

Director: Roger Vanderpool

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	FY 2008 ACTUAL	FY 2009 ESTIMATE	FY 2010 APPROVED
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	2,108.8	2,114.8	2,099.8 ^{1/}
Personal Services	107,292,200	104,816,400	103,574,300
Employee Related Expenditures	48,635,200	54,819,900	55,242,300
Professional and Outside Services	789,500	1,462,100	1,462,100
Travel - In State	656,500	612,000	612,000
Travel - Out of State	276,700	195,900	195,900
Other Operating Expenditures	28,786,500	23,873,700	33,673,600
Equipment	10,832,300	11,375,600	3,118,600
OPERATING SUBTOTAL	197,268,900	197,155,600	197,878,800
SPECIAL LINE ITEMS			
GIITEM	31,745,900	25,906,200 ^{2/}	21,397,400 ^{3/4/}
Highway Patrol Safety Equipment	3,000,000	0	0
Motor Vehicle Fuel	3,935,500	3,935,500	3,935,500
Statewide Interoperability Design	893,400	0	0 ^{5/}
DNA Testing	805,300	980,000	980,000 ^{6/}
Photo Radar Enforcement	0	22,534,300	22,534,300 ^{7/}
Lump Sum Reduction	0	(2,756,400)	(8,246,100) ^{8/}
AGENCY TOTAL	237,649,000	247,755,200	238,479,900 ^{9/10/}
FUND SOURCES			
General Fund	133,372,000	55,407,400	43,967,400
<u>Other Appropriated Funds</u>			
Automated Fingerprint Identification System Fund	2,720,500	3,281,200	3,266,300
Crime Laboratory Assessment Fund	5,881,400	5,701,900	5,530,400
Crime Laboratory Operations Fund	0	0	10,400,000
Criminal Justice Enhancement Fund	3,290,300	3,201,800	3,095,200
Deoxyribonucleic Acid (DNA) Identification System Fund	4,754,900	4,492,400	4,348,500
Highway Patrol Fund	20,376,200	21,593,800	20,059,400
Highway User Revenue Fund Fees	10,000,000	84,949,500	78,626,200
Motorcycle Safety Fund	0	205,000	205,000
Parity Compensation Fund	3,398,300	3,425,600	3,268,400
Photo Enforcement Fund	0	22,534,300	22,534,300
Risk Management Fund	291,300	296,200	296,200
Safety Enforcement and Transportation Infrastructure Fund	1,564,100	1,615,600	1,626,600
State Highway Fund	52,000,000	41,050,500	41,256,000
SUBTOTAL - Other Appropriated Funds	104,277,000	192,347,800	194,512,500
SUBTOTAL - Appropriated Funds	237,649,000	247,755,200	238,479,900
Other Non-Appropriated Funds	45,769,600	62,707,300	48,179,900
Federal Funds	36,061,800	35,748,100	32,145,600
TOTAL - ALL SOURCES	319,480,400	346,210,600	318,805,400

AGENCY DESCRIPTION — The Department of Public Safety (DPS) is responsible for the enforcement of state criminal laws and traffic regulations. In addition to the Highway Patrol, DPS operates and maintains statewide communications systems, state crime laboratories and an automated fingerprint identification network, and performs aviation missions, special investigations, and other law enforcement activities.

