

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING PROGRAMS THAT PROVIDE SERVICES TO CRIME VICTIMS.

Prime Sponsors: Sens. Winter and Gardner
Reps. Duran and Weissman

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Appropriation Items of Note

Appropriation Not Required, No Amendment in Packet

New Cash Funds (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 04/26/22.

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
L.012	Bill Sponsor amendment - changes fiscal impact

Current Appropriations Clause in Bill

The bill neither requires nor contains an appropriation clause for FY 2022-23.

L.012 Bill Sponsor amendment **L.012** (attached) reduces from \$35.0 million to \$32.0 million the transfer from the Economic Recovery and Relief Cash Fund to the Colorado Crime Victims Services Fund in the Department of Public Safety, and adds a provision transferring \$6.0 million General Fund to the same fund. The amendment further transfers \$3.0 million from the Economic Recovery and Relief Cash Fund to the Victims and Witnesses Assistance and Law Enforcement Fund in the Judicial Department, with direction that the Office of the State Court Administrator distribute the funds. Lastly, the amendment transfers \$1.0 million General Fund to the Community Crime Victims Grant Program Cash Fund in the Department

of Public Health and Environment, which is continuously appropriated.

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.

L.012 creates a one-time obligation and includes a General Fund transfer of \$7.0 million for FY 2022-23, reducing the \$900.0 million set aside by the same amount.

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 Human Services to **not** seek annual authority from the General Assembly to spend money from either the State Domestic Violence and Sexual Assault Services Fund or the Colorado Crime Victims Services Fund?