

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2010-11 STAFF BUDGET BRIEFING

DEPARTMENT OF PUBLIC SAFETY

(Except Division of Criminal Justice)

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

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November 19, 2009**

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**FY 2010-11 BUDGET BRIEFING
STAFF PRESENTATION TO THE JOINT BUDGET COMMITTEE**

DEPARTMENT OF PUBLIC SAFETY

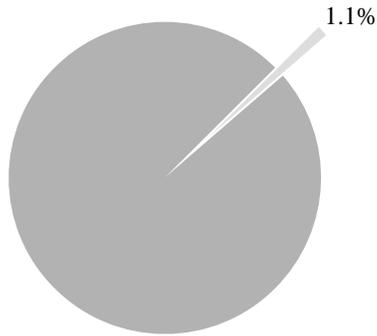
(Except Division of Criminal Justice)

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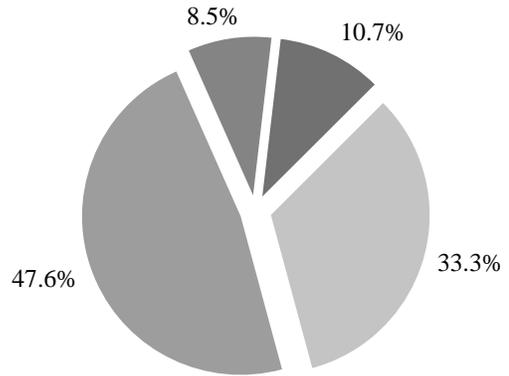
**FY 2010-11 Joint Budget Committee Staff Budget Briefing
 Department of Public Safety
 GRAPHIC OVERVIEW**

Department's Share of Statewide General Fund



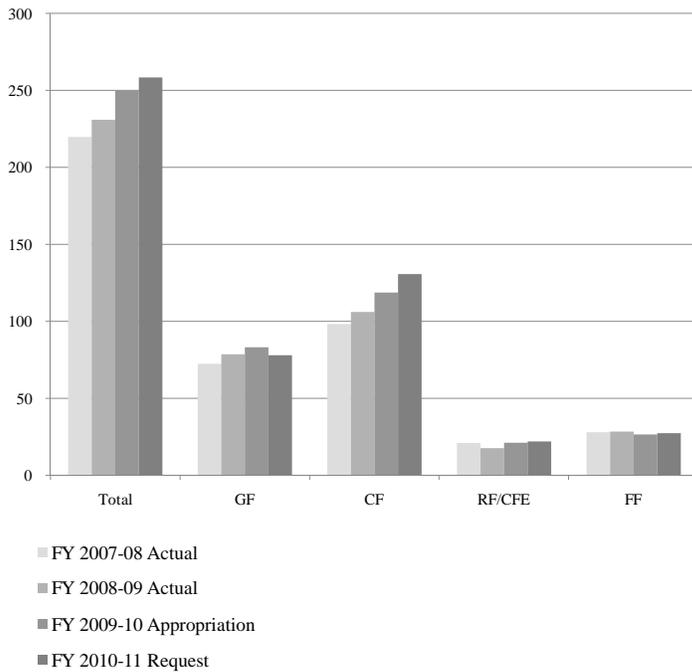
- Department of Public Safety
- Statewide General Fund

Department Funding Sources

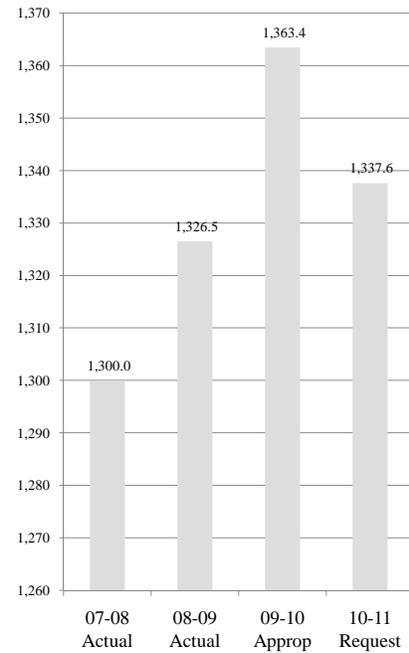


- General Fund
- Cash Funds
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**Budget History
(Millions of Dollars)**

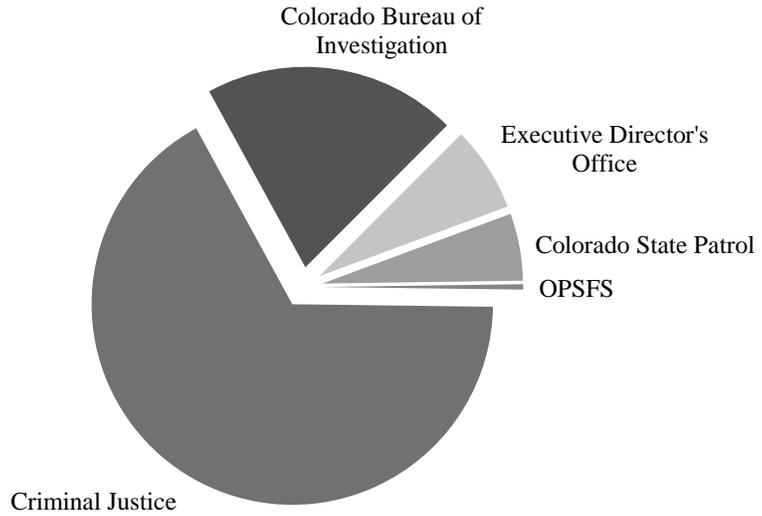


FTE History

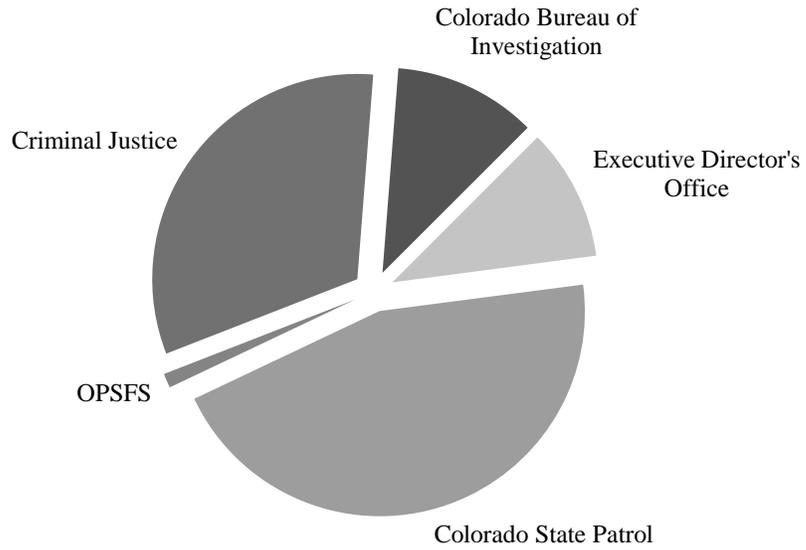


Unless otherwise noted, all charts are based on the FY 2009-10 appropriation.

Distribution of General Fund by Division



Distribution of Total Funds by Division



**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Except Division of Criminal Justice)**

DEPARTMENT OVERVIEW

Key Responsibilities

The Department of Public Safety has the following key responsibilities:

- ▶ Promotes safety, protects human life, and preserves the highways of the State by enforcing the laws relating to highways and traffic;
- ▶ Operates the law enforcement training academy;
- ▶ Assists state and local law enforcement in investigating and detecting crime and in enforcing the criminal laws of the State;
- ▶ Maintains fingerprint and other identification records, operates the statewide crime reporting database, and arranges for scientific laboratory services and facilities;
- ▶ Assists in resolving fire safety problems, administers a uniform statewide fire reporting system, and trains firefighters and first responders;
- ▶ Coordinates the State's response to the threat of terrorism; and
- ▶ Investigates organized crime.

Factors Driving the Budget

The Department consists of four divisions (in addition to Criminal Justice): Executive Director's Office, the Colorado State Patrol; the Colorado Bureau of Investigation; and the Office of Preparedness, Security, and Fire Safety. In addition, the Colorado Integrated Criminal Justice Information System (CICJIS) is administered through the Department. The budget is driven largely by: (1) state highway supervision needs, which are funded from the Highway Users Tax Fund (HUTF); (2) advances in law enforcement information and investigative technologies; and (3) the availability of federal funding for law enforcement and homeland security needs.

Colorado State Patrol

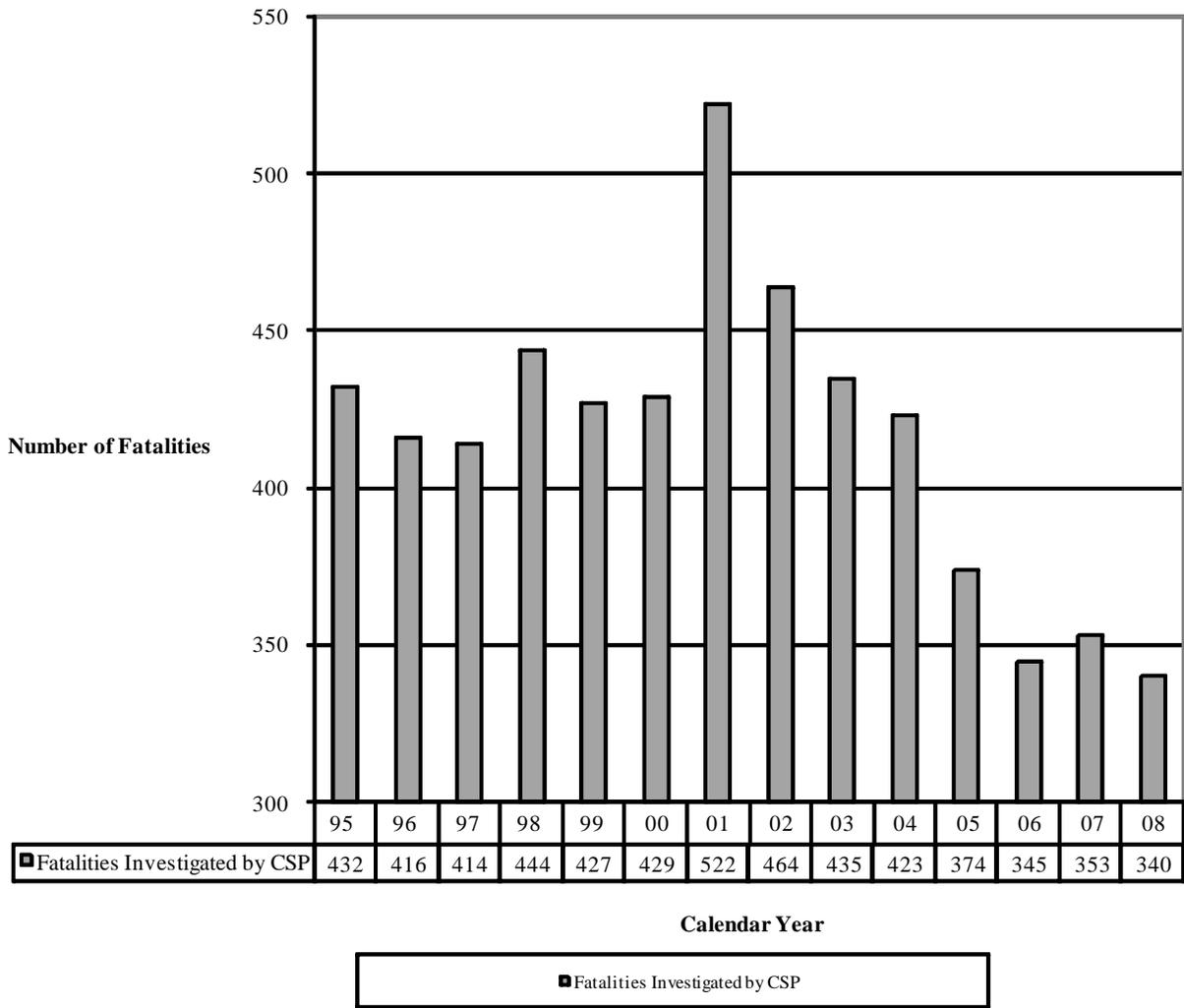
The primary mission of the Colorado State Patrol (CSP) is highway safety. Highway supervision needs, and hence the CSP's budget, depend largely on highway usage, which is measured in "vehicle miles traveled" and other indicators. The CSP enforces traffic laws on approximately 8,400 miles of state and federal highways and 57,000 miles of county roads, and it has special safety programs for hazardous materials transport and for commercial vehicles.

The CSP is in the seventh year of implementation of a traffic safety improvement plan. The plan includes using saturation patrols on the most dangerous highway segments, targeting the most hazardous traffic violations, and increasing trooper visibility statewide. The plan's goal has been to reduce traffic deaths to less than 1 per 100 million vehicle miles traveled by 2008 and to eliminate

most traffic deaths in Colorado by the year 2025. The Alive-at-25 and other driver safety training programs support the traffic safety improvement plan. The graph below shows the changes in lives lost on Colorado highways since 1995, including the reductions since the plan began in 2002.

Highway Users Tax Fund (HUTF)

Colorado State Patrol - Number of Persons Killed in Crashes Investigated by CSP



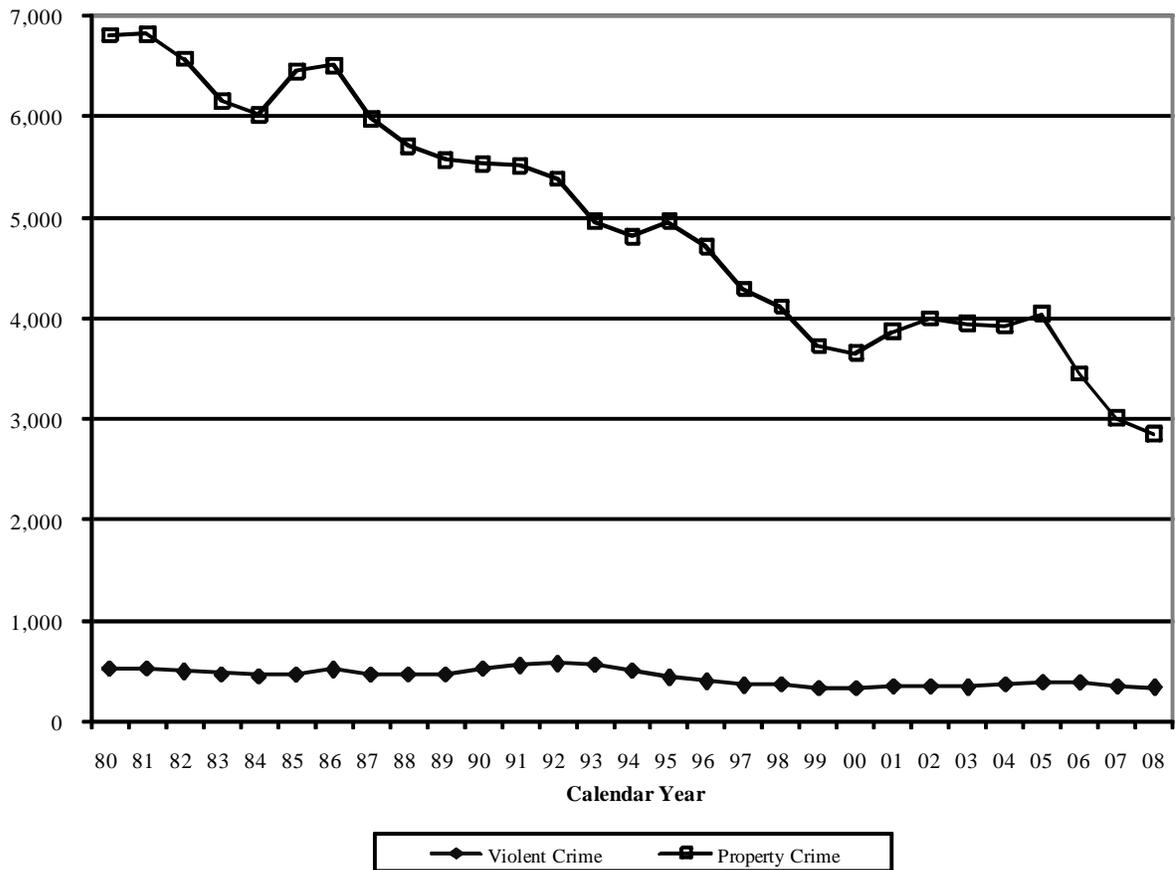
The Colorado Constitution requires that motor vehicle license and registration fees and gas taxes be used exclusively for the construction, maintenance, and supervision of the State's highways. The Colorado State Patrol and the Ports of Entry receive a portion of HUTF revenues for supervision of the highways before any other distributions are made. The distribution to the Colorado State Patrol and the Ports of Entry is taken "off-the-top" before the formula allocation of the HUTF to the highway fund, counties, and cities. Section 43-4-201 (3) (a) (I) (B), C.R.S. limits the "off-the-top" HUTF expenditures for highway supervision to a maximum of six percent annual growth, regardless of any increase or decrease in overall highway-related revenues. The "off-the-top" limit is calculated on the previous year's base; it is not a proportion of revenues going to HUTF, nor is there a specific monetary cap.

