BE MAINTAINED AND  
21 OPERATED AS A QUALIFIED DEVELOPMENT, AND IS IN ACCORDANCE WITH  
22 THE ACCESSIBILITY AND ADAPTABILITY REQUIREMENTS OF THE FEDERAL  
23 TAX CREDITS AND TITLE VIII OF THE "CIVIL RIGHTS ACT OF 1968", AS  
24 AMENDED BY THE "FAIR HOUSING AMENDMENTS ACT OF 1988", 42 U.S.C.  
25 SEC. 3601 ET SEQ., FOR A PERIOD OF FIFTEEN INCOME TAX YEARS, OR A  
26 LONGER PERIOD AS MAY BE AGREED TO BETWEEN THE AUTHORITY AND  
27 THE OWNER, BEGINNING WITH THE FIRST TAXABLE YEAR OF THE CREDIT

1 PERIOD UNLESS CORRECTED WITHIN THE TIME THAT IS APPLICABLE TO  
2 DEVELOPMENTS RECEIVING FEDERAL TAX CREDITS PURSUANT TO SECTION  
3 42(h)(6)(J) OF THE INTERNAL REVENUE CODE AS APPLICABLE TO THE  
4 COVENANT DESCRIBED IN THIS SUBSECTION (6).

5 (7) THE ALLOCATED CREDIT AMOUNT MAY BE TAKEN AGAINST THE  
6 TAXES IMPOSED BY THIS ARTICLE 22 FOR EACH INCOME TAX YEAR OF THE  
7 CREDIT PERIOD AS SET FORTH IN SUBSECTION (2) OF THIS SECTION. ANY  
8 AMOUNT OF CREDIT THAT EXCEEDS THE TAX DUE FOR AN INCOME TAX  
9 YEAR MAY BE CARRIED FORWARD AS A TAX CREDIT AGAINST THE INCOME  
10 TAX LIABILITY FOR THE THREE SUBSEQUENT TAX YEARS AND MUST BE  
11 APPLIED FIRST TO THE EARLIEST YEARS POSSIBLE. ANY AMOUNT OF THE  
12 CREDIT THAT IS NOT USED MUST NOT BE REFUNDED TO THE TAXPAYER.

13 (8) UNLESS OTHERWISE PROVIDED IN THIS PART 57 OR THE  
14 CONTEXT CLEARLY REQUIRES OTHERWISE, THE AUTHORITY SHALL  
15 DETERMINE ELIGIBILITY FOR A CREDIT AND ALLOCATE CREDITS IN  
16 ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS SET FORTH IN  
17 THE ALLOCATION PLAN; HOWEVER, THE AUTHORITY SHALL ADMINISTER  
18 THE CREDIT ALLOWED PURSUANT TO THIS PART 57 CONSISTENTLY WITH  
19 THE CREDIT PURSUANT TO PART 21 OF THIS ARTICLE 22 EXCEPT TO THE  
20 EXTENT THE ALLOCATION PLAN IS INCONSISTENT WITH PART 21 OF THIS  
21 ARTICLE 22, IN WHICH CASE THE ALLOCATION PLAN CONTROLS.  
22 NOTWITHSTANDING THE FOREGOING, ANY COMBINATION OF FEDERAL AND  
23 STATE CREDITS, OR STANDALONE AMOUNT OF STATE CREDITS, ALLOWED  
24 MUST BE THE LEAST AMOUNT NECESSARY TO ENSURE THE FINANCIAL  
25 FEASIBILITY OF A QUALIFIED DEVELOPMENT.

26 **39-22-5704. Recapture.**

27 (1) AS OF THE LAST DAY OF ANY TAXABLE YEAR DURING THE

1 COMPLIANCE PERIOD, IF THE AMOUNT OF THE QUALIFIED BASIS OF A  
2 QUALIFIED DEVELOPMENT WITH RESPECT TO A TAXPAYER IS LESS THAN  
3 THE AMOUNT OF THE QUALIFIED BASIS AS OF THE LAST DAY OF THE PRIOR  
4 TAXABLE YEAR, THEN THE AMOUNT OF THE TAXPAYER'S STATE INCOME  
5 TAX LIABILITY FOR THAT TAXABLE YEAR MUST BE INCREASED BY THE  
6 CREDIT RECAPTURE AMOUNT.

7 (2) FOR PURPOSES OF SUBSECTION (1) OF THIS SECTION, THE  
8 CREDIT RECAPTURE AMOUNT IS AN AMOUNT EQUAL TO THE AGGREGATE  
9 DECREASE IN THE CREDIT ALLOWED TO THE TAXPAYER PURSUANT TO THIS  
10 PART 57 FOR ALL PRIOR TAXABLE YEARS THAT WOULD HAVE RESULTED IF  
11 THE ACCELERATED PORTION OF THE CREDIT ALLOWABLE BY REASON OF  
12 THIS PART 57 WAS NOT ALLOWED FOR ALL PRIOR TAXABLE YEARS WITH  
13 RESPECT TO THE REDUCED AMOUNT OF QUALIFIED BASIS DESCRIBED IN  
14 SUBSECTION (1) OF THIS SECTION.

15 (3) FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION, THE  
16 ACCELERATED PORTION OF THE CREDIT FOR THE PRIOR TAXABLE YEARS  
17 WITH RESPECT TO ANY AMOUNT OF QUALIFIED BASIS IS THE DIFFERENCE  
18 BETWEEN:

19 (a) THE AGGREGATE AMOUNT OF THE CREDIT ALLOWED PURSUANT  
20 TO THIS PART 57, NOTWITHSTANDING THIS SUBSECTION (3), FOR THE YEARS  
21 WITH RESPECT TO THE QUALIFIED BASIS; AND

22 (b) THE AGGREGATE AMOUNT OF THE CREDIT THAT WOULD BE  
23 ALLOWED PURSUANT TO THIS PART 57 FOR THE YEARS WITH RESPECT TO  
24 THE QUALIFIED BASIS IF THE AGGREGATE CREDIT THAT WOULD HAVE BEEN  
25 ALLOWABLE, BUT FOR THIS SUBSECTION (3), FOR THE ENTIRE COMPLIANCE  
26 PERIOD WERE ALLOWABLE RATABLY OVER FIFTEEN YEARS.

