

JOINT BUDGET COMMITTEE



SUPPLEMENTAL BUDGET REQUESTS FY 2022-23

DEPARTMENT OF PUBLIC SAFETY

(All Divisions *except* the Division of Criminal Justice)

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

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DEPARTMENT OF PUBLIC SAFETY

DEPARTMENT OVERVIEW

The Department of Public Safety consists of six divisions:

- Executive Director's Office
- Colorado State Patrol
- Division of Fire Prevention and Control
- Division of Criminal Justice
- Colorado Bureau of Investigation
- Division of Homeland Security and Emergency Management

This document covers all divisions *except* the Division of Criminal Justice.

The Executive Director's Office (EDO) is responsible for the administrative and management services for the Department's five divisions. This includes policy development, human services, training and recruitment, facility management, and budgeting. This office includes the Witness Protection Program, the Colorado Integrated Criminal Justice Information System (CICJIS), and the School Safety Resource Center.

The Colorado State Patrol enforces Colorado law on 8,400 miles of highway and 57,000 miles of county roads. Division responsibilities also include hazardous materials enforcement, compliance at Ports of Entry, state capitol security, and enforcement of smuggling and human trafficking laws on Colorado roadways.

The Division of Fire Prevention and Control is tasked with reducing the fire threats to people, property, and the environment in Colorado. Programs include code enforcement, emergency responder education and certification programs, and a statewide reporting system for fires and related incidents. The Wildfire Management program assists local governments when wildfires exceed local agency capacity.

The Colorado Bureau of Investigation provides forensic and investigative assistance to state and local law enforcement agencies. The Bureau maintains fingerprint records and DNA profiles, oversees the statewide crime reporting program, and operates forensic laboratories. The Instant Criminal Background Check Unit housed within the Division is the state point of contact for background checks on firearm purchases.

The Division of Homeland Security and Emergency Management is responsible for preventing, mitigating, and responding to all-hazard events including natural disasters and human acts. The Division manages the Disaster Emergency Fund, state-declared disaster response, and administration of federal grants.

SUMMARY: FY 2022-23 APPROPRIATION AND RECOMMENDATION

DEPARTMENT OF PUBLIC SAFETY: RECOMMENDED CHANGES FOR FY 2022-23						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$565,111,250	\$196,228,138	\$251,344,497	\$48,531,478	\$69,007,137	2,103.3
Other Legislation	56,768,907	45,459,518	5,162,042	6,155,848	(8,501)	26.8
CURRENT FY 2022-23 APPROPRIATION:	\$621,880,157	\$241,687,656	\$256,506,539	\$54,687,326	\$68,998,636	2,130.1
RECOMMENDED CHANGES						
Current FY 2022-23 Appropriation	\$621,880,157	\$241,687,656	\$256,506,539	\$54,687,326	\$68,998,636	2,130.1
S1 CBI Leased space	24,000	24,000	0	0	0	0.0
S2 School safety refinance	0	(757,924)	757,924	0	0	0.0
S3 Limited gaming reduction	(870,026)	37,086	0	(907,112)	0	(7.0)
Non-prioritized requests	3,229,851	1,161,639	2,284,072	(185,125)	(30,735)	0.0
RECOMMENDED FY 2022-23 APPROPRIATION:	\$624,263,982	\$242,152,457	\$259,548,535	\$53,595,089	\$68,967,901	2,123.1
RECOMMENDED INCREASE/(DECREASE)	\$2,383,825	\$464,801	\$3,041,996	(\$1,092,237)	(\$30,735)	(7.0)
Percentage Change	0.4%	0.2%	1.2%	(2.0%)	(0.0%)	(0.3%)
FY 2022-23 EXECUTIVE REQUEST	\$624,263,982	\$242,152,457	\$259,548,535	\$53,595,089	\$68,967,901	2,123.1
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

REQUEST/RECOMMENDATION DESCRIPTIONS

S1 CBI INVESTIGATIONS LEASED SPACE: The request includes an increase of \$24,000 General Fund in FY 2022-23 to provide leased space in Pueblo related to the Department's FY 2022-23 request to increase CBI staffing. The Department has also submitted a budget amendment including \$96,000 General Fund for this purpose on an ongoing basis. Staff recommends approval of the request.