- 1/ Includes 171.8 GF FTE Positions funded from Special Line Items in FY 2010.
- 2/ Laws 2009, 1st Special Session, Chapter 1, revised the FY 2009 footnote for the GIITEM multijurisdictional task-force to state, "Of the \$31,799,700 [revised to \$25,906,200] appropriated to GIITEM, \$10,000,000 is to be used for the multijurisdictional task force known as the gang and immigration intelligence team enforcement mission (GIITEM). If the department of public safety uses any of the monies appropriated for GIITEM for an agreement or contract with a city, town, county or other entity to provide services for the GIITEM program, the city, town, county or other entity shall provide not less than 15 per cent of the cost of the services and the department of public safety shall provide not more than 85 per cent of the cost for each agreement or contract. The distribution of these monies are contingent on the department of public safety entering into a 287 memorandum of understanding with the United States department of homeland security. The \$10,000,000 is to be used for functions relating to immigration enforcement, including border security and border personnel. As state and local law enforcement officers trained pursuant to a 287 memorandum of understanding come into contact with gang or suspected gang members and there is reason to believe that the individual has entered or remained in the United States illegally, the use of these monies is contingent on law enforcement agencies verifying the immigration status of these individuals and taking appropriate action that will not jeopardize an ongoing investigation or damage an informant relationship with a law enforcement agency. The \$10,000,000 is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to the lapsing of appropriations, except that all unexpended and unencumbered monies shall revert on June 30, 2009 2010. The department shall submit an expenditure plan to the joint legislative budget committee for review before expending any monies not identified in the department's previous expenditure plans. Within thirty days after the last day of each calendar quarter, the department shall provide a summary of quarterly and year-to-date expenditures and progress to the joint legislative budget committee. OF THIS \$10,000,000: 1. \$1,600,000 IS ALLOCATED TO THE SHERIFF'S OFFICE OF A COUNTY WITH A POPULATION OF MORE THAN TWO MILLION PERSONS. 2. \$1,600,000 IS ALLOCATED TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE VIOLENT FELONY AND FUGITIVE TASK FORCE ESTABLISHED IN EXECUTIVE ORDER 2008-22 FOR THE ACTIVITIES OF THE TASK FORCE. THIS TASK FORCE IS TO FUNCTION AS A PART OF GIITEM AS A MULTIJURISDICTIONAL STATEWIDE TASK FORCE. THE EXPENDITURE PLAN FOR THESE MONIES IS SUBJECT TO REVIEW BY THE JOINT LEGISLATIVE BUDGET COMMITTEE BEFORE EXPENDITURE."
- 3/ Of the \$21,397,400 appropriated to GIITEM, \$2,603,400 shall be used for the multijurisdictional task force known as the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM). If the Department of Public Safety uses any of the monies appropriated for GIITEM for an agreement or contract with a city, town, county or other entity to provide services for the GIITEM program, the city, town, county or other entity shall provide not less than 25% of the cost of the services and the Department of Public Safety shall provide not more than 80% of Personal Services and Employee Related Expenditures for each agreement or contract but may fund all capital related equipment. Recognizing that states have inherent authority to arrest for any immigration violation, there continues to be a benefit with a 287G, including additional training and a partnership with immigration and customs enforcement and the federal government. The distribution of these monies are contingent on the Department of Public Safety making all reasonable efforts to enter into a 287G memorandum of understanding with the United States Department of Homeland Security. The \$2,603,400 shall be used for functions relating to immigration enforcement, including border security and border personnel, including any previously authorized allocations made in Laws 2008, Chapter 285, Section 14, as amended by Laws 2009, 1st Special Session, Chapter 1, Section 2. As state or local law enforcement officers come into any lawful contact with a suspected illegal alien or with a gang or suspected gang member the use of these monies is contingent on law enforcement agencies making every reasonable effort to determine the person's legal status and taking appropriate action that will not jeopardize an ongoing investigation. The \$2,603,400 is exempt from the provisions of A.R.S. § 35-190, relating to the lapsing of appropriations. The department shall submit an expenditure plan to the Joint Legislative Budget Committee for review before expending any monies not identified in the department's previous expenditure plans. Within 30 days after the last day of each calendar quarter, the department shall provide a summary of quarterly and year-to-date expenditures and progress to the Joint Legislative Budget Committee including any prior year appropriations that were nonlapsing. (General Appropriation Act footnote)
- 4/ Of the \$21,397,400 appropriated to GIITEM, \$9,400,900 shall be used for 100 Department of Public Safety GIITEM personnel. The additional staff shall include at least 50 sworn Department of Public Safety positions to be used for immigration enforcement and border security and 50 Department of Public Safety positions to assist GIITEM in various efforts, including: 1) arresting illegal aliens, 2) responding to or assisting any county sheriff or attorney in investigating complaints of employment of illegal aliens, 3) investigating crimes of identity theft in the context of hiring illegal aliens and the unlawful entry into the country and 4) taking enforcement action, as permitted under federal law and the United States Constitution. As state and local law enforcement officers come into contact with gang or suspected gang members the use of these monies is contingent on law enforcement agencies verifying the immigration status of these individuals and taking appropriate action that will not jeopardize an ongoing investigation. The department shall submit an expenditure plan to the Joint Legislative Budget Committee for review before expending any monies not identified in the department's previous expenditure plans. Within 30 days after the last day of each calendar quarter, the department shall provide a summary of quarterly and year-to-date expenditures and progress to the Joint Legislative Budget Committee including any prior year appropriations that were nonlapsing. (General Appropriation Act footnote)
- 5/ Laws 2008, Chapter 286 shifted operation of the Statewide Interoperability Design (Public Safety Communications Commission) to the Government Information Technology Agency (GITA) and, as a result, this funding now appears in the GITA budget.
- 6/ Laws 2007, Chapter 261 appropriation for FY 2010, as reduced from \$3,484,000 to \$980,000 in Laws 2009, 3rd Special Session, Chapter 6.
- 7/ For FY 2010, within 30 days after the last day of each calendar quarter, the department shall report to the Joint Legislative Budget Committee the following quarterly and year-to-date photo radar enforcement information: 1. The total number of issued citations or notices of violation, paid citations or notices of violation, notices of violation that were referred to courts and mobile or stationary cameras in operation. 2. The total amount of citation and notice of violation revenue generated, including how much revenue was distributed for DPS staff expenses, for DPS vendor payments to the Administrative Office of the Courts for processing of citations and to the State General Fund. (General Appropriation Act footnote)
- 8/ It is the intent of the Legislature that the reductions included in the Lump Sum Reduction Special Line Item shall not be taken against sworn personnel. (General Appropriation Act footnote)
- 9/ General Appropriation Act funds are appropriated as an Operating Lump Sum with Special Line Items by Agency. As appropriated by Laws 2009, 1st Regular Session, Chapter 12.
- 10/ Any monies remaining in the Department of Public Safety joint account on June 30, 2010 shall revert to the funds from which they were appropriated. The reverted monies shall be returned in direct proportion to the amounts appropriated. (General Appropriation Act footnote)

