

This file contains two documents related to the Department of Public Safety:

- A file dated March 19, 2009, concerning the Department's FY 2008-09 supplemental requests submitted after the Department's FY 2009-10 figure setting presentation was completed.
- A file dated February 2, 2009, concerning the Department's initial prioritized and non-prioritized supplemental requests, as well as further staff-initiated recommendations.

**COLORADO GENERAL ASSEMBLY  
JOINT BUDGET COMMITTEE**



**SUPPLEMENTAL REQUESTS FOR FY 2008-09**

**DEPARTMENT OF PUBLIC SAFETY**

**(Except Division of Criminal Justice)**

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

**Prepared By:  
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March 19, 2009**

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**Prioritized Supplementals**

**Supplemental Request, Department Priority #7  
CSP Garage Operations Spending Authority and Annotation Correction**

	Request	Recommendation
Total	<u>\$54,761</u>	<u>\$0</u>
Reappropriated Funds	54,761	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of 1) data that was not available when the original appropriation was made and 2) <i>a technical error in the original appropriation.</i>	

**Department Request:** The Department requests a supplemental increase of \$54,761 reappropriated funds spending authority for the Colorado State Patrol (CSP) Safety and Law Enforcement Support line item to fund operations of the CSP garage at Camp George West. The additional spending authority would reverse a restriction placed on the line item by the State Controller as a result of an overexpenditure in that amount in FY 2007-08. In addition, the Department requests a technical correction to the letternote for the same line item to identify the correct fund source for \$217,483 reappropriated funds that were incorrectly attributed to the Department of Transportation.

**Staff Analysis:** The CSP Garage is a fully delegated garage for the State Fleet Management (SFM) program. Historically, the garage has only worked on CSP vehicles. However, starting with FY 2008-09, the General Assembly approved a budget amendment to allow the garage to perform maintenance work on vehicles from other state agencies. The request includes two parts:

- The Department exceeded its spending authority for the Safety and Law Enforcement Support line item, which funds the garage, by \$54,761 in FY 2007-08. The Controller authorized the overexpenditure in FY 2007-08 but placed a restriction on the line item in FY 2008-09 effectively reducing the FY 2008-09 appropriation by that amount. The Department's request would increase the FY 2008-09 reappropriated funds spending authority by that amount to effectively reverse the Controller's restriction.
- In approving the FY 2008-09 budget amendment allowing the garage to serve other agencies, the General Assembly increased the garage's reappropriated funds spending authority to recognize the anticipated level of work in the garage. However, the letternote in the Long Bill incorrectly identified all of the additional funds (\$217,483) as coming from the

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Department of Transportation when that amount should have been attributed to "other state agencies." The request seeks a technical change to the letternote to correct that error.

*Additional Spending Authority.* Staff's analysis indicates that the Department should not need the requested \$54,761 reappropriated funds spending authority in FY 2008-09 *if the Committee approves the technical change to the letternote discussed below.* According to the request, the Department spent \$249,739 between July 1, 2008 and February 26, 2009, an eight month period. This equates to roughly \$31,200 per month or \$374,600 per year. Approving the technical correction to the letternote would provide a total of \$450,873 in reappropriated funds spending authority, which would more than cover anticipated expenses based on the first eight months of the fiscal year.

*Technical Correction to Letternote.* Staff agrees that the letternote in the FY 2008-09 Long Bill incorrectly attributed the funding associated with the multi-agency fleet vehicle maintenance decision item to the Department of Transportation. Neither the Department nor staff caught the error last year, and failing to correct it would effectively reduce the line item's spending authority by \$217,483 reappropriated funds. Without this technical correction, staff agrees that the line item will likely face a significant shortfall in FY 2008-09.

**Staff recommends that the Committee deny the request for additional spending authority but approve the requested technical correction to the line item's letternote.**

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**Supplemental Request, Department Priority #8  
CSP, Supplemental Operating Expense Increase**

	Request	Recommendation
Total	<u>\$0</u>	<u>\$0</u>
Cash Funds	0	0

<p><b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]</p>	<b>YES</b>
<p>JBC staff and the Department agree that this request is the result of <i>data that was not available when the original appropriation was made.</i></p>	

**Department Request:** The Department requests a transfer of \$664,652 HUTF from the CSP Sergeants, Technicians, and Troopers line item to the CSP Operating Expenses line item. The transfer would allow the CSP to make use of revenue received from the City of Denver for security-related activities performed in support of the 2008 Democratic National Convention.

**Background:** As discussed at the Department's briefing and hearing, the Department has received reimbursement for costs related to the Department's work on security for the Democratic National Convention (DNC). The City of Denver reimbursed the expenses with proceeds from a federal grant. The reimbursement was paid on an hourly basis for time worked by Department staff and was meant to cover costs directly attributable to the DNC (e.g., overtime that would not otherwise have been worked or paid) and base costs such as the base salary for the staff involved. For example, the reimbursement was designed to pay the base salary of every state trooper or CBI investigator that provided services. Because the General Assembly had already appropriated base salary costs for all of those personnel, the Department was effectively paid twice for the same purpose.

Within the Department, both the CBI and the CSP received reimbursements for DNC-related work. The Committee reduced FY 2008-09 General Fund appropriations to the CBI and the CSP through the recently enacted supplemental bill. The Department had indicated at that time that it would follow up with a request related to the affected HUTF dollars in the CSP.

**Staff Analysis:** The Department estimates that the CSP received \$977,828 in reimbursements for HUTF expenditures that would represent "double payments" for expenses appropriated through the FY 2008-09 Long Bill. As discussed at the briefing, reducing the CSP's HUTF appropriation by that amount would have long-term impacts because of the six percent limit on growth of off-the-top HUTF spending. In order to avoid reducing the HUTF base with a one-time reimbursement while

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still putting the existing HUTF appropriation to better use, the Department is proposing a transfer of \$664,252 to the CSP Operating Expenses line item. The proposed transfer would:

- Allow the CSP to fund absorb the elevated fuel costs experienced through the first half of FY 2008-09 without major changes to the agency's operations. The Department reports that without the additional operating funds, the CSP would have to significantly reduce miles driven (and thus proactive law enforcement activities) to stay within the FY 2008-09 operating appropriation. According to the Department, the requested transfer would cover their anticipated expenditures without forcing a change in operations that could negatively impact public safety.
- Leave \$313,576 in the Sergeants, Technicians, and Troopers line item to enhance traffic safety efforts during the remainder of FY 2008-09 above the level that would be possible without the additional funds. Specifically, the request says that the CSP would use the funds for additional overtime expenses to increase the number of troopers on the State's roadways. For example, the CSP plans to use the funds for additional overtime during the Colorado Target Zero weekend, a three-day period when every uniformed member of the patrol is assigned to traffic safety duties.

The Department's fuel price calculations for the amount transferred to the operating expenses line appear to be reasonable. The Committee may wish to consider using more of the \$313,576 remaining in the Sergeants, Technicians, and Troopers line for one-time operating expenses (e.g., for the replacement of bullet-proof vests or other equipment). The CSP already receives an annual appropriation of \$1.4 million for overtime expenses and has previously indicated a significant need for equipment replacement. That said, an increased trooper presence on the State's highways would have a positive public safety impact, and the Department has decided that the need for more overtime is more pressing than the need for new equipment.