The HUTF provides approximately 37 percent of the Department's budget and 74 percent of the Colorado State Patrol's budget for FY 2009-10. The statutory limit on off-the-top appropriations thus has a significant impact on the Department's budget. HUTF revenue sources include gas and special-fuel taxes, fines, license plate fees, driver's license fees, motor vehicle title and registration fees, and passenger-mile taxes. About 70 percent of HUTF revenues come from gas taxes.

Colorado Bureau of Investigation

The Colorado Bureau of Investigation (CBI) provides information technology, laboratory, and investigative services to local, state, and federal law enforcement agencies upon request. The Department has not cited demographic or crime trend data which might help identify factors driving requests for assistance, but the Department's website reports information on crime trends (<http://dcj.state.co.us/ors/stats3.htm>). The following graph illustrates the rates of violent versus non-violent crime in Colorado from calendar year 1980 through 2008 (data for 2005 through 2008 are from the Federal Bureau of Investigation (http://www.fbi.gov/ucr/cius2008/data/table_05.html)).

Colorado Violent vs. Property Crime Rates
(Crime Rate per 100,000 Population)
CY 1980 - 2008



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. The CCIC maintains system hardware and software, including a statewide telecommunications network connecting the CCIC with more than 500 locations serving law enforcement activities in Colorado. The budget is driven primarily by information technology maintenance and enhancement needs.

The CBI's information services also include the Colorado Sex Offender Registry and the Colorado Law Enforcement Intelligence Network (CLEIN), a statewide information repository on drug enforcement and organized crime. The CBI also provides criminal identification checks online, criminal background checks, and fingerprint-based criminal background checks.

In addition, the CBI operates the State's "InstaCheck" criminal background check program for the firearms industry. In FY 2008-09, the program performed background checks for more than 200,000 firearm transfers. The program is supported with 86.6 percent General Fund, and the budget is

driven primarily by the need for a reasonable turnaround time on firearms sales. InstaCheck, by statute, must be open for business at least twelve hours per day every calendar day, except Christmas day and Thanksgiving day.

The InstaCheck program is internet-based, but if a firearms dealer does not have internet access, he or she may request an instant check by telephone. An InstaCheck staff person takes the information over the telephone, enters it into the system, and then gives the response back to the dealer by telephone. The number of requests being performed over the internet has increased steadily over the past few years. For the year ended December 2008, the InstaCheck unit received 87 percent of its background requests over the internet, up from 81 percent in 2007. The average queue time for all background requests in FY 2008-09 was about 20 minutes, up from approximately 15 minutes in FY 2007-08; however, the CBI does not report average queue time for internet checks and for telephone checks separately. Further information is available at <http://cbi.state.co.us/ic/statistic.htm>.

Laboratory

The laboratory analyzes DNA, fingerprint, firearms and toolmarks, physiological fluids, chemical, document, and digital evidence, as well as trace evidence and shoe and tire track evidence. Its budget is driven, in part, by advances in technology. In recent years, the General Assembly has appropriated General Fund for a DNA robotics automated instrumentation device, a new laboratory information management system for enhanced DNA database and analysis capabilities, and leases for new spectrometer, micro spectrometer, and digital photographic equipment. The General Assembly also appropriated resources for a new forensic facility in Grand Junction that opened in April 2008.

The CBI reports that during FY 2008-09 it received a total of 50 major crime scene requests and processed 7,779 forensic DNA specimens (Denver, Western Slope, and Pueblo labs), more than 89 percent higher than the number of specimens processed in FY 2006-07. The average turn around time for DNA requests was 160 days in calendar year 2008, though the turn around time has fluctuated in recent years.

In FY 2008-09, CBI also processed 21,148 DNA specimens from convicted offenders, with an average turn around time of less than 20 days for those analyses. According to the FBI website (<http://www.fbi.gov/hq/lab/codis/stats.htm#Colorado>), as of September 2009, Colorado had reported a total of 1,465 "investigations aided" by DNA matches from specimens taken from convicted offenders.

S.B. 09-241 requires every individual arrested for or charged with a felony after September 30, 2010 to provide a DNA sample to the local law enforcement agency as part of the booking process. Makes the Department of Public Safety, Colorado Bureau of Investigation responsible for providing all sampling materials to local law enforcement agencies and for all testing and storage of acquired samples. Allows individuals not eventually convicted of a felony to petition for the expungement of DNA evidence. Creates a surcharge of \$2.50 for every offense, including traffic offenses, and deposits resulting revenues into the Offender Identification Fund to fund the activities required by

the bill. For FY 2010-11, the bill appropriates 1,642,857 cash funds from the Offender Identification Fund and 3.8 FTE to the Department of Public Safety, Colorado Bureau of Investigation to perform DNA analysis.

Investigative Services

Investigators and laboratory analysts investigate crime scenes upon the request of local, state, and federal law enforcement agencies. The major crimes unit collects, analyzes, and disseminates information on organized crime, public disorder, terrorist groups, and other criminal activities. The gaming unit enforces Colorado's organized crime law and other laws relating to the gambling industry. In addition, three of the 27 investigator positions are assigned to perform pre-employment and other polygraph tests for the Department and for other agencies, in addition to other duties.

Office of Preparedness, Security, and Fire Safety

The statutory mandate of the Office of Preparedness, Security and Fire Safety is to coordinate the State's response to the threat of terrorism. The budget has been driven primarily by the availability of federal homeland security funds, although in recent years the Division has requested and received some General Fund to replace declining federal funds. The Division of Fire Safety maintains the Colorado Resource Mobilization Plan and is building the Resource Inventory Database. The Division of Fire Safety also conducts Domestic Terrorism Responder Training programs.

H.B. 09-1151 transfers responsibility for the review and approval of public school and junior college construction projects from the Department of Labor and Employment, Division of Oil and Public Safety, to the Department of Public Safety, Office of Preparedness, Security, and Fire Safety, effective January 1, 2010. For FY 2009-10, the bill appropriates \$635,201 cash funds (Public School Construction and Inspection Cash Fund) and 8.0 FTE to the Office. For FY 2010-11 this amount annualizes to \$1,270,402 cash funds and 16.0 FTE.

Colorado Integrated Criminal Justice Information System

The Colorado Integrated Criminal Justice Information System (CICJIS) is administratively located in the Department of Public Safety but is governed by an executive board comprised of the directors of Public Safety, Corrections, and Human Services; the director of the Colorado district attorneys council; and the state court administrator. The system is a collaborative effort to transfer data among agencies electronically and to match arrest information with case dispositions. The adult disposition match rate for the twelve months ending December 2008 was approximately 95.9 percent. The budget is driven largely by technological advances that can enhance system capabilities.

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Except Division of Criminal Justice)**

DECISION ITEM PRIORITY LIST

Note: This table includes all Department of Public Safety decision items. However, the full decision item text is shown only for those decision items that affect the sections of the budget covered in this presentation. In some cases, only a portion of the total decision item amount shown will apply to the budget sections addressed in this packet.

Decision Item	GF	CF	HUTF	RF	FF	Total	FTE
1 Computer Aided Dispatch, Records Management System, and Mobile Data Computer Asset Maintenance Colorado State Patrol. The Department requests \$2,000,000 HUTF "Off the Top" in FY2010-11 to establish an asset maintenance budget for the replacement of CSP's three communications systems: Computer Aided Dispatch (CAD), Records Management System (RMS), and Mobile Data Computer (MDC) hardware and software architecture. The Department has identified the total cost at \$10,231,000 and anticipates requesting funding over a 5-year period. <i>Statutory authority: Section 24-33.5-203 (2), C.R.S.</i>	\$0	\$0	\$2,000,000	\$0	\$0	\$2,000,000	0.0
2 Officer Safety Equipment Package Colorado State Patrol. The Department requests \$278,420 HUTF "Off the Top" to set up an annually recurring appropriation for the replacement of State Patrol ballistic vests and mobile data air time. In particular, the funding would provide \$200,000 for annual replacement of 200 vests and \$78,420 for an increase to Mobile Data Computer s (MDCs) monthly access charges and an increase to the number of MDC devices employed by the Patrol. <i>Statutory authority: Section 24-33.5-203 (2), C.R.S.</i>	0	0	278,420	0	0	278,420	0.0
3 Additional Gaming Trooper FTE Colorado State Patrol. The Department requests \$469,584 reappropriated funds (Limited Gaming Cash Fund) and 4.0 FTE to augment CSP operations on roadways leading to and from Colorado's limited gaming communities. The Department states that this request is necessitated by the passing of Amendment 50, which allows casinos in Colorado to be open 24 hours a day and changes allowable betting games regulations. The Patrol states that if this request is approved, the Patrol will seek funding for this purpose from the Colorado Limited Gaming Control Commission. <i>Statutory authority: Section 24-33.5-203 (2), C.R.S.</i>	0	0	0	469,584	0	469,584	4.0
4 InstaCheck Unit Spending Authority Increase Colorado Bureau of Investigation. The Department requests \$74,976 Cash Funds (InstaCheck fees from concealed weapon permit applicants) for temporary FTE to address dramatic growth in the volume of requests submitted to the CBI concerning permits to carry concealed weapons. <i>Statutory authority: Section 18-12-205 (2) (b), C.R.S., and Section 18-12-208 (2) (b), C.R.S.</i>	0	74,976	0	0	0	74,976	0.0

Decision Item	GF	CF	HUTF	RF	FF	Total	FTE
5	0	78,511	0	0	0	78,511	0.0
E-470 Spending Authority Increase Colorado State Patrol. The Department requests \$78,511 cash funds (E-470 Toll Road Authority) to align the State Patrol's actual operating costs of patrolling the E-470 highway with all available revenue provided by the E-470 Toll Road Authority. The Patrol also plans to use the additional funding to establish a plan for replacement of equipment such as speed timing devices and mobile data computers (MDC). <i>Statutory authority: Section 24-33.5-203 (2), C.R.S.</i>							
6	0	0	0	21,790	0	21,790	0.0
Gaming Spending Authority Increase Colorado State Patrol. The Department requests \$21,790 reappropriated funds (Limited Gaming Cash Fund) in order to align the Patrol's spending authority with the actual operating costs of patrolling the highways in Limited Gaming areas. The additional spending authority will also help establish a plan for replacement of speed detection equipment and mobile data computers (MDCs). <i>Statutory authority: Section 24-33.5-203 (2), C.R.S.</i>							
7	0	(12,298)	0	0	0	(12,298)	0.0
Vehicles for Fire Inspectors Office of Preparedness, Security and Fire Safety (OPSFS). The Department requests reducing the OPSFS Operating Expenses line item by \$31,708 cash funds (Public Safety Inspection Fund / Public School Construction and Inspection Cash Fund) and increasing the Vehicle Lease Payments line item in the EDO by \$19,410 cash funds for a net reduction of \$12,298 cash funds. Through this request, the Department will add six State Fleet lease vehicles to the Division's Public School Construction and Inspection Section while at the same time providing savings by not needing to reimburse inspectors for use of their private vehicles. <i>Statutory authority: Section 24-33.5-1203 (1) (p), C.R.S.</i>							
8	(734)	0	0	0	(2,002)	(2,736)	0.0
Additional Fleet Vehicles							
9	(40,602)	40,602	0	0	0	0	0.0
Technical Adjustment to Identification and InstaCheck Colorado Bureau of Investigation. The Department requests to correct a technical problem with the Department July budget balancing submission for FY 2010-11. As part of the July budget balancing submission, the Department proposed legislation to refinance both the CBI InstaCheck and CBI Criminal Identification operations with cash funds. The Department had assumed that it will not be allowed to request building back the FY 2009-10 1.82 percent personal services reduction. As part of the OSPB November 1 budget submission for FY 2010-11, departments were instructed to request re-instatement of funding for the FY 2009-10 1.82 percent personal services reduction. With this request, the Department aligns its budget balancing proposal to refinance CBI InstaCheck and CBI Criminal Identification. <i>Statutory authority: request is contingent on passage of new statutes to allow cash funding of both CBI InstaCheck and CBI Criminal Identification.</i>							

Decision Item	GF	CF	HUTF	RF	FF	Total	FTE
10 Technical Adjustment to Communications Services Colorado State Patrol. The Department requests to adjust the billing methodology for dispatch services provided by the Patrol to the Department of Revenue by including the DOR HUTF "Off the Top" appropriation directly within the Patrol's Communications Services line item. The request also adjusts billing fund splits for charges to other agencies using dispatch services based on more recent billing information. <i>Statutory authority: Section 24-33.5-223 (1), C.R.S.</i>	0	39,834	4,493	(46,184)	1,857	0	0.0
11 Refinance LEAF to HUTF "Off the Top" Colorado State Patrol. The Department requests to receive a HUTF "Off the Top" appropriation in the amount of \$1,082,980 to fund programs previously supported by the Law Enforcement Assistance Fund (LEAF) within the Department of Transportation. This request will allow LEAF revenues to offset a portion of the State's General Fund shortfall. The request includes the creation of a new line-tem called "DUI Enforcement Grants" within the Colorado State Patrol. <i>Statutory authority: Section 43-4-402 (1), C.R.S. and Section 43-4-201 (3) (a) (I) (B), C.R.S.</i>	0	0	1,082,980	0	0	1,082,980	0.0
NP-1 Annual Fleet Vehicle Replacements Various. This non-prioritized request reflects adjustments in costs for leased vehicles. Leases are managed on a centralized basis by the Department of Personnel and Administration Adjustments are addressed by the Committee as part of common policy figure setting. For FY 2010-11, the Department of Personnel is proposing the replacement of 153 State Patrol vehicles. <i>Statutory authority: Section 24-30-1104 (2), C.R.S.</i>	52,015	36,510	1,768,059	48,403	22,606	1,927,593	0.0
NP-2 Statewide Information Technology Staff Consolidation Various. This statewide decision item would transfer 33.0 FTE from various department line items to the Governor's Office of Information Technology. The decision item also reduces \$2,995,631 total funds (including \$1,454,875 General Fund) from department-wide IT related appropriations and appropriates \$2,698,556 total funds (including \$1,309,389 General Fund) to three line items in the EDO: Management and Administration of OIT, Multiuse Network Payments, and Purchase of Services from Computer Center.	(145,486)	(5,925)	(125,482)	(20,182)	0	(297,075)	(33.0)
Total Change Requests	(\$134,807)	\$252,210	\$5,008,470	\$473,411	\$22,461	\$5,621,745	(29.0)

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OVERVIEW OF NUMBERS PAGES

The following table summarizes the total change, in dollars and as a percentage, between the Department's FY 2009-10 appropriation and its FY 2010-11 request. The HUTF funds are considered cash funds in the Long Bill but are broken out separately in Committee documents for tracking purposes.

