

JOINT BUDGET COMMITTEE



INTERIM SUPPLEMENTAL BUDGET REQUEST FY 2018-19 AND FY 2019-20

JUDICIAL DEPARTMENT

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

PREPARED BY:
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JUNE 19, 2019

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INTERIM SUPPLEMENTAL REQUEST

JUDICIAL DEPARTMENT FUNDING FOR S.B. 19-036

FY 2018-19	REQUEST	RECOMMENDATION
TOTAL	(\$203,612)	(\$203,612)
General Fund	(203,612)	(203,612)

FY 2019-20	REQUEST	RECOMMENDATION
TOTAL	\$203,612	\$203,612
General Fund	203,612	203,612

<p>Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.? [The Controller may authorize an expenditure in excess of the amount authorized by an item of appropriation for the fiscal year if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.]</p>	YES
<p>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]</p>	YES
<p>Explanation: Interim Supplemental Criteria: The Department and Staff agree that this request meets the relevant interim supplemental requirements:</p> <ul style="list-style-type: none"> • The appropriation in S.B. 19-036 affects the General Fund appropriation for Information Technology Infrastructure in the Long Bill, thus there is an existing FY 2019-20 appropriation that can be over expended; • An appropriation during the interim is necessary to meet the statutory deadline in the bill; • The need for the appropriation arose when the General Assembly adjourned; the late passage of S.B. 19-036 left no opportunity for the Judicial Department to seek a corrected appropriation from the legislature; and • The requested expenditure is consonant with provisions added to statute by S.B. 19-036. <p>JBC Supplemental Criteria: This supplemental is the result of an error in calculating the original appropriation.</p>	

DEPARTMENT REQUEST: The Department requests a correction to the \$203,612 General Fund appropriation contained in S.B. 19-036. The dollar amount of the appropriation is correct, but the year of the appropriation, FY 2018-19, is wrong. The appropriation should be for FY 2019-20, as stated in the Legislative Council Staff Fiscal Note for the bill.

STAFF RECOMMENDATION: Staff recommends that the Committee approve this request and change the date of the appropriation from FY 2018-19 to FY 2019-20. The change would be made during supplementals in January 2020 and would take the form of an add-on to the Judicial Department's FY 2019-20 supplemental bill that would amend the appropriation clause in S.B. 19-036.

STAFF ANALYSIS:

Background on S.B. 19-036 (State Court Administrator Reminder Program). This bill establishes a reminder program in at least four judicial district courts, beginning January 1, 2020, that will remind defendants to appear at their scheduled court appearances. The program expands to all eligible courts by July 1, 2020. The program will be developed and operated by a vendor under contract with the Judicial Department. The bill contains a \$203,612 General Fund appropriation to the Department for FY 2018-19. The appropriation should be for FY 2019-20, as indicated in the bill's Fiscal Note. In FY 2020-21 and subsequent years, the Fiscal Note indicates that the cost of the program will be \$109,304 General Fund.

The \$203,612 General Fund appropriation for FY 2018-19 that is in the bill expires on June 30, 2019, which leaves too little time to select and contract with a vendor and for the vendor to create a reminder system. It also provides no funding for the vendor to operate the system during FY 2019-20. Spending the appropriation in FY 2018-19 also conflicts with the safety clause in the bill, which creates an effective date of August 2, 2019 for the portions of the bill that pertain to the reminder system.

The \$203,612 General Fund appropriation in the bill, if dated correctly, would augment the Judicial Department's existing General Fund appropriation for *Information Technology Infrastructure* for FY 2019-20, which equals \$403,094. This existing appropriation was approved to pay for other IT projects and cannot cover the cost of S.B. 19-036.

This error is the consequence of a JBC staff mistake that occurred when drafting the appropriation clause for S.B. 19-036. If the error is not corrected until supplementals next January, the Department will be unable to meet the January 1, 2020 start date for the pilot program that is contained in Section 13-3-101 (14)(a)(I), C.R.S.