

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



SUPPLEMENTAL REQUESTS FOR FY 2010-11

DEPARTMENT OF PUBLIC SAFETY

(All Divisions Except Division of Criminal Justice)

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

**Prepared By:
Viktor Bojilov, JBC Staff
January 20, 2011**

For Further Information Contact:

Joint Budget Committee Staff
200 E. 14th Avenue, 3rd Floor
Denver, Colorado 80203
Telephone: (303) 866-2061
TDD: (303) 866-3472

**DEPARTMENT OF PUBLIC SAFETY
FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

TABLE OF CONTENTS

	Narrative Page	Numbers Page
Prioritized Supplementals in Department-Assigned Order		
Supplemental #1 - Increase for Witness Protection Fund	1	15
Supplemental #2 - H.B. 10-1241 Spending Authority	6	16
Supplemental #3 - Port of Entry Performance Study	7	16
Non-prioritized Supplementals		
Statewide One Percent Across the Board General Fund Personal Services Reduction	11	17
Statewide Common Policy Supplemental Requests	12	18
Medical Marijuana Computer System	13	18
Totals for All Supplementals	N.A.	19
Other Balancing Options	14	N.A.

**DEPARTMENT OF PUBLIC SAFETY
 FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
 JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Prioritized Supplementals

**Supplemental Request, Department Priority #1
 Increase for Witness Protection Fund**

	Request	Recommendation
Reappropriated Funds	\$63,525	\$63,525

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of an unforeseen contingency.	

Department Request: The Department requests \$59,978 reappropriated funds (from indirect cost recoveries) for a FY 2010-11 supplemental appropriation to the Witness Protection Program, Witness Protection Fund line item. The Department requests that the \$59,978 be taken from the Executive Director's Office, (A) Administration, Personal Services line item from vacancy savings. The Department also requests an increase of \$63,525 reappropriated funds to the Witness Protection Fund Expenditures line item, which is the line item out of which witness protection funds are disbursed.

Staff Recommendation: Staff recommends that the Committee approve the Department's request to provide additional funding to the Witness Protection Program. However, staff recommends a different mechanism for providing the funding than the Department request (for a discussion of the reasons see the "Staff Analysis" section below).

- Staff recommends that the Committee reduce the appropriation to the Executive Director's Office, (A) Administration, Personal Services line item by \$59,978 reappropriated funds (indirect cost recoveries).
- Staff recommends that the Committee reduce the appropriation to the Workers' Compensation line item by \$59,978 General Fund and increase the appropriation to the Workers' Compensation line item by \$59,978 reappropriated funds (indirect cost recoveries).
- Staff recommends that the Committee increase the appropriation to the Witness Protection Program, Witness Protection Fund line item by \$59,978 General Fund and increase the appropriation to the Witness Protection Fund Expenditures line item by \$63,525 reappropriated funds (Witness Protection Fund).

**DEPARTMENT OF PUBLIC SAFETY
FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Background: The General Assembly created the Witness Protection Program in 1995 with the enactment of S.B. 95-31 (Perlmutter/Adkins). The program is designed to protect potential witnesses, their families, and close associates that may be at risk as a result of the witness's participation in legal proceedings. The bill created the Witness Protection Board (Board) comprised of the following three members or their designees:

- the Attorney General;
- the Executive Director of the Department of Public Safety; and
- the Executive Director of the Colorado District Attorneys Council.

The General Assembly appropriates funds into the Witness Protection Fund. District attorneys and/or the Attorney General may then request reimbursement for costs incurred to protect witnesses (e.g., district attorneys may temporarily relocate witnesses, incurring costs for transportation and accommodations). The Board decides on a case by case basis whether to reimburse the district attorneys for these costs.

According to statute (Section 24-33.5-106, C.R.S.), witnesses are eligible for protection in cases of "great public interest" or when the board determines that intimidation of, tampering with, or retaliation against a witness is likely. The Board can fund, "any action the board determines to be necessary to protect such person from bodily injury or to assure the person's health, safety, and welfare for as long as, in the judgement of the board, such danger exists."

