

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



SUPPLEMENTAL REQUEST FOR FY 2011-12

DEPARTMENT OF PUBLIC SAFETY

(Excluding Division of Criminal Justice)

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

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Prioritized Supplementals

**Supplemental Request, Department Priority #1/R-3
Backup and Emergency Assistance in Mountainous and Rural Areas**

	Request	Recommendation
Cash Funds - HUTF	\$350,000	\$350,000

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 believes that in order to be able to accomplish the conversion of vehicle radios and base receivers by the January 1, 2013 deadline, funding needs to be provided in FY 2011-12.	

Department Request: The Department requests a FY 2011-12 supplemental appropriation increase of \$350,000 HUTF "off-the-top", including a \$365,968 HUTF "off-the-top" reduction to the Sergeants, Technicians, and Troopers line item and a \$715,968 increase to the Operating Expenses line item, to fund the acquisition of 36 base receivers. In addition, the Department submitted a November 1, 2011, FY 2012-13 change request for \$1,802,624 HUTF "off-the-top" to fund the acquisition of 240 radios and 38 base receivers.

Staff Recommendation: Staff recommends that the Committee approve the Department request and appropriate \$715,968 HUTF "off-the-top" to the Colorado State Patrol, Operating Expenses line item and reduce the Sergeants, Technicians, and Troopers line item by \$365,968.

Staff Analysis:

The Department states that the Federal Communication Commission (FCC) has set a firm deadline of January 1, 2013, for the mandatory "narrow banding" of FCC licensed land mobile radio systems under 512 MHZ in order to make way for new technology and more users of the Very High Frequency (VHF) and Ultra High Frequency (UHF) radio spectrum. In 2002, Colorado began the move to Digital Trunked Radio System (DTRS) in response to the FCC ruling. However, funding for this effort was eliminated in FY 2004-05, with multiple phases remaining and conversion to the system incomplete. Senate Bill 06-237 tasked the Department of Local Affairs to come up with an interoperable communications plan for reliable communications between state agencies, local governments, and the federal government. In FY 2009-10, two narrow banding towers were built, but the lack of funding effectively ended the build-out of DTRS. This left nearly one hundred towers in mountainous and rural locations on wide band VHF.

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The Department states that it learned in January 2011 that wide band equipment will not longer be supported after January 1, 2013. The Department states that its grants management office searched for available grant funding to support the conversion, however, no grant funding was found for this purpose.

Currently, trooper vehicles have two radios, one for DTRS and one for VHF. This is necessary to have operability in areas where DTRS does not work and interoperability with other agencies that do not operate DTRS radios. The Patrol plans to use part of the funding, FY 2011-12 and FY 2012-13, to purchase a total of 74 base receivers and part of the funding to replace the two radios in trooper vehicles with one new dual-band radio. The new radios will have VHF operability at the new FCC required frequency of 12.5 KHz to continue to communicate with safety agencies located in mountainous and rural areas, and DTRS operability to continue to communicate within the State communication system.

If the Department were to replace just the VHF radios, the cost per radio would be \$1,500. Replacing only the DTRS radios would cost \$3,658 per radio. The department requests replacing the VHF radios and the DTRS radios together with a single dual-band radio because the DTRS radios are at end of life and replacement parts are becoming increasingly difficult to find and are expensive.

The table below shows a breakdown of the total cost of the request as submitted by the Department. According to the table below, the Department has found \$1.2 million HUTF "off-the-top" from within existing vehicle lease payments in FY 2011 and FY 2012, is requesting \$716,000 additional funds in FY 2012 and another \$1.8 million in FY 2013, for a total three-year cost of \$3.7 million.

Calculation of Request: Base Receivers and Vehicle Radios FY 2011-12 and FY 2012-13			
	Cost per unit	Units	Total Cost
<i>FY 2010-11 and FY 2011-12 Vehicle Lease Line Expenditures:</i>			
Mobile Dual Band Radios (FY 2010-11 funding)	\$4,362	120	\$523,440
Mobile Dual Band Radios (FY 2011-12 funding)	\$4,362	150	<u>\$654,300</u>
Total FY 2011 and FY 2012 Expenditures			\$1,177,740

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Calculation of Request: Base Receivers and Vehicle Radios FY 2011-12 and FY 2012-13			
	Cost per unit	Units	Total Cost
<i>FY 2011-12 Request:</i>			
Base Receivers	18,388	36	661,968
Base Receivers (antenna and hardware)	1,500	36	<u>54,000</u>
Total FY 2012 Request			\$715,968
<i>FY 2012-13 Request:</i>			
Mobile Dual Band Radios	\$4,362	240	\$1,046,880
Base Receivers	18,388	38	698,744
Base Receivers (antenna and hardware)	1,500	38	<u>57,000</u>
Total FY 2013 Request			\$1,802,624
Total 3-year Cost			\$3,696,332

The Patrol states that it needs to equip 510 trooper vehicles with the new dual band radios. In a January 14, 2012, response to JBC staff questions the Department stated that it plans to accomplish the deployment of vehicle radios through the acquisition of 120 radios with funding from vehicle lease payments authorized in FY 2010-11, an additional 150 radios with funding from vehicle lease payments authorized in FY 2011-12, and an additional 240 radios with funding provided in FY 2012-13.

The Vehicle Lease Payments line item has experienced significant volatility over the years. The table below shows supplemental adjustments over a six-year period.

