

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2014-15 STAFF BUDGET BRIEFING

DEPARTMENT OF PUBLIC SAFETY

(Executive Director's Office, Colorado State Patrol, Division of Fire Prevention and Control, Colorado Bureau of Investigation, and Division of Homeland Security and Emergency Management)

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

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DEPARTMENT OF PUBLIC SAFETY

(Executive Director's Office, Colorado State Patrol, Division of Fire Prevention and Control, Colorado Bureau of Investigation, and Division of Homeland Security and Emergency Management only)

Department Overview

The Mission of the Colorado Department of Public Safety is to provide a safe environment in Colorado by maintaining, promoting, and enhancing public safety through law enforcement, criminal investigations, fire and crime prevention, emergency management, recidivism reduction, and victim advocacy. The Department is comprised of the following divisions:

- The **Executive Director's Office** (EDO) provides administrative and management services to the operating divisions of the Department. This includes financial services, human resource services, and planning and resource development. The EDO also contains funding for the Witness Protection Program, the Colorado Integrated Criminal Justice Information System (CICJIS), and the School Safety Resource Center.
- The **Colorado State Patrol** enforces motor vehicle laws and all other laws on approximately 9,100 miles of state and federal highways and more than 57,000 miles of county roads. Patrol officers also collect fuel taxes and registration fees and ensure compliance with statutory weight and size restrictions for commercial vehicles, perform commercial motor vehicle safety, hazardous materials routing and rule making, aviation, homeland security, communications, investigative services, capitol complex security and criminal interdiction.
- The **Division of Fire Prevention and Control** (DFPC) is responsible for fire prevention and code enforcement; wildfire preparedness, response, suppression, coordination, and management; training and certification; public information and education; and technical assistance to local governments.
- The **Division of Criminal Justice** (*this division will be discussed in a separate briefing*).
- The **Colorado Bureau of Investigation** is responsible for criminal and background investigations, forensic laboratory services, and comprehensive criminal justice data management.
- The **Division of Homeland Security and Emergency Management** (DHSEM) consists of three offices: the *Office of Emergency Management* is responsible for coordination of state-level actions for all hazards preparedness, natural hazards mitigation, emergency response, disaster recovery; the *Office of Prevention and Security* is responsible for ensuring a safe and secure environment from intentional acts of terrorism, accidental harmful events, and natural disasters; and the *Office of Preparedness* is responsible for implementing a state preparedness goal and system in order to improve the capabilities necessary to prevent and mitigate the effects of threats that pose the greatest risk to Colorado.

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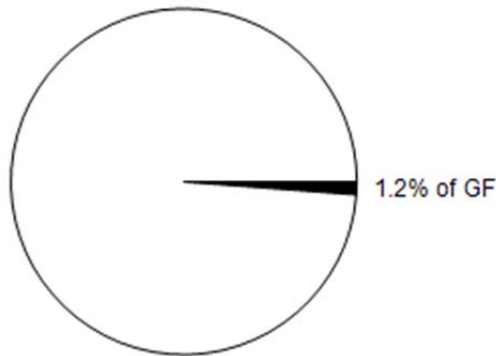
Department Budget: Recent Appropriations

Funding Source	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15 *
General Fund	\$82,727,973	\$86,452,085	\$97,396,503	\$99,256,965
Cash Funds	129,681,033	156,169,131	164,734,328	175,970,508
Reappropriated Funds	24,480,944	27,132,877	25,776,057	25,964,904
Federal Funds	<u>29,559,518</u>	<u>53,355,759</u>	<u>55,179,379</u>	<u>54,749,082</u>
Total Funds	\$266,449,468	\$323,109,852	\$343,086,267	\$355,941,459
Full Time Equiv. Staff	1,354.0	1,562.3	1,616.1	1,634.7

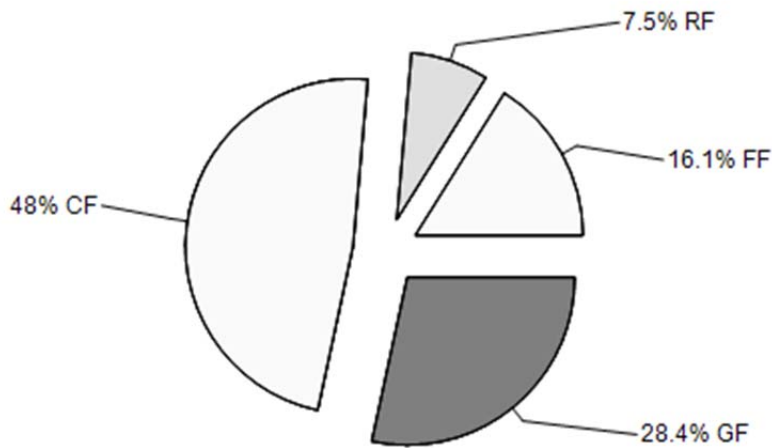
*Requested appropriation.

Department Budget: Graphic Overview

Department's Share of Statewide General Fund

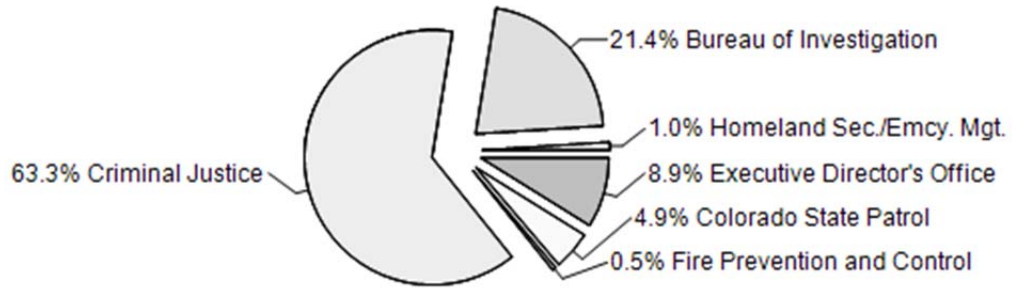


Department Funding Sources

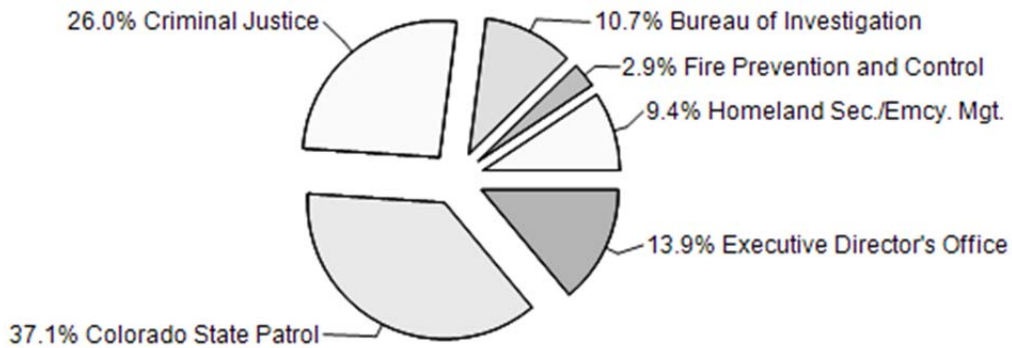


All charts are based on the FY 2013-14 appropriation.

Distribution of General Fund by Division



Distribution of Total Funds by Division



All charts are based on the FY 2013-14 appropriation.

General Factors Driving the Budget

Funding for this department in FY 2013-14 consists of 28.4 percent General Fund, 48.0 percent cash funds (35.0 percent HUTF "off-the-top"), 7.5 percent reappropriated funds, and 16.1 percent federal funds.

Funding for the divisions covered in this packet (Executive Director's Office, Colorado State Patrol, Division of Fire Prevention and Control, Colorado Bureau of Investigation, and the Division of Homeland Security and Emergency Management) in FY 2013-14 consists of 14.1 percent General Fund, 63.7 percent cash fund (47.2 percent HUTF "off-the-top"), 8.8 percent reappropriated funds, and 13.4 percent federal funds.

Colorado State Patrol

Highway supervision needs, and hence the State Patrol's budget, depend largely on highway usage. The State Patrol enforces traffic laws on approximately 9,100 miles of state and federal highways and on more than 57,000 miles of county roads. The State Patrol also operates special safety programs for hazardous materials transport and for commercial vehicles, regulates commercial vehicles at stations across the state, provides communications for state and federal agencies, provides security for the Governor and the capitol complex buildings, enforces human smuggling and trafficking laws on state roadways, operates state-owned aircraft for traffic enforcement and to transport state officials and employees, and provides services to victims of traffic crashes on state and rural highways..

The State Patrol receives a portion of HUTF revenues for supervision of state highways. The Highway Users Tax Fund (HUTF) provides 35.0 percent of the Department budget and 74.1 percent of the State Patrol budget for FY 2013-14. HUTF revenue sources include gas and special-fuel taxes, driver's license fees, motor vehicle title and registration fees, fines, license plate fees, and passenger-mile taxes. The distribution to the State Patrol is taken "off-the-top," before the formula allocation of HUTF to the state highway fund, counties, and cities. State statute limits the off-the-top HUTF appropriations for highway supervision to a maximum 6.0 percent annual growth, regardless of any increase or decrease in overall highway-related revenues.

Colorado State Patrol Workload Measures				
	CY 2010	CY 2011	CY 2012	CY 2013
	Actual	Actual	Actual	Estimate
Fatal and Injury Crashes Investigated by CSP	3,399	3,421	3,580	3,330
Persons Killed in Crashes Investigated by CSP	267	272	277	265
Total Incident Count ¹	889,264	880,491	819,712	821,000

¹ Includes every call received and/or dispatched by communications center staff.

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Division of Fire Prevention and Control

The Division of Fire Prevention and Control, created in H.B. 12-1283, incorporates the existing Office of Fire Safety and wildfire-related powers and duties of the state forest service previously housed in the Colorado State University.

The **Wildland Fire Management Program** provides technical assistance to local governments, assumes the management of wildfires that exceed the capacity of local governments upon the request of local authorities or when wildfires threaten to become state emergencies or disasters. Primary responsibility for wildfire response and suppression rests first with fire departments or fire protection districts. When wildland incidents exceed local control, statutory responsibility for control or extinguishment of wildland fires rests with the County Sheriff. The Division of Fire Prevention and Control may assist in any necessary administrative, technical and planning support, including supervision of suppression activities, at the request of the County Sheriff.

Wildland Fire Management Program				
	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
	Actual	Actual	Estimate	Estimate
Number of county cooperative fire protection agreements managed	n/a	64	64	64
Total incidents	321	419	200	200
Average days to process invoices for cooperators	60	45	45	45

The **Health Facility Construction and Inspection Program** ensures the safety of licensed health facilities and their occupants through the adoption and enforcement of building, fire, and life safety codes, issuing building permits, performing construction inspections, issuing certificates of occupancy, certifying inspectors and plan reviewers, and conducting ongoing safety inspections. House Bill 13-1155 transferred responsibility for the life safety code inspections of health facilities from the Department of Public Health and Environment to the Department of Public Safety.

Health Facility Construction and Inspection Program				
	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
	Actual	Actual	Estimate	Estimate
Certificates of compliance issued	n/a	2,400	600	600
Building plan reviews conducted by division	n/a	200	200	200
Construction inspections conducted by division	Na/	500	500	500

The **School Construction and Inspection Program** is responsible for the adoption and enforcement of building and fire codes for public schools and junior colleges. The program also issues building permits, performs construction inspections, issues certificates of occupancy, certifies inspectors and plan reviewers, and certifies local jurisdictions interested in delegated authority.

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The Division is also responsible for several different certification and licensing programs and also manages several other fire safety programs. The Division's core certification programs are the firefighter, hazardous material emergency responder, and medical first responder programs.

School Construction and Inspection Program				
	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
	Actual	Actual	Estimate	Estimate
Number of Inspections Conducted by Division and by Local Fire Departments	2,033	2,033	2,033	2,033
Number of Constructions Inspections Conducted by the Division	1,071	1,075	1,080	1,090
Number of Fire Inspectors Certified	361	375	400	425

Colorado Bureau of Investigation

The Colorado Bureau of Investigation provides information technology, laboratory, and investigative services to local, state, and federal law enforcement agencies (LEA) upon request. Pursuant to Section 24-33.5-412 (1) (a), C.R.S., the CBI is charged with assisting any sheriff, chief of police, district attorney, head of a state agency, or chief law enforcement officer in the investigation and detection of crime and in the enforcement of the criminal laws of the State. The CBI is also charged with assisting any district attorney with preparing the prosecution of any criminal case in which the CBI had participated in the investigation of such case. As such, CBI does not have direct control over the number of submissions to its laboratories by local enforcement agencies. Although violent and property crime rates reported have decreased, local law enforcement agencies and district attorneys have increased the demand on the CBI for forensic DNA analysis.

The *Colorado Crime Information Center (CCIC)* provides information to law enforcement agencies on criminal history, wants and warrants, case status, stolen property, vehicle registrations, sex offender registration, protection orders, and intelligence information. CCIC maintains system hardware and software, including a statewide telecommunications network connecting more than 500 client law enforcement agencies. The CCIC transports essential law enforcement queries for information from the CCIC to other databases such as the FBI's National Crime Information Center (NCIC) and among all Colorado LEAs. The CBI monitors performance of this unit primarily through measures of system availability and response and recovery times.

The *Identification Section* is the state repository for criminal history information. Colorado criminal histories are updated continuously with a wide variety of demographic data, including subsequent arrests, court dispositions, aliases, and social security numbers. The Identification Unit receives and catalogs this information either electronically or on paper cards from law enforcement agencies throughout Colorado. The Identification Unit also responds to requests for fingerprint-based and name-based criminal history records checks from federal agencies, local law enforcement agencies, private entities, and citizens. In April 2013, the CBI completed a

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three-year effort to replace its Automated Fingerprint Identification System with an Automated Biometric Identification System, allowing the CBI to process fingerprints with greater speed.

The **CBI Forensic Services Unit** provides forensic investigative assistance to law enforcement agencies throughout Colorado. Local law enforcement agencies often lack resources and technical expertise to analyze evidence found at crime scenes. Some of the activities performed by the Forensic Services Unit include: forensic DNA casework analysis, forensic latent print analysis, forensic firearms and tool-mark analysis, drug chemistry analysis, crime scene investigations, forensic serology analysis, trace evidence analysis, forensic digital evidence analysis, and DNA offender database management. The CBI monitors the effectiveness of these programs through the number of cases assisted and the turn-around time to process evidence requests from LEAs. The CBI's goal is to process and return analysis results within 60 days of submittal.

The CBI **Program Support Unit** is responsible for upholding and enforcing the standards enacted by the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) division, which require the CBI to enforce standards, provide training and perform audits of agencies who access Colorado criminal justice information (CJI) as users of the CCIC, Uniform Crime Reporting (UCR) Program, the National Data Exchange (N-Dex), the Colorado State Coplink node, and the Colorado Sexual Offender Registry (COSOR).

The **Colorado Integrated Criminal Justice Information System (CICJIS)** is a collaborative effort to transfer data among the five state criminal justice agencies (Department of Public Safety, District Attorneys Council, Judicial Branch, Department of Corrections, and Department of Human Services, Division of Youth Corrections). CICJIS is an independent program that relies on equal participation of the five CICJIS agencies.

The **Instant Criminal Background Check Program ("InstaCheck")** conducts background checks for firearms transfers. Colorado is one of 13 states that serve as Point of Contact (POC) to conduct all or part of a firearm background check as opposed to relying on the FBI National Instant Criminal Background Check System (NICS). Presently, InstaCheck examines seven distinct databases, most of which are not queried through NICS. The additional databases searched by InstaCheck include the Colorado State Judicial database, CCIC, and Division of Motor Vehicles (DMV). InstaCheck also reviews any felony juvenile adjudications when making a determination on a firearm background check, while federal firearm statutes do not specify felony juvenile adjudications as qualifying prohibitions. During the 2013 Legislative Session, H.B. 13-1229 expanded the requirement for background checks to include private sales of firearms and H.B. 13-1228 cash-funded InstaCheck through a fee on background checks.

Colorado Bureau of Investigation Workload Measures				
	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
	Actual	Actual	Estimate	Estimate
Total Laboratory Specimens Analyzed	101,163	116,528	118,798	118,798
Total Civil Fingerprint and Name Checks	448,938	481,543	483,990	483,990
Total Criminal Fingerprints Processed	226,612	216,491	240,000	240,000

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Colorado Bureau of Investigation Workload Measures				
	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Estimate	FY 2014-15 Estimate
Total Instant Criminal Background Checks	274,738	436,553	458,701	458,701

Division of Homeland Security and Emergency Management

The Division of Homeland Security and Emergency Management, created in H.B. 12-1283, consists of three offices: Office of Emergency Management, Office of Prevention and Security, and Office of Preparedness. The Division is tasked with consolidating and restructuring the state's homeland security and disaster preparedness and response functions through better coordination of emergency management, homeland security, and public health entities in the state.

The mission of the *Office of Emergency Management (OEM)* is to lead, manage and coordinate state-level actions for all-hazards preparedness, natural hazards mitigation, emergency response, and disaster recovery in support of local governments within Colorado. Programmatic priorities for the OEM include: (a) improve state level incident response, (b) mitigate hazards, (c) improve the delivery of emergency management services, and (d) emergency resource mobilization.

OEMs activities are often delivered through local emergency managers. OEM's support for locals takes the form of federal preparedness grants distribution, technical assistance in developing emergency operation plans, sponsoring training courses, evaluating exercises, developing pre-disaster mitigation plans, providing financial documentation requirements during disasters or emergencies, and providing liaison staff in an effort to identify potential areas where State assistance can be employed. During a State declared disaster or emergency, OEM coordinates the State's response and recovery programs. OEM maintains the State Emergency Operations Center where representatives from other state departments and non-state agencies come together to coordinate the State's response.

The mission of the *Office of Prevention and Security (OPS)* is to ensure a safe and secure environment for the citizens of Colorado from intentional acts of terrorism, accidental harmful events, or natural disasters, through the implementation of innovative prevention methods, coordinated response procedures, and effective recovery plans. Programmatic priorities for the OPS include: (a) Colorado Information Analysis Center (CIAC), and (b) planning.

The OPS is tasked with collecting, assessing, and disseminating information regarding the threat of terrorism. The OPS provides advice, assistance and training, and protocols to state and local government agencies in the development and implementation of terrorism related plans. The OPS is responsible for establishing standards concerning safety and security of state personnel and property and is responsible for the establishing of standards and rules regarding continuity of state government operations.

The *Office of Preparedness* works in concert with the OEM and OPS to enhance the resiliency of communities by partnering with local government to build homeland security and emergency management capabilities. The mission of the Office of Preparedness is to best position the state

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to prevent, protect, mitigate, respond and recover from threats and hazards that jeopardize Colorado citizens by developing sustainable programs, increasing capability and building strong partnerships with the whole community. Programmatic priorities for the Office of Preparedness include: (a) community preparedness, (b) planning, (c) grant administration, (d) training and exercise, and (e) critical infrastructure protection.

Grant Distributions to Local Governments				
	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Estimate	FY 2014-15 Estimate
Office of Emergency Management	\$15,179,990	\$12,856,476	\$12,450,000	\$12,450,000
Office of Preparedness	<u>12,882,416</u>	<u>14,998,868</u>	<u>12,850,000</u>	<u>12,850,000</u>
Total Grants Payments	\$28,062,406	\$25,235,941	\$25,300,000	\$25,300,000

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Summary: FY 2013-14 Appropriation & FY 2014-15 Request

Department of Public Safety						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2013-14 Appropriation						
SB 13-230 (Long Bill)	\$332,885,649	\$90,128,524	\$161,806,324	\$25,776,057	\$55,174,744	1,575.1
HB 13-1129 (EPIC Center)	739,591	739,591	0	0	0	6.0
Other legislation	3,110,025	177,386	2,928,004	0	4,635	35.0
HB 13-1020 (Sexual Assault Evidence)	<u>6,351,002</u>	<u>6,351,002</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$343,086,267	\$97,396,503	\$164,734,328	\$25,776,057	\$55,179,379	1,616.1
FY 2014-15 Requested Appropriation						
FY 2013-14 Appropriation	\$343,086,267	97,396,503	\$164,734,328	\$25,776,057	\$55,179,379	1,616.1
R1 CBI New Pueblo Facility	417,760	417,760	0	0	0	0.0
R2 DFPC Wildfire Preparedness Fund	4,150,000	0	4,150,000	0	0	0.0
R3 DHSEM Sustainability of State Fusion Center	656,134	656,134	0	0	0	0.0
R4 CBI/DHSEM Cyber Crime Initiative	489,074	489,074	0	0	0	2.7
R5 DFPC Budget and Policy Analyst	95,095	95,095	0	0	0	0.9
R6 DCJ Community Corrections FTE Support	240,460	240,460	0	0	0	2.8
R7 EDO Rulemaking Support Staff	53,311	7,632	0	45,679	0	0.0
R8 CBI InstaCheck Leased Space	84,050	0	84,050	0	0	0.0
R9 CSP/CBI Vehicle Variable Rate	382,797	28,488	344,236	10,073	0	0.0
R10 CSP Portable Radios	1,343,900	0	1,343,900	0	0	0.0
R11 DFPC State Engine Staffing	622,004	622,004	0	0	0	7.3
R12 CSP World Alpine Ski Championship	178,020	0	178,020	0	0	0.0
R13 DCJ CCIB System Improvement and Maintenance	25,000	25,000	0	0	0	0.0
R14 DCJ CC Provider Rate Increase	859,630	859,630	0	0	0	0.0
NP1 Re-program Payments to OIT	0	0	0	0	0	0.0
NP2 Fleet Vehicle Lease	1,328,553	143,256	1,100,336	(36,447)	121,408	0.0
NP3 Camp George West Utilities Transfer	0	0	0	0	0	0.0
NP4 Secure Colorado - Phase II	220,594	69,083	140,572	10,939	0	0.0
NP5 Eliminate Redundant Applications	241,884	75,751	154,138	11,995	0	0.0
NP6 Network Resiliency	35,510	31,604	3,906	0	0	0.0
NP7 IT Service Management Eco-System	282,334	282,334	0	0	0	0.0
NP8 DTRS Operations Increase	169,272	11,018	150,444	4,657	3,153	0.0
NP9 IT Technical Development	11,197	11,197	0	0	0	0.0

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Department of Public Safety						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Centrally appropriated line items	10,500,404	4,529,695	7,406,304	(1,023,177)	(412,418)	0.0
Indirect cost assessment	167,293	(3,144,476)	334,672	3,124,340	(147,243)	0.0
Annualize prior year legislation	(9,490,325)	(6,804,628)	(2,682,607)	0	(3,090)	4.7
Statewide IT common policy adjustments	(179,645)	3,196,665	(1,471,791)	(1,912,412)	7,893	0.0
Annualize prior year funding	(29,114)	17,686	0	(46,800)	0	0.2
Technical adjustments	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
SUBTOTAL	\$355,941,459	\$99,256,965	\$175,970,508	\$25,964,904	\$54,749,082	1,634.7
Increase/(Decrease)	\$12,855,192	\$1,860,462	\$11,236,180	\$188,847	(\$430,297)	18.6
Percentage Change	3.7%	1.9%	6.8%	0.7%	(0.8%)	1.2%
<i>Informational Item:</i>						
HB 13-1020 (Sexual Assault Evidence)	<u>14,000,000</u>	<u>14,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$369,941,459	\$113,256,965	\$175,970,508	\$25,964,904	\$54,749,082	1,634.7
Increase/(Decrease)	\$26,855,192	\$15,860,462	\$11,236,180	\$188,847	(\$430,297)	18.6
Percentage Change	7.8%	16.3%	6.8%	0.7%	(0.8%)	1.2%

Description of Requested Changes

R1 CBI New Pueblo Facility: The Department requests an increase of \$417,760 General Fund in FY 2014-15 and beyond to provide ongoing funding for a 20 to 30 year capital lease-purchase agreement, and operating expenses associated with the relocation of the CBI Pueblo Regional Laboratory and Investigative Office.

