

CHAPTER 370

APPROPRIATIONS

HOUSE BILL 16-1238

BY REPRESENTATIVE(S) Hamner, Young, Rankin, Pettersen, Rosenthal;
also SENATOR(S) Lambert, Grantham, Steadman, Cadman.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Appropriation to the department of corrections for the fiscal year beginning July 1, 2015. In Session Laws of Colorado 2015, section 2 of chapter 364, (SB 15-234), **amend** Part II as follows:

Section 2. **Appropriation.**

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART II
DEPARTMENT OF CORRECTIONS**

(I) MANAGEMENT

(A) Executive Director's Office Subprogram

Personal Services	2,022,081	1,778,276			243,805 ^a	
	1,964,349	1,720,544				
		(23.8 FTE)			(4.0 FTE)	
		(22.8 FTE)				
Restorative Justice Program with Victim-Offender Dialogues in Department Facilities	75,000	75,000				
		(1.2 FTE)				
Health, Life, and Dental	51,579,140	50,015,018		1,564,122 ^b		
Short-term Disability	733,991	711,870		22,121 ^b		
S.B. 04-257 Amortization Equalization Disbursement	15,015,963	14,570,654		445,309 ^b		
S.B. 06-235 Supplemental Amortization Equalization Disbursement	14,498,673	14,068,545		430,128 ^b		

Salary Survey	2,016,911	1,906,474	110,437 ^b		
Merit Pay	3,485,908	3,384,324	101,584 ^b		
Shift Differential	7,687,883	7,648,987	38,896 ^b		
Workers' Compensation	8,583,237	8,312,007	271,230 ^b		
Operating Expenses	357,759	267,759		5,000 ^a	85,000(I) ^c
Legal Services for 19,753 hours	1,958,479 ^d	1,894,727	63,752 ^b		
Payment to Risk Management and Property Funds	4,203,591	4,037,970	165,621 ^b		
Leased Space	4,128,638	3,882,449	246,189 ^e		
Capitol Complex Leased Space	56,300	40,218	16,082 ^e		
Planning and Analysis Contracts	82,410	82,410			
Payments to District Attorneys	681,102	681,102			
	<u>117,167,066</u>				
	117,109,334				

^a These amounts shall be transferred from the Department of Public Safety, Division of Criminal Justice, Victims Assistance, State Victims Assistance and Law Enforcement Program line item.

^b Of these amounts, \$2,821,190 shall be from sales revenues earned by Correctional Industries, and \$392,010 shall be from sales revenues earned by the Canteen Operation.

^c This amount shall be from the Social Security Administration Incentive Payment Memorandum of Understanding.

^d Of this amount, \$1,876,733 shall be used to purchase 19,753 hours of legal services from the Department of Law, and \$81,746 shall be used to contract for legal services from private firms for litigation related to the Rifle Correctional Center.

^e These amounts shall be from sales revenues earned by Correctional Industries.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(B) External Capacity Subprogram						
(1) Private Prison Monitoring Unit						
Personal Services	1,155,402	1,155,402				
		(15.7 FTE)				
Operating Expenses	<u>213,443</u>	183,976		29,467 ^a		
	1,368,845					

^a This amount shall be from revenues earned from monitoring private Colorado prisons that house out-of-state offenders.

(2) Payments to House State Prisoners^{2,3}

Payments to local jails						
at a rate of \$53.64						
per inmate per day	14,683,980	14,683,980				
	11,739,144	11,739,144				
Payments to in-state private						
prisons at a rate of \$56.02						
per inmate per day	74,709,244	72,350,537		2,358,707 ^a		
	66,979,492	64,620,785				

Payments to pre-release parole revocation facilities at a rate of \$56.02 per inmate per day	14,330,890 12,403,578	14,330,890 12,403,578
Community Corrections Programs	4,212,064 3,955,659	4,212,064 3,955,659
INMATE EDUCATION AND BENEFIT PROGRAMS AT IN-STATE PRIVATE PRISONS	534,079	534,079
INMATE EDUCATION AND BENEFIT PROGRAMS AT PRERELEASE PAROLE REVOCATION FACILITIES	<u>119,476</u>	119,476
	107,936,178 95,731,428	

^a This amount shall be from reserves in the State Criminal Alien Assistance Program Cash Fund created in Section 17-1-107.5 (1), C.R.S.