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Colorado State Patrol, Vehicle Lease Payments Line Item Supplemental Adjustments (total funds)	
FY 2006-07 Supplemental Adjustment	(\$340,717)
FY 2007-08 Supplemental Adjustment	(\$761,878)
FY 2008-09 Supplemental Adjustment	\$0
FY 2009-10 Supplemental Adjustment	\$233,260
FY 2010-11 Supplemental Adjustment	(\$165,280)
FY 2011-12 Supplemental Adjustment	<u>(\$751,158)</u>
Total	(\$1,785,773)
<i>Average</i>	<i>(\$297,629)</i>

Funding for vehicle replacements in the first year of the replacement is for four months for state agencies and six months for the State Patrol. The Department states that several years back the State Patrol and State Fleet Management (SFM) negotiated to include \$4,300 per replaced trooper vehicle in the vehicle lease payments line item to start equipping vehicles with mobile video recorders (MVRs). However, the Patrol states that they could never secure funding for the back-end software and hardware infrastructure required to support MVRs, so the funding in the vehicle lease line for MVRs was allowed to lapse every year. The Department is requesting funding through a FY 2012-13 change request #5 to deploy MVRs as well as the back-end software and hardware infrastructure required to support the MVR deployment.

HUTF "off-the-top" Appropriations Analysis

The following table illustrates the HUTF "Off-the-Top" appropriations for FY 2011-12. As the table below shows, current "Off-the-Top" appropriations are \$11.6 million under the limit:

Summary of FY 2011-12 HUTF "Off-The-Top" Appropriations	
Statutory HUTF "Off-the-Top" Appropriations Limit Section 43-4-201, C.R.S.	
FY 2010-11 HUTF Off-the-Top Appropriations Base	\$115,447,951
x Allowable growth of 6%	<u>1.06</u>
FY 2011-12 HUTF Off-the-Top Appropriations Limit	122,374,828

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Summary of FY 2011-12 HUTF "Off-The-Top" Appropriations	
Statutory HUTF "Off-the-Top" Appropriations Limit Section 43-4-201, C.R.S.	
FY 2011-12 HUTF Off-the-Top Appropriations:	
Department of Public Safety - Colorado State Patrol	98,643,404
Department of Revenue - Ports of Entry and Driver and Vehicle Services	12,133,479
Capital Construction	<u>0</u>
Total FY 2011-12 HUTF Off-the-Top Appropriations	\$110,776,883
Over / (Under) FY 2011-12 HUTF Off-the-Top Appropriations Limit	(11,597,945)

The table below shows the HUTF "off-the-top" FY 2012-13 request, as submitted on November 1, 2011.

FY 2012-13 HUTF "Off-the-Top" Budget Request (November 1, 2011)		
"Off-the-Top" Appropriation	FY 2011-12 Appropriation Base	FY 2012-13 Requests
Public Safety (Colorado State Patrol)	\$98,643,404	\$105,548,600
Revenue (Ports of Entry and Driver and Vehicle Services FY 12 only)	12,133,479	10,085,177
Capital Construction Ports of Entry	0	2,263,218
	<u>0</u>	<u>0</u>
FY 2011-12 Appropriation	\$110,776,883	
Six Percent Growth Factor	<u>x1.06</u>	
FY 2012-13 Allowable Appropriation	\$117,423,496	
FY 2012-13 Request		<u>\$117,896,995</u>
FY 2012-13 Under/(Over) the Limit		(\$473,499)

The table below shows the HUTF "off-the-top" FY 2011-12 request including supplementals and FY 2012-13 updated request including budget amendments, as submitted on January 3, 2012. The table shows that the Department of Public Safety and the Department of Revenue are requesting through supplementals \$1.8 million in additional HUTF "off-the-top" in FY 2011-12 and through budget amendments \$2,216 in additional HUTF "off-the-top" in FY 2012-13.

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In order to fund the FY 2012-13 request, as updated by January 3, 2012 budget amendments, the General Assembly must appropriate at least \$458,042 in FY 2011-12.

Based on the updated request for FY 2011-12 and FY 2012-13, the HUTF "off-the-top" appropriations are \$10.0 million under the appropriations limit for FY 2011-12 and \$1.2 million under the appropriations limit for FY 2012-13.

FY 2011-12 and FY 2012-13 Updated HUTF "Off-the-Top" Budget Request (As Submitted on January 3, 2012)		
"Off-the-Top" Appropriation	FY 2011-12 Appropriation Base	FY 2012-13 Requests
Public Safety (Colorado State Patrol)	\$98,643,404	\$105,548,600
Public Safety FY 2011-12 Supplementals and FY 2012-13 Budget Amendments	1,585,148	2,182
Revenue (Ports of Entry and Driver and Vehicle Services FY 12 only)	11,940,308	10,085,177
Revenue FY 2011-12 Supplementals and FY 2012-13 Budget Amendments	183,917	34
Capital Construction Ports of Entry	0	2,263,218
	<u>0</u>	<u>0</u>
FY 2011-12 Appropriation	\$112,352,777	
Six Percent Growth Factor	<u>x1.06</u>	
FY 2012-13 Allowable Appropriation	\$119,093,944	
FY 2012-13 Request		<u>\$117,899,211</u>
FY 2012-13 Under/(Over) the Limit		\$1,194,733

The table below shows a breakdown, by request, of the Department of Public Safety FY 2011-12 HUTF "off-the-top" supplemental requests.

