SENATE BILL 21-041

BY SENATOR(S) Moreno, Hansen, Rankin, Buckner, Cooke, Gonzales, Jaquez Lewis, Lee, Pettersen, Story, Woodward;
also REPRESENTATIVE(S) McCluskie, Herod, Ransom, Bacon, Duran, Esgar, Gonzales-Gutierrez, Michaelson Jenet, Mullica, Snyder.

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF CORRECTIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Appropriation to the department of corrections for the fiscal year beginning July 1, 2020. In Session Laws of Colorado 2020, section 2 of chapter 326, (HB 20-1360), **amend** Part II as follows:

Section 2. **Appropriation.**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
PART II							
DEPARTMENT OF CORRECTIONS							
(1) MANAGEMENT							
(A) Executive Director's Office Subprogram							
Personal Services	4,210,242		3,966,437 (32.8 FTE)			243,805[a] (4.0 FTE)	
Health, Life, and Dental[3]	45,767,749		43,861,388		1,906,361[b]		
Short-term Disability	638,143		620,561		17,582[b]		
S.B. 04-257 Amortization Equalization Disbursement	19,012,344		18,492,983		519,361[b]		
S.B. 06-235 Supplemental Amortization Equalization Disbursement	19,012,344		18,492,983		519,361[b]		
PERA Direct Distribution	9,388,586		9,128,730		259,856[b]		
Shift Differential	8,938,772		8,887,446		51,326[b]		
Workers' Compensation	5,546,279		5,371,018		175,261[b]		
Operating Expenses	376,801		286,801			5,000[a]	85,000(I)[c]
Legal Services	2,545,865[d]		2,460,085		85,780[b]		
Payment to Risk Management and Property Funds	2,926,825		2,811,207		115,618[b]		
Leased Space	5,741,667		5,439,368		302,299[b]		
Capitol Complex Leased Space	55,513		39,656		15,857[b]		
Annual depreciation-lease equivalent payments	~~145,620~~ 307,843		~~145,620~~ 307,843				
Planning and Analysis Contracts	82,410		82,410				

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
Payments to District Attorneys	681,102		681,102				
Payments to Coroners	32,175		32,175				
Necessary expenditures due to COVID-19	6,200,000						6,200,000(I)[c]
	~~131,302,437~~						
	131,464,660						

[a] These amounts shall be transferred from the Department of Public Safety from the State Victims Assistance and Law Enforcement Program line item appropriation in the Victims Assistance section of the Division of Criminal Justice. These amounts originate as cash funds from the Victims Assistance and Law Enforcement Fund created in Section 24-33.5-506 (1), C.R.S.

[b] Of these amounts, an estimated $3,523,301 shall be from sales revenues earned by Correctional Industries and an estimated $445,361 shall be from sales revenues earned by the Canteen Operation.

[c] This amount shall be from the Social Security Administration Incentive Payment Memorandum of Understanding. This amount is included for informational purposes only.

[d] Of this amount, $2,525,119 shall be used to purchase legal services from the Department of Law and $20,746 shall be used to contract for legal services from private firms for litigation related to the Rifle Correctional Center.

[e] This amount is from the federal funds received under Title VI of the federal Social Security Act and allocated by the Governor in Executive Order D 2020 070 for necessary expenditures incurred due to the COVID-19 public health emergency.

(B) External Capacity Subprogram

(1) Private Prison Monitoring Unit							
Personal Services	1,187,790		1,187,790				
			(15.7 FTE)				
Operating Expenses	213,443		183,976		29,467[a]		
	1,401,233						

[a] This amount shall be from revenues earned from monitoring private Colorado prisons that house out-of-state offenders.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
(2) Payments to House State Prisoners[4]							
Payments to local jails at a rate of $57.97 per inmate per day	12,706,175		12,706,175				
Payments to in-state private prisons at a rate of $57.36 per inmate per day	63,730,014		61,330,014		2,400,000[a]		
Inmate Education and Benefit Programs at In-state Private Prisons	541,566		541,566				
	76,977,755						

[a] This amount shall be from the State Criminal Alien Assistance Program Cash Fund created in Section 17-1-107.5 (1), C.R.S.

(C) Inspector General Subprogram							
Personal Services	4,589,754		4,483,521 (49.2 FTE)		106,233[a]		
Operating Expenses	445,222		362,035		83,187[a]		
Inspector General Grants	207,912						207,912(I)
	5,242,888						

[a] These amounts shall be from revenues earned from private prison out of state offender investigations.

