

MEMORANDUM



JOINT BUDGET COMMITTEE

TO JBC Members
FROM JBC Staff
DATE March 18, 2024
SUBJECT Figure Setting Comeback Packet 7

Included in this packet are staff comeback memos for the following items:

Department of Public Health & Environment, page 2 (Abby Magnus): School Health Funding

Department of Public Health & Environment, page 3 (Andrew McLeer): Staff-initiated Continuation of HSRF Spending Authority

Department of Public Health & Environment, page 4 (Andrew McLeer): R-9: Office of Health Equity and Environmental Justice

Department of Public Safety, page 10 (Gustavo Cortés): Technical Corrections

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee
FROM Abby Magnus, JBC Staff (303-866-2149)
DATE March 18, 2024
SUBJECT CDPHE: School Health Funding

On February 29th, the Committee discussed and tabled funding for school health programs, with the intent to return after the forecast and with more information about the programs. The Committee had discussed increasing appropriations by between \$500,000 and \$1.0 million General Fund for school nurses and school-based health centers.

Additionally, the following bills related to school-based healthcare have been introduced this session:

- S.B. 24-034 (Increase Access to School-Based Health Care) – Expands the school-based health center grant program to assist the establishment, expansion, and ongoing operations of school-based health centers. Increases grant funding by \$2.3 million General Fund.
- S.B. 24-142 (Oral Health Screening in Schools Pilot Program) – Creates a pilot program to provide grants to local education providers to conduct oral health screenings of children in kindergarten to second grade. Provides \$100,000 General Fund for grant opportunities.

The Department states the School Nurse Grant Program has received a relatively large amount of new funding in the last two years. The program received \$3.0 million in ARPA funding through S.B. 22-226 and an added ongoing annual appropriation of \$500,000 General Fund. The School-Based Health Center grant program also received about \$1.4 million in ARPA funds via S.B. 22-147. The Department states that the program is currently extremely lean, and would require additional staff support to manage larger grant amounts.

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee
FROM Andrew McLeer, JBC Staff (303-866-4959)
DATE March 15, 2024
SUBJECT Staff-initiated Continuation of HSRF Spending Authority

As part of the documents submitted to Committee staff on February 26, 2024, the Department identified the need for additional spending authority to meet hazardous site cleanup and maintenance requirements under CERCLA. This amount represents continuation level funding from H.B. 24-1196 (Public Health and Environment Supplemental). In the initial supplemental request for FY 2023-24, the Department did not indicate the need for ongoing spending authority, and so the Committee granted one-time authority, per Committee policy on supplemental requests. However, examination of Department documents by staff indicates the need for ongoing spending authority to meet legal obligations under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as expenditures are not expected to decline in FY 2024-25 and beyond.

REQUEST: Staff requests spending authority of \$1,800,000 cash funds from the Hazardous Substance Response Fund (HSRF) for FY 2024-25 and ongoing. This figure represents a continuation of the Department's supplemental request for FY 2023-24, funding which the Department agrees is necessary to meet legal obligations under CERCLA in FY 2024-25 and beyond.

STAFF RECOMMENDATION: Staff recommends that the Committee approve \$1,800,000 spending authority from the HSRF to meet the Department's hazardous waste obligations.

STAFF ANALYSIS: The HSRF was established to fund the state's hazardous material disposal needs, including management of Colorado's Superfund sites as required under CERCLA. The request for \$1,800,000 in ongoing spending authority from the HSRF is due to an oversight in the Department's supplemental request wherein funding was not requested beyond FY 2023-24. Despite this technical oversight, the Department requires this \$1.8 million in cash fund spending authority to meet statutory obligations under Section 25-16-104.6(2), C.R.S. for maintenance of Colorado's Superfund sites. This need for increased spending authority is largely driven by the following four projects:

- Summitville Superfund Site: \$600,000 for operations and maintenance
- Bonita Peak Mining District Superfund Site: \$120,000 for site repository construction
- Standard Mine Superfund Site: \$300,000 for operations and maintenance
- Nelson Tunnel Superfund Site: \$600,000 for remedial actions.

The Department does note that Superfund obligations beginning in FY 2023-24 increased significantly because of these cleanup and maintenance projects. Crucially, the Department states that this spending authority is needed to meet statutory Superfund obligations, while staff notes that failure to do so could expose the Department to potential liability for failure to meet its statutory requirements.

