

## CHAPTER 217

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**PUBLIC UTILITIES**

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## SENATE BILL 16-087

BY SENATOR(S) Baumgardner, Cooke, Crowder, Grantham, Heath, Jones, Kefalas, Kerr, Lambert, Merrifield, Newell, Scott, Todd, Cadman;  
also REPRESENTATIVE(S) Tyler, Lebsock, Lee, Melton, Mitsch Bush, Moreno, Rosenthal, Salazar, Singer.

**AN ACT**

**CONCERNING FUNDING FOR THE HIGHWAY-RAIL CROSSING SIGNALIZATION FUND, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 40-2-114, **amend as amended by House Bill 16-1186** (1) (a) as follows:

**40-2-114. Disposition of fees collected.** (1) (a) Three percent of the fees collected under section 40-2-113 by the department of revenue shall be remitted to the state treasurer and credited by the state treasurer as follows:

(I) Notwithstanding any other provision of this paragraph (a), for the 2016-17 fiscal year and FOR any fiscal year thereafter in which a grant match is required for the receipt of federal money under the federal "Moving Ahead for Progress in the 21st Century Act", Pub.L. 112-141, 126 Stat. 405, for rail fixed guideway system safety oversight responsibilities under article 18 of this title, the lesser of all of the fees or up to one hundred fifty thousand dollars of the fees, or as much thereof as the commission deems necessary, to the public utilities commission fixed utility fund created in paragraph (b) of this subsection (1); ~~and~~

(II) FOR THE 2017-18 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE LESSER OF ALL OF THE FEES REMAINING AFTER FEES ARE CREDITED AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) OR AN AMOUNT OF THE FEES EQUAL TO TWO HUNDRED FORTY THOUSAND DOLLARS PLUS A CUMULATIVE INFLATION ADJUSTMENT OF TWO PERCENT FOR EACH FISCAL YEAR BEGINNING WITH THE 2017-18 FISCAL YEAR TO THE HIGHWAY-RAIL CROSSING SIGNALIZATION FUND CREATED IN SECTION 40-29-116 (1); AND

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

(H) (III) Any remaining fees to the general fund.

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

**40-29-116. Highway-rail crossing signalization fund created - annual appropriation.** (2) ~~Subject to annual appropriation by the general assembly, FOR THE 2016-17 FISCAL YEAR, the sum of two hundred forty thousand dollars shall be paid~~ IS APPROPRIATED FROM THE ~~general fund and credited~~ HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1) (a), C.R.S., TO THE HIGHWAY-RAIL CROSSING SIGNALIZATION FUND AS AUTHORIZED BY SECTION 43-4-201 (3) (a) (VI), C.R.S. PURSUANT TO SECTION 40-2-114 (1) (a) (II), FOR THE 2017-18 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE LESSER OF THREE PERCENT OF THE FEES COLLECTED UNDER SECTION 40-2-113 OR AN AMOUNT OF THE FEES EQUAL TO TWO HUNDRED FORTY THOUSAND DOLLARS PLUS A CUMULATIVE INFLATION ADJUSTMENT OF TWO PERCENT FOR EACH FISCAL YEAR BEGINNING WITH THE 2017-18 FISCAL YEAR IS CREDITED TO THE highway-rail crossing signalization fund. Notwithstanding section 24-36-114 (1), C.R.S., any interest earned on the deposit and investment of moneys in the highway-rail crossing signalization fund shall remain in the fund and shall not be credited or transferred to the general fund or any other fund. Such earned interest moneys are hereby continuously appropriated to the public utilities commission for use for the purposes of the highway-rail crossing signalization fund.

**SECTION 3.** In Colorado Revised Statutes, 43-4-201, **add** (3) (a) (VI) as follows:

**43-4-201. Highway users tax fund - created.** (3) (a) (VI) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION, SUBJECT TO THE LIMITATIONS SPECIFIED IN SECTION 40-29-116 (2), C.R.S., FOR THE 2016-17 FISCAL YEAR ONLY, THE GENERAL ASSEMBLY MAY MAKE AN APPROPRIATION FROM THE HIGHWAY USERS TAX FUND TO THE HIGHWAY-RAIL CROSSING SIGNALIZATION FUND CREATED IN SECTION 40-29-116 (1), C.R.S.

**SECTION 4. Appropriation.** (1) For the 2016-17 state fiscal year, \$240,000 cash funds is appropriated to the highway-rail crossing signalization fund created in section 40-29-116 (1), C.R.S. This appropriation is from the highway users tax fund created in section 43-4-201 (1) (a), C.R.S. The department of regulatory agencies is responsible for the accounting related to this appropriation.

(2) For the 2016-17 state fiscal year, \$240,000 is appropriated to the department of regulatory agencies for use by the public utilities commission. This appropriation is from reappropriated funds in the highway-rail crossing signalization fund under subsection (1) of this section. To implement this act, the commission may use the appropriation for operating expenses.

**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: June 6, 2016