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Fiscal Note

Drafting Number: LLS 22-0293
Prime Sponsors: Sen. Scott

Date: February 3, 2022
Bill Status: Senate Trans. & Energy
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Bill Topic: **MODIFY DEPARTMENT OF TRANSPORTATION GOVERNANCE**

Summary of Fiscal Impact:

- State Revenue
- State Expenditure (*conditional*)
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill refers a measure to voters at the 2022 general election. Conditional upon the measure passing, the bill modifies the number of members on the Transportation Commission, requires members to be elected, and requires the commission to select the executive director of the Department of Transportation. The bill increases state and local expenditures in FY 2022-23, and may both increase and decrease state expenditures on an ongoing basis, conditional upon the outcome of the referred measure.

Appropriation Summary: No appropriation is required.

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

Table 1
State Fiscal Impacts Under SB 22-016

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures	Cash Funds ¹	-	\$81,375
Transfers		-	-
Other Budget Impacts		-	-

¹ FY 2023-24 expenditures are conditional upon passage of the bill's referred measure at the 2022 general election.

Summary of Legislation

This bill refers a measure to voters at the 2022 general election. If approved, the measure will change the number of members on the Transportation Commission to match the number of congressional districts in the state, require future commission members to be elected from each congressional district and the state at large, and require the commission to select future executive directors of the Colorado Department of Transportation (CDOT).

Background

Currently, CDOT's executive director is appointed by the Governor. The Transportation Commission of Colorado is made up of 11 members from statutorily-designated districts serving four-year terms, who are also appointed by the Governor, with consent of the Senate. The Transportation Commission provides oversight, policy direction, and makes resource allocation decisions for CDOT.

Candidates for state public office who do not seek party nomination must collect a minimum number of signatures to petition onto the ballot. Petition signatures are reviewed by the Department of State (DOS) to confirm that the persons signing are residents of Colorado and reside within the proper jurisdictional boundary. The DOS contracts with the Department of Personnel and Administration (DPA) to conduct these reviews.

Assumptions

If the referred measure passes at the 2022 general election, the bill requires the DOS to add nine Transportation Commission positions to the ballot for the November 2024 general election, including an at-large position and a position for each congressional district. This fiscal note assumes that fifteen additional candidates will petition onto the ballot for the new positions, requiring the DOS to review 24,000 additional signatures for positions representing the eight congressional districts and 13,500 signatures for the new at-large position.

State Expenditures

The bill increases state expenditures in FY 2022-23 associated with placing the referred measure on the 2022 general election ballot. If voters pass the referred measure included in the bill, state cash fund expenditures will increase in the Department of State by \$81,375 in FY 2023-24, and decrease in multiple agencies starting in FY 2024-25, as detailed below.

Election expenditure impact — existing appropriations. This bill includes a referred measure that will appear before voters at the November 2022 general election. While no additional appropriation is required, certain election costs are incurred by the state when ballot measures are referred. These include reimbursing counties for certain election costs; publishing the text and title of the measure in newspapers across the state; and preparing and mailing the ballot information booklet.

Department of State. In FY 2023-24, the DOS will have an increase in expenditures of \$81,375 from the Department of State Cash Fund, reappropriated to the DPA. These expenditures are for the Document Solutions Group in the DPA to process additional petition signatures for an estimated 15 candidates in the 2024 general election. Expenditures will continue for staggered groups of the new positions in general elections every two years beginning in FY 2025-26. Future costs related to these positions will be requested by DOS and DPA through the annual budget process. The DOS will also have a one-time workload increase to modify election-related databases, which can be accomplished within existing appropriations.

Governor’s Office. Starting in FY 2024-25, the Governor’s Office of Boards and Commissions, which coordinates executive branch appointments to boards and commissions and is responsible for recruiting, vetting, interviewing, and following certain appointments through the Senate confirmation process, will have decreased workload as the transportation commissioners will no longer be governor-appointed, unless a vacancy must be filled.

Department of Transportation. Starting in FY 2025-26, expenditures from the State Highway Fund in CDOT will decrease to support two less members on the Transportation Commission. These costs, which include a stipend and travel reimbursements, will decrease by \$4,818 in FY 2025-26, and \$11,562 in future years. The department will also have a one-time workload increase to conduct rulemaking, which can be accomplished within existing appropriations.

Local Government

Costs will increase for counties to include an additional referred measure at the November 2022 general election. These costs will be reimbursed by the state.

Effective Date

If approved by voters at the 2022 general election, this measure takes effect upon proclamation of the governor, no later than 30 days after the official canvass of the vote is completed.

State and Local Government Contacts

Counties	County Clerks	Governor
Information Technology	Legislative Council Staff	Personnel
Secretary of State	Transportation	