

**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)*  
**FY 2013-14 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Friday, January 4, 2013**  
**1:30 pm – 5:00 pm**

**1:30-1:45**      **INTRODUCTIONS AND OPENING COMMENTS**

**1:45-2:00**      **QUESTIONS COMMON TO ALL DEPARTMENTS**

1. The JBC occasionally hears complaints that base personal services reductions to capture vacancy savings result in more vacancy savings as managers reduce staff to absorb the reduction and then still experience turnover. Some departments refer to this as the "death spiral." Has your department experienced this problem? How does your department attempt to minimize and avoid the "death spiral?"

**2:00-3:30**      **DIVISION OF FIRE PREVENTION AND CONTROL AND DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT**

2. Executive Order D 2011-030 (Consolidation of Homeland Security and Disaster Emergency Management Functions) was signed on October 18, 2011, and H.B. 12-1283 (Consolidation of Homeland Security and Disaster Emergency Management Functions) was signed on June 4, 2012. Please describe the consolidation process between the signing of the Executive Order and H.B. 12-1283. How much of the transition had been completed prior to the passage of H.B. 12-1283?
3. What is your assessment of the efficacy of the response to the fires this summer under the new emergency management structure? Did the consolidation facilitate better coordination on the assault of the fires?
4. Provide a Department preferred Long Bill budget structure for the Division of Fire Prevention and Control and the Division of Homeland Security and Fire Safety. Provide reasons for why the appropriations should be made in program line items versus personal services and operating expenses line items for the various appropriations in the Divisions.
5. House Bill 12-1283 transferred 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 to the Division of Fire

Prevention and Control. How much funds and FTE were transferred for this purpose? Does the Department anticipate needing to further adjust the appropriation of funds and FTE to more accurately reflect the actual transfer of funds and FTE for wildfire preparedness?

6. What are the strengths and weaknesses of the transfer of fire response from local to state? What are the lessons learned? Is there good coordination with local partners?
7. Who is responsible for fires started on federal forest lands? How does the interaction of the State and the Federal Government during the response to a fire started on federal forest land interact with the 10<sup>th</sup> Amendment to the United States Constitution?
8. There was a story in the news this summer that there were issues with FTE transferred as a result of H.B. 12-1283 from the State Forest Service to the Department of Public Safety. How many FTE were involved, what were the issues with their transfer, and were the issues resolved?
9. The Department has circulated a 2013 legislative proposal to amend sections of statute related to the Wildland Fire Cost Recovery Fund. In particular, the Department is requesting to make the fund a non-interest bearing fund, to allow the fund to get an advance from the Department of Treasury in excess of \$12.0 million in any given fiscal year, and to allow roll-forward spending authority so that funds can be transferred from one fiscal year to the next. Please explain the details of the proposal as well as why you think that a legislative change is necessary. Is the Department asking the Joint Budget Committee to carry the Department's legislative proposal?
10. Is funding in the Emergency Fire Fund available for fires that cross into several counties or can the funding be used only in a single county?
11. The Department has submitted Request 2 to fund an additional position in the Office of Preparedness in the Division of Homeland Security and Emergency Management 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 the position has not been funded since 2008. How was the position funded prior to 2008? If the position was funded with federal funds, why should the State backfill federal funds with General Fund? Did anyone perform critical infrastructure / COOP functions between 2008 and 2012? Explain what this position will do for the state.

12. How does the Department Request 2 interact with Section 24-75-1305, C.R.S., which prohibits the General Assembly from providing appropriations of state moneys to fund a program that was previously funded with grant moneys? Does the Department believe that Request 2 is in violation of Section 24-75-1305, C.R.S.?
13. Is there an overlap between the Department Request 2 and the Governor's Office of Information Technology Request 9, Microwave Assessment, to assess the scope and strategy for necessary upgrades to the microwave backbone that serves the statewide public safety communications system (Digital Trunked Radio System)?
14. Provide a schematic flow chart that shows where moneys for disaster emergencies in general, and wildfire response in particular, come from and how the moneys are disbursed for disaster emergencies and wildfires.
15. How much is the State still paying for past fires? Please provide a consolidated report that shows how much was encumbered for each fire, from what funding source were the encumbrances made, how much has been paid out for each fire, as well as how much was received back from any federal or other reimbursements.
16. How much of the state emergency reserve (TABOR reserve) has been used for disaster emergencies in FY 2009-10, FY 2010-11, FY 2011-12, and FY 2012-13?
17. The cash fund report (Schedule 9) provided by the Governor's Office does not provide a full analysis of the Disaster Emergency Fund (DEF) for FY 2012-13 and FY 2013-14. Provide an analysis of the Department's estimated funding balance for the DEF for FY 2012-13 and FY 2013-14.
18. How does the Department propose reporting to the General Assembly on the total disaster emergency funding encumbered and spent for disaster emergencies? Does the Department believe that an annual report would provide useful information to the General Assembly on disaster emergency funding and expenditures?

**3:30-3:45      BREAK**

**3:45-4:30      COLORADO STATE PATROL**

19. The Department is requesting a total of \$123.3 million HUTF "Off-the-Top", or a \$7.5 million (6.5 percent), increase in operating funding from FY 2012-13. Please describe what the \$7.5 million is going to fund.

20. Provide an update on the transfer of the Ports of Entry program from the Department of Revenue to the State Patrol accomplished through H.B. 12-1019.
21. Regarding the transfer of the Ports of Entry program from the Department of Revenue to the State Patrol, how many FTE from Revenue made the transfer to the Patrol, how many found positions elsewhere, and how many were ultimately separated from state employment?
22. A report published as a result of H.B. 11-1113 concluded that the transfer of the Ports of Entry program out of the Department of Revenue has the potential to save between \$1.8 million and \$3.1 million over a five-year period. What is the Department's current estimate of achievable savings within the Ports of Entry program over five years and how does the Department plan on utilizing the savings?
23. The Ports of Entry has submitted a capital construction request for FY 2013-14 for \$1.5 million to replace the Ports of Entry legacy business system. Provide the Ports of Entry most recent capital construction long-term plan. Please discuss the Ports of Entry capital construction plan, what are the top priorities for the Ports of Entry? How does this request fit within the Ports of Entry capital construction long-term plan?
24. The State of Utah stopped staffing the west-bound port of entry on the Colorado-Utah border on I-70 in 2011. Have there been discussions since that time with the State of Utah regarding staffing of the the I-70 west-bound port of entry?
25. Department Request 4, Increase Spending Authority for Special Events Road and Lane Closures, requests \$548,262 cash funds (\$398,262 from revenues to provide escort for oversize/overweight loads (OSOW) and \$150,000 for the USA Pro Cycling Challenge). Discuss the details of this Department request.

**4:30-5:00 COLORADO BUREAU OF INVESTIGATION**

26. Describe the CBI's InstaCheck program. Provide workload measures for FY 2010-11, FY 2011-12, and FY 2012-13. How much does the program cost the agency in total? What is the average cost per transaction?

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED**

1. *[JBC Members]* The Joint Budget Committee has recently reviewed the State Auditor's Office *Annual Report of Audit Recommendations Not Fully Implemented* (October 2012). If this report identifies any recommendations for the Department that have not yet been fully implemented and that fall within the following categories, please provide an update on the implementation status and the reason for any delay.
  - a. Financial audit recommendations classified as material weaknesses or significant deficiencies;
  - b. Financial, information technology, and performance audit recommendations that have been outstanding for three or more years.