PERFORMANCE MEASURES	FY 2006	FY 2007	FY 2008	FY 2010
	Actual	Actual	Actual	Approved
• % of scientific analysis cases over 30 calendar days old	6.2	3.6	4.7	4.0
• % of system reliability of the Arizona Automated Fingerprint Identification Network (AZAFIN)	98	98	99.6	98
• Clandestine labs dismantled	66	36	27	30

Operating Budget

The budget includes \$197,878,800 and 1,928 FTE Positions for the operating budget in FY 2010. These amounts consist of:

	FY 2010
General Fund	\$24,483,300
Automated Fingerprint Identification System (AFIS) Fund	3,295,300
Crime Laboratory Assessment Fund (CLAF)	5,878,000
Crime Laboratory Operations Fund (CLOF)	10,400,000
Criminal Justice Enhancement Fund (CJEF)	3,310,200
Deoxyribonucleic Acid (DNA) Identification System Fund	3,635,600
Highway Patrol Fund	21,326,900
Highway User Revenue Fund (HURF) Fees	78,626,200
Motorcycle Safety Fund	205,000
Parity Compensation Fund	3,539,500
Risk Management Fund	296,200
Safety Enforcement and Transportation Infrastructure Fund (SETIF)	1,626,600
State Highway Fund	41,256,000

These amounts fund the following adjustments:

Statewide Health Insurance Adjustments

The budget includes an increase of \$846,200 in FY 2010 for state employee health insurance statewide adjustments. This amount consists of:

AFIS Fund	1,900
CLAF	30,100
CJEF	18,100
DNA Identification System Fund	11,000
Highway Patrol Fund	111,900
HURF Fees	456,700
SETIF	11,000
State Highway Fund	205,500

(Please see the General Provisions section.)

