

INITIATED STATUTE TO USE EXISTING SALES AND USE TAX
REVENUE FOR ROADS

PROPOSED INITIATIVE 2021-2022 #_____

Be it Enacted by the People of the State of Colorado:

SECTION 1. Legislative Declaration. The People find
and declare that:

Whereas, the Colorado General Assembly enacted
Senate Bill 97-001 in 1997 with overwhelming bi-partisan support
and the signature of then Governor Roy Romer; and

Whereas, Senate Bill 97-001 transferred ten percent of
existing sales and use tax net revenues from the sale and use net
revenues from the sale and use of motor vehicles and related items to
transportation funding, generating over \$1.4 billion for state and
local transportation projects over eight fiscal years; and

Whereas, Senate Bill 91-001 was repealed by the
General Assembly in 2009; and

Now therefore, the People find and declare that
without raising taxes or fees that the provisions of Senate Bill 97-
001 should be readopted to increase funding for roads and bridges
starting in fiscal year 2022.

SECTION 2. In Colorado Revised Statutes, 39-26-123,
amend (3) introductory portion; and **add** (3.2) as follows:

39-26-123. Receipts - disposition - transfers of general fund surplus - sales tax holding fund - creation - definitions. (3) For any state fiscal year commencing on or after July 1, 2013, BUT BEFORE JULY1, 2022, the state treasurer shall credit eighty-five percent of all net revenue ATTRIBUTABLE TO FILING PERIODS COMMENCING BEFORE JULY 1, 2022, THAT IS collected under this article 26 to the old age pension fund created in section 1 of article XXIV of the state constitution. The state treasurer shall credit to the general fund the remaining fifteen percent of the net revenue, less:

(3.2) FOR EACH STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2022, THE STATE TREASURER SHALL CREDIT EIGHTY-FIVE PERCENT OF ALL NET REVENUE ATTRIBUTABLE TO FILING PERIODS COMMENCING ON OR AFTER JULY 1, 2022, THAT IS COLLECTED UNDER THIS ARTICLE 26 TO THE OLD AGE PENSION FUND CREATED IN SECTION 1 OF ARTICLE XXIV OF THE STATE CONSTITUTION. THE STATE TREASURER SHALL CREDIT THE REMAINING FIFTEEN PERCENT OF THE NET REVENUE AS FOLLOWS:

(a) TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1)(a), AS A PORTION OF THE NET REVENUE FROM SALES AND USE TAXES ATTRIBUTABLE TO SALES OR USE OF VEHICLES AND RELATED ITEMS, TEN PERCENT OF THE NET REVENUE, WHICH IS ALLOCATED FROM THE HIGHWAY USERS TAX FUND TO THE STATE HIGHWAY FUND, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTION 43-4-205 (6)(b) AND (6.8); AND

(b) TO THE GENERAL FUND, FIVE PERCENT OF THE NET REVENUE, LESS:

(I) TEN MILLION DOLLARS, WHICH THE STATE TREASURER SHALL CREDIT TO THE OLDER COLORADANS CASH FUND CREATED IN SECTION 26-11-205.5 (5); AND

(II) (A) EXCEPT AS SET FORTH IN SUBSECTION (3.2)(b)(II)(B) OF THIS SECTION, AN AMOUNT EQUAL TO THE INCREASE IN SALES AND USE TAX REVENUE ATTRIBUTABLE TO THE VENDOR FEE CHANGES, WHICH AMOUNT THE STATE TREASURER SHALL CREDIT TO THE HOUSING DEVELOPMENT GRANT FUND CREATED IN SECTION 24-32-721 (1).

(B) THE AMOUNT CREDITED TO THE HOUSING DEVELOPMENT GRANT FUND CREATED IN SECTION 24-32-721 (1) UNDER SUBSECTION (3.2)(b)(II)(A) OF THIS SECTION SHALL BE ADJUSTED AS REQUIRED BY LAW.