~~214,924,313~~
215,086,536

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
(2) INSTITUTIONS							
(A) Utilities Subprogram							
Personal Services	337,116		337,116				
			(2.6 FTE)				
Utilities	22,978,709		21,574,639		1,404,070[a]		
	23,315,825						
(B) Maintenance Subprogram							
Personal Services	22,893,105						
	(287.8 FTE)						
Operating Expenses	7,310,720						
Maintenance Pueblo Campus	2,129,804						
	32,333,629		32,333,629				
(C) Housing and Security Subprogram							
Personal Services[5]	202,234,851		202,234,851				
			(3,091.3 FTE)				
Operating Expenses	2,094,473		2,094,473				
	204,329,324						
(D) Food Service Subprogram							
Personal Services	21,339,301		21,339,301				
			(321.3) FTE)				
Operating Expenses	18,900,802		18,900,802				
Food Service Pueblo Campus	1,857,861		1,857,861				
	42,097,964						

[a] This amount shall be from sales revenues earned by Correctional Industries.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
(E) Medical Services Subprogram							
Personal Services	43,389,063		43,122,984		266,079[a]		
			(409.2 FTE)		(3.0 FTE)		
Operating Expenses	2,695,076		2,695,076				
Purchase of Pharmaceuticals	16,914,388		16,914,388				
Hepatitis C Treatment Costs	10,368,384		10,368,384				
External Medical Services	41,711,091		41,711,091				
Service Contracts	2,549,975		2,549,975				
Indirect Cost Assessment	1,090				1,090[a]		
	117,629,067						
(F) Laundry Subprogram							
Personal Services	2,757,894						
	(38.4 FTE)						
Operating Expenses	2,296,137						
	5,054,031		5,054,031				
(G) Superintendents Subprogram							
Personal Services	~~11,352,692~~						
	12,352,692						
	(161.5 FTE)						
Operating Expenses	~~6,462,669~~						
	5,462,669						
Dress Out	1,006,280						
	18,821,641		18,821,641				

[a] These amounts shall be from inmate medical fees collected pursuant to Section 17-1-113 (2), C.R.S.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
(H) Youthful Offender System Subprogram							
Personal Services	11,747,719						
	(160.7 FTE)						
Operating Expenses	604,705						
Contract Services	28,820						
Maintenance and Food Service	1,062,016						
	13,443,260		13,443,260				
(I) Case Management Subprogram							
Personal Services	18,995,201						
	(255.3 FTE)						
Operating Expenses	187,656						
Offender ID Program	341,135						
	19,523,992		19,523,992				
(J) Mental Health Subprogram							
Personal Services	11,840,317		11,840,317				
			(159.2 FTE)				
Operating Expenses	312,366		312,366				
Medical Contract Services	4,495,346		4,495,346				
	16,648,029						
(K) Inmate Pay Subprogram	2,476,081		2,476,081				
(L) Legal Access Subprogram							
Personal Services	1,504,757						
	(21.5 FTE)						
Operating Expenses	299,602						

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
Contract Services	70,905						
	1,875,264		1,875,264				
		497,548,107					
(3) SUPPORT SERVICES							
(A) Business Operations Subprogram							
Personal Services	6,732,240		~~5,617,015~~		46,764[a]	~~1,068,461~~[b]	
			6,117,381			568,095[b]	
			(90.2 FTE)			(10.6 FTE)	
Operating Expenses	234,201		234,201				
	6,966,441						
(B) Personnel Subprogram							
Personal Services	1,483,021						
	(18.7 FTE)						
Operating Expenses	86,931						
	1,569,952		1,569,952				
(C) Offender Services Subprogram							
Personal Services	3,296,507						
	(44.1 FTE)						
Operating Expenses	62,044						
	3,358,551		3,358,551				

[a] This amount shall be from restitution collected pursuant to Section 16-18.5-109 (3), C.R.S.

[b] Of this amount, ~~$1,008,208~~ $507,842 shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and $60,253 shall be from statewide indirect cost recoveries.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
(D) Communications Subprogram							
Operating Expenses	1,638,297		1,638,297				
Dispatch Services	259,002		259,002				
	1,897,299						
(E) Transportation Subprogram							
Personal Services	2,489,638		2,489,638				
			(35.9 FTE)				
Operating Expenses	483,538		483,538				
Vehicle Lease Payments	3,339,905		2,722,710		617,195[a]		
	6,313,081						
(F) Training Subprogram							
Personal Services	2,481,611						
	(33.0 FTE)						
Operating Expenses	287,329						
	2,768,940		2,768,940				
(G) Information Systems Subprogram							
Operating Expenses	1,395,409		1,395,409				
Payments to OIT	27,601,203		27,463,196		138,007[a]		
CORE Operations	400,272		350,132		24,220[a]	25,920[b]	
	29,396,884						

[a] Of this amount, an estimated ~~$588,943~~ $573,887 shall be from sales revenues earned by Correctional Industries and an estimated ~~$28,252~~ $43,308 shall be from sales revenues earned by the Canteen Operation.

