

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2009-10 STAFF FIGURE SETTING

DEPARTMENT OF GOVERNOR

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

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**FY 2009-10 FIGURE SETTING
STAFF PRESENTATION TO THE JOINT BUDGET COMMITTEE:**

DEPARTMENT OF GOVERNOR

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	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	Request	FY 2009-10 Recommendation	DI/Change
GOVERNOR'S OFFICE						
Governor Bill Ritter, Jr.						
(1) OFFICE OF THE GOVERNOR						
As Chief Executive of the State, the Governor is responsible for the overall operation of the Executive Branch of government. This office provides for coordination, direction, and planning of agency operations; maintains liaison with local governments and the federal government; and exercises the executive powers of the State. Includes the Citizen's Advocate Office, the Office of Policy and Initiatives, the Press Office, and the Boards and Commissions Office.						
(A) Governor's Office						
Administration of Governor's Office and Residence	3,522,863	2,602,194	2,549,907	2,557,287	2,555,064	DI #NP2, BA #2,5
FTE	<u>35.4</u>	<u>35.4</u>	<u>35.4</u>	<u>35.4</u>	<u>35.4</u>	
General Fund	2,354,856	2,413,858	2,530,487	2,535,911	2,535,644	
FTE	35.4	35.4	35.4	35.4	35.4	
Cash Funds	1,148,548	155,645	0	778	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Reappropriated Funds / Cash Funds Exempt	19,459	32,691	19,420	20,198	19,420	
Federal Funds	0	0	0	400	0	
Discretionary Fund - GF	0	19,999	19,500	19,500	19,500	BA #2
Mansion Activity Fund	<u>0</u>	<u>168,917</u>	<u>200,000</u>	<u>200,000</u>	<u>200,000</u>	
Cash Funds	0	155,646	200,000	200,000	200,000	
Reappropriated Funds / Cash Funds Exempt	0	13,271	0	0	0	
Subtotal - (A) Governor's Office	3,522,863	2,791,110	2,769,407	2,776,787	2,774,564	
FTE	<u>35.4</u>	<u>35.4</u>	<u>35.4</u>	<u>35.4</u>	<u>35.4</u>	
General Fund	2,354,856	2,433,857	2,549,987	2,555,411	2,555,144	
FTE	35.4	35.4	35.4	35.4	35.4	
Cash Funds	1,148,548	311,291	200,000	200,778	200,000	
FTE	0.0	0.0	0.0	0.0	0.0	
Reappropriated Funds / Cash Funds Exempt	19,459	45,962	19,420	20,198	19,420	
Federal Funds	0	0	0	400	0	

(B) Special Purpose (Includes Governor, Lt. Governor, OSPB, OED, and OIT)

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Group Health, Life, & Dental	<u>351,226</u>	<u>492,906</u>	<u>1,536,394</u>	<u>1,536,394</u>	<u>1,968,161</u>	BA #4
General Fund	338,163	397,495	422,173	491,014	646,102	
Cash Funds	0	0	7,040	16,895	0	
Reappropriated Funds / Cash Funds Exempt	13,063	95,411	1,091,968	1,013,272	1,302,571	
Federal Funds	0	0	15,213	15,213	19,488	
Short-term Disability	<u>7,883</u>	<u>8,766</u>	<u>26,491</u>	<u>26,491</u>	<u>28,870</u>	
General Fund	5,077	6,615	4,158	4,889	5,632	
Cash Funds	0	583	2,616	2,616	55	
Reappropriated Funds / Cash Funds Exempt	2,669	1,568	19,419	18,688	22,814	
Federal Funds	137	0	298	298	369	
SB 04-257 Amortization Equalization Disbursement	<u>50,450</u>	<u>79,291</u>	<u>330,638</u>	<u>330,638</u>	<u>371,292</u>	
General Fund	31,825	59,431	50,105	58,919	71,455	
Cash Funds	0	5,379	32,196	32,196	706	
RF/CFE	17,717	14,481	238,830	230,016	294,375	
Federal Funds	908	0	9,507	9,507	4,756	
SB 06-235 Supplemental Amortization Equalization Disbursement	<u>0</u>	<u>14,825</u>	<u>154,008</u>	<u>154,008</u>	<u>231,301</u>	
General Fund	0	10,687	22,654	26,639	43,903	
Cash Funds	0	1,121	15,092	15,092	441	
Reappropriated Funds / Cash Funds Exempt	0	3,017	111,805	107,820	183,985	
Federal Funds	0	0	4,457	4,457	2,972	
Salary Survey	<u>232,754</u>	<u>230,898</u>	<u>767,521</u>	<u>0</u>	<u>0</u>	
General Fund	139,065	183,657	201,040	0	0	
Cash Funds	0	0	3,017	0	0	
Reappropriated Funds / Cash Funds Exempt	89,984	47,241	551,249	0	0	
Federal Funds	3,705	0	12,215	0	0	
Performance-Based Pay Awards	<u>0</u>	<u>85,983</u>	<u>305,359</u>	<u>0</u>	<u>0</u>	
General Fund	0	68,192	74,647	0	0	
Cash Funds	0	0	3,090	0	0	
Reappropriated Funds / Cash Funds Exempt	0	17,791	223,823	0	0	
Federal Funds	0	0	3,799	0	0	
Shift Differential - RF/CFE	0	0	44,120	44,120	41,562	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Workers' Compensation	<u>4,515</u>	<u>9,454</u>	<u>99,013</u>	<u>99,013</u>	<u>Pending</u>	
General Fund	4,515	9,454	12,057	12,057		
Reappropriated Funds / Cash Funds Exempt	0	0	86,956	86,956		
Legal Services	94,268	196,917	263,470	108,970	<u>Pending</u>	
Hours	<u>1,255</u>	<u>2,622</u>	<u>3,508</u>	<u>1,451</u>	<u>1,451</u>	
General Fund	91,625	196,917	250,207	100,207		
Cash Funds	0	0	4,500	0		
Reappropriated Funds / Cash Funds Exempt	2,643	0	8,763	8,763		
Purchase of Services from Computer Center	<u>131,316</u>	<u>42,969</u>	<u>2,081,610</u>	<u>2,081,610</u>	<u>2,081,610</u>	
General Fund	131,316	42,969	1,194,045	1,194,045	1,194,045	
Reappropriated Funds / Cash Funds Exempt	0	0	887,565	887,565	887,565	
Multiuse Network Payments	<u>42,584</u>	<u>17,736</u>	<u>56,037</u>	<u>56,037</u>	<u>56,037</u>	
General Fund	42,584	17,736	17,976	17,976	17,976	
Reappropriated Funds / Cash Funds Exempt	0	0	38,061	38,061	38,061	
Payment to Risk Management and Property Funds	<u>124,794</u>	<u>97,477</u>	<u>392,102</u>	<u>392,102</u>	<u>Pending</u>	
General Fund	124,794	97,477	116,226	116,226		
Reappropriated Funds / Cash Funds Exempt	0	0	275,876	275,876		
Vehicle Lease Payments - RF/CFE	0	0	104,277	104,277	<u>Pending</u>	
Leased Space - RF/CFE	0	0	500,920	932,941	932,941	DI #3
Capitol Complex Leased Space	<u>230,975</u>	<u>266,704</u>	<u>645,818</u>	<u>467,242</u>	<u>Pending</u>	DI #3
General Fund	230,975	266,704	265,341	265,341		
Reappropriated Funds / Cash Funds Exempt	0	0	380,477	201,901		
MANAGEMENT AND ADMINISTRATION OF OIT	<u>0</u>	<u>0</u>	<u>53,009</u>	<u>55,634</u>	<u>55,634</u>	BA #5
General Fund	0	0	45,366	46,923	46,923	
Cash Funds	0	0	2,115	2,411	2,411	
Reappropriated Funds / Cash Funds Exempt	0	0	2,490	2,838	2,838	
Federal Funds	0	0	3,038	3,462	3,462	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Subtotal - (B) Special Purpose	<u>1,270,765</u>	<u>1,543,926</u>	<u>7,360,787</u>	<u>6,389,477</u>	<u>5,767,408</u>	
General Fund	1,139,939	1,357,334	2,675,995	2,334,236	2,026,036	
Cash Funds	0	7,083	69,666	69,210	3,613	
Reappropriated Funds / Cash Funds Exempt	126,076	179,509	4,566,599	3,953,094	3,706,712	
Federal Funds	4,750	0	48,527	32,937	31,047	

(C) Governor's Energy Office /a

Program Administration	0	0	1,093,103	1,105,993	1,105,993	DI #1, BA #5
FTE	<u>0.0</u>	<u>0.0</u>	<u>27.0</u>	<u>27.0</u>	<u>26.0</u>	
General Fund	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Cash Funds	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Reappropriated Funds / Cash Funds Exempt	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Federal Funds	0	0	1,093,103	1,105,993	1,105,993	
FTE	0.0	0.0	27.0	27.0	26.0	
Low-Income Energy Assistance - CF	5,050,000	5,721,295	0	0	0	
Colorado Renewable Energy Authority - CF	2,000,000	2,043,764	2,000,000	2,000,000	0	
Clean Energy	0	0	7,651,034	7,650,738	325,000	BA #1, 5
FTE	<u>0.0</u>	<u>0.0</u>	<u>5.0</u>	<u>5.0</u>	<u>5.0</u>	
Cash Funds	0	0	7,651,034	7,650,738	325,000	
FTE	0.0	0.0	5.0	5.0	5.0	
Reappropriated Funds / Cash Funds Exempt	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
School Energy Efficiency	0	72,473	496,000	496,000	150,000	
FTE	<u>0.0</u>	<u>0.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	
Cash Funds	0	72,473	496,000	496,000	150,000	
FTE	0.0	0.0	2.0	2.0	2.0	
Reappropriated Funds / Cash Funds Exempt	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Solar Incentives - GF	0	0	1,013,750	1,013,750	0	BA #3
CLEAN ENERGY INCENTIVES - GF	0	0	0	1,400,000	0	BA #1

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Legal Services (230 hours) - FF	0	0	17,273	17,273	Pending	
Hours	0	0		230	230	
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>9,015</u>	<u>9,015</u>	<u>26,979</u>	
Cash Funds	0	0	0	0	24,881	
Federal Funds	0	0	9,015	9,015	2,098	
Subtotal - (C) Governor's Energy Office	7,050,000	7,837,532	12,280,175	13,692,769	1,607,972	
FTE	<u>0.0</u>	<u>0.0</u>	<u>34.0</u>	<u>34.0</u>	<u>33.0</u>	
General Fund	0	0	1,013,750	2,413,750	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Cash Funds	7,050,000	7,837,532	10,147,034	10,146,738	499,881	
FTE	0.0	0.0	7.0	7.0	7.0	
Reappropriated Funds / Cash Funds Exempt	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Federal Funds	0	0	1,119,391	1,132,281	1,108,091	
FTE	0.0	0.0	27.0	27.0	26.0	
/a In previous years, the lines in the Governor's Energy Office were shown as a part of Other Programs and Grants. For purposes of this document, the historical figures for the lines are all shown in the new subdivision.						
(D) Other Programs and Grants						
Program Administration	11,067,114	11,067,114	9,972,714	10,025,896	9,972,714	DI #NP3
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.3</u>	<u>0.0</u>	
General Fund	0	0	0	53,182	0	
FTE	0.0	0.0	0.0	0.3	0.0	
Federal Funds	11,067,114	11,067,114	9,972,714	9,972,714	9,972,714	
Indirect Cost Assessment - FF	0	0	0	0	55,983	
Subtotal - (D) Other Programs and Grants	11,067,114	11,067,114	9,972,714	10,025,896	10,028,697	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.3</u>	<u>0.0</u>	
General Fund	0	0	0	53,182	0	
FTE	0.0	0.0	0.0	0.3	0.0	
Federal Funds	11,067,114	11,067,114	9,972,714	9,972,714	10,028,697	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
(E) Office of Homeland Security						
Administration Costs - FF	0	0	971,012	971,012	971,012	
FTE - FF	0.0	0.0	10.0	10.0	10.0	
Grants and Training - FF	0	0	18,761,187	18,761,187	18,761,187	
Subtotal - (E) Office of Homeland Security - FF						
FTE - FF	0.0	0.0	10.0	10.0	10.0	
SUBTOTAL - (1) OFFICE OF THE GOVERNOR						
Total	22,910,742	23,239,682	52,115,282	52,617,128	39,854,857	
FTE	<u>35.4</u>	<u>35.4</u>	<u>79.4</u>	<u>79.7</u>	<u>78.4</u>	
General Fund	3,494,795	3,791,191	6,239,732	7,356,579	4,581,180	
FTE	35.4	35.4	35.4	35.7	35.4	
Cash Funds	8,198,548	8,155,906	10,416,700	10,416,726	703,494	
FTE	0.0	0.0	7.0	7.0	7.0	
Reappropriated Funds / Cash Funds Exempt	145,535	225,471	4,586,019	3,973,292	3,726,132	
FTE	0.0	0.0	0.0	0.0	0.0	
Federal Funds	11,071,864	11,067,114	30,872,831	30,870,531	30,844,051	
FTE	0.0	0.0	37.0	37.0	36.0	
(2) OFFICE OF THE LIEUTENANT GOVERNOR						
Barbara O'Brien, Lieutenant Governor						
Assures effective coordination of agency operations and program management within the Executive Branch.						
The Lieutenant Governor serves as the chair of the Colorado Commission of Indian Affairs.						
Administration	199,111	206,629	307,714	322,013	322,013	BA #2,5
FTE	<u>2.7</u>	<u>2.7</u>	<u>3.7</u>	<u>3.7</u>	<u>3.7</u>	
General Fund	199,111	206,629	230,176	244,475	244,475	
FTE	2.7	2.7	2.7	2.7	2.7	
Reappropriated Funds / Cash Funds Exempt	0	0	77,538	77,538	77,538	
FTE	0.0	0.0	1.0	1.0	1.0	
Discretionary Fund - GF	4,999	4,988	4,875	4,875	4,875	BA #2

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Commission of Indian Affairs	74,294	83,867	98,968	98,968	98,968	BA #2
FTE	<u>2.3</u>	<u>2.3</u>	<u>2.3</u>	<u>2.3</u>	<u>2.3</u>	
General Fund	74,294	83,867	97,468	97,468	97,468	
FTE	2.3	2.3	2.3	2.3	2.3	
Cash Funds	0	0	1,500	1,500	1,500	
Reappropriated Funds / Cash Funds Exempt	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
SUBTOTAL - (2) OFFICE OF THE LT. GOVERNOR						
Total	278,404	295,484	411,557	425,856	425,856	
FTE	<u>5.0</u>	<u>5.0</u>	<u>6.0</u>	<u>6.0</u>	<u>6.0</u>	
General Fund	278,404	295,484	332,519	346,818	346,818	
FTE	5.0	5.0	5.0	5.0	5.0	
Cash Funds	0	0	1,500	1,500	1,500	
Reappropriated Funds / Cash Funds Exempt	0	0	77,538	77,538	77,538	
FTE	0.0	0.0	1.0	1.0	1.0	

(3) OFFICE OF STATE PLANNING AND BUDGETING

Todd Saliman, Director

Provides the Governor with information and recommendations to make sound public policy and budget decisions.

This is accomplished through developing revenue estimates, a budget, proposals for new legislation, tracking legislation and the budget, advocating for the Governor's priorities, monitoring issues, and providing information to the public.

Personal Services - RF/CFE	1,182,251	1,321,680	1,373,899	1,439,973	1,439,973	
FTE - RF/CFE	17.5	17.5	19.5	19.5	19.5	
Operating Expenses - RF/CFE	51,470	51,508	51,039	50,944	50,944	BA #5
Economic Forecasting Subscriptions - RF/CFE	15,711	15,943	16,362	16,362	16,362	
Government Efficiency Management Study - GF	116,666	583,330 /a	0	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
SUBTOTAL - (3) OFFICE OF STATE PLANNING AND BUDGETING						
Total	1,366,098	1,972,461	1,441,300	1,507,279	1,507,279	
FTE	<u>17.5</u>	<u>17.5</u>	<u>19.5</u>	<u>19.5</u>	<u>19.5</u>	
General Fund	116,666	583,330	0	0	0	
Reappropriated Funds / Cash Funds Exempt	1,249,432	1,389,131	1,441,300	1,507,279	1,507,279	
FTE	17.5	17.5	19.5	19.5	19.5	

/a FY 2007-08 expenditures for this line resulted from the use of roll-forward authority.

(4) ECONOMIC DEVELOPMENT PROGRAMS

Provides financial and technical assistance supporting local and regional economic development activities throughout the state. Programs include business retention and relocation services, bioscience and emerging industries, business finance, the Colorado Tourism Office, Colorado Council on the Arts, Film Incentives, Colorado First Customized Job Training, New Jobs Incentives, International Trade Office, small business development centers, and minority and women-owned business services.

Administration	418,307	429,822	446,815	607,118	607,100	DI #NP1, BA #5
FTE	<u>0.0</u>	<u>0.0</u>	<u>6.0</u>	<u>6.0</u>	<u>6.0</u>	
General Fund	403,518	415,033	432,026	556,618	556,616	
FTE	0.0	0.0	6.0	6.0	6.0	
Cash Funds	0	0	0	2,472	2,472	
Reappropriated Funds / Cash Funds Exempt	14,789	14,789	14,789	45,845	45,829	
Federal Funds	0	0	0	2,183	2,183	
Vehicle Lease Payments - GF	6,555	11,423	13,894	16,524	Pending	DI #NP4
Leased Space - GF	231,540	231,540	231,540	231,540	231,540	
Business Development	812,367	853,450	878,903	878,736	878,736	BA #5
FTE	<u>0.0</u>	<u>0.0</u>	<u>9.2</u>	<u>9.2</u>	<u>9.2</u>	
General Fund	809,967	838,450	863,903	863,736	863,736	
FTE	0.0	0.0	9.2	9.2	9.2	
Cash Funds	2,400	15,000	15,000	15,000	15,000	
Grand Junction Satellite Office - GF	44,126	64,097	67,007	67,007	67,007	
FTE - GF	0.0	0.0	1.0	1.0	1.0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Minority Business Office	113,451	145,043	151,441	151,274	151,274	BA #5
FTE	<u>0.0</u>	<u>0.0</u>	<u>2.5</u>	<u>2.5</u>	<u>2.5</u>	
General Fund	111,362	143,409	146,491	146,324	146,324	
FTE	0.0	0.0	2.5	2.5	2.5	
Cash Funds	2,089	1,634	4,950	4,950	4,950	
Leading Edge Program Grants	<u>50,896</u>	<u>50,976</u>	<u>126,407</u>	<u>126,407</u>	<u>126,407</u>	
General Fund	50,896	50,976	50,976	50,976	50,976	
Cash Funds	0	0	75,431	75,431	75,431	
Reappropriated Funds / Cash Funds Exempt	0	0	0	0	0	
Small Business Development Centers	1,234,362	1,311,168	1,298,292	1,299,416	1,299,416	BA #5
FTE	<u>0.0</u>	<u>0.0</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>	
General Fund	63,153	64,208	84,483	85,774	85,774	
FTE	0.0	0.0	1.5	1.5	1.5	
Federal Funds	1,171,209	1,246,960	1,213,809	1,213,642	1,213,642	
FTE	0.0	0.0	2.5	2.5	2.5	
International Trade Office	610,397	616,618	680,606	695,775	695,775	DI #2, BA #5
FTE	<u>0.0</u>	<u>0.0</u>	<u>6.0</u>	<u>6.4</u>	<u>6.4</u>	
General Fund	588,587	607,411	630,606	645,775	645,775	
FTE	0.0	0.0	6.0	6.4	6.4	
Cash Funds	21,810	9,207	50,000	50,000	50,000	
Colorado Welcome Centers	477,721	494,960	504,496	504,496	504,496	BA #4,5
FTE	<u>0.0</u>	<u>0.0</u>	<u>3.3</u>	<u>3.3</u>	<u>3.3</u>	
General Fund	382,389	399,547	213,919	0	0	
FTE	0.0	0.0	3.3	3.3	3.3	
Cash Funds	0	0	290,577	504,496	504,496	
Reappropriated Funds / Cash Funds Exempt	95,332	95,413	0	0	0	
Colorado Promotion - Other	18,195,475	18,926,635	20,265,298	9,928,364	15,074,203	BA #5
FTE	<u>0.0</u>	<u>0.0</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>	
General Fund	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Cash Funds	18,195,475	0	20,265,298	9,928,364	15,074,203	S.B. 09-217
FTE	0.0	0.0	4.0	4.0	4.0	
Reappropriated Funds / Cash Funds Exempt	0	18,926,635	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Economic Development Commission General Economic Incentives and Marketing	1,976,768	2,305,818	992,804	1,015,767	1,015,767	
FTE	<u>0.0</u>	<u>0.0</u>	<u>3.0</u>	<u>3.0</u>	<u>3.0</u>	
General Fund	703,239	535,387	992,804	1,015,767	1,015,767	
FTE	0.0	0.0	3.0	3.0	3.0	
Reappropriated Funds / Cash Funds Exempt	1,273,529	1,770,431	0	0	0	
Colo. First Customized Job Training - GF	2,725,022	2,725,022	2,725,022	2,725,022	2,725,022	
CAPCO Administration - RF/CFE	76,503	75,583	81,312	81,312	81,312	
FTE	0.0	0.0	2.0	2.0	2.0	
Colorado Council on the Arts	1,952,770	2,201,194	2,359,591	1,593,025	1,969,404	BA #5
FTE	<u>0.0</u>	<u>0.0</u>	<u>2.9</u>	<u>3.0</u>	<u>3.0</u>	
General Fund	0	112,113	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Cash Funds	0	0	1,600,034	823,647	1,200,026	S.B. 09-217
FTE	0.0	0.0	2.0	2.0	2.0	
Reappropriated Funds / Cash Funds Exempt	1,317,202	1,433,481	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Federal Funds	635,568	655,600	759,557	769,378	769,378	
FTE	0.0	0.0	0.9	1.0	1.0	
Film Incentives	<u>0</u>	<u>52,180</u>	<u>640,014</u>	<u>329,459</u>	<u>480,011</u>	
Cash Funds	0	0	640,014	329,459	480,011	S.B. 09-217
Reappropriated Funds / Cash Funds Exempt	0	52,180	0	0	0	
New Jobs Incentives	<u>0</u>	<u>552,000</u>	<u>3,200,069</u>	<u>1,647,294</u>	<u>1,400,052</u>	
Cash Funds	0	552,000	3,200,069	1,647,294	1,400,052	S.B. 09-217
Reappropriated Funds / Cash Funds Exempt	0	0	0	0	0	
Bioscience Discovery Evaluation	1,968,004	728,256	4,500,000	4,500,000	4,500,000	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.6</u>	<u>0.6</u>	<u>0.6</u>	
General Fund	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Cash Funds	1,968,004	728,256	4,500,000	4,500,000	4,500,000	
FTE	0.0	0.0	0.6	0.6	0.6	
Reappropriated Funds / Cash Funds Exempt	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
STEM Program - RF/CFE	0	0	300,000	0	0	DI #4
Indirect Cost Assessment	<u>14,789</u>	<u>14,789</u>	<u>14,855</u>	<u>14,855</u>	<u>39,865</u>	
Cash Funds	0	0	66	66	530	
Reappropriated Funds / Cash Funds Exempt	0	0	0	0	25,962	
Federal Funds	14,789	14,789	14,789	14,789	13,373	
SUBTOTAL - (4) ECONOMIC DEVELOPMENT PROGRAMS						
Total	30,909,053	31,790,574	39,478,366	26,413,391	31,847,387	
FTE	<u>37.0</u> /b	<u>39.6</u> /b	<u>44.5</u>	<u>45.0</u>	<u>45.0</u>	
General Fund	6,120,354	6,198,616	6,452,671	6,405,063	6,388,537	
FTE	27.1	29.0	32.5	32.9	32.9	
Cash Funds	20,189,778	1,306,097	30,641,439	17,881,179	23,307,171	
FTE	5.4	5.8	6.6	6.6	6.6	
Reappropriated Funds / Cash Funds Exempt	2,777,355	22,368,512	396,101	127,157	153,103	
FTE	1.6	1.8	2.0	2.0	2.0	
Federal Funds	1,821,566	1,917,349	1,988,155	1,999,992	1,998,576	
FTE	2.9	3.0	3.4	3.5	3.5	

/b The Governor's Office provided only the total number for FTE for the actual years for this division. The number of FTE shown by fund type represent staff estimates.