**Staff recommends that the Committee approve the requested transfer of \$664,252 from the Sergeants, Technicians, and Troopers line item to the Operating Expenses line item.**

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	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
<b>(Except Division of Criminal Justice)</b>					
<b>Executive Director - Peter A. Weir</b>					
<b>Supplemental #7 - CSP, Garage Operations Spending Authority and Annotation Correction</b>					
<i>(2) Colorado State Patrol</i>					
Safety and Law Enforcement Support	<u>1,775,386</u>	<u>2,781,944</u>	<u>54,761</u>	<u>0</u>	<u>2,781,944</u>
Cash Funds	571,307	466,569	0	0	466,569
Reappropriated Funds	1,171,695	2,315,375	54,761	0	2,315,375
Federal Funds	32,384	0	0	0	0
<b>Supplemental #8 - CSP, Supplemental Operating Expenses Increase</b>					
<i>(2) Colorado State Patrol</i>					
Sergeants, Technicians, and Troopers	<u>43,976,912</u>	<u>46,540,785</u>	<u>(664,252)</u>	<u>(664,252)</u>	<u>45,876,533</u>
General Fund	789,478	1,395,875	0	0	1,395,875
Cash Funds	830,692	930,645	0	0	930,645
HUTF	41,078,376	42,914,361	(664,252)	(664,252)	42,250,109
Reappropriated Funds	1,278,366	1,299,904	0	0	1,299,904
Operating Expenses	<u>7,301,488</u>	<u>7,362,794</u>	<u>664,252</u>	<u>664,252</u>	<u>8,027,046</u>
General Fund	462,528	462,528	0	0	462,528
Cash Funds	397,861	437,703	0	0	437,703
HUTF	6,133,912	6,318,144	664,252	664,252	6,982,396
Reappropriated Funds	307,187	144,419	0	0	144,419



	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>Total for Supplemental #8</b>	<u>51,278,400</u>	<u>53,903,579</u>	0	0	<u>53,903,579</u>
General Fund	1,252,006	1,858,403	0	0	1,858,403
Cash Funds	1,228,553	1,368,348	0	0	1,368,348
HUTF	47,212,288	49,232,505	0	0	49,232,505
Reappropriated Funds	1,585,553	1,444,323	0	0	1,444,323
<hr/>					
<b>Totals</b>					
Department of Public Safety					
Totals for ALL Departmental line items	219,922,525	245,735,484	54,761	0	245,735,484
FTE	<u>1,300.0</u>	<u>1,350.9</u>	<u>0.0</u>	<u>0.0</u>	<u>1,350.9</u>
General Fund	72,509,440	79,735,441	0	0	79,735,441
Cash Funds	11,411,531	25,357,598	0	0	25,357,598
HUTF	86,849,422	92,484,755	0	0	92,484,755
Reappropriated Funds	20,988,367	21,669,859	54,761	0	21,669,859
Federal Funds	28,163,765	26,487,831	0	0	26,487,831

Key:

N.A. = Not Applicable or Not Available

**COLORADO GENERAL ASSEMBLY  
JOINT BUDGET COMMITTEE**



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**Prepared By:  
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February 2, 2009**

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**Other Balancing Options**

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N.A

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**Prioritized Supplementals**

**Supplemental Request, Department Priority #1  
CBI, Grand Junction Facility Operating Costs**

	Request	Recommendation
Total	<u>\$16,661</u>	<u>\$0</u>
General Fund	16,661	0

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>data that was not available when the original appropriation was made</i> . Because the Grand Junction facility opened in April 2008, information on the actual operating and maintenance costs of the facility was not available at the time of the original appropriation.	

**Department Request:** The Department requests a net increase of \$16,661 General Fund to pay for operating costs of the Colorado Bureau of Investigation's Grand Junction laboratory facility. A requested increase of \$201,209 General Fund for the facility's operating expenses is partially offset by a requested transfer of \$184,548 General Fund from the Department's leased space line item to the CBI's laboratory and investigative services operating expenses line as a result of the City of Grand Junction reducing the Department's lease costs for FY 2008-09. The Department is also requesting \$171,239 General Fund as a FY 2009-10 budget amendment. The requested budget amendment would augment an FY 2009-10 decision item for \$50,000 for the facility's operating costs, bringing the total request for FY 2009-10 to \$221,239 above the current FY 2008-09 appropriation.

**Background:** Prior to the opening of the Grand Junction facility, the CBI's Western Slope laboratory had been located in Montrose. The CBI's Grand Junction laboratory facility opened in April 2008 after a multi-year funding process that began with the General Assembly's approval to begin consultations about a relocation from Montrose in FY 2004-05. The Grand Junction facility was designed specifically for the CBI and spans approximately 38,000 square feet. Under a lease signed in FY 2006-07, the Grand Junction State Leasing Authority leases the building to the CBI and passes operating and maintenance costs, including utilities, insurance, property management, janitorial service, and grounds and parking lot maintenance, through to the State.

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**Staff Analysis:** Because the facility opened in April 2008, the first operating and maintenance request for the facility applied to the last three months of FY 2007-08 (April through June 2008). The FY 2007-08 decision item providing the original operating appropriation estimated that the facility would require \$162,000 more per year in operating and maintenance expenses than the Montrose facility that the CBI was vacating. According to the Department, the original request was based on a Department of Personnel estimate that \$4.00 per square foot would be a reasonable assumption for the facility's operating and maintenance costs.

The FY 2008-09 appropriation includes \$169,700 to operate and maintain the facility. However, the Department's new estimates indicate FY 2008-09 operating and maintenance costs will total \$370,909 (approximately \$9.76 per square foot), roughly 2.4 times the original estimate and 2.2 times the base FY 2008-09 appropriation. While the FY 2007-08 decision item only included limited detail about the components of the building's costs, the following table shows the changes in estimated costs for the facility from the FY 2007-08 decision item through the FY 2008-09 supplemental request and the FY 2009-10 budget amendment.

	<b>FY 2007-08 DI est. of FY 2008-09 cost</b>	<b>Supplemental est. of FY 2008-09 Cost</b>	<b>Budget Amendment est. FY 2009-10</b>
Janitorial Contract*	Not Available	\$85,903	\$102,900
HVAC filter and repair*	Not Available	21,966	29,288
Repairs and Maint.*	Not Available	9,669	12,000
Building Supplies*	Not Available	16,373	16,373
Landscaping, Grounds, Snow Removal*	Not Available	17,000	18,000
Trash Removal*	Not Available	2,339	2,340
Alarm/Protection (mechanical systems)*	Not Available	396	396
Gas/Electric*	Not Available	165,203	157,581
Water and Sewer*	Not Available	4,817	4,817
Leasing Authority*	<u>Not Available</u>	<u>25,492</u>	<u>25,492</u>
<b>Total, Unspecified Costs from FY 2007-08 DI</b>	<b>152,000</b>	<b>349,157</b>	<b>369,187</b>
Hazardous Waste Removal	5,000	6,000	6,000
Telephone	12,700	15,752	15,752

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	FY 2007-08 DI est. of FY 2008-09 cost	Supplemental est. of FY 2008-09 Cost	Budget Amendment est. FY 2009-10
Less telephone charges eliminated by closure of Montrose facility	(7,700)	N/A	N/A
<b>Total, Operating and Maintenance Costs</b>	<b>\$162,000</b>	<b>\$370,909</b>	<b>\$390,939</b>

\*These costs were built into the lease costs for the facility in Montrose and were not estimated individually in the FY 2007-08 decision item. All were built into the \$152,000 estimate based on the Department of Personnel's indication that \$4.00 per square foot would be a reasonable estimate.

*Consequences if Not Funded.* The CBI argues that any cost absorption in the Laboratory and Investigative Services operating expenses line item would come from not purchasing DNA analysis kits. Under the bureau's assumptions, a \$201,000 reduction would prevent the purchase of 57.5 DNA kits, enough to test approximately 10,000 samples. This would equate to hundreds or thousands of court cases being added to the backlog. Similarly, absorbing \$16,661 in reductions would prevent the purchase of about five DNA kits, enough to test roughly 830 samples, equating to about 150 cases added to the backlog.

Staff is somewhat skeptical that DNA kits are the *only* negotiable item in a multi-million dollar operating expenses line and that DNA kits are the limiting factor causing the current CBI backlog. That said, staff does not doubt that a reduction would impact case analyses and potentially contribute to the backlog.

**Staff Recommendation:** Staff recommends that the Committee approve the request to transfer \$184,548 General Fund from the Department's leased space line item to the CBI's operating line to offset operating expenses for the Grand Junction facility but deny the request for \$16,661 additional General Fund. Staff believes that the laboratory and investigative services operating expenses line item can absorb the anticipated \$16,661 shortfall and that the additional General Fund is not warranted in the current economic and revenue climate. That said, staff does believe that absorbing the full \$201,209 impact of the increased operating costs in the last three months of the current fiscal year would be problematic.

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**Supplemental Request, Department Priority #2  
CBI, Spending Authority for Grand Junction Relocation Grant**

	Request	Recommendation
Total	<u>\$35,000</u>	<u>\$35,000</u>
Cash Funds	35,000	35,000

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>an unforeseen contingency</i> . The Department had expected to complete the relocation of all employees from Montrose to Grand Junction in FY 2007-08 but was unable to do so.	

**Department Request:** The Department requests \$35,000 cash funds spending authority for FY 2008-09 to use grant revenue from the Grand Junction Economic Partnership to pay for expenses associated with moving employees and equipment from Montrose to Grand Junction as part of the relocation of the CBI's Western Slope operations.

