

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING CIVIL FORFEITURE REFORM, AND, IN CONNECTION THEREWITH, CHANGING THE ENTITY REQUIRED TO REPORT ON FORFEITURES, EXPANDING THE SCOPE OF THE FORFEITURES TO BE REPORTED, ESTABLISHING GRANT PROGRAMS, CHANGING THE DISBURSEMENT OF NET FORFEITURE PROCEEDS, AND MAKING AN APPROPRIATION.

Prime Sponsors: Representative Herod  
Sens. Kagan and Gardner

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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 02/20/18.

|            |  |
|------------|--|
| <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 |

The reengrossed bill includes amendments added by the House Appropriations Committee (04/06/18), however, Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

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

| Amendment | Description |
|-----------|-------------|
| None.     |             |

**Current Appropriations Clause in Bill**

The bill includes an appropriation clause that appropriates \$1,487,821 cash funds from the Marijuana Tax Cash Fund to the Department of Public Safety for FY 2018-19 for the Law Enforcement Assistance Grant Program. This provision also states that the appropriation is based on the assumption that the Department will require an additional 0.8 FTE.

**Points to Consider***Revenue Source/ Related Budget Information*

A total of \$133.8 million is projected to be available in the Marijuana Tax Cash Fund for appropriation in FY 2018-19. The Joint Budget Committee (JBC) has included as part of its FY 2018-19 budget package a \$1,500,000 cash funds appropriation from the Marijuana Tax Cash Fund for FY 2018-19 for implementation of this bill. Pursuant to Section 39-28.8-501 (2)b(iv)(F), C.R.S., the General Assembly may appropriate money in this fund for "law enforcement and law enforcement training".

*Technical Issues*

As described at the bottom of page five of the attached Fiscal Note, **the 5.0 percent limitation on DOLA's administrative expenditures is not sufficient to cover DOLA's costs of administering the grant program.** In addition, if the General Assembly intends to impose a limit on administrative expenditures, it would be more clear and transparent to impose a limit by applying a percentage to the amount annually *appropriated from* the Fund rather than the amount *in* the Fund. An appropriated amount is clear and certain, while the amount of money *in* the Fund may change throughout the fiscal year and it is not as easily identifiable.