(5) OFFICE OF INFORMATION TECHNOLOGY

Michael Locatis, State Chief Information Officer

Oversees technology initiatives at the state level, recommending strategies to maximize service delivery efficiency in a cost-effective manner through the application of enterprise technology solutions. Also responsible for several of the state's shared IT facilities.

(A) Administration

Personal Services	1,015,113	1,046,117	1,159,362	1,127,581	1,127,581	BA #5
FTE	<u>5.5</u>	<u>8.2</u>	<u>13.1</u>	<u>13.0</u>	<u>13.0</u>	
General Fund	1,015,113	1,046,117	68,514	0	0	
FTE	5.5	8.2	0.0	0.0	0.0	
Cash Funds	0	0	9,000	0	0	
FTE	0.0	0.0	0.1	0.0	0.0	
Reappropriated Funds / Cash Funds Exempt	0	0	1,081,848	1,127,581	1,127,581	
FTE	0.0	0.0	13.0	13.0	13.0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Operating Expenses	<u>138,871</u>	<u>150,238</u>	<u>157,768</u>	<u>150,268</u>	<u>150,268</u>	BA #5
General Fund	138,871	150,238	0	0	0	
Cash Funds	0	0	7,500	0	0	
Reappropriated Funds / Cash Funds Exempt	0	0	150,268	150,268	150,268	
Colorado Benefits Management System RFP - RF/CFE	512,400	0	0	0	0	
Legal Services (26 hours)	<u>0</u>	<u>1,351</u>	<u>1,953</u>	<u>1,953</u>	<u>Pending</u>	BA #5
General Fund	0	1,351	0	0		
Reappropriated Funds / Cash Funds Exempt	0	0	1,953	1,953		
Indirect Cost Assessment (NEW LINE) - RF/CFE	0	0	0	28,321	28,321	
Subtotal - (5) (A) Administration						
Total	1,666,384	1,197,706	1,319,083	1,308,123	1,306,170	
FTE	<u>5.5</u>	<u>8.2</u>	<u>13.1</u>	<u>13.0</u>	<u>13.0</u>	
General Fund	1,153,984	1,197,706	68,514	0	0	
FTE	5.5	8.2	0.0	0.0	0.0	
Cash Funds	0	0	16,500	0	0	
FTE	0.0	0.0	0.1	0.0	0.0	
Reappropriated Funds / Cash Funds Exempt	512,400	0	1,234,069	1,308,123	1,306,170	
FTE	0.0	0.0	13.0	13.0	13.0	
(B) Office of the Chief Information Security Officer						
Program Costs	2,967,988	1,202,255	2,804,915	2,458,615	2,458,615	
FTE	<u>0.5</u>	<u>0.9</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	
General Fund	0	0	350,000	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Reappropriated Funds / Cash Funds Exempt	0	1,202,255	2,454,915	2,458,615	2,458,615	
FTE	0.0	0.9	2.0	2.0	2.0	
Federal Funds	2,967,988	0	0	0	0	
FTE	0.5	0.0	0.0	0.0	0.0	
(C) Chief Information Officers in State Agencies						
Administration Costs - RF/CFE	0	0	1,692,186	1,692,186	1,692,186	
FTE	0.0	0.0	12.4	12.4	12.4	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
(D) Statewide Information Technology Services						
(1) Administration - RF/CFE	0	0	412,051	450,753	450,753	
FTE	<u>0.0</u>	<u>0.0</u>	<u>5.0</u>	<u>5.0</u>	<u>5.0</u>	
Personal Services - RF/CFE	0	0	405,601	444,303	444,303	
Operating Expenses - RF/CFE	0	0	6,450	6,450	6,450	
(2) Internal Program Support - RF/CFE	0	0	817,731	817,731	817,731	
FTE	0.0	0.0	11.0	11.0	11.0	
(3) Statewide IT Management - RF/CFE	0	0	1,781,626	1,782,601	1,782,601	
FTE	0.0	0.0	26.0	26.0	26.0	
(4) Geographic Information System - RF/CFE	0	0	108,057	108,057	108,057	
FTE	0.0	0.0	1.0	1.0	1.0	
(5) Customer Services - RF/CFE	0	0	932,352	969,754	969,754	
FTE	<u>0.0</u>	<u>0.0</u>	<u>12.0</u>	<u>12.0</u>	<u>12.0</u>	
Personal Services - RF/CFE	0	0	917,727	955,129	955,129	
Operating Expenses - RF/CFE	0	0	14,625	14,625	14,625	
(6) Order Billing - RF/CFE	0	0	646,447	699,955	699,955	
FTE	<u>0.0</u>	<u>0.0</u>	<u>10.0</u>	<u>10.0</u>	<u>10.0</u>	
Personal Services - RF/CFE	0	0	635,697	689,205	689,205	
Operating Expenses - RF/CFE	0	0	10,750	10,750	10,750	
(7) Communication Services						
Personal Services	<u>0</u>	<u>0</u>	<u>3,444,445</u>	<u>3,685,808</u>	<u>3,685,808</u>	
Public Safety Communications Trust Fund - CF	0	0	721,134	721,134	721,134	
FTE	0.0	0.0	46.0	46.0	46.0	
Other Agencies - RF/CFE	0	0	2,602,311	2,843,674	2,843,674	
Federal Funds	0	0	121,000	121,000	121,000	
Operating Expenses - RF/CFE	0	0	134,631	146,038	134,631	DI #NP2
Training - RF/CFE	0	0	22,000	22,000	22,000	
Utilities - RF/CFE	0	0	165,002	165,002	165,002	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Snocat Replacement - RF/CFE	0	0	230,520	230,520	230,520	
Local Systems Development - RF/CFE	0	0	121,000	121,000	121,000	
Indirect Cost Assessment - RF/CFE	0	0	474,771	431,076	431,076	
Subtotal - (5) (D) (7) Communication Services						
Total	0	0	4,592,369	4,801,444	4,790,037	
FTE	<u>0.0</u>	<u>0.0</u>	<u>46.0</u>	<u>46.0</u>	<u>46.0</u>	
Cash Funds	0	0	721,134	721,134	721,134	
FTE	0.0	0.0	46.0	46.0	46.0	
Reappropriated Funds / Cash Funds Exempt	0	0	3,750,235	3,959,310	3,947,903	
Federal Funds	0	0	121,000	121,000	121,000	
(8) Network Services						
Personal Services - RF/CFE	0	0	1,511,236	1,586,122	1,586,122	
FTE	0.0	0.0	17.0	17.0	17.0	
Operating Expenses	<u>0</u>	<u>0</u>	<u>16,200,371</u>	<u>16,200,371</u>	<u>16,200,371</u>	
Telecommunications Revolving Fund - CF	0	0	1,200,000	1,200,000	1,200,000	
Other Agencies - RF/CFE	0	0	15,000,371	15,000,371	15,000,371	
Toll-free Telephone Access to Members of the GA - RF/CFE	0	0	25,000	25,000	25,000	
Indirect Cost Assessment - RF/CFE	0	0	202,616	194,974	194,974	
Subtotal - (5) (D) (8) Network Services						
Total	0	0	17,939,223	18,006,467	18,006,467	
FTE	<u>0.0</u>	<u>0.0</u>	<u>17.0</u>	<u>17.0</u>	<u>17.0</u>	
Cash Funds	0	0	1,200,000	1,200,000	1,200,000	
Reappropriated Funds / Cash Funds Exempt	0	0	16,739,223	16,806,467	16,806,467	
FTE	0.0	0.0	17.0	17.0	17.0	
(9) Computer Services						

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
Personal Services - RF/CFE	0	0	2,715,408	2,885,913	2,885,913	
FTE	0.0	0.0	36.3	36.3	36.3	
Operating Expenses	<u>0</u>	<u>0</u>	<u>6,181,350</u>	<u>6,181,350</u>	<u>6,181,350</u>	
Computer Services Revolving Fund - CF	0	0	2,328	2,328	2,328	
Other Agencies - RF/CFE	0	0	6,179,022	6,179,022	6,179,022	
Rental, Lease, or Lease/Purchase of Central Processing Unit - RF/CFE	0	0	336,034	336,034	336,034	
Indirect Cost Assessment - RF/CFE	0	0	678,807	282,306	282,306	
Subtotal - (5) (D) (9) Computer Services						
Total	0	0	9,911,599	9,685,603	9,685,603	
FTE	<u>0.0</u>	<u>0.0</u>	<u>36.3</u>	<u>36.3</u>	<u>36.3</u>	
Cash Funds	0	0	2,328	2,328	2,328	
Reappropriated Funds / Cash Funds Exempt	0	0	9,909,271	9,683,275	9,683,275	
FTE	0.0	0.0	36.3	36.3	36.3	
(10) Technology Management Unit	0	0	3,519,574	3,517,954	3,517,954	
FTE - RF/CFE	<u>0.0</u>	<u>0.0</u>	<u>35.5</u>	<u>35.5</u>	<u>35.5</u>	
Personal Services - RF/CFE	0	0	2,990,203	3,153,583	3,153,583	
Operating Expenses - RF/CFE	0	0	529,371	364,371	364,371	
Subtotal - (5) (D) Statewide Information Technology Services						
Total	0	0	40,661,029	40,840,319	40,828,912	
FTE	<u>0.0</u>	<u>0.0</u>	<u>199.8</u>	<u>199.8</u>	<u>199.8</u>	
Cash Funds	0	0	1,923,462	1,923,462	1,923,462	
FTE	0.0	0.0	46.0	46.0	46.0	
Reappropriated Funds / Cash Funds Exempt	0	0	38,616,567	38,795,857	38,784,450	
FTE	0.0	0.0	153.8	153.8	153.8	
Federal Funds	0	0	121,000	121,000	121,000	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommendation	DI/Change
SUBTOTAL - (5) OFFICE OF INFORMATION TECHNOLOGY						
Total	4,634,372	2,399,961	46,477,213	46,299,243	46,285,883	
FTE	<u>6.0</u>	<u>9.1</u>	<u>227.3</u>	<u>227.2</u>	<u>227.2</u>	
General Fund	1,153,984	1,197,706	418,514	0	0	
FTE	5.5	8.2	0.0	0.0	0.0	
Cash Funds	0	0	1,939,962	1,923,462	1,923,462	
FTE	0.0	0.0	46.1	46.0	46.0	
Reappropriated Funds / Cash Funds Exempt	512,400	1,202,255	43,997,737	44,254,781	44,241,421	
FTE	0.0	0.9	181.2	181.2	181.2	
Federal Funds	2,967,988	0	121,000	121,000	121,000	
FTE	0.5	0.0	0.0	0.0	0.0	
(6) OFFICE OF COLORADO BENEFITS MANAGEMENT SYSTEM						
Personal Services - RF/CFE	1,775,498	0	0	0	0	
FTE	24.0	0.0	0.0	0.0	0.0	
Operating Expenses - RF/CFE	158,076	0	0	0	0	
SUBTOTAL - (6) OFFICE OF COLORADO BENEFITS MANAGEMENT SYSTEM						
Reappropriated Funds / Cash Funds Exempt	1,933,574	0	0	0	0	
FTE	24.0	0.0	0.0	0.0	0.0	
OFFICE OF THE GOVERNOR						
TOTALS	62,032,243	59,698,162	139,923,718	127,262,897	119,921,262	
FTE	<u>124.9</u>	<u>106.6</u>	<u>376.7</u>	<u>377.4</u>	<u>376.1</u>	
General Fund	11,164,203	12,066,327	13,443,436	14,108,460	11,316,535	
FTE	73.0	77.6	72.9	73.6	73.3	
Cash Funds	28,388,326	9,462,003	42,999,601	30,222,867	25,935,627	
FTE	5.4	5.8	59.7	59.6	59.6	
Reappropriated Funds / Cash Funds Exempt	6,618,296	25,185,369	50,498,695	49,940,047	49,705,473	
FTE	43.1	20.2	203.7	203.7	203.7	
Federal Funds	15,861,418	12,984,463	32,981,986	32,991,523	32,963,627	
FTE	3.4	3.0	40.4	40.5	39.5	

**DEPARTMENT OF GOVERNOR
FY 2009-10 FIGURE SETTING**

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

GENERAL REMARKS

Non-prioritized decision items. Multiple lines in the budget for the Governor's Office are affected by the non-prioritized decision items, particularly the postage increase decision item in the Department of Personnel and Administration. Staff recommendations in this packet do not include these non-prioritized requests. **Staff requests permission to modify the lines affected by those decision items if necessary in accordance with the actions taken by the Committee.**

Hiring freeze savings are restored. In October 2008, Governor Ritter imposed a hiring freeze on many departments. The freeze resulted in personal services savings for FY 2008-09. In the Governor's Office, all of the savings were in the Governor's Office of IT, and were all reappropriated funds. In this packet, staff has consistently restored the hiring freeze savings to the line items that were affected. Staff believes that if the Committee wishes to require personal services reductions in the Department, it is more appropriate to choose the areas where such reductions should be taken carefully, in order to minimize disruption of the services provided by the Department, rather than to take savings in a more haphazard fashion.

Indirect cost assessments. Except for the Governor's Office of IT, the Department's request did not conform to the plan developed by the Controller's Office for indirect cost assessments. Staff believes that the Governor's Office demonstrates certain weaknesses in the Controller's methodology. This year's allocation plan is based on actual staffing and expenditures from FY 2006-07. Since that year, there have been significant changes in programs, funding structures, and funding levels in several parts of the Governor's Office. This can lead to situations in which a subdivision has greatly reduced revenues for the request fiscal year, but experiences an increase in its assessment due to high revenues and expenditures two years previously. Staff's recommendations adhere as closely as possible to that plan, which was approved by the Committee as a common policy.

Management and Administration of OIT. Supplemental request #4, which was previously approved by the Committee, created a new centrally-appropriated line item titled "Management and Administration of OIT". This new line is intended to show the recovery of costs for the administration of the Governor's Office of IT. With this addition, all of the costs of that Office are now recovered through fees charged to the Departments that make use of the services offered. The supplemental request resulted in a net General Fund savings of \$390,000. This budget amendment annualizes the supplemental. This budget amendment will affect from one to many line items in most departments. **Staff recommends the Committee approve the Department's request for**

budget amendment #5. Staff requests the Committee give permission for the necessary adjustments to be made in all of the affected Departments.

Other Information Technology common policy. Three common policy items are now associated with the Governor's Office of Information Technology: Purchase of Services from Computer Center, Multiuse Network Payments, and Communication Services Payments. Staff has been advised by OSPB that the executive branch will not request any changes from the prior year billing rates to the various agencies. This leaves the Joint Budget Committee staff in a somewhat difficult position.

- In past years, staff has been advised that not only year-to-year adjustments, but mid-year adjustments in the billing rates were a matter of critical importance. For example, staff has been previously informed that without mid-year adjustments, the state was at risk of having the federal government disallow some portion of the expenditures for which the state sought federal reimbursement. The current action would seem to indicate that these adjustments are not so important as previously described.
- Staff lacks the detailed information which would be needed to attempt calculating an updated version of the amount to be recovered and the percentage which should be covered by each of the billed agencies. In particular, updated usage data which would be needed to modify the allocation percentages would need to be provided by the Department.

Reluctantly, **Staff's recommends a continuation level of funding for all Departments for Purchase of Services from Computer Center, for Multiuse Network Payments, and for Communication Services Payments.**

(1) OFFICE OF THE GOVERNOR

(A) Governor's Office

BA #2 - Governor's Office Operating Expense Reduction

This budget amendment annualizes FY 2008-09 supplemental #1, a part of the Governor's budget-balancing proposals. The annualization results in a small additional reduction in the Administration line item, and a continuation level of funding below the maximum for the appropriation for the discretionary fund. **Staff recommends the Committee approve the Department's request.**

Administration of Governor's Office and Residence

As Chief Executive of the State, the Governor is responsible for the overall operation of the Executive Branch of government. This office provides for coordination, direction, and planning of agency operations; maintains liaison with local governments and the federal government; and exercises the executive powers of the state. Includes the Citizen's Advocate Office, the Office of Policy and Initiatives, the Press Office, the Boards and Commissions Office, as well as legal counsel and administrative personnel.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Governor	1.0	1.0	1.0	1.0
Chief of Staff/ Deputy Chief of Staff	3.0	3.0	3.0	3.0
Program Directors	10.0	10.0	10.0	10.0
Policy/Program Staff	10.0	10.0	10.0	10.0
Accounting Staff	2.4	2.4	2.4	2.4
Administrative Staff	9.0	9.0	9.0	9.0
TOTAL	35.4	35.4	35.4	35.4

Staff recommends an appropriation of \$2,555,064 and 35.4 FTE. The appropriation is comprised of \$2,535,644 General Fund and \$19,420 reappropriated funds from indirect cost recoveries. Staff's calculation is summarized in the following table, and conforms to Committee common policy decisions. This line may be changed based on Committee action regarding the Management and Administration of OIT.

Administration of Governor's Office and Residence						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Appropriation (H.B. 08-1375, S.B. 08-165)	\$2,633,676	\$2,614,256	\$0	\$19,420	\$0	35.4
Operating Expense Reduction Supplemental	(65,131)	(65,131)	0	0	0	0.0

Administration of Governor's Office and Residence						
	Total	GF	CF	RF	FF	FTE
Mgmt and Administration of OIT Supplemental	(18,638)	(18,638)	0	0	0	0.0
Subtotal	2,549,907	2,530,487	0	19,420	0	35.4
Annualize Prior Year Decision Item (Cyber Security)	(129,150)	(129,150)	0	0	0	0.0
Prior Year Salary Survey	106,373	106,373	0	0	0	0.0
Performance-based Pay Awards	30,776	30,776	0	0	0	0.0
Annualize OIT Supplemental	(2,366)	(2,366)	0	0	0	0.0
Annualize Expense Reduction	(476)	(476)	0	0	0	0.0
TOTAL for FY 2009-10	\$2,555,064	\$2,535,644	\$0	\$19,420	\$0	35.4

Discretionary Fund

Staff recommends a continuation funding level of \$19,500 General Fund, pursuant to Section 24-9-105, C.R.S., which states that elected officials may be provided specified amounts to expend as each elected official sees fit. The specified maximum amount for the Governor is \$20,000, and is subject to appropriation by the General Assembly.

