

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



SUPPLEMENTAL REQUESTS FOR FY 2014-15

DEPARTMENT OF PUBLIC SAFETY

(All Divisions except the Division of Criminal Justice)

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

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TABLE OF CONTENTS

	Narrative Page	Numbers Page
Department Overview	1	N.A.
Summary: FY 2014-15 Appropriation and Recommendation	1	N.A.
Prioritized Supplementals in Department-assigned Order		
S1 – Transfer H.B. 1020 Surplus to Capital Construction Fund	3	8
S2 – State Toxicology Lab Funding	3	9
S3 – Concealed Handgun Permit Applications	5	10
S4 – Peace Officer Standards and Training Board Grant	6	11
Non-prioritized Supplementals		
Statewide Common Policy Supplemental Requests	7	N.A.
Totals for All Supplementals	N.A.	11
Appendices		
A - Numbers Pages	8	N.A.
B - Capital Construction Narrative for CDPS Request	12	N.A.
C - S1 Chart	14	N.A.

DEPARTMENT OF PUBLIC SAFETY

(All Divisions except the Division of Criminal Justice)

Department Overview

The Department of Public Safety is responsible for providing 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's FY 2014-15 appropriation represents 1.5 percent of statewide General Fund appropriations.

Summary: FY 2014-15 Appropriation and Recommendation

Department of Public Safety: Recommended Changes for FY 2014-15						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2014-15 Appropriation						
HB 14-1336 (Long Bill)	\$294,353,852	\$61,176,083	\$172,236,374	\$27,481,590	\$33,459,805	1,585.0
Other legislation	<u>4,080,708</u>	<u>3,215,294</u>	<u>816,738</u>	<u>48,676</u>	<u>0</u>	<u>29.3</u>
Current FY 2014-15 Appropriation	\$298,434,560	\$64,391,377	\$173,053,112	\$27,530,266	\$33,459,805	1,614.3
Recommended Changes						
Current FY 2014-15 Appropriation	\$298,434,560	64,391,377	\$173,053,112	\$27,530,266	\$33,459,805	1,614.3
S-01 Transfer H.B. 13-1020 Surplus to Capital Construction Fund	0	0	0	0	0	0.0
S-02 State Toxicology Laboratory Funding	(396,592)	300,000	(696,592)	0	0	0.3
S-03 Concealed Handgun Permit Applications	369,323	0	369,323	0	0	0.0
S-04 Peace Officer Standards and Training Board Grant	20,000	0	0	20,000	0	0.0
Statewide Common Policies	<u>256,364</u>	<u>(219,451)</u>	<u>478,285</u>	<u>17,870</u>	<u>(20,340)</u>	<u>0.0</u>
Recommended FY 2014-15 Appropriation	\$298,683,655	\$64,471,926	\$173,204,128	\$27,568,136	\$33,439,465	1,614.6
Recommended Increase/(Decrease)	\$249,095	\$80,549	\$151,016	\$37,870	(\$20,340)	0.3
Percentage Change	0.1%	0.1%	0.1%	0.1%	(0.1%)	0.0%
FY 2014-15 Executive Request	\$298,881,215	\$64,301,161	\$173,563,987	\$27,576,602	\$33,439,465	1,614.6
Request Above/(Below) Recommendation	\$197,560	(\$170,765)	\$359,859	\$8,466	\$0	0.0

Request/Recommendation Descriptions

S-01 Transfer H.B. 13-1020 Surplus to Capital Construction Fund: The Department requests that \$2,756,822 from H.B. 13-1020 be transferred to the Capital Construction Fund. The recommendation will be discussed in greater detail during the Capital Construction supplemental presentation.

S-02 State Toxicology Laboratory Funding: The Department requests a net decrease of \$396,592 cash funds in FY 2014-15. This request includes a decrease of \$696,592 cash funds from the State Toxicology Fund and an increase of \$300,000 cash fund spending authority from the Law Enforcement Assistance Fund (LEAF). The recommendation is to approve an increase of \$300,000 General Fund in place of LEAF funding.

S-03 Concealed Handgun Permit Applications: The Department requests \$369,323 cash fund spending authority in FY 2014-15 to support the hiring of 7.9 technicians to reduce the processing time for concealed handgun permits. The recommendation is to approve the request.

