



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 20-0260
Prime Sponsors:

Date: October 7, 2019
Bill Status: Bill Request
Fiscal Analyst: Clare Pramuk | 303-866-2677
clare.pramuk@state.co.us

Bill Topic: EXTEND COMMITTEE ON TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN CRIMINAL AND JUVENILE JUSTICE SYSTEMS

- Summary of Fiscal Impact:
- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

This bill extends the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems and the associated task force until July 1, 2025. It will increase state expenditures and potentially state revenue starting in FY 2020-21.

Appropriation Summary: For FY 2020-21, the bill requires a General Fund appropriation of \$75,448 to the Legislative Department.

Fiscal Note Status: The fiscal note reflects the bill draft requested by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems.

Table 1
State Fiscal Impacts Under Draft Bill 5

Table with 3 columns: Category, FY 2020-21, FY 2021-22. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total), Total FTE, Transfers, and TABOR Refund.

## **Summary of Legislation**

This bill extends the repeal date for the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems (oversight committee) and the associated task force from July 1, 2020, until July 1, 2025. In addition, the bill changes the name and scope of the committee and task force to address the treatment of persons with behavioral health disorders in the criminal and juvenile justice systems, and reduces the size of the task force from 32 to 27.

Legislative Council Staff and the Office of Legislative Legal Services are required to supply staff assistance to the oversight committee. The Legislative Council Staff is required to provide staff assistance to the task force. If existing appropriations are not adequate to supply staff assistance, the Director of Legislative Council is required to request additional funding through the annual budget process.

**Oversight Committee.** The oversight committee is required to meet at least three times per year and provide oversight to the task force. Each committee member is required to attend or call into at least one regular task force meeting. The committee is required to submit an annual report to the General Assembly by January 15 of each year, including recommended legislation resulting from the work of the task force. Committee members may receive per diem and reimbursement for expenses. The committee may report up to five bills or other measures

**Task force.** The task force is required to meet at least six times per year and provide annual recommendations on policy and legislation to the oversight committee by October 1 each year. The three public members of the task force may receive reimbursement for expenses by the Legislative Council. Any state department or agency that is represented on the task force may receive and expend gifts, grants, and donations, for deposit into the newly created Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems Fund (cash fund).

Among its new duties, the task force must, upon request of a committee member, provide evidence-based feedback, or indicate a lack of evidence, on the potential benefits or consequences of a legislative or other policy proposal not directly affiliated with or generated by the task force, within two weeks of the request.

## **Background**

The oversight committee was created by House Joint Resolution in 1999. In 2000, HB 00-1033 established both the legislative oversight committee and the task force in statute. Subsequent bills continued, renamed, and modified the charge of the committee and task force. The current oversight committee has three House and three Senate members. The task force has 32 members made up of executive, judicial, and local agencies, as well as members of the public. The task force is required to meet at least six times a year, but generally meets monthly.

Legislative Council Staff is currently charged with assisting the oversight committee in its activities and acting as a liaison between the oversight committee and the task force. Legislative Council Staff prepares the annual report for the oversight committee. The task force provides its own support staff to prepare any minutes, reports, or other documents.

**State Revenue**

Because state departments may receive and expend gifts, grants, and donations, the bill has the potential to increase state revenue to the new cash fund. No source of gifts, grants, or donations has been identified at this time.

**State Expenditures**

The bill increases General Fund expenditures by \$89,694 and 1.0 FTE in FY 2020-21 and \$91,079 and 1.0 FTE in FY 2021-22 for the Legislative Department. The bill requires the Office of Legislative Council Staff and the Office of Legislative Legal Services to provide staff within existing appropriations; however there are no existing appropriations available to implement the bill. New costs are shown in Table 2 and explained below.

**Table 2  
Expenditures Under Draft Bill 5**

	<b>FY 2020-21</b>	<b>FY 2021-22</b>
<b>Legislative Department</b>		
Personal Services	\$61,376	\$66,956
Operating Expenses	\$950	\$950
Capital Outlay Costs	\$4,703	
Committee and Task Force Reimbursement	\$8,419	\$8,419
Centrally Appropriated Costs*	\$14,246	\$14,754
<b>Total Cost</b>	<b>\$89,694</b>	<b>\$91,079</b>
<b>Total FTE</b>	<b>1.0 FTE</b>	<b>1.0 FTE</b>

\* Centrally appropriated costs are not included in the bill's appropriation.

**Legislative Department.** The standard costs for Legislative Council Staff and the Office of Legislative Legal Services to staff an interim committee includes 0.3 FTE of a researcher, 0.1 FTE of an attorney, and 0.1 FTE of a legislative editor. In addition, providing staff support to the task force is expected to require 0.5 FTE of a researcher to staff monthly meetings, conduct research, and prepare reports, at a cost of approximately \$38,000 per year.

Reimbursement for oversight committee members assumes three meetings with per diem of \$110.73 and \$119.00 travel for six members for a total of \$4,135. Reimbursement of expenses for three eligible task force members of \$119.00 per member for twelve meetings is \$4,284.

**Other participating agencies.** A number of agencies are required to participate in the task force. These agencies can accomplish this increased workload within existing appropriations.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$14,246 in FY 2020-21 and \$14,754 in FY 2021-22.

**Local Government**

The bill requires participation from a number of local governments and agencies. This workload increase can be accomplished within existing resources.

**Effective Date**

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

**State Appropriations**

For FY 2020-21, the bill requires a General Fund appropriation of \$75,448 to the Legislative Department, including:

- \$58,961 and 0.8 FTE to Legislative Council Staff;
- \$12,352 and 0.2 FTE to the Office of Legislative Legal Services; and
- \$4,135 to the General Assembly.

**State and Local Government Contacts**

Alternate Defense Counsel  
Counties  
Education  
Human Services  
Judicial  
Law  
Municipalities  
Public Safety

Corrections  
District Attorneys  
Health Care Policy and Financing  
Information Technology  
Labor  
Legislative Council  
Office of the Child's Representative  
Sheriffs