

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING CREATION OF THE IMMIGRATION LEGAL DEFENSE FUND, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Prime Sponsors: Reps. Tipper and Ricks  
Senator Moreno

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**Appropriation Items of Note**

**Appropriation Already Added to Bill, Amendment in Packet**

**General Fund Impact**

**New Cash Fund**

**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 05/03/21.

<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
L.002/J.002	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

**Current Appropriations Clause in Bill**

The bill includes an appropriation clause that provides an appropriation of \$100,000 General Fund to the Department of Labor and Employment for FY 2021-22; however, the statutory provisions in the bill indicate that the appropriation should be to the cash fund created in the bill.

**Description of Amendments in This Packet**

## HB21-1194

## JBC Staff Analysis

**J.001** Staff has prepared amendment **J.001** (attached) to change the existing clause to appropriate \$100,000 General Fund to the Immigration Legal Defense Fund and to reappropriate this amount to the Department of Labor and Employment for FY 2021-22. This provision also states that the appropriation is based on the assumption that the Department will require an additional 0.1 FTE.

### **L.002 and J.002**

Bill Sponsor amendment **L.002** (attached) includes the following technical clarifications: (1) amounts in the Immigration Legal Defense Fund (Fund) are continuously appropriated to the Department of Labor and Employment; (2) gifts, grants, and donations may be received and expended and do not need to be placed in the Fund; (3) the restriction on administrative expenditures from the Fund is based on the lesser of \$15,000 or 5.0 percent of the amount in the Fund. Amendment **J.002** (attached) provides an appropriation of \$100,000 General Fund to the Fund for FY 2021-22. No appropriation from the Fund is included because it is continuously appropriated to the Department.

The Committee may adopt **either** J.001 **or** the combination of L.002 and J.002 but should **not** adopt both J.001 and J.002.

### **Points to Consider**

#### *General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2021-22 based on the March 2021 Legislative Council Staff revenue forecast. The budget package includes a set aside of \$48.0 million General Fund for bills that require General Fund appropriations for FY 2021-22. This bill requires a General Fund appropriation of \$100,000 for FY 2021-22, reducing the \$48.0 million set aside by the same amount.

#### *Legislative Authority*

Is it necessary to "continuously appropriate" money in the Immigration Legal Defense Fund, as specified if L.002 is adopted? This method of funding essentially moves related expenditures off-budget, and thus expenditures are not reported or accounted for through the budget process.