(C) Inspector General Subprogram

Personal Services	4,060,241	3,954,008 (48.2 FTE)	106,233 ^a		
Operating Expenses	428,723	345,536	83,187 ^a		
Inspector General Grants	235,649			27,737 ^b	207,912(I)

Ch. 370

Supplemental Appropriations - Corrections

1567

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<u>4,724,613</u>					(1.0 FTE)	

^a These amounts shall be from revenues earned from private prison out of state offender investigations.

^b This amount shall be from federal funds appropriated to the Division of Homeland Security and Emergency Management in the Department of Public Safety.

~~231,196,702~~
218,934,220

(2) INSTITUTIONS

(A) Utilities Subprogram

Personal Services	314,289	314,289			
		(2.6 FTE)			
Utilities	<u>21,392,466</u>	20,244,927		1,147,539 ^a	
	21,706,755				

^a This amount shall be from sales revenues earned by Correctional Industries.

(B) Maintenance Subprogram

Personal Services	18,049,837		
	(276.8 FTE)		
Operating Expenses	5,714,113		
Purchase of Services	<u>1,545,553</u>		
	25,309,503	25,309,503	

(C) Housing and Security Subprogram

Personal Services	168,105,726 ^a	168,102,779	2,947 ^b
		(2,973.4 FTE)	
Operating Expenses	<u>1,808,941</u>	1,808,941	
	169,914,667		

^a In addition to the funding provided in this line item, it is the intent of the General Assembly that the Department of Corrections utilize the \$249,731 of FY 2015-16 General Fund appropriations contained in Sections 17-18-108 (1) (b), 17-18-109 (1) (b), 17-18-110 (1) (b), 17-18-111 (1) (a), 17-18-112 (1) (a), 17-18-113 (1) (a), 17-18-114 (1) (a), and 17-18-116 (1) (a), C.R.S., for these purposes.

^b This amount shall be from the Corrections Expansion Reserve Fund created in Section 17-1-116, C.R.S., from forfeiture bonds and fees, pursuant to Section 16-3-503 (2), C.R.S.

(D) Food Service Subprogram

Personal Services	18,164,797	18,164,797	
		(317.8 FTE)	
Operating Expenses	16,727,019	16,647,019	80,000(I) ^a
Purchase of Services	<u>1,746,939</u>	1,746,939	
	36,638,755		

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(E) Medical Services Subprogram						
Personal Services	32,143,287	31,904,904 (384.5 FTE)		238,383 ^a (3.0 FTE)		
Operating Expenses	2,579,052	2,579,052				
Purchase of Pharmaceuticals	18,080,579	18,080,579				
	15,299,326	15,299,326				
Purchase of Medical Services from Other Medical Facilities [†]						
FACILITIES	23,058,674	23,058,674				
	26,078,916	26,078,916				
Catastrophic Medical Expenses [†]						
	3,680,906	3,680,906				
Service Contracts	2,490,075	2,490,075				
Indirect Cost Assessment	2,795			2,795 ^a		
	<u>82,035,368</u>					
	78,593,451					

^a This amount is anticipated to be received from the U.S. Department of Agriculture.

^a These amounts shall be from inmate medical fees collected pursuant to Section 17-1-113, C.R.S.

