

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0951.01 Megan McCall x4215

SENATE BILL 22-215

SENATE SPONSORSHIP

Hansen and Zenzinger, Rankin, Buckner, Donovan, Fenberg, Gonzales, Hinrichsen,
Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Rodriguez, Story, Winter

HOUSE SPONSORSHIP

Herod and McCluskie,

Senate Committees
Appropriations

House Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "INFRASTRUCTURE INVESTMENT**
102 **AND JOBS ACT" CASH FUND TO BE USED FOR NONFEDERAL**
103 **MATCH FUNDING REQUIREMENTS FOR INFRASTRUCTURE**
104 **PROJECTS ELIGIBLE TO RECEIVE FEDERAL FUNDING UNDER THE**
105 **FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS ACT",**
106 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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://leg.colorado.gov/>.)

Joint Budget Committee. The bill creates the "Infrastructure

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 26, 2022

SENATE
Amended 2nd Reading
April 25, 2022

Investment and Jobs Act" cash fund (fund) and requires the state treasurer to transfer \$81.5 million to the fund. The money in the fund is continuously appropriated to departments, subject to approval by the governor to be used as the nonfederal match funding necessary for the state or a local government to be eligible to receive federal approval and federal funds for certain categories of infrastructure projects allowed under the federal "Infrastructure Investment and Jobs Act". The office of the governor (office) must establish a process for receiving, reviewing, and approving applications and awarding and distributing money from the fund and the office, as well as state departments receiving money from the fund, are subject to annual reporting requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-75-232 as
3 follows:

4 **24-75-232. "Infrastructure Investment and Jobs Act" cash**
5 **fund - creation - allowable uses - report - legislative declaration -**
6 **definitions - repeal.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES
7 THAT:

8 (a) THE FEDERAL GOVERNMENT ENACTED WITH BIPARTISAN
9 SUPPORT THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT", WHICH
10 INCLUDES FIVE HUNDRED FIFTY BILLION DOLLARS IN FEDERAL FUNDS FOR
11 NEW INFRASTRUCTURE INVESTMENTS NATIONWIDE;

12 (b) APPROXIMATELY TWO HUNDRED PROGRAMS IDENTIFIED IN THE
13 FEDERAL ACT MAY BE RELEVANT TO COLORADO AND INITIAL ESTIMATES
14 SHOW THE STATE COULD RECEIVE BETWEEN APPROXIMATELY THREE
15 BILLION FOUR HUNDRED MILLION DOLLARS AND SIX BILLION EIGHT
16 HUNDRED MILLION DOLLARS IN NEW FEDERAL FUNDING FOR
17 INFRASTRUCTURE INVESTMENTS, WITH SIGNIFICANT FUNDING SUBJECT TO
18 NONFEDERAL MATCH REQUIREMENTS;

19 (c) WITH THESE AVAILABLE FEDERAL FUNDS, COLORADO HAS THE

1 OPPORTUNITY TO MAKE SIGNIFICANT PROGRESS ON ITS INFRASTRUCTURE
2 GOALS THAT CAN CREATE POSITIVE IMPACTS FOR COLORADANS ACROSS
3 THE STATE;

4 (d) IN ORDER FOR THE STATE TO BE COMPETITIVE FOR THE HIGHEST
5 RANGE OF FUNDING AVAILABLE TO IT UNDER THE FEDERAL ACT, IT IS
6 NECESSARY FOR DEPARTMENTS TO HAVE FUNDS AVAILABLE AS A
7 NONFEDERAL MATCH, ALTHOUGH DUE TO STILL-EVOLVING FEDERAL
8 GUIDANCE THE AMOUNTS NEEDED AND SPECIFIC TYPES OF PROJECTS MAY
9 NOT BE KNOWN IN TIME FOR THIS MONEY TO BE APPROPRIATED IN THE
10 ANNUAL GENERAL APPROPRIATION ACT; AND

11 (e) THE GENERAL ASSEMBLY DESIRES THE MONEY IN THE
12 "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH FUND TO BE
13 ALLOCATED AS FOLLOWS; EXCEPT THAT THE ANTICIPATED PERCENTAGES
14 MAY CHANGE DEPENDENT ON NEED AND GUIDANCE DEVELOPED BY THE
15 FEDERAL GOVERNMENT FOR IMPLEMENTATION OF THE FEDERAL ACT:

- 16 (I) THIRTY-FIVE PERCENT FOR TRANSPORTATION PROGRAMS;
- 17 (II) TWENTY-FIVE PERCENT FOR WATER, ENVIRONMENTAL, AND
18 RESILIENCY PROGRAMS;
- 19 (III) TWENTY-FIVE PERCENT FOR POWER, GRID, AND BROADBAND
20 PROGRAMS;
- 21 (IV) TEN PERCENT FOR LOCAL MATCH SUPPORT; AND
- 22 (V) FIVE PERCENT FOR GRANT WRITING SUPPORT, ADMINISTRATIVE
23 SUPPORT, AND PROJECT PLANNING.

