

March 25, 2016

Mike Mauer, Director  
Colorado Legislative Council  
Room 029  
State Capitol Building,  
Denver, Colorado 80203

Dear Mr. Mauer:

Attached please find proposed initiatives, dealing with a new transportation safety sales and use tax, for the 2016 ballot. The proponents are:

William F. Ray  
2380 N. Eudora St.  
Denver, CO 80207

Richard G. Evans  
1724 S. Uinta Way  
Denver, CO 80231

You may use my telephone number and fax number found on this letterhead, as well as my email address ([mark@rklawpc.com](mailto:mark@rklawpc.com)) for purposes of contacting the proponents, as I am legal counsel for them in this matter.

Thank you very much.

Sincerely,



Mark G. Grueskin

*Be it enacted by the people of the State of Colorado:*

**Section 1.** In Colorado Revised Statutes, 39-26-106, **add** (1)(c) as follows:

**39-26-106. Schedule of sales tax.** (1)(c) ON AND AFTER JULY 1, 2017, THERE IS IMPOSED UPON ALL SALES OF COMMODITIES AND SERVICES SPECIFIED IN SECTION 39-26-104 A TRANSPORTATION SAFETY SALES TAX AT THE RATE OF SIX AND TWO-TENTHS CENTS FOR EACH TEN DOLLARS OF COMMODITIES OR SERVICES SOLD, WHICH SHALL BE COMPUTED IN ACCORDANCE WITH SCHEDULES OR SYSTEMS APPROVED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE. SAID SCHEDULES OR SYSTEMS SHALL BE DESIGNED SO THAT NO SUCH TAX IS CHARGED ON ANY SALE OF SEVENTEEN CENTS OR LESS. THIS TRANSPORTATION SAFETY SALES TAX SHALL EXPIRE ON JULY 1, 2027 UNLESS REAUTHORIZED BY STATEWIDE VOTERS AT A GENERAL ELECTION.

**Section 2.** In Colorado Revised Statutes, 39-26-202, **add** (1)(b.5) as follows:

**39-26-202. Authorization of tax.** (1)(b.5) ON AND AFTER JULY 1, 2017, THERE IS IMPOSED AND SHALL BE COLLECTED FROM EVERY PERSON IN THIS STATE A TRANSPORTATION SAFETY USE TAX OR EXCISE AT THE RATE OF SIX AND TWO-TENTHS CENTS FOR EACH TEN DOLLARS OF STORAGE OR ACQUISITION CHARGES OR COSTS FOR THE PRIVILEGE OF STORING, USING, OR CONSUMING IN THIS STATE ANY ARTICLES OF TANGIBLE PERSONAL PROPERTY PURCHASED AT RETAIL. THIS TRANSPORTATION SAFETY USE TAX SHALL EXPIRE ON JULY 1, 2027 UNLESS REAUTHORIZED BY STATEWIDE VOTERS AT A GENERAL ELECTION.

**Section 3.** In Colorado Revised Statutes, 43-4-203, **add** (1)(d.5) as follows:

**43-4-203. Sources of revenue.** (1) All net revenue from the following sources shall be paid into and credited to the highway users tax fund as soon as received:

(d.5) FROM THE TRANSPORTATION SAFETY SALES AND USE TAX, IMPOSED PURSUANT TO SECTIONS 39-26-106(1)(c) AND 39-26-202(1)(b.5).

**Section 4.** In Colorado Revised Statutes, 43-4-205, **add** (6.4) as follows:

**43-4-205. Allocation of fund.** (6.4) REVENUES FROM THE TRANSPORTATION SAFETY SALES AND USE TAX SHALL BE ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION EXCEPT THAT:

- (a) DURING ANY THREE-YEAR PERIOD, THE STATE SHALL EXPEND A PORTION OF ITS ALLOCATED REVENUES ON ONE OR MORE TRANSPORTATION SAFETY AND CONGESTION RELIEF PROJECTS IN EACH OF THE STATE'S TRANSPORTATION DISTRICTS, AS SET FORTH IN SECTION 43-1-106(2);
- (b) NO TRANSPORTATION SAFETY SALES AND USE TAX REVENUES SHALL BE USED TO DIRECTLY FUND ROADWAY IMPROVEMENTS OF A TOLL ROAD, AS DEFINED IN SECTION 7-45-102(8);
- (c) NOT MORE THAN THREE PERCENT OF SUCH REVENUES MAY BE EXPENDED ON ADMINISTRATION OR THE HIRING OF ADDITIONAL DEPARTMENTAL EMPLOYEES; AND
- (d) ANNUALLY, THE DEPARTMENT OF TRANSPORTATION SHALL DISCLOSE PROMINENTLY ON ITS WEBSITE THE DISTRICTS AND THE COUNTIES WHERE ALL EXPENDITURES OF TRANSPORTATION SAFETY SALES AND USE TAX REVENUE WERE MADE DURING THE PREVIOUS FISCAL YEAR, IDENTIFYING SPECIFIC PROJECTS FUNDED.

**Section 5.** In Colorado Revised Statutes, **add** 43-4-202(3) as follows:

(3) "TRANSPORTATION SAFETY AND CONGESTION RELIEF PROJECT" MEANS THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION, MAINTENANCE, OR OPERATION OF AN IMPROVEMENT TO RELIEVE CONGESTION AFFECTING, OR PRESERVE THE SAFETY OF THE TRAVELLING PUBLIC ON, THAT PORTION OF A HIGHWAY THAT IS IMPROVED, DESIGNED, OR ORDINARILY USED FOR VEHICULAR TRAVEL.

**Section 6.** In Colorado Revised Statutes, **add** 43-4-203.5 as follows:

**43-4-203.5. Voter approval – spending and revenue limits.** BY ENACTING THE TRANSPORTATION SAFETY SALES AND USE TAX PURSUANT TO SECTIONS 39-26-106(1)(c) AND 39-26-202(1)(b.5) AT THE 2016 GENERAL ELECTION FOR THE PURPOSE OF FUNDING STATE AND LOCAL ROAD AND BRIDGE CONSTRUCTION AND REPAIR AS WELL AS TO FUND TRANSIT-RELATED PROJECTS, THE VOTERS OF COLORADO APPROVE THE COLLECTION, RETENTION, AND EXPENDITURE OF THE FULL AMOUNT OF REVENUE FROM THE TRANSPORTATION SAFETY SALES AND USE TAX AND ALSO EXEMPT SUCH REVENUE FROM STATE AND LOCAL SPENDING AND REVENUE LIMITS.

**Section 7.** THE GENERAL ASSEMBLY MAY ENACT SUCH LEGISLATION AS WILL FACILITATE THE IMPOSITION AND COLLECTION OF, AND MAKE CONFORMING AMENDMENTS FOR PURPOSE OF IMPLEMENTING, THE VOTER APPROVED TRANSPORTATION SAFETY SALES AND USE TAX.