

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 22, 2017
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB17-1242 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 7, strike lines 9 through 16.
- 2 Renumber succeeding sections accordingly.
- 3 Page 8, line 21, strike "revenue. ~~Said~~" and substitute "~~revenue. Said~~
4 REVENUE; EXCEPT THAT THE TAX IS NOT IMPOSED ON SALES OF AVIATION
5 FUELS USED IN TURBO-PROPELLER OR JET ENGINE AIRCRAFT."
- 6 Page 10, line 10, after "HUNDRED" insert "SEVENTY-FIVE".
- 7 Page 11, line 21, strike "retail." and substitute "~~retail~~ RETAIL; EXCEPT
8 THAT THE TAX OR EXCISE IS NOT IMPOSED ON STORAGE OR ACQUISITION
9 CHARGES OR COSTS FOR THE PRIVILEGE OF STORING, USING, OR
10 CONSUMING IN THIS STATE ANY AVIATION FUELS USED IN
11 TURBO-PROPELLER OR JET ENGINE AIRCRAFT PURCHASED AT RETAIL."
- 12 Page 11, after line 25 insert:
13 "SECTION 9. In Colorado Revised Statutes, 39-28.8-501,
14 amend (1) as follows:
15 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
16 **- legislative declaration.** (1) The marijuana tax cash fund, referred to in
17 this part 5 as the "fund", is created in the state treasury. The fund consists
18 of any applicable retail marijuana sales tax transferred pursuant to section
19 39-28.8-203 (1)(b) on or after July 1, 2014, and any ~~revenues~~ REVENUE

1 transferred to the fund from any sales tax imposed pursuant to ~~section~~
2 ~~39-26-106~~ SECTION 39-26-106 (1)(a)(I) on the retail sale of products
3 under articles 43.3 and 43.4 of title 12. ~~C.R.S.~~".

4 **SECTION 10.** In Colorado Revised Statutes, **repeal** 42-3-112.".

5 Renumber succeeding sections accordingly.

6 Page 14, line 5, strike "after paying".

7 Page 14, strike lines 6 through 11 and substitute "after paying the costs of
8 the Colorado state patrol and ~~such~~ ANY other costs of the department,
9 exclusive of highway construction, highway improvements, or highway
10 maintenance, ~~as~~ THAT are appropriated by the general assembly, ~~sixty-five~~
11 ~~percent of the balance of~~ MONEY IN the highway users tax fund shall be
12 paid to the state highway fund IN ACCORDANCE WITH SECTION 43-4-205
13 and ~~shall be~~ expended for the following purposes:".

14 Page 16, line 18, after "HUNDRED" insert "SEVENTY-FIVE".

15 Page 17, line 2, after "43-4-705 (13)(b);" insert "AND".

16 Page 17, strike lines 3 through 7.

17 Page 17, line 8, strike "(c)" and substitute "(b)".

18 Page 17, line 13, strike "MAINTENANCE" and substitute "MAINTENANCE,
19 INCLUDING RAPID RESPONSE MAINTENANCE,".

20 Page 17, line 15, strike the second "portion" and substitute "portion; and
21 **add** (4)".

22 Page 17, line 16, strike "~~After paying the costs of the~~".

23 Page 17, strike lines 17 through 20 and substitute: "Colorado state patrol
24 and ~~such~~ ANY other costs of the department, exclusive of highway
25 construction, highway improvements, or highway maintenance, ~~as~~ THAT
26 are appropriated by the general assembly, ~~twenty-six percent of the~~
27 ~~balance of the highway users tax fund~~ THE REVENUE REQUIRED BY
28 SECTION".