**Staff Analysis:** The FY 2007-08 decision item providing resources for the operation and maintenance of the CBI's Grand Junction laboratory facility (see supplemental #1 above) also provided \$200,000 in cash funds exempt spending authority to allow the Department to spend a grant from the Grand Junction Economic Partnership for the relocation of employees and equipment from Montrose to Grand Junction. The Department spent \$83,830 of the available grant funding in FY 2007-08 but was unable to complete the relocation of all of the necessary employees. The Department now expects to incur \$35,000 in employee relocation expenses in FY 2008-09 but does not have cash funds spending authority for that amount.

**Staff Recommendation:** Staff recommends that the Committee approve \$35,000 cash funds spending authority for FY 2008-09 to allow the Department to complete the relocation from Montrose to Grand Junction using the available grant funds from the Grand Junction Economic Partnership.



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**Supplemental Request, Department Priority #6  
EDO, Revenue Increase for Witness Protection**

	Request	Recommendation
Total	<u>\$58,000</u>	<u>\$58,000</u>
General Fund	29,000	29,000
Reappropriated Funds	29,000	29,000

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>data that was not available when the original appropriation was made.</i>	

**Department Request:** The Department requests \$29,000 General Fund and \$29,000 reappropriated funds spending authority for the Witness Protection Program in FY 2008-09. The request would increase the General Fund appropriation *to* the Witness Protection Fund by \$29,000 and the reappropriated funds spending authority *from* the fund by \$29,000 to meet projected demand for witness protection services in the current fiscal year.

**Background:** The Witness Protection Program and Witness Protection Fund were created by S.B. 95-31 to provide for the security and protection of a witness in a criminal trial or proceeding. Upon the approval of the Witness Protection Board, the Department expends dollars from the Witness Protection Fund to reimburse district attorneys and the Attorney General for qualifying expenses. Under state statute, only district attorneys and the State Attorney General may request reimbursement, although costs may also be incurred by law enforcement agencies and others. Reimbursed costs may include security personnel, travel expenses, lodging, and other immediate needs.

The Witness Protection Fund received a General Fund appropriation of \$250,000 as part of S.B. 95-031, and a second General Fund appropriation of \$78,250 in FY 1999-00. Since 1995, expenditures have ranged from \$6,947 in FY 1995-96 to \$90,156 in FY 2005-06. The Department has been well above the \$50,000 in annually appropriated spending authority each year since FY 2005-06 and has required supplemental appropriations in FY 2005-06, FY 2006-07, and FY 2007-08. The following table summarizes the expenditures from the Fund for the last seven fiscal years.

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Historical Expenditures from Witness Protection Fund				
Fiscal Year	Total Expenditures	Remaining End of Year Fund Balance	Number of Requests for Funding	Average Expense Per Request
FY 2000-01	\$87,132	\$165,229	83	\$1,050
FY 2001-02	31,449	142,944	26	1,210
FY 2002-03	23,669	125,724	31	764
FY 2003-04	32,884	96,121	23	1,430
FY 2004-05	31,578	67,536	34	929
FY 2005-06	90,156	2,184	27	3,339
FY 2006-07	71,046	20,438	54	1,316
FY 2007-08	88,890	23,443	58	1,533

**Staff Analysis:** The Department originally requested the resources as part of a FY 2008-09 interim supplemental. The Committee approved an interim supplemental providing \$23,444 in reappropriated funds spending authority to spend down the existing balance in the Witness Protection Fund (discussed below in the Previously Approved Interim Supplemental section of this document). The Committee rejected the request for \$29,000 General Fund and \$29,000 reappropriated funds because \$23,444 was adequate for the program's anticipated obligations prior to the regular supplemental process in 2009.

The Department began FY 2008-09 with a balance of \$23,444 in the Witness Protection Fund. The FY 2008-09 Long Bill added \$50,000 General Fund to the fund and \$50,000 reappropriated funds spending authority from the fund. The following table summarizes the impact of actual and projected monthly expenditures from the Witness Protection Fund in FY 2008-09.

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<b>Expenditures from Witness Protection Fund - FY 2008-09</b>	
<b>FY 2008-09 Beginning Fund Balance</b>	<b>\$73,444</b>
July 2008 (Actual)	16,041
August 2008 (Actual)	13,575
September 2008 (Actual)	699
October 2008 (Actual)	0
November 2008 (Actual)	5,857
December 2008 (Received but not processed)	22,600
January 2009 (Projected)	10,000
February 2009 (Projected)	10,000
March 2009 (Projected)	10,000
April 2009 (Projected)	4,560
May 2009 (Projected)	4,560
June 2009 (Projected)	4,552
<b>Total FY 2008-09 Projected Expenditures</b>	<b><u>102,444</u></b>
Projected Fund Balance	(29,000)
FY 2008-09 Spending Authority	<u>73,444</u>
<b>Additional Spending Authority Need to Meet Estimated Expenditures</b>	<b>\$29,000</b>

Based on the program's expenditures in recent years and thus far in FY 2008-09, staff agrees that district attorneys' demand for witness protection revenues is likely to exceed the current FY 2008-09 appropriation, including the resources provided through the interim supplemental.

*Impact of Denying the Request.* If the program goes unfunded, the Witness Protection Board expects to deplete the available spending authority from the Witness Protection Fund and be unable to fund requests for the last several months of FY 2008-09. An inability to get reimbursement from the State will leave district attorneys, the Attorney General, and local law enforcement agencies that may incur witness protection costs with three options:

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1. continue witness protection activities and absorb the costs (doing so would further stretch the budgets of agencies that are also constrained by the economic downturn);
2. leave witnesses unprotected because funds are unavailable to pay for protection; or
3. scale back witness protection activities to reduce costs but still absorb a lower level of cost in their budgets.

The General Assembly has never denied a request for funding to keep the witness protection program operational, so there is no precedent for how local agencies would respond. Staff doubts that the agencies would leave witnesses unprotected. However, staff does expect that covering such costs would strain local agencies' budgets, particularly because agencies have budgeted for reimbursement of such costs.

**Staff Recommendation:** Staff recommends that the Committee approve the supplemental request for \$29,000 General Fund and \$29,000 cash funds spending authority to sustain the Witness Protection Program through FY 2008-09.

**Supplemental Request, Department Priority #7  
EDO, School Safety Resource Center**

	Request	Recommendation
Total	(\$179,226)	(\$213,703)
FTE	<u>0.0</u>	<u>(4.3)</u>
General Fund	(179,226)	(213,703)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>an unforeseen contingency</i> (the current economic downturn, combined with the late startup of the School Safety Resource Center).	

**Department Request:** The Department proposes a reduction of \$179,226 General Fund from the FY 2008-09 appropriation for the School Safety Resource Center. The proposed reduction is possible because of a late start-up of the program and represents a combination of personal services, operating, and travel costs.

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**Staff Analysis:** S.B. 08-1 created the School Safety Resource Center and provided \$466,336 General Fund and 6.0 FTE for FY 2008-09 to start up the Center. The appropriation assumed that staff would be hired and start on July 1, 2008. However only the Director has been hired thus far, and the Director did not start until December 2008. The remaining five positions remain unfilled although the Department is hoping to fill them in this spring (one position in February, two in March, and one in April). The original appropriation assumed all 6.0 FTE would be hired at the range minimum for each position. The Department is hiring each position above the range minimum and as a result is hiring five positions rather than six.

*Request Understates Savings.* The request is meant to capture the vacancy savings resulting from the delays in hiring staff for the new center, including personal services, operating, and travel costs. However, the request assumes that all staff would be in place by the end of January, which is not the case. Based on the Department's current expectations regarding the hiring date for each position, an additional reduction of \$34,477 General Fund appears to be warranted, bringing the total vacancy savings reduction to \$213,703.

*FTE.* The Department is not proposing a reduction in the FY 2008-09 FTE appropriation in relation to the center's vacancy savings. Based on the Department's current assumptions about hiring date, the Center would actually use 1.7 FTE this fiscal year. Thus, staff recommends reducing the FTE appropriation by 4.3 FTE for FY 2008-09 to reflect the center's anticipated FTE usage. Staff would recommend reinstating 3.3 of the reduced FTE for FY 2009-10 if the Committee intends to reverse the reduction for the budget year, bringing the total FTE for FY 2009-10 to 5.0 (staff would sustain a reduction of 1.0 FTE because the Department has hired above the range minimum and does not have the resources to hire the additional FTE).