SECTION 3. In Colorado Revised Statutes, 43-4-205, **add** (6.8) as follows:

43-4-205. Allocation of fund. (6.8) MONEY CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 39-26-123 (3.2)(a) MUST BE ALLOCATED AND EXPENDED IN ACCORDANCE WITH THE FORMULA SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 43-4-206, **amend** (1)(b) introductory portion as follows:

43-4-206. State allocation. (1) Except as otherwise provided I subsections (1)(b)(V), (2), and (3) of this section, after paying the costs of the Colorado state patrol and any other costs of the department, exclusive of highway construction, highway

improvements, or highway maintenance, that are appropriated by the general assembly, money in the highway users tax fund shall be paid to the state highway fund and expended for the following purposes:

(b) Except as otherwise provided in subsection (2) of this section, AND EXCEPT THAT MONEY CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 39-26-123 (3.2)(a) THAT IS ALLOCATED TO THE STATE HIGHWAY FUND PURSUANT TO SECTION 43-4-205 (6)(b) AND (6.8) SHALL BE EXPENDED ONLY FOR THE PURPOSES SET FORTH IN SUBSECTION (1)(b)(V) OF THIS SECTION, all money in the state highway fund not required for the creation, maintenance, and application of the highway anticipation or sinking fund and all money in the state highway supplementary fund are available to pay for:

SECTION 5. In Colorado Revised Statutes, 43-4-207, **amend** (1) as follows:

43-4-207. County allocation. (1) After paying the costs of the Colorado state patrol and any other costs of the department, exclusive of highway construction, highway improvements, or highway that are appropriated by the general assembly, the money, including money transferred from the general fund to the highway users tax fund pursuant to section 24-75-219 (5)(a)(II) and (5)(b)(II) AND MONEY CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 39-26-123 (3.2)(a), that section 43-4-205 requires to be paid from the highway users tax fund to the county treasurers of the respective counties shall be paid to the county treasurers of the respective counties, subject

to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. The money received is allocated to the counties as provided by law and shall be expended by the counties only on the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the county highway systems and any other public highways, including any state highways, together with acquisition of rights-of-way and access rights for the same, for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, and for no other purpose; except that money received pursuant to section 43-4-205 (6.3) shall be expended by the counties only for road safety projects, as defined in section 43-4-803 (21). The amount expended for administrative purposes shall not exceed five percent of each county's share of the funds available.

SECTION 6. In Colorado Revised Statutes, 43-4-208, **amend** (1)

as follows:

43-4-208. Municipal allocation. (1) After paying the costs of the Colorado state patrol and any other costs of the department, exclusive of highway construction, highway improvements, or highway maintenance, that are appropriated by the general assembly, the money, including money transferred from the general fund to the highway users

tax fund pursuant to section 24-75-219 (5)(a)(II) and (5)(b)(II) AND MONEY CREDITED TO THE HIGHWAY USERS TAX FUND PURSUANT TO SECTION 39-26-123 (3.2)(a), that section 43-4-205 requires to be paid from the highway users tax fund to cities and incorporated towns shall be paid to the cities and incorporated towns within the limits of the respective counties, subject to annual appropriation by the general assembly, and shall be allocated and expended as provided in this section. Each city treasurer shall account for the money received as provided in this part 2. Money so allocated shall be expended by the cities and incorporated towns for the construction, engineering, reconstruction, maintenance, repair, equipment, improvement, and administration of the system of streets of such city or incorporated town or of any public highways located within such city or incorporated town, including any state highways, together with the acquisition of rights-of-way and access rights for the same, and for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, and for no other purpose; except that money paid to the cities and incorporated towns pursuant to section 43-4-205 (6.3) shall be expended by the cities and incorporated towns only for road safety projects, as defined in section 43-4-803 (21). The amount expended for

administrative purposes shall not exceed five percent of each city's share of the funds available.

SECTION 7. EFFECTIVE DATE. THIS SECTION SHALL BE EFFECTIVE UPON PROCLAMATION BY THE GOVERNOR AND SHALL BE SELF-EXECUTING.