

HB22-1352

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING A STOCKPILE OF ESSENTIAL MATERIALS THAT MAY BE UTILIZED IN THE EVENT OF A DECLARED DISASTER EMERGENCY.

Prime Sponsors: Representative Mullica
Senator Jaquez Lewis

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Date Prepared: April 20, 2022

Appropriation Items of Note

Appropriation Required, Amendment in Packet

General Fund Impact

New Cash Fund (with Continuous Appropriation)

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 04/11/22.

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|------------|--|
| 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 a total of \$1,881,727 cash funds from the Revenue Loss Restoration Cash Fund (which originate as federal funds from the American Rescue Plan Act) to the Department of Public Safety for FY 2022-23. This provision also states that the appropriation is based on the assumption that

the Department will require an additional 1.1 FTE.

Points to Consider

Future Fiscal Impact

Although this bill would not require a General Fund appropriation for FY 2022-23, it is projected to require General Fund appropriations of at least \$60,508 in FY 2024-25 and \$1,885,472 in FY 2025-26 and ongoing.

The bill may increase cash fund revenues subject to TABOR. Revenues are assumed to be minimal and are not estimated in the fiscal note.

Legislative Appropriation Authority

Continuous spending authority, also known as **continuous appropriations**, allows departments to spend money for statutorily specified purposes up to the amount of money in the fund without seeking annual legislative approval. An annual appropriation provides a limit on spending authority, while a continuous appropriation provides unlimited spending authority.

This method of funding moves these expenditures off-budget, and thus expenditures are not reported or accounted for through the budget process. Is it necessary for the Department of Public Safety to **not** seek annual authority from the General Assembly to spend money from the Emergency Stockpile Rotation Cash Fund?