

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) SAVINGS PROGRAM FOR INDIVIDUALS WITH DISABILITIES, AND, IN CONNECTION THEREWITH, MODIFYING WHO MAY CREATE AND CONTROL AN ABLE PROGRAM ACCOUNT, PREVENTING THE STATE FROM FILING CERTAIN CLAIMS AGAINST AN ABLE PROGRAM ACCOUNT UPON THE DEATH OF THE DESIGNATED BENEFICIARY, AND ALLOWING CONTRIBUTIONS TO AN ABLE PROGRAM ACCOUNT THAT ARE WITHDRAWN FOR QUALIFIED DISABILITY EXPENSES TO BE DEDUCTED FROM A TAXPAYER'S FEDERAL TAXABLE INCOME FOR PURPOSES OF DETERMINING THE TAXPAYER'S STATE TAXABLE INCOME.

Prime Sponsors: Reps. Kipp and Larson  
Sens. Zenzinger and Woodward

JBC Analyst: Jon Catlett  
Phone: 303-866-4386  
Date Prepared: April 19, 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 Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/05/22.

<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

The House Finance Committee (04/14/22) and the House Committee on Public and Behavioral Health and Human Services (04/12/22) included 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 for Consideration by Appropriations Committee**

<b>Amendment</b>	<b>Description</b>
J.001	Staff-prepared appropriation amendment

**Current Appropriations Clause in Bill**

The bill requires but does not contain an appropriation clause.

**Description of Amendments in This Packet**

**J.001** Staff has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$44,517 General Fund to the Department of Revenue for FY 2022-23.

**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 \$44,517 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 \$228,171 in FY 2022-23 and by \$485,184 in FY 2023-24, which will result in a decrease in the TABOR surplus liability of an equal amount.