1 Page 18, line 18, strike "43-4-1003 (3)(b)," and substitute "43-4-1103
2 (3)(b),".

3 Page 19, after line 8 insert:

4 "(4) (a) IF A COUNTY, AFTER THE END OF ITS FISCAL YEAR BUT
5 BEFORE IT FINALIZES ITS FINANCIAL STATEMENT, AS DEFINED IN 29-1-602
6 (3), FOR THE FISCAL YEAR, DETERMINES THAT ITS RECEIPT OF ALL OR A
7 PORTION OF THE NET REVENUE THAT IS ATTRIBUTABLE TO THE ADDITIONAL
8 SALES AND USE TAXES LEVIED PURSUANT TO SECTIONS 39-26-106
9 (1)(a)(II) AND 39-26-202 (1)(b) AND WAS ALLOCATED TO IT DURING THE
10 FISCAL YEAR AS DEDICATED TRANSPORTATION FUNDING AND FOR NO
11 OTHER PURPOSE PURSUANT TO THIS SECTION WILL EITHER CAUSE IT TO
12 EXCEED ITS FISCAL YEAR SPENDING LIMIT AND REQUIRE IT TO REFUND
13 EXCESS COUNTY REVENUE PURSUANT TO SECTION 20 (7)(d) OF ARTICLE X
14 OF THE STATE CONSTITUTION OR INCREASE AN EXISTING OBLIGATION THAT
15 IT HAS TO REFUND EXCESS COUNTY REVENUE FOR THE FISCAL YEAR, THE
16 COUNTY MAY, IN ITS SOLE DISCRETION AND BEFORE IT FINALIZES THE
17 FINANCIAL STATEMENT, REMIT AN AMOUNT EQUAL TO ALL OR ANY
18 PORTION OF ITS ALLOCATION OF SUCH NET REVENUE BACK TO THE STATE
19 TREASURER IN ORDER TO ELIMINATE OR REDUCE THE AMOUNT OF THE
20 REQUIRED REFUND.

21 (b) FOR PURPOSES OF DETERMINING A COUNTY'S FISCAL YEAR
22 SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF THE STATE CONSTITUTION,
23 REVENUE REMITTED BACK TO THE STATE TREASURER BY A COUNTY
24 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS DEEMED TO HAVE
25 NEVER BEEN RECEIVED BY THE COUNTY AND IS NOT INCLUDED IN THE
26 COUNTY'S FISCAL YEAR SPENDING.

27 (c) ANY REVENUE REMITTED BACK TO THE STATE TREASURER
28 FROM A COUNTY PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION IS NOT
29 FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF THE STATE
30 CONSTITUTION, OF THE STATE, SHALL BE PAID TO THE COUNTY
31 TREASURERS OF THE RESPECTIVE COUNTIES PURSUANT TO SECTION
32 43-4-205 (1) AND THIS SECTION IN THE SAME MANNER AS OTHER REVENUE
33 IS PAID TO THE COUNTY TREASURERS OF THE RESPECTIVE COUNTIES
34 PURSUANT TO SECTION 43-4-205 (1) AND THIS SECTION, AND IS ACCRUED
35 TO EACH COUNTY IN THE MONTH IN WHICH IT IS RECEIVED."

36 Page 19, line 10, strike "(6)(a)" and substitute "(6)(a); and **add (7)**".

37 Page 19, line 11, "~~After paying the costs of the~~".

1 Page 19, strike lines 12 through 16 and substitute: "Colorado state patrol
2 and ~~such~~ ANY other costs of the department, exclusive of highway
3 construction, highway improvements, or highway maintenance, as THAT
4 are appropriated by the general assembly, ~~and making allocation as~~
5 ~~provided by sections 43-4-206 and 43-4-207, the remaining nine percent~~
6 ~~of the highway users tax fund~~ THE REVENUE REQUIRED BY SECTION".

