

COLORADO GENERAL ASSEMBLY

JOINT BUDGET COMMITTEE



FY 2006-07 SUPPLEMENTAL: DEPARTMENT OF PUBLIC SAFETY (EXCEPT DIVISION OF CRIMINAL JUSTICE)

PRIORITIZED AND NON-PRIORITIZED REQUESTS

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

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**DEPARTMENT OF PUBLIC SAFETY
(EXCEPT DIVISION OF CRIMINAL JUSTICE)
FY 2006-07 SUPPLEMENTAL RECOMMENDATION
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	FY 2005-06	FY 2006-07	Fiscal Year 2006-07 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
DEPARTMENT OF PUBLIC SAFETY					
Executive Director - Pete Weir					
Supplemental #1 - OPSFS, Refinance Homeland Security Operations					
<i>(1) Executive Director's Office</i>					
<i>(A) Administration</i>					
Vehicle Lease Payments	<u>31,253</u>	<u>87,377</u>	<u>34,848</u>	<u>0</u>	<u>87,377</u>
General Fund	9,657	47,113	34,848	0	47,113
Cash Funds	2,675	3,427	0	0	3,427
Cash Funds Exempt	18,921	36,837	0	0	36,837
<i>(2) Colorado State Patrol</i>					
Colonel, Lt. Colonels, Majors, and Captains	3,263,893	3,526,877	(106,426)	0	3,526,877
FTE	<u>33.0</u>	<u>34.0</u>	<u>(2.0)</u>	<u>0.0</u>	<u>34.0</u>
General Fund	0	106,426	(106,426)	0	106,426
FTE	0.0	1.0	(1.0)	0.0	1.0
HUTF	3,263,893	3,420,451	0	0	3,420,451
FTE	33.0	33.0	(1.0)	0.0	33.0

	FY 2005-06	FY 2006-07	Fiscal Year 2006-07 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Sergeants, Technicians, and Troopers	38,765,383	41,559,594	(803,821)	0	41,559,594
FTE	<u>600.1</u>	<u>593.6</u>	<u>(8.0)</u>	<u>0.0</u>	<u>593.6</u>
General Fund	0	1,002,144	(803,821.0)	0	1,002,144
FTE	0.0	10.0	(8.0)	0.0	10.0
Cash Funds	779,200	806,830	0	0	806,830
FTE	13.0	13.0	0.0	0.0	13.0
HUTF	37,010,420	38,723,934	0	0	38,723,934
FTE	568.6	557.0	0.0	0.0	557.0
Cash Funds Exempt	975,763	1,026,686	0	0	1,026,686
FTE	18.5	13.6	0.0	0.0	13.6
Civilians	4,562,923	4,733,157	(39,283)	0	4,733,157
FTE	<u>83.1</u>	<u>82.5</u>	<u>(2.5)</u>	<u>0.0</u>	<u>82.5</u>
General Fund	0	39,283	(39,283)	0	39,283
FTE	0.0	1.0	(1.0)	0.0	1.0
Cash Funds	50,360	56,700	0	0	56,700
FTE	2.0	2.0	0.0	0.0	2.0
HUTF	4,462,971	4,586,371	0	0	4,586,371
FTE	80.1	78.5	(1.5)	0.0	78.5
Cash Funds Exempt	49,592	50,803	0	0	50,803
FTE	1.0	1.0	0.0	0.0	1.0
Operating Expenses	<u>6,631,353</u>	<u>6,622,505</u>	<u>(126,380)</u>	<u>0</u>	<u>6,622,505</u>
General Fund	120,443	326,094	(126,380)	0	326,094
Cash Funds	345,562	424,889	0	0	424,889
HUTF	6,026,748	5,747,249	0	0	5,747,249
Cash Funds Exempt	138,600	124,273	0	0	124,273