S-04 Peace Officer Standards and Training Board Grant: The Department requests an increase of \$20,000 cash fund spending authority in order to expend the Peace Officer Standards and Training (POST) Board cash grant received by the Department of Law. The recommendation is to approve the request.

Statewide Common Policies: The JBC acted on these items when making decisions regarding common policies on January 8, 2015. The table above reflects those recommendations.

Prioritized Supplemental Requests

SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #1 TRANSFER H.B. 13-1020 SURPLUS TO CAPITAL CONSTRUCTION FUND

	Request	Recommendation
Total	<u>\$0</u>	<u>\$0</u>
General Fund	\$0	\$0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of new information.	

Department Request: The Department requests that \$2,756,822 from H.B. 13-1020 be transferred to the Capital Construction Fund.

Staff Recommendation: This request will be discussed during the January 23, 2015 Capital Construction Supplemental Request presentation.

Staff Analysis: Staff analysts for the Department of Public Safety and Capital Construction discussed the request and believe it is most appropriately presented as part of the Capital Construction presentation on January 23, 2015. Additional background and information on this request can be found in the Capital Construction narrative in Appendix B.

SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #2 STATE TOXICOLOGY LABORATORY FUNDING

	Request	Recommendation
Total	<u>(\$396,592)</u>	<u>(\$396,592)</u>
FTE	0.3	0.3
General Fund	\$0	\$300,000
Cash Funds	(\$396,592)	(\$696,592)

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of new information.	

Department Request: The Department requests a net decrease of \$396,592 cash funds in FY 2014-15. This request includes a decrease of \$696,592 cash funds from the State Toxicology Fund and an increase of \$300,000 cash fund spending authority from the Law Enforcement Assistance Fund (LEAF).

Staff Recommendation: Staff recommends that the Committee approve the request for additional funding for the state toxicology lab. However, staff recommends appropriating \$300,000 General Fund in place of the requested LEAF cash funding.

Staff Analysis: House Bill (H.B.) 14-1340 requires the Colorado Bureau of Investigation (CBI) to operate a state toxicology laboratory to assist local law enforcement with the testing of toxicology samples. Prior to the completion of the Arvada and Pueblo labs, toxicology work will be performed in the Grand Junction facility. Upon completion of the two new facilities, the toxicology services will operate out of the Grand Junction, Arvada, and Pueblo.

With the transition of the state toxicology lab from the Colorado Department of Public Health and Environment (CDPHE) to CBI, six pieces of laboratory equipment were expected to be transferred. Of these, only one piece of equipment was available and functioning at the necessary level. The need to purchase new equipment was not expected at the time of the original appropriation. This equipment is essential to the operation of the lab.

H.B. 14-1340 authorized the lab to charge fees for the services, which would be credited to the State Toxicology Laboratory Fund to support the costs of operation the lab. The fiscal note for H.B. 14-1340 assumed the toxicology lab would be partially operational in 2014-15 with the transfer of equipment to the existing Grand Junction lab, resulting in an expected revenue of \$696,592 in cash funds. However, because this equipment was not able to be brought online at the Grand Junction lab immediately, there is a delay in the start of testing. Additionally, most local agencies contracted with private companies for toxicology services following the closure of the CDPHE labs. Many of these contracts are multi-year and will prevent local agencies from utilizing the CBI lab services until those contracts expire. Revenue is not expected until FY 2015-16.

H.B. 14-1340 authorized the appropriation of funds from the Law Enforcement Assistance Fund (LEAF) to the Department. Pursuant to Section 43-4-402 (2)(a), C.R.S., appropriations from LEAF can be made to CDPHE for evidential breath alcohol testing and related education needs and to CBI for toxicology services and related education needs. Following these appropriations, the remaining balance of the fund is split between the Colorado Department of Transportation (CDOT) and the Department of Human Services (DHS) behavioral health programs and services. Of that balance, 80.0 percent is allocated to CDOT and the remaining 20.0 percent to DHS.

Because the funding for CDOT and DHS is allocated after the CDPHE and CDPS funds are appropriated, providing an unanticipated supplemental appropriation from the LEAF fund would result in an unanticipated, year-end reduction in funding to CDOT and DHS.

**SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #3
CONCEALED HANDGUN PERMIT APPLICATIONS**

	Request	Recommendation
Total	<u>\$369,323</u>	<u>\$369,323</u>
General Fund	\$0	\$0
Cash Funds	\$369,323	\$369,323

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of new information.	

Department Request: The Department requests \$369,323 cash fund spending authority in FY 2014-15 to support the hiring of 7.9 technicians to reduce the processing time for concealed handgun permits.

Staff Recommendation: Staff recommends that the Committee approve the request.

Staff Analysis: The InstaCheck Unit within the Colorado Bureau of Investigation (CBI) is responsible for processing background checks associated with concealed handgun permits (CHP) on behalf of Colorado sheriffs. Pursuant to Section 18-12-206 (1), C.R.S., permit applications must be approved or denied within 90 days. Any decision to deny an application must be based on the results of the background check. This 90 day period includes the turnaround for background checks conducted by CBI, as well as additional background research and turnaround by the Sheriff's Office.

As shown in the chart below, the InstaCheck Unit has seen sizeable growth in the number of permit applications received since FY 2011-12. However, spending authority for the unit has not changed. According to the Department, this increase in workload has caused processing times to increase.

Fiscal Year	Number of Permit Applications	Percent Change from Prior Year
2011-12	26,384	
2012-13	47,458	79.9%
2013-14	58,263	22.8%

Based on historical data and limited information for the current fiscal year, the InstaCheck Unit expects 70,206 permit applications in 2014-15, a 20.5 percent increase over 2013-14. While applications and processing times have been increasing over the past several years, the increased processing time is expected to reach 54 days in 2014-15, compared to 45 days in 2013-14.

Based on this data, and expected number of permits processed by 1.0 FTE in one year, the Department is requesting spending authority to fund 7.9 additional FTE, for which the Department has existing FTE authorization. The Department believes that revenue from concealed handgun permit applications is sufficient to support the requested spending authority. Approval of the requested increase is expected to reduce the CBI turnaround time from 54 days to the Department’s goal of 20 days.

**SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #4
 PEACE OFFICER STANDARDS AND TRAINING BOARD GRANT**

	Request	Recommendation
Total	<u>\$20,000</u>	<u>\$20,000</u>
Reappropriated Funds	\$20,000	\$20,000

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of new information.	

Department Request: The Department requests an increase of \$20,000 cash fund spending authority in order to expend the Peace Officer Standards and Training (POST) Board cash grant received by the Department of Law.

Staff Recommendation: Staff recommends that the Committee approves the request.

Staff Analysis: In FY 2014-15, CBI received a \$19,530 Peace Officer Standards and Training (POST) grant to provide specialized training for an estimated 230 Colorado peace officers on cold case homicide investigation strategies and best practices, National Missing and Unidentified Person System training, and for AMBER technical coordinators for investigations of missing and abducted children. Approving the request will allow the Department to conduct the statewide training.

Statewide Common Policy Supplemental Requests

These requests are not prioritized and are not analyzed in this section. The JBC acted on these items when making decisions regarding common policies.

Department's Portion of Statewide Supplemental Request	Total	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Capitol Complex Lease Space Adjustment	\$135,000	\$98,650	\$35,263	\$1,087	\$0	0.0
Vehicle Lease Payment True-Up	312,424	(217,015)	517,631	32,148	(20,340)	0.0
CORE Common Policy True-Up	(29,790)	(8,141)	(14,750)	(6,899)	0	0.0
Grants Management Application Support	<u>36,290</u>	<u>36,290</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
Department's Total Statewide Supplemental Requests	\$453,924	(\$90,216)	(\$90,216)	\$538,144	\$26,336	0.0

Staff Recommendation: The Committee took action on these requests on January 8, 2015. Staff asks permission to make additional adjustments to these non-prioritized items if further Committee decisions are made.

