

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0900.01 Jason Gelender x4330

SENATE BILL 16-087

SENATE SPONSORSHIP

Baumgardner,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 CONCERNING PUBLIC UTILITY FEE FUNDING FOR THE HIGHWAY-RAIL
102 CROSSING SIGNALIZATION 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/billsummaries>.)

Current law requires 3% of the fees collected from public utilities by the department of revenue to be credited to the general fund. The bill requires all or a portion of the 3% of the fees to instead be credited to the highway-rail crossing signalization fund as follows:

! For the 2016-17 fiscal year, the lesser of all of the fees or \$240,000 of the fees must be credited to the highway-rail

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.

crossing signalization fund and any remaining fees must be credited to the general fund; and

- ! For the 2017-18 fiscal year and for each fiscal year thereafter, the lesser of all of the fees or an amount of the fees equal to \$240,000 plus a cumulative inflation adjustment of 2% for each fiscal year beginning with the 2017-18 fiscal year must be credited to the highway-rail crossing signalization fund and any remaining fees shall be credited to the general fund.

The funding required by the bill replaces an existing statutory requirement that \$240,000 be paid annually, subject to annual appropriation, from the general fund to the highway-rail crossing signalization fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-114, **amend** (1)
3 as follows:

4 **40-2-114. Disposition of fees collected.** (1) (a) Three percent of
5 the fees collected under section 40-2-113 by the department of revenue
6 shall be remitted to the state treasurer and credited by the state treasurer
7 ~~to the general fund.~~ AS FOLLOWS:

8 (I) FOR THE 2016-17 FISCAL YEAR, THE LESSER OF ALL OF THE FEES
9 OR TWO HUNDRED FORTY THOUSAND DOLLARS OF THE FEES SHALL BE
10 CREDITED TO THE HIGHWAY-RAIL CROSSING SIGNALIZATION FUND
11 CREATED IN SECTION 40-29-116 AND ANY REMAINING FEES SHALL BE
12 CREDITED TO THE GENERAL FUND; AND

13 (II) FOR THE 2017-18 FISCAL YEAR AND FOR EACH FISCAL YEAR
14 THEREAFTER, THE LESSER OF ALL OF THE FEES OR AN AMOUNT OF THE FEES
15 EQUAL TO TWO HUNDRED FORTY THOUSAND DOLLARS PLUS A CUMULATIVE
16 INFLATION ADJUSTMENT OF TWO PERCENT FOR EACH FISCAL YEAR
17 BEGINNING WITH THE 2017-18 FISCAL YEAR SHALL BE CREDITED TO THE
18 HIGHWAY-RAIL CROSSING SIGNALIZATION FUND CREATED IN SECTION
19 40-29-116 AND ANY REMAINING FEES SHALL BE CREDITED TO THE

1 GENERAL FUND.

2 (b) For the remaining ninety-seven percent of the fees collected,
3 the state treasurer shall credit:

4 (a) (I) Fees paid by public utilities that are telephone corporations
5 to the telecommunications utility fund, which fund is hereby created; and

6 (b) (II) Fees paid by other public utilities to the public utilities
7 commission fixed utility fund, which fund is hereby created.

8 **SECTION 2.** In Colorado Revised Statutes, 40-29-116, **amend**
9 (2) as follows:

10 **40-29-116. Highway-rail crossing signalization fund created**
11 **- crediting of fees to fund.** (2) ~~Subject to annual appropriation by the~~
12 ~~general assembly, the sum of~~ PURSUANT TO SECTION 40-2-114 (1), FOR
13 THE 2016-17 FISCAL YEAR THE LESSER OF THREE PERCENT OF THE FEES
14 COLLECTED UNDER SECTION 40-2-113 OR two hundred forty thousand
15 dollars OF THE FEES shall be ~~paid from the general fund and~~ credited to
16 the highway-rail crossing signalization fund. PURSUANT TO SECTION
17 40-2-114 (1), FOR THE 2017-18 FISCAL YEAR AND FOR EACH FISCAL YEAR
18 THEREAFTER, THE LESSER OF THREE PERCENT OF THE FEES COLLECTED
19 UNDER SECTION 40-2-113 OR AN AMOUNT OF THE FEES EQUAL TO TWO
20 HUNDRED FORTY THOUSAND DOLLARS PLUS A CUMULATIVE INFLATION
21 ADJUSTMENT OF TWO PERCENT FOR EACH FISCAL YEAR BEGINNING WITH
22 THE 2017-18 FISCAL YEAR SHALL BE CREDITED TO THE HIGHWAY-RAIL
23 CROSSING SIGNALIZATION FUND. Notwithstanding section 24-36-114 (1),
24 C.R.S., any interest earned on the deposit and investment of moneys in
25 the highway-rail crossing signalization fund shall remain in the fund and
26 shall not be credited or transferred to the general fund or any other fund.
27 Such earned interest moneys are hereby continuously appropriated to the

1 public utilities commission for use for the purposes of the highway-rail
2 crossing signalization fund.

3 **SECTION 3. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.