

# JOINT BUDGET COMMITTEE



## STAFF FIGURE SETTING FY 2022-23

## DEPARTMENT OF LAW

JBC WORKING DOCUMENT - SUBJECT TO CHANGE  
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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## HOW TO USE THIS DOCUMENT

The Department Overview contains a table summarizing the staff recommended incremental changes followed by brief explanations of each incremental change. A similar overview table is provided for each division, but the description of incremental changes is not repeated, since it is available under the Department Overview. More details about the incremental changes are provided in the sections following the Department Overview and the division summary tables.

Decision items, both department-requested items and staff-initiated items, are discussed either in the Decision Items Affecting Multiple Divisions or at the beginning of the most relevant division. Within a section, decision items are listed in the requested priority order, if applicable.

## DEPARTMENT OVERVIEW

The Attorney General is one of five independently elected constitutional officers of the State. As the chief executive officer of the Department of Law, the Attorney General represents and defends the legal interests of the people of the State of Colorado and serves as the legal counsel and advisor to state agencies.

### SUMMARY OF STAFF RECOMMENDATIONS

DEPARTMENT OF LAW						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$98,687,872	\$15,912,232	\$19,924,907	\$60,364,345	\$2,486,388	533.7
Other legislation	5,088,374	393,803	51,783	4,642,788	0	26.5
<b>TOTAL</b>	<b>\$103,776,246</b>	<b>\$16,306,035</b>	<b>\$19,976,690</b>	<b>\$65,007,133</b>	<b>\$2,486,388</b>	<b>560.2</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$103,776,246	\$16,306,035	\$19,976,690	\$65,007,133	\$2,486,388	560.2
R1 Restore budget reductions	1,606,816	3,141,572	(1,534,756)	0	0	5.5
R2 Admin section support of agency	222,178	0	0	222,178	0	3.0
R3 POST Board funding	323,356	0	323,356	0	0	1.0
R4 Medicaid fraud control	0	0	0	0	0	0.0
R5 Patterns and practices program	127,760	127,760	0	0	0	0.9
R6 Water Board River basin funding	674,071	0	674,071	0	0	0.0
R7 Cons. Cred. Safe afford. Credit report	0	0	0	0	0	0.0
BA1 Medicaid Fraud Unit	796,351	199,088	0	0	597,263	7.3
Centrally appropriated line items	4,300,408	628,701	458,857	3,161,303	51,547	0.0
Prior year legislation	163,964	(145,780)	157,605	152,139	0	1.5
Nonprioritized items	111,445	20,706	16,966	72,094	1,679	0.0
Prior year budget actions	(614,039)	(61,344)	(130,803)	(427,982)	6,090	2.7
Technical adjustments	19,289	(1,774)	(10,752)	34,074	(2,259)	0.0
<b>TOTAL</b>	<b>\$111,507,845</b>	<b>\$20,214,964</b>	<b>\$19,931,234</b>	<b>\$68,220,939</b>	<b>\$3,140,708</b>	<b>582.1</b>
<b>INCREASE/(DECREASE)</b>	<b>\$7,731,599</b>	<b>\$3,908,929</b>	<b>(\$45,456)</b>	<b>\$3,213,806</b>	<b>\$654,320</b>	<b>21.9</b>
Percentage Change	7.5%	24.0%	(0.2%)	4.9%	26.3%	3.9%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$112,223,527</b>	<b>\$20,546,440</b>	<b>\$19,958,137</b>	<b>\$68,314,797</b>	<b>\$3,404,153</b>	<b>582.8</b>
Request Above/(Below) Recommendation	\$715,682	\$331,476	\$26,903	\$93,858	\$263,445	0.7

### DESCRIPTION OF INCREMENTAL CHANGES

**R1 RESTORE BUDGET REDUCTIONS:** The recommendation includes \$1.6 million total funds and 6.5 FTE, including \$3.1 million General Fund with a reduction of \$1.5 million cash fund spending authority in FY 2022-23 and ongoing to reinstate the budget structure as it was prior to the FY 2020-21 reductions due to the economic forecast at that time. Impacted programs include the POST Board, Colorado Open Records Act and Open Meetings Law attorney, resources for the Appellate Unit, Federal and Interstate Water Unit, and Consumer Protection and Antitrust, summarized below.

SUMMARY OF CHANGE INCLUDED IN R1 RESTORE BUDGET REDUCTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
P.O.S.T. Board	\$1,036,766	\$0	\$1,036,766	\$0	\$0	0.0
CORA and open meetings attorney	101,717	101,717	0	0	0	1.0
Appellate Unit resources	184,853	184,853	0	0	0	2.5
Federal and Interstate Water Unit	221,713	221,713	0	0	0	2.0
Office of Community Engagement	61,767	61,767	0	0	0	1.0
Consumer Protection and Antitrust	0	2,571,522	(2,571,522)	0	0	0.0
<b>Total</b>	<b>\$1,606,816</b>	<b>\$3,141,572</b>	<b>(\$1,534,756)</b>	<b>\$0</b>	<b>\$0</b>	<b>6.5</b>

**R2 ADMIN SECTION SUPPORT OF AGENCY:** The recommendation includes \$222,178 reappropriated funds and 3.0 FTE for FY 2022-23 to meet increasing administrative workload due to the general expansion in programmatic responsibilities and Department staffing. The recommendation annualizes to 3.0 FTE and \$296,236 reappropriated funds in FY 2023-24. Initially approved by the Joint Budget Committee in FY 2020-21, it was eliminated during balancing due to revenue concerns directly from the impact of the COVID-19 virus.

**R3 POST BOARD FUNDING:** The recommendation includes an increase of \$323,356 cash funds and 1.0 FTE for FY 2022-23 to address expanded responsibilities of the POST Board and the redevelopment of peace office training curriculum. Funding includes amounts to contract with a curriculum consultant and a deputy director to assist in the day-to-day operations.

**R4 MEDICAID FRAUD FUNDING:** This item was withdrawn and resubmitted as a budget amendment, see below.

**R5 PATTERNS AND PRACTICES PROGRAM:** The recommendation includes \$127,760 General Fund and 0.9 FTE to increase staff capacity for patterns and practices investigations as authorized by S.B. 20-217 due to the volume of investigation requests made under the program.

**R6 WATER BOARD RIVER BASIN FUNDING:** The recommendation includes \$674,071 cash funds in FY 2022-23 and ongoing to *reflect* current funding amounts annually received from the Colorado Water Conservation Board. The request does not impact the current funding levels, but simply is an effort to increase transparency in the budget.

**R7 CONSUMER CREDIT SAFE AFFORDABLE CREDIT REPORT:** The recommendation includes adding a footnote to an appropriation in the FY 2021-22 Long Bill to extend funding for the Safe Affordable Credit Report into FY 2022-23 due to difficulty in securing a vendor and a conclusion that the funding would not be expended prior to the end of the fiscal year.

**CENTRALLY APPROPRIATED LINE ITEMS:** The recommendation includes adjustments to centrally appropriated line item, as detailed in the following table. JBC staff requests permission to adjust these to account for the JBC's decisions on statewide policies

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$3,096,896	\$568,753	\$367,860	\$2,109,805	\$50,478	0.0
Health, life, and dental	528,282	15,365	46,629	446,802	19,486	0.0
AED	324,266	52,718	9,483	266,383	(4,318)	0.0

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SAED	324,266	52,718	9,483	266,383	(4,318)	0.0
Indirect cost assessment	210,650	0	94,969	114,379	1,302	0.0
Payment to risk management and property funds	198,369	45,769	28,317	119,395	4,888	0.0
Carr building leased space	63,267	6,272	(23,837)	86,179	(5,347)	0.0
Legal services	58,575	22,499	36,076	0	0	0.0
Short-term disability	10,378	1,687	304	8,525	(138)	0.0
Vehicle lease payments	10,327	2,780	(1,876)	3,376	6,047	0.0
PERA Direct Distribution	6,446	(12,000)	(17,153)	35,599	0	0.0
CORE adjustment	3,907	804	170	2,919	14	0.0
ALJ services	812	0	812	0	0	0.0
Payments to OIT	(487,061)	(116,790)	(83,125)	(272,281)	(14,865)	0.0
Workers' compensation	(48,972)	(11,874)	(9,255)	(26,161)	(1,682)	0.0
<b>TOTAL</b>	<b>\$4,300,408</b>	<b>\$628,701</b>	<b>\$458,857</b>	<b>\$3,161,303</b>	<b>\$51,547</b>	<b>0.0</b>

**PRIOR YEAR LEGISLATION:** The recommendation includes the out-year impact of prior year legislation described below.

PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB 21-057 Private student loans	\$83,838	\$0	\$83,838	\$0	\$0	1.0
SB 18-200 PERA	57,647	21,125	34,383	2,139	0	0.0
HB 21-1282 Consumer protection and mortgage servicers	39,384	0	39,384	0	0	0.5
SB 21-148 Financial empowerment office	1,335	1,335	0	0	0	0.2
HB 21-1280 Pretrial detention reform	0	(150,000)	0	150,000	0	0.0
HB 21-1122 First Responder interactions	(18,240)	(18,240)	0	0	0	(0.2)
<b>TOTAL</b>	<b>\$163,964</b>	<b>(\$145,780)</b>	<b>\$157,605</b>	<b>\$152,139</b>	<b>\$0</b>	<b>1.5</b>

**NONPRIORITIZED ITEMS:** The recommendation includes five decision items originating in other departments. The following table summarizes the non-prioritized requests, which will be addressed in separate staff briefings.

NONPRIORITIZED ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
DPA Paid Family Medical Leave Act Funding	\$126,019	\$26,607	\$18,004	\$78,504	\$2,904	0.0
OIT Budget package	5,835	1,362	888	3,429	156	0.0
DPA CSEAP resources	3,038	709	463	1,785	81	0.0
BANP OIT CBMS Admin costs	(17,020)	(3,969)	(2,596)	(10,000)	(455)	0.0
BANP COWINS Partnership Agreement	(6,427)	(4,003)	207	(1,624)	(1,007)	0.0
<b>TOTAL</b>	<b>\$111,445</b>	<b>\$20,706</b>	<b>\$16,966</b>	<b>\$72,094</b>	<b>\$1,679</b>	<b>0.0</b>

**PRIOR YEAR BUDGET ACTIONS:** The recommendation includes adjustments related to prior year budget actions.

PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Prior year salary survey	\$742,077	(\$122,113)	(\$148,104)	\$1,045,782	(\$33,488)	0.0
Prior year budget changes	286,512	0	0	286,512	0	(1.2)

PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Prior year patterns and practices	8,251	8,251	0	0	0	0.2
LSSA Placeholder	(713,168)	0	0	(713,168)	0	3.7
Prior year salary survey	(568,811)	271,418	167,301	(1,047,108)	39,578	0.0
CCU Safe affordable credit report	(215,000)	(215,000)	0	0	0	0.0
FY 21-22 POST job task analysis	(150,000)	0	(150,000)	0	0	0.0
SB 21-148 Financial empowerment office	(3,900)	(3,900)	0	0	0	0.0
<b>TOTAL</b>	<b>(\$614,039)</b>	<b>(\$61,344)</b>	<b>(\$130,803)</b>	<b>(\$427,982)</b>	<b>\$6,090</b>	<b>2.7</b>

**TECHNICAL ADJUSTMENTS:** The recommendation includes a few technical adjustment related to grant funding received by the Department and included in the Long Bill for informational purposes.

### MAJOR DIFFERENCES FROM THE REQUEST

The Major difference between the Department request and Staff Recommendation is consistent with JBC policy to fund new FTE at the bottom of a salary range and doesn't include centrally appropriated line items such as Health, life, and dental; Short-term disability; AED; and SAED. The other major difference is to extend funding for the Consumer Credit Report added as a Long Bill amendment via a Long Bill footnote rather than appropriating General Fund a second year in a row.

## DECISION ITEMS AFFECTING MULTIPLE DIVISIONS

### → R1 RESTORE BUDGET REDUCTIONS

**REQUEST:** The Department seeks to restore the temporary funding cuts made during budget balancing decisions made at the onset of the COVID-19 pandemic. The request is a net increase of \$1.6 million total funds in FY 2022-23 comprised of an increase of \$3,141,572 General Fund and \$1,036,766 Marijuana Tax Cash Fund (MTCF) and a decrease of \$1,534,756 cash funds. This request impacts several of the Department's programs, summarized by each program. The second table summarizes the ongoing funding in future budget years that will be annualized into the base budget.

**RECOMMENDATION:** Staff recommends approving the Department request.

FY 2022-23 RECOMMENDED CHANGES BY PROGRAM						
PROGRAM NAME OR DESCRIPTION	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
P.O.S.T. Board <sup>1</sup>	\$1,036,766	\$0	\$1,036,766	\$0	\$0	0.0
Open Records and Meetings	101,717	101,717	0	0	0	1.0
Criminal Appeals	184,853	184,853	0	0	0	2.5
Federal and Interstate Water Unit	221,713	221,713	0	0	0	2.0
Office of Community Engagement	61,767	61,767	0	0	0	1.0
Consumer Protection and Antitrust	0	2,571,522	(2,571,522)	0	0	0.0
<b>TOTAL</b>	<b>\$1,606,816</b>	<b>\$3,141,572</b>	<b>(\$1,534,756)</b>	<b>\$0</b>	<b>\$0</b>	<b>6.5</b>

<sup>1</sup> Requested cash funds for this program is from the Marijuana Tax Cash Fund

FY 2023-24 AND ONGOING RECOMMENDED CHANGES BY PROGRAM						
Program Name/Description	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
P.O.S.T. Board <sup>1</sup>	\$1,036,766	\$0	\$1,036,766	\$0	\$0	0.0

FY 2023-24 AND ONGOING RECOMMENDED CHANGES BY PROGRAM						
Program Name/Description	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Open Records and Meetings	101,717	101,717	0	0	0	1.0
Criminal Appeals	184,853	184,853	0	0	0	2.5
Federal and Interstate Water Unit	221,713	221,713	0	0	0	2.0
Office of Community Engagement	61,767	61,767	0	0	0	1.0
Consumer Protection and Antitrust	0	2,571,522	(2,571,522)	0	0	0.0
<b>Total</b>	<b>\$1,606,816</b>	<b>\$3,141,572</b>	<b>(\$1,534,756)</b>	<b>\$0</b>	<b>\$0</b>	<b>6.5</b>

<sup>1</sup> Requested cash funds for this program is from the Marijuana Tax Cash Fund

*ANALYSIS:*

P.O.S.T Board

Prior to FY 2020-21, the P.O.S.T. Board received funding from two cash funds the Peace Officers Standards and Training Board Cash Fund and the Marijuana Tax Cash Fund (MTCF). MTCF funding was established Pursuant to S.B. 14-215. This bill established support of law enforcement training programs related to marijuana, including advanced roadside impaired driving enforcement training and drug recognition expert training.

Due to economic concerns and the decision to repurpose MTCF dollars to other state efforts to enhance the General Fund, the P.O.S.T. Board was reduced by \$1,036,766. The Department is requesting the reinstatement of these funds to reestablish law enforcement trainings to help combat the legal impacts of high potency marijuana use addressed daily by law enforcement.

JBC Staff recommends restoring the funding for this purpose, which was appropriated for one of the original purposes authorized when the state began collecting revenue from taxes on legal marijuana.

Open Records and Meetings Attorney (CORA and OML)

In FY 2015-16 the General Assembly created a line item to support an attorney dedicated to enhancing the Department’s expertise with respect to the Colorado Open Records Act (CORA) and Open Meetings Law (OML). This funding was eliminated in FY 2020-21 during balancing actions taken by the Committee to increase General Fund. The Department is requesting the restoration of this funding at the amount originally approved in FY 2020-21, prior to the budget reductions.

A dedicated (CORA/OML) expert is needed to: (a) coordinate responses to mass CORA requests sent to multiple agencies; (b) develop office policy, research and analyze the complex, novel, or unique legal and policy issues implicated by the increasingly sophisticated CORA requests; (c) monitor developments in CORA/OML law, including case law and proposed and enacted legislation; and (d) serve as an educational and training resource for the Department and its client agencies, which would include providing periodic in-house continuing legal education presentations, monitoring, and responding to queries submitted to CORA.

Criminal Appeals

This part of the Department represents the prosecution when a defendant challenges his/her felony conviction before the state appellate court or the federal courts. Most of the cases handled by it are in the Colorado Court of Appeals, with the remainder in the Colorado Supreme Court and the federal courts. It prepares a weekly digest summarizing published cases to ensure that attorneys and prosecutors throughout the state are informed about developments in criminal law and procedure.



This unit was reduced by \$173,796 General Fund in FY 2020-21. This reduction eliminated a vacant Assistant Attorney General (AAG) position at that time and 2.0 FTE term-limited Fellows. The Department requests restoration of the AAG and FTE 1.5 Fellows for a total of \$184,853 General Fund.

#### Federal and Interstate Water Unit

This unit protects the state's interests in the waters of interstate rivers. The major litigation currently within the unit involves the Rio Grande Compact, the Arkansas Compact, and the Republican River Compact. This unit also works with state water users to protect the state's interests in the timely and reasonable resolution of federal claims for water rights, including reserved water rights and claims for in-stream flows. Funding for this line item was reduced by 2.0 FTE attorney positions and associated salaries and benefits in FY 2020-21. Prior to the reduction, this line item supported 6.5 FTE, made up of 5.5 FTE attorney positions and 1.0 FTE legal assistant. The Department is requesting the restoration of \$221,713 General Fund, to provide the necessary legal support on compact compliance advice and representation with the protection and appropriate representation of state interests.

#### Office of Community Engagement

The OCE is charged with improving relationships with partner organizations and agencies regarding domestic violence prevention, consumer protection outreach and education, safe communities and safe schools, and antihuman trafficking efforts. It also coordinated efforts for the Safe2Tell program.

This line item was reduced by \$61,767 and 1.0 FTE during balancing. This reduction eliminated an FTE dedicated to outreach efforts within the S2T team. This request will restore funding for this FTE.

The law enforcement outreach and training position is vital as it serves as the liaison between the "boots on the ground" law enforcement officers who respond to tips and the Safe2Tell program, both for training and for responding real-time to tip-response needs and questions. This position provides peace officers with tools to promote accountability and use of Safe2Tell best practices. Law enforcement is a key Safe2Tell partner and stakeholder; law enforcement is mandated by statute to receive Safe2Tell tips, and Safe2Tell is required to provide training and outreach resources to them. In addition to handling inquiries about the Safe2Tell program and our technology platform system, this position will develop differentiated materials, trainings, and presentations, made specifically for law enforcement to best assist students through an effective and empathetic approach. As a result of the loss of this position, Safe2Tell has made slower progress converting law enforcement communications centers from receipt of faxed tips to our real-time technology platform. This position is instrumental to a successful Safe2Tell, in the service of saving lives and helping students.

#### Consumer Protection and Antitrust

The DOL refinanced the 11.5 FTE attorney positions with the Consumer Protection Custodial Fund, when the General Fund supporting these positions was eliminated. This request reinstates the General Fund lost during the FY 2020-21 budget setting and includes the 3 percent salary increase these positions received for FY 2021-22 and other associated state benefits. This accounts for an increase of \$2,571,522 General Fund.

JBC staff recommends approving the Department request. The funding cuts taken at the beginning of the COVID-19 pandemic were emergency in nature and constituted deep cuts across all agencies.

These cuts were not intended to be ongoing. JBC staff recommends approving reinstating the funding for these programs because of their value to the state and its residents.

## (1) ADMINISTRATION

The Administration section of the Long Bill includes central appropriations for the entire Department, including funding for employee benefits, facilities, vehicles, and information technology. This section also includes funding for the following Department sections:

- *Office of the Attorney General* – includes the Attorney General, the Chief Deputy Attorney General, the Chief of Staff, the Solicitor General, and associated administrative staff;
- *Human Resources* – hires new employees, manages employee benefits, and consults with employees and managers regarding applicable state and federal personnel laws and regulations;
- *Financial Services* – includes accounting, financial reporting, payroll, and budgeting functions;
- *Operations and Budgeting* – prepares the Department’s budget and monitors expenditures and budget implementation. Additionally, this unit provides office wide support to space planning, workspace preparation, facility and security issues, small move assistance, fleet vehicle coordination, archive and destruction, court and courier service.
- *Information Technology Services* – handles the Department’s computer needs including maintenance, computer training, and operation of the Attorney General’s website;
- *Legal Support Services* – produces a significant number of the Department’s documents including legal briefs and other court-related manuscripts, distributes mail, oversees the Department’s vehicle fleet, files materials with courts, and manages general office documents; and
- Also includes the *Office of Community Engagement, Safe2Tell* and that *Patterns and Practices Program*, described further in the line item detail.

