

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE EXPANSION OF THE ADVANCED INDUSTRY INVESTMENT TAX CREDIT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Prime Sponsors: Reps. Lynch and Bird  
Sens. Rankin and Hansen

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Date Prepared: May 5, 2022

**Appropriation Items of Note****Appropriation Required, Amendment in Packet****General Fund/TABOR Impact****Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 05/05/22.

<b>XXX</b>	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	<b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>
	<b>Update:</b> Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	<b>Non-Concurrence:</b> JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

**Amendments in This Packet for Consideration by Appropriations Committee**

Amendment	Description
J.004	Staff-prepared appropriation amendment

**Current Appropriations Clause in Bill**

The bill includes an appropriation clause that provides \$90,000 General Fund to the Office of Economic Development and International Trade in the Office of the Governor for FY 2022-23. The provision also states that the appropriation is based on the assumption that the Department will require an additional 0.8 FTE. The House Sponsor indicated this amount is for a half-year, and thus the funding will increase to \$180,000 annually beginning FY 2023-24. This amount differs from the cost estimates identified in the Legislative Council Staff Revised Fiscal Note, which state appropriations required for FY 2022-23 is \$72,080.

**Description of Amendments in This Packet**

**J.004** Staff has prepared amendment **J.004** (attached) to modify the current appropriation clause to include an appropriation of \$72,080 General Fund and 0.8 FTE.

**Points to Consider***General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2022-23 based on the March 2022 Legislative Council Staff revenue forecast. The budget package includes two set-asides:

- \$40.0 million General Fund for bills that create ongoing obligations; and
- \$900.0 million General Fund for bills that create one-time obligations in FY 2022-23.

The \$40.0 million *appropriations* set-aside includes an additional \$6.0 million General Fund to provide a 15.0 percent General Fund reserve for those appropriations. The \$900.0 million *obligations* set-aside does not include an additional amount for a General Fund reserve and, assumes, but does not require, that obligations be addressed through statutory transfers rather than appropriations. Therefore *appropriations* from the \$900.0 million set-aside require an additional 15.0 percent to maintain the statutory General Fund reserve.

This bill creates an ongoing obligation and requires a General Fund appropriation of \$72,080 for FY 2022-23, reducing the \$40.0 million set aside by the same amount.

*TABOR/ Excess State Revenues Impact*

The March 2022 Legislative Council Staff (LCS) revenue forecast projects a TABOR surplus liability of \$1.6 billion for FY 2022-23 and \$622.6 million for FY 2023-24. These sums must be refunded to taxpayers out of the General Fund. This bill is estimated to decrease General Fund revenues by \$1.1 million in FY 2022-23 and by \$2.9 million in FY 2023-24, which will result in a decrease in the TABOR surplus liability of an equal amount.