Total Requested Change, FY 2009-10 to FY 2010-11 (millions of dollars)

Category	GF	CF	RF	FF	Total	FTE
FY 2009-10 Appropriation	\$83.2	\$118.9	\$21.2	\$26.6	\$249.9	1,363.4
FY 2010-11 Request	78.2	130.8	22.0	27.4	258.4	1,337.6
Increase / (Decrease)	(\$5.0)	\$11.9	\$0.8	\$0.8	\$8.5	(25.8)
Percentage Change	-6.0%	10.0%	3.8%	3.0%	3.4%	-1.9%

The following table highlights the individual changes contained in the Department's FY 2010-11 budget request, as compared with the FY 2009-10 appropriation, for the portion of the Department covered in this briefing packet. For additional detail, see the numbers pages in Appendix A.

Requested Changes, FY 2009-10 to FY 2010-11

Category	GF	CF	HUTF	RF	FF	Total	FTE
(1) Executive Director's Office Current Appropriation	\$5,698,879	\$713,167	\$9,446,321	\$9,227,252	\$968,872	\$26,054,491	45.7
Budget Balancing Base Reductions	(\$972,347)	\$229,255	\$395,708	(\$327,221)	(\$163,931)	(\$838,536)	(1.0)
Adjustment from FY 2010 Personal Services Cut	0	0	548	43,850	0	44,398	0.0
Annualize Prior Year Decisions	0	552	0	(1,771)	0	(1,219)	0.0
Indirect Costs Adjustments	<u>(571,447)</u>	<u>0</u>	<u>15,381</u>	<u>556,066</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
Executive Director's Office Base Request	4,155,085	942,974	9,857,958	9,498,176	804,941	25,259,134	44.7
Non-prioritized Statewide Decision Item 2: IT Staff Consolidation	1,142,030	46,959	1,034,318	(20,182)	0	2,203,125	(3.0)
Decision Item 7: Vehicle Leases for Fire Inspectors	0	19,410	0	0	0	19,410	0.0

Category	GF	CF	HUTF	RF	FF	Total	FTE
Decision Item 8: DCJ Additional Fleet Vehicles	3,240	0	0	0	8,760	12,000	0.0
Non-prioritized Statewide Decision Item 1: Annual Fleet Vehicle Replacements	<u>(587)</u>	<u>42</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(545)</u>	<u>0.0</u>
(1) Executive Director's Office Total Request	\$5,299,768	\$1,009,385	\$10,892,276	\$9,477,994	\$813,701	\$27,493,124	41.7
Change	(\$399,111)	\$296,218	\$1,445,955	\$250,742	(\$155,171)	\$1,438,633	(4.0)
Percent Change	-7.0%	41.5%	15.3%	2.7%	-16.0%	5.5%	-8.8%
(2) Colorado State Patrol Current Appropriation	\$4,518,267	\$12,995,523	\$83,365,311	\$7,429,730	\$4,243,659	\$112,552,490	995.0
Adjustment from FY 2010 Personal Services Cut	\$75,386	\$31,965	\$1,105,966	\$59,006	\$186	\$1,272,509	0.0
Indirect Costs Adjustments	0	(20,943)	(287,283)	(18,381)	(16,838)	(343,445)	0.0
Annualize Prior Year Decisions	<u>0</u>	<u>0</u>	<u>(5,359)</u>	<u>0</u>	<u>0</u>	<u>(5,359)</u>	<u>0.0</u>
Colorado State Patrol Base Request	4,593,653	13,006,545	84,178,635	7,470,355	4,227,007	113,476,195	995.0
Decision Item 1: Computer- Aided Dispatch, Records Management System, and Mobile Data Asset Maintenance	0	0	2,000,000	0	0	2,000,000	0.0
Non-prioritized Statewide Decision Item 1: Annual Fleet Vehicle Replacements	42,933	36,468	1,768,059	48,226	22,606	1,918,292	0.0
Decision Item 11: Refinance LEAF to HUTF "Off the Top"	0	0	1,082,980	0	0	1,082,980	0.0
Decision Item 3: Additional Gaming Trooper FTE	0	0	0	469,584	0	469,584	4.0
Decision Item 2:Officer Safety Equipment Package	0	0	278,420	0	0	278,420	0.0
Decision Item 5: E-470 Spending Authority Increase	0	78,511	0	0	0	78,511	0.0
Decision Item 6: Gaming Spending Authority Increase	0	0	0	21,790	0	21,790	0.0
Decision Item 10: Technical Adjustment to Communications Services	0	39,834	4,493	(46,184)	1,857	0	0.0

Category	GF	CF	HUTF	RF	FF	Total	FTE
Non-prioritized Statewide Decision Item 2: IT Staff Consolidation	0	0	(1,159,800)	0	0	(1,159,800)	(11.0)
(2) Colorado State Patrol Total Request	\$4,636,586	\$13,161,358	\$88,152,787	\$7,963,771	\$4,251,470	\$118,165,972	988.0
Change	\$118,319	\$165,835	\$4,787,476	\$534,041	\$7,811	\$5,613,482	(7.0)
Percent Change	2.6%	1.3%	5.7%	7.2%	0.2%	5.0%	-0.7%
(3) Office of Preparedness, Security, and Fire Safety Current Appropriation	\$352,738	\$1,791,539	\$0	\$200,494	\$460,654	\$2,805,425	28.0
Annualize H.B. 09-1151 Designating DPS as Responsible for Oversight of School Building Inspections	\$0	\$634,649	\$0	\$0	\$0	\$634,649	8.0
Indirect Costs Adjustments	0	165,257	0	(4,228)	(2,343)	158,686	0.0
FY 2010 Statewide Postage Annualization	(369)	(1,127)	0	0	(289)	(1,785)	0.0
Office of Preparedness and Security Base Request	352,369	2,590,318	0	196,266	458,022	3,596,975	36.0
Decision Item 7: Vehicles for Fire Inspectors	0	(31,708)	0	0	0	(31,708)	0.0
(3) Office of Preparedness and Security Total Request	\$352,369	\$2,558,610	\$0	\$196,266	\$458,022	\$3,565,267	36.0
Change	(\$369)	\$767,071	\$0	(\$4,228)	(\$2,632)	\$759,842	8.0
Percent Change	-0.1%	42.8%	n/a	-2.1%	-0.6%	27.1%	28.6%
(4) DCJ Current Appropriation	\$55,613,335	\$3,824,668	\$0	\$789,036	\$20,124,454	\$80,351,493	64.4
Various Adjustments	(258,924)	4,356	0	6,974	930,099	682,505	(4.6)
DCJ Base Request	55,354,411	3,829,024	0	796,010	21,054,553	81,033,998	59.8
Non-prioritized Statewide Decision Item 2: IT Staff Consolidation	(49,440)	0	0	0	0	(49,440)	(1.0)
Other	(3,974)	0	0	0	(10,762)	(14,736)	0.0
(4) DCJ Total Request	\$55,300,997	\$3,829,024	\$0	\$796,010	\$21,043,791	\$80,969,822	58.8
Change	(\$312,338)	\$4,356	\$0	\$6,974	\$919,337	\$618,329	(5.6)

Category	GF	CF	HUTF	RF	FF	Total	FTE
Percent Change	-0.6%	0.1%	n/a	0.9%	4.6%	0.8%	-8.7%
(5) Colorado Bureau of Investigation Current Appropriation	\$17,029,633	\$6,724,975	\$0	\$3,570,404	\$841,462	\$28,166,474	230.3
Annualize S.B. 09-241 DNA Testing of Adults Arrested for a Felony	\$0	\$1,567,857	\$0	\$0	\$0	\$1,567,857	3.8
Adjustment from FY 2010 Personal Services Cut	186,555	36,696	0	16,193	0	239,444	0.0
Budget Balancing Base Reductions	(465,674)	0	0	0	0	(465,674)	(3.0)
Indirect Costs Adjustments	0	(36,336)	0	(8,833)	0	(45,169)	0.0
Annualize Prior Year Decisions	(3,919)	(1,522)	0	0	0	(5,441)	0.0
Eliminate General Fund Support for InstaCheck	(1,436,266)	1,436,266	0	0	0	0	0.0
Eliminate General Fund Support for Criminal Identification	(1,432,986)	1,432,986	0	0	0	0	0.0
Colorado Bureau of Investigation Base Request	13,877,343	11,160,922	0	3,577,764	841,462	29,457,491	231.1
Decision Item 4: InstaCheck Unit Spending Authority Increase	0	74,976	0	0	0	74,976	0.0
Non-prioritized Statewide Decision Item 1: Annual Fleet Vehicle Replacements	9,669	0	0	177	0	9,846	0.0
Non-prioritized Statewide Decision Item 2: IT Staff Consolidation	(1,238,076)	(52,884)	0	0	0	(1,290,960)	(18.0)
Decision Item 9: Technical Adjustment to Identification and InstaCheck	<u>(40,602)</u>	<u>40,602</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
(5) Colorado Bureau of Investigation Total Request	\$12,608,334	\$11,223,616	\$0	\$3,577,941	\$841,462	\$28,251,353	213.1
Change	(\$4,421,299)	\$4,498,641	\$0	\$7,537	\$0	\$84,879	(17.2)
Percent Change	-26.0%	66.9%	n/a	0.2%	0.0%	0.3%	-7.5%
Department Total Change	(\$5,014,798)	\$5,732,121	\$6,233,431	\$795,066	\$769,345	\$8,515,165	(25.8)
Percent Change	-6.0%	22.0%	6.7%	3.7%	2.9%	3.4%	-1.9%

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Except the Division of Criminal Justice)**

BRIEFING ISSUE

ISSUE: Decision Item 1 - Replace Computer Aided Dispatch (CAD), Records Management System (RMS), and Mobile Data Computer Asset Maintenance (MDC) Hardware and Software Architectures

The Department requests \$2,000,000 HUTF "Off the Top" continuously appropriated in order to establish an asset maintenance budget for the replacement and on-going maintenance of the Colorado State Patrol (CSP) communications systems. The Department estimates total costs for the three systems in FY 2010-11 would be \$10,231,100.

SUMMARY:

- ❑ The CAD, RMS, and MDC systems are ten years old, have significant technological limitations, and are approaching expiration of support agreements with vendors.
- ❑ The CAD system and ancillary systems are the backbone for providing emergency response services to multiple public safety agencies serving the residents of Colorado.
- ❑ The Department had submitted capital construction requests for FY 2008-09 and FY 2009-10 for funding this need through General Fund and was unable to obtain funding. The Department is now proposing adding an annual HUTF "Off-the-Top" appropriation in the amount of \$2,000,000 and achieving the replacement of the systems in phases.

RECOMMENDATION:

Staff recommends the Committee discuss the merits and funding of this proposal with the Department.

DISCUSSION:

Description of Communications Systems

The **Computer Aided Dispatch (CAD)** system allows the Colorado State Patrol to make use of information technology hardware and software architectures to automate business processes associated with incident response and communication to officers and emergency personnel in the field. The CSP CAD system automates many business processes including resource management, call-taking, location verification, dispatching, mapping, and officer status. Communication functions include interfacing with external federal and state information systems such as the National Crime Information Center (NCIC) and the Colorado Crime Information Center (CCIC) respectively, and with the CSP's mobile data computers. The CAD information

technology hardware and software architectures include desktop and laptop computers, servers, printers, data network components including cables, switches, and routers, uninterrupted power supplies, and operating system and application software.

The **Records Management System (RMS)** allows the Colorado State Patrol to make use of information technology hardware and software architectures to automate business processes associated with accident reports, arrests, citations, investigative case management, stolen vehicles, and vehicle inspections. The CSP RMS system that provides for the storage, retrieval, retention, archiving, and viewing of information, records, documents, or files pertaining to the agency's law enforcement activities. The CSP RMS system interfaces with external state information systems such as the Colorado Department of Revenue's electronic accident reporting system and with the CSP's mobile data computers. The RMS information technology hardware and software architectures include desktop and laptop computers, servers, printers, data network components including cables, switches, and routers, and operating system and application software.

The **Mobile Data Computer (MDC)** system allows the Colorado State Patrol to make use of information technology hardware and software architectures to automate business processes associated with incident response and communication to officers and emergency personnel in the field. The CSP MDC system automates many business processes including with accident reports, arrests, citations, investigative case management, location verification, officer status, and wants and warrant verification. Communication functions include interfacing with external federal and state information systems such as the National Crime Information Center (NCIC) and the Colorado Crime Information Center (CCIC) respectively, and with the CSP's CAD and RMS systems. The MDC information technology hardware and software architectures include ruggedized laptop computers, computer docking stations, printers, servers, data network components including cables and wireless connectivity devices, global positioning devices, and operating system and application software.

Background

The current CSP architecture for CAD is a Legacy system, which the department states will no longer be supported after December 31, 2011, the system hardware will no longer be supported under a fixed price agreement in 2010. The Department states that costs to maintain CAD will exponentially increase after 2010. In the event of a system failure, an immediate delay will occur in the CSP' ability to manage critical public safety communications for the 64 agencies it serves.

During FY 2008-09, CAD system hardware experienced five critical component failures, including processor and hard-drive failures. The Department states that maintenance support and costs of the CAD system hardware and software have increased by 54 percent over the last ten years. In November 2007, the current CAD vendor advised the Colorado State Patrol that there would be an exponential increase in support costs for the current system architecture after the support contract expires. The Department also states that hardware components for the existing CAD system are no longer being manufactured.

The current RMS architecture is proprietary and was developed for the CSP in 2001. The RMS system was a custom-developed solution and currently does not have a maintenance and support agreement in place. The RMS architecture does not integrate with the CAD or MDC architectures.

The Department states that currently, the MDC system hardware is not under manufacturer warranty. The MDC system software maintenance and support costs have increased 39 percent over the past eight years.

In recent years, the CSP's voice recorder systems have experienced system crashes affecting the Denver, Montrose, and Pueblo communications centers. In all three cases, the system failures resulted in lost voice data. In FY 2008-09, the multiple crashes experienced in the Denver system have caused a loss of nearly 17 percent of caller and radio traffic recorder voice information.

The Department states that the current CAD, RMS, and MDC architectures are disparate, and are technologically out-of-date. The lack of architecture integration significantly limits these systems' interoperability and data exchange capabilities. The current CAD and MDC systems cannot receive and process data types such as digital voice, text, and imaging (video, automatic fingerprint recognition, etc.).

Most of the current system technologies do not meet Colorado Cyber Security and FBI CJIS requirements. The CDPS COPLINK solution, an intelligence-sharing software program being adopted by law enforcement agencies throughout the state, cannot utilize many data items from the current CAD, RMS, and MDC architectures due to the limitation of these older technologies.

Project Justification

The Department stated that the project will address its key strategic assumptions and operating principles as follows:

1. Faster incident response time to service calls, including providing emergency assistance to motorists and clearing roads to increase traffic flow and prevent secondary vehicle crashes;
2. Lower crime rate in communities by interceding in criminal activity, apprehending fugitives, and interrupting the flow of illegal contraband and terrorist activity;
3. The new architectures will support the use of the NIEM XML standards designed specifically for criminal justice information exchanges, providing law enforcement, public safety agencies, prosecutors, public defenders, and the judicial branch with a tool to effectively share data and information in a timely manner.

