

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



**FY 2016-17 STAFF FIGURE SETTING TABLED ITEMS
AND COMEBACKS**

DEPARTMENT OF PERSONNEL

**JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision**

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Staff Comebacks - Non-technical

➔ VALE Funding for the Address Confidentiality Program

Committee Request: The Committee requested that staff bring a possible solution for direct funding the Address Confidentiality Program with available crime victim cash funds that might avoid the backfill required from the General Fund.

Recommendation: Staff recommends that the Committee pursue legislation to provide a defined amount with or without an annual percentage increase, to be paid from Victims Assistance and Law Enforcement (VALE) statutory distributions to fund all or a portion of the Address Confidentiality Program currently funded with General Fund. If the Committee wishes to include an annual increase, staff recommends an increase of two percent annually.

Analysis:

ACP Funding Issue Overview

The Committee approved the Department's BA2 Address Confidentiality Program Adjustment request at Department figure setting on February 18th. The request was a net increase of \$22,241 total funds, including an increase of \$155,426 General Fund and a decrease of \$133,185 cash funds. General Fund adjustments included a \$59,136 General Fund increase in operating common policies in Department Administration with an equal offset of cash funds and a \$96,290 General Fund increase with a \$74,049 decrease in cash funds in the ACP program line item.

The following table outlines the FY 2016-17 original request and BA2 request/approved appropriations for the ACP.

FY 2016-17 Address Confidentiality Program			
	General Fund	Cash Funds	Total Funds
Original Request			
ACP Program Line Item	\$71,376	\$160,871	\$232,247
Operating Common Policies	<u>0</u>	<u>59,136</u>	<u>59,136</u>
Subtotal - ACP Original Request	\$71,376	\$220,007	\$291,383
BA2 Request/Approved Appropriation			
ACP Program Line Item	\$167,666	\$86,822	\$254,488
Operating Common Policies	<u>59,136</u>	<u>0</u>	<u>59,136</u>
Subtotal - ACP Appropriation	\$226,802	\$86,822	\$313,624
Net Change	\$155,426	(\$133,185)	\$22,241

The ACP is currently cash funded from 95 percent of a \$28 surcharge levied against offenders convicted of stalking or offenses for which the underlying basis is domestic violence. The program is statutorily required to serve all qualified victims of stalking, domestic violence, or sexual offenses. As a result, more participants in the program are eligible to access services than can be supported by the number of offenders required and able to pay the surcharge. Based on revenues received through December 2015 of \$43,411, the Department projected revenue from

the offender surcharge to be \$86,822 for FY 2015-16; they used the same projection amount for FY 2016-17.

Additionally, the ACP has received VALE grants in the past. The Department chose not to apply for a VALE grant in FY 2015-16 due to the requirement for statewide outreach as a condition of the grant. The Department determined that additional outreach would continue to grow the program beyond its available resources. The Department's BA2 request addressed the reduced cash funds from offender surcharges and the elimination of cash funding from a VALE grant.

VALE Fund Allocations

Section 24-33.5-506, C.R.S., establishes the Victims Assistance and Law Enforcement Fund (the State VALE Fund), which is administered by the State VALE Advisory Board. Each judicial district also has its own local VALE fund, distinct from the State VALE fund. These local VALE funds receive revenues from surcharges on fines imposed for felonies, misdemeanors, juvenile offenses, and certain traffic infractions within the district. Pursuant to Section 24-4.2-105 (1), C.R.S., 13 percent of each district's surcharge revenue is transferred to the State VALE Fund. Local VALE boards, which are appointed by the chief judge of the judicial district, make grants to agencies that provide services to crime victims within the district in which the monies are collected. The Office for Victims Programs issues standards that govern the administration of Local VALE programs. There are two priority areas for VALE funding: implementation of the Victim Rights Act and (2) victim and witness services, including crisis intervention services, referrals of victims to appropriate community services and victim compensation programs, translator services, and counseling.