The above sections are supported by General Fund and by indirect cost assessments that are collected from the Department’s various sections and transferred as reappropriated funds to this section and from those recovered through the provision of legal services to state agencies. The central appropriations that relate to the entire department reflect the same funding sources that support each section within the Department.

ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$26,511,956	\$5,675,225	\$3,571,572	\$16,714,523	\$550,636	58.0
Other legislation	3,900	3,900	0	0	0	0.0
<b>TOTAL</b>	<b>\$26,515,856</b>	<b>\$5,679,125</b>	<b>\$3,571,572</b>	<b>\$16,714,523</b>	<b>\$550,636</b>	<b>58.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$26,515,856	\$5,679,125	\$3,571,572	\$16,714,523	\$550,636	58.0
R1 Restore budget reductions	61,767	546,889	(485,122)	0	0	1.0
R2 Admin section support of agency	222,178	0	0	222,178	0	3.0
R5 Patterns and practices program	127,760	127,760	0	0	0	0.9
Centrally appropriated line items	4,075,600	628,701	363,888	3,032,766	50,245	0.0
Nonprioritized items	111,445	20,706	16,966	72,094	1,679	0.0
Prior year budget actions	(1,908,710)	(470,218)	(403,738)	(956,190)	(78,564)	0.2
Technical adjustments	15,057	(1,774)	(10,752)	29,842	(2,259)	0.0

ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>TOTAL</b>	<b>\$29,220,953</b>	<b>\$6,531,189</b>	<b>\$3,052,814</b>	<b>\$19,115,213</b>	<b>\$521,737</b>	<b>63.1</b>
<b>INCREASE/(DECREASE)</b>	<b>\$2,705,097</b>	<b>\$852,064</b>	<b>(\$518,758)</b>	<b>\$2,400,690</b>	<b>(\$28,899)</b>	<b>5.1</b>
Percentage Change	10.2%	15.0%	(14.5%)	14.4%	(5.2%)	8.8%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$29,343,472</b>	<b>\$6,559,850</b>	<b>\$3,052,814</b>	<b>\$19,209,071</b>	<b>\$521,737</b>	<b>63.1</b>
Request Above/(Below) Recommendation	\$122,519	\$28,661	\$0	\$93,858	\$0	0.0

## DECISION ITEMS - ADMINISTRATION

### → R2 ADMINISTRATION SECTION SUPPORT

*REQUEST:* The request includes \$316,036 reappropriated funds and 3.0 FTE for FY 2022-23 to meet increasing administrative workload due to the general expansion in programmatic responsibilities and Department staffing. The request annualizes to 3.0 FTE and \$296,236 reappropriated funds in FY 2023-24 and ongoing.

*RECOMMENDATION:* Staff recommends approval of the Department request, but consistent with JBC policy, the recommendation does not include centralized costs for health, life, dental, short-term disability, AED, or SAED. Therefore the recommendation is \$222,178 reappropriated funds for 3.0 FTE. The annualizes to 3.0 FTE and \$296,236 reappropriated funds in FY 2023-24 and ongoing.

#### *DISCUSSION*

The Administration Section in the Department of Law includes the Department’s Human Resources, Financial Services, and Operations and Budget units. These units are funded by departmental indirect costs to support the centralized services the units provide. Each of these units have experienced a significant increase in workload over the past decade, primarily due to new legislation and budget actions. In the past ten years, the Department’s total budget has grown by over 100 FTE and \$40.5 million. During this time, there has not been an associated increase in the FTE that support the central office services.

The Department is requesting an FTE in each of the units listed above:

- 1.0 Technician IV for the Financial Service Unit
- 1.0 Budget Analyst III for the Operations and Budget Unit
- 1.0 HR Specialist III for the Human Resources Unit

#### *Operations and Budget Unit*

This unit, currently comprised of 3.0 FTE, is responsible for preparation of the Department’s annual budget request, budget and revenue analysis, development of fiscal impact for legislative fiscal notes, and office-wide support for space planning, facility and security issues, fleet vehicle coordination, courier services, and internal office relocations. This unit is particularly impacted by the fiscal analysis process. The Department receives over 200 bills per legislative session for fiscal assessment. Additionally, the implementation of the new legal allocation model, which uses a three-year average of actual legal hours worked, has increased the workload for this unit. This unit has only one budget analyst of the 3.0 FTE in the unit. The Department is requesting a Budget Analyst III to support the

agency with its annual budget development, with fiscal analysis on introduced legislation and with fleet and general space and use planning for the organization.

*Human Resources Unit*

This unit, currently comprised of 4.9 FTE, is responsible for recruiting, hiring, and on-boarding new employees; employee leave and benefits administration; worker's compensation, Family Medical Leave Act (FMLA), and short-term disability claims; and compliance with state and federal personnel laws, regulations, and rules. In the past ten years, the Department has grown by over 100 FTE, without the addition of an HR specialist. Over this time, the Department has seen an increase in the turnover rate, from 9.5% percent ten years ago to a 14.9 percent average over the past five years. There is an industry standard of 1.22 to 1.4 HR staff to employees. Currently, the Department's ratio is 0.96 per 100 employees. This has led to an increase in the time it takes to fill a vacancy in the Department. In FY 2010-11, the average time to fill a vacancy was 59 days. In FY 2018-19, it was nearly double at 116 days

Each position is being requested at the beginning of the second quadrant of each pay range and associated benefits and operating dollars. The purpose of this request is to better ensure compliance with the Equal Pay for Equal Work Act and to better position the Department to make competitive offers to candidates, as the state is witnessing increasing issues with filling job vacancies.

*RECOMMENDATION:*

Staff recommends approving the Department request. Given the growth of the Department over the past 10 years, without an associated increase to the number of central administration staff, this seems like a reasonable request. Additionally, delays driven by workload challenges in this division impact all state agencies, given the Department's role as legal counsel to state agencies. Staff notes that this increase would impact the legal services rate charged to client agencies by roughly \$0.48 cents per hour. Pursuant to JBC policy, the recommendation does not include centralized costs and therefore the recommended appropriation is \$222,178 reappropriated fund.

→ R5 PATTERNS AND PRACTICES PROGRAM

*REQUEST:* The request includes \$156,421 General Fund and 0.9 FTE to increase staff capacity for patterns and practices investigations as authorized by S.B. 20-217 due to the volume of investigation requests made under the program. The request annualized to \$161,418 General Fund and 1.0 FTE.

*RECOMMENDATION:* Staff recommends approval of the Department request but consistent with JBC policy for new FTE, the recommendation does not include certain centralized costs. JBC staff recommends an appropriation of \$127,760 General Fund for 0.9 FTE in FY 2022-23. This annualizes to \$161,418 General Fund and 1.0 FTE in FY 2023-24.

*DISCUSSION*

Senate Bill 20-217 (Concerning Measures to Enhance Law Enforcement Integrity) authorized the Department to conduct investigations into patterns and practices by governmental authorities that violate civil rights. While the Department is unable to comment publicly on pending or ongoing investigations, this authority is currently in use and driving staffing resource needs.

Significant requests have been made from the public for the Department to commence patterns and practices investigations into a number of governmental authorities. During the FY 2021-22 budget setting process, the Department requested and was approved resources for 2.0 dedicated FTE for patterns and practices investigations. This request was submitted in early 2021 based on estimates of necessary resources—since the first Department investigation had still not reached completion, this estimate was made prior to having full knowledge of the extent of workload necessary to conduct a full patterns and practices investigation from beginning and end.

Since that time, the Department completed one patterns and practices investigation. This investigation consumed the equivalent of 6,200 hours in staff time (both pro bono volunteer attorneys and paid Department staff), the equivalent of 3.0 FTE. With this data now known, the Department requests that the 2.0 FTE funded in the prior budget cycle be supplemented with an additional FTE to match the workload anticipated for future patterns and practices investigations.

To address the additional responsibilities and workload, the Department requests a Senior AAG FTE. This additional resource will facilitate the appropriate follow up, and in those instances that are warranted, the investigation and resolution of actionable issues. This staff support will also enable the Department to implement the intent of SB 20-217 patterns and practices investigations without sacrificing other critical Department priorities and obligations, while meeting the estimated workload necessary for the investigation and resolution of these efforts.

The department assumes that the Senior AAG position will be filled at the beginning of the second quartile of the Senior pay range. These efforts require seasoned employees that not only hold significant expertise in investigations and prosecutions as well as effective negotiation skills.

JBC Staff recommends approving the Department request but, consistent with JBC policies, the recommendation excludes funding certain centrally appropriated line items in the first year for new FTE. As such, the recommendation is an appropriation of \$127,760 General Fund and 0.9 FTE. This annualizes to \$161,418 General Fund and 1.0 FTE in FY 2023-24.

## LINE ITEM DETAIL — ADMINISTRATION

### PERSONAL SERVICES

This line item provides funding to support personal services expenditures in the Administration section. Like all subsequent personal services appropriations in this document, this appropriation funds salaries of regular employees, as well as the associated state contribution to the Public Employees Retirement Association (PERA) and the state share of federal Medicare taxes. Also included are wages of temporary employees, payments for contracted services, and termination/retirement payouts for accumulated vacation and sick leave.

*STATUTORY AUTHORITY:* Section 24-31-101 and 102, C.R.S.

*REQUEST:* The Department requests an appropriation of \$4,943,706 reappropriated funds and 51.2 FTE for FY 2022-23.

*RECOMMENDATION:* Staff recommends an appropriation of \$4,849,848 reappropriated funds and 51.2 FTE for FY 2022-23, which includes adjustments recommended related to R3 *Administration section support of the agency.*

ADMINISTRATION, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$4,496,644	\$0	\$0	\$4,496,644	\$0	48.2
<b>TOTAL</b>	<b>\$4,496,644</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,496,644</b>	<b>\$0</b>	<b>48.2</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$4,496,644	\$0	\$0	\$4,496,644	\$0	48.2
R2 Admin section support of agency	199,528	0	0	199,528	0	3.0
Prior year budget actions	153,676	0	0	153,676	0	0.0
<b>TOTAL</b>	<b>\$4,849,848</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,849,848</b>	<b>\$0</b>	<b>51.2</b>
<b>INCREASE/(DECREASE)</b>	<b>\$353,204</b>	<b>\$0</b>	<b>\$0</b>	<b>\$353,204</b>	<b>\$0</b>	<b>3.0</b>
Percentage Change	7.9%	n/a	n/a	7.9%	n/a	6.2%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$4,943,706</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,943,706</b>	<b>\$0</b>	<b>51.2</b>
Request Above/(Below)						
Recommendation	\$93,858	\$0	\$0	\$93,858	\$0	0.0

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer’s share of the cost of group benefit plans providing health, life, and dental insurance for state employees.

*STATUTORY AUTHORITY:* Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

*REQUEST:* The Department requests \$6,529,977 total funds including \$1,501,660 General Fund.

*RECOMMENDATION:* Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Compensation Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee. Staff will include adjustments to reflect the Committee’s decision on R1 Restore budget reductions.

ADMINISTRATION, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$6,008,122	\$1,290,587	\$966,405	\$3,595,030	\$156,100	0.0
<b>TOTAL</b>	<b>\$6,008,122</b>	<b>\$1,290,587</b>	<b>\$966,405</b>	<b>\$3,595,030</b>	<b>\$156,100</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$6,008,122	\$1,290,587	\$966,405	\$3,595,030	\$156,100	0.0
Centrally appropriated line items	528,282	15,365	46,629	446,802	19,486	0.0
R1 Restore budget reductions	0	199,711	(199,711)	0	0	0.0
Nonprioritized items	(6,427)	(4,003)	207	(1,624)	(1,007)	0.0
<b>TOTAL</b>	<b>\$6,529,977</b>	<b>\$1,501,660</b>	<b>\$813,530</b>	<b>\$4,040,208</b>	<b>\$174,579</b>	<b>0.0</b>

ADMINISTRATION, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>INCREASE/(DECREASE)</b>	<b>\$521,855</b>	<b>\$211,073</b>	<b>(\$152,875)</b>	<b>\$445,178</b>	<b>\$18,479</b>	<b>0.0</b>
Percentage Change	8.7%	16.4%	(15.8%)	12.4%	11.8%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$6,529,977</b>	<b>\$1,501,660</b>	<b>\$813,530</b>	<b>\$4,040,208</b>	<b>\$174,579</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### SHORT-TERM DISABILITY

This line item provides funding for the employer’s share of the cost of group benefit plans providing short-term disability insurance for state employees.

*STATUTORY AUTHORITY:* Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

*REQUEST:* The Department requests \$89,604 total funds including \$21,360 General Fund.

*RECOMMENDATION:* Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Compensation Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee. Staff will include adjustments to reflect the Committee’s decision on R1 Restore budget reductions.

ADMINISTRATION, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$79,236	\$17,233	\$12,499	\$47,300	\$2,204	0.0
<b>TOTAL</b>	<b>\$79,236</b>	<b>\$17,233</b>	<b>\$12,499</b>	<b>\$47,300</b>	<b>\$2,204</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$79,236	\$17,233	\$12,499	\$47,300	\$2,204	0.0
Centrally appropriated line items	10,378	1,687	304	8,525	(138)	0.0
R1 Restore budget reductions	0	2,440	(2,440)	0	0	0.0
<b>TOTAL</b>	<b>\$89,614</b>	<b>\$21,360</b>	<b>\$10,363</b>	<b>\$55,825</b>	<b>\$2,066</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$10,378</b>	<b>\$4,127</b>	<b>(\$2,136)</b>	<b>\$8,525</b>	<b>(\$138)</b>	<b>0.0</b>
Percentage Change	13.1%	23.9%	(17.1%)	18.0%	(6.3%)	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$89,614</b>	<b>\$21,360</b>	<b>\$10,363</b>	<b>\$55,825</b>	<b>\$2,066</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### PAID FAMILY AND MEDICAL LEAVE INSURANCE

*REQUEST:* The Department requests an appropriation of \$126,019 total funds including \$26,607 General Fund.

*RECOMMENDATION:* Staff recommendation is pending final action on the funding related to this line item as a statewide policy. JBC Staff requests permission to reflect the Committee’s actions.

ADMINISTRATION, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Nonprioritized items	\$126,019	\$26,607	\$18,004	\$78,504	\$2,904	0.0
<b>TOTAL</b>	<b>\$126,019</b>	<b>\$26,607</b>	<b>\$18,004</b>	<b>\$78,504</b>	<b>\$2,904</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$126,019</b>	<b>\$26,607</b>	<b>\$18,004</b>	<b>\$78,504</b>	<b>\$2,904</b>	<b>0.0</b>
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$126,019</b>	<b>\$26,607</b>	<b>\$18,004</b>	<b>\$78,504</b>	<b>\$2,904</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)**

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for the Public Employees’ Retirement Association (PERA).

*STATUTORY AUTHORITY:* Section 24-51-411 (1), C.R.S.

*REQUEST:* The Department requests \$2,800,422 total funds including \$667,499 General Fund.

*RECOMMENDATION:* Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Compensation Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee. Staff will include adjustments to reflect the Committee’s decision on R1 Restore budget reductions.

ADMINISTRATION, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$2,476,156	\$538,541	\$390,598	\$1,478,141	\$68,876	0.0
<b>TOTAL</b>	<b>\$2,476,156</b>	<b>\$538,541</b>	<b>\$390,598</b>	<b>\$1,478,141</b>	<b>\$68,876</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,476,156	\$538,541	\$390,598	\$1,478,141	\$68,876	0.0
Centrally appropriated line items	324,266	52,718	9,483	266,383	(4,318)	0.0
R1 Restore budget reductions	0	76,240	(76,240)	0	0	0.0
<b>TOTAL</b>	<b>\$2,800,422</b>	<b>\$667,499</b>	<b>\$323,841</b>	<b>\$1,744,524</b>	<b>\$64,558</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$324,266</b>	<b>\$128,958</b>	<b>(\$66,757)</b>	<b>\$266,383</b>	<b>(\$4,318)</b>	<b>0.0</b>
Percentage Change	13.1%	23.9%	(17.1%)	18.0%	(6.3%)	0.0%



ADMINISTRATION, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$2,800,422</b>	<b>\$667,499</b>	<b>\$323,841</b>	<b>\$1,744,524</b>	<b>\$64,558</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT**

Pursuant to S.B. 06-235, this line item provides additional funding to increase the state contribution for PERA.

*STATUTORY AUTHORITY:* Section 24-51-411 (3.2), C.R.S.

*REQUEST:* The Department requests \$2,800,422 total funds including \$667,499 General Fund.

*RECOMMENDATION:* Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Compensation Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee. Staff will include adjustments to reflect the Committee’s decision on R1 Restore budget reductions.

ADMINISTRATION, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$2,476,156	\$538,541	\$390,598	\$1,478,141	\$68,876	0.0
<b>TOTAL</b>	<b>\$2,476,156</b>	<b>\$538,541</b>	<b>\$390,598</b>	<b>\$1,478,141</b>	<b>\$68,876</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,476,156	\$538,541	\$390,598	\$1,478,141	\$68,876	0.0
Centrally appropriated line items	324,266	52,718	9,483	266,383	(4,318)	0.0
R1 Restore budget reductions	0	76,240	(76,240)	0	0	0.0
<b>TOTAL</b>	<b>\$2,800,422</b>	<b>\$667,499</b>	<b>\$323,841</b>	<b>\$1,744,524</b>	<b>\$64,558</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$324,266</b>	<b>\$128,958</b>	<b>(\$66,757)</b>	<b>\$266,383</b>	<b>(\$4,318)</b>	<b>0.0</b>
Percentage Change	13.1%	23.9%	(17.1%)	18.0%	(6.3%)	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$2,800,422</b>	<b>\$667,499</b>	<b>\$323,841</b>	<b>\$1,744,524</b>	<b>\$64,558</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**PERA DIRECT DISTRIBUTION**

This line item is included as a common policy allocation payment for the state portion of the PERA Direct Distribution created in Section 24-51-414, C.R.S., enacted in S.B. 18-200.

*STATUTORY AUTHORITY:* Section 24-51-414, C.R.S.

*REQUEST:* The Department requests \$1,221,178 total funds, including \$285,982 General Fund.

*RECOMMENDATION: Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Compensation Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee.*

ADMINISTRATION, PERA DIRECT DISTRIBUTION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$1,214,732	\$297,982	\$191,616	\$725,134	\$0	0.0
<b>TOTAL</b>	<b>\$1,214,732</b>	<b>\$297,982</b>	<b>\$191,616</b>	<b>\$725,134</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,214,732	\$297,982	\$191,616	\$725,134	\$0	0.0
Centrally appropriated line items	6,446	(12,000)	(17,153)	35,599	0	0.0
<b>TOTAL</b>	<b>\$1,221,178</b>	<b>\$285,982</b>	<b>\$174,463</b>	<b>\$760,733</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$6,446</b>	<b>(\$12,000)</b>	<b>(\$17,153)</b>	<b>\$35,599</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	0.5%	(4.0%)	(9.0%)	4.9%	0.0%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,221,178</b>	<b>\$285,982</b>	<b>\$174,463</b>	<b>\$760,733</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**SALARY SURVEY FOR CLASSIFIED EMPLOYEES**

The Department uses this line item to pay for salary survey increases for *classified* employees.

*STATUTORY AUTHORITY:* Section 24-50-104 (4)(c), C.R.S.

*REQUEST:* The Department requests \$473,763 total funds including \$140,618 General Fund.

*RECOMMENDATION: Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Compensation Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee.*

ADMINISTRATION, SALARY SURVEY FOR CLASSIFIED EMPLOYEES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$468,752	\$139,945	\$152,845	\$142,474	\$33,488	0.0
<b>TOTAL</b>	<b>\$468,752</b>	<b>\$139,945</b>	<b>\$152,845</b>	<b>\$142,474</b>	<b>\$33,488</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$468,752	\$139,945	\$152,845	\$142,474	\$33,488	0.0
Centrally appropriated line items	473,763	140,618	141,955	157,267	33,923	0.0
Prior year budget actions	(468,752)	(139,945)	(152,845)	(142,474)	(33,488)	0.0
<b>TOTAL</b>	<b>\$473,763</b>	<b>\$140,618</b>	<b>\$141,955</b>	<b>\$157,267</b>	<b>\$33,923</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$5,011</b>	<b>\$673</b>	<b>(\$10,890)</b>	<b>\$14,793</b>	<b>\$435</b>	<b>0.0</b>
Percentage Change	1.1%	0.5%	(7.1%)	10.4%	1.3%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$473,763</b>	<b>\$140,618</b>	<b>\$141,955</b>	<b>\$157,267</b>	<b>\$33,923</b>	<b>0.0</b>

ADMINISTRATION, SALARY SURVEY FOR CLASSIFIED EMPLOYEES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**SALARY SURVEY FOR EXEMPT EMPLOYEES**

The Department uses this line item to pay for salary increases for employees who are *exempt from the state personnel system (attorneys)*.

