

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2013-14 STAFF BUDGET BRIEFING

DEPARTMENT OF PUBLIC SAFETY

(Executive Director's Office, Colorado State Patrol, Division of Fire Prevention and Control, Colorado Bureau of Investigation, and Division of Homeland Security and Emergency Management)

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

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December 14, 2012**

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DEPARTMENT OF PUBLIC SAFETY

(Executive Director's Office, Colorado State Patrol, Division of Fire Prevention and Control, Colorado Bureau of Investigation, and Division of Homeland Security and Emergency Management only)

Department Overview

The Mission of the Colorado Department of Public Safety is to provide a safe environment in Colorado by maintaining, promoting, and enhancing public safety through law enforcement, criminal investigations, fire and crime prevention, emergency management, recidivism reduction, and victim advocacy. The Department is comprised of the following divisions:

- The **Executive Director's Office** (EDO) provides administrative and management services to the operating divisions of the Department. This includes financial services, human resource services, and planning and resource development. The EDO also contains funding for the Witness Protection Program, the Colorado Integrated Criminal Justice Information System (CICJIS), and the School Safety Resource Center.
- The **Colorado State Patrol** enforces motor vehicle laws and all other laws on approximately 8,400 miles of state and federal highways and more than 57,000 miles of county roads. Patrol officers also collect fuel taxes and registration fees and ensure compliance with statutory weight and size restrictions for commercial vehicles, perform commercial motor vehicle safety, hazardous materials routing and rule making, aviation, homeland security, communications, investigative services, capitol complex security and criminal interdiction.
- The **Division of Fire Prevention and Control** (DFPC) is responsible for fire prevention and code enforcement; wildfire preparedness, response, suppression, coordination, and management; training and certification; public information and education; and technical assistance to local governments.
- The **Division of Criminal Justice** (*this division will be discussed in a separate briefing*).
- The **Colorado Bureau of Investigation** is responsible for criminal and background investigations, forensic laboratory services, and comprehensive criminal justice data management.
- The **Division of Homeland Security and Emergency Management** (DHSEM) consists of three offices: the *Office of Emergency Management* is responsible for coordination of state-level actions for all hazards preparedness, natural hazards mitigation, emergency response, disaster recovery; the *Office of Prevention and Security* is responsible for ensuring a safe and secure environment from intentional acts of terrorism, accidental harmful events, and natural disasters; and the *Office of Preparedness* is responsible for implementing a state preparedness goal and system in order to improve the capabilities necessary to prevent and mitigate the effects of threats that pose the greatest risk to Colorado.

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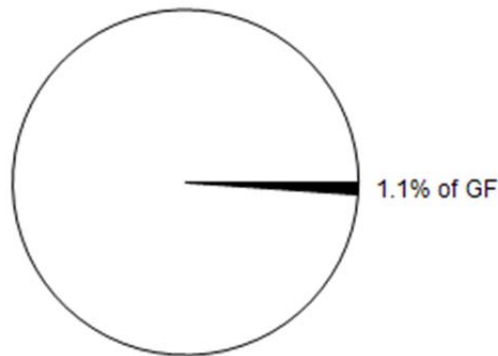
Department Budget: Recent Appropriations

Funding Source	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14 *
General Fund	\$82,314,802	\$82,727,973	\$84,624,139	\$87,200,253
Cash Funds	126,211,938	129,681,033	155,103,072	164,239,554
Reappropriated Funds	21,858,171	24,480,944	27,113,894	28,762,765
Federal Funds	<u>27,885,029</u>	<u>29,559,518</u>	<u>53,355,759</u>	<u>54,363,445</u>
Total Funds	\$258,269,940	\$266,449,468	\$320,196,864	\$334,566,017
Full Time Equiv. Staff	1,349.0	1,354.0	1,558.3	1,579.1

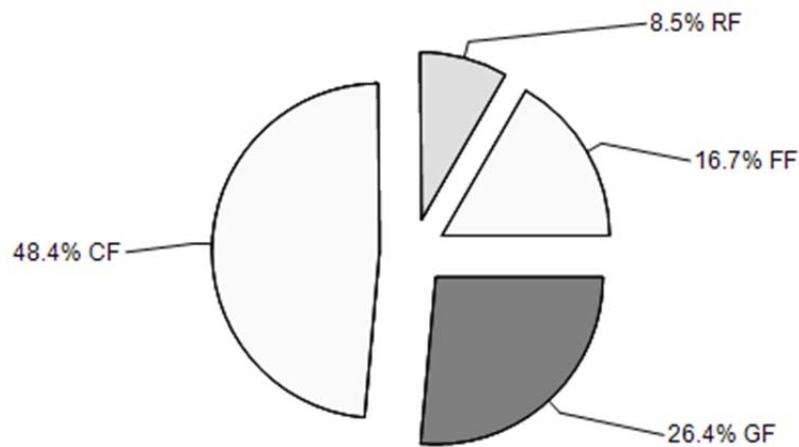
*Requested appropriation.

Department Budget: Graphic Overview

Department's Share of Statewide General Fund

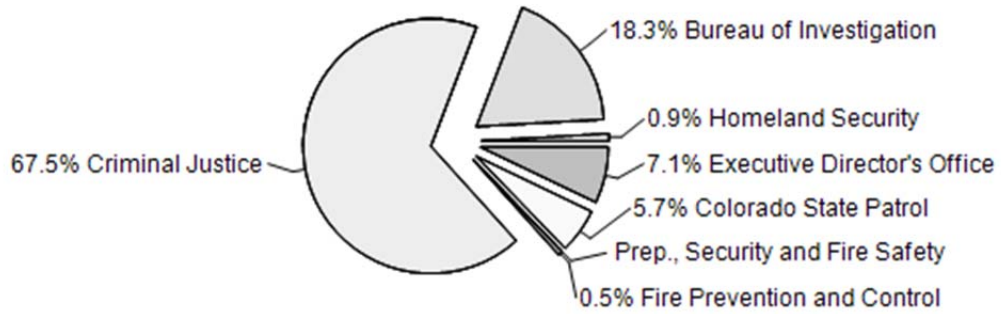


Department Funding Sources

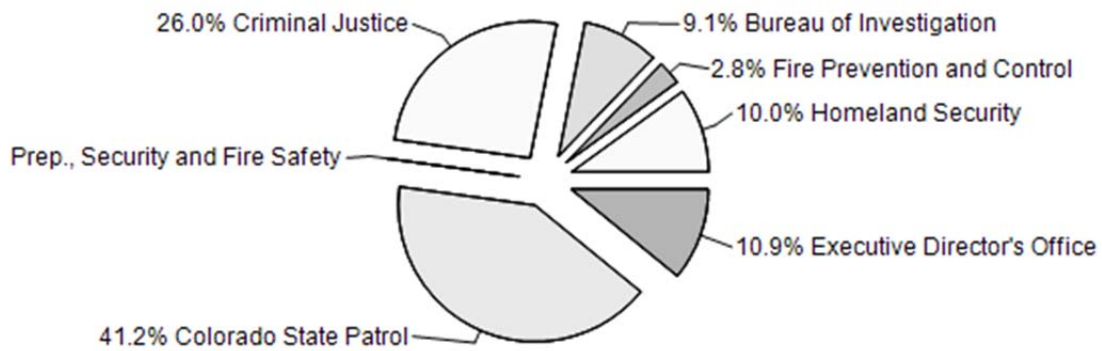


All charts are based on the FY 2012-13 appropriation.

Distribution of General Fund by Division



Distribution of Total Funds by Division



All charts are based on the FY 2012-13 appropriation.

General Factors Driving the Budget

Funding for this department in FY 2012-13 consists of 26.4 percent General Fund, 48.4 percent cash funds (36.2 percent HUTF "off-the-top"), 8.5 percent reappropriated funds, and 16.7 percent federal funds.

Funding for the divisions covered in this packet (Executive Director's Office, Colorado State Patrol, Division of Fire Prevention and Control, Colorado Bureau of Investigation, and the Division of Homeland Security and Emergency Management) in FY 2012-13 consists of 11.6 percent General Fund, 64.2 percent cash fund (48.8 percent HUTF "off-the-top"), 10.1 percent reappropriated funds, and 14.1 percent federal funds.

Colorado State Patrol

Highway supervision needs, and hence the State Patrol's budget, depend largely on highway usage. The State Patrol enforces traffic laws on approximately 8,400 miles of state and federal highways and on more than 57,000 miles of county roads. It also operates special safety programs for hazardous materials transport and for commercial vehicles.

The State Patrol receives a portion of HUTF revenues for supervision of state highways. The Highway Users Tax Fund (HUTF) provides 36.2 percent of the Department budget and 76.1 percent of the State Patrol budget for FY 2012-13. HUTF revenue sources include gas and special-fuel taxes, driver's license fees, motor vehicle title and registration fees, fines, license plate fees, and passenger-mile taxes. The distribution to the State Patrol is taken "off-the-top," before the formula allocation of HUTF to the state highway fund, counties, and cities. State statute limits the off-the-top HUTF appropriations for highway supervision to a maximum 6.0 percent annual growth, regardless of any increase or decrease in overall highway-related revenues.

Colorado State Patrol Workload Measures				
	CY 2009	CY 2010	CY 2011	CY 2012
	Actual	Actual	Actual	Estimate
Fatal and Injury Crashes Investigated by CSP	3,765	3,399	3,429	3,429
Persons Killed in Crashes Investigated by CSP	299	267	272	272
Total Incident Count ¹	956,611	889,264	880,491	880,491

¹ Includes every call received and/or dispatched by communications center staff.

Division of Fire Prevention and Control

The Division of Fire Prevention and Control, created in H.B. 12-1283, incorporates the existing Office of Fire Safety and wildfire-related powers and duties of the state forest service previously housed in the Colorado State University. The new Division is tasked with fire code enforcement, training, certification, and wildfire preparedness, response, suppression, coordination, and management.

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Division of Fire Prevention and Control, School Construction and Inspection Program				
	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
	Actual	Actual	Actual	Estimate
Number of Inspections Overseen by Division and Conducted by Local Fire Departments	1,325	1,398	1,350	1,350
Number of Constructions Inspections Conducted by the Division	1,220	1,168	1,200	1,400
Number of Fire Inspectors Certified	398	364	375	375

Colorado Bureau of Investigation

The Colorado Bureau of Investigation provides information technology, laboratory, and investigative services to local, state, and federal law enforcement agencies upon request. Pursuant to Section 24-33.5-412 (1) (a), C.R.S., the CBI is charged with assisting any sheriff, chief of police, district attorney, head of a state agency, or chief law enforcement officer in the investigation and detection of crime and in the enforcement of the criminal laws of the State. The CBI is also charged with assisting any district attorney with preparing the prosecution of any criminal case in which the Bureau had participated in the investigation of such case. As such, the CBI does not have direct control over the number of submissions to its laboratories by local enforcement agencies. Although violent and property crime rates reported have decreased, local law enforcement agencies and district attorneys have increased the demand on the CBI for forensic DNA analysis.

The CBI laboratory analyzes DNA, fingerprint, firearms and tool marks, physiological fluids, chemical, document, and digital evidence, as well as trace evidence and shoe and tire track evidence. In addition, the CBI field investigators investigate crime scenes, upon the request of local, state, and federal law enforcement agencies. The CBI's Identification Unit also maintains the statewide criminal history and fingerprint repositories and facilitates the sharing of criminal history information with all Colorado law enforcement agencies.

Colorado Bureau of Investigation				
	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
	Actual	Actual	Actual	Estimate
Total Laboratory Specimens Analyzed	95,069	105,302	101,163	103,184
Total Civil Fingerprint and Name Checks	414,507	430,851	448,938	435,948
Total Criminal Fingerprints Processed	237,762	229,585	226,612	235,000

The Colorado Crime Information Center (CCIC) provides information to law enforcement agencies on warrants, case status, stolen property, vehicle registration, known offenders, and driver's licenses. The CCIC maintains system hardware and software, including a statewide telecommunications network connecting more than 500 client law enforcement agencies to the CCIC. The CCIC provides criminal identification checks online, criminal background checks and fingerprint-based criminal background checks and also operates the state's "instacheck" criminal background check program for the firearms industry. The budget is driven primarily by information technology enhancement needs and by the expansion of statutory requirements.

Division of Homeland Security and Emergency Management

The Division of Homeland Security and Emergency Management, created in H.B. 12-1283, consists of three offices: Office of Emergency Management, Office of Prevention and Security, and Office of Preparedness. The Division is tasked with consolidating and restructuring the state's homeland security and disaster preparedness and response functions through better coordination of emergency management, homeland security, and public health entities in the state.

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Summary: FY 2012-13 Appropriation & FY 2013-14 Request

Department of Public Safety						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2012-13 Appropriation:						
HB 12-1335 (Long Bill)	\$272,658,804	\$84,081,985	\$135,447,278	\$25,064,507	\$28,065,034	1,365.2
HB 12-1019 (POE Transfer to CSP)	10,892,480	(283,704)	10,574,790	601,394	0	122.3
HB 12-1283 (Re-Org. HS and Fire Sfty.)	36,608,071	838,349	10,129,020	349,977	25,290,725	71.3
Other Legislation	<u>37,509</u>	<u>(12,491)</u>	<u>(1,048,016)</u>	<u>1,098,016</u>	<u>0</u>	<u>(0.5)</u>
TOTAL	\$320,196,864	\$84,624,139	\$155,103,072	\$27,113,894	\$53,355,759	1,558.3
FY 2013-14 Requested Appropriation:						
FY 2012-13 Appropriation	\$320,196,864	\$84,624,139	\$155,103,072	\$27,113,894	\$53,355,759	1,558.3
R-1 DCJ CCCJ Continuation Funding	255,443	255,443	0	0	0	2.5
R-2 DHSEM Crit. Infr. / Cont. of Ops.	74,332	74,332	0	0	0	0.8
R-3 CSP Moffat County Op. Costs	63,525		63,525	0	0	0.0
R-4 CSP Special Events Closures	548,262		548,262	0	0	0.0
R-5 DCJ Provider Rate Increase	841,645	803,204	0	38,441	0	0.0
NP-1 EDO Capitol Comp. Buildings	83,266	57,805	24,689	772	0	0.0
NP-2 EDO Employee Survey	29,466	29,466	0	0	0	0.0
NP-3 EDO OIT Ent. Asset Mgt.	24,184	24,184	0	0	0	0.0
Base Common Policy Adjustments	10,678,706	2,126,093	7,764,258	131,779	656,576	0.0
Base HB 12-1268 Health Fac. Inspection	1,206,067	87,944	456,868	336,639	324,616	15.0
Base Indirect Costs Adjustments	911,427		868,886	9,380	33,161	0.0
Base Fund Source Adjustments	0	(861,896)	(61,261)	921,912	1,245	0.0
Base IT Common Policy Adjustments	(238,441)	169,018	(526,198)	126,651	(7,912)	0.0
Base Various Annualizations	(80,709)	(164,006)	0	83,297	0	2.5
Base Annualizations Bills	<u>(28,020)</u>	<u>(25,473)</u>	<u>(2,547)</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$334,566,017	\$7,200,253	\$164,239,554	\$28,762,765	\$54,363,445	1,579.1
Increase/(Decrease)	\$14,369,153	\$2,576,114	\$9,136,482	\$1,648,871	\$1,007,686	20.8
Percentage Change	4.5%	3.0%	5.9%	6.1%	1.9%	1.3%

* The highlighted rows above indicate that Requests 1 and 5 will be discussed as part of a separate briefing document.

Description of Requested Changes

Change requests that are highlighted will be discussed as part of a separate briefing document.

R-1 DCJ Colorado Commission on Criminal and Juvenile Justice Continuation Funding:

The Division of Criminal Justice (DCJ) requests \$255,443 General Fund to continue funding for the Colorado Commission on Criminal and Juvenile Justice (CCCJJ). The request includes \$167,443 General Fund and 2.5 FTE to support the Commission. In addition, the request includes \$88,000 General Fund to provide resources for one part-time consultant position that is currently funded with grant funds that are no longer available.

R-2 DHSEM Critical Infrastructure and Continuity of Operations Request: The Division of Homeland Security and Emergency Management requests \$74,332 General Fund in FY 2013-

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14 and \$92,018 in FY 2014-15 and beyond to provide funding for 1.0 FTE in the Division of Homeland Security & Emergency Management (DHSEM) to coordinate and manage all critical infrastructure protection activities for State-owned facilities and other key resources, as well as update and administer the State's continuity of operations/continuity of government programs and processes.

R-3 CSP Moffat County Public Safety Center Operating Agreement: The Colorado State Patrol requests an increase of \$63,525 HUTF "Off the Top" in FY 2013-14 and beyond for operating expenses to fund the increase in operating costs at the Craig Colorado troop office.

R-4 CSP Increase Spending Authority for Special Events Road and Lane Closures: The Colorado State Patrol requests an increase of \$548,262 Cash Funds (from state and private entities requesting road and lane closures) in FY 2013-14 and beyond for an increased demand for "Special Event" road and lane closures related to providing escort for Oversize/Overweight loads (OSOW) and for the USA Pro Cycling Challenge.

R-5 DCJ Community Corrections Provider Rate Increase: The Division of Criminal Justice requests a General Fund increase of \$841,645 in FY 2013-14 and beyond in its community corrections line items within the Office of Community Corrections (OCC) for a provider rate increase for community corrections providers.

NP-1 Capitol Complex Building Upgrade, Repair, and Replacement: The request includes an increase of \$83,266 total funds (including \$57,805 General Fund) for FY 2013-14 to fund the Department's share of building maintenance and upgrades in the State Capitol Complex. *This request item will be addressed in a separate staff briefing for the Department of Personnel.*

NP-2 Employee Engagement Survey Adjustment: The request includes an increase of \$29,466 General Fund for FY 2013-14 to fund the Department's share of a survey to gauge employees' attitudes towards their work, their work environment, overall satisfaction, and trends developing within the workforce. *This request will be addressed in a separate staff briefing for the Department of Personnel.*

NP-3 OIT Enterprise Asset Management: The request includes an increase of \$24,184 General Fund to fund the Department's share of an executive branch information technology asset management program and corresponding data system. *This request will be addressed in a separate staff briefing for the Governor's Office of Information Technology.*

Base Common Policy Adjustments: The request includes adjustments to centrally appropriated line items totaling \$10,678,706 (including \$2,126,093 General Fund) for the following: health, life, and dental benefits; short-term disability; supplemental state contributions to the Public Employees' Retirement Association (PERA) pension fund; salary increases; shift differential; workers' compensation; payment to risk management and property funds; and capitol complex leased space.

Base HB 12-1268 Transfer Health Facility Safety Inspections to the Division of Fire Prevention and Control: The Division of Fire Prevention and Control requests \$1,206,067

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total funds (including \$87,944 General Fund) and 15.0 FTE for the transfer of the life safety code inspections of health facilities from the Department of Public Health and Environment's Health Facilities and Emergency Medical Services Division in FY 2013-14 pursuant to HB 12-1268. The transfer is contingent on the Centers for Medicare and Medicaid (CMS) approving the transfer.

Base Indirect Costs Adjustments: The request includes an increase of \$911,427 total funds for the Department's FY 2013-14 indirect cost assessment. For additional information on the Department's indirect cost assessment methodology see *Appendix D*.

Base Fund Source Adjustments: The request includes various funding source adjustments including for indirect cost recoveries in the EDO and for dispatch billings in the State Patrol.

Base IT Common Policy Adjustments: The request includes adjustments to information technology (IT) centrally appropriated line items totaling a reduction of \$238,441 (including a General Fund increase of \$169,018) for the following: purchase of services from computer center; multiuse network payments; management and administration of the Governor's Office of Information Technology (OIT); and communications services payments.

Base Various Annualizations: The request includes an increase of \$176,897 reappropriated funds and 5.0 FTE to annualize a FY 13 funding item for the Ralph Carr Judicial Center, an increase of \$3,437 General Fund to annualize a FY 13 funding item for on-going maintenance and support of the new Colorado Crime Information Center system, a decrease of \$167,443 General Fund and 2.5 FTE for the sunset of funding for the Colorado Commission on Criminal and Juvenile Justice (CCCJJ), and a reduction of \$93,600 reappropriated funds (\$46,800 from the Medical Marijuana Program Fund, Department of Public Health and \$46,800 from the Medical Marijuana License Fund, Department of Revenue) to complete the interface between the Departments of Public Health and Revenue.

