

# JOINT BUDGET COMMITTEE



## STAFF FIGURE SETTING FY 2022-23

## DEPARTMENT OF REGULATORY AGENCIES

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.

## DEPARTMENT OVERVIEW

This Joint Budget Committee staff figure setting recommendations document includes the following 11 units within the Department of Regulatory Agencies (DORA):

- The **Executive Director's Office** provides administrative and technical support for the Department's divisions and programs, including functions associated with accounting, purchasing, budgeting, communications, legislative services, and human resources. Also included is the Colorado Office of Policy, Research, and Regulatory Reform.
- The **Division of Banking** regulates state-chartered commercial banks, trust companies, money transmitters, and national banks and interstate banks that maintain public deposit accounts in Colorado.
- The **Division of Civil Rights** enforces Colorado's anti-discrimination laws in the areas of employment, housing, and public accommodations.
- The **Office of the Utility Consumer Advocate** represents the public interest and the specific interests of residential, small business, and agricultural consumers in rate and rulemaking cases before the Public Utilities Commission, federal agencies, and the courts.
- The **Division Financial Services** examines and supervises state-chartered credit unions and state-chartered savings and loan associations, enforces the Savings and Loan Public Deposit Protection Act, and regulates certain financial activities of life care institutions.
- The **Division of Insurance** regulates companies and agents providing health insurance, property and liability insurance (homeowners and automobile), life insurance, and title insurance.
- The **Public Utilities Commission** regulates investor-owned electric, natural gas, telecommunications, and private water utilities, and motor vehicle carriers for hire.
- The **Division of Real Estate** licenses real estate agents, appraisers, and mortgage loan originators and registers mortgage companies and homeowners associations.
- The **Division of Professions and Occupations** regulates licensees in over 30 professions and occupations to ensure a basic level of competence to protect the public welfare.
- The **Division of Securities** monitors the conduct of broker-dealers and sales representatives, investigates citizen complaints, and investigates indicators of investment fraud.
- The **Division of Conservation**, in conjunction with the Conservation Easement Oversight Commission, certifies conservation easement holders and conservation easement tax credit certificates.

## SUMMARY OF STAFF RECOMMENDATIONS

DEPARTMENT OF REGULATORY AGENCIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$121,515,244	\$2,867,019	\$111,118,498	\$5,639,571	\$1,890,156	607.7
Other legislation	5,133,288	(10)	5,133,298	0	0	27.8
Long Bill Supplemental	10	10	0	0	0	0.0
<b>TOTAL</b>	<b>\$126,648,542</b>	<b>\$2,867,019</b>	<b>\$116,251,796</b>	<b>\$5,639,571</b>	<b>\$1,890,156</b>	<b>635.5</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$126,648,542	\$2,867,019	\$116,251,796	\$5,639,571	\$1,890,156	635.5
R1 Implement primary care and maternal health apms	250,000	0	250,000	0	0	0.0
R2 Actuarial review of insurance coverages	0	0	0	0	0	0.0
R3 Align state surprise billing law with feds	0	0	0	0	0	0.0
R4 Increase EDO resources	(70,347)	0	(392,392)	322,045	0	5.0
R5 Reduce payments to TUDF	(59,541)	0	(59,541)	0	0	0.0
BA1 Fee relief nurses and mental health pros	0	0	0	0	0	0.0
BA2 Behavioral Health Admin	142,612	0	142,612	0	0	2.0
Staff-initiated leased space increase	104,431	0	104,431	0	0	0.0
Staff-initiated remove broadband grants	(18,737,756)	0	(18,737,756)	0	0	0.0
Centrally appropriated line items	5,107,356	44,704	5,204,839	149,580	(291,767)	0.0
Annualize prior year legislation	1,635,928	0	1,635,928	0	0	11.2
Indirect cost assessment	160,102	0	155,156	0	4,946	0.0
Non-prioritized decision items	43,174	89,060	(48,747)	2,876	(15)	1.0
<b>TOTAL</b>	<b>\$115,224,501</b>	<b>\$3,000,783</b>	<b>\$104,506,326</b>	<b>\$6,114,072</b>	<b>\$1,603,320</b>	<b>654.7</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$11,424,041)</b>	<b>\$133,764</b>	<b>(\$11,745,470)</b>	<b>\$474,501</b>	<b>(\$286,836)</b>	<b>19.2</b>
Percentage Change	(9.0%)	4.7%	(10.1%)	8.4%	(15.2%)	3.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$33,163,912	\$14,070,527	\$19,003,533	\$80,313	\$9,539	2.3

## DESCRIPTION OF INCREMENTAL CHANGES

**R1 IMPLEMENTATION OF PRIMARY CARE AND MATERNAL HEALTH APMS:** Staff recommends approval of an increase of \$250,000 cash funds from the Division of Insurance Cash Fund for FY 2022-23 for the implementation of primary care and maternal health alternative payment models. This one-time funding would help establish an aligned approach to value-based payment across public and private payers in Colorado.

**R2 ACTUARIAL REVIEW OF INSURANCE COVERAGES:** Staff recommends denial of an increase of \$237,924 cash funds from the Division of Insurance Cash Fund and 0.3 FTE for FY 2022-23 to establish a process for objective, reliable, and independent reviews of proposed legislative changes to private insurance coverage. This request requires legislation, and the Department is not asking the Committee to sponsor any legislation. As such, these funds should not appear in the Long Bill. The Department is, however, asking that the Committee consider setting aside these funds for potential legislation.

**R3 ALIGN STATE SURPRISE BILLING LAW WITH FEDERAL NO SURPRISES ACT:** Staff recommends denial of an increase of \$159,912 cash funds from the Division of Insurance Cash Fund for FY 2022-23 to support 2.0 FTE that would work to harmonize the State’s surprise billing law with the federal law. This request requires legislation, and the Department is not asking the Committee to sponsor any legislation. As such, these funds should not appear in the Long Bill. The Department is, however, asking that the Committee consider setting aside these funds for potential legislation.

**R4 INCREASE RESOURCES FOR EXECUTIVE DIRECTOR’S OFFICE:** Staff recommends approval of an increase of \$322,045 General Fund for FY 2022-23 to support 5.0 FTE administrative support staff in the Executive Director’s Office. Staff further recommends refinancing the General Fund to reappropriated funds from the Department’s indirect cost recoveries. This funding would support departmental responsibilities that have accompanied the increase in size and statutory role of the Department. This recommendation is consistent with the Joint Budget Committee’s decision on appropriations regarding new FTE.

**R5 REDUCE DISABLED TELEPHONE PAYMENTS:** Staff recommends approval of a decrease of \$59,541 cash funds from the Telephone Users with Disabilities Cash Fund for FY 2022-23. The requested decrease in funding is a result of an expected decrease in minutes used by Relay Colorado. Funding for this program is based on usage, and overall usage has been declining for several years, with the trend expected to continue.

**BA1 FEE RELIEF FOR LICENSED NURSES AND MENTAL HEALTH PROFESSIONALS:** Staff recommends denial of an increase of \$14,070,140 General Fund for FY 2022-23 to subsidize license renewal fees for nursing and mental health professionals.

**BA2 BEHAVIORAL HEALTH ADMINISTRATION:** Staff recommends approval of an increase of \$142,612 cash funds from the Division of Insurance Cash Fund for FY 2022-23 to support 2.0 FTE. This funding would support the Division’s role within the Behavioral Health Administration of bringing private insurance carriers into alignment with the State’s behavioral health parity structure. This recommendation is consistent with the Joint Budget Committee’s decision on appropriations regarding new FTE.

**STAFF-INITIATED LEASED SPACE ESCALATION:** Staff recommends approval of an increase of \$104,431 cash funds for FY 2022-23 to increase the Department’s Leased Space spending authority. The Department’s annual escalations have not been able to keep pace with increasing building operating costs, so this funding would bring the spending authority in the line item closer to what the Department projects its lease space payments will actually be in FY 2022-23.

**STAFF-INITIATED REMOVE BROADBAND GRANTS:** Staff recommends approval of a decrease of \$18,737,756 informational cash funds in response to legislation from the 2021 session that moved the Broadband Deployment Board Grant program out of the Department.

**CENTRALLY APPROPRIATED LINE ITEMS:** The recommendation includes a combination of previously acted on and pending adjustments to centrally appropriated line items and would increase total funds by \$5,107,356, including a \$44,704 General Fund increase. The following table itemizes each requested centrally appropriated line item change.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$1,553,423	\$46,237	\$1,404,553	\$90,682	\$11,951	0.0
Health, life, and dental	1,151,567	(20,991)	1,305,550	28,000	(160,992)	0.0
Payments to OIT	718,822	(28,884)	747,706	0	0	0.0
Legal services	639,881	17,305	589,058	36,424	(2,906)	0.0
AED	241,726	(4,431)	302,950	4,437	(61,230)	0.0
SAED	241,726	(4,431)	302,950	4,437	(61,230)	0.0
ALJ services	122,651	5,542	117,109	0	0	0.0
Payment to risk management and property funds	121,742	4,097	111,666	4,141	1,838	0.0
Paid family medical and leave insurance	106,338	3,165	96,147	6,208	818	0.0
Leased space	82,882	28,745	68,537	(25,930)	11,530	0.0
CORE adjustment	62,871	2,436	56,429	3,238	768	0.0
Workers' compensation	30,615	1,005	28,143	1,066	401	0.0
PERA Direct Distribution	24,843	(4,968)	63,889	(3,299)	(30,779)	0.0
Short-term disability	8,269	(123)	10,152	176	(1,936)	0.0
<b>TOTAL</b>	<b>\$5,107,356</b>	<b>\$44,704</b>	<b>\$5,204,839</b>	<b>\$149,580</b>	<b>(\$291,767)</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION:** The recommendation includes an increase of \$1,635,928 cash funds and 11.2 FTE for adjustments related to prior year legislation. The following table itemizes each annualization.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB21-1012 PDMP	\$1,137,685	\$0	\$1,137,685	\$0	\$0	3.7
SB21-246 Promote beneficial electrification	375,261	0	375,261	0	0	4.6
HB21-1232 Health benefit plan	284,670	0	284,670	0	0	0.0
SB21-264 Reduce ghg emissions	179,657	0	179,657	0	0	1.9
SB21-103 Sunset office of consumer counsel	96,622	0	96,622	0	0	0.8
HB21-1195 Regulate radon pros	55,652	0	55,652	0	0	0.6
HB21-1013 Divide domestic stock ins	10,252	0	10,252	0	0	0.1
SB21-021 Audiology & speech-language	7,671	0	7,671	0	0	0.1
SB21-126 Timely credentialing	2,821	0	2,821	0	0	0.1
SB21-261 PUC encourage renewables	1,431	0	1,431	0	0	0.0
SB21-072 Modernize elec trans infrastructure	0	0	0	0	0	0.0
SB21-175 Rx drug affordability	(301,012)	0	(301,012)	0	0	0.0
SB21-108 PUC gas utility inspection	(139,047)	0	(139,047)	0	0	(0.7)
HB21-1276 Prevent substance use disorder	(25,400)	0	(25,400)	0	0	0.0
HB21-1201 Transparency telecoms cor	(18,600)	0	(18,600)	0	0	0.0
HB21-1068 Ins coverage mental health	(13,000)	0	(13,000)	0	0	0.0
HB21-1233 Cons ease tax credit	(12,400)	0	(12,400)	0	0	0.0
HB21-1269 PUC community choice energy	(6,335)	0	(6,335)	0	0	0.0
<b>TOTAL</b>	<b>\$1,635,928</b>	<b>\$0</b>	<b>\$1,635,928</b>	<b>\$0</b>	<b>\$0</b>	<b>11.2</b>

**INDIRECT COST ASSESSMENT:** The recommendation includes a net increase of \$160,102 total funds to the Department's indirect cost assessment.

