

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING COMPENSATION FOR PERSONS WHO ARE EXONERATED OF THEIR CRIMES AFTER A PERIOD OF INCARCERATION.

Prime Sponsors: Reps. Williams and Pabon
Senator Guzman

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Date Prepared: March 27, 2013

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 03/26/13.

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

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) to add a provision appropriating a total of \$232,502 and 1.4 FTE, including \$230,582 General Fund, for FY 2013-14.

FY 2013-14 Appropriations (with J.001)		
Purpose	Amount	Fund Source
Department of Higher Education General Fund appropriation to College Opportunity Fund and associated spending authority for institutions	\$1,920 1,920	General Fund Reappropriated Funds
Department of Law General Fund to add 1.4 FTE to respond to and potentially contest petitions that are filed for compensation based on actual innocence	128,662	General Fund

FY 2013-14 Appropriations (with J.001)		
Purpose	Amount	Fund Source
Department of Personnel Appropriation to the Risk Management Fund to provide compensation for exonerated persons	100,000	General Fund
Totals	<u>\$232,502</u>	Total
	230,582	General Fund
	1,920	Reappropriated Funds

Please note that J.001 appropriates \$100,000 General Fund directly to the Risk Management Fund to cover the cost of the payments made to and on behalf of exonerated persons, while the attached Fiscal Note assumes that General Fund moneys will be *transferred* to the Fund for that purpose. The Risk Management Fund consists of: (a) moneys appropriated to the Fund by the General Assembly; and (b) moneys that are appropriated to each state agency for its share of liability claims and risk management administrative expenditures, and that are transferred to the Department of Personnel to be credited to the Risk Management Fund to cover annual expenditures. Given the nature of the expenditures required by this bill, staff assumes that the General Fund moneys should be appropriated directly to the Risk Management Fund.

In addition, please note that J.001 does not appropriate moneys from the Risk Management Fund to the Department of Personnel. Pursuant to Section 24-30-1510 (1) (a), C.R.S., moneys in the Risk Management Fund are continuously appropriated "for the purposes of the risk management fund other than the direct and indirect administrative costs of operating the risk management system".

Finally, J.001 appropriates \$1,920 General Fund to the College Opportunity Fund Program for stipends for students, and it reappropriates this amount to the State System of Community Colleges. This reappropriated amount could be shifted to another governing board through the budget process, as appropriate, depending on what institution an exonerated person (or an eligible child) attends.

Points to Consider

General Fund Impact

The Joint Budget Committee introduced a budget package for FY 2013-14 based on the March 2013 Office of State Planning and Budgeting revenue forecast. The budget package appropriates all but approximately \$8.0 million of General Fund revenues projected to be available, less a statutorily required five percent General Fund reserve. This bill requires a General Fund appropriation of \$230,582 for FY 2013-14.