

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING REQUIREMENTS SURROUNDING BACKGROUND CHECKS FOR CHILD CARE FACILITIES.

Prime Sponsors: Representative McCann
Senator Tochtrop

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Summary of Amendments Made to the Bill After the 03/15/11 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

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

Amendments/Appropriation Status

The bill neither requires nor contains an appropriation clause for FY 2011-12. However, if sufficient gifts, grants, and donations are received in FY 2011-12 for the bill to take effect, an appropriation clause will be required. In this event, staff assumes the necessary appropriation clause would be included in a supplemental appropriations bill during the 2012 legislative session. As reflected in the Legislative Council Staff Revised Fiscal Note, if the bill takes effect in FY 2011-12, it will require an appropriation of \$172,500 cash funds to the Department of Public Safety from the Colorado Bureau of Investigation Identification Unit Cash Fund and an appropriation of \$19,311 cash funds and 0.4 FTE to the Department of Human Services from the Child Care Licensing Cash Fund.

Bill Sponsor Amendments

Staff is not aware of any sponsor amendments to be offered.

Points to Consider

1. As indicated in the Legislative Council Staff Revised Fiscal Note dated March 15, 2011, as amended, the bill includes a technical defect. The effective date of the entire bill is conditional upon notice from the Department of Human Services that it has received and credited sufficient gifts, grants, and donations to the Investigations Registry Cash Fund to implement the Investigations Registry. However, the Department lacks authority to create the Investigations Registry Cash Fund until the bill becomes effective.

2. As amended, the bill requires the Department of Human Services to determine whether sufficient funds have been received to implement the Investigations Registry. It may be difficult for the Department or the General Assembly to determine when funding is "sufficient", and thus when the bill becomes effective, in the absence of a feasibility study for the Investigations Registry. One alternative would be for the majority of the bill to become effective when gifts, grants, and donations are received that total estimated system costs as outlined in the final fiscal note for the bill.