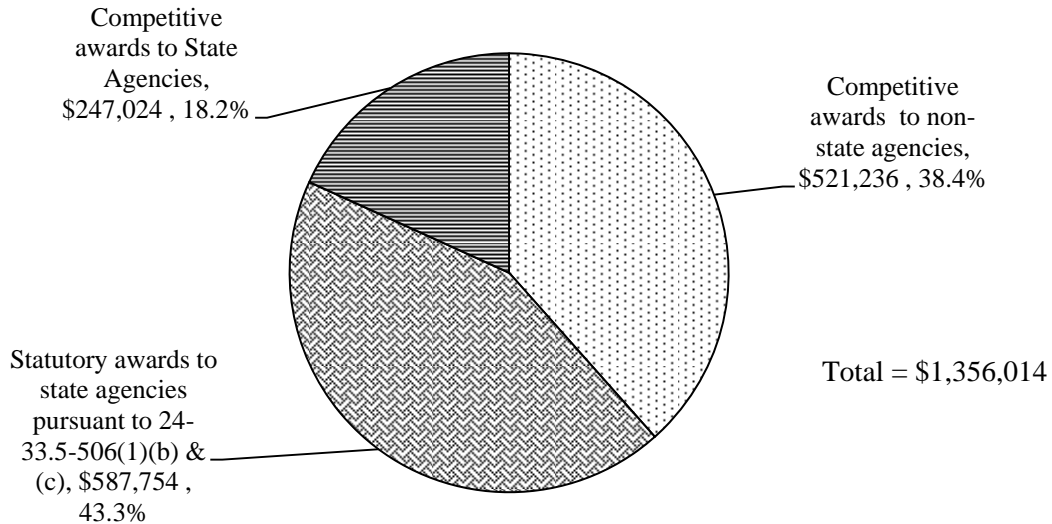
Pursuant to statute, the State VALE fund is appropriated to the Division of Criminal Justice (DCJ) in the Department of Public Safety for the following purposes:

1. Payment of DCJ's costs of administering state and federal victim programs;
2. Distributions to the following state agencies for specified purposes:
 - Department of Public Safety to support several Victim Advocates positions around the state that provide comprehensive services to victims of traffic crashes (and their families) on Colorado highways where an injury or death occurs;
 - Division of Youth Corrections (in the Department of Human Services) to provide notification of movements and changes involving the juvenile perpetrator, such as escapes, return to custody, eligibility for visits to the community, hearings, recommitments, transfers to the adult system, and expiration of commitment;
 - Department of Corrections to provide notifications similar to those provided by the Division of Youth Corrections including assistance and support to victims who attend Parole Board Hearings and Community Corrections Board reviews;

- Office of the State Court Administrator to implement and coordinate statewide victim services programs; and
 - Department of Law to provide notifications to victims of appellate actions involving the perpetrator and cases in which the Department of Law prosecutes the accused perpetrator in a trial court; and
3. A competitive VALE grant program that makes grants to state government criminal justice agencies and non-profit victim service agencies. A Governor-appointed board reviews grant requests and makes funding recommendations to the Department.

The following chart outlines the projected distribution of grants for FY 2015-16.

Awards from the State VALE Fund for FY 2015-16



Recommendation

Staff recommends that the Committee pursue legislation to provide a defined amount with or without an annual percentage increase, to be paid from VALE statutory distributions to fund all or a portion of the Address Confidentiality Program currently funded with General Fund. The statutory allocation to the Department of Law provides that the amount may be increased by up to five percent annually. If the Committee wishes to include an annual increase, staff recommends an increase of two percent annually. Additionally, statute provides that "subject to available appropriations, the amount of moneys distributed by the division to each agency each fiscal year shall be no less than the total of the amount distributed to the agency in the prior fiscal year...", providing for a discretionary increase to be determined by the DCJ.

Appropriation Adjustment Options

The Department's BA2 request figures for FY 2016-17 use the FY 2015-16 straight-line projection of \$86,822 of offender surcharge revenue. In the four years prior to FY 2015-16, the revenue from this source averaged approximately \$135,000, fluctuating between approximately \$133,000 and \$140,000. Through February, the ACP had received \$64,890 from offender

surcharges suggesting a slight increase to the straight-line projection for the current year of \$97,335. It is possible that revenue from this source will recover to something closer to the recent historical trend by the end of the current fiscal year. The supplemental approved in January assumed offender surcharge revenue for the program at \$86,822. Any revenue collected over this amount will function as a surplus balance that can carry forward into FY 2016-17.

For purposes of identifying an amount of VALE funds to allocate to the ACP, staff suggests a projected figure of \$110,945 in ACP offender surcharge revenue for FY 2016-17. This amount is midway between the four-year average and the FY 2015-16 straight-line projection used in the Department's request. Using this figure, the necessary VALE funds allocation necessary to eliminate the need for General Fund would total \$202,679.

Alternately, the Committee may wish to use the four-year average amount of ACP offender surcharge revenue of \$135,068 for this calculation. Should ACP offender surcharge revenue come in at a lower amount through December 2016, a supplemental request for General Fund may be necessary for FY 2016-17. However, with the opportunity for stable funding from a VALE funds allocation that will necessarily offset DCJ funds previously available for state agency and non-state agency grants, it may be more appropriate to set the anticipated ACP offender surcharge revenue nearer to the recent historical average until a lower revenue trend is definitely indicated. Using the alternate figure, the necessary VALE funds allocation necessary to eliminate the need for General Fund would total \$178,556.