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
(H) Facility Services Subprogram							
Personal Services	1,046,307						
	(9.7 FTE)						
Operating Expenses	83,096						
	1,129,403		1,129,403				
		53,400,551					
(4) INMATE PROGRAMS							
(A) Labor Subprogram							
Personal Services	6,175,437						
	(88.3 FTE)						
Operating Expenses	88,017						
	6,263,454		6,263,454				
(B) Education Subprogram							
Personal Services	14,931,133		14,931,133				
			(199.8 FTE)				
Operating Expenses	4,679,163		2,816,746		1,451,402[a]	411,015[b]	
Contract Services	237,128		237,128				
Education Grants	80,060				10,000[c]	42,410[d]	27,650(I)
	(2.0 FTE)						
	19,927,484						

[a] Of these amounts, an estimated $142,435 shall be from Correctional Industries sales to non-state entities and an estimated $19,792 shall be from sales revenues earned by the Canteen Operation.

[b] This amount shall be from Correctional Industries sales to other state agencies.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$

[a] Of this amount, an estimated $735,467 shall be from sales revenues earned by vocational programs and an estimated $715,935 shall be from sales revenues earned by the Canteen Operation.

[b] This amount shall be from sales revenues earned by vocational programs for products and services sold to other government agencies.

[c] This amount shall be from gifts, grants, and donations.

[d] This amount shall be from the Colorado Department of Education from special education funds.

(C) Recreation Subprogram						
Personal Services	8,298,691	8,298,691				
		(122.0 FTE)				
Operating Expenses	77,552			77,552[a]		
	8,376,243					

[a] This amount shall be from sales revenues earned by the Canteen Operation.

(D) Drug and Alcohol Treatment Subprogram						
Personal Services	5,886,026	5,886,026				
		(87.4 FTE)				
Operating Expenses	117,884	117,884				
Contract Services	2,147,206	2,147,206				
Treatment Grants	126,682					126,682[a]
	8,277,798					

[a] This amount shall be from grant funds appropriated to the Division of Criminal Justice in the Department of Public Safety.

(E) Sex Offender Treatment Subprogram						
Personal Services	3,307,824	3,276,590		31,234[a]		
		(54.8 FTE)		(1.0 FTE)		
Operating Expenses	92,276	91,776		500[a]		

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
Polygraph Testing	242,500		242,500				
Sex Offender Treatment Grants	65,597						65,597(I)
	3,708,197						

[a] These amounts shall be from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S.

(F) Volunteers Subprogram

Personal Services	462,090						
	(8.0 FTE)						
Operating Expenses	17,912						
	480,002				480,002[a]		
		47,033,178					

[a] This amount shall be from sales revenues earned by the Canteen Operation.

(5) COMMUNITY SERVICES

(A) Parole Subprogram

Personal Services	19,686,787		19,686,787				
			(303.2 FTE)				
Operating Expenses	2,616,320		2,616,320				
Parolee Supervision and Support Services	8,573,747		~~5,217,716~~			~~3,356,031[a]~~	
			5,264,347			3,309,400[a]	
Wrap-Around Services Program	2,313,414		2,313,414				

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
Grants to Community-based Organizations for Parolee Support	6,697,140		6,697,140				
Community-based Organizations Housing Support	500,000		500,000				
Parolee Housing Support	500,000		500,000				
	40,887,408						

[a] Of this amount, $3,309,400 shall be transferred from the Judicial Department from the Correctional Treatment Cash Fund Expenditures line item appropriation in the Probation and Related Services SECTION. ~~section and $46,631 shall be transferred from the General Fund appropriation to the Offender Treatment and Services line item in the Probation and Related Services section. The transfer from the Offender Treatment and Services line item is for the provision of day reporting services.~~

(B) Community Supervision Subprogram

(1) Community Supervision							
Personal Services	6,484,410		6,484,410				
			(83.8 FTE)				
Operating Expenses	632,650		632,650				
Psychotropic Medication	111,400		111,400				
Community Supervision Support Services	4,102,883		3,850,732			252,151[a]	
	11,331,343						

[a] Of this amount, $220,000 shall be shall be transferred from the Department of Corrections, Probation and Related Services Section, Correctional Treatment Cash Fund Expenditures and $32,151 shall be transferred from the Department of Public Safety, Division of Criminal Justice, Offender Treatment and Services. These amounts originate as federal funds.

