



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 22-0139	Date:	January 12, 2022
Prime Sponsors:	Sen. Rodriguez; Lee Rep. Benavidez; Amabile	Bill Status:	Senate Judiciary
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Bill Topic: TREATMENT BEHAVIORAL HEALTH DISORDERS JUSTICE SYSTEM

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill extends the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems and the associated task force until July 1, 2027. It also changes the name and scope of the committee and task force to address the treatment of persons with behavioral health disorders in the criminal and juvenile justice systems. It will increase state expenditures and potentially state revenue starting in FY 2022-23.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$106,643 to the Legislative Department.

Fiscal Note Status: The fiscal note reflects the introduced bill recommended by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems.

**Table 1
State Fiscal Impacts Under SB 22-021**

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures	General Fund	\$106,643	\$100,443
	Centrally Appropriated	\$16,575	\$16,575
	Total Expenditures	\$123,218	\$117,018
	Total FTE	1.0 FTE	1.0 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$15,996	\$15,066

Summary of Legislation

Under current law, the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems and its associated task force repeal July 1, 2023. This bill:

- renames the oversight committee as the Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems; extends the committee and task force until July 1, 2027;
- changes the scope of the committee and task force to address the treatment of persons with behavioral health disorders in the criminal and juvenile justice systems; and
- reduces the size of the task force from 32 to 29.

Legislative Council Staff and the Office of Legislative Legal Services are required to supply staff assistance to the oversight committee within existing appropriations. The Legislative Council Staff is also required to provide staff assistance to the task force within existing appropriations. If existing appropriations are not adequate to supply staff assistance, the Director of Legislative Council is required to request additional funding through the annual budget process.

Oversight committee. The oversight committee is required to meet at least three times per year and provide oversight to the task force. Each oversight committee member is required to attend or call into at least one regular task force meeting. The oversight committee is required to submit an annual report to the General Assembly by January 15 of each year, including recommended legislation resulting from the work of the task force. Oversight committee members may receive per diem and reimbursement for expenses. The oversight committee may request legislative changes that are treated as interim committee bills.

Task force. The task force is required to meet at least six times per year and provide annual recommendations on policy and legislation to the oversight committee by August 1 each year. Sixteen members of the task force from local agencies and the public may receive reimbursement for expenses by the Legislative Council. Any state department or agency that is represented on the task force may receive and expend gifts, grants, and donations, for deposit into the newly created Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems Fund (cash fund). Among its new duties, the task force must provide evidence-based feedback, or indicate a lack of evidence, on the potential benefits or consequences of a legislative or other policy proposal, within two weeks of the request.

State Revenue

The bill potentially increases state cash fund revenue from gifts, grants, and donations. No source of gifts, grants, or donations has been identified at this time. These funds are not subject to TABOR.

State Expenditures

The bill increases General Fund expenditures by \$123,218 in FY 2022-23 and \$117,018 in FY 2023-24 for the Legislative Department. The bill requires the Office of Legislative Council Staff and the Office of Legislative Legal Services to provide staff within existing appropriations; however, there are no existing appropriations available to implement the bill. New costs are shown in Table 2 and explained below.

**Table 2
Expenditures Under SB 22-021**

Cost Components	FY 2022-23	FY 2023-24
Legislative Department		
Personal Services	\$71,040	\$71,040
Operating Expenses	\$1,350	\$1,350
Capital Outlay Costs	\$6,200	-
Member Travel and Per Diem	\$4,245	\$4,245
Task Force Member Reimbursement	\$23,808	\$23,808
Centrally Appropriated Costs ¹	\$16,575	\$16,575
Total	\$123,218	\$117,018
Total FTE	1.0 FTE	1.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Legislative Department. The standard costs for Legislative Council Staff and the Office of Legislative Legal Services to staff an interim committee includes 0.3 FTE of a researcher, 0.1 FTE of an attorney, and 0.1 FTE of a legislative editor. In addition, providing staff support to the task force is expected to require 0.5 FTE of a researcher to staff monthly meetings, conduct research, and prepare reports, at a cost of approximately \$41,000 per year. Standard operating expenses and capital outlay costs are included. Because staff are part-time, the General Fund pay date shift has not been applied.

- **Member and task force reimbursements.** Reimbursement for oversight committee members assumes three meetings with per diem of \$111.82 and \$124.00 travel for six legislative members. Expense reimbursement for 16 eligible task force members is based on the required twelve meetings per year at \$124.00 per member.

Other participating agencies. A number of agencies are required to participate in the task force. These agencies can accomplish this increased workload within existing appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by \$15,996 in FY 2022-23 and \$15,096 in FY 2023-24, which will decrease the amount of General Fund available for other purposes.

Local Government

Representatives of local governments and agencies who are appointed to the task force will have an increase in workload and are eligible for expense reimbursement.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2022-23, the bill requires a General Fund appropriation of \$106,643 to the Legislative Department including:

- \$60,255 to Legislative Council Staff;
- \$18,335 to the Office of Legislative Legal Services; and
- \$28,053 to the General Assembly.

State and Local Government Contacts

Alternate Defense Counsel
Education
Human Services
Law
Child's Representative
Public Safety

Corrections
Health Care Policy and Financing
Labor
Legislative Council
Legislative Legal Services