

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

REDRAFT

9.11.12

Double underlining  
denotes changes from  
prior draft

**BILL 3**

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LLS NO. 13-0068.01 Nicole Myers x4326

**INTERIM COMMITTEE BILL**

**Transportation Legislation Review Committee**

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**SHORT TITLE: "Report On Alternative Fuel Fleet Vehicles"**

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**A BILL FOR AN ACT**

101 **CONCERNING A REQUIREMENT THAT THE EXECUTIVE DIRECTOR OF**  
102 **THE DEPARTMENT OF PERSONNEL SUBMIT A REPORT TO THE**  
103 **GENERAL ASSEMBLY CONCERNING THE PURCHASE OF VEHICLES**  
104 **THAT OPERATE ON ALTERNATIVE FUELS FOR THE STATE MOTOR**  
105 **VEHICLE FLEET SYSTEM.**

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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://www.leg.state.co.us/billsummaries>.)*

**Transportation Legislation Review Committee.** Currently, the

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

executive director of the department of personnel (director) is required to purchase motor vehicles that operate on compressed natural gas (CNG) for the state's motor vehicle fleet system, subject to their availability and the availability of adequate fuel and fueling infrastructure. There is an exemption if the increased cost of the vehicle is more than 10% over the cost of a comparable nonflexible fuel vehicle. Beginning on July 1, 2013, the bill requires the director to purchase motor vehicles that operate on CNG or other alternative fuels for the state's motor vehicle fleet system if either the increased base cost of such vehicle or the increased life-cycle cost of such vehicle is not more than 10% over the cost of a comparable nonflexible fuel vehicle.

The bill requires the director to submit a report to the transportation committees of the senate and the house of representatives during the 2013 legislative session regarding the purchase of vehicles that operate on CNG and other alternative fuels.

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-30-1104, **amend**  
3 (2) (c) (II) introductory portion; and **add** (2) (c) (V) as follows:

4           **24-30-1104. Central services functions of the department -**  
5 **definitions.** (2) In addition to the county-specific functions set forth in  
6 subsection (1) of this section, the department of personnel shall take such  
7 steps as are necessary to fully implement a central state motor vehicle  
8 fleet system by January 1, 1993. The provisions of the motor vehicle fleet  
9 system created pursuant to this subsection (2) shall apply to the executive  
10 branch of the state of Colorado, its departments, its institutions, and its  
11 agencies; except that the governing board of each institution of higher  
12 education, by formal action of the board, and the Colorado commission  
13 on higher education, by formal action of the commission, may elect to be  
14 exempt from the provisions of this subsection (2) and may obtain a motor  
15 vehicle fleet system independent of the state motor vehicle fleet system.  
16 Under the direction of the executive director, the department of personnel  
17 shall perform the following functions pertaining to the motor vehicle fleet

1 system throughout the state:

2 (c) (II) By January 1, 2008, the executive director shall adopt a  
3 policy to significantly increase the utilization of alternative fuels and that  
4 establishes increasing utilization objectives for each following year. To  
5 encourage compliance with this policy, the rules promulgated pursuant to  
6 this paragraph (c) may establish progressively more stringent percentage  
7 mileposts and, ~~shall~~, for fiscal years commencing after July 1, 2004,  
8 require the collection of data concerning the annual percentage of  
9 state-owned bi-fueled vehicles that were fueled exclusively with an  
10 alternative fuel. For the years commencing on January 1, 2008, and  
11 January 1, 2009, the executive director shall purchase flexible fuel  
12 vehicles or hybrid vehicles, subject to availability, unless the increased  
13 cost of such vehicle is more than ten percent over the cost of a  
14 comparable nonflexible fuel vehicle. Beginning on January 1, 2010, the  
15 executive director shall purchase motor vehicles that operate on  
16 compressed natural gas AND BEGINNING ON JULY 1, 2013, THE EXECUTIVE  
17 DIRECTOR SHALL PURCHASE MOTOR VEHICLES THAT OPERATE ON  
18 COMPRESSED NATURAL GAS OR OTHER ALTERNATIVE FUELS, subject to  
19 their availability and the availability of adequate fuel and fueling  
20 infrastructure, unless IF EITHER the increased base cost of such vehicle or  
21 the increased life-cycle cost of such vehicle is NOT more than ten percent  
22 over the cost of a comparable nonflexible fuel vehicle. If the executive  
23 director does not purchase a motor vehicle that operates on compressed  
24 natural gas because of its cost, he or she shall purchase another type of  
25 flexible fuel vehicle or a hybrid vehicle, subject to availability, unless the  
26 increased cost of such vehicle is more than ten percent over the cost of a  
27 comparable nonflexible fuel vehicle. The executive director shall adopt

1 a policy to allow some vehicles to be exempted from this requirement.  
2 During the ~~second regular session of the sixty-seventh general assembly~~  
3 ~~in 2010~~ FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY  
4 IN 2013, the executive director OR THE DIRECTOR'S DESIGNEE shall SUBMIT  
5 A report ~~simultaneously~~ to the transportation ~~committee~~ COMMITTEES of  
6 the senate and the ~~transportation and energy committee~~ of the house of  
7 representatives, or any successor committees, detailing the ~~key financial~~  
8 ~~decision points and analysis that led to the executive director's~~  
9 ~~determination to purchase or decline to purchase motor vehicles that~~  
10 ~~operate on natural gas as required by this subparagraph (H)~~ ITEMS  
11 SPECIFIED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH (c). As used in this  
12 subparagraph (II):

