

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING LAWS RELATED TO THE IMPERSONATION OF A PEACE OFFICER, AND MAKING AN APPROPRIATION THEREFOR.

Prime Sponsors: Representative McCluskey
 Senator S. Johnson

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Summary of Amendments Made to the Bill After the 02/12/04 Legislative Council Staff Revised Fiscal Note was Prepared (Amended by the House Appropriations Committee on 03/26/04, and by the Senate Judiciary Committee on 04/21/04)

House Appropriations Committee amendment:

- 1. The amendment directs any moneys appropriated to state departments for FY 2003-04 that would otherwise be reverted to the General Fund to be transferred to the Capital Construction Fund, up to \$152,800. This transfer takes precedent over Section 24-75-218, C.R.S., which transfers General Fund reversions over the four percent statutory reserve to the Highway Users Tax Fund and the Capital Construction Fund at a ratio of 2:1.
- 2. The amendment adds a five-year appropriations clause. In FY 2004-05, it transfers \$152,800 General Fund from the Capital Construction Fund to the Corrections Expansion Reserve Fund for prison bed construction costs. For FY 2005-06 through FY 2008-09, it appropriates \$61,200 General Fund annually to the Department of Corrections for prison bed operation costs.

Senate Judiciary Committee amendment:

- 3. The amendment eliminates the repeal of (thus maintaining) an existing statute that prohibits equipping or driving a vehicle on the highway with a blue or red light visible from directly in front of the vehicle, unless authorized by statute (such as for volunteer firefighters and other emergency vehicles).

The amendments do not affect the fiscal impact of the bill.

JBC Staff Concurrence with Legislative Council Fiscal Note

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Amendments/Appropriation Status

The bill contains the correct appropriations clause, described in #2 of the Summary of Amendments section above.

Sponsor Amendments

Staff is not aware of any sponsor amendments.

Questions and Concerns

1. If reversions in excess of the statutory reserve are less than \$152,800, there will be an insufficient appropriation to the Capital Construction Fund to pay for the construction costs generated by the bill. As the appropriation clause authorizes the transfer of \$152,800 from the Capital Construction Fund to the Corrections Expansion Fund in FY 2004-05, this situation would be a net reduction in the balance of the Capital Construction Fund.
2. If multiple bills rely on reversions to fund appropriations, total reversions may not be sufficient to fund all of the bills that have been earmarked, raising questions about which appropriations take priority.