(F) Laundry Subprogram

Personal Services	2,384,643	
	(37.4 FTE)	
Operating Expenses	<u>2,197,545</u>	
	4,582,188	4,582,188

(G) Superintendents Subprogram

Personal Services	10,598,456	
	(155.9 FTE)	
Operating Expenses	5,181,501	
Dress Out	735,433	
Start-up costs	<u>38,830</u>	
	16,554,220	16,554,220

(H) Youthful Offender System Subprogram

Personal Services	10,592,490	
	(160.7 FTE)	
Operating Expenses	604,705	
Contract Services	28,820	
Purchase of Services	<u>681,031</u>	
	11,907,046	11,907,046

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(I) Case Management Subprogram						
Personal Services	17,676,980					
	(247.3 FTE)					
Operating Expenses	172,581					
Offender ID Program	341,135					
	<u>18,190,696</u>		18,190,696			
(J) Mental Health Subprogram						
Personal Services	12,370,450		12,370,450			
			(151.0 FTE)			
Operating Expenses	280,266		280,266			
Medical Contract Services	4,034,958		4,034,958			
Mental Health Grants	64,799				64,799 ^a	
Start-up Costs	61,139		61,139			
	<u>16,811,612</u>					
^a This amount shall be from federal funds appropriated to the Division of Criminal Justice in the Department of Public Safety.						
(K) Inmate Pay Subprogram						
	1,947,885		1,947,885			

(L) Legal Access Subprogram

Personal Services	1,408,269	
	(21.5 FTE)	
Operating Expenses	299,602	
Contract Services	<u>70,905</u>	
	1,778,776	1,778,776

(M) Capital Lease

Purchase Payments	20,254,768	20,254,768
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~~427,632,239~~

424,190,322

(3) SUPPORT SERVICES

(A) Business Operations Subprogram

Personal Services	6,227,011	5,421,498	38,991 ^a	766,522 ^b
		(89.8 FTE)		(10.0 FTE)
Operating Expenses	<u>234,201</u>	234,201		
	6,461,212			

^a This amount shall be from restitution collected pursuant to Section 16-18.5-109 (3), C.R.S.

^b Of this amount, \$661,090 shall be from departmental indirect cost recoveries and \$105,432 shall be from statewide indirect cost recoveries, or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2).

(B) Personnel Subprogram

Personal Services	1,303,223
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	
	\$	\$	\$	\$	\$	\$	\$
	(18.7 FTE)						
Operating Expenses	<u>86,931</u>						
	1,390,154		1,390,154				
(C) Offender Services Subprogram							
Personal Services	3,103,484						
	(44.1 FTE)						
Operating Expenses	<u>62,044</u>						
	3,165,528		3,165,528				
(D) Communications Subprogram							
Operating Expenses	1,624,365		1,624,365				
Dispatch Services	<u>224,477</u>		224,477				
	1,848,842						
(E) Transportation Subprogram							
Personal Services	2,062,715		2,062,715				
			(35.9 FTE)				
Operating Expenses	433,538		433,538				
Vehicle Lease Payments	3,263,106		2,763,118		499,988*		
	<u>2,671,107</u>		2,255,806		415,301 ^a		

~~5,759,359~~
5,167,360

^a Of this amount, ~~\$477,104~~ \$396,291 shall be from sales revenues earned by Correctional Industries, and ~~\$22,887~~ \$19,010 shall be from sales revenues earned by the Canteen Operation.

(F) Training Subprogram

Personal Services	2,467,693			
	(33.0 FTE)			
Operating Expenses	<u>286,981</u>			
	2,754,674	2,754,674		

(G) Information Systems Subprogram

Operating Expenses	1,644,122	1,644,122		
Payments to OIT	17,709,796	17,603,516	106,280 ^a	
CORE Operations	<u>611,121</u>	539,192	34,467 ^a	37,462 ^b
	19,965,039			

^a Of these amounts, \$123,576 shall be from Correctional Industries sales to non-state entities and \$17,171 shall be from sales revenues earned by the Canteen Operation.

^b This amount shall be from Correctional Industries sales to other state agencies.

