

CHAPTER 246

TRANSPORTATION

SENATE BILL 95-047

BY SENATORS R. Powers, Mutzebaugh, Alexander, Ament, Bishop, Duke, Lacy, Norton, Perlmutter, L. Powers, Schroeder, and Tebedo;
also REPRESENTATIVES Foster, Epps, May, Morrison, Acquafresca, Berry, Dean, Paschall, Schwarz, and Taylor.

AN ACT

CONCERNING ADDITIONAL REVENUES FOR THE FINANCING OF HIGHWAYS, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. 43-4-201 (3) (a) (I) (B), Colorado Revised Statutes, 1993 Repl. Vol., is amended, and the said 43-4-201 (3) (a) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

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

(B) Commencing in the fiscal year 1981-82 THROUGH THE FISCAL YEAR 1994-95, more than a seven percent increase over such appropriation for the prior fiscal year AND COMMENCING IN THE FISCAL YEAR 1995-96, MORE THAN A SIX PERCENT INCREASE OVER SUCH APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE COLORADO STATE PATROL AND TO THE DEPARTMENT OF REVENUE FOR THE PORTS OF ENTRY DIVISION FOR THE PRIOR FISCAL YEAR.

(I.1) COMMENCING WITH THE FISCAL YEAR 1995-96, THE GENERAL ASSEMBLY SHALL NOT MAKE ANY ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION FROM THE HIGHWAY USERS TAX FUND PURSUANT TO THIS PARAGRAPH (a), EXCEPT TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE COLORADO STATE PATROL OR TO THE DEPARTMENT OF REVENUE FOR THE PORTS OF ENTRY DIVISION, THAT EXCEEDS THE ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION FOR ALL PURPOSES EXCEPT THE COLORADO STATE PATROL AND THE PORTS OF ENTRY DIVISION FOR THE FISCAL

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

YEAR 1994-95.

(III) (A) THE GENERAL ASSEMBLY SHALL NOT MAKE ANY ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION FROM THE HIGHWAY USERS TAX FUND FOR THE FISCAL YEAR 1995-96 AUTHORIZED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), EXCLUDING THE ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION TO THE COLORADO STATE PATROL AND THE PORTS OF ENTRY DIVISION, THAT EXCEEDS SIXTY-SIX AND TWO-THIRDS PERCENT OF THE FISCAL YEAR 1994-95 ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION.

(B) THE GENERAL ASSEMBLY SHALL NOT MAKE ANY ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION FROM THE HIGHWAY USERS TAX FUND FOR THE FISCAL YEAR 1996-97 AUTHORIZED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), EXCLUDING THE ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION TO THE COLORADO STATE PATROL AND THE PORTS OF ENTRY DIVISION, THAT EXCEEDS THIRTY-THREE AND ONE-THIRD PERCENT OF THE FISCAL YEAR 1994-95 ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION.

(C) THE GENERAL ASSEMBLY SHALL NOT MAKE ANY ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION FROM THE HIGHWAY USERS TAX FUND FOR THE FISCAL YEAR 1997-98 OR FOR ANY SUCCEEDING FISCAL YEAR AUTHORIZED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), EXCLUDING THE ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION TO THE COLORADO STATE PATROL AND THE PORTS OF ENTRY DIVISION.

(D) FOR ANY ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION AUTHORIZED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) BUT NOT FUNDED FROM THE HIGHWAY USERS TAX FUND, THE GENERAL ASSEMBLY SHALL DETERMINE THE AMOUNT NECESSARY TO BE EXPENDED FOR THOSE PURPOSES AND SHALL MAKE AN ANNUAL APPROPRIATION AS NECESSARY FROM THE GENERAL FUND.

(IV) IN ADDITION TO ANY OTHER ALLOCATIONS REQUIRED BY THIS ARTICLE, THERE SHALL BE ALLOCATED FROM THE HIGHWAY USERS TAX FUND ON OR AFTER JULY 31 FOR FISCAL YEAR 1995-96 AND EACH SUCCEEDING FISCAL YEAR AN AMOUNT EQUAL TO THAT NOT ANNUALLY APPROPRIATED OR STATUTORILY DISTRIBUTED PURSUANT TO SUB-SUBPARAGRAPHS (A) TO (C) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (a). THE MONEYS SHALL BE ALLOCATED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 43-4-205 (6) (b).