	FY 2005-06	FY 2006-07	Fiscal Year 2006-07 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Vehicle Lease Payments	<u>3,985,785</u>	<u>4,930,894</u>	<u>(34,848)</u>	<u>0</u>	<u>4,930,894</u>
General Fund	0	68,616	(34,848)	0	68,616
Cash Funds	50,286	101,342	0	0	101,342
HUTF	3,853,709	4,657,405	0	0	4,657,405
Cash Funds Exempt	81,790	74,142	0	0	74,142
Federal Funds	0	29,389	0	0	29,389
<i>(3) Office of Preparedness, Security, and Fire Safety</i>					
Office of Anti-Terrorism Planning and Training Personal Services					
FTE	<u>0.0</u>	<u>5.0</u>	<u>12.5</u>	<u>0.0</u>	<u>5.0</u>
General Fund	0	0	949,530	0	0
FTE	0.0	0.0	12.5	0.0	0.0
Federal Funds	0	359,593	0	0	359,593
FTE	0.0	5.0	0.0	0.0	5.0
Office of Anti-Terrorism Planning and Training Operating Expenses					
General Fund	<u>0</u>	<u>10,991</u>	<u>126,380</u>	<u>0</u>	<u>10,991</u>
Federal Funds	0	10,991	0	0	10,991

	FY 2005-06	FY 2006-07	Fiscal Year 2006-07 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Total for Supplemental #1	57,240,590	61,830,988	0	0	61,830,988
FTE	<u>716</u>	<u>715</u>	<u>0.0</u>	<u>0.0</u>	<u>715.1</u>
General Fund	130,100	1,589,676	0	0	1,589,676
Cash Funds	1,228,083	1,393,188	0	0	1,393,188
HUTF	54,617,741	57,135,410	0	0	57,135,410
Cash Funds Exempt	1,264,666	1,312,741	0	0	1,312,741
Federal Funds	0	399,973	0	0	399,973
<hr/>					
Supplemental #2 - CBI, Laboratory Price Inflation for Consumables					
<i>(5) Colorado Bureau of Investigation</i>					
<i>(C) Laboratory Services</i>					
Operating Expenses	<u>1,523,314</u>	<u>1,747,993</u>	<u>27,223</u>	<u>27,223</u>	<u>1,775,216</u>
General Fund	1,465,314	1,689,665	0	0	1,689,665
Cash Funds Exempt	58,000	58,328	27,223	27,223	85,551
Federal Funds	0	0	0	0	0

	FY 2005-06	FY 2006-07	Fiscal Year 2006-07 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Totals Excluding Pending Items					
DEPARTMENT OF PUBLIC SAFETY					
TOTALS for ALL Departmental line items	197,224,620	221,363,443	27,223	27,223	221,390,666
FTE	<u>1,239.2</u>	<u>1,285.8</u>	<u>0.0</u>	<u>0.0</u>	<u>1,285.8</u>
General Fund	58,762,966	66,899,268	0	0	66,899,268
Cash Funds	9,365,158	12,263,259	0	0	12,263,259
HUTF	76,490,571	82,794,682	0	0	82,794,682
Cash Funds Exempt	18,712,645	24,191,512	27,223	27,223	24,218,735
Federal Funds	33,893,280	35,214,722	0	0	35,214,722
Statewide Supplementals					
(see narrative for more detail)	<u>N.A.</u>	<u>N.A.</u>	<u>(204,417)</u>	<u>Pending</u>	<u>N.A.</u>
General Fund			470,333		
Cash Funds			(3,899)		
HUTF			(281,322)		
Cash Funds Exempt			(389,758)		
Federal Funds			229		

	FY 2005-06	FY 2006-07	Fiscal Year 2006-07 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Totals Including Pending Items in Request					
DEPARTMENT OF PUBLIC SAFETY					
TOTALS for ALL Departmental line items	197,224,620	221,363,443	(177,194)	27,223	221,390,666
FTE	<u>1,239.2</u>	<u>1,285.8</u>	<u>0.0</u>	<u>0.0</u>	<u>1,285.8</u>
General Fund	58,762,966	66,899,268	470,333	0	66,899,268
Cash Funds	9,365,158	12,263,259	(3,899)	0	12,263,259
HUTF	76,490,571	82,794,682	(281,322)		82,794,682
Cash Funds Exempt	18,712,645	24,191,512	(362,535)	27,223	24,218,735
Federal Funds	33,893,280	35,214,722	229	0	35,214,722

Key:

"N.A." = Not Applicable

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Supplemental # 1 - OPSFS, Refinance Homeland Security Operations

	Request	Recommendation
Total	<u>\$0</u>	<u>\$0</u>
General Fund	0	0
Cash Funds	0	0
Cash Funds Exempt	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 the appropriation / new data / an unforeseen contingency]	NO
<p>Staff does not believe that the supplemental request meets the criteria for new data or unforeseen contingency because the Department received a continuation level of homeland security grant federal funding for the OPSFS in FY 2006-07. Additionally, the Department made a similar request for General Fund support of the OPSFS with its FY 2006-07 budget request, showing that this has been an issue within the Department prior to FY 2006-07.</p>	

Department Request: The Department requests a transfer of \$1,110,758 General Fund and 12.5 FTE from funds appropriated to the Colorado State Patrol (CSP) through S.B. 06-225 into the Office of Preparedness, Security, and Fire Safety (OPSFS). In addition, please note that the Department is also requesting a corresponding FY 2007-08 budget amendment that would transfer \$1,152,713 General Fund from CSP into OPSFS.