Base Annualizations Bills: The request includes an increase of \$23,700 cash funds (CBI Identification Unit Fund) to annualize HB12-1110 (Regulation of Appraisal Management Companies), a reduction of \$26,247 HUTF "Off-the-Top" to annualize HB 12-1019 (Transfer Ports of Entry to State Patrol), and a reduction of \$25,473 General Fund to annualize HB 12-1246 (Reverse Pay-date Shift for State Employees Paid Bi-weekly).

Issue: Consolidation of Homeland Security, Disaster Management and Fire Prevention and Control Functions

House Bill 12-1283 consolidated the State's fire prevention and control and homeland security and emergency management functions, personnel, and resources within the Department of Public Safety. This issue brief provides a brief overview of the bill and the new Division of Fire Prevention and Control and the new Division of Homeland Security and Emergency Management.

SUMMARY:

- House Bill 12-1283 consolidates the State's fire prevention and control and homeland security and emergency management functions, personnel, and resources within the Department of Public Safety.
- Department Request R-2 seeks funding for 1.0 FTE to coordinate and manage critical infrastructure protection activities for State-owned facilities and other key resources, as well as update and administer the State's continuity of operations/continuity of government (COOP/COG) programs and processes.

DISCUSSION:

Background

Following the terrorist attacks of September 11, 2001, Executive Order D-18-01 created the Office of Preparedness and Security within the Department of Public Safety and, within the Office of Preparedness and Security, the Office of Anti-Terrorism Planning and Training. Executive Order D-018-01 directed all executive departments and agencies of state government to coordinate their public safety efforts as necessary with the Office of Preparedness and Security. The responsibilities of the Office of Preparedness and Security were codified into statute with the passage of House Bill 02-1315, which created the Office of Preparedness, Security and Fire Safety as a division within the Department of Public Safety.

Executive Order D 013 03 created nine planning regions for emergency management and response planning purposes. These planning regions have become known as the All-Hazards Emergency Management Regions.

Executive Order B 002 05 created the Homeland Security and All-Hazards Senior Advisory Committee to, among other things, review and make recommendations to the Governor concerning any state policy or practice which might improve homeland security and provide recommendations on the distribution of federal funds for homeland security and public health and safety purposes.

Executive Order D-003-08 created the Governor's Office of Homeland Security.

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At the Direction of Governor Hickenlooper, several executive directors conducted a review of the existing homeland security and emergency management systems and made recommendations to improve the efficiency and effectiveness of the systems. The recommendation was to consolidate certain operations of state government in order to achieve better efficiency of operations and greater effectiveness of results.

Executive Order D 2011-030, among other things, directed the Department of Local Affairs, the Department of Public Health and Environment, and the Department of Public Safety to coordinate homeland security duties and resources. The Governor also approved a re-organization of the Office of Preparedness, Security and Fire Safety, and the establishment of a Division of Homeland Security within the Department of Public Safety. In addition, all staff, federal funding, and resources from the Governor's Office of Homeland Security were transferred to the Department of Public Safety. Executive Order D 2011-030 was codified with the passage of H.B. 12-1283.

House Bill 12-1283 (Consolidate Homeland Security, Disaster Emergency Management, and Fire Prevention and Control with the Department of Public Safety)

House Bill 12-1283 consolidates the State's fire prevention and control and homeland security and emergency management functions, personnel, and resources within the Department of Public Safety (DPS). The legislation:

- ✓ Eliminates the Office of Preparedness, Security, and Fire Safety and moves all of its former functions to the Division of Fire Prevention and Control;
- ✓ Transfers to the Division of Fire Prevention and Control the powers and obligations relating to wildfire preparedness, response, suppression, coordination, and management vested previously in the State Forest Service and the board of governors of the Colorado State University;
- ✓ Codifies the consolidation of Colorado's homeland security functions, personnel, and resources, enacted under Executive Order D 2011-030 into a new Division of Homeland Security and Emergency Management, consisting of the Office of Emergency Management, Office of Prevention and Security, and Office of Preparedness;
- ✓ Eliminates DOLA's Division of Emergency Management and transfers its functions, personnel, and resources to the newly created Division of Homeland Security and Emergency Management; and
- ✓ Moves appropriations from the Governor's Office, Department of Higher Education, Department of Local Affairs, and Department of Public Health and Environment into the new Division of Fire Prevention and Control and the new Division of Homeland Security and Emergency Management.

The table below summarizes the appropriations and adjustments to the 2012 Long Bill (H.B. 12-1335) that were made in H.B. 12-1283.

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Appropriations and Adjustments to the 2012 Long Bill in H.B. 12-1283						
Department/Division/Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Governor, Office of Homeland Security	(10,201,205)	(6.0)	0	0	0	(10,201,205)
Higher Education, Fee-for-service Contracts with State Institutions and Board of Governors of the Colorado State University System	(620,090)	(35.4)	(310,045)	0	(310,045)	0
Local Affairs, Executive Director's Office and Division of Local Governments	(258,854)	0.0	(167,179)	0	81,758	(173,433)
Local Affairs, Division of Emergency Management	<u>(19,817,136)</u>	<u>(27.9)</u>	<u>(213,396)</u>	<u>(4,510,988)</u>	<u>(431,735)</u>	<u>(14,661,017)</u>
<i>Sub-total Local Affairs</i>	<u>(20,075,990)</u>	<u>(27.9)</u>	<u>(380,575)</u>	<u>(4,510,988)</u>	<u>(349,977)</u>	<u>(14,834,450)</u>
Public Health and Environment, Emergency Preparedness and Response Division	(147,729)	(2.0)	(147,729)	0	0	0
Public Safety, Executive Director's Office	612,061	0.0	(127,223)	268,032	274,749	196,503
Public Safety, Office of Preparedness, Security, and Fire Safety	(4,949,960)	(39.0)	(243,464)	(2,623,244)	(795,587)	(1,287,665)
Public Safety, Division of Fire Safety	8,932,916	65.4	457,802	7,973,244	161,038	340,832
Public Safety, Division of Homeland Security and Emergency Management, Office of Emergency Management	19,869,798	28.9	622,565	4,510,988	75,228	14,661,017
Public Safety, Division of Homeland Security and Emergency Management, Office of Prevention and Security	1,813,382	8.0	0	0	634,549	1,178,833
Public Safety, Division of Homeland Security and Emergency Management, Office of Preparedness	<u>10,329,874</u>	<u>8.0</u>	<u>128,669</u>	<u>0</u>	<u>0</u>	<u>10,201,205</u>
<i>Sub-total Public Safety</i>	<u>36,608,071</u>	<u>71.3</u>	<u>838,349</u>	<u>10,129,020</u>	<u>349,977</u>	<u>25,290,725</u>
TOTAL Appropriations and Adjustments	5,563,057	0.0	0	5,618,032	(310,045)	255,070

Division of Fire Prevention and Control (DFPC)

The programmatic priorities of the Division of Fire Prevention and Control are:

- Wildland Fire Management Section** – H.B. 12-1283 transferred powers, duties, functions, and obligations relating to fire and wildfire preparedness, response, suppression, coordination, or management vested previously in the Board of Governors of the Colorado State University (State Forest Service) to the Wildland Fire Management Section of the Division of Fire Prevention and control. With the passage of H.B. 12-1283, forest health mitigation is still within the purview of the State Forest Service, while prescribed fires and firefighting operations are within the purview of the DFPC. Regarding prescribed fires, the State Forest Service still has the authority and responsibility to provide technical assistance to landowners on mitigation efforts, including prescribed fires. However, when prescribed fire is the mitigation "tool" selected by a property owner, DFPC will develop and implement the prescribed fire plan.

The Wildland Fire Management Section provides technical assistance to local governments, assumes the management of wildfires that exceed the capacity of local

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governments upon the request of local authorities or when wildfires threaten to become state emergencies or disasters, and, at all times, provides for the safety of firefighters and the public.

Primary responsibility for wildfire response and suppression rests first with fire departments or fire protection districts. When wildland incidents exceed local control, statutory responsibility for control or extinguishment of wildland fires rests with the County Sheriff. Fire protection in Colorado requires the ability to utilize expertise and resources from local, state, federal, and tribal governments. The Division may assist in any necessary administrative, technical and planning support, including supervision of suppression activities, at the request of the county sheriff.

- **Public School and Junior College Construction and Inspection Section** - The school construction and inspection program requires the DFPC to adopt and enforce building and fire codes, issue building permits, perform construction inspections, issue certificates of occupancy, certify inspectors and plan reviewers, certify local jurisdictions interested in delegated authority, and conduct annual maintenance inspections for public schools and junior colleges. Please note that H.B. 12-1268 transfers the life safety code inspections of health facilities from the Department of Public Health and Environment to the Department of Public Safety in FY 2013-14. The transfer is contingent on the Centers for Medicare and Medicaid (CMS) approving the transfer because a majority of inspections done by DFPC will be funded with Medicaid funds. If CMS does not approve the transfer by June 30, 2013, the transfer does not occur. The Department of Public Safety has submitted in its budget request funding for H.B. 12-1268 totaling \$1.2 million and 15.0 FTE. For more detail issues with H.B. 12-1268, please refer to the Department of Public Health and Environment JBC staff briefing issue titled "Health Facilities Division and 2012 Legislation."
- **Certification Programs** - The Division of Fire Prevention and Control is responsible for several different certification and licensing programs including:
 1. Firefighter,
 2. Hazardous Material Emergency Responder,
 3. Medical First Responder,
 4. Public School Fire and Life Safety Inspector and Plan Reviewer,
 5. Public School Building Inspector,
 6. Pyro technician (fireworks shooter),
 7. Fire Suppression Systems (fire sprinkler systems),
 8. Fire Sprinkler Fitters,
 9. Colorado Type III Incident Management Team,
 10. Federal National Incident Management System.

The Division's core certification programs are the firefighter, hazardous material emergency responder, and medical first responder programs. Currently, the Division has records of approximately 28,000 Colorado emergency responders in its system. The

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Division issues approximately 843 certificates per month for these emergency responder certifications.

While the Division's Firefighter and Hazardous Materials Emergency Responder certification programs are "voluntary," certification is no longer truly voluntary. More and more fire departments require certification for employment and promotion. The Division's Fire Suppression System Inspector, Sprinkler Fitter, Public School Fire Inspector, Public School Building Inspector, and Pyro technician certification programs are not voluntary; people involved in these activities are required by Colorado law to be certified and or licensed.

- **Other Programs** - As part of its statutory mandate, DFPC also manages several other fire safety programs including:
 1. **Colorado All-Risk Incident Reporting System** – Pursuant to H.B. 02-1315, the Division is responsible for administering a uniform statewide reporting system for fires, hazardous materials incidents, emergency medical services incidents, and other incidents to which fire departments respond. Progress has been made toward the statewide implementation of the National Fire Incident Reporting System (NFIRS) an all-incident reporting system for fire departments. Participation in NFIRS has increased to 286 fire departments, which protect about 94.0 percent of the State's resident population.
 2. **National Incident Management System (NIMS)** - The DFPC and the Office of Emergency Management have been designated with joint responsibility for implementing the NIMS, pursuant to Homeland Security Presidential Directive #5. Last year, DFPC coordinated a total of 56 NIMS or NIMS Incident Command System courses, delivered to 1,487 responders.
 3. **Emergency Services Responder Education and Training** – Through this program, the Division provided a broad range of emergency service education and training programs to 750 students.
 4. **Fire Suppression Program** – This program ensures that fire sprinkler systems installed in commercial and residential occupancies are installed and maintained properly, according to nationally recognized standards.
 5. **Colorado Fireworks Act** – This program establishes minimum requirements and licensing for the sale and use of fireworks in Colorado.
 6. **Fire Safety in Limited Gaming Establishments** – The purpose of this program is to ensure minimum standards are met for building construction and fire and life safety systems in Colorado's limited gaming establishments.
 7. **Regulation of Reduced Ignition Propensity Cigarettes** – The Division enforces the Reduced Cigarette Ignition Propensity Standards and Firefighter Protection Act, which establishes flammability standards on cigarettes sold in Colorado.
 8. **Regulation of Fire Safety in Waste Tire Facilities** – The Division establishes, administers and enforces rules and regulations for fire safety in waste tire facilities.

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9. **Hotel and Motel Fire Safety** – The Division protects lives and property by addressing Colorado’s responsibilities under the federal Hotel and Motel Fire Safety Act of 1990.
10. **Technical Assistance to Local Governments** –The Division provides technical assistance in fire codes and standards to local governments.

The table below shows the FY 2012-13 appropriations for the Division of Fire Prevention and Control and the requested budget structure under H.B. 12-1283.

FY 2012-13 Appropriations for the Division of Fire Prevention and Control and Requested Budget Structure Under H.B. 12-1335 and H.B 12-1283	
(3) DIVISION OF FIRE PREVENTION AND CONTROL	
Training, Certification, and Regulatory Program	2,848,154
FTE	<u>30.0</u>
General Fund	190,802
Cash Funds	2,437,164
Reappropriated Funds	145,091
Federal Funds	75,097
Wildland Fire Management Services	5,849,000
FTE	<u>35.4</u>
General Fund	267,000
Cash Funds	5,350,000
Federal Funds	232,000
Indirect Cost Assessment	<u>235,762</u>
Cash Funds	186,080
Reappropriated Funds	15,947
Federal Funds	33,735
Total (3) Division of Fire Prevention and Control	8,932,916
FTE	<u>65.4</u>
General Fund	457,802
Cash Funds - Public School Construction and Inspection CF	1,614,500
Cash Funds - Firefighter, First Resp., Haz. Mat. Cert. CF	366,396
Cash Funds - Fire Suppression Cash Fund	309,557
Cash Funds - Wildfire Preparedness Fund	3,250,000
Cash Funds - Emergency Fire Fund	1,000,000
Cash Funds - Wildland Fire Equipment Repair CF	850,000
Cash Funds - Various	582,791
Reappropriated Funds - Limited Gaming from Revenue	161,038
Federal Funds	340,832

The table above shows the major funds that the Wildland Fire Management Section uses in order to implement its duties. The funds include:

- **Wildfire Preparedness Fund** – Created in Section 24-33.5-1226 (4) (a), C.R.S., may receive direct appropriations, gifts, grants, reimbursements, or donations. However, for FY 2012-13 and

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FY 2013-14, the fund is replenished through two transfers of \$3,250,000 from the Local Government Mineral Impact Fund pursuant to Section 34-63-102 (5.4) (b) (II), C.R.S. Moneys in the fund are continuously appropriated. The Department informed staff that it is working with the Governor's Office to identify options related to funding the Wildfire Preparedness Fund starting with July 1, 2014. The Department also stated that it anticipates the Lower North Fork Wildfire Commission making recommendations related to the Wildfire Preparedness Fund in their December 31, 2012 report.

Per Statute, the Governor can access the moneys in the Wildfire Preparedness Fund through an executive order or proclamation for wildfire preparedness activities and that the DFPC may use the moneys in the fund to provide funding or reimbursement for the purchase of fire shelters by volunteer fire departments in order to comply with applicable federal requirements.

- **Wildfire Emergency Response Fund** – Created in Section 24-33.5-1226 (1), C.R.S., may receive appropriations from the general assembly, gifts, grants, reimbursements, or donations. The fund may be used to provide funding for: (a) the first aerial tanker flight or the first hour of a firefighting helicopter to a wildfire at the request of any county sheriff, municipal fire department, or fire protection district; and (b) the employment of wildfire hand crews to fight a wildfire for the first two days of a wildfire at the request of any county sheriff, municipal fire department, or fire protection district.
- **Emergency Fire Fund** – Created in Section 24-33.5-1220 (2) (a), C.R.S., may receive gifts, grants, reimbursements, or donations, appropriations from the general assembly, all private and public funds, including funds from counties and the Denver water board. The moneys in the fund are continuously appropriated. The moneys are to be used to fund or reimburse emergency responses to wildfires in accordance with memoranda of understanding with participating public entities. This fund helps support a program through which counties voluntarily pay a fee (based on the assessed value of property in the county and the forested acreage in the county) that is credited to the fund. Contributing counties are eligible for reimbursement in the case of a fire. In recent years, the program has not had sufficient revenue to cover all fire response related costs. The State Forest Services, and DFPC since July 1, 2012, has had to ask the Governor for state funds to supplement the moneys available in the fund.
- **Wildland Fire Equipment Repair Cash Fund** – Created in Section 24-33.5-1220 (3), C.R.S., may receive appropriations from the general assembly, private and public funds, including from counties and the Denver water board. The moneys in the fund are continuously appropriated. The moneys are to be used to fund the costs of fire equipment maintenance and repair.
- **Wildland Fire Cost Recovery Fund** – Created in Section 24-33.5-1220 (4), C.R.S., may receive appropriations from the general assembly, gifts, grants, reimbursements, donations, or moneys recovered by the Division for fire suppression. The moneys in the fund are continuously appropriated. This fund provides initial support for entities, such

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as local agencies and contractors, involved in fire suppression, and receives reimbursement from these entities for resources used in fire suppression efforts.

Division of Homeland Security and Emergency Management (DHSEM)

The Division of Homeland Security and Emergency Management consists of three offices: The Office of Emergency Management, the Office of Prevention and Security, and the Office of Preparedness.

- **Office of Emergency Management (OEM)** – Created in Section 24-33.5-705, C.R.S. The mission for OEM is to lead, manage and coordinate state-level actions for all hazards preparedness, natural hazards mitigation, emergency response, and disaster recovery in support of local governments within Colorado. OEM’s activities are often delivered through local emergency managers. This takes the form of technical assistance in developing emergency operation plans, sponsoring training courses, evaluating exercises, developing pre-disaster mitigation plans, providing financial documentation requirements during disasters or emergencies, and providing liaison staff in an effort to identify potential areas where State assistance can be employed. During a State declared disaster or emergency, OEM coordinates the State’s response and recovery programs. OEM maintains the State Emergency Operations Center where representatives from other State departments and non-state agencies come together to coordinate the State’s response.

Programmatic Priorities for the OEM include:

- i) *Improve State Level Incident Response* - The Office’s strategy for better preparing Colorado for the next emergency focuses on developing and validating the state’s ability to implement incident and capability based action plans. This strategy also involves a re-focusing of human resources and the targeted application of federal grant resources. The Office executes an annual series of exercise events to assess state response capability, validate incident action plans and improve the state’s ability to respond to the next disaster emergency. These regularly scheduled exercises, with measured outcomes and implemented improvement plans, will better prepare Colorado for the next emergency.
- ii) *Mitigate Hazards* - OEM’s strategy for reducing risk to Colorado communities focuses efforts on increasing the number of counties that have a federally approved hazard mitigation plan and on managing known community high hazard risks. In addition to hazard mitigation planning, OEM personnel work with local emergency managers to identify hazards, assess the risk the hazards pose, identify and implement risk mitigation and management actions, and develop state response plans to support local government in the event the hazards may occur.
- iii) *Improve the Delivery of Emergency Management Services* - OEM depends on its relationships with local emergency managers and supporting state agencies. The Office’s strategy for strengthening and maintaining these relationships involves a combination of customer satisfaction surveys and targeted action plans to improve service delivery.
- iv) *Emergency Resource Mobilization* - OEM is responsible for developing and administering a statewide plan for the allocation and deployment of resources in the event of a disaster or local incident that requires more resources than those available locally. The Office is currently involved in a public-private partnership with the

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Colorado Emergency Preparedness Partnership that allows the Office to inventory private resources.