The statute is written broadly and gives the Board significant leeway as to what activities to fund. However, based in part on the levels of appropriated funding, the Department and the Board have interpreted the statute as intending to support short-term protection prior to, during, and possibly for a short time after the court's disposition of a case. Thus, unlike the more well known federal program, the State program has not provided permanent protection.

House Bill 07-1147 (Garcia/Spence) enacted Section 24-33.5-106.5, C.R.S., codified that any materials in the possession of the Witness Protection Board concerning a witness protection matter shall be confidential. As such, staff is limited in the amount of analysis staff can perform as it relates to programmatic efficiency as well as forecasting future expenditure needs.

The Witness Protection Fund received a General Fund appropriation of \$250,000 as part of S.B. 95-31, and a second General Fund appropriation of \$78,250 in FY 1999-00. Since 1995, expenditures have ranged from \$6,947 in FY 1995-96 to \$100,184 in FY 2008-09. The Department projects that for FY 2010-11, the fund will experience \$146,525 in total expenditures. The table below shows historical appropriations and expenditure data for FY 2000-01 through FY 2010-11 (projected).

**DEPARTMENT OF PUBLIC SAFETY
FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Witness Protection Appropriations and Expenditures						
	Appropriated Spending Authority (incl. supplementals)	Total Expenditures	Requests for Funding	Individuals Protected	Average Expense per Request	Remaining Fund Balance
FY 2000-01	\$100,000	\$87,132	83	Not Avail.	\$1,050	\$165,229
FY 2001-02	50,000	31,449	26	Not Avail.	1,210	142,944
FY 2002-03	50,000	23,669	31	Not Avail.	764	125,724
FY 2003-04	50,000	32,884	23	Not Avail.	1,430	96,121
FY 2004-05	50,000	31,578	34	Not Avail.	929	67,536
FY 2005-06	90,370	90,156	27	67	3,339	2,184
FY 2006-07	90,180	71,046	54	97	1,316	20,438
FY 2007-08	111,532	88,890	50	99	1,778	23,444
FY 2008-09	102,444	100,184	48	80	2,087	3,232
FY 2009-10	83,000	82,846	46	84	1,801	3,547
FY 2010-11 YTD*	83,000	30,616	19	23	1,611	56,055

* FY 2010-11 YTD numbers are as of November 15, 2010.

As the table above shows, appropriations to the Department for the Witness Protection Program for the past ten years have ranged between \$50,000 and \$111,532. For FY 2009-10, the Department requested an appropriation of \$100,000, the Committee approved an appropriation of \$83,000 based on an average of actual expenditures with the understanding that the Department may require a supplemental appropriation if use of the program in FY 2009-10 and beyond exceeds available funds.

The table below summarizes the Department's analysis of projected expenditures out of the Witness Protection Fund in FY 2010-11. According to the Department analysis, expenditures will exceed revenues by \$59,978. Thus, the Witness Protection Fund line item will need an additional appropriation of \$59,978 in FY 2010-11. The Department states that throughout the first part of FY 2010-11, the Board has received sizeable requests for witness protection funds relating to high-profile criminal cases in Colorado. The requesting agencies have indicated that additional expenses have already been incurred, and that this high level of expenditures will likely continue throughout the balance of FY 2010-11.

**DEPARTMENT OF PUBLIC SAFETY
 FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
 JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Witness Protection Fund - FY 2010-11 Expenditure and Fund Balance Analysis		
Beginning Fund Balance		\$86,547
July 2010	Actual	(15,180)
August 2010	Actual	0
September 2010	Actual	(15,435)
October 2010	Actual	0
November 2010	Projected	(32,400)
December 2010	Projected	(11,930)
January 2011	Projected	(11,930)
February 2011	Projected	(11,930)
March 2011	Projected	(11,930)
April 2011	Projected	(11,930)
May 2011	Projected	(11,930)
June 2011	Projected	(11,930)
Total FY 2010-11 Expenditures		<u>(\$146,525)</u>
<i>Projected Fund Balance/(Shortfall)</i>		<i>(\$59,978)</i>

The table below shows that the Department estimates that it will need an additional appropriation of \$63,525 reappropriated funds to the Witness Protection Fund Expenditures line item. The table below shows the calculation of the additional need.