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee
FROM Andrew McLeer, JBC Staff (303-866-4959)
DATE March 12, 2024
SUBJECT CDPHE R-9: Office of Health Equity and Environmental Justice

This memo is written in regards to the R-9 decision item for the Department of Public Health and Environment. This decision item was tabled during the figure setting presentation for the Department on March 1, 2024, pending additional information to allow for analysis. The Department has provided the necessary information.

REQUEST: The Department requests an increased appropriation of \$3,396,753 total funds and 10.3 FTE, including \$193,738 General Fund, \$1,115,938 cash funds, and \$1,964,493 reappropriated funds for FY 24-25 and \$3,441,581 total funds. This appropriation will be used for the reorganization and consolidation of the Environmental Justice Program (EJP) with the Office of Health Equity as the Office of Health Equity and Environmental Justice (OHEEJ) within the Administration and Support Division.

RECOMMENDATION: Staff recommends partial approval of the Department's request. Staff agrees that consolidation of the EJP into a single office will improve transparency. However, staff recommendation is for an increase of \$2,765,185 total funds and 8.3 FTE, including \$132,253 General Fund, \$1,084,796 cash funds, \$1,447,146 reappropriated funds and \$100,900 federal funds for FY 24-25 and \$2,960,770 total funds and 8.3 FTE, including \$155,567 General Fund, \$1,115,431 cash funds,¹ \$1,567,775 reappropriated funds, and \$121,907 federal funds for FY 2025-26 and ongoing.

R9: Office of Health Equity and Environmental Justice						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2024-25 Request	\$3,396,753	\$193,738	\$1,115,938	\$1,964,493	\$122,584	10.3
Staff Recommendation	2,765,185	132,253	1,084,796	1,447,146	100,990	8.3
Request Above/(Below) Recommendation	\$631,568	\$61,485	\$31,142	\$517,347	\$21,594	2.0
FY 2025-26 Out-year costs	\$2,960,770	\$155,567	\$1,115,431	\$1,567,775	\$121,907	2.0

The Department requests the EJP be combined with the Office of Health Equity (OHE) within the Administration Division of CDPHE as the "Office of Health Equity and Environmental Justice (OHEEJ)". Currently, the EJP is spread across multiple divisions (Administration, APCD, DEHS and WQCD) within CDPHE, and the Department argues that this creates funding instability for the program, as well as creating administrative barriers and making the EJP's work less transparent to the legislature. The Department outlines additional reasons the EJP should be joined with OHE in a single department.

¹ These cash fund amounts are informational. The Community Impact Cash Fund (CICF) is continuously appropriated to the Department.

- Funding should be aligned with the EJP's actual work. The EJP focuses on targeted environmental justice, whereas air pollution sources are generally a global pollutant. This makes something like stationary sources or GHG fees an inappropriate sole funding source for EJP, which is the current funding source. Consequently, the Department desires for the EJP to be funded through indirect costs for each division, reflecting the cross-divisional nature of the EJP's work.
- EJP is aligned with the OHE because of their inter-divisional work, with aligned missions of equity within the Department's structure. The Department argues that creating OHEEJ would more accurately reflect these compatible missions and workload in the Long Bill. This is also reflected in the request from the Department, which incorporated indirect costs across the Department's divisions into OHEEJ funding.

ELEMENTS OF THE REQUEST

The request includes additional funding for the Department's environmental justice efforts. The FTE request includes the following elements:

- Reallocation of existing FTE from other lines within the Department to the Office of Health Equity and Environmental Justice
- Allocation of resources to the Environmental Justice Program, which would free existing resources to the Office of Health Equity
- Continuation of existing FTE which had been federally funded, but for whom this funding is set to expire.
- Implementation of EJ Task Force recommendations
- Management of the Community Impact Cash Fund (CICF)

In addition to the request for additional staffing, the Department requests \$2.3 million in ongoing operating costs. The largest driver of this is the CICF Grant Program, which accounts for \$1.9 million. The remaining \$400,000 is for operating expenditures and the

MAJOR DIFFERENCES BETWEEN RECOMMENDATION AND REQUEST

- Consistent with Committee directions for including FTE, the recommendation does not include centrally appropriated costs for new FTE. This accounts for the recommendation being \$354,357 total funds lower than the request for FY 2024-25. Staff also notes that centrally appropriated items were not backed out of the initial request, so centrally appropriated costs will only annualize for new FTE in FY 2025-26 for \$195,585 total funds, including \$30,635 cash funds from the CICF, \$143,943 reappropriated funds, and \$21,007 federal funds.
- The Department has requested EJ Ombudsperson and associated staff be funded with General Fund. Staff agrees that General Fund is an appropriate fund source for the independent EJ Ombudsperson. However, staff's understanding of the EJ Ombudsperson statute suggests that only the Ombudsperson should be funded with General Fund, with the Department assuming responsibility for administrative staffing. Staff recommends funding the remaining staff with reappropriated funds.

