

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0900.01 Jason Gelender x4330

**SENATE BILL 16-087**

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**SENATE SPONSORSHIP**

**Baumgardner,**

**HOUSE SPONSORSHIP**

**Tyler,**

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**Senate Committees**

Transportation  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

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

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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/bills summaries>.)*

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.

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

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3 **SECTION 1. In Colorado Revised Statutes, 40-29-116, amend**  
4 **(2) as follows:**

5 **40-29-116. Highway-rail crossing signalization fund created**  
6 **- annual appropriation. (2) Subject to annual appropriation by the**  
7 **general assembly:**

8 **(a) ~~the sum of~~ FOR THE 2016-17 FISCAL YEAR, UP TO two hundred**  
9 **forty thousand dollars shall be ~~paid~~ APPROPRIATED from the ~~general fund~~**  
10 **HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1) (a), C.R.S.,**  
11 **and credited to the highway-rail crossing signalization fund as authorized**  
12 **by section 43-4-201 (3) (a) (VI), C.R.S.:**

13 **(b) FOR THE 2017-18 FISCAL YEAR AND FOR EACH FISCAL YEAR**  
14 **THEREAFTER, THE GENERAL ASSEMBLY MAY APPROPRIATE FROM THE**  
15 **HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1) (a), C.R.S.,**  
16 **TO THE HIGHWAY-RAIL CROSSING SIGNALIZATION FUND AS AUTHORIZED**  
17 **BY SECTION 43-4-201 (3) (a) (VI), C.R.S., UP TO TWO HUNDRED FORTY**  
18 **THOUSAND DOLLARS PLUS A CUMULATIVE INFLATION ADJUSTMENT OF TWO**

1 PERCENT FOR EACH FISCAL YEAR BEGINNING WITH THE 2017-18 FISCAL  
2 YEAR.

3 (c) Notwithstanding section 24-36-114 (1), C.R.S., any interest  
4 earned on the deposit and investment of moneys in the highway-rail  
5 crossing signalization fund shall remain in the fund and shall not be  
6 credited or transferred to the general fund or any other fund. Such earned  
7 interest moneys are hereby continuously appropriated to the public  
8 utilities commission for use for the purposes of the highway-rail crossing  
9 signalization fund.

10 **SECTION 2.** In Colorado Revised Statutes, 43-4-201, **add** (3) (a)  
11 (VI) as follows:

12 **43-4-201. Highway users tax fund - created.**

13 (3) (a) (VI) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION,  
14 SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 40-29-116 (2), C.R.S.,  
15 THE GENERAL ASSEMBLY MAY MAKE AN ANNUAL APPROPRIATION FROM  
16 THE HIGHWAY USERS TAX FUND TO THE HIGHWAY-RAIL CROSSING  
17 SIGNALIZATION FUND CREATED IN SECTION 40-29-116 (1), C.R.S.

18 **SECTION 3. Appropriation.** (1) For the 2016-17 state fiscal  
19 year, \$240,000 cash funds is appropriated to the highway-rail crossing  
20 signalization fund created in section 40-29-116 (1), C.R.S. This  
21 appropriation is from the highway users tax fund created in section 43-4-  
22 201 (1) (a), C.R.S. The department of regulatory agencies is responsible  
23 for the accounting related to this appropriation.

24 (2) For the 2016-17 state fiscal year, \$240,000 is appropriated to  
25 the department of regulatory agencies for use by the public utilities  
26 commission. This appropriation is from reappropriated funds in the  
27 highway-rail crossing signalization fund under subsection (1) of this

1 section. To implement this act, the commission may use the appropriation  
2 for operating expenses.

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