27 (4) IN THE EVENT THAT RECAPTURE OF ANY CREDIT IS REQUIRED

1 IN ANY TAX YEAR, THE RETURN SUBMITTED FOR THAT TAX YEAR TO THE  
2 DEPARTMENT SHALL INCLUDE THE PROPORTION OF CREDIT REQUIRED TO  
3 BE RECAPTURED, THE IDENTITY OF EACH TAXPAYER SUBJECT TO THE  
4 RECAPTURE, AND THE AMOUNT OF CREDIT PREVIOUSLY ALLOCATED TO THE  
5 TAXPAYER.

6 (5) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, CREDITS  
7 ISSUED PURSUANT TO THIS PART 57 MUST NOT BE RECAPTURED IF A  
8 QUALIFIED DEVELOPMENT, AFTER THE INITIAL AWARD OF CREDITS, CEASES  
9 BEING LOCATED IN A TRANSIT AND HOUSING INVESTMENT ZONE.

10 **39-22-5705. Filing requirements.**

11 AN OWNER OF A QUALIFIED DEVELOPMENT TO WHICH A CREDIT HAS  
12 BEEN ALLOCATED AND EACH QUALIFIED TAXPAYER TO WHICH THE OWNER  
13 HAS ALLOCATED A PORTION OF SAID CREDIT, IF ANY, SHALL FILE WITH  
14 THEIR STATE INCOME TAX RETURN A COPY OF THE ALLOCATION  
15 CERTIFICATE ISSUED BY THE AUTHORITY WITH RESPECT TO THE  
16 DEVELOPMENT AND A COPY OF THE OWNER'S CERTIFICATION TO THE  
17 DEPARTMENT AS TO THE ALLOCATION OF THE CREDIT AMONG THE  
18 QUALIFIED TAXPAYERS HAVING OWNERSHIP INTERESTS IN THE  
19 DEVELOPMENT.

20 **39-22-5706. Parallel credits - insurance premium taxes -**  
21 **definition.**

22 (1) ANY TAXPAYER WHO IS SUBJECT TO THE TAX ON INSURANCE  
23 PREMIUMS ESTABLISHED BY SECTIONS 10-3-209, 10-5-111, AND 10-6-128  
24 AND THEREFORE EXEMPT FROM THE PAYMENT OF INCOME TAX AND WHO  
25 IS OTHERWISE ELIGIBLE TO CLAIM A CREDIT PURSUANT TO THIS PART 57  
26 MAY CLAIM THE CREDIT AND CARRY THE CREDIT FORWARD AGAINST THE  
27 INSURANCE PREMIUM TAX ON ITS CALENDAR QUARTER ESTIMATED TAX

1 PAYMENTS MADE IN ACCORDANCE WITH SECTION 10-3-209 TO THE SAME  
2 EXTENT AS THE TAXPAYER WOULD HAVE BEEN ABLE TO CLAIM OR CARRY  
3 FORWARD THE CREDIT OR REFUND AGAINST INCOME TAX. ALL OTHER  
4 PROVISIONS OF THIS PART 57 WITH RESPECT TO THE CREDIT, INCLUDING  
5 THE AMOUNT, ALLOCATION, AND RECAPTURE OF THE CREDIT AND THE  
6 YEARS FOR WHICH THE CREDIT MAY BE CLAIMED, APPLY TO A CREDIT  
7 CLAIMED PURSUANT TO THIS SECTION.

8 (2) FOR PURPOSES OF ADMINISTERING THIS SECTION, ANY  
9 REFERENCE IN THIS ARTICLE 22 TO "INCOME TAX YEAR" MEANS CALENDAR  
10 YEAR.

11 **39-22-5707. Compliance monitoring.**

12 THE AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT, SHALL  
13 MONITOR AND OVERSEE COMPLIANCE WITH THIS PART 57 AND SHALL  
14 REPORT SPECIFIC OCCURRENCES OF NONCOMPLIANCE TO THE  
15 DEPARTMENT.

16 **39-22-5708. Repeal.**

17 THIS PART 57 IS REPEALED, EFFECTIVE DECEMBER 31, 2063.

18 **SECTION 11.** In Colorado Revised Statutes, 39-26-901, **amend**  
19 (4)(b) and (4)(c); and **add** (4)(d) as follows:

20 **39-26-901. Temporary adjustment of rates of state sales and**  
21 **use taxes - refund of excess state revenues - legislative declaration -**  
22 **definition - repeal.**

23 (4) Any temporary state sales and use tax rate reduction pursuant  
24 to subsection (1) of this section does not affect the calculation of the  
25 amount of:

26 (b) The state sales tax increment revenue for regional tourism  
27 zones in accordance with part 3 of article 46 of title 24; ~~or~~

1           (c) The aviation fund created in section 43-10-109; OR  
2           (d) THE STATE SALES TAX INCREMENT REVENUE FOR TRANSIT AND  
3 HOUSING INVESTMENT AREAS IN ACCORDANCE WITH PART 4 OF ARTICLE 46  
4 OF TITLE 24.

5           **SECTION 12. Safety clause.** The general assembly finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, or safety or for appropriations for  
8 the support and maintenance of the departments of the state and state  
9 institutions.