**NON-PRIORITIZED REQUEST ITEMS:** The recommendation for most of these items is pending. The Committee will take action on these items during future figure setting presentations by Committee staff for the Department of Personnel and the Governor's Office of Information Technology. The following table itemizes each requested non-prioritized decision item.



NON-PRIORITIZED DECISION ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
CO equity office placeholder	\$91,635	\$91,635	\$0	\$0	\$0	1.0
DPA Paid family medical leave act funding	36,163	1,216	32,162	2,785	0	0.0
OIT Budget package	15,529	566	14,963	0	0	0.0
DPA CSEAP resources	2,813	95	2,502	216	0	0.0
OIT CBMS Admin costs	(84,127)	(4,376)	(79,751)	0	0	0.0
Fleet vehicle request	(16,568)	0	(16,568)	0	0	0.0
COWINS Partnership Agreement	(2,271)	(76)	(2,055)	(125)	(15)	0.0
<b>TOTAL</b>	<b>\$43,174</b>	<b>\$89,060</b>	<b>(\$48,747)</b>	<b>\$2,876</b>	<b>(\$15)</b>	<b>1.0</b>

## MAJOR DIFFERENCES FROM THE REQUEST

The difference between staff's recommended appropriation for FY 2022-23 and the Department's requested appropriation for FY 2022-23 is a result of the Committee's decision on appropriations for new FTE, the denial of three of the Department's request items, Committee action on common policy decisions that differ from the Department's request, and one staff-initiated decision item.

- Staff's recommendation for R2 includes a denial of \$237,924 cash funds for Actuarial Review of Insurance Coverages.
- Staff's recommendation for R3 includes a denial of \$159,912 cash funds to align Colorado's Surprise Billing law with the federal No Surprises Act.
- Staff's recommendation for BA1 includes a denial of \$14,070,140 General Fund to subsidize the Division of Professions and Occupations Cash Fund to waive fees for nurses and mental health professionals.
- Staff's recommendation for certain decision items is lower than the Department's request because of the Joint Budget Committee decision on appropriations for new FTE.
- Staff recommends increasing the Department's leased space escalation amount in the Executive Director's Office, Leased Space line item to more accurately reflect the actual lease payment that it projects to make for FY 2022-23.

## DECISION ITEMS AFFECTING MULTIPLE DIVISIONS

### → R4 INCREASE RESOURCES FOR EXECUTIVE DIRECTOR’S OFFICE

*REQUEST:* The Department requests an increase of \$392,392 reappropriated funds from the Indirect Cost Excess Recovery Fund for FY 2022-23. The request is for funding that would support 5.0 FTE in the Executive Director’s Office to for additional capacity to adequately carry out the Division’s responsibilities.

*RECOMMENDATION:* **Staff recommends approval of \$322,045 General Fund for FY 2022-23 to support 5.0 FTE. Staff further recommends refinancing the General Fund to reappropriated funds from the Department’s indirect cost recoveries.** This recommendation is consistent with the Joint Budget Committee’s decision on appropriations regarding new FTE.

#### *ANALYSIS:*

##### BACKGROUND

The Department is the State’s primary regulatory agency with responsibilities that include managing licensing and registration for multiple professions and businesses, implementing balanced regulation for Colorado industries, and protecting consumers. The Department is tasked with preserving the integrity of the marketplace and promoting a fair and competitive business environment throughout Colorado.

The Department is comprised of over 60 programs and over 40 boards that have over 330 members in all. These, along with the various advisory committees are responsible for administering over 50 regulatory programs governing professions, occupations, and businesses with over 886,000 individual licensees and approximately 65,000 businesses and institutions.

Along with these administration responsibilities, the Executive Director’s Office (EDO) also oversees various external and administrative functions and offices, including Legislative Affairs, Communications, Human Resources, Operations & Process Improvement, Budget, and Accounting. Its oversight also extends to several Type I Department boards and commissions, as well as the Colorado Office of Policy, Research and Regulatory Reform (COPRRR).

##### INCREASED RESPONSIBILITY

There are several factors that have led to increased responsibility, and all of them slowly build upon themselves so that there has not been a “tipping-point” necessarily, but the Department has rather come to realize that it is past due for more support in carrying out these responsibilities.

The first major factor is the legislative process. Every year, the Department receives an average of 250 requests for fiscal review, and it estimates that it is involved in more than 30.0 percent of all legislative bills. This is a large and time consuming task, and one that is difficult to account for through resources via fiscal notes alone. The table below outlines the number of FTE added to the Department since FY 2016-17, as well as the number of bills that resulted in appropriations. This table does not include bills that the Department was required to review but that did not include appropriations.

LEGISLATIVE BILLS BY RECENT SESSION -- VOLUME AND APPROPRIATIONS			
LEGISLATIVE SESSION (FISCAL YEAR)	TOTAL BILLS	TOTAL NEW FUNDING	FTE
2016 Session (FY 2016-17)	10	\$1,249,311	3.7
2017 Session (FY 2017-18)	6	187,794	1.2
2018 Session (FY 2018-19)	7	456,148	1.8
2019 Session (FY 2019-20)	14	3,742,270	18.9
2020 Session (FY 2020-21)	8	109,501	0.3
2021 Session (FY 2021-22)	23	5,335,791	29.8
<b>Total</b>	<b>68</b>	<b>\$11,080,815</b>	<b>55.7</b>

Another major factor is the management of the COPRRR. This is an important task for both the legislative and executive branches, and can become burdensome when the office has to make recommendations on many bills and reviews, which can reach as many as 30 in a single session.

The third factor is one that has been mentioned already: the boards and commissions that the Division has oversight of. There are over 330 volunteer board members that must be trained to be effective in their roles and must have logistical support to do their work. Were these volunteers actually employed, it would increase the Department's size by just under 50.0 percent

The fourth factor is maintaining accurate and reliable accounting records. The Department is primarily cash funded, and most of that funding comes from hundreds of fund sources that are replenished through registration and license renewal fees. Keeping track of all the fund sources and fee amounts to ensure that the Department and its programs will maintain fees at fair and correct levels based on current fund balances, projected future fund balances, and statutory fund reserve requirements is a very large task that demands significant attention.

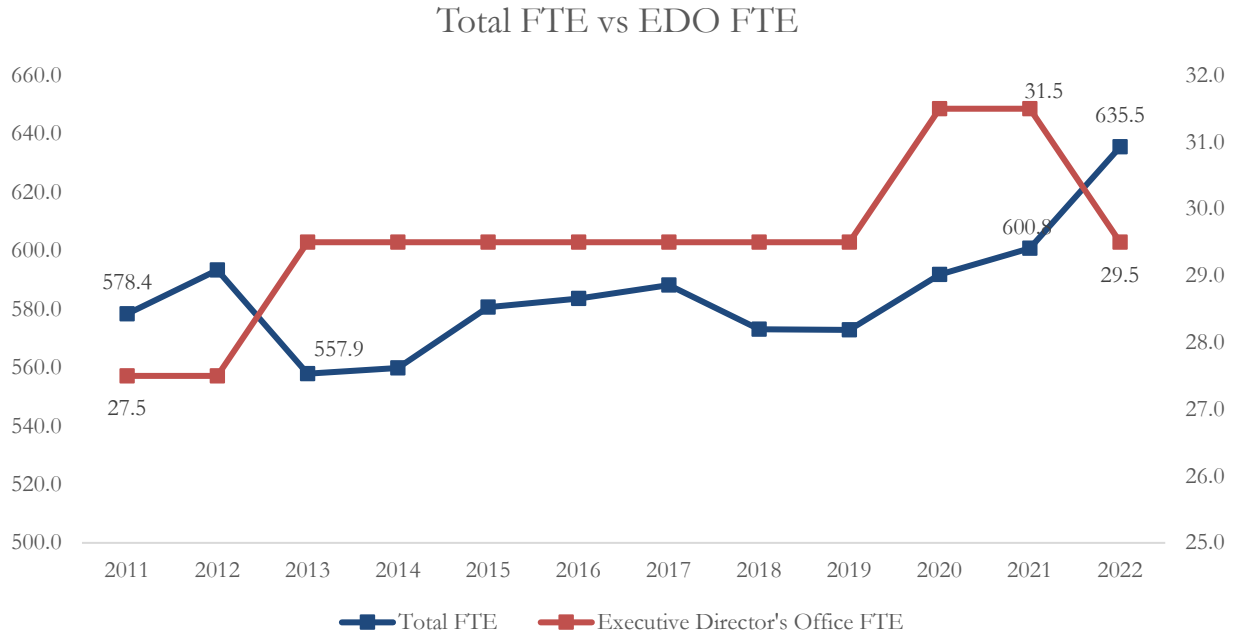
Finally, centralized operations planning and execution is an integral part of the Department's responsibilities because all other oversight and administration is based on this. If the Department does not have effective operations planning and execution, then nothing that it oversees will function as well as intended. Some of these management responsibilities include:

- The DORA Welcome Center;
- The Citizens Advocate Office;
- The OIT liaison, departmental IT governance, and business technology oversight;
- Continuous improvement, strategic planning, measurement, and reporting;
- Safety and security assessments;
- Space utilization and renovation projects;
- Suite and badge access;
- Building management liaison;
- Technical training;
- Executive Director support; and
- Departmental employee engagement events.

