

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

DRAFT 8.20.12
------------------

DRAFT

Temporary storage location: S:\LLS\2013A\Bills\Pre-Draft\13-0062.wpd

LLS NO. 13-0062.01 Jason Gelender

HOUSE BILL

---

**HOUSE SPONSORSHIP**

Priola

**SENATE SPONSORSHIP**

None

---

House Committees

Senate Committees

---

**A BILL FOR AN ACT**

101      **CONCERNING THE ALLOCATION OF A PORTION OF FUTURE GROWTH IN**  
102            **STATE SALES AND USE TAX REVENUES TO THE HIGHWAY USERS**  
103            **TAX FUND.**

---

**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/bills/summaries>.)*

Under current law most net revenue from state sales and use taxes is eventually credited to the general fund. The bill allocates a portion of future state sales and use tax net revenue growth for improvements to state highways, county roads, and municipal streets by requiring the state

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.*

treasurer to transfer \$10 million per year from the general fund to the highway users tax fund (HUTF) in every fiscal year following a fiscal year in which state sales and use tax net revenue grew by 1.5% or more. Permanent transfers of \$10 million per year begin, not once, but cumulatively after each fiscal year in which state sales and use tax net revenue growth of 1.5% or more occurs. The moneys transferred to the HUTF are allocated in accordance with an existing allocation formula as follows: 60% to the state highway fund; 22% to counties; and 18% to municipalities.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-75-219, **add** (5)  
3 as follows:

4           **24-75-219. Transfers - transportation - capital construction -**  
5 **definitions.** (5) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY  
6 THIS SECTION, BEGINNING WITH THE 2012-13 FISCAL YEAR, IF THE AMOUNT  
7 OF NET REVENUE, AS DEFINED IN SECTION 39-26-123 (1) (a), C.R.S., FOR  
8 ANY FISCAL YEAR EXCEEDS THE AMOUNT OF NET REVENUE FOR THE PRIOR  
9 FISCAL YEAR BY ONE AND ONE-HALF PERCENT OR MORE, IN THE NEXT  
10 FISCAL YEAR AND IN EACH SUCCEEDING FISCAL YEAR THE STATE  
11 TREASURER SHALL TRANSFER TEN MILLION DOLLARS FROM THE GENERAL  
12 FUND TO THE HIGHWAY USERS TAX FUND FOR ALLOCATION TO THE STATE  
13 HIGHWAY FUND, COUNTIES, AND MUNICIPALITIES AS SPECIFIED IN SECTION  
14 43-4-205 (6.3), C.R.S. FOR EACH FISCAL YEAR FOR WHICH THE AMOUNT  
15 OF NET REVENUE GROWTH REQUIRES THE STATE TREASURER TO MAKE  
16 TRANSFERS UNDER THIS SUBSECTION (5), THE STATE TREASURER SHALL  
17 MAKE THE FIRST REQUIRED TRANSFER ON THE DATE THE STATE  
18 CONTROLLER DISTRIBUTES THE COMPREHENSIVE ANNUAL FINANCIAL  
19 REPORT OF THE STATE FOR THE FISCAL YEAR AND SHALL MAKE  
20 SUBSEQUENT REQUIRED TRANSFERS ON JULY 1 OF EACH SUCCEEDING

1 FISCAL YEAR.

2           **SECTION 2.** In Colorado Revised Statutes, 43-4-205, **amend**  
3 (6.3) as follows:

4           **43-4-205. Allocation of fund.** (6.3) Revenues from the  
5 surcharges, fees, and fines credited to the highway users tax fund  
6 pursuant to ~~section 43-4-804 (1)~~ SECTIONS 24-75-219 (5) AND 43-4-804  
7 (1), C.R.S., shall be allocated and expended in accordance with the  
8 formula specified in paragraph (b) of subsection (6) of this section.

9           **SECTION 3. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly; except  
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
13 of the state constitution against this act or an item, section, or part of this  
14 act within such period, then the act, item, section, or part will not take  
15 effect unless approved by the people at the general election to be held in  
16 November 2012 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.