Summary of Department of Public Safety FY 2011-12 and FY 2012-13 HUTF "off-the-top" Change Requests	
FY 2011-12 Supplemental Requests:	
S-1/R-3: Backup and Emergency Medical Assistance in Mountainous and Rural Areas	\$350,000
S-2/R-6: Operating Expense Increase	814,803

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Summary of Department of Public Safety FY 2011-12 and FY 2012-13 HUTF "off-the-top" Change Requests	
S-3: Intoxilyzers for Evidential Breath Alcohol Testing Program	1,200,000
NP-1: Capitol Complex Leased Space	9,333
NP-2: Vehicle Lease Payments	<u>(788,988)</u>
Total FY 2011-12 Supplemental Requests	\$1,585,148
FY 2012-13 Change Requests:	
S-1/R-3: Backup and Emergency Medical Assistance in Mountainous and Rural Areas	\$1,802,624
R-5: Comprehensive Law Enforcement Improvement Program	2,314,848
S-2/R-6: Operating Expense Increase (if the FY 2011-12 supplemental request is approved, the FY 2012-13 request does not need to be funded)	814,803
NP-1: Vehicle Lease Payments	152,721
NPBA-1: Communication Services Payments	<u>2,182</u>
Total FY 2012-13 Supplemental Requests	5,087,178

The table below shows what the HUTF "off-the-top" appropriations would look like if the General Assembly spent up to the limit for FY 2011-12 and FY 2012-13. If the General Assembly appropriated up to the spending limit in FY 2011-12, the General Assembly would have up to \$11.8 million of additional appropriations available under the FY 2012-13 limit.

FY 2011-12 and FY 2012-13 HUTF "Off-the-Top" Appropriations (Assuming Appropriations Up to the Limit for FY 2011-12 and FY 2012-13)		
"Off-the-Top" Appropriation	FY 2011-12 Appropriation Base	FY 2012-13 Requests
Public Safety (Colorado State Patrol)	\$98,643,404	\$105,548,600
Public Safety FY 2011-12 Supplementals and FY 2012-13 Budget Amendments	1,585,148	2,182
Revenue (Ports of Entry and Driver and Vehicle Services FY 12 only)	11,940,308	10,085,177
Revenue FY 2011-12 Supplementals and FY 2012-13 Budget Amendments	183,917	34

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FY 2011-12 and FY 2012-13 HUTF "Off-the-Top" Appropriations (Assuming Appropriations Up to the Limit for FY 2011-12 and FY 2012-13)		
"Off-the-Top" Appropriation	FY 2011-12 Appropriation Base	FY 2012-13 Requests
Capital Construction Ports of Entry	0	2,263,218
Additional Spending Authority Under the HUTF "off-the-top" Appropriations Limit for FY 2011-12 and FY 2012-13	<u>10,022,051</u>	<u>11,818,107</u>
FY 2011-12 Appropriation	\$122,374,828	
Six Percent Growth Factor	<u>x1.06</u>	
FY 2012-13 Allowable Appropriation	\$129,717,318	
FY 2012-13 Request		\$129,717,318
FY 2012-13 Under/(Over) the Limit		\$0

**Supplemental Request, Department Priority #2/R-6
Operating Expense Increase**

	Request	Recommendation
Total	<u>\$897,066</u>	<u>\$897,066</u>
General Fund	28,295	28,295
Cash Funds - HUTF	814,803	814,803
Cash Funds - Various	25,935	25,935
Reappropriated Funds	28,033	28,033

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 an increase of \$897,066 total funds (including \$28,295 General Fund, \$814,803 HUTF "off-the-top", \$25,935 cash funds, and \$28,033 reappropriated funds) for FY 2011-12 and beyond. The department states that this request is necessitated by a 22.85 percent increase in vehicle variable rates charged by State Fleet Management (SFM) for FY 2011-12.

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Staff Recommendation: Staff recommends that the Committee approve the Department request for an increase in operating expenses for FY 2011-12 and beyond due to the increase in vehicle variable rates charged by State Fleet Management.

Staff Analysis: The Department states that SFM distributed the final per-mile rate charged for the operation of vehicles on July 11, 2011.

Department of Public Safety Miles Driven and Fuel and Maintenance Costs (State Fleet Data)					
	FY 2012 Projection	FY 2011 Actual	FY 2010 Actual	FY 2009 Actual	FY 2008 Actual
Miles Driven	16,655,004	16,655,004	17,220,634	17,151,758	16,390,781
Total Fuel and Maintenance Cost	\$5,377,555	\$4,377,658	\$3,848,880	\$4,374,462	\$4,189,836
Cost/Mile	\$0.32	\$0.26	\$0.22	\$0.26	\$0.26
Cost/Mile Percent Change	22.84%	17.60%	-12.37%	0.00%	

The table below shows the Department's calculation of the request. The Department has calculated an increase for Patrol vehicles, that consume the majority of the Department's vehicle variable rate costs. The cash funds are calculated for the E-470 highway enforcement unit, the reappropriated funds are calculated for the gaming highway enforcement unit. The Department has also calculated an increase for CBI vehicles, the increase is not as large due to the Department stating that the CBI can absorb a portion of the variable rate increase.

