



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Fiscal Note

**Drafting Number:** LLS 22-0543  
**Prime Sponsors:** Rep. Pico

**Date:** February 11, 2022  
**Bill Status:** House SCMVA  
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**Bill Topic:** **REQUIRING THE ELECTION OF CERTAIN COMMISSIONERS**

**Summary of Fiscal Impact:**

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill requires the election of certain commissioners and specifies priorities in certain oaths of office. It increases state and local expenditures on an ongoing basis beginning in FY 2023-24.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

**Table 1**  
**State Fiscal Impacts Under HB 22-1161**

		<b>Budget Year FY 2022-23</b>	<b>Out Year FY 2023-24</b>
<b>Revenue</b>		-	-
<b>Expenditures</b>	Cash Funds	-	\$210,924
<b>Transfers</b>		-	-
<b>Other Budget Impacts</b>		-	-

## Summary of Legislation

Under current law, several commissioners are appointed by the Governor. The bill instead requires certain commissioners to be elected beginning with the 2024 general election, including:

- the commissioner of insurance in the Department of Regulatory Agencies (DORA), pending voter approval of a referred measure at the November 2022 general election;
- the nine members of the Air Quality Control Commission in the Department of Public Health and Environment (CDPHE);
- the five voting members of the Oil and Gas Conservation Commission in the Department of Natural Resources (DNR); and
- the three members of the Public Utilities Commission in DORA.

Elected commissioners must disclose any potential conflicts of interest existing at the time of their election or that arise during their term. In their oaths of office, members of the Air Quality Control Commission and the Public Utilities Commission must commit to prioritizing energy reliability and reducing consumer costs above all other considerations. The bill also retains the existing per diem benefit for Air Quality Control Commissioners.

## Background and Assumptions

Candidates for state public office, including commissioners, who do not seek party nomination must collect a minimum number of signatures to petition onto the ballot. Petition signatures are reviewed by the Department of State (CDOS) to confirm that the persons signing are residents of Colorado and reside within the proper jurisdictional boundary. CDOS contracts with the Department of Personnel and Administration (DPA) to conduct these reviews.

House Current Resolution 22-1004 refers to voters at the 2022 general election whether the Colorado Constitution should require the Governor to appoint the Commissioner of Insurance. This bill requires CDOS to add 17 commissioner positions to the ballot for the November 2024 general election, and 18 positions if the referred measure passes. The fiscal note assumes that 18 additional candidates will petition onto the ballot for the new positions, requiring CDOS to review 97,200 additional signatures.

## State Expenditures

The bill increases state cash fund expenditures in FY 2023-24 by \$210,924 the Department of State, as detailed below.

**Department of State.** In FY 2023-24, CDOS will have an increase in expenditures of \$210,924 from the Department of State Cash Fund, reappropriated to DPA. These expenditures are for the Document Solutions Group in DPA to process additional petition signatures for an estimated 18 candidates in the 2024 general election. Expenditures will continue for staggered groups of the new positions in general elections beginning in FY 2026-27. Future costs related to these positions will be requested by CDOS and DPA through the annual budget process. Workload will also increase in CDOS in FY 2022-23 to modify election-related databases, which can be accomplished within existing appropriations.

**Governor's Office.** Starting in FY 2024-25, the Governor's Office of Boards and Commissions, which coordinates executive branch appointments to boards and commissions and is responsible for recruiting, vetting, interviewing, and following certain appointments through the Senate confirmation process, will have decreased workload as certain commissioners will no longer be governor-appointed.

**Affected state agencies.** To be qualified for appointment in current law, some commissioners must have certain professional experience. As these requirements will not apply to elected commissioners, workload may increase in affected state agencies to provide training as appropriate beginning in FY 2024-25.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, except that the section pertaining to the Commissioner of Insurance take effect following approval by voters of the measure referred by HCR 22-1004 at the November 2022 statewide election.

## State and Local Government Contacts

County Clerks  
Personnel  
Agencies

Governor  
Public Health and Environment  
Secretary of State

Natural Resources  
Regulatory