

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING PUBLIC ACCESS TO GOVERNMENT RECORDS.

Prime Sponsors: Senator Hansen  
Reps. Snyder and Soper

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**Appropriation Items of Note**

**Appropriation Required, Amendments in Packet**

**General Fund Impact**

**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 04/19/23.

	<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 Senate State, Veterans, & Military Affairs Committee Report (04/20/23) includes amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

The Fiscal Note identifies \$27,716 General Fund to be appropriated to the Department of Transportation. However, the Department is primarily funded through cash funds and federal funds appropriations. As such, JBC Staff has identified the State Highway Fund, created in Section 43-1-219, C.R.S., as an appropriate and available funding source for the Department's appropriations related to this bill. Legislative Council Staff agrees with this assessment.

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

<b>Amendment</b>	<b>Description</b>
J.001	Staff-prepared appropriation amendment
L.004	Bill Sponsor amendment - removes fiscal impact

**Current Appropriations Clause in Bill**

The bill requires but does not contain an appropriations clause.

**Description of Amendments in This Packet**

**J.001** Staff has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$1,857,812 total funds, including \$1,703,980 General Fund and \$153,832 cash funds from various sources, to multiple departments for FY 2023-24. This provision also states that the appropriation is based on the assumption that, in total, the departments will require an additional 10.8 FTE. Please see the following table for the appropriations by department.

<b>DEPARTMENT</b>	<b>TOTAL FUNDS</b>	<b>GENERAL FUND</b>	<b>CASH FUNDS</b>	<b>FTE</b>
Agriculture	\$27,716	\$27,716	\$0	0.4
Correction	27,716	27,716	0	0.4
Early Childhood	27,716	27,716	0	0.4
Education	27,716	27,716	0	0.4
Governor	1,055,432	1,055,432	0	0.8
Health Care Policy and Finance	27,716	27,716	0	0.4
Higher Education	27,716	27,716	0	0.4
Human Services	27,716	27,716	0	0.4
Labor and Employment	27,716	27,716	0	0.4
Law	27,716	27,716	0	0.4
Local Affairs	27,716	27,716	0	0.4
Military and Veterans Affairs	0	0	0	0.0
Natural Resources	27,716	27,716	0	0.4
Personnel	160,749	160,749	0	2.2
Public Health and Environment	27,716	27,716	0	0.4
Public Safety	55,429	55,429	0	0.8
Regulatory Agencies	27,716	27,716	0	0.4
Revenue	44,346	44,346	0	0.6
State	126,116	0	126,116	0.4
Transportation	27,716	0	27,716	0.4
Treasury	27,716	27,716	0	0.4
<b>Total</b>	<b>\$1,857,812</b>	<b>\$1,703,980</b>	<b>\$153,832</b>	<b>10.8</b>

**L.004** Bill Sponsor amendment **L.004** (attached) makes technical changes to the bill, including retaining the current statutory definition of electronic mail. The amendment also adds a requirement that on or before January 1, 2024, members of the General Assembly and agencies and institutions of the Executive Branch submit a report to the Legislative Council of the General Assembly that outlines their electronic mail retention policy. Legislative Council Staff and JBC Staff agree that **L.004** eliminates the fiscal impact of the bill.

**If the Committee adopts L.004, then it should NOT adopt J.001.**

**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
<b>TOTAL Placeholders for Other 2023 Legislation</b>	<b>\$499,000,000</b>

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

This bill creates an ongoing obligation and requires a General Fund appropriation of \$1,703,980 for FY 2023-24, reducing the \$30.0 million set aside by the same amount. The bill requires a General Fund appropriation of \$2,118,158 in FY 2024-25.

If **L.004** is adopted, the General Fund requirements for this bill are eliminated.