Funding Request

The Department submitted capital construction requests for the total replacement of the CAD/RMS/MDC systems in both FY 2008-09 and FY 2009-10. The FY 2008-09 request was for \$14,685,269 CCFE. The FY 2009-10 request was for \$13,954,080 CCFE. Neither of these requests was approved.

The table below summarizes the Department funding request as submitted on November 6, 2009. Staff notes that the Department has shown total estimated costs of \$10,231,000 HUTF "Off-the-Top", however, the Department requests a continuous funding in perpetuity of \$2,000,000 HUTF "Off-the-Top" in order to allow the Department to continuously update and replace hardware and software as the life span of each component reaches its life span. The department states that older design methods of these systems tend to be mainframe type or highly proprietary. These systems have good reliability and are robust, but typically contain expensive hardware. These types of legacy systems may outlast the smaller, and much less expensive server architectures by several years.

The estimate below is based on a department assumption that use of a newer, less expensive architecture technology will allow the replacement cycle to be between five and seven years. With this shorter replacement span, costs will be lower and will allow the Department to stay more up-to-date with new technology. The Department's "Original Figures" column does not match either the FY 2008-09 capital request amount or the FY 2009-10 capital request amount.

Description	Original Figures TOTAL Project Cost	FY 2010-11 Figures TOTAL Project Cost	FY 2010-11	FY2011-12	FY 2012-13
Computer Aided Dispatch (CAD) Hardware and Software	\$4,000,000	\$2,500,000	\$1,500,000	\$0	\$0
Mobile Data Computer (MDC)	1,100,000	1,100,000	0	250,000	25,000
MDC Hardware	0	0	0	0	0
Records Management System (RMS)	1,750,000	1,100,000	50,000	225,000	0
Voice Recorders	700,000	600,000	200,000	400,000	0
Radio Consoles	731,000	612,000	0	0	612,000
Dispatch Workstations	1,156,000	900,000	0	200,000	400,000
Uninterrupted Power Supply	750,000	625,000	0	100,000	100,000
Emergency Medical Dispatch Solution	300,000	300,000	0	0	300,000
PCs, Laptops, Monitors, Printers	388,000	336,100	0	25,000	228,000
Backup Solution and Other Hardware	349,000	349,000	60,000	100,000	100,000
Network Infrastructure, Interfaces, and Wiring	209,000	209,000	15,000	50,000	135,000
Training	280,000	200,000	25,000	75,000	75,000

Description	Original Figures TOTAL Project Cost	FY 2010-11 Figures TOTAL Project Cost	FY 2010-11	FY2011-12	FY 2012-13
Project Management and Professional Services	1,405,000	900,000	150,000	75,000	25,000
Backup Communications Center	0	500,000	0	500,000	0
TOTAL	\$13,118,000	\$10,231,100	\$2,000,000	\$2,000,000	\$2,000,000

The Department did not provide a breakdown of anticipated expenditures for FY 2013-14 and FY 2014-15. The Department stated that it plans to replace or update the MDC infrastructure, uninterrupted power supply, and backup hardware in years 4 and 5. After this time, the CSP would begin to analyze the components of these replaced systems that would require updates or upgrades, and begin the cycle anew. The Department emphasizes that the strategy presented in the request is preliminary, and may be altered from year to year depending on the actual cost of replacing and renewing the IT assets.

Staff Analysis

Alternatives

The Department had stated in the FY 2009-10 capital request that it had considered replacing only the CAD system. However, the Department stated that it would be more cost-effective to use the same vendor to support all three integrated systems and that only replacing the CAD system would require costly rewrites to the MDC and RMS systems software in order to integrate to the CAD system.

Costs

The Department provided additional information on actual quotes and other data in coming up with the cost estimate. As part of the additional information submission, the Department provided recent experiences and decisions made by peer state patrol agencies, and other similar-sized local agencies, related to the acquisition and implementation of CAD, RMS, and MDC systems. The Missouri State Highway Patrol cost was \$7.2 million for CAD, RMS, and MDC. The Houston Police Department had vendors respond with quotes as high as \$19.4 million for RMS only, to other vendors providing quotes ranging from \$2.9 million to \$16.3 million. The Indiana State Police had provided a quote of \$6.0 million for CAD only.

HUTF "Off-the-Top"

Based on staff analysis of HUTF "Off-the-Top" funding to the Colorado State Patrol and the Department of Revenue, there is available funding pursuant to Section 43-4-201 (a) (I) (B), C.R.S., which limits the HUTF "Off-the-Top" appropriation to the CSP and Revenue to six percent over the prior year's appropriation, to fund the requested initiative for FY 2010-11.

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Except Division of Criminal Justice)**

BRIEFING ISSUE

ISSUE: HUTF "Off-the-Top" Growth

SUMMARY: The statutory framework of the HUTF "Off-the-Top" distributions allows the Colorado State Patrol and the Department of Revenue Ports of Entry divisions to continue to grow their funding base by 6.0 percent annually regardless of the HUTF or statewide revenue fluctuations.

- The Highway Users Tax Fund (HUTF), pursuant to 43-4-203, C.R.S., receives revenues from the state excise tax on motor fuel, registration and license fees on drivers, motor vehicles, trailers and semi-trailers, and imposition of passenger-mile taxes on vehicles or any fee or payment substitution thereof.
- These HUTF dollars are distributed, based on statutory formula, to cities, counties and the Department of Transportation for highway and road work.
- Before applying these formula distributions, HUTF "Off-the-Top" appropriations are allowed. The Department of Public Safety (Colorado State Patrol) and the Department of Revenue (Ports of Entry) can receive "off-the-Top" appropriations. The annual growth of the "Off-the-Top" appropriations is limited to no more than six percent.
- For FY 2009-10 and FY 2010-11, the Department of Public Safety (Colorado State Patrol) and the Department of Revenue (Ports of Entry) can request to spend up to the limit.

RECOMMENDATION:

Staff recommends that the Committee discuss this issue with the Department at the upcoming hearing. Specifically, staff recommends that the Committee ask the Department the following questions:

1. How would abolishing the six percent "off-the-top" limit affect the responsibilities of the State Patrol?
2. Because of budget constraints most state agencies have had their requested increases limited due to a smaller pool of State funding available. Does the Department believe there are reasons that the Patrol should not be required to do the same from HUTF?

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; and passenger-mile taxes on vehicles. The major source of revenue for the HUTF is the state excise tax on motor fuel, estimated at approximately 70.0 percent of the total revenues into the Fund. 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.

"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 Revenue (Ports of Entry) and to the Department of Public Safety (Colorado State Patrol) for highway-related administrative and supervisory functions. 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. After the "Off-the-Top" share is disbursed, the remainder of the HUTF revenues are distributed to cities (approximately 9 percent), counties (approximately 26 percent), and the Department of Transportation (approximately 65 percent) by statutory formulas.

For FY 2009-10, HUTF appropriations make up 37.1 percent of the Department’s budget and approximately 74.0 percent of the Patrol’s appropriated budget (not including POTS expenditures).

The following table illustrates the HUTF "Off-the-Top" appropriations for FY 2009-10:

Summary of FY 2009-10 HUTF "Off-The-Top" Appropriations	
Statutory HUTF "Off-the-Top" Appropriations Limit Section 43-4-201, C.R.S.	
FY 2008-09 HUTF Off-the-Top Appropriations Base	\$102,748,266
x Allowable growth of 6%	<u>1.06</u>
FY 2009-10 HUTF Off-the-Top Appropriations Limit	108,913,162
FY 2009-10 HUTF Off-the-Top Appropriations:	
Department of Public Safety - Colorado State Patrol	92,811,631
Department of Revenue - Ports of Entry	9,571,524

Summary of FY 2009-10 HUTF "Off-The-Top" Appropriations	
Statutory HUTF "Off-the-Top" Appropriations Limit Section 43-4-201, C.R.S.	
Department of Revenue - S.B. 09-274 (Driver and Vehicle Services)	4,064,839
Department of Public Safety - Capital Construction (Alamosa CSP Troop Office)	<u>1,217,719</u>
Total FY 2006-07 HUTF Off-the-Top Appropriations	\$107,665,713
Over / (Under) FY 2009-10 HUTF Off-the-Top Appropriations Limit	(1,247,449)

Growth Rate of "Off-the-Top" Appropriations. The growth rate of the "Off-the-Top" portion as a percent of the total HUTF has increased since FY 1998-99 from 9.3 percent to 11.8 percent, a 26.9 percent increase in its percentage share of the HUTF total revenues. During those fiscal years, the CSP "Off-the-Top" appropriations increased at an average annual rate of 5.09 percent. The Revenue "Off-the-Top" appropriations increased an average annual rate of 9.01 percent. For that same period, the HUTF total revenue increased at an annual average rate of 2.87 percent.

HUTF Revenue FY 1998-99 to FY 2009-10					
Fiscal Year	Total HUTF Revenue	Percent Growth	Fiscal Year	Total HUTF Revenue	Percent Growth
1998-99	\$678,602,209		2004-05	776,718,965	3.22%
1999-00	713,177,717	5.10%	2005-06	734,100,000	-5.49%
2000-01	718,376,093	0.73%	2006-07	746,300,000	1.66%
2001-02	739,703,912	2.97%	2007-08	767,563,495	2.85%
2002-03	736,666,507	-0.41%	2008-09	774,700,000	0.93%
2003-04	752,506,680	2.15%	2009-10	912,800,000	17.83%
				Average Growth for 12 Years	2.87%

**HUTF "Off-the-Top" Appropriations Summary
FY 1998-99 to FY 2009-10**

Fiscal Year	Total HUTF "Off-the-Top" Appropriation	Percent of Total HUTF	CSP "Off-the-Top"	CSP Percent	CSP Growth	DOR "Off-the-Top"	DOR Percent	DOR Growth	Capital Construction
1998-99	\$63,382,172	9.34%	\$53,974,669	85.16%		\$7,272,355	11.47%		\$2,135,148
1999-00	67,185,102	9.42%	57,684,628	85.86%	6.87%	7,284,713	10.84%	0.17%	2,215,761
2000-01	71,216,208	9.91%	60,755,775	85.31%	5.32%	7,413,259	10.41%	1.76%	3,047,174
2001-02	75,489,180	10.21%	67,366,667	89.24%	10.88%	8,116,823	10.75%	9.49%	5,690
2002-03	79,955,627	10.85%	69,207,746	86.56%	2.73%	9,800,773	12.26%	20.75%	947,108
2003-04	84,752,744	11.26%	69,378,263	81.86%	0.25%	12,921,384	15.25%	31.84%	2,453,097
2004-05	89,837,909	11.57%	73,071,846	81.34%	5.32%	16,766,063	18.66%	29.75%	0
2005-06	95,217,800	12.97%	77,072,887	80.94%	5.48%	17,549,913	18.43%	4.68%	595,000
2006-07	91,445,591	12.25%	82,496,985	90.21%	7.04%	8,564,668	9.37%	-51.20%	383,938
2007-08	96,932,326	12.63%	87,229,897	89.99%	5.74%	9,184,023	9.47%	7.23%	518,406
2008-09	102,748,266	13.26%	92,484,755	90.01%	6.02%	10,263,511	9.99%	11.75%	0
2009-10	107,665,713	11.80%	92,811,631	86.20%	0.35%	13,636,363	12.67%	32.86%	1,217,719
			Average	86.06%	5.09%		12.46%	9.01%	

FY 2010-11 "Off-the-Top" Appropriations. Pursuant to Section 43-4-201, C.R.S., beginning in FY 2005-06, the HUTF "Off-the-Top" appropriation shall not be more than a six percent increase over the previous year's appropriation to the Department of Public Safety (Colorado State Patrol) and to the Department of Revenue (Ports of Entry). The following table illustrates the **staff-calculated** FY 2009-10 "Off-the-Top" allowable growth pursuant to Section 43-4-201, C.R.S. and the allowable request for HUTF "Off-the-Top" funding for FY 2010-11. However, staff notes that neither Public Safety nor Revenue has submitted a supplemental request for the FY 2009-10 allowable growth under the limit in the amount of \$1,247,449. Neither department has submitted a budget amendment for the FY 2010-11 allowable growth under the limit in the amount of \$1,558,550.

FY 2010-11 HUTF "Off-the-Top" Budget Request		
"Off-the-Top" Appropriation	FY 2009-10 Appropriation Base	FY 2010-11 Requests
Public Safety (Colorado State Patrol)	\$92,811,631	\$99,045,063
Revenue (Ports of Entry)	9,571,524	12,515,303
S.B. 09-274 (Driver and Vehicle Services)	4,064,839	0
Capital Construction (Alamosa CSP Troop Office)	1,217,719	0
Capital Construction Ports of Entry	0	2,329,036
Plus Amount Under Limit for FY 2009-10	1,247,449	0
Plus Amount Under Limit for FY 2010-11	0	1,558,550
FY 2009-10 Base for FY 2010-11 Growth	\$108,913,162	
Six Percent Growth Factor	x1.06	
Allowed FY 2010-11 "Off-the-Top" Appropriation	\$115,447,952	\$115,447,952

Staff notes that for FY 2008-09, the State Patrol had total HUTF "Off-the-Top" salary survey and performance-based pay totaling \$3,946,838 according to reports from the Department. For FY 2009-10 appropriation year and FY 2010-11 request year there will be no salary survey or performance-based pay. Due to the fact that there were no salary increases, the Department of Public Safety requested decision items for FY 2010-11 from the HUTF "Off-the-Top" totaling \$5.0 million. Staff notes that the statutory growth framework of HUTF "Off-the-Top" described above allows the State Patrol and Ports of Entry to be able to "afford" to grow their funding regardless of the financial situation of the state.

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Except Division of Criminal Justice)**

BRIEFING ISSUE

ISSUE: Eliminate General Fund Support for CBI InstaCheck and Criminal Identification

SUMMARY: As part of the Governor's August 24, 2009, budget balancing proposal, the Department of Public Safety submitted two requests to refinance the funding mechanisms for the Colorado Bureau of Investigation's State Point of Contact - National Instant Criminal Background Check Program and the Criminal Identification component within the Colorado Bureau of Investigation Identification Unit.

- The Department proposes refinancing General Fund support for the CBI InstaCheck program in the amount of \$1.6 million with cash funds generated from a new fee of \$10.50 per firearms purchase to users of InstaCheck.
- The Department proposes refinancing General Fund support for the Identification Unit for the State's criminal history repository through an increase in various fees assessed to individuals who are required by statute to undergo criminal history background checks for employment or licensing purposes.

RECOMMENDATION: Staff recommends the Committee discuss the merits of these requests with the Department. In particular, staff recommends the Committee ask the Department the following questions at the hearing with the Department:

1. Provide a draft legislation showing the specific changes to statute proposed with this request.
2. Why is the Department proposing to refinance criminal identification operations with an increased fee to individuals seeking employment? Why is the Department not proposing to assess a fee to arrested individuals and those serving a sentence for the log and processing costs of their criminal history information?
3. Provide detailed analysis on the methodology used to come up with the increase to fingerprint background checks for individuals who are required by statute to undergo criminal history background checks for employment or licensing purposes. In particular, the Department stated that it needs to refinance \$1.6 million General Fund in FY 2010-11, however, two of the proposed fee increases will generate approximately \$2.4 million in FY 2010-11. Are the fees set in the proposal too high?

