



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 21-0092 Date: September 20, 2021
Prime Sponsors: Sen. Ginal; Zenzinger Bill Status: Signed into Law
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Bill Topic: PROHIBIT CERTAIN ANIMALS IN TRAVELING ANIMAL ACT

- Summary of Fiscal Impact: [X] State Revenue [X] State Expenditure [] State Transfer [] TABOR Refund [] Local Government [] Statutory Public Entity

This bill prohibits the use of certain animals in traveling animal acts and creates a misdemeanor. It will reduce state revenue and workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Table 1 State Fiscal Impacts Under SB 21-135

Table with 4 columns: Category, Budget Year FY 2021-22, Out Year FY 2022-23. Rows include Revenue (Cash Funds), Expenditures, Transfers, and TABOR Refund.

Summary of Legislation

This bill prohibits the use of certain animals in traveling animal acts. A violation is an unclassified misdemeanor subject to a fine of between \$250 and \$1,000 per violation.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill creates the new offense of causing a performance of, or allowing for the participation of, certain animals in a traveling animal act, an unclassified misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of transporting wildlife without a license as a comparable crime. From 2018 to 2020, zero offenders have been sentenced and convicted for this offense; therefore, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

Beginning in FY 2021-22, this bill will reduce state cash fund revenue by up to \$11,560 per year to the Colorado State Fair and Colorado Parks and Wildlife.

Colorado State Fair. The state fair rents out space to circuses and receives between \$5,000 and \$10,000 in rental fee revenue each year. The bill will reduce revenue to the Colorado State Fair Authority Cash Fund by up to \$10,000 per year. Although the Colorado State Fair Authority is an enterprise, because it is not currently meeting its enterprise funding requirements, this revenue is subject to TABOR.

Colorado Parks and Wildlife. The bill will reduce revenue to the Wildlife Cash Fund by \$1,560 per year from licenses issued under current law by Colorado Parks and Wildlife (CPW) for traveling exhibitions. This is based on a reduction of 10 licenses per year. Revenue from violations will also be deposited into the Wildlife Cash Fund, but few, if any, penalties are expected. Because the CPW is an enterprise, this revenue is not subject to TABOR.

State Expenditures

This bill will have a workload impact on the CPW and the Judicial Department, as explained below.

Colorado Parks and Wildlife. Beginning in FY 2021-22, this bill will decrease workload for the CPW to process applications for non-resident temporary exhibitor license applications. Because only 10 licenses are issued annually, this workload decrease will not require a change in appropriations.

Judicial Department. The department will update its case management system to reflect the new misdemeanor; these updates are minimal and can be accomplished within existing appropriations.

TABOR refunds. The bill is expected to decrease the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section above. TABOR refunds are paid from the General Fund. This estimate is based on the June 2021 LCS revenue forecast, which incorporates the revenue impacts of bills passed during the 2021 session. A forecast of state revenue subject to TABOR is not available beyond FY 2022-23.

Federal ARPA funds. This bill decreases state revenue, which may impact the state's flexibility in spending federal American Rescue Plan Act (ARPA) funds. For more information, see the LCS memo, titled "Legislative Changes and Flexibility in Use of American Rescue Plan Funds," available online at: <https://leg.colorado.gov/node/2211881>.

Effective Date

The bill was signed into law by the Governor on May 14, 2021, and it took effect on September 7, 2021.

State and Local Government Contacts

Agriculture
Judicial

District Attorneys
Natural Resources

Information Technology