



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

REVISED FISCAL NOTE

(replaces fiscal note dated February 23, 2018)

Drafting Number: LLS 18-0833 Date: March 23, 2018
Prime Sponsors: Sen. Cooke Bill Status: House SVMA
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Bill Topic: CAPITOL IDENTIFICATION CARD

- Summary of Fiscal Impact:
- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government (minimal)
- Statutory Public Entity

This bill creates a capitol identification card that allows members of the public to bypass security if they pay a fee and submit to a background check. The bill is expected to increase state revenue and expenditures on an ongoing basis and increase revenue and workload to local governments on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Table 1
State Fiscal Impacts under SB 18-116

Table with 4 columns: Category, Sub-category, FY 2018-19, FY 2019-20. Rows include Revenue (Cash Funds: \$24,000 vs \$6,000), Expenditures (Cash Funds: \$10,680 vs \$12,150), and Transfers (- vs -).

Summary of Legislation

This bill allows members of the public to enter the Capitol Building, State Services Building, and the Legislative Services Building through public entrances, without submitting to a search by security personnel if they hold a capitol identification access card, beginning January 1, 2019. To get an access card, an individual must fill out an application and file it with either the Secretary of the Senate or the Chief Clerk of the House of Representatives and pay a fee of \$100. The Legislative Council of the General Assembly may increase the fee to no more than \$500. As part of the application process, an individual must get their fingerprints taken and submit to a criminal history background check. The bill requires that the Legislative Council reimburse the Colorado Bureau of Investigation (CBI) for any background checks conducted. An applicant who has been convicted of a felony will be denied an access card. The access card is valid for two years, after which an individual must submit a renewal form, pay another application fee, and submit to another background check. The Secretary of the Senate and the Chief Clerk of the House of Representatives can cancel or deny a card based on an unsatisfactory criminal check, a violation of the rules of Colorado's State Patrol, unauthorized use of the card, or criminal activity of the holder in the Capitol. Any applicant who was denied will not be reimbursed but can appeal the decision to the Legislative Council.

All fees collected are credited to the Capitol Identification Card Account created in this bill and housed in the Legislative Department Cash Fund. Money to the Capitol Identification Card Account is continuously appropriated to the House and Senate for the original issuance and renewal of the access cards. Under current law, the Legislative Department Cash Fund is continuously appropriated. The Legislative Council may spend any surplus to promote security at the Capitol complex.

Assumptions

Although the program is open to the public, the fiscal note assumes that due to the cost of the access card, lobbyists will be the primary users of the program. Based on contacts kept by the Office of Legislative Legal Services and on income disclosure numbers from the Secretary of State, the fiscal note estimates that a total of 300 lobbyists will take advantage of the program. Of the 300 lobbyists, it is estimated that 240 will apply in the first fiscal year, and 60 will apply in the second.

State Revenue

This bill will increase revenue to the Legislative Department Cash Fund by \$24,000 in FY 2018-19 and \$6,000 in FY 2019-20. The revenue increase is illustrated in Table 2 and discussed below.

Fee impact. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. These fee amounts are estimates only, actual fee calculations will be set administratively by the Legislative Council based on cash fund balance, estimated program costs, and the estimated number of access cards subject to the fee. The table below identifies the fee impact of this bill.

**Table 2
 Fee Impact for SB18-116**

Fiscal Year	Type of Fee	Proposed Fee	Number Affected	Total Fee Impact
FY 2018-19	New Applicants Application Fee	\$100	240	\$24,000
			FY 2018-19 Total	\$24,000
FY 2019-20	New Applicants Application Fee	\$100	60	\$6,000
			FY 2019-20 Total	\$6,000

Legislative Department. The application fee will increase revenue to the Legislative Department Cash Fund by \$24,000 in FY 2018-19 and by \$6,000 in FY 2019-20. Because of renewals, revenue will increase on an ongoing basis.

TABOR Refund

This bill increases state revenue from the Legislative Department Cash Fund, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. A TABOR refund obligation is not expected for the current FY 2017-18.

Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

State Expenditures

This bill will increase state expenditures by \$10,680 in FY 2018-19, and \$12,150 in FY 2019-20. Expenditure impacts for each department are shown in Table 3 and discussed below.

**Table 3
 Expenditures Under SB 18-116**

Cost Components	FY 2018-19	FY 2019-20
Legislative Department		
ID card costs	\$1,200	\$300
Background check reimbursement	\$9,480*	\$11,850*
Total	\$10,680	\$12,150

* Of this amount, \$2,400 will be transferred to the Federal Bureau of Investigation in FY 2018-19 and \$3,000 will be transferred in FY 2019-20. These amounts will be transferred from the Department of Public Safety using moneys received from the Legislative Department.

Legislative Department. Senate Bill 18-116 will increase expenditures from the Legislative Department Cash Fund starting in FY 2018-19. The access cards will cost an estimated \$5 per card to produce. The bill also requires the Legislative Department to reimburse the Department of Public Safety (DPS) \$39.50 for each background check from the \$100 application fee. The Legislative Department will have an increase in workload on an ongoing basis to administer applications and for the Legislative Council to hear any appeals of denial. It is assumed that any increase of workload can be accomplished within existing appropriations.

Department of Public Safety. The CBI within the DPS will have workload increased on an ongoing basis to provide background checks to all applicants. Based on the estimated number of applicants, it is assumed that any workload increase can be accomplished within existing appropriations. For every background check, the CBI must pass \$10 to the federal government. As a result, \$2,400 in FY 2018-19, and \$3,000 in FY 2019-20 will be passed on to the federal government using funds received from the Legislative Department. The bill also gives the DPS rulemaking authority over the program. Any rulemaking will increase workload but any increase can be accomplished within existing appropriations.

Department of Law. Due to the rulemaking authority granted to the DPS, the Department of Law may see an increase in workload to oversee the rulemaking process. Any increase in workload is assumed to be minimal and can be accomplished within existing appropriations to the DPS.

Local Government

Local law enforcement agencies will see an increase of revenue and workload to fingerprint individuals who want an access card. The bill mandates that applicants, at their own expense, go to local law enforcement agencies or approved third parties to obtain a fingerprint card. Based on the assumed number of applicants, it is estimated that any increases in revenue and workload will be minimal.

Technical Note

Under the bill, the Capitol Identification Card Enterprise may accept gifts, grants, or donations for the issuance and administration of the capitol identification cards. However, amendment L003, adopted by the Appropriations Committee, repealed the Capitol Identification Card Enterprise. Because there is no enterprise to accept the gifts, grants, and donations under the current bill, this fiscal note does not reflect any revenue produced from the accepting of gifts, grants, and donations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Information Technology
Municipalities
Sheriffs
Public Safety

Judicial
Personnel
Senate

Legislative Council Staff
Secretary of State
House of Representatives