(H) Facility Services Subprogram

Personal Services	964,126			
	(9.7 FTE)			
Operating Expenses	<u>83,096</u>			
	1,047,222	1,047,222		

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	42,392,030					
	41,800,031					
(4) INMATE PROGRAMS						
(A) Labor Subprogram						
Personal Services	5,597,050					
	(88.7 FTE)					
Operating Expenses	88,017					
	<u>5,685,067</u>	5,685,067				
(B) Education Subprogram						
Personal Services	12,474,355	11,456,366		1,017,989 ^a		
		(189.1 FTE)				
Operating Expenses	5,172,718	3,622,619		1,139,084 ^a	411,015 ^b	
	4,519,163	2,969,064				
Contract Services	237,128	237,128				
Education Grants	113,894			10,000 ^c	76,244 ^d	27,650(I)
					(2.0 FTE)	
Indirect Cost Assessment	381					381(I)
	<u>17,998,476</u>					

17,344,921

^a Of these amounts, \$1,421,606 shall be from sales revenues earned by the Canteen Operation and \$735,467 shall be from sales revenues earned by vocational programs.

^b This amount shall be from sales revenues earned by vocational programs for products and services sold to other government agencies.

^c This amount shall be from gifts, grants, and donations.

^d Of this amount, \$42,410 shall be from special education funds, \$25,470 shall be from Title I - No Child Left Behind funds received from the Colorado Department of Education, and \$8,364 shall be from an HIV Prevention Program of the Colorado Department of Public Health and Environment.

(C) Recreation Subprogram

Personal Services	6,813,173	6,813,173	
		(116.7 FTE)	
Operating Expenses	<u>71,232</u>		71,232 ^a
	6,884,405		

^a This amount shall be from sales revenues earned by the Canteen Operation.

(D) Drug and Alcohol Treatment Subprogram

Personal Services	5,240,141	5,240,141	
		(85.4 FTE)	
Operating Expenses	110,932	110,932	
Services for Substance Abuse and Co-occurring Disorders	995,127		995,127 ^a
Contract Services	2,425,799	2,075,799	350,000 ^a
Treatment Grants	<u>126,682</u>		126,682 ^b
	8,898,681		

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					FEDERAL FUNDS
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS		
\$	\$	\$	\$	\$	\$	\$	
(E) Sex Offender Treatment Subprogram							
Personal Services	4,012,324	3,982,283		30,041 ^a			
		(54.8 FTE)		(1.0 FTE)			
Operating Expenses	92,276	91,776		500 ^a			
Polygraph Testing	242,500	242,500					
Sex Offender Treatment Grants	<u>65,597</u>						65,597(I)
	4,412,697						

^a These amounts shall be from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S.

(F) Volunteers Subprogram

Personal Services	618,417						
	(8.0 FTE)						
Operating Expenses	<u>17,912</u>						
	636,329			636,329 ^a			

^a This amount shall be from sales revenues earned by the Canteen Operation.

~~44,515,655~~
43,862,100

(5) COMMUNITY SERVICES

(A) Parole Subprogram

Personal Services	18,754,082	18,754,082	
		(293.2 FTE)	
Operating Expenses	2,612,240	2,612,240	
Contract Services	7,626,078	5,488,978	2,137,100 ^a
Wrap-Around Services Program	1,834,291	1,834,291	
Grants to Community-based Organizations for Parolee Support	1,000,000	1,000,000	
Non-residential Services	1,215,818	1,215,818	
Home Detention	<u>69,383</u>	69,383	
	33,111,892		

^a This amount shall be transferred from the Judicial Department, Probation and Related Services, from the Offender Treatment and Services line item appropriation. This amount includes \$2,112,100 that originates as General Fund that is appropriated to the Correctional Treatment Cash Fund pursuant to Sections 18-19-103 (3.5) (b), (3.5) (c), and (4) (a), C.R.S., and \$25,000 that originates as General Fund that is appropriated for the provision of day reporting services.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(B) Community Supervision Subprogram						
(1) Community Supervision						
Personal Services	6,100,515	6,100,515	(83.8 FTE)			
Operating Expenses	632,650	632,650				
Community Mental Health Services	640,062	640,062				
Psychotropic Medication	131,400	131,400				
Contract Services	2,912,001	2,912,001				
Contract Services for High Risk Offenders	221,200	221,200				
Contract Services for Fugitive Returns	74,524	42,049			32,475 ^a	
	<u>10,712,352</u>					

^a This amount shall be from federal funds appropriated to the Division of Criminal Justice in the Department of Public Safety.