Eliminate 15 FTE Positions Authorized in FY 2008

The budget includes a decrease of \$(939,800) and (15) FTE Positions from the General Fund in FY 2010 to eliminate positions authorized in FY 2008. In FY 2008, a total of 53 new FTE Positions were authorized, including crime lab personnel, criminal justice support, background

investigators, motorist assist/detention officers, sex offender compliance specialists, nonferrous metal theft analysts, and GIITEM officers. DPS has not yet determined which of these positions will be eliminated.

Reduce Overtime Spending

The budget includes a decrease of \$(726,100) from the General Fund in FY 2010 to reduce overtime costs by 15%.

Shift Crime Lab Funding

The budget includes an increase of \$10,400,000 and 88 FTE Positions from the Crime Laboratory Operations Fund and a corresponding decrease of (88) FTE Positions from the General Fund to fund DPS crime lab operations. The FY 2010 Criminal Justice Budget Reconciliation Bill (Laws 2009, 3rd Special Session, Chapter 6) establishes CLOF in order to fund the crime labs. The FY 2009 budget funded the crime labs with \$7,799,900 in local jurisdiction payments for services and \$2,600,100 in General Fund monies, and this option would shift all crime lab funding to CLOF in FY 2010. Prior to FY 2009, local jurisdictions received crime lab services free of charge and, with the fee for service shift to locals, DPS was unable to collect the full amount required from local jurisdictions. This shift would once again make use of the DPS crime labs free of charge. DPS currently operates 4 crime labs throughout the state, including locations in Phoenix, Tucson, Flagstaff, and Lake Havasu. *(Please see the Lump Sum Reduction and Additional Legislation sections for more information on the crime labs.)*

Shift ACTIC Funding to Federal Grants

The budget includes a decrease of \$(800,000) from the General Fund in FY 2010 to shift funding of the Arizona Counter-Terrorism Information Center (ACTIC) facility costs to Federal Grants. ACTIC allows local, tribal, state and federal law enforcement agencies, as well as first responders, emergency management, and the private sector to collaborate on real-time crime prevention and terrorism prevention through intelligence and emergency preparedness. ACTIC was established in FY 2004 and currently includes 44 agencies. Each agency pays for their own personnel costs but facility costs have been paid for by DPS during the past 2 years, absent Homeland Security funding.

Shift FY 2009 Reduction to GIITEM

The budget includes an increase of \$506,500 to shift the DPS applied lump sum reduction to GIITEM. *(Please see the GIITEM Special Line Item for more information.)*

Equipment Issues

Highway Patrol Vehicle Replacement

The budget includes a decrease of \$(6,780,000) from HURF Fees in FY 2010 to eliminate funding for replacement of Highway Patrol vehicles. In FY 2010, this funding would have replaced 182 Highway Patrol Vehicles.

Helicopter Lease-Purchase Agreement Expiration

The budget includes a decrease of \$(777,000) from the Highway Patrol Fund in FY 2010 to eliminate helicopter lease-purchase payments. DPS purchased 1 replacement helicopter in FY 2007 using a 3-year lease-purchase agreement. The last payment was made in FY 2009.

Reduce Motor Vehicle Expenses

The budget includes a decrease of \$(306,600) from the General Fund in FY 2010 to reduce department motor vehicle expenses. This reduction primarily consists of reduced mileage or travel expenses and the sale of 70 DPS vehicles. Further savings will be achieved through improved maintenance, more fuel efficient vehicles and improved driving practices.

Crime Lab Equipment Replacement

The budget includes a decrease of \$(700,000) from the General Fund in FY 2010 to eliminate funding for crime laboratory equipment replacement.

Radio and Infrastructure Equipment Replacement

The budget continues \$677,300 in FY 2010 for radio and infrastructure equipment replacement. This amount consists of:

General Fund	147,300
CJEF	53,800
HURF Fees	357,200
State Highway Fund	119,000

These amounts are unchanged from FY 2009. The equipment to be replaced includes portable radios, mobile radios, base stations, and telecommunications infrastructure.