S2 REFINANCE SCHOOL SAFETY PROGRAM: The request is a net-zero refinance of the School Safety Resource Center in FY 2022-23, including a decrease of \$757,924 General Fund offset by an equal increase in cash funds from the School Safety Resource Center cash fund. Staff recommends approval of the request.

S3 LIMITED GAMING REDUCTION: The request includes a decrease of \$870,026 total funds and 7.0 FTE in FY 2022-23, including an increase of \$37,086 General Fund and a decrease of \$907,112 reappropriated funds from the Department of Revenue for limited gaming investigations. The Department has submitted a related budget request for an ongoing decrease beginning in FY 2023-24. Staff recommends approval of the request.

NON-PRIORITIZED REQUESTS: The request includes a total increase of \$3.2 million total funds, including \$1.2 million General Fund, for statewide common policy requests. The staff recommendation is pending Committee action on common policies. Detail is provided in the table below.

NON-PRIORITIZED REQUESTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
DPA Variable vehicle adjustment	\$4,410,905	\$684,385	\$3,406,065	\$281,961	\$38,494	0.0
DPA Annual fleet supplemental	(731,430)	477,254	(1,121,993)	(17,462)	(69,229)	0.0
OIT Real time billing	(449,624)	0	0	(449,624)	0	0.0
TOTAL	\$3,229,851	\$1,161,639	\$2,284,072	(\$185,125)	(\$30,735)	0.0

PRIORITIZED SUPPLEMENTAL REQUESTS

S1 CBI INVESTIGATIONS LEASED SPACE

	REQUEST	RECOMMENDATION
TOTAL	\$24,000	\$24,000
FTE	0.0	0.0
General Fund	24,000	24,000
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? **YES**

[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.]

Explanation: Staff and the Department agree that the request is the result of data that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department requests an increase of \$24,000 General Fund in FY 2022-23 to provide increased leased space related to the Department’s FY 2022-23 request for increased CBI staffing. The Department has submitted a related budget amendment for \$96,000 General Fund in FY 2023-24 and ongoing for the Committee to consider during figure setting.

STAFF RECOMMENDATION: Staff recommends approval of the Department’s request for \$24,000 General Fund in FY 2022-23.

STAFF ANALYSIS:

In FY 2022-23, the Department requested and the Committee approved an increase of \$15.4 million General Fund and 107.0 FTE for increased staffing at the Colorado Bureau of Investigation (CBI). Implementation was phased over three fiscal years, beginning with \$6.8 million General Fund and 47.0 FTE in FY 2022-23.

The request did not include a related increase for leased space to accommodate the FTE increase. During the FY 2022-23 briefing and hearing process, the Committee questioned whether additional resources would be needed for leased space. The Department provided the following response:

“There is no request for leased space included in the Decision Item. Understanding that the costs associated with this proposal are already substantial, the CBI will work to collaborate with sister agencies where possible to limit costs, such as utilizing existing office space in CSP Troop Offices and/or local Police and Sheriff Departments across Colorado. The CBI will also consider concepts such as hoteling and/or leveraging existing remote work models or vacated space due to other DPS entities transitioning to full remote work. To provide a more specific example, in Durango CBI investigators are co-located with the FBI, with no lease funding required. **As CBI builds-out the specifics of the deployment plan, the Department may have to submit a future budget request for additional leased space,** (offices, evidence storage and/or addition/remodel of cubicles within existing offices). Forensic Services has effectively incorporated the hybrid work from home model. This new approach to laboratory and deskwork should allow Forensic Services to accommodate the additional staff in existing facilities with some remodeling.”

The request states that as the staffing increase has been implemented, the Department has been able to more adequately assess leased space needs. CBI currently has leased space in Pueblo that accommodated an Investigations Unit, Forensics Services, and laboratory space. The current space does not have opportunity for expansion or development for additional space. An additional 7.0 FTE have been added in Pueblo through the staffing increase, including four forensic scientists, two technicians, and one laboratory manager. The Department states that the existing office space is not sufficient to accommodate additional forensic staff.

Under the request, the Department would relocate the Investigations Unit to a new space in Pueblo, and use the existing office space for forensics and laboratory services. In total, the new space would accommodate an existing 14 criminal investigation agents, 3 crime scene investigators, and 2 supervisors. In addition, the Department has also submitted a budget request for FY 2023-24 to add a Special Investigations Unit in Pueblo.

