

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE CONTINUATION OF THE PUBLIC UTILITIES COMMISSION, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING AN APPROPRIATION.

Prime Sponsors: Sens. Garcia and Fenberg  
Reps. Hansen and Becker

JBC Analyst: Kevin Neimond  
Phone: 303-866-4958  
Date Prepared: May 2, 2019

**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 05/02/19.

<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.004	Staff-prepared appropriation amendment

**Current Appropriations Clause in Bill**

The bill, as amended by the House on Second Reading (05/02/19), includes an appropriation clause that appropriates \$372,725 from the Public Utilities Commission Fixed Utility Fund to the Department of Regulatory Agencies for FY 2019-20 and states that the appropriation is based on the assumption that the Department will require an additional 2.5 FTE to implement the act. Of this amount, \$111,920 is reappropriated to the Department of Law for FY 2019-20, and this provision states that the appropriation is based on the assumption that the Department of Law will require an additional 0.6 FTE to implement the act.

Additionally, the existing clause appropriates \$163,820 General Fund to the Department of Public Health and Environment for FY 2019-20 and states that the appropriation is based on the assumption that the Department will require an additional 1.8 FTE to implement the act.

Based on amendments adopted by the House on Second Reading, the existing appropriation clause requires an increase of \$534,841 from the from the Public Utilities Commission Fixed Utility Fund

and 5.0 FTE to the Department of Regulatory Agencies for FY 2019-20. Of this increase, \$74,614 is required to be reappropriated to the Department of Law for FY 2019-20. Additionally, the Department of Law requires an increase of 0.4 FTE to implement the act.

**Description of Amendments in This Packet**

**J.004** Staff has prepared amendment **J.004** (attached) to change the existing clause to appropriate \$907,566 from the from the Public Utilities Commission Fixed Utility Fund and 7.5 FTE to the Department of Regulatory Agencies for FY 2019-20. Of this amount, \$186,534 is reappropriated to the Department of Law for FY 2019-20, and this provision states that the appropriation is based on the assumption that the Department of Law will require 1.0 FTE to implement the act.

**Points to Consider***General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2019-20 based on the March 2019 Legislative Council Staff revenue forecast. The budget package leaves approximately \$47.9 million General Fund unallocated. Thus, the General Assembly could appropriate up to \$44.7 million General Fund to fund 2019 legislation and maintain a 7.25 percent General Fund reserve. This bill requires a General Fund appropriation of \$163,820 for FY 2019-20, reducing the excess General Fund reserve by \$175,697.

*Legislative Authority*

Is it necessary to "continuously appropriate" money in the Vehicle Booting Cash Fund? This method of funding essentially moves related expenditures off-budget, and thus expenditures are not reported or accounted for through the budget process.