



Colorado
Legislative
Council
Staff

SB16-111

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0864
Prime Sponsor(s): Sen. Lambert
Rep. Lundeen

Date: February 5, 2016
Bill Status: Senate Judiciary
Fiscal Analyst: Chris Creighton (303-866-5834)

BILL TOPIC: COLORADO MOUNTED RANGERS PEACE OFFICER STATUS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	<u>64,350</u>	<u>9,000</u>
Cash Fund	64,350	9,000
State Expenditures	<u>80,994</u>	<u>31,717</u>
General Fund	24,278	23,753
Cash Funds	49,885	6,571
Centrally Appropriated Costs	6,832	1,393
TABOR Impact	See TABOR impact section.	
FTE Position Change	0.5 FTE	0.1 FTE
Appropriation Required:	\$36,128 - Department of Public Safety (FY 2016-17). \$38,035 - Department of Law (FY 2016-17).	
Future Year Impacts:	Ongoing state revenue and expenditure increases.	

Summary of Legislation

This bill establishes the Colorado Mounted Rangers (rangers) within the Division of Homeland Security and Emergency Management in the Department of Public Safety (DPS). The rangers will serve as an all volunteer, self-funded, non-profit law enforcement unit that provides support to local governments, state law enforcement agencies, and institutions of higher education for specific periods of time.

The rangers are to be supervised by a board of directors comprised of three elected officials and the DPS is authorized to hire staff to work in conjunction with the board. This position is to be funded through gifts, grants, and donations and will oversee the rangers, maintain standards and training, and evaluate a ranger's suitability for duty. This bill also establishes the Reserve Peace Officers Standards Training (POST) category II certification for the mounted rangers and requires that the POST board in the Department of Law (DOL) approve training and establish rules for the certification of the rangers.

Background

The Colorado Mounted Rangers (rangers) are an independent statewide law enforcement auxiliary. Under current law, the rangers are allowed to enter into memorandums of understanding with a state agency, county sheriff, local law enforcement, or an emergency planning committee. It is estimated that there are currently 300 Colorado Mounted Rangers.

State Revenue

This bill will increase state revenue by \$64,350 in FY 2016-17 and \$9,000 in FY 2017-18. Revenue will be received in DPS from fingerprint background check fees and DOL from POST certification fees. This bill also authorizes DPS seek and accept to gift, grants and donations.

Assumptions. This analysis assumes that all 300 will have to go through the newly established POST II certification. If any of the rangers are POST certified and it is determined that they are not required to go through POST II certification, revenue will be reduced.

Fee Impacts on Colorado Mountain Rangers

Section 2-2-322, C.R.S., requires legislative service agency review of measures which create or increase any fee collected by a state agency. The table below identifies the fee impact of this bill.

Table 1. Fee Impacts on Colorado Mounted Rangers			
Type of Fee	Estimated Fee	Number Affected	Total Fee Impact
CBI background check (FY 2016-17)	39.50	300	11,850
POST II Certification and materials (FY 2016-17)	175	300	52,500
POST II Renewals (FY 2017-18)	30	300	9,000
TWO YEAR TOTAL			73,350

Department of Public Safety. The Department of Public Safety will administer background checks on all rangers through the Colorado Bureau of Investigation (CBI) Identification unit. Each background check requires a \$39.50 fee. Assuming 300 background checks will be performed, revenue to the CBI Investigation Unit Cash Fund will increase by \$11,850 in FY 2016-17.

DPS will seek gifts, grants, and donations to cover the cost of the position established by this bill. However the amount of revenue that will be received for this purpose is unknown at this time. Any revenue received will be deposited into the Department of Public Safety Cash Fund.

Department of Law. The Department of Law charges fees to cover POST certification exam and training materials. This analysis assumes that DOL will recover its costs for developing and administering the new certification by charging a fee. To cover DOL costs, this fee would need to generate \$52,500 in FY2016-17 and \$9,000 in FY 2017-18 and beyond.

TABOR Impact

This bill increases state revenue from fees, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

State Expenditures

For FY 2016-17 this bill increases state expenditures by \$80,994 and 0.5 FTE in FY 2016-17 and by \$31,717 and 0.1 FTE in FY 2017-18. A breakdown of these expenditure increases can be found in Table 2 and are described below. Conditional upon the receipt of gifts, grants, and donations, state expenditures may increase by the cost of the position created in this bill. These costs are provided in Table 3 and also discussed below.

Table 2. Expenditures Under SB16-111		
Cost Components	FY 2016-17	FY 2017-18
Department of Public Safety	\$36,128	\$23,753
Legal Services	23,753	23,753
Department Credentials	525	
Background Checks	11,850	
Department of Law	\$44,867	\$7,964
Personal Services	\$32,857	\$6,571
FTE	0.5 FTE	0.1 FTE
Operating Expenses and Capital Outlay Costs	5,178	
Centrally Appropriated Costs*	6,832	1,393
TOTAL	\$80,994	\$31,717

* Centrally appropriated costs are not included in the bill's appropriation.

