



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 22-0359	Date:	February 26, 2022
Prime Sponsors:	Sen. Winter; Priola Rep. Esgar	Bill Status:	Senate SVMA
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Bill Topic: PROVIDE SECURITY FOR CERTAIN ELECTED OFFICIALS

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill expands the provision of security and protection services by the Colorado State Patrol to statewide constitutional officers while present in the state capitol buildings group and elsewhere in Colorado in certain circumstances. It also creates appeals processes for denials of protection and security services for members of the General Assembly and statewide constitutional officers. It increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$694,335 to multiple agencies.

Fiscal Note Status: The fiscal note reflects the introduced bill.

**Table 1
State Fiscal Impacts Under SB 22-133**

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures	General Fund	\$574,335	\$531,997
	Cash Funds	\$120,000	\$120,000
	Centrally Appropriated	\$131,084	\$131,995
	Total Expenditures	\$825,419	\$783,992
	Total FTE	3.7 FTE	4.0 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$86,150	\$79,800

Summary of Legislation

This bill expands the provision of protection and security services by the Colorado State Patrol (CSP) and clarifies that the CSP is required to respond to all complaints relating to criminal activity against or security threats or risks to a member of the General Assembly or to a statewide constitutional officer.

General Assembly security. Under current law, the CSP provides protection for members of the General Assembly when they are present in the state capitol buildings group and when threats are made against a member. The CSP may provide additional protection upon request of legislative leadership. In cases where such protection is denied, this bill allows members of the General Assembly to appeal the denial to the Executive Committee of the Legislative Council according to a process established by the committee. If the executive committee determines that protection is needed for a member, the committee will reimburse the CSP from the Legislative Department Cash Fund.

Statewide constitutional officer security. The bill requires the CSP to provide the same protection and security services to statewide constitutional officers—the Secretary of State, the State Treasurer, and the Attorney General—as that provided to the members of the General Assembly while officers are present in the state capitol buildings group. The CSP must also respond to all complaints relating to criminal activity against or security threats or risks to a statewide constitutional officer. The Director of the Department of Public Safety (DPS) will also establish an appeals process when protection is denied to statewide constitutional officers. If the DPS director determines that protection is needed, the CSP will bear the cost. If the DPS director determines that protection is not needed, the statewide constitutional officer can request that the CSP provide protection with costs reimbursed by the officer.

State Expenditures

The bill increases state expenditures by \$825,419 in FY 2022-23 and \$783,992 in FY 2023-24 from the General Fund and the Department of State Cash Fund. It will also increase workload and potential costs in the Legislative Department. Expenditures are discussed below and shown in Table 2.

Department of Public Safety. The CSP requires an additional 4.0 FTE to provide additional protection and physical security services as well as threat assessment for members of the General Assembly and the three statewide constitutional officers. This includes 3.0 FTE for state troopers who will be available to provide services approved by CSP as well as those reimbursed by the General Assembly or the officers. Each trooper will be assigned a vehicle. The Colorado Information Analysis Center will add an analyst to conduct threat detection, identification, and assessments for the Secretary of State, Attorney General, and the State Treasurer using a threat assessment platform. Standard operating and capital outlay costs are included and personal services are prorated for the General Fund pay date shift. The fiscal note also includes costs for training and outfitting State Patrol cadets who will be brought on to train to replace the troopers assigned under this bill.

Department of Law, State, and Treasury. The fiscal note includes costs for the Departments of Law, State, and Treasury to reimburse the CSP for protection and security services that the CSP has determined are not needed and denied. No denials have been noted for the Attorney General and Treasurer and the fiscal note assumes a minimal 80 hours per year at a rate of \$83 to be paid from the

General Fund. In the past year, the CSP has denied all but two requests for protection and security services for the Secretary of State. For FY 2021-22, the Department of State requested \$64,800 in additional spending authority to pay for 160 instances of 5 hours each for third party security service. The \$120,000 from the Department of State Cash Fund for the Secretary of State matches the recommendation of JBC staff for appropriation in FY 2022-23. These amounts will be reappropriated to the DPS. If the \$120,000 for the Department of State is appropriated in this bill, it is not necessary to include it in the Long Bill.

Table 2
Expenditures Under SB 22-133

Cost Components	FY 2022-23	FY 2023-24
Department of Public Safety		
Personal Services	\$334,555	\$364,969
Operating Expenses	\$5,400	\$5,400
Capital Outlay Costs	\$24,800	-
Cadet Equipment	\$47,952	-
Vehicle Mileage and Expenses	\$16,740	\$16,740
Vehicle Lease Payments	\$31,608	\$31,608
Threat Assessment Platform	\$100,000	\$100,000
Centrally Appropriated Costs ¹	\$131,084	\$131,995
FTE – Personal Services	3.7 FTE	4.0 FTE
DPS Subtotal	\$692,139	\$650,712
Department of Law		
Protection and Security Services	\$6,640	\$6,640
Law Subtotal	\$6,640	\$6,640
Department of State		
Protection and Security Services	\$120,000	\$120,000
DOS Subtotal	\$120,000	\$120,000
Department of the Treasury		
Protection and Security Services	\$6,640	\$6,640
Treasury Subtotal	\$6,640	\$6,640
Total	\$825,419	\$783,992
Total FTE	3.7 FTE	4.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Legislative Department. The General Assembly may have an increase in expenditures from the Legislative Department Cash Fund to reimburse the CSP for providing protection service to members of the General Assembly. Requests from members are generally approved so this increase is expected to be minimal. If the amount of reimbursements is significant, the department will seek additional funding through the annual budget process.

The Legislative Council Staff and Office of Legislative Legal Services will have an increase in workload to support the development of an appeals process for the Executive Committee of the Legislative Council. This workload can be accomplished within existing appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, which will decrease the amount of General Fund available for other purposes.

Departmental Difference

The DPS recommends that that 6.0 FTE Trooper III and 1.0 FTE Sergeant is the minimum staffing needed to comply with the additional protection and security required in the bill. This provides for two troopers per statewide constitutional officer and a supervisor for the unit. This represents an additional \$567,994 in FY 2022-23 and \$501,247 in FY 2023-24 over what is included in the fiscal note. Based on responses from the offices of the State Treasurer and Attorney General, the fiscal note assumes that these two officers do not require this amount of additional security coverage. Their offices are also located in secure buildings monitored by the CSP, whereas the office of the Secretary of State is located outside of the state capitol buildings group in a building not served by the CSP.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2022-23, the bill requires the following appropriations from the General Fund:

- \$561,055 to the Department of Public Safety and 3.7 FTE, of which \$48,348 is reappropriated to the Department of Personnel and Administration for fleet vehicle services;
- \$6,640 to the Department of Law, entirely reappropriated to the Department of Public Safety; and
- \$6,640 to the Department of the Treasury, entirely reappropriated to the Department of Public Safety.

For FY 2022-23, the Department of State requires an appropriation of \$120,000 from the Department of State Cash Fund, reappropriated to the Department of Public Safety. If this funding is included in the Long Bill, it does not need to be appropriated in this bill.

State and Local Government Contacts

Law
State

Legislative Council Staff
Treasury

Public Safety