Witness Protection Fund Expenditures line item - FY 2010-11 Appropriations Analysis	
FY 2010-11 Appropriation	\$83,000
FY 2010-11 Expenditures	<u>(\$146,525)</u>
Total FY 2010-11 Over/(Under) Appropriation	(\$63,525)

**DEPARTMENT OF PUBLIC SAFETY
FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

In order to be able to meet the additional funding need of \$59,978 without having to appropriate additional General Fund dollars, the Department is recommending the reduction of the Executive Director's Office, Personal Services line item by \$59,978 reappropriated funds (indirect cost recoveries). The Department states that in FY 2010-11 the EDO has experienced several unexpected vacancies which will cause an under-expenditure in this line item. These include partial-year vacancies in the Deputy Executive Director position, the Department's Legislative Liaison, as well as three separate accountant positions.

Staff Analysis: Section 24-33.5-106 (6), C.R.S., states that "**The general assembly may make appropriations from the general fund [emphasis added]** for purposes of the witness protection program when the witness protection board demonstrates that there is a need to replenish the fund."

Staff consulted with Legislative Legal Services staff to find out if this statute should be read to mean that the General Assembly may make appropriations to the Witness Protection Program only from the General Fund. Legislative Legal Service staff advised JBC staff that the way statute is written implies that the General Assembly can only make appropriations to the Witness Protection Program from the General Fund. Because of the way statute is drafted, any appropriation to the Witness Protection Program from another fund (other than General Fund) would equate to spending authority in contradiction to the specific language of current law.

Staff recommends that, if the Committee chooses to fund this Department request, the Committee appropriate General Fund to the Witness Protection Program. In order to achieve this without incurring additional General Fund expenditures, staff recommends refinancing General Fund in the Workers' Compensation line item with reappropriated funds (indirect cost recoveries). This can be achieved seamlessly since the Executive Director's Office, (A) Administration, Personal Services line item is funded almost entirely with reappropriated funds from indirect cost recoveries and the Workers' Compensation line item is funded with a mix of General Fund and reappropriated funds from indirect cost recoveries.

**DEPARTMENT OF PUBLIC SAFETY
 FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
 JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

**Supplemental Request, Department Priority #2
 H.B. 10-1241 Spending Authority**

	Request	Recommendation
Cash Funds	\$15,000	\$0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of a technical error.	

Department Request: The Department requests \$15,000 cash funds (Fire Suppression Cash Fund) in FY 2010-11 in order to implement the provisions of H.B. 10-1241, which relates to the regulation of fire suppression sprinkler fitters. Although the bill contains an appropriations clause in the amount of \$15,000 effective July 1, 2010 (Section 6), the effective date clause (Section 7) states that the act shall take effect July 1, 2011.

The Department states that it is requesting a supplemental based on guidance from the State Controller's Office regarding the discrepancy between the effective date of the bill and the appropriations clause.

Staff Recommendation: Staff recommends that the Committee approve this Department request and appropriate \$15,000 cash funds (Fire Suppression Cash Fund) to the Department of Public Safety, Office of Preparedness, Security, and Fire Safety, for Personal Services for FY 2010-11. However, since there already is an existing appropriation for FY 2010-11 contained in the bill, staff recommends the reduction of the superfluous \$15,000 cash funds (Fire Suppression Cash Fund). **The net impact of the staff recommendation is zero.**

Staff Analysis: House Bill 10-1241 requires the registration of individuals who work as a fire suppression system "sprinkler fitter." The Division of Fire Safety is responsible for processing and approving these registrations beginning on July 1, 2011. In order to begin processing these registrations, the Division is required to incur costs during FY 2010-11. These costs will allow the Division to develop a qualifying examination and to modify the division's licensing software.