JBC Staff Supplemental Recommendations - FY 2014-15
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Number Pages

	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2014-15 Requested Change	FY 2014-15 Rec'd Change	FY 2014-15 Total W/ Rec'd Change
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DEPARTMENT OF PUBLIC SAFETY
James Davis, Executive Director

S01 Transfer HB 13-1020 Surplus to CC Fund

(5) COLORADO BUREAU OF INVESTIGATION

(C) Laboratory and Investigative Services

Operating Expenses	<u>4,201,320</u>	<u>9,796,187</u>	<u>0</u>	<u>0</u>	<u>9,796,187</u>
General Fund	3,232,968	7,247,436	0	0	7,247,436
Cash Funds	861,398	2,423,449	0	0	2,423,449
Reappropriated Funds	106,954	125,302	0	0	125,302

Total for S01 Transfer HB 13-1020 Surplus to CC					
Fund	4,201,320	9,796,187	0	0	9,796,187
<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	3,232,968	7,247,436	0	0	7,247,436
Cash Funds	861,398	2,423,449	0	0	2,423,449
Reappropriated Funds	106,954	125,302	0	0	125,302

JBC Staff Supplemental Recommendations - FY 2014-15
Staff Working Document - Does Not Represent Committee Decision

	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2014-15 Requested Change	FY 2014-15 Rec'd Change	FY 2014-15 Total W/ Rec'd Change
S02 State Toxicology Laboratory Funding					
(5) COLORADO BUREAU OF INVESTIGATION					
(C) Laboratory and Investigative Services					
Personal Services	<u>8,133,454</u>	<u>10,586,809</u>	<u>(805,707)</u>	<u>(805,707)</u>	<u>9,781,102</u>
FTE	95.4	128.5	0.3	0.3	128.8
General Fund	7,526,198	9,756,932	(109,115)	(109,115)	9,647,817
Cash Funds	125,663	174,719	(696,592)	(696,592)	(521,873)
Reappropriated Funds	481,593	655,158	0	0	655,158
Operating Expenses	<u>4,201,320</u>	<u>9,796,187</u>	<u>471,615</u>	<u>471,615</u>	<u>10,267,802</u>
General Fund	3,232,968	7,247,436	171,615	471,615	7,719,051
Cash Funds	861,398	2,423,449	300,000	0	2,423,449
Reappropriated Funds	106,954	125,302	0	0	125,302
Lease/Lease Purchase Equipment	<u>208,332</u>	<u>439,196</u>	<u>(62,500)</u>	<u>(62,500)</u>	<u>376,696</u>
General Fund	208,332	439,196	(62,500)	(62,500)	376,696
Total for S02 State Toxicology Laboratory Funding	<u>12,543,106</u>	<u>20,822,192</u>	<u>(396,592)</u>	<u>(396,592)</u>	<u>20,425,600</u>
FTE	<u>95.4</u>	<u>128.5</u>	<u>0.3</u>	<u>0.3</u>	<u>128.8</u>
General Fund	10,967,498	17,443,564	0	300,000	17,743,564
Cash Funds	987,061	2,598,168	(396,592)	(696,592)	1,901,576
Reappropriated Funds	588,547	780,460	0	0	780,460

JBC Staff Supplemental Recommendations - FY 2014-15
Staff Working Document - Does Not Represent Committee Decision

	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2014-15 Requested Change	FY 2014-15 Rec'd Change	FY 2014-15 Total W/ Rec'd Change
S03 Concealed Handgun Permit Applications					
(5) COLORADO BUREAU OF INVESTIGATION					
(A) Administration					
Personal Services	<u>342,015</u>	<u>369,676</u>	<u>324,194</u>	<u>324,194</u>	<u>693,870</u>
FTE	4.0	4.0	0.0	0.0	4.0
General Fund	287,275	294,646	0	0	294,646
Cash Funds	54,740	75,030	324,194	324,194	399,224
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>24,706</u>	<u>24,706</u>	<u>45,129</u>	<u>45,129</u>	<u>69,835</u>
General Fund	13,729	13,729	0	0	13,729
Cash Funds	10,977	10,977	45,129	45,129	56,106
Total for S03 Concealed Handgun Permit Applications	366,721	394,382	369,323	369,323	763,705
FTE	4.0	4.0	0.0	0.0	4.0
General Fund	301,004	308,375	0	0	308,375
Cash Funds	65,717	86,007	369,323	369,323	455,330
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2014-15
Staff Working Document - Does Not Represent Committee Decision

