



Legislative  
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**HB 19-1147**

# FINAL FISCAL NOTE

**Drafting Number:** LLS 19-0725  
**Prime Sponsors:** Rep. Snyder  
Sen. Lee; Crowder

**Date:** June 26, 2019  
**Bill Status:** Signed into Law  
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**Bill Topic:** REVISE TRAUMATIC BRAIN INJURY PROGRAM

**Summary of Fiscal Impact:**

<input checked="" 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 increases surcharges for certain motor vehicle offenses to support the Colorado Traumatic Brain Injury Program, and makes various other changes to the program. The bill will increase state revenue and expenditures on an ongoing basis.

**Appropriation Summary:** For FY 2019-20, the bill includes an appropriation of \$450,000 to the Department of Human Services.

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

**Table 1  
State Fiscal Impacts Under HB 19-1147**

		FY 2019-20	FY 2020-21
<b>Revenue</b>	Cash Funds	\$563,790	\$615,045
	<b>Total</b>	<b>\$563,790</b>	<b>\$615,045</b>
<b>Expenditures</b>	Cash Funds	up to \$1,013,790	up to \$615,045
	<b>Total</b>	<b>up to \$1,013,790</b>	<b>up to \$615,045</b>
<b>Transfers</b>	Cash Funds	\$450,000	-
	General Fund	(\$450,000)	-
	<b>Total</b>	<b>\$0</b>	<b>-</b>
<b>TABOR Refund</b>		-	-

### **Summary of Legislation**

This bill makes various revisions to the Colorado Traumatic Brain Injury Program (program), and increases surcharges on certain motor vehicle violations which are used to finance the program. Among other changes, the bill:

- renames the program, trust fund board, and trust fund to remove the word "traumatic," and redefines brain injury for the purposes of the program;
- eliminates spending requirements for education and research;
- clarifies that persons served by the program must receive service coordination and skills training;
- eliminates a requirement that an individual must exhaust all other health benefit funding before being eligible for assistance from the trust fund;
- requires that at least five board members have certain experience with brain injuries, as outlined in the bill; and
- removes a prohibition against the use of General Fund for the program.

The bill transfers \$450,000 from the General Fund to the newly renamed Colorado Brain Injury (BI) Trust Fund and appropriates the money to the Department of Human Services for FY 2019-20.

**Increased surcharges.** Certain motor vehicle violations are subject to an additional surcharge that is deposited into the BI Trust Fund and used to finance the program. The bill increases the surcharge assessed for state and local speeding violations from \$15 to \$20. Under current law, if the surcharge for a state speeding violation is collected by a municipal court, the surcharge increases to \$17, and \$2 is retained by the municipality; the bill eliminates the increased surcharge and municipal share in these instances. The bill also increases the surcharge on persons convicted of DUI, DUI per se, driving while ability impaired (DWAI), and underage drinking and driving (UDD) from \$20 to \$25.

### **State Revenue**

The bill is estimated to increase state cash fund revenue by \$563,790 in FY 2019-20 and \$615,045 in FY 2020-21 and future years. Each year there are about 123,000 instances of speeding or drug and alcohol related motor vehicle offenses that are assessed surcharges of \$15 or \$20, respectively, which are deposited into the BI Trust Fund. The bill increases each of these surcharges by \$5. These impacts are shown in Table 2. The first-year impact is prorated to reflect that the increased fines apply only to violations occurring on or after August 2, 2019. This surcharge revenue is subject to TABOR.

**Table 2**  
**Revenue to Brain Injury Trust Fund Under HB 19-1147**

<b>Fiscal Year</b>	<b>Fine Increase</b>	<b>Violations Subject to Fine</b>	<b>Revenue Increase</b>
FY 2019-20	\$5	112,758	<b>\$563,790</b>
FY 2020-21	\$5	123,009	<b>\$615,045</b>

## State Transfers

For FY 2019-20, the bill transfers \$450,000 from the General Fund to the BI Trust Fund.

## State Expenditures

The bill will increase state expenditures by up to \$1,013,790 in FY 2019-20 from the BI Trust Fund. Of this total, \$563,790 is from increased fine revenue and \$450,000 is transferred from the General Fund. The fund is subject to annual appropriation by the General Assembly and is expended at the direction of the board. In FY 2016-17 and FY 2017-18, the BI Trust Fund averaged about \$2.1 million in revenue from surcharges on motor vehicle violations. For FY 2018-19, the program is appropriated \$3.0 million from the fund; therefore, no appropriation is needed at this time to allow the department to spend the increased fine revenue.

## Local Government

Beginning in FY 2019-20, the bill will reduce revenue to municipalities. Under current law, if the surcharge for a state speeding violation is collected by a municipal court, \$2 will be retained by the municipality; the bill eliminates the increased surcharge and municipal share in these instances. The impact to municipalities will vary depending on the number of violations occurring within their jurisdictions.

## Effective Date

The bill was signed into law by the Governor on May 14, 2019, and takes effect on August 2, 2019, assuming no referendum petition is filed.

## State Appropriations

For FY 2019-20, the bill includes an appropriation of \$450,000 from the General Fund to the BI Trust Fund, and a corresponding appropriation of \$450,000 to the Department of Human Services from the BI Trust Fund.

## State and Local Government Contacts

Human Services	Information Technology
Public Safety	Revenue