

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB25-1267 be amended as follows:

1 Amend printed bill, page 4, after line 16 insert:

2 **"SECTION 4.** In Colorado Revised Statutes, 24-38.5-303, **amend**
3 **(7)(c)(II); and add (7)(c)(III) as follows:**

4 **24-38.5-303. Community access enterprise - creation - board**

5 **- powers and duties - fund - fee - transparency and reporting.**

6 (7) (c) (II) The enterprise is authorized to adjust the amount of the
7 community access retail delivery fee for retail deliveries of tangible
8 personal property purchased during a state fiscal year. ~~only if the~~
9 ~~department of revenue adjusts the amount of the retail delivery fee~~
10 ~~imposed by section 43-4-218 (3) for retail deliveries of tangible personal~~
11 ~~property purchased during the state fiscal year.~~

12 (7) (c) (III) (A) NOTWITHSTANDING SUBSECTION (7)(c)(I) OF THIS
13 SECTION, IF IMPOSING THE COMMUNITY ACCESS RETAIL DELIVERY FEE IN
14 ANY AMOUNT WOULD CAUSE THE ENTERPRISE TO RECEIVE MORE THAN ONE
15 HUNDRED MILLION DOLLARS IN TOTAL FEE REVENUE IN ITS FIRST FIVE
16 FISCAL YEARS, WHICH FIVE-YEAR PERIOD FOR THE PURPOSE OF SECTION
17 24-77-108 ENDS ON JUNE 30, 2026, THE ENTERPRISE SHALL IMPOSE THE
18 COMMUNITY ACCESS RETAIL DELIVERY FEE IN A LOWER AMOUNT FOR ALL
19 OR A PORTION OF A STATE FISCAL YEAR. ANY REDUCTION IN THE AMOUNT
20 OF THE FEE IMPOSED PURSUANT TO THIS SUBSECTION (7)(c)(III) DOES NOT
21 REDUCE THE MAXIMUM AMOUNT OF THE FEE THAT THE ENTERPRISE MAY
22 IMPOSE IN ANY SUBSEQUENT STATE FISCAL YEAR.

23 (B) NOTWITHSTANDING SUBSECTION (7)(c)(I) OF THIS SECTION, IF
24 THE ENTERPRISE IMPOSES A LOWER FEE AMOUNT PURSUANT TO THIS
25 SUBSECTION (7)(c)(III), THE ENTERPRISE SHALL NOTIFY THE DEPARTMENT
26 OF REVENUE OF THE LOWER AMOUNT OF THE COMMUNITY ACCESS RETAIL
27 DELIVERY FEE TO BE COLLECTED NO LATER THAN THIRTY DAYS AFTER THE
28 DATE OF THE DECISION OF THE GOVERNING BOARD TO LOWER THE FEE AND
29 THE DEPARTMENT OF REVENUE SHALL PUBLISH THE LOWER AMOUNT ON
30 THE FIRST OF THE MONTH FOLLOWING NOTIFICATION FROM THE
31 ENTERPRISE OF THE LOWER FEE AMOUNT, BUT NOT LATER THAN SIXTY
32 DAYS FOLLOWING SUCH NOTIFICATION.".

33 Renumber succeeding section accordingly.

34 Page 1, line 103, strike "OFFICE" and substitute "**OFFICE, ALLOWING THE**
35 **COMMUNITY ACCESS ENTERPRISE TO REDUCE THE RETAIL DELIVERY**
36 **FEE IT IMPOSES,**".

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