The following table outlines the approved appropriation and suggested and alternate adjustments for ACP appropriations using a VALE fund allocation in place of General Fund.

FY 2016-17 Address Confidentiality Program Possible Appropriations from a VALE Funds Allocation			
	GF/ VALE Fund	Offender Surcharge Revenue	Total Funds
BA2 Request/Approved Appropriation			
ACP Program Line Item	\$167,666	\$86,822	\$254,488
Operating Common Policies	<u>59,136</u>	<u>0</u>	<u>59,136</u>
Subtotal - ACP Appropriation	\$226,802	\$86,822	\$313,624
Suggested Adjustment			
ACP Program Line Item	\$143,543	\$110,945	\$254,488
Operating Common Policies	<u>59,136</u>	<u>0</u>	<u>59,136</u>
Subtotal - ACP Appropriation	\$202,679	\$110,945	\$313,624
Alternate Adjustment			
ACP Program Line Item	\$119,420	\$135,068	\$254,488
Operating Common Policies	<u>59,136</u>	<u>0</u>	<u>59,136</u>
Subtotal - ACP Appropriation	\$178,556	\$135,068	\$313,624

Staff requests permission to adjust fund sources for related line items to be consistent with Committee decisions.

Staff Comebacks - Technical

➔ Capitol Complex Leased Space Technical Adjustment

Recommendation: Staff recommends that the Committee approve a technical adjustment to Capitol Complex Leased Space allocations for the Department of Local Affairs (DOLA) and the Department of Natural Resources (DNR).

Analysis: The Department erroneously attributed occupancy to DNR that should have been attributed to DOLA. The adjustment is for 6,360 square feet for Denver space. The common policy figure setting cost for Denver space is \$17.21 per square foot. The adjustment increases the DOLA allocation by \$109,454 and reduces the DNR allocation by the same amount. The following table outlines the departments' adjustments from the original recommendation and from the FY 2015-16 appropriation.

Capitol Complex Leased Space FY 2016-17 Recommended Allocation - Updated				
Department	FY 2016-17 Original Rec.	FY 2016-17 Updated Rec.	FY 2015-16 Approp.	FY 2016-17 Adjustment
Local Affairs	\$568,928	\$678,382	\$648,536	\$29,845
Natural Resources	1,466,634	1,357,180	1,381,111	(23,931)
Subtotal	\$2,035,562	\$2,035,562		

The following table outlines the updated FY 2016-17 Capitol Complex Leased Space allocation.

Capitol Complex Leased Space FY 2016-17 Recommended Allocation - Updated				
Department	FY 2016-17 Request	FY 2016-17 Recommend.	FY 2015-16 Approp.	FY 2016-17 Adjustment
Agriculture	\$0	\$0	\$0	\$0
Correctional Industries	16,149	16,672	16,082	591
Corrections	40,386	41,695	40,218	1,478
Education	706,357	723,654	749,258	(25,604)
Governor	320,682	328,535	651,098	(73,579)
Governor - OIT	242,956	248,984	n/a	n/a
Health Care Policy and Financing	558,783	572,466	549,237	23,228
Human Services	1,525,053	1,562,573	1,748,238	(185,665)
Labor and Employment	24,480	25,738	21,880	3,859
Law	0	0	0	0
Legislature	2,397,806	2,456,523	2,452,989	3,534
Local Affairs	555,112	678,382	648,536	29,845
Military Affairs	48,317	49,882	48,115	1,768
Natural Resources	1,431,578	1,357,180	1,381,111	(23,931)
Personnel	2,364,416	2,431,358	2,388,386	42,972
Public Health	34,085	35,182	27,297	7,885
Public Safety	1,904,228	1,951,998	1,770,816	181,182

*JBC Staff Figure Setting Tabled and Comeback Items: FY 2016-17
Staff Working Document – Does Not Represent Committee Decision*

Capitol Complex Leased Space FY 2016-17 Recommended Allocation - Updated				
Department	FY 2016-17 Request	FY 2016-17 Recommend.	FY 2015-16 Approp.	FY 2016-17 Adjustment
Regulatory Agencies	0	0	4,147	(4,147)
Revenue	2,221,828	2,315,184	2,326,019	(10,835)
Transportation	107,915	111,392	97,602	13,790
Treasury	56,292	57,670	76,324	(18,654)
CSU Forest Service	3,263	3,369	3,250	119
Allocation Totals	\$14,559,686	\$14,968,437	\$15,000,601	(\$32,164)
Percentage Change				(0.2%)