

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE REGULATION OF NATUROPATHIC DOCTORS.

Prime Sponsors: Representative Curry
Senator Williams

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Summary of Amendments Made to the Bill After the 02/09/09 Legislative Council Staff Fiscal Note Was Prepared (Amended by the House Health and Human Services Committee 02/12/09)

The House Health and Human Services Committee Report: clarified that a naturopathic doctor (doctor) is not allowed to use lasers or any laser type tool to alter human tissue, struck the requirement that the Task Force justify why continued regulation of doctors is needed, added the requirement that the Task Force study what qualifications a doctor should possess, and clarified what actions by a doctor will be subject to disciplinary action. These amendments do not impact the fiscal note.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs **XXX Does Not Concur** **Updated Analysis**

Reason for the Non-Concurrence

Joint Budget Committee staff does not concur with the Legislative Council Staff fiscal note analysis because, pursuant to Section 2-2-703, C.R.S., any bill that increases periods of imprisonment must include appropriations sufficient to cover capital and operating expenses for five years. This bill creates a class 6 felony. Assuming one conviction during the five-year period, resulting in a 12-month sentence, the Department of Corrections requires a General Fund appropriation of \$181,159 in two parts, \$150,773 for the construction of one prison bed, and \$30,386 for one year of operating costs. The appropriation for construction costs is exempt from the six percent limit on annual growth of General Fund appropriations.

Amendments/Appropriation Status

The bill requires, but does not contain, an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision providing the following appropriations in FY 2009-10:

- ▶ \$117,038 cash funds from the Division of Registrations Cash Fund and 1.2 FTE to the Division of Registrations within the Department of Regulatory Agencies;
- ▶ \$15,020 reappropriated funds and 0.1 FTE to the Department of Law for the provision of legal services; and,

- ▶ \$181,159 General Fund for the Department of Corrections.

Bill Sponsor Amendments

Sponsor amendment **L.008** would strike the class 6 felony, and make the penalty for any conviction a class 2 misdemeanor. L.008 removes the General Fund fiscal impact of this bill. Staff has prepared J.002 which only appropriates the cash fund dollars. **If L.008 is adopted then J.002 should be adopted, and J.001 should not be adopted.**

Points to Consider

1. This bill requires \$30,386 in statutory appropriations from the General Fund to the Department of Corrections for FY 2009-10. These appropriations are subject to the six percent limit on General Fund appropriations, and thus reduce the amount of funds available for other purposes.
2. This bill requires transfers of \$150,773 from the General Fund to the Capital Construction Fund in FY 2009-10. These transfers reduce the amount of funds available for H.B. 02-1310 transfers to the Capital Construction Fund and Highway Users Tax Fund and for S.B. 97-1 transfer to the Highway Users Tax Fund.