	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2014-15 Requested Change	FY 2014-15 Rec'd Change	FY 2014-15 Total W/ Rec'd Change
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S04 Peace Officer Standards and Training Board Grant

(5) COLORADO BUREAU OF INVESTIGATION

(A) Administration

Operating Expenses	24,706	24,706	20,000	20,000	44,706
General Fund	13,729	13,729	0	0	13,729
Cash Funds	10,977	10,977	0	0	10,977
Reappropriated Funds	0	0	20,000	20,000	20,000

Total for S04 Peace Officer Standards and Training Board Grant	24,706	24,706	20,000	20,000	44,706
<i>FTE</i>	0.0	0.0	0.0	0.0	0.0
General Fund	13,729	13,729	0	0	13,729
Cash Funds	10,977	10,977	0	0	10,977
Reappropriated Funds	0	0	20,000	20,000	20,000

Totals Excluding Pending Items					
PUBLIC SAFETY					
TOTALS for ALL Departmental line items	557,807,144	401,203,913	(7,269)	(7,269)	401,196,644
<i>FTE</i>	1,564.0	1,688.3	0.3	0.3	1,688.6
General Fund	159,200,553	133,598,400	0	300,000	133,898,400
Cash Funds	193,798,852	175,885,160	(27,269)	(327,269)	175,557,891
Reappropriated Funds	27,517,020	33,284,468	20,000	20,000	33,304,468
Federal Funds	174,514,488	58,435,885	0	0	58,435,885

Appendix B: Capital Construction Narrative for CDPS Request

JS3 – DPS OPERATING S1 REQUEST – TRANSFER H.B. 13-1020 SURPLUS TO CCF

	Request	Recommendation
Total	<u>\$0</u>	<u>\$0</u>
Capital Construction Fund	0	0
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of data that was not available when the original appropriation was made.	

Department Request: The Department requests that a surplus of \$2,756,822 General Fund from H.B. 13-1020 be transferred to the Capital Construction Fund to offset the need for additional capital construction appropriations for the Arvada CBI Lab included in supplemental item S9.

Staff Recommendation: Staff recommends that the Committee pursue legislation to transfer \$2,756,822 cash funds from the Department's subaccount in the State Employee Reserve Fund, created in Section 24-50-104 (1) (j) (II), C.R.S., to the Capital Construction Fund. Staff also recommends that the Committee transfer \$3,594,180 cash funds from the Department's subaccount in the State Employee Reserve Fund to the General Fund to provide necessary funding for the Department to carry out the requirements in H.B. 13-1020.

Staff Analysis:

Sequence of Events

1. House Bill 13-1020 provided \$6.4 million General Fund to the Department in FY 2013-14 for sexual assault kit testing.
2. The Department requested and was granted roll-forward spending authority into FY 2014-15 for H.B. 13-1020 in the Department's 2014 supplemental bill.
3. The Department fails to notify the State Controller of the roll-forward authority.
4. On June 30, 2014, the State Controller and State Treasurer transferred \$6.4 million General Fund, that would otherwise have reverted to the General Fund, into the

Department's subaccount of the State Employee Reserve Fund pursuant to Section 24-50-104 (1) (j) (IV), C.R.S.

5. The Department, unaware that its appropriation has been "swept", submitted operating supplemental request S1 for the transfer of \$2.8 million GF to the CCF to fund a portion of its \$4.0 capital construction supplemental request for its Arvada CBI lab renovation project.
6. JBC staff determine that the fund transfer request is better addressed by the capital construction analyst.
7. Staff requests additional information from the Office of the State Controller (OSC) and the Department of Personnel and the OSC inform staff that \$6.4 million General Fund was transferred into the State Employee Reserve Account from the Department's operating appropriations that were unexpended at the end of FY 2013-14.

Staff recommends that the Committee pursue legislation to return \$3,594,180 of the transferred funds to the General Fund to allow the Department to have access to funds to carry out the purposes of H.B. 13-1020 with its previously granted rollover authority. The amount identified is the Department's total estimated cost to carry out the bill.

Staff recommends that the Committee also transfer \$2,756,822 cash funds from the Department's subaccount in the State Employee Reserve Fund to the Capital Construction Fund. The amount identified is the Department's request for transfer included in operating request S1.