*STATUTORY AUTHORITY:* Section 24-50-104 (4)(c), C.R.S.

*REQUEST:* The Department requests \$2,608,975 total funds including \$558,626 General Fund.

*RECOMMENDATION:* Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Compensation Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee. Staff will also reflect to Committee’s decision related to R1 Restore budget reductions in this line item.

ADMINISTRATION, SALARY SURVEY FOR EXEMPT EMPLOYEES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$1,620,558	\$352,456	\$255,634	\$967,392	\$45,076	0.0
<b>TOTAL</b>	<b>\$1,620,558</b>	<b>\$352,456</b>	<b>\$255,634</b>	<b>\$967,392</b>	<b>\$45,076</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,620,558	\$352,456	\$255,634	\$967,392	\$45,076	0.0
Centrally appropriated line items	2,608,975	428,135	225,905	1,938,380	16,555	0.0
R1 Restore budget reductions	0	130,491	(130,491)	0	0	0.0
Prior year budget actions	(1,620,558)	(352,456)	(255,634)	(967,392)	(45,076)	0.0
<b>TOTAL</b>	<b>\$2,608,975</b>	<b>\$558,626</b>	<b>\$95,414</b>	<b>\$1,938,380</b>	<b>\$16,555</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$988,417</b>	<b>\$206,170</b>	<b>(\$160,220)</b>	<b>\$970,988</b>	<b>(\$28,521)</b>	<b>0.0</b>
Percentage Change	61.0%	58.5%	(62.7%)	100.4%	(63.3%)	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**WORKERS’ COMPENSATION**

This line item supports the Department’s estimated share for inclusion in the state’s workers’ compensation program for state employees. The Department of Personnel administers this program.

*STATUTORY AUTHORITY:* Section 24-30-1510.7, C.R.S.

*REQUEST:* The Department requests \$137,425 total funds including \$32,049 General Fund.

*RECOMMENDATION: Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Operating Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee.*

ADMINISTRATION, WORKERS' COMPENSATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$186,397	\$43,923	\$30,222	\$106,900	\$5,352	0.0
<b>TOTAL</b>	<b>\$186,397</b>	<b>\$43,923</b>	<b>\$30,222</b>	<b>\$106,900</b>	<b>\$5,352</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$186,397	\$43,923	\$30,222	\$106,900	\$5,352	0.0
Centrally appropriated line items	(48,972)	(11,874)	(9,255)	(26,161)	(1,682)	0.0
<b>TOTAL</b>	<b>\$137,425</b>	<b>\$32,049</b>	<b>\$20,967</b>	<b>\$80,739</b>	<b>\$3,670</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$48,972)</b>	<b>(\$11,874)</b>	<b>(\$9,255)</b>	<b>(\$26,161)</b>	<b>(\$1,682)</b>	<b>0.0</b>
Percentage Change	(26.3%)	(27.0%)	(30.6%)	(24.5%)	(31.4%)	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$137,425</b>	<b>\$32,049</b>	<b>\$20,967</b>	<b>\$80,739</b>	<b>\$3,670</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

ATTORNEY REGISTRATION AND CONTINUING LEGAL EDUCATION

This line item provides funding for the Department to cover the annual registration fee for each attorney (\$325 per attorney) and to provide some funding for required continuing legal education expenses (\$150 per attorney). The Committee established this line item in FY 2008-09 in response to a request from the Department, and it is designed to make the salary and benefit package offered by the Department more competitive with other public sector law firms.

*STATUTORY AUTHORITY:* Section 24-31-101 (6), C.R.S.

*REQUEST:* The Department requests \$165,585 total funds.

*RECOMMENDATION:* Staff recommends approving the request. The technical adjustments relate to the change in volume of attorneys funded as outlined above.

ADMINISTRATION, ATTORNEY REGISTRATION AND CONTINUING LEGAL EDUCATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$150,528	\$25,555	\$10,403	\$113,145	\$1,425	0.0
<b>TOTAL</b>	<b>\$150,528</b>	<b>\$25,555</b>	<b>\$10,403</b>	<b>\$113,145</b>	<b>\$1,425</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$150,528	\$25,555	\$10,403	\$113,145	\$1,425	0.0
Technical adjustments	15,057	950	0	14,107	0	0.0
<b>TOTAL</b>	<b>\$165,585</b>	<b>\$26,505</b>	<b>\$10,403</b>	<b>\$127,252</b>	<b>\$1,425</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$15,057</b>	<b>\$950</b>	<b>\$0</b>	<b>\$14,107</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	10.0%	3.7%	0.0%	12.5%	0.0%	0.0%

ADMINISTRATION, ATTORNEY REGISTRATION AND CONTINUING LEGAL EDUCATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$165,585</b>	<b>\$26,505</b>	<b>\$10,403</b>	<b>\$127,252</b>	<b>\$1,425</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**OPERATING EXPENSES**

This line item provides funding for operating expenses of the Administration section. The reappropriated funds are from indirect cost recoveries.

*STATUTORY AUTHORITY:* Section 24-31-101 (6), C.R.S.

*REQUEST:* The Department requests an appropriation of \$225,567 reappropriated funds.

*RECOMMENDATION:* Staff recommends approving the request, included adjustments related to R2 Administration Section Support of agency, as discussed at the beginning of this section.

ADMINISTRATION, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$202,917	\$0	\$0	\$202,917	\$0	0.0
<b>TOTAL</b>	<b>\$202,917</b>	<b>\$0</b>	<b>\$0</b>	<b>\$202,917</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$202,917	\$0	\$0	\$202,917	\$0	0.0
R2 Admin section support of agency	22,650	0	0	22,650	0	0.0
<b>TOTAL</b>	<b>\$225,567</b>	<b>\$0</b>	<b>\$0</b>	<b>\$225,567</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$22,650</b>	<b>\$0</b>	<b>\$0</b>	<b>\$22,650</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	11.2%	0.0%	0.0%	11.2%	0.0%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**LEGAL SERVICES**

This line item provides appropriations for anticipated legal services expenses for both Safe2Tell and the Peace Officers Standards and Training (P.O.S.T.) Board, the two Department of Law programs expected to utilize legal services in FY 2021-22.

*STATUTORY AUTHORITY:* Section 24-31-101, C.R.S.

*REQUEST:* The Department requests \$85,201 total funds including \$32,726 General Fund.

*RECOMMENDATION:* The staff recommendation is pending the Committee’s setting of a legal services. Staff will reflect the Committee’s decisions with respect to the legal services rate in the Long Bill.

ADMINISTRATION, LEGAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$26,626	\$10,227	\$16,399	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$26,626</b>	<b>\$10,227</b>	<b>\$16,399</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$26,626	\$10,227	\$16,399	\$0	\$0	0.0
Centrally appropriated line items	58,575	22,499	36,076	0	0	0.0
<b>TOTAL</b>	<b>\$85,201</b>	<b>\$32,726</b>	<b>\$52,475</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$58,575</b>	<b>\$22,499</b>	<b>\$36,076</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	220.0%	220.0%	220.0%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$85,201</b>	<b>\$32,726</b>	<b>\$52,475</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### ADMINISTRATIVE LAW JUDGE SERVICES

This line item provides funding for the Department to purchase Administrative Law Judge services from the Department of Personnel and Administration.

*STATUTORY AUTHORITY:* Sections 24-30-1001 (3) and 24-30-1002, C.R.S.

*REQUEST:* The Department requests \$1,009 cash funds.

*RECOMMENDATION:* Due to the timing of publication of this document, JBC Staff was not able to include the Committee's recent decision on Operating Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee.

ADMINISTRATION, ADMINISTRATIVE LAW JUDGE SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$197	\$0	\$197	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$197</b>	<b>\$0</b>	<b>\$197</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$197	\$0	\$197	\$0	\$0	0.0
Centrally appropriated line items	812	0	812	0	0	0.0
<b>TOTAL</b>	<b>\$1,009</b>	<b>\$0</b>	<b>\$1,009</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$812</b>	<b>\$0</b>	<b>\$812</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	412.2%	0.0%	412.2%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,009</b>	<b>\$0</b>	<b>\$1,009</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**PAYMENT TO RISK MANAGEMENT AND PROPERTY FUNDS**

This line item provides funding for the Department’s share of the statewide costs for two risk management programs operated by the Department of Personnel: (1) the liability program, and (2) the property program. The state’s liability program pays liability claims and expenses brought against the State. The property program provides insurance coverage for state buildings and their contents.

*STATUTORY AUTHORITY:* Sections 24-30-1510 and 24-30-1510.5, C.R.S.

*REQUEST:* The Department requests \$405,219 total funds for FY 2022-23.

*RECOMMENDATION:* Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Operating Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee.

ADMINISTRATION, PAYMENT TO RISK MANAGEMENT AND PROPERTY FUNDS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$203,812	\$48,028	\$33,044	\$116,888	\$5,852	0.0
<b>TOTAL</b>	<b>\$203,812</b>	<b>\$48,028</b>	<b>\$33,044</b>	<b>\$116,888</b>	<b>\$5,852</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$203,812	\$48,028	\$33,044	\$116,888	\$5,852	0.0
Centrally appropriated line items	198,369	45,769	28,317	119,395	4,888	0.0
Nonprioritized items	3,038	709	463	1,785	81	0.0
<b>TOTAL</b>	<b>\$405,219</b>	<b>\$94,506</b>	<b>\$61,824</b>	<b>\$238,068</b>	<b>\$10,821</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$201,407</b>	<b>\$46,478</b>	<b>\$28,780</b>	<b>\$121,180</b>	<b>\$4,969</b>	<b>0.0</b>
Percentage Change	98.8%	96.8%	87.1%	103.7%	84.9%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$405,219</b>	<b>\$94,506</b>	<b>\$61,824</b>	<b>\$238,068</b>	<b>\$10,821</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**VEHICLE LEASE PAYMENTS**

This line item provides funding for annual payments to the Department of Personnel for the cost of administration, loan repayment, and lease-purchase payments for new and replacement motor vehicles [see Section 24-30-1117, C.R.S.]. The current appropriation covers costs associated with a total of 32 vehicles, including 16 that are used by the Criminal Justice and Appellate Division, eight that are used by the Legal Services for State Agencies Division, five that are used by the Consumer Protection Division, one that is used by the Office of Community Engagement, and two that are used by the Office of the Attorney General.

*STATUTORY AUTHORITY:* Section 24-30-1104 (2), C.R.S.

*REQUEST:* The Department requests \$88,783 total funds, including \$34,570 General Fund.

*RECOMMENDATION: Due to the timing of publication of this document, JBC Staff was not able to include the Committee's recent decision on Operating Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee.*

ADMINISTRATION, VEHICLE LEASE PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$78,456	\$31,790	\$18,357	\$26,056	\$2,253	0.0
Other legislation	\$3,900	\$3,900	\$0	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$82,356</b>	<b>\$35,690</b>	<b>\$18,357</b>	<b>\$26,056</b>	<b>\$2,253</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$82,356	\$35,690	\$18,357	\$26,056	\$2,253	0.0
Centrally appropriated line items	10,327	2,780	(1,876)	3,376	6,047	0.0
Prior year budget actions	(3,900)	(3,900)	0	0	0	0.0
<b>TOTAL</b>	<b>\$88,783</b>	<b>\$34,570</b>	<b>\$16,481</b>	<b>\$29,432</b>	<b>\$8,300</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$6,427</b>	<b>(\$1,120)</b>	<b>(\$1,876)</b>	<b>\$3,376</b>	<b>\$6,047</b>	<b>0.0</b>
Percentage Change	7.8%	(3.1%)	(10.2%)	13.0%	268.4%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$88,783</b>	<b>\$34,570</b>	<b>\$16,481</b>	<b>\$29,432</b>	<b>\$8,300</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## IT ASSET MAINTENANCE

This appropriation funds the maintenance and replacement of computer equipment as well as software maintenance and licensing agreements. The requested amount provides for the replacement of the Department's information technology according to a regular schedule in accordance with guidelines established by the Governor's Office of Information Technology.

*STATUTORY AUTHORITY:* Sections 24-37.5-108 and 112, C.R.S.

*REQUEST:* The Department requests \$1,124,439 total funds, including \$262,242 General Fund.

*RECOMMENDATION:* Staff recommends approving the request.

ADMINISTRATION, INFORMATION TECHNOLOGY ASSET MAINTENANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$1,124,439	\$264,966	\$182,312	\$644,874	\$32,287	0.0
<b>TOTAL</b>	<b>\$1,124,439</b>	<b>\$264,966</b>	<b>\$182,312</b>	<b>\$644,874</b>	<b>\$32,287</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,124,439	\$264,966	\$182,312	\$644,874	\$32,287	0.0
Technical adjustments	0	(2,724)	(10,752)	15,735	(2,259)	0.0
<b>TOTAL</b>	<b>\$1,124,439</b>	<b>\$262,242</b>	<b>\$171,560</b>	<b>\$660,609</b>	<b>\$30,028</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$0</b>	<b>(\$2,724)</b>	<b>(\$10,752)</b>	<b>\$15,735</b>	<b>(\$2,259)</b>	<b>0.0</b>
Percentage Change	0.0%	(1.0%)	(5.9%)	2.4%	(7.0%)	0.0%



ADMINISTRATION, INFORMATION TECHNOLOGY ASSET MAINTENANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,124,439</b>	<b>\$262,242</b>	<b>\$171,560</b>	<b>\$660,609</b>	<b>\$30,028</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**RALPH L. CARR COLORADO JUDICIAL CENTER LEASED SPACE**

Created in FY 2013-14 to reflect the Department’s relocation to the Ralph L. Carr Colorado Judicial Center (Carr Center), this line item supports the Department’s lease payments for space in the building. The Department now occupies 213,291 square feet in the Carr Center. This line item also supports the Department’s share of State Patrol security services at the Carr Center.

*STATUTORY AUTHORITY:* Section 13-32-101 (7), C.R.S.

*REQUEST:* The Department requests \$3,565,175 total funds for this line item. This amount is impacted by Committee decisions on the Judicial Branch budget request related to the Carr Center and the Department of Public Safety’s budget request for State Patrol Services.

*RECOMMENDATION:* Staff requests permission to reflect the future Committee decision.

ADMINISTRATION, RALPH L. CARR COLORADO JUDICIAL CENTER LEASED SPACE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$3,501,908	\$825,200	\$567,784	\$2,008,371	\$100,553	0.0
<b>TOTAL</b>	<b>\$3,501,908</b>	<b>\$825,200</b>	<b>\$567,784</b>	<b>\$2,008,371</b>	<b>\$100,553</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$3,501,908	\$825,200	\$567,784	\$2,008,371	\$100,553	0.0
Centrally appropriated line items	63,267	6,272	(23,837)	86,179	(5,347)	0.0
<b>TOTAL</b>	<b>\$3,565,175</b>	<b>\$831,472</b>	<b>\$543,947</b>	<b>\$2,094,550</b>	<b>\$95,206</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>						
	<b>\$63,267</b>	<b>\$6,272</b>	<b>(\$23,837)</b>	<b>\$86,179</b>	<b>(\$5,347)</b>	<b>0.0</b>
Percentage Change	1.8%	0.8%	(4.2%)	4.3%	(5.3%)	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**PAYMENTS TO OIT**

Supports various payments to the Governor’s Office of Information Technology (OIT) for services provided to the Department. The line item includes funds previously appropriated to a variety of line items associated with OIT.

*STATUTORY AUTHORITY:* Section 24-37.5-104, C.R.S.

*REQUEST:* The Department requests \$443,653 total funds for payments to OIT.

*RECOMMENDATION: The staff recommendation is pending the Committee’s actions on IT common policies. Staff requests permission to reflect the Committee’s decisions on the IT common policies in the Long Bill.*

ADMINISTRATION, PAYMENTS TO OIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$941,899	\$222,869	\$152,520	\$539,499	\$27,011	0.0
<b>TOTAL</b>	<b>\$941,899</b>	<b>\$222,869</b>	<b>\$152,520</b>	<b>\$539,499</b>	<b>\$27,011</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$941,899	\$222,869	\$152,520	\$539,499	\$27,011	0.0
Centrally appropriated line items	(487,061)	(116,790)	(83,125)	(272,281)	(14,865)	0.0
Nonprioritized items	(11,185)	(2,607)	(1,708)	(6,571)	(299)	0.0
<b>TOTAL</b>	<b>\$443,653</b>	<b>\$103,472</b>	<b>\$67,687</b>	<b>\$260,647</b>	<b>\$11,847</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$498,246)</b>	<b>(\$119,397)</b>	<b>(\$84,833)</b>	<b>(\$278,852)</b>	<b>(\$15,164)</b>	<b>0.0</b>
Percentage Change	(52.9%)	(53.6%)	(55.6%)	(51.7%)	(56.1%)	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$443,653</b>	<b>\$103,472</b>	<b>\$67,687</b>	<b>\$260,647</b>	<b>\$11,847</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**CORE OPERATIONS**

This line item provides the Department’s share of funding to support the statewide accounting system (CORE) used by the Office of the State Controller to record all state revenues and expenditures.

*STATUTORY AUTHORITY:* Section 24-30-209, C.R.S.

*REQUEST:* The Department requests \$48,571 total funds for this purpose.

*RECOMMENDATION:* Due to the timing of publication of this document, JBC Staff was not able to include the Committee’s recent decision on Operating Common policies. Staff requests permission to update the figures for this line item to match those already approved by the Committee.

ADMINISTRATION, CORE OPERATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$44,664	\$10,524	\$7,240	\$25,617	\$1,283	0.0
<b>TOTAL</b>	<b>\$44,664</b>	<b>\$10,524</b>	<b>\$7,240</b>	<b>\$25,617</b>	<b>\$1,283</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$44,664	\$10,524	\$7,240	\$25,617	\$1,283	0.0
Centrally appropriated line items	3,907	804	170	2,919	14	0.0
<b>TOTAL</b>	<b>\$48,571</b>	<b>\$11,328</b>	<b>\$7,410</b>	<b>\$28,536</b>	<b>\$1,297</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$3,907</b>	<b>\$804</b>	<b>\$170</b>	<b>\$2,919</b>	<b>\$14</b>	<b>0.0</b>
Percentage Change	8.7%	7.6%	2.3%	11.4%	1.1%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$48,571</b>	<b>\$11,328</b>	<b>\$7,410</b>	<b>\$28,536</b>	<b>\$1,297</b>	<b>0.0</b>

ADMINISTRATION, CORE OPERATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**OFFICE OF COMMUNITY ENGAGEMENT**

Created in FY 2015-16, this line item supports statewide community engagement efforts, including 2.0 FTE added in the FY 2015-16 appropriation to lead a newly created Office of Community Engagement as well as 5.0 FTE dedicated to the Safe2Tell program (which had been funded as a separate line item prior to FY 2015-16). The office is charged with improving relationships with partner organizations and agencies regarding domestic violence prevention, consumer protection outreach and education, safe communities and safe schools, and anti-human trafficking efforts.

The Safe2Tell program provides students and the community with a means to anonymously report information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities – or the threat of these activities – to appropriate law enforcement and public safety agencies and school officials. Safe2Tell also makes presentations to students and communities around the state to educate youth about the dangers of the “Code of Silence” which often keeps children from telling authorities of potential dangers.

*STATUTORY AUTHORITY:* Sections 24-31-601, *et al.*, and 24-31-103 (3), C.R.S.

*REQUEST:* The Department requests an appropriation of \$962,519 total funds (including \$764,879 General Fund and \$197,640 cash funds) and 9.0 FTE.

*RECOMMENDATION:* Staff recommends approving the Department request.

