

MEMORANDUM

TO: Joint Budget Committee Members

FROM: Craig Harper and Kevin Neimond, JBC Staff

SUBJECT: Comeback for the Department of Law

DATE: Feb. 3, 2016

During the discussion of JBC Staff comebacks for the Department of Human Services on February 1, 2016, the Committee approved an appropriation of \$75,000 General Fund to the Peace Officers Standards and Training (P.O.S.T.) Board within the Department of Law. Based on the report of the S.B. 15-109 task force, the Committee approved the funds to support law enforcement training related to the mistreatment of individuals with intellectual and developmental disabilities.

However, Section 24-31-310 (3), C.R.S., which addresses P.O.S.T. Board peace officer training programs, states:

“(3) The moneys collected and transferred to the P.O.S.T. board cash fund pursuant to section 42-3-304 (24), C.R.S., shall be used and distributed as determined by the P.O.S.T. board. The moneys in the fund shall be used to pay the salary and benefits of any employee hired by the department of law in order to administer the peace officer training programs and to cover any other costs incurred by the P.O.S.T. board in connection with such programs. Under no circumstance shall general fund moneys be used to cover such costs incurred by the department of law or the P.O.S.T. Board.” (emphasis added)

Because it appears that the P.O.S.T. Board is prohibited from using General Fund moneys to cover the intended training costs, **staff recommends that the Committee reverse the motion to provide General Fund to the P.O.S.T. Board through the supplemental bill.** Staff offers two options for the Committee’s consideration if the Committee wishes to support the additional training recommended by the task force:

1. Provide no additional funding for FY 2015-16. The P.O.S.T. Board appears to have sufficient spending authority to accommodate the \$75,000 in development costs within the existing appropriation. Please note that without statutory direction there is no assurance that the P.O.S.T. Board will prioritize the anticipated training.
2. Sponsor additional legislation directing the P.O.S.T. Board to provide the training (similar to the direction in SB 13-111 (Require Reports Of Elder Abuse And Exploitation)). Such legislation could: (1) direct the P.O.S.T. Board to provide the training within its existing resources; (2) increase P.O.S.T. Board fees to cover the additional training; (3) assume training participants would cover the costs (as in S.B. 13-111); or (4) eliminate the prohibition on use of General Fund by the P.O.S.T. Board.