

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0712.01 Pierce Lively x2059

SENATE BILL 22-096

SENATE SPONSORSHIP

Scott, Holbert, Rankin, Simpson, Woodward

HOUSE SPONSORSHIP

(None), Holtorf, Pelton, Pico, Rich, Van Winkle

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING INFORMATION INCLUDED IN THE TRANSPORTATION
102 COMMISSION'S PROPOSED BUDGET ALLOCATION PLAN.

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>.)

The bill requires the proposed budget allocation plan (plan) for money subject to the department of transportation's (department) jurisdiction to include the following for the department's headquarters and each engineering region designated by the department:

- Personnel costs including salaries and benefits;
- Facilities costs including utilities, maintenance, and any

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.

- other expenses associated with facilities; and
- Any other expenses.

The bill also requires the plan to include the following for any project involving the maintenance of the state highway and transportation systems:

- Personnel costs including salaries and benefits;
- Facilities costs including utilities, maintenance, and any other expenses associated with facilities; and
- Any other expenses.

Finally, the bill prohibits the department, beginning July 1, 2023, from using an indirect or construction engineering rate for the expenses listed in its plan.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The department of transportation is required to submit a
5 budget to the general assembly each year;

6 (b) The general assembly has ceded much of its oversight
7 responsibility over the department of transportation to the transportation
8 commission with the expectation that the transportation commission will
9 provide the general assembly with useful oversight information regarding
10 the department of transportation's budget;

11 (c) The department of transportation has over three thousand three
12 hundred full-time employees;

13 (d) The general assembly has removed a cap on the number of
14 full-time employees the department of transportation may employ thus
15 allowing the department of transportation to hire as many full-time
16 employees as they see fit without any general assembly approval or
17 review process;

18 (e) The total number of full-time employees employed by the
19 department of transportation has an impact on the public employees'

1 retirement association's public employee retirement plan for all public
2 agency employees;

3 (f) The citizens of Colorado require transparent information from
4 the general assembly to fully understand the general assembly's oversight
5 of state agencies;

6 (g) The department of transportation does not currently provide
7 the general assembly a detailed breakdown of the full-time employee
8 positions by key department of transportation areas such as by the
9 department of transportation's headquarters and each engineering region
10 or maintenance section designated by the department of transportation;

11 (h) The department of transportation has submitted a request to
12 the transportation commission to employ hundreds of additional
13 full-time employees;

14 (i) When the department of transportation advertises a project for
15 construction, there are multiple numbers for the project value that
16 sometimes include the expenses of the department of transportation, but
17 often the department of transportation hides or refuses to discuss with the
18 public the actual cost of the project;

19 (j) To avoid public scrutiny, the department of transportation has
20 developed and uses an indirect rate and other cost-hiding methods for the
21 department of transportation personnel expenses and other
22 nonconstruction-related expenses to hide the true costs of the department
23 of transportation from the taxpayers of Colorado;

24 (k) These methods purposefully do not show the costs of a project
25 and the department of transportation is essentially paying for itself
26 through added costs for projects by as much as twenty-seven percent on
27 construction projects;

1 (l) Thus, where the department of transportation says a
2 construction project costs ten million dollars, the project may actually
3 costs seven million three hundred thousand dollars for construction and
4 two million seven hundred thousand dollars for other agency costs; and

5 (m) The general assembly requires transparent information to
6 make informed budget decisions regarding executive agencies.

7 **SECTION 2.** In Colorado Revised Statutes, 43-1-113, **amend** (2)
8 introductory portion; and **add** (2)(f), (2)(g), and (20) as follows:

9 **43-1-113. Funds - budgets - fiscal year - reports and**
10 **publications.** (2) Annually on or before December 15, the commission
11 shall adopt and the department of transportation shall submit to the joint
12 budget committee, the house transportation and energy committee, the
13 senate transportation committee, and the governor a proposed budget
14 allocation plan for ~~moneys~~ MONEY subject to its jurisdiction for the fiscal
15 year beginning on July 1 of the succeeding year. The plan ~~shall~~ MUST be
16 submitted in a format determined by the joint budget committee and ~~shall~~
17 MUST include, but not be limited to, the following information:

18 (f) ALLOCATION OF SPENDING, BY THE FOLLOWING CATEGORIES OF
19 EXPENDITURE, FOR THE DEPARTMENT'S HEADQUARTERS AND EACH
20 ENGINEERING REGION DESIGNATED BY THE DEPARTMENT:

- 21 (I) PERSONNEL COSTS INCLUDING SALARIES AND BENEFITS;
- 22 (II) FACILITIES COSTS INCLUDING UTILITIES, MAINTENANCE, AND
23 ANY OTHER EXPENSES ASSOCIATED WITH FACILITIES; AND
- 24 (III) ANY OTHER EXPENSES; AND

25 (g) ALLOCATION OF SPENDING, BY THE FOLLOWING CATEGORIES OF
26 EXPENDITURE, FOR ANY PROJECT INVOLVING THE MAINTENANCE OF THE
27 STATE HIGHWAY AND TRANSPORTATION SYSTEMS:

1 (I) PERSONNEL COSTS INCLUDING SALARIES AND BENEFITS;

2 (II) FACILITIES COSTS INCLUDING UTILITIES, MAINTENANCE, AND
3 ANY OTHER EXPENSES ASSOCIATED WITH FACILITIES; AND

4 (III) ANY OTHER EXPENSES.

5 (20) BEGINNING JULY 1, 2023, THE DEPARTMENT SHALL NOT USE
6 AN INDIRECT RATE OR CONSTRUCTION ENGINEERING RATE FOR THE
7 EXPENSES LISTED IN THE BUDGET ALLOCATION PLAN IN SUBSECTION (2) OF
8 THIS SECTION.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.