MARCH 12, 2024

Office of Health Equity and Environmental Justice, EJ Ombudsperson						
	TOTAL	GF	CF	RF	FF	FTE
FY 2024-25 Request	\$166,631	\$166,631	\$0	\$0	\$0	1.2
Staff Recommendation	147,761	132,253	0	15,508	0	1.2
Request Above/(Below) Recommendation	\$18,870	\$34,378	\$0	(\$15,508)	\$0	0.0

- Staff recommends only 8.3 FTE, instead of the 10.3 FTE requested. This is due to the request from the Department seeking to add funding within the EJ Program for 2.0 FTE, freeing resources for use in the OHE. Staff recommends reallocating these 2.0 FTE and their associated funding to the EJ Program line, rather than adding an additional 2.0 FTE to the Office of Health Equity and Environmental Justice. Staff requests permission to reflect these FTE within the EJ Program Cost line item, with an equivalent reduction to the Office of Health Equity line item.

Office of Health Equity and Environmental Justice, EJ Program Costs						
	TOTAL	GF	CF	RF	FF	FTE
FY 2024-25 Request	\$2,066,610	\$0	\$0	\$1,965,620	\$100,990	17.9
Staff Recommendation	1,808,269	0	0	1,707,279	100,990	15.9
Request Above/(Below) Recommendation	\$258,341	\$0	\$0	\$258,341	\$0	2.0

DESCRIPTION OF REQUESTED FTE

Reallocation of FTE in the Long Bill (11.0 FTE)

The Long Bill currently shows 10.7 FTE for the EJ program, including 7.7 FTE in the Environmental Justice Ombudsperson line item in the Administration and Support Division, and 3.0 FTE in the Water Quality Control Division Administration line. The request to reflect 11.0 FTE in the Long Bill represents a truing up of the Ombudsman line item to accurately reflect that there are currently 8.0 FTE employed within this line. The request includes no additional funding for these line items, with \$884,062 cash funds removed from the EJ Ombudsperson line in the Administration & Support Division, Administration Subdivision. The Department has also requested moving 3.0 FTE currently reflected in the Water Quality Control Division (WQCD), Administration line item to the newly created OHEEJ, EJ Program Costs line. This move of FTE and funding from the WQCD to OHEEJ will result in no net change in funding.

The Department has requested a General Fund appropriation of \$193,738 for the EJ Ombudsperson. Currently, the Long Bill identifies the Community Impact Cash Fund (CICF) as the funding source for the EJ Ombudsperson position. However, the CICF can only be used to fund the costs of the EJ Grants Program and the EJ Task Force. Furthermore, the General Assembly has identified the EJ Ombudsperson as an independent entity within the Department. The Department argues that General funding this line item accords with this General Assembly intent.

Staff agrees with the Department's assessment that the EJ Ombudsperson ought to be funded using General Fund, due to the provision of the Ombudsperson operating independently of the Department (Section 25-1-134 (1)(a)). As such, it seems that utilizing a specific fund source within the

programmatic divisions of the Department would be inappropriate, given the cross-divisional nature of the work. However, staff disagrees that the need for this independence exists with the staff of the EJ Ombudsperson, as the referenced statute also requires the Department to provide administrative support to the Ombudsperson. As such, staff believes that these administrative roles should be funded with reappropriated funds, rather than General Fund.

Reallocating EJ funding in the Office of Health Equity to the EJ Program (2.0 FTE)

Currently, the Office of Health Equity funds two FTE for OHEEJ. The Department has requested funding these FTE in the OHEEJ program line using reappropriated funds, thus freeing up resources within the Office of Health Equity for OHE needs. Staff agrees that these two positions, which includes a program manager for the EJ Program, are critical to the continuation of the program. However, there is not a clear reason identified for why the funding for these positions should not be backed out of the OHE line item. As such, staff recommends reallocating these FTE and their associated funding to the EJ Program line item, rather than increasing the total appropriation to the Department. This would lead to no net change in the appropriation for these FTE.

Continuation of federally funded positions (2.5 FTE)

The Department currently has 2.5 federally funded FTE which they seek to move to the proposed EJ Program line within OHEEJ.

