

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0925.01 Jason Gelender x4330

HOUSE BILL 22-1338

HOUSE SPONSORSHIP

Herod, McCluskie

SENATE SPONSORSHIP

Hansen, Rankin

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATION OF THE MANNER IN WHICH SPECIFIED**
102 **MOTOR VEHICLE-RELATED FUNCTIONS OF THE DEPARTMENT OF**
103 **REVENUE ARE FUNDED, AND, IN CONNECTION THEREWITH,**
104 **MAKING AND REDUCING APPROPRIATIONS.**

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/>.)

Joint Budget Committee. The bill modifies the manner in which specified motor vehicle-related functions of the department of revenue (department) are funded by:

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

HOUSE
2nd Reading Unamended
March 30, 2022

- Repealing annual statutory transfers from the marijuana tax cash fund to the licensing services cash fund for use by the hearings division and the division of motor vehicles in the department;
- Reducing the total amount appropriated to the hearing division and the division of motor vehicles that previously would have been funded with the marijuana tax cash fund transfers to the licensing services cash fund by 10%, and requiring such funding to be provided from "off the top" highways users tax fund (HUTF) appropriations rather than by licensing services cash fund appropriations through a statutory authorization for that use of "off the top" HUTF money and the following appropriations:
 - A decrease of \$713,000 in the 2022-23 long bill cash funds appropriation from the licensing services cash fund for personal services in the hearings division;
 - A decrease of \$548,000 in the 2022-23 long bill cash funds appropriation from the licensing services cash fund for Colorado driver's license, record, identification, and vehicle enterprise solution (DRIVES) maintenance and support in the division of motor vehicles; and
 - A 2022-23 state fiscal year "off the top" HUTF appropriation of \$1,261,000 to the department, which may use \$713,000 of the appropriation for personal services in the hearings division and \$548,000 of the appropriation for DRIVES maintenance and support in the division of motor vehicles.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-28.8-501, **repeal**
 3 (7)(a) as follows:

4 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
 5 **- legislative declaration - repeal.** (7) (a) ~~On July 1, 2022, and on July 1~~
 6 ~~of each year thereafter, the state treasurer shall make the following~~
 7 ~~transfers from the fund:~~

8 ~~(f) Seven hundred fifty-three thousand dollars to the licensing~~

1 ~~services cash fund created in section 42-2-114.5 for use by the hearings~~
2 ~~division; and~~

3 ~~(H) Six hundred forty-eight thousand dollars to the licensing~~
4 ~~services cash fund created in section 42-2-114.5 for use by the division~~
5 ~~of motor vehicles.~~

6 **SECTION 2.** In Colorado Revised Statutes, 43-4-201, **amend**
7 (3)(a)(I)(C) and (3)(a)(III)(C) as follows:

8 **43-4-201. Highway users tax fund - created.** (3) (a) (I) The
9 general assembly shall not make any annual appropriation (whether by
10 regular, special, or supplementary appropriation) or any statutory
11 distribution from the highway users tax fund for any purpose or purposes
12 in a total amount that is:

13 (C) Commencing in the fiscal year 2013-14, more than a six
14 percent increase over the appropriation to the Colorado state patrol for the
15 prior fiscal year, plus, for the fiscal years 2016-17, 2017-18, ~~and~~ 2018-19,
16 ~~only~~ AND 2022-23 AND EACH SUCCEEDING FISCAL YEAR, the amount
17 appropriated to the department of revenue for use by the division of motor
18 vehicles pursuant to ~~sub-subparagraph (C) of subparagraph (H) of this~~
19 ~~paragraph (a)~~ SUBSECTION (3)(a)(III)(C) OF THIS SECTION.

20 (III) (C) The general assembly shall not make any annual
21 appropriation or statutory distribution from the highway users tax fund for
22 the fiscal year 1997-98 or for any succeeding fiscal year authorized by
23 ~~subparagraph (H) of this paragraph (a)~~ SUBSECTION (3)(a)(II) OF THIS
24 SECTION, excluding the annual appropriation or statutory distribution to
25 the Colorado state patrol and, through the fiscal year 2011-12 only, the
26 ports of entry section and excluding any appropriation to the department
27 of revenue for the fiscal years 2008-09, 2009-10, 2010-11, 2011-12,

1 2016-17, 2017-18, ~~and~~ 2018-19, AND FOR FISCAL YEAR 2022-23 AND
2 EACH SUCCEEDING FISCAL YEAR for expenses incurred in connection with
3 the administration of article 2 of title 42, ~~C.R.S.~~, by the division of motor
4 vehicles within the department.

5 **SECTION 3. Appropriation - adjustments to 2022 long bill.**

6 (1) To implement this act, appropriations made in the annual general
7 appropriation act for the 2022-23 state fiscal year to the department of
8 revenue are adjusted as follows:

9 (a) The cash funds appropriation from the licensing services cash
10 fund created in section 42-2-114.5 (1), C.R.S., for personal services in the
11 hearings division is decreased by \$713,000; and

12 (b) The cash funds appropriation from the licensing services cash
13 fund created in section 42-2-114.5 (1), C.R.S., for DRIVES maintenance
14 and support in the division of motor vehicles is decreased by \$548,000.

15 (2) For the 2022-23 state fiscal year, \$1,261,000 is appropriated
16 to the department of revenue. This appropriation is from the highway
17 users tax fund created in section 43-4-201 (1)(a), C.R.S., and is
18 appropriated pursuant to section 43-4-201 (3)(a)(I)(C), C.R.S. The
19 department may use this appropriation as follows:

20 (a) \$548,000 for DRIVES maintenance and support in the division
21 of motor vehicles; and

22 (b) \$713,000 for use by the hearings division for personal
23 services.

24 **SECTION 4. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.