DISCUSSION:

Background

InstaCheck

The CBI has been designated the point of contact to the National Instant Criminal Background Check System (NICS). The CBI InstaCheck Program provides instant background checks on persons wishing to purchase firearms from federally licensed firearms dealers, pursuant to Colorado law and provisions of the federal "Brady Act." As the state point of contact for the NCIS program, the CBI InstaCheck program has access to state court records not available to the FBI. The InstaCheck program currently receives 86.6 percent General Fund appropriations. InstaCheck's current statutory authority resides in Section 24-33.5-424, C.R.S., which authorizes the CBI to become a Point of Contact (POC) to the NICS; and Section 12-26.1-101, C.R.S., which authorizes background checks for private transactions at gun shows.

Identification

The CBI Identification Unit serves as the State's center repository of criminal history records. The CBI is responsible for ensuring that criminal justice agencies, such as police, county attorneys, and the courts, receive complete and accurate criminal history information. The unit operates 24 hours a day, seven days a week, in order to provide information regarding warrants to on-duty law enforcement officers. The unit stores all criminal fingerprints and related information received from Colorado's criminal justice agencies in the Automated Fingerprint Identification System (AFIS). On average, the CBI processes over 725 law enforcement arrests each day. General Fund appropriations support the processing of fingerprints for law enforcement purposes.

The Identification Unit also processes applicant fingerprint background checks for individuals who are required by statute to undergo such checks for employment or licensing purposes. The fees for these background checks range from \$13.00 to \$39.50, depending on the type of search conducted.

Department Proposal

InstaCheck

The Department's proposal would assess a \$10.50 per firearms purchase fee to users of InstaCheck to ensure that the program remains fully operable. This proposal would require legislative action to assess a cash fee on each firearms transaction in order to fund the operations of InstaCheck.

The Department proposal is to start realizing savings for four months in FY 2009-10 for a total General Fund saving of \$557,071. For FY 2010-11, the Department requests refinancing the entire General Fund InstaCheck support line and associated central appropriations. The Department request is to refinance \$1,585,201 General Fund in FY 2010-11.

According to Department data, in calendar year 2008, the InstaCheck program conducted 170,882 background checks. At a proposed \$10.50 fee per background check, this would equate to \$1,794,261 in revenues.

Identification

The Department's proposal would increase fees assessed to individuals who are required by statute to undergo such checks for employment or licensing purposes. The table below shows the Department's fee increase proposal:

Type of Search	Current Fees	Estimated New Fees	Change
Name Search - Internet (Colorado Only)	\$6.85	\$10.30	\$3.45
Name Search - Manual (Colorado Only)	13.00	19.50	6.50
Fingerprint Search (Co. Only, Non-Flagged)	16.50	24.75	8.25
Fingerprint Search (Co. Only, Flagged)	17.50	26.25	8.75
Fingerprint Search (Co. and National, Non-Flagged)	38.50	49.75	11.25
Fingerprint Search (Co. and National, Flagged)	39.50	50.75	11.25

The Department is proposing to refinance \$558,092 General Fund in FY 2009-10 and \$1,615,056 General Fund in FY 2010-11. The Department does not collect workload data on all the searches listed above. The Department collects data on Internet Name Search (Colorado Only). In calendar year 2008, there were 354,030 name searches conducted, at an increased rate of \$3.45 per search, the Department anticipates generating \$1,221,404 in additional revenue from this single search. The Department also tracks Fingerprint Searches (Colorado Only, Non-Flagged). In calendar year 2008, there were 145,420 fingerprint searches conducted, at an increase rate of \$8.25 per search, the Department anticipates generating \$1,199,715 in additional revenue from this search.

Staff Analysis:
Identification

The Department proposal for the Identification Unit refinance is to assess a higher fee to individuals who are required by statute to undergo criminal history background checks for employment or licensing purposes. The Department intends to use the additional revenue to subsidize the criminal history operations of the Identification Unit with the higher criminal history background checks assessed on individuals seeking employment.

Although the Department has provided a proposal to save the State General Fund dollars, staff sees a problem with this proposal as it creates a new inequity. In particular, civilians looking for employment having to pay the costs of the State's central repository of criminal history records for arrest, Identification, and final charge dispositional information on persons arrested in Colorado for federal, state, or out-of-state criminal offenses and on persons received for services of any sentence of incarceration (Section 24-33.5-412, C.R.S.).

The Department has not provided an analysis for the reasons why persons arrested in Colorado and persons serving a sentence of incarceration should not or could not be assessed a fee for their criminal history log and processing costs.

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Except Division of Criminal Justice)**

BRIEFING ISSUE

ISSUE: Sherman Anti-Trust Act and State Troopers Salary Survey Process

SUMMARY: A Colorado State Auditor Report from May 2009, titled "Annual Compensation Survey Performance Evaluation Department of Personnel & Administration" raises concerns that current statutory requirements related to the Department of Personnel's survey process for state troopers conflict with federal guidelines.

- A State Auditor report dated May 2009 finds that statute relating to the salary survey process for state troopers is in violation with the Sherman Anti-Trust Act.
- Section 24-50-104 (1) (a) (III) (A), C.R.S., requires the Department to review salary data for the top three law enforcement agencies in the State that have both more than 100 commissioned officers and the highest actual average salary. The Department is required by statute to set trooper salaries for at least 99 percent of the actual average salary provided by these three organizations.
- The report states that the statutory requirement for the Department to use data from three organizations, not five required by the guidelines, and the fact that each organization represents 33 percent of the data instead of a maximum of 25 percent as required by the Act is most problematic in relation to the Sherman Anti-Trust Act.

RECOMMENDATION: Staff recommends the Committee consider sponsoring legislation during the 2010 Session to change the salary survey process for state troopers so that statute is not in violation with the Sherman Anti-Trust Act.

In addition, staff recommends the Committee ask the Department the following questions at the hearing with the Department:

1. Does the Department of Public Safety agree that Section 24-50-104 (1) (a) (III) (A), C.R.S., and its requirements are in violation with the Sherman Anti-Trust Act.?
2. Has the Department of Public Safety had discussions with the Department of Personnel and any other association or labor group?
3. Is there a current proposal that the Department of Public Safety is willing to support?
4. Would the Department of Public Safety support the Joint Budget Committee if the Committee decided to run legislation to remedy Section 24-50-104 (1) (a) (III) (A), C.R.S.?

DISCUSSION:

A Colorado State Auditor Report from May 2009, titled "Annual Compensation Survey Performance Evaluation Department of Personnel & Administration" raises concerns that current statutory requirements related to the Department of Personnel's (Department) survey process for state troopers conflict with federal guidelines. The report states that recent legal developments have targeted the administration of salary surveys as potential violations of the Sherman Anti-Trust Act (Act).

The Act was designed to combat monopolies and other endeavors that suppress competition. As a result, the United States Departments of Justice and Labor have developed specific guidelines, standards, and recommendations regarding the administration of salary surveys to help prevent potential violations of the Act. The guidelines include:

- Survey data cannot reflect the identity or any factor that may allow someone to identify a participating organization.
- Data shown in the survey must be aggregated results only (i.e., data from specific organizations cannot be shown alone).
- At least five organizations must report a match for each job included in the survey.
- No organization can represent more than 25 percent of the data for any individual benchmark job.
- Survey data should be collected and analyzed by a third party.

In addition to other issues with the Department of Personnel surveys, the auditors found that current statutory requirements related to the Department's survey process for state troopers conflict with federal guidelines. Section 24-50-104 (1) (a) (III) (A), C.R.S., requires the Department to review salary data for the top three law enforcement agencies in the State that have both more than 100 commissioned officers and the highest actual average salary. The Department is required by statute to set trooper salaries for at least 99 percent of the actual average salary provided by these three organizations.

The State Auditor report concludes that due to the above-mentioned statutory requirements, the Department's survey process for troopers is not in compliance with many of the federal guidelines. The report states that the statutory requirement for the Department to use data from three organizations, not five required by the guidelines, and the fact that each organization represents 33 percent of the data instead of a maximum of 25 percent as required by the Act is most problematic in relation to the Sherman Anti-Trust Act.

The report states that the Act was originally established to address salary survey issues in the private sector, the report further states that it is not clear whether the Act applies to the public sector. The report concludes that neither the United States Departments of Justice nor Labor have stated that the Act does not apply to state governments and there is no case law in this area. However, there has been litigation in the private sector related to salary surveys that violate the Act and the State could potentially be exposed to litigation as well. The State Auditor recommends that the Department of Personnel should ensure that any surveys it uses during the

annual compensation survey process comply with federal guidelines and the Sherman Anti-Trust Act. In addition, the State Auditor recommends for the Department of Personnel to evaluate current statutory requirements related to the survey process for state troopers and determine if changes are needed to ensure the State's compliance with federal guidelines and the Act.

The Department of Personnel agreed with the recommendation of the audit and committee to examine the statutory definition of the special market for state troopers in conjunction with the Association of Colorado State Patrol Professionals (ACSPP).

**FY 2010-11 Joint Budget Committee Staff Briefing
Department of Public Safety
(Except Division of Criminal Justice)**

APPENDIX A: NUMBERS PAGES

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
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DEPARTMENT OF PUBLIC SAFETY
Peter A. Weir, Executive Director

(1) EXECUTIVE DIRECTOR'S OFFICE

Manages Department functions. Funding sources include: Highway Users Tax Fund, indirect cost recoveries, Limited Gaming funds appropriated in the Department of Revenue, and Hazardous Materials Safety Fund.

(A) Administration

Personal Services	2,196,360	2,264,064	2,398,524	2,263,714	NPDI 2: IT Staff
FTE	<u>26.0</u>	<u>27.5</u>	<u>29.7</u>	<u>26.7</u>	
General Fund	0	0	0	0	
HUTF	24,618	30,163	29,615	30,163	
Cash Funds Exempt/Reappropriated Funds	2,171,742	2,233,901	2,368,909	2,233,551	
FTE	26.0	27.5	29.7	26.7	
Health, Life, and Dental	<u>5,759,380</u>	<u>7,001,494</u>	<u>8,491,351</u>	<u>8,011,358</u>	NPDI 2: IT Staff
General Fund	1,072,493	1,413,112	1,623,218	889,415	
Cash Funds	396,875	348,897	413,490	554,313	
HUTF	4,093,729	4,929,995	5,732,303	5,575,183	
Cash Funds Exempt/Reappropriated Funds	196,283	309,490	339,529	654,314	
Federal Funds	0	0	382,811	338,133	
Short-term Disability	<u>96,234</u>	<u>108,911</u>	<u>130,669</u>	<u>127,500</u>	NPDI 2: IT Staff
General Fund	22,081	21,309	25,701	20,279	

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	Change
	Actual	Actual	Appropriation	Nov. 1 Request	Requests
Cash Funds	5,847	6,591	6,485	7,150	
HUTF	63,795	71,651	80,513	84,323	
Cash Funds Exempt/Reappropriated Funds	4,511	9,360	5,376	10,177	
Federal Funds	0	0	12,594	5,571	
S.B. 04-257 Amortization Equalization Disbursement	<u>883,974</u>	<u>1,337,602</u>	<u>1,788,139</u>	<u>1,976,612</u>	NPDI 2: IT Staff
General Fund	202,409	262,259	346,147	312,455	
Cash Funds	53,967	81,119	90,019	112,221	
HUTF	588,877	881,855	1,112,122	1,308,133	
Cash Funds Exempt/Reappropriated Funds	38,721	112,369	74,382	157,546	
Federal Funds	0	0	165,469	86,257	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>179,264</u>	<u>626,894</u>	<u>1,113,920</u>	<u>1,439,274</u>	NPDI 2: IT Staff
General Fund	36,881	122,934	212,675	232,002	
Cash Funds	11,243	37,925	56,261	77,661	
HUTF	122,682	413,369	695,077	951,836	
Cash Funds Exempt/Reappropriated Funds	8,458	52,666	46,489	114,879	
Federal Funds	0	0	103,418	62,896	
Salary Survey and Senior Executive Service	<u>3,398,975</u>	<u>4,298,160</u>	<u>0</u>	<u>0</u>	
General Fund	537,093	788,331	0	0	
Cash Funds	133,135	203,446	0	0	
HUTF	2,585,754	3,116,362	0	0	
Cash Funds Exempt/Reappropriated Funds	142,993	190,021	0	0	
Federal Funds	0	0	0	0	
Performance-based Pay Awards	<u>1,129,146</u>	<u>1,269,047</u>	<u>0</u>	<u>0</u>	
General Fund	246,025	299,247	0	0	
Cash Funds	49,252	69,519	0	0	
HUTF	775,171	830,476	0	0	

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	Change
	Actual	Actual	Appropriation	Nov. 1 Request	Requests
Cash Funds Exempt/Reappropriated Funds	58,698	69,805	0	0	
Federal Funds	0	0	0	0	
Shift Differential	<u>242,873</u>	<u>299,351</u>	<u>194,299</u>	<u>291,389</u>	
General Fund	44,850	61,902	35,880	39,669	
Cash Funds	57,967	77,610	46,374	80,304	
HUTF	125,582	159,839	100,466	158,293	
Cash Funds Exempt/Reappropriated Funds	14,474	0	11,579	13,123	
Workers' Compensation	<u>1,731,662</u>	<u>2,208,521</u>	<u>3,077,106</u>	<u>3,212,311</u>	
General Fund	0	0	1,378,485	1,182,513	
Cash Funds Exempt/Reappropriated Funds	1,731,662	2,208,521	1,698,621	2,029,798	
Operating Expenses	<u>161,645</u>	<u>157,787</u>	<u>159,559</u>	<u>150,492</u>	
General Fund	0	0	0	0	
Cash Funds Exempt/Reappropriated Funds	161,645	157,787	159,559	150,492	
Legal Services for 2,113 Hours - Cash Funds Exempt/RF	145,705	158,686	159,278	159,278	
Purchase of Services from Computer Center	<u>(96,771)</u>	<u>67,043</u>	<u>67,043</u>	<u>1,922,512</u>	NPDI 2: IT Staff
General Fund	0	0	0	782,935	
HUTF	0	0	0	961,791	
Cash Funds Exempt/Reappropriated Funds	(96,771)	67,043	67,043	177,786	
Multiuse Network Payments	<u>1,158,213</u>	<u>1,198,201</u>	<u>1,198,201</u>	<u>1,263,908</u>	NPDI 2: IT Staff
General Fund	0	0	0	526,454	
Cash Funds	0	0	0	53,343	
HUTF	42,495	42,495	42,495	42,495	
Cash Funds Exempt/Reappropriated Funds	1,115,718	1,155,706	1,155,706	641,616	
Management and Administration of OIT (New Line)	<u>0</u>	<u>212,803</u>	<u>223,339</u>	<u>391,328</u>	NPDI 2: IT Staff