Department Calculation of Request			
	FY 2011 Costs	Percent Increase	Department Request
Total	<u>\$4,022,949</u>		<u>\$897,066</u>
General Fund	220,886	12.81%	28,295
Cash Funds - HUTF	3,565,878	22.85%	814,803
Cash Funds - Various	113,501	22.85%	25,935
Reappropriated Funds	122,684	22.85%	28,033

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**Supplemental Request, Department Priority #3
Intoxilyzers for Evidential Breath Alcohol Testing Program**

	Request	Recommendation
HUTF "off-the-top"	\$1,200,000	\$1,200,000

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.	

This request may require separate legislation, depending on the action the Committee takes.

Department Request: The Department requests a one-time appropriation in FY 2011-12 of \$1.2 million HUTF "off-the-top" in order for the Colorado State Patrol to initiate a one-time state-wide replacement of the Intoxilyzer 5000EN used as the Evidential Breath Alcohol Testing instrument for driving under the influence (DUI) purposes. The Patrol requests that the appropriation be made to the Patrol Operating Expenses line item.

The Department of Public Health and Environment (DPHE) also requests FY 2011-12 spending authority in the amount of \$1.2 million reappropriated funds (received from the appropriation made to the State Patrol) for the actual purchase of the instruments.

Staff Recommendation: Staff recommends that the Committee sponsor legislation to run in connection with the supplemental bills, specifying for FY 2011-12 only, that HUTF "off-the-top" can be appropriated directly to the Department of Public Health and Environment for use by the Laboratory Services Division for the purchase of the new intoxilyzers.

Description of Request:

The Evidential Alcohol Breath Testing (EBAT) program is located in the Laboratory Services Division within DPHE. Pursuant to Section 42-4-1301 (6) (c), C.R.S., the Department of Public Health and Environment is tasked with certifying the design and operation of devices used to test a person's blood, breath, saliva, or urine to determine such person's alcohol or drug level.

Pursuant to Section 42-4-1301.1, C.R.S., a person who drives a motor vehicle upon the streets and highways and elsewhere throughout this state is required to complete tests of the person's breath or blood for the purposes of determining the alcoholic content of the person's blood or breath when

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directed by a law enforcement officer having probable cause. Local law enforcement agencies (LEAs) utilize the Intoxilyzer 5000EN to measure the alcohol content of individuals suspected of driving while impaired.

The Department states that the request to replace all instruments at one time stems from the increased failure rates seen from the instruments and a lack of replacement parts available due to their age and generation of technology. The request to replace all instruments at the same time stems from a need for training, protocol, procedures and instrumentation, therefore, making the upgrade easier for all who use the equipment statewide. In addition, the Department states that there are significant challenges to maintaining and administering the EBAT program with two instruments. The challenges include, but are not limited to:

- Limitations in the EBAT program's ability to have infrastructure and resources to manage two instruments.
- Ensuring effective training and implementation of new instruments statewide.
- Increases in legal challenges regarding the use of different instruments.
- Reduced efficiency in promulgating the Board of Health Rule (5 CCR 1005-2), where two stakeholder processes would be required if two instruments are being used simultaneously.
- Documentation maintenance for discovery and Colorado Open Records Act (CORA) related records.

Currently, the EBAT program has 200 instruments in inventory placed at 167 locations statewide (155 law enforcement agencies own the current instruments, including the State Patrol and CDPHE). The Department states that a minimum of 175 of the 200 instruments would need to be replaced initially without disrupting state DUI enforcement programs. CDPHE estimates that the instruments will cost between \$8,000 and \$10,000 per instrument. The remaining 25 instruments, anticipated to be replaced during FY 2012-13 subject to actual instrument costs and available funds, would be included in the trainer/loaner pool. These instruments would be used for law enforcement officer training and certification as well as for loaner purposes when an agency's primary instrument needs to be sent for certification or repair.

The Intoxilyzer 5000EN was placed into service in 1998, with an expected life of seven years (or 2005). The Department states that it believes that funding for the replacement at the time was comprised of federal, local law enforcement, and state funds. The Department states that it does not have the records to provide a detailed break out of funding for the 1998 replacement. The Department anticipates that the new instruments will have a functional capacity of 10 to 15 years.

The Department states that it is harder to get replacement parts for an instrument designed in the 1990s with a motor similar to those found in tape recorders. Few tape recorders are sold now and

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replacement motors have become increasingly difficult to obtain. The motors have a high failure rate, approximately one fourth of the motors fail in a given year. The aged instruments result in more frequent error messages in the logs. When an error message is received, the test needs to be redone until there is no error message. The Department worries that an increased failure rate will force the retirement of the old instruments leaving areas of the state without a nearby instrument.

According to the Colorado State Patrol, it currently costs \$0.80 cents for a breath test and \$28.0 for a blood test. Lacking operational breath test instruments, the Patrol states that a more expensive blood test will need to be performed.

Staff Analysis:

On June 1, 2011, the Department of Public Health and Environment sent out a letter to the Colorado Municipal League laying out the need and plan for replacement. The letter stated that the replacement cannot be accomplished without some expense to participating law enforcement agencies. At the request of JBC staff, DPHE provided a table with a breakdown of anticipated costs and cost-share on June 14, 2011.