GIITEM

The budget includes \$21,397,400 and 171.8 FTE Positions from the General Fund for the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) in FY 2010. These amounts fund the following adjustments:

Eliminate Arizona Fraudulent ID Task Force

The budget includes a decrease of \$(1,000,000) from the General Fund in FY 2010 to eliminate funding for the Arizona Fraudulent Identification Task Force. The task force was established in FY 2005 under the purview of Liquor Licenses and Control and was shifted to DPS' GIITEM in FY 2007. The task force includes 14 local law enforcement officers who target the use of fraudulent identity documents in crimes, including those in human smuggling.

Eliminate GIITEM County Attorney Grants

The budget includes a decrease of \$(700,000) from the General Fund in FY 2010 to eliminate the GIITEM county attorney grants. In FY 2008, GIITEM grants began to fund county attorney gang and immigration prosecution efforts at \$1,000,000. Of that total, \$300,000 of that funding was eliminated by DPS in the midyear FY 2009 revisions and this further reduction eliminates the program entirely. In FY 2009, this grant funded 5 attorneys and the prosecution of over 300 gang and immigration cases in Maricopa and Pinal Counties. Pima was also granted funding but, under a hiring freeze, they were unable to spend this money.

Increase Local GIITEM Match

The budget includes a decrease of \$(650,000) from the General Fund in FY 2010 to increase the local GIITEM match from 15% to 25%. Of this total, \$(201,500) will be applied to the existing GIITEM base funding and \$(448,500) will be applied to the local law enforcement GIITEM grants portion.

Continue FY 2009 Reduction of Non-Lapsing Monies

The budget continues a decrease of \$(6,400,000) from the General Fund originally approved in the midyear FY 2009 revisions. In FY 2009, this reduced non-lapsing FY 2008 monies. Of the FY 2010 amount, an estimated \$3,714,100 is one-time savings achieved with non-lapsing prior year monies and the remaining \$2,685,900 is unencumbered FY 2010 monies.

GIITEM FY 2009 Lump Sum Reduction

The budget includes a decrease of \$(2,158,800) from the General Fund in FY 2010 to continue FY 2009 reductions as DPS applied to GIITEM. This includes a shift of \$1,652,300 to the lump sum reduction section and \$506,500 to the operating budget. These reductions are not shown in the FY 2009 column. *(Please see the Operating Budget and Lump Sum Reduction section for more information.)*

The GIITEM Special Line Item is comprised of monies for the following GIITEM functions, including: 1) \$8,793,100 for gang enforcement, investigation, and interdiction, 2) \$9,400,900 for at least 50 sworn DPS positions to be used for immigration enforcement and border security and up to 50 DPS positions to expand GIITEM's public awareness,

investigation, and intelligence efforts, 3) \$2,603,400 for local gang and immigration enforcement grants, 4) no funding for distribution to county attorneys to fund the prosecution of gang-related offenses, and 5) \$600,000 for crime analysts associated with the state gang intelligence database (GangNet). *Table 1* identifies the various functions, as well as their corresponding allocations.

Function/Purpose:	FY 2010
Gang Enforcement & Investigation	\$ 8,793,100
DPS Immigration Personnel	9,400,900
Local Immigration Enforcement Grants	2,603,400
Grants for County Attorneys	0
GangNet Upgrade & Crime Analysts	600,000
TOTAL	\$21,397,400

(Please see footnotes 2, 3 and 4 for more information.)

Highway Patrol Safety Equipment

The budget includes no funding for Highway Patrol Safety Equipment in FY 2010. This amount is unchanged from FY 2009. Beginning in FY 2009, Laws 2008, Chapter 286 redirects funding for Highway Patrol Safety Equipment through the non-appropriated Public Safety Equipment Fund. As a result, these monies are no longer reflected in this Special Line Item.