R2 DFPC Wildfire Preparedness Fund: The Department of Public Safety requests an appropriation of \$4,150,000 Cash Funds from the proceeds of insurance premium taxes to the Wildfire Preparedness Fund (WPF) for FY 2014-15 and beyond for the ongoing funding of wildfire suppression functions within the Division of Fire Prevention and Control (DFPC).

R3 DHSEM Sustainability of State Fusion Center: The Department requests \$656,134 General Fund in FY 2014-15 and \$706,348 in FY 2015-16 and beyond to ensure continued operation of the Colorado Information Analysis Center (CIAC), which is Colorado’s Fusion Center.

R4 CBI/DHSEM Cyber Crime Initiative: The Department requests \$489,074 General Fund and 2.7 FTE for FY 2014-15, and \$517,091 General Fund and 3.0 FTE for FY 2015-16 to create a Cyber Crime Task Force with the Governor’s Office of Information Technology (OIT). In addition, OIT requests a corresponding 1.8 FTE and 231,061 Reappropriated Funds for FY 2014-15, and 2.0 FTE and \$250,021 Reappropriated Funds for FY 2015-16 and beyond.

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R5 DFPC Budget and Policy Analyst: The Department requests \$95,095 General Fund and 0.9 FTE for FY 2014-15 and \$98,827 General Fund and 1.0 FTE for FY 2015-16 and beyond for a Division of Fire Prevention and Control (DFPC) Budget Analyst.

R6 DCJ Community Corrections FTE Support: The Department requests an increase of \$240,460 General Fund and 2.8 FTE in FY 2014-15 and \$245,169 General Fund and 3.0 FTE in FY 2015-16 and beyond. This request is for compliance monitoring of Prison Rape Elimination Act (PREA) and specialized treatment programs as well as implementation of Evidence-Based Practice (EBP) in community corrections.

R7 EDO Rulemaking Support Staff: The Department requests an increase of \$45,679 Reappropriated Funds and \$7,632 General Fund in FY 2014-15, and \$45,679 Reappropriated Funds and \$7,997 General Fund in FY 2015-16 and beyond. The funding will support centralized rulemaking within the Executive Director’s Office (EDO).

R8 CBI InstaCheck Leased Space: The Department requests an increase in Cash Funds spending authority of \$84,050 in FY 2014-15 and \$89,387 in FY 2015-16 to fund the leased space needed to accommodate the entire Colorado Bureau of Investigation (CBI) InstaCheck unit as a result of the passage of H.B. 13-1228 and H.B. 13-1229.

R9 CSP/CBI Vehicle Variable Rate: The Department requests \$382,797 total funds, which includes \$28,488 General Fund, \$8,843 Cash Funds, \$335,393 HUTF “Off-the-Top”, and \$10,073 Reappropriated Funds, in FY 2014-15 and beyond to fund a vehicle variable rate increase for the Colorado State Patrol (CSP) and Colorado Bureau of Information (CBI).

R10 CSP Portable Radios: The Department requests \$1,343,900 HUTF “Off-the-Top” for FY 2014-15 to acquire 356 portable radios for the Colorado State Patrol (CSP).

R11 DFPC State Engine Staffing: The Department requests \$622,004 General Fund and 7.3 FTE in FY 2014-15 and \$562,374 General Fund and 8.0 FTE in FY 2015-16 and beyond for the Division of Fire Prevention and Control (DFPC) state fire engine staffing.

R12 CSP World Alpine Ski Championships: The Department requests a one-time increase of \$178,020 HUTF “Off-the-Top” in FY 2014-15 to lodge, and provide per diem for 43 members of the Colorado State Patrol (CSP). The CSP will provide traffic enforcement and accident investigation for the 2015 World Alpine Ski Championship (WASC).

R13 DCJ CCIB System Improvement and Maintenance: The Department requests an increase of \$25,000 General Fund for FY 2014-15 and beyond. The increase to the Division of Criminal Justice (DCJ) Administrative Services line item is for the ongoing maintenance and upgrades to the Community Corrections Information and Billing (CCIB) system.

R14 DCJ CC Provider Rate Increase: The Department requests \$859,630 General Fund for FY 2014-15 and beyond to account for a community provider rate increase of 1.5 percent, which

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includes the Community Corrections Providers who contract with the Department of Public Safety (DPS).

NP1 Re-program Payments to OIT: This request will be discussed as part of the Briefing for the Governor's Office of Information Technology (OIT).

NP2 Fleet Vehicle Lease: This request will be discussed as part of the Briefing for the Department of Personnel.

NP3 Camp George West Utilities Transfer: This request will be discussed as part of the Briefing for the Department of Personnel.

NP4 Secure Colorado – Phase II: This request will be discussed as part of the Briefing for the Governor's Office of Information Technology (OIT).

NP5 Eliminate Redundant Applications: This request will be discussed as part of the Briefing for the Governor's Office of Information Technology (OIT).

NP6 Network Resiliency: This request will be discussed as part of the Briefing for the Governor's Office of Information Technology (OIT).

NP7 IT Service Management Eco-System: This request will be discussed as part of the Briefing for the Governor's Office of Information Technology (OIT).

NP8 DTRS Operations Increase: This request will be discussed as part of the Briefing for the Governor's Office of Information Technology (OIT).

NP9 IT Technical Development: This request will be discussed as part of the Briefing for the Governor's Office of Information Technology (OIT).

Centrally appropriated line items: The request includes adjustments to centrally appropriated line items for the following: state contributions for health, life, and dental benefits; merit pay; salary survey; short-term disability; supplemental state contributions to the Public Employees' Retirement Association (PERA) pension fund; shift differential; workers' compensation; payment to risk management and property funds; and Capitol complex leased space.

Indirect cost assessment: The request includes a net increase in indirect cost assessment.

Annualize prior year legislation: The request includes adjustments related to prior year legislation, including the following: S.B. 11-238, S.B. 13-083, S.B. 13-123, S.B. 13-138, S.B. 13-283, H.B. 13-1020, H.B. 13-1031, H.B. 13-1129, H.B. 13-1163, H.B. 13-1195, H.B. 13-1228, H.B. 13-1229, and H.B. 13-1317.

Statewide IT common policy adjustments: The request includes adjustments to line items appropriated for: purchase of services from the computer center; Colorado state network;

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management and administration of the Governor's Office of Information Technology (OIT); communication services payments, and information technology security.

Annualize prior year funding: The request includes adjustments related to prior year budget actions.

Technical adjustments: The request includes other minor technical adjustments.

Informational Item:

HB 13-1020 (Sexual Assault Evidence): The FY 2014-15 Budget Request Overview Letter submitted by Governor Hickenlooper on November 1, 2013, stated that the Department of Public Safety intends to submit at a later time a request for \$14.0 million General Fund for the FY 2014-15 implementation of H.B. 13-1020, that requires forensic testing of medical evidence connected to alleged sexual assaults. The letter states that \$14.0 million General Fund is set aside and not reflected in the Department 's November 1, 2013, budget schedules while the Department is waiting for additional information regarding the scope of this endeavor.

Informational Issue: Disaster Emergency Fund - Revenues, Expenditures, and Fund Balance

The Governor has thus far obligated \$91.5 million from the Disaster Emergency Fund to address the September 2013 floods. The November 1 letter from the Governor to the JBC proposes that \$144.0 million in FY 2013-14 revenues (General Fund projected to be received in excess of amounts originally budgeted for FY 2013-14) be used to address costs associated with the September 2013 floods and other recent disasters. The *net* cost to the Disaster Emergency Fund, after federal reimbursements are received, could be far less than initial encumbrances. However, little data exists to be able to project what the total long-term impact to the Disaster Emergency Fund will be.

SUMMARY:

- The Disaster Emergency Fund currently has a cash fund balance of \$144.7 million, however, all but \$8.1 million of funds have been encumbered for specific disasters.
- The Governor has thus far transferred \$91.5 million from other funds, including the Controlled Maintenance Trust Fund and the Medical Services Premiums line in the Department of Health Care Policy and Financing, to the Disaster Emergency Fund to address flood costs.
- The Governor proposes repaying the Controlled Maintenance Trust Fund, the Medical Services Premiums line, and appropriating additional funds directly to the Disaster Emergency Fund, for a total of \$144 million in additional FY 2013-14 outlays.

DISCUSSION:

Declaration of a Disaster Emergency

The Governor is required to declare a disaster emergency if he finds a disaster has occurred or the threat of a disaster is imminent. The Governor's declaration must indicate the nature of the disaster, the area threatened, and the conditions which have brought it about. The Governor's declaration of a state of disaster emergency activates the State, Emergency Operations Plan. During a state of disaster emergency, the Governor is authorized to:

- Issue executive orders, proclamations, and regulations that have the force and effect of law;
- Suspend statutory regulatory provisions and redirect state agency functions and personnel;
- Utilize all available resources of the State and each political subdivision;
- Commandeer or utilize any private property (which may or may not include compensation, depending on applicable state laws);
- Compel evacuations and control access to disaster areas;

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- Prescribe routes, modes of transportation, and destinations in connection with evacuation;
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles; and
- Make provision for the availability and use of temporary emergency housing.

The Governor's Disaster Emergency Council is responsible for advising the Governor and the Director of the Division of Homeland Security and Emergency Management concerning the declaration of disasters and disaster response and recovery activities. The Council consists of the Attorney General; the Adjutant General (head of the Department of Military and Veterans Affairs); the Executive Directors of the Departments of Personnel, Transportation, Public Safety, and Natural Resources; and any additional Executive Directors appointed by the Governor⁴.

State Emergency Reserve

Section 24-77-104, C.R.S., directs the State to establish a state emergency reserve and to establish such reserve in the general appropriation bill or a separate bill. The emergency reserve is to constitute three percent of state fiscal year spending minus annual bonded debt service.

The state emergency reserve may be expended in any given fiscal year upon:

- a) The declaration of a state emergency by the passage of a joint resolution which is approved by a two-thirds majority of the members of both houses of the General Assembly and which is approved by the Governor; or
- b) The declaration of a disaster emergency by the Governor pursuant to Section 24-33.5-704 (4), C.R.S.

The tables below show what funding sources have been designated as the state emergency reserve over the past ten years.

State Emergency Reserve Pursuant to Section 24-77-104, C.R.S.					
	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08
	S.B. 03-258	H.B. 04-1422	S.B. 05-209	H.B. 06-1385	S.B. 07-239
Subsequent Injury Fund	\$0	\$20,000,000	\$35,000,000	\$40,000,000	\$16,000,000
Worker's Compensation Cash Fund	0	12,000,000	12,000,000	12,000,000	14,000,000
Operational Account of Severance Tax Trust Fund	0	6,000,000	7,300,000	0	0
Tobacco Litigation Settlement Trust Fund	100,000,000	0	0	0	0
Colorado River Recovery Program Loan Fund	not specified	6,000,000	5,500,000	0	0
Fish and Wildlife Resources Fund	not specified	3,000,000	0	0	0

⁴ See Section 24-33.5-704, C.R.S. Please note that Section 24-33.5-711.5, C.R.S., also creates the *Governor's Expert Emergency Epidemic Response Committee* to advise to the Governor in the event of an emergency epidemic.

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State Emergency Reserve Pursuant to Section 24-77-104, C.R.S.					
	FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08
	S.B. 03-258	H.B. 04-1422	S.B. 05-209	H.B. 06-1385	S.B. 07-239
Species Conservation Trust Fund	not specified	0	0	0	0
Major Medical Insurance Fund	0	24,000,000	20,000,000	40,000,000	64,000,000
Wildlife Cash Fund	not specified	98,695,000	100,000,000	100,000,000	100,000,000
Perpetual Base Account of the Severance Tax Fund	not specified	0	0	0	0
Controlled Maintenance Trust Fund	not specified	0	0	0	0
State Properties	<u>87,400,000</u>	<u>89,005,000</u>	<u>75,000,000</u>	<u>80,000,000</u>	<u>101,500,000</u>
Total Emergency Reserve	\$187,400,000	\$258,700,000	\$254,800,000	\$272,000,000	\$295,500,000

State Emergency Reserve Pursuant to Section 24-77-104, C.R.S.					
	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
	S.B. 09-259	H.B. 10-1376	S.B. 11-209	H.B. 12-1335 / S.B. 13-230	S.B. 13-230
Major Medical Insurance Fund	94,000,000	94,000,000	92,500,000	92,500,000	83,000,000
Wildlife Cash Fund	100,000,000	100,000,000	100,000,000	34,000,000	34,000,000
Unclaimed Property Tourism Promotion Trust Fund	0	0	0	5,000,000	5,000,000
Perpetual Base Account of the Severance Tax Fund	0	0	0	33,000,000	33,000,000
CWCB Construction Fund	0	0	0	33,000,000	33,000,000
Controlled Maintenance Trust Fund	0	0	0	23,000,000	48,000,000
Statutory Reserve (24-75-201.1)	0	0	0	0	0
State Properties	<u>81,100,000</u>	<u>70,700,000</u>	<u>98,800,000</u>	<u>102,200,000</u>	<u>93,600,000</u>
Total Emergency Reserve	\$275,100,000	\$264,700,000	\$291,300,000	\$322,700,000	\$329,600,000

Disaster Emergency Fund – Revenues, Expenditures and Fund Balances

The table below summarizes all revenues, encumbrances, and expenses in the Disaster Emergency Fund since July 1, 2010. This table was part of the response provided by the Office of State Planning and Budgeting (OSPB) to a FY 2013-14 Request for Information (RFI) regarding Disaster Emergency Fund revenues and expenditures.

The table shows the overall impact to the Fund, by disaster event. In short, as of November 2013, the Fund has a cash balance of \$144.7 million, and an unencumbered balance of \$8.1 million. The OSPB states that the Governor may choose to use this \$8.1 million for additional encumbrances related to prior disasters, for response to future disasters, or for reimbursement to the initial sources of revenue to the Fund.

The table also shows that from disasters spanning four fiscal years, the state has so far spent a total of \$33.9 million and has received reimbursements totaling \$6.0 million.

**Disaster Emergency Fund
Revenues, Expenditures, and Fund Balances
FY 2010-11 through Present**

Beginning DEF Balance -- July 1, 2010		5,492,381						5,492,381	
		EO REVENUE			REIMBURSEMENTS		LIQUIDATED ENCUMB.		
Disaster Events	FY OCCURRENCE	EO ENCUMBRANCE	TRANSFERS	TOTAL EXPENSES	ONLY FY13+	TOTAL IMPACT, CASH FUND BALANCE, CASH	OR BOOKED RECEIVABLE	REMAINING ENCUMBRANCE	FUND BALANCE, ACCRUED
Four Mile	11	5,200,000	-	(1,851,350)	-	(1,851,350)	3,641,031	(3,348,650)	3,641,031
Reservoir Road	11	3,000,000	2,900,000	(2,016,982)	1,377,173	2,260,191	5,901,222	(2,360,191)	5,901,222
Indian Gulch	11	1,500,000	1,500,000	(864,547)	567,380	1,202,833	7,104,055	(1,202,833)	7,104,055
Four Mile and Reservoir Water Quality	11	900,000	900,000	(900,000)	-	-	7,104,055	-	7,104,055
Crystal	11	1,700,000	1,700,000	(1,088,975)	789,467	1,400,492	8,504,547	(1,400,492)	8,504,547
Bear and Purgatorie / Las Animas Fires	11	2,500,000	2,500,000	(910,699)	-	1,589,301	10,093,848	1,589,301	8,504,547
Miscellaneous	11	-	-	260,052	-	260,052	10,353,900	260,052	8,504,547
Navajo	12	200,000	200,000	(24,624)	-	175,376	10,529,276	175,376	8,504,547
Shell Complex	12	1,100,000	1,100,000	(256,116)	-	843,884	11,373,160	843,884	8,504,547
Duckett	12	1,900,000	1,900,000	(1,044,042)	157,961	1,013,919	12,387,079	1,013,919	8,504,547
Track	12	1,450,000	1,450,000	(596,999)	-	853,001	13,240,080	853,001	8,504,547
Stranded Motorist	12	1,020	-	(1,020)	-	(1,020)	13,239,060	-	8,503,527
Lower North Fork	12	3,865,000	-	(395,957)	-	(395,957)	12,843,103	3,469,043	4,638,527
Hewlett Gulch	12	1,000,000	1,000,000	(547,779)	-	452,221	13,295,324	452,221	4,638,527
High Park	12	25,000,000	23,000,000	(10,001,131)	3,122,300	16,121,169	29,416,493	(6,877,700)	9,516,227
Stuart Hole	12	200,000	200,000	(22,195)	-	177,805	29,594,298	177,805	9,516,227
Springer	12	1,000,000	1,000,000	(345,057)	-	654,943	30,249,241	654,943	9,516,227
Waldo Canyon	12	6,370,000	6,175,000	(2,822,561)	-	3,352,439	33,601,680	3,547,439	9,321,227
Weber	12	2,135,000	2,135,000	(285,913)	-	1,849,087	35,450,767	1,849,087	9,321,227
Flagstaff	12	2,500,000	2,500,000	(295,506)	-	2,204,494	37,655,261	2,204,494	9,321,227
Pine Ridge	13	500,000	500,000	(469,047)	-	30,953	37,686,214	30,953	9,321,227
Bull Basin	13	200,000	200,000	(8,641)	-	191,359	37,877,573	191,359	9,321,227
Powell Complex	13	210,000	210,000	(193,037)	-	16,963	37,894,536	16,963	9,321,227
Highway 13	13	150,000	150,000	(141,007)	-	8,993	37,903,529	8,993	9,321,227
Wetmore	13	3,515,000	3,515,000	(387,528)	-	3,127,472	41,031,001	3,127,472	9,321,227
High Park and Waldo Flooding	13	200,000	200,000	(109,880)	-	90,120	41,121,121	90,120	9,321,227
Roatcap	13	250,000	-	(39,831)	-	(39,831)	41,081,290	210,169	9,071,227
Fern Lake	13	13,000	-	(7,846)	-	(7,846)	41,073,444	5,154	9,058,227
Cedar Knob	13	110,000	-	(20,669)	-	(20,669)	41,052,775	89,331	8,948,227
Big Meadows	13	50,000	-	-	-	-	41,052,775	50,000	8,898,227
Royal Gorge	13	1,500,000	1,500,000	(1,818)	-	1,498,182	42,550,957	1,498,182	8,898,227
Black Forest	13	1,300,000	6,200,000	(3,410,914)	-	2,789,086	45,340,043	(2,110,914)	13,798,227
Klickus	13	150,000	-	(31,303)	-	(31,303)	45,308,740	118,697	13,648,227
East Peak	13	3,000,000	-	(1,199,235)	-	(1,199,235)	44,109,505	1,800,765	10,648,227
West Fork	13	12,500,000	12,500,000	(3,448,948)	-	9,051,052	53,160,557	9,051,052	10,648,227
Lime Gulch	13	550,000	550,000	(60,455)	-	489,545	53,650,102	489,545	10,648,227
El Paso County Flooding	14	400,000	400,000	-	-	400,000	54,050,102	400,000	10,648,227
Red Canyon	14	2,000,000	2,000,000	(176,328)	-	1,823,672	55,873,774	1,823,672	10,648,227
September Flooding	14	91,500,000	88,950,000	(138,729)	-	88,811,271	144,685,045	91,361,271	8,098,227
ENDING FUND BALANCE		179,619,020	167,035,000	(33,856,617)	6,014,281		144,685,045		8,098,227

Funding Set-aside by Governor Hickenlooper – Disaster Emergency Fund

Pursuant to Section 24-33.5-706, C.R.S., the Disaster Emergency Fund (DEF) is comprised of: (1) moneys appropriated by the General Assembly; (2) moneys transferred to the Fund from other appropriations, if the Governor, with the concurrence of the Disaster Emergency Council, determines that amounts in the DEF are insufficient to cope with a particular disaster; and (3) moneys to reimburse the Fund transmitted to the State Treasurer (e.g., federal disaster reimbursements).

Based on the authority provided in this statute, the Governor has set aside \$91.5 million thus far for flood response efforts. According to OSPB, the previous balance in the DEF was largely encumbered or expended to address wildfires that occurred earlier in the year. Thus, the Governor used the authority provided under Section 24-33.5-706, C.R.S., to transfer moneys into the DEF. This included:

- \$2.5 million from the balance of the DEF;
- \$2.9 million from FY 2012-13 balance in the Controlled Maintenance Trust Fund;
- \$36.1 million from FY 2013-14 balance in the Controlled Maintenance Trust Fund;
- \$50 million transferred from the Department of Health Care Policy and Financing.

Of this amount, OSPB expects to spend:

- About \$71.5 million on state first-responder, disaster emergency costs; and
- About \$20 million on assistance to local governments for local infrastructure, including roadways, water and wastewater treatment.

In the Governor’s letter to the JBC on November 1, 2013, he indicated that he anticipated that all General Fund received in excess of FY 2013-14 appropriations (\$144 million) would be needed for flood recovery and restoration of emergency accounts. Specifically:

“We believe the General Fund support for disaster recovery will require the remainder of the excess funds this year (\$144.2 million), but that number could rise in the current year. To date, we have already transferred \$122.1 million in transfers to the Disaster Emergency Fund. This total includes the full balance of the Controlled Maintenance Trust Fund, which served as part of the TABOR emergency reserve. We believe it should be repaid this year. The balancing of \$144 million of disaster funding comes as follows: \$50 million added back to the Medicaid budget, \$48 million replacement to the CMTF, and \$46 million transferred to the Disaster Emergency Fund.”

While transfers to the Disaster Emergency Fund are triggered based on an estimate of total encumbrances for each disaster, it is reasonable to assume that the long-term costs of disaster response, after federal reimbursements, will be lower. Based on the five fires for which the books have been closed in the Disaster Emergency Fund, Revenues, Expenditures, and Fund Balances table above, one can expect up to 40.0 percent in reimbursements. This calculation is attained by

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dividing \$2.7 million of reimbursements from the Reservoir Road, Indian Gulch, and Crystal fires by \$6.7 million in total expenditures.