13 (V) ON OR BEFORE MARCH 1, 2013, THE EXECUTIVE DIRECTOR OR  
14 THE DIRECTOR'S DESIGNEE SHALL SUBMIT A REPORT TO THE GENERAL  
15 ASSEMBLY AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c).  
16 THE REPORT MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE  
17 FOLLOWING:

18 (A) THE NUMBER OF VEHICLES THAT THE EXECUTIVE DIRECTOR OR  
19 THE DIRECTOR'S DESIGNEE PURCHASED SINCE JANUARY 1, 2008, FOR THE  
20 MOTOR VEHICLE FLEET SYSTEM THAT OPERATE ON COMPRESSED NATURAL  
21 GAS AND OTHER ALTERNATIVE FUELS;

22 (B) AN ESTIMATE OF THE NUMBER OF NONFLEXIBLE FUEL VEHICLES  
23 THAT THE EXECUTIVE DIRECTOR OR THE DIRECTOR'S DESIGNEE PURCHASED  
24 FOR THE MOTOR VEHICLE FLEET SYSTEM SINCE JANUARY 1, 2008, INSTEAD  
25 OF A VEHICLE THAT OPERATES ON COMPRESSED NATURAL GAS OR OTHER  
26 ALTERNATIVE FUEL BECAUSE THE BASE COST OR LIFE-CYCLE COST OF THE  
27 COMPRESSED NATURAL GAS VEHICLE OR OTHER ALTERNATIVE FUEL

1 VEHICLE WAS MORE THAN TEN PERCENT OVER THE COST OF A  
2 COMPARABLE NONFLEXIBLE FUEL VEHICLE;

3 (C) AN EXPLANATION OF THE AVAILABILITY OF ADEQUATE FUEL  
4 AND FUELING INFRASTRUCTURE IN THE STATE FOR COMPRESSED NATURAL  
5 GAS VEHICLES AND OTHER ALTERNATIVE FUEL VEHICLES AND WHETHER  
6 LIMITED AVAILABILITY OF FUEL OR FUELING INFRASTRUCTURE  
7 CONTRIBUTES TO THE PURCHASE OF NONFLEXIBLE FUEL VEHICLES FOR THE  
8 MOTOR VEHICLE FLEET SYSTEM INSTEAD OF VEHICLES THAT OPERATE ON  
9 COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS;

10 (D) A SUMMARY OF THE POLICY THAT ALLOWS THE EXECUTIVE  
11 DIRECTOR TO EXEMPT SOME VEHICLES FROM THE REQUIREMENT TO  
12 PURCHASE VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND  
13 THE PERCENTAGE OF NONFLEXIBLE FUEL VEHICLES THAT THE DIRECTOR  
14 PURCHASED PURSUANT TO THIS EXEMPTION;

15 (E) A SUMMARY OF THE ADMINISTRATIVE PROCEDURES OR  
16 POLICIES IN PLACE WITHIN THE DEPARTMENT, IF ANY, THAT ARE INTENDED  
17 TO FACILITATE THE PURCHASE OF VEHICLES THAT OPERATE ON  
18 COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS; \_\_\_\_\_

19 (F) THE EXECUTIVE DIRECTOR'S SUGGESTED CHANGES TO THE  
20 REQUIREMENTS AND LIMITATIONS OF SUBPARAGRAPH (II) OF THIS  
21 PARAGRAPH (c) OR OTHER STATE LAW THAT WOULD FACILITATE THE  
22 GRADUAL CONVERSION OF THE MOTOR VEHICLE FLEET SYSTEM TO  
23 VEHICLES THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER  
24 ALTERNATIVE FUELS, ALLOW THE STATE TO ACCOUNT FOR THE BENEFIT OF  
25 REDUCED EMISSIONS FROM VEHICLES THAT OPERATE ON COMPRESSED  
26 NATURAL GAS AND OTHER ALTERNATIVE FUELS IN ITS ANALYSIS  
27 REGARDING THE PURCHASE OF SUCH VEHICLES, AND ENABLE THE

1 DEPARTMENT TO PROVIDE THE BEST VALUE TO THE STATE IN THE MOTOR  
2 VEHICLE FLEET SYSTEM WHILE PURCHASING VEHICLES THAT OPERATE ON  
3 COMPRESSED NATURAL GAS AND OTHER ALTERNATIVE FUELS; AND

4 (G) A PLAN FOR PUTTING IN PLACE THE INFRASTRUCTURE  
5 NECESSARY TO SUPPORT VEHICLES IN THE STATE'S MOTOR VEHICLE FLEET  
6 SYSTEM THAT OPERATE ON COMPRESSED NATURAL GAS AND OTHER  
7 ALTERNATIVE FUELS.

8 **SECTION 2. Act subject to petition - effective date.** This act  
9 takes effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly (August  
11 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
12 referendum petition is filed pursuant to section 1 (3) of article V of the  
13 state constitution against this act or an item, section, or part of this act  
14 within such period, then the act, item, section, or part will not take effect  
15 unless approved by the people at the general election to be held in  
16 November 2014 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor. <{*If the*  
18 *committee chooses to keep the reporting requirement for the 2013*  
19 *legislative session, I recommend a safety clause due to timing issues.*>