The request states that the Department coordinated with the Department of Personnel and the Department of Transportation in an effort to identify available State-owned building space, but determined there were no opportunities. The Department therefore worked with a State-approved real estate broker and has identified a suitable space totaling 7,000 square feet at a cost of \$12.86 per square foot for a five-year leasing term. The request notes that office spaces presented to the Department ranged from a cost of \$10.35 to \$19.80 per square foot.

The request amount is based on a move-in date of April 1, 2023, resulting in a cost of \$22,500 with an additional \$1,500 for utilities (\$500 per month). The ongoing annual cost of the request beginning in FY 2023-24 is \$96,000. Staff recommends approval of the amounts as requested.

S2 REFINANCE SCHOOL SAFETY PROGRAM

	REQUEST	RECOMMENDATION
TOTAL	\$0	\$0
FTE	0.0	0.0
General Fund	(757,924)	(757,924)
Cash Funds	757,924	757,924
Reappropriated Funds	0	0
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES
 [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.]

Explanation: Staff and the Department agree that the request is the result of data that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department request is a net-zero refinance of the School Safety Resource Center program costs from General Fund to the School Safety Resource Center cash fund, including a General Fund reduction of \$757,924 in FY 2022-23 only.

STAFF RECOMMENDATION: Staff recommends approval of the request.

STAFF ANALYSIS: The request is the result of a FY 2022-23 request from the Department to refinance the School Safety Resource Center (SSRC). The Department originally requested that the program be refinanced from the SSRC cash fund to the Marijuana Tax Cash Fund (MTCF). Based on revenue forecasts and the statutorily authorized uses of the MTCF, staff recommended and the Committee approved to refinance the SSRC with General Fund rather than the MTCF.

The SSRC cash fund receives revenues from fees for school safety training programs, as well as General Fund appropriations. Historically, General Fund appropriations have been one-time and may vary greatly from year-to-year. For that reason, the Department has had difficulty spending down the fund balance, maintaining program stability, and complying with the 16.5 percent maximum cash fund reserve requirement. The Committee approved a cash fund waiver last year after the cash fund reserve had been out of compliance for three consecutive fiscal years. Additionally, H.B. 20-1406 (Cash Fund Transfers) transferred \$1.0 million from the fund to the General Fund for budget balancing purposes and was never restored.

To address this problem, the request considered by the Committee last year sought to create a more stable fund source for the SSRC. The Committee approved a partial General Fund refinance, as well as a General Fund increase to fund two safe school summits. The request stated that the Department would spend down the remaining fund balance in FY 2021-22 by offering school safety trainings without fees, but would resume collecting fees in FY 2022-23. Therefore, the request included some spending authority from the cash fund to be maintained on an ongoing basis.

Cash fund reports from FY 2022-23 indicated that the Department projected a year end fund balance of \$191,629 in FY 2022-23 and a negative fund balance in FY 2023-24 if the refinance was not approved. The Long Bill provided \$195,933 in cash fund spending authority from the SSRC cash fund following the General Fund refinance, indicating that the Department had sufficient authority to spend down the projected fund balance. However, updated cash fund reports show an ending fund balance of \$757,924, indicating that the Department does not have sufficient spending authority to spend down the current fund balance.

The Department states that the projected fund balance provided in FY 2022-23 was based on expenditures of \$1.2 million cash funds from the SSRC cash fund. The requested refinance required that these expenses be supported by General Fund rather than the cash fund, resulting in a fund balance in excess of last year's projections. Reported cash fund balances are provided in the table below.

The Department states that approval of the request will allow the Department to spend down the fund balance to zero, and transition to a fully General Fund supported program in FY 2023-24. If the request is not approved, the Department will not be able to spend existing cash fund resources to support the SSRC and the cash fund will be in excess of the maximum statutory reserve.

S3 LIMITED GAMING REDUCTION

	REQUEST	RECOMMENDATION
TOTAL	(\$870,026)	(\$870,026)
FTE	(7.0)	(7.0)
General Fund	37,086	37,086
Cash Funds	0	0
Reappropriated Funds	(907,112)	(907,112)
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES

[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.]

Explanation: Staff and the Department agree that the request is the result of an unforeseen contingency.