- The CDC Preventive Block grant currently funds 1.5 FTE within the Department. These include a project manager, which manages Colorado EnviroScreen 2.0 software development, the Community Connectors engagement program, and implementation of the EPA Memorandum of Understanding Workplan, to name a few. The additional 0.5 FTE is for a Spanish interpreter, who provides translations services for the EJP and the four environmental divisions in the Department. The Department request includes making these FTE permanent, since it is unclear whether environmental justice will remain a priority for the CDC in the future. Given the critical nature of these positions to the EJ Program, the Department wishes to fund these 1.5 FTE with reappropriated funds.
- The EPA currently funds 1.0 FTE in the Supplemental Environmental Projects (SEP) Program. This program was moved from the Department of Environmental Health and Sustainability to the EJ Program in September of 2023. The SEP program is an enforcement tool used by the EPA which allows defendants to undertake local projects as part of a settlement in an environmental violations case. The Department has stated that this position would remain entirely federally funded for FY 2024-25 and FY 2025-26.

EJ Task Force recommendations (3.5 FTE)

The request from the Department includes the following recommendations from the Environmental Justice (EJ) Task Force. The EJ Task Force was created in H.B. 21-1266 (Environmental Justice Disproportionate Impacted Community) for the purpose of making recommendations to the General Assembly to improve EJ efforts at the state agency level (Section 25-1-133 (2)). The EJ Task Force has proposed the following FTE:

- **Liaison IV (1.0 FTE):** This role is needed to enhance coordination between agencies, particularly as the EJP's interdivisional work expands
- **Health Professional IV (0.5 FTE):** This role is needed to develop and track measurable indicators over time to determine the efficacy of the EJP's initiatives.
- **Environmental Protection Specialist III (1.0 FTE):** This role will be tasked with updating and improving Colorado EnviroScreen, which is the Department's environmental justice mapping tool.
- **Liaison III (1.0 FTE):** This role is meant to expand existing capacity by outreaching to DI communities. The goal of these outreaches is to make CDPHE environmental justice resources more accessible for members of DI communities.

Staff recommends approval of these staff. These FTE contribute to the stated mission of the task force to enhance collaboration across state agencies and with local communities. It is staff's opinion that the FTE suggested here are in alignment with the legislative intent of H.B. 21-1266.

CICF Grant Program² (2.0 FTE)

The CICF is expected to grow over time. This is due to the fee allocation dedicated to the fund by H.B. 21-1266, wherein the CICF received 20 percent of APCD enforcement penalty revenue in FY 2021-22, increasing 20 percent annually until FY 2025-26, when 100 percent of APCD fee revenue will go to the fund. As such, the administration of the fund is expected to be more complex over time, with an increased number of grants and increased contract monitoring of delivered grants needed.

The increased staffing needs are the reason for the 1.9 additional FTE in the request, including one grants specialist and one contract monitor totaling \$114,238 cash funds. The CICF is continuously appropriated to the Department, and these FTE are for administration of the CICF grant program, an allowable use in statute (Section 25-7-129(3)(a), C.R.S.). In addition to the cost of staffing, the request also includes \$1,854,620 for CICF Grants, which are used to fund environmental mitigation projects. Since the CICF is continuously appropriated, these funds are not subject to appropriation by the General Assembly.

OPERATING EXPENSES

The Department has requested funding for the following operating expenses, totaling \$446,000:

- **Technology Expenses (\$100,000):** This includes costs for software licensing, including software for VertiGIS, translation services, web conference hosting, an EJ complaint system, graphic development and project management. Additionally, the request includes real time billing services and costs for external vendors related to EnviroScreen review.
- **EJ Advisory Board Meeting Expenses (\$25,000)**

² The CICF is continuously appropriated to the Department. These additional funds are not subject to appropriation by the General Assembly, in accordance with Section 25-7-129 (3). Figures for the CICF Grant Program are shown for informational purposes only.

- Travel Expenses (\$32,000): This funding is for travel expenses of the EJ Ombudsperson and staff for travel unrelated to EJ Advisory Board meetings.
- Participation and Engagement Expenses (\$237,000): This includes funding for the Community Connector Program (\$100,000), participation incentives (\$50,000), translation and interpretation services (\$44,000), event expenses (\$20,000), and marketing and outreach activities (\$23,000).
- Operations Expenses (\$52,000): This request includes \$14,000 for core operating expenses. Additionally, the Department requests \$38,000 for professional development expenses.

Staff agrees that these operating expenses are aligned with the legislative intent of H.B. 21-1266, with the EJ Task Force making recommendations pursuant to this legislation. Furthermore, staff recognizes that the investment in technology expenses is necessary, given the computationally heavy workload for the EJP. As such, staff recommends approval of the Department's request for operating expenses.

