

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING ACCESS TO DISTRIBUTED ENERGY, AND, IN CONNECTION THEREWITH, ESTABLISHING REQUIREMENTS FOR THE DEVELOPMENT OF INCLUSIVE COMMUNITY SOLAR CAPACITY THAT INVESTOR-OWNED ELECTRIC UTILITIES MUST MAKE AVAILABLE TO UTILITY CUSTOMERS, REQUIRING THE ACQUISITION OF DISTRIBUTED GENERATION FACILITIES PAIRED WITH ENERGY STORAGE, AND MAKING AN APPROPRIATION.

Prime Sponsors: Sens. Fenberg and Hansen  
Reps. Soper and Valdez

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Date Prepared: May 2, 2024

**Appropriation Items of Note**

**Appropriation Already Added to Bill, No Amendment in Packet**

**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 04/24/24.

XXX	<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 reengrossed bill includes amendments adopted on second reading in the Senate (04/26/24), 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
None.	

**Current Appropriations Clause in Bill**

The bill includes an appropriation clause that appropriates \$116,505 cash funds from the Public Utilities Commission Fixed Utility Fund to the Department of Regulatory Agencies for FY 2024-25.

This provision also states that the appropriation is based on the assumption that the Department will require an additional 1.5 FTE.

**Points to Consider***TABOR/ Excess State Revenues Impact*

The March 2024 Office of State Planning and Budgeting (OSPB) revenue forecast projects a TABOR surplus liability of \$1.3 billion for FY 2024-25 and \$1.8 billion for FY 2025-26 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 budget package includes a set aside of \$63.1 million General Fund for appropriations in FY 2024-25.

This bill is estimated to increase cash fund revenues by \$143,977 in FY 2024-25, \$202,198 in FY 2025-26, and \$241,493 in FY 2026-27, 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 \$143,977 for FY 2024-25, reducing the \$63.1 million General Fund set aside for FY 2024-25 by the same amount.