

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 16-0629.02 Ed DeCecco x4216

**HOUSE BILL 16-1138**

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**HOUSE SPONSORSHIP**

**Brown**, Saine, Priola, Humphrey, Neville P., Van Winkle, Wilson, Nordberg, Landgraf, Becker J., Coram, Buck, Thurlow, Ransom, Carver, Joshi, Willett, Wist, Conti, Lawrence, Navarro, Roupe, Windholz

**SENATE SPONSORSHIP**

(None),

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING TRANSFERS FROM THE GENERAL FUND TO CASH FUNDS**  
102      **FOR STATE INFRASTRUCTURE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Under current law, once a trigger based on economic growth occurs, the state treasurer is required to transfer a percentage of the total general fund revenues to the capital construction fund and the highway users tax fund (HUTF), which is further allocated to the state highway fund. The required transfers will be made for each state fiscal year in a 5-year period, but the amount of the transfers for a state fiscal year may

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

be reduced or eliminated if the state has to refund excess state revenues under the taxpayer's bill of rights. In general, if the refund is greater than 1.5% but less than 3% of the total general fund revenues, then the required transfers are halved, and if it is greater than 3%, then the required transfers are eliminated altogether.

For each state fiscal year that the required transfers are reduced or eliminated, **section 1** of the bill adds on another year of transfers to the capital construction fund and the highway users tax fund. Therefore, there will be 5 fiscal years with the full statutory transfers to the funds, regardless of the number of fiscal years that it takes to do so.

**Section 2** specifies that the moneys in the state highway fund allocated from any of the statutorily required transfers to the HUTF may be used for general highway operations and maintenance.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-75-219, **amend**  
3 (2) (c) introductory portion and (2) (d); and **add** (2) (c.5) as follows:

4 **24-75-219. Transfers - transportation - capital construction -**  
5 **definitions.** (2) (c) Except as otherwise set forth in paragraph (e) of this  
6 subsection (2), for each state fiscal year from 2014-15 through the state  
7 fiscal year 2016-17 OR A LATER FISCAL YEAR SPECIFIED IN PARAGRAPH  
8 (c.5) OF THIS SUBSECTION (2), the state treasurer shall transfer from the  
9 general fund to the:

10 (c.5) FOR EACH STATE FISCAL YEAR THAT THE TRANSFERS TO THE  
11 FUNDS ARE REDUCED BY OPERATION OF SUBSECTION (4) OF THIS SECTION,  
12 THE STATE TREASURER IS REQUIRED TO MAKE TRANSFERS TO THE FUNDS  
13 FOR AN ADDITIONAL STATE FISCAL YEAR UNDER PARAGRAPH (c) OF THIS  
14 SUBSECTION (2).

15 (d) For each state fiscal year after the last state fiscal year in  
16 which a transfer is required to be made pursuant to ~~paragraph (c)~~ of this  
17 subsection (2), the general assembly may appropriate or transfer, in its  
18 sole discretion, moneys from the general fund to the highway users tax

1 fund, the capital construction fund, or both funds.

2 **SECTION 2.** In Colorado Revised Statutes, 43-4-206, **amend** (2)  
3 (a) (I); and **add** (2) (a) (III) as follows:

4 **43-4-206. State allocation - repeal.** (2) (a) Notwithstanding the  
5 provisions of subsection (1) of this section, the revenues accrued to and  
6 transferred to the highway users tax fund pursuant to section 39-26-123  
7 (4) (a) or 24-75-219, C.R.S., or appropriated to the highway users tax  
8 fund pursuant to House Bill 02-1389, enacted at the second regular  
9 session of the sixty-third general assembly, and credited to the state  
10 highway fund pursuant to section 43-4-205 (6.5) shall be expended by the  
11 department of transportation for the implementation of the strategic  
12 transportation project investment program in the following manner:

13 (I) No more than ninety percent of such revenues shall be  
14 expended for highway purposes or highway-related capital improvements,  
15 including, but not limited to:

16 (A) High occupancy vehicle lanes, park-and-ride facilities, and  
17 transportation management systems; and ~~at least ten percent of such~~  
18 ~~revenues shall be expended for transit purposes or for transit-related~~  
19 ~~capital improvements.~~

20 (B) THE CONSTRUCTION, RECONSTRUCTION, REPAIR,  
21 IMPROVEMENT, AND MAINTENANCE OF THE STATE HIGHWAY SYSTEM AND  
22 OTHER PUBLIC HIGHWAYS, INCLUDING THE ACQUISITION OF  
23 RIGHTS-OF-WAY AND ACCESS RIGHTS FOR THE SYSTEM AND OTHER  
24 HIGHWAYS.

25 (III) AT LEAST TEN PERCENT OF SUCH REVENUES SHALL BE  
26 EXPENDED FOR TRANSIT-RELATED CAPITAL IMPROVEMENTS.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly (August  
3 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
4 referendum petition is filed pursuant to section 1 (3) of article V of the  
5 state constitution against this act or an item, section, or part of this act  
6 within such period, then the act, item, section, or part will not take effect  
7 unless approved by the people at the general election to be held in  
8 November 2016 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.