



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 23-0557	Date:	February 9, 2023
Prime Sponsors:	Rep. Evans; Bird Sen. Roberts; Hansen	Bill Status:	House Judiciary
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Bill Topic: ALCOHOL & DRUG IMPAIRED DRIVING ENFORCEMENT

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill expands high-visibility drunk driving enforcement programs to include both alcohol- and drug-impaired driving, and requires an annual appropriation of \$1.5 million from the Marijuana Tax Cash Fund for allocation to local governments. It increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$1.5 million from the Marijuana Tax Cash Fund to the Department of Transportation.

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

Table 1
State Fiscal Impacts Under HB 23-1102

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures¹	Marijuana Tax Cash Fund	\$1.5 million	\$1.5 million
Transfers		-	-
Other Budget Impacts		-	-

¹ The required appropriation from the Marijuana Tax Cash Fund for the high-visibility drunk driving enforcement programs replaces the current funding mechanism that transfers money to the First Time Drunk Driver Account. See the Background and State Expenditures sections for more detail.

Summary of Legislation

The bill expands high-visibility drunk driving enforcement programs to include both alcohol- and drug-impaired driving. It requires an annual appropriation of \$1.5 million from the Marijuana Tax Cash Fund to the Department of Transportation (CDOT) for allocation to local governments that implement high visibility alcohol and drug impaired driving enforcement. In addition, the bill requires CDOT to establish the minimum requirements for a qualified enforcement program. Lastly, the bill eliminates the current funding stream to CDOT for these programs, which allocates up to \$2 million from the First Time Drunk Driver (FTDD) Account of the Highway Users Tax Fund, subject to annual appropriation.

Background

First Time Drunk Driver Fund. Funding from the FTDD Account comes from \$22 of every \$95 driver license reinstatement fee. After appropriations to the Colorado Department of Revenue (DOR) for costs related to ignition interlock devices, the remainder of this funding may be appropriated to CDOT and provided to local law enforcement in Colorado for impaired driving enforcement campaigns. State law requires that the Highway Safety Office run twelve high visibility enforcement campaigns each fiscal year, with specific high visibility impaired driving enforcement periods centered on national holidays and large public events.

In recent years, funds in the FTDD Account have not been available to CDOT from the current funding mechanism, as available funding has gone entirely to the other prioritized uses in statute. CDOT has received one-time supplemental appropriations and transfers to the account to maintain high visibility enforcement efforts. It is estimated that a remaining fund balance of \$1.5 million will be available in the FTDD account at the start of FY 2023-24 after accounting for these one-time budget actions.

State Expenditures

Beginning in FY 2023-24, the bill increases expenditures in CDOT by \$1.5 million per year from the Marijuana Tax Cash Fund. CDOT will disburse this funding to local governments for high-visibility impaired driving enforcement. CDOT will also have a minimal increase in workload to conduct rulemaking and adjust processes to align with the bill.

While the bill repeals the allocation of money in the FTDD Account money to CDOT, based on recent trends, it is assumed that repealing this provision will not result in a corresponding reduction in actual expenditures. While the General Assembly has taken actions in recent years to maintain funding for high-visibility impaired driving enforcement in the FTDD Account, the fiscal note cannot estimate what future actions or allocations of funding the General Assembly may have taken in the future that will be avoided by passage of this bill. Also, the fiscal note does not account for how the General Assembly may choose to appropriate any remaining fund balance in the FTDD Account.

Local Government

The bill increases disbursements to local law enforcement by \$1.5 million per year starting in FY 2023-24. Counties with high-visibility enforcement programs that receive funding will correspondingly have an increase in expenditures and workload to use these funds for their intended purpose. Based on the allocation formula in the bill, counties will receive between \$450,000 and \$750,000, and cities will receive between \$750,000 and \$1,050,000.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2023-24, the bill requires an appropriation of \$1.5 million from the Marijuana Tax Cash Fund to CDOT.

State and Local Government Contacts

Counties	Public Safety	Judicial
Municipalities	Human Services	Law
District Attorneys	Revenue	Transportation