

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING DRUNK DRIVING OFFENSES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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 05/06/14.

	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 2015-16 [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 (\$5,560 in FY 2015-16) can be appropriated for trial court expenses, and the probation supervision fees credited to the Offender Services Fund (\$86,900 in FY 2015-16) 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 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
State Revenue	\$0	\$123,877	\$282,429	\$325,954
Cash Funds	0	123,877	282,429	325,954
State Expenditures	\$0	\$1,697,740	\$7,204,777	\$11,466,467
General Fund	0	1,346,607	6,849,546	11,078,183
Cash Funds	0	92,460	230,067	263,120
General Fund - Centrally Appropriated Costs	0	258,673	125,164	125,164
FTE Position Change	0.0 FTE	19.8 FTE	22.5 FTE	22.5 FTE

HB14-1036**JBC Staff Analysis**

The entire FY 2015-16 appropriation in the above table is for the Judicial Department. Of the FY 2016-17 and FY 2017-18 General Fund appropriations in this table, \$5,585,814 and \$9,847,504 are for the Department of Correction.

Amendments in This Packet for Consideration by Appropriations Committee	
Amendment	Description
J.003	Staff-prepared appropriation amendment

Current Appropriations Clause in Bill

The bill includes appropriations that reflect the fiscal impact of the bill prior to amendment by the Senate Judiciary Committee (05/05/14). The bill's FY 2014-15 appropriations to the Judicial Department are summarized in the following table:

TABLE 1: Appropriations to the Judicial Department for FY 2014-15				
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

To offset these General Fund appropriations, the bill accesses \$2,727,995 of set aside money.

In addition, the bill includes a five year sentencing clause that appropriates the following amounts to the Department of Corrections for FY 2015-16 through FY 2018-19:

TABLE 2: Statutory Appropriations to the Department of Corrections				
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

Description of Amendments in This Packet

J.003 Staff has prepared amendment **J.003** (attached) to change the appropriations in the bill. This amendment adjusts appropriations as follows:

- Eliminates FY 2014-15 appropriations to the Judicial Department as well as the use of set-aside moneys. Amendments adopted by the Senate Judiciary Committee move the bill's effective date to July 1, 2015, thus delaying appropriations to the Judicial Department until FY 2015-16.
- Amends the five year sentencing clause to appropriate the amounts in Table 3 to the Department of Corrections.

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	0	0
FY 2016-17	0	0	6,380,719	6,380,719
FY 2017-18	0	0	11,252,551	11,252,551
FY 2018-19	0	0	11,993,925	11,993,925
Total	\$0	\$0	\$29,627,195	\$29,627,195

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 3 (and in J.003) 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.003 that specifies that the five year sentencing clause is to be based on the minimums or maximums of the ranges.**

Points to Consider

Future Fiscal Impact

This bill requires General Fund appropriations totaling \$29.6 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). In addition, this bill will require General Fund appropriations to the Judicial Department totaling \$1,346,607 in FY 2015-16 and \$1,263,732 in FY 2016-17.