Mansion Activity Fund

The Governor's Residence, located in the city and county of Denver at 400 East Eighth Avenue, is 26,431 square feet and is accompanied by a 4,837 square foot Carriage House located on the same property. These two buildings are made available to the public for various activities and require spending authority for funds collected for use of the Governor's mansion. Funds received are from public and state agency use fees used to cover the costs of holding functions at these facilities. **Staff recommends the Department's request of \$200,000 cash funds.**

(B) Special Purpose

Health, Life, and Dental

Staff recommends total funding of \$1,968,161. The recommendation consists of \$646,102 General Fund, \$1,302,571 reappropriated funds, and \$19,488 federal funds. The recommendation differs from the Committee's common policy as a result of the refinancing of the remainder of the General Fund associated with Colorado Welcome Centers. The budget amendment for that refinancing will be recommended in the discussion for the Centers in the Economic Development Programs division.

Short-term Disability

Staff recommends an appropriation of \$28,870, comprised of \$5,632 General Fund, \$55 cash funds, \$22,814 reappropriated cash funds, and \$369 federal funds. Staff's calculation of STD deviates from Committee common policy in one aspect. Senate Bill 08-155 created a new "back

office" function (officially, Statewide IT Management) in the Governor's Office of IT, and authorized 26.0 FTE. Because none of these staff had been hired by the end of FY 2007-08, they do not appear in the base used by the Committee-approved methodology. Twenty-six people represent just over 7.0 percent of the total staffing for the Department. Staff believes it is unrealistic to require the Department to absorb the salary-associated costs for that large an addition. Staff added to the Committee-approved base the present salary of the 17 people who have been hired, discounted by 3.0 percent to reflect what the salaries "would have been" for FY 2007-08.

S.B. 04-257 Amortization Equalization Disbursement

Staff recommends an appropriation of \$371,292, comprised of \$71,455 General Fund, \$706 cash funds, \$294,375 reappropriated cash funds, and \$4,756 federal funds. Staff's calculation of AED deviates from the Committee-approved common policy, as described in the recommendation for Short-term Disability.

S.B. 06-235 Supplemental Amortization Equalization Disbursement

Staff recommends total funding of \$231,301, which is comprised of \$43,903 General Fund, \$441 cash funds, \$183,985 reappropriated funds, and \$2,972 federal funds. Staff's calculation of SAED deviates from the Committee-approved common policy, as described in the recommendation for Short-term Disability.

Salary Survey and Senior Executive Service

Staff recommends no appropriation for salary survey and senior executive service, pursuant to common policy as approved by the Committee.

Performance-Based Pay Awards

Staff recommends no appropriation for performance-based pay awards, pursuant to common policy as approved by the Committee.

Shift Differential

Staff recommends an appropriation of \$41,562 reappropriated funds, pursuant to Committee common policy actions.

Workers' Compensation

Staff recommendation is pending the approval of a common policy by the Committee.

Legal Services

For the Legal Services appropriation, Staff recommends approving the request for funding sufficient to purchase 1,451 hours. The total hours consists of 1,370 hours from the FY 2008-09 Long Bill appropriation plus 81 hours from S.B. 08-155 (IT Consolidation) for legal services that were previously required in the Department of Personnel and Administration. **The dollar amount of staff's recommendation is pending the determination of the hourly rate for legal services by the Committee.**

Purchase of Services from Computer Center

Staff recommends a continuation level appropriation of \$2,081,610. The recommendation consists of \$1,194,045 General Fund and \$887,565 reappropriated funds.

Multi-use Network Payments

Staff recommends a continuation level appropriation of \$56,037. The recommendation consists of \$17,976 General Fund and \$38,061 reappropriated funds.

Payment to Risk Management and Property Funds

Staff recommendation is pending the approval of a common policy by the Committee.

Vehicle Lease Payments

Staff recommendation is pending the approval of a common policy by the Committee.

Leased Space

The Leased Space and Capital Complex Leased Space line items are affected by decision item #3, OIT Leased Space Realignment.

DI #3 - OIT Leased Space Realignment

Senate Bill 08-155 began the organizational consolidation of the State's IT functions into a single unit in the Governor's Office of Information Technology. The approximately 210 FTE that were added to the Governor's Office by that bill are housed in a variety of locations. The Department requests an increase of \$253,445 reappropriated funds for FY 2009-10 in order to consolidate the entire staff into a single location.

The OIT staff are currently housed in a variety of locations, listed here:

- 1580 Logan Street, Denver
- 633 17th Street, Denver
- 2452 West 2nd Avenue, Denver
- 690 Kipling Street, Lakewood

The following table summarizes the information provided by OIT regarding the spaces currently occupied and the annual expenses associated with each. The figures for the OIT back-office function are estimates.

Staff	Location	Square Feet	Rate per Square Foot	Annual Expense*
Private Leased Space				
OIT Back-Office Staff	To Be Determined	12,000	\$16.50	\$198,000
OIT Staff Prior to SB 08-155	1580 Logan Street			\$136,800
Statewide IT Services	633 17th Street	6,047	\$16.21	\$97,992

Staff	Location	Square Feet	Rate per Square Foot	Annual Expense*
Statewide IT Services Network/Communications	2452 West 2nd Avenue	13,649	\$6.77	\$92,430
Capitol Complex Space				
Statewide IT Services	690 Kipling Street	12,995	\$12.54	\$162,957
Additional Space	690 Kipling Street			\$15,619
Totals		44,691		\$703,798

* The data in this table were provided by the Office of Information Technology. The annual expense figures differ slightly from the results that would be obtained by simply multiplying the square feet times the rate. In some cases, only the annual expense figure was provided.

The Office of Information Technology believes that a number of efficiencies would be realized by consolidating their staff into a single location. These include reduced travel time, improved communication, and other operational synergies. OIT has entered into a ten-year lease for 48,813 square feet (including 2,000 square feet of storage space) at 601 East 18th Avenue and is scheduled to occupy the improved space by April 1, 2009. Under terms of the lease, OIT will not be required to begin making payments until May 1, 2009. Based on the lease rate information provided by OIT, the cost should begin at approximately \$780,000 (an average of \$16.37 per square foot, although some portions of the space are more expensive than others), and increase by approximately \$21,000 each year for the term of the lease. OIT can terminate the lease by giving 60-day written notice. The Denver Business Journal reported in July that median asking office rents for downtown Denver were \$19.40 per square foot. The cost for space at the 633 17th Avenue location is \$16.21 per square foot. The lease rate appears to be reasonable for the current Denver market.

Staff has asked whether the current economic downturn has made it possible to renegotiate any of the terms of the lease. The Department's response indicated that additional wiring and physical security needs will be installed at the landlord's expense.

The timing for occupancy of the new space plus commitments on existing space make the calculation of the actual impact on the budget more complicated. In order to implement the consolidation, OIT requests a net increase of \$253,445 reappropriated funds for FY 2009-10, and a further increase of approximately \$21,000 each year thereafter to cover the cost of the lease escalator. The principle driver for the increase is the change from the very low lease rates for the current spaces at 2452 West 2nd Avenue and 690 Kipling Street. The low rate for the Kipling Street space reflects the costs for Capitol Complex space. The 2nd Avenue rate is so low because the State obtained the lease many years ago, and the location is not particularly desirable.

Staff considered other factors in making the recommendation:

- A portion of the West 2nd Avenue space is currently unoccupied due to an asbestos contamination event which required relocation of some of the staff. This temporary relocation has resulted in overcrowding at other locations. OIT states that an environmental

investigation at the site has determined that the affected space cannot be rehabilitated, so the State already faces the need to find a new permanent work location for those people.

- The Department of Public Safety (DPS) has expressed a desire to occupy the vacated space on the 2nd floor of the 690 Kipling location. This would allow DPS to expand from its nearby location at 700 Kipling Street, and to benefit from the lower cost of the Capitol Complex space rather than seeking private space. The added cost of space for OIT may be offset, at least in part, by lower costs incurred by DPS.
- Effective April 1, 2009, the Colorado Water Conservation Board and the Department of Education will assume the lease for the space at 1580 Logan Street.

Staff recommends the Committee approve the Department's request.

Staff recommends the Committee approve an appropriation of \$932,941 reappropriated funds. This recommendation reflects a continuation level appropriation plus the impact of decision item #3, which staff has previously recommended.

Capitol Complex Leased Space

Staff recommendation is pending the approval of a common policy by the Committee. Decision item #3 will result in a decrease of \$178,576 reappropriated funds in this line item using rates from FY 2008-09. **Staff requests permission to adjust for the effect of decision item #3 based on the Committee's common policy actions.**

Management and Administration of OIT

Staff recommends an appropriation of \$55,634. Staff's calculation of the recommendation is summarized in the following table.

Management and Administration of OIT -- Office of the Governor						
	Total	GF	CF	RF	FF	FTE
Mgmt and Administration of OIT Supplemental	53,009	45,366	2,115	2,490	3,038	0.0
Annualize Mgmt and Administration of OIT-115	2,625	1,557	296	348	424	0.0
TOTAL for FY 2009-10	\$55,634	\$46,923	\$2,411	\$2,838	\$3,462	0.0

(C) Governor's Energy Office

The Governor's Energy Office (GEO) provides energy information and services to Colorado citizens and businesses. The office coordinates efforts to advance energy efficiency and renewable energy resources. The office is primarily funded with federal Petroleum Violation Escrow moneys, Severance Tax moneys (Low-Income Energy Assistance Program), and Limited Gaming Fund

moneys (Clean Energy Fund). In addition, federal dollars for weatherization programs are administered by GEO, but have not historically been shown in the Department's budget.

DI #1 - Governor's Energy Office Staffing

The Department proposes a change in the lettered note attached to the federal funding for the Governor's Energy Office (GEO), Program Administration line item. In the FY 2008-09 Long Bill, the appropriation for this line item was \$1.1 million federal funds and 27.0 FTE. The proposed change to the lettered note is as follows:

^a This dollar amount includes petroleum escrow violation awards and federal state energy program grants estimated to be received by the Governor's Energy Office, and is included for information purposes only. THE FTE ARE NOT FOR INFORMATIONAL PURPOSES ONLY.

The sources of federal funds currently shown on this line item are petroleum violation escrow (PVE) funds. The PVE funds are the result of successful federal litigation against oil companies for violations of the federal oil price controls that were in place from 1973 through 1981. The Department anticipates that the PVE funds available for administrative expenses will be insufficient to complete FY 2010-11, and that \$1.2 million General Fund will be required in that fiscal year to continue staffing at a level of 26.0 FTE, which the Department believes is the proper level. The Department lists a number of consequences of a staffing reduction, including:

- Elimination of incentive programs to advance energy efficiency;
- Reduction of Colorado's leadership role in developing the New Energy Economy;
- Curtailing efforts to increase energy efficiency in state government, resulting in state energy-related expenses being higher than they would otherwise; and
- Elimination of Colorado participation in the High Plains Express project to enhance the regional electric transmission grid.

The budget request for the Governor's Energy Office calculated in the standard fashion establishes a base request for the Program Administration line item of \$1.1 million federal funds and 27.0 FTE. The actual budget for administration, when federal weatherization dollars which are not shown on the line are included, is about \$2.2 million. Information provided by GEO indicates that 14.1 of the 27.0 are currently funded with PVE dollars. The request for \$1.2 million General Fund for FY 2010-11 is consistent with a base budget of \$2.2 million and 27.0 FTE. That is, the weatherization FTE are included in the information currently shown in the Long Bill but the funding for those FTE is not shown. The Joint Budget Committee has expressed concern in the past about the failure of executive-branch agencies to show all federal funds in their budget, particularly when those funds are used for personal services.

The American Recovery and Reinvestment Act (federal stimulus package) will provide Colorado with significant additional funds: the Edison Foundation estimates the state will be eligible to receive \$81.1 million for weatherization assistance, \$49.1 million for state energy programs, and \$45.5

million for energy efficiency and conservation block grants. Staff assumes that much of this money – certainly the weatherization funding – will flow through GEO, and will drive the need for additional administrative personnel. Staff is concerned, in light of the incomplete information included in the Department's budget request, that it will be difficult for the Joint Budget Committee and the General Assembly to make informed decisions about the level of General Fund spending that may be needed as staff and spending are increased.

Many of the GEO programs are funded through the Clean Energy Fund, which is continuously appropriated to GEO. Staff believes that it would be reasonable to fund administration of those programs from the same source, rather than from the General Fund. As an example, in the Low-income Energy Assistance Fund, a separate fund within the Governor's Energy Office which receives moneys for a specific purpose, up to 5.0 percent of total expenditures may be used for some administrative activities (the state statute further requires that contract, rather than state, employees must be used for that purpose).

The revenue stream for the Clean Energy Fund will be significantly reduced for at least the next two fiscal years. The primary source of funding is transfers from the Limited Gaming Fund. The December 2008 Legislative Council Staff revenue forecast indicates that the transfer from Limited Gaming will not occur at the end of either FY 2008-09 or FY 2009-10. In addition, severance tax funds for low-income energy assistance are forecast to be about half of the maximum transfer amount. Given the large reductions in the state moneys available to GEO in the future, staff believes that it may be possible to significantly reduce the number of staff funded with state dollars.

Staff recommends the Committee deny the Department's request, both for the change to the lettered note and for the annualization of that lettered note to a General Fund appropriation. Before recommending any action that would imply General Fund spending for GEO, staff believes that the Department should: (a) improve transparency by including all anticipated spending in the budget submission (some of which will be informational in nature, but the Long Bill has many examples of major program funding that is shown for informational purposes); (b) consider the use of the Clean Energy Fund as the source to fund administration of programs that depend on expenditures from that fund; and (c) demonstrate that administrative expenses are properly tied to the size of the programs.

Program Administration

For Program Administration, Staff recommends an appropriation of \$1,105,993 federal funds and 26.0 FTE, calculated in accordance with Committee common policy action. The recommendation reflects staff's recommendation on decision item #1, staff's recommendation on management and administration of OIT, and includes the reduction of 1.0 FTE indicated in the Department's original (rather than calculated) request.

Low-Income Energy Assistance

The Governor's Energy Office receives an annual transfer from the Operational Account of the Severance Tax Trust Fund to be used for low-income energy assistance. These state funds are used

for improvements which increase energy efficiency in low-income households. Once the funds are transferred to the Governor's Energy Office Low-Income Energy Assistance Cash Fund, they are continuously appropriated for this purpose. Under current statute, the maximum transfer which can occur is \$6.5 million. The Legislative Council Staff revenue forecast dated December 2008 indicates that only about half that amount will be available for transfer for use in FY 2009-10.

House Bill 08-1387, which changed state funding for this line item from an annual appropriation to a transfer of severance tax funds into a continuously appropriated cash fund in the Governor's Office, and removed the appropriation from the FY 2008-09 Long Bill. GEO is also the recipient of federal weatherization funds from the Department of Energy, but these funds have not historically been shown in the Long Bill, so H.B. 08-1387 effectively zeroed out the line. There are multiple options for what to do with this line in the FY 2009-10 Long Bill.

- The line item could be used to show an informational estimate of the severance tax transfer that will occur. This seems reasonable if the intent is to provide the members of the General Assembly with information regarding the state funds available for the program. However, for the FY 2009-10 budget, no transfer is anticipated to occur.
- The line item could be used to show an informational estimate of the federal dollars available for the program. Making such an estimate would require information that has not historically been provided by the Governor's Office, and which they may not provide in the future.
- Eliminate the line because none of the funds that will be expended by the program require an appropriation.

Staff recommends the Committee make no appropriation for this line item. This will result in dropping the line item from the Long Bill.

Colorado Renewable Energy Authority

The Colorado Renewable Energy Authority provides matching state funds for consortium research and development of advanced clean oil technologies, renewable energy, and energy conservation. In addition to providing grants, statute charges the authority with becoming a regional resource in renewable energy that will transfer new technologies to the private sector to promote renewable energy businesses, will assist in developing educational and research programs, and will provide information to the public and engineering fields.

Section 24-47.5-103 (1), C.R.S., required an appropriation of \$2.0 million from the Operational Account of the Severance Tax Trust Fund in each of FY 2006-07, FY 2007-08, and FY 2008-09. That section also requires that any of those severance tax funds which has not been matched by federal grants by the end of FY 2011-12 revert to the operational account. This line item has been used to show the spending authority associated with each of those transfers, which then carries forward into future years. As no transfer is required to occur in FY 2009-10, no additional spending authority is required, and **staff recommends the Committee make no appropriation for this line item.**

Clean Energy

This line item has been used to reflect the funds transferred to the Clean Energy Fund from the Limited Gaming Fund to support the advancement of energy efficiency and renewable energy in the State. Section 24-75-1201 (2) (a), C.R.S., specifies that moneys in the Clean Energy Fund are continuously appropriated to GEO, so no appropriation of moneys already in the fund is necessary. There is some small question about the continuous appropriation as Section 24-38.7-103 (2) (b) gives the General Assembly the authority to appropriate moneys from the Clean Energy Fund to the Clean Energy Program Fund. To staff's knowledge, this authority has never been exercised, so the matter of the apparent conflict with the continuous appropriation has not been seriously considered. A statutory transfer is made to the Clean Energy Fund from the Limited Gaming Fund at the end of each fiscal year, *if state revenues support it*. The December 2008 Legislative Council Staff revenue forecast indicates that there will be no funds for this transfer at the end of FY 2008-09 or FY 2009-10.

BA #1 - Governor's Energy Office

The Department requests a transfer of \$1.4 million from the General Fund to the Clean Energy Fund to replace funding from other sources that is anticipated to be unavailable in FY 2009-10. The funds will be used by the Governor's Energy Office (GEO) and the Office of Economic Development in FY 2009-10 and subsequent years to attract, grow, and retain clean energy companies in Colorado. The Department requests creation of a new Long Bill line item "Clean Energy Incentives" to be used for this transfer.

GEO's economic development programs are funded through the Clean Energy Fund, which is continuously appropriated to GEO. Revenue for the Clean Energy Fund will be significantly reduced for at least the next two years. The primary source of revenue for the Clean Energy Fund is an annual transfer from the Limited Gaming Fund. The December 2008 Legislative Council Staff revenue forecast indicates that Limited Gaming Fund revenues will be insufficient to support any transfer from Limited Gaming to Clean Energy in either FY 2008-09 or FY 2009-10. Staff agrees with the Department's analysis that without an alternate source of funding, many of the programs funded by the Clean Energy Fund will have to be eliminated or significantly reduced.

The Department argues that continuation of the programs is important because of the prominent place renewable energy and energy efficiency sectors have in the Colorado economy. The Department cites a study by the American Solar Energy Society reporting that 4.0 percent of the gross state product (GSP) was in renewable energy and energy efficiency industries. Staff believes that number is much too optimistic. According to the *Colorado Economic Development Data Book 2008-09 Edition*, published by the Office of Economic Development and International Trade, this would make these sectors as large as or larger than any of (a) agriculture/forestry/fisheries, (b) mining, or (c) transportation and utilities. It would make those sectors nearly as large as the construction (5.2 percent) or manufacturing (6.4 percent) sectors.

The Department offers a lengthy list of recent legislation as evidence for the support for the economic development activities financed by the Clean Energy Fund. Staff believes this argument

is at least somewhat disingenuous, based on the funding source for the Clean Energy Fund itself. The Clean Energy Fund is the last item on the somewhat lengthy list of transfers that are made from the Limited Gaming Fund each year. A variety of other economic development programs, including Travel and Tourism Promotion and the Colorado Council on the Arts, are higher on the transfer list.

Alternative approaches to funding for economic development programs supported by the Clean Energy Fund are included in other legislation that has been proposed in the 2009 session. Many of the Clean Energy Fund activities overlap with activities allowed under S.B. 09-31. That bill also includes an increase in the state's waste tire fee which will generate \$5.0 million annually. Additionally, the program created under S.B. 09-31 provides greater legislative oversight and control: moneys are appropriated annually, and there are statutory reporting requirements.

Staff recommends the Committee deny the Department's request for General Fund moneys. Staff believes that a number of changes, some statutory, should be made before appropriating General Fund dollars for the Clean Energy Fund. Specifically, staff believes that such funds should be subject to annual appropriation and that there should be formal annual reporting requirements. In addition, as previously described, staff believes that anticipated expenditures from the Clean Energy Fund should be presented in the Long Bill, so that the General Assembly as well as the general public have a more complete view of an agency supported in part by the General Fund.

If the line were used in the same fashion it has been used previously – to reflect the transfer from the Limited Gaming Fund – there would be no appropriation shown. However, the line item includes 5.0 FTE. In order to continue to show these FTE in the Long Bill, **staff recommends an informational appropriation of \$325,000 cash funds and 5.0 FTE.** The appropriation reflects staff's estimate of the expenditures from reserves in the Clean Energy Fund necessary to support the FTE. **Staff recommends the lettered note for this appropriation be modified to clearly indicate what the dollar figure is showing.**

School Energy Efficiency

House Bill 07-1309 required estimated tax payments and withholding for oil and gas severance taxes to be made on a monthly basis, rather than quarterly. The additional interest earned from making monthly payments is to be deposited into the Public School Energy Efficiency Fund, up to a maximum of \$1.5 million annually. Money in the fund is continuously appropriated to the Governor's Energy Office for energy efficiency projects and programs in public schools. The amount shown for this line item reflects the estimated revenues that will be received, and is shown for informational purposes only. Staff has consulted with the Legislative Council Staff economists, who estimate that the additional interest will be about \$150,000 in FY 2009-10. Staff believes that informational items in the Long Bill should reflect the best available estimate. **Staff recommends an informational appropriation of \$150,000 cash funds and 2.0 FTE.**

Solar Incentives

Colorado has 57 electric utilities, of which 22 are rural electric associations (REAs), 33 are municipal utilities, and two are investor owned. Investor owned utilities are mandated under state

law (Section 40-2-124 (1) (e), C.R.S.) to offer incentives to home owners who install systems that comply with the State's renewable energy portfolio standard. The REAs and municipal utilities are not required to provide a rebate program. The solar incentives program provides matching grants to assist local partners to establish solar rebate programs. Two different applications of solar energy are eligible for such rebates: photovoltaic (PV) conversion of sunlight to electricity, and domestic solar hot water. The PV portion of the residential solar incentive program focuses on areas served by the REAs and municipal utilities, where rebates are not mandated. The solar hot water portion of the program works with partners in any part of the state.