ADMINISTRATION, OFFICE OF COMMUNITY ENGAGEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$880,836	\$687,937	\$192,899	\$0	\$0	8.0
<b>TOTAL</b>	<b>\$880,836</b>	<b>\$687,937</b>	<b>\$192,899</b>	<b>\$0</b>	<b>\$0</b>	<b>8.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$880,836	\$687,937	\$192,899	\$0	\$0	8.0
R1 Restore budget reductions	61,767	61,767	0	0	0	1.0
Prior year budget actions	19,916	15,175	4,741	0	0	0.0
<b>TOTAL</b>	<b>\$962,519</b>	<b>\$764,879</b>	<b>\$197,640</b>	<b>\$0</b>	<b>\$0</b>	<b>9.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$81,683</b>	<b>\$76,942</b>	<b>\$4,741</b>	<b>\$0</b>	<b>\$0</b>	<b>1.0</b>
Percentage Change	9.3%	11.2%	2.5%	n/a	n/a	12.5%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$962,519</b>	<b>\$764,879</b>	<b>\$197,640</b>	<b>\$0</b>	<b>\$0</b>	<b>9.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**PATTERNS AND PRACTICES**

This unit is responsible for assessing and investigating instances in which a governmental agency may have engaged in patterns of practice that deprives persons of rights, privileges, or immunities protected

by the laws and constitutions of the state and nation. In certain instances, the Attorney General may seek all appropriate relief through civil actions.

*REQUEST:* The Department requests an appropriation of \$491,250 General Fund and 2.9 FTE.

*RECOMMENDATION:* Staff recommends an appropriation of \$462,589 General Fund, which differ from the Department request due to funding new FTE at the range minimum.

ADMINISTRATION, PATTERNS AND PRACTICE INVESTIGATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$323,921	\$323,921	\$0	\$0	\$0	1.8
<b>TOTAL</b>	<b>\$323,921</b>	<b>\$323,921</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.8</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$323,921	\$323,921	\$0	\$0	\$0	1.8
R5 Patterns and practices program	127,760	127,760	0	0	0	0.9
Prior year budget actions	10,908	10,908	0	0	0	0.2
<b>TOTAL</b>	<b>\$462,589</b>	<b>\$462,589</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>2.9</b>
<b>INCREASE/(DECREASE)</b>	<b>\$138,668</b>	<b>\$138,668</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.1</b>
Percentage Change	42.8%	42.8%	0.0%	0.0%	0.0%	61.1%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$491,250</b>	<b>\$491,250</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>2.9</b>
Request Above/(Below) Recommendation	\$28,661	\$28,661	\$0	\$0	\$0	(0.0)

### ATTORNEY GENERAL DISCRETIONARY FUND

Section 24-9-105 (1), C.R.S., authorizes the General Assembly to appropriate \$5,000 of discretionary funds to the Attorney General to use for official business purposes.

*STATUTORY AUTHORITY:* Section 24-9-105 (1) I, C.R.S.

*REQUEST:* The Department requests continuation of the \$5,000 General Fund appropriation.

*RECOMMENDATION:* Staff recommends approving the request.

ADMINISTRATION, ATTORNEY GENERAL DISCRETIONARY FUND						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$5,000	\$5,000	\$0	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$5,000</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$5,000	\$5,000	\$0	\$0	\$0	0.0
No changes	0	0	0	0	0	0.0
<b>TOTAL</b>	<b>\$5,000</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	0.0%	0.0%	n/a	n/a	n/a	n/a

ADMINISTRATION, ATTORNEY GENERAL DISCRETIONARY FUND						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$5,000</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## (2) LEGAL SERVICES TO STATE AGENCIES

The Legal Services to State Agencies (LSSA) section of the Long Bill provides appropriations to the Department to allow it to spend moneys received from other state agencies for the provision of legal services as required by Section 24-31-101, C.R.S. Since 1973, the General Assembly has made appropriations for legal services to the various state agencies, which in turn purchase services from the Department of Law at hourly rates. The Department of Law collects payments from these agencies for the provision of legal services. In order to spend the money it receives to pay salaries and related expenses, the Department of Law also requires an appropriation. Thus, whenever the General Assembly makes an appropriation to a state agency for legal services, the Department of Law must receive an equal appropriation so it can spend the money it receives.

The Long Bill reflects most of the appropriation to the Department of Law as reappropriated funds because a duplicate appropriation for the purchase of legal services appears in the client agency's budget. In some instances, however, the Department receives payments from state agencies that are not duplicated in appropriations elsewhere in the budget (*e.g.*, payments from PERA). The Long Bill reflects these payments as cash funds.

LEGAL SERVICES TO STATE AGENCIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$42,452,293	\$0	\$1,514,518	\$40,937,775	\$0	292.3
Other legislation	4,642,788	0	0	4,642,788	0	23.7
<b>TOTAL</b>	<b>\$47,095,081</b>	<b>\$0</b>	<b>\$1,514,518</b>	<b>\$45,580,563</b>	<b>\$0</b>	<b>316.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$47,095,081	\$0	\$1,514,518	\$45,580,563	\$0	316.0
Centrally appropriated line items	324,188	0	210,762	113,426	0	0.0
Prior year budget actions	761,600	0	0	761,600	0	2.5
<b>TOTAL</b>	<b>\$48,180,869</b>		<b>\$1,725,280</b>	<b>\$46,455,589</b>	<b>\$0</b>	<b>318.5</b>
<b>INCREASE/(DECREASE)</b>	<b>\$1,085,788</b>	<b>\$0</b>	<b>\$210,762</b>	<b>\$875,026</b>	<b>\$0</b>	<b>2.5</b>
Percentage Change	2.3%	0.0%	13.9%	1.9%	0.0%	0.8%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0		\$0	\$0	\$0	0.0

### DECISION ITEMS – LEGAL SERVICES TO STATE AGENCIES (NONE)

The Department did not submit any decision items specific to this division.

### LINE ITEM DETAIL – LEGAL SERVICES TO STATE AGENCIES

#### PERSONAL SERVICES

The appropriation in the Long Bill for personal services in the Legal Services to State Agencies (LSSA) section is a reflection of the State's need for legal services. The LSSA section has two types of employees who bill client agencies: attorneys and legal assistants. Each "billing" attorney and legal

assistant provides 1,800 hours of legal services annually<sup>1</sup>. All attorneys bill at a uniform hourly attorney rate, and all legal assistants bill at a uniform hourly legal assistant rate. The “blended” legal rate is a weighted average of these two rates, which is used to compute the appropriations to other state agencies for the purchase of legal services.

Toward the end of the figure setting period Staff will ask the Committee at that time to approve a blended hourly rate that will then be used to calculate Long Bill appropriations for the purchase of legal services for FY 2022-23.

*STATUTORY AUTHORITY:* Section 24-31-101 (1)(a), C.R.S.

*REQUEST:* The Department requests \$41,420,007 reappropriated funds.

*RECOMMENDATION:* Staff recommends approving the Department request.

LEGAL SERVICES TO STATE AGENCIES, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$36,437,232	\$0	\$0	\$36,437,232	\$0	292.3
Other legislation	\$4,642,788	\$0	\$0	\$4,642,788	\$0	23.7
<b>TOTAL</b>	<b>\$41,080,020</b>	<b>\$0</b>	<b>\$0</b>	<b>\$41,080,020</b>	<b>\$0</b>	<b>316.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$41,080,020	\$0	\$0	\$41,080,020	\$0	316.0
Prior year budget actions	339,987	0	0	339,987	0	2.5
<b>TOTAL</b>	<b>\$41,420,007</b>	<b>\$0</b>	<b>\$0</b>	<b>\$41,420,007</b>	<b>\$0</b>	<b>318.5</b>
<b>INCREASE/(DECREASE)</b>	<b>\$339,987</b>	<b>\$0</b>	<b>\$0</b>	<b>\$339,987</b>	<b>\$0</b>	<b>2.5</b>
Percentage Change	0.8%	n/a	n/a	0.8%	n/a	0.8%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$41,420,007</b>	<b>\$0</b>	<b>\$0</b>	<b>\$41,420,007</b>	<b>\$0</b>	<b>318.5</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## OPERATING AND LITIGATION

This line item supports operating and litigation expenses related to the provision of legal services to state agencies.

*STATUTORY AUTHORITY:* Section 24-31-101 (1)(a), C.R.S.

*REQUEST:* The Department requests \$2,462,284 total funds.

*RECOMMENDATION:* Staff recommends approving the Department request.

<sup>1</sup> When annual leave and state holidays are taken into account, an individual needs to bill 7.5 hours/day to bill a total of 1,800 hours per year. The Department's personnel evaluations are based, in part, on the number of hours billed. The Department indicates that most attorneys work more than eight hours per day or periodically work on weekends or holidays to achieve this billing objective.

LEGAL SERVICES TO STATE AGENCIES, OPERATING AND LITIGATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$2,040,671	\$0	\$200,000	\$1,840,671	\$0	0.0
<b>TOTAL</b>	<b>\$2,040,671</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$1,840,671</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,040,671	\$0	\$200,000	\$1,840,671	\$0	0.0
Prior year budget actions	421,613	0	0	421,613	0	0.0
<b>TOTAL</b>	<b>\$2,462,284</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$2,262,284</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$421,613</b>	<b>\$0</b>	<b>\$0</b>	<b>\$421,613</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	20.7%	n/a	0.0%	22.9%	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$2,462,284</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$2,262,284</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**INDIRECT COST ASSESSMENT**

Indirect cost assessments are charged to cash and federally-funded programs for departmental and statewide overhead costs. The indirect assessments for this department are based upon the number of cash and federally funded FTE who work in each division. The source of funds for this line item is revenue collected from other State agencies for legal services provided by the Department of Law.

*STATUTORY AUTHORITY:* Section 24-31-101 (1)(a), C.R.S.

*REQUEST:* The Department requests an appropriation of \$4,298,578 total funds.

*RECOMMENDATION:* Staff recommends approving the request. Staff requests permission to adjust these amounts as necessary once the Committee has finalized all common policies that may require a change in the assessments for this division.

LEGAL SERVICES TO STATE AGENCIES, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$3,974,390	\$0	\$1,314,518	\$2,659,872	\$0	0.0
<b>TOTAL</b>	<b>\$3,974,390</b>	<b>\$0</b>	<b>\$1,314,518</b>	<b>\$2,659,872</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$3,974,390	\$0	\$1,314,518	\$2,659,872	\$0	0.0
Centrally appropriated line items	324,188	0	210,762	113,426	0	0.0
<b>TOTAL</b>	<b>\$4,298,578</b>	<b>\$0</b>	<b>\$1,525,280</b>	<b>\$2,773,298</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$324,188</b>	<b>\$0</b>	<b>\$210,762</b>	<b>\$113,426</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	8.2%	n/a	16.0%	4.3%	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$4,298,578</b>	<b>\$0</b>	<b>\$1,525,280</b>	<b>\$2,773,298</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0



### (3) CRIMINAL JUSTICE AND APPELLATE

This section provides funding for department staff who:

- Investigate and prosecute certain complex and multi-jurisdictional cases, environmental crimes, election fraud, tax fraud, and foreign fugitives.
- Investigate and prosecute Medicaid provider fraud and patient abuse.
- Investigate and prosecute securities, insurance, and workers' compensation fraud.
- Provide investigative and prosecutorial support to local district attorneys in complex homicides, cold cases, human trafficking cases, and large-scale drug conspiracies.
- Represent the State in criminal appeal cases in state and federal courts.
- Assure that the constitutional and statutory rights of victims are preserved in criminal cases being prosecuted or defended by the Department.

Cash fund sources include moneys paid by insurance companies for the investigation and prosecution of insurance fraud, fees paid by peace officers for P.O.S.T. Board certification, and a statewide vehicle registration fee to support training for peace officers. Reappropriated fund sources include departmental indirect cost recoveries, moneys transferred from the Department of Public Safety from the Colorado Auto Theft Prevention Cash Fund and from the Victims Assistance and Law Enforcement (VALE) Fund, and moneys transferred from the Department of Regulatory Agencies from fees paid by regulated entities for the investigation and prosecution of securities fraud. Federal funds help support the Medicaid Fraud Control Unit.

CRIMINAL JUSTICE AND APPELLATE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$17,195,055	\$6,258,587	\$7,054,280	\$1,946,436	\$1,935,752	114.7
Other legislation	39,775	39,775	0	0	0	0.5
<b>TOTAL</b>	<b>\$17,234,830</b>	<b>\$6,298,362</b>	<b>\$7,054,280</b>	<b>\$1,946,436</b>	<b>\$1,935,752</b>	<b>115.2</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$17,234,830	\$6,298,362	\$7,054,280	\$1,946,436	\$1,935,752	115.2
R1 Restore budget reductions	1,221,619	184,853	1,036,766	0	0	1.5
R3 POST Board funding	323,356	0	323,356	0	0	1.0
R4 Medicaid fraud control	0	0	0	0	0	0.0
BA1 Medicaid Fraud Unit	796,351	199,088	0	0	597,263	7.3
Centrally appropriated line items	9,644	0	7,803	539	1,302	0.0
Prior year legislation	(6,285)	(9,708)	3,423	0	0	(0.2)
Prior year budget actions	393,111	608,811	(60,722)	(239,632)	84,654	0.0
Technical adjustments	4,232	0	0	4,232	0	0.0
<b>TOTAL</b>	<b>\$19,976,858</b>	<b>\$7,281,406</b>	<b>\$8,364,906</b>	<b>\$1,711,575</b>	<b>\$2,618,971</b>	<b>124.8</b>
<b>INCREASE/(DECREASE)</b>	<b>\$2,742,028</b>	<b>\$983,044</b>	<b>\$1,310,626</b>	<b>(\$234,861)</b>	<b>\$683,219</b>	<b>9.6</b>
Percentage Change	15.9%	15.6%	18.6%	(12.1%)	35.3%	8.3%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$20,355,021</b>	<b>\$7,369,221</b>	<b>\$8,391,809</b>	<b>\$1,711,575</b>	<b>\$2,882,416</b>	<b>125.5</b>
Request Above/(Below) Recommendation	\$378,163	\$87,815	\$26,903	\$0	\$263,445	0.7

### DECISION ITEMS – CRIMINAL JUSTICE AND APPELLATE

## → R3 POST BOARD FUNDING

*REQUEST:* The Department requests \$350,259 cash funds and 1.0 FTE for FY 2022-23 annualized to \$144,059 in out years to address expanded responsibilities of the Peace Officers Standards and Training (POST) Board and the redevelopment of peace officer training curriculum.

*RECOMMENDATION:* Staff recommends an appropriation of \$323,356 cash funds and 1.0 FTE, which amount takes into account the JBC policy to not include certain centralized costs. It includes \$200,000 for a Curriculum Development Consultant.

### *DISCUSSION*

The POST Board staff is appropriated 15.5 FTE for FY 2021-22. These FTE are primarily made up of Training Specialists, Grant Specialists, Compliance Specialists and other administrative support. These FTE are supervised by the POST Director.

Additionally, the Department is looking to bolster the administrative management of POST staff and efforts through the addition of a Deputy POST Director. This position will support the Director with the supervision of POST staff and statutory responsibilities, routine day-to-day operations, as well as support new training classes addressing curriculum changes and academy certifications.

With funding provided in prior budget years, the POST Board is conducting a Job Task Analysis that will instruct the implementation of new peace officer curriculum requirements. The curriculum redevelopment will lay the foundation for a complete change in the current basic, reserve, and refresher law enforcement training academy programs. This change will improve peace officer performance of future academy graduates. Also, an additional supervisor and manager will help ensure the POST staff meets the increasing programmatic demands of the POST Board and better support the POST Board and the state peace officer enterprise.

The Department surveyed other states who have recently conducted a Job Task Analysis and Curriculum Redevelopment. The Department is estimating \$200,000 to hire the expertise to conduct and lead this assessment. Additionally, the Department is using the midpoint of the current pay range for a Program Management I FTE. This position will be supervising other POST staff FTE and will have higher level responsibilities. The midpoint of the Program Management I classification will fund this position at roughly \$1,000 per month more than the next highest paid position, not including the Director.

While perhaps not as compelling as other recruiting data points, JBC staff found the Department's reason for requesting the midpoint compelling and thus recommends the Committee fund this position at the midpoint level of \$8,544 monthly.

JBC Staff recommends approving the Department request. The amount requested to obtain a consultant seems reasonable based on a survey of available data. The difference between the JBC Staff recommendation and the Department request is related to not including centralized costs pursuant to JBC policy. Therefore the recommendation is an appropriation of \$323,356 cash funds and 1.0 FTE, which amount takes into account the JBC policy to not include certain centralized costs. It includes \$200,000 for a Curriculum Development Consultant.

## → R4 MEDICAID FRAUD CONTROL - WITHDRAWN

*REQUEST:* This request has been withdrawn and resubmitted as BA1 Medicaid Fraud Unit. The initial request included \$896,461 total funds, comprised of \$224,115 General Fund and \$672,346 Federal Funds, for 4.0 FTE to better address current investigative, prosecutorial, and reporting requirements, as well as providing the Fraud Unit the ability to incorporate proactive investigative efforts.

*RECOMMENDATION:* Consistent with the Departments budget amendment, JBC staff recommends no appropriation associated with this request.

## → BA1 MEDICAID FRAUD UNIT

*REQUEST:* The request includes \$1,147,611 total funds, comprised of \$286,903 General Fund and \$860,708 Federal Funds, for 8.0 FTE to better address current investigative, prosecutorial, and reporting requirements, as well as providing the Medicaid Fraud Control Unit (“MFCU” or “Fraud Unit”) the ability to incorporate proactive investigative efforts.

*RECOMMENDATION:* With a couple exceptions explained in at the end of the discussion, consistent with JBC policy, JBC Staff recommends a total appropriation of \$796,351, including \$199,088 General Fund and \$597,263 Federal Funds for 7.3 FTE in FY 2022-23. This accounts for the pay date shift, positions starting at the range minimum, and exclusion of certain centralized costs in the first year. This will annualize to \$919,652 total funds, including \$229,913 General Fund and \$689,739 Federal Fund in subsequent years.

### *DISCUSSION*

The budget amendment requests \$1,147,611 of total funding in FY 2022-23 and \$1,088,495 in FY 2023-24 and out years. These resources will allow the MFCU to better address current investigative, prosecutorial, and reporting requirements, as well as providing the MFCU the ability to incorporate proactive investigative efforts.

The mission of the Colorado MFCU is not an overly broad one. Both State and Federal law tasks MFCUs with defending the integrity of the Medicaid program by investigating and prosecuting fraud committed by Medicaid providers and prosecuting allegations of patient abuse and neglect committed in health care facilities or at the hands of Medicaid providers. The MFCU also pursues civil recoveries and damages against providers under the Colorado Medicaid False Claims Act.

In addition to mandating that states have MFCUs to receive federal funding for their Medicaid program, the federal government also mandates the structure and staffing of those units. Performance standards have been implemented to ensure that MFCUs are in full compliance with the stated requirements.

Seventy-five percent of the funding for the MFCU is provided by the federal government with the remainder being provided through legislative appropriation, for when recoveries are made by the MFCU the entirety of the sum collected, principle, penalties, and interest are returned to the Medicaid program.

Currently, the MFCU manages its casework, case intakes, and tips as well as its recoveries and payments received on the same through a series of Excel spreadsheets and Access databases. As the work and caseload of the MFCU has increased such a solution has become inefficient, unmanageable, and unreliable. The current solution makes it next to impossible to monitor and track movement of cases through the Unit and to discover and detect patterns of fraud between providers. It should be noted that in addition to the primary tasks of the MFCU, it is also required by both state and federal laws and regulations to generate reports several times a year documenting the work and reflecting the efforts of the MFCU. This is another task that has grown increasingly inefficient and unmanageable as the Unit's case load has increased.

The Department anticipates the case management system will provide more streamlined data analysis and investigation and prosecution efforts, providing management a point in time review of workload by staff member and higher-level assessments of case management and appropriate required resources. The Department received, on January 4, 2022, a \$250,000 Colorado Statewide Internet Portal Authority (SIPA) grant for CY 2022 to support the implementation of this effort. This award led to the submission of the Budget Amendment.

The Department anticipates additional Medicaid fraudulent recoveries at roughly \$458,000 per each new FTE. Additionally, the Department anticipates a greater protection of Medicaid patients through the ability to proactively identify and investigate potential care issues. It should also be noted that absent such funding it is inevitable that monetary recoveries for Colorado will decline. With current staffing levels the MFCU is required to triage cases for investigation. When that is done, the cases that involve allegations of the abuse or neglect of patients, and involve patient harm or death, take priority over cases involving the theft of state funds.

The Department is requesting the salary for the AAG at the department average to accommodate for Equal Pay for Equal Work Act requirements. Lastly, the Department requests the new Legal Assistant II position at the same salary as the current MFCU Legal Assistant, to address the equal pay for equal work.

