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FINAL FISCAL NOTE

Drafting Number: LLS 19-0188 Date: May 28, 2019
Prime Sponsors: Sen. Zenzinger Bill Status: Signed into Law
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Bill Topic: REQUIREMENTS FOR CDOT LAND ACQUISITIONS

- Summary of Fiscal Impact:
- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

This bill changes the process related to land acquisitions by the Colorado Department of Transportation.

Appropriation Summary: No appropriation required. See State Appropriations section.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under SB 19-017

Table with 3 columns: Category, FY 2019-20, FY 2020-21. Rows include Revenue, Expenditures (State Highway Fund, Total, Total FTE), Transfers, and TABOR Refund.

Summary of Legislation

Under current law, the Chief Engineer of the Colorado Department of Transportation (CDOT) must provide a written report to the Transportation Commission when a project to alter a state highway requires land acquisition. The Transportation Commission must then determine if the project will serve the public interest or convenience and may adopt a resolution authorizing the Chief Engineer to offer affected landowners appropriate compensation.

Under this bill, the Chief Engineer of CDOT may acquire land by purchase or exchange through negotiations, and is not required to provide information about the land acquired to the Transportation Commission. If negotiations to acquire land have failed and the Chief Engineer of CDOT determines that filing a petition of condemnation is necessary, he or she must submit a written report to the Transportation Commission describing the project. The Transportation Commission may then adopt a resolution approving the action.

Background

In 1994, the Transportation Commission adopted a resolution authorizing CDOT to acquire land without obtaining additional approval for each acquisition. In 2016, in *DOT v. Amerco Real Estate Co.*, the Colorado Supreme Court held that the Transportation Commission must first authorize CDOT before it acquires land for a state highway project.

State Expenditures

Beginning in FY 2019-20, this bill will decrease workload in CDOT by approximately \$75,000 or 1.2 FTE since the department will only be required to report to the Transportation Commission in instances when negotiations to acquire land have failed.

State Appropriations

CDOT receives a continuous appropriation from the State Highway Fund, and any offset in FTE will be diverted to other transportation-related needs.

Effective Date

The bill was signed into law by the Governor on March 28, 2019, and takes effect August 2, 2019, assuming no referendum petition is filed.

State and Local Government Contacts

Transportation