The effective date clause of the bill indicates that the bill's provisions do not become effective until July 1, 2011. Because of this, the State Controller's Office has ruled that any appropriation contained within the bill cannot become effective until July 1, 2011. For this reason, the State Controller would not establish spending authority as indicated in the bill's appropriations clause. For this reason, it is necessary to appropriate the \$15,000 cash funds again in order to satisfy the State Controller. Since

**DEPARTMENT OF PUBLIC SAFETY
 FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
 JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

staff already included an appropriation of \$15,000 cash funds for this bill in the FY 2010-11 Appropriations Report, staff feels it is necessary to reduce \$15,000 cash funds in order to ensure that there is not a double appropriation.

It is staff's understanding that the sponsors of the bill intended for the sprinkler fitter registration program to start on July 1, 2011, and for the Division of Fire Safety to have spending authority in FY 2010-11 so that the Division can develop a qualifying examination and to modify the division's licensing software.

**Supplemental Request, Department Priority #3
 Port of Entry Performance Study**

	Request	Recommendation
HUTF	\$215,000	\$215,000

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	YES
JBC staff and the Department agree that this request is the result of data that was not available when the original appropriation was made.	

Department Request: The Department requests a FY 2010-11 supplemental appropriation of \$215,000 cash funds from the Highway Users Tax Fund (HUTF) "off-the-top" to fund a performance study of the Ports of Entry section within the Department of Revenue as directed by H.B. 10-1113 (McFadyen/Hodge).

Staff Recommendation: Staff recommends that the Committee approve the Department's request and appropriate \$215,000 cash funds HUTF "off-the-top" to the State Patrol, Civilians line item. The funding is to be used to contract for a performance study of the Ports of Entry Section within the Department of Revenue as directed by H.B. 10-1113.

Staff Analysis: House Bill 10-1113 transferred the Motor Carrier Safety Assistance Program from the Ports of Entry section in the Department of Revenue (DOR) to the Colorado State Patrol (CSP) in the Department of Public Safety (DPS) effective August 15, 2010.

The bill also addressed the operation of the ports of entry and delineated certain enforcement actions between the DOR and DPS. Specifically, ports of entry personnel may enforce the prohibition on the use of dyed fuel. Only CSP personnel are permitted to inspect vehicles carrying nuclear materials.

**DEPARTMENT OF PUBLIC SAFETY
FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

In addition, the DOR, DPS, and the Department of Transportation (CDOT) are required to request proposals for a performance study of the ports of entry from private vendors. Subject to available appropriations, the performance study will assess among other things the operations, potential cost savings or efficiencies, and which department is most appropriate for operating the ports of entry section in a cost-effective manner. If a study is commissioned, the selected vendor is directed to provide a report of its findings to the transportation committees of the General Assembly by June 1, 2011.

Section 24-33.5-111, C.R.S., states:

"(1) On August 15, 2010, the motor carrier safety inspection program of the ports of entry section in the department of revenue is hereby transferred to the department of public safety and allocated to the Colorado state patrol.

(2) The department of public safety, in collaboration with the department of transportation and the department of revenue, shall issue a request for proposal for a performance study to be conducted by an independent private vendor, subject to available appropriations. The departments shall work cooperatively to determine the scope of the study and the independent private vendor shall request and consider input from potentially impacted parties during the course of the study. The study shall include, but not be limited to, an examination of the ports of entry operations, infrastructure, management, potential cost savings or efficiencies, as well as how the port of entry section may maximize resources and technology. The study shall also determine which principal department is most appropriate for operating the ports of entry section in a cost-effective manner. The independent private vendor shall complete the performance review and report its findings to the transportation committees of the senate and the house of representatives no later than June 1, 2011."

In November 2010, after a bidding process, the Patrol awarded a contract for this study in the amount of \$181,000. Since the time of the contract award, the various entities involved in the study (including the Patrol and DOR) have identified additional components to be included in the study that are estimated to increase the cost to \$215,000.