Analysis: Senate Bill 06-225 directed the Colorado State Patrol to establish a division to enforce human smuggling and human trafficking laws on Colorado's highways. The Act requires this unit to include at least 12.0 FTE during FY 2006-07 and at least 24.0 FTE during FY 2007-08. To implement these provisions, S.B. 06-225 contained an appropriation of \$1,542,563 General Fund in FY 2006-07. This amount is scheduled to increase to \$2,177,074 General Fund in FY 2007-08.

With this supplemental request, the Department would transfer General Fund from the S.B. 06-225 appropriation into the OPSFS to support homeland security functions. Subsequently, the Department would use HUTF "off-the-top" dollars currently appropriated to the CSP to support the human smuggling unit created by S.B. 06-225.

Currently, the Colorado State Patrol supports the OPSFS homeland security functions through the transfer of 7.5 FTE on temporary assignment along with approximately \$597,613 of HUTF "off-the-top" funds. These temporary duty assignments from the Colorado State Patrol (funded by HUTF dollars) and federal grants

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(funding 5.0 FTE) support two operational units in the OPSFS: (1) the Colorado Information Analysis Center, which provides a central location for the collection, analysis, and dissemination of terrorism-related information; and (2) the Critical Infrastructure Protection Program, which maintains terrorism preparedness plans and assesses the vulnerability of critical infrastructures and key assets in the State. The following table provides an estimate of the FY 2006-07 program budget for the OPSFS:

OPSFS Total Program Budget		
Funding Area	FY 2006-07 Estimate	FY 2007-08 Estimate
OPSFS Core Program <i>(Currently supported by a mix of federal grants and temporary duty assignments from the CSP, which are funded by HUTF "off-the-top" dollars)</i>	\$1,172,912*	\$1,209,594*
	12.5 FTE	12.5 FTE
Colorado State Patrol <i>(HUTF - Transfers from the CSP for homeland security duties)</i>	288,467	297,492
	<u>3.0 FTE</u>	<u>3.0 FTE</u>
Total Program Budget	\$1,461,380	\$1,507,086
	15.5 FTE	15.5 FTE

*These amounts differ from the transfer amounts requested in the supplemental request because they include costs for centrally appropriated items such as Health/Life/Dental, Short-term Disability, and Amortization Equalization Disbursement payments. Because these are central appropriations in the Executive Director's Office, it is unnecessary to transfer the amounts to new line items. However, if the Committee chooses to provide a new General Fund appropriation to the OPSFS, the amounts indicated in this table would be necessary to support the requested FTE.

OPSFS Core Program. This area of the budget includes 12.5 FTE, of which 5.0 FTE are presently supported by federal grants and 7.5 FTE are on temporary assignment from the CSP and funded by HUTF "off-the-top" dollars. The breakdown of FTE within this program is as follows:

- 1.0 FTE Major supported by federal funds;
- 1.0 FTE Captain supported by federal funds;
- 2.0 FTE Sergeants supported by federal funds;
- 1.0 FTE Civilian supported by federal funds;
- 6.0 FTE Troopers supported by HUTF (temporary duty transfers from the CSP); and
- 1.5 FTE Civilians supported by HUTF (temporary duty transfers from the CSP).

Colorado State Patrol. This area of the budget includes 3.0 FTE, all of which are supported by HUTF "off-the-top" dollars. The breakdown of FTE within this program is as follows:

- 1.0 FTE Sergeant to manage the CSP Homeland Security Unit;
- 1.0 FTE Trooper assigned to the CSP Homeland Security Unit; and
- 1.0 FTE Trooper for the Joint Terrorism Task Force, which was previously assigned to the CSP

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Investigative Services Section.