- v) *Grant Administration* - There are several Federal Emergency Management (FEMA) and US Department of Transportation (USDOT) grants that OEM and the Office of Preparedness administer in order to allow for federal funds to pass through to local governments. These grants are intended to strengthen local communities through prevention, protection, mitigation, response and recovery. The grant programs include: the Emergency Management Performance Grant (EMPG), the Flood Mitigation Assistance Program (FMAP), the Pre-Disaster Mitigation Program (PDM), the Repetitive Flood Claims Program (RFC), the Chemical Stockpile Emergency Preparedness Program (CSEPP), Earthquake (EQ) Consortium and State Assistance ECSA Program, the USDOT Hazardous Materials Emergency Preparedness (HMEP) Program, Public Assistance Grants (presidential declared disasters or emergencies), and the Hazard Mitigation Grant Program (with presidential declared disasters).

Grant Payments Made by the Division of Homeland Security and Emergency Management				
	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
	Actual	Actual	Estimate	Estimate
Office of Emergency Management	\$12,567,185	\$15,179,990	\$10,357,036	\$9,403,260
Office of Preparedness	<u>14,354,108</u>	<u>12,882,416</u>	<u>11,314,635</u>	<u>6,477,691</u>
Total Grants Payments	\$26,921,293	\$28,062,406	\$21,671,671	\$15,880,951

- **Office of Prevention and Security** - Created in Section 24-33.5-1606, C.R.S. The mission of the Office is to ensure a safe and secure environment for the citizens of Colorado from international act of terrorism, accidental harmful events, or natural disasters, through the implementation of prevention methods, coordinated response procedures, and effective recovery plans.

Programmatic Priorities for the Office of Prevention and Security include:

- i) *Colorado Information Analysis Center (CIAC)* - The CIAC serves as Colorado's central point for the collection, analysis, and timely dissemination of terrorism-related information and functions as a terrorism early warning system. Information is distributed from the CIAC in the form of daily reports, special reports, and incident reports to numerous agencies representing a multitude of disciplines. The center is designed to be a cross-jurisdictional partnership between local, state, and federal agencies, to include private sector participation when appropriate.
- ii) *Planning* - Under the Colorado State Homeland Security Strategy, Office personnel assist in developing planning goals and objectives. Office of Prevention and Security personnel maintain and enhance the State Terrorism Annex within the State Emergency Operations Plan and coordinate with the nine all-hazards region coordinators on regional terrorism annexes. The Office coordinates planning activities with multiple agencies, including the Colorado Department of Education, the Colorado Department of Public Health and Environment and the Colorado Department of Agriculture.

- **Office of Preparedness** – Created in Section 24-33.5-1606.5, C.R.S. The Office of Preparedness works in concert with the Office of Emergency Management and Office of Prevention and Security to enhance the resiliency of communities by partnering with local government to build homeland security and emergency management capabilities. The mission of the Office of Preparedness is to implement a State Preparedness Goal and System in order to build and improve the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to Colorado.

Programmatic Priorities for the Office of Preparedness include:

- i) *Community Preparedness* - The Community Preparedness section coordinates with non-governmental organizations and other local, regional, state and federal partners to enhance the resiliency of Colorado communities through training, awareness, and outreach with citizens and communities. The section also embraces the “Whole Community” approach, empowering people, organizations, and government at all levels to work cooperatively to achieve resiliency against natural, man-made and technological hazards.
- ii) *External Relations* - The Office supports statewide preparedness efforts through messaging and strategic communication with citizens using a variety of media, enabling them to become an integral part of protecting their communities. This section also develops and coordinates risk-based communication products for the Division of Homeland Security and Emergency Management, incorporating homeland security, public health, and emergency management information for state-level awareness and distribution.
- iii) *Planning* - The Office is responsible for development of the State Homeland Security Strategy and the State Preparedness Goal. The section also facilitates implementation of U.S. Department of Homeland Security planning requirements, completes the annual State Preparedness Report for FEMA, the State Emergency Operations Plan, and the Threat Hazard Identification Risk Assessment. The Office also coordinates planning activities with other local, state, regional, tribal and federal partners to ensure greater coordination and alignment with strategic objectives.
- iv) *Grant Administration* - The Office manages the allocation of homeland security grants to the State and sub-grantees. The Office is responsible for approving grant expenditures, tracking the progress of the regional and state homeland security strategies, and implementing corrective action to ensure compliance. The Office develops federal and state progress reports and submits all appropriate grant and contract monitoring documentation into state and federal systems.
- v) *Training Exercises* - The Office facilitates state-level training that support the State Homeland Security Strategy and State Preparedness Goal. The Office also works with local agencies and the regions to ensure greater coordination in planning local and regional exercises. The Office leads the integration of state-level training with local, regional and federal training programs, and works collaboratively with stakeholders for both training and exercise planning and implementation. The Office also ensures compliance with exercise and training support documentation records and submission of reports for federal compliance.

- vi) *Critical Infrastructure Protection* - The Office is charged with working closely with private industry, state, local, tribal, territorial, and federal partners to protect key resources, facilities, systems and assets that are vital to Colorado's safety and security. The Office is charged with working with State agencies on protecting State-owned infrastructure and developing Continuity of Operations plans and Continuity of Government plans for state agencies. While these functions remain in the Office's programmatic priorities, the Department states that resources are not currently available for these functions.

Department Request R-2: Critical Infrastructure & Continuity of Operations Request. The Department requests \$74,332 General Fund and 0.8 FTE in FY 2013-14, annualizing to \$92,018 General Fund and 1.0 FTE in FY 2014-15, for a position within the Office of Preparedness to manage all critical infrastructure protection activities for State-owned facilities and other key resources, as well as update and administer the State's continuity of operations and continuity of government (COOP/COG) programs and processes.

The Department states that H.B. 12-1283 added responsibilities to the Department to "Coordinate protection activities among owners and operators of critical infrastructure and other, tribal, state, local, regional, and federal agencies in order to help secure and protect critical infrastructure within the state." [Section 24-33.5-1604 (5) (f), C.R.S.] The Department also points out that statute also requires that the Director of the Department of Public Safety adopt rules and provide guidance to departments and agencies on COOP [Section 24-33.5-1609, C.R.S.]

The Department states that the former Governor's Office of Homeland Security had a grant funded position to administer the program, but that the position was eliminated in 2008 and the program has been dormant ever since. The Office of Prevention and Security currently administers critical infrastructure protection (CIP), but it focuses on threats as opposed to helping owners and operators develop resilient systems. The Department states that it could seek grant funding or rely on the US Department of Homeland Security assigned protective security advisor (PSA), however, the department believes that using federal resources for activities and functions that are required by state law is problematic.

The table below shows the FY 2012-13 appropriations for the Division of Homeland Security and Emergency Management and the requested budget structure under H.B. 12-1283.

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FY 2012-13 Appropriations for the Division of Homeland Security and Emergency Management and Requested Budget Structure Under H.B. 12-1335 and H.B 12-1283	
(6) DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT	
(A) Office of Emergency Management	
Program Administration	2,644,298
FTE	<u>28.9</u>
General Fund	622,565
Reappropriated Funds - DOLA	65,841
Federal Funds	1,955,892
Disaster Response and Recovery	<u>4,950,000</u>
Cash Funds - Disaster Emergency Fund	4,500,000
Federal Funds	450,000
Preparedness Grants and Training	<u>12,010,988</u>
Cash Funds - Disaster Emergency Fund	10,988
Federal Funds	12,000,000
Indirect Cost Assessment	<u>264,512</u>
Reappropriated Funds - DOLA	9,387
Federal Funds	255,125
Subtotal (A) - Office of Emergency Management	19,869,798
FTE	<u>28.9</u>
General Fund	622,565
Cash Funds - Disaster Emergency Fund	4,510,988
Reappropriated Funds - DOLA	75,228
Federal Funds	14,661,017
(B) Office of Prevention and Security	
Program Administration	1,813,382
FTE	<u>8.0</u>
Reappropriated Funds - State Patrol	634,549
Federal Funds	1,178,833
(C) Office of Preparedness	
Program Administration	728,669
FTE	<u>8.0</u>
General Fund	128,669
Federal Funds	600,000
Homeland Security Grants and Training - Federal Funds	9,601,205
Subtotal (C) - Office of Prevention and Security	10,329,874
FTE	<u>8.0</u>
General Fund	128,669
Federal Funds	10,201,205
Total - (6) Division of Homeland Security and Emergency Management	32,013,054
FTE	<u>44.9</u>
General Fund	751,234
Cash Funds - Disaster Emergency Fund	4,510,988
Reappropriated Funds	709,777
Federal Funds	26,041,055

RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S STRATEGIC PLAN:

This issue relates to the following Department Overarching Objectives:

Overarching Objective 3, Emergency Management (DHSEM): Increase the number of Homeland Security Exercise and Evaluation Program (HSEEP) compliant state-level exercises conducted annually to improve Colorado's response and recovery capabilities through scheduled training and exercises based on written plans, procedures and measured performance standards.

Overarching Objective 4, Counter-Terrorism and Infrastructure Protection (DHSEM): Provide an integrated, multi-disciplined, information sharing network to collect, analyze, and disseminate information to stakeholders in a timely manner in order to protect the citizens and the critical infrastructure of Colorado through information sharing.

Overarching Objective 6, Fire Prevention and Control (DFPC): Contribute to an annual reduction in the occurrence of fire-related fatalities in Colorado.

Issue: Disaster Response Procedures and Funding for Disaster Emergencies

This issue brief discusses disaster emergency response protocols and funding sources.

SUMMARY:

- The Governor has primary responsibility for disaster response. Once the Governor declares a disaster emergency, he can take a number of actions, including re-directing available resources and transferring and expending state moneys appropriated for other purposes.
- House Bill 12-1283 consolidates the State's fire prevention and control and homeland security and emergency management functions, personnel, and resources within the Department of Public Safety.
- Fire payment involves all levels of government and has several funding sources.
- Projections of Disaster Emergency Fund balances are difficult given the number and complexity of disaster emergency declarations over the past several years.

RECOMMENDATION:

Staff recommends that the Committee discuss the current disaster response procedures and funding mechanisms for disaster emergencies under H.B. 12-1283 focusing on what changes can the Department implement in order to provide more timely and accurate information on disaster emergency expenditures and fund balances.

DISCUSSION:

The stated purposes of the *Colorado Disaster Emergency Act*¹ are to:

- Reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural catastrophes or catastrophes of human origin, civil disturbance, or hostile military or paramilitary action;
- Prepare for prompt and efficient search, rescue, recovery, care, and treatment of persons lost, entrapped, victimized, or threatened by disasters or emergencies;
- Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;

¹ See Part 7 of Title 24, Article 33.5, C.R.S. This part was recreated and reenacted in 2012 through H.B. 12-1283.

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- Clarify and strengthen the roles of the governor, state agencies, and local governments in prevention of, preparation for, response to, and recovery from disasters;
- Authorize and provide for cooperation in disaster prevention, preparedness, response, and recovery;
- Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery by agencies and officers of this state and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate;
- Provide a disaster and emergency management system embodying all aspects of pre-disaster and pre-emergency preparedness and post-disaster and post-emergency response; and
- Assist in prevention of disasters caused or aggravated by inadequate planning for regulation of public and private facilities and land use.

Disaster Response Procedures

Declaration of a Disaster Emergency

The Governor is required to declare a disaster emergency if he finds a disaster has occurred or the threat of a disaster is imminent. The Governor's declaration must indicate the nature of the disaster, the area threatened, and the conditions which have brought it about. The Governor's declaration of a state of disaster emergency activates the State, Emergency Operations Plan. During a state of disaster emergency, the Governor is authorized to:

- Issue executive orders, proclamations, and regulations that have the force and effect of law;
- Suspend statutory regulatory provisions and redirect state agency functions and personnel;
- Utilize all available resources of the State and each political subdivision;
- Commandeer or utilize any private property (which may or may not include compensation, depending on applicable state laws);
- Compel evacuations and control access to disaster areas;
- Prescribe routes, modes of transportation, and destinations in connection with evacuation;
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles; and
- Make provision for the availability and use of temporary emergency housing.

The Governor's Disaster Emergency Council is responsible for advising the Governor and the Director of the Division of Homeland Security and Emergency Management concerning the declaration of disasters and disaster response and recovery activities. The Council consists of the Attorney General; the Adjutant General (head of the Department of Military and Veterans

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Affairs); the Executive Directors of the Departments of Personnel, Transportation, Public Safety, and Natural Resources; and any additional Executive Directors appointed by the Governor⁴.

The emergency response to wildfires is treated somewhat differently than for other disasters. When a wildfire exceeds the capacity of a local government to respond, and the fire poses an immediate or imminent threat to life and property, the local government may request that the State assume responsibility for managing the response to the fire. The State analyzes the requests from local governments and, if the State accepts responsibility, manages the response.

Funding for Declared Emergencies Since the Passage of H.B. 12-1283

Fire payment involves all levels of government and has several different funding sources that can be triggered in various situations. The following briefly outlines the processes for making payments and receiving reimbursements after the passage of H.B. 12-1283. However, in essence, the only significant change is the responsible agency.

- A majority of fires begin as a responsibility of the local fire department/fire protection district and then the county sheriff.
- If the fire exceeds local capacity, and if the county is a member of the Emergency Fire Fund (EFF), which is supported by voluntary payments from counties, the local government may request that the Division of Fire Prevention and Control (DFPC) assume responsibility for fire suppression efforts through the EFF.
- The DFPC would then assess whether criteria for assuming the fire are met, and if so, the State uses EFF funds to assist with paying the costs associated with the fire.
- If the fire is an imminent threat to multiple lives and primary residences, the State may believe that the fire meets the criteria for Federal Emergency Management Agency (FEMA) assistance. In these instances, the DFPC would submit a request for assistance to FEMA, which could accept the request and authorize a Fire Management Assistance Grant (FMAG).
- The FMAG Program reimburses the state for 75% of the eligible fire-fighting and other immediately related costs that are eligible within the FEMA program.
- The State is responsible for the required 25% non-federal match to the FMAG Program grant. Additionally, the state must first pay all of the assisting agencies that were requested to and participated in the fire response and then seek FEMA reimbursement.
- Once a fire is determined to meet the criteria for EFF and/or FMAG designation, DFPC requests an Executive Order for the estimated suppression costs along with any additional response and recovery costs anticipated at this stage of the fire. The Governor's Office

⁴ See Section 24-33.5-704, C.R.S. Please note that Section 24-33.5-711.5, C.R.S., also creates the *Governor's Expert Emergency Epidemic Response Committee* to advise to the Governor in the event of an emergency epidemic.

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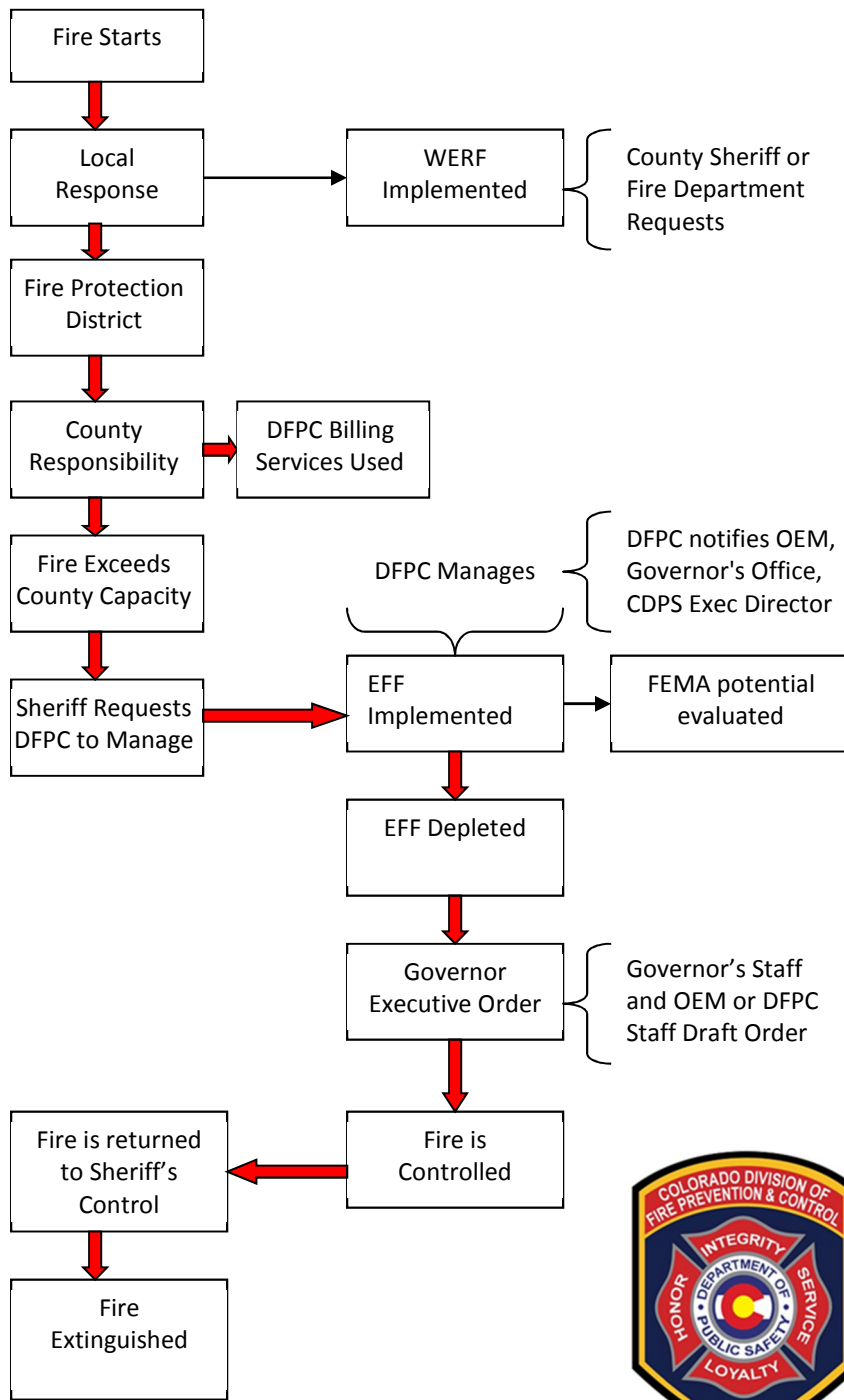
would pass all funds from the Disaster Emergency Fund through the Office of Emergency Management and Office of Budget and Finance within the Division of Homeland Security and Emergency Management in CDPS.

- Critically, the requirement for the state to make the payments and then submit reimbursement requests to FEMA for up to 75% of the expended funds requires that any Executive Order be sufficient to pay for 100% of the costs, as local assisting fire departments cannot absorb the out of pocket costs for the period necessary.
- Finally, the funds received from FEMA are returned to the Disaster Emergency Fund to be available for the next disaster. (Funds in the Disaster Emergency Fund do not revert at the end of the fiscal year; they remain available until expended on a declared disaster).

The flow chart on the following page summarizes the process that local agencies go through in order to request DFPC support for the management of wildfires.

Wildland Fire in Colorado

Wildfires occur as unscheduled emergency events. The role of the state is to provide technical advice and assistance to local government, assume the management of wildfires that exceed the capacity of local governments upon the request of the sheriff or when wildfires threaten to become state emergencies or disasters, and at all times, provide for the safety of firefighters and the public.



Initial response comes from local fire departments; fire protection districts; sheriff's offices; USFS, BLM, NPS, FWS, BIA.

DFPC may provide technical assistance during initial response and will provide state resources upon request.

Agreements between DFPC, federal agencies, and counties provide a path for local fire departments to participate in fire response outside their local jurisdiction.

Wildland fire response is implemented through 6 Interagency Dispatch Centers.

Annual Operating Plans established with all responding agencies in a County facilitate coordinated response.

DFPC is the lead state agency for wildland fire management (Colorado Emergency Operating Plan ESF 4a).

DFPC manages the Wildfire Emergency Response Fund (WERF); the Emergency Fire Fund (EFF); the Wildfire Preparedness Fund; and FEMA Fire Management Assistance Grants (FMAG).



