

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING INDEPENDENT OVERSIGHT OF MATTERS CONCERNING JUDICIAL DISCIPLINE.

Prime Sponsors: Sens. Lee and Gardner  
Representative Weissman

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**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 Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/25/22.

	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
<b>XXX</b>	<b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>
	<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 Revised Fiscal Note identifies an appropriation of \$743,438 to the Office of Judicial Discipline from the Commission on Judicial Discipline Special Cash Fund (Fund) created in the bill. Section 2 of the bill codifies the Commission on Judicial Discipline in statute as Article 5.3 and includes Section 13-5.3-104 (7), C.R.S., that requires an ongoing appropriation to the Fund to maintain an annual starting balance of \$400,000. It is JBC staff's understanding that the Fund is only intended for special investigations pursuant to Section 13-5.3-104 (6), C.R.S. Therefore the appropriations for the Office's basic operations should instead be appropriated from General Fund at the identified amount of \$743,438. Additionally, the Fund requires an appropriation of \$400,000. Legislative Council Staff and JBC Staff agree with this update.

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

<b>Amendment</b>	<b>Description</b>
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 \$1,143,438 General Fund to the Commission on Judicial Discipline for FY 2022-23, which is based on an assumption that the Commission will require an additional 4.0 FTE. Of this amount, \$88,713 is reappropriated to the Department of Law, which is based on an assumption that the Department of Law will require an additional 0.5 FTE. Additionally, the provision appropriates \$53,463 General Fund to the Legislative Department, which is based on an assumption that the Legislative Department will require an additional 0.5 FTE.

**Points to Consider***General Fund Impact*

The Joint Budget Committee (JBC) 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 for additional legislation:

- \$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.

1. The JBC has included as part of its FY 2022-23 budget package \$800,000 General Fund to be appropriated for implementation of this bill.
2. This bill creates an ongoing obligation and requires a General Fund appropriation of \$1,143,438 for FY 2022-23, reducing the \$40.0 million set aside by \$343,438, the amount in excess of the budget package set aside.
3. This bill also creates a one-time obligation and requires a General Fund appropriation of \$53,463 for FY 2022-23, reducing the \$900.0 million set aside by \$61,482 in order to maintain a 15.0 percent statutory General Fund reserve.