JBC staff recommends approving the Department request with some slight modifications. JBC staff recommends the 6.0 FTE be funded at the range minimum for the position. However, JBC staff recommends funding the Legal Assistant II and AAG positions as requested to promote equity within in the office. Therefore, the JBC Staff recommendation is for a total appropriation of \$796,351, including \$199,088 General Fund and \$597,263 Federal Funds for 7.3 FTE in FY 2022-23. This accounts for the pay date shift, positions starting at the range minimum, and exclusion of certain centralized costs in the first year. This will annualize to \$919,652 total funds, including \$229,913 General Fund and \$689,739 Federal Fund in subsequent years.

## LINE ITEM DETAIL – CRIMINAL JUSTICE AND APPELLATE

### SPECIAL PROSECUTIONS UNIT

This unit investigates and prosecutes crimes in a number of areas, under the general authorization of Section 24-31-105, C.R.S., and other specific provisions of statute. This unit prosecutes cases through direct filings as well as the use of the statewide grand jury. This line item is supported by General Fund, cash funds, and reappropriated funds.

General Fund supports the investigation and prosecution of a wide range of crimes and activities, including:

- *Complex Crimes and Multi-jurisdictional Cases* – These cases would be difficult or impossible for local law enforcement personnel to pursue because local units lack the authority to investigate and prosecute crimes that occur outside of their jurisdiction. This includes a wide variety of criminal activity including: racketeering; domestic terrorism; identity theft; large check and credit card fraud schemes; methamphetamine rings; auto theft rings; mortgage and bank fraud; tax fraud; and human trafficking cases.
- *Criminal Activity by Gangs* – These are cases brought under the Colorado Organized Crime Control Act (which is similar to federal racketeering laws).
- *Environmental Crimes* – These cases involve environmental crimes related to hazardous waste, hazardous substances, water, and air.
- *Foreign Prosecutions* – A foreign national who commits murder or other crimes in Colorado and subsequently flees to Mexico may be prosecuted, convicted, and sentenced to prison in Mexico. These prosecutions require specialized knowledge and resources that are usually lacking in the offices of local district attorneys. This unit also assists in returning victims and witnesses from Mexico to Colorado to testify in court.

*STATUTORY AUTHORITY:* Sections 24-31-105, C.R.S.

*REQUEST:* The Department requests \$4,686,348 total funds, including \$2,216,872 General Fund and 38.6 FTE.

*RECOMMENDATION:* Staff recommends approval of the request.

CRIMINAL JUSTICE AND APPELLATE, SPECIAL PROSECUTIONS UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$4,484,745	\$2,099,156	\$1,559,250	\$826,339	\$0	38.6
<b>TOTAL</b>	<b>\$4,484,745</b>	<b>\$2,099,156</b>	<b>\$1,559,250</b>	<b>\$826,339</b>	<b>\$0</b>	<b>38.6</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$4,484,745	\$2,099,156	\$1,559,250	\$826,339	\$0	38.6
Prior year budget actions	201,603	117,716	56,045	27,842	0	0.0
<b>TOTAL</b>	<b>\$4,686,348</b>	<b>\$2,216,872</b>	<b>\$1,615,295</b>	<b>\$854,181</b>	<b>\$0</b>	<b>38.6</b>
<b>INCREASE/(DECREASE)</b>	<b>\$201,603</b>	<b>\$117,716</b>	<b>\$56,045</b>	<b>\$27,842</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	4.5%	5.6%	3.6%	3.4%	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$4,686,348</b>	<b>\$2,216,872</b>	<b>\$1,615,295</b>	<b>\$854,181</b>	<b>\$0</b>	<b>38.6</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### AUTO THEFT PREVENTION GRANT

This informational appropriation reflects the Department’s anticipated expenditures from a multi-year auto theft prevention grant that was awarded by the Colorado Automobile Theft Prevention Authority. Current law (Section 24-31-108 (1)(b)(I), C.R.S.) continuously appropriates the grant funds to the Department of Law. Thus, the appropriation is included in the Long Bill for informational purposes only. The Authority’s grants are supported by a \$1 annual fee on Colorado auto insurance

policies. The Authority awards grants to a number of entities, including police and sheriff’s offices for the creation of auto-theft task forces.

This grant supports a full time prosecutor and an investigator who are involved in several theft-prevention endeavors, including a multi-jurisdictional investigation and prosecution effort that combats auto theft. The Department’s auto theft unit also helps increase public awareness of auto theft and provides auto theft training and assistance to local law enforcement investigators and deputy district attorneys.

*STATUTORY AUTHORITY:* Section 24-31-108 (1), C.R.S.

*REQUEST:* The Department requests an informational appropriation of \$167,945 reappropriated funds and 1.0 FTE, which includes adjustments to account for anticipated grant funds available.

*RECOMMENDATION:* Staff recommends approving the request. This is an informational appropriation to reflect the Department’s anticipated use of the grant from the Department of Public Safety.

CRIMINAL JUSTICE AND APPELLATE, AUTO THEFT PREVENTION GRANT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$163,713	\$0	\$0	\$163,713	\$0	1.0
<b>TOTAL</b>	<b>\$163,713</b>	<b>\$0</b>	<b>\$0</b>	<b>\$163,713</b>	<b>\$0</b>	<b>1.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$163,713	\$0	\$0	\$163,713	\$0	1.0
Technical adjustments	4,232	0	0	4,232	0	0.0
<b>TOTAL</b>	<b>\$167,945</b>	<b>\$0</b>	<b>\$0</b>	<b>\$167,945</b>	<b>\$0</b>	<b>1.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$4,232</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,232</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	2.6%	n/a	n/a	2.6%	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$167,945</b>	<b>\$0</b>	<b>\$0</b>	<b>\$167,945</b>	<b>\$0</b>	<b>1.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## APPELLATE UNIT

This unit handles *criminal appeals* for the Department, representing the prosecution when a defendant challenges his/her felony conviction before the state appellate court or the federal courts<sup>2</sup>. Most of the cases handled by this unit are in the Colorado Court of Appeals, with the remainder in the Colorado Supreme Court and the federal courts. This unit also prepares a weekly digest summarizing published cases to ensure that Appellate Unit attorneys and prosecutors throughout the state are informed about developments in criminal law and procedure.

Pursuant to Section 24-31-106, C.R.S., the Appellate Unit also employs a *Victims’ Services Coordinator*, who assures compliance with Article II, Section 16a of the State Constitution, which states that crime victims have the “right to be heard when relevant, informed, and present at all critical stages of the

<sup>2</sup> See Sections 16-12-101 and 24-31-101 (1)(a), C.R.S.

criminal justice process.” When the Department of Law is involved in a trial court prosecution or a criminal appeal, the Coordinator keeps victims informed about their cases, helps them understand the legal process, and sometimes accompanies them to court. The Coordinator position is supported by General Fund and the Victims Assistance and Law Enforcement (VALE) Fund<sup>3</sup>, which is administered by the Department of Public Safety’s Division of Criminal Justice<sup>4</sup>.

*STATUTORY AUTHORITY:* Sections 16-12-101, 24-31-101 (1)(a), 24-31-106, and 24-33.5-506 (1), C.R.S.

*REQUEST:* The Department requests an appropriation of \$4,842,361 total funds, including \$4,240,638 General Fund, and 41.6 FTE.

*RECOMMENDATION:* Staff recommends approval of the request.

CRIMINAL JUSTICE AND APPELLATE, APPELLATE UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$4,453,986	\$3,584,789	\$0	\$869,197	\$0	40.1
<b>TOTAL</b>	<b>\$4,453,986</b>	<b>\$3,584,789</b>	<b>\$0</b>	<b>\$869,197</b>	<b>\$0</b>	<b>40.1</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$4,453,986	\$3,584,789	\$0	\$869,197	\$0	40.1
Prior year budget actions	203,522	470,996	0	(267,474)	0	0.0
R1 Restore budget reductions	184,853	184,853	0	0	0	1.5
<b>TOTAL</b>	<b>\$4,842,361</b>	<b>\$4,240,638</b>	<b>\$0</b>	<b>\$601,723</b>	<b>\$0</b>	<b>41.6</b>
<b>INCREASE/(DECREASE)</b>	<b>\$388,375</b>	<b>\$655,849</b>	<b>\$0</b>	<b>(\$267,474)</b>	<b>\$0</b>	<b>1.5</b>
Percentage Change	8.7%	18.3%	n/a	(30.8%)	n/a	3.7%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$4,842,361</b>	<b>\$4,240,638</b>	<b>\$0</b>	<b>\$601,723</b>	<b>\$0</b>	<b>41.6</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### MEDICAID FRAUD CONTROL UNIT

The Medicaid Fraud Control Unit, operational in Colorado since 1978, is mandated by federal law to assist in maintaining the financial integrity of the State’s Medicaid program and the safety of patients in Medicaid-funded facilities. By federal law and Executive Order D1787, the Unit has statewide authority to *criminally* investigate and prosecute Medicaid provider fraud, as well as physical and financial abuse of residents in federally-funded long-term care facilities<sup>5</sup>. The Colorado False Claims

<sup>3</sup> See Section 24-33.5-506 (1), C.R.S.

<sup>4</sup> In addition to this state-level fund, each judicial district also has its own local VALE fund, which receives revenues from surcharges on fines imposed for felonies, misdemeanors, juvenile offenses, class 1 and 2 traffic offenses, and certain traffic infractions within the district. Pursuant to Section 24-4.2-105 (1), C.R.S., 13 percent of each district’s surcharge revenue is transferred to the state-level VALE Fund. Section 24-33.5-506 (1)(c), C.R.S., mandates that a portion of the moneys in the state-level VALE fund be allocated to the Department of Law to pay for its Victims’ Services Coordinator. The remainder of the fine-surcharge revenue collected by each judicial district is used by the district’s local VALE Board to make grants to the local district attorney, local law enforcement, and local agencies for victim-service work within the district. The remainder of the revenue collected by the State VALE fund is used for administrative costs of the Division of Criminal Justice and to make statewide VALE grants.

<sup>5</sup> Fraud committed by Medicaid clients is investigated by county departments of human services.

Act, adopted in May 2010, expanded the Unit’s authority by allowing it to pursue *civil* recoveries and damages against providers for incidents of fraud and over billing.

*STATUTORY AUTHORITY:* Sections 24-31-101 (1)(a) and 26-4-101, C.R.S.

*REQUEST:* The Department requests an appropriation of \$3,560,700 total funds.

*RECOMMENDATION:* Staff recommends an appropriation of \$3,209,440 including \$802,361 General Fund consistent with Staff recommendation for *BA1 Medicaid Fraud Unit*.

CRIMINAL JUSTICE AND APPELLATE, MEDICAID FRAUD CONTROL UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$2,299,804	\$574,642	\$0	\$0	\$1,725,162	20.0
<b>TOTAL</b>	<b>\$2,299,804</b>	<b>\$574,642</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,725,162</b>	<b>20.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,299,804	\$574,642	\$0	\$0	\$1,725,162	20.0
BA1 Medicaid Fraud Unit	796,351	199,088	0	0	597,263	7.3
Prior year budget actions	104,753	20,099	0	0	84,654	0.0
Prior year legislation	8,532	8,532	0	0	0	0.0
R4 Medicaid fraud control	0	0	0	0	0	0.0
<b>TOTAL</b>	<b>\$3,209,440</b>	<b>\$802,361</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,407,079</b>	<b>27.3</b>
<b>INCREASE/(DECREASE)</b>	<b>\$909,636</b>	<b>\$227,719</b>	<b>\$0</b>	<b>\$0</b>	<b>\$681,917</b>	<b>7.3</b>
Percentage Change	39.6%	39.6%	0.0%	0.0%	39.5%	36.5%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$3,560,700</b>	<b>\$890,176</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,670,524</b>	<b>28.0</b>
Request Above/(Below) Recommendation	\$351,260	\$87,815	\$0	\$0	\$263,445	0.7

**PEACE OFFICERS STANDARDS AND TRAINING (P.O.S.T.) BOARD SUPPORT**

The P.O.S.T. Board was established as a result of the enactment of federal legislation requiring equal protection by jurisdictions that receive federal funding [Title VII of the Rehabilitation Act of 1973]. The P.O.S.T. Board consists of 24 appointed members, including the Attorney General, the Executive Director of the Colorado Department of Public Safety, the Special Agent in charge of the Denver Division of the Federal Bureau of Investigation, as well as representatives of local government, sheriffs, chiefs of police, peace officers, and the general public.

The P.O.S.T. Board is responsible for ensuring statewide consistency in the qualifications and training for peace officers. The Board thus certifies peace officers appointed by state and local law enforcement agencies, regulates peace officer training academies, and facilitates on-going training for all state peace officers by disbursing grants and providing training sessions specifically developed by the P.O.S.T. Board and staff [see Section 24-31-301 *et seq.*, C.R.S.]. Since FY 2014-15, the P.O.S.T. Board has received funding from two major sources:

- The P.O.S.T. Board Cash Fund, which consists of fees paid by applicants seeking certification as well as a \$1.00 vehicle registration fee; and



The Marijuana Tax Cash Fund, supported by taxes on marijuana, supports law enforcement training programs related to marijuana, including advanced roadside impaired driving enforcement training and drug recognition expert training.

*STATUTORY AUTHORITY:* Section 24-31-303, C.R.S.

*REQUEST:* The Department requests a total of \$6,401,257 cash funds and 16.3 FTE.

*RECOMMENDATION:* Staff recommends an appropriation of \$6,374,354 total funds included \$21,535 General Fund for 16.3 FTE.

CRIMINAL JUSTICE AND APPELLATE, PEACE OFFICERS STANDARDS AND TRAINING BOARD SUPPORT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$5,106,041	\$0	\$5,106,041	\$0	\$0	15.0
Other legislation	\$39,775	\$39,775	\$0	\$0	\$0	0.5
<b>TOTAL</b>	<b>\$5,145,816</b>	<b>\$39,775</b>	<b>\$5,106,041</b>	<b>\$0</b>	<b>\$0</b>	<b>15.5</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$5,145,816	\$39,775	\$5,106,041	\$0	\$0	15.5
R1 Restore budget reductions	1,036,766	0	1,036,766	0	0	0.0
R3 POST Board funding	323,356	0	323,356	0	0	1.0
Prior year budget actions	(116,767)	0	(116,767)	0	0	0.0
Prior year legislation	(14,817)	(18,240)	3,423	0	0	(0.2)
<b>TOTAL</b>	<b>\$6,374,354</b>	<b>\$21,535</b>	<b>\$6,352,819</b>	<b>\$0</b>	<b>\$0</b>	<b>16.3</b>
<b>INCREASE/(DECREASE)</b>	<b>\$1,228,538</b>	<b>(\$18,240)</b>	<b>\$1,246,778</b>	<b>\$0</b>	<b>\$0</b>	<b>0.8</b>
Percentage Change	23.9%	(45.9%)	24.4%	n/a	n/a	5.2%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$6,401,257</b>	<b>\$21,535</b>	<b>\$6,379,722</b>	<b>\$0</b>	<b>\$0</b>	<b>16.3</b>
Request Above/(Below) Recommendation	\$26,903	\$0	\$26,903	\$0	\$0	0.0

**INDIRECT COST ASSESSMENT**

Indirect cost assessments are charged to cash and federally-funded programs for departmental and statewide overhead costs. The indirect cost assessments for this department are based upon the number of cash and federally funded FTE who work in each division. The sources of funds for this line item include: fees paid by insurance companies for insurance fraud investigation and prosecution activities; the P.O.S.T. Board Cash fund; fees collected by the Division of Securities within the Department of Regulatory Agencies; and the federal Medicaid Fraud Control Program.

*STATUTORY AUTHORITY:* Sections 24-31-101 and 102, C.R.S.

*REQUEST:* The Department requests an appropriation of \$696,410 total funds.

*RECOMMENDATION:* Staff recommends approving the request. However, staff requests permission to adjust these amounts as necessary once the Committee has finalized all statewide policy decisions.

CRIMINAL JUSTICE AND APPELLATE, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$686,766	\$0	\$388,989	\$87,187	\$210,590	0.0
<b>TOTAL</b>	<b>\$686,766</b>	<b>\$0</b>	<b>\$388,989</b>	<b>\$87,187</b>	<b>\$210,590</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$686,766	\$0	\$388,989	\$87,187	\$210,590	0.0
Centrally appropriated line items	9,644	0	7,803	539	1,302	0.0
<b>TOTAL</b>	<b>\$696,410</b>	<b>\$0</b>	<b>\$396,792</b>	<b>\$87,726</b>	<b>\$211,892</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$9,644</b>	<b>\$0</b>	<b>\$7,803</b>	<b>\$539</b>	<b>\$1,302</b>	<b>0.0</b>
Percentage Change	1.4%	n/a	2.0%	0.6%	0.6%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$696,410</b>	<b>\$0</b>	<b>\$396,792</b>	<b>\$87,726</b>	<b>\$211,892</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## (4) WATER AND NATURAL RESOURCES

This section provides funding for department staff who protect and defend the interests of the State and its citizens in all areas of natural resources law and environmental law, including:

- the use of surface and ground water;
- oil and gas development;
- mining and minerals;
- wildlife;
- the clean-up of contaminated sites (pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act or “CERCLA”);
- the proper storage or disposal of hazardous waste; and
- protection of the state’s air and water.

This section also advocates on behalf of the Colorado Natural Resource Trustees<sup>6</sup> to recover damages for injuries to natural resources and to restore, replace, and acquire the equivalent of the natural resources injured.

Cash fund sources include the Colorado Water Conservation Board’s Litigation Fund and money received by the Attorney General as an award of attorney fees or costs. Reappropriated funds consist of transfers from the Department of Public Health and Environment from the Hazardous Substance Response Fund.

WATER AND NATURAL RESOURCES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$2,055,346	\$612,908	\$850,929	\$591,509	\$0	11.5
<b>TOTAL</b>	<b>\$2,055,346</b>	<b>\$612,908</b>	<b>\$850,929</b>	<b>\$591,509</b>	<b>\$0</b>	<b>11.5</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,055,346	\$612,908	\$850,929	\$591,509	\$0	11.5
R1 Restore budget reductions	221,713	221,713	0	0	0	2.0
R6 Water Board River basin funding	674,071	0	674,071	0	0	0.0
Centrally appropriated line items	14,448	0	0	14,448	0	0.0
Prior year legislation	5,475	2,297	1,624	1,554	0	0.0
Prior year budget actions	27,410	15,063	12,347	0	0	0.0
<b>TOTAL</b>	<b>\$2,998,463</b>	<b>\$851,981</b>	<b>\$1,538,971</b>	<b>\$607,511</b>	<b>\$0</b>	<b>13.5</b>
<b>INCREASE/(DECREASE)</b>	<b>\$943,117</b>	<b>\$239,073</b>	<b>\$688,042</b>	<b>\$16,002</b>	<b>\$0</b>	<b>2.0</b>
Percentage Change	45.9%	39.0%	80.9%	2.7%	n/a	17.4%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$2,998,463</b>	<b>\$851,981</b>	<b>\$1,538,971</b>	<b>\$607,511</b>	<b>\$0</b>	<b>13.5</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### DECISION ITEMS – WATER AND NATURAL RESOURCES

<sup>6</sup> The State Natural Resource Trustees were initially designated by Governor Roy Romer in 1990 pursuant to CERCLA. The Trustees include: the Attorney General, the Executive Director of the Department of Natural Resources, and the Executive Director of the Department of Public Health and Environment.

→ R6 WATER BOARD RIVER BASIN FUNDING

*REQUEST:* The request includes \$674,071 cash funds in FY 2022-23 and ongoing to *reflect* current funding amounts annually received from the Colorado Water Conservation Board. The request does not impact the current funding levels, but simply is an effort to increase transparency in the budget.

*RECOMMENDATION:* Staff recommends approval of the request.

*DISCUSSION*

The Department of Law (DOL) is requesting \$674,071 cash funds in FY 2022-23 and out years to reflect current funding amounts annually received from the Colorado Water Conservation Board (CWCB). **This request will not increase any funding obligations of the CWCB to the Department.** This request will merely put all current CWCB funding in Long Bill lines for better transparency of DOL funding.

Due to a variety of factors, litigation requirements are significantly elevated recently with this need continuing into the foreseeable future. To supplement Long Bill Funding, the CWCB Board has provided additional resources to the Department for litigation efforts. While denying this request will not prevent DOL from accessing the money allocated to it by the CWCB, JBC Staff agrees that it is more transparent to include this funding in the Long Bill as an ongoing budget item.