DEPARTMENT REQUEST: The Department request includes a net decrease of \$870,026 total funds and 7.0 FTE, including an increase of \$37,086 General Fund offset by a decrease of \$907,112 reappropriated funds from the Department of Revenue for Limited Gaming investigations in FY 2022-23. The Department has submitted a related budget request that the Committee will consider during figure setting to implement this decrease on an ongoing basis.

STAFF RECOMMENDATION: Staff recommends approval of the request.

STAFF ANALYSIS:

The Colorado Bureau of Investigation (CBI) collects information and investigates limited gaming crimes in cooperation with local law enforcement and the Colorado Limited Gaming Control Commission (the Commission) created under the Department of Revenue.¹ The CBI makes annual budget requests to the Commission to support an Organized Crime/Gaming Unit. The funds are reflected in the Department of Public Safety budget as reappropriated funds from the Department of Revenue, and originate as gaming tax revenues paid into the Limited Gaming Fund.²

The request states that the unit is under-utilized and an ineffective use of experienced investigators. As a result, CBI terminated the Inter-Governmental Agreement with the Department of Revenue, and requested zero funding from the Commission for FY 2022-23. The CBI intends to continue investigating limited gaming crimes within its normal investigative structure as needed or by request from the Division of Gaming. The unit was officially dissolved on September 1, 2021 and CBI has not received any requests for investigative support from the Division of Gaming in that time.

Investigators from the dissolved unit were transferred to the Major Crimes Unit and operate out of capital complex. The request includes a decrease of \$870,026 reappropriated funds from the Department of Revenue to reflect the dissolution of the unit and the zero-dollar budget request CBI provided to the Commission. Additionally, the request includes a refinance of \$37,086 from

¹ Section 44-30-830, C.R.S.

² Section 44-30-701, C.R.S.

reappropriated funds to General Fund for capital complex leased space to reflect the CBI's increasing need for leased space.

The Department states that a General Fund refinance is not required to support the positions on an ongoing basis as the Limited Gaming FTE were transferred to fill existing vacancies within the Major Crimes Unit. The Major Crimes Unit is supported by an ongoing General Fund appropriation from H.B. 21-1250 (Measures to Address Law Enforcement Accountability), which added 6.0 FTE to CBI. The Department anticipates that these FTE will continue to address limited gaming cases by request, but can be better utilized by the Division with an expanded scope of work. The Division has not received any requests since the unit was dissolved, and does not anticipate that the reorganization will impact prosecutions or the ability to investigate limited gaming crimes.

Staff recommends approval of the amounts as requested to accurately reflect the current practice of the CBI. The Department of Revenue is aware of the request and staff has not been made aware of any concerns from the Limited Gaming Division in recommending the request. If the request is not approved, the budget will artificially reflect reappropriated funds that the Department did not request and no longer utilizes from the Department of Revenue.

STATEWIDE COMMON POLICY SUPPLEMENTAL REQUESTS

These requests are not prioritized and are not analyzed in this packet. The JBC will act on these items at a later date when it makes decisions regarding common policies.

DEPARTMENT'S PORTION OF STATEWIDE SUPPLEMENTAL REQUEST	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROP. FUNDS	FEDERAL FUNDS	FTE
SNP1 Variable vehicle adjustment	\$4,410,905	\$684,385	\$3,406,065	\$281,961	\$38,494	0.0
SNP2 Annual vehicle lease adjustment	(731,430)	477,254	(1,121,993)	(17,462)	(69,229)	0.0
SNP3 OIT Real-time billing	(449,624)	0	0	(449,624)	0	0.0
DEPARTMENT'S TOTAL STATEWIDE SUPPLEMENTAL REQUESTS	\$3,229,851	\$1,161,639	\$2,284,072	(\$185,125)	(\$30,735)	0.0

STAFF RECOMMENDATION: The staff recommendation for these requests is pending Committee action on common policy supplementals. Staff will include the corresponding appropriations in the Department's supplemental bill based on Committee action on common policy supplementals. If staff believes there is reason to deviate from the common policy, staff will appear before the Committee at a later date to present the relevant analysis.