**Staff Recommendation:** Staff recommends that the Committee approve a reduction of \$213,703 General Fund and 4.3 FTE from the FY 2008-09 appropriation for the School Safety Resource Center. Because the appropriation was provided in S.B. 08-1, reducing the appropriation will require amendments to S.B. 08-1 rather than a standard supplemental amendment to the Long Bill.

**Supplemental Request, Department Priority #8  
CSP, Reduce Trooper Line**

	Request	Recommendation
Total	(\$140,000)	(\$140,000)
FTE	<u>0.0</u>	<u>(2.0)</u>

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	Request	Recommendation
General Fund	(140,000)	(140,000)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>an unforeseen contingency</i> (the current economic downturn).	

**Department Request:** The Department proposes a reduction of \$140,000 General Fund from the FY 2008-09 appropriation for the Colorado State Patrol Sergeants, Technicians, and Troopers line item. The proposal would reduce the size of the January 2009 State Patrol Training Academy class by five cadets. The Department would shift the resulting savings of Highway Users Tax Fund (HUTF) off-the-top dollars to support troopers in the Immigration Enforcement Unit (IEU) that are currently supported by General Fund, allowing for a General Fund reduction. The request includes an identical reduction for FY 2009-10 as a budget amendment, although the request anticipates restoration of the funds in FY 2010-11.

**Staff Analysis:** The Department has already implemented the request and hired 25 cadets for the January 2009 class rather than the previously planned 30 cadets. By refinancing two IEU positions with HUTF resources that the Department had previously expected to use for cadet salaries, the Department has enabled a reduction in the State Patrol's General Fund appropriation.

The proposed reduction represents 9.1 percent of the FY 2008-09 General Fund appropriation in the Sergeants, Technicians, and Troopers line item and 3.0 percent of the CSP's total General Fund appropriation. The General Assembly had already refinanced the majority of the IEU with HUTF resources for FY 2008-09 (the unit had previously been funded entirely with General Fund), and the request would fund the remainder of the unit with HUTF resources. The remaining General Fund within the State Patrol is primarily for security for the Capitol and the Governor and for homeland security functions.

*Impact of the Reduction.* Reducing the size of the cadet class for 2009 will mean fewer state troopers on the highways after that class graduates. While the IEU will remain intact at 24 officers as required by statute (Section 24-33.5-211, C.R.S.), the pool of other troopers will be smaller than it would have been with a 30 person class. Some trooper offices will be unable to fill vacancies if there are more than 25 vacancies statewide.

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The number of vacancies that would go unfilled as a result of the request is uncertain. It may be as many as five, if the entire trooper class is needed to fill specific vacancies. However, in other years the CSP has overestimated the degree of attrition and has exceeded the appropriated level of FTE within a given year because the academy graduated more troopers than were needed to fill vacancies caused by attrition.

*FTE Impact.* The request does not include an adjustment to the CSP's FTE appropriation. However, it is clear from the request that the number of FTE funded with General Fund is decreasing by 2.0 FTE. The change in FTE funded with HUTF is uncertain because the addition of the 2.0 IEU troopers is offset by a reduction in the cadet class. As a result, staff is recommending that the Committee reduce the General Fund appropriation by 2.0 FTE but leave the HUTF funded FTE untouched.

**Staff Recommendation:** Staff recommends that the Committee approve the request to reduce the FY 2008-09 General Fund appropriation for the Sergeants, Technicians, and Troopers line item by \$140,000. Staff further recommends that the Committee reflect a 2.0 FTE reduction in positions funded with General Fund. Staff does not recommend adjusting the FTE appropriation under HUTF because of uncertainty about how the FTE numbers will actually change. As in the request, staff recommends that the reduction persist through at least FY 2009-10.

**Supplemental Request, Department Priority #9  
CBI, Reduce Program Support Unit Operating Expenses**

	Request	Recommendation
Total	(\$23,000)	(\$23,000)
General Fund	(23,000)	(23,000)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>an unforeseen contingency</i> (the current economic downturn).	

**Department Request:** The Department proposes a one-time reduction of \$23,000 General Fund from the FY 2008-09 appropriation for the CBI's Program Support Unit operating expenses. According to the Department, the Program Support Unit would absorb the proposed reduction by delaying the replacement of information technology resources (generating approximately \$15,000

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in savings) and reducing the supply of printed materials for training and audit functions related to the Colorado Crime Information Center (CCIC) to save approximately \$8,000.

**Staff Analysis:** The Program Support Unit performs a variety of duties related to the Colorado Crime Information Center (CCIC), including securing the CCIC system, providing training for state, local, and federal law enforcement personnel on the use of law enforcement databases, and conducting audits of local law enforcement agencies that are necessary for agencies in Colorado to have access to the national crime databases. The unit also collects crime report data and produces the annual Crime in Colorado report, in addition to performing ancillary functions concerning sex offender registration and gang intelligence.

*Impact of the Reduction.* Staff's understanding is that, while some of the unit's information technology resources are due for replacement, the unit should be able to absorb the proposed reduction without major information technology difficulties. In terms of other operating expenses, the request highlights potential impacts on the program's implementation of national Criminal Justice Information System (CJIS) audits mandated by the Federal Bureau of Investigation. Timely completion of these audits has been an issue for the CBI in the past. However, staff does not anticipate impacts on the CJIS audits in the near term. If the cut is not restored eventually, then such an effect may be more likely in the future as the need for information technology replacements becomes more pressing.

*Impact of Additional Reductions.* The proposed reduction represents 18.2 percent of the unit's FY 2008-09 General Fund appropriation for operating expenses and 11.6 percent of the total operating expenses appropriation. Because the reduction would apply to roughly half of the fiscal year, it would equate to a 36.4 percent cut from the General Fund appropriation for half of the year and 23.2 percent of the total appropriation for half of the year. Given the magnitude of the proposed cuts relative to size of the line item, staff believes that significantly increasing the reduction to this line would be problematic for the unit's operations for the remainder of the fiscal year.

**Staff Recommendation:** Staff recommends that the Committee approve the proposed reduction of \$23,000 General Fund from the Program Support Unit Operating Expenses line item. At present, staff is recommending the reduction as a one-time decrease though that could change through the figure-setting process based on the need to balance the budget in FY 2009-10.

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**Supplemental Request, Department Priority #10  
CBI, Reduce Instacheck Operating Expenses**

	Request	Recommendation
Total	(\$104,330)	(\$104,330)
General Fund	(104,330)	(104,330)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>an unforeseen contingency</i> (the current economic downturn).	

**Department Request:** The Department proposes a reduction of \$104,330 General Fund from the CBI's FY 2008-09 appropriation for Instacheck operating expenses. The proposal would delay replacement of information technology hardware and software for Instacheck staff and would reduce staff training opportunities and associated travel.

**Staff Analysis:** The Department provided the following breakdown of FY 2008-09 cost reductions that would result from this request.

Change in Operations	FY 2008-09 Anticipated Savings
Delay replacement of noncapitalized equipment (PCs, printers, fax machines, etc.)	\$69,330
Reduce Training and Travel Expenditures	12,000
Delay replacement and upgrades of IT hardware and software	18,000
Conservation of office supplies	<u>5,000</u>
<b>Total FY 2008-09 Reductions</b>	<b>\$104,330</b>

*Impact of the Reduction.* Staff does not expect the delayed purchases of equipment and information technology to significantly impact the program in the near term. Similarly, to the extent that \$5,000 in savings on office supplies is feasible in the last several months of the fiscal year, staff does not anticipate significant effects on the program.

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The request does express concern about the impacts of reducing travel and training opportunities because reduced training may result in more errors in the instacheck process. Such errors would mean either: 1) incorrect approvals of individuals not permitted to own firearms (reducing public safety) or 2) incorrect denials of individuals that should legally be permitted to own firearms.

*Impact of Additional Reductions.* The proposed reduction represents 30.3 percent of Instacheck's FY 2008-09 General Fund appropriation for operating expenses and 26.1 percent of the total operating expenses appropriation. Because the reduction would apply to roughly half of the fiscal year, it would equate to a 60.6 percent cut from the General Fund appropriation for half of the year and 52.2 percent of the total appropriation for half of the year. Given the impact of the reductions relative to the current appropriation for half of a year of operating expenses, staff believes that significant additional reductions would be problematic for the Instacheck unit to absorb in FY 2008-09.