LINE ITEM DETAIL – WATER AND NATURAL RESOURCES

FEDERAL AND INTERSTATE WATER UNIT

This unit protects the state’s interests in the waters of interstate rivers, with respect to both interstate water allocation and federal environmental requirements, including, among others, the National Environmental Policy Act, the Endangered Species Act, and the Wild and Scenic Rivers Act. The major litigation currently within the unit involves the Rio Grande Compact, the Arkansas Compact, and the Republican River Compact. This unit also works with state water users to protect the state’s interests in the timely and reasonable resolution of federal claims for water rights, including reserved water rights and claims for in-stream flows.

*STATUTORY AUTHORITY:* Sections 37-60-113, 114, 120, and 121.1, C.R.S.; Sections 37-80-116 and 37-81-102, C.R.S.

*REQUEST:* The Department requests an appropriation of \$851,981 General Fund and 6.5 FTE.

*RECOMMENDATION:* Staff recommends approving the request.

WATER AND NATURAL RESOURCES, FEDERAL AND INTERSTATE WATER UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$612,908	\$612,908	\$0	\$0	\$0	4.5
<b>TOTAL</b>	<b>\$612,908</b>	<b>\$612,908</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>4.5</b>
FY 2022-23 RECOMMENDED APPROPRIATION						

WATER AND NATURAL RESOURCES, FEDERAL AND INTERSTATE WATER UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation	\$612,908	\$612,908	\$0	\$0	\$0	4.5
R1 Restore budget reductions	221,713	221,713	0	0	0	2.0
Prior year budget actions	15,063	15,063	0	0	0	0.0
Prior year legislation	2,297	2,297	0	0	0	0.0
<b>TOTAL</b>	<b>\$851,981</b>	<b>\$851,981</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>6.5</b>
<b>INCREASE/(DECREASE)</b>	<b>\$239,073</b>	<b>\$239,073</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>2.0</b>
Percentage Change	39.0%	39.0%	0.0%	0.0%	0.0%	44.4%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$851,981</b>	<b>\$851,981</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>6.5</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### DEFENSE OF THE COLORADO RIVER BASIN COMPACT

The Department uses this appropriation to defend Colorado’s interests in the 1922 Colorado River Compact [see Section 37-61-101, C.R.S.], which apportioned Colorado River water between Upper and Lower Basin states, and the 1948 Upper Colorado River Compact [see Section 37-62-101, C.R.S.], which apportioned upper basin water among Colorado, Utah, Wyoming, and New Mexico. The staff supported by this line item provide legal counsel and representation to the Department of Natural Resources, the Colorado Water Conservation Board, the State Engineer, and the Colorado Commissioner to the Upper Colorado River Commission on issues pertaining to the Colorado River and the related Compacts. The cash funds supporting this line item are from the Colorado Water Conservation Board’s Litigation Fund.

The unit’s major tasks include the following:

- Providing real-time counsel during interstate negotiations concerning reservoir operations including Glen Canyon and Hoover Dams, application of the 1944 Water Treaty with Mexico, and compliance with federal environmental laws.
- Researching issues relevant to potential litigation.
- Preparing a litigation database of the voluminous documents relevant to the Colorado River.
- Assisting the State Engineer in preparing rules for any in-state curtailment of water rights resulting from a Colorado River Compact call.

This line item currently supports 2.5 FTE attorneys and 1.0 FTE Legal Assistant.

*STATUTORY AUTHORITY:* Sections 37-60-113, 114, 120, and 121.1, C.R.S.; Sections 37-80-116 and 37-81-102, C.R.S.

*REQUEST:* The Department requests an appropriation of \$953,971 cash funds and 3.5 FTE, which includes an increase of \$474,071 cash funds included for informational purposes as described in the *R6 Water Board River* basin funding decision item.

*RECOMMENDATION:* Staff recommends approving the request. The fund source is the Colorado Water Conservation Board’s Litigation Fund, or payments received from New Mexico, Wyoming, and Utah.

WATER AND NATURAL RESOURCES, DEFENSE OF THE COLORADO RIVER BASIN COMPACT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$465,929	\$0	\$465,929	\$0	\$0	3.5
<b>TOTAL</b>	<b>\$465,929</b>	<b>\$0</b>	<b>\$465,929</b>	<b>\$0</b>	<b>\$0</b>	<b>3.5</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$465,929	\$0	\$465,929	\$0	\$0	3.5
R6 Water Board River basin funding	474,071	0	474,071	0	0	0.0
Prior year budget actions	12,347	0	12,347	0	0	0.0
Prior year legislation	1,624	0	1,624	0	0	0.0
<b>TOTAL</b>	<b>\$953,971</b>	<b>\$0</b>	<b>\$953,971</b>	<b>\$0</b>	<b>\$0</b>	<b>3.5</b>
<b>INCREASE/(DECREASE)</b>	<b>\$488,042</b>	<b>\$0</b>	<b>\$488,042</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	104.7%	0.0%	104.7%	0.0%	0.0%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$953,971</b>	<b>\$0</b>	<b>\$953,971</b>	<b>\$0</b>	<b>\$0</b>	<b>3.5</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**DEFENSE OF THE REPUBLICAN RIVER COMPACT**

The Republican River Compact between Colorado, Kansas, and Nebraska governs the use of water in the Republican River Basin, which lies in northeastern Colorado, southwestern Nebraska and northwestern Kansas [see Section 37-67-101, C.R.S.]. In 1998, Kansas sued Nebraska and Colorado, alleging overuse of river water. In 2003, the three states entered into a settlement decree to resolve the dispute, but in 2007 Kansas began legal action against Nebraska, claiming that state was not doing enough to comply. The Colorado Water Conservation Board’s Litigation Fund supports this line item.

*STATUTORY AUTHORITY:* Sections 37-60-113, 114, 120, and 121.1, C.R.S.; Sections 37-80-116 and 37-81-102, C.R.S.

*REQUEST:* The Department requests a continuation level of funding (\$110,000 cash funds) with no change from the prior year appropriation..

*RECOMMENDATION:* Staff recommends approving the request. The Department’s expenditures under this line item fluctuate significantly from year to year based on need, and staff recommends maintaining the continuation appropriation to allow the Department to respond as necessary.

WATER AND NATURAL RESOURCES, DEFENSE OF THE REPUBLICAN RIVER COMPACT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$110,000	\$0	\$110,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$110,000	\$0	\$110,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

WATER AND NATURAL RESOURCES, DEFENSE OF THE REPUBLICAN RIVER COMPACT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$110,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

CONSULTANT EXPENSES

This line item provides funding for private counsel that represents Colorado in litigation with Kansas concerning the Arkansas River Compact.

Since the beginning of the dispute, Colorado has relied on outside counsel for legal work associated with the dispute. The most difficult parts of the case have now been resolved and the Department has been shifting the work in-house. However, outside counsel is still required when complex issues arise.

*STATUTORY AUTHORITY:* Sections 37-60-113, 114, 120, and 121.1, C.R.S.; Sections 37-80-116 and 37-81-102, C.R.S.

*REQUEST:* The Department requests a continuation appropriation of \$275,000 cash funds for FY 2020-21.

*RECOMMENDATION:* Staff recommends approving the request consistent with Staff recommendation for R6 Water Board River Basin Funding and \$200,000 will be included for informational purposes only.

WATER AND NATURAL RESOURCES, CONSULTANT EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$275,000	\$0	\$275,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$275,000</b>	<b>\$0</b>	<b>\$275,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$275,000	\$0	\$275,000	\$0	\$0	0.0
R6 Water Board River basin funding	200,000	0	200,000	0	0	0.0
<b>TOTAL</b>	<b>\$475,000</b>	<b>\$0</b>	<b>\$475,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	72.7%	n/a	72.7%	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$475,000</b>	<b>\$0</b>	<b>\$475,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)

This line item provides funding for the Department’s CERCLA Litigation Unit, which handles the legal work for sites that have been seriously contaminated by hazardous substances (known as “Superfund” sites), most of which are being cleaned up under consent decrees by those who

contaminated them. Most CERCLA cases include two phases that require separate legal proceedings. The first phase focuses on remediation – the disposal and treatment of hazardous substances at a pollution site. The second phase focuses on compensation for the environmental degradation that remains after remediation.

*STATUTORY AUTHORITY:* Section 24-31-101 (1)(a), C.R.S.; Sections 25-15-301 to 313, C.R.S.; and Sections 25-16-101 to 200, C.R.S.

*REQUEST:* The Department requests an appropriation of \$560,274 reappropriated funds and 3.5 FTE and includes annualization of S.B. 18-200 (PERA).

*RECOMMENDATION:* Staff recommends approving the request. A transfer from CDPHE (from the Hazardous Substance Response Fund) supports this appropriation.

WATER AND NATURAL RESOURCES, COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$544,562	\$0	\$0	\$544,562	\$0	3.5
<b>TOTAL</b>	<b>\$544,562</b>	<b>\$0</b>	<b>\$0</b>	<b>\$544,562</b>	<b>\$0</b>	<b>3.5</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$544,562	\$0	\$0	\$544,562	\$0	3.5
Centrally appropriated line items	14,158	0	0	14,158	0	0.0
Prior year legislation	1,554	0	0	1,554	0	0.0
<b>TOTAL</b>	<b>\$560,274</b>	<b>\$0</b>	<b>\$0</b>	<b>\$560,274</b>	<b>\$0</b>	<b>3.5</b>
<b>INCREASE/(DECREASE)</b>	<b>\$15,712</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,712</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	2.9%	0.0%	0.0%	2.9%	0.0%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### INDIRECT COST ASSESSMENT

Indirect cost assessments are charged to cash and federally-funded programs for departmental and statewide overhead costs. The indirect assessments for this department are based upon the number of cash and federally funded FTE who work in each division. The source of funds for this line item is moneys in the Hazardous Substance Response Fund that are transferred from the Department of Public Health and Environment.

This fund supports the appropriations for the Defense of the Republican River Compact and the Defense of the Colorado River Compact. Staff recommends that this practice continue for two reasons: (1) the Water Conservation Board allocated these moneys believing that they would not be charged overhead; and (2) the Department of Law has never charged overhead to special litigation line items.

*STATUTORY AUTHORITY:* Sections 24-31-101 and 102, C.R.S.



*REQUEST:* The Department requests \$47,237 reappropriated funds.

*RECOMMENDATION:* Staff recommends approving the request. However, staff requests permission to work with the Department to adjust these amounts as necessary once the Committee has finalized all statewide policy changes.

WATER AND NATURAL RESOURCES, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$46,947	\$0	\$0	\$46,947	\$0	0.0
<b>TOTAL</b>	<b>\$46,947</b>	<b>\$0</b>	<b>\$0</b>	<b>\$46,947</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$46,947	\$0	\$0	\$46,947	\$0	0.0
Centrally appropriated line items	290	0	0	290	0	0.0
<b>TOTAL</b>	<b>\$47,237</b>	<b>\$0</b>	<b>\$0</b>	<b>\$47,237</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>						
Percentage Change	0.6%	n/a	n/a	0.6%	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## (5) CONSUMER PROTECTION

This Long Bill section provides funding for Department staff that protect Colorado consumers against fraud and maintain a competitive business environment by enforcing state and federal laws regarding consumer protection, antitrust, consumer lending, mortgage fraud, predatory lending, debt collection, rent-to-own, and credit repair. This section also provides funding to support one attorney who is responsible for enforcing the tobacco Master Settlement Agreement.

Please note that organizationally, the Deputy Attorney General for Consumer Protection oversees the activities of the staff who are funded through this Long Bill section, as well as those who are funded through the Legal Services to State Agencies (LSSA) Long Bill section and provide legal services to the Office of the Consumer Counsel. The funding that supports this Deputy is appropriated in the Consumer Protection and Antitrust line item in this section of the Long Bill.

CONSUMER PROTECTION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$7,022,710	\$215,000	\$6,633,608	\$174,102	\$0	57.2
Other legislation	251,911	200,128	51,783	0	0	2.3
<b>TOTAL</b>	<b>\$7,274,621</b>	<b>\$415,128</b>	<b>\$6,685,391</b>	<b>\$174,102</b>	<b>\$0</b>	<b>59.5</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$7,274,621	\$415,128	\$6,685,391	\$174,102	\$0	59.5
R1 Restore budget reductions	0	2,086,400	(2,086,400)	0	0	0.0
R7 Cons. Cred. Safe afford. Credit report	0	0	0	0	0	0.0
Centrally appropriated line items	(123,472)	0	(123,596)	124	0	0.0
Prior year legislation	154,478	1,335	152,558	585	0	1.7
Prior year budget actions	112,550	(215,000)	321,310	6,240	0	0.0
<b>TOTAL</b>	<b>\$7,418,177</b>	<b>\$2,287,863</b>	<b>\$4,949,263</b>	<b>\$181,051</b>	<b>\$0</b>	<b>61.2</b>
<b>INCREASE/(DECREASE)</b>	<b>\$143,556</b>	<b>\$1,872,735</b>	<b>(\$1,736,128)</b>	<b>\$6,949</b>	<b>\$0</b>	<b>1.7</b>
Percentage Change	2.0%	451.1%	(26.0%)	4.0%	0.0%	2.9%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$215,000	\$215,000	\$0	\$0	\$0	0.0

### DECISION ITEMS – CONSUMER PROTECTION

#### → R7 CONSUMER CREDIT SAFE AFFORDABLE CREDIT REPORT

**REQUEST:** The request includes an increase of \$215,000 General Fund to conduct a study on the availability of safe and affordable credit. The request reflects an extension of funding approved in the 2021 Long Bill because the entire project is not anticipated to be completed by the end of the current fiscal year.

**RECOMMENDATION:** Staff recommends the Committee include a Long Bill add-on to add a footnote to the appropriation in S.B. 21-205 (Long Bill) to extend the spending authority for the original appropriation for an additional year. This achieves the same goal the Department is seeking but frees \$215,000 General Fund in FY 2022-23 for other uses.

*DISCUSSION*

For the FY 2021-22 budget cycle, the Department received \$215,000 General Fund spending authority, to conduct a specific study on credit that was articulated in Foot Note #70A. This effort requires a formal solicitation and selection to hire a vendor that will be assessed as providing the best value for services required. At the present time, due to the minimal number of qualified vendors and the Department's determination that such a study will likely require several months to complete the data collection and review necessary, the Department determined it is unable to expend this one-time funding in its entirety in the present fiscal year.

This extension of spending authority is needed because the Department will be unable to conduct this study during FY 2021-22. The Department has identified two potential vendors. Additionally, the Department conducted a formal Request for Information (RFI) to identify additional potential vendors and solutions to best address this effort. The Department received no responses. The Department is currently reassessing strategies for this effort. Because of timing, it will be difficult to appropriately scope, solicit, contract, and then accommodate vendor delivery during the FY2021-22 fiscal year. As such, the Department is requesting this effort is best addressed during the FY 2022-23 budget cycle.

JBC staff discussed using a rollforward via a Long Bill Add-on with the Department, who agreed it is an agreeable path forward. JBC Staff recommends the Committee include a Long Bill Add-on to rollforward the funding initially funded in the 2021 Long Bill.

**LINE ITEM DETAIL — CONSUMER PROTECTION****CONSUMER PROTECTION AND ANTITRUST**

Consumer fraud investigations and prosecutions are handled by a variety of attorneys, investigators, and support staff through both Units. While most cases are brought under the Colorado Consumer Protection Act, these Units also bring cases under the Charitable Solicitations Act and the Motor Vehicle Repair Act. In addition to purely local cases, attorneys and staff periodically participate in national or multi-state enforcement activities with their counterparts in the Attorney General Offices of other states and with the Federal Trade Commission.

The Attorney General's antitrust enforcement efforts are directed at protecting consumers and legitimate competitors from a whole range of anticompetitive conduct, including price fixing, conspiracies to suppress competition and mergers that will unreasonably restrain fair competition. The Attorney General has exclusive jurisdiction to enforce the civil and criminal provisions of the Colorado Antitrust Act. The Attorney General also participates in merger reviews in conjunction with the FTC and DOJ where the industry at issue implicates statewide interests of concern in Colorado. The Antitrust, Tobacco and Consumer Protection Unit has one full-time lawyer who enforces the Colorado Antitrust Act and the federal antitrust laws.

The cash funds for this line item derive from:

- Various court-ordered awards that the Department has received as the result of its enforcement work (these are custodial funds used at the discretion of the Department).

- The Defense Account of the Tobacco Litigation Settlement Cash Fund for non-participating-tobacco manufacturer enforcement work.

The reappropriated funds for this line item consist of transfers from the Department of Regulatory Agencies' Division of Real Estate from the Mortgage Brokers Cash Fund; these funds support consumer protection activities related to mortgage brokers.

*STATUTORY AUTHORITY:* Sections 6-4-101 through 122, C.R.S.

*REQUEST:* The Department requests an appropriation of \$4,283,228 total funds (including \$2,287,863 General Fund) and 36.2 FTE.

*RECOMMENDATION:* Staff recommends an appropriation of \$4,283,228 total funds including \$2,287,863 General Fund.

CONSUMER PROTECTION, CONSUMER PROTECTION AND ANTTITRUST						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$3,793,048	\$0	\$3,639,066	\$153,982	\$0	34.2
Other legislation	\$200,128	\$200,128	\$0	\$0	\$0	1.8
<b>TOTAL</b>	<b>\$3,993,176</b>	<b>\$200,128</b>	<b>\$3,639,066</b>	<b>\$153,982</b>	<b>\$0</b>	<b>36.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$3,993,176	\$200,128	\$3,639,066	\$153,982	\$0	36.0
Prior year budget actions	271,775	0	265,535	6,240	0	0.0
Prior year legislation	18,277	1,335	16,357	585	0	0.2
R1 Restore budget reductions	0	2,086,400	(2,086,400)	0	0	0.0
<b>TOTAL</b>	<b>\$4,283,228</b>	<b>\$2,287,863</b>	<b>\$1,834,558</b>	<b>\$160,807</b>	<b>\$0</b>	<b>36.2</b>
<b>INCREASE/(DECREASE)</b>	<b>\$290,052</b>	<b>\$2,087,735</b>	<b>(\$1,804,508)</b>	<b>\$6,825</b>	<b>\$0</b>	<b>0.2</b>
Percentage Change	7.3%	1,043.2%	(49.6%)	4.4%	n/a	0.6%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$4,283,228</b>	<b>\$2,287,863</b>	<b>\$1,834,558</b>	<b>\$160,807</b>	<b>\$0</b>	<b>36.2</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## CONSUMER CREDIT UNIT

This appropriation supports the enforcement of eight state laws relating to consumer credit and debt collections. Pursuant to Section 5-6-103, C.R.S., the Attorney General designates an attorney to act as the Uniform Consumer Credit Code (UCCC) Administrator. The unit brings legal actions filed in court in the Administrator's name, and she is the final adjudicator in any administrative disciplinary action initially assigned to the Office of Administrative Courts. The Department has organized the staff supported by this line item into two functional groups.

With respect to *consumer credit*, this unit enforces the UCCC [Title 5, C.R.S.]. Important components of the UCCC include the following:

- the Deferred Deposit Loan Act [Article 3.1], which applies to payday lenders;
- the Consumer Equity Protection Act [Article 3.5], which restricts certain terms in high-cost loans; and
- the Rental Purchase Agreement Act [Article 10], which governs rent-to-own agreements.

This unit protects borrowers from abusive lender practices, such as interest rates that exceed legal limits, prepayment penalties, inadequate disclosure of the cost of credit, fraudulent rent-to-own schemes, abusive repossessions, and unreasonable collection costs.

*STATUTORY AUTHORITY:* Sections 12-24-101 through 12-24-137, C.R.S.; Sections 5-1-101 through 5-9-102.5, C.R.S.; Sections 5-10-101 through 5-10-1001, C.R.S.; and Sections 12-14.5-101 through 12-14.5-113, C.R.S.

*REQUEST:* The Department requests an appropriation of \$2,706,175 cash funds and 25.0 FTE. The request includes \$215,000 General Fund as discussed above in the *R7 Consumer Credit Safe Affordable Credit Report* decision item.

*RECOMMENDATION:* Staff recommends an appropriation of \$2,491,175 cash funds. As discussed above, funding related to the Safe Affordable Credit report will be extended via other budgetary means.

