



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 23-0731	Date:	March 30, 2023
Prime Sponsors:	Rep. Garcia; Mabrey	Bill Status:	Legislative Council
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Bill Topic: EXECUTIVE COMMITTEE'S INVESTIGATORY AUTHORITY

Summary of Fiscal Impact:

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

The bill allows the Executive Committee of the Legislative Council to create an ad hoc investigatory committee and to subpoena witnesses on behalf of the ad hoc committee. Starting in FY 2023-24, the bill may increase state and local expenditures.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill allows the Executive Committee of the Legislative Council to create an ad hoc investigatory committee to make factual finding on issues of urgent, pressing, or unmet needs that have an impact on the community, economy, or society. The bill gives the Executive Committee the power to subpoena witnesses on behalf of the ad hoc committee and the ad hoc committee may refer findings to the Attorney General or other state oversight body. The bill requires that Legislative Council Staff and the Office of Legislative Legal Services assist the ad hoc investigatory committee. Finally, non-legislative members may be appointed to the ad hoc investigatory committee.

Background

Under current law, the General Assembly may prescribe the conditions and manner in which a witness may be summoned before any committee of the General Assembly. Under Joint Rule 33, the General Assembly may vest in any committee, which only consists of legislators, with subpoena power, and the Legislative Council may do the same during the interim. The Legislative Audit Committee also has subpoena power.

State Expenditures

Starting in FY 2023-24, Legislative Department costs may increase to the extent ad hoc committees are created. Other state agencies may also have increased costs depending on their level of involvement with an ad hoc committee. These impacts are outlined below.

Legislative Department. To the extent ad hoc committees are created, expenditures in the General Assembly, Legislative Council, and the Office of Legislative Legal Services will increase. Because it is unknown when an ad hoc investigatory committee will be created and how many meetings will occur, the fiscal note assumes any impacts will be addressed through the annual budget process, if necessary.

- **General Assembly.** Expenditures in the General Assembly will increase to provide members with per-diem and travel reimbursement for meetings that occur during the interim. Currently, General Assembly members receive a per-diem of \$112 and travel reimbursement of \$124 per day.
- **Legislative Council Staff.** Legislative Council Staff is required to provide support to ad hoc committees. Staffing needs will depend on the scope of the ad hoc committee. For informational purposes, interim committees require 0.3 FTE staff support.
- **Office of Legislative Legal Services.** The Office of Legislative Legal Services is also required to provide support to ad hoc committees. For informational purposes, ethics committees required 0.2 FTE staff support. In addition, the office may incur litigation costs if individuals choose to challenge a subpoena in court.

Judicial Department. To the extent individuals challenge subpoenas in court, workload to the courts will increase. Any impact is expected to be minimal and accomplished within existing appropriations.

Department of Law and other state agencies. To the extent that state agencies or their staff are issued subpoenas, workload and costs may increase for state agencies to review, comply with, or potentially challenge the subpoena. Also, if the Department of Law or other state agencies are referred findings from an ad-hoc committee, workload and potential costs may increase to investigate or take other actions. The fiscal note assumes that if additional resources are required, these will be requested through the annual budget process.

Effective Date

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

State and Local Government Contacts

Judicial
Legislative Council Staff

Law
Office of Legislative Legal Services