7 Page 20, line 16, strike "43-4-1003 (3)(b)," and substitute "43-4-1103
8 (3)(b),".

9 Page 23, after line 14 insert:

10 "(4) (a) IF A CITY OR INCORPORATED TOWN, AFTER THE END OF ITS
11 FISCAL YEAR BUT BEFORE IT FINALIZES ITS FINANCIAL STATEMENT, AS
12 DEFINED IN 29-1-602 (3), FOR THE FISCAL YEAR, DETERMINES THAT ITS
13 RECEIPT OF ALL OR A PORTION OF THE NET REVENUE THAT IS
14 ATTRIBUTABLE TO THE ADDITIONAL SALES AND USE TAXES LEVIED
15 PURSUANT TO SECTIONS 39-26-106 (1)(a)(II) AND 39-26-202 (1)(b) AND
16 WAS ALLOCATED TO IT DURING THE FISCAL YEAR AS DEDICATED
17 TRANSPORTATION FUNDING AND FOR NO OTHER PURPOSE PURSUANT TO
18 THIS SECTION WILL EITHER CAUSE IT TO EXCEED ITS FISCAL YEAR
19 SPENDING LIMIT AND REQUIRE IT TO REFUND EXCESS CITY OR
20 INCORPORATED TOWN REVENUE PURSUANT TO SECTION 20 (7)(d) OF
21 ARTICLE X OF THE STATE CONSTITUTION OR INCREASE AN EXISTING
22 OBLIGATION THAT IT HAS TO REFUND EXCESS CITY OR INCORPORATED
23 TOWN REVENUE FOR THE FISCAL YEAR, THE CITY OR INCORPORATED TOWN
24 MAY, IN ITS SOLE DISCRETION AND BEFORE IT FINALIZES THE FINANCIAL
25 STATEMENT, REMIT AN AMOUNT EQUAL TO ALL OR ANY PORTION OF ITS
26 ALLOCATION OF SUCH NET REVENUE BACK TO THE STATE TREASURER IN
27 ORDER TO ELIMINATE OR REDUCE THE AMOUNT OF THE REQUIRED REFUND.

28 (b) FOR PURPOSES OF DETERMINING A CITY OR INCORPORATED
29 TOWN'S FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2)(e) OF THE
30 STATE CONSTITUTION, REVENUE REMITTED BACK TO THE STATE
31 TREASURER BY A CITY OR INCORPORATED TOWN PURSUANT TO
32 SUBSECTION (4)(a) OF THIS SECTION IS DEEMED TO HAVE NEVER BEEN
33 RECEIVED BY THE CITY OR INCORPORATED TOWN AND IS NOT INCLUDED IN
34 THE CITY OR INCORPORATED TOWN'S FISCAL YEAR SPENDING.

35 (c) ANY REVENUE REMITTED BACK TO THE STATE TREASURER
36 FROM A CITY OR INCORPORATED TOWN PURSUANT TO SUBSECTION (4)(a)
37 OF THIS SECTION IS NOT FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20
38 (2)(e) OF THE STATE CONSTITUTION, OF THE STATE, SHALL BE PAID TO THE
39 CITIES AND INCORPORATED TOWNS PURSUANT TO SECTION 43-4-205 (1)

1 AND THIS SECTION IN THE SAME MANNER AS OTHER REVENUE IS PAID TO
2 THE CITIES AND INCORPORATED TOWNS PURSUANT TO SECTION 43-4-205
3 (1) AND THIS SECTION, AND IS ACCRUED TO EACH CITY AND INCORPORATED
4 TOWN IN THE MONTH IN WHICH IT IS RECEIVED."