BA #3 - Solar Incentive Program Reduction

This budget amendment annualizes FY 2008-09 supplemental #2, a part of the Governor's budget-balancing proposals approved by the Committee. The supplemental reduced the General Fund appropriation for this line item by \$1.0 million for FY 2008-09, to \$1,013,750. The annualization in the budget amendment continues funding for the line item at the same reduced level.

In the following analysis, staff will focus on the PV portion of the program, which involves significantly larger rebates to individual consumers. Xcel Energy has spent more than \$40.0 million on their rebate program in Colorado. The amount of the rebate, expressed as dollars per installed watt of generating capacity, has been significantly higher than the minimum required in statute. However, Xcel has recently requested permission from the Public Utilities Commission to reduce the size of the rebate, arguing that falling costs for PV equipment have reduced the size of the incentive required to convince a consumer to purchase a system.

The voters of Colorado have chosen to mandate rebates for residential PV installations only in those areas served by investor-owned electric utilities. In areas served by REAs and municipal utilities, rebate programs are voluntary. Staff believes that in combination with the use of General Fund for the solar incentives program, a certain degree of inequity for consumers in different areas of the state results. Consumers in areas served by an investor-owned utility end up paying for both the rebate program in their own area, through the rate structure, and for a portion of the rebate program in those areas that are eligible to make use of the solar incentive funds, through taxes that go to the General Fund.

In their original supplemental request for this line item, the Department estimated that a reduction of \$1.0 million in funding for the programs would result in a net loss of 1.125 megawatts of installed PV generating capacity. The following table compares that generating capacity to several other Colorado statistics. 1.125 megawatts of generating capacity is on a par with individual small commercial PV projects currently in progress in the state, and is very small compared to Xcel's request for bids for additional renewable (and nonrenewable) capacities. In short, capacity added due to this rebate program will make a very small contribution to the total solar generating capacity which will be added in Colorado over the next few years.

Item	Megawatts
Capacity not installed due to removing \$1.0 million from the rebate program	1.1
Selected SunEdison projects in Colorado* (approximately 18 MW in total projects)	
Arvada water treatment plant project	0.7
San Luis Valley Regional Medical Center	1.5
City of Rifle	2.3
Recent Xcel Energy bid requests for new capacity**	
Solar	600.0
Wind	700.0
Coal and natural gas	900.0
Current Colorado generating capacity, all sources***	11,156.0

* SunEdison online documentation..

** Rocky Mountain News, "Xcel seeks bids on world's biggest solar project", January 10, 2009.

*** Peak summer capacity, U.S. Energy Information Administration data.

Staff recommends the Committee make no appropriation for the Solar Incentives line item for FY 2009-10. The program makes a nearly insignificant contribution to the solar electricity generating capacity that has been, and will be installed in Colorado. It also acts in a somewhat inequitable fashion, requiring consumers in some areas of the state to subsidize rebates in other areas.

Clean Energy Incentives (New Line)

This new line was requested by the Department as part of budget amendment #1. Staff has previously recommended the Committee deny that request. The line is shown here, and in the numbers pages, in order to accurately reflect the Department's request. **Staff recommends that the line item not be added.**

Legal Services

For the Legal Services appropriation, Staff recommends funding sufficient to purchase a continuation level of 230 hours of services. The dollar amount of staff's recommendation is pending the determination of the hourly rate for legal services by the Committee. These hours are federally funded and represent anticipated legal services costs for the Governor's Energy Office. This line is in the Long Bill for informational purposes only.

Indirect Cost Assessment

Staff recommends an appropriation of \$26,797, in accordance with Committee common policy. The appropriation consists of \$24,881 cash funds and \$2,098 federal funds. Staff's recommendation differs from the indirect cost assessment plan approved by the Committee. That plan specified an

assessment of reappropriated funds; staff has shifted that assessment to cash funds to reflect the current funding structure of the subdivision.

(D) Other Programs and Grants

Program Administration

Staff recommends an appropriation of \$9,972,714 federal funds. This amount is provided in the Long Bill for informational purposes only and is meant to show a forecast of federal dollars that will be received for various programs. The difference between the request and the recommendation is a non-prioritized decision item. Staff will adjust this line to conform to action taken by the Committee on the prioritized decision item.

Indirect Cost Assessment

Staff recommends an appropriation of \$55,983 federal funds, in accordance with Committee common policy.

(E) Office of Homeland Security

The Office of Homeland Security was created by Executive Order D003 08, issued on February 8, 2008. The purpose of the Office is to provide oversight and coordination of expenditures of federal grants at the state level. The Office is funded entirely with federal grants.

Administration Costs

Staff recommends the Committee approve a continuation level appropriation of \$971,012 federal funds and 10.0 FTE. This amount is provided for informational purposes only. Staff notes that this amount is within the federal requirement that no more than 5.0 percent of the total grant amounts be used for administrative purposes.

Grants and Training

Staff recommends the Committee approve a continuation level appropriation of \$18,761,187 federal funds. This amount is provided for informational purposes only.

(2) OFFICE OF THE LIEUTENANT GOVERNOR

This section of the Long Bill provides funding for the administration of the Lieutenant Governor's Office, including statutory duties associated with the Commission of Indian Affairs.

Administration

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Lieutenant Governor	1.0	1.0	1.0	1.0
Chief of Staff	1.0	1.0	1.0	1.0

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Program Staff	1.0	1.0	1.0	1.0
Support Staff	0.7	0.7	0.7	0.7
TOTAL	3.7	3.7	3.7	3.7

Staff recommends \$322,013 and 3.7 FTE. Staff's calculation is summarized in the following table, and conforms to Committee common policy actions. This line item is affected by budget amendment #5, the annualization of Management and Administration of OIT, which staff has previously recommended.

Administration -- Office of the Lieutenant Governor						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$314,461	\$236,923	\$0	\$77,538	\$0	3.7
Operating Expense Reduction Supplemental	(5,923)	(5,923)	0	0	0	0.0
Mgmt and Administration of OIT Supplemental	(824)	(824)	0	0	0	0.0
Prior Year Salary Survey	10,928	10,928	0	0	0	0.0
Performance-based Pay Awards	3,856	3,856	0	0	0	0.0
Annualize Expense Reduction	(370)	(370)	0	0	0	0.0
Annualize Mgmt and Administration of OIT-115	(115)	(115)	0	0	0	0.0
TOTAL for FY 2009-10	\$322,013	\$244,475	\$0	\$77,538	\$0	3.7

Discretionary Fund

Staff recommends a continued level of funding level of \$4,875 General Fund. Section 24-9-105, C.R.S., states that elected officials may be provided specified amounts to expend as each elected official sees fit. The specified maximum amount for the Lieutenant Governor is \$5,000, subject to appropriation by the General Assembly. The operating expense reduction supplemental reduced this appropriation by \$125. Budget amendment #2 annualized that reduction.

Commission of Indian Affairs

The Commission acts as a liaison between Native Americans and the state government with the goal of providing easy access to government. The Commission focuses on Indian health, child welfare, water rights, economic development, and other issues identified by Colorado's Native American population.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Program Manager	0.3	1.0	1.0	1.0
Administrative Staff	1.0	1.3	1.3	1.3
TOTAL	1.3	2.3	2.3	2.3

Staff recommends a continuation level of \$98,968 and 2.3 FTE, pursuant to Committee common policy. The request consists of \$97,468 General Fund and \$1,500 cash funds. The cash fund source is from private donations. No salary survey or performance-based pay were allocated to this line in FY 2008-09.

(3) OFFICE OF STATE PLANNING AND BUDGETING

This office is responsible for program, policy, and budgetary planning, including economic and state revenue forecasting. The source of the reappropriated cash funds for the Office State Planning and Budgeting is indirect cost recoveries from the Governor's Office and from the state highway fund by the Department of Transportation, pursuant to Section 43-1-113 (8) (a), C.R.S.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Director	1.0	1.0	1.0	1.0
Deputy Director	1.0	1.0	1.0	1.0
Analysts	13.4	15.0	15.0	13.5
Economists	1.0	1.0	1.0	2.0
Financial Manager	0.5	0.5	0.5	0.5
Support Staff	1.0	1.0	1.0	1.5
TOTAL	17.9	19.5	19.5	19.5

Personal Services

Staff recommends an appropriation of \$1,439,973 reappropriated cash funds and 19.5 FTE, calculated pursuant to Committee common policy. The recommendation includes salary survey and performance-based pay awarded in FY 2008-09.

Operating Expenses

Staff recommends an appropriation of \$50,944 reappropriated cash funds spending authority for the Division. This reflects a continuation level, with a reduction of \$685 for the Management and Administration of OIT budget amendment.

Economic Forecasting Subscriptions

Staff recommends a continuation level appropriation of \$16,362 reappropriated funds. This line is intended to fund the purchase of economic models, subscriptions, and software used for revenue and economic forecasting. When possible, OSPB shares expenses for subscriptions and software with the Legislative Council staff.

(4) ECONOMIC DEVELOPMENT PROGRAMS

Administration

This line item provides funding for centralized administration for the Office of Economic Development.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Director	1.0	1.0	1.0	1.0
Controller	1.0	1.0	1.0	1.0
Support Staff	4.0	4.0	4.0	4.0
TOTAL	6.0	6.0	6.0	6.0

Staff recommends \$607,100 and 6.0 FTE, pursuant to Committee common policy. The recommendation consists of \$556,616 General Fund, \$2,472 cash funds, and \$45,829 reappropriated funds. This includes salary survey and performance-based pay awarded in FY 2008-09. The reappropriated moneys are from indirect cost recoveries from federal revenues. The indirect cost recovery appropriation may change pursuant to budgeting requirements. The following table summarizes the staff recommendation for this line item.

Administration -- Economic Development Programs						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$447,161	\$432,372	\$0	\$14,789	\$0	6.0
Management and Administration of OIT Supplemental	(346)	(346)	0	0	0	0.0
Annualize S.B. 07-228	24,368	24,368	0	0	0	0.0
Annualize Management and Administration of OIT	(49)	(49)	0	0	0	0.0
Indirect Cost Assessment Adjustment	(1,142)	0	0	(1,142)	0	0.0
Salary Survey for FY 2008-09	103,186	75,185	0	27,357	644	0.0
Performance-based Pay Awards	33,922	25,086	2,472	4,825	1,539	0.0
TOTAL for FY 2009-10	\$607,100	\$556,616	\$2,472	\$45,829	\$2,183	6.0

Vehicle Lease Payments

This line item is used to pay for motor vehicles, that are acquired through the Department of Personnel pursuant to Section 24-30-1117 C.R.S. **Staff recommendation is pending the approval of a common policy by the Committee.**

Leased Space

Staff recommends the continuation request of \$231,540 General Fund for 14,337 square feet of leased space in the World Trade Center at 1625 Broadway, in the Central Business District of Denver.

Business Development

This office provides research support and technical assistance to local economic development programs, coordinates efforts to market the State's economic development programs statewide and nationwide, recommends requests for funding to the Economic Development Commission, and selects companies to be recipients of Colorado First and Existing Industries job training funds.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Project Director	1.0	1.0	1.0	1.0
Business Development	3.2	3.2	3.2	3.2
Systems Administration	4.0	4.0	4.0	4.0
Support Staff	1.0	1.0	1.0	1.0
TOTAL	9.2	9.2	9.2	9.2

Staff recommends \$878,736 and 9.2 FTE, pursuant to Committee common policy. The recommendation consists of \$863,736 General Fund and \$15,000 cash funds, which are fees and reimbursements paid by businesses for participation in domestic trade shows. No salary survey or performance-based pay was awarded for this line item in FY 2008-09. The following table summarizes the staff recommendation for this line item.

Business Development -- Economic Development Programs						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$880,099	\$865,099	\$15,000	\$0	\$0	9.2
Management and Administration of OIT Supplemental	(1,196)	(1,196)	0	0	0	0.0
Annualize Management and Administration of OIT	(167)	(167)	0	0	0	0.0
TOTAL for FY 2009-10	\$878,736	\$863,736	\$15,000	\$0	\$0	9.2

Grand Junction Satellite Office

This program is responsible for coordination of business development and outreach in western Colorado. **Staff recommends a continuation level of \$67,007 General Fund and 1.0 FTE, calculated in accordance with Committee common policy.**

Minority Business Office

This program promotes the development of existing and new minority businesses and works to increase minority participation in public and private sector contracting. The mission of the Minority Business Office (MBO) is to promote development of existing and new minority businesses across the state with emphasis on rural areas that do not have access to information and technical help and to establish a network for distribution of information listing references that are available to help new and existing businesses across the state.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Director	1.0	1.0	1.0	1.0
Support Staff	1.0	1.5	1.5	1.5
TOTAL	2.0	2.5	2.5	2.5

Staff recommends \$151,274 and 2.5 FTE, pursuant to Committee common policy. The recommendation consists of \$146,324 General Fund and \$4,950 cash funds, which are fees collected, revenue from sales of materials, and donations. No salary survey or performance-based pay were awarded for this line item in FY 2008-09. The following table summarizes the staff recommendation for this line item.

Minority Business Office -- Economic Development Programs						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$152,636	\$147,686	\$4,950	\$0	\$0	2.5
Management and Administration of OIT Supplemental	(1,195)	(1,195)	0	0	0	0.0
Annualize Management and Administration of OIT	(167)	(167)	0	0	0	0.0
TOTAL for FY 2009-10	\$151,274	\$146,324	\$4,950	\$0	\$0	2.5

Leading Edge Program Grants

The Leading Edge Program provides entrepreneurial training at Small Business Development Centers. Trainees receive 35-45 hours of business planning assistance for their planned, new, or existing businesses. All of the funds in this appropriation support the direct cost of training. Administrative costs are absorbed within the Small Business Assistance appropriation. **Staff recommends a continuation of \$126,407**, which consists of \$50,976 General Fund and \$75,431 cash funds to allow the program to accept donations to be used for program grants.

Small Business Development Centers

This program oversees a network of ten college and university-based centers, five community-based centers, and three satellite offices that provide training and counseling to new business ventures in conjunction with the federal Small Business Administration.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Director	1.0	1.0	1.0	1.0
Assistant Director	1.0	1.0	1.0	1.0
Small Business Support	1.5	2.0	2.0	2.0
TOTAL	3.5	4.0	4.0	4.0

Staff recommends \$1,299,416 and 4.0 FTE. The recommendation consists of \$85,774 General Fund and \$1,213,642 federal funds from Small Business Administration grants. This includes the annualization of the Management and Administration of OIT supplemental as well as salary survey and performance-based pay awarded in FY 2008-09. The following table summarizes the staff recommendation for this line item.

Small Business Development Centers -- Economic Development Programs						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$1,299,487	\$84,483	\$0	\$0	\$1,215,004	4.0
Management and Administration of OIT Supplemental	(1,195)	0	0	0	(1,195)	0.0
Annualize Prior Year Decision Item1291	1,291	1,291	0	0	0	0.0
Annualize Management and Administration of OIT	(167)	0	0	0	(167)	0.0
TOTAL for FY 2009-10	\$1,299,416	\$85,774	\$0	\$0	\$1,213,642	4.0

International Trade Office

The International Trade Office (ITO) is responsible for promoting exports of Colorado goods and services (except agricultural products), and for attracting foreign investment in Colorado. The ITO provides individual counseling to businesses, conducts seminars, assembles trade missions abroad, and contracts for foreign field offices to promote Colorado's goods and services.

DI #2 - International Trade Office FTE

The Department requests an increase of \$15,336 General Fund and 0.4 FTE for the International Trade Office for FY 2009-10. The increase would be used to convert a part-time employee to full time in order to handle an increased number of export assistance inquiries.

The Department reports that requests for export counseling services increased from 39 in the last six months of 2008 to 76 in the first six months of 2008. Inquiries from potential foreign investors increased from 23 in the last six months of 2007 to 37 in the first six months of 2008. The Office reports that their response time to requests and inquiries has increased from their target six weeks to almost three months. In addition, the Office has begun implementation of a new program that will allow them to support technical seminars for an additional 16-20 small- and medium-sized businesses per year.

Staff recommends the Committee approve the Department's request. This is a modest request for an increase in services provided directly to Colorado businesses during a difficult economic time.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Division Director	1.0	1.0	1.0	1.0
Trade/Investment Specialists	4.0	4.0	4.0	4.0
Support Staff	1.0	1.0	1.4	1.4
TOTAL	6.0	6.0	6.4	6.4

Staff recommends \$695,775 and 6.4 FTE. The recommendation consists of \$645,775 General Fund and \$50,000 cash funds. The sources of the cash funds are reimbursements and fees paid by businesses for participating in or having the Office represent them in trade shows and missions. Staff's calculation of the recommendation is summarized in the following table. No salary survey or performance-based pay were awarded to this line item in FY 2008-09.

International Trade Office -- Economic Development Programs						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$681,801	\$631,801	\$50,000	\$0	\$0	6.0
Management and Administration of OIT Supplemental	(1,195)	(1,195)	0	0	0	0.0
Annualize Management and Administration of OIT	(167)	(167)	0	0	0	0.0
DI #2 - International Trade FTE	15,336	15,336	0	0	0	0.4
TOTAL for FY 2009-10	\$695,775	\$645,775	\$50,000	\$0	\$0	6.4

Colorado Promotion - Colorado Welcome Centers

There are eight highway-based Welcome Centers that provide basic guidance and limited services to road travelers.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Welcome Center Manager	1.0	1.0	1.0	1.0
Support Staff	2.3	2.3	2.3	2.3
TOTAL	3.3	3.3	3.3	3.3

BA #4 - Refinance Colorado Welcome Centers

This budget amendment annualizes FY 2008-09 supplemental #3, a part of the Governor's budget-balancing proposals. The result of the budget amendment is to refinance an additional total of \$220,757 General Fund with cash funds for FY 2009-10. This budget amendment refinances \$213,919 General Fund for the Colorado Welcome Centers line item, with the remainder of the refinancing occurring in the Health, Life, and Dental line item in the Office of the Governor, Special Purpose line item group. **Staff recommends the Committee approve the Department's request.**

Staff recommends an appropriation of \$504,496 cash funds and 3.3 FTE, including budget amendment #4. The cash funds are from the Travel and Tourism Promotion Fund. This includes annualization of the refinancing of General Fund which was approved for FY 2008-09. The following table summarizes the staff recommendation for this line item.

Colorado Welcome Centers -- Economic Development Programs						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$504,496	\$409,083	\$95,413	\$0	\$0	3.3
Refinance Welcome Centers Supplemental	0	(195,164)	195,164	0	0	0.0
Annualize Welcome Centers Refinance	0	(213,919)	213,919	0	0	0.0
TOTAL for FY 2009-10	\$504,496	\$0	\$504,496	\$0	\$0	3.3

Colorado Promotion - Other Program Costs

This line item is funded from the Colorado Travel and Tourism Promotion Cash Fund. Revenue for that cash fund is a statutory transfer from the Limited Gaming Cash Fund at the end of each fiscal year. The appropriation shown reflects the size of the anticipated transfer. Roll-forward spending authority for reserves in the fund are provided by statute (Section 24-49.7-106, C.R.S.). The cash fund is used for the expenses of the Colorado Tourism Office and staff support for its board. The Office promotes Colorado as a vacation destination by developing and implementing marketing and promotional strategies, materials and programs that, in concert with private sector promotional activities, portray a consistent, unified brand image of Colorado in the tourism marketplace. The major expenses are a contract with an ad agency to develop campaigns, and a fulfillment center to handle day-to-day inquiries, the 800-number, and vacation guide distribution.

Current statute (Section 12-47.1-701, C.R.S.) determines the size of the transfer from the Limited

Gaming Fund. Under that statute, and the December 2008 Legislative Council Staff revenue estimate, no transfer would be made at the end of FY 2008-09. As part of his budget balancing package, the Governor requested that the Joint Budget Committee sponsor legislation that would allow for a transfer of \$10,432,860 to the Travel and Tourism fund. The Joint Budget Committee sponsored S.B. 09-217, which specified a transfer of \$15,578,699. Staff's recommendation assumes that S.B. 09-217 will pass with the amount originally set by the Committee. **Staff requests permission to adjust this line item to reflect a different value depending on the fate of S.B. 09-217.**

The current purpose of this line item is to show the estimated transfer from Limited Gaming to the Travel and Tourism Promotion fund. **Staff recommends \$15,074,203 cash funds spending authority and a continuation of 4.0 FTE.** The recommendation consists of the \$15,578,699 transfer specified in S.B. 09-217, less the \$504,496 for the Colorado Welcome Centers.