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Federal Fire Aid

As mentioned above, the federal government does have guidelines for when it will make payments, although the federal executive branch reserves the right to make exceptions. There are two main types of federal disaster aid:

- *Public Assistance (PA)* is available for states, local governments, Indian tribes, and private non-profit organizations that perform essential services of a government nature (e.g., medical facilities, utilities, and long-term care facilities). Work eligible for federal funding includes: debris removal, search and rescue, warning of hazards, demolition of unsafe structures, and restoration or replacement of damaged infrastructure. In evaluating a request for public assistance, the federal government considers the estimated cost of assistance per capita. The federal government does not pay for costs actually covered by insurance, for costs it determines should be covered by insurance, or for "normal" functions of emergency personnel such as police officers and firefighters. There are indicators at both the county and state level that must be met for a request to be considered; the request must document further impacts, e.g. state and local economic losses, other disasters in the state or local area, other significant impacts.
- *Individual Assistance (IA)* is available to cover costs that are not covered by insurance related to temporary housing, basic repairs to make homes habitable, transportation, medical and dental care, funeral expenses, crisis counseling, legal aid, and assistance with filing income taxes and applying for social security and veterans' benefits. Federal emergency funds also support low-interest loans for repair or replacement of homes, automobiles, and clothing or other damaged personal property, and business equipment. Indicators are the number of uninsured personal properties, renters requiring housing, vulnerable populations, and un-met needs that the local, state, and non-governmental agencies cannot address.

Federal funds provided through the PA programs reimburse up to 75 percent of all eligible costs, and the federal government requires that states and/or local governments provide the remaining 25 percent as a match. Some of the IA programs are 100% federal funds and some are 75% requiring the State 25% match. The State uses the Disaster Emergency Fund to provide its share.

State Fire Aid

Section 24-33.5-706, C.R.S., asserts the "policy of the state that funds to meet disaster emergencies shall always be available." This provision indicates that first recourse shall be funds regularly appropriated to state and local agencies. The Division of Fire Prevention and Control has responsibility for requesting federal funds that may be available to suppress fires, and it administers the Wildfire Emergency Response Fund to help defray the costs of response. In addition, the State administers EFF, a program through which counties voluntarily pay a fee (based on the assessed value of property in the county and the forested acreage in the county) that is credited to the fund. Contributing counties are eligible for reimbursement in the event of a fire.

In recent years, the EFF has not been sufficient to cover all fire response-related costs. The Colorado State Forest Service (prior to July 1, 2012) and DFPC since July 1, 2012, has asked the Governor for and received state funds to supplement the money available from the EFF.

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Pursuant to 24-33.5-706, C.R.S., the Governor may (with the concurrence of the Disaster Emergency Council) make funds available from the Disaster Emergency Fund. This Fund consists of moneys appropriated thereto by the General Assembly; unexpended moneys remain in the Fund at fiscal year-end. If moneys in the Fund are insufficient, the Governor may (again, with the concurrence of the Council) "transfer and expend moneys appropriated for other purposes".

When the Governor transfers funds in order to reimburse local governments or citizens for costs associated with disasters, or to match federal disaster aid, such transfers generally flow through the Disaster Emergency Fund. All of the transfers have been from funds that were designated by the General Assembly as part of the Taxpayer's Bill of Rights (TABOR) reserve¹. Please note that the actual amounts transferred may be lower than the amounts authorized. In addition, expenditures from the Fund often occur in two or more fiscal years - meaning that an existing fund balance may not accurately represent what is available for future fires.

The table on the following page summarizes Disaster Emergency Fund transfers and Encumbrances over the past three fiscal years.

¹ For the State Emergency Reserve, see Section 24-77-104, C.R.S.

Disaster Emergency Fund Transfers and Encumbrances. Governor Hickenlooper Executive Orders for Disaster Emergencies, through November 2, 2012. ¹																
Exec Order (EO)	EO Date	County	Transfer from Major Medical Insurance Fund	Transfer from Perp. Base. Acct.	Transfers from HCPF	Transfers from DHS	Transfers from Corrections	Transfer from DPS	Transfer from CMTF	Transfer from DPHE	Total Transfers to					
											Disaster Emergency Fund (DEF)	Total Encumbrances from DEF	FY 2010-11 Actual Expenditures	FY 2011-12 Actual Expenditures	FY 2012-13 Actual Expenditures	
EOs for Disasters Initially Declared in FY 2010-11																
Ordway Fire																
Fourmile Fire	D 2010-012	6-Sep-10	5,000,000	0	0	0	0	0	0	0	0	5,000,000	5,000,000			
Fourmile Fire	D 2012-007	30-Mar-12	0	0	0	0	0	0	0	0	0	0	(3,500,000)			
Fourmile Fire		Boulder	5,000,000	0	0	0	0	0	0	0	0	5,000,000	1,500,000	(2,109,362)	(29,202)	0
Reservoir Road Fire	D 2010-014	13-Sep-10	2,900,000	0	0	0	0	0	0	0	0	2,900,000	3,000,000	(655,629)	92,975	(1,572,094)
Indian Gulch Fire	D 2011-008	24-Mar-11	1,500,000	0	0	0	0	0	0	0	0	1,500,000	1,500,000	0	(102,648)	0
Crystal Fire	D 2011-010	4-Apr-11	1,700,000	0	0	0	0	0	0	0	0	1,700,000	1,700,000	(241,122)	(596,180)	(952,371)
Bear/Pergatoire	D 2011-015	2-Jun-11	2,500,000	0	0	0	0	0	0	0	0	2,500,000	2,500,000	0	(805,867)	(920)
Flood-Nebraska			0	0	0	0	0	0	0	0	0	0	115,694	0	(115,694)	0
Blizzard			0	0	0	0	0	0	0	0	0	0	1,020	0	(1,020)	0
Ordway Fire (2008)	N/A		0	0	0	0	0	0	0	0	0	0	0	0	(54,144)	0
Totals for FY 2010-11			\$13,600,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$13,600,000	\$10,316,714	(\$3,006,113)	(\$1,611,780)	(\$2,525,385)
EOs for Disasters Initially Declared in FY 2011-12																
Navajo Fire	D 2011-021	19-Jul-11	200,000	0	0	0	0	0	0	0	0	200,000	200,000	0	(\$24,624)	0
Shell Fire Complex	D 2011-022	19-Jul-11	1,100,000	0	0	0	0	0	0	0	0	1,100,000	1,100,000	0	(255,514)	0
Duckett Fire	D 2011-023	19-Jul-11	1,900,000	0	0	0	0	0	0	0	0	1,900,000	1,900,000	0	(1,053,861)	(3,202)
Track Fire	D 2011-024	19-Jul-11	1,450,000	0	0	0	0	0	0	0	0	1,450,000	1,450,000	0	(211,101)	0
Lower North Fork Fire	D 2012-005	27-Mar-12	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lower North Fork Fire	D 2012-007	30-Mar-12	0	0	0	0	0	0	0	0	0	0	3,500,000			
Lower North Fork Fire	D 2012-008	19-Apr-12	0	0	0	0	0	0	0	0	0	0	365,000			
Lower North Fork Fire	D 2012-042	12-Oct-12	0	0	0	0	0	0	0	0	0	0	1,300,000			
Lower North Fork Fire		Jefferson	0	0	0	0	0	0	0	0	0	0	5,165,000	0	0	(32,715)
Hewlett Fire	D 2012-011	17-May-12	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hewlett Fire	D 2012-012	17-May-12	3,000,000	0	0	0	0	0	0	0	0	3,000,000	3,000,000			
Hewlett Fire	D 2012-022	26-Jun-12	0	0	0	0	0	0	0	0	0	0	(2,000,000)			
Hewlett Fire		Larimer	3,000,000	0	0	0	0	0	0	0	0	3,000,000	1,000,000	0	0	(383,167)
High Park Fire	D 2012-014	12-Jun-12	12,000,000	8,000,000	0	0	0	0	0	0	0	20,000,000	20,195,000			
High Park Fire	D 2012-019	21-Jun-12	0	(8,000,000)	8,000,000	49,000	951,000	0	0	0	0	1,000,000	4,805,000			
High Park Fire	D 2012-022	26-Jun-12	0	6,000,000	(6,000,000)	0	0	0	0	0	0	0	0			
High Park Fire	D 2012-030	12-Jul-12	0	(6,000,000)	0	0	0	0	0	6,000,000	0	0	0			
High Park Fire	D 2012-039	24-Aug-12	0	0	0	0	0	0	0	100,000	100,000	100,000	100,000			
High Park Fire		Larimer	12,000,000	0	2,000,000	49,000	951,000	0	6,000,000	100,000	0	21,100,000	25,100,000	0	(30,769)	(5,968,989)
Waldo Canyon Fire	D 2012-020	27-Jun-12	0	6,000,000	175,000	0	0	0	0	0	0	6,175,000	6,175,000			
Waldo Canyon Fire	D 2012-031	12-Jul-12	0	0	(2,670,000)	0	0	0	2,670,000	0	0	0	0			
Waldo Canyon Fire	D 2012-039	24-Aug-12	0	0	0	0	0	0	0	100,000	100,000	100,000	100,000			
Waldo Canyon Fire	D 2012-048	2-Nov-12	0	0	0	0	0	0	0	0	0	0	195,000			
Waldo Canyon Fire		El Paso	0	0	3,330,000	175,000	0	0	2,670,000	100,000	0	6,275,000	6,470,000	0	(246,828)	(352,064)
Stuart Hole Fire	D 2012-017	21-Jun-12	0	0	0	200,000	0	0	0	0	0	200,000	200,000	0	0	(19,650)
Springer Fire	D 2012-018	21-Jun-12	0	0	1,000,000	0	0	0	0	0	0	1,000,000	1,000,000			
Springer Fire	D 2012-048	2-Nov-12	0	0	0	0	0	0	0	0	0	0	(400,000)			
Springer Fire		Park	0	0	1,000,000	0	0	0	0	0	0	1,000,000	600,000	0	0	(204,401)
Weber Fire	D 2012-021	27-Jun-12	0	0	0	275,000	0	1,860,000	0	0	0	2,135,000	2,135,000	0	0	(69,498)
Flagstaff Fire	D 2012-023	28-Jun-12	12,000,000	1,582,000	0	0	918,000	0	0	0	0	14,500,000	2,500,000			
Flagstaff Fire	D 2012-038	23-Aug-12	(12,000,000)	0	0	0	0	0	0	0	0	(12,000,000)	0			
Flagstaff Fire		Boulder	0	1,582,000	0	0	918,000	0	0	0	0	2,500,000	2,500,000	0	0	(84,648)
Totals for FY 2011-12			\$19,650,000	\$1,582,000	\$6,330,000	\$699,000	\$1,869,000	\$1,860,000	\$8,670,000	\$200,000	\$40,860,000	\$47,820,000	\$0	(\$1,822,697)	(\$7,118,334)	

Disaster Emergency Fund Transfers and Encumbrances. Governor Hickenlooper Executive Orders for Disaster Emergencies, through November 2, 2012. ¹															
Exec Order (EO)	EO Date	County	Transfer from Major Medical Insurance Fund	Transfer from Perp. Base Acct.	Transfers from HCPF	Transfers from DHS	Transfers from Corrections	Transfer from DPS	Transfer from CMTF	Transfer from DPHE	Total transfers to				
											Disaster Emergency Fund (DEF)	Total Encumbrances from DEF	FY 2010-11 Actual Expenditures	FY 2011-12 Actual Expenditures	FY 2012-13 Actual Expenditures
EOs for Disasters Initially Declared in FY 2012-13															
Pine Ridge Fire	D 2012-025	2-Jul-12 Mesa	\$0	\$0	\$0	\$0	\$0	\$0	\$500,000	\$0	\$500,000	\$500,000	0	0	(\$84,437)
Eby Creek Fire	D 2012-026	2-Jul-12 Eagle	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0	0	0
Bull Basin Fire	D 2012-032	12-Jul-12 Mesa	\$0	\$0	\$0	\$0	\$0	\$0	\$200,000	\$0	\$200,000	\$0	0	0	0
Powell Complex Fires	D 2012-034	24-Jul-12 Rio Blanco	\$0	\$0	\$0	\$0	\$0	\$0	\$210,000	\$0	\$210,000	\$0	0	0	0
Highway 13 Fire	D 2012-041	9-Oct-12 Garfield	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$0	\$150,000	\$150,000	0	0	0
Wetmore Fire	D 2012-044	24-Oct-12 Custer	\$0	\$0	\$245,000	\$0	\$0	\$0	\$3,270,000	\$0	\$3,515,000	\$3,515,000	0	0	0
Roatcap Fire	D 2012-046	26-Oct-12 Montezuma	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$250,000	\$250,000	0	0	0
Totals for FY 2012-13			\$0	\$0	\$245,000	\$0	\$0	\$0	\$4,330,000	\$0	\$4,575,000	\$4,415,000	\$0	\$0	(\$84,437)
TOTALS FOR ALL YEARS			\$33,250,000	\$1,582,000	\$6,575,000	\$699,000	\$1,869,000	\$1,860,000	\$13,000,000	\$200,000	\$59,035,000	\$62,551,714	(\$3,006,113)	(\$3,434,477)	(\$9,728,156)

¹ Shows only those Executive Orders that either transferred moneys to the Disaster Emergency Fund or encumbered moneys from the Disaster Emergency Fund.

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Appropriations Related to the Disaster Emergency Fund and Other Wildfire Mitigation Funds

Section 24-77-104, C.R.S., directs the State to establish a disaster emergency reserve and to establish such reserve in the general appropriation bill or a separate bill.

The table below shows what funding sources have been designated as the state emergency reserve over the past four years.

State Emergency Reserve Pursuant to Section 24-77-104, C.R.S.				
	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
	S.B. 09-259	H.B. 10-1376	S.B. 11-209	H.B. 12-1335
Major Medical Insurance Fund	\$94,000,000	\$94,000,000	\$92,500,000	\$92,500,000
Wildlife Cash Fund	100,000,000	100,000,000	100,000,000	34,000,000
Unclaimed Property Tourism Promotion Trust Fund	0	0	1,500,000	5,000,000
Perpetual Base Account of the Severance Tax Fund	0	0	0	33,000,000
CWCB Construction Fund	0	0	0	33,000,000
Controlled Maintenance Trust Fund	0	0	0	13,000,000
State Properties	<u>81,100,000</u>	<u>70,700,000</u>	<u>98,800,000</u>	<u>87,500,000</u>
Total Emergency Reserve	\$275,100,000	\$264,700,000	\$292,800,000	\$298,000,000

As discussed in the *Consolidation of Homeland Security, Disaster Management and Fire Prevention and Control Functions* brief issue, some of the funds that the Wildland Fire Management Section uses to implement its duties, such as the Emergency Fire Fund and the Wildfire Emergency Response Fund, may use money from the Disaster Emergency Fund if they do not have sufficient funds to cover all fire response-related costs. All of the wildfire funds in the Division of Fire Prevention and Control are continuously appropriated. The appropriations as a result of H.B. 12-1283 show a round \$1.0 million amount for expenditures from the Emergency Fire Fund, \$150,000 for the Wildfire Emergency Response Fund, and \$100,000 for the Wildland Fire Cost Recovery Fund. In addition, the Office of Emergency Management has an appropriation of \$4,500,000 from the Disaster Emergency Fund for a line item titled "Disaster Response and Recovery". The line item is intended to reflect estimated payments to local responders as well as assistance provided to communities and individuals to help them recover from disasters. As noted above, the Governor (with the concurrence of the Disaster Emergency Council) is statutorily authorized to transfer moneys into the Disaster Emergency Fund and expend moneys from the Fund. Thus, this appropriation has been included as part of DOLA's budget, and now OEM's budget, for informational purposes and for purposes of tracking actual expenditures.

The main issue that JBC staff anticipates is the inability to report accurate information through the various long bill line items within the Division of Fire Prevention and Control and the Division of Homeland Security and Emergency Management that are attempting to track disaster and wildfire emergency obligations and expenditures.

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While staff at the Department of Public Safety have been able to provide information related to state funds transferred to the Disaster Emergency Fund, including the amount authorized, the fund source (*i.e.*, which specific fund within the TABOR reserve), the purpose, and the associated Executive Order, it is more difficult to track actual amounts expended and/or encumbered for each emergency at all response levels. This makes it difficult to provide an accurate estimate of resources available within the fund for future disasters in a timely fashion.

Additionally, the Department of Public Safety budget request does not include a "schedule 9" cash fund balance report for the Disaster Emergency Fund. Given the magnitude of recent years' transfers, it has been important for the Joint Budget Committee to include a footnote in the Long Bill requesting an annual summary related to the Disaster Emergency Fund, including the amount of state funds actually transferred into the Fund and the expenditure of such moneys. And while the General Assembly has requested information related to the Disaster Emergency Fund from the Department of Local Affairs for FY 2012-13, staff recommends that the Committee ask the Department of Public Safety to provide the information for FY 2013-14 and ongoing. Furthermore, as the fund balance report below for the Disaster Emergency Fund shows, the Department's efforts appear to be lacking in terms of estimating the future fund balance of the Disaster Emergency Fund.

Disaster Emergency Fund¹				
Fund Balance Report				
	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
	Actual	Actual	Estimate	Estimate
Beginning Fund Balance (A)	\$5,492,381	\$12,241,461	\$37,828,041	\$84,865
Changes in Cash Assets	7,421,133	22,730,737	(35,559,386)	0
Changes in Long-Term Assets	0	5,330,000	(5,330,000)	0
Changes in Total Liabilities	<u>(672,053)</u>	<u>(2,474,157)</u>	<u>3,146,210</u>	<u>0</u>
Total Changes to Fund Balance	\$6,749,080	\$25,586,580	(\$37,743,176)	\$0
Total Assets	<u>\$12,913,514</u>	<u>\$40,974,251</u>	<u>\$84,865</u>	<u>\$0</u>
Cash (B)	12,913,514	35,644,251	84,865	0
Receivables	0	5,330,000	0	0
Total Liabilities	<u>\$672,053</u>	<u>\$3,146,210</u>	<u>\$0</u>	<u>\$0</u>
Cash Liabilities (C)	672,053	3,146,210	0	0
Long-term Liabilities	0	0	0	0
Ending Fund Balance (D=Assets-Liabilities)	\$12,241,461	\$37,828,041	\$84,865	\$0
Changes to Fund Balance (A-D)	(\$6,749,080)	(\$25,586,580)	\$37,743,176	\$84,865
Net Cash Assets (B-C)	\$12,241,461	\$32,498,041	\$84,865	\$0

¹ From Governor's Office Schedule 9: Cash Fund Report.

RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S STRATEGIC PLAN:

This issue relates to the following Department Overarching Objective:

Overarching Objective 6, Fire Prevention and Control (DFPC): Contribute to an annual reduction in the occurrence of fire-related fatalities in Colorado.

This issue also relates to the following Division of Fire Prevention and Control Objective:

Objective 3, Wildland Fire Management: Manage wildfires that exceed the capability of local governments, upon the request of local authorities, or when wildfires threaten to become state emergencies or disasters.

Issue: Highway Users Tax Fund (HUTF) "Off-the-Top" Funding and Growth

Summarizes the FY 2013-14 HUTF "Off-the-Top" funding request submitted by the Colorado State Patrol.

SUMMARY:

- The FY 2013-14 requests for HUTF "Off-the-Top" funding in the State Patrol is \$352,000 below the appropriations 6.0 percent growth limit.
- House Bill 10-1019 transferred the Ports of Entry Functions of the Department of Revenue to the State Patrol, thus, starting with FY 2012-13 appropriating all HUTF "Off-the-Top" to the Department of Public Safety.
- The Ports of Entry has submitted a capital construction request to replace its legacy business system.

RECOMMENDATION:

Staff recommends that the Committee discuss the Department's HUTF "Off-the-Top" request. Staff recommends that the Department provide an update on the transfer of the Ports of Entry from the Department of Revenue to the State Patrol and what parts of the recommendations provided by the H.B. 11-1113 report is the Department planning to implement in order to capture identified savings?

