



**COLORADO  
DEPARTMENT  
OF PUBLIC SAFETY**

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September 2, 2008

Senator Abel Tapia, Chair  
Colorado Senate State, Veterans & Military Affairs Committee

Representative Paul Weissmann, Chair  
Colorado House of Representatives State, Veterans & Military Affairs Committee

Colorado State Capitol  
200 East Colfax  
Denver CO 80203

Re: Department of Public Safety's report pursuant to Section 24-76.5-103(9), C.R.S.  
(HB 06S-1023)

Dear Senator Tapia and Representative Weissmann:

Please accept this letter, with attachments, as the Department of Public Safety's report required by Section 24-76.5-103(9), C.R.S., for fiscal years 2007 and 2008.

Referenced below for each division of the Colorado Department of Public Safety are the duties and responsibilities relative to HB 06S-1023:

1. Colorado State Patrol: Based upon a review of the general operations of and services provided by the State Patrol, there are no "federal, state or local public benefits" provided that would fall under the provisions of Section 24-76.5-102, 103, C.R.S. The Patrol's Immigration Enforcement Unit has regular contact with aliens (include persons who are not lawfully present in the United States). Those law enforcement contacts by the members of the State Patrol are done under the provisions of the 287(g) agreement with the United States Immigration and Customs Enforcement (I.C.E).

2. Colorado Bureau of Investigation (CBI): The Colorado Bureau of Investigation does not provide "federal, state or local public benefits". Hence, no verification for lawful presence is required based upon the services provided by and the programs administered through the Colorado Bureau of Investigation.

Bill Ritter, Jr.  
GOVERNOR

Peter A. Weir  
EXECUTIVE DIRECTOR

Colorado State  
Patrol

Colorado Bureau  
of Investigation

Division of  
Criminal Justice

Office of Preparedness,  
Security, and Fire Safety



3. Office of Preparedness and Security: The Office of Preparedness and Security provides no "federal, state or local public benefits." Therefore, there is not any "verification of lawful presence" data to report.

4. Division of Criminal Justice: The Division of Criminal Justice is responsible for the distribution of funds to a number of local, state and private entities through contracts and grants. Each grant award contains language requiring the recipient to verify, under penalty of perjury, that the recipient is lawfully present in the United States. (A sample contract page is included as Attachment "A".)

The Division also distributes funding to community corrections providers throughout the state. Verification of lawful presence is a prerequisite for the recipient to receive funding.

Some direct services funds (to crime victims or law enforcement agencies) are distributed through the Division of Criminal Justice. These monies are either exempted under Section 24-76.5-103(3), C.R.S., or do not fall with the definition of "public benefit".

5. Division of Fire Safety: The Division of Fire Safety administers two programs, Fire Suppression and Fireworks, that provide a state public benefit in the form of a license or certification. Attachment "B" details the data for each of these two programs, for fiscal year 2007 and for fiscal year 2008.

If you have additional questions or desire supplemental information, please do not hesitate to contact me.

Sincerely,



Peter A. Weir  
Executive Director

cc: Bill Ritter, Governor (with attachments)

COLORADO DIVISION OF CRIMINAL JUSTICE  
JUVENILE JUSTICE AND DELINQUENCY PREVENTION (JJDP) ACT  
APPLICATION FOR JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM FUNDS  
SPECIAL PROVISIONS AND CERTIFIED ASSURANCES  
*Special Provisions & Certified Assurances must remain attached to the application*

Attachment A

MA 12-1-03

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**10. FEDERAL FUNDING.**

This subgrant is subject to and contingent upon the continuing availability of Federal funds for the purposes hereof.

**11. PUBLIC CONTRACTS FOR SERVICES.** CRS §8-17.5-101. [Not Applicable to agreements relating to the offer, issuance, or sale of securities, investment advisory services or fund management services, sponsored projects, intergovernmental agreements, or information technology services or products and services] The Subgrantee Agency certifies, warrants, and agrees that it does not knowingly employ or contract with an illegal alien who will perform work under this subgrant and will confirm the employment eligibility of all employees who are newly hired for employment in the United States to perform work under this subgrant, through participation in the E-Verify Program or the Department program established pursuant to CRS §8-17.5-102(5)(c), the Subgrantee Agency shall not knowingly employ or contract with an illegal alien to perform work under this subgrant or enter into a contract with a subcontractor that fails to certify to the Subgrantee Agency that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this subgrant. The Subgrantee Agency (a) shall not use E-Verify Program or Department program procedures to undertake pre-employment screening of job applicants while this subgrant is being performed, (b) shall notify the subcontractor and the contracting State agency within three days if the Subgrantee Agency has actual knowledge that a subcontractor is employing or contracting with an illegal alien for work under this subgrant, (c) shall terminate the subgrant if a subcontractor does not stop employing or contracting with the illegal alien within three days of receiving the notice, and (d) shall comply with reasonable requests made in the course of an investigation, undertaken pursuant to CRS §8-17.5-102(5), by the Colorado Department of Labor and Employment. If the Subgrantee Agency participates in the Department program, the Subgrantee Agency shall deliver to the contracting State agency, institution of higher education or political subdivision a written, notarized affirmation, affirming that the Subgrantee Agency has examined the legal work status of such employee, and comply with all of the other requirements of the Department program. If the Subgrantee Agency fails to comply with any requirement of this provision or CRS §8-17.5-101 et seq., the contracting State agency, institution of higher education or political subdivision may terminate this subgrant for breach and, if so terminated, the Subgrantee Agency shall be liable for damages.

