



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 20-1279**

# FINAL FISCAL NOTE

<b>Drafting Number:</b>	LLS 20-0940	<b>Date:</b>	August 19, 2020
<b>Prime Sponsors:</b>	Rep. McKean; Roberts Sen. Zenzinger; Scott	<b>Bill Status:</b>	Deemed Lost
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**Bill Topic:** **DRUNK DRIVING ENFORCEMENT FUNDING**

**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 would have required the General Assembly to annually appropriate \$2.0 million to the Department of Transportation in order to fund and implement high-visibility drunk driving enforcement. The bill would have increased state expenditures on an ongoing basis.

**Appropriation Summary:** For FY 2020-21, the bill would have required an appropriation of \$2.0 million to the Department of Transportation.

**Fiscal Note Status:** The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Table 1  
State Fiscal Impacts Under HB 20-1279**

		<b>FY 2020-21</b>	<b>FY 2021-22</b>
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	\$2,000,000	\$2,000,000
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

## **Summary of Legislation**

Under current law, the Department of Transportation (CDOT) provides funding to local governments that have established a qualified drunk driving prevention and law enforcement program. This funding comes from the Law Enforcement Assistance Fund (LEAF) and First Time Drunk Driver Fund (FTDD). This bill removes CDOT from receiving funding from these sources and annually appropriates \$2.0 million from the General Fund to CDOT. CDOT will allocate this funding to qualified local governments that implement high-visibility drunk driving enforcement.

## **Background**

**Law Enforcement Assistance Fund.** Persons that plead guilty or are convicted of driving under the influence pay a \$75 fine, of which \$60 is credited to the LEAF. After the Department of Public Health and Environment and the Colorado Bureau of Investigation receive funding for evidential breath alcohol testing and toxicology lab services, the remaining funding is diverted to CDOT (80 percent) and the Office of Behavioral Health in the Department of Human Services (20 percent). CDOT currently uses the funding for increased local law enforcement presence during peak drunk driving periods, while Department of Human Services (DHS) uses the funding for statewide educational programs for the prevention of drunk driving. Over the past four fiscal years, funding to CDOT from LEAF has decreased by approximately \$166,000.

**First Time Drunk Driver Fund.** Before a driver can have their license restored, they must first pay a \$95 driver license restoration fee; of this amount, \$22 goes to the FTDD. FTDD revenue is first used to cover Department of Revenue costs related to ignition interlock devices, with the remaining funding going to CDOT. CDOT provides funding to local law enforcement for high-visibility drunk driving enforcement on certain dates, such as St. Patrick's Day. CDOT currently has approximately 177 high-visibility enforcement days. Between 2017 and 2018, the high-visibility enforcement days resulted in 23,009 arrests, with CDOT funding used in 56 percent of these arrests.

Due to recent decline in both LEAF and FTDD funding for high-visibility drunk driving enforcement program needs, in FY 2019-20, CDOT received a one-time appropriation of \$1.0 million from the Marijuana Tax Cash Fund to continue funding local law enforcement.

## **State Expenditures**

Beginning in FY 2020-21, the bill increases General Fund expenditures in CDOT by \$2.0 million. Funds will be passed through by CDOT to local law enforcement agencies for high-visibility drunk driving enforcement activities. However, this fiscal note assumes that CDOT will expend all remaining FTDD moneys before expending General Fund moneys.

DHS currently allocates \$72,000 from LEAF for drunk driving prevention contracts, with spending authority for up to \$255,000. Under current law and this bill, DHS may only use an amount at or less than 8 percent of the funding appropriated from LEAF for drunk driving education programs. Additional funding to DHS from LEAF is expected to be approximately \$340,000 in FY 2020-21; however this fiscal note assumes that bill will not increase existing DHS expenditures (see Technical Note section). For informational purposes, it costs DHS approximately \$100,000 for one drunk driving prevention program contract

**Local Government**

To the extent that funding may have decreased for local law enforcement agencies under the current distribution mechanisms, revenue to local law enforcement under the bill may increase for high-visibility drunk driving enforcement.

**Technical Note**

Under current law and bill, DHS may only use an amount at or less than 8 percent of the funding appropriated from LEAF for drunk driving education programs. However, the bill will increase funding to DHS from the LEAF, therefore DHS may need additional spending authority to use funds above the 8 percent allocation cap.

**Effective Date**

The bill was deemed lost on June 16, 2020.

**State Appropriations**

The bill would have required a General Fund appropriation of \$2.0 million to the Department of Transportation.

**State and Local Government Contacts**

Counties	Human Services	Information Technology
Municipalities	Public Health and Environment	Revenue
Transportation		