Economic Development Commission

The Commission promotes economic development in Colorado through the distribution of grants and loans from the Economic Development Fund to public and private entities to help existing businesses expand and new companies locate in Colorado. It also provides funds for marketing programs and special activities to promote Colorado nationally and internationally. The Colorado Economic Development Commission (EDC) was created by the legislature to promote economic development in Colorado. It consists of nine members five of whom are appointed by the Governor, two by the President of the Senate and two by the Speaker of the House. The EDC approves loans and grants from the economic development fund to public and private entities throughout the state to help existing businesses expand and new companies locate to Colorado. It also implements marketing programs to support ongoing business activities. All policy and funding decisions are made by commission members. The commission is also responsible for policy decisions concerning the state Enterprise Zone program. In cooperation with state, local, and private entities, its program goals are to develop incentive packages to assist with existing business expansions and new company relocations in order to promote job creation and retention in all regions of the state.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Director	1.0	1.0	1.0	1.0
Administrative Staff	1.0	2.0	2.0	2.0
TOTAL	2.0	3.0	3.0	3.0

Staff recommends \$1,015,767 General Fund and 3.0 FTE, pursuant to Committee common policy. No salary survey or performance-based pay were awarded in FY 2008-09. The following table summarizes the staff recommendation for this line item.

Economic Development Commission -- Economic Development Programs						
	Total	GF	CF	RF	FF	FTE

Economic Development Commission -- Economic Development Programs						
FY 2008-09 Long Bill	\$992,804	\$992,804	\$0	\$0	\$0	3.0
Annualize H.B. 08-1305	22,963	22,963	0	0	0	0.0
TOTAL for FY 2009-10	\$1,015,767	\$1,015,767	\$0	\$0	\$0	3.0

Colorado First Customized Job Training

This program provides incentives for companies to create jobs in Colorado by providing job training assistance. Companies receiving assistance must provide a partial funding match. The Office determines which companies will receive this assistance and then transfers funding to the Community Colleges of Colorado develop and provide the training programs. All of the funds in this appropriation support the direct cost of training. Administrative costs are absorbed within the Business Development appropriation. Colorado First grants are for companies that are relocating to Colorado or existing companies that are undertaking a major expansion. Existing Industry grants are designed for Colorado companies that are implementing new technology to remain competitive and keep jobs in Colorado. **Staff recommends a continuation spending authority of \$2,725,022 General Fund.** *These funds are transferred to the Division of Occupational Education in the Department of Higher Education.*

CAPCO Administration

This line item funds the administration of the capital company (CAPCO) incentives program. The Office of Economic Development (OED) certifies CAPCOs that are qualified to offer assistance to business enterprises that create jobs in the state. Insurance companies that make an investment of certified capital in an OED-certified CAPCO can receive a tax credit against premium taxes owed. **Staff recommends a continuation level appropriation of \$81,312 reappropriated funds and 2.0 FTE, pursuant to Committee common policy.** The source of the funds is the Division of Insurance Cash Fund in the Department of Regulatory Agencies.

Council on the Arts

The Colorado Council on the Arts promotes the cultural, educational, and economic growth of Colorado through development of its arts and cultural heritage. The Council administers grants and provides services that: (1) make the arts more accessible to all Colorado citizens; (2) expand arts education opportunities for youth; (3) support tourism and other economic development strategies; (4) preserve and promote our cultural heritage; and (5) stimulate and encourage the development of artists and arts organizations. State funding for this line item is from the Colorado Council on the Arts Cash Fund. Revenues for that fund are a transfer from the Limited Gaming Cash Fund at the end of each fiscal year. The appropriation shown reflects the size of the anticipated transfer. Roll-forward spending authority for reserves in the fund are provided by statute (Section 24-48.8-109, C.R.S.).

Current statute (Section 12-47.1-701, C.R.S.) determines the size of the transfer from the Limited Gaming Fund. Under that statute, and the December 2008 Legislative Council Staff revenue estimate, no transfer would be made at the end of FY 2008-09. As part of his budget balancing

package, the Governor requested that the Joint Budget Committee sponsor legislation that would allow for a transfer of \$823,647 to the Council on the Arts fund. The Joint Budget Committee sponsored S.B. 09-217, which specified a transfer of \$1,200,026. Staff's recommendation assumes that S.B. 09-217 will pass with the amount originally set by the Committee. **Staff requests permission to adjust this line item to reflect a different value depending on the fate of S.B. 09-217.**

Staff recommends \$1,969,404 and 3.0 FTE. The appropriation consists of \$1,200,026 cash funds and \$769,378 federal funds. The cash funds amount reflects the annual transfer from the Limited Gaming Fund, as described above. Staff's calculation of the recommendation is summarized in the following table.

Council on the Arts -- Economic Development Programs						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$2,360,137	\$0	\$1,600,034	\$0	\$760,103	2.9
Mgmt and Administration of OIT Supplemental	(546)	0	0	0	(546)	0.0
Annualize Prior Year Decision Item	9,897	0	0	0	9,897	0.1
S.B. 09-217 Transfer Change	(400,008)	0	(400,008)	0	0	0.0
Annualize Mgmt and Administration of OIT	(76)	0	0	0	(76)	0.0
TOTAL for FY 2009-10	\$1,969,404	\$0	\$1,200,026	\$0	\$769,378	3.0

Film Incentives

The Film Incentives Cash Fund provides incentive payments to a qualified film production companies based on the amount of documented expenditures made in Colorado. The appropriation reflects the annual transfer from the Limited Gaming Fund. The Joint Budget Committee sponsored S.B. 09-217, which specified a transfer of \$480,011. Staff's recommendation assumes that S.B. 09-217 will pass with the amount originally set by the Committee. **Staff requests permission to adjust this line item to reflect a different value depending on the fate of S.B. 09-217. Staff recommends an appropriation of \$480,011 cash funds.**

New Jobs Incentives

The New Jobs Incentives Cash Fund provides an incentive payment to qualifying companies that have created new jobs paying above average wages. Its purpose is designed to support and encourage new business development, business expansions and relocations that have generated new jobs throughout the State. The appropriation reflects the annual transfer from the Limited Gaming Fund. The Joint Budget Committee sponsored S.B. 09-217, which specified a transfer of \$1,400,052. Staff's recommendation assumes that S.B. 09-217 will pass with the amount originally set by the Committee. **Staff requests permission to adjust this line item to reflect a different**

value depending on the fate of S.B. 09-217. Staff recommends \$1,400,052 cash funds spending authority.

Bioscience Discovery Evaluation

The Bioscience Discovery Evaluation Grant Program was created by the legislature for the purpose of improving and expanding the evaluation of new bioscience discoveries as research institutions with the intent of accelerating the development of new products and services. The Bioscience Discovery Evaluation Cash Fund receives transfers from the Limited Gaming Fund pursuant to Section 12-47.1-701, C.R.S. The amount shown for this line item reflects that transfer. Moneys from prior transfers remaining in the fund are provided with roll-forward spending authority, and are not shown in the appropriation. **Staff recommends the Committee approve an appropriation of \$4,500,000 cash funds and 0.6 FTE, shown for informational purposes only.** This is the statutory amount to be transferred at the end of FY 2008-09.

STEM Program

The Science, Technology, Engineering, and Mathematics program funds after-school activities to encourage students to continue studies in those areas. Fiscal Year 2008-09 was the first year in which the program received funding, a transfer of moneys from the State Education Fund by the Department of Education. This funding was subsequently removed as part of the Committee's budget-balancing package for FY 2008-09.

DI #4 - STEMS Transfer

The Department requests that administrative responsibility for the Science, Technology, Engineering, and Mathematics (STEM) after-school pilot program be transferred to the Department of Education. The FY 2008-09 funding for the program was a transfer of State Education Fund moneys from the Department of Education. There would be no net change in state expenditures as a result of the change.

Section 24-48.5-109 (4) (a), C.R.S., states "The Colorado office of economic development shall administer the grant program in accordance with this section.". Section 24-48.5-109 (4) (b), C.R.S., states "The director shall promulgate rules and procedures for applying for a grant...", where director is defined to mean the Director of the Office of Economic Development. The requested transfer of responsibilities would require a statutory change.

Staff recommends the Committee deny the Department's request. A statutory change would be required in order to effect the request. The Committee approved a supplemental request which removed the funding for this program for FY 2008-09. The Department of Education requested no funding for this program for FY 2009-10. Oversight of a defunded program is not an onerous task.

Staff recommends the Committee make no appropriation for this line item for FY 2009-10.

Indirect Cost Assessment

Staff recommends an appropriation of \$39,865 for the purpose of indirect cost assessments.

The funding is comprised of \$530 cash funds, \$25,962 reappropriated funds, and \$13,373 federal funds.

(5) OFFICE OF INFORMATION TECHNOLOGY

The Office of Information Technology (OIT) oversees technology initiatives at the state level, recommending strategies to maximize service delivery efficiency in a cost-effective manner through the application of enterprise technology solutions. The responsibilities of this office were expanded significantly by S.B. 08-155. That bill formally provided OIT with authority to provide the management and delivery of consolidated information technology services for most of state government. Effective July 1, 2008, the chief information officer for each executive branch agency were transferred to OIT, as was the entire Department of Personnel and Administration Division of Information Technology (excluding the State Archives).

(A) Administration

The Administration sub-division provides the OIT organization with the policy and management functions of an "Executive Director's Office." In the original appropriation for FY 2008-09, this sub-division was funded primarily with General Fund. The Committee approved a FY 2008-09 supplemental request to refinance the sub-division using reappropriated funds, with the expenses allocated to various departments in proportion to the level of services purchased from the Division. The Governor's Office requested annualization of the supplemental request for FY 2009-10, which staff has previously recommended.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Director	2.5	4.2	4.2	4.2
Controller	3.5	2.9	2.8	2.8
Support Staff	2.2	6.0	6.0	6.0
TOTAL	8.2	13.1	13.0	13.0

Personal Services

Staff recommends an appropriation of \$1,127,581 reappropriated funds and 13.0 FTE. This amount includes salary survey and performance-based pay awarded in FY 2007-08. The following table summarizes the staff recommendation for this line item.

Personal Services -- Office of Information Technology						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$1,081,848	\$1,081,848	\$0	\$0	\$0	13.0
S.B. 08-215 OIT Broadband Telecom Map	9,000	0	9,000	0	0	0.1

Personal Services -- Office of Information Technology						
Mgmt and Administration of OIT Supplemental	68,514	(1,013,334)	0	1,081,848	0	0.0
Annualize S.B. 08-215	(9,000)	0	(9,000)	0	0	(0.1)
Salary Survey for FY 2008-09	33,694	33,694	0	0	0	0.0
Performance-based Pay Awards	12,039	12,039	0	0	0	0.0
Annualize Mgmt and Administration of OIT	(68,514)	(114,247)	0	45,733	0	0.0
TOTAL for FY 2009-10	\$1,127,581	\$0	\$0	\$1,127,581	\$0	13.0

Operating Expenses

Staff recommends an appropriation of \$150,268 reappropriated funds for this line item. Staff's calculation of this recommendation is summarized in the following table.

Operating Expenses -- Office of Information Technology						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$150,268	\$150,268	\$0	\$0	\$0	0.0
S.B. 08-215 OIT Broadband Telecom Map	7,500	0	7,500	0	0	0.0
Mgmt and Administration of OIT Supplemental	0	(150,268)	0	150,268	0	0.0
Annualize S.B. 08-215	(7,500)	0	(7,500)	0	0	0.0
TOTAL for FY 2009-10	\$150,268	\$0	\$0	\$150,268	\$0	0.0

Legal Services

For the Legal Services appropriation, Staff recommends approving the request for General Fund sufficient to purchase a continuation level of 26 hours of services. The dollar amount of staff's recommendation is pending the determination of the hourly rate for legal services by the Committee.

Indirect Cost Assessment

This line item reflects indirect cost assessments from reappropriated funds, and reflects a change made necessary by the transfer of the statewide information technology services organization from the Department of Personnel and Administration. **Staff recommends an appropriation of \$28,321 reappropriated funds.**

(B) Office of the Chief Information Security Officer

Develop information security policies, standards and guidelines for public agencies; promulgate rules; direct information security audits and assessments in the public agencies; establish a risk management process and deploy risk mitigation strategies, processes and procedures. As part of the changes made by S.B. 08-155, this Office was moved from a division-level line item group to a sub-division within the much larger Office of Information Technology.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Management	0.9	2.0	2.0	2.0

Program Costs

Staff recommends an appropriation of \$2,458,615 reappropriated funds and 2.0 FTE. The following table summarizes the staff recommendation for this line item.

Program Costs -- Office of the Chief Information Security Officer						
	Total	GF	CF	RF	FF	FTE
FY 2008-09 Long Bill	\$2,804,915	\$350,000	\$0	\$2,454,915	\$0	2.0
Annualize Prior Year Decision Item	(350,000)	(350,000)	0	0	0	0.0
Indirect Cost Assessment Adjustment	(5,865)	0	0	(5,865)	0	0.0
Salary Survey for FY 2008-09	7,071	0	0	7,071	0	0.0
Performance-based Pay Awards	2,494	0	0	2,494	0	0.0
TOTAL for FY 2009-10	\$2,458,615	\$0	\$0	\$2,458,615	\$0	2.0

(C) Chief Information Officers in State Agencies

This sub-division houses the former chief information officers from various state agencies transferred to the Governor's Office by S.B. 08-155.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
IT Professional	0.0	4.9	4.9	4.9
Management	0.0	7.5	7.5	7.5
TOTAL	0.0	12.4	12.4	12.4

Personal Services

Staff recommends a continuation level appropriation of \$1,692,186 reappropriated funds and 12.4 FTE. No salary survey or performance based pay were awarded for this line item in FY 2008-09.

(D) Statewide Information Technology Services

This subdivision consists of the organizations transferred from the Department of Personnel and Administration's Division of Information Technology by S.B. 08-155 as well as the new back-office functions created by that bill. This division is responsible for the state's computer center, telecommunications networks (which include public safety, voice, data, and video systems), and it supports all software applications that are used on a statewide basis for financial and human

resources purposes.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
General Professional	0.0	2.0	2.0	2.0
IT Professional	0.0	1.0	1.0	1.0
Support/Clerical	0.0	2.0	2.0	2.0
TOTAL	0.0	5.0	5.0	5.0

(1) Administration

This program coordinates the administrative functions, including budgeting, accounting, rate setting, and human resources.

Personal Services

Staff recommends an appropriation of \$444,303 reappropriated funds and 5.0 FTE. Staff's calculation is summarized in the following table.

Administration, Personal Services -- Statewide IT Services						
	Total	GF	CF	RF	FF	FTE
S.B. 08-155 - IT Consolidation	\$419,800	\$0	\$0	\$419,800	\$0	5.0
Hiring Freeze Savings	(14,199)	0	0	(14,199)	0	0.0
Annualize Hiring Freeze Savings	14,199	0	0	14,199	0	0.0
Prior Year Salary Survey	18,869	0	0	18,869	0	0.0
Performance-based Pay Awards	5,634	0	0	5,634	0	0.0
TOTAL for FY 2009-10	\$444,303	\$0	\$0	\$444,303	\$0	5.0

Operating Expenses

Staff recommends the Committee approve a continuation level appropriation of \$6,450 reappropriated funds.

(2) Internal Program Support

This group provides IT support for the Department of Personnel and Administration. It was transferred to the Governor's Office of IT along with the rest of DPA's Division of Information Technology. IT support groups from other departments will also eventually be transferred to the Governor's Office; this group was moved immediately rather than leaving it orphaned in DPA.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
IT Professional	0.0	10.0	10.0	10.0

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
IT Technician	0.0	1.0	1.0	1.0
TOTAL	0.0	11.0	11.0	11.0

Personal Services

Staff recommends a continuation level appropriation of \$817,731 reappropriated funds and 11.0 FTE, calculated in accordance with Committee common policy. No salary survey or performance-based pay were awarded for this line item in FY 2008-09.

(3) Statewide IT Management

This group provides support for a variety of "back office" functions to other departments. This is a new group originally authorized by S.B. 08-155.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Accounting	0.0	6.0	6.0	6.0
Auditor	0.0	1.0	1.0	1.0
Budget/Policy Analyst	0.0	3.0	3.0	3.0
Controller	0.0	1.0	1.0	1.0
Customer Support	0.0	1.0	1.0	1.0
General Professional	0.0	14.0	14.0	14.0
TOTAL	0.0	26.0	26.0	26.0

Program Costs

Staff recommends an appropriation of \$1,782,601 reappropriated funds and 26.0 FTE. No salary survey or performance-based pay were awarded for this line in FY 2008-09. Staff's calculation is summarized in the following table.

Program Costs - Statewide IT Management						
	Total	GF	CF	RF	FF	FTE
S.B. 08-155 - IT Consolidation	\$1,812,053	\$0	\$0	\$1,812,053	\$0	26.0
Hiring Freeze Savings	(30,427)	0	0	(30,427)	0	0.0
Annualize Hiring Freeze Savings	30,427	0	0	30,427	0	0.0
Annualize S.B. 08-155	(29,452)	0	0	(29,452)	0	0.0
TOTAL for FY 2009-10	\$1,782,601	\$0	\$0	\$1,782,601	\$0	26.0

(4) Geographic Information System

Many state agencies make use of GIS data in their functions. This group (currently an individual) will provide centralized support for state programs that use GIS data.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Scientist/Researcher	0.0	1.0	1.0	1.0

Personal Services

Staff recommends a continuation level appropriation of \$108,057 reappropriated funds and 1.0 FTE, calculated pursuant to Committee common policy actions. No salary survey or performance-based pay were awarded for this line in FY 2008-09.

(5) Customer Services

This program offers help to the customers of the division's programs including GGCC, MNT, and telecommunications systems. Duties include data center scheduling, network monitoring, and tier 1 assistance for desktops in the data center. The program is staffed to provide coverage 24 hours per day. After hours support is particularly important for the Department of Transportation and the Department of Natural Resources. Scheduling ensures that job requests are properly queued into the system.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Customer Support	0.0	10.0	10.0	10.0
General Professional	0.0	1.0	1.0	1.0
IT Professional	0.0	1.0	1.0	1.0
TOTAL	0.0	12.0	12.0	12.0

Personal Services

Staff recommends an appropriation of \$955,129 reappropriated funds and 12.0 FTE, pursuant to Committee common policy actions. Staff's calculation is summarized in the following table.

Customer Services, Personal Services - Statewide IT Services						
	Total	GF	CF	RF	FF	FTE
S.B. 08-155 - IT Consolidation	\$917,727	\$0	\$0	\$917,727	\$0	12.0
Salary Survey for FY 2008-09	28,378	0	0	28,378	0	0.0
Performance-based Pay Awards	9,024	0	0	9,024	0	0.0
TOTAL for FY 2009-10	\$955,129	\$0	\$0	\$955,129	\$0	12.0

Operating Expenses

Staff recommends a continuation level appropriation of \$14,625 reappropriated funds.

(6) Order Billing

This program manages orders and changes to telecommunications and MNT billings. The orders include new and change orders to MNT and the state's telephone system (voice mail, long distance, and local service).

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Accounting	0.0	2.0	2.0	2.0
Customer Support	0.0	1.0	1.0	1.0
General Professional	0.0	1.0	1.0	1.0
IT Professional	0.0	3.0	3.0	3.0
Support/Clerical	0.0	3.0	3.0	3.0
TOTAL	0.0	10.0	10.0	10.0

Personal Services

Staff recommends an appropriation of \$689,205 reappropriated funds and 10.0 FTE. Staff's calculation is summarized in the following table.

Order Billing - Statewide IT Services						
	Total	GF	CF	RF	FF	FTE
S.B. 08-155 - IT Consolidation	\$662,877	\$0	\$0	\$662,877	\$0	10.0
Hiring Freeze Savings	(27,180)	0	0	(27,180)	0	0.0
Annualize Hiring Freeze Savings	27,180	0	0	27,180	0	0.0
Salary Survey for FY 2008-09	20,463	0	0	20,463	0	0.0
Performance-based Pay Awards	5,865	0	0	5,865	0	0.0
TOTAL for FY 2009-10	\$689,205	\$0	\$0	\$689,205	\$0	10.0

Operating Expenses

Staff recommends a continuation level appropriation of \$10,750 reappropriated funds, pursuant to Committee common policy actions.

(7) Communication Services

This section is statutorily responsible for the Statewide Public Safety Network and is in the process of completing the Digital Trunked Radio project. The section staff plan, coordinate, and integrate the public safety networks for the Departments of Public Safety, Transportation, Corrections, and Natural Resources. Resources of this network are shared with local agencies. These networks make use of land-based, mobile, and microwave technologies.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Budget/Policy Analyst	0.0	1.0	1.0	1.0
Electronics Specialist	0.0	31.0	31.0	31.0
Engineer	0.0	8.0	8.0	8.0
IT Technician	0.0	4.0	4.0	4.0
Support/Clerical	0.0	2.0	2.0	2.0
TOTAL	0.0	46.0	46.0	46.0

Personal Services

Staff recommends an appropriation of \$3,685,808 and 46.0 FTE. The recommendation consists of \$721,134 cash funds from the Public Safety Communications Trust Fund, \$2,843,674 reappropriated funds, and \$121,000 federal funds. The anticipated federal funds will be received from the National Oceanic and Atmospheric Administration. Staff's calculation is summarized in the following table.