Thus far, both the cash outlays that will be required and the level of federal reimbursement that will be received are murky. Based on informal communication from the Office of State Planning and Budgeting, as of November 4, 2013:

- Invoices have been received for about \$23 million for first-responder costs. OSPB assumes that there are additional invoices that have not yet been received and more that will be incurred but does not have estimates of these amounts. Further, no requests have yet been received or paid to assist local governments with their costs. The amount spent represents state up-front outflows only, much of which will be eligible for federal reimbursement.
- OSPB assumes that 50 to 60 percent of these total costs will ultimately be reimbursed by FEMA, but no federal funds have been received to-date, and the basis for this estimate on percentage reimbursement is unclear. For fire-disasters it has often taken years for the State to receive federal reimbursements.

Finally, as already discussed during the briefing for the Capital Construction budget, the Governor has apparently already committed to help provide local governments' non-federal match. According to OSPB staff, the Governor sent letters to local governments informing them of his intent to provide half of the required non-federal match for their local expenses (i.e., 12.5 percent of total local government expenses). Staff does not yet have related documentation but understands that the Governor has authorized this aid based on the broad language in the Disaster Emergency Fund statute:

It is the legislative intent that the first recourse be to funds regularly appropriated to state and local agencies. If the governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, the governor may, with the concurrence of the [disaster emergency] council, make funds available from the disaster emergency fund. [24-33.5-706 (4) (a), C.R.S.]

It is also possible that the Governor intends to reimburse local governments pursuant to the Statewide All-hazards Resource Mobilization Plan (H.B. 13-1031), which allows the Governor to transfer moneys from the Disaster Emergency Fund to the Resource Mobilization Fund:

The director [of the Office of Emergency Management] in consultation with the office of state planning and budgeting created in section 24-37-102, shall develop procedures to facilitate reimbursement to state agencies and jurisdictions from appropriate federal and state funds when state agencies and jurisdictions are mobilized by the executive director [of the Department of Public Safety] pursuant to the mobilization plan. [24-33.5-705.4 (5) (a), C.R.S.]

**RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S
PERFORMANCE PLAN:**

This issue relates to authorities of the Governor in relation to managing Disasters.

Issue: Colorado Bureau of Investigation New Pueblo Facility

The Colorado Bureau of Investigation requests funding for the lease-purchase of a new Pueblo facility totaling \$7.1 million General Fund in 20 years. Approval of the request requires the passage of a special bill authorizing the Department to enter into a lease-purchase agreement.

SUMMARY:

- The Colorado Bureau of Investigation is requesting \$417,760 General Fund in order to enter into a lease-purchase agreement for a new Pueblo facility totaling \$7.1 million in costs over 20 years.
- The Department will need legislation in order to enter into a new lease purchase agreement pursuant to Section 24-82-801, C.R.S.

RECOMMENDATION:

Staff recommends the Committee request that the Department justify the need to enter into a long-term lease-purchase agreement for a new Pueblo facility including:

1. Provide a detailed analysis of the process for determining the size and location of the proposed new Pueblo facility.
2. Discuss the assumptions used for calculating the total purchase and build-out cost of \$7.1 million over 20 years.
3. Provide a copy of the specific legislative language that the Department will need for this request to be realized.

DISCUSSION:

Background

The CBI Pueblo regional office provides investigative assistance and forensic evidence analysis to support 34,000 square miles policed by Colorado law enforcement agencies. In this area, there are approximately 125 law enforcement agencies for which CBI provides case assistance, to include response to crime scenes by investigators and laboratory/crime scene personnel.

The current CBI Pueblo regional facility is a single story building with a basement structure totaling 11,000 square feet that was built in 1965. The building was originally planned and occupied as a retail establishment. In 2010, during a fire safety inspection, the Department states that significant safety, environmental, structural and capacity issues were identified that will make receiving International Organization for Standardization (ISO) accreditation impossible.

Consequences if a New Pueblo Facility is Not Obtained

The Department states that without a physical presence in the Pueblo region, CBI agents would have to respond from Denver or Grand Junction regional offices. This would increase the response times by an additional one hour and forty-five minutes, if responding from Denver, of five hours, if responding from Grand Junction.

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The Department states that on average, the CBI forensic scientists work 3,000 cases per year and testify to six percent (180 cases) of total cases worked. The Department estimates that it could cost upward of \$63,900 per year for scientists to commute to Pueblo from Denver for court appearances (\$125 per day per court appearance + \$230 vehicle costs per trip)*180 cases per year).

Calculation of Request

The table below shows the assumptions the Department used to calculate the request. Staff notes the following assumptions used by Department:

- The 5.0 percent interest rate is a conservative estimate used by department;
- New facility will have 13,200 square feet. Current facility has 11,000 square feet;
- The Durango office leased space was not renewed (ended June 30, 2013) as it was too expensive and housed one criminal investigator and one laboratory agent. These positions will be working out of Grand Junction office.

R1 CBI Pueblo Facility Calculation of Request	
Estimated Annual Payment for New Facility	
Interest Rate	5.0%
Lease Term	20 Years
Amount to Amortize	\$7,100,000
Estimated Annual Lease	\$569,722
Current Annual Lease for Pueblo and Durango	
Pueblo Facility	\$165,000
Durango Facility	<u>\$34,905</u>
Total	\$199,905
Additional Leased Space Funding Need	369,817
Current Operating for Pueblo and Durango	
Pueblo Facility	\$53,204
Durango Facility	<u>\$13,451</u>
Total	\$66,655
Average Grand Junction Operating Times	
Pueblo Square Footage (\$8.6817* 13,200)	\$114,598
Additional Operating Funding Need	\$47,943
Total Estimated Additional Costs	417,760

JBC Staff Concerns

Staff has the following concerns with this request:

- The Department states that it will need legislation in order to enter into a new lease purchase agreement pursuant to Section 24-82-801, C.R.S. The Department is not requesting that the JBC sponsor the legislation. Will the JBC be comfortable approving this request without knowing if the necessary bill will pass?
- The Department has not provided much detail behind the assumptions for the \$7.1 million total cost or the reasons for the interest rate used.
- The Department has not provided a detailed timeline for this request pending approval of the request.
- In discussions with the Department, staff was told that the requested new Pueblo facility will have an extra 2,200 square feet to be used for Sexual Assault Kit testing pursuant to H.B. 13-1020 (Testing Evidence of Sexual Assault). The Governor's November 1, 2013, budget request letter stated that \$14.0 million was set aside for H.B. 13-1020 pending additional information.

RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S PERFORMANCE PLAN:

This issue relates to the Colorado Bureau of Investigation performance measure to decrease the overall number of days to process and return forensic results for all disciplines from 147 calendar days to an average of 90 days turnaround time within 1 year and 60 days turnaround time within 3 years.

Issue: Funding for H.B. 13-1020 Testing Evidence of Sexual Assault

House Bill 13-1020 set forth new requirements for the collection and treatment of forensic medical evidence of alleged sexual assault. The Department has submitted its November 1, 2013, budget request with a \$14.0 million General Fund placeholder for additional FY 2014-15 costs related to the implementation of H.B. 13-1020.

SUMMARY:

- House Bill 13-1020 requires the analysis of all alleged sexual assault evidence and all backlogged alleged sexual assault evidence.
- The Department has not submitted its final analysis of the costs, but information provided by the Department estimates a two-year cost of analyzing backlogged evidence as well as analyzing all new evidence totaling approximately \$20.4 million General Fund and 19.0 FTE.

RECOMMENDATION:

Staff recommends the Committee request that the Department provide an analysis of the total costs related to H.B. 13-1020, including the \$14.0 million General Fund placeholder in the Governor's November 1, 2013, budget submittal letter.

DISCUSSION:

Background

House Bill 13-1020 sets forth new requirements concerning the collection and treatment of forensic medical evidence (evidence) of alleged sexual assault. First, the bill requires the Department of Public Safety to convene a group of stakeholders to develop rules on the standards and timing for submitting, analyzing, and comparing such evidence going forward. Rules are also to address who may give consent to release evidence, when it is required, and how it may be withdrawn. The rules must be in place within six months of the bill's effective date and are required to specify that once the backlog is resolved, all evidence that meets the criteria for mandatory submission must be submitted within 21 days. Within 90 days of promulgation, medical facility personnel and law enforcement agencies must be in compliance with the rules.

Backlog. The bill also lays out a plan to eliminate a backlog for testing evidence of alleged sexual assault. Within 90 days of the bill's effective date, law enforcement agencies must submit an inventory of untested evidence. Other existing evidence, subject to available space, is also to be submitted within 120 days. Finally, the CBI is also required to provide a report to the Governor and legislative committees, within 120 days of the bill's effective date that proposes a plan to test backlogged evidence and newly collected evidence.

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State Expenditures Assumptions in Fiscal Note

The fiscal note estimated the bill to cost up to \$13.9 million General Fund and 9.0 FTE in FY 2013-14 and \$5,202,806 million General Fund and 9.8 FTE each fiscal year thereafter.

Table 1. Expenditures Under HB13-1020 (contained in the final fiscal note dated July 18, 2013)		
Cost Components	FY 2013-14	FY 2014-15
Personal Services	\$638,423	\$696,461
FTE	9.0	9.8
Operating Expenses and Capital Outlay	55,399	9,310
Legal Services	3,090	0
DNA Equipment and Maintenance	1,223,530	122,353
DNA Software	100,000	0
Laboratory Supplies	805,946	805,946
DNA Evidence Kit Processing	840,000	840,000
Private Lab - Testing of Backlog Evidence	7,539,000	0
Leased Space	2,728,736	2,728,736
TOTAL	up to \$13,934,124	\$5,202,806

The fiscal note assumed that the backlog of evidence kits totaled two years of evidence kit collections, or 5,026 evidence kits. The bill contained an appropriation clause appropriating \$6,351,002 General Fund in FY 2013-14 for the Department of Public Safety to contract for the testing of backlog evidence to be completed by June 30, 2014. The assumption was that local governments will not choose to conduct private testing and that the Department of Public Safety will contract with a private lab to analyze the kits at a cost of \$1,500 each, or 4,234 (about 84 percent of the estimated backlog).

New Developments

On October 7, 2013, the Department submitted the rules and regulations regarding evidence collection in connection with sexual assaults (H.B. 13-1020).

The Department also submitted a **Plan on Analyzing Forensic Medical Evidence:**

- The CBI submitted a query to 255 agencies of which, 220 (86.3 percent) responded.
- The CBI determined that there are 5,889 kits (forensic medical evidence) in total, with 4,741 potentially meeting the criteria for outsourcing.

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- Accredited outsourcing DNA laboratories have been contacted and specifications are posted per the State's procurement policy. Once the bid process is complete, the project is expected to commence by January 1, 2014.
- The Department estimates that with the current appropriation of \$6,351,002, based upon estimates of the cost for shipping evidence to the outsourcing labs, analysis of evidence, testifying costs and shipment of evidence back to the CBI, the existing funding will be sufficient to cover the costs of 2,750 to 3,000 cases.

Plan for Analyzing Future Submissions:

- Conclusive data is not available either through law enforcement or hospitals about the volume of kits submitted for testing.
- Based on National Incident-Based Reporting System (NIBRS) 2004 to 2013 data and a Division of Criminal Justice study determining that on average 65 percent of all law enforcement reports alleging sexual assault resulted in an exam, the Department determined that an additional 3,252 cases will require examination.
- Based on the above assumptions, the Department estimates that it will require four "setups" for DNA analysis, 19.0 FTE and associated costs and additional funding for contract backlog analysis of kits.

JBC Staff Estimate of H.B. 13-1020 Costs Based on Updated Department Assumptions			
Description	Quantity	Cost	Total Cost
Hamilton robot	4	\$156,765	\$627,060
Automates (DNA Extraction)	4	\$40,000	\$160,000
DNA Quantitative Analysis	4	\$47,500	\$190,000
DNA Amplification	4	\$20,000	\$80,000
DNA Genetic Analyzer	4	\$200,000	<u>\$800,000</u>
Total Equipment			\$1,857,060
Backlog Kits for Outsourcing	4741	\$3,000	\$14,223,000
16 DNA Scientists + 1 Manager			\$1,363,379
1 Technician + 1 Admin. Assistant			\$83,916
Total JBC Staff Estimate			\$19,384,415
Current Appropriation and Request			\$20,351,002
Difference			\$966,587

RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S PERFORMANCE PLAN:

This issue relates to the Colorado Bureau of Investigation performance measure to decrease the overall number of days to process and return forensic results for all disciplines from 147 calendar days to an average of 90 days turnaround time within 1 year and 60 days turnaround time within 3 years.

Issue: Division of Fire Prevention and Control Funding Requests

The Division of Fire Prevention and Control is requesting a total of \$4.9 million General Fund for three distinct requests to fund the Wildfire Preparedness Fund with General Fund, increase the state wildfire engine crew by 8.0 FTE, and to add a budget analyst position for the Division of Fire Prevention and Control.

SUMMARY:

- Senate Bill 13-270 added a provision allowing appropriations to be made by the General Assembly for the Wildfire Emergency Response Fund and the Wildfire Preparedness Fund in the Department of Public Safety from Insurance Premium Tax (IPT) collections prior to their transfer to the General Fund. The Department is requesting an appropriation of \$4,150,000 cash funds from proceeds of IPT for FY 2014-15 and beyond for the ongoing funding of wildfire suppression activities.
- The Division is requesting \$622,004 General Fund and 8.0 FTE to increase the state wildfire engine crew staff from 6.0 FTE currently to 14.0 FTE.
- The Division is requesting \$95,095 General Fund and 1.0 FTE for a budget analyst IV position to manage the budgeting processes for the Division.

RECOMMENDATION:

Staff recommends the Committee request that the Department discuss each of the three Division of Fire Prevention and Control change requests. In particular:

1. The Department is requesting an increase in appropriations to the Wildfire Preparedness Fund by \$900,000 from the previous year. Discuss the assumptions the Department used to calculate the need for \$4.2 million in FY 2014-15 and beyond.
2. Request 11 for state engine staffing was submitted with 15 operational engines in the narrative. Since that time, staff was informed that there are now only 13 operational engines. Describe the Division's replacement plan for the state engine fleet.
3. Request 5 is for a Budget Analyst IV in the Division of Fire Prevention and Control. Is there a standard schedule for when an extra budget analyst in a department is needed?
4. For Request 5, provide the assumptions used to request the budget analyst position at the BA IV level.

DISCUSSION:

R2 Funding for Wildfire Preparedness Fund

Senate Bill 13-270 (Wildfire Preparedness & Emergency Response Funds) amended Section 10-3-209 (4), C.R.S., which provides for insurance premium taxes (IPT) collected by the Division of Insurance in the Department of Regulatory Agencies to be transferred to the Treasurer and

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credited to the General Fund. Prior to crediting IPT revenues to the General Fund, the Division of Insurance is permitted to retain up to five percent of taxes collected for Division funding, prior to the transfer. The bill added a similar provision that mirrors the original Division of Insurance provision allowing appropriations to be made by the General Assembly for the Wildfire Emergency Response Fund and the Wildfire Preparedness Fund in the Department of Public Safety from IPT collections prior to their transfer to the General Fund.

Paragraph (a) of subsection (4) states:

(4) (a) All taxes, penalties, and fines collected by the division of insurance under this section shall be transmitted to the department of the treasury and credited to the general fund; except that:

(I) Such amounts appropriated by the general assembly to the division of insurance cash fund, created in section 10-1-103 (3), not to exceed a maximum of five percent of all taxes collected under this section, shall be transmitted to the state treasurer and deposited in the division of insurance cash fund; and

(II) Such amounts as may be appropriated by the general assembly to the wildfire emergency response fund created in section 24-33.5-1226, C.R.S., and to the wildfire preparedness fund created in section 24-33.5-1227, C.R.S., shall be transmitted to the state treasurer and deposited in said funds.

The way that the statute was drafted in S.B. 13-270 creates a mechanism for transferring moneys to a cash fund through an appropriation clause in the Long Bill. Although this method of transferring moneys to a fund can be implemented, it is an unconventional and awkward way of replenishing the Wildfire Preparedness Fund.

Currently, the appropriation in the Long Bill from the Wildfire Preparedness Fund is contained in a line within the Division of Fire Prevention and Control titled: "Wildland Fire Management Services." In order to appropriate moneys into the fund, an appropriation line titled "Wildfire Preparedness Fund" will be used to signify the amount that the General Assembly intends to transfer with a cash fund letter note stating "This amount shall be from tax on premiums collected from insurance companies pursuant to Section 10-3-209 (4)(a)(II), C.R.S.". Since the Wildfire Preparedness Fund is continuously appropriated, it does not need a separate line making and appropriation of reappropriated funds from the Wildfire Preparedness Fund.

As an alternative, the Committee could consider simply appropriating General Fund dollars with an associated footnote allowing the Department to spend the moneys over several years, this way there is no concern about any unused fund balance moneys at the end of a fiscal year with below average spending. However, transferring moneys into the Wildland Preparedness Fund provides more flexibility for the Division to carry-over fund balances year-over-year.

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Created in Section 24-33.5-1227, C.R.S., the Wildfire Preparedness Fund may receive direct appropriations, gifts, grants, reimbursements, or donations. However, for FY 2012-13 and FY 2013-14, the fund is replenished through two transfers of \$3,250,000 from the Local Government Mineral Impact Fund pursuant to Section 34-63-102 (5.4) (b) (II), C.R.S. Moneys in the fund are continuously appropriated. Starting with FY 2014-15, the funding from the Mineral Impact Fund is no longer being directed to the Wildfire Preparedness Fund. Thus, the Department is requesting using the mechanism established under S.B. 13-270.

Moneys in the fund can be used to:

- Purchase fire shelters by volunteer fire departments;
- Implement the Wildfire Preparedness Plan, including:
 - Purchasing, acquiring, leasing, or contracting for the provision of firefighting aircraft, engines and other vehicles, facilities, equipment and supplies for firefighting and other emergencies; and
 - Retrofitting, staffing, maintenance, operation, and support of firefighting aircraft, engines and other vehicles.

The Wildfire Matters Review Committee discussed various proposals for bills at its October 30, 2013 meeting. One of the bills, Bill 6 contemplates using the Mineral Impact Fund moneys previously transferred to the Wildfire Preparedness Fund for a safety grant program for local firefighters. Thus, if the proposed Committee bill is adopted, the revenue source will no longer be available for wildfire preparedness activities.

The 2013 Wildfire Preparedness Budget Estimate shows the following expenses by category for a total estimated budget of \$4,267,088:

- Fire Aviation Program - \$1,950,829;
- Fire Management - \$1,694,627;
- State Engine Program - \$200,963;
- Vehicle Maintenance Shop - \$378,669;
- SWIFT Crew Support - \$42,000.

R11 DFPC State Engine Staffing

The Department requests \$622,004 General Fund and 7.3 FTE in FY 2014-15 and 562,374 General Fund and 8.0 FTE in FY 2015-16 and beyond for the Division of Fire Prevention and Control (DFPC) state fire engine staffing.

The State Engine Program provides assistance to local jurisdictions when wildfires exceed local capabilities or when local firefighting resources are overburdened due to the number or duration

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of fires. The State Engine Program also provides training to local jurisdictions, and is the core firefighting resource needed to implement mitigation and prescribed fire projects.

The State Engine Program owns 17 engines (13 Type 6 and 4 Type 4 engines), however, four of the type 6 engines are inoperable and are used for parts, so the State has 13 operable engines. The Department emphasizes that all engines are at least 10 years old and would need to be replaced soon at a cost of approximately \$110,000 per Type 6 engine and \$200,000 per Type 4 engine. The Division has not budgeted for any replacements of state engines.

Currently, the program has the capacity to operate two engines with the 6.0 FTE crew members that the Division has. Each engine requires three crew members, one Technician III (engine boss) and two Technician IIs (firefighters). However, due to agreements with locals, the 6.0 FTE are spread in five different cities: Canon City – 1 (currently on light duty due to injury), Golden – 2, Fort Collins 1, Berthoud -1, and Lyons -1 based on cooperative staffing agreements with locals.

The Department requests \$622,004 General Fund and 8.0 FTE (\$395,772 for personal services and \$226,232 for operating expenses, radios and engine repair and maintenance). The request is to fund additional state engine firefighting crews to be able to fully staff one more engine with state employees (3.0 FTE) and be able to staff five more engines with one state employee engine boss and two local firefighters for a total of eight staffed state engines.

This request is submitted as a General Fund request, however, given that the Department has also submitted R2 to re-finance the Wildfire Preparedness Fund with General Fund revenue, it the opinion of JBC staff that funding the request through the Wildfire Preparedness Fund by making a larger appropriation to the Wildfire Preparedness Fund as discussed above is also appropriate. The benefit of this option is that any unexpended funds at the end of a year will remain in the fund and can be used for wildfire preparedness activities in the following year.

R5 DFPC Budget and Policy Analyst

The Division of Fire Prevention and Control is requesting the funding of \$98,827 General Fund and 1.0 FTE for a Budget and Policy Analyst IV. The Department states that in the past six years three significant programs and 66.0 FTE have transferred to the Division. These programs include Oversight of School Building Inspections (H.B. 09-1151), Wildland Fire Mitigation and Management (H.B. 12-1283), and effective July 1, 2013, Life Safety Inspection Responsibilities (H.B. 12-1268 and H.B. 13-1155). The Department states that during these transfers the budget staff were not transferred as they continued to support other programs at their respective departments.

The Department states that as a result of the Division not having a dedicated budget analyst, the Division missed 83 percent of total external and internal deadlines. The Department states that

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without the requested position, the Division will continue to struggle with timely and efficient responses to budget requests, fiscal notes and legislative requests.

The Department currently has the following budget analyst/finance positions throughout the remainder of the divisions:

- EDO – 2 (BA IV, BA II);
- CSP – 1 (BA IV);
- CBI – 1 (BA IV);
- DCJ – 1 (BA IV);
- DHSEM – 1 (Finance).

RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S PERFORMANCE PLAN:

This issue relates to the Division of Fire Prevention and Control performance measure to increase the number of counties from 50 to 55 that are covered by Annual Operating Plans. The AOPs are reviewed annually to insure compatibility with local, state and federal laws. These plans provide guidance to counties on planning, response and business practices to be used during wildfires.

Issue: Funding Requests for the Sustainability of the State Fusion Center and the Colorado Cyber-Crime Initiative

The Division of Homeland Security and Emergency Management and the Colorado Bureau of Investigation are requesting a total of \$1,145,208 General Fund for the funding of new programs for the combating of terrorism and cyber-crime.

SUMMARY:

- The Division of Homeland Security and Emergency Management (DHSEM) requests \$656,134 General Fund in FY 2014-15 to continue the operation of the Colorado Information Analysis Center (CIAC) due to significantly reduced federal dollars.
- The Department requests \$489,074 General Fund and 2.7 FTE for FY 2014-15 to create a Cyber Crime Task Force between the Colorado Bureau of Investigation (CBI), the Office of Prevention and Security, and the Governor's OIT. In addition.

RECOMMENDATION:

Staff recommends the Committee request that the Department justify its request for two new General Funded programs, in particular:

1. Justify why the State should fund a federal program fusion center program after it appears that the federal government is going to sunset such program?
2. Provide data on how the Department is going to measure success of the Proposed Cyber Crime Task Force.
3. Why is the Department not proposing to make the Cyber Crime Task Force more robust through a more clear definition of roles and responsibilities in statute?