Department of Public Safety. Costs for DPS will increase by \$36,128 in FY 2016-17 and \$23,753 in FY 2017-18 and beyond.

The Department of Public Safety will conduct fingerprint background checks for each of the rangers. Each fingerprint background check costs \$39.50 for a total cost of \$11,850. The department also requires every employee, intern, or volunteer to have a credential through the Division of Homeland Security and Emergency Management. The credential card costs \$1.75 for a total of \$525 for 300 credentials. Lastly, an appropriation of \$23,753 is needed for 250 hours of legal services at a rate of \$95.01 per hour. These funds will be reappropriated to the DOL.

Department of Law. The Department of Law requires \$44,867 and an 0.5 FTE in FY 2016-17 for a Compliance Specialist. This position will develop new POST training curriculum, research and draft POST II rules, and administer the POST II certification to the rangers. An ongoing \$7,964 and an allocation of 0.1 FTE is needed starting in FY 2017-18 to ensure the standards established for this reserve unit are being followed and to certify POST II renewals. POST revenue is statutorily set and appropriations are based on anticipated revenue with limited ability for the department to accommodate additional costs. POST II certification fees will be needed to cover these additional costs. If POST II fees are not created, statutorily allowed POST fees will be charged and additional state expenditures needed will be created by reducing the amount of regional training grant funds.

Department of Public Safety — Conditional upon gifts, grants, and donations. Gifts, grants, or donations in the amount of \$68,803 would be needed in FY 2016-17 and \$68,720 in FY 2017-18 to hire new staff to work in conjunction with the board of directors and rangers. First year costs include capital outlay costs and are prorated for the General Fund Offset. The rangers

are a state-wide unit with five outposts, only two of which are in the Denver metro area and \$2,129 in travel costs would be needed for meetings and training at each location twice per year. If sufficient funds are not received through gifts, grants and donations this position will not be funded.

Table 3. Expenditures Under SB16-111		
Conditional Cost Components	FY 2016-17	FY 2017-18
Department of Public Safety		
Personal Services	\$48,478	\$52,885
FTE	0.9 FTE	1.0 FTE
Operating Expenses and Capital Outlay Costs	5,653	950
Travel	2,129	2,129
Centrally Appropriated Costs*	12,543	12,756
TOTAL	\$68,803	\$68,720

* Centrally appropriated costs are not included in the bill's appropriation.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 4.

Table 4. Centrally Appropriated Costs Under SB16-111		
Cost Components	FY 2016-17	FY 2017-18
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$12,037	\$8,821
Supplemental Employee Retirement Payments	7,338	5,328
TOTAL	\$19,375	\$14,149

Local Government Impact

Local governments could be impacted if they choose to use the rangers. Workload increases are expected for units of local government that choose to enter into agreements with the rangers. Increased staff time and costs could also be incurred to train the rangers, if duties are assigned to them that require training beyond the POST board training that they have already received.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2016-17, this bill requires an appropriation of \$24,278 General Fund and \$11,850 cash funds to the DPS for a total of \$36,128. \$23,753 is reappropriated to the DOL. The DOL requires an appropriation of \$38,035 cash funds and an allocation of 0.5 FTE.

Departmental Difference

The Department of Public Safety identified \$1,535,482 in state expenditures and an allocation of 0.9 FTE in FY 2016-17 and \$92,603 and 1.0 FTE in FY 2017-18.

The Department of Public Safety assumes that a General Professional V will be needed to supervise the rangers. This would require an appropriation of \$81,015 for FY 2016-17. This fiscal note assumes a General Professional III will sufficiently meet the needs of the unit and that supervisory functions will be performed by the advisory board.

In addition, the department believes additional state expenditures may be needed to provide standardized uniforms and equipment for the rangers. This cost could range from \$500 to \$3.5 million depending on the needs of the unit. The cost estimate of \$3.5 million assumes that all 300 rangers would need new uniforms and law enforcement equipment. This fiscal note assumes that as a self-funded, voluntary unit any uniform or equipment costs will be paid by the individual ranger or through gifts, grants and donations if sufficient to cover these costs.

All employees, interns, or volunteers are required by the department to successfully pass a background check and polygraph. The department contracts for this service and the cost of the background check and polygraph for all 300 rangers would be \$716,700. This fiscal analysis assumes that rangers are not volunteers or employees of DPS and will not require this level of background check.

Lastly, the department believes it will be responsible for paying for training and certification for the rangers. This includes POST and first aid training which are estimated to cost a total of \$723,000. This note assumes any post training will be paid for by the individual ranger and not through department state expenditures.

State and Local Government Contacts

Law Public Safety	Local Affairs Revenue	Personnel Treasury
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