

JBC STAFF FISCAL ANALYSIS SENATE APPROPRIATIONS COMMITTEE

CONCERNING THE CONTINUATION OF THE ISSUANCE OF CERTAIN TAX INFORMATION TO A TAXPAYER BY THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2022 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES FOR THE ISSUANCE OF PRIVATE LETTER RULINGS AND INFORMATION LETTERS BY THE DEPARTMENT OF REVENUE.

Prime Sponsors: Sens. Kolker and Liston
Reps. Snyder and Marshall

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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 02/17/23.

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

The Senate Finance Committee Report (03/02/23) 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 for Consideration by Appropriations Committee

Amendment	Description
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 \$53,644 cash funds from the Private Letter Ruling Fund to the Department of Revenue for FY 2023-24. This provision also states that the appropriation is based on the assumption that the Department will require an additional 0.8 FTE to implement the act.

Points to Consider

TABOR/ Excess State Revenues Impact

The December 2022 Legislative Council Staff (LCS) revenue forecast projects a TABOR surplus liability of \$1.53 billion for FY 2023-24 and \$1.37 billion for FY 2024-25. These sums must be refunded to taxpayers from the General Fund. Legislation that increases non-exempt revenue (such as cash funds) to the State will further increase the TABOR refund made out of the General Fund. This will reduce the amount of General Fund available for programs.

The Joint Budget Committee (JBC) is developing a budget package for FY 2023-24. This bill is estimated to increase cash fund revenues by \$7,600 in FY 2023-24 and FY 2024-25, which will reduce the available General Fund in each fiscal year by an equal amount.