

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING AN EVALUATION OF RACIAL EQUITY FOR BLACK COLORADANS.

Prime Sponsors: Senator Coleman
Reps. Herod and Ricks

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Appropriation Items of Note

Appropriation Not Required, Amendment in Packet

New Cash Fund (with Continuous Appropriation)

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 03/12/24.

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

The Senate State, Veterans, and Military Affairs Committee Report (02/01/2024) and the Finance Committee Report (02/08/24) include amendments to the bill; Legislative Council Staff and JBC Staff agree that these committee amendments do not change the fiscal impact of the bill. An amendment to be offered by the bill sponsor (attached) would increase the anticipated state revenue to the Black Coloradan Equity Study Cash Fund from at least \$500,000 to at least \$785,000 in FY 2024-25, assuming that sufficient gifts, grants, and donations are received by June 30, 2025 as stipulated in the bill. This does not change the anticipated expenditures in FY 2024-25, FY 2025-26, or FY 2026-27; additionally, gifts, grants, and donations are not subject to the state's TABOR revenue limit resulting in no change to the fiscal impact of this bill.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
L.003	Bill Sponsor amendment - does not change fiscal impact

Current Appropriations Clause in Bill

The bill neither requires nor contains an appropriation clause for FY 2024-25.

Description of Amendments in This Packet

L.003 Bill Sponsor amendment **L.003** (attached) increases the amount of gifts, grants, and donations required to be collected from \$500,000 to \$785,000 before sections 2-2-2304 through 2-2-2307, C.R.S., can be implemented.

Points to Consider*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.

Is it necessary for the History Colorado and the Legislative Department to **not** seek annual authority from the General Assembly to spend money from the Black Coloradan Racial Equity Study Cash Fund?