24 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

26 (a) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT OF THE
27 STATE AS IDENTIFIED IN SECTION 24-1-110 AND THE OFFICE OF THE

1 GOVERNOR, INCLUDING ANY OFFICES CREATED THEREIN.

2 (b) "FUND" MEANS THE "INFRASTRUCTURE INVESTMENT AND JOBS
3 ACT" CASH FUND CREATED IN SUBSECTION (3) OF THIS SECTION.

4 (c) "INFRASTRUCTURE INVESTMENT AND JOBS ACT" OR "FEDERAL
5 ACT" MEANS THE FEDERAL "INFRASTRUCTURE INVESTMENT AND JOBS
6 ACT", PUB.L. 117-58, AS THE ACT MAY BE SUBSEQUENTLY AMENDED.

7 (d) "LOCAL GOVERNMENT" MEANS A COUNTY, A MUNICIPALITY, A
8 CITY AND COUNTY, OR A SPECIAL DISTRICT.

9 (e) "OFFICE" MEANS THE OFFICE OF THE GOVERNOR.

10 (3) THE "INFRASTRUCTURE INVESTMENT AND JOBS ACT" CASH
11 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS
12 OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (4) OF THIS
13 SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
14 APPROPRIATE OR TRANSFER TO THE FUND.

15 (4) (a) NO LATER THAN THREE DAYS AFTER THE EFFECTIVE DATE
16 OF THIS SUBSECTION (4)(a), THE STATE TREASURER SHALL TRANSFER
17 EIGHTY MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE
18 GENERAL FUND TO THE FUND.

19 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
20 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
21 FUND TO THE FUND.

22 (c) ON JUNE 30, 2028, THE STATE TREASURER SHALL TRANSFER
23 ALL UNEXPENDED MONEY IN THE FUND TO THE GENERAL FUND.

24 (5) (a) SUBJECT TO APPROVAL BY THE GOVERNOR, A DEPARTMENT
25 MAY EXPEND MONEY IN THE FUND AS THE MATCHING NONFEDERAL FUNDS
26 FOR INFRASTRUCTURE PROJECTS PURSUANT TO REQUIREMENTS OF THE
27 "INFRASTRUCTURE INVESTMENT AND JOBS ACT" FOR THE FOLLOWING

1 CATEGORIES:

2 (I) TRANSPORTATION INFRASTRUCTURE PROJECTS AS SET FORTH
3 IN THE FEDERAL ACT;

4 (II) WATER, ENVIRONMENTAL, AND RESILIENCY PROJECTS AS SET
5 FORTH IN THE FEDERAL ACT;

6 (III) POWER, GRID, AND BROADBAND PROJECTS AS SET FORTH IN
7 THE FEDERAL ACT; AND

8 (IV) ANY OTHER INFRASTRUCTURE PROJECT EXPLICITLY FUNDED
9 AND SET FORTH IN THE FEDERAL ACT.

10 (b) IN ADDITION TO THE USES SET FORTH IN SUBSECTION (5)(a) OF
11 THIS SECTION:

12 (I) SUBJECT TO APPROVAL BY THE GOVERNOR, A DEPARTMENT
13 MAY EXPEND MONEY IN THE FUND TO PROVIDE MATCHING NONFEDERAL
14 FUNDS TO A LOCAL GOVERNMENT OR A FEDERALLY RECOGNIZED INDIAN
15 TRIBE FOR MATCH USES DIRECTED UNDER THE FEDERAL ACT; AND

16 (II) THE OFFICE MAY EXPEND MONEY FROM THE FUND TO PROVIDE
17 GRANT WRITING SUPPORT, PROJECT PLANNING SUPPORT, AND FOR
18 ADMINISTRATIVE NEEDS IN PROCESSING APPLICATIONS FOR MONEY FROM
19 THE FUND AND DISBURSING MONEY AWARDED FROM THE FUND IN
20 ACCORDANCE WITH THIS SECTION.

21 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
22 ASSEMBLY, A DEPARTMENT AND THE OFFICE MAY EXPEND MONEY FROM
23 THE FUND FOR THE PURPOSES SET FORTH IN THIS SUBSECTION (5).