Communication Services - Statewide IT Services						
	Total	GF	CF	RF	FF	FTE
S.B. 08-155 - IT Consolidation	\$3,567,121	\$0	\$721,134	\$2,724,987	\$121,000	46.0
Hiring Freeze Savings	(122,676)	0	0	(122,676)	0	0.0
Annualize Hiring Freeze Savings	122,676	0	0	122,676	0	0.0
Salary Survey for FY 2007-08	80,379	0	0	80,379	0	0.0
Performance-based Pay Awards	38,308	0	0	38,308	0	0.0
TOTAL for FY 2009-10	\$3,685,808	\$0	\$721,134	\$2,843,674	\$121,000	46.0

Operating Expenses

This line item funds the State's communications centers and microwave towers located throughout Colorado. The Department requests \$146,038 reappropriated funds. **Staff recommends an appropriation of \$134,631 reappropriated funds.** The difference between request and recommendation is decision item #NP2, the postage increase decision item in the Department of Personnel and Administration. **Staff requests permission to adjust this line item is necessary after the Committee acts on that decision item.**

Training

This line item funds the ongoing training of telecommunications staff and compliance with OSHA regulations. For some staff, the training includes winter survival and Snocat maintenance. **Staff recommends a continuation level appropriation of \$22,000 reappropriated funds.**

Utilities

This line item funds utilities and generators at telecommunication sites located throughout Colorado. **Staff recommends a continuation level appropriation of \$165,002 reappropriated funds.**

Snocat Replacement

The Department is in a multi-year process of replacing its fleet of 10 Snocats. **Staff recommends a continuation level appropriation of \$230,520 reappropriated funds.**

Local Systems Development

This line item funds access to microwave communication towers by local governments, state agencies, and the federal government. **Staff recommends a continuation level appropriation of \$121,000 reappropriated funds.**

Indirect Cost Assessment

This line item reflects the statewide indirect cost assessment plan prepared by the State Controller's Office and approved by the Committee. **Staff recommends an appropriation of \$431,076 reappropriated funds.**

(8) Network Services

This section plans, coordinates, and integrates the telecommunications capabilities of the State's government. It provides voice and data communication infrastructure, and provides a long-distance telephone contract to be used by all other state agencies.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Budget/Policy Analyst	0.0	1.0	1.0	1.0
Electronics Professional	0.0	4.0	4.0	4.0
IT Professional	0.0	12.0	12.0	12.0
TOTAL	0.0	17.0	17.0	17.0

Personal Services

Staff recommends an appropriation of \$1,586,122 reappropriated funds and 17.0 FTE. Staff's calculation is summarized in the following table.

Network Services, Personal Services - Statewide IT Services						
	Total	GF	CF	RF	FF	FTE
S.B. 08-155 - IT Consolidation	\$1,525,435	\$0	\$0	\$1,525,435	\$0	17.0
Hiring Freeze Savings	(14,199)	0	0	(14,199)	0	0.0
Annualize Hiring Freeze Savings	14,199	0	0	14,199	0	0.0
Salary Survey for FY 2007-08	46,551	0	0	46,551	0	0.0

Network Services, Personal Services - Statewide IT Services						
Performance-based Pay Awards	14,136	0	0	14,136	0	0.0
TOTAL for FY 2009-10	\$1,586,122	\$0	\$0	\$1,586,122	\$0	17.0

Operating Expenses

Staff recommends a continuation level appropriation of \$16,200,371. The recommendation consists of \$1,200,000 cash funds from the Telecommunications Revolving Fund and \$15,000,371 reappropriated funds.

Toll-free Telephone Access to Members of the General Assembly

This line item funds toll-free access by citizens outside of the Denver metropolitan area to the General Assembly. The line is funded by General Fund dollars transferred from the Legislative Department. **Staff recommends a continuation level appropriation of \$25,000.**

Indirect Cost Assessment

This line item reflects the statewide indirect cost assessment plan prepared by the State Controller's Office and approved by the Committee. **Staff recommends an appropriation of \$194,974 reappropriated funds.**

(9) Computer Services

This section plans, manages, and operates the computing infrastructure for all state agencies. This includes database servers for several departments as well as the mainframe computer, tape, disk, and printing resources in the General Government Computer Center.

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Computer Operator	0.0	14.0	14.0	14.0
IT Professional	0.0	21.3	21.3	21.3
Materials Handler	0.0	1.0	1.0	1.0
TOTAL	0.0	36.3	36.3	36.3

Personal Services

Staff recommends an appropriation of \$2,885,913 reappropriated funds. Staff's calculation is summarized in the following table.

Computer Services, Personal Services - Statewide IT Services						
	Total	GF	CF	RF	FF	FTE
S.B. 08-155 - IT Consolidation	\$2,745,773	\$0	\$0	\$2,745,773	\$0	36.3
Hiring Freeze Savings	(30,365)	0	0	(30,365)	0	0.0

Computer Services, Personal Services - Statewide IT Services						
Annualize Hiring Freeze Savings	30,365	0	0	30,365	0	0.0
Salary Survey for FY 2007-08	108,006	0	0	108,006	0	0.0
Performance-based Pay Awards	32,134	0	0	32,134	0	0.0
TOTAL for FY 2009-10	\$2,885,913	\$0	\$0	\$2,885,913	\$0	36.3

Operating Expenses

Staff recommends a continuation level appropriation of \$6,181,350. The recommendation consists of \$2,328 cash funds from the Computer Services Revolving Fund and \$6,179,022 reappropriated funds.

Rental, Lease, or Lease/Purchase of Central Processing Unit

This line item funds the mainframe computer located at 690 Kipling Street in Lakewood. **Staff recommends a continuation level appropriation of \$336,034 reappropriated funds.**

Indirect Cost Assessment

This line item reflects the statewide indirect cost assessment plan prepared by the State Controller's Office and approved by the Committee. **Staff recommends an appropriation of \$282,306 reappropriated funds.**

(10) Technology Management Unit

This section supports all software applications that are used on a statewide basis. These applications include the State's financial system (COFRS), human resource systems (EMPL), billing programs for the State's payroll system (CPPS), the State's vehicle fleet management software (CARS), and the States contract systems (BIDS).

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommendation
Controller	0.0	3.0	3.0	3.0
Customer Support	0.0	1.0	1.0	1.0
Electronics Specialist	0.0	0.5	0.5	0.5
General Professional	0.0	1.0	1.0	1.0
IT Professional	0.0	30.0	30.0	30.0
TOTAL	0.0	35.5	35.5	35.5

Personal Services

Staff recommends an appropriation of \$3,153,583 reappropriated funds, pursuant to Committee common policy. Staff's calculation is summarized in the following table.

Technology Management Unit, Personal Services - Statewide IT Services						
	Total	GF	CF	RF	FF	FTE
S.B. 08-155 - IT Consolidation	\$2,990,203	\$0	\$0	\$2,990,203	\$0	35.5
Salary Survey for FY 2007-08	126,956	0	0	126,956	0	0.0
Performance-based Pay Awards	36,424	0	0	36,424	0	0.0
TOTAL for FY 2009-10	\$3,153,583	\$0	\$0	\$3,153,583	\$0	35.5

Operating Expenses

Staff recommends an appropriation of \$364,371 reappropriated funds. Staff's calculation is summarized in the following table.

Technology Management Unit, Operating Expenses - Statewide IT Services						
	Total	GF	CF	RF	FF	FTE
S.B. 08-155 - IT Consolidation	\$529,371	\$0	\$0	\$529,371	\$0	35.5
Adjust S.B. 07-228 - Vendor Performance on State Contracts	(165,000)	0	0	(165,000)	0	0.0
TOTAL for FY 2009-10	\$364,371	\$0	\$0	\$364,371	\$0	35.5

LONG BILL FOOTNOTES

There were no Long Bill footnotes specific to the Governor's Office.

REQUESTS FOR INFORMATION

Staff recommends the following information request be **eliminated**.

All Departments, Totals - Every department is requested to submit to the Joint Budget Committee information on the number of additional federal and cash funds FTE associated with any federal grants or private donations that are applied for or received during FY 2008-09. The information should include the number of FTE, the associated costs (such as workers' compensation, health and life benefits, need for additional space, etc.) that are related to the additional FTE, the direct and indirect matching requirements associated with the federal grant or donated funds, the duration of the grant, and a brief description of the program and its goals and objectives.

Comment: Some form of this request has appeared, either as an RFI or as a footnote, since at least 1995. The Department responses to this RFI in the most recent year varied widely: from Departments which simply ignored the request, to Departments that listed only positions not shown in their budget requests, to Departments that itemized all positions funded out of federal grants. Staff is not aware of any departments which provided the requested level of detail. In its present form, this RFI does not appear to be generating any information that is particularly useful, hence staff's recommendation that the request be eliminated.

There are, however, at least two other options that the Committee might wish to consider. Which option is most appropriate, including elimination, would depend on the purpose for which the Committee intends this RFI.

- The RFI could be modified, with clarifying language added, in order to get more consistent responses from the Departments. This would be appropriate if the Committee is only interested in some particular set of information, and if the information desired can be clearly described. Asking for a detailed accounting of all such personnel seems impractical; in the Department of Human Services, for example, thousands of employees are paid in full or part from federal grants. Asking for an accounting of personnel that do not appear in a Department's budget request might provide useful information; for example, for a period of some years, the Governor's Office included staff now in the Governor's Energy Office whose expenses were covered with federal custodial funds but that did not appear in the budget request, and for which GEO is requesting General Fund.
- The RFI could be replaced with a footnote. This would be appropriate if, for example, the

Committee wishes to express the intent of the General Assembly to not backfill programs funded with federal grants or private donations that the Department does not include in its budget request. The annual Long Bill includes a head note which states that the General Assembly is not *obligated* to assume those costs; a footnote requesting this information, or an extension to the head note, could express a stronger position, that the General Assembly *will not* assume such costs if they have not been included in the Departments' prior budget requests. Such a statement might be appropriate if the Committee's intent is to incent the Departments to provide a complete picture of their operations in their budget request.

Staff recommends the following information requests be **continued as modified**.

Governor - Lieutenant Governor - State Planning and Budgeting, Office of State Planning and Budgeting; and Department of Local Affairs, Division of Emergency Management, Disaster Response and Recovery -- The Division of Emergency Management is requested to work with the Office of State Planning and Budgeting and provide a AN ANNUAL report to the Joint Budget Committee by ~~November 1, 2008~~; NOVEMBER 1 OF EACH YEAR concerning revenues credited to and expenditures made from the Disaster Emergency Fund in FY 2007-08. FUND DURING THE PRIOR FISCAL YEAR. The report is requested to include the following: (a) amounts authorized to be transferred to the Disaster Emergency Fund, by Executive Order and fund source; (b) amounts actually transferred to the Fund, by date and fund source; and (c) actual expenditures from the Fund, by date and declared disaster emergency.

Comment: The requested report provides information regarding the Governor's exercise of expenditure power for emergency management and disaster recovery. The modifications to the language make the request ongoing, rather than tying it to a specific fiscal year.

Governor - Lieutenant Governor - State Planning and Budgeting, Governor's Energy Office -- Senate Bill 07-246 requires a post-enactment review be conducted to determine the Department's efficacy in implementing the desired result and benefit of the act to advance energy efficiency and renewable energy throughout the state. The Department is requested to submit a AN ANNUAL report by ~~September 1, 2008~~ NOVEMBER 1 OF EACH YEAR to the Joint Budget Committee on the status of the Department's efficacy in implementing the desired result and benefit of the provisions of S.B. 07-246. At a minimum, the report should include a narrative overview of the programs implemented with descriptions of each and should itemize how the moneys appropriated have been applied, by program, ~~by year~~, to advance energy efficiency and renewable energy throughout the state.

Comment: The requested report provides interim information that would otherwise be unavailable to the General Assembly until five years after the bill became effective. The modifications to the language make the request ongoing, rather than tying it to a specific fiscal year.

Governor - Lieutenant Governor - State Planning and Budgeting, Office of State Planning and Budgeting -- The Department is requested to submit a report related to the Government Efficiency Management (GEM) Study ~~by July 1, 2008~~ to the Joint Budget Committee BY NOVEMBER 1 OF EACH YEAR. At a minimum, the report should be provided electronically and should include a narrative overview explaining how the moneys appropriated have been applied to harness greater governmental efficiency and cost-avoidance. The report should itemize how the moneys appropriated have been implemented, by fiscal year, by applicable department or departments if there are multiple-agency initiatives, to identify ways to improve customer service, eliminate unnecessary or redundant services, and implement innovative ways to deliver essential services. The report should also include all budget change requests submitted to the General Assembly related to the GEM Study and aggregated into a single spreadsheet, by fiscal year, by Department, by fund source, including FTE.

Comment: This request is for a report on the ongoing progress in government efficiencies achieved through the GEM program. The modifications to the language make the request ongoing, rather than tying it to a specific fiscal year.

Governor - Lieutenant Governor - State Planning and Budgeting, Economic Development Programs, Bioscience Discovery Evaluation Program -- The Department is requested to submit ~~a~~ AN ANNUAL report ~~by September 1, 2008~~ to the Joint Budget Committee BY NOVEMBER 1 OF EACH YEAR. At a minimum, the report shall specify the following information with regard to the bioscience research projects that received funding under the program during the preceding ~~calendar~~ FISCAL year: (1) the amount of funding distributed to each bioscience research project and a description of each bioscience research project; (2) the manner in which each bioscience research project applied the funding received under the program; and (3) the results achieved by each bioscience research project, including identifiable monetary returns to the grantee and others since the receipt of the grant.

Comment: This request is for a report on the ongoing operation of a program for which funds are continuously appropriated. The modifications to the language make the request ongoing, rather than tying it to a specific fiscal year.

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. Amounts shown are the maximum that could be realized; smaller amounts could be used instead.

Numbering does not indicate priority.

Options with Appropriations Impacts	GF	CF	RF	FF	Total	FTE																
1																						
Reduce or Eliminate Various Economic Development Programs																						
<p>Several of the programs within the Economic Development Programs division have a General Fund appropriation. These programs could be reduced, or eliminated, in order to realize General Fund savings. The programs with the largest General Fund appropriation are listed in the following table, ordered by decreasing size of their General Fund appropriation. The Administration line item is not included, although staff expects that major cuts in the other General Fund appropriations within the Division would result in a General Fund reduction for Administration as well.</p>																						
<table border="1"> <thead> <tr> <th>Line Item</th> <th>GF Appropriation</th> </tr> </thead> <tbody> <tr> <td>Colorado First Customized Job Training</td> <td>\$2,725,022</td> </tr> <tr> <td>Economic Development Commission General Economic Incentives and Marketing</td> <td>1,015,767</td> </tr> <tr> <td>Business Development</td> <td>863,736</td> </tr> <tr> <td>International Trade Office</td> <td>645,775</td> </tr> <tr> <td>Minority Business Office</td> <td>146,324</td> </tr> <tr> <td>Grand Junction Satellite Office</td> <td>67,007</td> </tr> <tr> <td>Total</td> <td>\$5,463,631</td> </tr> </tbody> </table>							Line Item	GF Appropriation	Colorado First Customized Job Training	\$2,725,022	Economic Development Commission General Economic Incentives and Marketing	1,015,767	Business Development	863,736	International Trade Office	645,775	Minority Business Office	146,324	Grand Junction Satellite Office	67,007	Total	\$5,463,631
Line Item	GF Appropriation																					
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Total	\$5,463,631																					

Options with Appropriations Impacts	GF	CF	RF	FF	Total	FTE
1						
Divert Statutory Transfers to the General Fund						

Options with Appropriations Impacts	GF	CF	RF	FF	Total	FTE
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Several programs in the Governor's Office receive annual (or more frequent) statutory transfers. These transfers could be diverted from their normal destinations and placed in the General Fund instead. The following table identifies some of these transfers. Some transfers occur during the course of the fiscal year, and would provide additional revenue during the year. Other transfers occur at the end of the fiscal year, and would "prop up" the General Fund reserve when the year closes.

Line Item	Transfer Amount
Limited Gaming Fund Transfers to Economic Development Funds	\$22,400,000
BioSciences Discovery Evaluation	5,500,000
Low-Income Energy Assistance	3,250,000
Total	\$31,150,000

MEMORANDUM

TO: Members of the Joint Budget Committee

FROM: Carolyn Kampman, Joint Budget Committee Staff (303-866-4959)

SUBJECT: Figure Setting for the Judicial Branch for FY 2009-10 -
Budget Balancing Options

DATE: March 23, 2009

On February 26, 2009, staff presented funding recommendations for the Judicial Branch for FY 2009-10. The Committee took action on all line items, other than those that are pending common Committee policies. While staff's recommendations included several actions designed to minimize General Fund increases for FY 2009-10 (e.g., delaying new judgeships), staff did not present other options for the Committee to consider in balancing the FY 2009-10 budget in light of the projected revenue shortfall. This memorandum describes these other budget balancing options.

Other Balancing Options

Letter from State Court Administrator

Mr. Gerry Marroney (the State Court Administrator) sent a letter to Senator Keller dated February 20, 2009 concerning potential budget balancing options related to the Courts and Probation. The plan identifies potential reductions in General Fund appropriations and cash fund transfers totaling \$12.3 million (more than nine percent of FY 2008-09 General Fund appropriations). The dollar amount of the potential reductions is based on assumptions underlying the Governor's budget balancing plan for FY 2009-10¹, plus another \$3.1 million the Department requested to furnish new courthouses.

Staff has included below some, but not all, of the reductions and transfers identified in the February 20 letter. Staff has excluded potential savings associated with staff layoffs and base reductions to operating and information technology maintenance line items. While staff appreciates the Department's willingness to identify and quantify these base reductions in order to achieve a targeted amount of savings, staff believes these options are inconsistent (i.e., more drastic) with those offered by staff to date for other departments.

¹ Todd Saliman's February 23, 2009 letter to Senator Keller indicates that the Governor's budget request for FY 2009-10 assumes General Fund appropriations totaling \$329.7 million to the Judicial Branch. This level of funding represents a \$3.8 million (1.2 percent) increase compared to the adjusted FY 2008-09 appropriation, and it is \$19.2 million lower than the Branch's request for FY 2009-10.

Letter from the State Public Defender

Mr. Doug Wilson (the State Public Defender) sent a letter to Senator Keller, dated January 25, 2009, concerning actions his office has taken to reduce expenditures, as well as some cost saving proposals. The State Public Defender also presented these cost saving proposals to the Judiciary Committees on January 26, 2009. Staff provided a brief description of these proposals in the January 27, 2009 supplemental packet, and the Committee authorized staff to continue to work with the Branch and other agencies to gather information related to these options. Staff has included below further information related to these options.

Information Provided by the Office of the Child's Representative (OCR)

Staff has had a number of discussions with Theresa Spahn, Executive Director of the OCR, about potential options for the Committee to consider to reduce OCR expenditures. A number of the options she and her staff have been working on are matters internal to the Branch, such as working with individual judicial districts to manage court dockets efficiently, thereby reducing the time attorneys spend waiting for a case to be heard. However, the OCR has identified several potential options related to those case types for which the appointment of state-paid counsel is discretionary. Staff has provided a brief description of these options below, with details provided in Appendix B.

This memorandum presents these options in three sections: (I) Potential statutory changes; (II) Expenditure reductions that do not require a statutory change; and (III) Cash fund transfers.

I. POTENTIAL STATUTORY CHANGES

Costs of Discovery

Colorado Supreme Court Rule 16 requires the prosecuting attorney to make available to the defense certain material and information which is within his or her possession or control², and to provide duplicates upon request. The prosecuting attorney is to make such materials and information available as soon as practicable, but not later than 30 days before trial. The rule indicates that when some parts of such material are discoverable and other parts are not, the nondiscoverable parts may be excised and the remainder made available. With regard to the cost and location of discovery, the rule indicates the following:

² Rule 16 lists the following types of material and information that shall be provided: police reports; grand jury testimony transcripts; reports or statements of experts; documents, photographs or objects held as evidence; any record of prior criminal convictions of the accused; tapes and transcripts of any electronic surveillance; names and addresses of witnesses; and written or recorded statements of the accused or of a codefendant.

"The cost of duplicating any material discoverable under this rule shall be borne by the party receiving the material, based on the actual cost of copying the same to the party furnishing the material. Copies of any discovery provided to a defendant by court appointed counsel shall be paid for by the defendant. The place of discovery and furnishing of materials shall be at the office of the party furnishing it, or at a mutually agreeable location." [Rule 16, Part V (c)]

Section 18-1-403, C.R.S., states that "all indigent persons who are charged with or held for the commission of a crime are entitled to legal representation and supporting services at state expense...". Thus, discovery costs are paid by entities that provide legal representation for indigent defendants.

The State Public Defender has proposed a statutory change that would exempt legal counsel for indigent defendants and *pro se* defendants from paying district attorneys for the costs of duplicating discoverable material. The Public Defender's Office (PDO) currently pays approximately \$944,000 annually to district attorney offices for discovery, and the Office of the Alternate Defense Counsel (OADC) pays approximately \$379,000 annually. If these offices were exempted from paying these costs, mandated costs would decrease accordingly. This proposal would reduce revenues to district attorney offices.

Staff does not recommend that the Committee introduce a bill as suggested by the State Public Defender. Staff has several concerns with the proposal:

- The proposal would reduce revenues to district attorney offices without making a commensurate reduction in the offices' workload. Given the proportion of defendants who are indigent and thus require state-funded legal representation, it does not appear to be feasible or fair to shift the costs of discovery to non-indigent clients. Specifically, data provided by the PDO indicates that the PDO is involved in about 53 percent of non-traffic criminal cases, 73 percent of felony cases, 35 percent of misdemeanor cases, and 68 percent of juvenile cases.
- Mandated costs, including discovery costs, were previously included in a single line item appropriation to the Judicial Branch. Each judge had the responsibility of approving costs incurred by each party in a case. It is staff's understanding that these costs are now reflected in separate line items for the purpose of transferring the responsibility for managing these costs to the entities responsible for incurring them. Staff agrees with this approach and believes that it serves to limit expenditures.

However, given the magnitude of state funds expended for discovery, this issue merits further analysis and attention. For example, data provided by the PDO indicates that their discovery costs

increased by 16.5 percent in FY 2006-07 and by 16.4 percent in FY 2007-08, while the PDO's overall caseload increased by only 1.5 percent and 3.3 percent, respectively.