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee
FROM Gustavo Cortés, JBC Staff (303-866-4955)
DATE March 18, 2024
SUBJECT Technical Corrections

TECHNICAL CORRECTIONS

Line Item Detail Additions: The figure setting document was missing the following line item descriptions. However, the amounts for each line item were included in the numbers pages (pages A-3, A-4, A-23, A-24, A-35, A-37 and A-40). The Department totals approved by the Committee are unaffected by any of these errors.

LINE ITEM DETAIL - EXECUTIVE DIRECTOR'S OFFICE

(A) ADMINISTRATION

ADMINISTRATIVE LAW JUDGE SERVICES

This line item provides funding for the Department to purchase Administrative Law Judge services from the Department of Personnel and Administration.

STATUTORY AUTHORITY: Sections 24-30-1001 (3) and 24-30-1002, C.R.S.

REQUEST AND RECOMMENDATION: The Department request and recommendation is summarized below and includes changes approved for this compensation common policy.

EXECUTIVE DIRECTOR'S OFFICE, ADMINISTRATION, ADMINISTRATIVE LAW JUDGE COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$310	\$310	\$0	\$0	\$0	0.0
TOTAL	\$310	\$310	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$310	\$310	\$0	\$0	\$0	0.0
Centrally appropriated line items	(103)	(103)	0	0	0	0.0
TOTAL	\$207	\$207	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$103)	(\$103)	\$0	\$0	\$0	0.0
Percentage Change	(33.2%)	(33.2%)	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$344	\$344	\$0	\$0	\$0	0.0

TEMPORARY EMPLOYEES RELATED TO AUTHORIZED LEAVE

This line item funds the backfill costs associated with state employees utilizing 160 hours or four weeks of Paid Family Medical Leave.

STATUTORY AUTHORITY: Not applicable

REQUEST: The Department requests a continuation appropriation of \$43,460 total funds, including \$3,345 cash funds and \$40,115 reappropriated funds.

RECOMMENDATION: **Staff recommends approval of the Department request.**

EXECUTIVE DIRECTOR'S OFFICE, ADMINISTRATION, TEMPORARY EMPLOYEES RELATED TO AUTHORIZED LEAVE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$43,460	\$3,345	\$40,115	\$0	\$0	0.0
TOTAL	\$43,460	\$3,345	\$40,115	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$43,460	\$3,345	\$40,115	\$0	\$0	0.0
TOTAL	\$43,460	\$3,345	\$40,115	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$43,460	\$3,345	\$40,115	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

LINE ITEM DETAIL - DIVISION OF FIRE PREVENTION AND CONTROL

WILDFIRE RESILIENCY CODE BOARD

The Wildfire Resiliency Code Board in the Department of Public Safety's purpose is adopt statewide building codes and standards for preventing damages caused by wildland fires in urban areas. Local governments must adopt building codes that meet or exceed the state codes.

STATUTORY AUTHORITY: Section 24-33.5-1236 (2)

REQUEST: The Department requests continuation funding of \$233,720 cash funds and \$1,683 reappropriated funds.

RECOMMENDATION: **Staff recommends approval of the Department request.**

DIVISION OF FIRE PREVENTION AND CONTROL, WILDFIRE RESILIENCY CODE BOARD						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						

FY 2023-24 Appropriation	\$251,589	\$0	\$250,000	\$1,589	\$0	2.0
TOTAL	\$251,589	\$0	\$250,000	\$1,589	\$0	2.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$251,589	\$0	\$250,000	\$1,589	\$0	2.0
Annualize prior year legislation	(16,186)	0	(16,280)	94	0	0.5
TOTAL	\$235,403	\$0	\$233,720	\$1,683	\$0	2.5
INCREASE/(DECREASE)	(\$16,186)	\$0	(\$16,280)	\$94	\$0	0.5
Percentage Change	(6.4%)	0.0%	(6.5%)	5.9%	0.0%	25.0%
FY 2024-25 EXECUTIVE REQUEST	\$235,403	\$0	\$233,720	\$1,683	\$0	2.5
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

APPROPRIATION TO THE WILDFIRE RESILIENCY CODE BOARD CASH FUND

This cash fund consists of continuously appropriated General Fund to Wildfire Resiliency Code Board Cash Fund to pay for the direct costs of the Wildfire Resiliency Code Board, including the provision of office space, equipment, and administrative staff

STATUTORY AUTHORITY: Section 24-33.5-1236 (8)

REQUEST: The Department requests continuation funding of \$338,282 General Fund.

