

CHAPTER 57

GOVERNMENT - STATE

HOUSE BILL 02-1389

BY REPRESENTATIVE(S) Young, Berry, and Saliman;
also SENATOR(S) Reeves, Tate, and Owen.

AN ACT

CONCERNING MODIFICATIONS TO THE SOURCES OF FUNDING OF STATE CAPITAL CONSTRUCTION PROJECTS FOR THE 2001-02 STATE FISCAL YEAR IN ORDER TO INCREASE THE AMOUNT OF GENERAL FUND APPROPRIATIONS MADE DURING SAID FISCAL YEAR USED TO CALCULATE THE STATUTORY LIMITATION ON GENERAL FUND APPROPRIATIONS FOR THE 2002-03 STATE FISCAL YEAR, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

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

SECTION 1. 24-75-302, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(6) ON THE EFFECTIVE DATE OF THIS SUBSECTION (6), PURSUANT TO HOUSE BILL 02-1389, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, THE STATE TREASURER AND THE CONTROLLER SHALL TRANSFER THIRTY-SEVEN MILLION FIVE HUNDRED THOUSAND SEVEN HUNDRED FIFTY-FIVE DOLLARS FROM THE CAPITAL CONSTRUCTION FUND TO THE GENERAL FUND CREATED IN SECTION 24-75-201 (1).

SECTION 2. 39-26-123 (2) (a) (I) (A) and (2) (a) (I) (A.9), Colorado Revised Statutes, are amended, and the said 39-26-123 (2) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

39-26-123. Receipts - disposition. (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 each fiscal year thereafter, except for the fiscal year commencing July 1, 2000, 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

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

vehicles and related items, as follows: Except as otherwise provided in ~~sub-subparagraphs (A.8) and (A.9)~~ SUB-SUBPARAGRAPH (A.8) of this subparagraph (I) AND IN SUBPARAGRAPH (I.5) OF THIS PARAGRAPH (a), ten percent of net revenue from sales and use tax to the highway users tax fund and five percent thereof to the general fund. ~~except that, for the state fiscal year 2001-2002, the amount of the net revenue allocated to the highway users tax fund shall be increased and the amount allocated to the general fund shall be decreased by the amount of sixty-seven thousand dollars.~~

~~(A.9) Notwithstanding any provision of this subparagraph (I) to the contrary, for the fiscal year 2001-02, the amount of net revenue from sales and use tax allocated to the highway users tax fund shall not exceed thirty-five million one hundred seventy-nine thousand sixty-two dollars (\$35,179,062). Any net revenue from sales and use tax in excess of thirty-five million one hundred seventy-nine thousand sixty-two dollars (\$35,179,062) that would have otherwise been allocated to the highway users tax fund pursuant to sub-subparagraph (A) of this subparagraph (I) shall be allocated to the general fund.~~

(I.5) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, FOR THE FISCAL YEAR 2001-02, ANY NET REVENUE FROM SALES AND USE TAX THAT WOULD HAVE OTHERWISE BEEN ALLOCATED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL BE ALLOCATED TO THE GENERAL FUND.

SECTION 3. 43-4-205 (6.5) (a) and the introductory portion to 43-4-205 (6.5) (c) , Colorado Revised Statutes, are amended to read:

43-4-205. Allocation of fund. (6.5) (a) Except as provided in paragraphs (c) and (d) of this subsection (6.5), the revenues credited to the highway users tax fund pursuant to section 39-26-123 (2), C.R.S., OR APPROPRIATED TO THE HIGHWAY USERS TAX FUND PURSUANT TO HOUSE BILL 02-1389, ENACTED DURING THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, shall be paid to the state highway fund for allocation to the department of transportation and shall be expended as provided in section 43-4-206 (2).

(c) For the state fiscal year 2001-2002, of the revenues ~~credited~~ APPROPRIATED to the highway users tax fund ~~by the state treasurer pursuant to section 39-26-123 (2); C.R.S.~~ HOUSE BILL 02-1389, ENACTED DURING THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, sixty-seven thousand dollars shall be allocated as follows:

SECTION 4. The introductory portion to 43-4-206 (2) (a), Colorado Revised Statutes, is amended to read:

43-4-206. State allocation. (2) (a) Notwithstanding the provisions of subsection (1) of this section, the revenues credited to the highway users tax fund pursuant to section 39-26-123 (2), C.R.S., APPROPRIATED TO THE HIGHWAY USERS TAX FUND PURSUANT TO HOUSE BILL 02-1389, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, and credited to the state highway fund pursuant to section 43-4-205 (6.5) shall be expended by the department of transportation for the implementation of the strategic transportation project

investment program in the following manner:

SECTION 5. Appropriations. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the capital construction fund created in section 24-75-302 (1), Colorado Revised Statutes, for the fiscal year beginning July 1, 2001, the sum of eighty-three million one hundred eighty-seven thousand five hundred ninety-nine dollars (\$83,187,599). Said sum shall be subject to the limitation on general fund appropriations pursuant to section 24-75-201.1 (1) (a), Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the highway users tax fund created in section 43-4-201 (1) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2001, the sum of thirty-five million one hundred seventy-nine thousand sixty-two dollars (\$35,179,062). Said sum shall be subject to the limitation on general fund appropriations pursuant to section 24-75-201.1 (1) (a), Colorado Revised Statutes.

SECTION 6. Effective date. This act shall take effect upon passage; except that this act shall only take effect if the following bills are enacted at the Second Regular Session of the Sixty-third General Assembly and become law: House Bill 02-1366; House Bill 02-1367; House Bill 02-1368; House Bill 02-1369; House Bill 02-1370; House Bill 02-1371; House Bill 02-1372; House Bill 02-1373; House Bill 02-1374; House Bill 02-1375; House Bill 02-1376; House Bill 02-1377; House Bill 02-1378; House Bill 02-1379; House Bill 02-1380; House Bill 02-1381; House Bill 02-1382; House Bill 02-1383; House Bill 02-1384; House Bill 02-1385; House Bill 02-1386; House Bill 02-1387; House Bill 02-1388; House Bill 02-1390; House Bill 02-1391; House Bill 02-1392; House Bill 02-1393; and House Bill 02-1394.

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: March 27, 2002

Editor's note: Section 6 of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were signed March 27, 2002.