**Staff Recommendation:** Staff recommends that the Committee approve the requested reduction of \$104,330 General Fund from the Instacheck Operating Expenses line item. At present, staff is recommending the reduction as a one-time decrease though that could change through the figure-setting process based on the need to balance the budget in FY 2009-10.

**Supplemental Request, Department Priority #16  
Hiring Freeze Reduction**

	Request	Recommendation
Total	(\$123,126)	(\$128,911)
FTE	<u>0.0</u>	<u>(1.8)</u>
General Fund	(123,126)	(128,911)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>an unforeseen contingency</i> (the current economic downturn).	

**Department Request:** The Department proposes a reduction of \$123,126 General Fund to capture savings from the hiring freeze in the Executive Director's Office (\$28,926) and the CBI's Instacheck program (\$94,200).

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**Staff Analysis:** The proposed savings in the Executive Director's Office (\$28,926) is the result of freezing an accounting position that the Department had apparently expected to fill Jan. 1, 2009. While the position is funded with reappropriated funds, the Department is proposing to save General Fund by refinancing a like amount of General Fund in the Payment to Risk Management and Property Funds line item from General Fund to reappropriated funds and capturing the General Fund savings.

According to the Department, the savings in the Instacheck program is the result of holding 2.5 full time positions open for the last six months of FY 2008-09 (generating \$60,447 in savings) and a 50 percent reduction in the funding available for temporary employees (generating \$33,753 in savings).

*Impact of the Reductions.* Staff does not anticipate a significant impact as a result of holding the position in the Executive Director's office open. Staff notes, however, that the accounting position in question is the only Department of Public Safety position shown in the OSPB hiring freeze report.

The 2.5 full time Instacheck FTE represent approximately 10 percent of the 26.4 FTE appropriated for Instacheck in FY 2008-09. Particularly combined with a 50 percent reduction in temporary staff for the last six months of the fiscal year, staff and the Department both anticipate potential impacts on the wait time for approval for firearm purchases. According to the Department's statistics, the average queue time for all background requests for FY 2007-08 was about 26 minutes, up from approximately 15 minutes in FY 2006-07. The Department has predicted that the proposed reduction may have a material impact on the wait times for individuals purchasing firearms in Colorado because of the reduction in the number of individuals available to process background checks.

*Additional Reduction Possible in EDO.* Because the position held open in the Executive Director's Office is paid with reappropriated funds, the pay date shift is not applied to that position. OSPB's methodology for calculating the hiring freeze savings assumes the pay date shift for all positions, however. Not applying a pay date shift to this position generates another month of savings in FY 2008-09, an increase of \$5,785 for the position in question. The Risk Management line item has sufficient General Fund to offset the increased reduction.

**Staff Recommendation:** Staff recommends that the Committee approve a reduction of \$128,911 from the Departments' FY 2008-09 General Fund appropriation, including \$34,711 from the Executive Director's Office and \$94,200 from the Instacheck program. Staff notes that the recommended reduction would be equivalent to a total of 1.8 FTE, including 0.5 FTE in the Executive Director's Office and 1.3 Instacheck FTE.

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**Non-Prioritized Supplementals**

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**JBC Staff Initiated Supplemental #1  
Offender Identification Fund**

	Request	Recommendation
Total	\$0	\$0
General Fund	0	(175,000)
Cash Funds	0	175,000

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
This supplemental is the result of <i>an unforeseen contingency</i> (the economic downturn).	

**Department Request:** The Department has not requested this supplemental.

**Staff Analysis:** CBI's laboratory tests DNA from convicted offenders for entry into the State and national offender databases. Senate Bill 06-150 required DNA testing for every convicted adult and juvenile felony offender, and H.B. 07-1343 further expanded the population requiring DNA testing. Offenders are required to pay a \$128 fee to cover the costs of collecting and testing DNA samples; fee revenue is deposited into the Offender Identification Fund.

According to the Department, the lab is spending a total of approximately \$795,000 on testing of offender DNA in FY 2008-09. The FY 2008-09 Long Bill provided \$101,125 (13.2 percent) of that total from the Offender Identification Fund created in Section 24-33.5-415.6 (1), C.R.S. The remainder of costs, roughly \$665,000, are paid with General Fund.

Although the Judicial Branch, the Department of Corrections, and the Department of Public Safety each receive appropriations from the Offender Identification Fund, fund revenues have exceeded expenditures in each of the last two fiscal years. Revenues are projected to again exceed expenditures in FY 2008-09, FY 2009-10, and FY 2010-11. The Committee has already approved a similar refinance of probation operations within the Judicial Branch. As shown in the following table, even with the Committee-approved increase in the Judicial Branch and the staff recommended increase for Public Safety, the fund balance is projected to remain relatively stable through at least FY 2010-11.

**Staff Recommendation:** Staff recommends that the Committee adjust the FY 2008-09 appropriation for the CBI Laboratory and Investigative Services Operating Expenses line item,

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**reducing the General Fund portion by \$175,000, and increasing the cash funds appropriation from the Offender identification Fund by the same amount.** Staff recommends the adjustment as an ongoing refinancing of the program's operating expenses.

	<b>Offender Identification Fund Staff Recommendation</b>			
	<b>FY 2007-08 Actual</b>	<b>FY 2008-09 Estimate</b>	<b>FY 2009-10 Estim./Request</b>	<b>FY 2010-11 Estimate</b>
Beginning FY Balance	\$149,670	\$303,454	\$335,770	\$334,015
Revenues	268,119	392,000	399,840	403,838
<u>Expenditures:</u>				
Judicial - Probation	(8,250)	(8,854)	(120,510)	(120,510)
Corrections	(4,960)	(4,960)	(4,960)	0
Department of Public Safety - CBI	<u>(101,125)</u>	<u>(101,125)</u>	<u>(276,125)</u>	<u>(276,125)</u>
Subtotal	(114,335)	(114,939)	(401,595)	(396,635)
Ending FY Balance	303,454	580,515	334,015	341,218
JBC Approved Judicial Adjustment		<u>(69,745)</u>		
Effect of Staff Recommendation		<u>(175,000)</u>		
Adjusted Ending FY Balance	\$303,454	\$335,770	\$334,015	\$341,218

**JBC Staff Initiated Supplemental #2  
DNC Reimbursement**

	<b>Request</b>	<b>Recommendation</b>
Total	<u>\$0</u>	<u>(\$95,343)</u>
General Fund	0	(95,343)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
This supplemental is the result of <i>data that was not available when the original appropriation was made.</i>	

**Department Request:** The Department has not requested this supplemental.

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**Staff Analysis:** As discussed at the JBC staff budget briefing, the Department has received reimbursement for costs related to the Department's work on security for the Democratic National Convention (DNC). The City of Denver reimbursed the expenses with proceeds from a federal grant for the DNC. The reimbursement was paid on an hourly basis for time worked by Department staff, based on the role of the staff involved.

The reimbursement was meant to cover both costs directly attributable to the DNC (e.g., overtime that would not otherwise have been worked or paid) and base costs such as the base salary for the staff involved. For example, the reimbursement was designed to pay the base salary of every state trooper or CBI investigator that provided services. Because the General Assembly had already appropriated base salary costs for all of those personnel, the Department was effectively paid twice for the same purpose.

Within the Department, both the CBI and the CSP received reimbursements for DNC-related work. For the CBI, all of the reimbursement is for work that would otherwise have been funded with General Fund. Thus, eliminating the double payment to the CBI generates General Fund savings. The majority of the CSP's work would otherwise have been funded with Highway Users Tax Fund (HUTF) resources, and as discussed at the briefing and the Department's hearing, reducing the CSP's appropriation of HUTF dollars would create long-term issues for the Patrol as a result of the 6 percent limit the growth of HUTF off-the-top appropriations.

The Department has estimated the amount of double payment awarded to each division and specified the fund source being reimbursed. The following table shows the total reimbursement awarded to each division and the share that the Department's analysis indicates is reimbursing costs that the Department would already have had to pay.