Intoxilyzer Replacement Budget (Provided by CDPHE on June 14, 2011)				
	Local Law Enforcement Agencies (LEAs)	State Patrol (HUTF "off-the-top")	CDPHE	TOTAL
Expenditures:				
Total Project Cost	\$1,540,000	\$160,000	\$350,790	\$2,050,790
Anticipated Funding:				
Pledged Funding	605,000	80,000	0	685,000
Requested Funding (P.O.S.T. Funds and federal funds)	<u>665,000</u>	<u>0</u>	<u>335,000</u>	<u>1,000,000</u>
Total Anticipated Funding	\$1,270,000	\$80,000	\$335,000	\$1,685,000
<i>Surplus/(Shortfall)</i>	<i>(\$270,000)</i>	<i>(\$80,000)</i>	<i>(\$15,790)</i>	<i>(\$365,790)</i>

With the January 3, 2012, supplemental request, the Department provided a budget that anticipates no funding from local law enforcement agencies, and instead asks the HUTF 'off-the-top' to provide the bulk of the funding. Staff was informed that through discussions with LEAs, the Department of Public Health realized that many LEAs will not be able to contribute for the replacement of their instruments and a decision was made that all LEAs will not be asked to contribute for the replacement of instruments and that an alternative source will be used. The Department estimates a need of between \$1.6 million and \$2.0 million for the replacement of 200 Intoxilyzers. The two

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tables below show the JBC staff understanding of the request based on data provided by the Department of Public Health and Environment and the State Patrol and per instrument costs of \$10,000 and \$8,000. Based on this data, LEAs own 163 intoxilyzers, CDPHE owns 25 intoxilyzers (used for training and as loaners), and the State Patrol owns 12 intoxilyzers.

In addition to HUTF "off-the-top", the Department of Public Health has obtained \$250,000 from a Department of Transportation (CDOT) safety grant and \$150,000 from a Judicial Assistance Grant (JAG). The Department is also considering applying for a Peace Officer Standards and Training (P.O.S.T.) grant as well as additional CDOT safety grant.

Intoxilyzer Replacement Budget at \$10,000/instrument (January 3, 2012, Request)				
	Local Law Enforcement Agencies (LEAs)	State Patrol (HUTF "off-the-top")	CDPHE	TOTAL
Expenditures:				
Total Project Cost (200 Intoxilyzers at \$10,000 each)	\$1,630,000	\$120,000	\$250,000	\$2,000,000
Anticipated Funding:				
<u>2012 Anticipated Funding:</u>				
HUTF "off-the-top" Funding (<i>pending</i>)	0	1,200,000	0	1,200,000
CDOT Safety Grant (<i>funded</i>)	0	0	250,000	250,000
JAG Grant (<i>funded</i>)	0	0	150,000	150,000
CDOT Safety Grant (<i>not applied yet</i>)	<u>0</u>	<u>0</u>	<u>150,000</u>	<u>150,000</u>
Total Anticipated 2012 Funding	\$0	\$1,200,000	\$550,000	\$1,750,000
<u>2013 Anticipated Funding:</u>				
P.O.S.T. Grant (<i>application due 3/1/2012</i>)	\$0	\$0	\$250,000	\$250,000
Total Anticipated Funding 2012 and 2013	\$0	\$1,200,000	\$800,000	\$2,000,000

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Intoxilyzer Replacement Budget at \$8,000/instrument (January 3, 2012, Request)				
	Local Law Enforcement Agencies (LEAs)	State Patrol (HUTF "off-the-top")	CDPHE	TOTAL
Expenditures:				
Total Project Cost (200 Intoxilyzers at \$10,000 each)	\$1,304,000	\$96,000	\$200,000	\$1,600,000
Anticipated Funding:				
<u>2012 Anticipated Funding:</u>				
HUTF "off-the-top" Funding (<i>pending</i>)	0	1,200,000	0	1,200,000
CDOT Safety Grant (<i>funded</i>)	<u>0</u>	<u>0</u>	<u>200,000</u>	<u>200,000</u>
Total Anticipated 2012 Funding	\$0	\$1,200,000	\$200,000	\$1,400,000
<u>2013 Anticipated Funding:</u>				
CDOT Safety Grant (<i>funded</i>)	0	0	50,000	50,000
JAG Grant (<i>funded</i>)	<u>0</u>	<u>0</u>	<u>150,000</u>	<u>150,000</u>
Total Anticipated 2013 Funding	\$0	\$0	\$200,000	\$200,000
Total Anticipated Funding 2012 and 2013	\$0	\$1,200,000	\$400,000	\$1,600,000

Intoxilyzer Funding Options:

After discussions with Legislative Legal Services staff regarding the best way, in terms of transparency and accordance with statutory requirements about the use of HUTF "off-the-top" dollars, staff has developed four options for how to appropriate these funds for the purchase of new intoxilyzer instruments.

Option 1

Based on discussions with Legislative Legal Services staff, the cleanest way to appropriate HUTF "off-the-top" for this purpose is to sponsor legislation to run in connection with the supplemental bills, specifying for FY 2011-12 only, that HUTF "off-the-top" can be appropriated directly to the Department of Public Health and Environment for use by the Laboratory Services Division for the purchase of the new intoxilyzer instruments.

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Option 2

If the Committee does not want to sponsor legislation, the second option is to appropriate the funds to the Department of Public Safety as cash funds from the HUTF "off-the-top" and include a footnote indicating the General Assembly's intent that these funds are to be used for the purchase of new intoxilyzer instruments by the Department of Public Health and Environment. At that point, it is staff's understanding that the Department of Public Safety and the Department of Public Health and Environment will enter into a memorandum of understanding detailing the steps for the actual purchase of the instruments.