**DEPARTMENT OF PUBLIC SAFETY
 FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
 JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Section 43-4-201, C.R.S., allows the General Assembly to appropriate HUTF revenues to the Department of Revenue (Ports of Entry and Division of Motor Vehicles for FY 09, FY 10, and FY 11 only) and to the Department of Public Safety (Colorado State Patrol) for highway-related administrative and supervisory functions. Statute limits the growth of the "off-the-top" appropriations to six percent per year. Statute also limits the total share of "off-the-top" appropriations to no more than 23.0 percent of the net HUTF revenue for the prior fiscal year.

The following table illustrates the HUTF "Off-the-Top" appropriations for FY 2010-11:

Summary of FY 2010-11 HUTF "Off-The-Top" Appropriations	
Statutory HUTF "Off-the-Top" Appropriations Limit Section 43-4-201, C.R.S.	
FY 2009-10 HUTF Off-the-Top Appropriations Base	\$108,913,162
x Allowable growth of 6%	<u>1.06</u>
FY 2010-11 HUTF Off-the-Top Appropriations Limit	115,447,952
FY 2010-11 HUTF Off-the-Top Appropriations:	
Department of Public Safety - Colorado State Patrol	97,184,498
Department of Revenue - Ports of Entry and Driver and Vehicle Services	12,321,924
Department of Revenue - Capital Construction (Port-of-Entry)	2,329,036
Total FY 2010-11 HUTF Off-the-Top Appropriations	\$111,835,458
Over / (Under) FY 2010-11 HUTF Off-the-Top Appropriations Limit	(3,612,494)

**DEPARTMENT OF PUBLIC SAFETY
 FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
 JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

The table below provides an analysis of current FY 2010-11 HUTF "off-the-top" appropriations as well as requests for supplemental funding. The table also shows the current FY 2011-12 HUTF "off-the-top" requests.

HUTF "Off-the-Top" FY 2010-11 Appropriations and Supplemental Requests and FY 2011-12 Budget Request		
"Off-the-Top" Appropriation	FY 2010-11 Appropriation Base	FY 2011-12 Requests
Public Safety (Colorado State Patrol)	\$97,184,498	\$99,772,001
Revenue (Ports of Entry and Driver and Vehicle Services)	12,321,924	9,787,937
Capital Construction Ports of Entry	2,329,036	0
Public Safety (CSP) FY 2010-11 Supplemental Requests	78,202	0
Revenue (FY 11 Supplemental / FY 12 Decision Item, Driver and Vehicle Services)	1,155,689	11,149,622
Revenue (Ports of Entry FY 2010-11 Capital Construction Supplemental Requests)	1,986,276	0
Public Safety (Patrol, Capital Construction, Two Turbo 182 Aircraft)	0	1,149,834
Plus Amount Under Limit for FY 2010-11	392,327	0
Plus Amount Under Limit for FY 2011-12	0	515,435
FY 2010-11 Base for FY 2011-12 Growth	\$115,447,952	/ / / / / / / / / /
Six Percent Growth Factor	x1.06	/ / / / / / / / / /
Allowed FY 2011-12 "Off-the-Top" Appropriation	\$122,374,829	\$122,374,829

**DEPARTMENT OF PUBLIC SAFETY
FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Non-Prioritized Supplementals

Statewide One Percent Across the Board General Fund Personal Services Reduction

	Request	Recommendation
General Fund	(\$167,262)	Pending

Department Request: The Department requests a one percent reduction to the General Fund portion of its personal services appropriations for FY 2010-11. The following table details the request:

One Percent Across the Board General Fund Personal Services Reduction						
Division, Line Item	Total	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
(1) Executive Director's Office						
(A) Administration						
Personal Services	(22,515)	0	0	(22,515)	0	0.0
Workers' Compensation	0	(31,158)	0	31,158	0	0.0
(B) (2) Colorado Integrated Criminal Justice Information System (CICJIS)						
Personal Services	(8,643)	0	0	(8,643)	0	0.0
(B) (3) School Resource Center Services	(2,036)	(2,036)	0	0	0	0.0
(2) Colorado State Patrol						
Colonel, Lt. Colonels, Majors, and Captains	(1,200)	(1,200)	0	0	0	0.0
Sergeants, Technicians, and Troopers	(13,421)	(13,421)	0	0	0	0.0
Civilians	(431)	(431)	0	0	0	0.0
(3) Office of Preparedness, Security, and Fire Safety						
Personal Services	(2,306)	(2,306)	0	0	0	0.0
(4) Division of Criminal Justice						
Various Line items	(19,512)	(19,512)	0	0	0	0.0
(5) Colorado Bureau of Investigation						
(A) Administration, Personal Services	(2,847)	(2,847)	0	0	0	0.0
(B) CCIC, (1) CCIC Program Support, Personal Services	(8,378)	(8,378)	0	0	0	0.0
(C) Laboratory and Investigative Services, Personal Services	(75,065)	(75,065)	0	0	0	0.0