	<b>Total Reimb.</b>	<b>GF Base Personal Services*</b>	<b>GF Overtime and Operating Expenses</b>	<b>HUTF Base Personal Services</b>	<b>HUTF Overtime and Operating Expenses</b>
CSP (Capitol and Governor's Security line item)	\$1,649,783	\$65,570	\$38,107	\$977,828	\$568,278
CBI Laboratory and Investigative Services, personal services	161,914	29,773	113,208	N/A	N/A
<b>Total</b>	<b>\$1,811,697</b>	<b>\$95,343</b>	<b>\$151,315</b>	<b>\$977,828</b>	<b>\$568,278</b>

\*These are the amounts that staff recommends reducing, as they constitute double payments for the respective divisions' staff time.

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**Staff Recommendation:** Staff recommends that the Committee reduce the Department's FY 2008-09 General Fund appropriation by a total of \$95,343, including a \$29,773 reduction to the CBI Laboratory and Investigative Services Personal Services line item and a \$65,570 reduction from the CSP Executive and Capitol Complex Security line item. Based on the available information, staff has shown the full CSP reduction in the Executive and Capitol Complex Security Program line item. Staff requests permission to reallocate the proposed reduction between CSP line items (e.g., to the Sergeants, Technicians, and Troopers line item) if further analysis indicates that a portion should apply to other lines. At this time, staff is not recommending any adjustments to the CSP's FY 2008-09 HUTF appropriation. If possible, staff intends to address any adjustment or transfer of HUTF funds as a Long Bill add-on during figure-setting.

**JBC Staff Initiated Supplemental #3  
Cash Funding the CBI Instacheck Program**

	Request	Recommendation
Total	\$0	\$117,966
General Fund	0	(498,695)
Cash Funds	0	616,661

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
This supplemental is the result of <i>an unforeseen contingency</i> (the economic downturn).	

**Department Request:** The Department has not requested this supplemental.

**Staff Analysis:** As part of the January 27, 2009 budget balancing package, the Department has proposed a FY 2009-10 budget amendment to cash fund the CBI Instacheck program through fees on firearm transfers. The proposal assumes an effective date of July 1, 2009 and projects savings of \$1.6 million General Fund in FY 2009-10. The Instacheck program would be held harmless but would be funded entirely with cash funds rather than nearly all General Fund (the program currently receives a limited cash funds appropriation each year from fees collected for concealed weapon permit applications).

Federal statute requires background checks on any individuals purchasing firearms from federally licensed firearms dealers. Under Instacheck, the CBI is the state point of contact for the federal

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background check database, and the Instacheck program runs background checks through both the state and federal databases. Individuals that are denied approval include those with convictions for felonies and certain misdemeanors, as well as those subject to civil restraining orders, among others.

*Funding History.* Instacheck started in Colorado in 1994 and operated as a cash funded program until April of 1999, when it shut down because the FBI background check service came online. The program restarted in March of 2001 as a General Fund program with cash funds only for concealed weapon permits. Thus, there is precedent to cash fund the program although it has been funded with General Fund since 2001. **Converting to cash funding the program would require significant statutory change, and any necessary changes in FY 2008-09 appropriations would probably be best handled within the bill to change the Instacheck statute.**

*General Fund Savings.* At staff's request, the Department provided a rough analysis of the estimated General Fund savings under several effective-date scenarios for potential Instacheck legislation. While the FY 2009-10 budget amendment lists potential savings on centrally appropriated POTs items, covering a wide range of Long Bill line items, the rough analysis for FY 2008-09 includes only savings for the Instacheck Personal Services and Operating Expenses line items.

The following table shows anticipated General Fund savings in FY 2008-09 under three potential effective dates: 1) March 1, 2009; 2) April 1, 2009; and 3) May 1, 2009. These are only estimates. If the Committee elects to pursue this proposal, then the appropriation clause for the bill would require additional analysis.

Instacheck Line Item	March 1, 2009 Effective Date GF Savings	April 1, 2009 Effective Date GF Savings	May 1, 2009 Effective Date GF Savings
Personal Services	\$354,548	\$235,931	\$117,314
Operating Expenses	<u>277,979</u>	<u>262,764</u>	<u>247,550</u>
<b>Total</b>	<b>\$632,527</b>	<b>\$498,695</b>	<b>\$364,864</b>

For illustrative purposes, staff's recommendation and the numbers pages assume an effective date of April 1, 2009. Under that scenario, the Department's estimates indicate that cash funding Instacheck for the remainder of FY 2008-09 would save nearly \$500,000 General Fund.

The above calculations do not incorporate the Department's proposed (and staff recommended) cuts to Instacheck in FY 2008-09. If the Committee elected to accept the proposed reductions *and cash fund the program, the FY 2008-09 General Fund savings attributable to cash funding the program would decrease by the amount reduced through the above supplementals (a total of \$198,530).*



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Implementing both the refinancing and proposed General Fund reductions in FY 2008-09 would reduce the fee necessary to completely cash fund the program for the remainder of the fiscal year.

*Estimate of Necessary Fee.* The Department has estimated that a fee of \$10 to \$15 per background check would adequately fund the program. Based on staff's preliminary estimates, that range would be adequate.

Spreading the fee out over a full year would likely allow for a lower fee because April through June appears to be a relatively low volume period for firearm purchases.

*Appropriateness of Charging a Fee.* Staff sees the Instacheck program as a straightforward user fee program, with the firearm purchaser as user of the program. Staff argues that in the present economic climate cash funding the program would be an appropriate means of both saving General Fund *and maintaining or improving current levels of service in the Instacheck program.* To the extent that General Fund appropriations are simply reduced without refinancing from another funding source, General Fund savings will not be maximized and the quality of service in terms of both wait times and potential for errors is likely to decline.

**Staff Recommendation: Staff recommends that the Committee consider running legislation this session to cash fund Instacheck that would allow for General Fund savings in both FY 2008-09 and FY 2009-10.**

**JBC Staff Initiated Supplemental #4  
CSP Vehicle Sales Cash Fund**

	Request	Recommendation
Total	\$0	\$0
General Fund	0	(62,682)
Cash Funds	0	62,682

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [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.]	<b>YES</b>
This supplemental is the result of <i>an unforeseen contingency</i> (the economic downturn).	

**Department Request:** The Department has not requested this supplemental.

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**Staff Analysis:** The CSP Vehicle Sales cash fund currently holds \$62,682. The funds are from the sales of CSP vehicles prior to FY 2000-01. Revenues from sales since FY 2000-01 have gone to State Fleet Management. The Department has no spending authority from this Vehicle Sales fund, and the balance has been constant for years.

Staff would normally recommend a cash fund transfer from this fund to the General Fund. However, there is no statutory reference for the Vehicle Sales fund, and a cash fund transfer would require such a citation. The General Assembly can appropriate the funds, so staff is recommending that the Committee appropriate the funds to the CSP's Vehicle Lease line item and reduce the line's General Fund by a like amount. Given that the transfer will exhaust the fund, this does represent a one-time General Fund savings that would have to be reversed in FY 2009-10 to sustain the vehicle lease appropriation at current levels.

**Staff Recommendation:** Staff recommends reducing the FY 2008-09 General Fund appropriation for the CSP Vehicle Lease line item by \$62,682 and increasing the cash funds appropriation by the same amount with funds from the vehicle sales fund. The recommendation would eliminate the fund balance from the vehicle sales fund, although no statutory language to eliminate the fund is necessary because the fund has no statutory authority in the first place.

**Previously Approved Interim Supplemental  
EDO, Revenue Increase for Witness Protection**

	Previously Approved	New Staff Recommendation
Total	<u>\$23,444</u>	<u>\$23,444</u>
Cash Funds	0	23,444
Reappropriated Funds	23,444	0

**Description of Supplemental:** In December 2008 the Committee approved an interim supplemental providing \$23,444 reappropriated funds spending authority from the Witness Protection Fund for additional witness protection expenses in FY 2008-09.

The rules governing interim supplementals in Section 24-75-109 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves. In the interim supplemental, the Committee approved \$23,444 in spending authority from reserves in the Witness Protection Fund. The Department's request and staff's recommendation mistakenly classified this funding as reappropriated

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funds when it should have been cash funds. As a result, **staff recommends drafting the interim supplemental bill as a cash funds appropriation rather than reappropriated funds.**

**Statewide Common Policy Supplemental Requests**

**Staff Recommendation:** Neither the Department nor OSPB has submitted statewide supplemental requests, but these requests may be received in the near future. If requests are submitted, they will be presented to the Committee by the Common Policy analyst. **Staff asks permission to include the corresponding appropriations in the Department's supplemental bill if the Committee approves a common policy supplemental.** If staff believes there is reason to deviate from the common policy, staff will appear before the Committee later to present the relevant analysis.