DISCUSSION:

R3 Sustainability of State Fusion Center

The Department requests \$656,134 General Fund in FY 2014-15 (including \$200,491 in operating expenses) and \$706,248 General Fund in FY 2015-16 and beyond to continue the operation of the Colorado Information Analysis Center (CIAC). As the State Fusion Center, the CIAC produces intelligence products, assists in pattern crime investigations, host classified briefings, conducts threat assessments and is the principal information sharing conduit for first responders across Colorado.

The CIAC is the State's principal intelligence sharing hub and clearinghouse and represents a shared commitment from many participating agencies such as the FBI, U.S. Department of Homeland Security and local agencies, including the Denver and Aurora Police Departments.

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The Department states that State Homeland Security Program (SHSP) funding to the State has declined from \$7.3 million in Federal FY 2004 to \$1.3 million in Federal FY 2013. Funding for the CIAC will expire August 2014. The Department states that without alternative funding, the CIAC will have to close down.

CIAC Federal Awards by Year	
2005	\$1,150,314
2006	1,316,565
2007	999,947
2008	1,123,164
2009	1,234,200
2010	1,134,635
2011	<u>579,000</u>
Total	\$7,537,825

The Department states that the combined federal grant for the Office of Preparedness and Security and the Office of Prevention is going to be reduced to between \$1.1 million and \$1.3 million starting September 2014.

A large portion of the CIAC funding comes from the state Homeland Security Program (SHSP), of which the State's share is limited to 20.0 percent of the total federal grant available each year. Local governments are entitled to remaining 80.0 percent share. Shifting priorities in Congress have led to a reduction in SHSP dollars. Colorado has experienced a 90.0 percent reduction in SHSP appropriations since 2003.

Staffing in the CIAC is currently done on a sliding scale. For example, in FY 2007-08, available grant dollars supported 11.5 FTE but in FY 2009-10, 9.0 FTE were funded. Most recently, the CIAC was allocated \$579,000 for FY 2011-12. Based on the current low funding, 5.0 FTE are funded by the grant in order to also be able to support \$180,000 in operating costs.

With this proposal, the Department would restore the CIAC to an "ideal" funding of 8.0 FTE.

The CIAC was established in 2005 primarily as a counterterrorism entity. However, over the years, the CIAC has migrated from a terrorism-centric model to an "all hazards" model. The Department points to examples such as identifying critical infrastructure threatened by wildfires, providing criminal case support for high-profile murder investigations, and providing local jurisdictions with threat analysis for upcoming local events, as examples of the all-hazards model.

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The Department states that no other state entity provides the products and services that the CIAC provided. In addition, the Department states that by combining resources with federal, state and local partners, the state is able to effectively deliver a variety of intelligence products and services with fewer personnel. The CIAC currently has the commitment from local, state and federal partners, including:

- 4.0 FTE – U.S. Department of Homeland Security;
- 1.0 FTE – Federal Bureau of Investigation;
- 1.0 FTE – Denver Police Department;
- 1.0 FTE – Aurora Police Department;
- 1.0 FTE – Department of Public Health and Environment;
- 2.0 FTE – North-Central Region;
- 2.0 FTE – Colorado National Guard;
- 0.5 FTE – West Metro Fire.

There are also approximately 13.0 troopers assigned to the CIAC, with a mix of funding sources including General Fund and Cash Funds (Colorado Auto Theft Prevention Authority Grants). Some troopers work in the CIAC on a daily basis, while other are assigned to various task forces such as the Joint Terrorism Task Force led by the FBI.

Division of Homeland Security and Emergency Management (DHSEM) staff were not able to comment on how the other 78 fusion centers are dealing with the reduction in funding, but assumed that they were dealing with similar issues, with some center ultimately closing down. The Committee needs to consider if it wishes to undertake the funding of what has been a mainly federal domain within the responsibilities of the state budget.

R4 Colorado Cyber-Crime Initiative

The Department requests \$489,074 General Fund and 2.7 FTE for FY 2014-15 and \$517,091 General Fund and 3.0 FTE for FY 2015-16 to create a Cyber Crime Task Force between the Colorado Bureau of Investigation (CBI), the Office of Prevention and Security, and the Governor's OIT. In addition, OIT requests a corresponding 1.8 FTE and \$231,061 reappropriated funds for FY 2014-5 and 2.0 FTE and \$250,021 reappropriated funds for FY 2015-16 and beyond.

The request is for 2.0 FTE Criminal Investigators at the CBI, 1.0 FTE Cyber-security Intelligence Analyst at the Office of Prevention and Security and 2.0 FTE Technology Threat and Vulnerability Analysts at OIT.

The Department states that the CBI will require a statutory change to its "original jurisdiction" statutes to provide the CBI with jurisdiction to investigate and prosecute cybercrime. The Department has informed staff that it is not seeking JBC sponsorship of this legislation, but that

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it will seek to find another member as a sponsor. At this point, it is not clear to staff if the statutory change is required for the CBI to be able to participate at all. Department staff stated that there is a chance that the CBI could partner with local authorities if its enacting statutes (Section 24-33.5-412, C.R.S.) are not amended.

The Department states that last year's OIT initiative "Secure Colorado" made steps to securing the state's IT networks, however, the problem is that the State has limited offensive capabilities to confront the evolving threat of cyber-attacks.

The Department states that the OIT is limited in its capacity to monitor and defend networks and identify and thwart cyber actors because of sole reliance on network tools such as firewalls, malware detection and anti-virus software. The DHSEM has limited capacity to receive, analyze, and disseminate meaningful intelligence that can be shared internally and externally due to the level of training and specialization needed to become a cyber-security analyst. Lastly, the CBI does not have sufficient criminal investigative resources to devote to cyber-security due to the level of specialization and training needed to gain proficiency.

The Department could not answer particularly well the question regarding the need for a more robust statutory framework to guide the work of this newly proposed Cyber Crime Task Force. Staff believes that legislation may be a better way to define and structure the roles and responsibilities of the task force.

RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S PERFORMANCE PLAN:

This briefing issue relates to the CBI Investigative Services Program strategic policy initiative to increase the number of investigations where an offender is identified.

This briefing issue relates to the DHSEM to engage local, state and tribal partners through technical assistance and involvement in the CIAC Data Collection Plan.

Issue: Highway Users Tax Fund (HUTF) "Off-the-Top" Funding and Growth

Summarizes the FY 2014-15 HUTF "Off-the-Top" funding request submitted by the Colorado State Patrol.

SUMMARY:

- The FY 2014-15 requests for HUTF "Off-the-Top" funding in the State Patrol is \$435,180 above the appropriations 6.0 percent growth limit.
- The State Patrol has submitted a capital construction request to repair and refurbish the Colorado State Patrol Academy building G.R. Carrel Hall with a total FY 2014-15 cost of \$545,633 HUTF "Off-the-Top".

RECOMMENDATION:

Staff recommends that the Committee discuss the Department's HUTF "Off-the-Top" request.

DISCUSSION:

Highway Users Tax Fund

The Highway Users Tax Fund (HUTF) is the primary source of highway funds in Colorado. By statute (Sections 43-4-201 through 216, C.R.S.), the HUTF includes revenues from excise taxes on motor fuels; registration and license fees on drivers, motor vehicles, trailers, and semi-trailers; court fines and fees; motor vehicle penalty assessments; miscellaneous fees; interest; passenger-mile taxes on vehicles; and fees and surcharges collected pursuant to S.B. 09-108 (fees, fines, and surcharges). The major source of revenue for the HUTF is motor fuel and special fuel taxes, estimated at approximately 58.8 percent of the total revenues into the Fund for FY 2013-14. Pursuant to Article X, Section 18 of the Colorado Constitution, the revenues in the HUTF generated from the above sources are required to be used exclusively for the construction, maintenance, and supervision of the public highways of the State, with the exception that some revenues can be used to fund highway administrative costs.¹

"Off-the-Top" Appropriations

Prior to appropriating the HUTF revenue for construction and maintenance of highways, the General Assembly appropriates HUTF revenues to the Department of Public Safety (Colorado

¹ Article X, Section 18 of the Colorado Constitution states, "On and after July 1, 1935, the proceeds from the imposition of any license, registration fee, or other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other liquid motor fuel except aviation fuel used for aviation purposes shall, except costs of administration, be used exclusively for the construction, maintenance, and supervision of the public highways of this state. Any taxes imposed upon aviation fuel shall be used exclusively for aviation purposes."

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State Patrol) for highway-related administrative and supervisory functions.² These "Off-the-Top" appropriations are taken from the first \$0.07 per gallon collected from the excise tax on motor fuel. Statute (Section 43-4-201, C.R.S.) limits the growth of the "Off-the-Top" appropriations to six percent per year. Statute also limits the total share of "Off-the-Top" appropriations to no more than 23.0 percent of the net HUTF revenue for the prior fiscal year. After the "Off-the-Top" share is disbursed, the remainder of the HUTF revenues are distributed to cities (approximately 16.0 percent), counties (approximately 23.0 percent), and the Department of Transportation (approximately 61.0 percent) by statutory formulas.

"Off-the-Top" Appropriations in the Department of Public Safety

For FY 2012-13, HUTF "Off-the-Top" appropriations make up 35.0 percent of the Department's budget and approximately 85.9 percent of the Patrol's appropriated budget (not including POTS expenditures).

The following table illustrates the HUTF "Off-the-Top" appropriations for FY 2013-14. As the table below shows, current "Off-the-Top" appropriations are \$918,000 under the limit:

Statutory HUTF "Off-the-Top" Appropriations Limit Calculation	
Section 43-4-201, C.R.S.	
FY 2012-13 HUTF "Off-the-Top" Appropriations Base	\$118,344,609
Multiplied by the 6.0 Percent Allowable Growth	<u>1.06</u>
FY 2012-13 HUTF "Off-the-Top" Appropriations Limit	\$125,445,286
FY 2013-14 HUTF "Off-the-Top" Appropriations:	
Department of Public Safety, State Patrol (S.B. 13-230)	\$119,991,019
Department of Public Safety, Capital Construction, State Patrol (S.B. 13-230)	<u>1,500,000</u>
Total FY 2013-14 HUTF "Off-the-Top" Appropriations	\$121,491,019
Over / (Under) FY 2012-13 "Off-the-Top" Appropriations Limit	(\$3,954,267)

² Prior to 1995, legislation allowed "off-the-top" appropriations to the Departments of Corrections, Labor and Employment, Local Affairs, and Regulatory Agencies, in addition to Revenue and Public Safety. In 1995, to stem the perceived proliferation of "off-the-top" appropriations, S.B. 95-47 was enacted to limit these "off-the-top" appropriations to only the Department of Public Safety (Colorado State Patrol) and the Department of Revenue (Ports of Entry), along with related capital expenditures for these divisions. This bill also limited the growth of the "off-the-top" appropriations to six percent annual growth beginning in FY 1995-96. The funding for the other divisions and agencies that had been from the "off-the-top" total appropriations were phased out over three years and ended in FY 1997-98. House Bill 12-1019 transferred Ports of Entry to the State Patrol starting with FY 2012-13. Prior to FY 2012-13, Department of Revenue received "off-the-top" appropriations for the Ports of Entry, and the Division of Motor Vehicles received "off-the-top" appropriations for FY 09, FY 10, FY 11, and FY 12 only (Senate Bill 09-274 diverted fee revenue from the Highway Users Tax Fund (HUTF) to the Licensing Services Cash Fund (LSCF) and authorized appropriations from HUTF "Off-the-Top" to the Division of Motor Vehicles in FY 2008-09 and FY 2009-10. House Bill 10-1387 extended the authorization for "Off-the-Top" appropriations to the Division of Motor Vehicles in FY 2010-11. House Bill 11-1161 extended the authorization for "Off-the-Top" appropriations to the Division of Motor Vehicles in FY 2011-12).

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FY 2014-15 "Off-the-Top" Appropriations Request

Pursuant to Section 43-4-201, C.R.S., the HUTF "Off-the-Top" appropriation shall not grow more than six percent over the previous year's appropriation to the Department of Public Safety (Colorado State Patrol). The following table illustrates that the FY 2013-14 HUTF "Off-the-Top" appropriations are \$3,954,267 under the allowable 6.0 percent appropriations growth limit and that the FY 2014-15 requested appropriations are \$435,180 over the 6.0 percent limit.

R9: Vehicle Variable Rate Increase

The Department requests an increase of \$335,393 HUTF "Off the Top" in FY 2014-15 and beyond to fund an increase in the vehicle variable per-mile rate charged by State Fleet Management. In FY 2012-13, the Department states that it incurred \$4,230,061 in HUTF "Off-the-Top" expenses related to vehicle variable rate costs. The request represents an 8.0 percent increase to this funding.

R10: Acquisition of Portable Radios

The Department requests \$1,343,900 HUTF "Off-the-Top" for FY 2014-15 to acquire 356 portable radios for the Colorado State Patrol. The Department states that CSP portable radios are 10 to 12 years old and do not meet the interoperability compliance standard set by the Governor's Office of Information Technology (OIT). The failure rate of radios is 26 annually out of the 856 radios currently in service. The CSP states that it will purchase 143 radios during the current fiscal year with the help of a federal grant. The Department also states that it plans to submit a supplemental request for FY 2013-14 to replace the remaining 356 radios.

As the table below shows, the Department is over its FY 2014-15 growth limit of 6.0 percent by \$435,180. Staff does not believe that the Department can fund all of its requests, including FY 2013-14 supplemental that have yet to be submitted. The Department will have to re-evaluate its request.

Statutory HUTF "Off-the-Top" Appropriations Limit Calculation	
Section 43-4-201, C.R.S.	
FY 2013-14 HUTF "Off-the-Top" Appropriations Base	\$121,491,019
Multiplied by the 6.0 Percent Allowable Growth	<u>1.06</u>
FY 2013-14 HUTF "Off-the-Top" Appropriations Limit	\$128,780,480
FY 2014-15 HUTF "Off-the-Top" Appropriations:	
Department of Public Safety, State Patrol (Request)	\$128,670,027
Department of Public Safety, Capital Construction, State Patrol (Request)	<u>545,633</u>
Total FY 2013-14 HUTF "Off-the-Top" Appropriations	\$129,215,660
Over / (Under) FY 2013-14 "Off-the-Top" Appropriations Limit	\$435,180

RELEVANCE OF BRIEFING ISSUE TO THE DEPARTMENT'S PERFORMANCE PLAN:

This issue relates to the following strategic initiative: Reduce the number of serious injury and fatal crashes statewide to protect life and property.

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Appendix A: Number Pages

	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
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DEPARTMENT OF PUBLIC SAFETY
James Davis, Executive Director

(1) EXECUTIVE DIRECTOR'S OFFICE

This Office manages the administrative and fiscal affairs of the Department. It also administers the Witness Protection Program and houses the Colorado Integrated Criminal Justice Information System. The primary cash funds and reappropriated funds sources include the Highway Users Tax Fund, indirect cost recoveries, and other various funds.

(A) Administration

The Executive Director's Office (EDO) provides administrative and management services to the other divisions within the Department. The units within the EDO, Administration section include the executive director and deputy director, financial services, human resources services, and planning and resource development. The appropriation also includes centrally-appropriated items. The duties and powers of the executive director are specified in Sections 24-33.5-104 and 104.5, C.R.S. Pursuant to Section 16-2.5-111, C.R.S., the executive director is a peace officer whose authority includes the enforcement of all laws in Colorado and who may be certified by the P.O.S.T. Board (created in Section 24-31-302, C.R.S., and residing in the Department of Law).

Personal Services	<u>2,158,673</u>	<u>2,287,751</u>	<u>2,543,578</u>	<u>2,686,409</u> *
FTE	25.8	26.1	32.2	32.2
General Fund	0	0	0	0
Reappropriated Funds	2,158,673	2,287,751	2,543,578	2,686,409
Health, Life, and Dental	<u>8,171,169</u>	<u>9,926,753</u>	<u>11,993,091</u>	<u>12,841,179</u> *
General Fund	1,554,945	1,626,136	1,907,060	2,635,570
Cash Funds	6,175,492	7,627,004	8,657,684	9,331,535
Reappropriated Funds	440,732	673,613	693,982	461,839
Federal Funds	0	0	734,365	412,235

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Short-term Disability	<u>141,585</u>	<u>151,507</u>	<u>206,287</u>	<u>235,293</u>	*
General Fund	28,071	28,123	41,046	55,277	
Cash Funds	104,813	123,384	141,306	164,632	
Reappropriated Funds	8,701	0	9,677	8,181	
Federal Funds	0	0	14,258	7,203	
S.B. 04-257 Amortization Equalization Disbursement	<u>2,240,101</u>	<u>2,665,501</u>	<u>3,693,614</u>	<u>4,367,199</u>	*
General Fund	438,768	457,455	699,803	1,009,483	
Cash Funds	1,658,057	1,989,196	2,573,886	3,075,241	
Reappropriated Funds	143,276	218,850	172,237	151,937	
Federal Funds	0	0	247,688	130,538	
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>1,799,322</u>	<u>2,243,459</u>	<u>3,332,226</u>	<u>4,095,362</u>	*
General Fund	350,221	430,377	630,123	946,395	
Cash Funds	1,332,801	1,626,673	2,323,377	2,884,146	
Reappropriated Funds	116,300	186,409	155,119	142,441	
Federal Funds	0	0	223,607	122,380	
Salary Survey	<u>0</u>	<u>0</u>	<u>6,553,420</u>	<u>4,913,447</u>	
General Fund	0	0	541,087	630,660	
Cash Funds	0	0	5,501,839	4,040,527	
Reappropriated Funds	0	0	268,213	153,377	
Federal Funds	0	0	242,281	88,883	

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Merit Pay	<u>0</u>	<u>0</u>	<u>1,611,966</u>	<u>1,841,777</u>	
General Fund	0	0	267,241	370,223	
Cash Funds	0	0	1,182,984	1,351,421	
Reappropriated Funds	0	0	78,884	64,590	
Federal Funds	0	0	82,857	55,543	
Shift Differential	<u>244,492</u>	<u>420,424</u>	<u>516,482</u>	<u>504,475</u>	
General Fund	57,701	60,899	61,892	48,264	
Cash Funds	162,052	331,952	418,838	406,581	
Reappropriated Funds	24,739	27,573	35,752	49,630	
Workers' Compensation	<u>2,145,119</u>	<u>2,827,657</u>	<u>2,777,091</u>	<u>3,692,860</u>	
General Fund	0	0	0	0	
Cash Funds	0	265,336	2,277,215	2,623,886	
Reappropriated Funds	2,145,119	2,562,321	499,876	1,068,974	
Operating Expenses	<u>143,450</u>	<u>164,596</u>	<u>178,232</u>	<u>178,707</u>	*
Reappropriated Funds	143,450	164,596	178,232	178,707	
Legal Services	<u>160,725</u>	<u>326,733</u>	<u>333,980</u>	<u>330,890</u>	
General Fund	0	78,945	107,094	0	
Cash Funds	750	106,284	202,532	202,532	
Reappropriated Funds	159,975	141,504	19,719	126,813	
Federal Funds	0	0	4,635	1,545	

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Payments to OIT	0	0	0	<u>7,671,980</u>	*
General Fund	0	0	0	5,259,815	
Cash Funds	0	0	0	1,696,572	
Reappropriated Funds	0	0	0	692,601	
Federal Funds	0	0	0	22,992	
Purchase of Services from Computer Center	<u>2,568,468</u>	<u>2,808,315</u>	<u>4,100,782</u>	0	*
General Fund	1,094,848	430,395	1,126,603	0	
Cash Funds	1,067,818	1,665,379	1,704,754	0	
Reappropriated Funds	405,802	712,541	1,269,425	0	
Federal Funds	0	0	0	0	
Colorado State Network	<u>1,668,583</u>	<u>2,213,107</u>	<u>1,279,088</u>	0	*
General Fund	836,178	1,468,377	931,847	0	
Cash Funds	230,474	582,287	184,798	0	
Reappropriated Funds	601,931	162,443	162,443	0	
Management and Administration of OIT	<u>398,286</u>	<u>273,449</u>	<u>432,773</u>	0	*
General Fund	198,148	0	0	0	
Cash Funds	0	97,655	0	0	
Reappropriated Funds	200,138	175,794	432,773	0	
Payment to Risk Management and Property Funds	<u>787,107</u>	<u>1,177,817</u>	<u>1,185,797</u>	<u>2,203,617</u>	
General Fund	233,470	177,192	533,609	573,705	
Cash Funds	15,814	195,240	652,188	1,027,594	
Reappropriated Funds	537,823	805,385	0	602,318	

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
Vehicle Lease Payments	<u>52,030</u>	<u>49,498</u>	<u>128,858</u>	<u>202,556</u>	*
General Fund	29,136	17,258	64,687	86,255	
Cash Funds	19,464	21,877	33,521	83,210	
Reappropriated Funds	3,430	10,363	30,650	33,091	
Federal Funds	0	0	0	0	
Leased Space	<u>1,805,635</u>	<u>1,818,125</u>	<u>2,016,559</u>	<u>2,535,160</u>	*
General Fund	793,724	858,230	928,275	1,286,381	
Cash Funds	482,370	494,378	597,911	688,361	
Reappropriated Funds	529,541	465,517	490,373	560,418	
Federal Funds	0	0	0	0	
Capitol Complex Leased Space	<u>1,274,883</u>	<u>1,230,252</u>	<u>1,591,078</u>	<u>1,462,810</u>	
General Fund	0	16,814	219,469	293,758	
Cash Funds	486,912	432,817	627,386	377,124	
Reappropriated Funds	787,971	780,621	744,223	791,928	
Communication Services Payments	<u>651,868</u>	<u>658,407</u>	<u>887,267</u>	<u>0</u>	*
General Fund	0	7,032	13,182	0	
Cash Funds	592,436	593,137	795,064	0	
Reappropriated Funds	59,432	58,238	67,075	0	
Federal Funds	0	0	11,946	0	
COFRS Modernization	<u>0</u>	<u>158,519</u>	<u>181,882</u>	<u>181,882</u>	
General Fund	0	45,894	52,658	52,658	
Cash Funds	0	82,803	95,007	95,007	
Reappropriated Funds	0	29,822	34,217	34,217	

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Information Technology Security	<u>0</u>	<u>0</u>	<u>67,863</u>	<u>0</u> *	
General Fund	0	0	23,176	0	
Cash Funds	0	0	34,687	0	
Reappropriated Funds	0	0	10,000	0	
Utilities	<u>87,407</u>	<u>196,513</u>	<u>196,523</u>	<u>358,131</u> *	
General Fund	0	0	0	11,765	
Cash Funds	85,907	195,023	195,023	344,866	
Reappropriated Funds	1,500	1,490	1,500	1,500	
Distributions to Local Government	<u>47,461</u>	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>	
Cash Funds	47,461	50,000	50,000	50,000	
External Study of Sex Offender Management Board	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
SUBTOTAL - (A) Administration	26,546,364	31,648,383	45,858,437	50,353,734	9.8%
<i>FTE</i>	<u>25.8</u>	<u>26.1</u>	<u>32.2</u>	<u>32.2</u>	0.0%
General Fund	5,615,210	5,703,127	8,148,852	13,260,209	62.7%
Cash Funds	12,462,621	16,480,425	28,250,000	28,443,235	0.7%
Reappropriated Funds	8,468,533	9,464,831	7,897,948	7,808,971	(1.1%)
Federal Funds	0	0	1,561,637	841,319	(46.1%)

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(B) Special Programs

The Special Programs sub-division within the Executive Director's Office contains funding for the Witness Protection Program, the Colorado Integrated Criminal Justice Information System (CICJIS), and the School Safety Resource Center.

