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Fiscal Note

Drafting Number:	LLS 21-0069	Date:	February 23, 2021
Prime Sponsors:	Rep. Froelich; Larson Sen. Kolker	Bill Status:	House HHS
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Bill Topic: FIRST RESPONDER INTERACTIONS PERSONS WITH DISABILITIES

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

The bill creates the Commission on Improving First Responder Interactions with Persons with Disabilities in the Attorney General's Office to review training for first responders to enhance interactions with people with disabilities. It will increase state expenditures through FY 2023-24.

Appropriation Summary: For FY 2021-22, the bill requires an appropriation of \$39,775 to the Department of Law.

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

**Table 1
State Fiscal Impacts Under HB 21-1122**

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$39,775	\$21,535
	Centrally Appropriated	\$12,153	\$7,210
	Total Expenditures	\$51,928	\$28,745
	Total FTE	0.5 FTE	0.3 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

This bill creates the Commission on Improving First Responder Interactions with Persons with Disabilities in the Attorney General's Office to review training for first responders to enhance interactions with people with disabilities. The Attorney General's Office must provide a staff member to coordinate and support the commission.

Commission membership. The commission consists of ten members, including eight members appointed by the Attorney General; the vice-chair of the Colorado Peace Officer Standards and Training (POST) Board or their designee; and a member of the POST Board's curriculum subject matter expert committee, appointed by the vice-chair of the POST Board. Members are eligible for expense reimbursement. Commission appointments must be made by July 31, 2021. The first commission meeting must take place by September 1, 2021, and on a quarterly basis thereafter.

Study responsibilities and curriculum development. The commission must perform a detailed study of existing training for peace officers on interactions with persons with disabilities, both in Colorado and in other states, as outlined in the bill. By January 31, 2022, the commission must recommend a curriculum to the POST Board.

Training. The training curriculum must be implemented for basic training and the annual in-service training by July 1, 2022, subject to available appropriations. Once the curriculum is implemented, the commission must examine any implementation challenges and the curriculum's effectiveness, and present any suggestions to the POST Board.

Reports. The Department of Law must report on the work of the commission at its 2023 SMART Act hearing, provide a curriculum review, and make a recommendation on continuing the commission. The bill repeals the commission on December 31, 2023.

Curriculum review in other first responder oversight agencies. Other first responder oversight entities, including the Division of Fire Prevention and Control Advisory Board in the Department of Public Safety (DPS) and the Health Facilities and Emergency Medical Services Division in the Department of Public Health and Environment (CDPHE), must review the commission's curriculum to determine whether it should be included in the agency's training.

Background

POST Board. The POST Board manages the certification and training of all active peace officers and reserve peace officers working for Colorado law enforcement agencies, and provides continuing training on emerging issues. The board is also responsible for enforcement of statutes and rules related to peace officer academy enrollment; ensuring peace officer applicants meet specified requirements; reviewing variance applications; and taking timely revocation actions.

POST Cash Fund. The POST Board is funded primarily through a \$1 fee from each vehicle registration and minimally from applicant certification fees and manual publication.

State Expenditures

The bill increases costs in the Department of Law by \$51,928 at 0.5 FTE in FY 2021-22 and \$28,745 and 0.3 FTE in FY 2022-23. These costs are detailed in Table 2 and discussed further below.

Table 2
Expenditures Under HB 21-1122

Cost Components	FY 2021-22	FY 2022-23
Department of Law		
Personal Services	\$32,900	\$21,535
Operating Expenses	\$675	-
Capital Outlay Costs	\$6,200	-
Centrally Appropriated Costs ¹	\$12,153	\$7,210
Total	\$51,928	\$28,745
Total FTE	0.5 FTE	0.3 FTE

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

Assumptions. Assuming virtual commission meetings, no expense reimbursements have been included in the fiscal note. The fiscal note assumes the costs in the bill will be paid from the General Fund, as the commission's responsibilities are outside of the allowable uses of the POST Cash Fund. Finally, it is assumed that the curriculum can be accomplished within the POST board's existing cash-funded training resources; however, if the curriculum cannot be accomplished within existing resources, this will be addressed through the annual budget process.

Department of Law. The department requires 0.5 FTE Compliance Specialist to support the work of the commission in the first year, reduced to 0.3 FTE in the out year. FTE costs include operating expenses and capital outlay costs, and have been prorated for the General Fund pay date shift in the first year. The staff member will facilitate and coordinate commission meetings, perform the work of the study and review under the commission's direction, and serve as the primary author of any commission reports and recommendations. The POST Board will collaborate with the commission within existing resources.

Agencies employing first responders. The Division of Fire Prevention and Control in DPS and the Health Facilities and Emergency Medical Services Division in CDPHE will review their curriculum within existing resources. If these agencies require additional resources to implement the commission's curriculum, this will be addressed through the annual budget process.

Agencies employing peace officers may also have an increase in workload to the extent the curriculum extends annual in-service training times. No change in appropriations is required.

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 estimated to be \$12,153 in FY 2021-22 and \$7,210 in FY 2022-23.

Local Government

Similar to the state, local agencies employing peace officers may have a minimal workload increase to the extent that the curriculum extends annual in-service training times.

Technical Note

The bill requires the commission to perform curriculum review and provide a report during the Department of Law's SMART Act hearing. Because the curriculum must be implemented by July 2022 and the report takes place in January 2023 or earlier, this review will only reflect a partial year.

Effective Date

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

State Appropriations

For FY 2020-21, the bill requires a General Fund appropriation of \$39,775 and 0.5 FTE to the Department of Law.

State and Local Government Contacts

Information Technology
Public Safety

Law

Public Health and Environment