

CHAPTER 4

TRANSPORTATION

SENATE BILL 03-228

BY SENATOR(S) Teck, Owen, and Reeves;
also REPRESENTATIVE(S) Plant, Witwer, Young, and Frangas.

AN ACT

CONCERNING THE AUTHORITY OF THE GENERAL ASSEMBLY TO APPROPRIATE MONEYS FROM THE HIGHWAY USERS TAX FUND TO THE DEPARTMENT OF REVENUE FOR LICENSE PLATE FUNDING, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 43-4-201 (3) (a) (I) (B), Colorado Revised Statutes, is amended to read:

43-4-201. Funds created - repeal. (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; EXCEPT IN FISCAL YEARS 2002-03 TO 2004-05, MORE THAN A SIX PERCENT INCREASE OVER SUCH APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE COLORADO STATE PATROL, TO THE DEPARTMENT OF REVENUE FOR THE PORTS OF ENTRY DIVISION, AND TO THE DEPARTMENT OF REVENUE FOR LICENSE PLATE FUNDING PURSUANT TO THIS SUB-SUBPARAGRAPH (B) FOR THE PRIOR FISCAL YEAR. FOR FISCAL YEARS 2002-03 TO 2004-05, ANY ANNUAL APPROPRIATION OR STATUTORY DISTRIBUTION FROM THE HIGHWAY USERS TAX FUND TO THE DEPARTMENT OF REVENUE FOR LICENSE PLATE FUNDING UNRELATED TO LICENSE PLATE REPLACEMENT WITHIN THE SIX PERCENT OVERALL LIMIT ON STATE APPROPRIATIONS PURSUANT TO SECTION 24-75-201.1 (1) (a) (II), C.R.S., SHALL NOT BE BASED ON A LEVEL 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.

APPROPRIATION THAT EXPANDS THE SIX PERCENT OVERALL LIMIT.

SECTION 2. 43-4-201 (3) (a) (II), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

43-4-201. Funds created - repeal. (3) (a) (II) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund except as follows:

(L) TO THE DEPARTMENT OF REVENUE FOR THE ISSUANCE OF LICENSE PLATES IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 3 OF TITLE 42, C.R.S. THIS SUB-SUBPARAGRAPH (L) IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 3. Part XIX (4) (B) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART XIX						
DEPARTMENT OF REVENUE						
(4) MOTOR VEHICLE BUSINESS GROUP						
(B) Motor Vehicle Division^{7, 8}						
Personal Services	13,440,633	12,679,998			760,635 ^a	
	(368.6 FTE)					
Operating Expenses	1,397,603	1,392,364		2,000 ^b	3,239 ^c	
Drivers License						
Documents	3,478,361	2,814,140			664,221 ^c	
License Plate Ordering	7,435,286	4,663,375			2,771,911^c	
		3,380,540			4,054,746 ^d	
	<u>25,751,883</u>					

^a Of this amount, \$260,893 shall be from the Drivers License Revocation Account for indirect cost recoveries, \$210,070 shall be from the Outstanding Judgements and Warrants Account for indirect cost recoveries, \$205,356 shall be from the Colorado State Titling and Registration Account for indirect cost recoveries, and \$56,675 shall be from the Penalty Assessment Account for indirect cost recoveries, and \$27,641 shall be from the Automobile Inspection and Readjustment Account for indirect cost recoveries.

^b This amount shall be from the Persistent Drunk Driver Cash Fund.

^c These amounts shall be from the Identification Security Fund.

^d This amount shall be from the Highway Users Tax Fund. This amount is exempt from the statutory limit on Highway Users Tax Fund appropriations pursuant to Section 43-4-201 (3) (a) (II) (K), C.R.S., AND SECTION 43-4-201(3) (a) (II) (L), C.R.S.

39,753,488

TOTALS PART XIX

(REVENUE)^{5,6}	\$541,107,340	\$113,811,326^a	\$37,118,759 ^b	\$388,513,764^a	\$1,663,491
	<u> </u>	<u>\$112,528,491^a</u>	<u> </u>	<u>\$389,796,599^c</u>	<u> </u>

^a Of this amount, \$38,437,000 is included as information for the purpose of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. As this amount is continuously appropriated by a permanent statute or constitutional provision it is not subject to the limitation of General Fund Appropriations as set forth in Section 24-75-201.1 (1) (a) (III) (c), C.R.S.

^b Of this amount, \$372,155 contains a (T) notation.

^c Of this amount, \$1,047,943 contains a (T) notation, and ~~\$11,846,901~~ \$13,129,736 is from the Highway Users Tax Fund. Of the Highway Users Tax Fund moneys, \$3,336,331 is exempt from the statutory limit on Highway Users Tax Fund appropriations pursuant to Section 43-4-201 (3), C.R.S.

SECTION 4. 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 5, 2003