

CHAPTER 3

GOVERNMENT - COUNTY

SENATE BILL 14-007

BY SENATOR(S) Lundberg and Jones, Kefalas, Kerr, Lambert, Nicholson, Renfroe, Aguilar, Baumgardner, Brophy, Cadman, Crowder, Grantham, Guzman, Harvey, Heath, Herpin, Hill, Hodge, Jahn, Johnston, King, Marble, Newell, Rivera, Roberts, Scheffel, Schwartz, Steadman, Todd, Ulibarri, Zenzinger, Carroll;
 also REPRESENTATIVE(S) Foote and DeGrosso, Humphrey, Singer, Sonnenberg, Young, Becker, Conti, Fields, Gardner, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, May, McLachlan, Melton, Mitsch Bush, Moreno, Pettersen, Priola, Rosenthal, Salazar, Schafer, Vigil, Ferrandino.

AN ACT

CONCERNING AUTHORITY FOR A BOARD OF COUNTY COMMISSIONERS TO TRANSFER COUNTY GENERAL FUND MONEYS TO ITS COUNTY ROAD AND BRIDGE FUND AFTER A DECLARED DISASTER EMERGENCY IN THE COUNTY.

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

SECTION 1. In Colorado Revised Statutes, 30-25-106, **add** (3) as follows:

30-25-106. Fund - purposes. (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS IS AUTHORIZED TO TRANSFER MONEYS FROM THE COUNTY GENERAL FUND TO THE COUNTY ROAD AND BRIDGE FUND CREATED IN SECTION 43-2-202, C.R.S., IF THE GOVERNOR DECLARES, BY EXECUTIVE ORDER OR PROCLAMATION, A DISASTER EMERGENCY IN THE APPLICABLE COUNTY PURSUANT TO SECTION 24-33.5-704 (4), C.R.S. THE BOARD OF COUNTY COMMISSIONERS IS AUTHORIZED TO MAKE THE TRANSFERS UNTIL FOUR YEARS AFTER THE DATE OF THE GOVERNOR'S DECLARATION OF AN EMERGENCY IN THE COUNTY. ANY COUNTY GENERAL FUND MONEYS TRANSFERRED INTO THE COUNTY ROAD AND BRIDGE FUND SHALL BE USED FOR THE PURPOSES OF DISASTER RESPONSE AND RECOVERY IN A MANNER CONSISTENT WITH THE PERMISSIBLE USES OF MONEYS IN THE COUNTY ROAD AND BRIDGE FUND.

SECTION 2. In Colorado Revised Statutes, 43-2-202, **amend** (1) as follows:

43-2-202. County road and bridge fund - apportionment to municipalities.
 (1) (a) A fund to be known as the county road and bridge fund is created and

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

established in each county of this state. Such fund shall consist of the revenue derived from the tax authorized to be levied under section 43-2-203 for road and bridge construction, maintenance, and administration, all moneys received by the county from the state or federal governments for expenditure on roads and bridges, and any other moneys ~~which~~ THAT may become available to the county for such purpose. Any moneys ~~which~~ THAT have become available to the county for expenditure on roads and bridges by virtue of a condition placed on any type of land use approval shall be accounted for separately and said expenditures shall be limited to roads and bridges in connection with such land use project.

(b) IN ADDITION TO THE MONEYS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE COUNTY ROAD AND BRIDGE FUND CONSISTS OF ANY GENERAL FUND MONEYS THAT THE BOARD OF COUNTY COMMISSIONERS OF THE APPLICABLE COUNTY TRANSFERS TO THE FUND PURSUANT TO SECTION 30-25-106 (3), C.R.S., AFTER THE GOVERNOR DECLARES A DISASTER EMERGENCY IN THE COUNTY. THE BOARD OF COUNTY COMMISSIONERS MAY TRANSFER BACK TO THE COUNTY GENERAL FUND ANY MONEYS THAT IT TRANSFERRED TO THE COUNTY ROAD AND BRIDGE FUND PURSUANT TO SECTION 30-25-106 (3), C.R.S.

SECTION 3. In Colorado Revised Statutes, **amend** 43-2-203 as follows:

43-2-203. County road and bridge budget - tax levy. (1) As a part of the total county budget and in conformity with the "Local Government Budget Law of Colorado", PART 1 OF ARTICLE 1 OF TITLE 29, C.R.S., each county shall annually adopt a county road and bridge budget for the ensuing fiscal year, which budget shall show: The aggregate amount estimated to be expended for county road and bridge construction, maintenance, and administration and the aggregate amount estimated to be paid from the county road and bridge fund to municipalities located within the county, either in cash or in equivalent value of materials to be furnished or work to be performed under mutual agreements with such municipalities, during said fiscal year; the amount being carried over for equivalent materials to be furnished or work to be performed from any prior fiscal year for any municipality within the county pursuant to section 43-2-202 (2); the estimated balance in said fund at the beginning of said fiscal year; the aggregate amount estimated to be received from state, federal, or other sources during said fiscal year; and the amount necessary to be raised during said fiscal year from the levy authorized in subsection (2) of this section. THE REQUIREMENTS OF THIS SUBSECTION (1) DO NOT APPLY TO ANY MONEYS IN THE COUNTY ROAD AND BRIDGE FUND PURSUANT TO SECTION 30-25-106 (3), C.R.S.

(2) The board of county commissioners in each county is authorized to levy such rate of tax on all taxable property located within the county as required, when added to the estimated balance on hand at the beginning of said ensuing fiscal year and the amount of all revenues, other than property tax revenue, estimated to be received during said fiscal year, to defray all expenditures and payments estimated to be made from the county road and bridge fund during said fiscal year. WHEN DETERMINING THE RATE OF TAX TO BE LEVIED PURSUANT TO THIS SUBSECTION (2), THE BOARD OF COUNTY COMMISSIONERS SHALL EXCLUDE FROM THE ESTIMATED BALANCE OF THE COUNTY ROAD AND BRIDGE FUND ANY MONEYS THAT IT TRANSFERRED TO THE FUND PURSUANT TO SECTION 30-25-106 (3), C.R.S.

SECTION 4. Applicability. This act applies to transfers from a county general fund to a county road and bridge fund that occur on or after September 10, 2013.

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: February 19, 2014