RECOMMENDATION: **Staff recommends approval of the Department request.**

DIVISION OF FIRE PREVENTION AND CONTROL, APPROPRIATION TO THE WILDFIRE RESILIENCY CODE BOARD CASH FUND						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$9,302	\$9,302	\$0	\$0	\$0	0.0
TOTAL	\$9,302	\$9,302	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$9,302	\$9,302	\$0	\$0	\$0	0.0
Annualize prior year legislation	328,980	328,980	0	0	0	0.0
TOTAL	\$338,282	\$338,282	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$328,980	\$328,980	\$0	\$0	\$0	0.0
Percentage Change	3,536.7%	3,536.7%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$338,282	\$338,282	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

FIRE INVESTIGATION REIMBURSEMENTS

This appropriation is from reappropriated funds in the fire investigation cash fund for use by the Division for local fire investigation reimbursements.

STATUTORY AUTHORITY: Section 24-33.5-1238 (3)(d)

REQUEST: The Department requests continuation funding of \$338,282 General Fund.

RECOMMENDATION: **Staff recommends approval of the Department request.**

DIVISION OF FIRE PREVENTION AND CONTROL, LOCAL FIRE INVESTIGATION REIMBURSEMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$800,000	\$0	\$0	\$800,000	\$0	0.0
TOTAL	\$800,000	\$0	\$0	\$800,000	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$800,000	\$0	\$0	\$800,000	\$0	0.0
Annualize prior year legislation	150,000	0	0	150,000	0	0.0
TOTAL	\$950,000	\$0	\$0	\$950,000	\$0	0.0
INCREASE/(DECREASE)						
	\$150,000	\$0	\$0	\$150,000	\$0	0.0
Percentage Change	18.8%	0.0%	0.0%	18.8%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

LINE ITEM DETAIL - COLORADO BUREAU OF INVESTIGATION

D) STATE POINT OF CONTACT – NATIONAL INSTANT CRIMINAL BACKGROUND CHECK PROGRAM

This line item funds personnel-related expenses for the InstaCheck unit. Cash fund sources include the Instant Criminal Background Check Cash Fund (Section 24-33.5-424 (3.5)(b), C.R.S.) and user fees collected from non-state entities. The Instant Criminal Background Check Cash Fund is supported by fees collected by CBI to conduct background checks, and fees cannot exceed the direct and indirect costs of administering the program.

STATUTORY AUTHORITY: Section 24-33.5-424, C.R.S. (Background Check System).

REQUEST: The Department requests \$4,253,679 cash funds from the Instant Criminal Background Check Cash Fund and 71.7 FTE.

RECOMMENDATION: **Staff recommends approval of the request.** Details are provided in the table below. The original JBC staff figure setting document erroneously combined the Personal Services

and Operating Expenses totals when configuring reports. The Department totals approved by the Committee are unaffected by this error.

COLORADO BUREAU OF INVESTIGATION, STATE POINT OF CONTACT - NATIONAL INSTANT CRIMINAL BACKGROUND CHECK PROGRAM, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$4,113,266	\$0	\$4,113,266	\$0	\$0	71.7
TOTAL	\$4,113,266	\$0	\$4,113,266	\$0	\$0	71.7
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$4,113,266	\$0	\$4,113,266	\$0	\$0	71.7
Prior year salary increase	140,413	0	140,413	0	0	0.0
TOTAL	\$4,253,679	\$0	\$4,253,679	\$0	\$0	71.7
INCREASE/(DECREASE)						
	\$140,413	\$0	\$140,413	\$0	\$0	0.0
Percentage Change	3.4%	0.0%	3.4%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item funds non-personnel related operating expenses for the Instacheck unit. Cash fund sources include the Instant Criminal Background Check Cash Fund (Section 24-33.5-424 (3.5)(b), C.R.S.) and user fees collected from non-state entities.

STATUTORY AUTHORITY: Section 24-33.5-401, C.R.S. (Colorado Bureau of Investigation).

REQUEST: The Department requests \$424,109 cash funds from the Instant Criminal Background Check Cash Fund.

RECOMMENDATION: **Staff recommends approval of the Department's request.** Details are provided in the table below. Details are provided in the table below. The original JBC staff figure setting document erroneously combined the Personal Services and Operating Expenses totals when configuring reports. The Department totals approved by the Committee are unaffected by this error.