ISSUE

The EDO has had essentially the same number of FTE since FY 2010-11 when the Office of Information Technology was moved out of the EDO. Over the same time period, FTE allocated to the various divisions within the Department has increased by 57.1 while FTE in the EDO has

increased by 2.0. These represent increases of 9.9 percent and 7.3 percent, respectively. The following charts show the trends since 2004.



The increase of 57.1 FTE in the Department compared to the increase of 2.0 FTE actually maintains the proportion of EDO FTE to Departmental FTE, with only a 0.2 percent decrease from 4.8 percent in 2011 to 4.6 percent in 2022. While this has remained relatively stable, it might not be the best or only way to determine whether or not the Department needs more resources. An important question to consider is if 4.8 percent was an appropriate ratio of EDO FTE to Departmental FTE in 2011. One way to put that question in context is by looking at other departments in the State.

As of FY 2020-21, the Department had the second lowest ratio of FTE in the EDO compared to all other FTE among departments with fewer than 2000.0 total FTE. The percentage for DORA was 4.9 while the average for other departments was 12.5 percent with outliers like Treasury skewing the average slightly because of its 45.9 percent of FTE in the analogous division to the EDO. The other main outlier was Education with 27.9 percent. However, when these two outliers are removed from the data, the average was still 8.1 percent – well above the level at the Department.

Not all departments are the same in the responsibility burden on their EDOs, however, and according to the Department, Personnel, Law, and Labor and Employment are the three departments most similar in nature to DORA. In these departments, this ratio is 9.1 percent, 11.0 percent, and 8.6 percent, respectively. The following table illustrates this discrepancy.

DEPARTMENTAL AND EDO FTE (FY 2020-21 APPROPRIATIONS)			
DEPARTMENT	TOTAL FTE	EDO/ADMIN FTE	PERCENT OF TOTAL FTE
Treasury	37.9	17.4	45.9
State	147.0	21.1	14.4
Local Affairs	199.4	14.2	7.1
Agriculture	299.5	18.7	6.2

DEPARTMENTAL AND EDO FTE (FY 2020-21 APPROPRIATIONS)			
DEPARTMENT	TOTAL FTE	EDO/ADMIN FTE	PERCENT OF TOTAL FTE
Personnel	408.8	37.3	9.1
Law	518.0	57.2	11.0
Regulatory Agencies	600.8	29.5	4.9
Education	609.0	169.9	27.9
Labor and Employment	1,290.7	111.2	8.6
Public Health and Environment	1,397.0	91.8	6.6
Natural Resources	1,511.9	58.6	3.9
Revenue	1,592.6	168.5	10.6
Public Safety	1,905.8	128.2	6.7
<b>Average</b>	<b>809.1</b>	<b>71.0</b>	<b>12.5</b>

### SOLUTIONS

Over the past few years especially, the Department has needed to increase efficiency to ensure that it has been able to carry out its increased responsibilities with no significant growth in staffing. To do so, it has implemented different strategies. One of these strategies has been an increased focus on virtual government and technology. That increased focus includes implementation of online licensing and filing services, customer chat functionality, and availability of streaming public meetings.

Along with the increased availability of online services for customers, the Department has also made a concerted effort to increase EDO staff's technological fluency through training and the use of new, more efficient platforms on which to accomplish day-to-day tasks.

Another area that the Department has worked on streamlining is in its physical space. This has included consolidating divisions into one building as well as creating the DORA Welcome Center and Conference Suite to become a central terminal for customer accessibility to the business services of the 11 divisions.

Finally, the Department created the DORA Call Center as a dedicated resource to field inquiries, connect concerned individuals to the appropriate department entities to answer their questions, and ensure customer satisfaction by connecting callers with real people. Additionally, the Consumer Outreach and Education program continues to work to raise the Department's visibility via outreach and public service media campaigns.

Technological and process improvements can, however, only increase efficiency so much, and the Department still feels as though responsibilities are outstripping its capacity. As such, the Department believes that right now is the best time to increase the number of FTE within the EDO – to provide capacity not only for the significant increases in FTE and funding placed on the Department during the 2021 legislative session, but also to move the Department closer to other departments regarding the ratio of EDO staff to all other departmental staff. Staff believes that this increase will not only bring capacity up to more appropriate levels within the Division, but also put it on firm footing for future increases in regulatory responsibility.

If the request is approved, the Department has stated that the 5.0 FTE will be hired with a focus on working toward some of the Department's Wildly Important Goals (WIGs). The Department

envisions 2.0 FTE will be tasked with business innovation – primarily in the areas of DORA Business Technology and operations service delivery to reduce time and cost to conduct business with the State.

Another 1.0 FTE will focus on boards and commissions with the goal of modernizing the administration and governance of these by providing a central resource to carry out initiatives on recruitment and retention of qualified, representative board members and supporting the board appointment process.

A fourth FTE will oversee the formal labor-management partnership between COWINS and the Department to ensure fulfillment of statutorily required partnership agreements and engagement in the collective bargaining process.

Finally, the Department expects 1.0 FTE to help keep up with transactional complexity regarding fee sources and levels. This position will give the Department accounting redundancy and succession planning capacity as it relates to financial recording associated with payroll and procurement.

**LEVEL OF EVIDENCE PURSUANT TO S.B. 21-284:**

Senate Bill 21-284 states that a program or practice is “theory-informed” if a theory of change has been identified and implemented. The Department identified this budget request as a theory-informed practice, and identified the theory of change as “the ability to engage in more transformational endeavors across the spectrum of business processes, policy and legislative responsiveness, and important new realities with respect to labor management.” The Department’s objective is “engage in transformative business innovation, EDI initiatives, legislative responsiveness, board and commission modernization, labor management, and succession planning responsibilities.”

A theory of change is a method that explains how a given intervention, or set of interventions, is expected to lead to specific outcomes, drawing on a causal analysis based on available evidence. While there are potentially identifiable outputs related to the addition of 5.0 FTE in the Executive Director’s Office, JBC staff disagrees that it qualifies as an intervention that is intended to lead to a specific change with measurable outcomes. JBC staff has determined that, pursuant to S.B. 21-284 (Evidence-based Evaluations for Budget), assignment of a level of evidence is not applicable to this request.

## (1) EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES

The Executive Director's Office provides administrative and technical support for the Department's divisions and programs, including functions associated with accounting, purchasing, budgeting, communications, legislative services, and human resources. Also includes the Colorado Office of Policy, Research, and Regulatory Reform and the administrative support for the Broadband Deployment Board.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$54,791,463	\$1,040,234	\$48,525,840	\$4,527,232	\$698,157	31.5
Other legislation	937,620	0	937,620	0	0	(2.0)
<b>TOTAL</b>	<b>\$55,729,083</b>	<b>\$1,040,234</b>	<b>\$49,463,460</b>	<b>\$4,527,232</b>	<b>\$698,157</b>	<b>29.5</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$55,729,083	\$1,040,234	\$49,463,460	\$4,527,232	\$698,157	29.5
R4 Increase EDO resources	322,045	0	0	322,045	0	5.0
Staff-initiated leased space increase	104,431	0	104,431	0	0	0.0
Staff-initiated remove broadband grants	(18,737,756)	0	(18,737,756)	0	0	0.0
Centrally appropriated line items	5,107,356	44,704	5,204,839	149,580	(291,767)	0.0
Annualize prior year legislation	872,026	0	872,026	0	0	0.0
Non-prioritized decision items	43,174	89,060	(48,747)	2,876	(15)	1.0
Annualize prior year funding	(1,300,965)	(48,924)	(1,200,071)	0	(51,970)	0.0
<b>TOTAL</b>	<b>\$42,139,394</b>	<b>\$1,125,074</b>	<b>\$35,658,182</b>	<b>\$5,001,733</b>	<b>\$354,405</b>	<b>35.5</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$13,589,689)</b>	<b>\$84,840</b>	<b>(\$13,805,278)</b>	<b>\$474,501</b>	<b>(\$343,752)</b>	<b>6.0</b>
Percentage Change	(24.4%)	8.2%	(27.9%)	10.5%	(49.2%)	20.3%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$18,666,825	\$397	\$18,576,576	\$80,313	\$9,539	0.0

### DECISION ITEMS - EXECUTIVE DIRECTOR'S OFFICE

#### → STAFF-INITIATED LEASED SPACE ADJUSTMENT

*REQUEST:* The Department did not request this item.

*RECOMMENDATION:* **Staff recommends approval of an additional increase of \$104,431 cash funds in the Leased Space line item.** This increase would bring the appropriation in line with the original leased space escalation projection from the Department's request for FY 2016-17. The Department has requested an escalation for FY 2022-23 of \$82,882 total funds, so staff's recommendation would bring the total escalation for FY 2022-23 to \$187,313 total funds.

*ANALYSIS:*

*BACKGROUND:*

In FY 2016-17, the Department requested a decrease in spending authority in the Executive Director’s Office, Leased Space line item to enter into a new 10-year lease at 1560 Broadway Ave. in Denver. At the time, the Department requested total spending authority for FY 2016-17 of \$819,470. This amount took into account a few different factors that the Department was able to negotiate as part of the lease agreement. The first of these was rent credits which reduced the cost per square foot by \$5.88 for the first 5 years of the lease. The second was a negotiated grace period of rent payments for the first 9 months of the lease, so the Department only had to pay for 3 months of the first year of the lease. Finally, the Department was able to recoup 30.0 percent of its realtor’s fee commission at the time, which allowed it to use the funds for rent abatement and tenant improvement.

ISSUE

Another aspect of the lease agreement was something called ‘triple net’ leasing. Under this type of leasing, the lessee (Department) pays for 100.0 percent of its proportional building operating expenses. This is advantageous for the lessor and allowed the Department to negotiate cost-saving terms under the agreement. Building operating expenses generally increase every year as trash pickup, utilities, snow removal, etc. prices increase. Because of this, also included in the lease agreement was a requirement that the amount of operational costs that it would pay could not increase by more than 7.0 percent. This 7.0 percent number, however, does not apply to the amount that the lessor charges the Department, it only applies to the amount of spending authority the Department will have in any given year to pay the rent.