5 Page 25, strike lines 2 through 20 and substitute "ISSUE: "SHALL STATE
6 TAXES BE INCREASED BY SEVEN HUNDRED TWO MILLION TWO HUNDRED
7 THOUSAND DOLLARS ANNUALLY AND TEMPORARILY TO PAY FOR STATE
8 AND LOCAL TRANSPORTATION PROJECTS, INCLUDING MUNICIPAL AND
9 COUNTY ROADS, STATE HIGHWAYS, AFFORDABLE AND ACCESSIBLE
10 TRANSPORTATION OPTIONS FOR SENIORS AND PERSONS WITH DISABILITIES,
11 BUS AND RAIL SERVICE, RAPID RESPONSE MAINTENANCE PROGRAMS, AND
12 TO ENHANCE MOBILITY AND SAFETY FOR ALL COLORADANS, BY A STATE
13 SALES AND USE TAX RATE INCREASE OF 0.62% FOR THE TWENTY-YEAR
14 PERIOD BEGINNING JANUARY 1, 2018, AND ENDING DECEMBER 31, 2037;
15 SHALL STATE DEBT BE INCREASED UP TO \$3,500,000,000, WITH MAXIMUM
16 REPAYMENT COST OF \$5,000,000,000 BY THE ISSUANCE OF ADDITIONAL
17 TRANSPORTATION REVENUE ANTICIPATION NOTES SOLELY TO FUND
18 SPECIFIED HIGH-PRIORITY TRANSPORTATION PROJECTS IN ALL AREAS OF
19 THE STATE; AND SHALL ALL REVENUE FROM THE TAX RATE INCREASE IN
20 THE STATED AMOUNT IN THE FIRST FULL FISCAL YEAR AND IN WHATEVER
21 AMOUNTS ARE COLLECTED IN FUTURE FISCAL YEARS BY IMPOSITION OF THE
22 0.62% SALES TAX RATE INCREASE AND EARNINGS ON SUCH REVENUES AND
23 ON PROCEEDS OF THE NOTES BE RETAINED AND SPENT AS A
24 VOTER-APPROVED REVENUE CHANGE?"".

25 Page 28, line 25, strike "MAINTENANCE" and substitute "MAINTENANCE,
26 INCLUDING RAPID RESPONSE MAINTENANCE,".

27 Page 29, lines 7 and 8, strike "CHIEF ENGINEER OF THE DEPARTMENT" and
28 substitute "THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
29 DESIGNEE".

30 page 30, line 17, strike "OR" and substitute "AND".

31 Page 30, line 18, after "WITH" insert "ALL TYPES OF".

32 Page 31, line 22, strike "(1)(a)(I)(c)" and substitute "(1)(a)(I)(C); and
33 **repeal** (1)(e)".

34 Page 32, after line 25, insert:

1 ~~"(e) Late registration fees required to be credited to the highway~~
2 ~~users tax fund pursuant to section 42-3-112 (2), C.R.S."~~

3 Page 33, line 8, strike "AND LOCAL GOVERNMENTS".

4 Page 35, line 18, strike "**of fund.**" and substitute "**of fund - definition.**".

5 Page 36, line 20, after "(b)" insert "(I)".

6 Page 37, line 1, strike "THE" and substitute "EXCEPT AS OTHERWISE
7 PROVIDED IN SUBSECTION (3)(b)(II) OF THIS SECTION, THE".

8 Page 37, after line 5 insert:

9 "(II) TOTAL LOCAL GOVERNMENT, REGIONAL TRANSPORTATION
10 AUTHORITY, OR TRANSIT AGENCY FUNDING FOR A PROJECT RECEIVING
11 FUNDING FROM THE PEDESTRIAN AND ACTIVE TRANSPORTATION OPTIONS
12 ACCOUNT OF THE FUND MUST BE AT LEAST EQUAL TO THE AMOUNT OF
13 FUNDING PROVIDED FROM THE ACCOUNT; EXCEPT THAT THE FOLLOWING
14 ENTITIES MAY PROVIDE MATCHING MONEY FOR A PROJECT IN AN AMOUNT
15 EQUAL TO TWENTY PERCENT OF THE AMOUNT OF FUNDING FOR THE
16 PROJECT PROVIDED FROM THE ACCOUNT:

17 (A) CITIES OR COUNTIES THAT COLLECT LESS THAN FIFTEEN
18 MILLION DOLLARS PER YEAR IN TOTAL ANNUAL SALES TAX REVENUES; AND

19 (B) REGIONAL TRANSPORTATION AUTHORITIES OR TRANSIT
20 AGENCIES THAT HAVE TOTAL ANNUAL OPERATING BUDGETS OF LESS THAN
21 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS PER YEAR.

