

JBC Staff Fiscal Analysis
Senate Appropriations Committee

Concerning measures to increase railroad safety.

Prime Sponsors:

Senators Cutter; Snyder
Representatives Mabrey; Velasco

Date Prepared:

April 15, 2025

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303-866-2062

Fiscal Impacts

Appropriation Required, Amendment in Packet

General Fund Impact

New Cash Fund with Continuous Appropriation

Significant Appropriation Increase in Second Year

Fiscal Note Status

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 03/03/2025.

No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill.

The Senate Transportation and Energy Committee Report (03/05/2025) includes amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

Amendments in This Packet

J.001	Staff-prepared appropriation amendment
L.013	Bill Sponsor amendment – changes fiscal impact
L.014	Bill Sponsor amendment - changes fiscal impact and eliminates appropriation.
L.015	Bill Sponsor amendment - does not change fiscal impact

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001

Staff amendment **J.001** (attached) appropriates a total of \$849,693 General Fund to the Department of Regulatory Agencies for FY 2025-26. The appropriation reflects 3.5 FTE. Of this amount, \$213,984 is reappropriated to the Department of Law, with an additional 0.9 FTE.

L.013

Bill Sponsor amendment **L.013** (attached) delays fee collection until FY 2026-27, removing the TABOR impact of the bill for FY 2025-26.

L.014

Bill Sponsor amendment **L.014** (attached) delays expenditure of money within the rail safety fund until February 1, 2027. This delay removes the General Fund appropriation from the bill and allows for fee revenue generated in FY 2026-27 to cover program costs.

L.015

Bill Sponsor amendment **L.015** (attached) removes continuous spending authority from The Office of Rail Safety Fund.

If the committee adopts L.014, it should not adopt J.001.

Points to Consider

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2025-26 based on the March 2025 Office of State Planning and Budgeting (OSPB) revenue forecast. The budget package includes \$18.2 million in set-asides for legislation outside of the package (see table below). The budget package accounts for the 15.0 percent reserve associated with the placeholders.

General Fund Appropriation Placeholders for Other 2025 Legislation	
Description	FY 2025-26 Appropriation
Juvenile diversion, deflection, or detention	\$10,000,000
General Assembly legislative priorities	6,521,739
Voter approved initiatives	1,700,000
Total	\$18,221,739

This bill requires a General Fund appropriation/reduction of \$849,693 for FY 2025-26, reducing the \$18.2 million set aside by the same amount. The bill does not require General Fund appropriation in future years.

TABOR/ Excess State Revenues Impact

The March 2025 Office of State Planning and Budgeting (OSPB) revenue forecast projects a TABOR surplus liability of \$642.7 million for FY 2025-26 and \$775.8 million for FY 2026-27 to be refunded to

taxpayers out of the General Fund. Legislation that increases non-exempt revenue (such as cash funds) will increase the TABOR refund from the General Fund.

The Joint Budget Committee has proposed a budget package for FY 2025-26 based on the March 2025 OSPB revenue forecast. The budget package includes \$18.2 million General Fund set aside for other legislation outside of the JBC budget package. This may be used for appropriations, transfers, or increases in TABOR refunds for FY 2025-26.

This bill is estimated to increase cash fund revenues by \$1.3 million in FY 2025-26 and in future years, which will reduce the available General Fund in each fiscal year by equal amounts. This bill increases the TABOR refund made out of the General Fund by \$1.3 million for FY 2025-26, reducing the \$18.2 million General Fund set aside for FY 2025-26 by the same amount.

The total General Fund and TABOR impacts for FY 2025-26, reduce the \$18.2 million General Fund set aside by \$2.2 million.