**DEPARTMENT OF PUBLIC SAFETY
FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Division, Line Item	Total	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
(D) State Point of Contact - National Instant Criminal Background Check Program	(10,908)	(10,908)	0	0	0	0.0
Total	(\$167,262)	(\$167,262)	\$0	\$0	\$0	0.0

Staff Recommendation: The staff recommendation for this request is pending Committee approval of common policy supplementals. **Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee approves common policy supplementals.** If staff believes there is reason to deviate from the common policy, staff will appear before the Committee later to present the relevant analysis.

Statewide Common Policy Supplemental Requests

These requests are not prioritized and are not analyzed in this packet. The JBC will act on these items later when it makes decisions regarding common policies.

Department's Portion of Statewide Supplemental Request	Total	General Fund	Cash Funds	HUTF	RF	Federal Funds	FTE
Annual Fleet Vehicle Replacement	(\$127,911)	\$16,778	\$21,883	(\$136,798)	\$3,186	(\$32,960)	0.0
Printing of Statewide Warrants and Mainframe Documents	4,987	4,987	0	0	0	0	0.0
Department's Total Statewide Supplemental Requests	(122,924)	21,765	21,883	(136,798)	3,186	(32,960)	0.0

Staff Recommendation: The staff recommendation for these requests is pending Committee approval of common policy supplementals. **Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee approves this common policy supplemental.** If staff believes there is reason to deviate from the common policy, staff will appear before the Committee later to present the relevant analysis.

**DEPARTMENT OF PUBLIC SAFETY
FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Medical Marijuana Computer System (Submitted in the Department of Public Health and Environment)

	Request	Recommendation
Reappropriated Funds	\$92,000	Pending

Department Request: The Department requests \$92,000 reappropriated funds (Medical Marijuana Program Cash Fund appropriated to the Departments of Public Health and Environment (CDPHE) and the Department of Revenue (DOR)) for their respective roles in the administration and regulation of medical marijuana in Colorado.

The Department of Public Safety's role in this request, as described in the supplemental request narrative submitted by CDPHE, is to complete the interface between the CDPHE Medical Marijuana Registry, the Department of Revenue, and the Colorado Bureau of Investigation's Colorado Crime Information Center (CCIC). The interface is intended to provide information to police officers concerning the appropriate licensing of individuals and retailers in relation to marijuana.

This request is being submitted by the Department of Public Health and Environment, in conjunction with the Department of Public Safety, the Department of Revenue, and the Governor's Office of Information Technology in order to comply with the requirements of H.B. 10-1284 (Massey and Summers/Romer and Spence) concerning the regulation of medical marijuana.

The merits of this request will be presented by JBC staff during the supplemental presentation for the Department of Public Health and Environment.

Staff Recommendation: The staff recommendation for this request is pending Committee decision on the Department of Public Health and Environment "Medical Marijuana Computer System" supplemental. **Staff asks permission to include any corresponding appropriation in the Department's supplemental bill when the Committee makes a decision on this supplemental.**

**DEPARTMENT OF PUBLIC SAFETY
 FY 2010-11 SUPPLEMENTAL RECOMMENDATIONS
 JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Other FY 2010-11 Balancing Options

This option is presented without staff recommendation in order to maximize the Committee's choices. The Committee may wish to consider this option now or in the future.