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
General Fund	0	115,299	46,182	0	
Cash Funds	0	798	0	0	
HUTF	0	92,622	0	192,392	
Cash Funds Exempt/Reappropriated Funds	0	4,084	177,157	198,936	
Payment to Risk Management and Property Funds	<u>794,223</u>	<u>985,251</u>	<u>1,054,586</u>	<u>469,161</u>	
General Fund	340,704	369,975	474,103	0	
HUTF	12,039	12,039	15,814	15,814	
Cash Funds Exempt/Reappropriated Funds	441,480	603,237	564,669	453,347	
Vehicle Lease Payments	<u>25,360</u>	<u>44,253</u>	<u>47,793</u>	<u>79,210</u>	NPDI 1: Fleet;
General Fund	3,149	16,614	13,857	16,510	DI 7; DI 8
Cash Funds	2,675	2,258	2,354	22,358	
Cash Funds Exempt/Reappropriated Funds	19,536	25,381	31,582	31,582	
Federal Funds	0	0	0	8,760	
Leased Space	<u>1,742,478</u>	<u>1,574,720</u>	<u>1,907,259</u>	<u>1,907,259</u>	
General Fund	756,071	673,682	858,230	858,230	
Cash Funds	0	0	30,057	30,057	
HUTF	438,642	462,587	464,329	464,329	
Cash Funds Exempt/Reappropriated Funds	547,765	438,451	554,643	554,643	
Capitol Complex Leased Space	<u>1,138,621</u>	<u>1,137,818</u>	<u>1,332,478</u>	<u>1,263,765</u>	
General Fund	0	0	156,295	0	
Cash Funds	3,760	3,737	3,574	3,462	
HUTF	496,957	497,487	517,660	465,881	
Cash Funds Exempt/Reappropriated Funds	637,904	636,594	654,949	794,422	
Communication Services Payments	<u>598,638</u>	<u>623,626</u>	<u>629,954</u>	<u>621,860</u>	
General Fund	0	0	0	0	
Cash Funds	12,340	14,553	14,553	18,516	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
HUTF	555,959	570,020	570,020	555,736	
Cash Funds Exempt/Reappropriated Funds	30,339	39,053	39,053	33,776	
Federal Funds	0	0	6,328	13,832	
Utilities	<u>87,407</u>	<u>85,907</u>	<u>87,407</u>	<u>87,407</u>	
HUTF	85,907	85,907	85,907	85,907	
Cash Funds Exempt/Reappropriated Funds	1,500	0	1,500	1,500	
Distributions to Local Government - Cash Funds	32,979	18,391	50,000	50,000	
Subtotal - (A) Administration	21,406,366	25,678,530	24,110,905	25,688,338	
FTE	<u>26.0</u>	<u>27.5</u>	<u>29.7</u>	<u>26.7</u>	
General Fund	3,261,756	4,144,664	5,170,773	4,860,462	
Cash Funds	760,040	864,844	713,167	1,009,385	
HUTF	10,012,207	12,196,867	9,446,321	10,892,276	
Cash Funds Exempt/Reappropriated Funds	7,372,363	8,472,155	8,110,024	8,410,766	
FTE	26.0	27.5	29.7	26.7	
Federal Funds	0	0	670,620	515,449	
(B) Special Programs					
(1) Witness Protection Program					
Witness Protection Fund - General Fund	90,000	79,000	83,000	83,000	
Witness Protection Fund Expenditures	<u>88,890</u>	<u>100,184</u>	<u>83,000</u>	<u>83,000</u>	
Cash Funds	0	21,184	0	0	
Cash Funds Exempt/Reappropriated Funds	88,890	79,000	83,000	83,000	
Subtotal - (B)(1) Witness Protection Program	178,890	179,184	166,000	166,000	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
General Fund	90,000	79,000	83,000	83,000	
Cash Funds	0	21,184	0	0	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
Cash Funds Exempt/Reappropriated Funds	88,890	79,000	83,000	83,000	
FTE	0.0	0.0	0.0	0.0	
Federal Funds	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	

(2) Colorado Integrated Criminal Justice Information System (CICJIS)

Personal Services	922,616	934,182	1,131,978	1,131,978
FTE	<u>11.0</u>	<u>0.0</u>	<u>11.0</u>	<u>11.0</u>
General Fund	0	0	0	0
Cash Funds Exempt/Reappropriated Funds	807,669	828,553	883,726	883,726
FTE	10.0	10.0	11.0	11.0
Federal Funds	114,947	105,629	248,252	248,252
FTE	0.0	0.0	0.0	0.0
Operating Expenses	<u>163,597</u>	<u>146,734</u>	<u>200,502</u>	<u>150,502</u>
General Fund	0	0	0	0
Cash Funds Exempt/Reappropriated Funds	150,502	146,734	150,502	100,502
Federal Funds	13,095	0	50,000	50,000

Subtotal - (B)(2) Colorado Integrated Criminal Justice Information System (CICJIS)	1,086,213	1,080,916	1,332,480	1,282,480
FTE	<u>10.0</u>	<u>10.0</u>	<u>11.0</u>	<u>11.0</u>
General Fund	0	0	0	0
Cash Funds Exempt/Reappropriated Funds	958,171	975,287	1,034,228	984,228
FTE	10.0	10.0	11.0	11.0
Federal Funds	128,042	105,629	298,252	298,252
FTE	0.0	0.0	0.0	0.0

(3) School Resource Center Services	0	369,775	445,106	356,306
FTE	<u>0.0</u>	<u>0.5</u>	<u>5.0</u>	<u>4.0</u>

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
General Fund	0	219,775	445,106	356,306	
FTE	0.0	0.5	5.0	4.0	
Cash Funds Exempt/Reappropriated Funds c/	0	150,000	0	0	
FTE	0.0	0.0	0.0	0.0	Request vs. Appropriation
TOTAL -					
(1) EXECUTIVE DIRECTOR'S OFFICE	22,671,469	27,308,405	26,054,491	27,493,124	5.5%
FTE	<u>36.0</u>	<u>38.0</u>	<u>45.7</u>	<u>41.7</u>	
General Fund	3,351,756	4,443,439	5,698,879	5,299,768	-7.0%
FTE	0.0	0.5	5.0	4.0	
Cash Funds	760,040	886,028	713,167	1,009,385	41.5%
HUTF	10,012,207	12,196,867	9,446,321	10,892,276	15.3%
Cash Funds Exempt/Reappropriated Funds	8,419,424	9,676,442	9,227,252	9,477,994	2.7%
FTE	36.0	37.5	40.7	37.7	
Federal Funds	128,042	105,629	968,872	813,701	-16.0%
FTE	0.0	0.0	0.0	0.0	

(2) COLORADO STATE PATROL

Enforces motor vehicle laws, assists motorists, conducts vehicle safety checks, investigates traffic accidents, and oversees hazardous materials transport. Primary cash funds and reappropriated funds sources include: Vehicle Inspection Number Identification Fund, Highway Users Tax Fund, Limited Gaming Funds appropriated to the Department of Revenue, and state and non-state agency fees.

Colonel, Lt. Colonels, Majors, and Captains	3,670,210	3,810,693	4,001,285	4,075,351	
FTE	<u>34.5</u>	<u>34.3</u>	<u>34.0</u>	<u>34.0</u>	
General Fund	105,894	112,755	118,516	120,710	
FTE	1.0	1.0	1.0	1.0	
HUTF	3,564,316	3,697,938	3,882,769	3,954,641	
FTE	33.5	33.3	33.0	33.0	
Sergeants, Technicians, and Troopers	43,976,712	45,360,306	48,706,984	49,845,620	DI 3
FTE	<u>634.1</u>	<u>634.5</u>	<u>611.6</u>	<u>615.6</u>	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
General Fund	789,478	1,395,873	1,326,281	1,353,771	
FTE	10.0	23.6	18.0	18.0	
Cash Funds	830,692	761,634	955,801	974,417	
FTE	12.0	12.2	13.0	13.0	
HUTF	41,078,376	41,945,182	45,028,704	45,862,209	
FTE	594.9	581.8	563.0	563.0	
Cash Funds Exempt/Reappropriated Funds	1,278,166	1,257,617	1,396,198	1,655,223	
FTE	17.2	16.9	17.6	21.6	
Civilians	4,828,582	4,857,537	5,015,976	4,185,810	NPDI 2: IT Staff
FTE	<u>86.9</u>	<u>89.3</u>	<u>81.5</u>	<u>73.5</u>	
General Fund	39,087	41,156	42,726	43,517	
FTE	1.0	0.9	1.0	1.0	
Cash Funds	51,282	46,844	61,167	62,299	
FTE	1.0	0.8	2.0	2.0	
HUTF	4,700,286	4,740,939	4,846,088	4,012,777	
FTE	83.9	86.7	77.5	69.5	
Cash Funds Exempt/Reappropriated Funds	37,927	28,598	65,995	67,217	
FTE	1.0	0.9	1.0	1.0	
Retirements - HUTF	399,995	400,000	400,000	400,000	
Overtime	<u>1,340,346</u>	<u>1,340,981</u>	<u>1,403,815</u>	<u>1,403,815</u>	
Cash Funds	16,083	11,306	74,137	74,137	
HUTF	1,304,416	1,304,413	1,304,416	1,304,416	
Cash Funds Exempt/Reappropriated Funds	19,847	25,262	25,262	25,262	
Operating Expenses	<u>7,301,488</u>	<u>8,088,648</u>	<u>7,327,970</u>	<u>7,906,331</u>	DI 2; DI 3; Di 5;
General Fund	462,528	462,528	462,528	462,528	DI 6
Cash Funds	397,861	499,312	437,703	516,214	
HUTF	6,133,912	6,982,396	6,283,320	6,556,381	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
Cash Funds Exempt/Reappropriated Funds	307,187	144,412	144,419	371,208	
MDC Asset Maintenance - HUTF (Request to Re-Name to "IT Asset Maintenance")	835,316	839,168	843,020	2,843,020	DI 1
Vehicle Lease Payments	<u>3,585,134</u>	<u>3,512,626</u>	<u>4,710,755</u>	<u>6,659,527</u>	NPDI 1: Fleet;
General Fund	47,311	79,302	141,984	184,917	DI 3
Cash Funds	85,567	84,918	139,343	175,811	
HUTF	3,354,700	3,272,251	4,268,746	6,036,805	
Cash Funds Exempt/Reappropriated Funds	97,556	76,155	58,124	136,830	
Federal Funds	0	0	102,558	125,164	
Communications Program (Dispatch Services)	7,074,675	7,366,007	7,556,458	7,455,334	NPDI 2: IT Staff;
FTE	<u>131.2</u>	<u>133.1</u>	<u>139.1</u>	<u>136.1</u>	DI 10
Cash Funds	713,044	750,599	650,772	702,823	
FTE	13.9	13.7	11.0	11.0	
HUTF	5,768,945	6,068,997	6,170,261	6,048,854	
FTE	110.1	108.7	119.1	116.1	
Cash Funds Exempt/Reappropriated Funds	576,993	525,552	720,370	686,559	
FTE	7.2	10.7	9.0	9.0	
Federal Funds	15,693	20,859	15,055	17,098	
State Patrol Training Academy	2,205,516	2,325,379	2,392,917	2,392,917	
FTE	<u>17.2</u>	<u>15.2</u>	<u>17.0</u>	<u>17.0</u>	
General Fund	38,472	0	0	0	
Cash Funds	121,347	287,653	80,838	80,838	
FTE	1.0	1.8	1.0	1.0	
HUTF	1,680,470	1,794,138	1,824,210	1,824,210	
FTE	16.2	13.4	16.0	16.0	
Cash Funds Exempt/Reappropriated Funds	365,227	243,588	487,869	487,869	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
Safety and Law Enforcement Support	1,775,386	1,855,884	2,928,849	2,928,849	
FTE	<u>1.0</u>	<u>1.6</u>	<u>4.0</u>	<u>4.0</u>	
Cash Funds	571,307	568,045	466,569	466,569	
Cash Funds Exempt/Reappropriated Funds	1,171,695	1,287,839	2,462,280	2,462,280	
FTE	1.0	1.6	4.0	4.0	
Federal Funds	32,384	0	0	0	
FTE	0.0	0.0	0.0	0.0	
Aircraft Program	506,011	423,639	734,944	734,944	
FTE	<u>3.0</u>	<u>1.6</u>	<u>6.0</u>	<u>6.0</u>	
Cash Funds	0	0	189,791	189,791	
HUTF	327,509	350,172	352,147	352,147	
FTE	3.0	1.6	4.5	4.5	
Cash Funds Exempt/Reappropriated Funds	178,502	73,467	193,006	193,006	
FTE	0.0	0.0	1.5	1.5	
Federal Funds	0	0	0	0	
Executive and Capitol Complex Security Program	2,857,269	3,462,841	3,643,804	3,709,206	
FTE	<u>43.2</u>	<u>51.2</u>	<u>56.0</u>	<u>56.0</u>	
General Fund	1,949,209	2,276,347	2,426,232	2,471,143	
FTE	31.3	34.4	37.5	37.5	
Cash Funds Exempt/Reappropriated Funds	908,060	1,186,494	1,217,572	1,238,063	
FTE	11.9	16.8	18.5	18.5	
Federal Funds	0	0	0	0	
Hazardous Materials Safety Program	891,969	939,447	1,114,529	1,114,529	
FTE	<u>9.1</u>	<u>9.7</u>	<u>12.0</u>	<u>12.0</u>	
Cash Funds	143,448	161,964	312,254	312,254	
FTE	2.4	2.7	5.5	5.5	
HUTF	748,521	777,483	802,275	802,275	
FTE	6.7	7.0	6.5	6.5	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
Cash Funds Exempt/Reappropriated Funds	0	0	0	0	
Automobile Theft Prevention Authority	<u>136,270</u>	<u>113,679</u>	<u>5,219,598</u>	<u>5,219,598</u>	
Cash Funds	0	113,679	5,219,598	5,219,598	
FTE	0.0	0.3	3.0	3.0	
Cash Funds Exempt/Reappropriated Funds	136,270	0	0	0	
CSP, DUI Enforcement Grants - HUTF	0	0	0	1,082,980	DI 11
Victim Assistance	302,404	298,753	657,694	657,694	
FTE	<u>5.8</u>	<u>4.5</u>	<u>6.8</u>	<u>6.8</u>	
Cash Funds	200,000	200,000	200,000	200,000	
FTE	2.3	2.3	0.0	0.0	
Cash Funds Exempt/Reappropriated Funds	102,404	98,753	282,694	282,694	
FTE	3.5	2.2	5.0	5.0	
Federal Funds	0	0	175,000	175,000	
FTE	0.0	0.0	1.8	1.8	
Counter-drug Program	3,051,338	1,865,328	4,000,000	4,000,000	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Cash Funds	0	1,865,328	4,000,000	4,000,000	
Cash Funds Exempt/Reappropriated Funds	3,046,259	0	0	0	
Federal Funds	5,079	0	0	0	
FTE	0.0	0.0	0.0	0.0	
Motor Carrier Safety and Assistance Program Grants	<u>2,922,126</u>	<u>3,359,930</u>	<u>2,668,489</u>	<u>2,668,489</u>	
Cash Funds Exempt/Reappropriated Funds	4,875	2,900	0	0	
Federal Funds	2,917,251	3,357,030	2,668,489	2,668,489	
FTE	22.2	20.5	22.0	22.0	
Federal Safety Grants - Federal Funds	<u>2,782,371</u>	<u>3,522,515</u>	<u>1,076,795</u>	<u>1,076,795</u>	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
Cash Funds Exempt/Reappropriated Funds	6,080	2,350	0	0	
Federal Funds	2,776,291	3,520,165	1,076,795	1,076,795	
FTE	4.8	16.9	2.0	2.0	
Indirect Cost Assessment	<u>7,650,064</u>	<u>8,303,655</u>	<u>8,148,608</u>	<u>7,805,163</u>	
Cash Funds	140,316	212,387	207,550	186,607	
HUTF	6,940,453	7,502,094	7,359,355	7,072,072	
Cash Funds Exempt/Reappropriated Funds	351,284	367,289	375,941	357,560	
Federal Funds	218,011	221,885	205,762	188,924	
					Request vs. Appropriation
TOTAL - (2) COLORADO STATE PATROL	98,093,182	102,047,016	112,552,490	118,165,972	5.0%
FTE	<u>993.0</u>	<u>1,012.7</u>	<u>995.0</u>	<u>988.0</u>	
General Fund	3,431,979	4,367,961	4,518,267	4,636,586	2.6%
FTE	43.3	59.9	57.5	57.5	
Cash Funds	3,270,947	5,563,669	12,995,523	13,161,358	1.3%
FTE	32.6	33.8	35.5	35.5	
HUTF	76,837,215	79,675,171	83,365,311	88,152,787	5.7%
FTE	848.3	832.5	819.6	808.6	
Cash Funds Exempt/Reappropriated Funds	8,582,252	5,317,926	7,429,730	7,963,771	7.2%
FTE	41.8	49.1	56.6	60.6	
Federal Funds	5,970,789	7,122,289	4,243,659	4,251,470	0.2%
FTE	27.0	37.4	25.8	25.8	

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

Prevents terrorist attacks in Colorado, reduces Colorado's vulnerability to terrorism, minimizes the damage of attacks,
and helps in recovery from attacks that do occur.