The amount of federal homeland security funds available to Colorado has decreased each year for the last four years. Of these funds, state agencies receive 20 percent while 80 percent are allocated to counties, cities, and tribes through the nine Hazards Emergency Planning Regions. The Department of Local Affairs (DOLA) makes the determination as to what percentage of the federal award will be allocated to the OPSFS. The following table illustrates the total homeland security funds awarded to Colorado over the past four years:

Homeland Security Grant Program	
Federal Year	Total Award
2006	\$24,077,341
2005	36,798,900
2004	45,539,647
2003	50,159,474

Despite a decrease in homeland security grant funding for FY 2006-07, the OPSFS received a continuation level of funding from DOLA to support 5.0 FTE and related operating expenses. Also, although declining federal funds have lowered the number of federally-funded positions in the OPSFS to 5.0 FTE in FY 2006-07 (from 6.6 FTE in FY 2004-05), the issue of providing General Fund to support homeland security functions is not new; the Department made a very similar request for a General Fund appropriation to support homeland security operations in its FY 2006-07 budget request, but that request was denied by the General Assembly. Therefore, staff does not believe that the continued decline in federal funds represents "new data".

In addition, the Department knew about the federal decision to decrease the Colorado grant award on May 31, 2006, but chose not to request an increase in funding for FY 2007-08 with its November 1 budget request. Although the Department had not received notice from DOLA as to its allocation of funds for FY 2007-08 on November 1, 2006, the Department could have anticipated that the OPSFS would not be fully funded with 12.5 FTE given the decline in overall federal funding for Colorado. Finally, the Department has stated that the federal funding it has received will be sufficient to support its existing level of service and federally-funded 5.0 FTE through December 2007. Thus, staff does not believe that the supplemental request meets the criteria for "new data" or "unforeseen contingency".

Alternatives. The following are alternatives that could be adopted if the Committee chooses to provide General Fund support for the OPSFS:

1. General Fund Transfer to Support All Homeland Security Operations (Request). Under this alternative, the Department would transfer a General Fund appropriation of \$1,110,758 from the CSP to the OPSFS to support 12.5 FTE, of which 5.0 FTE are currently supported by federal funds and 7.5 FTE by HUTF

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"off-the-top" dollars through temporary duty assignments from the CSP. This alternative would affect the CSP by reducing its overall funding by \$1,110,758 and reducing its total FTE level by 12.5.

2. General Fund Transfer to Support Temporary Duty Assignments. Under this alternative, the Department would transfer a General Fund appropriation of approximately \$597,613 from the CSP to the OPSFS to support the 7.5 FTE currently on temporary assignment from the CSP and funded by HUTF "off-the-top" dollars. The remaining federally-funded 5.0 FTE within the OPSFS would continue to be federally-funded. This alternative would affect the CSP by reducing its overall funding by approximately \$597,613 and reducing its total FTE level by 7.5.
3. General Fund Appropriation to Support All Homeland Security Operations. Under this alternative, the OPSFS would receive a new General Fund appropriation of \$1,172,912 to support 12.5 FTE, of which 5.0 FTE are currently supported by federal funds and 7.5 FTE by HUTF "off-the-top" dollars through temporary duty assignments from the CSP. This alternative would affect the CSP by allowing the Division to recoup approximately \$597,613 and 7.5 FTE, which are currently being transferred to the OPSFS through temporary duty assignments.
4. General Fund Appropriation to Support Temporary Duty Assignments. Under this alternative, the OPSFS would receive a General Fund appropriation of approximately \$597,613 to support the 7.5 FTE currently on temporary assignment from the CSP and funded by HUTF "off-the-top" dollars. The remaining federally-funded 5.0 FTE within the OPSFS would continue to be federally-funded. This alternative would affect the CSP by allowing the Division to recoup approximately \$597,613 and 7.5 FTE, which are currently being transferred to the OPSFS through temporary duty assignments.

Staff Recommendation: Staff recommends that the Committee deny the Department's request because the request does not meet supplemental criteria.

Supplemental # 2 - CBI, Laboratory Price Inflation for Consumables

	Request	Recommendation
Total	<u>\$27,223</u>	<u>\$27,223</u>
General Fund	0	0
Cash Funds	0	0
Cash Funds Exempt	27,223	27,223
Federal Funds	0	0

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Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?	YES
[An emergency or act of God / a technical error in the appropriation / new data / an unforeseen contingency]	

The increased cost of DNA amplification kits causing a subsequent overall increase in performing DNA analysis is new data that was not available when the original appropriation was made.