Options with Appropriations Impacts	GF	CF	RF	FF	Total	FTE
1	(557,071)	557,071	0	0	0	0.0
Eliminate General Fund Support for CBI InstaCheck						

This option requires separate legislation.

The Department presented this option as part of FY 2009-10 supplemental budget balancing. The Department did not submit this as an option for FY 2010-11 or FY 2011-12 budget balancing.

As part of the FY 2009-10 supplemental process, the Department requested refinancing General Fund support for the Colorado Bureau of Investigation (CBI) Instant Criminal Background Check (InstaCheck) Program with cash funds. The Department proposed accomplishing this through the assessment of a \$10.50 fee on each firearms transaction. The Department estimated at the time that this proposal would save \$557,071 General Fund in FY 2009-10, and \$1,585,201 General Fund in FY 2010-11.

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 NICS program, the CBI InstaCheck program has access to state court records not available to the FBI. The InstaCheck program is currently funded with General Fund and cash funds (concealed handgun permit background check processing fees). The total appropriation for InstaCheck for FY 2010-11 is \$1,735,782 (not including centrally appropriated items), the General Fund support for InstaCheck for FY 2010-11 is \$1,434,846 (not including centrally appropriation items).

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. According to Department data, in FY 2010-11, the InstaCheck program estimates conducting 169,700 background checks. At a proposed \$10.50 fee per background check, this would equate to \$1,781,850 in revenues.

	FY 2009-10	FY 2010-11	Fiscal Year 2010-11 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
DEPARTMENT OF PUBLIC SAFETY					
Executive Director - James Davis					
Supplemental #1 - Increase for Witness Protection Fund					
(1) Executive Director's Office					
(A) Administration					
Personal Services	2,295,770	2,281,645	(59,978)	(59,978)	2,221,667
<u>FTE</u>	<u>25.8</u>	<u>27.7</u>	<u>0.0</u>	<u>0.0</u>	<u>27.7</u>
General Fund	0	0	0	0	0
HUTF	30,163	30,163	0	0	30,163
Reappropriated Funds	2,265,607	2,251,482	(59,978)	(59,978)	2,191,504
FTE	25.8	27.7	0.0	0.0	27.7
Workers' Compensation	<u>2,905,181</u>	<u>2,947,142</u>	<u>0</u>	<u>0</u>	<u>2,947,142</u>
General Fund	1,063,397	992,099	0	(59,978)	932,121
Reappropriated Funds	1,841,784	1,955,043	0	59,978	2,015,021
(B) Special Programs					
(1) Witness Protection Program					
Witness Protection Fund	<u>83,000</u>	<u>83,000</u>	<u>59,978</u>	<u>59,978</u>	<u>142,978</u>
General Fund	83,000	83,000	0	59,978	142,978
Reappropriated Funds	0	0	59,978	0	0
Witness Protection Fund Expenditures	<u>82,846</u>	<u>83,000</u>	<u>63,525</u>	<u>63,525</u>	<u>146,525</u>
Cash Funds	0	0	0	0	0
Reappropriated Funds	82,846	83,000	63,525	63,525	146,525

	FY 2009-10	FY 2010-11	Fiscal Year 2010-11 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Total for Supplemental #1	5,366,797	5,394,787	63,525	63,525	5,458,312
<u>FTE</u>	<u>25.8</u>	<u>27.7</u>	<u>0.0</u>	<u>0.0</u>	<u>27.7</u>
General Fund	1,146,397	1,075,099	0	0	1,075,099
Cash Funds	0	0	0	0	0
HUTF	30,163	30,163	0	0	30,163
Reappropriated Funds	4,190,237	4,289,525	63,525	63,525	4,353,050
FTE	25.8	27.7	0.0	0.0	27.7
<hr/>					
Supplemental #2 - H.B. 10-1241 Spending Authority					
(3) Office of Preparedness, Security, and					
 Fire Safety					
Operating Expenses	<u>298,424</u>	<u>652,131</u>	<u>15,000</u>	<u>0</u>	<u>652,131</u>
General Fund	16,855	15,946	0	0	15,946
Cash Funds	256,986	611,602	15,000	0	611,602
Reappropriated Funds	24,583	24,583	0	0	24,583
<hr/>					
Supplemental #3 - Port of Entry Performance Study					
(2) Colorado State Patrol					
Civilians	4,911,669	4,083,395	215,000	215,000	4,298,395
FTE	<u>82.9</u>	<u>72.5</u>	<u>0.0</u>	<u>0.0</u>	<u>72.5</u>
General Fund	42,911	43,076	0	0	43,076
FTE	1.0	1.0	0.0	0.0	1.0
Cash Funds	42,613	62,299	0	0	62,299