24 (d) BEFORE A DEPARTMENTAL EXPENDITURE FROM THE FUND, THE
25 OFFICE SHALL DEVELOP A PROCESS FOR DEPARTMENTS TO APPLY TO
26 EXPEND MONEY FROM THE FUND FOR INFRASTRUCTURE PROJECTS THAT
27 REQUIRE NONFEDERAL MATCH FUNDS IN ORDER TO BE ELIGIBLE FOR

1 FEDERAL APPROVAL TO RECEIVE FEDERAL FUNDING FOR THE
2 INFRASTRUCTURE PROJECT UNDER THE "INFRASTRUCTURE INVESTMENT
3 AND JOBS ACT" AND A PROCESS FOR REVIEWING AND APPROVING
4 APPLICATIONS.

5 (6) ANY DEPARTMENT EXPENDING MONEY FROM THE FUND SHALL
6 INCLUDE INFORMATION REGARDING AMOUNTS EXPENDED AND
7 ANTICIPATED TO BE EXPENDED AND INFORMATION ON THE SPECIFIC
8 INFRASTRUCTURE PROJECT OR PROJECTS THE MONEY HAS BEEN OR IS
9 ANTICIPATED TO BE EXPENDED ON IN THE DEPARTMENT'S ANNUAL
10 PRESENTATION TO JOINT COMMITTEES OF REFERENCE PURSUANT TO
11 SECTION 2-7-203.

12 (7) (a) ON OR BEFORE OCTOBER 1, 2022, AND ON OR BEFORE
13 OCTOBER 1 OF EVERY YEAR THEREAFTER, THE OFFICE SHALL SUBMIT A
14 REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY,
15 THE SENATE COMMITTEE ON TRANSPORTATION AND ENERGY OR ANY
16 SUCCESSOR COMMITTEE, AND THE HOUSE OF REPRESENTATIVES
17 COMMITTEES ON TRANSPORTATION AND LOCAL GOVERNMENT AND
18 ENERGY AND ENVIRONMENT OR ANY SUCCESSOR COMMITTEES. THE
19 REPORT MUST INCLUDE:

20 (I) INFORMATION, ORGANIZED BY DEPARTMENT AND PRIORITY
21 FUNDING CATEGORY, ON AWARDS THAT HAVE BEEN MADE PENDING
22 FEDERAL APPROVAL INCLUDING THE AMOUNT OF MONEY AWARDED FROM
23 THE FUND, THE FEDERAL FUNDS ANTICIPATED TO BE RECEIVED UPON
24 FEDERAL APPROVAL, AND ANY OTHER FUNDING SOURCES ANTICIPATED;

25 (II) INFORMATION, ORGANIZED BY DEPARTMENT AND PRIORITY
26 FUNDING CATEGORY, ON AWARDS THAT HAVE BEEN MADE AND RECEIVED
27 FEDERAL APPROVAL INCLUDING THE AMOUNT OF MONEY AWARDED FROM

1 THE FUND, THE FEDERAL FUNDS AUTHORIZED, AND ANY OTHER FUNDING
2 SOURCES AUTHORIZED, RECEIVED, OR ANTICIPATED; AND

3 (III) ACTUAL EXPENDITURES BY DEPARTMENT FOR AMOUNTS
4 AWARDED FROM THE FUND.

5 (b) IN ADDITION TO THE INFORMATION REQUIRED PURSUANT TO
6 SUBSECTION (7)(a) OF THIS SECTION, THE OFFICE SHALL INCLUDE IN ITS
7 FIRST REPORT DUE ON OR BEFORE OCTOBER 1, 2022, INFORMATION ON THE
8 PROCESS THAT IT HAS ESTABLISHED FOR RECEIVING AND REVIEWING
9 APPLICATIONS PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION AND ANY
10 RECOMMENDATIONS FOR LEGISLATIVE CHANGES FOR PURPOSES OF
11 IMPLEMENTING THE PROVISIONS OF THIS SECTION.

12 (c) ANY DEPARTMENT APPLYING FOR AN AWARD OF MONEY FROM
13 THE FUND MUST PROVIDE THE OFFICE WITH THE INFORMATION NECESSARY
14 FOR THE REPORT REQUIRED BY THIS SUBSECTION (7) AND COMPLY WITH
15 ANY REQUEST FROM THE OFFICE FOR THE INFORMATION.

16 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

17 **SECTION 2. Appropriation.** For the 2021-22 state fiscal year,
18 \$60,000,000 is appropriated to a department as defined by section
19 24-75-232 (2)(a), C.R.S., and to the office of the governor for use by a
20 department or the office of the governor. This appropriation is from the
21 "Infrastructure Investment and Jobs Act" cash fund created in section
22 24-75-232 (3), C.R.S. To implement this act, a department or the office
23 of the governor may use this appropriation for the purposes specified in
24 section 24-75-232 (5), C.R.S. Any money appropriated in this section not
25 expended prior to July 1, 2022, is further appropriated to a department
26 and the office of the governor through the 2026-27 state fiscal year for the
27 same purpose.

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