(B) (1) Witness Protection Program

Witness Protection Fund	<u>83,000</u>	<u>83,000</u>	<u>83,000</u>	<u>83,000</u>	
General Fund	83,000	83,000	83,000	83,000	
Witness Protection Fund Expenditures	<u>69,820</u>	<u>66,030</u>	<u>83,000</u>	<u>83,000</u>	
Reappropriated Funds	69,820	66,030	83,000	83,000	

SUBTOTAL -	152,820	149,030	166,000	166,000	0.0%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	83,000	83,000	83,000	83,000	0.0%
Reappropriated Funds	69,820	66,030	83,000	83,000	0.0%

(B) (2) Criminal Justice Information System (CICJIS)

Personal Services	<u>841,569</u>	<u>861,632</u>	<u>1,106,160</u>	<u>1,147,683</u>	
FTE	9.7	9.8	11.0	11.0	
General Fund	0	0	0	0	
Reappropriated Funds	841,569	861,632	861,632	903,155	
Federal Funds	0	0	244,528	244,528	
Operating Expenses	<u>112,417</u>	<u>99,518</u>	<u>150,502</u>	<u>150,502</u>	
Reappropriated Funds	93,629	99,518	100,502	100,502	
Federal Funds	18,788	0	50,000	50,000	

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SUBTOTAL -	953,986	961,150	1,256,662	1,298,185	3.3%
<i>FTE</i>	<u>9.7</u>	<u>9.8</u>	<u>11.0</u>	<u>11.0</u>	<u>0.0%</u>
General Fund	0	0	0	0	0.0%
Reappropriated Funds	935,198	961,150	962,134	1,003,657	4.3%
Federal Funds	18,788	0	294,528	294,528	0.0%
(B) (3) School Safety Resource Center					
Program Costs	<u>341,410</u>	<u>383,453</u>	<u>562,567</u>	<u>566,169</u>	
<i>FTE</i>	<u>2.6</u>	<u>3.4</u>	<u>5.0</u>	<u>5.0</u>	
General Fund	341,410	343,691	418,567	422,169	
Cash Funds	0	39,762	144,000	144,000	
SUBTOTAL -	341,410	383,453	562,567	566,169	0.6%
<i>FTE</i>	<u>2.6</u>	<u>3.4</u>	<u>5.0</u>	<u>5.0</u>	<u>0.0%</u>
General Fund	341,410	343,691	418,567	422,169	0.9%
Cash Funds	0	39,762	144,000	144,000	0.0%
SUBTOTAL - (B) Special Programs	1,448,216	1,493,633	1,985,229	2,030,354	2.3%
<i>FTE</i>	<u>12.3</u>	<u>13.2</u>	<u>16.0</u>	<u>16.0</u>	<u>0.0%</u>
General Fund	424,410	426,691	501,567	505,169	0.7%
Cash Funds	0	39,762	144,000	144,000	0.0%
Reappropriated Funds	1,005,018	1,027,180	1,045,134	1,086,657	4.0%
Federal Funds	18,788	0	294,528	294,528	0.0%

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TOTAL - (1) Executive Director's Office	27,994,580	33,142,016	47,843,666	52,384,088	9.5%
<i>FTE</i>	<u>38.1</u>	<u>39.3</u>	<u>48.2</u>	<u>48.2</u>	<u>0.0%</u>
General Fund	6,039,620	6,129,818	8,650,419	13,765,378	59.1%
Cash Funds	12,462,621	16,520,187	28,394,000	28,587,235	0.7%
Reappropriated Funds	9,473,551	10,492,011	8,943,082	8,895,628	(0.5%)
Federal Funds	18,788	0	1,856,165	1,135,847	(38.8%)

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(2) COLORADO STATE PATROL

Duties include Enforcing motor vehicle laws, assisting motorists, conducting vehicle safety checks, investigating traffic accidents, managing ports of entry and overseeing hazardous materials transport. Primary cash funds and reappropriated funds sources include: Highway Users Tax Fund "Off-the-Top", Vehicle Inspection Number Identification Fund, Limited Gaming Funds appropriated to the Department of Revenue, pass through funds from local governments, state and non-state agency fees, various other cash funds and federal funds sources.

Colonel, Lt. Colonels, Majors, and Captains	<u>3,877,803</u>	<u>3,974,326</u>	<u>3,974,328</u>	<u>4,244,540</u>
FTE	35.7	36.4	34.0	34.0
General Fund	72,774	79,006	79,007	87,220
Cash Funds	3,805,029	3,895,320	3,895,321	4,157,320
Sergeants, Technicians, and Troopers	<u>47,437,155</u>	<u>47,967,246</u>	<u>49,087,606</u>	<u>54,590,264</u>
FTE	642.3	658.8	615.6	615.6
General Fund	1,298,074	1,333,462	1,333,464	1,428,411
Cash Funds	44,731,959	45,158,792	46,134,077	51,364,094
Reappropriated Funds	1,407,122	1,474,992	1,620,065	1,797,759
Civilians	<u>3,980,077</u>	<u>4,350,727</u>	<u>4,384,890</u>	<u>4,564,869</u>
FTE	75.8	74.7	78.5	78.5
General Fund	41,838	42,863	42,864	53,880
Cash Funds	3,898,196	4,263,426	4,275,817	4,440,954
Reappropriated Funds	40,043	44,438	66,209	70,035
Retirements	<u>400,000</u>	<u>400,000</u>	<u>400,000</u>	<u>400,000</u>
Cash Funds	400,000	400,000	400,000	400,000
Overtime	<u>1,342,033</u>	<u>1,336,452</u>	<u>1,403,815</u>	<u>1,403,815</u>
Cash Funds	1,316,771	1,311,190	1,378,553	1,378,553
Reappropriated Funds	25,262	25,262	25,262	25,262

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Operating Expenses	<u>10,929,561</u>	<u>12,778,964</u>	<u>9,827,325</u>	<u>11,701,818</u>	*
General Fund	439,401	462,528	462,528	473,864	
Cash Funds	10,293,849	12,136,480	9,110,896	10,964,162	
Reappropriated Funds	196,311	179,956	253,901	263,792	
Information Technology Asset Maintenance	<u>2,749,763</u>	<u>2,829,760</u>	<u>2,843,020</u>	<u>2,843,020</u>	
Cash Funds	2,749,763	2,829,760	2,843,020	2,843,020	
Vehicle Lease Payments	<u>4,867,014</u>	<u>5,685,628</u>	<u>5,790,302</u>	<u>7,056,715</u>	*
General Fund	188,951	178,819	146,161	276,123	
Cash Funds	4,371,258	5,233,286	5,379,555	6,430,152	
Reappropriated Funds	102,371	129,623	154,376	119,960	
Federal Funds	204,434	143,900	110,210	230,480	
Ports of Entry	<u>0</u>	<u>7,558,432</u>	<u>7,906,897</u>	<u>8,044,031</u>	*
FTE	0.0	109.1	117.8	117.8	
Cash Funds	0	7,558,432	7,906,897	8,044,031	
Communications Program	<u>7,240,698</u>	<u>7,135,952</u>	<u>7,462,168</u>	<u>7,726,730</u>	
FTE	131.5	125.7	136.1	136.1	
Cash Funds	6,524,341	6,327,796	6,562,993	6,800,999	
Reappropriated Funds	696,518	796,356	878,189	904,745	
Federal Funds	19,839	11,800	20,986	20,986	
State Patrol Training Academy	<u>2,303,719</u>	<u>2,367,391</u>	<u>2,370,021</u>	<u>2,451,185</u>	
FTE	14.6	16.0	17.0	17.0	
Cash Funds	1,952,111	1,922,020	1,882,550	1,950,691	
Reappropriated Funds	351,608	445,371	487,471	500,494	

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Safety and Law Enforcement Support	<u>2,805,668</u>	<u>2,827,299</u>	<u>3,473,679</u>	<u>3,477,786</u>	*
FTE	2.9	2.0	4.0	4.0	
Cash Funds	463,540	1,203,446	1,012,512	1,012,512	
Reappropriated Funds	2,342,128	1,623,853	2,461,167	2,465,274	
Aircraft Program	<u>528,148</u>	<u>409,114</u>	<u>727,859</u>	<u>732,128</u>	
FTE	2.1	2.3	6.0	6.0	
Cash Funds	489,660	298,617	536,509	540,778	
Reappropriated Funds	38,488	110,497	191,350	191,350	
Executive and Capitol Complex Security Program	<u>3,505,928</u>	<u>3,840,798</u>	<u>4,075,852</u>	<u>4,319,747</u>	*
FTE	49.5	52.9	66.0	66.0	
General Fund	2,384,701	2,702,903	2,697,904	2,880,361	
Reappropriated Funds	1,121,227	1,137,895	1,377,948	1,439,386	
Hazardous Materials Safety Program	<u>971,924</u>	<u>924,363</u>	<u>1,135,380</u>	<u>1,163,996</u>	*
FTE	8.0	8.1	12.0	12.0	
Cash Funds	971,924	924,363	1,135,380	1,163,996	
Automobile Theft Prevention Authority	<u>4,792,430</u>	<u>4,953,363</u>	<u>6,213,420</u>	<u>6,213,420</u>	
FTE	2.8	2.5	3.0	3.0	
Cash Funds	4,792,430	4,953,363	6,213,420	6,213,420	
DUI Enforcement Grants	<u>1,082,980</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	1,082,980	0	0	0	

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Victim Assistance	<u>503,949</u>	<u>496,798</u>	<u>651,246</u>	<u>661,510</u>	
FTE	6.1	6.2	6.8	6.8	
Cash Funds	193,593	194,749	197,000	203,131	
Reappropriated Funds	166,990	144,489	280,320	280,320	
Federal Funds	143,366	157,560	173,926	178,059	
Counter-drug Program	<u>818,981</u>	<u>1,106,685</u>	<u>4,000,000</u>	<u>4,000,000</u>	
Cash Funds	818,981	1,106,685	4,000,000	4,000,000	
Motor Carrier Safety and Assistance Program Grants	<u>3,730,182</u>	<u>3,418,797</u>	<u>3,724,074</u>	<u>3,898,896</u>	
FTE	27.4	28.2	32.0	32.0	
Cash Funds	326,607	342,008	326,607	355,798	
Federal Funds	3,403,575	3,076,789	3,397,467	3,543,098	
Federal Safety Grants	<u>1,854,146</u>	<u>1,832,185</u>	<u>1,073,045</u>	<u>1,089,236</u>	
FTE	2.1	2.7	2.0	2.0	
Federal Funds	1,854,146	1,832,185	1,073,045	1,089,236	
Indirect Cost Assessment	<u>8,121,512</u>	<u>8,882,645</u>	<u>6,725,352</u>	<u>6,954,596</u>	
Cash Funds	7,452,466	8,102,511	6,164,283	6,475,998	
Reappropriated Funds	372,893	426,404	330,396	322,974	
Federal Funds	296,153	353,730	230,673	155,624	
TOTAL - (2) Colorado State Patrol	113,843,671	125,076,925	127,250,279	137,538,302	8.1%
FTE	<u>1,000.8</u>	<u>1,125.6</u>	<u>1,130.8</u>	<u>1,130.8</u>	<u>(0.0%)</u>
General Fund	4,425,739	4,799,581	4,761,928	5,199,859	9.2%
Cash Funds	96,635,458	108,162,244	109,355,390	118,739,609	8.6%
Reappropriated Funds	6,860,961	6,539,136	8,126,654	8,381,351	3.1%
Federal Funds	5,921,513	5,575,964	5,006,307	5,217,483	4.2%

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(Previously 3) OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY

Division works to prevent terrorist attacks in Colorado, accidental harmful events, or natural disasters, and helps in the response and recovery from intentional attacks or natural calamities. The major funding source comes from the Public School Construction and Inspection Fund, federal funds and other cash funds.

Personal Services	<u>1,376,667</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	18.6	0.0	0.0	0.0
General Fund	221,806	0	0	0
Cash Funds	1,028,307	0	0	0
Reappropriated Funds	126,554	0	0	0
Operating Expenses	<u>244,527</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	15,946	0	0	0
Cash Funds	217,443	0	0	0
Reappropriated Funds	11,138	0	0	0
Office of Anti-Terrorism Planning and Training Personal Services	<u>239,518</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	3.2	0.0	0.0	0.0
Federal Funds	239,518	0	0	0
Office of Anti-Terrorism Planning and Training Operating Expenses	<u>92,457</u>	<u>0</u>	<u>0</u>	<u>0</u>
Federal Funds	92,457	0	0	0
Office of Homeland Security Program Administration (Executive order D 2011-030)	<u>1,315,145</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	9.2	0.0	0.0	0.0
Federal Funds	1,315,145	0	0	0

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Office of Homeland Security Grants and Training (Executive Order D 2011-030)	<u>9,855,855</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.0	0.0	0.0	
Federal Funds	9,855,855	0	0	0	
Federal Grants	<u>72,369</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.0	0.0	0.0	
Federal Funds	72,369	0	0	0	
Indirect Cost Assessment	<u>117,942</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Cash Funds	103,152	0	0	0	
Reappropriated Funds	14,790	0	0	0	
TOTAL - (Previously 3) Office of Preparedness, Security, and Fire Safety	13,314,480	0	0	0	0.0%
FTE	<u>31.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	237,752	0	0	0	0.0%
Cash Funds	1,348,902	0	0	0	0.0%
Reappropriated Funds	152,482	0	0	0	0.0%
Federal Funds	11,575,344	0	0	0	0.0%

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(3) DIVISION OF FIRE PREVENTION AND CONTROL

The Division of Fire Prevention and Control (DFPC) was created in H.B. 12-1283, which merged the wildland and prescribed fire responsibilities of the Colorado State Forest Service and the former Division of Fire Safety into the new DFPC. The Division safeguards the public through fire prevention and code enforcement; wildfire preparedness, response, suppression, coordination, and management; training and certification; public information and education; and technical assistance to local governments. Funding for the Division is comprised of cash funds including the Wildfire Preparedness Fund, the Public School Construction and Inspection Cash Fund, the Emergency Fire Fund, the Wildland Fire Equipment Repair Cash Fund, and various other cash funds. Funding also includes some General Fund and federal fund dollars.

Personal Services	<u>0</u>	<u>1,582,330</u>	<u>3,200,379</u>	<u>3,317,682</u>	*
FTE	0.0	17.2	45.0	45.9	
General Fund	0	179,472	174,472	270,952	
Cash Funds	0	1,147,416	2,400,464	2,411,980	
Reappropriated Funds	0	128,662	625,443	634,750	
Federal Funds	0	126,780	0	0	
Operating Expenses	<u>0</u>	<u>324,493</u>	<u>884,770</u>	<u>890,423</u>	*
General Fund	0	16,330	16,330	21,983	
Cash Funds	0	247,502	704,665	704,665	
Reappropriated Funds	0	12,652	88,678	88,678	
Federal Funds	0	48,009	75,097	75,097	
Wildland Fire Preparedness Services	<u>0</u>	<u>6,623,023</u>	<u>5,849,000</u>	<u>7,375,305</u>	*
FTE	0.0	27.9	35.4	42.7	
General Fund	0	267,000	267,000	818,236	
Cash Funds	0	6,262,702	5,350,000	6,318,355	
Federal Funds	0	93,321	232,000	238,714	

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Indirect Cost Assessment	<u>0</u>	<u>109,946</u>	<u>144,223</u>	<u>138,045</u>	
Cash Funds	0	95,346	109,473	94,690	
Reappropriated Funds	0	14,600	11,395	20,557	
Federal Funds	0	0	23,355	22,798	
TOTAL - (3) Division of Fire Prevention and Control	0	8,639,792	10,078,372	11,721,455	16.3%
<i>FTE</i>	<u>0.0</u>	<u>45.1</u>	<u>80.4</u>	<u>88.6</u>	<u>10.2%</u>
General Fund	0	462,802	457,802	1,111,171	142.7%
Cash Funds	0	7,752,966	8,564,602	9,529,690	11.3%
Reappropriated Funds	0	155,914	725,516	743,985	2.5%
Federal Funds	0	268,110	330,452	336,609	1.9%

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(4) DIVISION OF CRIMINAL JUSTICE

Primary functions: Provide funding and set standards for community corrections programs. Administer grant programs that assist local and state law enforcement agencies and juvenile delinquency programs. Administer grant programs that assist crime victims. Assist the Domestic Violence and Sex Offender Management Boards in developing and implementing standards and policies for the treatment, monitoring, and management of adult domestic violence and sex offenders. Conduct studies analyzing criminal justice policies, problems, and programs and make related recommendations. Forecast offender populations.

(A) Administration

DCJ Administrative Services	<u>0</u>	<u>2,702,145</u>	<u>3,114,712</u>	<u>3,450,054</u> *
FTE	0.0	28.7	31.9	34.6
General Fund	0	1,748,154	1,860,836	2,152,772
Cash Funds	0	427,139	671,526	690,914
Reappropriated Funds	0	482,594	498,312	506,433
Federal Funds	0	44,258	84,038	99,935
 Evidence-Based Practices Implementation for Capacity Resource Center (EPIC)	 <u>0</u>	 <u>0</u>	 <u>0</u>	 <u>843,615</u>
FTE	0.0	0.0	0.0	9.0
General Fund	0	0	0	843,615
 Indirect Cost Assessment	 <u>633,984</u>	 <u>490,936</u>	 <u>597,597</u>	 <u>537,453</u>
Cash Funds	59,275	6,000	48,542	55,336
Reappropriated Funds	0	7,882	5,828	5,972
Federal Funds	574,709	477,054	543,227	476,145

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Personal Services	<u>2,480,579</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	30.3	0.0	0.0	0.0	
General Fund	1,622,861	0	0	0	
Cash Funds	471,907	0	0	0	
Reappropriated Funds	319,893	0	0	0	
Federal Funds	65,918	0	0	0	
Operating Expenses	<u>213,101</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	151,330	0	0	0	
Cash Funds	31,619	0	0	0	
Reappropriated Funds	28,402	0	0	0	
Federal Funds	1,750	0	0	0	
SUBTOTAL - (A) Administration	3,327,664	3,193,081	3,712,309	4,831,122	30.1%
FTE	<u>30.3</u>	<u>28.7</u>	<u>31.9</u>	<u>43.6</u>	<u>36.7%</u>
General Fund	1,774,191	1,748,154	1,860,836	2,996,387	61.0%
Cash Funds	562,801	433,139	720,068	746,250	3.6%
Reappropriated Funds	348,295	490,476	504,140	512,405	1.6%
Federal Funds	642,377	521,312	627,265	576,080	(8.2%)

(B) Victims Assistance

Federal Victims Assistance and Compensation Grants	<u>10,369,662</u>	<u>10,828,211</u>	<u>10,400,000</u>	<u>10,400,000</u>
Federal Funds	10,369,662	10,828,211	10,400,000	10,400,000
State Victims Assistance and Law Enforcement Program	<u>1,190,080</u>	<u>1,218,818</u>	<u>1,500,000</u>	<u>1,500,000</u>
Cash Funds	1,190,080	1,218,818	1,500,000	1,500,000

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Child Abuse Investigation	<u>3,026</u>	<u>146,326</u>	<u>200,000</u>	<u>200,000</u>	
FTE	0.2	0.1	0.4	0.4	
Cash Funds	3,026	146,326	200,000	200,000	
Sexual Assault Victim Emergency Payment Program	<u>0</u>	<u>0</u>	<u>167,067</u>	<u>167,933</u>	
FTE	0.0	0.0	0.2	0.2	
General Fund	0	0	167,067	167,933	
Statewide Victim Information and Notification System (VINE)	<u>0</u>	<u>0</u>	<u>434,720</u>	<u>434,720</u>	
General Fund	0	0	434,720	434,720	
SUBTOTAL - (B) Victims Assistance	11,562,768	12,193,355	12,701,787	12,702,653	NaN
FTE	<u>0.2</u>	<u>0.1</u>	<u>0.6</u>	<u>0.6</u>	<u>0.0%</u>
General Fund	0	0	601,787	602,653	0.1%
Cash Funds	1,193,106	1,365,144	1,700,000	1,700,000	0.0%
Federal Funds	10,369,662	10,828,211	10,400,000	10,400,000	0.0%

(C) Juvenile Justice and Delinquency Prevention

Juvenile Justice Disbursements	<u>642,110</u>	<u>477,964</u>	<u>850,000</u>	<u>850,000</u>	
Federal Funds	642,110	477,964	850,000	850,000	
Juvenile Diversion Programs	<u>1,240,058</u>	<u>1,241,093</u>	<u>1,241,139</u>	<u>1,241,139</u>	
FTE	0.8	0.7	0.9	0.9	
General Fund	1,240,058	1,241,093	1,241,139	1,241,139	

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SUBTOTAL - (C) Juvenile Justice and Delinquency					
Prevention	1,882,168	1,719,057	2,091,139	2,091,139	0.0%
<i>FTE</i>	<u>0.8</u>	<u>0.7</u>	<u>0.9</u>	<u>0.9</u>	<u>0.0%</u>
General Fund	1,240,058	1,241,093	1,241,139	1,241,139	0.0%
Federal Funds	642,110	477,964	850,000	850,000	0.0%

(D) Community Corrections

Community Corrections Boards Administration	<u>2,012,823</u>	<u>1,998,817</u>	<u>2,140,703</u>	<u>2,172,814</u> *
General Fund	2,012,823	1,998,817	2,140,703	2,172,814
Community Corrections Placements	<u>0</u>	<u>51,760,190</u>	<u>55,112,987</u>	<u>55,939,681</u> *
General Fund	0	50,773,691	54,094,118	54,920,812
Cash Funds	0	0	0	0
Reappropriated Funds	0	986,499	1,018,869	1,018,869
Services for Substance Abuse and Co-occurring Disorders	<u>0</u>	<u>2,177,785</u>	<u>1,793,900</u>	<u>1,793,900</u>
General Fund	0	609,035	0	0
Reappropriated Funds	0	1,568,750	1,793,900	1,793,900
Subsistence Grace Period Pilot Project	<u>0</u>	<u>0</u>	<u>591,200</u>	<u>591,200</u>
General Fund	0	0	591,200	591,200
Specialized Offender Services	<u>61,490</u>	<u>70,700</u>	<u>55,000</u>	<u>55,825</u> *
General Fund	61,490	70,700	55,000	55,825
Offender Assessment Training	<u>0</u>	<u>7,387</u>	<u>10,507</u>	<u>10,507</u>
General Fund	0	7,387	10,507	10,507