	FY 2009-10	FY 2010-11	Fiscal Year 2010-11 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
FTE	1.0	2.0	0.0	0.0	2.0
HUTF	4,775,090	3,912,972	215,000	215,000	4,127,972
FTE	79.9	68.5	0.0	0.0	68.5
Reappropriated Funds	51,055	65,048	0	0	65,048
FTE	1.0	1.0	0.0	0.0	1.0

Totals Excluding Pending Items					
DEPARTMENT OF PUBLIC SAFETY					
Totals for ALL Departmental line items	237,668,635	258,432,588	293,525	278,525	258,711,113
FTE	<u>1,324.5</u>	<u>1,349.0</u>	<u>0.0</u>	<u>0.0</u>	<u>1,349.0</u>
General Fund	79,594,071	82,654,286	0	0	82,654,286
Cash Funds	16,387,366	28,976,355	15,000	0	28,976,355
HUTF	91,307,106	97,184,498	215,000	215,000	97,399,498
Reappropriated Funds	17,161,634	21,699,460	63,525	63,525	21,762,985
Federal Funds	33,218,458	27,917,989	0	0	27,917,989

Statewide One Percent Across the Board General Fund Personal Services Reduction

(see narrative for more detail)

Total - Various Line Items	N.A.	80,621,901	(167,262)	Pending	Pending
FTE		<u>975.7</u>	<u>0.0</u>		
General Fund		15,768,130	(167,262)		
Cash Funds		3,912,869	0		
HUTF		52,708,997	0		
Reappropriated Funds		7,901,942	0		
Federal Funds		329,963	0		

	FY 2009-10	FY 2010-11	Fiscal Year 2010-11 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<hr/>					
Statewide Common Policy Supplementals (see narrative for more detail)	<u>N.A.</u>	<u>N.A.</u>	<u>(122,924)</u>	<u>Pending</u>	<u>N.A.</u>
General Fund			21,765		
Cash Funds			21,883		
HUTF			(136,798)		
Reappropriated Funds			3,186		
Federal Funds			(32,960)		
<hr/>					
Non-prioritized Supplemental - Medical Marijuana Computer System (Submitted in the Department of Public Health and Environment) (5) Colorado Bureau of Investigation (B) Colorado Crime Information Center (CCIC) (3) Information Technology					
Operating Expenses	<u>1,208,824</u>	<u>1,350,352</u>	<u>92,000</u>	<u>Pending</u>	<u>N.A.</u>
General Fund	570,114	591,765	0		
Cash Funds	638,710	758,587	0		
Reappropriated Funds	0	0	92,000		
<hr/>					

	FY 2009-10	FY 2010-11	Fiscal Year 2010-11 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Totals Including Pending Items					
DEPARTMENT OF PUBLIC SAFETY					
Totals for ALL Departmental line items	237,668,635	258,432,588	95,339	278,525	258,711,113
FTE	<u>1,324.5</u>	<u>1,349.0</u>	<u>0.0</u>	<u>0.0</u>	<u>1,349.0</u>
General Fund	79,594,071	82,654,286	(145,497)	0	82,654,286
Cash Funds	16,387,366	28,976,355	36,883	0	28,976,355
HUTF	91,307,106	97,184,498	78,202	215,000	97,399,498
Reappropriated Funds	17,161,634	21,699,460	158,711	63,525	21,762,985
Federal Funds	33,218,458	27,917,989	(32,960)	0	27,917,989

Key: N.A. = Not Applicable or Not Available