

## CHAPTER 241

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**GOVERNMENT - STATE**

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**HOUSE BILL 98-1202**

BY REPRESENTATIVES May, K. Alexander, C. Berry, Dyer, Epps, Faatz, Gotlieb, Hefley, Morrison, Musgrave, Nichol, Reeser, Romero, Schauer, Sullivant, Swenson, Taylor, and Tucker;  
also SENATORS Powers and Lamborn.

**AN ACT**

CONCERNING REVENUES ALLOCATED TO THE CAPITAL CONSTRUCTION FUND FOR STATE HIGHWAY CONSTRUCTION PROJECTS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1.** 24-75-302 (2) (k), Colorado Revised Statutes, is amended to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.**

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2001, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(k) On July 1, 1998, ~~fifty million dollars~~ ONE HUNDRED FIFTY MILLION DOLLARS WITH ONE HUNDRED MILLION DOLLARS OF SUCH AMOUNT TO BE AVAILABLE FOR APPROPRIATION ONLY FOR STATE HIGHWAY RECONSTRUCTION, REPAIR, MAINTENANCE, AND CAPACITY EXPANSION PROJECTS, plus three hundred sixteen thousand six hundred thirty-five dollars pursuant to HB. 97-1186, enacted at the first regular session of the sixty-first general assembly;

**SECTION 2.** 2-3-1304 (1) (a.5), Colorado Revised Statutes, is amended to read:

**2-3-1304. Powers and duties of capital development committee.** (1) The capital development committee shall have the following powers and duties:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(a.5) To study the capital construction request from the transportation commission for state highway reconstruction, repair, and maintenance projects to be funded from money transferred to the capital construction fund pursuant to section 24-75-302 (2), C.R.S., specifically for such purpose. On or before October 1 of each year, the transportation commission shall submit its capital construction request, based on the statewide transportation improvement programs, with a prioritized list of recommended state highway reconstruction, repair, and maintenance projects with the priority of projects on the list determined on the basis of greatest need without regard to location in the state; except that, for the ~~1996-97~~ 1998-99 fiscal year, the prioritized list of projects to be funded by the revenues appropriated for such year by ~~S.B. 96-197~~ HOUSE BILL 98-1202, as enacted at the second regular session of the ~~sixtieth~~ SIXTY-FIRST general assembly, shall consist only of state highway reconstruction, repair, maintenance, and capacity expansion projects. The capital development committee shall determine the number of projects on the list that may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects. Only projects on the list may be funded from money available in the capital construction fund for state highway reconstruction, repair, or maintenance projects, and the projects must be funded in the priority determined by the transportation commission. Projects on the list submitted by the transportation commission by October 1 may be funded from money transferred to the capital construction fund and available in the current fiscal year or money to be transferred to the capital construction fund for the fiscal year beginning the following July 1.

**SECTION 3.** 39-26-123 (1), (2) (a) (I) (A), (2) (d), and (2) (e), Colorado Revised Statutes, are amended to read:

**39-26-123. Receipts - disposition - repeal.** (1) Eighty-five percent of all receipts collected under the provisions of this article shall be credited to the old age pension fund. Before July 1, 1997, and for the fiscal year commencing ~~July 1, 2002~~ JULY 1, 2008, and each year thereafter, the remaining fifteen percent shall be credited to the general fund, and the general assembly shall make appropriations therefrom for the expenses of the administration of this article.

(2) (a) (I) (A) Eighty-five percent of all receipts collected under the provisions of this article shall be credited to the old age pension fund. For the fiscal year commencing July 1, 1997, and for ~~four~~ TEN succeeding fiscal years thereafter, the remaining fifteen percent shall be allocated between and credited to the general fund and the highway users tax fund, as a portion of the sales and use taxes attributable to sales or use of vehicles and related items, as follows: Ten percent of net revenue from sales and use tax to the highway users tax fund and five percent thereof to the general fund.

(d) For the fiscal year commencing July 1, 1997, and for ~~four~~ TEN succeeding fiscal years thereafter, the state treasurer shall credit an amount of sales and use taxes attributable to sales or use of vehicles and related items to the highway users tax fund as provided in paragraph (a) of this subsection (2).

(e) This subsection (2) is repealed, effective ~~July 1, 2002~~ JULY 1, 2008.

**SECTION 4.** 43-4-205 (6.5) (b), Colorado Revised Statutes, is amended to read:

**43-4-205. Allocation of fund.** (6.5) (b) This subsection (6.5) is repealed, effective ~~July 1, 2002~~ JULY 1, 2008.

**SECTION 5.** 43-4-206 (2) (d), Colorado Revised Statutes, is amended to read:

**43-4-206. State allocation.** (2) (d) This subsection (2) is repealed, effective ~~July 1, 2002~~ JULY 1, 2008.

**SECTION 6. Capital construction appropriation.** The sum of one hundred million dollars (\$100,000,000) is hereby appropriated out of the capital construction fund to the department of transportation for state highway reconstruction, repair, maintenance, and capacity expansion projects included on the prioritized list of projects submitted by the transportation commission to the capital development committee pursuant to section 2-3-1304 (1) (a.5), Colorado Revised Statutes. The appropriation made by this section shall become available to the department upon passage of this act and, if any project is initiated within the fiscal year, the appropriation shall remain available until completion of all the projects or for a period of three years, whichever comes first, at which time the unexpended and unencumbered balance shall revert to the capital construction fund.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 26, 1998