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Intensive Residential Treatment Aftercare	<u>0</u>	<u>180,000</u>	<u>0</u>	<u>0</u>	
General Fund	0	180,000	0	0	
Transition Programs including standard residential services and specialized substance abuse treatment	<u>24,430,355</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	24,430,355	0	0	0	
Diversion Programs including standard residential services and standard nonresidential services	<u>22,049,315</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	22,049,315	0	0	0	
Transitional Mental Health Bed Differential	<u>977,945</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	977,945	0	0	0	
Diversion Mental Health Bed Differential	<u>484,123</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	484,123	0	0	0	
John Eachon Re-entry Program	<u>275,114</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	275,114	0	0	0	
Substance Abuse Treatment Program	<u>2,448,432</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	402,380	0	0	0	
Cash Funds	677,417	0	0	0	
Reappropriated Funds	1,368,635	0	0	0	
Outpatient Therapeutic Community Programs	<u>548,192</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	548,192	0	0	0	

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Intensive Residential Treatment Pilot Project	<u>291,416</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	125,499	0	0	0	
Cash Funds	165,917	0	0	0	
SUBTOTAL - (D) Community Corrections	53,579,205	56,194,879	59,704,297	60,563,927	1.4%
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	51,367,236	53,639,630	56,891,528	57,751,158	1.5%
Cash Funds	843,334	0	0	0	0.0%
Reappropriated Funds	1,368,635	2,555,249	2,812,769	2,812,769	0.0%

(E) Crime Control and System Improvement

State and Local Crime Control and System Improvement

Grants	<u>4,430,567</u>	<u>3,168,960</u>	<u>4,900,000</u>	<u>4,900,000</u>	
Federal Funds	4,430,567	3,168,960	4,900,000	4,900,000	
Sex Offender Surcharge Fund Program	<u>114,569</u>	<u>125,451</u>	<u>153,325</u>	<u>157,866</u>	
FTE	1.4	1.3	1.5	1.5	
Cash Funds	114,569	125,451	153,325	157,866	
Sex Offender Supervision	<u>318,565</u>	<u>328,002</u>	<u>328,002</u>	<u>339,386</u>	
FTE	2.8	3.5	3.2	3.2	
General Fund	318,565	328,002	328,002	339,386	
Treatment Provider Criminal Background Checks	<u>43,523</u>	<u>45,678</u>	<u>49,606</u>	<u>49,606</u>	
FTE	0.4	0.4	0.6	0.6	
Cash Funds	43,523	45,678	49,606	49,606	

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Colorado Regional and Community Policing Institute	<u>123,261</u>	<u>11,566</u>	<u>200,000</u>	<u>200,000</u>	
FTE	0.4	0.1	2.5	2.5	
Reappropriated Funds	34,685	0	100,000	100,000	
Federal Funds	88,576	11,566	100,000	100,000	
Federal Grants	<u>10,623,241</u>	<u>8,592,869</u>	<u>4,300,000</u>	<u>4,332,141</u>	
FTE	21.3	19.7	17.5	17.5	
Federal Funds	10,623,241	8,592,869	4,300,000	4,332,141	
EPIC Resources Center	<u>0</u>	<u>0</u>	<u>739,591</u>	<u>0</u>	
FTE	0.0	0.0	6.0	0.0	
General Fund	0	0	739,591	0	
Criminal Justice Training Fund	<u>80,750</u>	<u>63,382</u>	<u>120,000</u>	<u>120,000</u>	
FTE	0.2	0.0	0.5	0.5	
Cash Funds	80,750	63,382	120,000	120,000	
MacArthur Foundation Grant	<u>0</u>	<u>0</u>	<u>75,000</u>	<u>75,000</u>	
Cash Funds	0	0	75,000	75,000	
Methamphetamine Abuse Task Force Fund	<u>7,000</u>	<u>1,291</u>	<u>20,000</u>	<u>20,000</u>	
Cash Funds	7,000	1,291	20,000	20,000	
SUBTOTAL - (E) Crime Control and System Improvement	15,741,476	12,337,199	10,885,524	10,193,999	(6.4%)
FTE	26.5	25.0	31.8	25.8	(18.9%)
General Fund	318,565	328,002	1,067,593	339,386	(68.2%)
Cash Funds	245,842	235,802	417,931	422,472	1.1%
Reappropriated Funds	34,685	0	100,000	100,000	0.0%
Federal Funds	15,142,384	11,773,395	9,300,000	9,332,141	0.3%

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TOTAL - (4) Division of Criminal Justice	86,093,281	85,637,571	89,095,056	90,382,840	1.4%
<i>FTE</i>	<u>57.8</u>	<u>54.5</u>	<u>65.2</u>	<u>70.9</u>	<u>8.7%</u>
General Fund	54,700,050	56,956,879	61,662,883	62,930,723	2.1%
Cash Funds	2,845,083	2,034,085	2,837,999	2,868,722	1.1%
Reappropriated Funds	1,751,615	3,045,725	3,416,909	3,425,174	0.2%
Federal Funds	26,796,533	23,600,882	21,177,265	21,158,221	(0.1%)

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(5) COLORADO BUREAU OF INVESTIGATION

Investigates crimes, performs lab analyses of crime scene evidence, operates the criminal history information system, and conducts criminal background checks. Fund sources include General Fund, fingerprint and name check fees, Victims Assistance and Law Enforcement Fund, Sex Offender Registry Fund, and Limited Gaming Fund.

(A) Administration

The administration sub-program provides administrative and management services to the entire Colorado Bureau of Investigation. Funding sources include federal funds, various cash funds, and General Fund.

Personal Services	<u>330,350</u>	<u>342,307</u>	<u>355,778</u>	<u>369,676</u>	
FTE	3.9	4.0	4.0	4.0	
General Fund	280,352	287,275	287,276	294,646	
Cash Funds	49,998	55,032	68,502	75,030	
Operating Expenses	<u>24,006</u>	<u>24,675</u>	<u>24,706</u>	<u>25,036</u>	*
General Fund	13,034	13,729	13,729	14,059	
Cash Funds	10,972	10,946	10,977	10,977	
Vehicle Lease Payments	<u>202,196</u>	<u>212,117</u>	<u>269,849</u>	<u>293,419</u>	*
General Fund	185,409	192,021	248,295	275,149	
Cash Funds	4,039	5,402	6,538	6,588	
Reappropriated Funds	12,748	14,694	12,350	7,878	
Federal Funds	0	0	2,666	3,804	
Federal Grants	<u>2,186,471</u>	<u>1,903,564</u>	<u>829,795</u>	<u>853,317</u>	
FTE	10.5	11.1	3.0	3.0	
Federal Funds	2,186,471	1,903,564	829,795	853,317	

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
Indirect Cost Assessment	<u>445,070</u>	<u>494,113</u>	<u>298,621</u>	<u>307,084</u>	
Cash Funds	218,914	234,522	210,023	240,969	
Reappropriated Funds	91,307	86,990	75,126	52,965	
Federal Funds	134,849	172,601	13,472	13,150	
SUBTOTAL - (A) Administration	3,188,093	2,976,776	1,778,749	1,848,532	3.9%
FTE	<u>14.4</u>	<u>15.1</u>	<u>7.0</u>	<u>7.0</u>	<u>0.0%</u>
General Fund	478,795	493,025	549,300	583,854	6.3%
Cash Funds	283,923	305,902	296,040	333,564	12.7%
Reappropriated Funds	104,055	101,684	87,476	60,843	(30.4%)
Federal Funds	2,321,320	2,076,165	845,933	870,271	2.9%

(B) Colorado Crime Information Center

The Colorado Crime Information Center (CCIC) provides information around the clock to law enforcement agencies on wants, warrants, case status, stolen property, vehicle registration, known offenders, and drivers licenses.

(B) (1) CCIC Program Support

Personal Services	<u>824,839</u>	<u>805,977</u>	<u>962,484</u>	<u>990,511</u>
FTE	14.1	12.7	17.0	17.0
General Fund	824,839	805,303	844,647	872,674
Cash Funds	0	674	117,837	117,837
Operating Expenses	<u>122,753</u>	<u>149,693</u>	<u>194,189</u>	<u>194,189</u>
General Fund	114,426	121,859	121,859	121,859
Cash Funds	8,327	27,834	52,397	52,397
Reappropriated Funds	0	0	19,933	19,933

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
SUBTOTAL -	947,592	955,670	1,156,673	1,184,700	2.4%
<i>FTE</i>	<u>14.1</u>	<u>12.7</u>	<u>17.0</u>	<u>17.0</u>	(0.0%)
General Fund	939,265	927,162	966,506	994,533	2.9%
Cash Funds	8,327	28,508	170,234	170,234	0.0%
Reappropriated Funds	0	0	19,933	19,933	0.0%
(B) (2) Identification					
Personal Services	<u>3,151,834</u>	<u>3,121,333</u>	<u>3,403,849</u>	<u>3,464,546</u>	
<i>FTE</i>	<u>54.2</u>	<u>50.1</u>	<u>57.3</u>	<u>57.3</u>	
General Fund	1,136,620	1,134,279	1,170,085	1,183,334	
Cash Funds	1,771,211	1,745,979	1,986,206	2,028,127	
Reappropriated Funds	244,003	241,075	247,558	253,085	
Operating Expenses	<u>3,807,114</u>	<u>3,622,577</u>	<u>5,355,431</u>	<u>5,326,755</u>	
General Fund	244,510	244,510	244,510	229,943	
Cash Funds	2,518,390	2,503,224	2,641,556	2,627,447	
Reappropriated Funds	1,044,214	874,843	2,469,365	2,469,365	
Lease/Lease Purchase Equipment	<u>591,229</u>	<u>406,900</u>	<u>591,235</u>	<u>591,235</u>	
Cash Funds	378,388	260,417	378,392	378,392	
Reappropriated Funds	212,841	146,483	212,843	212,843	
SUBTOTAL -	7,550,177	7,150,810	9,350,515	9,382,536	0.3%
<i>FTE</i>	<u>54.2</u>	<u>50.1</u>	<u>57.3</u>	<u>57.3</u>	0.0%
General Fund	1,381,130	1,378,789	1,414,595	1,413,277	(0.1%)
Cash Funds	4,667,989	4,509,620	5,006,154	5,033,966	0.6%
Reappropriated Funds	1,501,058	1,262,401	2,929,766	2,935,293	0.2%

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
(B) (3) Information Technology					
Information Technology	<u>1,216,569</u>	<u>1,490,945</u>	<u>1,745,697</u>	<u>1,618,897</u>	
General Fund	591,163	818,456	844,310	844,310	
Cash Funds	625,406	621,889	838,587	758,587	
Reappropriated Funds	0	50,600	62,800	16,000	
SUBTOTAL -	1,216,569	1,490,945	1,745,697	1,618,897	(7.3%)
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	591,163	818,456	844,310	844,310	0.0%
Cash Funds	625,406	621,889	838,587	758,587	(9.5%)
Reappropriated Funds	0	50,600	62,800	16,000	(74.5%)
SUBTOTAL - (B) Colorado Crime Information					
Center	9,714,338	9,597,425	12,252,885	12,186,133	(0.5%)
FTE	<u>68.3</u>	<u>62.8</u>	<u>74.3</u>	<u>74.3</u>	<u>(0.0%)</u>
General Fund	2,911,558	3,124,407	3,225,411	3,252,120	0.8%
Cash Funds	5,301,722	5,160,017	6,014,975	5,962,787	(0.9%)
Reappropriated Funds	1,501,058	1,313,001	3,012,499	2,971,226	(1.4%)

(C) Laboratory and Investigative Services

The Laboratory and Investigative Services Units provide forensic and investigative assistance to law enforcement agencies throughout Colorado. This section of the budget receives the majority of its funding from the General Fund. Other major sources of revenue include the Offender Identification Fund, Limited Gaming Funds appropriated to the Department of Revenue, and the Colorado Identity Theft and Financial Fraud Cash Fund.

Personal Services	<u>8,110,884</u>	<u>8,160,020</u>	<u>8,285,561</u>	<u>8,660,923</u> *
FTE	95.4	94.5	103.6	105.4
General Fund	7,396,017	7,413,412	7,484,631	7,831,046
Cash Funds	169,936	191,845	168,407	174,719
Reappropriated Funds	544,931	554,763	632,523	655,158

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
Operating Expenses	<u>3,992,965</u>	<u>3,848,747</u>	<u>10,571,693</u>	<u>4,314,121</u> *	
General Fund	2,248,391	2,368,532	8,719,534	2,461,962	
Cash Funds	1,645,226	1,366,750	1,726,857	1,726,857	
Reappropriated Funds	99,348	113,465	125,302	125,302	
Complex Financial Fraud Unit	<u>286,239</u>	<u>289,520</u>	<u>642,992</u>	<u>650,009</u>	
FTE	2.9	2.9	7.0	7.0	
Cash Funds	286,239	289,520	642,992	650,009	
Lease/Lease Purchase Equipment	<u>437,222</u>	<u>439,196</u>	<u>439,196</u>	<u>439,196</u>	
General Fund	437,222	439,196	439,196	439,196	
SUBTOTAL - (C) Laboratory and Investigative					
Services	12,827,310	12,737,483	19,939,442	14,064,249	(29.5%)
FTE	<u>98.3</u>	<u>97.4</u>	<u>110.6</u>	<u>112.4</u>	<u>1.6%</u>
General Fund	10,081,630	10,221,140	16,643,361	10,732,204	(35.5%)
Cash Funds	2,101,401	1,848,115	2,538,256	2,551,585	0.5%
Reappropriated Funds	644,279	668,228	757,825	780,460	3.0%

(D) State Point of Contact - National Instant Criminal Background Check Program

This unit provides "instant" criminal background checks for the purpose of approving firearm purchases as well as concealed weapons permits applications. The program is defined in Section 24-33.5-424, C.R.S. The program is funded mainly by the General Fund but also receives funding from fees for concealed permit application background checks.

Personal Services	<u>1,196,342</u>	<u>1,348,168</u>	<u>2,301,095</u>	<u>2,500,095</u>
FTE	20.4	24.8	51.1	52.7
General Fund	1,067,459	1,154,659	362,071	0
Cash Funds	128,883	193,509	1,939,024	2,500,095

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
Operating Expenses	<u>250,372</u>	<u>422,423</u>	<u>383,302</u>	<u>386,233</u>	
General Fund	250,372	402,133	100,248	0	
Cash Funds	0	20,290	283,054	386,233	
SUBTOTAL - (D) State Point of Contact - National					
Instant Criminal Background Check Program	1,446,714	1,770,591	2,684,397	2,886,328	7.5%
<i>FTE</i>	<u>20.4</u>	<u>24.8</u>	<u>51.1</u>	<u>52.7</u>	<u>3.1%</u>
General Fund	1,317,831	1,556,792	462,319	0	(100.0%)
Cash Funds	128,883	213,799	2,222,078	2,886,328	29.9%
TOTAL - (5) Colorado Bureau of Investigation					
<i>FTE</i>	<u>201.4</u>	<u>200.1</u>	<u>243.0</u>	<u>246.4</u>	<u>1.4%</u>
General Fund	14,789,814	15,395,364	20,880,391	14,568,178	(30.2%)
Cash Funds	7,815,929	7,527,833	11,071,349	11,734,264	6.0%
Reappropriated Funds	2,249,392	2,082,913	3,857,800	3,812,529	(1.2%)
Federal Funds	2,321,320	2,076,165	845,933	870,271	2.9%

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
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(6) DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

The Division of Homeland Security and Emergency Management (DHSEM) was created in H.B. 12-1283. The Division consists of three offices: The Office of Emergency Management, Office of Prevention and Security, and the Office of Preparedness.

(A) Office of Emergency Management

The mission of the Office of Emergency Management (OEM) is to lead, manage, and coordinate state-level actions for all hazards preparedness, natural hazards mitigation, emergency response, and disaster recovery in support of local governments within Colorado. The main source of funding for this office is federal disaster funding, the state Disaster Emergency Fund, and some General Fund dollars.

Program Administration	<u>0</u>	<u>3,995,397</u>	<u>2,801,812</u>	<u>2,842,317</u>
FTE	0.0	28.2	31.7	31.9
General Fund	0	996,059	780,079	795,076
Reappropriated Funds	0	0	65,841	65,841
Federal Funds	0	2,999,338	1,955,892	1,981,400
Disaster Response and Recovery	<u>0</u>	<u>10,104,651</u>	<u>4,950,000</u>	<u>4,950,000</u>
Cash Funds	0	10,104,651	4,500,000	4,500,000
Federal Funds	0	0	450,000	450,000
Preparedness Grants and Training	<u>0</u>	<u>12,856,476</u>	<u>12,010,988</u>	<u>12,010,988</u>
Cash Funds	0	0	10,988	10,988
Federal Funds	0	12,856,476	12,000,000	12,000,000
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>183,033</u>	<u>178,941</u>
Reappropriated Funds	0	0	5,706	5,847
Federal Funds	0	0	177,327	173,094

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
SUBTOTAL - (A) Office of Emergency Management	0	26,956,524	19,945,833	19,982,246	0.2%
<i>FTE</i>	<u>0.0</u>	<u>28.2</u>	<u>31.7</u>	<u>31.9</u>	<u>0.6%</u>
General Fund	0	996,059	780,079	795,076	1.9%
Cash Funds	0	10,104,651	4,510,988	4,510,988	0.0%
Reappropriated Funds	0	0	71,547	71,688	0.2%
Federal Funds	0	15,855,814	14,583,219	14,604,494	0.1%

(B) Office of Prevention and Security

The mission of the Office of Prevention and Security (OPS) is to ensure a safe and secure environment for the citizens of Colorado from international acts of terrorism, accidental harmful events, or natural disasters, through the implementation of innovative prevention methods, coordinated response procedures, and effective recovery plans. The OPS receives federal funding as well as funding from the Colorado State Patrol (CSP).

Personal Services	<u>0</u>	<u>407,738</u>	<u>1,276,465</u>	<u>1,745,319</u> *	
<i>FTE</i>	0.0	3.9	8.0	8.9	
General Fund	0	0	0	438,612	
Reappropriated Funds	0	0	588,784	588,784	
Federal Funds	0	407,738	687,681	717,923	
Operating Expenses	<u>0</u>	<u>204,419</u>	<u>536,917</u>	<u>754,361</u> *	
General Fund	0	0	0	217,444	
Reappropriated Funds	0	0	45,765	45,765	
Federal Funds	0	204,419	491,152	491,152	
SUBTOTAL - (B) Office of Prevention and Security	0	612,157	1,813,382	2,499,680	37.8%
<i>FTE</i>	<u>0.0</u>	<u>3.9</u>	<u>8.0</u>	<u>8.9</u>	<u>11.2%</u>
General Fund	0	0	0	656,056	0.0%
Reappropriated Funds	0	0	634,549	634,549	0.0%
Federal Funds	0	612,157	1,178,833	1,209,075	2.6%

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
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(C) Office of Preparedness

The mission of the Office of Preparedness is to implement a State Preparedness Goal and System in order to build and improve the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to Colorado. The Office of Preparedness also administers federal homeland security and emergency management performance grants. The main source of funding is federal funds.

Program Administration	0	<u>2,933,155</u>	<u>803,001</u>	<u>846,401</u>	
FTE	0.0	15.4	8.8	9.0	
General Fund	0	224,800	203,001	230,524	
Federal Funds	0	2,708,355	600,000	615,877	
Grants	0	<u>14,998,868</u>	<u>9,601,205</u>	<u>9,601,205</u>	
Federal Funds	0	14,998,868	9,601,205	9,601,205	

SUBTOTAL - (C) Office of Preparedness	0	17,932,023	10,404,206	10,447,606	0.4%
FTE	<u>0.0</u>	<u>15.4</u>	<u>8.8</u>	<u>9.0</u>	<u>2.3%</u>
General Fund	0	224,800	203,001	230,524	13.6%
Federal Funds	0	17,707,223	10,201,205	10,217,082	0.2%

TOTAL - (6) Division of Homeland Security and Emergency Management	0	45,500,704	32,163,421	32,929,532	2.4%
FTE	<u>0.0</u>	<u>47.5</u>	<u>48.5</u>	<u>49.8</u>	<u>2.7%</u>
General Fund	0	1,220,859	983,080	1,681,656	71.1%
Cash Funds	0	10,104,651	4,510,988	4,510,988	0.0%
Reappropriated Funds	0	0	706,096	706,237	0.0%
Federal Funds	0	34,175,194	25,963,257	26,030,651	0.3%

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	FY 2011-12 Actual	FY 2012-13 Actual	FY 2013-14 Appropriation	FY 2014-15 Request	Request vs. Appropriation
TOTAL - Department of Public Safety	268,422,467	325,079,283	343,086,267	355,941,459	3.7%
<i>FTE</i>	<u>1,329.1</u>	<u>1,512.1</u>	<u>1,616.1</u>	<u>1,634.7</u>	<u>1.2%</u>
General Fund	80,192,975	84,965,303	97,396,503	99,256,965	1.9%
Cash Funds	121,107,993	152,101,966	164,734,328	175,970,508	6.8%
Reappropriated Funds	20,488,001	22,315,699	25,776,057	25,964,904	0.7%
Federal Funds	46,633,498	65,696,315	55,179,379	54,749,082	(0.8%)

Appendix B: **Recent Legislation Affecting Department Budget**

2012 Session Bills

H.B. 12-1019 (Transfer Ports of Entry to State Patrol): Abolishes the Motor Carrier Services Division in the Department of Revenue, transfers the Ports of Entry program to the Department of Public Safety, Colorado State Patrol, and transfers the International Registration Program for commercial vehicles to the Division of Motor Vehicles in the Department of Revenue. Appropriates \$10.9 million total funds and 122.3 FTE to the Department of Public Safety for FY 2012-13, of these amounts, reduces the General Fund appropriation by \$283,704, increases cash funds appropriations by \$10.6 million, and increases reappropriated funds appropriations by \$601,394. Reduces appropriations to the Department of Revenue by \$10.1 million and 122.3 FTE for FY 2012-13.

H.B. 12-1032 (Continue Forest Restoration Program): Continues the Forest Restoration Program for five years and specifies that the program is no longer a pilot program. Extends for five years the annual transfers from the Operational Account of the Severance Tax Trust Fund of \$1.0 million to the Forest Restoration Program Cash Fund, \$1.45 million to the Healthy Forests and Vibrant Communities Fund, and \$50,000 to the Wildland-Urban Interface Training Fund. Appropriates \$50,000 from the Wildland-Urban Interface Training Fund to the Department of Public Safety.

H.B. 12-1110 (Regulation of Appraisal Management Companies): Establishes within the Department of Regulatory Agencies' (DORA's) Division of Real Estate a licensure program for appraisal management companies. For FY 2012-13, appropriates \$23,700 cash funds to the Department of Public Safety, Colorado Bureau of Investigation for conducting criminal history background checks. The effective date of the bill is July 1, 2013, effectively nullifying the appropriation for FY 2012-13.

H.B. 12-1246 (Reverse Pay-date Shift for Bi-weekly State Employees): Reverses the annual pay date shift as it applies to state employees paid on a biweekly basis. Appropriates \$25,473 General Fund to the Department of Public Safety for FY 2012-13.