Because of this dynamic, the Department assumed that at some point, actual operating expenses would outpace the 7.0 percent yearly increase, and so in the original request asked for the 7.0 percent incremental increase in the first year of the lease. At the time, the JBC analyst did not think it was necessary to fund the initial 7.0 percent increase because the actual incremental increases in operating expenses were estimated, and the Committee agreed. Current staff does not believe that the denial of the initial 7.0 percent increase is wholly responsible for the current shortfall. Staff thinks it likely that it is simply a case of services increasing by more than 7.0 percent each year.

The Department is now in a situation where it believes that it will be short on lease payments in the current fiscal year and FY 2022-23. According to the Department, it will be able to absorb the shortfall in the current fiscal year, but it will be harder in FY 2022-23. Additionally, now that anticipated lease payments are higher than appropriations, staff believes that without some unforeseen drop in building operating expenses, the difference between appropriations and actual payment amounts will continue to increase. The following table shows the differences in the current and next fiscal years.

LEASED SPACE			
YEAR	ANTICIPATED LEASE PAYMENT	APPROPRIATION	DIFFERENCE
FY 2021-22	\$4,452,981	\$4,346,332	\$106,649
FY 2022-23	\$4,533,645	\$4,429,214	\$104,431

RECOMMENDATION

In light of these and likely continuing shortfalls, staff is recommending an increase in the Department’s leased space escalation request. Staff is recommending an increase of \$104,431 because that will bring the Leased Space spending authority up to the level that the Department anticipated in its original request. Staff believes that this original projection is the most accurate because of the similarity with the Department’s current projection for FY 2021-22. At the time of the request, the Department



projected the FY 2021-22 payment to be \$4,450,763 and they are currently projecting the FY 2021-22 payment to be \$4,452,981. The following table is taken from the original request for FY 2016-17.

**Proposed Rate Schedule**

Year	Square Feet	Rate*	Total Cost	Max Rent Credit/SF	Effective Rate	Total Cost/ Appropriation
FY 16-17**	165,764	\$24.35	\$1,009,088.35	(\$5.88)	\$18.47	\$765,415.27
FY 17-18	165,764	\$24.85	\$4,119,235.40	(\$5.88)	\$18.97	\$3,144,543.08
FY 18-19	165,764	\$25.35	\$4,202,117.40	(\$5.88)	\$19.47	\$3,227,425.08
FY 19-20	165,764	\$25.85	\$4,284,999.40	(\$5.88)	\$19.97	\$3,310,307.08
FY 20-21	165,764	\$26.35	\$4,367,881.40	(\$5.88)	\$20.47	\$3,393,189.08
FY 21-22	165,764	\$26.85	\$4,450,763.40		\$26.85	\$4,450,763.40
FY 22-23	165,764	\$27.35	\$4,533,645.40		\$27.35	\$4,533,645.40
FY 23-24	165,764	\$27.85	\$4,616,527.40		\$27.85	\$4,616,527.40
FY 24-25	165,764	\$28.35	\$4,699,409.40		\$28.35	\$4,699,409.40
FY 25-26	165,764	\$28.85	\$4,782,291.40		\$28.85	\$4,782,291.40
FY 26-27**	165,764	\$29.35	\$3,648,880.05		\$29.35	\$3,648,880.05
			\$44,714,839.00			\$40,572,396.64

\*Rates include base rate of \$16.50/SF escalating at \$0.50 annually, plus estimated operating at \$7.85/SF in each year

\*\*Only 3 months' rent in FY 2016-17 and 9 months' occupancy in FY 2026-27 estimated here due to rent abatement in Year 1

Another option that staff considered was to recommend increasing the escalation by \$185,350. This amount would increase the spending authority to the level that the Department is currently projecting for FY 2022-23 based on its payment for January. Since this projection is only based on one month, staff felt it would not be appropriate to recommend this amount.

If this request is denied, it could become an issue for the Department. As mentioned, they expect there to be a shortfall in the current fiscal year, but are not worried about the lack of spending authority. If that were to happen, the Department has informed me that it will start charging divisional operating expense lines to cover the excess. The issue that this could cause is if a division with a small operating expenses budget is billed for a significant portion of the shortfall. For example, the Division of Securities has about \$100,000 of spending authority in its Operating Expenses line, so any significant usage of that for lease payments could put the division's operations in jeopardy.

**→ STAFF-INITIATED REMOVE BROADBAND GRANTS**

*REQUEST:* The Department did not request this item.

*RECOMMENDATION:* **Staff recommends approval of a decrease of \$18,737,756 informational cash funds** in response to legislation from the 2021 session that moved the Broadband Deployment Board Grant program out of the Department.

*ANALYSIS:* During the 2021 legislation session, H.B. 21-1109 was passed, which moved the Broadband Deployment Board out of the Department and into the Governor's Office. In the appropriation clause of that bill, the funding for the administration of the office was moved, but the

information amount that shows up in the Long Bill for the grants was not moved. This staff initiated technical adjustment would remove the funding for the grants from the Department’s budget.

LINE ITEM DETAIL — EXECUTIVE DIRECTOR’S OFFICE

PERSONAL SERVICES

This line item provides staff and services for needs that are common to all divisions within the Department. It also includes funding for the Colorado Office of Policy, Research, and Regulatory Reform, which oversees sunset reviews. This line item is supported this year by the Community Crime Victims Grant Program Cash Fund, the Racing Cash Fund, the Department of State Cash Fund, and the Justice Reinvestment Crime Prevention Cash Fund. The reason that these funds from other departments support this line is because programs outside of DORA are required to pay the costs of their sunset reviews.

*STATUTORY AUTHORITY:* Sections 24-1-105, 24-1-107, 24-1-122, 24-1-136, 24-4-103, 24-6-303.5, and 24-34-101, C.R.S.

*REQUEST:* The Department requests an appropriation of \$3,196,361 total funds, including \$99,685 General Fund and 35.5 FTE for FY 2022-23. This includes part of the Department’s R4 request, annualizations of prior year funding, and a decision item not requested by the Department.

*RECOMMENDATION:* Staff recommends an appropriation of \$3,126,014 total funds, including \$99,685 General Fund and 35.5 FTE for FY 2022-23. Staff’s recommendation is lower than the request due to the Joint Budget Committee’s decision on appropriations for new FTE.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$2,672,646	\$16,000	\$27,000	\$2,629,646	\$0	29.5
<b>TOTAL</b>	<b>\$2,672,646</b>	<b>\$16,000</b>	<b>\$27,000</b>	<b>\$2,629,646</b>	<b>\$0</b>	<b>29.5</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,672,646	\$16,000	\$27,000	\$2,629,646	\$0	29.5
R4 Increase EDO resources	282,295	0	0	282,295	0	5.0
Annualize prior year funding	87,388	0	0	87,388	0	0.0
Non-prioritized decision items	83,685	83,685	0	0	0	1.0
<b>TOTAL</b>	<b>\$3,126,014</b>	<b>\$99,685</b>	<b>\$27,000</b>	<b>\$2,999,329</b>	<b>\$0</b>	<b>35.5</b>
<b>INCREASE/(DECREASE)</b>	<b>\$453,368</b>	<b>\$83,685</b>	<b>\$0</b>	<b>\$369,683</b>	<b>\$0</b>	<b>6.0</b>
Percentage Change	17.0%	523.0%	0.0%	14.1%	n/a	20.3%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$70,347	\$0	\$0	\$70,347	\$0	0.0

**HEALTH, LIFE, AND DENTAL**

This line item provides funding for the cost of the state's share of the employee's health, life and dental insurance for employees electing coverage. This line item is supported by various sources of cash funds.

*STATUTORY AUTHORITY:* Pursuant to Sections 24-50-609, 24-50-611, and 24-50-104 (1)(a)(II), C.R.S., and defined in Section 24-50-603 (9), C.R.S.

*REQUEST:* The Department requests an appropriation of \$7,165,893 total funds, including \$245,044 General Fund, for FY 2022-23. This includes a non-prioritized decision item.

*RECOMMENDATION:* **Staff recommends an appropriation of \$7,165,894 total funds, including \$241,045 General Fund and \$6,482,690 cash funds for FY 2022-23,** in accordance with the Committee’s decision on common policies.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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)	\$6,016,598	\$262,112	\$5,179,195	\$367,311	\$207,980	0.0
<b>TOTAL</b>	<b>\$6,016,598</b>	<b>\$262,112</b>	<b>\$5,179,195</b>	<b>\$367,311</b>	<b>\$207,980</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$6,016,598	\$262,112	\$5,179,195	\$367,311	\$207,980	0.0
Centrally appropriated line items	1,151,567	(20,991)	1,305,550	28,000	(160,992)	0.0
Non-prioritized decision items	(2,271)	(76)	(2,055)	(125)	(15)	0.0
<b>TOTAL</b>	<b>\$7,165,894</b>	<b>\$241,045</b>	<b>\$6,482,690</b>	<b>\$395,186</b>	<b>\$46,973</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$1,149,296</b>	<b>(\$21,067)</b>	<b>\$1,303,495</b>	<b>\$27,875</b>	<b>(\$161,007)</b>	<b>0.0</b>
Percentage Change	19.1%	(8.0%)	25.2%	7.6%	(77.4%)	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$7,165,893</b>	<b>\$245,044</b>	<b>\$6,477,523</b>	<b>\$396,545</b>	<b>\$46,781</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	(\$1)	\$3,999	(\$5,167)	\$1,359	(\$192)	0.0

**SHORT-TERM DISABILITY**

This line item provides funding for short-term disability insurance coverage that is available for all employees and paid by the state. Appropriations are based on payroll that provides partial payment of an employee's salary if that individual becomes disabled and cannot perform his or her work duties. This line item is supported by the various sources of cash funds.

*STATUTORY AUTHORITY:* Sections 24-50-611 and 24-50-603 (13), C.R.S.

