

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING EXPANDING THE INCOME TAX CREDIT FOR QUALIFIED COSTS INCURRED IN PRESERVATION OF HISTORIC STRUCTURES.

Prime Sponsors: Reps. Lukens and Martinez  
Senator Gonzales

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**Appropriation Items of Note**

**Appropriation Required, Amendment in Packet**

**General Fund/TABOR Impact**

**New Cash Fund (with Continuous Appropriation)**

**Significant Cost Increase in Fourth Year**

**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 04/02/24.

|            |  |
|------------|--|
| <b>XXX</b> | <b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill                 |
|            | <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 |

**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 \$128,663 General Fund for FY 2023-24, including \$74,244 for the Office of the Governor

and \$54,419 for History Colorado in the Department of Higher Education. This provision also states that the appropriation is based on the assumption that the Office will require an additional 0.4 FTE and that History Colorado will require 0.4 FTE.

**Points to Consider**

*General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2024-25 based on the March 2024 Office of State Planning and Budgeting (OSP) revenue forecast. The budget package includes \$63.1 million in set-asides for legislation outside of the package (see table below). The budget package accounts for the 15.0 percent reserve associated with the placeholders (a total of \$9.5 million).

| General Fund Appropriation Placeholders for Other 2024 Legislation |                     |
|--|---------------------|
| Description  | FY 2024-25          |
| General Legislative Priorities                                     | \$21,739,130        |
| Legislation for Shared Housing Priorities                          | 12,043,478          |
| Legislation for Shared Workforce and Education Priorities          | 16,152,110          |
| Legislation for Other Shared Priorities                            | 10,519,130          |
| Legislation for Distributions to Rural Hospitals                   | 2,608,689           |
| <b>TOTAL Placeholders for Other 2024 Legislation</b>               | <b>\$63,062,537</b> |

This bill requires a General Fund appropriation of \$128,663 for FY 2024-25, reducing the \$63.1 million set aside by the same amount.

*Legislative Appropriation Authority*

Continuous spending authority, also known as **continuous appropriation**, allows state agencies to spend money for statutorily specified purposes up to the total amount available in a specified fund source without seeking further legislative approval through the budget process.

The term *appropriation* is broadly understood as expressing or conveying legal spending authority. However, the term *appropriation* also inherently expresses fundamental legislative fiscal authority by communicating a *limit* on or maximum amount of spending from a specified fund source for a defined period such as a fiscal year. While continuous spending authority also expresses or conveys legal spending authority it does so by eliminating legislative fiscal authority and oversight.

An annual appropriation provides a limit on spending authority, while a continuous appropriation provides unlimited spending authority. This method of funding moves these expenditures off-budget, and thus expenditures are not reported or accounted for through the budget process.

## HB24-1314

## JBC Staff Analysis

Is it necessary for the Governor's Office to **not** seek annual authority from the General Assembly to spend money from Historic Preservation Tax Credit Program Cash Fund?

### *TABOR/ Excess State Revenues Impact*

The March 2024 Office of State Planning and Budgeting (OSPB) revenue forecast projects a TABOR surplus liability of \$1.3 billion for FY 2024-25 and \$1.8 billion for FY 2025-26 to be refunded to taxpayers out of the General Fund. These sums must be refunded to taxpayers out of the General Fund. This bill is estimated to decrease General Fund revenues by \$25,000 in FY 2024-25 and by \$60,000 in FY 2025-26, which will result in a decrease in the TABOR surplus liability of equal amounts.

### *Future Fiscal Impact*

This bill will reduce General Fund revenues by an estimated \$5.1 million in FY 2027-28, reducing the amount of General Fund available for other purposes.