Option 3

The third option is to appropriate, as cash funds, HUTF "off-the-top" to the Department of Public Safety and reappropriate these funds to the Department of Public Health and Environment. This is how the request was submitted to the Joint Budget Committee.

Option 4

The fourth option is to deny the request.

**Supplemental Request, Department Priority #4/R-9
Spending Authority for Dispatching Contract**

	Request	Recommendation
Cash Funds - user fees, non-state agencies	\$114,831	\$114,831

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 2011-12 appropriation increase of \$114,831 cash funds to allow the State Patrol's Communications Program to provide dispatching services to the City of Monte Vista's Police, Fire, and Emergency Medical Services (EMS) organizations. The Department also submitted an associated request for FY 2012-13 funding.

Staff Recommendation: Staff recommends that the Committee approve this request.

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Staff Analysis: The Department states that the City of Monte Vista was unable to maintain their dispatch center. On February 1, 2011, the State Patrol began dispatching services for the City of Monte Vista.

This request allows the State Patrol to collect cash funds from the City of Monte Vista for dispatching services. The Patrol estimates that this request will allow the Patrol to dispatch an estimated 9,650 calls for the City of Monte Vista.

Non-Prioritized Supplementals

**JBC Staff Initiated Supplemental
Technical Correction to Long Bill Letternote Related to H.B. 10-1284 Concerning the
Regulation of Medical Marijuana.**

	Request	Recommendation
Total	\$0	\$0
FTE	<u>0.0</u>	<u>0.0</u>
General Fund	0	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
This supplemental is the result of a JBC staff technical error.	

Department Request: The Department did not request this supplemental. This is a staff initiated technical correction to reflect funding from moneys received from the Department of Revenue Medical Marijuana License Cash Fund by the Colorado Bureau of Investigation (CBI) related to H.B. 10-1284.

Staff Recommendation: Staff recommends that the Committee allow staff to make the technical corrections described in the staff analysis section below.

Staff Analysis:

House Bill 10-1284 appropriated \$260,700 and 1.2 FTE from the Department of Revenue Medical Marijuana License Cash Fund to the CBI for background checks. JBC staff made a technical

**DEPARTMENT OF PUBLIC SAFETY
(Excluding Division of Criminal Justice)
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omission in drafting the FY 2011-12 budget bill and did not reflect the funds in the letternote annotation. The two paragraphs below describe the changes that staff needs to make to the letternote annotations to fix the technical error.

Colorado Bureau of Investigation, (B) Colorado Crime Information Center (CCIC), (2) Identification, Personal Services, of the \$249,469 reappropriated funds (fingerprint and name check processing fees collected from non-state agencies and deposited in the CBI Identification Unit Fund) and 6.1 FTE, \$60,217 and 1.2 FTE should be listed as coming FROM AN APPROPRIATION TO THE DEPARTMENT OF REVENUE FROM THE MEDICAL MARIJUANA LICENSE CASH FUND CREATED IN SECTION 12-43.3-501 (1), C.R.S.

Colorado Bureau of Investigation, (B) Colorado Crime Information Center (CCIC), (2) Identification, Operating Expenses, of the \$2,469,365 reappropriated funds (fingerprint and name check processing fees collected from non-state agencies and deposited in the CBI Identification Unit Fund), \$200,483 should be listed as coming FROM AN APPROPRIATION TO THE DEPARTMENT OF REVENUE FROM THE MEDICAL MARIJUANA LICENSE CASH FUND CREATED IN SECTION 12-43.3-501 (1), C.R.S.

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	Reapprop. Funds	Federal Funds	FTE
Capitol Complex Leased Space	\$40,811	\$51,964	(\$214)	\$9,333	(\$20,272)	\$0	0.0
Vehicle Lease Payments	(790,012)	23,187	(55,750)	(788,988)	31,327	212	0.0
Department's Total Statewide Supplemental Requests	(\$749,201)	\$75,151	(\$55,964)	(\$779,655)	\$11,055	\$212	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.

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
DEPARTMENT OF PUBLIC SAFETY (Excluding Division of Criminal Justice)					
Executive Director - James H. Davis					
Supplemental #1/R-3 - Backup and Emergency Medical Assistance in Mountainous and Rural Areas					
(2) COLORADO STATE PATROL					
Sergeants, Technicians, and Troopers	46,523,783	48,057,013	(365,968)	(365,968)	47,691,045
FTE	<u>631.9</u>	<u>615.6</u>	<u>0.0</u>	<u>0.0</u>	<u>615.6</u>
General Fund	1,328,640	1,298,075	0	0	1,298,075
FTE	18.0	18.0	0.0	0.0	18.0
Cash Funds - E-470	839,909	857,507	0	0	857,507
FTE	13.0	13.0	0.0	0.0	13.0
Cash Funds - Veh. Ident. Number Insp. Fund	40,915	34,898	0	0	34,898
Cash Funds - Various	38,251	52,466	0	0	52,466
Cash Funds - HUTF	42,844,688	44,222,320	(365,968)	(365,968)	43,856,352
FTE	579.3	563.0	0.0	0.0	563.0
Reappropriated Funds - CDOT	49,909	48,024	0	0	48,024
Reappropriated Funds - Limited Gaming from REV	1,381,471	1,543,723	0	0	1,543,723
FTE	21.6	21.6	0.0	0.0	21.6
Operating Expenses	<u>7,736,171</u>	<u>8,211,243</u>	<u>715,968</u>	<u>715,968</u>	<u>8,927,211</u>
General Fund	439,401	439,402	0	0	439,402
Cash Funds - E-470	148,477	166,058	0	0	166,058
Cash Funds - Veh. Ident. Number Insp. Fund	46,528	37,127	0	0	37,127
Cash Funds - HUTF	6,558,034	7,029,759	715,968	715,968	7,745,727
Cash Funds - Various	320,964	313,029	0	0	313,029
Reappropriated Funds - Limited Gaming from REV	222,767	225,868	0	0	225,868