*REQUEST:* The Department requests an appropriation of \$75,519 total funds, including \$2,247 General Fund, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$75,519 total funds, including \$2,247 General Fund and \$68,282 cash funds for FY 2022-23,** in accordance with the Committee’s decision on common policies.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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)	\$67,250	\$2,370	\$58,130	\$4,233	\$2,517	0.0
<b>TOTAL</b>	<b>\$67,250</b>	<b>\$2,370</b>	<b>\$58,130</b>	<b>\$4,233</b>	<b>\$2,517</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$67,250	\$2,370	\$58,130	\$4,233	\$2,517	0.0
Centrally appropriated line items	8,269	(123)	10,152	176	(1,936)	0.0
<b>TOTAL</b>	<b>\$75,519</b>	<b>\$2,247</b>	<b>\$68,282</b>	<b>\$4,409</b>	<b>\$581</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$8,269</b>	<b>(\$123)</b>	<b>\$10,152</b>	<b>\$176</b>	<b>(\$1,936)</b>	<b>0.0</b>
Percentage Change	12.3%	(5.2%)	17.5%	4.2%	(76.9%)	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$75,519</b>	<b>\$2,247</b>	<b>\$68,282</b>	<b>\$4,409</b>	<b>\$581</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]**

Colorado Proposition 118, Paid Family Medical Leave Initiative, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

*STATUTORY AUTHORITY:* Section 8-13.3-501 et seq., C.R.S.

*REQUEST:* The Department requests an appropriation of \$142,501 total funds, including \$4,381 General Fund, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$142,501 total funds, including \$4,381 General Fund, for FY 2022-23,** in accordance with the Committee’s decision on common policies.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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
Centrally appropriated line items	106,338	3,165	96,147	6,208	818	0.0
Non-prioritized decision items	36,163	1,216	32,162	2,785	0	0.0
<b>TOTAL</b>	<b>\$142,501</b>	<b>\$4,381</b>	<b>\$128,309</b>	<b>\$8,993</b>	<b>\$818</b>	<b>0.0</b>

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>INCREASE/(DECREASE)</b>	<b>\$142,501</b>	<b>\$4,381</b>	<b>\$128,309</b>	<b>\$8,993</b>	<b>\$818</b>	<b>0.0</b>
Percentage Change	n/a	n/a	n/a	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$142,501</b>	<b>\$4,381</b>	<b>\$128,309</b>	<b>\$8,993</b>	<b>\$818</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT**

This line item provides funding for an increase to the effective PERA contribution rates beginning January 1, 2006 to bring the Department into compliance with statutory provisions. This line item is supported by various sources of cash funds.

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

*REQUEST:* The Department requests an appropriation of \$2,363,055 total funds, including \$70,325 General Fund and \$2,136,603 cash funds, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$2,363,055 total funds, including \$70,325 General Fund and \$2,136,603 cash funds for FY 2022-23, in accordance with the Committee’s decision on common policies.**

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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)	\$2,121,329	\$74,756	\$1,833,653	\$133,518	\$79,402	0.0
<b>TOTAL</b>	<b>\$2,121,329</b>	<b>\$74,756</b>	<b>\$1,833,653</b>	<b>\$133,518</b>	<b>\$79,402</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,121,329	\$74,756	\$1,833,653	\$133,518	\$79,402	0.0
Centrally appropriated line items	241,726	(4,431)	302,950	4,437	(61,230)	0.0
<b>TOTAL</b>	<b>\$2,363,055</b>	<b>\$70,325</b>	<b>\$2,136,603</b>	<b>\$137,955</b>	<b>\$18,172</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$241,726</b>	<b>(\$4,431)</b>	<b>\$302,950</b>	<b>\$4,437</b>	<b>(\$61,230)</b>	<b>0.0</b>
Percentage Change	11.4%	(5.9%)	16.5%	3.3%	(77.1%)	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$2,363,055</b>	<b>\$70,325</b>	<b>\$2,136,603</b>	<b>\$137,955</b>	<b>\$18,172</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

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

This line item provides funding for an increase to the effective PERA contribution rates beginning January 1, 2008 to bring the Department into compliance with statutory provisions. This line item is supported by various sources of cash funds.

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

*REQUEST:* The Department requests an appropriation of \$2,363,055 total funds, including \$70,325 General Fund and \$2,136,603 cash funds, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$2,363,055 total funds, including \$70,325 General Fund and \$2,136,603 cash funds for FY 2022-23, in accordance with the Committee’s decision on common policies.**

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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)	\$2,121,329	\$74,756	\$1,833,653	\$133,518	\$79,402	0.0
<b>TOTAL</b>	<b>\$2,121,329</b>	<b>\$74,756</b>	<b>\$1,833,653</b>	<b>\$133,518</b>	<b>\$79,402</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,121,329	\$74,756	\$1,833,653	\$133,518	\$79,402	0.0
Centrally appropriated line items	241,726	(4,431)	302,950	4,437	(61,230)	0.0
<b>TOTAL</b>	<b>\$2,363,055</b>	<b>\$70,325</b>	<b>\$2,136,603</b>	<b>\$137,955</b>	<b>\$18,172</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$241,726</b>	<b>(\$4,431)</b>	<b>\$302,950</b>	<b>\$4,437</b>	<b>(\$61,230)</b>	<b>0.0</b>
Percentage Change	11.4%	(5.9%)	16.5%	3.3%	(77.1%)	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$2,363,055</b>	<b>\$70,325</b>	<b>\$2,136,603</b>	<b>\$137,955</b>	<b>\$18,172</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. This line item is supported by various sources of cash funds.

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

*REQUEST:* The Department requests an appropriation of \$1,066,205 total funds, including \$31,730 General Fund and \$964,031 cash funds, for FY 2022-23.

*RECOMMENDATION:* **Staff recommendation is pending committee action on this line item. Staff requests permission to reflect committee action in the Long Bill.** The table below reflects only the Department’s request.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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)	\$1,041,362	\$36,698	\$900,142	\$65,544	\$38,978	0.0

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, PERA DIRECT DISTRIBUTION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>TOTAL</b>	<b>\$1,041,362</b>	<b>\$36,698</b>	<b>\$900,142</b>	<b>\$65,544</b>	<b>\$38,978</b>	<b>0.0</b>
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,041,362	\$36,698	\$900,142	\$65,544	\$38,978	0.0
Centrally appropriated line items	24,843	(4,968)	63,889	(3,299)	(30,779)	0.0
<b>TOTAL</b>	<b>\$1,066,205</b>	<b>\$31,730</b>	<b>\$964,031</b>	<b>\$62,245</b>	<b>\$8,199</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$24,843</b>	<b>(\$4,968)</b>	<b>\$63,889</b>	<b>(\$3,299)</b>	<b>(\$30,779)</b>	<b>0.0</b>
Percentage Change	2.4%	(13.5%)	7.1%	(5.0%)	(79.0%)	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,066,205</b>	<b>\$31,730</b>	<b>\$964,031</b>	<b>\$62,245</b>	<b>\$8,199</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**SALARY SURVEY**

This line item provides funding for market adjustments to occupational groups' salaries in the Department. This line item is supported by various sources of cash funds.

*STATUTORY AUTHORITY:* Section 24-50-104 (1)(a), C.R.S.

*REQUEST:* The Department requests an appropriation of \$1,553,423 total funds, including \$46,237 General Fund and \$1,404,553 cash funds, for FY 2022-23.

*RECOMMENDATION:* Staff recommends an appropriation of \$1,553,423 total funds, including \$46,237 General Fund and \$1,404,553 cash funds for FY 2022-23, in accordance with the Committee's decision on common policies.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,388,353	\$48,924	\$1,200,071	\$87,388	\$51,970	0.0
<b>TOTAL</b>	<b>\$1,388,353</b>	<b>\$48,924</b>	<b>\$1,200,071</b>	<b>\$87,388</b>	<b>\$51,970</b>	<b>0.0</b>
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,388,353	\$48,924	\$1,200,071	\$87,388	\$51,970	0.0
Centrally appropriated line items	1,553,423	46,237	1,404,553	90,682	11,951	0.0
Annualize prior year funding	(1,388,353)	(48,924)	(1,200,071)	(87,388)	(51,970)	0.0
<b>TOTAL</b>	<b>\$1,553,423</b>	<b>\$46,237</b>	<b>\$1,404,553</b>	<b>\$90,682</b>	<b>\$11,951</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$165,070</b>	<b>(\$2,687)</b>	<b>\$204,482</b>	<b>\$3,294</b>	<b>(\$40,019)</b>	<b>0.0</b>
Percentage Change	11.9%	(5.5%)	17.0%	3.8%	(77.0%)	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,553,423</b>	<b>\$46,237</b>	<b>\$1,404,553</b>	<b>\$90,682</b>	<b>\$11,951</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**WORKERS' COMPENSATION**

This line item provides funds for workers' compensation insurance for the entire state carried by the Department of Personnel. Appropriations to departments covered by the insurance are determined through actuarial calculations and three years of claims history. This line item is supported by various sources of cash funds.

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

*REQUEST:* The Department requests an appropriation of \$155,448 total funds, including \$5,227 General Fund and \$138,248 cash funds, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$217,012 total funds, including \$7,127 General Fund and \$199,486 cash funds for FY 2022-23,** consistent with the Committee's decision on this common policy line item.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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	\$6,122	\$171,343	\$6,490	\$2,442	0.0
<b>TOTAL</b>	<b>\$186,397</b>	<b>\$6,122</b>	<b>\$171,343</b>	<b>\$6,490</b>	<b>\$2,442</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$186,397	\$6,122	\$171,343	\$6,490	\$2,442	0.0
Centrally appropriated line items	30,615	1,005	28,143	1,066	401	0.0
<b>TOTAL</b>	<b>\$217,012</b>	<b>\$7,127</b>	<b>\$199,486</b>	<b>\$7,556</b>	<b>\$2,843</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$30,615</b>	<b>\$1,005</b>	<b>\$28,143</b>	<b>\$1,066</b>	<b>\$401</b>	<b>0.0</b>
Percentage Change	16.4%	16.4%	16.4%	16.4%	16.4%	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below)	\$155,448	\$5,227	\$138,248	\$8,111	\$3,862	0.0
Recommendation	(\$61,564)	(\$1,900)	(\$61,238)	\$555	\$1,019	0.0

**OPERATING EXPENSES**

This line item provides funding for operating expenses of the division. This line item is supported by various sources of cash funds.

*STATUTORY AUTHORITY:* Sections 24-1-105, 24-1-107, 24-1-122, 24-1-136, 24-4-103, 24-6-303.5, and 24-34-101, C.R.S.