In addition, a comparison of the allocation of discovery costs by location to the allocation of cases by location reveals significant disparities. For example, data provided by the PDO indicates that in FY 2007-08, 17.6 percent of PDO discovery costs were incurred in the 18th judicial district (Arapahoe/Douglas), while this district accounted for only 10.2 percent of the PDO's caseload.

Finally, given the variance in discovery costs charged by district attorney offices (based on data provided by the PDO), it appears that district attorneys utilize different methodologies when calculating rates related to discovery. For example:

- per page copy rates range from \$0.10 in Denver (where the PDO makes their own copies) to \$0.35 in Montrose;
- audio rates range from \$3.50 in La Junta to \$13.00 in Arapahoe/Douglas;
- video rates range from \$2.50 in Montrose to \$26.00 in Arapahoe/Douglas; and
- DVD rates range from \$10.00 in Greeley, Pueblo, and Sterling to \$25.00 in Colorado Springs.

Based on discussions with various Judicial Branch staff, as well as the Colorado District Attorney's Council (CDAC), **staff believes that this issue is best addressed internally by the Branch. Staff thus recommends that the Committee include the following request for information in its letter to the Chief Justice:**

N Judicial Department, Courts Administration -- The Department is requested to review and analyze the impact of Colorado Supreme Court Rule 16 on state expenditures, and to determine whether amendments to Rule 16 and/or statutory changes are warranted. Specifically, the Department is requested to collect and analyze data concerning rates currently charged to state agencies by each district attorney's office for duplicating discoverable material, the methodology used by each office to calculate these rates, as well as the timing and frequency of rate changes. The Department is requested to determine the following: (a) whether existing rates are consistent with Part V (c) of Rule 16 and appropriately reimburse district attorneys' duplication costs; and (b) whether the existing process of establishing these rates allows state agencies to effectively manage their resources. Finally, the Department is requested to provide a report to the Joint Budget Committee and to the House and Senate Judiciary Committees by November 1, 2009, summarizing its findings, including any recommended rule changes and/or statutory changes.

Court Transcripts

The Chief Judge in each judicial district is responsible for court reporting services in his or her district. Chief Justice Directive (CJD) 05-03 indicates that state-employed court reporters are generally used in those types of cases in which an appeal is likely (e.g., felony cases, district civil court and jury trials, termination of parental rights trials, and water cases). In other cases, either digital sound recordings or contract court reporting services are utilized.

Pursuant to Section 13-5-128, C.R.S., court reporters are compensated "for preparation of the original and any copies of the typewritten transcript of his shorthand notes at such rates as from time to time may be established and promulgated by the supreme court of the state of Colorado". It is staff's understanding that work hours and compensation of court reporters beyond the normal work week are governed by the Fair Labor Standards Act [29 USC 207 (o) 6]. Existing court rules provide for a rate of \$2.35 per page for the first copy of a transcript (\$3.50 per page for an expedited transcript); subsequent copies are free. The Judicial Department has indicated that this rate has not been changed for several years, and is lower than rates paid in most other states.

Judicial Branch court reporters are allowed to prepare transcripts for the judge or magistrate who presided over a case during work hours, and they are not paid the transcript page rate in addition to their regular salary for this work. However, for "state-paid transcripts" that are requested by other state-paid parties (such as the public defender), CJD 05-03 allows Judicial Branch court reporters as a normal part of their job and compensation to prepare state-paid transcripts during work hours and receive the per-page rate of \$2.35.

The State Public Defender has proposed a statutory change that would exempt legal counsel for indigent defendants and *pro se* defendants from paying for transcripts. Public agencies currently spend approximately \$1,977,000 annually for transcripts (including \$1,386,000 for the PDO, \$365,000 for OADC, \$4,000 for OCR, and \$222,000 for district attorneys). If these offices were exempted from paying these costs, mandated costs would decrease accordingly. This proposal would reduce revenues received by individual court reporters.

Staff does not recommend that the Committee introduce a bill as suggested by the State Public Defender. Similar to the above proposal, staff believes that requiring each agency to incur the costs associated with transcript requests serves to limit expenditures. Staff also understands that elimination of compensation for work performed by a court reporter outside of work hours may violate the Fair Labor Standards Act.

However, given the magnitude of state funds expended for transcripts, staff believes that it is important to ensure that publicly funded agencies are not paying a per page rate for transcripts that are prepared by court reporters during work hours. **Staff recommends that the Committee**

introduce a bill to amend Section 13-5-128, C.R.S., to state that Judicial Branch court reporters shall only be compensated for preparation of transcripts that are prepared outside of work hours.

Staff has been informed that most, if not all of the work for which court reporters receive a per page rate is performed outside of normal work hours. In addition, CJD 05-03 indicates that the standard in Colorado courts is "realtime", which "...allow reporters to get the bulk of transcript work done as they are reporting". Further, this CJD requires all current court reporters to become realtime certified by July 1, 2012. Thus, staff assumes that this statutory change will have a limited impact on state expenditures for transcripts.

Office of the Child's Representative (OCR) - Limit or Eliminate Services in Certain Cases

As detailed in Appendix B, the OCR has identified several potential options related to those case types for which the appointment of state-paid counsel is discretionary. Staff has provided a brief description of each option, along with associated recommendations.

Domestic Relation Cases (FY 07-08: 4.5% of OCR cases; \$546,087 expenditures)

Pursuant to Section 14-10-116.5, C.R.S., the Court may appoint an individual to serve as a child and family investigator (CFI) in a domestic relations case that involves allocation of parental responsibilities. The Court may appoint an attorney, a mental health professional, or any other individual with appropriate training and qualifications to be a CFI. The CFI is required to investigate, report, and make recommendations in the form of a written report filed with the Court; the CFI may be called to testify as a witness regarding his/her recommendations. If the Court appoints someone other than an attorney as a CFI, costs are paid by the State Court Administrator's Office (SCAO) rather than OCR.

In addition, pursuant to Section 14-10-116, C.R.S., the Court may appoint an attorney to serve as a child's legal representative (CLR) in any domestic relations proceeding that involves the allocation of parental responsibility. An individual may not serve as both a CFI and a CLR in the same case.

The OCR has offered the following alternatives for consideration:

1. Eliminate state payment for all CLRs and CFIs (saving about \$600,000 General Fund annually).
- 1a. Statutorily limit state payment for CLRs and CFIs to those domestic relations cases involving domestic violence.

☞ **Staff recommends statutorily limiting state payment for CLR's to those domestic relations cases involving domestic violence.** These appointments would continue to be paid by OCR.

2. Eliminate state payment for attorney CLR's and CFI's; increase the rate paid by the SCAO for non-attorney CFI's and shift a portion of funding from OCR to SCAO (saving about \$320,000 General Fund annually).

☞ **Staff recommends making the following changes:**

Statutorily eliminate state payment for attorneys to serve as a CFI. Shift a portion of funding from OCR to the SCAO based on an increase in the hourly rate paid by the SCAO for non-attorney CFI's from \$25 to \$30. Delay the effective date of this change to September 1, 2009 to allow SCAO time to publish new rate and recruit sufficient number of non-attorney CFI's.

Statutorily clarify how the Court should determine whether the parties in a domestic relations case are indigent (and thus warrant a state-paid CLR or CFI).

3. Pilot efficient and effective alternatives to CLR's and CFI's in select judicial districts (estimated to require \$20,800).

☞ **Authorize OCR, through a footnote in the FY 2009-10 Long Bill, to use up to \$25,000 of existing funding for a pilot program to evaluate the use of alternatives to CLR's and CFI's** (such as the "Early Neutral Assessment" program in Adams county) **in domestic relations cases.**

4. Promote more efficient use of CLR's and CFI's through greater monitoring of appointments and indigency findings.

☞ **Staff recommends that the Committee include the following request for information in its letter to the Chief Justice:**

N Judicial Department, Courts Administration; Office of the Child's Representative -- The State Court Administrator's Office is requested to work with the Office of the Child's Representative (OCR) to explore options for providing the OCR with timely access to filing and appointment information for the purpose of allowing the OCR to better monitor its caseload and manage its annual appropriation. The Department is requested to provide a report to the Joint Budget

Committee by September 1, 2009, describing the status of its efforts to provide timely filing and appointment information.

Truancy Cases (FY 07-08: 3.8% of OCR cases; \$169,856 expenditures)

Pursuant to Section 22-33-108 (5), C.R.S., court proceedings shall be initiated to compel compliance with the compulsory attendance laws after the parent and the child have been given written notice by the attendance officer of the school district that proceedings will be initiated if the child does not comply. The Court may order that a child attend school or that a parent take reasonable steps to assure the child's attendance, and may order the child and parent to follow an appropriate treatment plan. Failure to follow the court order can result in sanctions including community service, incarceration in a juvenile detention facility, and fines or confinement in county jail until the order is complied with. Section 19-1-11 (2) (b), C.R.S., authorizes a Court to appoint a GAL in a truancy proceeding, but it does not set forth any guidance for such appointments.

The number of truancy cases in which a GAL is appointed increased by 233 (83 percent from FY 2004-05 to FY 2007-08); OCR annual expenditures increased from \$68,983 to \$169,856 over the same time period.

The OCR has offered the following alternatives for consideration:

1. Statutorily limit the appointments of GALs in truancy proceedings to "exceptional and extraordinary circumstances" (potential annual savings of \$97,000).

☞ **Staff recommends the Committee introduce a bill to make this change.**

2. Pilot the use of non-attorney community educational advocates (such as those used in Pueblo) to provide advocacy and support services for children and youth involved in truancy proceedings.

☞ The Committee previously approved a staff recommendation to allocate \$1.0 million of the constitutionally required increase for categorical programs (\$500,000 more than proposed by the Governor) for the Department of Education's Expelled and At-risk Student Services Grant Program (EARSS) for FY 2009-10. **Staff recommends statutorily earmarking \$500,000 of funding for EARSS to annually fund pilot programs designed to reduce the number of truancy cases requiring court involvement and/or to offer appropriate alternatives to GAL representation.**

3. Pilot the use of non-attorney GALs in the districts that currently spend greater funds on GAL appointments in truancy cases (potential savings of \$53,000 annually).

Delinquency Cases (FY 07-08: 28.7% of OCR cases; \$2,542,716 expenditures)

Section 19-1-11 (2) (a), C.R.S., authorizes a Court to appoint a GAL in a delinquency proceeding where: (a) no parent, guardian, etc. appears at the first or any subsequent hearing in the case; (b) the Court finds that a conflict of interest exists between the child and the parent, guardian, etc.; or (c) the Court finds that the best interests of the child will be served by the appointment.

The OCR has offered the following alternatives for consideration:

1. Statutorily clarify that a GAL appointment in a delinquency case ends at conclusion of sentencing, and that a GAL may be reappointed in probation revocation proceedings. Include a statutory exception preserving a GAL appointment in cases where a youth is sentenced to an out-of-home placement as a condition of probation (these cases resemble dependency and neglect cases).

☞ **Staff recommends the Committee introduce a bill to make this change.**

2. Statutorily clarify that GAL appointment ends when a juvenile turns 18.

State Public Defender - Proposed Sentencing Changes

The Public Defender has recommended a series of changes to the Colorado Criminal Code effective July 2009 that would reduce his office's caseload and resource deficit. [These changes may also offset the \$5.7 million and 88.4 FTE estimated to be required by the Public Defender for an estimated 18,000 misdemeanor cases if the General Assembly makes statutory changes consistent with the U.S. Supreme Court decision in *Rothgery*.] As there is currently a bill pending that would repeal the death penalty (H.B. 09-1274), staff has excluded this element of the proposal here.

Preliminary information indicates that the proposed statutory changes would save at least \$5.4 million in FY 2009-10, \$9.7M in FY 2010-11, and higher amounts in subsequent fiscal years. Savings in FY 2009-10 reflect only the costs of providing legal representation (the PDO and the OADC). Savings in FY 2010-11 and subsequent fiscal years also include conservative estimates of the impact on the Department of Corrections' average daily population (at the private prison rate of \$59.28/day). In addition, savings related to court operations would occur for cases reduced from felonies to misdemeanors. The following breakdown identifies estimated savings by type of crime [details are provided in Appendix A]:

- Drug-related crimes: \$228,232 in FY 09-10 and \$1,055,485 in FY 10-11
- Property crimes: \$2,168,009 in FY 09-10 and \$2,981,942 in FY 10-11
- Crimes involving fraud: \$683,237 in FY 09-10 and \$2,789,210 in FY 10-11
- Crimes related to government operations: \$636,215 in FY 09-10 and \$972,726 in FY 10-11

- Habitual offender sentencing: \$1,473,046 in FY 09-10 and \$1,664,253 in FY 10-10
- Other crimes: \$258,429 in FY 09-10 and \$282,805 in FY 10-11

Staff continues to recommend that the Committee work with members of the Judiciary Committee to determine which of these proposed changes, or any other potential changes to statutes affecting sentencing or mandatory parole, should be pursued. In addition, the Committee should work with these Committees to determine whether statutory changes are warranted in response to the *Rothgery* decision, and, should such changes be warranted, how to offset the funding required by the PDO.

II. EXPENDITURE REDUCTIONS THAT DO NOT REQUIRE A STATUTORY CHANGE

The options in the following table 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 Appropriation Impacts	GF	CF	RF	FF	Total	FTE
<p>1</p> <p>Judicial Department - S.B. 03-318 Community Treatment Funding</p> <p>Senate Bill 03-318 reduced felony class level and sentences for use and possession of small amounts of certain controlled substances. The continuation of these changes was contingent on the realization of at least \$2.2 million in cost-avoidance in FY 2007-08. Based on a JBC staff evaluation of a January 2007 report concluding that the minimum threshold of cost-avoidance had likely been met, the General Assembly appropriated \$2.2 million General Fund for community treatment services. Local boards submit annual plans concerning the use of these funds to treat substance abuse in their respective jurisdictions. Judicial districts are using these funds to provide a continuum of treatment services for drug abusing offenders. The figure above represents a 10.0 percent reduction in funding for community treatment services.</p>	(\$220,000)				(\$220,000)	0.0
<p>2</p> <p>Judicial Department - Community Mediation Grants</p> <p>Since FY 2004-05, \$60,000 of the General Fund appropriation for Trial Court Programs has been used to provide seed money for development of local community conflict resolution and restorative justice programs and services around the state. Grants ranging from \$5,500 to \$15,000 are awarded through a competitive process. Fiscal year 2009-10 is the second year of a two-year grant cycle in which the following four grantees are receiving \$15,000 annually: Teaching Peace (Longmont); The Resolution Center (Grand Junction); Gunnison Valley Alliance for Community Restorative Justice (Gunnison); and Institute on the Common Good (Denver). The Committee could eliminate or reduce funding for these grants.</p>	(60,000)				(60,000)	

Options with Appropriation Impacts	GF	CF	RF	FF	Total	FTE
3	727,195				727,195	0.0
Furloughs						
The above figure provide an estimate of the savings associated with one day of furlough . This figure includes: \$568,000 for court, probation, and administrative staff, excluding all judges and justices; \$149,450 for the Public Defender's Office; \$7,027 for the Office of the Child's Representative (including the El Paso County staff office); and \$2,718 for the Alternate Defense Counsel. Furloughs reduce staffing levels for the courts and probation, impairing court operations and the ability of probation officers to adequately monitor offenders in the community.						
4	696,223				696,223	0.0
Court Appointed Counsel Rate Rollback						
The above figure provide an estimate of the savings associated with each dollar of hourly rate reduction, effective for all 12 months of FY 2009-10 . The current hourly rate paid to court-appointed counsel is \$65. The estimated savings include: \$169,800 for the State Court Administrator; \$287,855 for the Alternate Defense Counsel; and \$238,568 for the Office of the Child's Representative. The OCR indicates that last time the General Assembly took this action, some attorneys stopped contracting with the State, causing disruptions for some open cases.						

III. CASH FUND TRANSFERS

Through S.B. 09-208, the Committee has proposed transferring a total of \$3,391,841 from various Judicial cash funds to the General Fund. The Department identified the following additional potential cash fund transfers to the General Fund.

Offender Services Fund (\$2,498,439)

Pursuant to Section 16-11-214, C.R.S., the Offender Services Fund consists of probation supervision fees paid by offenders, and payments related to the cost of care for juveniles. The General Assembly may appropriate moneys in the Fund for: (a) administrative and personnel costs for adult and juvenile probation services; (b) adjunct services, including treatment services, contract services, drug and alcohol treatment services, and program development, and for associated administrative and personnel costs; and (c) to continue the demonstration drug court program. A transfer from this fund to the General Fund can help support existing General Fund appropriations for probation staff and operations.

However, if the General Assembly were to transfer an additional \$2,498,439 to the General Fund, the fund balance would be exhausted by FY 2011-12 and would not be sufficient to support services for a growing offender population until at least FY 2012-13. The following table details the projected cash flow.

Offender Services Fund					
Department Request and Staff Recommendation					
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
	Actual	Estim.	Estim.	Estim.	Estim.
Beginning FY Balance	\$6,227,078	\$8,365,847	\$7,299,140	\$2,012,980	\$200,308
Projected Revenues	10,723,009	10,830,239	11,371,751	12,622,643	14,263,587
Expenditures	<u>(8,584,240)</u>	<u>(11,159,753)</u>	<u>(11,347,279)</u>	<u>(11,623,122)</u>	<u>(11,623,122)</u>
Subtotal	\$8,365,847	\$8,036,333	\$7,323,612	\$3,012,501	\$2,840,773
Refinancing/ Increased Expenditures		(487,193)	(2,812,193)	(2,812,193)	(2,812,193)
Transfer	<u>0</u>	<u>(250,000)</u>	<u>(2,498,439)</u>	<u>0</u>	<u>0</u>
Ending FY Balance	\$8,365,847	\$7,299,140	\$2,012,980	\$200,308	\$28,580

Drug Offender Surcharge Fund (\$1,360,000)

Pursuant to Section 18-19-103 (4), C.R.S., this fund consists of 90 percent of drug offender surcharge revenues. These surcharges range from \$100 to \$4,500 for each conviction or deferred sentence. Moneys in the Fund are subject to annual appropriation to the Judicial Department, the Department of Corrections, the Department of Public Safety's Division of Criminal Justice, and the Department of Human Services to cover the costs associated with substance abuse assessment, testing, education, and treatment. Pursuant to Section 16-11.5-102 (3), C.R.S., these four departments are required to cooperate and develop a plan for the allocation of moneys deposited in this fund. The Judicial Department is required to submit this plan with its annual budget request. A transfer from this fund to the General Fund can help support existing General Fund appropriations for probation staff and operations.

However, if the General Assembly were to transfer an additional \$1,360,000 to the General Fund, the fund balance is projected to be insufficient to support planned assessment, treatment, training, and research expenditures in FY 2010-11; the fund could only support an increase of \$151,463 (2.8 percent) in FY 2010-11. The following table details the projected cash flow.

Drug Offender Surcharge Fund				
Department Request and Staff Recommendation				
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
	Actual	Estimate	Estimate	Estimate
Beginning FY Balance	\$3,005,884	\$2,851,059	\$3,327,622	\$303,568
Projected Revenues	4,862,410	4,965,668	5,064,981	5,216,930
Expenditures	<u>(5,017,235)</u>	<u>(4,337,764)</u>	<u>(5,369,035)</u>	<u>(5,653,335)</u>
Subtotal	\$2,851,059	\$3,478,963	\$3,023,568	(\$132,837)
Transfer	<u>0</u>	<u>(151,341)</u>	<u>(1,360,000)</u>	<u>0</u>
Ending FY Balance after transfer	\$2,851,059	\$3,327,622	\$303,568	(\$132,837)

Court Security Cash Fund (\$500,000)

Senate Bill 07-118 (Sen. Shaffer/Rep. King) created the Courthouse Security Grant Program to provide grant funds to counties for use in improving courthouse security efforts. Such efforts include security staffing, security equipment, training, and court security emergency needs. The program is supported by the Court Security Cash Fund, which consists of a \$5 surcharge on: docket fees and jury fees for certain civil actions; docket fees for criminal convictions, special proceeding filings, and certain traffic infraction penalties; filing fees for certain probate filings; and fees for certain filings on water matters. Moneys in the Fund are to be used for grants and related administrative costs. County-level local security teams may apply to the State Court Administrator's Office for grants.

However, if the General Assembly were to transfer an additional \$500,000 to the General Fund, the fund balance is projected to be insufficient to support planned grants and administrative expenditures in FY 2009-10. The following table details the projected cash flow.