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Total for Supplemental #1	54,259,954	56,268,256	350,000	350,000	56,618,256
FTE	<u>631.9</u>	<u>615.6</u>	<u>0.0</u>	<u>0.0</u>	<u>615.6</u>
General Fund	1,768,041	1,737,477	0	0	1,737,477
FTE	18.0	18.0	0.0	0.0	18.0
Cash Funds - HUTF	49,402,722	51,252,079	350,000	350,000	51,602,079
Cash Funds - Various	1,435,044	1,461,085	0	0	1,461,085
FTE	592.3	576.0	0.0	0.0	576.0
Reappropriated Funds - Various	1,654,147	1,817,615	0	0	1,817,615
FTE	21.6	21.6	0.0	0.0	21.6
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Supplemental #2/R-6 - Operating Expense Increase					
(2) COLORADO STATE PATROL					
Operating Expenses	<u>7,736,171</u>	<u>8,211,243</u>	<u>868,771</u>	<u>868,771</u>	<u>9,080,014</u>
General Fund	439,401	439,402	0	0	439,402
Cash Funds - E-470	148,477	166,058	0	0	166,058
Cash Funds - Veh. Ident. Number Insp. Fund	46,528	37,127	0	0	37,127
Cash Funds - HUTF	6,558,034	7,029,759	814,803	814,803	7,844,562
Cash Funds - Various	320,964	313,029	25,935	25,935	338,964
Reappropriated Funds - Limited Gaming from REV	222,767	225,868	28,033	28,033	253,901
(5) COLORADO BUREAU OF INVESTIGATION					
(A) Administration					
Operating Expenses	<u>23,234</u>	<u>23,291</u>	<u>722</u>	<u>722</u>	<u>24,013</u>
General Fund	12,314	12,314	722	722	13,036
Cash Funds - CBI Identification Unit Fund	10,920	10,977	0	0	10,977
(C) Laboratory and Investigative Services					
Operating Expenses	<u>3,556,769</u>	<u>4,074,151</u>	<u>26,400</u>	<u>26,400</u>	<u>4,100,551</u>
General Fund	2,288,722	2,221,992	26,400	26,400	2,248,392

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Cash Funds - Offender Identification Fund	1,195,641	1,726,857	0	0	1,726,857
Reappropriated Funds - Limited Gaming from REV	54,406	106,974	0	0	106,974
Reappropriated Funds - DCJ, Victims Assist. Law Enf. Fun	18,000	18,328	0	0	18,328
Background Check Program					
Criminal Background Check Program					
Operating Expenses	<u>300,371</u>	<u>360,075</u>	<u>1,173</u>	<u>1,173</u>	<u>361,248</u>
General Fund	300,371	299,571	1,173	1,173	300,744
Cash Funds - Concealed Handgun Carry Application Fees	0	60,504	0	0	60,504
Total for Supplemental #2	<u>11,616,545</u>	<u>12,668,760</u>	<u>897,066</u>	<u>897,066</u>	<u>13,565,826</u>
General Fund	3,040,808	2,973,279	28,295	28,295	3,001,574
Cash Funds - HUTF	6,558,034	7,029,759	814,803	814,803	7,844,562
Cash Funds - Various	1,722,530	2,314,552	25,935	25,935	2,340,487
Reappropriated Funds - Various	295,173	351,170	28,033	28,033	379,203
Supplemental #3 - Intoxilyzers for Evidential Breath Alcohol Testing Program					
(2) COLORADO STATE PATROL					
Operating Expenses	<u>7,736,171</u>	<u>8,211,243</u>	<u>1,200,000</u>	<u>1,200,000</u>	<u>9,411,243</u>
General Fund	439,401	439,402	0	0	439,402
Cash Funds - E-470	148,477	166,058	0	0	166,058
Cash Funds - Veh. Ident. Number Insp. Fund	46,528	37,127	0	0	37,127
Cash Funds - HUTF	6,558,034	7,029,759	1,200,000	1,200,000	8,229,759
Cash Funds - Various	320,964	313,029	0	0	313,029
Reappropriated Funds - Limited Gaming from REV	222,767	225,868	0	0	225,868
Supplemental #4/R-9 - Spending Authority for Dispatching Contract					

