

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING REQUIRING THE COLORADO BUREAU OF INVESTIGATION TO RECOUP THE COST OF PERFORMING AN INSTANT CRIMINAL BACKGROUND CHECK PRIOR TO THE TRANSFER OF A FIREARM, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

Prime Sponsors: Representative Court
Senator Heath

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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 02/28/13.

	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
XXX	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

There are two differences between the JBC staff and Legislative Council Staff estimates of the fiscal impact of this bill. The JBC staff estimate is reflected in the appropriations clause of the bill.

First, the "State Appropriations" section of the Legislative Council Staff Revised Fiscal Note states that the FY 2013-14 General Fund appropriation to the Department should be reduced by \$924,637. The current appropriations clause reduces the FY 2013-14 General Fund appropriation by \$1,032,376 General Fund. This difference is due to the fact that Legislative Council Staff is not including centrally appropriated line items in the Long Bill (such as health benefits and payments to the Public Employees Retirement Association). For the purposes of drafting an appropriations clause, JBC staff assumed that the centrally appropriated line items will also be refinanced with this bill.

Second, the "State Appropriations" section of the Legislative Council Staff Revised Fiscal Note also states that the Department should be appropriated \$2,475,000 from the Instant Criminal Background Check Cash Fund for FY 2013-14. This number is based on the assumption that the Department will charge \$7.50 for each background check and that an estimated 330,000 background checks will be performed in FY 2013-14. The Instant Criminal Background Check program in the CBI is currently funded at \$1,548,565 General Fund and 22.0 FTE. The appropriations clause in the bill assumes that H.B. 13-1228 simply provides a cash fund source for funding the existing Instant Criminal Background Check Program, and any increased need for funding will be addressed through the budget process.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
None.	

Current Appropriations Clause in Bill

The bill includes an appropriations clause. Subsection (1) of the appropriations clause adds a provision reducing appropriations to the Department of Public Safety for FY 2013-14 by a total of \$1,032,376 General Fund and 15.0 FTE, or an eight month pro-rata reduction of the existing level of funding for the program. Subsection (1) in effect provides a four-month General Fund appropriation to the CBI National Instant Criminal Background Check System in FY 2013-14 to continue paying for criminal background checks with General Fund. Subsection (2) appropriates to the Department of Public Safety for FY 2013-14 \$1,032,376 cash funds from the Instant Criminal Background Check Cash Fund and 15.0 FTE, or an eight months pro-rata appropriation from the Fund.

The appropriations clause allows the Department to continue spending General Fund in FY 2013-14 until it has sufficient cash funds revenue to support the program.

If the General Assembly intends to increase the level of funding for the program through this bill, the appropriations clause in the bill should be adjusted accordingly.

Points to Consider

None.