

JBC STAFF FISCAL ANALYSIS SENATE APPROPRIATIONS COMMITTEE

CONCERNING CRIMINAL DISCOVERY, AND, IN CONNECTION THEREWITH, CREATING A STATEWIDE DISCOVERY SHARING SYSTEM, A CRIMINAL DISCOVERY SURCHARGE, CIVIL IMMUNITY FOR DISTRICT ATTORNEYS THAT MAKE A GOOD-FAITH EFFORT TO REDACT INFORMATION FROM DISCOVERY DOCUMENTS, AND MAKING AN APPROPRIATION.

Prime Sponsors: Senator Lambert
Representative Gerou

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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 04/24/14.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	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 Senate Finance Committee Report (04/24/14) includes amendments to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Bill Sponsor amendment - changes fiscal impact

Current Appropriations Clause in Bill

This bill includes an appropriation of \$5,300,000 General Fund to the Judicial Department for FY 2014-15, and allows any unspent funds to remain available for expenditure in FY 2015-16.

Description of Amendments in This Packet

J.001 Bill Sponsor amendment **J.001** (attached) modifies the Judiciary Committee Report to delay the implementation of the new surcharge to September 1, 2014 (rather than September 1, 2015). The Judicial Department requested a three month delay in order to make the necessary programming changes to implement the bill. The amendment adopted by the Judiciary Committee delays the implementation by 15 months, rather than three months. If the Committee adopts J.001, the cash fund revenue reflected in the attached Fiscal Note will

be collected one year earlier (*i.e.*, an estimated \$24,205 will be collected in FY 2014-15, \$55,379 in FY 2015-16, and \$71,911 in FY 2016-17). These revenues will be available to support the development and maintenance of the statewide discovery sharing system, and will thus reduce the amount of General Fund that would otherwise be required in future fiscal years.

Points to Consider*General Fund Impact/ Future Fiscal Impact*

1. The Joint Budget Committee (JBC) has proposed a budget package for FY 2014-15 based on the March 2014 Office of State Planning and Budgeting revenue forecast. The budget package, as amended by General Assembly action on the Long Bill (H.B. 14-1336) and the capital construction transfer bill (H.B. 14-1342), allocates all but approximately \$7.9 million of General Fund revenues projected to be available. The JBC has included as part of its FY 2014-15 budget package a \$5.3 million General Fund appropriation for implementation of this bill.
2. The \$5.3 million appropriation in the bill is based on the higher of two estimates that were included in the Discovery Task Force final report (estimated costs of \$5.3 million in year one and \$3.1 million in year two). The actual development and implementation costs will be determined through the request for proposal and vendor selection process and the benchmarks and contractual requirements that are outlined in the bill. The appropriation in the bill allows any portion of the \$5.3 million that is not spent in FY 2014-15 to remain available for expenditure in FY 2015-16.