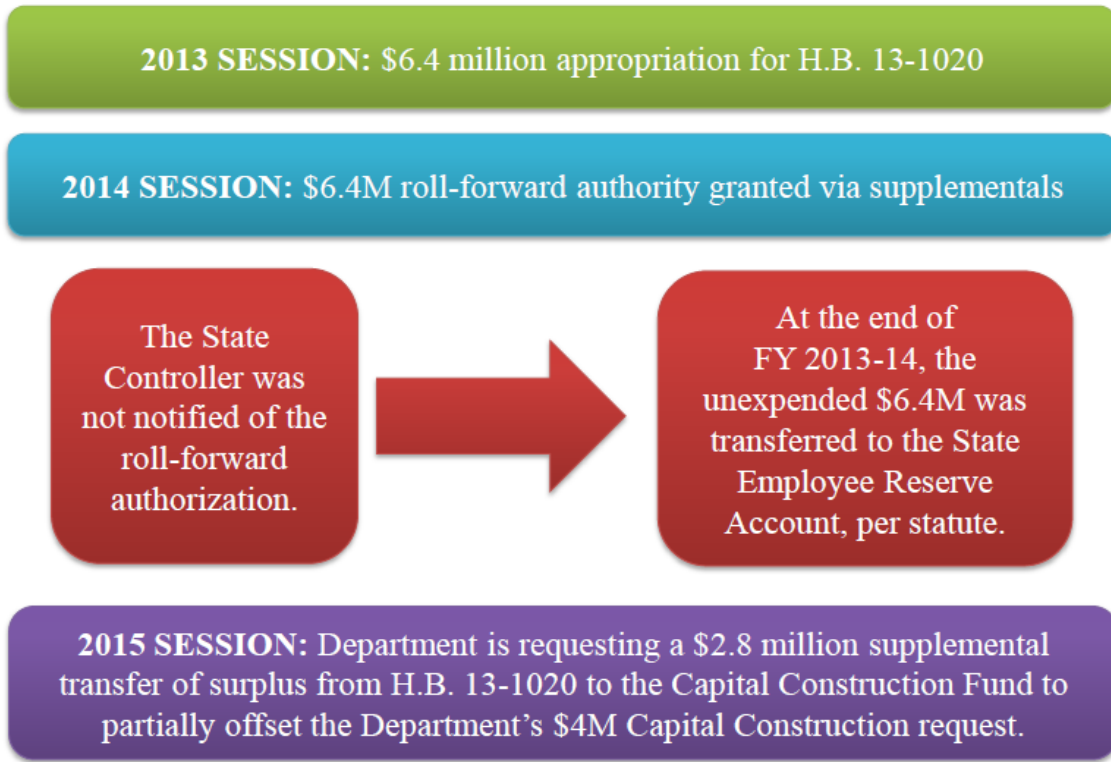
Both transfers total the appropriation of \$6,351,002 General Fund included in H.B. 13-1020.

State Employee Reserve Fund

The State Employee Reserve Fund (SERF) was created in H.B. 12-1321, Modernization of the State Personnel System Act. The provisions related to the fund instruct the State Controller and the State Treasurer to transfer unexpended General Fund (and statutorily specified cash funds – at this time there are no specified cash funds) from state agency operating budgets at the end of each fiscal year. Without this transfer, unexpended General Fund appropriations would revert to the General Fund. The transfer is credited to each Department's subaccount within the SERF for the purpose of funding merit pay increase for state employees. The moneys in the SERF and in the subaccounts are continuously appropriated to each department for this purpose.

The intent of the legislation may have been to encourage General Fund savings by departments. The unrestricted nature of the transfer caused the Department of Public Safety's \$6.4 million appropriation for a special bill to be transferred. Staff does not have a specific recommendation to address this issue, but the Committee may want to consider adding limits to the appropriated funds included in the end-of-year transfer to prevent funds appropriated in special bills from being transferred. Encouraging General Fund savings in basic Long Bill operating budget line items may be appropriate. Additional funds accruing in the SERF and subaccounts due to overestimated costs of a bill should be discouraged. Those unexpended funds should revert to the General Fund.

Appendix C: S1 Chart



PROPOSED SOLUTION