SECTION 2. 43-4-205 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

43-4-205. Allocation of fund. (2) Out of the highway users tax fund, subject to annual appropriation by the general assembly, there shall first be paid and credited to the highway crossing protection fund the sum of twenty thousand dollars each month; but, whenever, after deducting all amounts which have theretofore been approved or ordered by the public utilities commission to be paid from said fund, subject to annual appropriation by the general assembly, for the installation of automatic and other safety appliance signals and devices at railroad grade crossings, there is a balance in said fund, not so approved or ordered to be paid, of at least two hundred forty thousand dollars, no further moneys shall be paid or credited to said

fund from the highway users tax fund until the balance in said fund, after making the same deduction, is less than two hundred forty thousand dollars. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-36-114 (1), C.R.S., ANY INTEREST EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE HIGHWAY CROSSING PROTECTION FUND SHALL REMAIN IN THE FUND AND MAY NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OF THE STATE.

SECTION 3. 43-1-112 (2) (b), Colorado Revised Statutes, 1993 Repl. Vol., is amended, and the said 43-1-112 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

43-1-112. Legal services. (2) The executive director shall cause the attorney general to bring and prosecute for and defend on behalf of and in the name of the department, or any of its divisions, suits and proceedings:

(b) To recover damages FOR NEGLIGENCE RESULTING IN INJURY to property of the department AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, BUT SUCH DAMAGES SHALL BE DIMINISHED IN PROPORTION TO THE AMOUNT OF NEGLIGENCE, IF ANY, ATTRIBUTABLE TO THE DEPARTMENT;

(3) TO RECOVER DAMAGES TO PROPERTY OF THE DEPARTMENT PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT SHALL SEND BY FIRST-CLASS MAIL A WRITTEN BILL FOR THE DAMAGE TO ANY PERSON CAUSING SUCH DAMAGE. IF THE PERSON DISPUTES LIABILITY FOR THE DAMAGE OR THE AMOUNT OF THE BILL, THE PERSON MAY FILE WITHIN TWENTY DAYS OF RECEIPT OF THE BILL AN APPEAL WITH THE DEPARTMENT'S CHIEF ENGINEER IN CHARGE OF OPERATIONS AND MAINTENANCE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S. THE BILL SHALL PROVIDE NOTICE OF THE RIGHT TO APPEAL.

SECTION 4. Adjustments to the 1995 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1995, shall be adjusted as follows:

(a) In the appropriation to the department of corrections, correctional industries, the amount appropriated from the general fund is increased by six million five hundred sixteen thousand three hundred eight dollars (\$6,516,308) and the amount from the highway users tax fund is decreased by six million five hundred sixteen thousand three hundred eight dollars (\$6,516,308).

(b) In the appropriation to the department of labor and employment, executive director's office, the amount appropriated from the general fund is increased by one hundred forty-eight thousand five hundred ninety dollars (\$148,590) and the amount appropriated from the highway users tax fund is decreased by one hundred forty-eight thousand five hundred ninety dollars (\$148,590).

(c) In the appropriation to the department of labor and employment, division of labor, public safety and inspection programs, the amount appropriated from the general fund is increased by four hundred seventy-seven thousand three hundred ninety-one dollars (\$477,391) and the amount appropriated from the highway users tax fund is decreased by four hundred seventy-seven thousand three hundred ninety-one dollars (\$477,391).

(d) In the appropriation to the department of local affairs, economic development, community development, the amount appropriated from the general fund is increased by twenty-five thousand forty-nine dollars (\$25,049) and the amount appropriated from the highway users tax fund is decreased by twenty-five thousand forty-nine dollars (\$25,049).

(e) In the appropriation to the department of public safety, executive director's office, the amount appropriated from the general fund is increased by three million four hundred fifty-eight thousand four hundred forty-three dollars (\$3,458,443) and the amount appropriated from the highway users tax fund is decreased by three million four hundred fifty-eight thousand four hundred forty-three dollars (\$3,458,443).

(f) In the appropriation to the department of public safety, Colorado bureau of investigation, administration, the amount appropriated from the general fund is increased by twenty-six thousand eight hundred fifty-six dollars (\$26,856) and the amount appropriated from the highway users tax fund is decreased by twenty-six thousand eight hundred fifty-six dollars (\$26,856).

(g) In the appropriation to the department of public safety, Colorado bureau of investigation, crime information center, the amount appropriated from the general fund is increased by three hundred seventy-four thousand seven hundred forty dollars (\$374,740) and the amount appropriated from the highway users tax fund is decreased by three hundred seventy-four thousand seven hundred forty dollars (\$374,740).

(h) In the appropriation to the department of regulatory agencies, public utilities commission, the amount appropriated from the general fund is increased by two hundred forty thousand dollars (\$240,000) and the amount appropriated from the highway users tax fund is decreased by two hundred forty thousand dollars (\$240,000).

(i) In the appropriation to the department of revenue, executive director's office, the amount appropriated from the general fund is increased by one million seven hundred eighty-five thousand nine hundred eighty-one dollars (\$1,785,981) and the amount appropriated from the highway users tax fund is decreased by one million seven hundred eighty-five thousand nine hundred eighty-one dollars (\$1,785,981).

SECTION 5. 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: June 5, 1995