**Other Balancing Options**

These options are presented without staff recommendation in order to maximize the Committee's choices. The Committee may wish to consider these options now or in the future.

**Numbering does not indicate priority.**

Options with <i>Appropriation</i> Impacts	GF	CF	RF	FF	Total	FTE
1  <b>Reduce CSP Capitol Security Funding</b>  The Department was appropriated \$2.3 million General Fund in FY 2008-09 for the Executive and Capitol Complex Security Program. During the last downturn, the General Assembly reduced the capitol security operation by \$100,000 and 2.0 FTE. Given the recent investments in improving security for the Capitol building, the Department would likely strongly oppose any such reduction at this time.						
2  <b>Eliminate the School Safety Resource Center</b>  Staff is already recommending a reduction of \$213,703 from the School Safety Resource Center, which was created by S.B. 08-1 in order to capture vacancy savings resulting from the delayed start-up of the center in FY 2008-09. The Committee could consider eliminating the program entirely, although such a move would be strongly opposed by the Department.	(466,336)				(466,336)	
3  <b>Cash Fund the CBI Laboratory</b>						

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<b>Options with Appropriation Impacts</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>	<b>Total</b>	<b>FTE</b>
<p>The Committee could consider cash funding all or part of the CBI laboratory using fees charged to local law enforcement agencies using the lab. Department and JBC staff are not aware of any other states that charge fees for laboratory analyses. Charging all agencies for analysis work would likely be cost prohibitive for some jurisdictions.</p>						
4						
<p><b>Reduce Instacheck Operating Hours</b></p> <p>Under Section 24-33.5-424, C.R.S., Instacheck must operate from 9 a.m. to 9 p.m. every day except Christmas Day and Thanksgiving Day. The General Assembly could adjust the required hours of operation to reduce costs.</p>						
5		(136,294)			(136,294)	(1.8)
<p><b>Eliminate National Fire Incident Response System and Emergency Resource Mobilization Funded through FY 2008-09 Decision Items</b></p> <p>For FY 2008-09, the Committee approved decision items to fund the Office of Preparedness, Security, and Fire Safety implementation of the National Fire Incident Response System (77,646 General Fund and 0.9 FTE in FY 2008-09) and Emergency Resource Mobilization program (\$58,648 General Fund and 0.9 FTE in FY2008-09). Both programs had previously been paid for with federal funds. The Committee could reverse those decisions and eliminate the programs going forward, although recapturing all costs may not be possible because the programs have been operational this fiscal year.</p>						

<b>Options with Revenue Impacts</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>	<b>Total</b>	<b>FTE</b>
1						
<p><b>Cash Fund the CBI Laboratory</b></p> <p>See Options with Appropriation Impacts #3, above.</p>						

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
<b>Executive Director - Peter A. Weir</b>					
<b>Supplemental #1 - CBI Grand Junction Facility Operating Costs</b>					
<i>(1) Executive Director's Office</i>					
<i>(A) Administration</i>					
Leased Space	<u>1,742,478</u>	<u>1,907,259</u>	<u>(184,548)</u>	<u>(184,548)</u>	<u>1,722,711</u>
General Fund	756,071	858,230	(184,548)	(184,548)	673,682
Cash Funds	0	30,057	0	0	30,057
HUTF	438,642	464,329	0	0	464,329
Cash Funds Exempt/ Reappropriated Funds	547,765	554,643	0	0	554,643
 <i>(5) Colorado Bureau of Investigation</i>					
<i>(C) Laboratory and Investigative Services</i>					
Operating Expenses	<u>0</u>	<u>2,667,685</u>	<u>201,209</u>	<u>184,548</u>	<u>2,852,233</u>
General Fund	0	2,491,258	201,209	184,548	2,675,806
Cash Funds	0	101,125	0	0	101,125
Cash Funds Exempt/ Reappropriated Funds	0	75,302	0	0	75,302
<b>Total for Supplemental #1</b>	<u>1,742,478</u>	<u>4,574,944</u>	<u>16,661</u>	<u>0</u>	<u>4,574,944</u>
General Fund	756,071	3,349,488	16,661	0	3,349,488
Cash Funds	0	131,182	0	0	131,182
HUTF	438,642	464,329	0	0	464,329
Cash Funds Exempt/ Reappropriated Funds	547,765	629,945	0	0	629,945

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>Supplemental #2 - CBI, Spending Authority for Grand Junction Relocation Grant</b>					
<i>(5) Colorado Bureau of Investigation</i>					
<i>(C) Laboratory and Investigative Services</i>					
Operating Expenses	<u>0</u>	<u>2,667,685</u>	<u>35,000</u>	<u>35,000</u>	<u>2,702,685</u>
General Fund	0	2,491,258	0	0	2,491,258
Cash Funds	0	101,125	35,000	35,000	136,125
Cash Funds Exempt/ Reappropriated Funds	0	75,302	0	0	75,302
<b>Supplemental #6 - EDO, Revenue Increase for Witness Protection</b>					
<i>(1) Executive Director's Office</i>					
<i>(B) Special Programs, (1) Witness Protection Program</i>					
Witness Protection Fund - GF	90,000	50,000	29,000	29,000	79,000
Witness Protection Fund Expenditures -	88,890	50,000	29,000	29,000	79,000
<b>Total for Supplemental #6</b>	<u>178,890</u>	<u>100,000</u>	<u>58,000</u>	<u>58,000</u>	<u>158,000</u>
General Fund	90,000	50,000	29,000	29,000	79,000
Reappropriated Funds	88,890	50,000	29,000	29,000	79,000
<b>Supplemental #7 - School Safety Resource Center (Amending S.B. 08-1)</b>					
<i>(1) Executive Director's Office</i>					
<i>(B) Special Programs</i>					
(3) School Resource Center Services	0	616,336	(179,226)	(213,703)	402,633
FTE	<u>0.0</u>	<u>6.0</u>	<u>0.0</u>	<u>(4.3)</u>	<u>1.7</u>
General Fund	0	466,336	(179,226)	(213,703)	252,633
FTE	0.0	6.0	0.0	(4.3)	1.7
Cash Funds Exempt/Reappropriated Funds	0	150,000	0	0	150,000
FTE	0.0	0.0	0.0	0.0	0.0

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>Supplemental #8 - CSP, Reduce Trooper Line</b>					
<i>(2) Colorado State Patrol</i>					
Sergeants, Technicians, and Troopers	43,976,712	46,681,185	(140,400)	(140,400)	46,540,785
FTE	<u>634.1</u>	<u>615.6</u>	<u>0.0</u>	<u>(2.0)</u>	<u>613.6</u>
General Fund	789,478	1,536,275	(140,400)	(140,400)	1,395,875
FTE	10.0	22.0	0.0	(2.0)	20.0
Cash Funds	830,692	930,645	0	0	930,645
FTE	12.0	13.0	0.0	0.0	13.0
HUTF	41,078,376	42,914,361	0	0	42,914,361
FTE	594.9	563.0	0.0	0.0	563.0
Cash Funds Exempt/Reappropriated Funds	1,278,166	1,299,904	0	0	1,299,904
FTE	17.2	17.6	0.0	0.0	17.6
<b>Supplemental #9 - CBI, Reduce Program Support Unit Operating Expenses</b>					
<i>(5) Colorado Bureau of Investigation</i>					
<i>(B) Colorado Crime Information Center, (1) CCIC Program Support</i>					
Operating Expenses	<u>130,083</u>	<u>198,692</u>	<u>(23,000)</u>	<u>(23,000)</u>	<u>175,692</u>
General Fund	130,083	126,362	(23,000)	(23,000)	103,362
Cash Funds	0	52,397	0	0	52,397
Cash Funds Exempt/Reappropriated Funds	0	19,933	0	0	19,933
Federal Funds	0	0	0	0	0

