



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 23-0779
Prime Sponsors: Rep. Luck

Date: March 6, 2023
Bill Status: House Judiciary
Fiscal Analyst: John Armstrong | 303-866-6289
john.armstrong@coleg.gov

Bill Topic: FAMILY COURTS STUDY COMMISSION

- Summary of Fiscal Impact:
- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill establishes a commission to study family courts and report to the General Assembly and Judicial Department. The bill will increase state expenditures in FY 2023-24 only.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation from the General Fund of \$119,057 to the Legislative Department.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 23-1159

Table with 4 columns: Category, Budget Year FY 2023-24, Out Year FY 2024-25, and values for Revenue, Expenditures, Transfers, and Other Budget Impacts.

Summary of Legislation

The bill creates a commission to study family courts and make recommendations to the Judicial Department and the General Assembly. The commission is tasked with studying the administration and operations of family courts, as well as judicial decisions and the short-term and long-term outcomes of persons involved in family court. The bill specifies the membership of the commission, including:

- individuals with lived experience with the family courts;
- a judge who has overseen a family court;
- a representative of the State Court Administrator's Office;
- a representative of a child support agency;
- a victim's advocate;
- family law attorneys;
- a parental responsibility evaluator or child and family investigator;
- one state representative; and
- one state senator.

Administrative support for the commission is provided by Legislative Council Staff and Legislative Legal Services. The commission may hire a consultant to assist in compiling data and report writing. Members of the commission serve without compensation but may be reimbursed for travel expenses. The commission will meet at least once every three months, beginning no later than September 30, 2023.

The Judicial Department will provide data requested by the commission, so long as the data does not contain confidential information. The commission must submit a report to the Judicial Department and to the General Assembly by September 30, 2024.

Assumptions

This fiscal note assumes that the commission will meet a total of eight times: four times at the State Capitol Building and four times at a location outside of the Denver Metropolitan Area. It is assumed that the commission will hire a consultant to compile data and write the report.

State Expenditures

The bill increases state expenditures in the Legislative Branch by \$77,570 in FY 2023-24, paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 23-1159

	FY 2023-24	FY 2024-25
Legislative Branch		
Personal Services	\$30,506	-
Travel Expenses	\$27,208	-
Legislator Per-Diem	\$1,343	-
Consultant Fees	\$60,000	-
Centrally Appropriated Costs ¹	\$7,263	-
Total Cost	\$126,320	-
Total FTE	0.4 FTE	-

¹ Centrally appropriated costs are not included in the bill's appropriation.

Legislative Council Staff. A research associate from Legislative Council Staff will provide administrative and research support to the commission. This associate will enable meetings to be recorded and broadcast using the Legislature’s Information Technology Systems, record votes of commission members, manage witness testimony and research topics that are requested by commission members. These duties will result in a total of 0.3 FTE for the length of the commission.

Legislative Legal Services. A staff attorney will assist the commission with legal research and other support, resulting in 0.1 FTE.

Travel expenses. In FY 2023-24 only, expenditures will increase to reimburse staff, legislators, and other commission members for travel. The fiscal note assumes that four meeting will occur outside of the State Capitol. More information about the reimbursement for each group can be found below.

- **Staff travel.** Staff from Legislative Council Staff and the Office of Legislative Legal Services will qualify for travel cost reimbursement at meetings outside of the Capitol only, at a cost of \$219 per meeting.
- **Legislator travel.** Legislative members will receive travel reimbursement for meetings at the Capitol at \$124 per meeting and not at the Capitol at \$219 per meeting.
- **Other commission member travel.** Remaining commission members will qualify travel expenses for four meetings at the capitol, at a rate of \$124 per meeting and four meetings outside of the Denver Metropolitan area at a rate of \$219 per meeting.

Legislator per-diem. This fiscal note assumes that two of the meetings will take place during the legislative session and that the remaining six will occur outside of session. The legislative members of the commission qualify for per diem expenses at a rate of \$111.89 per day for the six meetings outside of session, resulting in \$1,343 in per diem expenses.

Consultant fees. This fiscal note assumes that the commission will retain the services of a person who will assist with data analysis and report writing. Based on previous contracts to conduct similar work for an interim committee, this fiscal note estimates that the commission will have costs of \$60,000 to contract with a consultant for the required work. It is assumed that Legislative Council Staff will manage this contract.

Judicial Department. The Judicial Department will have an increase in workload in order to provide the requested data to the commission. This workload is assumed to be minimal.

Centrally appropriated costs. 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. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Technical Note

The bill states that the Judicial Department shall provide any requested data for the commission to complete its study. Some of the required areas of study in the bill, including effectiveness of court-appointed investigators, the impact of demographic information and indigency, and the consistency of family court rulings are not collected by the Judicial Department in a format that can be aggregated. Providing individual case data to the commission in order to assess these topic areas would require redaction of personal information and many hours of staff time. Up to an estimated 180,000 cases would require review and redaction if the Judicial Department were required to provide individual case data to the commission, resulting in the need for approximately 20 FTE. This fiscal note assumes that the Judicial Department will not review and redact individual case data for the commission and only provide readily available aggregate data. However, additional clarity on what the Judicial Department is compelled to provide is needed to accurately determine workload.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2023-24, the bill requires appropriations totaling \$119,057 to the Legislative Branch and 0.4 FTE, paid from the General Fund, as follows:

- \$85,544 and 0.3 FTE to Legislative Council Staff;
- \$9,343 and 0.1 FTE to the Office of Legislative Legal Services; and
- \$24,170 to the General Assembly.

State and Local Government Contacts

Judicial

Legislative Council

Legislative Legal Services