

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE REPEAL DATE OF THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE.

Prime Sponsors: Senator Morse  
Representative Waller

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**Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 01/15/13.

<b>XXX</b>	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	<b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>
	<b>Update:</b> Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	<b>Non-Concurrence:</b> JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

**Amendments in This Packet for Consideration by Appropriations Committee**

Amendment	Description
J.001	Staff-prepared appropriation amendment.

**Current Appropriations Clause in Bill**

This bill requires but does not contain an appropriation clause.

**Description of Amendments in This Packet**

Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$255,443 General Fund and 2.5 FTE to the Department of Public Safety for FY 2013-14, an amount consistent with the Legislative Council Staff Fiscal Note.

**Points to Consider**

1. *General Fund Impact.* The general appropriations bill for FY 2013-14 has not yet been introduced. This bill requires a General Fund appropriation of \$255,443 for FY 2013-14, reducing the amount of General Fund available for other existing programs.
2. *Related Budget Information.* For FY 2012-13, the Colorado Commission on Criminal and Juvenile Justice received a Long Bill appropriation of \$167,443 of General Fund and 2.5 FTE. The additional \$88,000 General Fund appropriation for FY 2013-14 indicated in the

Legislative Council Staff Fiscal Note for this bill will allow the Commission to continue to hire a consultant who is currently supported by grant funds that are no longer available. The Department of Public Safety notes that the "consultant provides objective, independent information to the Commission in regards to strategic guidance and research support, and is knowledgeable about the criminal and juvenile justice systems."

3. *Technical Issues.* The Department of Public Safety has requested that the required appropriation for the FY 2013-14 operation of the Colorado Commission on Criminal and Juvenile Justice (the Commission) be placed in the FY 2013-14 Long Bill, rather than in an appropriations clause of this bill. The Long Bill funds programs that will be statutorily authorized during the year that the Long Bill is in effect. If the Commission's statutory authorization was expiring on July 1, 2014, the appropriation would be in the FY 2013-14 Long Bill rather than this bill. The usual practice for programs that are expiring at the end of the current fiscal year (like this one) is to place the appropriation in the bill that renews the program because one cannot assume that the renewal bill will be enacted. Thus, **in order for funding for the Commission to be included in the FY 2013-14 Long Bill, this bill would need to be enacted before the Long Bill is introduced.**

Before an appropriation can be placed in the Long Bill, however, one must also consider whether Section 24-75-1305 (1), C.R.S., applies. As noted in Point to Consider # 2, the Department of Public Safety is requesting \$88,000 of General Fund to replace grant funding that is no longer available. Section 24-75-1305 (1), C.R.S., states that,

The general assembly shall not make an appropriation of moneys from the general fund or from any other source of state moneys to fund a program, service, study, or other function of state government that was previously funded through grant moneys and that has not received adequate grant moneys to support the program, service, study, or other function of state government for the applicable fiscal year.

Subsection (2) of the same section adds that,

The general assembly may adopt legislation to reauthorize any program, service, study, or other function of state government that was previously funded through grant moneys and, if such legislation includes an appropriation from the general fund or any other source of state moneys and becomes law, may make an appropriation from the general fund or from any other source of state moneys to a state agency to oversee the program, service, study, or other function of state government.

JBC Staff has been advised by the Office of Legislative Legal Services that an additional \$88,000 General Fund appropriation in the Long Bill to replace grant funding that is no

longer available would not trigger the requirements of Section 24-75-1305 (1), C.R.S. The statute governing operation of the Commission specifically states that the Commission is not required to solicit gifts, grants, or donations. This language is indicative of the General Assembly's intent to fund the Commission with General Fund, which it has done each year since the Commission was created. **Because the Commission has been funded with a combination of general fund and grants and has never been entirely reliant on gifts, grants, or donations, Section 24-75-1305 (1), C.R.S., would not apply to an \$88,000 Long Bill appropriation that replaces grant funding that is no longer available.**