COLORADO BUREAU OF INVESTIGATION, STATE POINT OF CONTACT - NATIONAL INSTANT CRIMINAL BACKGROUND CHECK PROGRAM, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
S.B. 23-214 (Long Bill)	\$424,109	\$0	\$424,109	\$0	\$0	0.0
TOTAL	\$424,109	\$0	\$424,109	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$424,109	\$0	\$424,109	\$0	\$0	0.0
TOTAL	\$424,109	\$0	\$424,109	\$0	\$0	0.0

COLORADO BUREAU OF INVESTIGATION, STATE POINT OF CONTACT - NATIONAL INSTANT CRIMINAL BACKGROUND CHECK PROGRAM, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$424,109	\$0	\$424,109	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

LINE ITEM DETAIL - DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

(A) OFFICE OF EMERGENCY MANAGEMENT

The Division's Office of Emergency Management (OEM) is responsible for the state's comprehensive emergency management program which supports local and state agencies.

PROGRAM ADMINISTRATION

This line funds both personal services and operating expenses for OEM staff to provide technical assistance activities and services for disasters. Cash fund sources for FY 2022-23 and FY 2023-24 and include the Revenue Loss Restoration Cash Fund (Section 24-75-227, C.R.S.) to support the emergency personal protective equipment (PPE) stockpile pursuant to H.B. 22-1352 (Stockpile for Declared Disaster Emergencies). The cash fund originates as federal funds from the American Rescue Plan Act (ARPA) and is anticipated to be replaced with General Fund beginning in FY 2024-25.

STATUTORY AUTHORITY: Section 34-33.5-705, C.R.S.

REQUEST: The Department requests \$8,877,698 total funds and 61.5 FTE, including \$5,339,723 General Fund, \$65,841 reappropriated funds and \$3,472,134 federal funds.

RECOMMENDATION: **The staff recommendation is provided in the table below.**

The original JBC staff figure setting document erroneously identified the Department's request as \$8,757,708 total funds, including \$5,519,733 General Fund, \$65,841 reappropriated funds and \$3,472,134 federal funds. The Department totals approved by the Committee are unaffected by this error.

DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, OFFICE OF EMERGENCY MANAGEMENT, PROGRAM ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$8,411,002	\$4,873,027	\$1,809,654	\$65,841	\$1,662,480	60.5
TOTAL	\$8,411,002	\$4,873,027	\$1,809,654	\$65,841	\$1,662,480	60.5
FY 2024-25 RECOMMENDED APPROPRIATION						

DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, OFFICE OF EMERGENCY MANAGEMENT, PROGRAM ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation	\$8,411,002	\$4,873,027	\$1,809,654	\$65,841	\$1,662,480	60.5
Prior year salary increase	390,524	390,524	0	0	0	0.0
Annualize prior year budget actions	1,182	1,182	0	0	0	0.1
Annualize prior year legislation	(45,000)	(45,000)	0	0	0	0.0
TOTAL	\$8,757,708	\$5,219,733	\$1,809,654	\$65,841	\$1,662,480	60.6
INCREASE/(DECREASE)	\$346,706	\$346,706	\$0	\$0	\$0	0.1
Percentage Change	4.1%	7.1%	0.0%	0.0%	0.0%	0.2%
FY 2024-25 EXECUTIVE REQUEST	\$8,877,698	\$5,339,723	\$0	\$65,841	\$3,472,134	61.5
Request Above/(Below) Recommendation	\$119,990	\$119,990	(\$1,809,654)	\$0	\$1,809,654	0.9

(B) OFFICE OF PREVENTION AND SECURITY

The mission of the Office of Prevention and Security is to ensure a safe and secure environment for the citizens of Colorado from international acts of terrorism, accidental harmful events, or natural disasters through the implementation of prevention methods, coordinated response procedures, and effective recovery plans. The Office houses the Colorado Information Analysis Center (CIAC), which serves as Colorado's central point for the collection, analysis, and dissemination of terrorism-related information.

EXTREME RISK PROTECTION ORDER HOTLINE

This line item funds the creation of a hotline to receive and refer calls from the public about Extreme Risk Protection Orders (ERPO), to provide callers with relevant resources, and to collaborate with other state agencies to obtain information necessary or beneficial for responding to requests. The hotline must not provide legal advice or advise a caller on the ramifications concerning the filing or false filing of an ERPO.

STATUTORY AUTHORITY: Section 34-33.5-119 (1)(a)(b), C.R.S.

REQUEST: The Department requests \$277,252 General Fund and 3.0 FTE.

RECOMMENDATION: **The staff recommendation is provided in the table below.**

The original JBC staff figure setting document erroneously identified the annualization of prior year legislation in the incorrect line item. The Department totals approved by the Committee are unaffected by this error.

DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, OFFICE OF PREVENTION AND SECURITY, EXTREME RISK PROTECTION ORDER HOTLINE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$238,846	\$238,846	\$0	\$0	\$0	2.8
TOTAL	\$238,846	\$238,846	\$0	\$0	\$0	2.8
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$238,846	\$238,846	\$0	\$0	\$0	2.8
Annualize prior year legislation	18,396	18,396	0	0	0	0.2
TOTAL	\$257,242	\$257,242	\$0	\$0	\$0	3.0
INCREASE/(DECREASE)	\$18,396	\$18,396	\$0	\$0	\$0	0.2
Percentage Change	7.7%	7.7%	0.0%	0.0%	0.0%	7.1%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$20,010	\$20,010	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item funds non-personnel costs for the Office. Cash funds are from the Marijuana Tax Cash Fund (Section 24-28.8-501, C.R.S.).

STATUTORY AUTHORITY: Section 24-33.5-1606, C.R.S. (Office of Prevention and Security).

REQUEST: The Department requests \$792,467 total funds, including \$295,662 General Fund.

RECOMMENDATION: **The staff recommendation is provided in the table below.**

The original JBC staff figure setting document erroneously identified the annualization of prior year legislation in the incorrect line item. The Department totals approved by the Committee are unaffected by this error.

DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, OFFICE OF PREVENTION AND SECURITY, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$826,477	\$329,672	\$5,653	\$0	\$491,152	0.0
TOTAL	\$826,477	\$329,672	\$5,653	\$0	\$491,152	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$826,477	\$329,672	\$5,653	\$0	\$491,152	0.0
Annualize prior year legislation	0	0	0	0	0	0.0
Annualize prior year budget actions	(14,000)	(14,000)	0	0	0	0.0
TOTAL	\$812,477	\$315,672	\$5,653	\$0	\$491,152	0.0
INCREASE/(DECREASE)	(\$14,000)	(\$14,000)	\$0	\$0	\$0	0.0
Percentage Change	(1.7%)	(4.2%)	0.0%	0.0%	0.0%	0.0%

DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT, OFFICE OF PREVENTION AND SECURITY, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2024-25 EXECUTIVE REQUEST	\$792,467	\$295,662	\$5,653	\$0	\$491,152	0.0
Request Above/(Below) Recommendation	(\$20,010)	(\$20,010)	\$0	\$0	\$0	0.0

During initial staff presentation, the Highway Users Tax Fund table erroneously provided a different table. Staff has worked with the Department to provide updated information. At the time of this writing, the HUTF staff recommendation is \$2,190 above the “Off-the-Top” appropriation limit and will continue to work with the Department to ensure the final approved amount remains below the HUTF appropriations limit.

APPENDIX B HIGHWAY USERS TAX FUND

The Highway Users Tax Fund (HUTF) includes revenues from gas and special-fuel taxes, fines, license plate fees, driver's license fees, motor vehicle title and registration fees, and passenger-mile taxes. HUTF "off-the-top" refers to the portion of the HUTF that is appropriated by the General Assembly to state agencies before the formula allocation to the State Highway Fund, counties, and cities. Section 43-4-201 (3)(a)(I)(C), C.R.S., limits the annual growth of HUTF appropriations to no more than 6.0 percent of the appropriation from the previous fiscal year, regardless of any increase or decrease in overall highway-related revenues.

The FY 2024-25 HUTF appropriation consists primarily of the operating budget for Colorado State Patrol. The Department of Revenue also receives HUTF appropriations that are exempt from the 6.0 percent growth limit. However, H.B. 22-1338 (Modify motor vehicle funding) included a one-time \$1.3 million HUTF appropriation to the Department of Revenue that is subject to the 6.0 percent limit for FY 2022-23.

The following table provides the HUTF FY 2023-24 base, and the FY 2024-25 request and recommendation. The FY 2024-25 recommendation represents a 6.001 percent increase, which falls above the 6.0 percent growth limit. The amount is subject to Committee final action on common policy requests and will require staff to work with the Department to ensure the final approved amount remains below the HUTF appropriations limit.

HUTF OFF-THE-TOP APPROPRIATIONS COMPARISON		
	APPROPRIATIONS COMPARISON	PERCENT CHANGE
FY 2023-24 HUTF Off the Top Appropriations Base	\$196,498,542	
6.0 Percent Allowable Growth	11,789,913	
FY 2024-25 HUTF Off the Top Appropriations Limit	208,288,455	6.00%
FY 2024-25 HUTF Staff Recommendation	\$208,290,645	6.001%
Recommendation Over / (Under) FY 2024-25 Off the Top Appropriations Limit	\$2,190	