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
(2) COLORADO STATE PATROL					
Communications Program (Dispatch Services)	7,482,195	7,186,593	114,831	114,831	7,301,424
FTE	<u>130.2</u>	<u>136.1</u>	<u>0.0</u>	<u>0.0</u>	<u>136.1</u>
Cash Funds - user fees, non-state agencies	784,466	617,742	114,831	114,831	732,573
FTE	11.0	11.0	0.0	0.0	11.0
Cash Funds - various	8,126	66,812	0	0	66,812
Cash Funds - HUTF	5,831,231	5,728,854	0	0	5,728,854
FTE	113.2	116.1	0.0	0.0	116.1
Reappropriated Funds - CDOT	314,357	295,393	0	0	295,393
FTE	6.0	9.0	0.0	0.0	9.0
Reappropriated Funds - Limited Gaming from REV	168,303	156,786	0	0	156,786
Reappropriated Funds - Corrections	90,436	81,045	0	0	81,045
Reappropriated Funds - NAT, Wildlife	108,747	105,644	0	0	105,644
Reappropriated Funds - NAT	30,071	30,884	0	0	30,884
Reappropriated Funds - REV	112,035	71,376	0	0	71,376
Reappropriated Funds - Higher Education	13,855	13,979	0	0	13,979
Reappropriated Funds - PBS, CBI	604	408	0	0	408
Federal Funds	19,964	17,670	0	0	17,670
FTE	0.0	0.0	0.0	0.0	0.0
JBC Staff Initiated Supplemental - Technical Correction to Long Bill Letternote Related to H.B. 10-1284 Concerning the Regulation of Medical Marijuana.					
(5) COLORADO BUREAU OF INVESTIGATION					
(B) Colorado Crime Information Center (CCIC)					
(2) Identification					
Personal Services	2,843,878	3,156,505	0	0	3,156,505
FTE	<u>51.4</u>	<u>53.4</u>	<u>0.0</u>	<u>0.0</u>	<u>53.4</u>
General Fund	1,150,203	1,141,290	0	0	1,141,290
FTE	21.4	21.8	0.0	0.0	21.8

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Cash Funds - CBI Identification Unit Fund	1,488,673	1,768,829	0	0	1,768,829
FTE	25.0	25.5	0.0	0.0	25.5
Reappropriated Funds - CBI Identification Unit Fund	205,002	246,386	0	(60,217)	186,169
Reappropriated Funds - Med. Marijuana License Fund, RE'	0	0	0	60,217	60,217
FTE	5.0	6.1	0.0	0.0	6.1
Operating Expenses	<u>2,334,209</u>	<u>5,185,667</u>	<u>0</u>	<u>0</u>	<u>5,185,667</u>
General Fund	244,510	244,510	0	0	244,510
Cash Funds - CBI Identification Unit Fund	1,055,012	2,471,792	0	0	2,471,792
Reappropriated Funds - CBI Identification Unit Fund	1,034,687	2,469,365	0	(200,483)	2,268,882
Reappropriated Funds - Med. Marijuana License Fund, RE'	0	0	0	200,483	200,483
Total for JBC Staff Initiated Supplemental	5,178,087	8,342,172	0	0	8,342,172
FTE	<u>51.4</u>	<u>53.4</u>	<u>0.0</u>	<u>0.0</u>	<u>53.4</u>
General Fund	1,394,713	1,385,800	0	0	1,385,800
FTE	21.4	21.8	0.0	0.0	21.8
Cash Funds - CBI Identification Unit Fund	2,543,685	4,240,621	0	0	4,240,621
FTE	25.0	25.5	0.0	0.0	25.5
Reappropriated Funds - CBI Identification Unit Fund	1,239,689	2,715,751	0	(260,700)	2,455,051
Reappropriated Funds - Med. Marijuana License Fund, RE'	0	0	0	260,700	260,700
FTE	5.0	6.1	0.0	0.0	6.1

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Totals Excluding Pending Items					
DEPARTMENT OF PUBLIC SAFETY (Excluding Division of Criminal Justice)					
Totals for ALL Departmental line items	161,456,535	179,782,223	2,561,897	2,561,897	182,344,120
FTE	<u>1,247.0</u>	<u>1,293.1</u>	<u>0.0</u>	<u>0.0</u>	<u>1,293.1</u>
General Fund	25,371,097	25,403,305	28,295	28,295	25,431,600
Cash Funds - HUTF	93,845,234	98,643,404	2,364,803	2,364,803	101,008,207
Cash Funds - Various	17,072,824	25,597,100	140,766	140,766	25,737,866
Reappropriated Funds	16,946,836	22,133,600	28,033	28,033	22,161,633
Federal Funds	8,220,544	8,004,814	0	0	8,004,814
Statewide Common Policy Supplementals (see narrative for more detail)					
	<u>N.A.</u>	<u>N.A.</u>	<u>(749,201)</u>	<u>Pending</u>	<u>N.A.</u>
General Fund			75,151		
Cash Funds - HUTF			(779,655)		
Cash Funds - Various			(55,964)		
Reappropriated Funds			11,055		
Federal Funds			212		
Totals Including Pending Items					
DEPARTMENT OF PUBLIC SAFETY (Excluding Division of Criminal Justice)					
Totals for ALL Departmental line items	161,456,535	179,782,223	1,812,696	2,561,897	182,344,120
FTE	<u>1,247.0</u>	<u>1,293.1</u>	<u>0.0</u>	<u>0.0</u>	<u>1,293.1</u>
General Fund	25,371,097	25,403,305	103,446	28,295	25,431,600
Cash Funds - HUTF	93,845,234	98,643,404	1,585,148	2,364,803	101,008,207
Cash Funds - Various	17,072,824	25,597,100	84,802	140,766	25,737,866
Reappropriated Funds	16,946,836	22,133,600	39,088	28,033	22,161,633
Federal Funds	8,220,544	8,004,814	212	0	8,004,814

	FY 2010-11	FY 2011-12	Fiscal Year 2011-12 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation

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