H.B. 12-1268 (Transfer Health Facility Safety Inspections): Transfers the responsibility for inspections of health care facilities for compliance with building and fire codes standards from the Department of Public Health and Environment (DPHE) to the Division of Fire Safety in the Department of Public Safety (DPS). The transfer is contingent on the modification of the current agreement between the federal Department of Health and Human Services and DPHE has been modified to permit the Division of Fire Safety in the DPS to perform building and fire safety code inspections pursuant to federal requirements set forth by the federal Centers for Medicare and Medicaid Services.

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H.B. 12-1283 (Consolidate Homeland Security Functions and Fire Prevention Functions): Consolidates the State's fire prevention and control and homeland security and emergency management functions, personnel, and resources into two new divisions within the Department of Public Safety. Eliminates the Office of Preparedness, Security, and Fire Safety. Creates the Division of Fire Prevention and Control tasked with all the functions of the former Office of Fire Safety. Transfers to the Division of Fire Prevention and Control the powers and obligations relating to fire and wildfire preparedness, response, suppression, coordination, and management vested previously in the State Forest Service and the board of governors of the Colorado State University. Codifies the consolidation of Colorado's homeland security functions, personnel, and resources, enacted under Executive Order D 2011-030 into a new Division of Homeland Security and Emergency Management, consisting of the Office of Emergency Management, Office of Prevention and Security, and Office of Preparedness. Moves appropriations from the Governor's Office, Department of Higher Education, Department of Local Affairs, and Department of Public Health and Environment into the new Division of Fire Prevention and Control and the new Division of Homeland Security and Emergency Management.

Appropriations and Adjustments to the 2012 Long Bill (H.B. 12-1335) in H.B. 12-1283						
Department/Division	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Governor, Office of Homeland Security	(\$10,201,205)	(6.0)	\$0	\$0	\$0	(\$10,201,205)
Higher Education, Fee-for-service Contracts with State Institutions and Board of Governors of the Colorado State University System	(620,090)	(35.4)	(310,045)	0	(310,045)	0
Local Affairs, Division of Emergency Management and EDO	(20,075,990)	(27.9)	(380,575)	(4,510,988)	(349,977)	(14,834,450)
Public Health and Environment, Emergency Preparedness and Response Division	(147,729)	(2.0)	(147,729)	0	0	0
Public Safety, Various	<u>36,608,071</u>	<u>71.3</u>	<u>838,349</u>	<u>10,129,020</u>	<u>349,977</u>	<u>25,290,725</u>
TOTAL	\$5,563,057	0.0	\$0	\$5,618,032	(\$310,045)	\$255,070

H.B. 12-1310 (Crime Proceedings Omnibus Changes): Addresses criminal justice matters in several areas including drug offenses and treatment, sentencing, court proceedings, sex offenses, probation, and parole. Relevant to the Department of Public Safety, consolidates funding for substance-abuse treatment for adult and juvenile offenders, replacing multiple appropriations with a set of similar appropriations involving the Correctional Treatment Cash Fund, which is created by the bill. Implements a consistent appropriation format that initially appropriates all General Fund and cash funds made available for treatment by S.B. 03-318 and H.B. 10-1352 to a single department (Judicial). Transfers funds not used in the Judicial Department to other state agencies as reappropriated funds. Eliminates a statutory requirement that the Division of Criminal Justice analyze and report each year to the Joint Budget Committee concerning the amount of fiscal savings generated by H.B. 10-1352. Increases appropriations of reappropriated funds to the Department by \$1,098,016 while reducing appropriations of cash funds by the same

amount. Reduces General Fund appropriations to the Division of Criminal Justice by \$37,964 and 0.5 FTE.

2013 Session Bills

S.B. 13-007 (Eliminate Repeal of CCJJ): Changes the repeal date for the Colorado Commission on Criminal and Juvenile Justice from July 1, 2013 to July 1, 2018. Requires the Office of Legislative Legal Services to provide a staff member to attend meetings of the Commission upon request. Makes the following FY 2013-14 General Fund appropriations: \$255,433 to the Department of Public Safety, \$56,100 to the Department of Corrections, and \$6,061 to the Legislative Department.

S.B. 13-083 (Colorado Prescribed Burning Act): Creates the "Colorado Prescribed Burning Act". Requires the Division of Fire Prevention and Control to implement a prescribed burning program. Appropriates \$4,635 federal funds to the Department of Public Safety for legal services from the Department of Law.

S.B. 13-101 (Supplemental): Supplemental appropriation to the Department of Public Safety to modify FY 2012-13 appropriations included in the FY 2012-13 Long Bill (H.B. 12-1335). Also, modifies FY 2012-13 appropriations to the Department of Public Safety in H.B. 12-1283.

S.B. 13-123 (Collateral Relief): Allows defendants who enter into an agreement alternative to sentencing or receive probation or a sentence to community corrections to apply for an order of collateral relief for the conviction, and establishes procedures for the application and standards for granting the relief. Provides that a pardon or commutation of sentence issued by the Governor waives all collateral consequences associated with each conviction for which the person received a pardon unless the pardon limits the scope of the pardon or commutation regarding collateral consequences. If the Governor grants a pardon or a commutation of sentence, the Governor shall provide a copy of the pardon or commutation to the Colorado Bureau of Investigation (CBI), and the CBI shall include a note in the individual's record in the Colorado Crime Information Center that a pardon was issued or clemency was granted. Appropriates \$184,902 and 3.0 FTE to the Department of Public Safety's Colorado Bureau of Investigation for FY 2013-14, including \$169,902 cash funds from the Colorado Bureau of Investigation Identification Unit Fund, and 3.0 FTE, and \$15,000 General Fund. For additional information on S.B. 13-123, see the "Recent Legislation" section for the Judicial Department.

S.B. 13-129 (Modify Audit Requirements): Modifies several statutory duties for the Office of the State Auditor (OSA). Changes the cycle for regular audits by the OSA of the Colorado Auto Theft Prevention Cash Fund from every two years to every five years. Reduces the FY 2012-13 appropriation to the Automobile Theft Prevention Authority in the Colorado State Patrol by \$6,500 cash funds. For additional information on S.B. 13-129, see the "Recent Legislation" section for the Legislative Branch.

S.B. 13-138 (School Resource Officer): Defines "school resource officer" and "community partners" and expressly includes school resource officers as community partners for the purposes of school safety, readiness, and incident management. Requires the School Safety Resource

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Center to hire or contract for the services of an emergency response consultant with experience in law enforcement and school safety to provide guidance to school districts and schools for school building safety assessments and the use of best practices for school security, emergency preparedness and response, interoperable communications, and obtaining grants. Requires the School Safety Resource Center to provide suggestions concerning training for school resource officers. For FY 2013-14 appropriates \$68,398 General Fund and 1.0 FTE to the Schools Safety Resource Center.

S.B. 13-283 (Implement Amendment 64): Requires the Colorado Commission on Criminal and Juvenile Justice to make recommendations to the General Assembly regarding criminal law changes that must be made to conform to Amendment 64. Requires the Division of Criminal Justice to undertake or contract for a study of law enforcement activities related to retail marijuana implementation. For FY 2013-14 appropriates \$154,034 from the Marijuana Cash Fund to the Department of Public Safety. For additional information on S.B. 13-283, see the "Recent Legislation" section for the Department of Public Health and Environment.

S.B. 13-230 (Long Bill): General appropriations act for FY 2013-14. Also includes supplemental adjustments to modify appropriations to the Department of Public Safety included in the FY 2012-13 Long Bill (H.B. 12-1335).

H.B. 13-1020 (Testing Evidence of Sexual Assault): Sets forth new requirements concerning the collection and treatment of forensic medical evidence of alleged sexual assault. Requires the Department of Public Safety to convene a group of stakeholders to develop rules on the standards and timing for submitting, analyzing, and comparing such evidence going forward. Requires law enforcement agencies and personnel at medical facilities performing forensic medical examinations to comply with the new rules within 90 days after their promulgation. A law enforcement agency may develop its own plan to analyze forensic evidence if the evidence will be analyzed by a date specified in rule by the executive director. Directs the Department of Public Safety to include within the funding requests submitted to the joint budget committee money to analyze the backlog of forensic medical evidence. For FY 2013-14 appropriates \$6,351,002 General Fund to the Colorado Bureau of Investigation for the testing of backlog forensic evidence.

H.B. 13-1031 (All-hazards Resource Mobilization): Clarifies the powers and duties of the Office of Emergency Management in relation to the Statewide All-Hazards Mobilization Plan. Establishes the means by which mobilized governmental entities may seek reimbursement for costs incurred by rendering inter-jurisdictional disaster assistance. Creates the Resource Mobilization Fund, the moneys in which are used by the executive director of the department to reimburse state agencies and jurisdictions in accordance with the plan. Authorizes the governor to transfer moneys to the Resource Mobilization Fund from the Disaster Emergency Fund when he or she believes that a disaster is imminent. For FY 2013-14 appropriates \$260,114 General Fund and 2.8 FTE to the Department of Public Safety.

H.B. 13-1129 (Evidence-based Practices for Offender Services): Creates the Evidence-based Practices Implementation for Capacity (EPIC) Resource Center in the Division of Criminal Justice, to help agencies serving juvenile and adult offender populations develop, implement, and

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sustain evidence-based practices. The EPIC Center was developed in 2009 as an initiative of the Colorado Commission on Criminal and Juvenile Justice and is funded with federal Justice Assistance Grant funds, set to end on September 30, 2013. For FY 2013-14, appropriates \$739,591 General Fund and 6.0 FTE to the Division of Criminal Justice to replace the expiring federal support.

H.B. 13-1155 (Transfer Health Facility Safety Inspections): Makes the interdepartmental transfer of staff responsible for the life safety code inspections of health facilities contained in H.B. 12-1268 from the Department of Public Health and Environment (DPHE) to the Division of Fire Prevention and Control in the Department of Public Safety (DPS) contingent upon approval from the Secretary of the federal Department of Health and Human Services (federal DHHS). Due to the fact that the bill was signed into law on March 14, 2013, transfer appropriations totaling \$1,207,865 and 15.0 FTE in FY 2013-14 were included in S.B. 13-230.

H.B. 13-1163 (Sexual Assault Victim Emergency Payment): Creates an emergency payment program in the Division of Criminal Justice for victims of sexual assault who need additional time to determine if they wish to pursue legal action. The program serves as payer of last resort for victims who require financial assistance to pay the costs of a forensic medical exam. For FY 2013-14, appropriates \$167,067 General Fund and 0.2 FTE to the Division of Criminal Justice.

H.B. 13-1195 (Human Trafficking Review): Directs the Colorado Commission on Criminal and Juvenile Justice to review the State's implementation of human trafficking statutes since their inception in 2007. The Commission must report its findings to the General Assembly by January 1, 2014. For FY 2013-14, appropriates \$9,020 General Fund to the Division of Criminal Justice.

H.B. 13-1228 (Payment for Background Checks for Gun Transfers): Requires the Colorado Bureau of Investigation (CBI) to charge a fee for performing instant criminal background checks related to the transfer of firearms. The fee may not exceed the direct and indirect costs associated with performing the background checks. Creates the Instant Criminal Background Check Cash Fund. Authorizes the CBI to continue using General Fund in FY 2013-14 until sufficient moneys exist in the fund to pay for the performing of criminal background checks. For FY 2013-14 reduces \$1,032,276 General Fund and 15.0 FTE and appropriates \$1,032,276 and 15.0 FTE from the Instant Criminal Background Check Cash Fund to the Department of Public Safety.

H.B. 13-1229 (Expand Background Checks for Gun Transfers): Expands instant criminal background checks related to the transfer of firearms to all firearms transfers on and after July 1, 2013. Requires a prospective firearm transferor to arrange for the services of one or more licensed gun dealers to obtain a background check. Prohibits a prospective firearm transferee from accepting possession of a firearm unless the prospective firearm transferor has obtained approval of the transfer from the Colorado Bureau of Investigation after a background check has been requested by a licensed gun dealer. For FY 2012-13 appropriates \$362,467 General Fund and 4.0 FTE to the Department of Public Safety. For FY 2013-14 appropriates \$1,415,932 cash funds from the Instant Criminal Background Check Cash Fund and 24.7 FTE to the Department of Public Safety.

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H.B. 13-1241 (Statewide Victim Information and Notification System): Directs the Division of Criminal Justice to distribute moneys for a statewide victim information and notification system that already exists and is operated by the County Sheriffs of Colorado. In 2007, the federal Bureau of Justice Assistance provided a grant to create this system, which provides information on inmates in county jails. Operating costs are currently paid by participating counties and by the Division of Youth Corrections (DYC) in the Department of Human Services, which also participates in the system. For FY 2013-14, the bill appropriates \$434,720 General Fund to the Division of Criminal Justice to pay for expenses of the system, with \$10,000 reappropriated to the DYC to pay for the DYC's share of system costs. Adjusts FY 2013-14 appropriations to the DYC, reducing General Fund by \$10,000 and increasing reappropriated funds from the Department of Public Safety by \$10,000.

H.B. 13-1317 (Implement Amendment 64): Establishes the regulatory framework to implement Amendment 64, which legalizes the possession of small amounts of marijuana. For FY 2013-14 appropriates \$155,760 cash funds from the Colorado Bureau of Investigation Identification Unit Fund and 0.7 FTE to the Department of Public Safety for fingerprint-based criminal history record checks. For additional information on H.B. 13-1317, see the "Recent Legislation" section for the Department of Revenue.

Appendix C: Update on Long Bill Footnotes & Requests for Information

Long Bill Footnotes

Footnotes 60 and 61 will be addressed in a separate Department briefing discussion.

Requests for Information

Requests Affecting Multiple Departments

- 2 Department of Corrections, Management, Executive Director's Office Subprogram; Department of Human Services, Behavioral Health Services, Alcohol and Drug Abuse Division; and Division of Youth Corrections; Judicial Department, Probation and Related Services; and Department of Public Safety, Division of Criminal Justice; and Colorado Bureau of Investigation – State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from: the Offender Identification Fund, the Sex Offender Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the Alcohol and Drug Driving Safety Program Fund, among other programs.

Comment: The Judicial Branch included a schedule detailing the revenues and expenses out of the Offender Identification Fund.

- 3 Governor – Lieutenant Governor – State Planning and Budgeting, Office of State Planning and Budgeting; and Department of Public Safety, Division of Homeland Security and Emergency Management, Office of Emergency Management, Disaster Response and Recovery -- The Office of Emergency Management is requested to work with the Office of State Planning and Budgeting to provide a report to the Joint Budget Committee by November 1, 2013, concerning revenues credited to and expenditures made from the Disaster Emergency Fund in fiscal years 2012-13 and 2013-14 year-to-date. 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 Department submitted a report on November 8, 2013, detailing expenditures from the Disaster Emergency Fund. The Report is attached below.

Governor's Office and Department of Public Safety, FY 2013-14 RFI #4
November 8, 2013

The Office of Emergency Management is requested to work with the Office of State Planning and Budgeting to provide a report to the Joint Budget Committee by November 1, 2013, concerning revenues credited to and expenditures made from the Disaster Emergency Fund in fiscal years 2012-13 and 2013-14 year-to date. 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.

The response to this request for information is in three parts, detailed in three separate attachments.

Attachment A

Attachment A summarizes all revenues, encumbrances, and expenses in the Disaster Emergency Fund since July 1, 2010. This table shows the overall impact to the Fund, by disaster event. In short, as of November 2013, the Fund has a cash balance of \$144.7 million, and an unencumbered balance of \$8.1 million. The Governor may choose to use this \$8.1 million for additional encumbrances related to prior disasters, for response to future disasters, or for reimbursement to the initial sources of revenue to the Fund.

As the State receives invoices from the various entities that participated in response to these disaster events, and receives reimbursements for these expenses from the Federal Emergency Management Agency, the unencumbered balance in the Fund is anticipated to increase significantly.

Attachment B

Attachment B provides detail for all expenses and FEMA reimbursements, by disaster event, for FY 2012-13 and FY 2013-14 (YTD).

Attachment C

Attachment C details the sources of all revenues transferred by the Governor into the Disaster Emergency Fund in calendar years 2012 and 2013.

Beginning DEF Balance -- July 1, 2010 5,492,381 5,492,381

Disaster Events	FY of OCCURRENCE	EO ENCUMBRANCE	EO REVENUE			REIMBURSEMENTS	TOTAL IMPACT,		LIQUIDATED ENCUMB. OR BOOKED RECEIVABLE	REMAINING ENCUMBRANCE	FUND BALANCE, ACCRUED
			TRANSFERS	TOTAL EXPENSES	CASH		FUND BALANCE, CASH				
Four Mile	2011	5,200,000	-	(1,851,350)	-	(1,851,350)	3,641,031	(3,348,650)	-	3,641,031	
Reservoir Road	2011	3,000,000	2,900,000	(2,016,982)	1,377,173	2,260,191	5,901,222	(2,360,191)	-	5,901,222	
Indian Gulch	2011	1,500,000	1,500,000	(864,547)	567,380	1,202,833	7,104,055	(1,202,833)	-	7,104,055	
Four Mile and Reservoir Water Quality	2011	900,000	900,000	(900,000)	-	-	7,104,055	-	-	7,104,055	
Crystal	2011	1,700,000	1,700,000	(1,088,975)	789,467	1,400,492	8,504,547	(1,400,492)	-	8,504,547	
Bear and Purgatorie / Las Animas Fires	2011	2,500,000	2,500,000	(910,699)	-	1,589,301	10,093,848	-	1,589,301	8,504,547	
Miscellaneous	2011	-	-	260,052	-	260,052	10,353,900	-	260,052	8,504,547	
Navajo	2012	200,000	200,000	(24,624)	-	175,376	10,529,276	-	175,376	8,504,547	
Shell Complex	2012	1,100,000	1,100,000	(256,116)	-	843,884	11,373,160	-	843,884	8,504,547	
Duckett	2012	1,900,000	1,900,000	(1,044,042)	157,961	1,013,919	12,387,079	-	1,013,919	8,504,547	
Track	2012	1,450,000	1,450,000	(596,999)	-	853,001	13,240,080	-	853,001	8,504,547	
Stranded Motorist	2012	1,020	-	(1,020)	-	(1,020)	13,239,060	-	-	8,503,527	
Lower North Fork	2012	3,865,000	-	(395,957)	-	(395,957)	12,843,103	-	3,469,043	4,638,527	
Hewlett Gulch	2012	1,000,000	1,000,000	(547,779)	-	452,221	13,295,324	-	452,221	4,638,527	
High Park	2012	25,000,000	23,000,000	(10,001,131)	3,122,300	16,121,169	29,416,493	(6,877,700)	11,243,469	9,516,227	
Stuart Hole	2012	200,000	200,000	(22,195)	-	177,805	29,594,298	-	177,805	9,516,227	
Springer	2012	1,000,000	1,000,000	(345,057)	-	654,943	30,249,241	-	654,943	9,516,227	
Waldo Canyon	2012	6,370,000	6,175,000	(2,822,561)	-	3,352,439	33,601,680	-	3,547,439	9,321,227	
Weber	2012	2,135,000	2,135,000	(285,913)	-	1,849,087	35,450,767	-	1,849,087	9,321,227	
Flagstaff	2012	2,500,000	2,500,000	(295,506)	-	2,204,494	37,655,261	-	2,204,494	9,321,227	
Pine Ridge	2013	500,000	500,000	(469,047)	-	30,953	37,686,214	-	30,953	9,321,227	
Bull Basin	2013	200,000	200,000	(8,641)	-	191,359	37,877,573	-	191,359	9,321,227	
Powell Complex	2013	210,000	210,000	(193,037)	-	16,963	37,894,536	-	16,963	9,321,227	
Highway 13	2013	150,000	150,000	(141,007)	-	8,993	37,903,529	-	8,993	9,321,227	
Wetmore	2013	3,515,000	3,515,000	(387,528)	-	3,127,472	41,031,001	-	3,127,472	9,321,227	
High Park and Waldo Flooding	2013	200,000	200,000	(109,880)	-	90,120	41,121,121	-	90,120	9,321,227	
Roatcap	2013	250,000	-	(39,831)	-	(39,831)	41,081,290	-	210,169	9,071,227	
Fern Lake	2013	13,000	-	(7,846)	-	(7,846)	41,073,444	-	5,154	9,058,227	
Cedar Knob	2013	110,000	-	(20,669)	-	(20,669)	41,052,775	-	89,331	8,948,227	
Big Meadows	2013	50,000	-	(0)	-	(0)	41,052,775	-	50,000	8,898,227	
Royal Gorge	2013	1,500,000	1,500,000	(1,818)	-	1,498,182	42,550,957	-	1,498,182	8,898,227	
Black Forest	2013	1,300,000	6,200,000	(3,410,914)	-	2,789,086	45,340,043	-	(2,110,914)	13,798,227	
Klickus	2013	150,000	-	(31,303)	-	(31,303)	45,308,739	-	118,697	13,648,227	
East Peak	2013	3,000,000	-	(1,199,235)	-	(1,199,235)	44,109,504	-	1,800,765	10,648,227	
West Fork	2013	12,500,000	12,500,000	(3,448,948)	-	9,051,052	53,160,556	-	9,051,052	10,648,227	
Lime Gulch	2013	550,000	550,000	(60,455)	-	489,545	53,650,101	-	489,545	10,648,227	
El Paso County Flooding	2014	400,000	400,000	-	-	400,000	54,050,101	-	400,000	10,648,227	
Red Canyon	2014	2,000,000	2,000,000	(176,328)	-	1,823,672	55,873,773	-	1,823,672	10,648,227	
September Flooding	2014	91,500,000	88,950,000	(138,729)	-	88,811,271	144,685,044	-	91,361,271	8,098,227	
ENDING FUND BALANCE							144,685,044		8,098,227		

DISASTER EMERGENCY FUND EXPENSES		
Disaster Events	FY13	FY14
Reservoir Road	1,572,094	
Indian Gulch	761,899	
Crystal	484,479	
Bear and Purgatorie / Las Animas Fires	17,229	
Shell Complex	45	
Duckett	(9,819)	
Track	266	385,632
Lower North Fork	384,664	
Hewlett Gulch	519,667	
High Park	7,236,969	22,513
Stuart Hole	22,195	
Springer	361,757	(16,700)
Waldo Canyon	1,254,917	1,277,833
Weber	285,913	
Flagstaff	295,506	
Pine Ridge	469,047	
Bull Basin	8,641	
Powell Complex	193,037	
Highway 13	141,007	
Wetmore	302,540	84,988
High Park and Waldo Flooding	77,674	32,206
Roatcap	39,831	
Fern Lake		7,846
Cedar Knob	20,669	
Big Meadows	995	(995)
Royal Gorge	1,109	709
Black Forest	745,009	2,665,905
Klickus	10,815	20,488
East Peak	628,273	570,962
West Fork	292,503	3,156,445
Lime Gulch	-	60,455
El Paso County Flooding	-	-
Red Canyon	-	176,328
September Flooding	-	138,729
TOTAL	16,118,931	8,583,345

DISASTER EMERGENCY FUND REIMBURSEMENTS		
Disaster Events	FY13	FY14
Reservoir Road	1,377,173	
Indian Gulch	567,380	
Crystal	789,467	
Duckett	157,961	
High Park	3,122,300	
TOTAL	6,014,281	-

**Disaster Emergency Allocations and Sources of Revenue
Calendar Year 2012**

Source of Funding	Lower North Fork	Hewlett*	High Park*	Springer	Stuart Hole	Waldo Canyon	Weber	Flagstaff	Pine Ridge	Bull Basin	Powell Complex	Highway 13	Wetmore	TOTAL
Major Medical Insurance Fund (CDLE)	-	1,000,000	14,000,000											15,000,000
Perpetual Base Account of the Severance Tax Fund (DNF)	-	-						1,582,000						1,582,000
Disaster Emergency Fund Balance	3,500,000	-	2,000,000											5,500,000
FY 2012-13 Controlled Maintenance Trust Fund			6,000,000			2,670,000			500,000	200,000	210,000	150,000	3,270,000	13,000,000
Health Care Policy and Financing FY 2011-12														
Medical Services Premiums						2,430,000								2,430,000
Indigent Care Program – Children’s Basic Health Plan														
Medical and Dental Plan			2,000,000			900,000								2,900,000
Other Medical Services – Medicare Modernization Act of 2003 State Contribution Payment				1,000,000										1,000,000
Subtotal HCPF FY 2011-12			2,000,000	1,000,000	-	3,330,000	-	-	-	-	-	-	-	6,330,000
Human Services FY 2011-12														
(8) (B) Mental Health Community Programs- Residential Treatment for Youth (H.B. 99-1116)							175,000							175,000
(11) (C) DYC Community Programs, Parole Program Services			49,000		200,000	175,000								424,000
11) (C) DYC Community Programs, Contract Placements							100,000							100,000
Subtotal DHS FY 2011-12			49,000	-	200,000	175,000	275,000	-	-	-	-	-	-	699,000
Public Safety FY 2011-12														
Division of Criminal Justice, Community Corrections Transition Programs							800,000							800,000
Division of Criminal Justice, Community Corrections Diversion Programs							1,060,000							1,060,000
Subtotal CDPS FY 2011-12			-	-	-	-	1,860,000	-	-	-	-	-	-	1,860,000
Corrections FY 2011-12														
Institutions, Maintenance Subprogram - Operating Expenses			556,000											556,000
Institutions, Superintendents Subprogram - Operating Expenses			395,000											395,000
Management, External Capacity								800,000						800,000
Parole Board, Personal Services								118,000						118,000
Subtotal DOC FY 2011-12			951,000	-	-	-	-	918,000	-	-	-	-	-	1,869,000
Health Care Policy and Financing FY 2012-13														
Medical Services Premiums													245,000	245,000
Subtotal HCPF FY 2012-13			-	-	-	-	-	-	-	-	-	-	245,000	245,000
TOTAL BY FIRE, ESTIMATED THROUGH 6/30/12	3,500,000	1,000,000	25,000,000	1,000,000	200,000	6,175,000	2,135,000	2,500,000	500,000	200,000	210,000	150,000	3,515,000	46,085,000

* Executive Order D 2012-011 transferred \$3.0 million from the Major Medical Insurance Fund for the Hewlett fire. Executive Order D 2011-022 deobligated \$2.0 million of the initial encumbrance for the Hewlett fire, and transferred this amount to the High Park Fire. Therefore, \$2.0 million from the Major Medical Insurance Fund is indirectly assigned to the High Park Fire, although this is not explicitly stated in either of the two related Executive Orders.

