

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING DRUNK DRIVING OFFENSES.

Prime Sponsors: Reps. Waller and Saine
Sens. King and Johnston

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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 04/07/14.

	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 attached Fiscal Note indicates that the bill will increase cash fund revenues beginning in FY 2014-15 [see Table 1 on page 3 of the Fiscal Note]. However, the Fiscal Note does not indicate that a portion of these revenues can be utilized to offset the General Fund costs of implementing the bill. The Judicial Department has confirmed that the docket fees credited to the Judicial Stabilization Cash Fund (\$10,339 in FY 2014-15) can be appropriated for trial court expenses, and the probation supervision fees credited to the Offender Services Fund (\$189,750 in FY 2014-15) can be appropriated for probation program expenses. The following table provides an updated fiscal impact summary for the bill. Legislative Council Staff concurs with this update.

UPDATED Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016	FY 2016-2017
State Revenue	<u>\$258,538</u>	<u>\$559,082</u>	<u>\$609,905</u>
Cash Funds	258,538	559,082	609,905
State Expenditures	<u>at least \$3,410,756</u>	<u>at least \$15,190,119</u>	<u>at least \$26,815,308</u>
General Fund	2,727,995	14,173,001	25,747,294
Cash Funds	200,089	455,178	482,191
General Fund - Centrally Appropriated Costs**	482,672	561,940	585,823
FTE Position Change	37.7 FTE	45.4 FTE	45.4 FTE

* This summary shows changes from current law under the bill for each fiscal year.

** These costs are not included in the bill's appropriation. See the State Expenditures section for more information.

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), which adds the following FY 2014-15 appropriations to the bill:

Purpose	General Fund	Cash Funds	Total Funds	FTE
Trial Courts - Personal services and operating expenses	\$1,120,782	\$10,339	\$1,131,121	15.0
Probation Programs - Personal services and operating expenses	1,166,095	189,750	1,355,845	22.0
Capital Outlay Costs for both trial courts and probation programs	397,807	0	397,807	0.0
Office of the State Public Defender	43,311	0	43,311	0.7
Total	\$2,727,995	\$200,089	\$2,928,084	37.7

Pursuant to direction from the Chairmen of the Appropriations Committees, this amendment includes a provision to access the \$20.0 million General Fund that has been set aside in the Joint Budget Committee's FY 2014-15 budget package to fund 2014 legislation. For FY 2014-15, this amendment accesses set aside money to offset the \$2,727,995 General Fund appropriated to the Judicial Department.

In addition, as required by Section 2-2-703, C.R.S., amendment J.001 also adds a five year sentencing clause to the bill that appropriates the following amounts to the Department of Corrections for FY 2015-16 through FY 2018-19:

Fiscal Year	Transfer From the General Fund to Capital Construction Fund	Appropriation From the Capital Construction Fund to the Corrections Expansion Reserve Fund	Appropriation From the General Fund to the Department of Corrections	Total General Fund Appropriation and Transfer
FY 2014-15	0	0	\$0	\$0
FY 2015-16	0	0	13,212,599	13,212,599
FY 2016-17	0	0	26,425,197	26,425,197
FY 2017-18	0	0	30,939,502	30,939,502
FY 2018-19	0	0	30,939,502	30,939,502
Total	\$0	\$0	\$101,516,800	\$101,516,800

The Revised Fiscal Note provides a range of future operating costs for the Department of Corrections [see Table 6 on page 7 of the Fiscal Note]. While the Fiscal Impact Summary table on the first page of the Fiscal Note reflects the low end of the range, **the amounts in Table 2 (and in J.001) equal the range midpoints. If the Committee prefers a statutory appropriation that corresponds to the minimums or the maximum of the Fiscal Note ranges it should adopt a conceptual amendment to J.001 that specifies that the five year sentencing clause is to be based on the minimums or maximums of the ranges.**

Points to Consider

General Fund Impact

The Joint Budget Committee 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 allocates \$20.0 million General Fund to be available to fund 2014 legislation; if the full \$20.0 million is not used to fund legislation, it will be credited to the Controlled Maintenance Trust Fund. For FY 2014-15, this bill requires General Fund appropriations to the Judicial Department totaling \$2,727,995.

In addition, this bill requires General Fund appropriations totaling \$101.5 million to cover the anticipated costs of the Department of Corrections for the next five fiscal years (based on the midpoints of the operating cost ranges).

Future Fiscal Impact

This bill will require General Fund appropriations to the Judicial Department totaling \$3,133,635 in FY 2015-16 and \$3,130,505 in FY 2016-17.