	Court Security Cash Fund Staff Recommendation			
	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate	FY 2010-11 Estimate
Beginning FY Balance	\$0	\$2,363,329	\$818,707	(\$12,946)
Revenues	2,707,636	2,900,000	3,000,000	3,100,000
Expenditures	<u>(344,307)</u>	<u>(2,944,622)</u>	<u>(3,331,653)</u>	<u>(3,331,653)</u>
Subtotal	\$2,363,329	\$2,318,707	\$487,054	(\$244,599)
Transfer	<u>0</u>	<u>(1,500,000)</u>	<u>(500,000)</u>	<u>0</u>
Ending FY Balance after transfer	\$2,363,329	\$818,707	(\$12,946)	(\$244,599)

Proposed Statutory Change						Fiscal Impacts (assuming effective date of 7/1/09)											
						Public Defender's Office		Judicial Department (Courts and Probation)		Alternate Defense Counsel		Department of Corrections			Totals		
Statute	Court Affected	Description	Current Case Class or Equivalent (based upon sentence)	Change Recommended by State Public Defender	Equivalent New Case Class	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12 (use FY 10-11 for PD, ADC, and Courts/Prob)
Drug-Related Crimes:																	
18-18-404	County	Unlawful use of controlled substance Schedules I & II = F-6	F6	Make I & II (so all I through V) M-1. No jail first offense. Treatment.	M1	(\$14,391)	(\$15,945)	Potential savings		(\$31,301)	(\$31,301)				(\$45,692)	(\$133,735)	(\$133,735)
	County		F6		PO	(7,644)	(8,469)	Potential savings		(80,717)	(80,717)		(86,489)	(86,489)	(88,361)	(89,186)	(89,186)
	County	Schedules III, IV & V = M-1	M1	Strike driver's license revocation.	PO	(1,609)	(1,782)			-	-		0	0	(1,609)	(1,782)	(1,782)
18-18-405	District	Unlawful activity relating to controlled substances. F3, F4, F5 and M1	F5	Reduce to M-1, no jail first offense. Take out word possess. Delete words: if a person is convicted of a first offense for such activity in the case of schedule IV controlled substances.	M1	(9,785)	(10,855)	Potential savings		(2,744)	(2,744)				(12,529)	(742,033)	(1,168,955)
	District		F5		PO	(3,133)	(3,476)	Potential savings		-	-		(728,434)	(1,155,356)	(3,133)	(3,476)	(3,476)
	District		F5	Make F5 w/prior: If the offense is committed subsequent to a prior conviction of the same offense.	F5	0	0			-	-		0	0	0	0	0
18-18-406	County	Possession of Marijuana 1-8 oz.	M1	Raise to 2-8 oz	M1	0	0			-	-		0	0	0	0	0
	County	M-1	M1	Possession of less 2 oz (vs. less than 1 oz. currently): PO2, raise fine from \$100.00 to \$200.00	PO	(34,181)	(37,873)			-	-		0	0	(34,181)	(37,873)	(37,873)
18-18-406	District	Offenses relating to marijuana – F5 (Second conviction and more than 8 ozs)	F5	Change to F6. Change (4)(a)(II) to possession of more than 2 but less than 8 ounces (rather than more than one and less than 8).	F6	(1,100)	(1,220)			-	-		0	(85,352)	(1,100)	(1,220)	(86,572)
18-18-406.5(1)	District	Unlawful use of marijuana in a detention facility	F5	Change to F6. Change to possessing more than 2 ounces (rather than one oz).	F6	0	0			-	-		0	0	0	0	0
18-18-415(2)(a)	District	Fraud and deceit (to obtain a controlled substance) F5	F5	Change to F6.	F6	(39,165)	(43,448)			-	-		0	(51,283)	(39,165)	(43,448)	(94,731)
18-18-422(1)(b)(I)	District	Manufacture, distribute, or possess with intent to distribute an imitation controlled substance – F5 (first time, and not distributed to someone under 18)	F5	Change to F6.	F6	(2,463)	(2,733)			-	-		0	0	(2,463)	(2,733)	(2,733)
18-18-423(3)	District	Counterfeit controlled substances – F5	F5	Change to F6.	F6	0	0			-	-		0	0	0	0	0
Subtotal: Drug-Related Crimes						(113,470)	(125,800)			(114,762)	(114,762)	0	(814,923)	(1,378,480)	(228,232)	(1,055,485)	(1,619,042)
Property Crimes:																	
12-56-104 (5)	District	False info to pawnbroker F6	F6	Reduce to M-1, no jail first offense	M1	(7,623)	(8,457)	Potential savings		(11,252)	(11,252)				(18,875)	(117,079)	(117,079)
	District		F6		PO	(4,049)	(4,492)	Potential savings		(34,112)	(34,112)		(97,370)	(97,370)	(38,161)	(38,604)	(38,604)
18-4-203(2)	District	Second degree burglary – F4 (break into a building, excluding a dwelling or with objective of taking controlled substance)	F4	Reduce to F5	F5	(161,047)	(178,660)			(90,917)	(90,917)		0	(237,001)	(251,964)	(269,577)	(506,578)
18-4-204(1)	District	Third degree burglary F5 (break into safe or piece of equipment)	F5	Reduce to M1	M1	(12,425)	(13,784)	Potential savings		(10,506)	(10,506)		(124,545)	(173,916)	(22,931)	(148,835)	(198,206)
18-4-204(2)	District	Third degree burglary F4 (same as above, with objective of taking controlled substance)	F4	Reduce to F5	F5	(218)	(241)			-	-		0	0	(218)	(241)	(241)
18-4-205(2)	District	Possession of burglary tools F6	F6	Reduce to M-1	M1	(12,924)	(14,338)	Potential savings		(981)	(981)		0	0	(13,905)	(15,319)	(15,319)
18-4-401	County	Thefts / Criminal Mischief	M2	Less than \$100 - M2 to petty offense	PO	(51,730)	(57,317)			(35,154)	(35,154)		0	0	(86,884)	(92,471)	(92,471)
	County		M2	\$100-\$500- M2 to M3, no jail first offense	M3	0	0			(324)	(324)		0	0	(324)	(324)	(324)
	County		M2		PO	(6,796)	(7,530)			-	-		0	0	(6,796)	(7,530)	(7,530)
	County		M1	\$500-\$1,000, M1 to M2, no jail first offense	M2	(23,896)	(26,477)			(705)	(705)		0	0	(24,601)	(27,182)	(27,182)
	County		M1		PO	(3,820)	(4,233)			(7,215)	(7,215)		0	0	(11,035)	(11,448)	(11,448)
	County		F4	\$1,000-\$20,000, F4 to F5	F5	(10,472)	(11,603)			(1,953)	(1,953)		0	0	(12,425)	(13,556)	(13,556)
	County		F3	\$20,000+, F3 to F4	F4	(882,264)	(977,548)			(112,800)	(112,800)		0	0	(995,064)	(1,090,348)	(1,090,348)
18-4-401(5)	District	Theft from a person F5 (other than the use of force, threat, or intimidation)	F5	Reduce to F6	F6	(11,823)	(13,116)			-	-		(37,425)	(130,374)	(11,823)	(50,541)	(143,490)
18-4-402	County	Theft of Rental Property	M2	Less than \$100 - M2 to petty offense	PO	(321)	(356)			-	-		0	0	(321)	(356)	(356)
	County		M2	\$100-\$500- M2 to M3, no jail first offense	M3	0	0			-	-		0	0	0	0	0
	County		M2		PO	(48)	(53)			-	-		0	0	(48)	(53)	(53)
	County		M1	\$500-\$1,000, M1 to M2, no jail first offense	M2	0	0			-	-		0	0	0	0	0
	County		M1		PO	0	0			-	-		0	0	0	0	0
	County		F4	\$1,000-\$20,000, F4 to F5	F5	(655)	(725)			(217)	(217)		0	0	(872)	(942)	(942)
	County		F3	\$20,000+, F3 to F4	F4	(4,391)	(4,865)			(940)	(940)		0	(13,479)	(5,331)	(5,805)	(19,284)

Proposed Statutory Change						Fiscal Impacts (assuming effective date of 7/1/09)														
						Public Defender's Office		Judicial Department (Courts and Probation)		Alternate Defense Counsel		Department of Corrections			Totals					
Statute	Court Affected	Description	Current Case Class or Equivalent (based upon sentence)	Change Recommended by State Public Defender	Equivalent New Case Class	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12 (use FY 10-11 for PD, ADC, and Courts/Prob)			
18-4-410	County	Theft by Receiving	M2	Less than \$100 - M2 to petty offense	PO	(11,246)	(12,460)			(3,906)	(3,906)				(15,152)	(16,366)	(16,366)			
	County		M2	\$100-\$500- M2 to M3, no jail first offense	M3	0	0			(36)	(36)				(36)	(36)	(36)			
	County		M2			PO	(498)	(552)			-	-				(498)	(552)	(552)		
	County		M1	\$500-\$1,000, M1 to M2, no jail first offense	M2	(2,515)	(2,787)			(94)	(94)					(2,609)	(2,881)	(2,881)		
	County		M1			PO	(402)	(446)			(962)	(962)				(1,364)	(1,408)	(1,408)		
	County		F4	\$1,000-\$20,000, F4 to F5	F5	(104,286)	(115,549)			(22,072)	(22,072)				(12,451)	(126,358)	(137,621)	(150,072)		
	County		F3	\$20,000+, F3 to F4	F4	(22,322)	(24,733)			(2,820)	(2,820)				(25,142)	(27,553)	(27,553)			
18-4-501	County	Criminal Mischief	M2	Less than \$100 - M2 to petty offense	PO	(33,095)	(36,669)			(5,660)	(5,660)				(38,755)	(42,329)	(42,329)			
	County		M2	\$100-\$500- M2 to M3, no jail first offense	M3	0	0			(2,669)	(2,669)				(2,669)	(2,669)	(2,669)			
	County		M2			PO	(9,543)	(10,573)			(18,517)	(18,517)				(28,060)	(29,090)	(29,090)		
	County		M1	\$500-\$1,000, M1 to M2, no jail first offense	M2	(29,179)	(32,330)			(108)	(108)					(29,287)	(32,438)	(32,438)		
	County		M1			PO	(4,665)	(5,168)			(6,057)	(6,057)				(10,722)	(11,225)	(11,225)		
	County		F4	\$1,000-\$20,000, F4 to F5	F5	(143,775)	(159,302)			(18,267)	(18,267)				(371,579)	(162,042)	(177,569)	(549,148)		
	County		F3	\$20,000+, F3 to F4	F4	(5,855)	(6,487)			(3,955)	(3,955)				(9,810)	(10,442)	(10,442)			
18-4-502	District	First degree criminal trespass F6 (entering/remaining in a dwelling or motor vehicle of another with intent to commit a crime therein)	F6	Reduce to M-1, no jail first offense	M1															
	District		F6			PO	(137,319)	(152,337)	Potential savings		(981)	(981)				(138,300)	(515,947)	(515,947)		
						(72,940)	(80,918)	Potential savings		(2,685)	(2,685)				(362,629)	(362,629)	(75,625)	(83,603)	(83,603)	
Subtotal: Property Crimes						(1,772,144)	(1,964,108)			(395,865)	(395,865)	0	(621,969)	(1,398,799)	(2,168,009)	(2,981,942)	(3,758,772)			
Crimes Involving Fraud:																				
18-5-102	District	Forgery	F5	Reduce to M-1, no jail first offense	M1	(210,103)	(233,081)	Potential savings		(45,828)	(45,828)				(255,931)	(1,639,778)	(2,555,734)			
	District		F5			PO	(31,871)	(35,357)	Potential savings		(142,956)	(142,956)				(174,827)	(178,313)	(178,313)		
18-5-104	County	Second Degree Forgery	M1	Reduce to M-2	M2	(530)	(587)			-	-			0	0	(530)	(587)	(587)		
18-5-105	District	Criminal possession of first degree forgery instrument F6	F6	Reduce to M-1, no jail first offense	M1															
	District		F6			PO	(37,934)	(42,082)	Potential savings		-	-				(37,934)	(178,645)	(178,645)		
						(20,149)	(22,353)	Potential savings		-	-				(20,149)	(22,353)	(22,353)			
18-5-113	District	Criminal Impersonation F6	F6	Reduce to M-1, no jail first offense	M1	(72,142)	(80,031)	Potential savings		(15,414)	(15,414)				(87,556)	(595,900)	(595,900)			
	District		F6			PO	(38,320)	(42,511)	Potential savings		(58,014)	(58,014)				(96,334)	(100,525)	(100,525)		
18-5-205	County	Fraud by Check	M2	Less than \$500, M2 to M3 no jail first offense	M3	0	0			(690)	(690)				(690)	(690)	(690)			
	County		M2			PO	(305)	(338)			(1,036)	(1,036)				(1,341)	(1,374)	(1,374)		
	County		M1	\$500-\$1,000, M1 to M2, no jail first offense	M2	0	0			(50)	(50)					(50)	(50)	(50)		
	County		M1			PO	0	0			(568)	(568)				(568)	(568)	(568)		
	County		F6	\$1,000 or more, F6 to M1	M1	(7,155)	(7,928)			(173)	(173)					(62,327)	(62,327)	(7,328)	(70,428)	(70,428)
										Potential savings		(173)	(173)				(7,328)	(70,428)	(70,428)	
Subtotal: Crimes Involving Fraud						(418,508)	(464,267)			(264,729)	(264,729)	0	(2,060,214)	(2,976,170)	(683,237)	(2,789,210)	(3,705,166)			
Crimes Related to Government Operations:																				
18-8-111	County	False reporting to authorities	M3	To petty offense	PO	(89,966)	(99,682)			(9,395)	(9,395)			0	0	(99,361)	(109,077)	(109,077)		
18-8-204	County	Introduction of contraband into a detention facility in the second degree (e.g., key, wire cutter, money, stamps, forged ID, matches, drug other than controlled substance, disguise, etc.)	F6	Reduce to M-2	M2															
18-8-204.2	County	Possession of contraband in the second degree	F6	Reduce to M-2	M2	(11,853)	(13,133)	Potential savings		(2,345)	(2,345)			0	0	(14,198)	(15,478)	(15,478)		
						(2,305)	(2,554)	Potential savings		(2,345)	(2,345)			(11,747)	(11,747)	(4,650)	(16,646)	(16,646)		
18-8-208	District	Escape - F3 (while in custody following conviction of F3-F6)	F3	(2) F3 to F4	F4	(197,845)	(219,482)			(27,424)	(27,424)				(225,269)	(246,906)	(246,906)			
	District		F4	(3) F4 to F5	F5	(1,523)	(1,690)			-	-			0	(788,090)	(1,523)	(1,690)	(789,780)		
	District		F5	(6)(c) & (8) F5 to F6	F6															
	District		F5	(9) repeal consecutive language.			(4,926)	(5,465)			-	-			0	0	(4,926)	(5,465)	(5,465)	
	District					0	0			-	-				0	0	0			
18-8-208.1	District	Attempt to Escape - F4 (in custody following conviction of a felony; shall run consecutively)	F4	(1) F4 to F5	F5									0	(383,272)	(653)	(724)	(383,996)		
						(653)	(724)			-	-									

Proposed Statutory Change						Fiscal Impacts (assuming effective date of 7/1/09)											
						Public Defender's Office		Judicial Department (Courts and Probation)		Alternate Defense Counsel		Department of Corrections			Totals		
Statute	Court Affected	Description	Current Case Class or Equivalent (based upon sentence)	Change Recommended by State Public Defender	Equivalent New Case Class	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12 (use FY 10-11 for PD, ADC, and Courts/Prob)
	District	Attempt to Escape - F5 (while in custody for but not yet convicted of a felony)	F5	(2) change F5 to F6	F6	(739)	(820)			-	-	(164,569)	(1,247,259)		(739)	(165,389)	(1,248,079)
	District			(2) Repeal the following sentence: If the person is convicted of the felony or other crime for which he was originally in custody or confinement, the sentence imposed pursuant to this subsection (2) shall run consecutively with any sentences being served		(653)	(724)			-	-				(653)	(724)	(724)
	District	Attempt to Escape - F5 (in custody following conviction of a misdemeanor or petty offense) - 2 to 4 mos jail		(3) Repeal the following sentence: The sentence imposed pursuant to this subsection (3) shall run consecutively with any sentences being served by the offender.		(653)	(724)			-	-				(653)	(724)	(724)
	District	Attempt to Escape - F5 (while in custody for but not yet convicted of a misdemeanor or petty offense) - 2 to 4 mos jail		(4) Repeal the following sentence: If the person is convicted of the misdemeanor or petty offense for which he was originally in custody or confinement, the sentence imposed pursuant to this subsection (4) shall run consecutively with any sentences being		0	0			-	-				0	0	0
	District			and repeal sub-para (5), which makes attempt to escape sentence mandatory (unless sentenced to YOS).		0	0			-	-				0	0	0
18-8-212	County	Violation of Bail Bond conditions	F6	Repeal; revoke bond and put in jail	PO	(171,745)	(190,293)	Potential savings		(68,987)	(68,987)				(240,732)	(367,044)	(367,044)
	County			Or		0	0			-	-				0	0	0
	County	(3) requires imprisonment of at least 1 year for F6 violation and at least 6 mos for M3 violation	F6	Repeal section 3	F6	0	0			-	-				0	0	0
	County			and		0	0			-	-				0	0	0
	County		F6	M1, section 1	M1	0	0	Potential savings		(42,859)	(42,859)		(107,764)	(107,764)	(42,859)	(42,859)	(42,859)
Subtotal: Crimes Related to Government Operations						(482,860)	(535,291)			(153,355)	(153,355)	0	(284,080)	(2,538,132)	(636,215)	(972,726)	(3,226,778)
Habitual Offender Sentencing:																	
18-1.3-801	District	(1.5) Little Habitual: A person convicted of F1-F5 who, within last 10 years, has 2 prior convictions any felony type - 3X maximum presumptive sentence range for the class of felony of which he/she is convicted.	F1	A. Repeal B. Change to 2 prior crimes of violence + 3rd (as defined in 18-1.3-406)	F2	(960,446)	(1,071,008)			Unable to Determine				(960,446)	(1,071,008)	(1,071,008)	
	District	<i>Current Class adjusted to reflect equivalent Case Class based upon 3x max presumptive.</i>	F2		F3	(311,139)	(346,955)			-	-				(311,139)	(346,955)	(346,955)
	District		F3		F4	(76,004)	(84,753)			-	-				(76,004)	(84,753)	(84,753)
	District		F4		F5	(9,246)	(10,310)			-	-				(9,246)	(10,310)	(10,310)
	District		F5		F6	(16,352)	(18,234)			-	-				(16,352)	(18,234)	(18,234)
	District	(2) Big Habitual: A person convicted of F1-F6 who has 3 prior convictions if any felony type and 4th of any type - 4X maximum presumptive sentence range for the class of felony of which he/she is convicted.	F1	A. Repeal B. Change to 3 prior crimes of violence + 4th	F2	(19,803)	(22,083)			-	-				(19,803)	(22,083)	(22,083)
	District	<i>Current Class adjusted to reflect equivalent Case Class based upon 4x max presumptive.</i>	F2		F3	(42,428)	(47,312)			-	-				(42,428)	(47,312)	(47,312)
	District		F3		F4	(21,437)	(23,905)			-	-				(21,437)	(23,905)	(23,905)
	District		F4		F5	(4,351)	(4,852)			-	-				(4,351)	(4,852)	(4,852)
	District		F5		F6	(11,841)	(13,204)			-	-		(21,637)	(43,274)	(11,841)	(34,841)	(56,478)
Subtotal: Habitual Offender Sentencing						(1,473,046)	(1,642,616)			0	0	0	(21,637)	(43,274)	(1,473,046)	(1,664,253)	(1,685,890)
Other Crimes:																	

Proposed Statutory Change						Fiscal Impacts (assuming effective date of 7/1/09)												
Statute	Court Affected	Description	Current Case Class or Equivalent (based upon sentence)	Change Recommended by State Public Defender	Equivalent New Case Class	Public Defender's Office		Judicial Department (Courts and Probation)		Alternate Defense Counsel		Department of Corrections			Totals			
						FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12 (use FY 10-11 for PD, ADC, and Courts/Prob)	
18-3-204 (6 mos-24 mos)	County	Third Degree Assault M-1; defined as an extraordinary risk crime subject to modified sentencing range (maximum sentence is increased by 6 mos)	M1	Strike extraordinary risk, thus reducing maximum sentence to 18 mos	M1													
						0	0			-	-		0	0		0	0	0
18-6-801	County	Domestic Violence (underlying factual basis for crime)		No jail <u>first offense</u> . Treatment.		0	0						0	0		0	0	0
	County	Third Degree Assault (18-3-204)	M1		PO	(29,396)	(32,570)			(7,680)	(7,680)		0	0		(37,076)	(40,250)	(40,250)
	County	Harassment M-3 (not M-1)	M3		PO	(2,635)	(2,919)			(1,838)	(1,838)		0	0		(4,473)	(4,757)	(4,757)
18-7-302(1)	County	Indecent Exposure M-1 (1st or 2nd violation only; otherwise F6)	M1	Reduce to M-2	M2	(21,977)	(24,350)			(1,448)	(1,448)					(23,425)	(25,798)	(25,798)
18-9-106(d)	County	Disorderly conduct ((1)(d): a person fights with another in a public place except in an amateur or professional contest of athletic skill)	M3	petty offense	PO													
						(23,134)	(25,633)			(19,636)	(19,636)		0	0		(42,770)	(45,269)	(45,269)
42-2-138 (5 days-6 months in county jail)	County	Driving Under Suspension, Restraint – non-alcohol-related	M3	No jail <u>first offense</u>	PO	(100,890)	(111,786)			-	-		0	0		(100,890)	(111,786)	(111,786)
42-4-1301	County	DUI	M2	No jail <u>first offense</u>	PO	(47,409)	(52,529)			(505)	(505)		0	0		(47,914)	(53,034)	(53,034)
	County	DWAI	M3		PO	(273)	(303)			(1,608)	(1,608)		0	0		(1,881)	(1,911)	(1,911)
Subtotal: Other Crimes						(225,714)	(250,090)			(32,715)	(32,715)		0	0	0	(258,429)	(282,805)	(282,805)
Grand Totals						(4,485,742)	(4,982,173)			(961,426)	(961,426)		0	(3,802,823)	(8,334,855)	(5,447,168)	(9,746,422)	(14,278,454)