**Disaster Emergency Allocations and Sources of Revenue
Calendar Year 2013**

Source of Funding	Royal Gorge	Black Forest	Klickus	Big Meadows	East Peak	West Fork Complex	Lime Gulch	Manitou Flooding	Red Canyon Fire	September Floods	TOTAL
Disaster Emergency Fund Balance		6,800,000	150,000	50,000	3,000,000					2,550,000	12,550,000
FY 2012-13 Controlled Maintenance Trust Fund	1,500,000	2,100,000				3,000,000	550,000			2,850,000	10,000,000
FY 2013-14 Controlled Maintenance Trust Fund						9,500,000		400,000	2,000,000	36,100,000	48,000,000
Health Care Policy and Financing FY 2012-13											
(5) Other Medical Services, Medicare Modernization State Contribution Payment		2,100,000									2,100,000
Subtotal HCPF FY 2012-13	-	2,100,000	-	-	-	-	-	-	-	-	2,100,000
Corrections FY 2012-13											
Parole Board Personal Services		37,640									37,640
Drug and Alcohol Personal Services		451,090									451,090
Mental Health Personal Services		1,057,260									1,057,260
Sex Offender Treatment Personal Services		99,259									99,259
Community YOS Phase II and III Personal Services		221,457									221,457
Payments to Pre-Release Parole Revocation Facilities		133,294									133,294
Subtotal DOC FY 2012-13	-	2,000,000	-	-	-	-	-	-	-	-	2,000,000
Health Care Policy and Financing FY 2013-14											
Medical Services Premiums										50,000,000	50,000,000
Subtotal HCPF FY 2013-14										50,000,000	50,000,000
TOTAL ESTIMATED BY FIRE	1,500,000	13,000,000	150,000	50,000	3,000,000	12,500,000	550,000	400,000	2,000,000	91,500,000	124,650,000

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Requests Affecting the Department of Public Safety

- 1 Department of Public Safety, Colorado State Patrol, Information Technology Asset Maintenance -- The Department is requested to submit to the Joint Budget Committee an annual expenditure report on November 1 of each year. At a minimum, each report should include on-going 5-year expenditure estimates for the line item, any new contracts awarded, and the names of the vendors.

Comment: The Department provided a response on November 1, 2012, the response is shown below:

FY 2012-13 Summary:

Fiscal Year (FY) 2012-13 focused primarily on the network infrastructure, replacement of dispatch radio consoles in Craig and Montrose, installation of the Uninterruptable Power Supply UPS, and the continued maintenance of the existing systems. The Computer Aided Dispatch (CAD) project is continues and is scheduled for completion in FY 2013-14.

The table below shows the expended budget for FY 2012–13:

Description	FY 2012-13
CAD Premier Maintenance	\$ 214,542.96
CAD Software Upgrade Contracts	4,162.00
Radio Console Replacement	1,340,886.55
CAD Computers, Monitors and Printers	32,530.87
Network Infrastructure	153,573.66
Implementation and Operational Expenses	164,438.60
CAD Training	7,904.97
UPS Replacement and Installation	69,866.72
TOTALS	\$ 1,987,906.33

FY 2013-14 Implementation Plan:

For FY 2013-14, the focus will be the initial purchasing of a records management system (RMS), the completion of the CAD project (Premier One), continued replacement of radio consoles, in addition to the maintenance contracts and ongoing operational expenses.

The table below shows an estimate of costs for FY 2013–14:

Description	FY2013-14
CAD Premier Maintenance	\$ 303,740.00
Records Management System (RMS)	499,400.00
CAD Premier / Mobile	196,455.00
Radio Console Replacement	712,000.00
Computers, Monitors and Printers	115,000.00

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Network Infrastructure	5,000.00
Operational Expenses	148,405.00
CAD Training/Travel	20,000.00
TOTALS	\$ 2,000,000.00

As the Patrol approaches FY 2014-15, the focus will be on completion of the RMS project, purchasing radio dispatch consoles, mobile radios, and continuation of maintenance contracts for all systems.

The table below shows an estimate of costs for FY 2014–15:

Description	FY2014-15
CAD Premier Maintenance	\$ 315,000.00
Radio Console Upgrade – Mobile Radios	760,000.00
Records Management System (RMS)	673,400.00
Computers, Monitors and Printers	71,000.00
Operational Expenses	175,600.00
CAD Training/Travel	5,000.00
TOTALS	\$ 2,000,000.00

In FY 2015-16, CSP plans replacement of the emergency medical dispatch software, finalization of dispatch radio console replacement, enhancements to our statewide mapping and continuation of maintenance contracts for all systems. During FY 2015-16, the Patrol will begin to analyze the components of the CAD, mobile, Recording and RMS systems that would require updates or upgrades, and begin the system replacement cycle anew.

The table below shows an estimate of costs for FY 2015–16:

Description	FY2015-16
CAD Premier Maintenance	\$ 330,000.00
RMS Maintenance	207,000.00
Emergency Medical Dispatch	150,000.00
Radio Console Upgrade – Mobile Radios	750,000.00
Computers, Monitors and Printers	150,000.00
Geo-file Services	150,000.00
Network Infrastructure	83,000.00
Operational Expenses	175,000.00
CAD Training/Travel	5,000.00
TOTALS	\$ 2,000,000.00

In FY 2016-17, CSP plans to complete the mapping upgrade, replace server hardware, network upgrades, continuation of maintenance contracts for all systems, and other replacement needs of the CAD, mobile, Recording and RMS systems.

The table below shows an estimate of costs for FY 2016–17:

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Description	FY2016-17
CAD Premier Maintenance	\$ 345,000.00
RMS Maintenance	220,000.00
Multiple System Upgrades	290,000.00
Computers, Monitors and Printers	600,000.00
Geo-file Services	200,000.00
Network Infrastructure	150,000.00
Operational Expenses	190,000.00
CAD Training/Travel	5,000.00
TOTALS	\$ 2,000,000.00

Requests for Information 2 and 3 will be addressed in a separate Department briefing discussion.

- 4** Department of Public Safety Totals – The Department is requested to submit to the Joint Budget Committee, on November 1 of each year, a detailed report on the Department's use of Highway Users Tax Fund (HUTF) by division and program. Each annual report should include the amount of HUTF spent and the Full-time Equivalent (FTE) employees for each program in the prior fiscal year, including detail on Colorado State Patrol FTE performing work for other divisions.

Comment: The Department provided a response on November 1, 2013, the response is shown below:

Two divisions within the Colorado Department of Public Safety (CDPS) receive appropriations with HUTF “Off the Top” spending authority: the Colorado State Patrol (CSP) and the Executive Director’s Office (EDO). Although both divisions receive HUTF “Off the Top” appropriations, all programs that use these funds are within the Colorado State Patrol. Below is a brief summary of the programs that used HUTF “Off the Top” funds during FY 2012-13.

General Traffic Safety Operations and Administration

General Traffic Safety Operations and Administration Program includes all personnel and related operating expenses necessary to support the Patrol’s statewide traffic safety operations. In total, the Patrol spent \$86,180,265 and 684.20 FTE in HUTF “Off the Top” to support the General Traffic Operations and Administration Program. Listed below are the personnel and operating costs included in this calculation:

- **State Patrol Law Enforcement Personnel** – HUTF funds supported the personnel costs of the CSP Chief, Lieutenant Colonels, Majors, Captains, Sergeants, Troopers and Technicians.
- **Civilian Personnel** – HUTF funds paid for personnel costs for most Civilian support staff within the State Patrol. The support staff consists of administrative support, budget, accounting, purchasing and operational development staff, needed to support CSP.

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- **Retirement Payouts** – HUTF funds were used for sick and annual leave payouts for members of the State Patrol who retire or separate from CDPS.
- **Overtime Expenses** – HUTF funds supported overtime payments made to State Patrol Troopers.
- **Operating Expenses** – HUTF funds paid for the majority of operating expenses for State Patrol operations, including per-mile fleet vehicle charges.
- **Information Technology Asset Maintenance** – HUTF funds supported ongoing operating and maintenance costs for the State Patrol’s Computer Aided Dispatch (CAD) and Mobile Data Computers.
- **Vehicle Lease Payments** – HUTF funds were used for vehicle lease payments for all vehicles operated by the State Patrol.
- **EDO Personal Services** – HUTF paid a small portion of the Executive Director’s Office’s (EDO’s) personnel costs. This marginal HUTF appropriation within the EDO’s Administration Personal Services line item appeared in the FY 2003-04 Long Bill as a result of the Department’s allocation of Performance-Based Pay awards.
- **Purchase of Services from Computer Center** – HUTF funds used to support certain services of the Governor’s Office of Information Technology.
- **Management and Administration of OIT** – HUTF funds used to support the management and administration of the Governor’s Office of Information Technology.
- **Multiuse Network Payments** – HUTF funds supported a portion of the payments to the Department of Personnel and Administration (DPA) for use of the Statewide Multiuse Network. These payments ensured connectivity of IT resources located throughout the Patrol’s geographically disparate offices.
- **Risk Management and Property Funds** – HUTF funds were used to pay for the portion of payments to DPA for property insurance specifically attributable to CSP Troop Offices located within defined flood plains.
- **Leased Space** – HUTF funds were used to pay for non-state owned buildings occupied by State Patrol staff.
- **Capitol Complex Leased Space** – HUTF funds were used for payments to DPA for state-owned building leased space occupied by CSP staff.
- **Communication Services Payments** – HUTF funds supported payments to DPA for the support of the Statewide Digital Trunked Radio network.
- **Utilities** – HUTF funds were used for utilities payments for buildings occupied by CSP staff.

Communications Program

The Communications Program comprises personnel and operating costs for the State Patrol’s police dispatching services to the CSP, as well as several other federal, county, and municipal law enforcement agencies throughout the State. The amount of HUTF funds used to fund this program in FY 2012-13 totaled \$6,781,982 and 116.1 FTE.

State Patrol Training Academy

The State Patrol Training Academy provides training for State Patrol Cadets, as well as in-service training for all uniformed CSP personnel, at the State Patrol’s Training Academy. The

amount of HUTF funds used to fund this program in FY 2012-13 totaled \$2,038,645 and 16.0 FTE.

Aircraft Program

The Aircraft Program includes both traffic safety activities in the form of aerial highway supervision, as well as passenger carrier services for State agencies. The amount of HUTF funds used to fund this program in FY 2012-13 totaled \$399,067 and 1.5 FTE.

Hazardous Materials Safety Program

The Hazardous Materials Safety Program provides scheduling, routing, permitting and inspection services for commercial vehicles carrying hazardous and nuclear materials, as well as clean-up and mitigation capabilities for hazardous materials spills. The amount of HUTF funds used to fund this program in FY 2012-13 totaled \$839,832 and 6.5 FTE.

Indirect Cost Recoveries

Through Indirect Cost Recoveries, the State collects funding for the administrative support provided by the Executive Director’s Office, Department of Personnel and Administration, and other central services. The amount of HUTF funds collected to pay for these services in FY 2012-13 totaled \$7,198,780.

Victim Assistance Program

The Victim Assistance Program allows the State Patrol to offer support and services to victims of crime on Colorado’s highways. The amount of HUTF funds used to support victims assistance services in FY 2012-13 totaled \$63,149.

Ports of Entry

The Ports of Entry Program was transferred to the CSP by HB 12-1019. The amount of HUTF funds used to fund this program in FY 2012-13 totaled \$9,505,702 and 107.1 FTE.

Motor Carrier Safety and Assistance Program

The Motor Carrier Safety and Assistance Program (MCSAP) used HUTF to support the commercial vehicle safety inspectors transferred to the CSP by HB 10-1113. The amount of HUTF funds used to fund this program in FY 2012-13 totaled \$326,607 and 3.8 FTE.

Executive and Capitol Complex Security Program and Homeland Security Program

The *Executive and Capitol Complex Security Program* provides funding for expenses related to the State Patrol’s State protection operations. This program provides protection to the State Capitol, Capitol Complex Buildings, the Governor, the First Family, and the Lieutenant Governor. The *Homeland Security Program* provides protection of Colorado’s residents and visitors from potential threats, primarily through operation of the Colorado Information and Analysis Center (CIAC) and Critical Infrastructure Protection Program. In accordance with the JBC’s direction to spend existing General Fund appropriations on these items, the Department applied as much General Funds as possible to appropriate Capitol Security and Homeland Security expenses. In FY 2010-11, the Department eliminated direct spending of HUTF funds on these non-highway programs.

Appendix D: Indirect Cost Assessment Methodology

Description of Indirect Cost Assessment Methodology

The Department of Public Safety’s indirect cost assessment methodology is calculated based on three components: an “*Indirect Cost Pool*”, an “*Indirect Cost Base*”, and an “*Indirect Cost Rate*”.

The *Indirect Cost Pool* is comprised of approved Executive Director’s Office (EDO) and other overhead FY 2012-13 actual costs, including statewide indirect costs, used to provide support to the entire department. **Table 1** outlines which lines are included in the department’s Indirect Cost Pool.

Table 1		
Department of Public Safety Indirect Cost Pool		
Division	Line Item	FY 2012-13 Actual
Executive Director's Office		
	Personal Services	\$2,600,740
	Operating Expenses	190,800
	Legal Services	326,733
	Purchase of Services from Computer Center	24,227
	Colorado State Network	34,727
	Management and Administration of OIT	273,449
	Vehicle Lease	24,689
	Lease Space	111,960
	Risk Management	20,923
	Workers' Compensation	11,448
	COFRS Modernization	1,640
	Depreciation	3,537,877
	Termination Costs	662,077
	Audit Costs	28,690
	Statewide Indirect Cost Allocation	1,341,467
Total Indirect Cost Pool		\$9,191,447

The *Indirect Cost Base* is comprised of FY 2012-13 actual personal services costs by division. **Table 2** summarizes the department’s Indirect Cost Base.

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Table 2	
Department of Public Safety Indirect Cost Base	
	FY 2012-13
Division	Actual
Executive Director's Office	\$1,613,936
Colorado State Patrol	\$96,038,440
Division of Fire Prevention and Control	3,418,555
Division of Criminal Justice	4,425,522
Colorado Bureau of Investigation	16,351,126
Homeland Security and Emergency Management	4,577,900
Total Indirect Cost Base	\$126,425,479

The *Indirect Cost Rate* is 10.0 percent of each division’s FY 2012-13 actual personal services lines. The Indirect Cost Rate is calculated by dividing the *Indirect Cost Pool* by the *Indirect Cost Base*. **Table 3** illustrates how the Indirect Cost Rate is calculated.

Table 3	
Department of Public Safety Indirect Cost Rate	
	FY 2012-13
Division	Actual
Indirect Cost Pool	\$9,191,447
Indirect Cost Base	\$126,425,479
Indirect Cost Rate (Base/Pool)	7.3%

FY 2014-15 Indirect Cost Assessment Request

For FY 2014-15 the Department has requested \$8,116,119 for indirect cost assessments. **Table 4** shows the FY 2014-15 Department request for the Indirect Cost Assessment line items in each division. The FY 2014-15 request represents an increase of \$167,293 from the FY 2013-14 indirect cost assessment.

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Table 4					
Department Indirect Cost Assessment Request (November 1, 2013)					
Division	Total	CF	HUTF	RF	FF
Colorado State Patrol	\$6,954,596	179,641	6,296,357	322,974	155,624
Division of Fire Prevention and Control	138,045	94,690	0	20,557	22,798
Division of Criminal Justice	537,453	55,336	0	5,972	476,145
Colorado Bureau of Investigation	307,084	240,969	0	52,965	13,150
Homeland Security and Emergency Management	178,941	0	0	5,847	173,094
Total FY 2013-14 Request	\$8,116,119	\$570,636	\$6,296,357	\$408,315	\$840,811
FY 2013-14 Indirect Cost Assessment	\$7,948,826	\$533,111	\$5,999,210	\$428,451	\$988,054
Difference (FY 15 - FY 14)	\$167,293	\$37,525	\$297,147	(\$20,136)	(\$147,243)

Appendix E: Change Requests' Relationship to Measures

This appendix will show how the Department of Public Safety indicates each change request ranks in relation to the Department's top priorities and what performance measures the Department is using to measure success of the request.

Change Requests' Relationship to Measures			
R	Change Request Description	Goals / Objectives	Measures
R-1	CBI New Pueblo Facility Lease and Operating	<ul style="list-style-type: none"> • Maintain accreditation of the Pueblo laboratory issued by the International Organization for Standardization (ISO). • Reduce the turnaround time for providing forensic analysis and results to submitting agencies. 	<ul style="list-style-type: none"> • The Forensic and Laboratory Services Program aims to reduce the processing of forensic and laboratory analysis items to submitting agencies within 60 days of submittal.
R-2	DFPC Funding for Wildfire Preparedness Fund	<ul style="list-style-type: none"> • Provide additional resources for wildfires that exceed local abilities. 	<ul style="list-style-type: none"> • Measure not provided.
R-3	DHSEM Sustainability of State Fusion Center	<ul style="list-style-type: none"> • Continued operation of the Colorado Information Analysis Center (CIAC) 	<ul style="list-style-type: none"> • Measure not provided.
R-4	CBI/DHSEM Cyber Crime Initiative	<ul style="list-style-type: none"> • Create a Cyber Crime Task Force to more effectively protect state IT infrastructure and prosecute cyber-crime. 	<ul style="list-style-type: none"> • Measure not provided.
R-5	DFPC Budget and Policy Analyst	<ul style="list-style-type: none"> • Meet external and internal budget deadlines. 	<ul style="list-style-type: none"> • Measure not provided.
R-6	DCJ Community Corrections FTE Support	<ul style="list-style-type: none"> • Reduce recidivism rates and outcomes with implementation of evidence based practices. 	<ul style="list-style-type: none"> • Number of specialized programs reviewed for quality practices. • Number of programs that have implemented evidence-based practices. • Number of programs partially or fully compliant with federal regulatory PREA standards.
R-7	EDO Rulemaking Support Staff	<ul style="list-style-type: none"> • Implement a periodic review process of all rules. 	<ul style="list-style-type: none"> • Measure not provided.
R-8	CBI InstaCheck Leased Space	<ul style="list-style-type: none"> • Provide funding for special legislation. 	<ul style="list-style-type: none"> • Measure not provided.
R-9	CSP/CBI Vehicle Variable Rate	<ul style="list-style-type: none"> • Continue to pay for an increase in the variable vehicle rate. 	<ul style="list-style-type: none"> • Measure not provided.
R-10	CSP Portable Radios	<ul style="list-style-type: none"> • Maintain operability of trooper portable radios and compatibility with OIT standards. 	<ul style="list-style-type: none"> • Measure not provided.
R-11	DFPC State Engine Staffing	<ul style="list-style-type: none"> • Increase state fire engine support to locals. 	<ul style="list-style-type: none"> • Measure not provided.
R-12	CSP World Alpine Ski Championship	<ul style="list-style-type: none"> • Assist Vail Police Department with traffic management and law enforcement. 	<ul style="list-style-type: none"> • Measure not provided.
R-13	DCJ CCIB System Improvement and Maintenance	<ul style="list-style-type: none"> • Upgrade tracking system to be able to continue to provide corrections statistical data. 	<ul style="list-style-type: none"> • Measure not provided.

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Change Requests' Relationship to Measures			
R	Change Request Description	Goals / Objectives	Measures
R-14	DCJ CC Provider Rate Increase	<ul style="list-style-type: none"> • Maintain standard of supervision, treatment, and housing for offenders placed in community corrections programs. 	<ul style="list-style-type: none"> • Measure not provided.
NPI	Re-program Payments to OIT	N/A	N/A
NPI	Fleet Vehicle Lease	N/A	N/A
NPI	Camp George West Utilities Transfer	N/A	N/A
NPI	Secure Colorado – Phase II	N/A	N/A
NPI	Eliminate Redundant Applications	N/A	N/A
NPI	Network Resiliency	N/A	N/A
NPI	IT Service Management Eco-System	N/A	N/A
NPI	DTRS Operations Increase	N/A	N/A
NPI	IT Technical Development	N/A	N/A