



Legislative Council Staff
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Final Fiscal Note

Drafting Number: LLS 23-1013 Date: July 10, 2023
Prime Sponsors: Sen. Zenzinger; Bridges Bill Status: Signed into Law
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Bill Topic: MECHANISMS FOR FEDERAL INFRASTRUCTURE FUNDING

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

The bill makes two transfers for the purpose of providing state matching funds for federal funding opportunities. Starting in FY 2023-24, the bill increases state expenditures and may increase revenue and expenditures for local governments and the Front Range Passenger Rail District.

Appropriation Summary: For FY 2023-24, the bill requires and includes an appropriation of \$84 million to any principal department and the Office of the Governor. The State Highway Fund is continuously appropriated. See State Appropriations section.

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

Table 1
State Fiscal Impacts Under SB 23-283

Table with 3 columns: Category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (Cash Funds, Total Expenditures), Transfers (General Fund, Infrastructure Investment and Jobs Act Cash Fund, State Highway Fund, Net Transfers), and Other Budget Impacts.

1Expenditures may occur in multiple fiscal years

## Summary of Legislation

On July 1, 2023, the bill transfers \$89 million from the General Fund as follows:

- \$84 million to the Infrastructure Investment and Jobs Act (IIJA) Cash Fund; and
- \$5 million to the State Highway Fund (SHF).

Funds transferred to the IIJA Cash Fund are for expenditures related to securing federal funding opportunities under the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, and any related federal funding opportunities.

Funds transferred to the State Highway Fund are for use by the Colorado Department of Transportation (CDOT) to develop comprehensive operational capacity to maximize utilization and implementation of federal infrastructure funding.

Finally, the bill requires quarterly reports to the General Assembly from the Office of the Governor on disbursements from the fund, and changes the allowable length of terms of property leases that the Colorado School of Mines board of trustees may enter into with outside entities from 80 to 99 years.

## Background

**IIJA Cash Fund.** [Senate Bill 22-215](#) created the IIJA Cash Fund, and provided procedures for expenditures from the fund. The IIJA Cash Fund may be expended by the Office of the Governor and any principal department of the state subject to approval by the Governor.

**SHF.** CDOT is primarily funded from the SHF, which is comprised of federal funds, the state's share of the Highway Users Tax Fund, and other various sources of revenue. The decision-making authority for the majority of state transportation revenue rests with the Transportation Commission, which is responsible for allocating funds from the SHF.

## State Transfers

The bill transfers \$84,000,000 from the General Fund to the IIJA Cash Fund and \$5,000,000 from the General Fund to the SHF on July 1, 2023.

## State Expenditures

Beginning in FY 2023-24, the bill increases state expenditures by up to \$91 million in multiple state agencies, as described below.

**State agencies.** Expenditures will increase in the Office of the Governor and any principal department of the state by up to \$84 million in FY 2023-24. It is anticipated this funding will primarily be used as state match needed for federal infrastructure funding opportunities. Based on the amount of funding, the Office of the Governor will require 4.8 FTE in the initial years to identify funding opportunities, provide technical support in securing federal funding, and monitor expenditures for

reporting/accounting purposes, resulting in a cost of about \$500,000 per year, paid from the IJJA Cash Fund. Administrative expenses will be lower in future years. Subject to appropriation by the General Assembly, expenditures may occur over multiple fiscal years.

**Department of Transportation.** Expenditures will increase in the CDOT by up to \$5 million in FY 2023-24. It is anticipated that these expenditures will be for rail infrastructure projects coordinated with the Front Range Passenger Rail District. Additionally, since the SHF is continuously appropriated, expenditures in CDOT may occur over multiple fiscal years. Funding from the SHF is allocated by the Transportation Commission. The commission will adjust spending from the SHF to accommodate the increase in CDOT expenditures under this bill.

## **Local Government**

**Local governments.** Revenue and expenditures in local governments will increase to the extent matching funding is provided from the IJJA Cash Fund for a project conducted by a local government.

## **Statutory Public Entity**

**Front Range Passenger Rail District.** Revenue and expenditures in the Front Range Passenger Rail District will increase to the extent funding is provided from CDOT.

## **Effective Date**

The bill was signed into law by the Governor and took effect on May 22, 2023.

## **State Appropriations**

For FY 2023-24, the bill requires and includes an appropriation of \$84,000,000 from the Infrastructure Investment and Jobs Act Cash Fund to a principal department of the state and to the Office of the Governor. Any money appropriated and not expended is further appropriated through FY 2026-27. The Office of the Governor also requires 4.8 FTE.

The SHF is continuously appropriated for use by CDOT.

## **State and Local Government Contacts**

Office of State Planning and Budgeting

Transportation