

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE CONTINUATION OF THE SEX OFFENDER MANAGEMENT BOARD, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2022 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING AN APPROPRIATION.

Prime Sponsors: Sens. Gonzales and Gardner
Reps. Bacon and Weissman

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Appropriation Items of Note

Appropriation Already Added to Bill, Amendment in Packet

General Fund Impact

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 04/27/23.

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
J.002	Staff-prepared appropriation amendment

Current Appropriations Clause in Bill

The bill includes an appropriation clause that provides a net increase of \$58,532 General Fund for FY 2023-24. The clause includes:

- An appropriation of \$136,515 General Fund and 1.6 FTE to the Department of Public Safety;
- An appropriation of \$36,494 and 0.4 FTE to the Office of the State Court Administrator in the Judicial Department; and
- A reduction of \$114,477 General Fund and 1.6 FTE to Probation and Related Services in the Judicial Department.

The current appropriations clause no longer reflects the fiscal impact of the bill shown in the Revised Fiscal Note (04/27/23).

Description of Amendments in This Packet

J.002 Staff has prepared amendment **J.002** (attached) to increase the appropriation to the Department of Public Safety by \$27,431 and 0.2 FTE, increase the appropriation to the State Court Administrator in the Judicial Department by \$6,628 General Fund and 0.1 FTE, and decrease the appropriation to the Probation Division in the Judicial Department by \$22,203 General Fund and 0.3 FTE. In total, amendment **J.002** results in a net increase of \$11,586 General Fund above the appropriations in the existing appropriation clause and would align the appropriation with the Revised Fiscal Note.

Points to Consider

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2023-24 based on the March 2023 Office of State Planning and Budgeting (OSPB) revenue forecast. The budget package includes two set-asides for legislation outside of the package: (1) \$30.0 million General Fund for bills that create ongoing obligations; and (2) \$469.0 million for bills that create one-time obligations for FY 2023-24 (see table below).

General Fund Appropriation Placeholders for Other 2023 Legislation	
Description	FY 2023-24
Legislation with Ongoing Fiscal Impacts	\$30,000,000
Legislation with One-time Fiscal Impacts	
Workforce-related legislation, including free credentials, math scholarships, adult education, and concurrent enrollment	103,000,000
Housing-related legislation, including property tax relief, land use, and public-private partnerships	221,000,000
Legislation related to topics other than workforce and housing, including rural opportunity, line of duty loss, and Proposition 122 implementation	145,000,000
Subtotal	\$469,000,000
TOTAL Placeholders for Other 2023 Legislation	\$499,000,000

The budget package accounts for the 15.0 percent reserve associated with the above placeholders (a total of \$74.9 million).

With the adoption of amendment **J.002**, this bill creates an ongoing obligation and requires a General Fund appropriation of \$70,388 for FY 2023-24, reducing the \$30.0 million set aside by the same amount.

TABOR/ Excess State Revenues Impact

The March 2023 Office of State Planning and Budgeting (OSPB) revenue forecast projects a TABOR surplus liability of \$720.9 million for FY 2023-24 and \$1.2 billion for FY 2024-25 to be refunded to taxpayers out of the General Fund. Legislation that increases non-exempt revenue (such as cash funds) will increase the TABOR refund from the General Fund. The budget package includes a set aside of \$30.0 million General Fund for ongoing appropriations and \$469.0 million General Fund for bills that create one-time obligations in FY 2023-24.

This bill is estimated to increase cash fund revenues by \$19,862 in FY 2024-25, which will reduce the available General Fund in FY 2024-25 by an equal amount.