*REQUEST:* The Department requests an appropriation of \$258,079 total funds, including \$11,639 General Fund and \$95,427 cash funds, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation or \$258,079 total funds, including \$11,639 General Fund and \$95,427 cash funds, for FY 2022-23.**



EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$210,379	\$3,689	\$95,427	\$111,263	\$0	0.0
<b>TOTAL</b>	<b>\$210,379</b>	<b>\$3,689</b>	<b>\$95,427</b>	<b>\$111,263</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$210,379	\$3,689	\$95,427	\$111,263	\$0	0.0
R4 Increase EDO resources	39,750	0	0	39,750	0	0.0
Non-prioritized decision items	7,950	7,950	0	0	0	0.0
<b>TOTAL</b>	<b>\$258,079</b>	<b>\$11,639</b>	<b>\$95,427</b>	<b>\$151,013</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$47,700</b>	<b>\$7,950</b>	<b>\$0</b>	<b>\$39,750</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	22.7%	215.5%	0.0%	35.7%	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$258,079</b>	<b>\$11,639</b>	<b>\$95,427</b>	<b>\$151,013</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**LEGAL SERVICES**

This line item provides funding for legal services rendered by the Department of Law. This line item is supported by the Fixed Utilities Fund, the Division of Professions and Occupations Cash Fund and various other sources of cash funds.

*STATUTORY AUTHORITY:* Sections 24-31-101 (1)(a), C.R.S., 24-75-112 (1)(i), C.R.S.

*REQUEST:* The Department requests an appropriation of \$11,103,000 total funds including \$171,366 General Fund and \$10,768,612 cash funds, for FY 2022-23.

*RECOMMENDATION:* **Staff recommendation is pending** a Committee common policy decision on this item. JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, LEGAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$9,460,969	\$154,061	\$9,177,404	\$56,601	\$72,903	0.0
Other legislation	\$958,124	\$0	\$958,124	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$10,419,093</b>	<b>\$154,061</b>	<b>\$10,135,528</b>	<b>\$56,601</b>	<b>\$72,903</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$10,419,093	\$154,061	\$10,135,528	\$56,601	\$72,903	0.0
Centrally appropriated line items	639,881	17,305	589,058	36,424	(2,906)	0.0
Annualize prior year legislation	44,026	0	44,026	0	0	0.0
<b>TOTAL</b>	<b>\$11,103,000</b>	<b>\$171,366</b>	<b>\$10,768,612</b>	<b>\$93,025</b>	<b>\$69,997</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$683,907</b>	<b>\$17,305</b>	<b>\$633,084</b>	<b>\$36,424</b>	<b>(\$2,906)</b>	<b>0.0</b>
Percentage Change	6.6%	11.2%	6.2%	64.4%	(4.0%)	0.0%

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, LEGAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$11,103,000</b>	<b>\$171,366</b>	<b>\$10,768,612</b>	<b>\$93,025</b>	<b>\$69,997</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### ADMINISTRATIVE LAW JUDGE SERVICES

This line item is used to purchase administrative law services from the Department of Personnel. This line item is supported by various sources of cash funds

*STATUTORY AUTHORITY:* Section 24-30-1003 (1), C.R.S.

*REQUEST:* The Department requests an appropriation of \$514,330 total funds, including \$23,238 General Fund and \$491,092 cash funds, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$531,448 total funds, including \$24,012 General Fund and \$507,436 cash funds for FY 2022-23.** Staff's recommendation is higher than the request due to the Committee's common policy decision on this item.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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)	\$408,797	\$18,470	\$390,327	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$408,797</b>	<b>\$18,470</b>	<b>\$390,327</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$408,797	\$18,470	\$390,327	\$0	\$0	0.0
Centrally appropriated line items	122,651	5,542	117,109	0	0	0.0
<b>TOTAL</b>	<b>\$531,448</b>	<b>\$24,012</b>	<b>\$507,436</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>						
Percentage Change	30.0%	30.0%	30.0%	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below)						
Recommendation	(\$17,118)	(\$774)	(\$16,344)	\$0	\$0	0.0

### PAYMENT TO RISK MANAGEMENT AND PROPERTY FUNDS

This line item provides funding for the Department's share of liability, and property insurance carried by the Department of Personnel is appropriated through this line item. The program is used to pay liability claims and expenses brought against the state. This line item is supported by various sources of cash funds.

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

*REQUEST:* The Department requests an appropriation of \$384,013 total funds, including \$4,192 General Fund and \$321,732 cash funds, for FY 2022-23.

*RECOMMENDATION:* Staff recommends an appropriation of \$350,849 total funds, including \$11,808 General Fund and \$321,732 cash funds for FY 2022-23. Staff's recommendation is lower than the request due to the Committee's common policy decision on this item and a request item that was requested by a different department.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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)	\$226,294	\$7,616	\$207,564	\$7,697	\$3,417	0.0
<b>TOTAL</b>	<b>\$226,294</b>	<b>\$7,616</b>	<b>\$207,564</b>	<b>\$7,697</b>	<b>\$3,417</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$226,294	\$7,616	\$207,564	\$7,697	\$3,417	0.0
Centrally appropriated line items	121,742	4,097	111,666	4,141	1,838	0.0
Non-prioritized decision items	2,813	95	2,502	216	0	0.0
<b>TOTAL</b>	<b>\$350,849</b>	<b>\$11,808</b>	<b>\$321,732</b>	<b>\$12,054</b>	<b>\$5,255</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$124,555</b>	<b>\$4,192</b>	<b>\$114,168</b>	<b>\$4,357</b>	<b>\$1,838</b>	<b>0.0</b>
Percentage Change	55.0%	55.0%	55.0%	56.6%	53.8%	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$384,013</b>	<b>\$12,913</b>	<b>\$341,522</b>	<b>\$20,106</b>	<b>\$9,472</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$33,164	\$1,105	\$19,790	\$8,052	\$4,217	0.0

**VEHICLE LEASE PAYMENTS**

This line item provides funding for the annual payment to the Department of Personnel for the cost of administration, loan repayment, and lease-purchase payments for new and replacement motor vehicles. The majority of the Department's leased vehicles are used for remote electrical and plumbing inspections. This line item is supported by various sources of cash funds.

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

*REQUEST:* The Department requests an appropriation of \$276,795 cash funds for FY 2022-23. This includes a common policy request.

*RECOMMENDATION:* Staff recommends an appropriation of \$263,331 cash funds for FY 2022-23. Staff's recommendation is lower than the request due to the Committee's common policy decision on this item.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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)	\$279,899	\$0	\$279,899	\$0	\$0	0.0

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, VEHICLE LEASE PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>TOTAL</b>	<b>\$279,899</b>	<b>\$0</b>	<b>\$279,899</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$279,899	\$0	\$279,899	\$0	\$0	0.0
Non-prioritized decision items	(16,568)	0	(16,568)	0	0	0.0
<b>TOTAL</b>	<b>\$263,331</b>	<b>\$0</b>	<b>\$263,331</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$16,568)</b>	<b>\$0</b>	<b>(\$16,568)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(5.9%)	n/a	(5.9%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$276,795</b>	<b>\$0</b>	<b>\$276,795</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$13,464	\$0	\$13,464	\$0	\$0	0.0

**INFORMATION TECHNOLOGY ASSET MAINTENANCE**

This line item provides funding for the Department to implement an asset management plan to achieve and maintain a standard information technology environment. Money is used to pay for hardware and software maintenance contracts, as well as the replacement of equipment (e.g., servers, switches, printers, or personal computers). This line item is supported by various sources of cash funds.

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

*REQUEST:* The Department requests an appropriation of \$1,678,403 total funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$1,678,403 total funds for FY 2022-23.** The recommendation includes the out-year impact of prior year legislation.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, INFORMATION TECHNOLOGY ASSET MAINTENANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$671,403	\$0	\$480,646	\$190,757	\$0	0.0
Other legislation	82,000	0	82,000	0	0	0.0
<b>TOTAL</b>	<b>\$753,403</b>	<b>\$0</b>	<b>\$562,646</b>	<b>\$190,757</b>	<b>\$0</b>	<b>0.0</b>
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$753,403	\$0	\$562,646	\$190,757	\$0	0.0
Annualize prior year legislation	925,000	0	925,000	0	0	0.0
<b>TOTAL</b>	<b>\$1,678,403</b>	<b>\$0</b>	<b>\$1,487,646</b>	<b>\$190,757</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$925,000</b>	<b>\$0</b>	<b>\$925,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	122.8%	n/a	164.4%	0.0%	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,678,403</b>	<b>\$0</b>	<b>\$1,487,646</b>	<b>\$190,757</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**HARDWARE/SOFTWARE MAINTENANCE**

This line item pays for the licensing and maintenance agreements for hardware and software, as well as the costs of required equipment upgrades. This line item is supported by various sources of cash funds.

*STATUTORY AUTHORITY:* Sections 24-1-105, 24-1-107, 24-1-122, 24-1-136, 24-4-103, 24-6-303.5, and 24-34-101, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$590,939 total funds, including \$800 General Fund, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$590,939 total funds for FY 2022-23.** The recommendation consists of \$800 General Fund, \$331,537 cash funds from various sources, and \$258,602 reappropriated funds from indirect cost recoveries.

**LEASED SPACE**

This line item is used by the Department to pay for leased space. The agency occupies consolidated space at 1560 Broadway in Denver with a present total of 165,764 square feet. This line item is supported by various sources of cash funds.

*STATUTORY AUTHORITY:* Sections 24-1-105, 24-1-107, 24-1-122, 24-1-136, 24-4-103, 24-6-303.5, and 24-34-101, C.R.S.

*REQUEST:* The Department requests an appropriation of \$4,429,214 total funds, including \$167,080 General Fund and \$3,661,996 cash funds, for FY 2022-23. This includes a leased space escalation adjustment and a staff-initiated request item.

*RECOMMENDATION:* **Staff recommends an appropriation of \$4,533,645 total funds, including \$167,080 General Fund and \$3,766,427 cash funds, for FY 2022-23.** Staff's recommendation is higher than the request because of a staff-initiated request to increase the leased space escalation.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, LEASED SPACE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$4,346,332	\$138,335	\$3,593,459	\$459,088	\$155,450	0.0
<b>TOTAL</b>	<b>\$4,346,332</b>	<b>\$138,335</b>	<b>\$3,593,459</b>	<b>\$459,088</b>	<b>\$155,450</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$4,346,332	\$138,335	\$3,593,459	\$459,088	\$155,450	0.0
Staff-initiated leased space increase	104,431	0	104,431	0	0	0.0
Centrally appropriated line items	82,882	28,745	68,537	(25,930)	11,530	0.0
<b>TOTAL</b>	<b>\$4,533,645</b>	<b>\$167,080</b>	<b>\$3,766,427</b>	<b>\$433,158</b>	<b>\$166,980</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$187,313</b>	<b>\$28,745</b>	<b>\$172,968</b>	<b>(\$25,930)</b>	<b>\$11,530</b>	<b>0.0</b>
Percentage Change	4.3%	20.8%	4.8%	(5.6%)	7.4%	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$4,429,214</b>	<b>\$167,080</b>	<b>\$3,661,996</b>	<b>\$433,158</b>	<b>\$166,980</b>	<b>0.0</b>

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, LEASED SPACE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	(\$104,431)	\$0	(\$104,431)	\$0	\$0	0.0

**PAYMENTS TO OIT**

This line item includes funding appropriated to the Department that is then transferred to the Governor’s Office of Information Technology to support the information technology systems that support the Office’s programs. This line item is supported by various sources of cash funds.

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

*REQUEST:* The Department requests an appropriation of \$4,186,655 total funds, including \$151,109 General Fund and \$4,035,546 cash funds, for FY 2022-23. This includes a common policy adjustment, the out-year impact of prior year legislation, and a request item from a different department.

*RECOMMENDATION:* **Staff recommendation is pending** a Committee common policy decision on this item. JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, 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)	\$3,533,431	\$183,803	\$3,349,628	\$0	\$0	0.0
Other legislation	100,000	0	100,000	0	0	0.0
<b>TOTAL</b>	<b>\$3,633,431</b>	<b>\$183,803</b>	<b>\$3,449,628</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$3,633,431	\$183,803	\$3,449,628	\$0	\$0	0.0
Centrally appropriated line items	718,822	(28,884)	747,706	0	0	0.0
Annualize prior year legislation	(97,000)	0	(97,000)	0	0	0.0
Non-prioritized decision items	(68,598)	(3,810)	(64,788)	0	0	0.0
<b>TOTAL</b>	<b>\$4,186,655</b>	<b>\$151,109</b>	<b>\$4,035,546</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$553,224</b>	<b>(\$32,694)</b>	<b>\$585,918</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	15.2%	(17.8%)	17.0%	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**CORE OPERATIONS**

This line item funds the Department’s share of costs associated with the operations and maintenance of the Colorado Operations Resource Engine (CORE). This line item is supported by various sources of cash funds.

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

*REQUEST:* The Department requests an appropriation of \$360,575 total funds, including \$12,125 General Fund and \$320,677 cash funds, for FY 2022-23. This includes a common policy adjustment.

*RECOMMENDATION:* **Staff recommends an appropriation of \$365,367 total funds, including \$14,158 General Fund and \$327,931 cash funds for FY 2022-23.** Staff's recommendation is higher than the request due to the Committee's common policy decision on this item.

EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES, CORE OPERATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$302,496	\$11,722	\$271,502	\$15,576	\$3,696	0.0
<b>TOTAL</b>	<b>\$302,496</b>	<b>\$11,722</b>	<b>\$271,502</b>	<b>\$15,576</b>	<b>\$3,696</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$302,496	\$11,722	\$271,502	\$15,576	\$3,696	0.0
Centrally appropriated line items	62,871	2,436	56,429	3,238	768	0.0
<b>TOTAL</b>	<b>\$365,367</b>	<b>\$14,158</b>	<b>\$327,931</b>	<b>\$18,814</b>	<b>\$4,464</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$62,871</b>	<b>\$2,436</b>	<b>\$56,429</b>	<b>\$3,238</b>	<b>\$768</b>	<b>0.0</b>
Percentage Change	20.8%	20.8%	20.8%	20.8%	20.8%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$360,575</b>	<b>\$12,125</b>	<b>\$320,677</b>	<b>\$18,814</b>	<b>\$8,959</b>	<b>0.0</b>
Request Above/(Below) Recommendation	(\$4,792)	(\$2,033)	(\$7,254)	\$0	\$4,495	0.0

### CONSUMER OUTREACH/EDUCATION PROGRAM

This line item was added to the FY 2009-10 Long Bill as a result of H.B. 08-1216, which established the Consumer Outreach and Education Program. The Program works to inform consumers of their rights regarding regulated professions and occupations, decrease regulatory violations by licensees, and increase public awareness of consumer protection information available from the Department. The Program is funded by a surcharge on fines issued by various divisions. This line item is supported by the Consumer Outreach and Education Fund and the Moving Outreach Fund.

*STATUTORY AUTHORITY:* Section 24-34-108, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$205,000 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$205,000 cash funds for FY 2022-23.**

## (2) DIVISION OF BANKING

The Division of Banking regulates state-chartered commercial banks, trust companies, money transmitters, and national banks and interstate banks that maintain public deposit accounts in Colorado. The Division is slated for repeal on September 1, 2024.

DIVISION OF BANKING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$4,936,529	\$0	\$4,936,529	\$0	\$0	40.0
<b>TOTAL</b>	<b>\$4,936,529</b>	<b>\$0</b>	<b>\$4,936,529</b>	<b>\$0</b>	<b>\$0</b>	<b>40.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$4,936,529	\$0	\$4,936,529	\$0	\$0	40.0
R4 Increase EDO resources	(29,026)	0	(29,026)	0	0	0.0
Annualize prior year funding	91,816	0	91,816	0	0	0.0
Indirect cost assessment	11,477	0	11,477	0	0	0.0
<b>TOTAL</b>	<b>\$5,010,796</b>	<b>\$0</b>	<b>\$5,010,796</b>	<b>\$0</b>	<b>\$0</b>	<b>40.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$74,267</b>	<b>\$0</b>	<b>\$74,267</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	1.5%	n/a	1.5%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$5,010,796</b>	<b>\$0</b>	<b>\$5,010,796</b>	<b>\$0</b>	<b>\$0</b>	<b>40.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### DECISION ITEMS - DIVISION OF BANKING

All decision items impacting this division are covered in the “Decision Items Affecting Multiple Divisions” section of this document.

### LINE ITEM DETAIL - DIVISION OF BANKING

#### PERSONAL SERVICES

This line item recurs annually to provide division staffing and pay for contractual services associated with the regulation of state- chartered commercial banks, industrial banks, trust companies, money order companies and money transmitters. This line item is supported by the Division of Banking Cash Fund.

*STATUTORY AUTHORITY:* Sections 5-1-101 et seq.; 11-102-101 thru 11-102-508, C.R.S.

*REQUEST:* The Department requests an appropriation of \$4,153,242 cash funds and 40.0 FTE for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$4,153,242 cash funds and 40.0 FTE for FY 2022-23.**



DIVISION OF BANKING, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$4,061,426	\$0	\$4,061,426	\$0	\$0	40.0
<b>TOTAL</b>	<b>\$4,061,426</b>	<b>\$0</b>	<b>\$4,061,426</b>	<b>\$0</b>	<b>\$0</b>	<b>40.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$4,061,426	\$0	\$4,061,426	\$0	\$0	40.0
Annualize prior year funding	91,816	0	91,816	0	0	0.0
<b>TOTAL</b>	<b>\$4,153,242</b>	<b>\$0</b>	<b>\$4,153,242</b>	<b>\$0</b>	<b>\$0</b>	<b>40.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$91,816</b>	<b>\$0</b>	<b>\$91,816</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	2.3%	n/a	2.3%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$4,153,242</b>	<b>\$0</b>	<b>\$4,153,242</b>	<b>\$0</b>	<b>\$0</b>	<b>40.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**OPERATING EXPENSES**

This line item recurs annually for costs associated with supporting Division operations and capital needs. This includes, but is not limited to, office supplies, telephone, postage, printing, furniture, and travel expenses. This line item is supported by the Division of Banking Cash Fund.

*STATUTORY AUTHORITY:* Sections 5-1-101 et seq.; 11-102-101 thru 11-102-508, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$490,733 cash funds for FY 2022-23.

***RECOMMENDATION:* Staff recommends a continuation-level appropriation or \$490,733 cash funds for FY 2022-23.**

**BOARD MEETING COSTS**

This line item recurs annually to pay per diem, travel and miscellaneous costs for Colorado State Banking Board members attending meetings to conduct business related to rule-making, policy formulation, taking disciplinary action, and making licensing and chartering decisions. This line item is supported by the Division of Banking Cash Fund.

*STATUTORY AUTHORITY:* Sections 5-1-101 et seq.; 11-102-101 thru 11-102-508, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$23,500 cash funds for FY 2022-23.

***RECOMMENDATION:* Staff recommends a continuation-level appropriation of \$23,500 cash funds for FY 2022-23.**

INDIRECT COST ASSESSMENT

This line item provides funding for the Division’s share of assessed indirect cost recoveries. This line item is supported by the Division of Banking Cash Fund.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$343,321 cash funds for FY 2022-23.

*RECOMMENDATION:* **On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds.** JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

DIVISION OF BANKING, 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)	\$360,870	\$0	\$360,870	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$360,870</b>	<b>\$0</b>	<b>\$360,870</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$360,870	\$0	\$360,870	\$0	\$0	0.0
R4 Increase EDO resources	(29,026)	0	(29,026)	0	0	0.0
Indirect cost assessment	11,477	0	11,477	0	0	0.0
<b>TOTAL</b>	<b>\$343,321</b>	<b>\$0</b>	<b>\$343,321</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>						
Percentage Change	(4.9%)	0.0%	(4.9%)	0.0%	0.0%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**(3) CIVIL RIGHTS DIVISION**

The Division of Civil Rights enforces Colorado’s anti-discrimination laws in the areas of employment, housing, and public accommodations. The Division is slated for repeal on September 1, 2027.

CIVIL RIGHTS DIVISION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$2,927,747	\$1,826,785	\$0	\$518,888	\$582,074	35.3
<b>TOTAL</b>	<b>\$2,927,747</b>	<b>\$1,826,785</b>	<b>\$0</b>	<b>\$518,888</b>	<b>\$582,074</b>	<b>35.3</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,927,747	\$1,826,785	\$0	\$518,888	\$582,074	35.3
Annualize prior year funding	82,042	48,924	0	0	33,118	0.0
Indirect cost assessment	2,681	0	0	0	2,681	0.0
<b>TOTAL</b>	<b>\$3,012,470</b>	<b>\$1,875,709</b>	<b>\$0</b>	<b>\$518,888</b>	<b>\$617,873</b>	<b>35.3</b>
<b>INCREASE/(DECREASE)</b>	<b>\$84,723</b>	<b>\$48,924</b>	<b>\$0</b>	<b>\$0</b>	<b>\$35,799</b>	<b>0.0</b>
Percentage Change	2.9%	2.7%	n/a	0.0%	6.2%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**DECISION ITEMS - CIVIL RIGHTS DIVISION**

The Department did not submit any decision items for this division.