Background – Monies in this line item previously consisted of funding originally appropriated through Laws 2005, Chapter 307. Chapter 307 appropriated \$3,000,000 from the General Fund to DPS to purchase of protective body armor, electronic stun gun devices, and other safety equipment. The \$3,000,000 General Fund appropriation was offset by increased revenue from additional Driving or Operating Under the Influence assessments. As indicated above, Laws 2008, Chapter 286 now redirects this funding through the non-appropriated Public Safety Equipment Fund.

Motor Vehicle Fuel

The budget includes \$3,935,500 for Motor Vehicle Fuel in FY 2010. This amount consists of:

General Fund	3,704,200
Highway Patrol Fund	231,300

These amounts are unchanged from FY 2009.

The Motor Vehicle Fuel Special Line Item provides and tracks monies appropriated to DPS for motor vehicle fuel.

Statewide Interoperability Design

The budget includes no funding for the Statewide Interoperability Design in FY 2010. This amount is unchanged from FY 2009. Beginning in FY 2009, Laws 2008, Chapter 286, transferred the Public Safety Communications Commission from DPS to the Government Information Technology Agency (GITA).

Background – Monies in this line item previously consisted of funding for DPS' Public Safety Communication Commission (PSCC), allowing the agency to develop and implement a standard based system that provides interoperability between public safety agencies' communications statewide. Radio interoperability allows public safety personnel from 1 agency to communicate, via mobile radio, with personnel from other agencies. As indicated above, Laws 2008, Chapter 286 transferred the Public Safety Communications Commission from DPS to GITA. (Please see the GITA narrative and footnote 5 for more information.)

DNA Testing

The budget includes \$980,000 from the DNA Identification System Fund for DNA testing in FY 2010. This amount is unchanged from FY 2009.

Background – Laws 2007, Chapter 261 originally appropriated \$1,980,000 in FY 2008, \$2,980,000 in FY 2009, \$3,484,000 in FY 2010, \$3,440,000 in FY 2011, and \$3,520,000 in FY 2012 from the Arizona DNA Identification System Fund to fund the operating costs of the expanded testing provisions, as well as the design and construction of an expanded crime lab in Phoenix. To delay construction of a new parking garage, the revised FY 2009 budget, however, reduced the FY 2009 advance appropriation by \$(2,000,000) and the FY 2010 Criminal Justice Budget Reconciliation Bill (Laws 2009, 3rd Special Session, Chapter 6) reduced the FY 2010 advance appropriation by \$(2,504,000). (Please see footnote 6, *Fund Transfers, and Additional Legislation for more information.*)

Photo Radar Enforcement

The budget includes \$22,534,300 from the Photo Enforcement Fund for photo radar enforcement in FY 2010. This amount is unchanged from FY 2009. It is the intent of the Legislature, however, that if contract payments paid to the private vendor for operation of the Photo Enforcement Program are less than the amount originally used as a basis for calculating the \$22,534,300 appropriation, the \$22,534,300 would be reduced accordingly.

Background – Laws 2008, Chapter 286 created the statewide photo enforcement system, as well as the Photo

Enforcement Fund, which receives photo citation and notice of violation revenue. Photo radar citations under the statewide photo enforcement system do not result in points incurred on a driver's license. All issued citations or notices of violation, however, do include a fine of \$165 and a 10% clean elections surcharge (bringing the total payment to \$181.50). DPS funding for the system includes \$2,173,000 for DPS staff expenses and \$20,361,300 for DPS payment of private vendor contracts related to operation of the photo cameras and processing citations. In addition to these monies, \$4,056,600 is included in the Supreme Court budget for processing of photo enforcement citations. After payment of expenses, the Photo Enforcement Fund is allowed to retain \$250,000 as a balance at the end of each calendar quarter. All fund balances above that amount are transferred to the General Fund. In FY 2009, \$23,396,200 in total revenue was collected, of which \$4,879,700 was distributed to the General Fund during the fiscal year. A subsequent transfer of \$5,637,100 was made to the General Fund on July 15, 2009. In FY 2010, General Fund revenue from the Photo Enforcement Program is anticipated to be higher than FY 2009 since FY 2010 will be the program's first full year in operation.

