

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING MODIFICATIONS TO NOT GUILTY BY REASON OF INSANITY.

Prime Sponsors: Reps. Amabile and Benavidez

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Appropriation Items of Note

Appropriation Required, Amendment in Packet

General Fund Impact

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 03/28/22.

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

The revised fiscal note, dated 03/28/22, anticipates a need for an appropriation of \$1,127,784 General Fund to the Department of Human Services for FY 2022-23, including an assumption that the Department would require an additional 4.2 FTE. That anticipated increase included \$259,513 associated with 3.0 FTE psychologist positions that the Department had indicated were required as a result of the bill. However, upon further review, the Department has indicated that those 3.0 FTE psychologists are not necessary. Legislative Council Staff and JBC Staff agree that this change in assumptions reduces the necessary appropriation to a total of \$868,271 General Fund for FY 2022-23, including an assumption that the Department will require 2.0 FTE.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	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.001 Staff has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$868,271 General Fund to the Department of Human Services for FY 2022-23. This provision also states that the appropriation is based on the assumption that the Department will require an additional 2.0 FTE.

Points to Consider*General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2022-23 based on the March 2022 Legislative Council Staff revenue forecast. The budget package includes two set-asides:

- \$40.0 million General Fund for bills that create ongoing obligations; and
- \$900.0 million General Fund for bills that create one-time obligations in FY 2022-23.

The \$40.0 million *appropriations* set-aside includes an additional \$6.0 million General Fund to provide a 15.0 percent General Fund reserve for those appropriations. The \$900.0 million *obligations* set-aside does not include an additional amount for a General Fund reserve and, assumes, but does not require, that obligations be addressed through statutory transfers rather than appropriations. Therefore *appropriations* from the \$900.0 million set-aside require an additional 15.0 percent to maintain the statutory General Fund reserve.

This bill creates an ongoing obligation and requires a General Fund appropriation of \$868,271 for FY 2022-23, reducing the \$40.0 million set aside by the same amount.