Department Request: The Department requests a \$27,223 cash funds exempt appropriation increase from the Offender Identification Fund to the Colorado Bureau of Investigation (CBI) Laboratory Services Operating Expenses line item. In addition, please note that the Department is also requesting a corresponding FY 2007-08 budget amendment for a cash funds exempt appropriation increase of \$61,125 from the Offender Identification Fund to the CBI Laboratory Services Operating Expenses line item. The higher impact of the FY 2007-08 budget amendment is due to the increase in DNA analysis caseload as a result of S.B. 06-150, which requires DNA samples for all felons, not just those committing sex assaults or in the custody of the Department of Corrections.

Analysis: This increase is being requested largely due to the increased cost of performing DNA analysis, specifically the increased cost of DNA amplification kits. There is only one vendor that is the sole manufacturer and distributor of DNA amplification kits that work with CBI equipment. In July 2006, this vendor announced an immediate increase of three to ten percent on its DNA amplification kits. The table below illustrates the price changes for the four amplification kits most commonly used by the CBI laboratory.

Price Changes for DNA Amplification Kits				
DNA Kit	Purpose	June 2006 Unit Cost	July 2006 Unit Cost	Percent Increase
Cofiler/Profiler Plus PCR Kit	Forensic casework	\$3,536.94	\$3,643.20	3.0%
Yfiler PCR Kit	Forensic casework	2,570.00	2,650.00	3.1%
Quantifier Human DNA Kit	Forensic casework	950.00	980.00	3.2%
Identifier PCR Kits	Genetic Sample database	3,025.00	3,333.00	10.2%

In addition to the increased cost of amplification kits, the CBI has also experienced an increase in the amount of DNA evidence submitted to the CBI laboratory. The following table illustrates the volume of DNA evidence submitted to the CBI laboratory over the past five years. "DNA casework" represents DNA evidence submitted for analysis while "DNA database" represents genetic samples submitted to the CBI for the DNA offender database.

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DNA Evidence Submitted to CBI Laboratory		
Fiscal Year	DNA Casework	DNA Database
2001-02	2,813	6,889
2002-03	3,505	8,824
2003-04	3,151	8,519
2004-05	3,665	9,806
2005-06	5,410	9,351

Based on the number of DNA amplification kits the CBI estimates it will require in the current fiscal year and the price increases associated with those amplification kits, the Department estimates that it will need an additional \$27,223 for the CBI Laboratory Services Operating Expenses line item. The table below details how the Department computed its need for supplemental funding.

Historical Expenses for DNA Amplification Kits		
Fiscal Year	Quantity	Cost
2002-03	94	\$258,357
2003-04	94	262,007
2004-05	123	342,224
2005-06	133	368,825
2006-07 w/ June 2006 Prices	157	433,267
2006-07 with July 2006 Prices	157	<u>460,490</u>
2006-07 Impact Due to Price Increase		\$27,223

Staff Recommendation: Staff recommends that the Committee approve the Department's request for a \$27,223 cash funds exempt appropriation increase from the Offender Identification Fund to the CBI Laboratory Services Operating Expenses line item.

Statewide Common Policy Supplemental Requests

These requests are not prioritized and are not analyzed in this packet. These items will be acted on separately by the JBC when it makes a decision regarding common policies.

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Public Safety Department's Portion of Statewide Supplemental Request	General Fund	Cash Funds	HUTF	Cash Funds Exempt	Federal Funds	Total	FTE
1. Vehicle Reconciliation	(\$57,751)	(\$4,993)	(\$328,290)	(\$13,441)	\$0	(\$404,475)	0.0
2. MNT / Telecommunications	0	0	0	(67,809)	0	(67,809)	0.0
3. Computer Service (GGCC)	172,107	0	0	0	0	172,107	0.0
4. Workers' Compensation	0	0	0	(348,033)	0	(348,033)	0.0
5. Communication Services	853	783	32,795	699	229	35,359	0.0
6. Capitol Complex Leased Space	23,550	311	16,421	38,826	0	79,108	0.0
7. Risk Management	331,574	0	(2,248)	0	0	329,326	0.0
Total Statewide Supplemental Requests for Public Safety Department	\$470,333	(\$3,899)	(\$281,322)	(\$389,758)	\$229	(\$204,417)	0.0

Staff Recommendation: The staff recommendation for these requests is pending Committee approval of common policy supplementals. Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee approves this 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.