In July 2008, DPS awarded a 2-year contract to a private vendor for operation of the photo enforcement cameras. DPS plans to oversee 100 speed cameras statewide, including 60 stationary cameras and 40 mobile van systems. As of June 2009, 36 fixed cameras and 42 mobile cameras had been deployed. (Please see footnote 7 for more information.)

Lump Sum Reduction

The budget includes an agencywide lump sum reduction of \$(2,756,400) for the midyear FY 2009 revisions and \$(8,246,100) for FY 2010. The latter reduction reflects the adjustment to the originally enacted FY 2009 appropriation.

	<u>FY 2009</u>	<u>FY 2010</u>
Lump Sum Reduction		
General Fund	\$(548,100)	\$(2,015,300)
Personnel Expense Reduction		
General Fund	(1,104,200)	(2,654,400)
AFIS Fund	(12,200)	(29,000)
CLAF	(146,000)	(347,600)
CJEF	(90,300)	(215,000)
DNA Identification System Fund	(112,200)	(267,100)
Highway Patrol Fund	(629,500)	(1,498,800)
Parity Compensation Fund	(113,900)	(271,100)

Reduce Crime Lab Funding

General Fund 0 (2,600,100)
 The budget includes \$(2,600,100) to eliminate all remaining General Fund spending on the DPS Crime Lab.

In the original FY 2009 budget there was a decrease of \$(7,799,900) to partially shift funding of the crime lab to local agencies that utilize the services of the crime lab. The crime lab will be fully funded by the new Crime Laboratory Operations Fund (Laws 2009, 3rd Special Session, Chapter 6). (Please see the Operating Budget and Additional Legislation sections for more information.)

Shift FY 2009 Lump Sum Reductions to GIITEM

General Fund 0 1,652,300

The budget includes an increase of \$1,652,300 to reflect DPS' implementation of the midyear FY 2009 revisions lump sum cut in the GIITEM Special Line Item. (Please see the GIITEM Special Line Item for more information.)

(Please see footnote 8 for more information.)

FTE Position Reduction

Laws 2009, 3rd Special Session, Chapter 11, Section 17 requires every General Fund supported agency, board, commission, or other state entity to reduce its number of FTE Positions by 5% on or before February 1, 2010. This reduction has not been recorded in the summary table above. The actual impact of this provision is to be determined.

Fund Transfers

The budget includes the following midyear FY 2009 revisions and FY 2010 transfers to the General Fund from the funds listed below:

	<u>FY 2009</u>	<u>FY 2010</u>
Anti-Racketeering - Salary*	\$(35,500)	\$(84,500)
AFIS - EBT	0	(71,900)
AFIS - Salary	(12,200)	(29,000)
CLAF - Salary	(146,000)	(347,600)
CJEF - EBT	(687,200)	(206,600)
CJEF - Salary	(90,300)	(215,000)
DNA Identification System	0	(2,504,000)
- Garage Fund Transfer		
DNA Identification System - EBT	0	(552,300)
DNA Identification System - Salary	(112,200)	(267,100)
DPS Administration - Salary*	(27,300)	(65,000)
DPS Licensing - EBT*	(196,400)	(96,700)
DPS Licensing - Salary*	(32,600)	(77,700)
Fingerprint Clearance Card - EBT*	0	(193,800)
Fingerprint Clearance Card - Salary*	(77,600)	(184,900)
Board of Fingerprinting - FRAT*	(30,000)	(29,500)
Board of Fingerprinting - Salary*	(15,800)	(37,600)
Highway Patrol - EBT	(1,490,800)	0
Highway Patrol - Salary	(629,500)	(1,498,800)
Indirect Cost Recovery - Salary*	(32,300)	(77,000)
Joint Fund - EBT*	(1,489,000)	0
Motorcycle Safety - EBT	0	(100,000)
Parity Compensation - EBT	0	(455,400)