DISCUSSION:

Highway Users Tax Fund

The Highway Users Tax Fund (HUTF) is the primary source of highway funds in Colorado. By statute (Sections 43-4-201 through 216, C.R.S.), the HUTF includes revenues from excise taxes on motor fuels; registration and license fees on drivers, motor vehicles, trailers, and semi-trailers; court fines and fees; motor vehicle penalty assessments; miscellaneous fees; interest; passenger-mile taxes on vehicles; and fees and surcharges collected pursuant to S.B. 09-108 (fees, fines, and surcharges). The major source of revenue for the HUTF is motor fuel and special fuel taxes, estimated at approximately 57.6 percent of the total revenues into the Fund for FY 2012-13. Pursuant to Article X, Section 18 of the Colorado Constitution, the revenues in the HUTF generated from the above sources are required to be used exclusively for the construction, maintenance, and supervision of the public highways of the State, with the exception that some revenues can be used to fund highway administrative costs.¹

¹ Article X, Section 18 of the Colorado Constitution states, "On and after July 1, 1935, the proceeds from the imposition of any license, registration fee, or other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other liquid

"Off-the-Top" Appropriations

Prior to appropriating the HUTF revenue for construction and maintenance of highways, the General Assembly appropriates HUTF revenues to the Department of Public Safety (Colorado State Patrol) for highway-related administrative and supervisory functions.² These "Off-the-Top" appropriations are taken from the first \$0.07 per gallon collected from the excise tax on motor fuel. Statute (Section 43-4-201, C.R.S.) limits the growth of the "Off-the-Top" appropriations to six percent per year. Statute also limits the total share of "Off-the-Top" appropriations to no more than 23.0 percent of the net HUTF revenue for the prior fiscal year. After the "Off-the-Top" share is disbursed, the remainder of the HUTF revenues are distributed to cities (approximately 16.0 percent), counties (approximately 23.0 percent), and the Department of Transportation (approximately 61.0 percent) by statutory formulas.

"Off-the-Top" Appropriations in the Department of Public Safety

For FY 2012-13, HUTF "Off-the-Top" appropriations make up 36.2 percent of the Department's budget and approximately 76.1 percent of the Patrol's appropriated budget (not including POTS expenditures).

The following table illustrates the HUTF "Off-the-Top" appropriations for FY 2012-13. As the table below shows, current "Off-the-Top" appropriations are \$918,000 under the limit:

motor fuel except aviation fuel used for aviation purposes shall, except costs of administration, be used exclusively for the construction, maintenance, and supervision of the public highways of this state. Any taxes imposed upon aviation fuel shall be used exclusively for aviation purposes."

²Prior to 1995, legislation allowed "off-the-top" appropriations to the Departments of Corrections, Labor and Employment, Local Affairs, and Regulatory Agencies, in addition to Revenue and Public Safety. In 1995, to stem the perceived proliferation of "off-the-top" appropriations, S.B. 95-47 was enacted to limit these "off-the-top" appropriations to only the Department of Public Safety (Colorado State Patrol) and the Department of Revenue (Ports of Entry), along with related capital expenditures for these divisions. This bill also limited the growth of the "off-the-top" appropriations to six percent annual growth beginning in FY 1995-96. The funding for the other divisions and agencies that had been from the "off-the-top" total appropriations were phased out over three years and ended in FY 1997-98. House Bill 12-1019 transferred Ports of Entry to the State Patrol starting with FY 2012-13. Prior to FY 2012-13, Department of Revenue received "off-the-top" appropriations for the Ports of Entry, and the Division of Motor Vehicles received "off-the-top" appropriations for FY 09, FY 10, FY 11, and FY 12 only (Senate Bill 09-274 diverted fee revenue from the Highway Users Tax Fund (HUTF) to the Licensing Services Cash Fund (LSCF) and authorized appropriations from HUTF "Off-the-Top" to the Division of Motor Vehicles in FY 2008-09 and FY 2009-10. House Bill 10-1387 extended the authorization for "Off-the-Top" appropriations to the Division of Motor Vehicles in FY 2010-11. House Bill 11-1161 extended the authorization for "Off-the-Top" appropriations to the Division of Motor Vehicles in FY 2011-12).

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Statutory HUTF "Off-the-Top" Appropriations Limit Calculation	
Section 43-4-201, C.R.S.	
FY 2011-12 HUTF "Off-the-Top" Appropriations Base	\$112,247,504
Multiplied by the 6.0 Percent Allowable Growth	<u>1.06</u>
FY 2012-13 HUTF "Off-the-Top" Appropriations Limit	\$118,982,354
FY 2012-13 HUTF "Off-the-Top" Appropriations:	
Department of Public Safety, State Patrol (H.B. 12-1335)	\$105,474,910
Department of Revenue, Ports of Entry (H.B. 12-1335)	10,186,163
Capital Construction, Ports of Entry (H.B. 12-1335)	2,263,218
H.B. 12-1019 Transfer Ports of Entry to State Patrol (State Patrol Appropriation)	10,325,884
H.B. 12-1019 Transfer Ports of Entry to State Patrol (Revenue Appropriation)	(10,131,106)
H.B. 12-1216 Financing of the Division of Motor Vehicles (Revenue Appropriation)	<u>(55,057)</u>
Total FY 2012-13 HUTF "Off-the-Top" Appropriations	\$118,064,012
Over / (Under) FY 2012-13 "Off-the-Top" Appropriations Limit	(\$918,342)

House Bill 12-1019 Transfer Ports of Entry to the State Patrol

House Bill 12-1019 designated the State Patrol as the enforcement and permit authority for Colorado Ports of Entry. Beginning on July 1, 2012, the Motor Carrier Services division of the Department of Revenue (DOR) was transferred to the CSP. This transfer included all statutory authority, powers, duties, personnel, property, funding, budgeting, purchasing and planning of the ports of entry section. The bill also specified that a port of entry officer has the authority of a peace officer to perform and enforce his or her duties, including restraining and detaining persons or vehicles and impounding vehicles under certain conditions. The bill also allows CSP to set operating hours at ports of entry and all ports of entry officers to conduct safety inspections.

The Bill transferred \$10.9 million total funds (including \$10.3 million HUTF "Off-the-Top") including 122.3 FTE.

House Bill 12-1019 was the result of a Port of Entry audit required by H.B. 11-1113. The audit concluded that the State has the potential to save between \$1.8 million and \$3.1 million over a five-year period by adopting the key recommendations of the study to transfer POE facilities to CDOT, transfer the Ports of Entry personnel to the State Patrol, automate four ports, and reduce mobile unit workforce. Since H.B. 12-1019 transferred the physical infrastructure to the Patrol as well, it is not clear what savings will be achieved by the State Patrol.

"Off-the-Top" Appropriations as a Percentage of Total HUTF Revenues

The "Off-the-Top" appropriation as a percent of total HUTF revenues will have increased since FY 1998-99 from 9.3 percent to 12.9 percent in FY 2012-13 (assuming that for FY 2012-13 the General Assembly appropriates up to the limit and appropriates an additional \$918,000). For FY 2012-13, the Legislative Council September 2012 Economic Forecast estimated total HUTF revenues at \$960.5 million. If the General Assembly appropriates up to the "Off-the-Top" limit for FY 2012-13, that amount would be \$118.9 million. If one were to assume that HUTF

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revenues would continue to grow indefinitely at a 3.0 percent compound rate, and at the same time assume that the General Assembly continues to appropriate up to the "Off-the-Top" limit each year, then in 23 years the "Off-the-Top" share as percentage of total HUTF revenues would reach 23.3 percent, which would be higher than the current statutorily allowed amount of 23.0 percent. Using more conservative estimates from the Department of Transportation, and assuming a 2.0 percent HUTF revenue growth, the "Off-the-Top" share would reach its statutory limit of 23.0 percent of total HUTF revenues within 18 years.

FY 2013-14 "Off-the-Top" Appropriations Request

Pursuant to Section 43-4-201, C.R.S., the HUTF "Off-the-Top" appropriation shall not grow more than six percent over the previous year's appropriation to the Department of Public Safety (Colorado State Patrol). The following table illustrates that the FY 2012-13 HUTF "Off-the-Top" appropriations are \$918,342 under the allowable 6.0 percent appropriations growth limit and that the FY 2013-14 requested appropriations are \$352,406 under the 6.0 percent limit. The main reason for the large increase in the HUTF request is due to common policy adjustments, in particular salary and merit pay increases for troopers.

Department Request R-3: Moffat County Public Safety Center Operating Agreement

The Department requests an increase of \$63,525 HUTF "Off the Top" in FY 2013-14 and beyond to fund an increase in operating expenses at the Craig Colorado troop office. In the late 1990's, the Colorado State Patrol partnered with the Moffat County Sheriff's Office and the Craig Police Department to co-locate in the Moffat County Public Safety Center to be built in Craig. The Patrol owns the space occupied by the Craig troop office and the Craig communications center. Moffat County owns the remainder of the building. The original operating agreement exempted the Patrol from paying for certain utilities, capital renewal, maintenance and janitorial services until November 1, 2011 in exchange for the sharing of certain building construction costs. The original agreement was effective August 1, 2001. The Patrol did not receive additional operating appropriations at that time because they were not needed.

Capital Construction Request

In addition to the operating request, the State Patrol has submitted a request for \$1.5 million HUTF "Off-the-Top" through the capital budget for a Ports of Entry Business System Replacement. The total two-year cost of the replacement will be \$3.1 million. The Patrol is requesting half of the costs and applying for a USDOT Commercial Vehicle Information System and Networks (CVISN) grant. If the grant is not approved, the Department plans to submit a request for the other half of the funding.

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FY 2013-14 HUTF "Off-the-Top" Request Submitted November 1, 2012							
Fiscal Year	6% Growth "Off-the-Top" Appropriation	Total "Off-the-Top" Appropriation	Under / (Over)	"Off-the-Top" Percent Growth	DPS (CSP) Share of "Off-the-Top"	DOR Share of "Off-the-Top"	Other "Off-the-Top" (Cap. Constr.)
2010-11	\$115,447,952	\$115,447,951	\$1	6.00%	\$97,228,700	14,740,381	\$3,478,870
Long Bill					96,889,092	9,659,717	2,329,036
HB 10-1387					0	2,702,602	0
HB 10-1113					295,406	(40,395)	0
LB Add On					0	1,262,769	1,149,834
Supplemental					44,202	1,155,688	0
2011-12	\$122,374,828	\$112,247,504	\$10,127,324	-2.77%	\$100,117,354	\$12,130,150	\$0
SB 11-209					99,950,034	12,083,148	0
SB 11-076					(1,306,630)	(149,580)	0
Special Bills					0	6,740	0
Supplemental					1,473,950	189,842	0
2012-13	\$118,982,354	\$118,064,012	\$918,342	5.18%	\$115,800,794	\$0	\$2,263,218
HB 12-1335					105,474,910	10,186,163	0
HB 12-1019					10,325,884	(10,131,106)	2,263,218
HB 12-1216					0	(55,057)	0
2013-14	\$125,147,853	\$124,795,447	\$352,406	5.70%	\$123,295,447	\$0	\$1,500,000
REQUEST					123,295,447		1,500,000

RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S STRATEGIC PLAN:

This issue relates to the following Department Overarching Objective:

Overarching Objective 1, Maximize Intelligence-Led Strategies to Protect Life and Property: Traffic Safety (Colorado State Patrol): The Colorado State Patrol will employ intelligence-led strategies to meet its strategic goals. Initiatives will be focused on developing data-driven strategies to enhance traffic mitigation and combat traffic safety challenges.

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Appendix A: Number Pages

	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
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DEPARTMENT OF PUBLIC SAFETY
James Davis, Executive Director

(1) EXECUTIVE DIRECTOR'S OFFICE

This Office manages the administrative and fiscal affairs of the Department. It also administers the Witness Protection Program and houses the Colorado Integrated Criminal Justice Information System. The primary cash funds and reappropriated funds sources include the Highway Users Tax Fund, indirect cost recoveries, and other various funds.

(A) Administration

The Executive Director's Office (EDO) provides administrative and management services to the other divisions within the Department. The units within the EDO, Administration section include the executive director and deputy director, financial services, human resources services, and planning and resource development. The appropriation also includes centrally-appropriated items. The duties and powers of the executive director are specified in Sections 24-33.5-104 and 104.5, C.R.S. Pursuant to Section 16-2.5-111, C.R.S., the executive director is a peace officer whose authority includes the enforcement of all laws in Colorado and who may be certified by the P.O.S.T. Board (created in Section 24-31-302, C.R.S., and residing in the Department of Law).

Personal Services	<u>2,018,063</u>	<u>2,158,673</u>	<u>2,543,578</u>	<u>2,543,578</u>
FTE	22.9	25.8	32.2	32.2
General Fund	0	0	0	0
Cash Funds	30,163	0	0	0
Reappropriated Funds	1,987,900	2,158,673	2,543,578	2,543,578
Health, Life, and Dental	<u>7,707,350</u>	<u>8,171,169</u>	<u>10,850,659</u>	<u>11,830,995</u>
General Fund	1,479,710	1,554,945	1,663,987	2,124,901
Cash Funds	5,819,388	6,175,492	7,940,566	8,395,354
Reappropriated Funds	408,252	440,732	680,105	571,484
Federal Funds	0	0	566,001	739,256

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Short-term Disability	<u>114,550</u>	<u>141,585</u>	<u>163,207</u>	<u>190,798</u>	
General Fund	22,147	28,071	29,120	39,065	
Cash Funds	85,979	104,813	114,129	129,382	
Reappropriated Funds	6,424	8,701	12,314	8,999	
Federal Funds	0	0	7,644	13,352	
S.B. 04-257 Amortization Equalization Disbursement	<u>1,774,263</u>	<u>2,240,101</u>	<u>2,959,206</u>	<u>3,649,963</u>	
General Fund	337,973	438,768	520,968	721,150	
Cash Funds	1,330,619	1,658,057	2,064,578	2,511,132	
Reappropriated Funds	105,671	143,276	223,591	171,180	
Federal Funds	0	0	150,069	246,501	
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>1,284,318</u>	<u>1,799,322</u>	<u>2,544,567</u>	<u>3,295,107</u>	
General Fund	243,731	350,221	446,480	651,039	
Cash Funds	969,665	1,332,801	1,778,442	2,266,995	
Reappropriated Funds	70,922	116,300	188,201	154,537	
Federal Funds	0	0	131,444	222,536	
Salary Survey	<u>0</u>	<u>0</u>	<u>0</u>	<u>6,069,631</u>	
General Fund	0	0	0	487,713	
Cash Funds	0	0	0	5,131,726	
Reappropriated Funds	0	0	0	243,417	
Federal Funds	0	0	0	206,775	

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Merit Pay	0	0	0	<u>1,636,265</u>	
General Fund	0	0	0	293,104	
Cash Funds	0	0	0	1,180,821	
Reappropriated Funds	0	0	0	79,026	
Federal Funds	0	0	0	83,314	
Shift Differential	<u>239,481</u>	<u>244,492</u>	<u>452,182</u>	<u>461,114</u>	
General Fund	36,399	57,701	67,963	63,752	
Cash Funds	189,959	162,052	353,446	365,443	
Reappropriated Funds	13,123	24,739	30,773	31,919	
Workers' Compensation	<u>2,947,142</u>	<u>2,145,119</u>	<u>2,827,657</u>	<u>2,755,651</u>	
General Fund	900,963	0	0	0	
Cash Funds	0	0	265,336	193,330	
Reappropriated Funds	2,046,179	2,145,119	2,562,321	2,562,321	
Operating Expenses	<u>145,531</u>	<u>143,450</u>	<u>178,903</u>	<u>178,232</u>	
Reappropriated Funds	145,531	143,450	178,903	178,232	
Legal Services	<u>155,031</u>	<u>160,725</u>	<u>173,401</u>	<u>181,521</u>	
General Fund	0	0	0	0	
Cash Funds	0	750	0	2,880	
Reappropriated Funds	155,031	159,975	173,401	178,641	
Purchase of Services from Computer Center	<u>1,876,633</u>	<u>2,568,468</u>	<u>2,824,890</u>	<u>3,802,325</u> *	
General Fund	769,953	1,094,848	430,395	936,308	
Cash Funds	944,316	1,067,818	1,671,839	1,640,000	
Reappropriated Funds	162,364	405,802	712,541	1,226,017	
Federal Funds	0	0	10,115	0	

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Multiuse Network Payments	<u>1,248,103</u>	<u>1,668,583</u>	<u>2,216,959</u>	909,893	
General Fund	526,454	836,178	1,486,029	662,879	
Cash Funds	95,838	230,474	568,487	84,571	
Reappropriated Funds	625,811	601,931	162,443	162,443	
Management and Administration of OIT	<u>388,945</u>	<u>398,286</u>	<u>273,019</u>	<u>289,841</u>	
General Fund	0	198,148	0	0	
Cash Funds	191,224	0	97,225	0	
Reappropriated Funds	197,721	200,138	175,794	289,841	
Payment to Risk Management and Property Funds	<u>317,674</u>	<u>787,107</u>	<u>823,432</u>	<u>1,200,570</u> *	
General Fund	0	233,470	0	29,466	
Cash Funds	15,814	15,814	18,047	18,047	
Reappropriated Funds	301,860	537,823	805,385	1,153,057	
Vehicle Lease Payments	<u>71,340</u>	<u>52,030</u>	<u>92,597</u>	98,984	
General Fund	27,096	29,136	22,698	23,145	
Cash Funds	20,366	19,464	29,437	31,864	
Reappropriated Funds	23,878	3,430	27,941	29,729	
Federal Funds	0	0	12,521	14,246	
Leased Space	<u>1,761,559</u>	<u>1,805,635</u>	<u>1,907,259</u>	<u>1,917,759</u>	
General Fund	858,230	793,724	858,230	858,965	
Cash Funds	454,701	482,370	494,386	498,376	
Reappropriated Funds	448,628	529,541	554,643	557,583	
Federal Funds	0	0	0	2,835	

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Capitol Complex Leased Space	<u>1,259,807</u>	<u>1,274,883</u>	<u>1,263,475</u>	<u>1,572,468</u> *	
General Fund	0	0	16,890	200,910	
Cash Funds	469,849	486,912	462,435	569,642	
Reappropriated Funds	789,958	787,971	784,150	801,916	
Communication Services Payments	<u>600,850</u>	<u>651,868</u>	<u>661,902</u>	<u>767,440</u>	
General Fund	597	0	0	0	
Cash Funds	551,209	592,436	593,137	687,689	
Reappropriated Funds	49,044	59,432	59,022	67,805	
Federal Funds	0	0	9,743	11,946	
COFRS Modernization	<u>0</u>	<u>0</u>	<u>168,478</u>	<u>181,882</u>	
General Fund	0	0	52,658	52,658	
Cash Funds	0	0	81,603	95,007	
Reappropriated Funds	0	0	34,217	34,217	
Utilities	<u>86,787</u>	<u>109,116</u>	<u>196,523</u>	<u>196,523</u>	
Cash Funds	85,907	109,116	195,023	195,023	
Reappropriated Funds	880	0	1,500	1,500	
Distributions to Local Government	<u>17,656</u>	<u>47,461</u>	<u>50,000</u>	<u>50,000</u>	
Cash Funds	17,656	47,461	50,000	50,000	
SUBTOTAL - (A) Administration	24,015,083	26,568,073	33,171,894	43,780,540	32.0%
FTE	<u>22.9</u>	<u>25.8</u>	<u>32.2</u>	<u>32.2</u>	<u>0.0%</u>
General Fund	5,203,253	5,615,210	5,595,418	7,145,055	27.7%
Cash Funds	11,272,653	12,485,830	16,778,116	24,047,282	43.3%
Reappropriated Funds	7,539,177	8,467,033	9,910,823	11,047,442	11.5%
Federal Funds	0	0	887,537	1,540,761	73.6%

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(B) Special Programs

The Special Programs sub-division within the Executive Director's Office contains funding for the Witness Protection Program, the Colorado Integrated Criminal Justice Information System (CICJIS), and the School Safety Resource Center.

(B) (1) Witness Protection Program

The Witness Protection Fund provides funding for reimbursement of witness protection costs incurred by district attorneys and the Attorney General. Statutory authority for this program lies in Section 24-33.5-106, C.R.S.