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>Supplemental #10 - CBI, Reduce Instacheck Operating Expenses</b>					
<i>(5) Colorado Bureau of Investigation</i>					
<i>(E) State Point of Contact - National Instant Criminal Background Check Program</i>					
Operating Expenses	<u>344,054</u>	<u>399,693</u>	<u>(104,330)</u>	<u>(104,330)</u>	<u>295,363</u>
General Fund	344,054	344,057	(104,330)	(104,330)	239,727
Cash Funds	0	55,636	0	0	55,636
<b>Supplemental #16 - EDO, CBI, Hiring Freeze Reduction</b>					
<i>(1) Executive Director's Office</i>					
<i>(A) Administration</i>					
Personal Services	2,196,360	2,298,775	(28,926)	(34,711)	2,264,064
FTE	<u>26.0</u>	<u>26.0</u>	<u>0.0</u>	<u>(0.5)</u>	<u>25.5</u>
General Fund	0	0	0	0	0
HUTF	24,618	30,163	0	0	30,163
Cash Funds Exempt/Reappropriated Funds	2,171,742	2,268,612	(28,926)	(34,711)	2,233,901
FTE	26.0	26.0	0.0	(0.5)	25.5
Payment to Risk Management and Property					
Funds	<u>794,223</u>	<u>985,251</u>	<u>0</u>	<u>0</u>	<u>985,251</u>
General Fund	340,704	408,543	(28,926)	(34,711)	373,832
HUTF	12,039	12,039	0	0	12,039
Cash Funds Exempt/Reappropriated Funds	441,480	564,669	28,926	34,711	599,380



	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<i>(5) Colorado Bureau of Investigation</i>					
<i>(E) State Point of Contact - National Instant Criminal Background Check Program</i>					
Personal Services	1,219,475	1,241,454	(94,200)	(94,200)	1,147,254
FTE	<u>23.7</u>	<u>26.4</u>	<u>0.0</u>	<u>(1.3)</u>	<u>25.2</u>
General Fund	1,056,244	1,076,731	(94,200)	(94,200)	982,531
FTE	21.5	22.0	0.0	(1.3)	20.8
Cash Funds	163,231	164,723	0	0	164,723
FTE	2.2	4.4	0.0	0.0	4.4
<b>Total for Supplemental #16</b>	4,210,058	4,525,480	(123,126)	(128,911)	4,396,569
FTE	<u>49.7</u>	<u>52.4</u>	<u>0.0</u>	<u>(1.8)</u>	<u>50.7</u>
General Fund	1,396,948	1,485,274	(123,126)	(128,911)	1,356,363
FTE	21.5	22.0	0.0	(1.3)	20.8
Cash Funds	163,231	164,723	0	0	164,723
FTE	2.2	4.4	0.0	0.0	4.4
HUTF	36,657	42,202	0	0	42,202
Cash Funds Exempt/Reappropriated Funds	2,613,222	2,833,281	0	0	2,833,281
FTE	26.0	26.0	0.0	(0.5)	25.5
<b>JBC Staff Initiated Supplemental #1 - Offender Identification Fund</b>					
<i>(5) Colorado Bureau of Investigation</i>					
<i>(C) Laboratory and Investigative Services</i>					
Operating Expenses	0	2,667,685	0	0	2,667,685
General Fund	0	2,491,258	0	(175,000)	2,316,258
Cash Funds	0	101,125	0	175,000	276,125
Cash Funds Exempt/ Reappropriated Funds	0	75,302	0	0	75,302

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>JBC Staff Initiated Supplemental #2 - DNC Reimbursement</b>					
<i>(2) Colorado State Patrol</i>					
Executive and Capitol Complex Security Program	2,857,269	3,528,411	0	(65,570)	3,462,841
FTE	<u>43.2</u>	<u>56.0</u>	<u>0.0</u>	<u>0.0</u>	<u>56.0</u>
General Fund	1,949,209	2,344,521	0	(65,570)	2,278,951
FTE	31.3	37.5	0.0	0.0	37.5
Cash Funds Exempt/Reappropriated Funds	908,060	1,183,890	0	0	1,183,890
FTE	11.9	18.5	0.0	0.0	18.5
 <i>(5) Colorado Bureau of Investigation</i>					
<i>(C) Laboratory and Investigative Services</i>					
Personal Services	0	8,295,165	0	(29,773)	8,265,392
FTE	<u>0.0</u>	<u>102.6</u>	<u>0.0</u>	<u>0.0</u>	<u>102.6</u>
General Fund	0	7,618,326	0	(29,773)	7,588,553
FTE	0.0	95.6	0.0	0.0	95.6
Cash Funds Exempt/Reappropriated Funds	0	676,839	0	0	676,839
FTE	0.0	7.0	0.0	0.0	7.0
<b>Total for JBC Staff Initiated Supplemental #2</b>	<b>2,857,269</b>	<b>11,823,576</b>	<b>0</b>	<b>(95,343)</b>	<b>11,728,233</b>
FTE	<u>43.2</u>	<u>158.6</u>	<u>0.0</u>	<u>0.0</u>	<u>158.6</u>
General Fund	1,949,209	9,962,847	0	(95,343)	9,867,504
FTE	31.3	133.1	0.0	0.0	133.1
Cash Funds Exempt/Reappropriated Funds	908,060	1,860,729	0	0	1,860,729
FTE	11.9	25.5	0.0	0.0	25.5

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>JBC Staff Initiated Supplemental #3 - Cash Funding the CBI Instacheck Program (data are estimates only)</b>					
<i>(5) Colorado Bureau of Investigation</i>					
<i>(E) State Point of Contact - National Instant Criminal Background Check Program</i>					
Personal Services	1,219,475	1,241,454	0	117,966	1,359,420
FTE	<u>23.7</u>	<u>26.4</u>	<u>0.0</u>	<u>0.0</u>	<u>26.4</u>
General Fund	1,056,244	1,076,731	0	(235,931)	840,800
FTE	21.5	22.0	0.0	(5.5)	16.5
Cash Funds	163,231	164,723	0	353,897	518,620
FTE	2.2	4.4	0.0	5.5	9.9
Operating Expenses	<u>344,054</u>	<u>399,693</u>	<u>0</u>	<u>0</u>	<u>399,693</u>
General Fund	344,054	344,057	0	(262,764)	81,293
Cash Funds	0	55,636	0	262,764	318,400
<b>Total for JBC Staff Initiated Supplemental #3</b>	<b>1,563,529</b>	<b>1,641,147</b>	<b>0</b>	<b>117,966</b>	<b>1,759,113</b>
FTE	<u>23.7</u>	<u>26.4</u>	<u>0.0</u>	<u>0.0</u>	<u>26.4</u>
General Fund	1,400,298	1,420,788	0	(498,695)	922,093
FTE	21.5	22.0	0.0	(5.5)	16.5
Cash Funds	163,231	220,359	0	616,661	837,020
FTE	2.2	4.4	0.0	5.5	9.9
<b>JBC Staff Initiated Supplemental #4 - CSP Vehicle Sales Cash Fund</b>					
<i>(2) Colorado State Patrol</i>					
Vehicle Lease Payments	<u>3,585,134</u>	<u>3,906,881</u>	<u>0</u>	<u>0</u>	<u>3,906,881</u>
General Fund	47,311	141,984	0	(62,682)	79,302
Cash Funds	85,567	84,918	0	62,682	147,600
HUTF	3,354,700	3,559,382	0	0	3,559,382
Cash Funds Exempt/Reappropriated Funds	97,556	81,677	0	0	81,677
Federal Funds	0	38,920	0	0	38,920

	FY 2007-08	FY 2008-09	Fiscal Year 2008-09 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>Previously Approved Interim Supplemental - EDO, Revenue Increase for Witness Protection</b>					
<i>(1) Executive Director's Office</i>					
<i>(B) Special Programs, (1) Witness Protection Program</i>					
Witness Protection Fund Expenditures	88,890	50,000	23,444	23,444	73,444
Cash Funds	0	0	0	23,444	23,444
Cash Funds Exempt/Reappropriated Funds	88,890	50,000	23,444	0	50,000
<b>Totals</b>					
DEPARTMENT OF PUBLIC SAFETY					
TOTALS for ALL Departmental line items	219,922,525	248,005,939	(436,977)	(471,278)	247,534,662
FTE	<u>1,300.0</u>	<u>1,357.2</u>	<u>0.0</u>	<u>(8.1)</u>	<u>1,349.2</u>
General Fund	72,509,440	82,378,618	(524,421)	(1,413,064)	80,965,554
Cash Funds	11,411,531	25,017,733	35,000	912,787	25,930,520
HUTF	86,849,422	92,484,755	0	0	92,484,755
Cash Funds Exempt/Reappropriated Funds	20,988,367	21,637,002	52,444	29,000	21,666,002
Federal Funds	28,163,765	26,487,831	0	0	26,487,831

Key:

"N.A." = Not Applicable or Not Available