Parity Compensation - Salary	(113,900)	(271,100)
Peace Officers' Training - EBT*	(433,900)	(181,200)
Peace Officers' Training - Salary*	(79,400)	(189,000)
Public Safety Equipment - FRAT*	(125,000)	(755,400)
Records Processing - EBT	(324,600)	(49,500)
Records Processing - EBT*	(324,600)	(49,500)
Records Processing - FRAT*	(175,400)	(567,800)
Records Processing - Salary*	(33,100)	(78,900)
Sex Offender Monitoring - EBT	(50,000)	0
Western Union (Administration Fund) - EBT*	(685,400)	0

* These transfers are from non-appropriated funds.

Microwave Project Transfer

The budget includes a transfer of \$(1,679,000) in non-lapsing General Fund capital Microwave Project monies to the General Fund in FY 2010. Laws 2005, Chapter 345 advance appropriated \$1,500,000 in General Fund monies in FY 2007, FY 2008 and FY 2009 to DPS to upgrade the microwave communications system, however, Laws 2008, Chapter 53 reverted \$500,000 of the FY 2008 General Fund appropriation in FY 2008. Of the total General Fund appropriation of \$4,000,000, \$1,679,000 is unspent after completion of the Southern Loop of upgrades and is being transferred to the General Fund. In addition, Laws 2005, Chapter 345 included 3-year appropriations of \$207,000 from the Game and Fish Fund and \$826,000 from the State Highway Fund. The monies have, to date, completed the upgrade to Southern Loop of the microwave communications system and the Western and Northern loops are currently unfunded.

Public Safety Communications Commission Transfer

The budget includes a transfer of \$(358,500) in non-lapsing General Fund PSCC monies to the General Fund in FY 2010. Laws 2004, Chapter 275 appropriated \$3,000,000 in non-lapsing monies for statewide interoperability issues for use by the Public Safety Communications Commission. Laws 2008, Chapter 285 transferred operations of the Commission from DPS to GITA and the non-lapsing appropriation remains with a balance of \$358,500, which is to be transferred to the General Fund.

Additional Legislation

CJEF Redirect

The FY 2010 Criminal Justice Budget Reconciliation Bill (BRB) (Laws 2009, 3rd Special Session, Chapter 6) redirects 9% of CJEF revenues, formerly deposited into the General Fund, to DPS to fund the department's crime lab operations.

HURF and State Highway Fund Cap

The FY 2010 Criminal Justice BRB notwithstanding the statutory spending cap of \$10,000,000 each for HURF and

the State Highway Fund (A.R.S. § 28-6537 and A.R.S. § 28-6993).

Crime Lab Fees

The FY 2010 Criminal Justice BRB establishes the Crime Lab Operations Fund, consisting of the \$45 Defensive Driving Surcharge, formally deposited into the General Fund. This surcharge is paid by persons who elect to take a defensive driving course in lieu of paying the civil traffic violation fine. The first \$10,400,000 generated by this surcharge will now be deposited into CLOF and any revenues in excess of that amount will be deposited into the General Fund. These monies will be used to fund crime lab operations. *(Please see DPS' Operating Budget and the Supreme Court narrative for more information.)*

Crime Lab Fee Raising Authority

The FY 2010 budget presumed the passage of legislation to repeal the fee raising authority established in Laws 2008, Chapter 291 (SB 1025, 3rd Special Session). Chapter 291 authorized DPS to charge other agencies' fees for use of crime lab services. In FY 2010, the crime lab will instead be funded through the Crime Lab Operations Fund and DPS will not charge fees. The Governor vetoed this bill. *(Please see the Operating Budget for more information.)*

Parking Garage Funding

The FY 2010 Criminal Justice BRB reduces the FY 2010 advance appropriation from the DNA Identification System Fund of \$3,484,000 to \$980,000 (originally authorized by Laws 2007, Chapter 261). This provision further delays parking garage construction in order to generate savings of \$2,504,000. *(Please see the DNA Testing Special Line Item and the Fund Transfers section for more information.)*