22 (c) FOR PURPOSES OF THIS SUBSECTION (3), "NONMOTORIZED USE"
23 INCLUDES USE OF A MOTORIZED WHEELCHAIR, SCOOTER, OR
24 FUNCTIONALLY SIMILAR ASSISTIVE TECHNOLOGY BY A PERSON WITH A
25 DISABILITY WHO USES THE MOTORIZED WHEELCHAIR, SCOOTER, OR
26 FUNCTIONALLY SIMILAR ASSISTIVE TECHNOLOGY FOR THE PURPOSE OF
27 MOBILITY ASSISTANCE."

28 Page 37, line 7, strike "**duties.**" and substitute "**duties - annual reporting**
29 **requirement.**".

30 Page 39, line 18, strike "ACCOUNT." and substitute "ACCOUNT; EXCEPT
31 THAT THE FOLLOWING ENTITIES MAY PROVIDE MATCHING MONEY FOR A
32 PROJECT IN AN AMOUNT EQUAL TO TWENTY PERCENT OF THE AMOUNT
33 RECEIVED FOR THE PROJECT FROM THE ACCOUNT:

1 (A) CITIES OR COUNTIES THAT COLLECT LESS THAN FIFTEEN
2 MILLION DOLLARS PER YEAR IN TOTAL ANNUAL SALES TAX REVENUES; AND
3 (B) REGIONAL TRANSPORTATION AUTHORITIES OR TRANSIT
4 AGENCIES THAT HAVE TOTAL ANNUAL OPERATING BUDGETS OF LESS THAN
5 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS PER YEAR."

6 Page 39, line 19, after "PROPOSE" insert "AND FUND".

7 Page 39, line 22, strike "STATE;" and substitute "STATE. WHEN
8 CONSIDERING AN APPLICATION FOR FUNDING FOR PUBLIC TRANSIT
9 SERVICES, THE COMMITTEE SHALL CONSIDER WHAT STEPS APPLICANTS ARE
10 TAKING TO REDUCE FARES OR PROVIDE REDUCED COST PASSES TO
11 LOW-INCOME USERS."

12 Page 39, after line 27 insert:

13 "(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MONEY
14 RECEIVED FROM THE TRANSPORTATION OPTIONS FUND SHALL NOT BE
15 CONSIDERED WHEN CALCULATING COMPLIANCE WITH OTHER RELATED
16 STATUTORY OBLIGATIONS.

17 (5) (a) THE COMMITTEE SHALL ANNUALLY REPORT TO THE
18 TRANSPORTATION LEGISLATION REVIEW COMMITTEE OF THE GENERAL
19 ASSEMBLY CREATED IN SECTION 43-2-145 (1) REGARDING ITS ACTIVITIES
20 INCLUDING, AT A MINIMUM:

21 (I) AN AGGREGATE ACCOUNTING OF ALL MONEY EXPENDED FROM
22 THE TRANSPORTATION OPTIONS ACCOUNT OF THE FUND DURING THE PRIOR
23 FISCAL YEAR; AND

24 (II) A LISTING OF ALL TRANSPORTATION OPTIONS PROJECTS
25 RECEIVING FUNDING FROM THE TRANSPORTATION OPTIONS ACCOUNT OF
26 THE FUND DURING THE PRIOR FISCAL YEAR THAT INCLUDES FOR EACH
27 PROJECT:

28 (A) IDENTIFICATION OF THE ENTITY RECEIVING FUNDING FOR THE
29 PROJECT;

30 (B) THE AMOUNT OF TRANSPORTATION OPTIONS ACCOUNT
31 FUNDING PROVIDED FOR THE PROJECT; AND

32 (C) THE AMOUNT OF LOCAL MATCHING MONEY PROVIDED FOR THE
33 PROJECT.

34 (b) NOTWITHSTANDING SECTION 24-1-136(11)(a), THE REPORTING
35 REQUIREMENT SPECIFIED IN SUBSECTION (4)(a) OF THIS SECTION
36 CONTINUES INDEFINITELY."

- 1 Page 40, line 5, strike "15" and substitute "16".
- 2 Page 40, line 8, strike "15" and substitute "16".

** ** ** ** **