

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE CONTINUATION OF THE OFFICE OF CONSUMER COUNSEL, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2020 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES REGARDING THE OFFICE OF CONSUMER COUNSEL AND THE UTILITY CONSUMERS' BOARD.

Prime Sponsors: Sens. Fenberg and Winter
Representative Esgar

JBC Analyst: Mitch Burmeister
Phone: 303-866-3147
Date Prepared: May 18, 2021

Appropriation Items of Note

Appropriation Required, Amendment in Packet

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 05/18/21.

	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
XXX	Update: Fund source 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

While the Legislative Council Staff Revised Fiscal Note indicates that a General Fund appropriation of \$453,941 is required to implement this bill, Section 40-6.5-107, C.R.S., expressly prohibits the appropriation of General Fund for the performance of the duties and responsibilities of the Office of the Utility Consumer Advocate. Legislative Council Staff and JBC Staff agree that the fund source from which the appropriation must be made is the Fixed Utility Fund.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.002	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.002 Staff has prepared amendment **J.002** (attached) to add a provision appropriating a total of \$453,941 cash funds from the Fixed Utility Fund to the Department of Regulatory Agencies for FY 2021-22. This provision also states that the appropriation is based on the assumption that the Department will require an additional 3.2 FTE. Of that amount, \$159,510 is reappropriated to the Department of Law, based on the assumption that the Department will require an additional 0.8 FTE.

Points to Consider*Fixed Utility Fund*

Section 40-6.5-107, C.R.S., prohibits the appropriation of General Fund to the Office of the Consumer Utility Advocate division in the Department of Regulatory Agencies, requiring any appropriations made for the purpose of funding this division to be from the Fixed Utility Fund (Fund). The Public Utilities Commission is currently assessing the statutory maximum 0.25 percent fee on the gross intrastate operating revenues of regulated electric and natural gas utilities. Without a statutory increase in the fee, revenue deposited into the Fund will likely be insufficient for the Department to fully implement the bill.