

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 16-0900.01 Jason Gelender x4330

SENATE BILL 16-087

SENATE SPONSORSHIP

Baumgardner,

HOUSE SPONSORSHIP

Tyler,

Senate Committees

Transportation
Appropriations

House Committees

Transportation & Energy
Appropriations

HOUSE
3rd Reading Unamended
May 10, 2016

HOUSE
Amended 2nd Reading
May 9, 2016

SENATE
Amended 3rd Reading
May 4, 2016

SENATE
Amended 2nd Reading
May 3, 2016

A BILL FOR AN ACT

101 **CONCERNING FUNDING FOR THE HIGHWAY-RAIL CROSSING**
102 **SIGNALIZATION FUND, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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>.)

Current law requires 3% of the fees collected from public utilities by the department of revenue to be credited to the general fund. The bill requires all or a portion of the 3% of the fees to instead be credited to the highway-rail crossing signalization fund as follows:

! For the 2016-17 fiscal year, the lesser of all of the fees or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

\$240,000 of the fees must be credited to the highway-rail crossing signalization fund and any remaining fees must be credited to the general fund; and

! For the 2017-18 fiscal year and for each fiscal year thereafter, the lesser of all of the fees or an amount of the fees equal to \$240,000 plus a cumulative inflation adjustment of 2% for each fiscal year beginning with the 2017-18 fiscal year must be credited to the highway-rail crossing signalization fund and any remaining fees shall be credited to the general fund.

The funding required by the bill replaces an existing statutory requirement that \$240,000 be paid annually, subject to annual appropriation, from the general fund to the highway-rail crossing signalization fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-114, **amend**
3 **as amended by House Bill 16-1186** (1) (a) as follows:

4 **40-2-114. Disposition of fees collected.** (1) (a) Three percent of
5 the fees collected under section 40-2-113 by the department of revenue
6 shall be remitted to the state treasurer and credited by the state treasurer
7 as follows:

8 (I) Notwithstanding any other provision of this paragraph (a), for
9 the 2016-17 fiscal year and **FOR** any fiscal year thereafter in which a grant
10 match is required for the receipt of federal money under the federal
11 "Moving Ahead for Progress in the 21st Century Act", Pub.L. 112-141,
12 126 Stat. 405, for rail fixed guideway system safety oversight
13 responsibilities under article 18 of this title, the lesser of all of the fees or
14 up to one hundred fifty thousand dollars of the fees, or as much thereof
15 as the commission deems necessary, to the public utilities commission
16 fixed utility fund created in paragraph (b) of this subsection (1); **and**

17 (II) **FOR THE 2017-18 FISCAL YEAR AND FOR EACH FISCAL YEAR**
18 **THEREAFTER, THE LESSER OF ALL OF THE FEES REMAINING AFTER FEES ARE**

1 CREDITED AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) OR
2 AN AMOUNT OF THE FEES EQUAL TO TWO HUNDRED FORTY THOUSAND
3 DOLLARS PLUS A CUMULATIVE INFLATION ADJUSTMENT OF TWO PERCENT
4 FOR EACH FISCAL YEAR BEGINNING WITH THE 2017-18 FISCAL YEAR TO THE
5 HIGHWAY-RAIL CROSSING SIGNALIZATION FUND CREATED IN SECTION
6 40-29-116 (1); AND

7 (III) Any remaining fees to the general fund.

8 **SECTION 2. In Colorado Revised Statutes, 40-29-116, amend**
9 (2) as follows:

10 **40-29-116. Highway-rail crossing signalization fund created**
11 - annual appropriation. (2) Subject to annual appropriation by the
12 general assembly, FOR THE 2016-17 FISCAL YEAR, the sum of two hundred
13 forty thousand dollars shall be paid IS APPROPRIATED from the general
14 fund and credited HIGHWAY USERS TAX FUND CREATED IN SECTION
15 43-4-201(1)(a), C.R.S., TO THE HIGHWAY-RAIL CROSSING SIGNALIZATION
16 FUND AS AUTHORIZED BY SECTION 43-4-201 (3) (a) (VI), C.R.S.
17 PURSUANT TO SECTION 40-2-114 (1) (a) (II), FOR THE 2017-18 FISCAL
18 YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE LESSER OF THREE
19 PERCENT OF THE FEES COLLECTED UNDER SECTION 40-2-113 OR AN
20 AMOUNT OF THE FEES EQUAL TO TWO HUNDRED FORTY THOUSAND
21 DOLLARS PLUS A CUMULATIVE INFLATION ADJUSTMENT OF TWO PERCENT
22 FOR EACH FISCAL YEAR BEGINNING WITH THE 2017-18 FISCAL YEAR IS
23 CREDITED TO THE HIGHWAY-RAIL CROSSING SIGNALIZATION FUND.
24 Notwithstanding section 24-36-114(1), C.R.S., any interest earned on the
25 deposit and investment of moneys in the highway-rail crossing
26 signalization fund shall remain in the fund and shall not be credited or
27 transferred to the general fund or any other fund. Such earned interest

1 moneys are hereby continuously appropriated to the public utilities
2 commission for use for the purposes of the highway-rail crossing
3 signalization fund.

4 **SECTION 3. In Colorado Revised Statutes, 43-4-201, add (3)(a)**
5 **(VI) as follows:**

6 **43-4-201. Highway users tax fund - created.**
7 **(3)(a)(VI) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION,**
8 **SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 40-29-116(2), C.R.S.,**
9 **FOR THE 2016-17 FISCAL YEAR ONLY, THE GENERAL ASSEMBLY MAY MAKE**
10 **AN APPROPRIATION FROM THE HIGHWAY USERS TAX FUND TO THE**
11 **HIGHWAY-RAIL CROSSING SIGNALIZATION FUND CREATED IN SECTION**
12 **40-29-116 (1), C.R.S.**

13 **SECTION 4. Appropriation.** (1) For the 2016-17 state fiscal
14 year, \$240,000 cash funds is appropriated to the highway-rail crossing
15 signalization fund created in section 40-29-116 (1), C.R.S. This
16 appropriation is from the highway users tax fund created in section
17 43-4-201 (1) (a), C.R.S. The department of regulatory agencies is
18 responsible for the accounting related to this appropriation.

19 **(2) For the 2016-17 state fiscal year, \$240,000 is appropriated to**
20 **the department of regulatory agencies for use by the public utilities**
21 **commission. This appropriation is from reappropriated funds in the**
22 **highway-rail crossing signalization fund under subsection (1) of this**
23 **section. To implement this act, the commission may use the appropriation**
24 **for operating expenses.**

25 **SECTION 5. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.