Witness Protection Fund	<u>142,978</u>	<u>83,000</u>	<u>83,000</u>	<u>83,000</u>	
General Fund	142,978	83,000	83,000	83,000	
Witness Protection Fund Expenditures	<u>57,782</u>	<u>69,820</u>	<u>83,000</u>	<u>83,000</u>	
Reappropriated Funds	57,782	69,820	83,000	83,000	

SUBTOTAL - (B) (1) Witness Protection Program	200,760	152,820	166,000	166,000	0.0%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	142,978	83,000	83,000	83,000	0.0%
Reappropriated Funds	57,782	69,820	83,000	83,000	0.0%

(B) (2) Criminal Justice Information System (CICJIS)

The Colorado Integrated Criminal Justice Information System (CICJIS) is an information technology system that allows for the sharing of case disposition information between the Department of Public Safety, district attorneys statewide (connected through the Colorado District Attorneys Council), the Judicial Branch, the Department of Corrections, and the Division of Youth Corrections in the Department of Human Services. Statutory authority for the program resides in Section 16-20.5-101, C.R.S.

Personal Services	<u>1,000,842</u>	<u>841,569</u>	<u>1,106,160</u>	<u>1,106,160</u>	
FTE	10.0	9.7	11.0	11.0	
General Fund	0	0	0	0	
Reappropriated Funds	855,642	841,569	861,632	861,632	
Federal Funds	145,200	0	244,528	244,528	

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Operating Expenses	<u>97,718</u>	<u>112,417</u>	<u>150,502</u>	<u>150,502</u>	
Reappropriated Funds	92,918	93,629	100,502	100,502	
Federal Funds	4,800	18,788	50,000	50,000	
SUBTOTAL - (B) (2) Criminal Justice Information System (CICJIS)	1,098,560	953,986	1,256,662	1,256,662	0.0%
<i>FTE</i>	<u>10.0</u>	<u>9.7</u>	<u>11.0</u>	<u>11.0</u>	<u>0.0%</u>
General Fund	0	0	0	0	0.0%
Reappropriated Funds	948,560	935,198	962,134	962,134	0.0%
Federal Funds	150,000	18,788	294,528	294,528	0.0%

(B) (3) School Safety Resource Center

Statutory authority for the center resides in Section 24-33.5-1803, C.R.S. The center is to assist schools in developing safety preparedness plans, establishing emergency response practices and strategies, and ensuring safe and secure schools through prevention and intervention efforts.

Program Costs	<u>370,544</u>	<u>341,410</u>	<u>394,169</u>	<u>394,169</u>	
FTE	4.0	2.6	4.0	4.0	
General Fund	370,544	341,410	350,169	350,169	
Cash Funds	0	0	44,000	44,000	
SUBTOTAL - (B) (3) School Safety Resource Center	370,544	341,410	394,169	394,169	0.0%
<i>FTE</i>	<u>4.0</u>	<u>2.6</u>	<u>4.0</u>	<u>4.0</u>	<u>0.0%</u>
General Fund	370,544	341,410	350,169	350,169	0.0%
Cash Funds	0	0	44,000	44,000	0.0%

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SUBTOTAL - (B) Special Programs	1,669,864	1,448,216	1,816,831	1,816,831	0.0%
<i>FTE</i>	<u>14.0</u>	<u>12.3</u>	<u>15.0</u>	<u>15.0</u>	<u>0.0%</u>
General Fund	513,522	424,410	433,169	433,169	0.0%
Cash Funds	0	0	44,000	44,000	0.0%
Reappropriated Funds	1,006,342	1,005,018	1,045,134	1,045,134	0.0%
Federal Funds	150,000	18,788	294,528	294,528	0.0%
TOTAL - (1) Executive Director's Office	25,684,947	28,016,289	34,988,725	45,597,371	30.3%
<i>FTE</i>	<u>36.9</u>	<u>38.1</u>	<u>47.2</u>	<u>47.2</u>	<u>0.0%</u>
General Fund	5,716,775	6,039,620	6,028,587	7,578,224	25.7%
Cash Funds	11,272,653	12,485,830	16,822,116	24,091,282	43.2%
Reappropriated Funds	8,545,519	9,472,051	10,955,957	12,092,576	10.4%
Federal Funds	150,000	18,788	1,182,065	1,835,289	55.3%

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(2) COLORADO STATE PATROL

Duties include Enforcing motor vehicle laws, assisting motorists, conducting vehicle safety checks, investigating traffic accidents, managing ports of entry and overseeing hazardous materials transport. Primary cash funds and reappropriated funds sources include: Highway Users Tax Fund "Off-the-Top", Vehicle Inspection Number Identification Fund, Limited Gaming Funds appropriated to the Department of Revenue, pass through funds from local governments, state and non-state agency fees, various other cash funds and federal funds sources.

Colonel, Lt. Colonels, Majors, and Captains	<u>3,990,244</u>	<u>3,877,803</u>	<u>3,974,328</u>	<u>3,974,328</u>
FTE	35.8	35.7	34.0	34.0
General Fund	118,815	72,774	79,007	79,007
Cash Funds	3,871,429	3,805,029	3,895,321	3,895,321
Sergeants, Technicians, and Troopers	<u>46,523,783</u>	<u>47,437,155</u>	<u>49,087,606</u>	<u>49,087,606</u>
FTE	631.9	642.3	615.6	615.6
General Fund	1,328,640	1,298,074	1,333,464	1,333,464
Cash Funds	43,763,763	44,731,959	46,134,077	46,134,077
Reappropriated Funds	1,431,380	1,407,122	1,620,065	1,620,065
Civilians	<u>4,222,514</u>	<u>3,980,077</u>	<u>4,384,890</u>	<u>4,384,890</u>
FTE	69.6	75.8	78.5	78.5
General Fund	42,645	41,838	42,864	42,864
Cash Funds	4,142,802	3,898,196	4,275,817	4,275,817
Reappropriated Funds	37,067	40,043	66,209	66,209
Retirements	<u>399,380</u>	<u>400,000</u>	<u>400,000</u>	<u>400,000</u>
Cash Funds	399,380	400,000	400,000	400,000
Overtime	<u>1,341,171</u>	<u>1,342,033</u>	<u>1,403,815</u>	<u>1,403,815</u>
Cash Funds	1,315,909	1,316,771	1,378,553	1,378,553
Reappropriated Funds	25,262	25,262	25,262	25,262

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
Operating Expenses	<u>7,736,171</u>	<u>10,929,561</u>	<u>12,874,642</u>	<u>12,938,167</u>	*
General Fund	439,401	439,401	462,528	462,528	
Cash Funds	7,074,003	10,293,849	12,158,213	12,221,738	
Reappropriated Funds	222,767	196,311	253,901	253,901	
Information Technology Asset Maintenance	<u>2,842,911</u>	<u>2,749,763</u>	<u>2,843,020</u>	<u>2,843,020</u>	
Cash Funds	2,842,911	2,749,763	2,843,020	2,843,020	
Vehicle Lease Payments	<u>5,067,494</u>	<u>4,867,014</u>	<u>7,018,665</u>	<u>7,084,391</u>	
General Fund	153,535	188,951	180,862	180,862	
Cash Funds	4,798,270	4,371,258	6,536,593	6,602,319	
Reappropriated Funds	115,689	102,371	187,452	187,452	
Federal Funds	0	204,434	113,758	113,758	
Communications Program	<u>7,482,195</u>	<u>7,240,698</u>	<u>7,462,168</u>	<u>7,462,168</u>	
FTE	130.2	131.5	136.1	136.1	
Cash Funds	6,623,823	6,524,341	6,624,254	6,562,993	
Reappropriated Funds	838,408	696,518	818,173	878,189	
Federal Funds	19,964	19,839	19,741	20,986	
State Patrol Training Academy	<u>2,326,583</u>	<u>2,303,719</u>	<u>2,370,021</u>	<u>2,370,021</u>	
FTE	16.4	14.6	17.0	17.0	
Cash Funds	1,963,475	1,952,111	1,882,550	1,882,550	
Reappropriated Funds	363,108	351,608	487,471	487,471	
Safety and Law Enforcement Support	<u>2,272,328</u>	<u>2,805,668</u>	<u>2,925,417</u>	<u>3,473,679</u>	*
FTE	2.2	2.9	4.0	4.0	
Cash Funds	685,526	463,540	464,250	1,012,512	
Reappropriated Funds	1,586,802	2,342,128	2,461,167	2,461,167	

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Aircraft Program	<u>429,068</u>	<u>528,148</u>	<u>727,859</u>	<u>727,859</u>	
FTE	2.2	2.1	6.0	6.0	
Cash Funds	349,766	489,660	536,509	536,509	
Reappropriated Funds	79,302	38,488	191,350	191,350	
Executive and Capitol Complex Security Program	<u>3,557,024</u>	<u>3,505,928</u>	<u>3,927,750</u>	<u>4,104,647</u>	
FTE	49.8	49.5	61.0	66.0	
General Fund	2,426,435	2,384,701	2,697,904	2,697,904	
Reappropriated Funds	1,130,589	1,121,227	1,229,846	1,406,743	
Hazardous Materials Safety Program	<u>1,005,587</u>	<u>971,924</u>	<u>1,345,590</u>	<u>1,135,380</u>	
FTE	9.3	8.0	15.7	12.0	
Cash Funds	1,005,587	971,924	1,345,590	1,135,380	
Automobile Theft Prevention Authority	<u>4,249,451</u>	<u>4,792,430</u>	<u>5,213,420</u>	<u>5,213,420</u>	
FTE	2.9	2.8	3.0	3.0	
Cash Funds	4,249,451	4,792,430	5,213,420	5,213,420	
DUI Enforcement Grants	<u>1,082,980</u>	<u>1,082,980</u>	<u>0</u>	<u>0</u>	
Cash Funds	1,082,980	1,082,980	0	0	
Victim Assistance	<u>413,805</u>	<u>503,949</u>	<u>651,246</u>	<u>651,246</u>	
FTE	5.1	6.1	6.8	6.8	
Cash Funds	198,728	193,593	197,000	197,000	
Reappropriated Funds	138,953	166,990	280,320	280,320	
Federal Funds	76,124	143,366	173,926	173,926	
Counter-drug Program	<u>1,220,870</u>	<u>818,981</u>	<u>4,000,000</u>	<u>4,000,000</u>	
Cash Funds	1,220,870	818,981	4,000,000	4,000,000	

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Motor Carrier Safety and Assistance Program Grants	<u>3,447,177</u>	<u>3,525,748</u>	<u>3,724,074</u>	<u>3,724,074</u>	
FTE	25.0	27.4	32.0	32.0	
Cash Funds	285,781	326,607	326,607	326,607	
Federal Funds	3,161,396	3,199,141	3,397,467	3,397,467	
Federal Safety Grants	<u>1,470,756</u>	<u>1,854,146</u>	<u>1,073,045</u>	<u>1,073,045</u>	
FTE	1.4	2.1	2.0	2.0	
Federal Funds	1,470,756	1,854,146	1,073,045	1,073,045	
Ports of Entry	<u>0</u>	<u>0</u>	<u>7,788,660</u>	<u>7,906,897</u>	
FTE	0.0	0.0	114.1	117.8	
Cash Funds	0	0	7,788,660	7,906,897	
Indirect Cost Assessment	<u>7,438,689</u>	<u>8,121,512</u>	<u>8,843,630</u>	<u>9,712,005</u>	
Cash Funds	6,856,798	7,452,466	8,061,630	8,897,149	
Reappropriated Funds	349,012	372,893	473,359	479,149	
Federal Funds	232,879	296,153	308,641	335,707	
TOTAL - (2) Colorado State Patrol	108,520,181	113,639,237	132,039,846	133,670,658	1.2%
FTE	<u>981.8</u>	<u>1,000.8</u>	<u>1,125.8</u>	<u>1,130.8</u>	<u>0.4%</u>
General Fund	4,509,471	4,425,739	4,796,629	4,796,629	0.0%
Cash Funds	92,731,252	96,635,458	114,062,064	115,421,862	1.2%
Reappropriated Funds	6,318,339	6,860,961	8,094,575	8,337,278	3.0%
Federal Funds	4,961,119	5,717,079	5,086,578	5,114,889	0.6%

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(Previously 3) OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY

Division works to prevent terrorist attacks in Colorado, accidental harmful events, or natural disasters, and helps in the response and recovery from intentional attacks or natural calamities. The major funding source comes from the Public School Construction and Inspection Fund, federal funds and other cash funds.

Personal Services	<u>1,407,093</u>	<u>1,376,667</u>	<u>0</u>	<u>0</u>
FTE	19.7	18.6	0.0	0.0
General Fund	228,308	221,806	0	0
Cash Funds	1,050,050	1,028,307	0	0
Reappropriated Funds	128,735	126,554	0	0
Operating Expenses	<u>245,059</u>	<u>244,527</u>	<u>0</u>	<u>0</u>
General Fund	15,923	15,946	0	0
Cash Funds	219,328	217,443	0	0
Reappropriated Funds	9,808	11,138	0	0
Office of Anti-Terrorism Planning and Training Personal Services	<u>667,600</u>	<u>239,518</u>	<u>0</u>	<u>0</u>
FTE	7.8	3.2	0.0	0.0
Reappropriated Funds	0	0	0	0
Federal Funds	667,600	239,518	0	0
Office of Anti-Terrorism Planning and Training Operating Expenses	<u>271,379</u>	<u>92,457</u>	<u>0</u>	<u>0</u>
Reappropriated Funds	0	0	0	0
Federal Funds	271,379	92,457	0	0
Federal Grants	<u>102,429</u>	<u>72,369</u>	<u>0</u>	<u>0</u>
FTE	0.5	0.0	0.0	0.0
Federal Funds	102,429	72,369	0	0

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Indirect Cost Assessment	<u>113,679</u>	<u>117,942</u>	<u>0</u>	<u>0</u>	
Cash Funds	99,716	103,152	0	0	
Reappropriated Funds	13,963	14,790	0	0	
Federal Funds	0	0	0	0	
Office of Homeland Security Program Administration (Executive order D 2011-030)	<u>0</u>	<u>1,315,145</u>	<u>0</u>	<u>0</u>	
FTE	0.0	9.2	0.0	0.0	
Federal Funds	0	1,315,145	0	0	
Office of Homeland Security Grants and Training (Executive Order D 2011-030)	<u>0</u>	<u>9,855,855</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.0	0.0	0.0	
Federal Funds	0	9,855,855	0	0	
TOTAL - (Previously 3) Office of Preparedness, Security, and Fire Safety	2,807,239	13,314,480	0	0	0.0%
FTE	<u>28.0</u>	<u>31.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	244,231	237,752	0	0	0.0%
Cash Funds	1,369,094	1,348,902	0	0	0.0%
Reappropriated Funds	152,506	152,482	0	0	0.0%
Federal Funds	1,041,408	11,575,344	0	0	0.0%

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(3) DIVISION OF FIRE PREVENTION AND CONTROL

The Division of Fire Prevention and Control (DFPC) was created in H.B. 12-1283, which merged the wildland and prescribed fire responsibilities of the Colorado State Forest Service and the former Division of Fire Safety into the new DFPC. The Division safeguards the public through fire prevention and code enforcement; wildfire preparedness, response, suppression, coordination, and management; training and certification; public information and education; and technical assistance to local governments. Funding for the Division is comprised of cash funds including the Wildfire Preparedness Fund, the Public School Construction and Inspection Cash Fund, the Emergency Fire Fund, the Wildland Fire Equipment Repair Cash Fund, and various other cash funds. Funding also includes some General Fund and federal fund dollars.

Personal Services	<u>0</u>	<u>0</u>	<u>2,210,890</u>	<u>3,198,779</u>
FTE	0.0	0.0	30.0	45.0
General Fund	0	0	174,472	248,076
Cash Funds	0	0	1,831,258	2,242,323
Reappropriated Funds	0	0	130,063	424,479
Federal Funds	0	0	75,097	283,901
Operating Expenses	<u>0</u>	<u>0</u>	<u>687,264</u>	<u>884,770</u>
General Fund	0	0	16,330	25,703
Cash Funds	0	0	655,906	695,292
Reappropriated Funds	0	0	15,028	52,523
Federal Funds	0	0	0	111,252
Wildland Fire Preparedness Services	<u>0</u>	<u>0</u>	<u>5,849,000</u>	<u>5,849,000</u>
FTE	0.0	0.0	35.4	35.4
General Fund	0	0	267,000	267,000
Cash Funds	0	0	5,350,000	5,350,000
Federal Funds	0	0	232,000	232,000

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Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>235,762</u>	<u>217,991</u>	
Cash Funds	0	0	186,080	167,453	
Reappropriated Funds	0	0	15,947	16,538	
Federal Funds	0	0	33,735	34,000	
TOTAL - (3) Division of Fire Prevention and Control	0	0	8,982,916	10,150,540	13.0%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>65.4</u>	<u>80.4</u>	<u>22.9%</u>
General Fund	0	0	457,802	540,779	18.1%
Cash Funds	0	0	8,023,244	8,455,068	5.4%
Reappropriated Funds	0	0	161,038	493,540	206.5%
Federal Funds	0	0	340,832	661,153	94.0%

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(5) COLORADO BUREAU OF INVESTIGATION

Investigates crimes, performs lab analyses of crime scene evidence, operates the criminal history information system, and conducts criminal background checks. Fund sources include General Fund, fingerprint and name check fees, Victims Assistance and Law Enforcement Fund, Sex Offender Registry Fund, and Limited Gaming Fund.

(A) Administration

The administration sub-program provides administrative and management services to the entire Colorado Bureau of Investigation. Funding sources include federal funds, various cash funds, and General Fund.

Personal Services	<u>307,309</u>	<u>330,350</u>	<u>355,778</u>	<u>355,778</u>
FTE	3.6	3.9	4.0	4.0
General Fund	254,445	280,352	287,276	287,276
Cash Funds	52,864	49,998	68,502	68,502
Operating Expenses	<u>23,234</u>	<u>24,006</u>	<u>24,706</u>	<u>24,706</u>
General Fund	12,314	13,034	13,729	13,729
Cash Funds	10,920	10,972	10,977	10,977
Vehicle Lease Payments	<u>209,920</u>	<u>202,196</u>	<u>290,708</u>	<u>290,708</u>
General Fund	190,928	185,409	262,230	262,230
Cash Funds	2,659	4,039	12,165	12,165
Reappropriated Funds	16,333	12,748	15,155	15,155
Federal Funds	0	0	1,158	1,158
Federal Grants	<u>2,025,821</u>	<u>2,025,821</u>	<u>829,795</u>	<u>829,795</u>
FTE	7.7	10.5	3.0	3.0
Federal Funds	2,025,821	2,025,821	829,795	829,795

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Indirect Cost Assessment	<u>321,374</u>	<u>445,070</u>	<u>405,057</u>	<u>449,037</u>	
Cash Funds	209,621	218,914	280,506	320,385	
Reappropriated Funds	69,557	91,307	104,993	109,039	
Federal Funds	42,196	134,849	19,558	19,613	
SUBTOTAL - (A) Administration	2,887,658	3,027,443	1,906,044	1,950,024	2.3%
<i>FTE</i>	<u>11.3</u>	<u>14.4</u>	<u>7.0</u>	<u>7.0</u>	<u>0.0%</u>
General Fund	457,687	478,795	563,235	563,235	0.0%
Cash Funds	276,064	283,923	372,150	412,029	10.7%
Reappropriated Funds	85,890	104,055	120,148	124,194	3.4%
Federal Funds	2,068,017	2,160,670	850,511	850,566	0.0%

(B) Colorado Crime Information Center

The Colorado Crime Information Center (CCIC) provides information around the clock to law enforcement agencies on wants, warrants, case status, stolen property, vehicle registration, known offenders, and drivers licenses.

(B) (1) CCIC Program Support

The Colorado Crime Information Center (CCIC) provides information around the clock to law enforcement agencies on wants, warrants, case status, stolen property, vehicle registration, known offenders, and drivers licenses. Funding sources include General Fund, fees from motor vehicle recyclers, the Sex Offender Registry Fund, and the CBI Identification Unit Fund.