Personal Services	503,461	680,266	1,558,016	2,125,093
FTE	<u>6.9</u>	<u>9.7</u>	<u>21.5</u>	<u>29.5</u>

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
General Fund	89,121	201,512	234,963	234,963	
FTE	0.9	2.3	3.0	3.0	
Cash Funds	212,448	362,108	1,165,053	1,732,130	
FTE	3.7	5.6	16.0	24.0	
Cash Funds Exempt/Reappropriated Funds	201,892	116,646	158,000	158,000	
FTE	2.3	1.8	2.5	2.5	
Operating Expenses	<u>121,703</u>	<u>173,795</u>	<u>604,647</u>	<u>639,015</u>	DI 7
General Fund	7,677	16,676	17,089	16,720	
Cash Funds	99,394	142,177	562,975	597,712	
Cash Funds Exempt/Reappropriated Funds	14,632	14,942	24,583	24,583	
Office of Anti-Terrorism Planning and Training Personal Services	507,094	655,316	440,659	440,659	
FTE	<u>6.2</u>	<u>6.5</u>	<u>6.0</u>	<u>6.0</u>	
General Fund	0	90,866	99,736	99,736	
FTE	0.0	1.0	1.0	1.0	
Federal Funds	507,094	564,450	340,923	340,923	
FTE	6.2	5.5	5.0	5.0	
Office of Anti-Terrorism Planning and Training Operating Expenses	<u>435,001</u>	<u>301,586</u>	<u>11,941</u>	<u>11,941</u>	
General Fund	0	4,405	950	950	
Federal Funds	435,001	297,181	10,991	10,991	
Federal Grants - Federal Funds	150,423	150,061	75,289	75,000	
FTE	0.4	0.3	0.5	0.5	
Indirect Cost Assessment	<u>14,087</u>	<u>40,361</u>	<u>114,873</u>	<u>273,559</u>	
Cash Funds	0	28,100	63,511	228,768	
Cash Funds Exempt/Reappropriated Funds	14,087	12,261	17,911	13,683	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
Federal Funds	0	0	33,451	31,108	Request vs. Appropriation
TOTAL - (3) OFFICE OF PREPAREDNESS, SECURITY AND FIRE SAFETY	1,731,769	2,001,385	2,805,425	3,565,267	27.1%
FTE	<u>13.5</u>	<u>16.5</u>	<u>28.0</u>	<u>36.0</u>	
General Fund	96,798	313,459	352,738	352,369	-0.1%
FTE	0.9	3.3	4.0	4.0	
Cash Funds	311,842	532,385	1,791,539	2,558,610	42.8%
FTE	3.7	5.6	16.0	24.0	
Cash Funds Exempt/Reappropriated Funds	230,611	143,849	200,494	196,266	-2.1%
FTE	2.3	1.8	2.5	2.5	
Federal Funds	1,092,518	1,011,692	460,654	458,022	-0.6%
FTE	6.6	5.8	5.5	5.5	

(4) DIVISION OF CRIMINAL JUSTICE

Publishes Crime and Justice in Colorado; manages federal funded juvenile justice, anti-drug, and victim assistance programs; and administers community corrections contracts.

					Request vs. Appropriation
TOTAL - (4) DIVISION OF CRIMINAL JUSTICE	71,090,231	74,630,098	80,351,493	80,969,822	0.8%
FTE	<u>48.4</u>	<u>49.9</u>	<u>64.4</u>	<u>58.8</u>	
General Fund	49,628,005	53,163,693	55,613,335	55,300,997	-0.6%
FTE	17.7	23.0	64.4	58.8	
Cash Funds	2,167,584	2,704,875	3,824,668	3,829,024	0.1%
FTE	7.2	8.6	0.0	0.0	
Cash Funds Exempt/Reappropriated Funds c/	702,094	421,804	789,036	796,010	0.9%
FTE	5.7	3.1	0.0	0.0	
Federal Funds	18,592,548	18,339,726	20,124,454	21,043,791	4.6%
FTE	17.8	15.2	0.0	0.0	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
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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 fingerprint and name check fees, Victims Assistance and Law Enforcement Fund, and Limited Gaming Fund.

(A) Administration

Personal Services	383,187	327,077	361,196	361,196	
FTE	<u>3.8</u>	<u>3.7</u>	<u>4.0</u>	<u>4.0</u>	
General Fund	319,438	276,455	291,651	291,651	
FTE	2.8	2.9	3.0	3.0	
Cash Funds	63,749	50,622	69,545	69,545	
FTE	1.0	0.8	1.0	1.0	
Operating Expenses	<u>23,984</u>	<u>23,955</u>	<u>23,984</u>	<u>23,984</u>	
General Fund	13,007	13,001	13,007	13,007	
Cash Funds	10,977	10,954	10,977	10,977	
Vehicle Lease Payments	<u>178,741</u>	<u>174,359</u>	<u>211,685</u>	<u>217,964</u>	NPDI 1: Fleet
General Fund	128,777	155,842	179,849	185,951	
Cash Funds	7,221	0	7,221	7,221	
Cash Funds Exempt/Reappropriated Funds	33,267	12,660	17,679	17,856	
Federal Funds	9,476	5,857	6,936	6,936	
Federal Grants - Federal Funds	2,370,392	1,853,977	834,526	834,526	
FTE	3.0	3.7	3.0	3.0	
Indirect Cost Assessment	<u>366,068</u>	<u>384,701</u>	<u>415,729</u>	<u>370,560</u>	
Cash Funds	291,175	329,660	314,728	278,392	
Cash Funds Exempt/Reappropriated Funds	74,893	55,041	101,001	92,168	
Subtotal - (A) Administration	3,322,372	2,764,069	1,847,120	1,808,230	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
FTE	<u>6.8</u>	<u>7.4</u>	<u>7.0</u>	<u>7.0</u>	
General Fund	461,222	445,298	484,507	490,609	
FTE	2.8	2.9	3.0	3.0	
Cash Funds	373,122	391,236	402,471	366,135	
FTE	1.0	0.8	1.0	1.0	
Cash Funds Exempt/Reappropriated Funds	108,160	67,701	118,680	110,024	
Federal Funds	2,379,868	1,859,834	841,462	841,462	
FTE	3.0	3.7	3.0	3.0	

(B) Colorado Crime Information Center (CCIC)

(1) CCIC Program Support

Personal Services	782,679	825,259	977,141	977,141	
FTE	<u>13.6</u>	<u>15.0</u>	<u>17.0</u>	<u>17.0</u>	
General Fund	782,679	825,259	857,510	857,510	
FTE	13.6	15.0	14.8	14.8	
Cash Funds	0	0	119,631	119,631	
FTE	0.0	0.0	2.2	2.2	
Operating Expenses	<u>130,083</u>	<u>121,539</u>	<u>199,681</u>	<u>193,889</u>	
General Fund	130,083	103,243	127,351	121,559	
Cash Funds	0	12,155	52,397	52,397	
Cash Funds Exempt/Reappropriated Funds	0	6,141	19,933	19,933	
Federal Funds	0	0	0	0	

(2) Identification

Personal Services	2,964,449	2,601,095	3,192,153	3,198,358	NPDI 2: IT Staff;
FTE	<u>51.0</u>	<u>50.3</u>	<u>53.1</u>	<u>52.1</u>	DI 9
General Fund	1,114,697	1,152,096	1,187,381	0	
FTE	21.1	22.3	22.3	0.0	
Cash Funds	1,649,405	1,221,831	1,815,230	3,005,307	
FTE	26.7	21.9	25.9	47.2	

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	Change
	Actual	Actual	Appropriation	Nov. 1 Request	Requests
Cash Funds Exempt/Reappropriated Funds b/ FTE	200,347 3.2	227,168 6.1	189,542 4.9	193,051 4.9	
Operating Expenses	<u>3,692,911</u>	<u>2,980,812</u>	<u>4,487,309</u>	<u>4,484,193</u>	DI 9
General Fund	244,010	243,933	245,605	0	
Cash Funds	1,531,167	1,349,830	1,972,822	2,215,311	
Cash Funds Exempt/Reappropriated Funds d/	1,917,734	1,387,049	2,268,882	2,268,882	
Lease/Lease Purchase Equipment	<u>194,012</u>	<u>0</u>	<u>591,235</u>	<u>591,235</u>	
Cash Funds	124,038	0	378,392	378,392	
Cash Funds Exempt/Reappropriated Funds	69,974	0	212,843	212,843	
(3) Information Technology					
Personal Services	1,197,535	1,239,637	1,434,234	121,158	NPDI 2: IT Staff
FTE	<u>16.2</u>	<u>16.5</u>	<u>17.0</u>	<u>0.0</u>	
General Fund	1,197,535	1,239,637	1,303,160	65,084	
FTE	16.2	16.5	16.0	0.0	
Cash Funds	0	0	131,074	56,074	
FTE h/	0.0	0.0	1.0	0.0	
Operating Expenses	<u>1,300,100</u>	<u>1,267,830</u>	<u>1,332,627</u>	<u>1,252,627</u>	
General Fund	655,127	611,136	630,114	550,114	
Cash Funds	624,421	656,694	702,513	702,513	
Cash Funds Exempt/Reappropriated Funds	20,552	0	0	0	
Subtotal - (B) Colorado Crime Information					
Center (CCIC)	10,261,769	9,036,172	12,214,380	10,818,601	
FTE	<u>80.8</u>	<u>81.8</u>	<u>87.1</u>	<u>69.1</u>	
General Fund	4,124,131	4,175,304	4,351,121	1,594,267	
FTE	50.9	53.8	53.1	14.8	
Cash Funds	3,929,031	3,240,510	5,172,059	6,529,625	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
FTE	26.7	21.9	29.1	49.4	
Cash Funds Exempt/Reappropriated Funds	2,208,607	1,620,358	2,691,200	2,694,709	
FTE	3.2	6.1	4.9	4.9	
Federal Funds	0	0	0	0	

(C) Laboratory and Investigative Services

Personal Services	0	8,054,195	8,483,997	8,546,231	
FTE	<u>0.0</u>	<u>94.3</u>	<u>102.8</u>	<u>103.6</u>	
General Fund	0	7,588,553	7,798,775	7,675,800	
FTE	0.0	88.4	95.8	92.8	
Cash Funds	0	0	0	172,525	
FTE	0.0	0.0	0.0	3.8	
Cash Funds Exempt/Reappropriated Funds	0	465,642	685,222	697,906	
FTE	0.0	5.9	7.0	7.0	
Operating Expenses	<u>0</u>	<u>2,867,488</u>	<u>2,871,195</u>	<u>4,230,221</u>	
General Fund	0	2,500,270	2,519,768	2,408,462	
Cash Funds	0	276,089	276,125	1,746,457	
Cash Funds Exempt/Reappropriated Funds	0	91,129	75,302	75,302	
Complex Financial Fraud Unit - Cash Funds	0	467,113	651,455	651,455	
FTE	0.0	4.7	7.0	7.0	
Lease/Lease Purchase Equipment - General Fund	0	414,882	439,196	439,196	
Subtotal - (C) Laboratory and Investigative Services	0	11,803,678	12,445,843	13,867,103	
FTE	<u>0.0</u>	<u>99.0</u>	<u>109.8</u>	<u>110.6</u>	
General Fund	0	10,503,705	10,757,739	10,523,458	
FTE	0.0	88.4	95.8	92.8	
Cash Funds	0	743,202	927,580	2,570,437	
FTE	0.0	4.7	7.0	10.8	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
Cash Funds Exempt/Reappropriated Funds	0	556,771	760,524	773,208	
FTE	0.0	5.9	7.0	7.0	

(C) Laboratory Services					
Personal Services - General Fund k/ FTE	4,887,865 59.8				
Operating Expenses	<u>2,392,744</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	2,189,789				
Cash Funds	0				
Cash Funds Exempt/Reappropriated Funds	202,955				
Federal Funds	0				
Lease/Lease Purchase Equipment - General Fund	435,418				
Subtotal - (C) Laboratory Services	7,716,027	0	0	0	
FTE	<u>59.8</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
General Fund	7,513,072	0	0	0	
FTE	59.8	0.0	0.0	0.0	
Cash Funds	0	0	0	0	
Cash Funds Exempt/Reappropriated Funds	202,955	0	0	0	
Federal Funds	0	0	0	0	

(D) Investigative Services					
Personal Services	2,786,278	0	0	0	
FTE	<u>33.4</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
General Fund m/ FTE	2,305,325 26				
Cash Funds	0				
FTE	0.0				
Cash Funds Exempt/Reappropriated Funds	480,953				

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
FTE	7.0				
Operating Expenses	<u>250,165</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund n/ Cash Funds Exempt/Reappropriated Funds	196,854 53,311				
Complex Financial Fraud Unit - Cash Funds	435,734				
FTE	4.6				
Subtotal - (D) Investigative Services	3,472,177	0	0	0	
FTE	<u>38.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
General Fund	2,502,179	0	0	0	
FTE	26.4	0.0	0.0	0.0	
Cash Funds	435,734	0	0	0	
FTE	4.6	0.0	0.0	0.0	
Cash Funds Exempt/Reappropriated Funds	534,264	0	0	0	
FTE	7.0	0.0	0.0	0.0	

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

Personal Services	1,219,475	1,147,253	1,259,438	1,343,518	DI 4; DI 9
FTE	<u>23.7</u>	<u>21.2</u>	<u>26.4</u>	<u>26.4</u>	
General Fund	1,056,244	982,531	1,092,209	0	
FTE	21.5	16.8	22.0	22.0	
Cash Funds	163,231	164,722	167,229	1,343,518	
FTE	2.2	4.4	4.4	4.4	
Cash Funds Exempt/Reappropriated Funds	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	
Operating Expenses	<u>344,054</u>	<u>295,362</u>	<u>399,693</u>	<u>413,901</u>	DI 4

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriation	FY 2010-11 Nov. 1 Request	Change Requests
General Fund	344,054	239,727	344,057	0	
Cash Funds	0	55,635	55,636	413,901	
Subtotal - (D) State Point of Contact - National Instant Criminal Background Check Program					
	1,563,529	1,442,615	1,659,131	1,757,419	
FTE	<u>23.7</u>	<u>21.2</u>	<u>26.4</u>	<u>26.4</u>	
General Fund	1,400,298	1,222,258	1,436,266	0	
FTE	21.5	16.8	22.0	22.0	
Cash Funds	163,231	220,357	222,865	1,757,419	
FTE	2.2	4.4	4.4	4.4	
Cash Funds Exempt/Reappropriated Funds	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	
					Request vs. Appropriation
TOTAL - (5) COLORADO BUREAU OF INVESTIGATION					
	26,335,874	25,046,534	28,166,474	28,251,353	0.3%
FTE	<u>209.1</u>	<u>209.4</u>	<u>230.3</u>	<u>213.1</u>	
General Fund	16,000,902	16,346,565	17,029,633	12,608,334	-26.0%
FTE	161.4	161.9	173.9	132.6	
Cash Funds	4,901,118	4,595,305	6,724,975	11,223,616	66.9%
FTE	34.5	31.8	41.5	65.6	
Cash Funds Exempt/Reappropriated Funds	3,053,986	2,244,830	3,570,404	3,577,941	0.2%
FTE	10.2	12.0	11.9	11.9	
Federal Funds	2,379,868	1,859,834	841,462	841,462	0.0%
FTE	3.0	3.7	3.0	3.0	
					Request vs. Appropriation
GRAND TOTAL - DEPARTMENT OF PUBLIC SAFETY					
	219,922,525	231,033,438	249,930,373	258,445,538	3.4%
FTE	<u>1,300.0</u>	<u>1,326.5</u>	<u>1,363.4</u>	<u>1,337.6</u>	
General Fund	72,509,440	78,635,117	83,212,852	78,198,054	-6.0%

