

**JBC STAFF FISCAL ANALYSIS  
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING THE DEPARTMENT OF PUBLIC SAFETY, AND, IN CONNECTION THEREWITH, RENAMING AND REORGANIZING CERTAIN EXISTING ENTITIES.

Prime Sponsors: Representative Barker  
Senator Giron

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**Summary of Amendments Made to the Bill After the 5/3/2012 Legislative Council Staff Revised Fiscal Note Was Prepared**

None.

**JBC Staff Concurrence with Legislative Council Staff Fiscal Note**

**Concurs\***       **Does Not Concur**       **Updated Analysis**

*\*The Legislative Council Staff Revised Fiscal Note appropriation table from May 3, 2012, and the JBC staff appropriations clause show a net zero FTE appropriation change. However, the appropriations clause appropriates one more FTE to the Office of Emergency Management and one fewer FTE to the Office of Preparedness. The appropriations clause is summarized in **Table 1**.*

**Amendments/Appropriation Status**

The bill requires but does not contain an appropriations clause. Staff has prepared amendment **J.001** (attached) to add provisions making and reducing appropriations to the Governor's Office, the Department of Higher Education, the Department of Local Affairs, the Department of Public Health and Environment, and the Department of Public Safety.

The net increase in appropriations is due to including funds in the Department of Public Safety that were previously managed by the Division of Forestry in the Department of Higher Education, but were not appropriated.

The table below summarizes appropriations contained in amendment J.001.

<b>Table 1. Appropriations and Adjustments to the 2012 Long Bill in H.B. 12-1283, Amendment J.001</b>						
<b>Department/Division/Line Item</b>	<b>Total Funds</b>	<b>FTE</b>	<b>General Fund</b>	<b>Cash Funds</b>	<b>Reappropriated Funds</b>	<b>Federal Funds</b>
Governor, Office of Homeland Security	(\$10,201,205)	(6.0)	\$0	\$0	\$0	(\$10,201,205)
Higher Education, Fee-for-service Contracts with State Institutions and Board of Governors of the Colorado State University System	(620,090)	(35.4)	(310,045)	0	(310,045)	0
Local Affairs, Executive Director's Office and Division of Local Governments	(258,854)	0.0	(167,179)	0	81,758	(173,433)
Local Affairs, Division of Emergency Management	<u>(19,817,136)</u>	<u>(27.9)</u>	<u>(213,396)</u>	<u>(4,510,988)</u>	<u>(431,735)</u>	<u>(14,661,017)</u>
<i>Sub-total Local Affairs</i>	<i>(20,075,990)</i>	<i>(27.9)</i>	<i>(380,575)</i>	<i>(4,510,988)</i>	<i>(349,977)</i>	<i>(14,834,450)</i>
Public Health and Environment, Emergency Preparedness and Response Division	(147,729)	(2.0)	(147,729)	0	0	0
Public Safety, Executive Director's Office	612,061	0.0	(127,223)	268,032	274,749	196,503
Public Safety, Office of Preparedness, Security, and Fire Safety	(4,949,960)	(39.0)	(243,464)	(2,623,244)	(795,587)	(1,287,665)
Public Safety, Division of Fire Safety	8,932,916	65.4	457,802	7,973,244	161,038	340,832
Public Safety, Division of Homeland Security and Emergency Management, Office of Emergency Management	19,869,798	28.9	622,565	4,510,988	75,228	14,661,017
Public Safety, Division of Homeland Security and Emergency Management, Office of Prevention and Security	1,813,382	8.0	0	0	634,549	1,178,833
Public Safety, Division of Homeland Security and Emergency Management, Office of Preparedness	<u>10,329,874</u>	<u>8.0</u>	<u>128,669</u>	<u>0</u>	<u>0</u>	<u>10,201,205</u>
<i>Sub-total Public Safety</i>	<i>\$36,608,071</i>	<i>71.3</i>	<i>\$838,349</i>	<i>\$10,129,020</i>	<i>\$349,977</i>	<i>\$25,290,725</i>
<b>TOTAL</b>	<b>\$5,563,057</b>	<b>0.0</b>	<b>\$0</b>	<b>\$5,618,032</b>	<b>(\$310,045)</b>	<b>\$255,070</b>

**Bill Sponsor Amendments**

Sponsor amendment **L.013** (attached) makes several changes to the bill including:

- Changes the name of the Division of Fire Safety to the Division of Fire Prevention and Control;
- Changes the names of the new section under that division to the Wildland Fire Management Section;
- Transfers all claims, liabilities, damages, and attorneys' fees related to fire and wildlife mitigation from the Division of Forestry in the Department of Higher Education to the Division of Fire Prevention and Control in the Department of Public Safety and to the State of Colorado;
- Changes the "resource mobilization plan" to the "resource mobilization system";
- Clarifies the powers and duties retained by the state forest service;
- Replaces Pinnacol Assurance with a third party workers compensation insurer as the adjusting agent for civil defense workers;
- Requires one of the governor's appointees to the Fire Services Training and Certification Advisory Board to have wildland fire expertise;
- Clarifies that the duties of the Division of Fire Prevention and Control (e.g., training/certification) extends to wildfires;
- Creates two new funds under the Division of Fire Prevention and Control; and
- Makes technical corrections.

Amendment L.013 does not change the appropriation impact of the bill. However, it changes the name of the Division of Fire Safety to the Division of Fire Prevention and Control and creates two new funds. JBC staff has drafted amendment **J.002** (attached) to reflect these two changes in the appropriations clause. **If L.013 is adopted, J.002 should be adopted and J.001 should not be adopted.** The total changes in appropriations in J.002 are the same as those contained in J.001 and are summarized in Table 1.

**Points to Consider**

1. Amendment L.013 transfers all claims, liabilities, damages, and attorneys' fees related to fire and wildlife mitigation from the Division of Forestry in the Department of Higher Education to the Division of Fire Prevention and Control in the Department of Public Safety and to the State of Colorado. These costs were not quantified by the Departments. The costs will need to be dealt with through the budget process as they are identified.
2. Amendment L.013 creates two new funds in the Division of Fire Prevention and Control. The two new funds are the Wildland Fire Equipment Repair Cash Fund and the Wildland Fire Cost Recovery Fund. The moneys in the funds are continuously appropriated. Does the General Assembly wish to continuously appropriate moneys from the two funds to the Division of Fire Prevention and Control?