

**JBC STAFF FISCAL ANALYSIS
SENATE 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 AND REQUIRING THE ACQUISITION OF DISTRIBUTED GENERATION FACILITIES PAIRED WITH ENERGY STORAGE.

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

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Appropriation Items of Note

Appropriation Required, 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	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

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 \$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.