

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE TREATMENT OF PERSONS WITH BEHAVIORAL HEALTH DISORDERS IN THE JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Prime Sponsors: Sens. Rodriguez and Lee  
Reps. Benavidez and Amabile

JBC Analyst: Craig Harper  
Phone: 303-866-3481  
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**Appropriation Items of Note**

**Appropriation Already Added to Bill, Amendment in Packet**

**General Fund Impact**

**New Cash Fund**

**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 01/12/22.

	<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>XXX</b>	<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 Senate Judiciary Committee Report (02/04/22), adopted by the Senate on second reading, included amendments to the bill, however Legislative Council Staff and JBC Staff agree that the amendments did not change the fiscal impact of the bill. The Senate Appropriations Committee Report (03/11/22), also adopted by the Senate on second reading, added an appropriation clause to the bill that is consistent with the fiscal note.

The House Judiciary Committee Report (03/24/22) adds two members to the task force, one of whom is eligible for reimbursement of actual and necessary expenses associated with their duties under the bill. Legislative Council Staff and JBC Staff agree that the amendment requires an appropriation of an additional \$1,488 General Fund for FY 2022-23.

**Amendments in This Packet for Consideration by Appropriations Committee**

Amendment	Description
J.002	Staff-prepared appropriation amendment

**Current Appropriations Clause in Bill**

The bill includes a clause that appropriates \$106,643 General Fund to the Legislative Department for FY 2022-23. This provision also states that the appropriation is based on the assumption that the Department will require an additional 1.0 FTE. However, the current appropriation does not include the additional \$1,488 General Fund required by the House Judiciary Committee Report.

**Description of Amendments in This Packet**

**J.002** Staff has prepared amendment **J.002** (attached) to change the existing clause to appropriate an additional \$1,488 General Fund to the Legislative Department for the reimbursement costs associated with the House Judiciary Committee Report. With the amendment, the appropriation would provide a total of \$108,131 General Fund to the Legislative Department for FY 2022-23.

**Points to Consider**

*General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2022-23 based on the March 2022 Legislative Council Staff revenue forecast. The budget package includes two set-asides:

- \$40.0 million General Fund for bills that create ongoing obligations; and
- \$900.0 million General Fund for bills that create one-time obligations in FY 2022-23.

The \$40.0 million *appropriations* set-aside includes an additional \$6.0 million General Fund to provide a 15.0 percent General Fund reserve for those appropriations. The \$900.0 million *obligations* set-aside does not include an additional amount for a General Fund reserve and, assumes, but does not require, that obligations be addressed through statutory transfers rather than appropriations. Therefore *appropriations* from the \$900.0 million set-aside require an additional 15.0 percent to maintain the statutory General Fund reserve.

This bill creates an ongoing obligation and requires a General Fund appropriation of \$108,131 for FY 2022-23, reducing the \$40.0 million set aside by the same amount.

*Technical Issues*

As discussed on page 2 of the Fiscal Note, a provision in the bill requires Legislative Council Staff (LCS) and the Office of Legislative Legal Services (OLLS) to provide staff support for the committee within existing appropriations. As identified in the State Expenditures section on page 3 of the Fiscal Note, there are no existing appropriations available to implement the bill. The provision also specifies that, if appropriations are not available, they should be requested through

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the annual budget process. While the bill becomes effective upon passage, staff support from LCS and OLLS can not be provided for the Task Force without an appropriation. The bill currently includes appropriations to support the necessary staff.