CONSUMER PROTECTION, CONSUMER CREDIT UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$2,462,416	\$215,000	\$2,247,416	\$0	\$0	23.0
Other legislation	\$51,783	\$0	\$51,783	\$0	\$0	0.5
<b>TOTAL</b>	<b>\$2,514,199</b>	<b>\$215,000</b>	<b>\$2,299,199</b>	<b>\$0</b>	<b>\$0</b>	<b>23.5</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,514,199	\$215,000	\$2,299,199	\$0	\$0	23.5
Prior year legislation	136,201	0	136,201	0	0	1.5
R7 Cons. Cred. Safe afford. Credit report	0	0	0	0	0	0.0
Prior year budget actions	(159,225)	(215,000)	55,775	0	0	0.0
<b>TOTAL</b>	<b>\$2,491,175</b>	<b>\$0</b>	<b>\$2,491,175</b>	<b>\$0</b>	<b>\$0</b>	<b>25.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$23,024)</b>	<b>(\$215,000)</b>	<b>\$191,976</b>	<b>\$0</b>	<b>\$0</b>	<b>1.5</b>
Percentage Change	(0.9%)	(100.0%)	8.3%	0.0%	0.0%	6.4%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$215,000	\$215,000	\$0	\$0	\$0	0.0

**INDIRECT COST ASSESSMENT**

The Department charges indirect cost assessments to cash and federally-funded programs for departmental and statewide overhead costs. The indirect assessments for this department are based upon the number of cash and federally funded FTE who work in each division. The sources of funds for this line item include custodial cash funds, the Collection Agency Cash Fund and the UCCC Cash Fund, and reappropriated funds transferred from the Department of Regulatory Agencies.

*STATUTORY AUTHORITY:* Sections 24-31-101 and 102, C.R.S.

*REQUEST:* The Department requests \$643,774 total funds.

*RECOMMENDATION:* Staff recommends approving the request. However, staff requests permission to work with the Department to adjust these amounts as necessary once the Committee has finalized all common policies.

CONSUMER PROTECTION, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$767,246	\$0	\$747,126	\$20,120	\$0	0.0
<b>TOTAL</b>	<b>\$767,246</b>	<b>\$0</b>	<b>\$747,126</b>	<b>\$20,120</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$767,246	\$0	\$747,126	\$20,120	\$0	0.0
Centrally appropriated line items	(123,472)	0	(123,596)	124	0	0.0
<b>TOTAL</b>	<b>\$643,774</b>	<b>\$0</b>	<b>\$623,530</b>	<b>\$20,244</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$123,472)</b>	<b>\$0</b>	<b>(\$123,596)</b>	<b>\$124</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(16.1%)	n/a	(16.5%)	0.6%	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$643,774</b>	<b>\$0</b>	<b>\$623,530</b>	<b>\$20,244</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**(6) SPECIAL PURPOSE**

The section includes funding to cover 80 percent of the statutory minimum salary for Colorado's twenty-two district attorneys, for training provided to local district attorneys' staff, for unanticipated legal and technology expenses, for litigation expenses associated with significant lawsuits, and for an attorney to lead the Department's efforts related to the Colorado Open Records Act and Open Meetings Law. Cash fund sources include tobacco settlement moneys, moneys received from the State Board of Land Commissioners from its Investment and Development Fund, and moneys received by the Attorney General as an award of attorney fees or costs.

SPECIAL PURPOSE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$3,450,512	\$3,150,512	\$300,000	\$0	\$0	0.0
Other legislation	150,000	150,000	0	0	0	0.0
<b>TOTAL</b>	<b>\$3,600,512</b>	<b>\$3,300,512</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$3,600,512	\$3,300,512	\$300,000	\$0	\$0	0.0
R1 Restore budget reductions	101,717	101,717	0	0	0	1.0
Prior year legislation	10,296	(139,704)	0	150,000	0	0.0
<b>TOTAL</b>	<b>\$3,712,525</b>	<b>\$3,262,525</b>	<b>\$300,000</b>	<b>\$150,000</b>	<b>\$0</b>	<b>1.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$112,013</b>	<b>(\$37,987)</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>1.0</b>
Percentage Change	3.1%	(1.2%)	0.0%	0.0%	0.0%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**DECISION ITEMS – SPECIAL PURPOSE (NONE)**

The Department did not submit any decision items specific to this division.

**LINE ITEM DETAIL — SPECIAL PURPOSE****DISTRICT ATTORNEYS' SALARIES**

*Background Information – State Funding for DAs.* Colorado's district attorneys' offices (DAs) are responsible for prosecuting all criminal and traffic cases filed in district and county courts. While DAs' budgets are primarily set and provided by boards of county commissioners within each respective judicial district, the State provides direct funding for DAs in the following five areas:

- 1 The Department of Law's budget includes an appropriation for "District Attorneys' Salaries"
- 2 Judicial Branch's budget includes an appropriation for "District Attorney Mandated Costs"
- 3 The Department of Corrections' budget includes an appropriation for "Payments to District Attorneys" for costs associated with prosecuting a crime alleged to have been committed by a person in the custody of the Department

- 4 The Judicial Branch's budget includes an appropriation for "District Attorney Adult Pretrial Diversion Programs" for adult pretrial diversion programs that meet the established statutory guidelines [established through H.B. 13-1156]
- 5 The Department of Public Safety's budget includes an appropriation for "Witness Protection Fund Expenditures" to pay DAs for qualifying expenses related to security personnel, travel expenses, lodging, and other immediate needs

In addition, the General Assembly appropriates funds to the State Court Administrator's Office, the Office of the State Public Defender (OSPD), the Office of the Alternate Defense Counsel (OADC), and the Office of the Child's Representative to cover the costs of obtaining discoverable materials<sup>7</sup>.

*District Attorneys' Salaries line item.* Pursuant to Section 20-1-306, C.R.S., the State contributes 80 percent of the statutory minimum salary for the state's 22 District Attorneys (including the associated costs of employer PERA contributions). A judicial district may choose to pay a salary that exceeds the statutory minimum using local funds. Every four years, the House and Senate Judiciary Committees are required to review the compensation of elected District Attorneys and make recommendations, if appropriate, to the General Assembly regarding such compensation.

The State's contribution for District Attorneys' salaries is provided through a General Fund appropriation to the Department of Law. This appropriation currently accounts for 14.9 percent of total General Fund appropriations to the Department.

*STATUTORY AUTHORITY:* Section 20-1-306, C.R.S.

*REQUEST:* The Department requests \$2,810,808 total funds, which includes funding annualized by provision in S.B. 18-200 (PERA)

*RECOMMENDATION:* Staff recommends approving an appropriation of \$2,810,808 General Fund.

SPECIAL PURPOSE, DISTRICT ATTORNEYS' SALARIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$2,800,512	\$2,800,512	\$0	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$2,800,512</b>	<b>\$2,800,512</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,800,512	\$2,800,512	\$0	\$0	\$0	0.0
Prior year legislation	10,296	10,296	0	0	0	0.0
<b>TOTAL</b>	<b>\$2,810,808</b>	<b>\$2,810,808</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$10,296</b>	<b>\$10,296</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	0.4%	0.4%	n/a	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$2,810,808</b>	<b>\$2,810,808</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

<sup>7</sup> Under Colorado Supreme Court Rule 16, the prosecuting attorney is required to make available to the defense certain material and information that is within his or her control and to provide duplicates upon request. The State pays the costs of duplicating discoverable material when legal representation is provided for an indigent defendant.



SPECIAL PURPOSE, DISTRICT ATTORNEYS' SALARIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**DEPUTY DISTRICT ATTORNEY TRAINING**

The General Assembly created this line item in FY 2015-16 to continue appropriations originally provided through H.B. 14-1144 (District Attorney Training). House Bill 14-1144 provided \$350,000 General Fund to the Department of Law in FY 2014-15 to support additional training for local district attorneys’ staff; the Department passes the money through to the Colorado District Attorneys’ Council (CDAC) to support additional training activities. The General Assembly created this line item to support that funding on an ongoing basis.

*STATUTORY AUTHORITY:* Section 20-111-4 (b), C.R.S.

*REQUEST:* The Department requests an appropriation of \$350,000 General Fund, including a reduction of \$150,000 Reappropriated Funds to account for a one-time appropriation included in H.B. 21-1280 (Pretrial detention reform).

*RECOMMENDATION:* Staff recommends approving an appropriation of \$350,000 General Fund.

SPECIAL PURPOSE, DEPUTY DISTRICT ATTORNEY TRAINING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$350,000	\$350,000	\$0	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$350,000</b>	<b>\$350,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$350,000	\$350,000	\$0	\$0	\$0	0.0
Prior year legislation	150,000	0	0	150,000	0	0.0
<b>TOTAL</b>	<b>\$500,000</b>	<b>\$350,000</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	42.9%	0.0%	n/a	0.0%	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$500,000</b>	<b>\$350,000</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**LITIGATION MANAGEMENT**

This line item was added to the Long Bill in FY 1994-95 to pay for: (1) unanticipated legal costs that arise over the course of the fiscal year, especially when the General Assembly is out of session; and (2) technology costs that would otherwise require General Fund appropriations. This appropriation has reduced the need for supplemental requests related to the Legal Services to State Agencies (LSSA) program and other unanticipated litigation, and it historically provided the Department with a source of funds to maintain information technology equipment (over and above the funding appropriated for the Information Technology Asset Maintenance line item).

In FY 2014-15, at the Department’s request, the General Assembly reduced the appropriation to this line item by \$125,000 cash funds to consolidate information technology expenditures within the Information Technology Asset Maintenance line item. As a result, the line item now only supports litigation expenses.

Money for this appropriation come from two sources:

- Excess revenues earned by the LSSA program during the previous fiscal year. This line item appropriation allows the Department to retain and roll forward a portion of any excess revenues to the next fiscal year. Moneys that have been rolled forward that are not spent in the following fiscal year revert to the General Fund

Various court awards that are deposited into the Attorneys Fees and Costs Account, which is established in Section 24-31-108 (2), C.R.S. This account consists of any money received by the Attorney General as an award of attorney fees or costs that are not considered custodial moneys. Money in the Account is subject to annual appropriation by the General Assembly for legal services provided by the Department. For purposes of this appropriation, this source of funding serves as a backup, filling in the remainder of the appropriation to the Litigation Management and Technology Fund appropriation when excess LSSA earnings come up short.

*STATUTORY AUTHORITY:* Sections 24-31-101 and 102, C.R.S.

*REQUEST:* The Department requests a continuation appropriation of \$200,000 cash funds, with no change from the prior year appropriation.

*RECOMMENDATION:* Staff recommends approving the request.

SPECIAL PURPOSE, LITIGATION MANAGEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$200,000	\$0	\$200,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$200,000	\$0	\$200,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	0.0%	n/a	0.0%	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**TOBACCO LITIGATION**

This line item supports the costs of outside counsel (Hale, Westfall, LLP) and other arbitration-related expenses. Department attorneys helped develop and continue to assist the non-participating manufacturer (NPM) enforcement program that is operated by the Department of Revenue. The Department of Law's efforts are essentially "on trial" before the arbitrators; attorneys from the

Department of Law are likely to be called to testify during the arbitration proceeding. Thus, the Department is required to utilize outside counsel.

*Background Information.* When the tobacco Master Settlement Agreement (MSA) was signed in 1998, participants recognized that the extra costs that the settlement imposed on participating manufacturers would place them at a competitive disadvantage when compared with manufacturers who have not joined the agreement. In an effort to level the playing field, the agreement required states to enact "qualifying statutes" that force NPMs to make payments into escrow accounts that are comparable to what they would have paid had they participated in the agreement. House Bill 99-1208 added the qualifying statute to Colorado law. The MSA requires states to "diligently enforce" their qualifying statutes. If certain preconditions are met, states that do not diligently enforce the qualifying statutes may receive reduced settlement payments.

Since 2006, Colorado and the other states have been involved in a legal dispute with the participating manufacturers, who allege that the states are not diligently enforcing their NPM laws. Due to this dispute, some tobacco companies have withheld a portion of their settlement payments, placing them in escrow. When a diligent enforcement question arises, it is settled by a panel of arbitrators who must decide the issue in a unified national proceeding in which a separate decision will be made on the diligent enforcement efforts of each participating state. Thus, the arbitrators might decide that one state should receive a reduced payment because it failed to diligently enforce, while another state diligently enforced and is entitled to its full payment.

*STATUTORY AUTHORITY:* Section 24-31-402, C.R.S.

*REQUEST:* The Department requests a continuation appropriation of \$750,000 cash funds from the Tobacco Settlement Defense Account.

*RECOMMENDATION:* Staff recommends approving the request. Staff requests permission to alter this line item based on final figures determined by the revenue forecast selected by the Committee to balance the budget against.

SPECIAL PURPOSE, TOBACCO LITIGATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$100,000	\$0	\$100,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$100,000</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$100,000	\$0	\$100,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$100,000</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	0.0%	n/a	0.0%	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

CORA AND OML ATTORNEY

The General Assembly created this line item in FY 2015-16 to support an attorney dedicated to enhancing the Department’s expertise with respect to the Colorado Open Records Act (CORA) and Open Meetings Law (OML). The position is specifically focused on CORA and OML legal issues and compliance to provide centralized expertise within the Department and to facilitate other agencies’ CORA and OML compliance. It was eliminated during balancing at the beginning of the COVID-19 pandemic.

*STATUTORY AUTHORITY:* Section 24-31-101 (1)(a), C.R.S.

*REQUEST:* The Department requests an appropriation of \$101,717 General Fund and 1.0 FTE.

*RECOMMENDATION:* Staff recommends approving the request. Consistent with staff recommendations for *R1 Restore budget reductions*.

SPECIAL PURPOSE, CORA OML ATTORNEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
R1 Restore budget reductions	\$101,717	\$101,717	\$0	\$0	\$0	1.0
<b>TOTAL</b>	<b>\$101,717</b>	<b>\$101,717</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$101,717</b>	<b>\$101,717</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>1.0</b>
Percentage Change	0.0%	0.0%	n/a	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below)	\$0	\$0	\$0	\$0	\$0	0.0
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

### LONG BILL FOOTNOTES

Staff recommends **CONTINUING** the following footnotes, with modifications:

- 62 Department of Law, Legal Services to State Agencies – In making this appropriation, it is the intent of the General Assembly that hourly billing rates charged by the Department for legal services to state agencies not exceed \_\_\_\_\_ per hour for attorneys and not exceed \_\_\_\_\_ per hour for legal assistants, which equates to a blended legal rate of \_\_\_\_\_ per hour.

**COMMENT:** The blended legal rate is used to compute the Long Bill appropriations for legal services for the various agencies of state government. The blended rate is also used to compute legal-service appropriations in other legislation. This footnote contains a clear statement of legislative intent regarding the blended legal rate and the rates to be charged for the services provided by attorneys and legal assistants. Staff will ultimately fill in the hourly rates that correspond to appropriations that are included in the FY 2022-23 Long Bill.

- 63 Department of Law, Special Purpose, Litigation Management – It is the intent of the General Assembly to grant the Department of Law additional flexibility by allowing the Department to use money appropriated to this line item to address unanticipated state legal needs that arise during FY 2021-22. It is also the intent of the General Assembly that money spent from this line item shall not require the appropriation of additional FTE and will not be used for any type of salary increase, promotion, reclassification, or bonus related to any present or future FTE employed by the Department of Law. It is furthermore the intent of the General Assembly that money spent from this line item will not be used to offset present or future personal services deficits in any division in the Department.

**COMMENT:** Since FY 1994-95 the Department's appropriations have included this line item, which allows the Department to pay for unanticipated legal costs that arise over the course of the fiscal year (especially when the General Assembly is not in session). The Department has also historically used this line item for technology costs that would otherwise require a General Fund appropriation. This appropriation has reduced the need for legal services supplemental requests related to the Legal Services to State Agencies program (LSSA) and other unanticipated litigation.

## REQUESTS FOR INFORMATION

Staff recommends **DISCONTINUING** the following requests for information:

- 1 Department of Law, Legal Services to State Agencies, Personal Services – The Department is requested to provide by November 1, 2021 a report concerning the implementation of changes to the appropriation and billing methodologies for legal services provided to state agencies. As part of the report, the Department is requested to solicit feedback from all client agencies regarding the benefits and challenges associated with the change in methodologies.

**COMMENT:** This report was submitted. Staff is monitoring the progress of the change in billing methodology.

Staff recommends **CONTINUING AND MODIFYING** the following requests for information:

- 2 Department of Law, Criminal Justice and Appellate, Appellate Unit – The Department is requested to provide by November 1, 2022 a report concerning the Appellate Unit’s progress in reducing its case backlog, including the following data for FY 2021-22: the number of opening briefs received; the number of answer briefs filed; and the case backlog as of June 30, 2022.

**COMMENT:** This report provides detail on the backlog of cases/briefs in the Appellate Unit. The recommendation eliminates language referring to the interagency working group because the Department reports that the working group is no longer active and that there are no plans to continue the group’s activities.

- 3 Department of Law, Criminal Justice and Appellate, Medicaid Fraud Control Unit – Pursuant to Section 25.5-4-310, C.R.S., the Department of Law’s Medicaid Fraud Control Unit is required to submit an annual report by January 15 concerning: actions filed under the “Colorado Medicaid False Claims Act”, the amount recovered as a result of such actions, and the amount of related expenditures. The General Assembly requests that the Department also include in this annual report information about expenditures and recoveries related to the Unit’s criminal investigations.

**COMMENT:** Section 25.5-4-310, C.R.S., requires the Attorney General to submit an annual report to the Health and Human Services Committees and to the Joint Budget committee each January 15 concerning claims brought under the Colorado Medicaid False Claims Act during the previous fiscal year. This request for information is designed to allow the Department to submit a single, comprehensive annual report concerning the expenditures and recoveries associated with the Medicaid Fraud Control Unit’s efforts. The report is required to include:

- The number of actions filed by the Attorney General, the number which were completed, and the amount that was recovered through settlement or through a judgement and (if known) the amount recovered for damages, penalties, and litigation costs.
- The number of actions filed by a person other than the Attorney General, the number which were completed, and the amount that was recovered through settlement or through a judgement and (if known) the amount recovered for damages, penalties, and litigation costs, and the amount recovered by the State and the person.

- The amount expended by the State for investigation, litigation, and all other costs for claims related to the Medicaid False Claims Act.
- 4 Department of Law, Special Purpose, District Attorney Training – Pursuant to Section 20-1-111 (4)(b), C.R.S., the Colorado District Attorneys’ Council (CDAC) allocated these dollars to provide prosecution training, seminar, continuing education programs, and other prosecution related services on behalf of District Attorneys who are members of the CDAC. The CDAC is requested to submit an annual report by November 1 detailing how the District Attorney Training appropriation is spent, including the number and type of training activities provided, the number of district attorney offices served by each type of training activity, the number of deputy district attorneys trained, and detail of the costs categorized by personnel, operating, and travel, for each training effort.

**COMMENT:** Since the District Attorney Council is not a division of the state, this report allows the General Assembly some oversight regarding the activities carried out with funded provided by this appropriation. Staff recommends continuing it.

*JBC Staff Figure Setting - FY 2022-23*  
*Staff Working Document - Does Not Represent Committee Decision*

**Appendix A: Numbers Pages**

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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**DEPARTMENT OF LAW**  
**Phil Weiser, Attorney General**

**(1) ADMINISTRATION**

Personal Services	<u>4,298,562</u>	<u>4,495,724</u>	<u>4,496,644</u>	<u>4,943,706</u>	<u>4,849,848</u> *
FTE	48.2	48.2	48.2	51.2	51.2
Reappropriated Funds	4,298,562	4,495,724	4,496,644	4,943,706	4,849,848
Health, Life, and Dental	<u>5,069,951</u>	<u>4,821,004</u>	<u>6,008,122</u>	<u>6,529,977</u>	<u>6,529,977</u> *
General Fund	1,332,613	727,932	1,290,587	1,501,660	1,501,660
Cash Funds	609,537	631,515	966,405	813,530	813,530
Reappropriated Funds	2,982,564	3,314,428	3,595,030	4,040,208	4,040,208
Federal Funds	145,237	147,129	156,100	174,579	174,579
Short-term Disability	<u>78,605</u>	<u>81,203</u>	<u>79,236</u>	<u>89,614</u>	<u>89,614</u> *
General Fund	20,740	21,806	17,233	21,360	21,360
Cash Funds	9,634	9,975	12,499	10,363	10,363
Reappropriated Funds	46,287	47,611	47,300	55,825	55,825
Federal Funds	1,944	1,811	2,204	2,066	2,066
S.B. 04-257 Amortization Equalization Disbursement	<u>2,311,928</u>	<u>2,388,324</u>	<u>2,476,156</u>	<u>2,800,422</u>	<u>2,800,422</u> *
General Fund	609,996	641,356	538,541	667,499	667,499
Cash Funds	283,366	293,386	390,598	323,841	323,841
Reappropriated Funds	1,361,377	1,400,312	1,478,141	1,744,524	1,744,524
Federal Funds	57,189	53,270	68,876	64,558	64,558

NOTE: An asterisk (\*) indicates that the FY 2022-23 request for a line item is affected by one or more decision items.