(2) Youthful Offender System Aftercare

Personal Services	664,025
	(8.0 FTE)
Operating Expenses	141,067

Contract Services	<u>1,062,396</u>				
	1,867,488	1,867,488			
 (C) Community Re-entry Subprogram					
Personal Services	2,427,401	2,427,401			
		(41.6 FTE)			
Operating Expenses	146,202	146,202			
Offender Emergency Assistance	96,768	96,768			
Contract Services	190,000	190,000			
Offender Re-employment Center	374,000	364,000	10,000 ^a		
Community Reintegration Grants	48,779			9,681 ^b	39,098(I)
	<u>3,283,150</u>				(1.0 FTE)

^a This amount shall be from gifts, grants, and donations.

^b This amount shall be from funds appropriated to the Division of Housing in the Department of Local Affairs.

48,974,882

(6) PAROLE BOARD

Personal Services	1,441,951
	1,499,683

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	
	\$	\$	\$	\$	\$	\$	\$
	(16.5 FTE)						
	(17.5 FTE)						
Operating Expenses	106,390						
Contract Services	<u>272,437</u>						
		1,820,778	1,820,778				
		1,878,510	1,878,510				
(7) CORRECTIONAL INDUSTRIES							
Personal Services	10,521,747			3,350,744 ^a	7,171,003 ^b		
				(42.8 FTE)	(112.2 FTE)		
Operating Expenses	5,928,190			1,817,327 ^a	4,110,863 ^b		
Raw Materials	35,823,826			8,441,080 ^a	27,382,746 ^b		
Inmate Pay	2,208,992			846,343 ^a	1,362,649 ^b		
Capital Outlay	1,406,200			337,094 ^a	1,069,106 ^b		
Correctional Industries Grants	503,050					503,050(I)	
Indirect Cost Assessment	<u>677,605</u>			140,983 ^a	285,373 ^b	251,249(I)	
		57,069,610					

^a Of these amounts, \$14,783,571 is estimated to be from sales to non-state entities and \$150,000 is estimated to be from the Land Improvement Fund.

^b Of these amounts, \$35,588,371 is estimated to be from sales to other state agencies and \$5,793,369 is estimated to be from the Department of Revenue for the purchase of license plates.

(8) CANTEEN OPERATION

Personal Services	1,970,856			
	(28.0 FTE)			
Operating Expenses	12,851,987			
Inmate Pay	49,626			
Indirect Cost Assessment	<u>85,741</u>			
		14,958,210		14,958,210(I) ^a

^a This amount shall be from sales revenues earned by the Canteen Operation and is continuously appropriated to the division pursuant to Section 17-24-126 (1), C.R.S.

TOTALS PART II

(CORRECTIONS)	\$868,560,106	\$779,703,369		\$40,931,411^a	\$46,665,389	\$1,259,937 ^b
	<u>\$851,667,885</u>	<u>\$762,895,835</u>	<u> </u>	<u>\$40,846,724^a</u>	<u> </u>	<u> </u>

^a Of this amount, \$14,958,210 contains an (I) notation.

^b This amount contains an (I) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

- 2 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners -- The Department of Corrections is authorized to transfer up to 5.0 percent of the total appropriation for the external capacity subprogram between line items in the external capacity subprogram for purposes of reimbursing local jails, private prison providers, and community corrections providers.

- 3 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners -- It is the intent of the General Assembly that the appropriations made for payments to private facilities housing state inmates be used exclusively for the purpose of per diem payments. It is the intent of the General Assembly that the department not withhold funds from the per diem payments to cover major medical expenses incurred by state inmates assigned to private facilities. It is the intent of the General Assembly that only appropriations made in the medical services subprogram be used to cover major medical expenses incurred by state inmates held in both state and private facilities.
- 4 ~~Department of Corrections, Institutions, Medical Services Subprogram, Purchases of Medical Services from Other Medical Facilities; Catastrophic Medical Expenses -- The Department of Corrections is authorized to transfer up to 20.0 percent of the total appropriation for Purchases of Medical Services from Other Medical Facilities between these line items.~~

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 11, 2016