Personal Services	<u>829,460</u>	<u>824,839</u>	<u>962,484</u>	<u>962,484</u>
FTE	14.3	14.1	17.0	17.0
General Fund	829,460	824,839	844,647	844,647
Cash Funds	0	0	117,837	117,837
Operating Expenses	<u>112,707</u>	<u>122,753</u>	<u>194,189</u>	<u>194,189</u>
General Fund	112,707	114,426	121,859	121,859
Cash Funds	0	8,327	52,397	52,397
Reappropriated Funds	0	0	19,933	19,933

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SUBTOTAL - (B) (1) CCIC Program Support	942,167	947,592	1,156,673	1,156,673	0.0%
<i>FTE</i>	<u>14.3</u>	<u>14.1</u>	<u>17.0</u>	<u>17.0</u>	<u>(0.0%)</u>
General Fund	942,167	939,265	966,506	966,506	0.0%
Cash Funds	0	8,327	170,234	170,234	0.0%
Reappropriated Funds	0	0	19,933	19,933	0.0%

(B) (2) Identification

The Identification unit is the state repository for criminal history information. Colorado criminal histories are updated continuously with a wide variety of demographic data. Identification also responds to requests for fingerprint-based and name-based criminal history records checks from federal agencies, local law enforcement agencies, private entities, and citizens. Major funding sources include funds from fingerprint and name history record checks deposited in the CBI Identification Unit Fund, General Fund, and Medical Marijuana License Cash Fund revenues appropriated to the Department of Revenue.

Personal Services	<u>2,843,878</u>	<u>3,151,834</u>	<u>3,195,919</u>	<u>3,201,519</u>
FTE	51.4	54.2	53.6	53.6
General Fund	1,150,203	1,136,620	1,155,085	1,155,085
Cash Funds	1,488,673	1,771,211	1,793,276	1,798,876
Reappropriated Funds	205,002	244,003	247,558	247,558
Operating Expenses	<u>2,334,209</u>	<u>3,807,114</u>	<u>5,198,999</u>	<u>5,217,099</u>
General Fund	244,510	244,510	244,510	244,510
Cash Funds	1,055,012	2,518,390	2,485,124	2,503,224
Reappropriated Funds	1,034,687	1,044,214	2,469,365	2,469,365
Lease/Lease Purchase Equipment	<u>283,906</u>	<u>591,229</u>	<u>591,235</u>	<u>591,235</u>
Cash Funds	283,906	378,388	378,392	378,392
Reappropriated Funds	0	212,841	212,843	212,843

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SUBTOTAL - (B) (2) Identification	5,461,993	7,550,177	8,986,153	9,009,853	0.3%
<i>FTE</i>	<u>51.4</u>	<u>54.2</u>	<u>53.6</u>	<u>53.6</u>	<u>0.0%</u>
General Fund	1,394,713	1,381,130	1,399,595	1,399,595	0.0%
Cash Funds	2,827,591	4,667,989	4,656,792	4,680,492	0.5%
Reappropriated Funds	1,239,689	1,501,058	2,929,766	2,929,766	0.0%

(B) (3) Information Technology

The Information Technology section provides IT support and 24-hour maintenance for the Colorado Crime Information Center in order to minimize the incidence and duration of system outages that prevent law enforcement agencies from accessing the system. Funding includes General Fund, CBI Identification Unit Fund, and medical marijuana dollars reappropriated from the Department of Public Health and the Department of Revenue.

Information Technology	<u>1,197,365</u>	<u>1,216,569</u>	<u>1,709,060</u>	<u>1,618,897</u>	
General Fund	566,435	591,163	840,873	844,310	
Cash Funds	630,930	625,406	758,587	758,587	
Reappropriated Funds	0	0	109,600	16,000	
SUBTOTAL - (B) (3) Information Technology	1,197,365	1,216,569	1,709,060	1,618,897	(5.3%)
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	566,435	591,163	840,873	844,310	0.4%
Cash Funds	630,930	625,406	758,587	758,587	0.0%
Reappropriated Funds	0	0	109,600	16,000	(85.4%)

SUBTOTAL - (B) Colorado Crime Information Center	7,601,525	9,714,338	11,851,886	11,785,423	(0.6%)
<i>FTE</i>	<u>65.7</u>	<u>68.3</u>	<u>70.6</u>	<u>70.6</u>	<u>(0.0%)</u>
General Fund	2,903,315	2,911,558	3,206,974	3,210,411	0.1%
Cash Funds	3,458,521	5,301,722	5,585,613	5,609,313	0.4%
Reappropriated Funds	1,239,689	1,501,058	3,059,299	2,965,699	(3.1%)

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(C) Laboratory and Investigative Services

The Laboratory and Investigative Services Units provide forensic and investigative assistance to law enforcement agencies throughout Colorado. This section of the budget receives the majority of its funding from the General Fund. Other major sources of revenue include the Offender Identification Fund, Limited Gaming Funds appropriated to the Department of Revenue, and the Colorado Identity Theft and Financial Fraud Cash Fund.

Personal Services	<u>8,105,780</u>	<u>8,110,884</u>	<u>8,311,034</u>	<u>8,285,561</u>	
FTE	96.4	95.4	103.6	103.6	
General Fund	7,431,449	7,396,017	7,510,104	7,484,631	
Cash Funds	172,007	169,936	168,407	168,407	
Reappropriated Funds	502,324	544,931	632,523	632,523	
Operating Expenses	<u>3,556,769</u>	<u>3,992,965</u>	<u>4,220,691</u>	<u>4,220,691</u>	
General Fund	2,288,722	2,248,391	2,368,532	2,368,532	
Cash Funds	1,195,641	1,645,226	1,726,857	1,726,857	
Reappropriated Funds	72,406	99,348	125,302	125,302	
Complex Financial Fraud Unit	<u>342,166</u>	<u>286,239</u>	<u>642,992</u>	<u>642,992</u>	
FTE	3.9	2.9	7.0	7.0	
Cash Funds	342,166	286,239	642,992	642,992	
Lease/Lease Purchase Equipment	<u>439,196</u>	<u>437,222</u>	<u>439,196</u>	<u>439,196</u>	
General Fund	439,196	437,222	439,196	439,196	

SUBTOTAL - (C) Laboratory and Investigative Services	12,443,911	12,827,310	13,613,913	13,588,440	(0.2%)
FTE	<u>100.3</u>	<u>98.3</u>	<u>110.6</u>	<u>110.6</u>	<u>(0.0%)</u>
General Fund	10,159,367	10,081,630	10,317,832	10,292,359	(0.2%)
Cash Funds	1,709,814	2,101,401	2,538,256	2,538,256	0.0%
Reappropriated Funds	574,730	644,279	757,825	757,825	0.0%

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(D) State Point of Contact - National Instant Criminal Background Check Program

This unit provides "instant" criminal background checks for the purpose of approving firearm purchases as well as concealed weapons permits applications. The program is defined in Section 24-33.5-424, C.R.S. The program is funded mainly by the General Fund but also receives funding from fees for concealed permit application background checks.

Personal Services	<u>1,210,703</u>	<u>1,196,342</u>	<u>1,312,023</u>	<u>1,312,023</u>	
FTE	23.0	20.4	26.4	26.4	
General Fund	1,079,880	1,067,459	1,086,212	1,086,212	
Cash Funds	130,823	128,883	225,811	225,811	
Operating Expenses	<u>300,371</u>	<u>250,372</u>	<u>361,248</u>	<u>361,248</u>	
General Fund	300,371	250,372	300,744	300,744	
Cash Funds	0	0	60,504	60,504	

SUBTOTAL - (D) State Point of Contact - National Instant Criminal Background Check Program	1,511,074	1,446,714	1,673,271	1,673,271	0.0%
FTE	<u>23.0</u>	<u>20.4</u>	<u>26.4</u>	<u>26.4</u>	(0.0%)
General Fund	1,380,251	1,317,831	1,386,956	1,386,956	0.0%
Cash Funds	130,823	128,883	286,315	286,315	0.0%

TOTAL - (5) Colorado Bureau of Investigation	24,444,168	27,015,805	29,045,114	28,997,158	(0.2%)
FTE	<u>200.3</u>	<u>201.4</u>	<u>214.6</u>	<u>214.6</u>	0.0%
General Fund	14,900,620	14,789,814	15,474,997	15,452,961	(0.1%)
Cash Funds	5,575,222	7,815,929	8,782,334	8,845,913	0.7%
Reappropriated Funds	1,900,309	2,249,392	3,937,272	3,847,718	(2.3%)
Federal Funds	2,068,017	2,160,670	850,511	850,566	0.0%

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
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(6) DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

The Division of Homeland Security and Emergency Management (DHSEM) was created in H.B. 12-1283. The Division consists of three offices: The Office of Emergency Management, Office of Prevention and Security, and the Office of Preparedness.

(A) Office of Emergency Management

The mission of the Office of Emergency Management (OEM) is to lead, manage, and coordinate state-level actions for all hazards preparedness, natural hazards mitigation, emergency response, and disaster recovery in support of local governments within Colorado. The main source of funding for this office is federal disaster funding, the state Disaster Emergency Fund, and some General Fund dollars.

Program Administration	<u>0</u>	<u>0</u>	<u>2,644,298</u>	<u>2,644,298</u>
FTE	0.0	0.0	28.9	28.9
General Fund	0	0	622,565	622,565
Reappropriated Funds	0	0	65,841	65,841
Federal Funds	0	0	1,955,892	1,955,892
 Disaster Response and Recovery	 <u>0</u>	 <u>0</u>	 <u>4,950,000</u>	 <u>4,950,000</u>
Cash Funds	0	0	4,500,000	4,500,000
Federal Funds	0	0	450,000	450,000
 Preparedness Grants and Training	 <u>0</u>	 <u>0</u>	 <u>12,010,988</u>	 <u>12,010,988</u>
Cash Funds	0	0	10,988	10,988
Federal Funds	0	0	12,000,000	12,000,000
 Indirect Cost Assessment	 <u>0</u>	 <u>0</u>	 <u>264,512</u>	 <u>266,437</u>
Reappropriated Funds	0	0	9,387	8,282
Federal Funds	0	0	255,125	258,155

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
SUBTOTAL - (A) Office of Emergency Management	0	0	19,869,798	19,871,723	NaN
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>28.9</u>	<u>28.9</u>	<u>0.0%</u>
General Fund	0	0	622,565	622,565	0.0%
Cash Funds	0	0	4,510,988	4,510,988	0.0%
Reappropriated Funds	0	0	75,228	74,123	(1.5%)
Federal Funds	0	0	14,661,017	14,664,047	0.0%

(B) Office of Prevention and Security

The mission of the Office of Prevention and Security (OPS) is to ensure a safe and secure environment for the citizens of Colorado from international acts of terrorism, accidental harmful events, or natural disasters, through the implementation of innovative prevention methods, coordinated response procedures, and effective recovery plans. The OPS receives federal funding as well as funding from the Colorado State Patrol (CSP).

Personal Services	<u>0</u>	<u>0</u>	<u>1,276,465</u>	<u>1,276,465</u>	
<i>FTE</i>	0.0	0.0	8.0	8.0	
Reappropriated Funds	0	0	588,784	588,784	
Federal Funds	0	0	687,681	687,681	
Operating Expenses	<u>0</u>	<u>0</u>	<u>536,917</u>	<u>536,917</u>	
Reappropriated Funds	0	0	45,765	45,765	
Federal Funds	0	0	491,152	491,152	
SUBTOTAL - (B) Office of Prevention and Security	0	0	1,813,382	1,813,382	0.0%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>8.0</u>	<u>8.0</u>	<u>0.0%</u>
Reappropriated Funds	0	0	634,549	634,549	0.0%
Federal Funds	0	0	1,178,833	1,178,833	0.0%

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	Request vs. Appropriation
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(C) Office of Preparedness

The mission of the Office of Preparedness is to implement a State Preparedness Goal and System in order to build and improve the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to Colorado. The Office of Preparedness also administers federal homeland security and emergency management performance grants. The main source of funding is federal funds.

Program Administration	0	0	728,669	803,001	*
FTE	0.0	0.0	8.0	8.8	
General Fund	0	0	128,669	203,001	
Federal Funds	0	0	600,000	600,000	
Grants	0	0	9,601,205	9,601,205	
Federal Funds	0	0	9,601,205	9,601,205	

SUBTOTAL - (C) Office of Preparedness	0	0	10,329,874	10,404,206	0.7%
FTE	<u>0.0</u>	<u>0.0</u>	<u>8.0</u>	<u>8.8</u>	<u>10.0%</u>
General Fund	0	0	128,669	203,001	57.8%
Federal Funds	0	0	10,201,205	10,201,205	0.0%

TOTAL - (6) Division of Homeland Security and Emergency Management	0	0	32,013,054	32,089,311	0.2%
FTE	<u>0.0</u>	<u>0.0</u>	<u>44.9</u>	<u>45.7</u>	<u>1.8%</u>
General Fund	0	0	751,234	825,566	9.9%
Cash Funds	0	0	4,510,988	4,510,988	0.0%
Reappropriated Funds	0	0	709,777	708,672	(0.2%)
Federal Funds	0	0	26,041,055	26,044,085	0.0%

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TOTAL - Department of Public Safety	161,456,535	181,985,811	237,069,655	250,505,038	5.7%
<i>FTE</i>	<u>1,247.0</u>	<u>1,271.3</u>	<u>1,497.9</u>	<u>1,518.7</u>	<u>1.4%</u>
General Fund	25,371,097	25,492,925	27,509,249	29,194,159	6.1%
Cash Funds	110,948,221	118,286,119	152,200,746	161,325,113	6.0%
Reappropriated Funds	16,916,673	18,734,886	23,858,619	25,479,784	6.8%
Federal Funds	8,220,544	19,471,881	33,501,041	34,505,982	3.0%

Appendix B: Recent Legislation Affecting Department Budget

2011 Session Bills

S.B. 11-076 (PERA Contribution Rates): For the 2011-12 state fiscal year only, reduces the employer contribution rate for the State and Judicial divisions of the Public Employees' Retirement Association (PERA) by 2.5 percent and increases the member contribution rate for these divisions by the same amount. In effect, continues the FY 2010-11 PERA contribution adjustments authorized through S.B. 10-146 for one additional year. Reduces the Department's total appropriation by \$2,074,036 total funds, of which \$437,930 is General Fund, \$1,430,407 is cash funds, \$102,366 is reappropriated funds, and \$103,333 is federal funds.

S.B. 11-108 (Sunset ID Theft Fraud Unit): Extends the repeal date of the "Identity Theft and Financial Fraud Deterrence Act" from July 1, 2011, until September 1, 2016, and makes changes to the identity theft and financial fraud board.

S.B. 11-173 (Interoperable Communications in Schools): Clarifies the existing framework for school emergency incident preparedness and response, including communications between schools and state and local emergency personnel. Specifies the role of the Division of Fire Safety in assessing and enquiring about a school's emergency response framework, and providing technical assistance as needed.

S.B. 11-251 (Division of Fire Safety Duties): Makes changes to the authority of the Division of Fire Safety. Appropriates \$7,337 cash funds to the Department of Public Safety for the procurement of legal services from the Department of Law. Specifically, the bill does the following:

- increases the maximum fee for a fireworks license from twenty-five to fifty dollars and increases the maximum fee for a retailer, a wholesaler, or an exporter of fireworks license from seven hundred fifty to one thousand five hundred dollars;
- specifies that if a local government has not adopted a fire code that fireworks must be stored in accordance with the fire code adopted by the director of the Division of Fire Safety;
- establishes that the minimum safety standards for limited gaming structures shall be the codes adopted by the director of the Division of Fire Safety, except that no new rules shall be applied retroactively to structures licensed and operating as limited gaming structures on or before July 1, 2011;
- gives the division and educational institutions the discretion to use third-party inspectors for required inspections of schools and junior college buildings to receive a certificate of occupancy;

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- provides definitions for "first responder", "hazardous materials responder", and "rescuer" and stipulates responsibilities of the Division of Fire Safety in relation to the former;
- makes changes to the voluntary certification of firefighters, first responders, and hazardous materials responders advisory board;
- makes changes to the firefighter, first responder, and hazardous materials responder certification fund and the fire suppression cash fund;
- transfers on June 30, 2011, the balance of the hazardous materials responder voluntary certification fund into the firefighter, first responder, and hazardous materials responder certification fund.

S.B. 11-266 (Background Check School Contractors): Requires contractors providing services to public schools to undergo a fingerprint-based criminal history record check. Appropriates \$310,500 cash funds (Colorado Bureau of Investigation Identification Unit Fund) to the Colorado Bureau of Investigation for fingerprint based background checks.

H.B. 11-1036 (Blue Alert for Injured Peace Officers): Creates the "Blue Alert" program in the Colorado Bureau of Investigation to broadcast when a peace officer has been killed or seriously wounded in the line of duty and the suspect has fled the scene.

H.B. 11-1138 (Sex Offender Management Board): Extends the Sex Offender Management Board from July 1, 2010, to September 1, 2016, and makes numerous revisions to the sections of law concerning the board. Makes a General Fund appropriation of \$318,565 and 3.2 FTE and an appropriation from the Sex Offender Surcharge Cash Fund of \$152,536 and 1.5 FTE for FY 2011-12.

H.B. 11-1145 (Background Check for Child Care Workers): Requires all child care workers to have a fingerprint-based criminal history record check through both the Federal Bureau of Investigation and the Colorado Bureau of Investigation. The bill applies to workers hired on or after August 10, 2011. Appropriates \$19,311 cash funds and 0.4 FTE to the Department of Human Services and appropriates \$151,800 cash funds (Colorado Bureau of Investigation Identification Unit Fund) to the Colorado Bureau of Investigation for fingerprint based background checks.

H.B. 11-1176 (Crude Oil Hazardous Substance Transport): Authorizes the Colorado State Patrol to exempt crude oil transporters from state requirements regarding route designation for transporting hazardous materials.

H.B. 11-1195 (Private Investigators Voluntary License): Creates a voluntary licensing program for private investigators. The licensing program is repealed, effective July 1, 2016, following a sunset review. Appropriates \$19,750 cash funds (Colorado Bureau of Investigation Identification Unit Fund) to the Colorado Bureau of Investigation for fingerprint based

background checks, appropriates \$82,533 cash funds and 1.0 FTE to the Department of Regulatory Agencies.

H.B. 11-1199 (Solar Device Permits): Extends the sunset date for statutory limits on solar device fees to July 1, 2018. Sets limits on the amounts of fees that can be collected for solar device permits.

2012 Session Bills

H.B. 12-1019 (Transfer Ports of Entry to State Patrol): Abolishes the Motor Carrier Services Division in the Department of Revenue, transfers the Ports of Entry program to the Department of Public Safety, Colorado State Patrol, and transfers the International Registration Program for commercial vehicles to the Division of Motor Vehicles in the Department of Revenue. Appropriates \$10.9 million total funds and 122.3 FTE to the Department of Public Safety for FY 2012-13, of these amounts, reduces the General Fund appropriation by \$283,704, increases cash funds appropriations by \$10.6 million, and increases reappropriated funds appropriations by \$601,394. Reduces appropriations to the Department of Revenue by \$10.1 million and 122.3 FTE for FY 2012-13.

H.B. 12-1032 (Continue Forest Restoration Program): Continues the Forest Restoration Program for five years and specifies that the program is no longer a pilot program. Extends for five years the annual transfers from the Operational Account of the Severance Tax Trust Fund of \$1.0 million to the Forest Restoration Program Cash Fund, \$1.45 million to the Healthy Forests and Vibrant Communities Fund, and \$50,000 to the Wildland-Urban Interface Training Fund. Appropriates \$50,000 from the Wildland-Urban Interface Training Fund to the Department of Public Safety.

H.B. 12-1110 (Regulation of Appraisal Management Companies): Establishes within the Department of Regulatory Agencies' (DORA's) Division of Real Estate a licensure program for appraisal management companies. For FY 2012-13, appropriates \$23,700 cash funds to the Department of Public Safety, Colorado Bureau of Investigation for conducting criminal history background checks. The effective date of the bill is July 1, 2013, effectively nullifying the appropriation for FY 2012-13.

H.B. 12-1246 (Reverse Pay-date Shift for Bi-weekly State Employees): Reverses the annual pay date shift as it applies to state employees paid on a biweekly basis. Appropriates \$25,473 General Fund to the Department of Public Safety for FY 2012-13.