(2) Youthful Offender System Aftercare							
Personal Services	566,235						
	(8.0 FTE)						

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
Operating Expenses	141,067						
Contract Services	817,172						
	1,524,474		1,524,474				
(C) Community Re-entry Subprogram							
Personal Services	2,651,759		2,651,759 (42.6 FTE)				
Operating Expenses	146,702		146,702				
Offender Emergency Assistance	96,768		96,768				
Contract Services	190,000		190,000				
Offender Re-employment Center	100,000		100,000				
Community Reintegration Grants	39,098						39,098(I) (1.0 FTE)
Transitional Work Program[6]	1,500,000		1,500,000 (1.0 FTE)				
	4,724,327						
		58,467,552					
(6) PAROLE BOARD							
Personal Services	1,724,398 (19.5 FTE)						
Operating Expenses	107,390						
Contract Services	242,437						

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$
Administrative and IT Support	177,677 (2.0 FTE)	2,251,902	2,251,902				
(7) CORRECTIONAL INDUSTRIES							
Personal Services	11,890,501				4,068,219[a] (52.1 FTE)	7,822,282[b] (102.9 FTE)	
Operating Expenses	6,689,926				1,817,327[a]	4,872,599[b]	
Raw Materials	37,878,810				7,741,080[a]	30,137,730[b]	
Inmate Pay	2,752,239				1,114,590[a]	1,637,649[b]	
Capital Outlay	1,406,200				337,094[a]	1,069,106[b]	
Correctional Industries Grants	2,500,000						2,500,000(I)
Indirect Cost Assessment	~~988,128~~ 487,762				~~132,107[a]~~ 4,869[a]	~~293,816[b]~~ 34,450[b]	~~562,205(I)~~ 448,443(I)
		~~64,105,804~~ 63,605,438					
(8) CANTEEN OPERATION							
Personal Services	2,364,278 (28.0 FTE)						
Operating Expenses	18,930,041						
Inmate Pay	73,626						
Indirect Cost Assessment	79,243						
		21,447,188			21,447,188(I)[a]		

[a] Of these amounts, an estimated ~~$15,060,417~~ $14,933,179 is from sales to non-state entities and an estimated $150,000 is from rents and royalties earned on Penitentiary Trust land managed by the State Board of Land Commissioners pursuant to Section 36-1-116 (2), C.R.S.

[b] Of these amounts, an estimated ~~$35,983,093~~ $35,723,727 is from sales to other state agencies and an estimated $9,850,089 is from the Department of Revenue for the purchase of license plates.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	$	$	$	$	$	$	$

[a] This amount shall be from sales revenues earned by the Canteen Operation and is continuously appropriated to the division pursuant to Section 17-24-126 (1), C.R.S.

TOTALS PART II	~~$959,178,595~~	~~$850,333,207~~		~~$47,793,269~~	~~$51,364,657~~	~~$9,687,462~~
(CORRECTIONS)	$958,840,452	$851,042,427		$47,666,031[a]	$50,558,294	$9,573,700[b]

[a] Of this amount, $21,447,188 contains an (I) notation.

[b] This amount contains an (I) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

3 Department of Corrections, Management, Executive Director's Office Subprogram, Health, Life, and Dental -- The General Fund appropriation includes a decrease of $19,465,170 that is equal to 5.0 percent of the General Fund portion of estimated base salary for the Department. The reduction in this General Fund appropriation is in lieu of a 5.0 percent personal services base reduction and provides the Department with increased flexibility to absorb the reduction and engage in more considered targeted reductions across all department divisions and programs. This reduction is not intended to reduce the Health, Life, and Dental benefit provided to state employees. It is the General Assembly's intent that Health, Life, and Dental costs for employees, as approved in budget actions, be fully paid within personal services appropriations augmented by Department allocations from central benefits appropriations.

4 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners -- The Department of Corrections is authorized to transfer up to 5.0 percent of the total appropriation for the external capacity subprogram between line items in the external capacity subprogram for purposes of reimbursing local jails and private prison providers.

5 Department of Corrections, Institutions, Housing and Security Subprogram, Personal Services -- The amount appropriated in this line item does not include the $380,688 of FY 2020-21 General Fund appropriations for the Department of Corrections set forth in sections 123 through 128 of Title 17, Article 18, C.R.S. In calculating the amount appropriated in this line item, it is assumed that these statutory appropriations will be used for the same line item.

6 Department of Corrections, Community Services, Parole Subprogram, Community Re-entry Subprogram, Transitional Work Program -- The $3,500,000 FY 2019-20 appropriation from the General Fund to the Parole Subprogram's Work Release Program remains available to the Community Re-entry Subprogram's Transitional Work Program until the close of the 2020-21 state fiscal year.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED March 21, 2021 at 10:21 am
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO