



*Colorado Legislative Council Staff Fiscal Note*  
**STATE**  
**FISCAL IMPACT**

**Drafting Number:** LLS 11-0503

**Date:** March 3, 2011

**Prime Sponsor(s):** Sen. Kopp

**Bill Status:** Senate Business, Labor, and Technology

**Fiscal Analyst:** Alex Schatz (303-866-4375)

**TITLE:** CONCERNING THE CREATION OF EFFICIENCIES IN THE STATE REGULATORY SYSTEM.

<b>Fiscal Impact Summary</b>	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
<b>State Revenue</b>		
Cash Funds		
Legislative Department Cash Fund*	\$232,997	\$32,885
<b>State Expenditures</b>		
Cash Funds		
Legislative Department Cash Fund*	\$232,997	\$32,885
<b>FTE Position Change</b>	3.2 FTE	0.6 FTE
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2011-2012:</b> See State Appropriations section.		
<b>Local Government Impact:</b> None.		

\* Revenue and expenditures from the Legislative Department Cash Fund are conditional upon the receipt of gifts, grants, and donations.

**Summary of Legislation**

This bill creates a 12-member task force to study the state's regulatory system. By July 1, 2011, the Committee on Legal Services (COLS) is to select members of the task force. The bill specifies the bipartisan composition of the task force. The task force will make recommendations to the COLS by August 6, 2012. The COLS will then recommend legislation as deemed appropriate.

The task force is charged with reviewing the current Code of Colorado Regulations (CCR) and the process for rule-making under the State Administrative Procedure Act. Additionally, the task force must address whether:

- the current regulatory system favors one segment of an industry over another;
- economic conditions warrant downsizing regulatory requirements to reduce industry compliance costs;

- the regulatory system is duplicative, outmoded, or unnecessary; and
- enforcement of regulation has adverse impacts on consumers or industry, such as punitive fines.

The Committee on Legal Services is required to perform its assigned tasks within existing appropriations and its normal meeting schedule. The COLS Task Force will serve without compensation, but may be reimbursed for actual expenses if gifts, grants, or donations are received in the Legislative Department Cash Fund. The staff of the Legislative Council, State Auditor, or Office of Legislative Legal Services may provide assistance only within existing appropriations or to the extent that funding is provided by gifts, grants, and donations; however, the task force may meet without staff assistance.

### **State Revenue**

To cover staffing and other costs, gifts, grants, and donations in the amount of approximately \$233,000 will be needed in FY 2011-12, as well as approximately \$33,000 in FY 2012-13. As directed by the bill, gifts, grants and donations will be credited to the Legislative Department Cash Fund. Upon receipt, moneys in this fund are continuously appropriated and available for disbursement as directed by the bill. However, at this time, no specific gifts, grants, or donations have been identified.

### **State Expenditures**

**Staff support and expenses for the task force will conditionally increase costs in the Legislative Branch by \$232,997 and 3.2 FTE in FY 2011-12, and \$32,885 and 0.6 FTE in FY 2012-13.** Executive branch departments will incur costs to respond to the task force, but these costs are unknown until the task force determines the extent of its inquiry.

***Executive Branch — State Fiscal Impact.*** The task force will require assistance from all 19 principal executive branch departments and agencies organized under the Governor's Office that promulgate administrative rules. Departments routinely respond to requests for information from the General Assembly and other entities, and this fiscal note assumes that the requests of the task force and legislative staff can be addressed within existing appropriations. Extensive analysis of any one executive department could drive costs for staff or a contractor in such a department. Additional resources, if needed, will be requested through the budget process. The fiscal note assumes that the Independent Ethics Commission and the State Board of Equalization, as constitutional bodies that have adopted rules, are outside the scope of the bill.

***Legislative Branch — Conditional State Fiscal Impact.*** For the Legislative Branch, total state expenditures are expected to be \$232,997 and 3.2 FTE in FY 2011-12 and \$32,885 and 0.6 FTE in FY 2012-13. If adequate gifts, grants, and donations are not received for expenditures from the Legislative Department Cash Fund, the task force will operate without legislative staff support and without reimbursement for expenses. Costs are in two legislative service agencies: Legislative Council Staff and the Office of Legislative Legal Services (OLLS). Table 1 and the discussion that follows address these costs.

<b>Table 1. Conditional Expenditures Under SB 11-167</b>		
<b>Cost Components</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>
<i>Legislative Council Staff</i>		
Personal Services	\$45,078	\$7,513
<i>FTE</i>	1.0	0.2
Operating Expenses and Capital Outlay	5,620	190
COLS Task Force Member Reimbursement (12 members * \$88 * 25 total meetings)	21,120	5,280
<i>Office of Legislative Legal Services</i>		
Personal Services	148,815	24,802
<i>FTE</i>	2.2	0.4
Operating Expenses and Capital Outlay	12,364	380
<b><u>TOTAL</u></b>	<b><u>\$232,997</u></b>	<b><u>\$32,885</u></b>

This analysis assumes that COLS will meet once in FY 2010-11 to select task force members, and three times in FY 2012-13 to review task force recommendations. The task force is assumed to meet 20 times in FY 2011-12 to review rules and rule-making (an average of one meeting for each principal executive department); the task force will meet five times in FY 2012-13 to compile and present recommendations. To support these activities, the legislative service agencies will require staffing. Estimates are based on the support provided for interim committees, rule review, the workload of the legislative agencies, and similarly sized reviews.

- ▶ *Legislative Council Staff* — 1.0 FTE is required to staff committee hearings and provide research to the task force. Existing staff may also assist with task force duties.
- ▶ *Office of Legislative Legal Services* — The OLLS requires 2.2 FTE to provide legal counsel, rules interpretation, and bill drafting for the task force and COLS.

**Expenditures Not Included**

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. The centrally appropriated costs subject to this policy are summarized in Table 2. The costs noted in Table 2 are conditional upon the receipt of moneys in the Legislative Department Cash Fund.

<b>Table 2. Conditional Expenditures Not Included Under SB 11-167*</b>		
<b>Cost Components</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$22,720	\$4,260
Supplemental Employee Retirement Payments	8,774	1,462
<b>TOTAL</b>	<b>\$31,494</b>	<b>\$5,722</b>

*\*More information is available at: <http://colorado.gov/fiscalnotes>*

### **State Appropriations**

No appropriation is required to implement this bill. If sufficient gifts, grants, and donations are received by the Legislative Department Cash Fund, these moneys are continuously appropriated.

### **Departments Contacted**

All Departments  
Legislative Legal Services

Legislative Council Staff  
Joint Budget Committee Staff

State Auditor