H.B. 12-1283 (Consolidate Homeland Security Functions and Fire Prevention Functions): Consolidates the State's fire prevention and control and homeland security and emergency management functions, personnel, and resources into two new divisions within the Department of Public Safety. Eliminates the Office of Preparedness, Security, and Fire Safety. Creates the Division of Fire Prevention and Control tasked with all the functions of the former Office of Fire Safety. Transfers to the Division of Fire Prevention and Control the powers and obligations relating to fire and wildfire preparedness, response, suppression, coordination, and management

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vested previously in the State Forest Service and the board of governors of the Colorado State University. Codifies the consolidation of Colorado's homeland security functions, personnel, and resources, enacted under Executive Order D 2011-030 into a new Division of Homeland Security and Emergency Management, consisting of the Office of Emergency Management, Office of Prevention and Security, and Office of Preparedness. Moves appropriations from the Governor's Office, Department of Higher Education, Department of Local Affairs, and Department of Public Health and Environment into the new Division of Fire Prevention and Control and the new Division of Homeland Security and Emergency Management.

Appropriations and Adjustments to the 2012 Long Bill (H.B. 12-1335) in H.B. 12-1283						
Department/Division	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Governor, Office of Homeland Security	(\$10,201,205)	(6.0)	\$0	\$0	\$0	(\$10,201,205)
Higher Education, Fee-for-service Contracts with State Institutions and Board of Governors of the Colorado State University System	(620,090)	(35.4)	(310,045)	0	(310,045)	0
Local Affairs, Division of Emergency Management and EDO	(20,075,990)	(27.9)	(380,575)	(4,510,988)	(349,977)	(14,834,450)
Public Health and Environment, Emergency Preparedness and Response Division	(147,729)	(2.0)	(147,729)	0	0	0
Public Safety, Various	<u>36,608,071</u>	<u>71.3</u>	<u>838,349</u>	<u>10,129,020</u>	<u>349,977</u>	<u>25,290,725</u>
TOTAL	\$5,563,057	0.0	\$0	\$5,618,032	(\$310,045)	\$255,070

H.B. 12-1310 (Crime Proceedings Omnibus Changes): Addresses criminal justice matters in several areas including drug offenses and treatment, sentencing, court proceedings, sex offenses, probation, and parole. Relevant to the Department of Public Safety, consolidates funding for substance-abuse treatment for adult and juvenile offenders, replacing multiple appropriations with a set of similar appropriations involving the Correctional Treatment Cash Fund, which is created by the bill. Implements a consistent appropriation format that initially appropriates all General Fund and cash funds made available for treatment by S.B. 03-318 and H.B. 10-1352 to a single department (Judicial). Transfers funds not used in the Judicial Department to other state agencies as reappropriated funds. Eliminates a statutory requirement that the Division of Criminal Justice analyze and report each year to the Joint Budget Committee concerning the amount of fiscal savings generated by H.B. 10-1352. Increases appropriations of reappropriated funds to the Department by \$1,098,016 while reducing appropriations of cash funds by the same amount. Reduces General Fund appropriations to the Division of Criminal Justice by \$37,964 and 0.5 FTE.

Appendix C: **Update on Long Bill Footnotes & Requests for Information**

Long Bill Footnotes

Footnotes 1 and 49 will be addressed in a separate Department briefing discussion.

Requests for Information

Requests Affecting Multiple Departments

- 4 All Departments, Totals --** Every department is requested to submit to the Joint Budget Committee, by November 1, 2012, information on the number of additional federal and cash funds FTE associated with any federal grants or private donations that were received in FY 2011-12. The Departments are also requested to identify the number of additional federal and cash funds FTE associated with any federal grants or private donations that are anticipated to be received during FY 2012-13.

Comment: The Department included this information in the FY 2013-14 budget request.

Requests Affecting the Department of Public Safety

Requests for Information 2 will be addressed in a separate Department briefing discussion.

- 1 Department of Public Safety, Colorado State Patrol, Information Technology Asset Maintenance –** The Department is requested to submit to the Joint Budget Committee an annual expenditure report on November 1 of each year. At a minimum, each report should include on-going 5-year expenditure estimates for the line item, any new contracts awarded, and the names of the vendors.

Comment: The Department provided a response on November 1, 2012, the response is shown below:

FY 2011-12 Summary:

FY 2011-12 focused on the design, upgrade and expansion of critical components for the implementation of the Motorola Premier One computer aided dispatch and mobiles system (CAD). This implementation plan included CAD milestone base payments, replacement of dispatch workstations, network infrastructure, electrical upgrades, and uninterruptable power supplies (UPS) and continued maintenance of all of the current systems.

A key milestone for FY 2011-12 was the initial implementation of the CAD architecture in late FY 2012. Due to software vendor development complications and the Patrol's stability concerns, implementation was moved to FY 2012-13. Because of the adjustment in the deployment

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schedule funds were made available for other key needs including network infrastructure and electrical upgrades.

Expended budget FY 2011–12:

Description	FY 2011-12
CAD Software and Services	\$ 380,329.60
CAD Training	16,497.28
Network Infrastructure	203,599.66
Workstations	615,608.39
CAD Maintenance	331,663.80
Implementation and Operational Expenses	207,613.38
Voice Recorders	14,400.00
UPS Unit Purchase (five centers)	137,030.51
TOTALS	\$ 1,906,742.62

FY 2012-13 Implementation Plan:

The FY 2012-13 plan includes the completion of the CAD project, including network infrastructure, dispatch radio console replacement in Craig and Montrose, installation of UPS, and the continued maintenance of the existing systems.

Estimated budget for FY 2012–13:

Description	FY2012-13
CAD Premier Maintenance	\$ 214,542.96
CAD Software Upgrade contracts	196,454.60
CAD Premier Mobile Maintenance	23,400.00
Radio Consoles	960,141.00
CAD Laptops, Monitors and Printers	90,000.00
Network infrastructure and backup solution	150,000.00
Implementation and Operational Expenses	195,461.44
CAD Training	20,000.00
UPS Installation	150,000.00
TOTALS	\$ 2,000,000.00

As the Department approaches FY 2013-14, the focus will be on purchasing and implementing the records management system (RMS) in addition to the Premier One and Premier Mobile One Maintenance contracts and ongoing operational expenses.

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Estimated budget for FY 2013–14:

Description	FY2013-14
Records Management System (RMS)	\$1,200,000.00
CAD/CAD Mobile Maintenance	300,000.00
CAD Laptops, Monitors and Printers	115,000.00
Network Infrastructure	190,000.00
Implementation and Operational Expenses	175,000.00
CAD Training	20,000.00
TOTALS	\$ 2,000,000.00

FY 2014-15 Implementation Plan:

As the Department approaches FY 2014-15, the IT Asset Maintenance plan includes the replacement of sixteen aging and end of life radio dispatch consoles for Denver, Pueblo and Executive Security dispatch centers, as well as initial stages of the replacement of the emergency medical dispatch program, and the continued maintenance contracts for all systems.

Estimated budget for FY 2014–15:

Description	FY2014-15
Radio Console Upgrade – 16 Radios	\$1,280,000.00
CAD /CAD Mobile Maintenance	315,000.00
Emergency Medical Dispatch	100,000.00
CAD Laptops, Monitors and Printers	110,000.00
Implementation and Operational Expenses	175,000.00
CAD Training	20,000.00
TOTALS	\$ 2,000,000.00

FY 2015-16 Implementation Plan:

As the Department approaches FY 2015-16, the plan calls for building a fully functional emergency backup communications center and completion of the emergency medical dispatch program. The Patrol will also analyze all key components of the CAD, Mobile and RMS systems to determine mandated updates or upgrades.

Estimated budget for FY 2015–16:

Description	FY2015-16
CAD /CAD Mobile Maintenance	\$ 330,000.00
Emergency Medical Dispatch	100,000.00
CAD Laptops, Monitors and Printers	115,000.00
Geofile Services	160,000.00
Network Infrastructure	100,000.00
Implementation and Operational Expenses	175,000.00
CAD Training	20,000.00
Backup Communication Center	1,000,000.00
TOTALS	\$ 2,000,000.00

- 3 Department of Public Safety Totals** – The Department is requested to submit to the Joint Budget Committee, on November 1 of each year, a detailed report on the Department's use of HUTF funds, by division and program. Each annual report should include the amount of HUTF spent and the FTE for each program in the prior fiscal year, including detail on Colorado State Patrol FTE performing work for other divisions.

Comment: The Department provided a response on November 1, 2012, the response is shown below:

Two divisions within the Colorado Department of Public Safety (CDPS) receive appropriations with HUTF “Off the Top” spending authority: the Colorado State Patrol (CSP) and the Executive Director’s Office (EDO). Although both divisions receive HUTF “Off the Top” appropriations, all *programs* that use these funds are within the Colorado State Patrol. Below is a brief summary of the programs that used HUTF “Off the Top” funds during FY 2011-12.

General Traffic Safety Operations and Administration Program includes all personnel and related operating expenses necessary to support the Patrol’s statewide traffic safety operations. In total, the Patrol spent \$80,268,461 and 696.53 FTE in HUTF “Off the Top” to support the General Traffic Operations and Administration Program. Listed below are the personnel and operating costs included in this calculation:

- State Patrol Law Enforcement Personnel – HUTF funds supported the personnel costs of the CSP Chief, Lieutenant Colonels, Majors, Captains, Sergeants, Troopers and Technicians.
- Civilian Personnel – HUTF funds paid for personnel costs for most Civilian support staff within the State Patrol. The support staff consists of administrative support, budget, accounting, purchasing and operational development staff, needed to support CSP.
- Retirement Payouts – HUTF funds were used for sick and annual leave payouts for members of the State Patrol who retire or separate from CDPS.
- Overtime Expenses – HUTF funds supported overtime payments made to State Patrol Troopers.
- Operating Expenses – HUTF funds paid for the majority of operating expenses for State Patrol operations, including per-mile fleet vehicle charges.
- Information Technology Asset Maintenance – HUTF funds supported ongoing operating and maintenance costs for the State Patrol’s Computer Aided Dispatch (CAD) and Mobile Data Computers.
- Vehicle Lease Payments – HUTF funds were used for vehicle lease payments for all vehicles operated by the State Patrol.
- EDO Personal Services – HUTF paid a small portion of the Executive Director’s Office’s (EDO’s) personnel costs. This marginal HUTF appropriation within the EDO’s Administration Personal Services line item appeared in the FY 2003-04 Long Bill as a result of the Department’s allocation of Performance-Based Pay awards.

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- Purchase of Services from Computer Center – HUTF funds used to support certain services of the Governor’s Office of Information Technology.
- Management and Administration of OIT – HUTF funds used to support the management and administration of the Governor’s Office of Information Technology.
- Multiuse Network Payments – HUTF funds supported a portion of the payments to the Department of Personnel and Administration (DPA) for use of the Statewide Multiuse Network. These payments ensured connectivity of IT resources located throughout the Patrol’s geographically disparate offices.
- Risk Management and Property Funds – HUTF funds were used to pay for the portion of payments to DPA for property insurance specifically attributable to CSP Troop Offices located within defined flood plains.
- Leased Space – HUTF funds were used to pay for non-state owned buildings occupied by State Patrol staff.
- Capitol Complex Leased Space – HUTF funds were used for payments to DPA for state-owned building leased space occupied by CSP staff.
- Communication Services Payments – HUTF funds supported payments to DPA for the support of the Statewide Digital Trunked Radio network.
- Utilities – HUTF funds were used for utilities payments for buildings occupied by CSP staff.

Communications Program

The Communications Program comprises personnel and operating costs for the State Patrol’s police dispatching services to the CSP, as well as several other federal, county, and municipal law enforcement agencies throughout the State. The amount of HUTF funds used to fund this program in FY 2011-12 totaled \$6,876,935 and 102.7 FTE.

State Patrol Training Academy

The State Patrol Training Academy provides training for State Patrol Cadets, as well as in-service training for all uniformed CSP personnel, at the State Patrol’s Training Academy. The amount of HUTF funds used to fund this program in FY 2011-12 totaled \$1,892,257 and 13.7 FTE.

Aircraft Program

The Aircraft Program includes both traffic safety activities in the form of aerial highway supervision, as well as passenger carrier services for State agencies. The amount of HUTF funds used to fund this program in FY 2011-12 totaled \$412,138 and 1.5 FTE.

Hazardous Materials Safety Program

The Hazardous Materials Safety Program provides scheduling, routing, permitting and inspection services for commercial vehicles carrying hazardous and nuclear materials, as well as clean-up and mitigation capabilities for hazardous materials spills. The amount of HUTF funds used to fund this program in FY 2011-12 totaled \$832,394 and 6.0 FTE.

Indirect Cost Recoveries

Through Indirect Cost Recoveries, the State collects funding for the administrative support provided by the Executive Director’s Office, Department of Personnel and Administration, and other central services. The amount of HUTF funds collected to pay for these services in FY 2011-12 totaled \$7,184,799.

Victim Assistance Program

The Victim Assistance Program allows the State Patrol to offer support and services to victims of crime on Colorado’s highways. The amount of HUTF funds used to support victims assistance services in FY 2011-12 totaled \$53,177.

DUI Enforcement Grants

The CSP transferred \$1,082,980 HUTF to the Colorado Dept. of Transportation to fund DUI enforcement grants to local law enforcement agencies.

Motor Carrier Safety and Assistance Program

The Motor Carrier Safety and Assistance Program (MCSAP) used HUTF to support the commercial vehicle safety inspectors transferred to the CSP by HB 10-1113. The amount of HUTF funds used to fund this program in FY 2011-12 totaled \$326,607 and 3.8 FTE.

Executive and Capitol Complex Security Program and Homeland Security Program

The Executive and Capitol Complex Security Program provides funding for expenses related to the State Patrol’s State protection operations. This program provides protection to the State Capitol, Capitol Complex Buildings, the Governor, the First Family, and the Lieutenant Governor.

The Homeland Security Program provides protection of Colorado’s residents and visitors from potential threats, primarily through operation of the Colorado Information and Analysis Center (CIAC) and Critical Infrastructure Protection Program.

In accordance with the JBC’s direction to spend existing General Fund appropriations on these items, the Department applied as much General Funds as possible to appropriate Capitol Security and Homeland Security expenses. In FY 2010-11, the Department eliminated direct spending of HUTF funds on these non-highway programs.

Appendix D: Indirect Cost Assessment Methodology

Description of Indirect Cost Assessment Methodology

The Department of Public Safety’s indirect cost assessment methodology is calculated based on three components: an “*Indirect Cost Pool*”, an “*Indirect Cost Base*”, and an “*Indirect Cost Rate*”.

The *Indirect Cost Pool* is comprised of approved Executive Director’s Office (EDO) and other overhead FY 2011-12 actual costs, including statewide indirect costs, used to provide support to the entire department. **Table 1** outlines which lines are included in the department’s Indirect Cost Pool.

Table 1		
Department of Public Safety Indirect Cost Pool		
Division	Line Item	FY 2011-12 Actual
Executive Director's Office		
	Personal Services	\$2,475,083
	Operating Expenses	153,613
	Legal Services	159,975
	Purchase of Services from Computer Center	185,096
	Multiuse Network Payments	117,036
	Management and Administration of OIT	200,138
	Vehicle Lease	6,158
	Lease Space	110,292
	Risk Management	787,107
	Workers' Compensation	2,145,119
	Depreciation	2,889,299
	Termination Costs	536,691
	Audit Costs	34,573
	Statewide Indirect Cost Allocation	1,225,798
Total Indirect Cost Pool		\$11,025,978

The *Indirect Cost Base* is comprised of FY 2011-12 actual personal services costs by division. **Table 2** summarizes the department’s Indirect Cost Base.

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Table 2	
Department of Public Safety Indirect Cost Base	
	FY 2011-12
Division	Actual
Executive Director's Office	\$1,570,711
Colorado State Patrol	\$85,874,085
Office of Preparedness, Security, and Fire Safety	2,601,855
Division of Criminal Justice	4,404,435
Colorado Bureau of Investigation	15,935,635
Total Indirect Cost Base	\$110,386,721

The *Indirect Cost Rate* is 10.0 percent of each division's FY 2011-12 actual personal services lines. The Indirect Cost Rate is calculated by dividing the *Indirect Cost Pool* by the *Indirect Cost Base*. **Table 3** illustrates how the Indirect Cost Rate is calculated.

Table 3	
Department of Public Safety Indirect Cost Rate	
	FY 2011-12
Division	Actual
Indirect Cost Pool	\$11,025,978
Indirect Cost Base	\$110,386,721
Indirect Cost Rate (Base/Pool)	10.0%

FY 2013-14 Indirect Cost Assessment Request

For FY 2013-14 the Department has requested \$11,334,552 for indirect cost assessments. **Table 4** shows the FY 2013-14 Department request for the Indirect Cost Assessment line items in each division. The FY 2013-14 request represents an increase of \$911,537 from the FY 2012-13 indirect cost assessment mainly due to the transfer of the Ports of Entry from the Department of Revenue to the Colorado State Patrol.

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Table 4					
Department Indirect Cost Assessment Request					
Division	Total	CF	HUTF	RF	FF
Colorado State Patrol	\$9,712,115	251,572	8,645,577	479,149	335,817
Division of Fire Prevention and Control	217,991	167,453	0	16,538	34,000
Division of Criminal Justice	688,972	74,252	0	8,459	606,261
Colorado Bureau of Investigation	449,037	320,385	0	109,039	19,613
Homeland Security and Emergency Management	266,437	0	0	8,282	258,155
Total FY 2013-14 Request	\$11,334,552	\$813,662	\$8,645,577	\$621,467	\$1,253,846
FY 2012-13 Indirect Cost Assessment	\$10,423,015	\$759,101	\$7,839,653	\$603,686	\$1,220,575
Difference (FY 14 - FY 13)	\$911,537	\$54,561	\$805,924	\$17,781	\$33,271

Appendix E: Change Requests' Relationship to Performance Measures

This appendix will show how the Department of Public Safety indicates each change request ranks in relation to the Department's top priorities and what performance measures the Department is using to measure success of the request.

Change Requests' Relationship to Performance Measures			
R	Change Request Description	Goals / Objectives	Performance Measures
R-1	DCJ, Colorado Commission on Criminal and Juvenile Justice Continuation Funding	Office of Research and Statistics: Improve public safety, respect the rights of victims of crime, expand the use of evidence based practices and reduce recidivism by ensuring the efficiency and effectiveness of the Colorado Commission on Criminal and Juvenile Justice by convening the multidisciplinary Colorado Commission on Criminal and Juvenile Justice and its task forces and working groups and publish an annual summary of work accomplished by these groups.	Relationship to performance measures not provided.
R-2	DHSEM, Critical Infrastructure and Continuity of Operations Request	For the Critical Infrastructure Protection (CIP) program, the proposal would allow the Office of Preparedness (OP) to work toward certain measures, namely increasing the number of critical infrastructure sites added to the Automated Critical Asset Management System (ACAMS), attend vital information-sharing meetings with key partners, and conduct outreach with the Protective Security Advisor from the U.S. Department of Homeland Security (DHS).	Relationship to performance measures not provided.
R-3	CSP, Moffat County Public Safety Center Operating Agreement	Increase information sharing between the Colorado State Patrol, allied agencies, the public and private sectors.	Relationship to performance measures not provided.
R-4	CSP, Increase Spending Authority for Special Events Road and Lane Closures	<ul style="list-style-type: none"> - Reduce injuries and fatalities resulting from crashes. - Develop predetermined traffic mitigation strategies for major events in collaboration with allied agencies. 	Reduce by 5% the number of fatal and injury crashes investigated by troopers statewide in CY 2012 to 2015.
R-5	DCJ, Community Provider Rate Increase	Relationship to objective not provided.	Relationship to performance measures not provided.
NP-1	EDO – Capitol Complex Building Upgrades	N/A	N/A
NP-2	EDO – Employee Engagement Survey Adjustment	N/A	N/A
NP-3	EDO – OIT Enterprise Asset Management	N/A	N/A