APPENDIX A: NUMBERS PAGES

JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
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S1 CBI Leased space

(1) EXECUTIVE DIRECTOR'S OFFICE

(A) Administration

Leased Space	<u>2,711,851</u>	<u>3,559,848</u>	<u>24,000</u>	<u>3,583,848</u>
General Fund	1,333,342	1,554,329	24,000	1,578,329
Cash Funds	984,889	1,480,957	0	1,480,957
Reappropriated Funds	393,620	524,562	0	524,562
Federal Funds	0	0	0	0

Total for S1 CBI Leased space	2,711,851	3,559,848	24,000	3,583,848
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	1,333,342	1,554,329	24,000	1,578,329
Cash Funds	984,889	1,480,957	0	1,480,957
Reappropriated Funds	393,620	524,562	0	524,562
Federal Funds	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
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S2 Refinance school safety

(1) EXECUTIVE DIRECTOR'S OFFICE

(B) Special Programs

(B) (3) School Safety Resource Center

Program Costs	<u>759,035</u>	<u>1,346,491</u>	<u>0</u>	<u>1,346,491</u>	
FTE	0.0	10.0	0.0	10.0	
General Fund	0	1,200,000	(757,924)	442,076	
Cash Funds	658,172	146,491	757,924	904,415	
Reappropriated Funds	0	0	0	0	
Federal Funds	100,863	0	0	0	

Total for S2 Refinance school safety	759,035	1,346,491	0	1,346,491	
<i>FTE</i>	<u>0.0</u>	<u>10.0</u>	<u>0.0</u>	<u>10.0</u>	
General Fund	0	1,200,000	(757,924)	442,076	
Cash Funds	658,172	146,491	757,924	904,415	
Reappropriated Funds	0	0	0	0	
Federal Funds	100,863	0	0	0	

Totals Excluding Pending Items					
PUBLIC SAFETY					
TOTALS for ALL Departmental line items	1,492,353,949	621,880,157	(870,026)	(846,026)	621,034,131
<i>FTE</i>	<u>1,986.8</u>	<u>2,130.1</u>	<u>(7).0</u>	<u>(7).0</u>	<u>2,123.1</u>
General Fund	151,748,959	241,687,656	0	(696,838)	240,990,818
Cash Funds	470,303,841	256,506,539	0	757,924	257,264,463
Reappropriated Funds	47,368,490	54,687,326	(870,026)	(907,112)	53,780,214
Federal Funds	822,932,659	68,998,636	0	0	68,998,636

*JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision*

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
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DEPARTMENT OF PUBLIC SAFETY
Stan Hilkey, Executive Director

S3 Limited gaming reduction

(1) EXECUTIVE DIRECTOR'S OFFICE

(A) Administration

Capitol Complex Leased Space	<u>1,981,538</u>	<u>1,912,171</u>	<u>0</u>	<u>1,912,171</u>	
General Fund	802,251	766,026	37,086	803,112	
Cash Funds	528,394	501,364	0	501,364	
Reappropriated Funds	650,893	644,781	(37,086)	607,695	
Federal Funds	0	0	0	0	

(5) COLORADO BUREAU OF INVESTIGATION

(C) Laboratory and Investigative Services

Personal Services	<u>13,424,647</u>	<u>19,916,313</u>	<u>(764,577)</u>	<u>(764,577)</u>	<u>19,151,736</u>
FTE	165.4	213.4	(7.0)	(7.0)	206.4
General Fund	11,066,488	15,488,280	0	0	15,488,280
Cash Funds	2,253,925	3,663,456	0	0	3,663,456
Reappropriated Funds	104,234	764,577	(764,577)	(764,577)	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>6,399,255</u>	<u>8,145,816</u>	<u>(105,449)</u>	<u>(105,449)</u>	<u>8,040,367</u>
General Fund	5,173,430	6,012,030	0	0	6,012,030
Cash Funds	1,201,007	1,990,009	0	0	1,990,009
Reappropriated Funds	24,818	143,777	(105,449)	(105,449)	38,328
Federal Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
Total for S3 Limited gaming reduction	21,805,440	29,974,300	(870,026)	(870,026)	29,104,274
<i>FTE</i>	<u>165.4</u>	<u>213.4</u>	<u>(7) .0</u>	<u>(7) .0</u>	<u>206.4</u>
General Fund	17,042,169	22,266,336	0	37,086	22,303,422
Cash Funds	3,983,326	6,154,829	0	0	6,154,829
Reappropriated Funds	779,945	1,553,135	(870,026)	(907,112)	646,023
Federal Funds	0	0	0	0	0