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	Change
	Actual	Actual	Appropriation	Nov. 1 Request	Requests
FTE	223.3	248.6	304.8	256.9	
Cash Funds	11,411,531	14,282,262	26,049,872	31,781,993	22.0%
FTE	78.0	79.8	93.0	125.1	
HUTF	86,849,422	91,872,038	92,811,632	99,045,063	6.7%
FTE	848.3	832.5	819.6	808.6	
Cash Funds Exempt/Reappropriated Funds	20,988,367	17,804,851	21,216,916	22,011,982	3.7%
FTE	96.0	103.5	111.7	112.7	
Federal Funds	28,163,765	28,439,170	26,639,101	27,408,446	2.9%
FTE	54.4	62.1	34.3	34.3	

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APPENDIX B: SUMMARY OF MAJOR LEGISLATION

2009 Session Bills

- ❑ **S.B. 09-021 (Kopp/Scanlan):** Creates a program to provide volunteer firefighters with college tuition vouchers. Requires each eligible firefighter to be a full- or part-time student, complete at least 36 hours of training each year, and agree to serve as a volunteer firefighter for at least 4 years after completing their education. Directs the Division of Fire Safety to work with the State Board for Community Colleges and Occupational Education and the board of trustees for each local community college to establish the tuition voucher program for up to three credits per academic year. Creates the Volunteer Firefighter Tuition Voucher Fund, to be funded with gifts, grants, and donations, and continuously appropriates any resources in the new fund to the Department. Allows the Department to fund vouchers from existing appropriations if sufficient gifts, grants, and donations are not available and the Department elects to do so.

- ❑ **S.B. 09-241 (Morse/King):** Requires every individual arrested for or charged with a felony after September 30, 2010 to provide a DNA sample to the local law enforcement agency as part of the booking process. Makes the Department of Public Safety, Colorado Bureau of Investigation responsible for providing all sampling materials to local law enforcement agencies and for all testing and storage of acquired samples. Allows individuals not eventually convicted of a felony to petition for the expungement of DNA evidence. Creates a surcharge of \$2.50 for every offense, including traffic offenses, and deposits resulting revenues into the Offender Identification Fund to fund the activities required by the bill. For FY 2009-10, the bill appropriates \$75,000 cash funds from the Offender Identification Fund to the Department of Public Safety, Colorado Bureau of Investigation for information technology work in preparation for the bill going into effect.

- ❑ **H.B. 09-1151 (Todd/Heath):** Transfers responsibility for the review and approval of public school and junior college construction projects from the Department of Labor and Employment, Division of Oil and Public Safety, to the Department of Public Safety, Office of Preparedness, Security, and Fire Safety, effective January 1, 2010. For FY 2009-10, the bill appropriates \$635,201 cash funds from the Public School Construction and Inspection Cash Fund and 8.0 FTE to the Department of Public Safety, Office of Preparedness, Security, and Fire Safety and reduces the FY 2009-10 Long Bill appropriation to the Department of Labor and Employment by a like amount. Funds are anticipated to provide for inspection and review activities for the second half of FY 2009-10.

- ❑ **H.B. 09-1199 (Scanlan/Gibbs):** Makes several changes regarding the care, protection, and use of Colorado's forests. For FY 2009-10, the bill appropriates \$50,000 cash funds from

the Wildland-urban Interface Training Fund to the Department of Public Safety, Division of Fire Safety to support wildland fire training.

2008 Session Bills

- ❑ **S.B. 08-1 (Morse/Stephens):** Establishes the School Safety Resource Center and the School Safety Resource Center Advisory Board in the Department of Public Safety. The center is to assist schools in the following: developing safety and preparedness plans; establishing emergency response practices and strategies; and ensuring safe and secure schools through prevention and intervention efforts. Appropriates \$466,336 General Fund and 6.0 FTE to the Department of Public Safety in FY 2008-09 for this purpose.
- ❑ **S.B. 08-26 (Hagedorn/White):** Establishes the Reduced Cigarette Ignition Propensity Standards and Firefighter Protection Act. Beginning July 31, 2009, requires cigarette manufacturers to test and certify that their cigarettes meet certain fire safety standards, to be administered and enforced by the Department of Public Safety, Division of Fire Safety. Outlines specific cigarette testing, certification, and labeling procedures and establishes a \$1,000 fee for each brand family of cigarettes certified. Gives additional enforcement authority to the Attorney General and the Department of Revenue. Appropriates \$30,532 cash funds from the Reduced Cigarette Ignition Propensity Standards and Firefighter Protection Act Enforcement Fund, and 0.3 FTE, to the Department of Public Safety, Division of Fire Safety, for this purpose.
- ❑ **S.B. 08-39 (Kopp/Witwer):** Directs the Department of Public Safety, subject to the receipt of gifts, grants, or donations, to establish a pilot program offering training courses to directors of fire protection districts whose territory includes wild land-urban interface areas. Creates the Wild Land-Urban Interface Training Fund. Creates the 5 member Wild Land-Urban Interface Training Advisory Board to advise the Division of Fire Safety on course content and implementation of the pilot program. Appropriates \$12,400 cash funds from the Wild Land-Urban Interface Training Fund (subject to the receipt of gifts grants and donations) to the Department of Public Safety, Division of Fire Safety, for this purpose.
- ❑ **S.B. 08-60 (Boyd/Summers):** Extends authority for the Colorado Auto Theft Prevention Authority from July 2008 to July 2018, and adds 2 members to serve on the Automobile Theft Prevention Board. Creates a mandatory biannual fee of \$.50 for each vehicle insured by automobile insurers to fund the program. Requires the State Auditor to audit the Colorado Auto Theft Prevention Cash Fund in FY 2008-09 and every two years thereafter. Appropriates \$4,262,667 cash funds from the Colorado Auto Theft Prevention Cash Fund, and 3.0 FTE, to the Department of Public Safety. Out of this amount, appropriates \$6,500 to the Office of the State Auditor to conduct an audit of the program.
- ❑ **S.B. 08-153 (Boyd/Ferrandino):** Establishes licensing requirements for home health agencies providing both skilled and personal care services. Appropriates \$18,170 cash funds, from fingerprint processing fees, to the Department of Public Safety, Colorado

Bureau of Investigation, for fingerprint processing services related to the bill. Of this amount, \$7,935 is for transmittal to the Federal Bureau of Investigation.

- ❑ **S.B. 08-155 (Cadman/Kerr A.):** Transfers 1.0 FTE from the Department of Public Safety, Executive Director's Office, and 1.0 FTE from the Colorado Bureau of Investigation to the Governor's Office as part of a statewide information technology consolidation effort.
- ❑ **S.B. 08-219 (Romer/McFadyen):** Creates the Massage Therapy Practice Act which requires the licensure of massage therapists by the Division of Registrations in the Department of Regulatory Agencies. Appropriates \$243,768 in reappropriated funds from the Department of Regulatory Agencies and 1.2 FTE to the Department of Public Safety, Colorado Bureau of Investigation for fingerprint background checks related to the bill. Of this amount, \$131,643 and 1.2 FTE is for background checks conducted by the Colorado Bureau of Investigation, and \$112,125 is for pass through to the Federal Bureau of Investigation for fingerprint-based national criminal history background checks.
- ❑ **H.B. 08-1027 (Mitchell V./Sandoval):** Addresses deficiencies in the Public School Construction Program of the Department of Labor and Employment, Division of Oil and Public Safety (DOPS), as identified in a 2007 performance audit. Requires the Department of Public Safety, Division of Fire Safety to assist the DOPS in tracking building plans that have been referred to fire departments for review or to conduct the reviews when the appropriate fire department is unwilling or unable to do so. Authorizes the Division of Fire Safety to pursue enforcement actions for fire code violations and to charge fees set by rule, to cover the costs for fire inspections of buildings. For FY 2008-09, the bill appropriates : (1) \$243,436 cash funds from the Fire Safety Inspection Cash Fund, and 3.3 FTE, to the Department of Public Safety, Office of Preparedness, Security, and Fire Safety, and (2) \$70,986 cash funds from the Public Safety Inspection Fund, and 0.9 FTE, to the Department of Labor and Employment. Reduces the Department of Public Safety's FY 2008-09 Long Bill appropriation by \$243,190 cash funds and 3.5 FTE.
- ❑ **H.B. 08-1082 (Ferrandino/Bacon):** Appropriates \$36,893 cash funds and 0.9 FTE to the Colorado Bureau of Investigation to cover the cost of sealing arrest and criminal records information. Funds are from payments collected by the Bureau from defendants for costs related to sealing criminal conviction records.
- ❑ **H.B. 08-1085 (King/Bacon):** Creates the Colorado Bureau of Investigation (CBI) Identification Unit Fund which consists of fees collected by the CBI for criminal history records checks. Excludes the new cash fund from statutory limits on uncommitted reserves. The fund may also receive additional appropriations from the General Assembly. Makes all moneys in the fund subject to annual appropriation by the General Assembly.
- ❑ **H.B. 08-1267 (Massey/Keister):** Authorizes the School Safety Resource Center (created by S.B. 08-1) in the Department of Public Safety to require pilot program school districts to create a school mapping system for first responders. In the event of an emergency, the

system will provide first responders with access to electronic maps and information about school buildings. Appropriates \$150,000 reappropriated funds from the Department of Education (State Education Fund) to the Department of Public Safety to fund mapping of up to 3 schools in each of the five pilot sites. Pilot sites may contract with public or private entities with experience in first responder school mapping systems. Contracts must be submitted to the School Safety Resource Center for approval and, if approved, for reimbursement of direct and indirect costs of creating the mapping system.

- ❑ **H.B. 08-1335 (Romanoff/Groff):** Appropriates \$23,773 reappropriated funds (from the Department of Labor and Employment) and 0.3 FTE to the Department of Public Safety, Office of Preparedness, Security, and Fire Safety, for additional public school building and fire safety inspections.

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**APPENDIX C: UPDATE OF FY 2009-10
 LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION**

Long Bill Footnotes

None. The Department's Long Bill footnotes were specific to the Division of Criminal Justice and will be discussed in a separate briefing.

Requests for Information

58 Department of Public Safety, Colorado State Patrol -- The Department is requested to submit to the Joint Budget Committee a detailed summary of FTE assigned to the field and to special programs on an annual basis beginning November 1, 2006. Each annual report should include comparative information about the historical assignment of all uniformed positions, vacant positions, State Patrol Academy graduates, employee turnover (including service and disability retirements), and trooper deployment.

Comment: The Department complied with this request and submitted the requested report. The tables below provide a summary of FTE assigned to the field and to special programs during FY 2008-09 and FY 2009-10.

COLORADO STATE PATROL AS OF OCTOBER 2009					
FY 2008-09 Long Bill Personal Services Line Items	Admin.	Field Offices	Commun. Centers	Special Assignment	TOTAL
Colonels, LTC, Majors, and Captains	4.3	25.0	-	5.6	34.9
Sergeants, Technicians, and Troopers	1.0	487.0	0.0	127.3	615.3
Civilians	11.5	29.5	-	44.1	85.1
Communications Program	-	-	131.6	7.0	138.6
State Patrol Training Academy	-	-	-	17.0	17.0
Safety and Law Enforcement	-	-	-	4.0	4.0
Aircraft Program	-	-	-	4.5	4.5
Executive and Capitol Complex Security Prog.	-	-	-	55.0	55.0
Hazardous Materials Safety Program	-	-	-	12.0	12.0
Automobile Theft Prevention Authority	-	-	-	1.0	1.0
Victims Assistance	-	-	-	6.0	6.0

COLORADO STATE PATROL AS OF OCTOBER 2009					
FY 2008-09 Long Bill Personal Services Line Items	Admin.	Field Offices	Commun. Centers	Special Assignment	TOTAL
Counter-Drug Program	-	-	-	-	0.0
Motor Carrier Safety and Assistance Program Grants	-	-	-	22.0	22.0
Federal Safety Grants	-	-	-	13.3	13.3
TOTAL	16.8	541.5	131.6	318.8	1,008.7

COLORADO STATE PATROL AS OF SEPTEMBER 2008					
FY 2007-08 Long Bill Personal Services Line Items	Admin.	Field Offices	Commun. Centers	Special Assignment	TOTAL
Colonels, LTC, Majors, and Captains	5.3	23.0	-	4.9	33.2
Sergeants, Technicians, and Troopers	1.0	474.0	-	163.7	638.7
Civilians	12.5	30.0	-	46.0	88.5
Communications Program	-	-	124.6	7.0	131.6
State Patrol Training Academy	-	-	-	17.0	17.0
Safety and Law Enforcement	-	-	-	1.0	1.0
Aircraft Program	-	-	-	6.5	6.5
Executive and Capitol Complex Security Prog.	-	-	-	54.0	54.0
Hazardous Materials Safety Program	-	-	-	12.0	12.0
Automobile Theft Prevention Authority	-	-	-	-	0.0
Victims Assistance	-	-	-	7.0	7.0
Counter-Drug Program	-	-	-	-	0.0
Motor Carrier Safety and Assistance Program Grants	-	-	-	20.3	20.3
Federal Safety Grants	-	-	-	9.5	9.5
TOTAL	18.8	527.0	124.6	348.8	1,019.1

- 59 Department of Public Safety, Colorado Bureau of Investigation** -- The Department is requested to submit to the Joint Budget Committee a detailed report on the allocation of resources within the CBI Laboratory and Investigative Services subdivision on an annual basis beginning on November 1, 2009. Each annual report should include the number of field investigators, laboratory investigators (including information on laboratory staff disciplines), and associated staff within the subdivision for the prior year as well as estimates for the current year and the budget year.

Comment: The Department submitted a report on the allocation of laboratory and investigative resources within the Colorado Bureau of Investigation, as requested.

- 60 Department of Public Safety, Totals** -- The Department is requested to submit to the Joint Budget Committee a detailed report on the Department's use of HUTF funds, by division and program, on an annual basis beginning November 1, 2008. Each annual report should include the amount of HUTF spent and the FTE employed for each program in the prior fiscal year, including detail on Colorado State Patrol FTE performing work for other divisions.

Comment: The Department complied with this request. The report indicates that in FY 2008-09 \$92,080,774 HUTF funds and 832.5 FTE were used. Traffic Safety Operations and Administration used \$73,919,585 and 701.8 FTE. The Communications Program used \$7,211,181 and 108.7 FTE. The Aircraft Program used \$2,008,524 and 13.4 FTE. The Hazardous Materials Safety Program used \$836,407 and 7.0 FTE. Indirect costs used \$7,502,094. The Victim Assistance Program used \$6,460. The Department did use HUTF funds to support part of the Executive and Capitol Complex Security Program (\$132,926) and the Homeland Security Program (\$69,350). For FY 2009-10, the General Assembly directed the Department to cease spending HUTF funds for non-highway purposes and adjusted the CSP's funding mix.