*JBC Staff Figure Setting - FY 2022-23*  
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	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>2,311,928</u>	<u>2,388,324</u>	<u>2,476,156</u>	<u>2,800,422</u>	<u>2,800,422</u> *
General Fund	609,996	641,356	538,541	667,499	667,499
Cash Funds	283,366	293,386	390,598	323,841	323,841
Reappropriated Funds	1,361,377	1,400,312	1,478,141	1,744,524	1,744,524
Federal Funds	57,189	53,270	68,876	64,558	64,558
PERA Direct Distribution					
General Fund	<u>1,173,886</u>	<u>2,072</u>	<u>1,214,732</u>	<u>1,221,178</u>	<u>1,221,178</u>
Cash Funds	310,469	0	297,982	285,982	285,982
Reappropriated Funds	146,761	2,072	191,616	174,463	174,463
Federal Funds	687,277	0	725,134	760,733	760,733
Federal Funds	29,379	0	0	0	0
Salary Survey for Classified Employees					
General Fund	<u>383,066</u>	<u>0</u>	<u>468,752</u>	<u>473,763</u>	<u>473,763</u>
Cash Funds	100,341	0	139,945	140,618	140,618
Reappropriated Funds	118,149	0	152,845	141,955	141,955
Federal Funds	139,664	0	142,474	157,267	157,267
Federal Funds	24,912	0	33,488	33,923	33,923
Salary Survey for Exempt Employees					
General Fund	<u>1,588,834</u>	<u>0</u>	<u>1,620,558</u>	<u>2,608,975</u>	<u>2,608,975</u> *
Cash Funds	414,511	0	352,456	558,626	558,626
Reappropriated Funds	62,248	0	255,634	95,414	95,414
Federal Funds	1,094,014	0	967,392	1,938,380	1,938,380
Federal Funds	18,061	0	45,076	16,555	16,555

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*JBC Staff Figure Setting - FY 2022-23*  
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	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Workers' Compensation	<u>211,095</u>	<u>206,773</u>	<u>186,397</u>	<u>137,425</u>	<u>137,425</u>
General Fund	60,148	58,670	43,923	32,049	32,049
Cash Funds	30,019	29,376	30,222	20,967	20,967
Reappropriated Funds	115,332	112,804	106,900	80,739	80,739
Federal Funds	5,596	5,923	5,352	3,670	3,670
Operating Expenses	<u>202,917</u>	<u>202,917</u>	<u>202,917</u>	<u>225,567</u>	<u>225,567</u> *
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	202,917	202,917	202,917	225,567	225,567
Federal Funds	0	0	0	0	0
Attorney Registration and Continuing Legal					
Education	<u>131,908</u>	<u>141,076</u>	<u>150,528</u>	<u>165,585</u>	<u>165,585</u> *
General Fund	33,868	35,863	25,555	26,505	26,505
Cash Funds	4,275	4,275	10,403	10,403	10,403
Reappropriated Funds	92,340	99,513	113,145	127,252	127,252
Federal Funds	1,425	1,425	1,425	1,425	1,425
Payment to Risk Management and Property Funds	<u>231,888</u>	<u>145,673</u>	<u>203,812</u>	<u>405,219</u>	<u>405,219</u> *
General Fund	66,073	41,335	48,028	94,506	94,506
Cash Funds	32,975	20,694	33,044	61,824	61,824
Reappropriated Funds	126,693	79,472	116,888	238,068	238,068
Federal Funds	6,147	4,172	5,852	10,821	10,821

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*JBC Staff Figure Setting - FY 2022-23*  
*Staff Working Document - Does Not Represent Committee Decision*

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Vehicle Lease Payments	<u>66,876</u>	<u>61,432</u>	<u>82,356</u>	<u>88,783</u>	<u>88,783</u>
General Fund	28,615	24,787	35,690	34,570	34,570
Cash Funds	20,259	15,537	18,357	16,481	16,481
Reappropriated Funds	17,462	20,568	26,056	29,432	29,432
Federal Funds	540	540	2,253	8,300	8,300
Legal Services	<u>35,800</u>	<u>9,498</u>	<u>26,626</u>	<u>85,201</u>	<u>85,201</u>
General Fund	17,421	3,648	10,227	32,726	32,726
Cash Funds	18,379	5,850	16,399	52,475	52,475
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Information Technology Asset Maintenance	<u>1,375,402</u>	<u>1,358,969</u>	<u>1,124,439</u>	<u>1,124,439</u>	<u>1,124,439</u>
General Fund	395,965	385,607	264,966	262,242	262,242
Cash Funds	194,779	193,064	182,312	171,560	171,560
Reappropriated Funds	748,351	741,374	644,874	660,609	660,609
Federal Funds	36,307	38,924	32,287	30,028	30,028
Administrative Law Judge Services	<u>1,307</u>	<u>775</u>	<u>197</u>	<u>1,009</u>	<u>1,009</u>
General Fund	0	0	0	0	0
Cash Funds	1,307	775	197	1,009	1,009
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Ralph L. Carr Colorado Judicial Center Leased Space	<u>3,379,635</u>	<u>3,440,771</u>	<u>3,501,908</u>	<u>3,565,175</u>	<u>3,565,175</u>
General Fund	962,949	976,319	825,200	831,472	831,472
Cash Funds	480,597	488,817	567,784	543,947	543,947
Reappropriated Funds	1,846,504	1,877,084	2,008,371	2,094,550	2,094,550
Federal Funds	89,585	98,551	100,553	95,206	95,206

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*JBC Staff Figure Setting - FY 2022-23*  
*Staff Working Document - Does Not Represent Committee Decision*

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Payments to OIT	895,196	940,700	941,899	443,653	443,653 *
General Fund	255,065	266,923	222,869	103,472	103,472
Cash Funds	127,300	133,642	152,520	67,687	67,687
Reappropriated Funds	489,102	513,191	539,499	260,647	260,647
Federal Funds	23,729	26,944	27,011	11,847	11,847
CORE Operations	47,529	60,148	44,664	48,571	48,571
General Fund	13,542	17,068	10,524	11,328	11,328
Cash Funds	6,760	8,546	7,240	7,410	7,410
Reappropriated Funds	25,967	32,811	25,617	28,536	28,536
Federal Funds	1,260	1,723	1,283	1,297	1,297
Office of Community Engagement	926,944	885,788	880,836	962,519	962,519 *
FTE	9.0	8.1	8.0	9.0	9.0
General Fund	734,556	693,079	687,937	764,879	764,879
Cash Funds	192,388	192,709	192,899	197,640	197,640
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Patterns and Practice Investigations	0	0	323,921	491,250	462,589 *
FTE	0.0	0.0	1.8	2.9	2.9
General Fund	0	0	323,921	491,250	462,589
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

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*JBC Staff Figure Setting - FY 2022-23*  
*Staff Working Document - Does Not Represent Committee Decision*

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Paid Family and Medical Leave Insurance	0	0	0	<u>126,019</u>	<u>126,019</u> *
General Fund	0	0	0	26,607	26,607
Cash Funds	0	0	0	18,004	18,004
Reappropriated Funds	0	0	0	78,504	78,504
Federal Funds	0	0	0	2,904	2,904
Attorney General Discretionary Fund	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
General Fund	5,000	5,000	5,000	5,000	5,000
Statewide training	0	0	0	0	0
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Merit Pay for Exempt Employees	<u>689,740</u>	0	0	0	0
General Fund	165,099	0	0	0	0
Cash Funds	23,928	0	0	0	0
Reappropriated Funds	492,399	0	0	0	0
Federal Funds	8,314	0	0	0	0
<b>TOTAL - (1) Administration</b>	25,417,997	21,636,171	26,515,856	29,343,472	29,220,953
FTE	<u>57.2</u>	<u>56.3</u>	<u>58.0</u>	<u>63.1</u>	<u>63.1</u>
General Fund	6,136,967	4,540,749	5,679,125	6,559,850	6,531,189
Cash Funds	2,646,027	2,323,619	3,571,572	3,052,814	3,052,814
Reappropriated Funds	16,128,189	14,338,121	16,714,523	19,209,071	19,115,213
Federal Funds	506,814	433,682	550,636	521,737	521,737

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*JBC Staff Figure Setting - FY 2022-23*  
*Staff Working Document - Does Not Represent Committee Decision*

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
<b>(2) LEGAL SERVICES TO STATE AGENCIES</b>					
Personal Services	<u>31,380,735</u>	<u>35,230,340</u>	<u>41,080,020</u>	<u>41,420,007</u>	<u>41,420,007</u>
FTE	269.9	281.5	316.0	318.5	318.5
Cash Funds	19,866	377,181	0	0	0
Reappropriated Funds	31,360,869	34,853,159	41,080,020	41,420,007	41,420,007
Federal Funds	0	0	0	0	0
Operating and Litigation	<u>1,682,203</u>	<u>1,907,419</u>	<u>2,040,671</u>	<u>2,462,284</u>	<u>2,462,284</u>
Cash Funds	202,207	241,909	200,000	200,000	200,000
Reappropriated Funds	1,479,996	1,665,510	1,840,671	2,262,284	2,262,284
Indirect Cost Assessment	<u>3,552,478</u>	<u>3,843,839</u>	<u>3,974,390</u>	<u>4,298,578</u>	<u>4,298,578</u>
Cash Funds	1,287,309	1,836,064	1,314,518	1,525,280	1,525,280
Reappropriated Funds	2,265,169	2,007,775	2,659,872	2,773,298	2,773,298
<b>TOTAL - (2) Legal Services to State Agencies</b>	<b>36,615,416</b>	<b>40,981,598</b>	<b>47,095,081</b>	<b>48,180,869</b>	<b>48,180,869</b>
FTE	<u>269.9</u>	<u>281.5</u>	<u>316.0</u>	<u>318.5</u>	<u>318.5</u>
Cash Funds	1,509,382	2,455,154	1,514,518	1,725,280	1,725,280
Reappropriated Funds	35,106,034	38,526,444	45,580,563	46,455,589	46,455,589
Federal Funds	0	0	0	0	0

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*JBC Staff Figure Setting - FY 2022-23*  
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	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
<b>(3) CRIMINAL JUSTICE AND APPELLATE</b>					
Special Prosecutions Unit	<u>4,460,237</u>	<u>4,092,988</u>	<u>4,484,745</u>	<u>4,686,348</u>	<u>4,686,348</u>
FTE	38.8	34.7	38.6	38.6	38.6
General Fund	2,180,540	1,708,325	2,099,156	2,216,872	2,216,872
Cash Funds	1,491,217	1,558,704	1,559,250	1,615,295	1,615,295
Reappropriated Funds	788,480	825,959	826,339	854,181	854,181
Auto Theft Prevention Grant	<u>295,544</u>	<u>295,544</u>	<u>163,713</u>	<u>167,945</u>	<u>167,945</u>
FTE	2.0	2.0	1.0	1.0	1.0
Reappropriated Funds	295,544	295,544	163,713	167,945	167,945
Appellate Unit	<u>4,319,481</u>	<u>4,452,296</u>	<u>4,453,986</u>	<u>4,842,361</u>	<u>4,842,361</u> *
FTE	42.2	40.1	40.1	41.6	41.6
General Fund	3,874,455	3,839,619	3,584,789	4,240,638	4,240,638
Reappropriated Funds	445,026	612,677	869,197	601,723	601,723
Medicaid Fraud Control Unit	<u>2,223,658</u>	<u>2,299,642</u>	<u>2,299,804</u>	<u>3,560,700</u>	<u>3,209,440</u> *
FTE	20.0	20.0	20.0	28.0	27.3
General Fund	555,910	574,910	574,642	890,176	802,361
Federal Funds	1,667,748	1,724,732	1,725,162	2,670,524	2,407,079
Peace Officers Standards and Training Board Support	<u>5,971,985</u>	<u>5,105,534</u>	<u>5,145,816</u>	<u>6,401,257</u>	<u>6,374,354</u> *
FTE	14.6	14.6	15.5	16.3	16.3
General Fund	0	0	39,775	21,535	21,535
Cash Funds	5,971,985	5,105,534	5,106,041	6,379,722	6,352,819

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*JBC Staff Figure Setting - FY 2022-23*  
*Staff Working Document - Does Not Represent Committee Decision*

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
Indirect Cost Assessment	<u>672,893</u>	<u>704,657</u>	<u>686,766</u>	<u>696,410</u>	<u>696,410</u>
Cash Funds	401,474	401,047	388,989	396,792	396,792
Reappropriated Funds	91,887	91,789	87,187	87,726	87,726
Federal Funds	179,532	211,821	210,590	211,892	211,892
<b>TOTAL - (3) Criminal Justice and Appellate</b>	17,943,798	16,950,661	17,234,830	20,355,021	19,976,858
<i>FTE</i>	<u>117.6</u>	<u>111.4</u>	<u>115.2</u>	<u>125.5</u>	<u>124.8</u>
General Fund	6,610,905	6,122,854	6,298,362	7,369,221	7,281,406
Cash Funds	7,864,676	7,065,285	7,054,280	8,391,809	8,364,906
Reappropriated Funds	1,620,937	1,825,969	1,946,436	1,711,575	1,711,575
Federal Funds	1,847,280	1,936,553	1,935,752	2,882,416	2,618,971

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*JBC Staff Figure Setting - FY 2022-23*  
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	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
<b>(4) WATER AND NATURAL RESOURCES</b>					
Federal and Interstate Water Unit	<u>800,845</u>	<u>621,497</u>	<u>612,908</u>	<u>851,981</u>	<u>851,981</u> *
FTE	6.4	4.6	4.5	6.5	6.5
General Fund	800,845	621,497	612,908	851,981	851,981
Defense of the Colorado River Basin Compact	<u>442,877</u>	<u>465,675</u>	<u>465,929</u>	<u>953,971</u>	<u>953,971</u> *
FTE	3.5	3.5	3.5	3.5	3.5
Cash Funds	442,877	465,675	465,929	953,971	953,971
Defense of the Republican River Compact	<u>110,000</u>	<u>110,000</u>	<u>110,000</u>	<u>110,000</u>	<u>110,000</u>
Cash Funds	110,000	110,000	110,000	110,000	110,000
Consultant Expenses	<u>275,000</u>	<u>275,000</u>	<u>275,000</u>	<u>475,000</u>	<u>475,000</u> *
Cash Funds	275,000	275,000	275,000	475,000	475,000
Comprehensive Environmental Response, Compensation and Liability Act	<u>531,548</u>	<u>544,562</u>	<u>544,562</u>	<u>560,274</u>	<u>560,274</u>
FTE	3.5	3.5	3.5	3.5	3.5
Reappropriated Funds	531,548	544,562	544,562	560,274	560,274
Indirect Cost Assessment	<u>49,477</u>	<u>49,425</u>	<u>46,947</u>	<u>47,237</u>	<u>47,237</u>
Reappropriated Funds	49,477	49,425	46,947	47,237	47,237
<b>TOTAL - (4) Water and Natural Resources</b>	<u>2,209,747</u>	<u>2,066,159</u>	<u>2,055,346</u>	<u>2,998,463</u>	<u>2,998,463</u>
FTE	<u>13.4</u>	<u>11.6</u>	<u>11.5</u>	<u>13.5</u>	<u>13.5</u>
General Fund	800,845	621,497	612,908	851,981	851,981
Cash Funds	827,877	850,675	850,929	1,538,971	1,538,971
Reappropriated Funds	581,025	593,987	591,509	607,511	607,511

NOTE: An asterisk (\*) indicates that the FY 2022-23 request for a line item is affected by one or more decision items.

*JBC Staff Figure Setting - FY 2022-23*  
*Staff Working Document - Does Not Represent Committee Decision*

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
<b>(5) CONSUMER PROTECTION</b>					
Consumer Protection and Antitrust	<u>3,466,185</u>	<u>3,792,393</u>	<u>3,993,176</u>	<u>4,283,228</u>	<u>4,283,228</u> *
FTE	33.0	34.2	36.0	36.2	36.2
General Fund	1,802,915	0	200,128	2,287,863	2,287,863
Cash Funds	1,514,506	3,638,665	3,639,066	1,834,558	1,834,558
Reappropriated Funds	148,764	153,728	153,982	160,807	160,807
Federal Funds	0	0	0	0	0
Consumer Credit Unit	<u>1,925,826</u>	<u>2,220,954</u>	<u>2,514,199</u>	<u>2,706,175</u>	<u>2,491,175</u> *
FTE	21.4	23.0	23.5	25.0	25.0
General Fund	115,273	0	215,000	215,000	0
Cash Funds	1,810,553	2,220,954	2,299,199	2,491,175	2,491,175
Indirect Cost Assessment	<u>586,661</u>	<u>628,402</u>	<u>767,246</u>	<u>643,774</u>	<u>643,774</u>
Cash Funds	565,456	607,220	747,126	623,530	623,530
Reappropriated Funds	21,205	21,182	20,120	20,244	20,244
<b>TOTAL - (5) Consumer Protection</b>	<u>5,978,672</u>	<u>6,641,749</u>	<u>7,274,621</u>	<u>7,633,177</u>	<u>7,418,177</u>
FTE	<u>54.4</u>	<u>57.2</u>	<u>59.5</u>	<u>61.2</u>	<u>61.2</u>
General Fund	1,918,188	0	415,128	2,502,863	2,287,863
Cash Funds	3,890,515	6,466,839	6,685,391	4,949,263	4,949,263
Reappropriated Funds	169,969	174,910	174,102	181,051	181,051
Federal Funds	0	0	0	0	0

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	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
<b>(6) SPECIAL PURPOSE</b>					
District Attorneys' Salaries	<u>2,754,858</u>	<u>2,799,368</u>	<u>2,800,512</u>	<u>2,810,808</u>	<u>2,810,808</u>
General Fund	2,754,858	2,799,368	2,800,512	2,810,808	2,810,808
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Deputy District Attorney Training	<u>400,000</u>	<u>200,000</u>	<u>350,000</u>	<u>500,000</u>	<u>500,000</u>
General Fund	400,000	200,000	350,000	350,000	350,000
Reappropriated Funds	0	0	0	150,000	150,000
Federal Funds	0	0	0	0	0
Appropriation To District Attorney Assistance for Bond Hearings Cash Fund	<u>0</u>	<u>0</u>	<u>150,000</u>	<u>0</u>	<u>0</u>
General Fund	0	0	150,000	0	0
Litigation Management	<u>200,000</u>	<u>200,000</u>	<u>200,000</u>	<u>200,000</u>	<u>200,000</u>
Cash Funds	200,000	200,000	200,000	200,000	200,000
Tobacco Litigation	<u>750,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
Cash Funds	750,000	100,000	100,000	100,000	100,000
CORA OML Attorney	<u>96,010</u>	<u>0</u>	<u>0</u>	<u>101,717</u>	<u>101,717</u> *
FTE	1.0	0.0	0.0	1.0	1.0
General Fund	96,010	0	0	101,717	101,717

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	<b>FY 2019-20 Actual</b>	<b>FY 2020-21 Actual</b>	<b>FY 2021-22 Appropriation</b>	<b>FY 2022-23 Request</b>	<b>FY 2022-23 Recommendation</b>
<b>TOTAL - (6) Special Purpose</b>	4,200,868	3,299,368	3,600,512	3,712,525	3,712,525
<i>FTE</i>	<u>1.0</u>	<u>0.0</u>	<u>0.0</u>	<u>1.0</u>	<u>1.0</u>
General Fund	3,250,868	2,999,368	3,300,512	3,262,525	3,262,525
Cash Funds	950,000	300,000	300,000	300,000	300,000
Reappropriated Funds	0	0	0	150,000	150,000
Federal Funds	0	0	0	0	0
<b>TOTAL - Department of Law</b>	92,366,498	91,575,706	103,776,246	112,223,527	111,507,845
<i>FTE</i>	<u>513.5</u>	<u>518.0</u>	<u>560.2</u>	<u>582.8</u>	<u>582.1</u>
General Fund	18,717,773	14,284,468	16,306,035	20,546,440	20,214,964
Cash Funds	17,688,477	19,461,572	19,976,690	19,958,137	19,931,234
Reappropriated Funds	53,606,154	55,459,431	65,007,133	68,314,797	68,220,939
Federal Funds	2,354,094	2,370,235	2,486,388	3,404,153	3,140,708

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