**12. PUBLIC CONTRACTS WITH NATURAL PERSONS.** CRS §24-76.5-101. Subgrantee Agency, if a natural person eighteen (18) years of age or older, hereby swears and affirms under penalty of perjury that he or she (a) is a citizen or otherwise lawfully present in the United States pursuant to federal law, (b) shall comply with the provisions of CRS §24-76.5-101 et seq., and (c) has produced one form of identification required by CRS §24-76.5-103 prior to the effective date of this subgrant.

## **B. GRANT REQUIREMENTS**

### **1. FINANCIAL & ADMINISTRATIVE MANAGEMENT**

- a. The Subgrantee Agency assures that fund accounting, auditing, monitoring, evaluation procedures and such records as necessary will be maintained to assure adequate internal fiscal controls, proper financial management, efficient disbursement of funds received, and maintenance of required source documentation for all costs incurred. These principles must be applied for all costs incurred whether charged on a direct or indirect basis.
- b. All expenditures must be supported by appropriate source documentation. Only actual, approved, allowable expenditures will be permitted.
- c. The Subgrantee Agency assures that it will comply with the provisions of the current applicable Administrative Guide of the Division of Criminal Justice which is hereby incorporated by reference. However, such a guide cannot cover every foreseeable contingency, and the Subgrantee Agency is ultimately responsible for compliance with applicable state and federal laws, rules and regulations.

### **2. PAYMENT & REPORTING**

- a. The Division of Criminal Justice will pay the Subgrantee Agency the reasonable and allowable costs of performance, in accordance with current Colorado State Fiscal Rules, not to exceed the amount specified herein as the Total Award Amount, as identified in the Statement of Grant Award.
- b. The Division's requirements for invoice, advance payments, and cost reporting submissions are contained in the DCJ Form 3 - Cash Request Procedures, and DCJ Form 4-A - Subgrant Financial Report, which are hereby incorporated by reference.
- c. Advance payments cannot exceed 30-day operating expenses.
- d. The Subgrantee Agency assures that it shall maintain data and information to provide accurate quarterly program

## Colorado Division of Fire Safety

### Annual Compliance Data Pursuant to §24-76.5-103(9), C.R.S.

FY 2007 and FY 2008

#### **FY2007**

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##### ***Fire Suppression Program***

- Fire Suppression Contractors Registration – 2007
  - Verified identification documents and received affidavits of lawful presence for 170 applicants for Fire Suppression Contractor registration. The principal of each corporation or LLC submitted an affidavit of lawful presence and all were approved by the Division of Fire Safety.
- Fire Suppression Inspectors Certifications– 2007
  - Verified identification documents and received affidavits of lawful presence from 58 applicants for Fire Suppression Inspectors. All were approved by the Division of Fire Safety.

##### **Barriers to Entry**

There was a substantial decrease in the number contractor registrations in 2007. However, there is no indication that the decrease is related to the requirements of 24-76.5-101 *et seq.*, C.R.S.

No individual has been identified as being in the United States illegally.

##### **Cost of Compliance**

Verifying identification documents and processing affidavits of lawful presence takes an average of four minutes of staff time (\$1.36 for an Administrative Assistant III) or \$310.08<sup>1</sup>.

##### ***Fireworks Program***

- Display Retailer License – 2007
  - Verified identification documents and received affidavit of lawful presence for one sole proprietor applicant for a Display Retailer license.

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<sup>1</sup> All figures are in FY2008 constant dollars.

The remaining 14 license applications were from corporations. The principal of each corporation submitted an affidavit of lawful presence and all were approved by the Division of Fire Safety.

- Exporter License – 2007
  - Verified identification documents and received affidavits of lawful presence for eight corporations for Exporter licenses. The principal of each corporation submitted an affidavit of lawful presence and all were approved by the Division of Fire Safety.
- Pyrotechnician License – 2007
  - Verified identification documents and received affidavit of lawful presence for seven individual Pyrotechnician licenses and all were approved by the Division of Fire Safety.
- Retailer License – 2007
  - Verified identification documents and received affidavits of lawful presence for 36 sole proprietor applicants for Retailer licenses. The remaining 280 license applications were from corporations or LLCs. The principal of each corporation or LLC submitted an affidavit of lawful presence and all were approved by the Division of Fire Safety.
- Wholesaler License – 2007
  - Received applications from 11 corporations or LLCs for Wholesaler licenses. The principal of each corporation or LLC submitted an affidavit of lawful presence and all were approved by the Division of Fire Safety.
- Display Operator License – 2007
  - Verified identification documents and received affidavit of lawful presence for 57 Display Operator licenses and all applications were approved by the Division of Fire Safety.

### **Barriers to Entry**

The number of persons applying for fireworks licenses is consistent with the number of individuals applying in 2005 and 2006.

No individual has been identified as being in the United States illegally.

### **Cost of Compliance**

Verifying identification documents and processing affidavits of lawful presence takes an average of four minutes of staff time (\$1.36 for an Administrative Assistant III) or \$563.04.