**LINE ITEM DETAIL - CIVIL RIGHTS DIVISION****PERSONAL SERVICES**

This line item recurs annually to provide Division staffing and pay for contractual services.

*STATUTORY AUTHORITY:* Sections 24-34-301 thru 801, 24-50-125.5, C.R.S.

*REQUEST:* The Department requests an appropriation of \$2,783,103 total funds, including \$1,791,155 General Fund, and 35.3 FTE for FY 2022-23.

*RECOMMENDATION:* Staff recommends an appropriation of \$2,783,103 total funds, including \$1,791,155 General Fund, and 35.3 FTE for FY 2022-23.

CIVIL RIGHTS DIVISION, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$2,701,061	\$1,742,231	\$0	\$518,888	\$439,942	35.3
<b>TOTAL</b>	<b>\$2,701,061</b>	<b>\$1,742,231</b>	<b>\$0</b>	<b>\$518,888</b>	<b>\$439,942</b>	<b>35.3</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,701,061	\$1,742,231	\$0	\$518,888	\$439,942	35.3
Annualize prior year funding	82,042	48,924	0	0	33,118	0.0
<b>TOTAL</b>	<b>\$2,783,103</b>	<b>\$1,791,155</b>	<b>\$0</b>	<b>\$518,888</b>	<b>\$473,060</b>	<b>35.3</b>
<b>INCREASE/(DECREASE)</b>	<b>\$82,042</b>	<b>\$48,924</b>	<b>\$0</b>	<b>\$0</b>	<b>\$33,118</b>	<b>0.0</b>
Percentage Change	3.0%	2.8%	n/a	0.0%	7.5%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$2,783,103</b>	<b>\$1,791,155</b>	<b>\$0</b>	<b>\$518,888</b>	<b>\$473,060</b>	<b>35.3</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**OPERATING EXPENSES**

This line item recurs annually for costs associated with supporting Division operations and capital needs. This includes, but is not limited to, office supplies, telephone, postage, printing, furniture, and travel expenses.

*STATUTORY AUTHORITY:* Sections 24-34-301 thru 801, 24-50-125.5, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$105,556 total funds, including \$62,380 General Fund, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$105,556 total funds, including \$62,380 General Fund, for FY 2022-23.**

**HEARINGS PURSUANT TO COMPLAINT**

This line item pays for expenses associated with Colorado Civil Rights Commission hearings and mediations to resolve complaints received. Also included in this line is funding for a portion of the expert witnesses, court reporters, transcripts, and depositions expenses incurred in the Office of the Attorney General in the Department of Law.

*STATUTORY AUTHORITY:* Sections 24-34-301 thru 801, 24-50-125.5, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$18,000 total funds, including \$17,000 General Fund, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$18,000 total funds, including \$17,000 General Fund, for FY 2022-23.**

COMMISSION MEETING COSTS

This line item recurs annually to pay per diem, travel, and miscellaneous costs for Colorado Civil Rights Commission members attending meetings to conduct business related to rule-making and policy formulation, to investigate and pass upon charges alleging unfair or discriminatory practices, and to hold hearings upon any complaint issued against a respondent.

*STATUTORY AUTHORITY:* Sections 24-34-301 thru 801, 24-50-125.5, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$12,374 total funds, including \$5,174 General Fund, for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$12,374 total funds, including \$5,174 General Fund, for FY 2022-23.**

INDIRECT COST ASSESSMENT

This line item provides funding for the Division’s share of assessed indirect cost recoveries.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$93,437 federal funds for FY 2022-23.

*RECOMMENDATION:* **On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds.** JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

CIVIL RIGHTS DIVISION, 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)	\$90,756	\$0	\$0	\$0	\$90,756	0.0
<b>TOTAL</b>	<b>\$90,756</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$90,756</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$90,756	\$0	\$0	\$0	\$90,756	0.0
Indirect cost assessment	2,681	0	0	0	2,681	0.0
<b>TOTAL</b>	<b>\$93,437</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$93,437</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>						
Percentage Change	3.0%	n/a	n/a	n/a	3.0%	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## (4) OFFICE OF THE UTILITY CONSUMER ADVOCATE

The Office of the Utility Consumer Advocate represents the public interest and the specific interests of residential, small business, and agricultural consumers in rate and rulemaking cases before the Public Utilities Commission, federal agencies, and the courts. The Office is slated for repeal on September 1, 2028.

OFFICE OF THE UTILITY CONSUMER ADVOCATE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$1,035,579	\$0	\$1,035,579	\$0	\$0	7.0
Other legislation	294,431	0	294,431	0	0	3.2
<b>TOTAL</b>	<b>\$1,330,010</b>	<b>\$0</b>	<b>\$1,330,010</b>	<b>\$0</b>	<b>\$0</b>	<b>10.2</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,330,010	\$0	\$1,330,010	\$0	\$0	10.2
R4 Increase EDO resources	(5,078)	0	(5,078)	0	0	0.0
Annualize prior year legislation	64,720	0	64,720	0	0	0.8
Annualize prior year funding	21,824	0	21,824	0	0	0.0
Indirect cost assessment	2,008	0	2,008	0	0	0.0
<b>TOTAL</b>	<b>\$1,413,484</b>	<b>\$0</b>	<b>\$1,413,484</b>	<b>\$0</b>	<b>\$0</b>	<b>11.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$83,474</b>	<b>\$0</b>	<b>\$83,474</b>	<b>\$0</b>	<b>\$0</b>	<b>0.8</b>
Percentage Change	6.3%	n/a	6.3%	n/a	n/a	7.8%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,413,484</b>	<b>\$0</b>	<b>\$1,413,484</b>	<b>\$0</b>	<b>\$0</b>	<b>11.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	(0.0)

### DECISION ITEMS - OFFICE OF THE UTILITY CONSUMER ADVOCATE

All decision items impacting this division are covered in the “Decision Items Affecting Multiple Divisions” section of this document.

### LINE ITEM DETAIL - OFFICE OF THE UTILITY CONSUMER ADVOCATE

#### PERSONAL SERVICES

This line item recurs annually to provide funding for the payment of Office staffing and contractual services. This line item is supported by the Fixed Utilities Fund.

*STATUTORY AUTHORITY:* Sections 40-6.5-101 thru 108, C.R.S.

*REQUEST:* The Department requests an appropriation of \$1,292,188 cash funds and 11.0 FTE for FY 2022-23.

*RECOMMENDATION:* Staff recommends an appropriation of \$1,292,188 cash funds and 11.0 FTE for FY 2022-23.

OFFICE OF THE UTILITY CONSUMER ADVOCATE, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$916,613	\$0	\$916,613	\$0	\$0	7.0
Other legislation	265,311	0	265,311	0	0	3.2
<b>TOTAL</b>	<b>\$1,181,924</b>	<b>\$0</b>	<b>\$1,181,924</b>	<b>\$0</b>	<b>\$0</b>	<b>10.2</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,181,924	\$0	\$1,181,924	\$0	\$0	10.2
Annualize prior year legislation	88,440	0	88,440	0	0	0.8
Annualize prior year funding	21,824	0	21,824	0	0	0.0
<b>TOTAL</b>	<b>\$1,292,188</b>	<b>\$0</b>	<b>\$1,292,188</b>	<b>\$0</b>	<b>\$0</b>	<b>11.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$110,264</b>	<b>\$0</b>	<b>\$110,264</b>	<b>\$0</b>	<b>\$0</b>	<b>0.8</b>
Percentage Change	9.3%	n/a	9.3%	n/a	n/a	7.8%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,292,188</b>	<b>\$0</b>	<b>\$1,292,188</b>	<b>\$0</b>	<b>\$0</b>	<b>11.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**OPERATING EXPENSES**

This line item recurs annually for costs associated with supporting Office operations and capital needs. This line item is supported by the Fixed Utilities Fund.

*STATUTORY AUTHORITY:* Sections 40-6.5-101 thru 108, C.R.S.

*REQUEST:* The Department requests an appropriation of \$61,214 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$61,214 cash funds for FY 2022-23.**

OFFICE OF THE UTILITY CONSUMER ADVOCATE, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$55,814	\$0	\$55,814	\$0	\$0	0.0
Other legislation	29,120	0	29,120	0	0	0.0
<b>TOTAL</b>	<b>\$84,934</b>	<b>\$0</b>	<b>\$84,934</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$84,934	\$0	\$84,934	\$0	\$0	0.0
Annualize prior year legislation	(23,720)	0	(23,720)	0	0	0.0
<b>TOTAL</b>	<b>\$61,214</b>	<b>\$0</b>	<b>\$61,214</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$23,720)</b>	<b>\$0</b>	<b>(\$23,720)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(27.9%)	n/a	(27.9%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$61,214</b>	<b>\$0</b>	<b>\$61,214</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

INDIRECT COST ASSESSMENT

This line item provides funding for the Office’s share of assessed indirect cost recoveries. This line item is supported by the Fixed Utilities Fund.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$60,082 cash funds for FY 2022-23.

*RECOMMENDATION:* **On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds.** JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

OFFICE OF THE UTILITY CONSUMER ADVOCATE, 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)	\$63,152	\$0	\$63,152	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$63,152</b>	<b>\$0</b>	<b>\$63,152</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$63,152	\$0	\$63,152	\$0	\$0	0.0
R4 Increase EDO resources	(5,078)	0	(5,078)	0	0	0.0
Indirect cost assessment	2,008	0	2,008	0	0	0.0
<b>TOTAL</b>	<b>\$60,082</b>	<b>\$0</b>	<b>\$60,082</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>						
Percentage Change	(4.9%)	n/a	(4.9%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0



## (5) DIVISION OF FINANCIAL SERVICES

The Division of Financial Services examines and supervises state-chartered credit unions and state-chartered savings and loan associations, enforces the Savings and Loan Public Deposit Protection Act, and regulates certain financial activities of life care institutions. The Division is slated for repeal on September 1, 2024.

DIVISION OF FINANCIAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$1,783,553	\$0	\$1,783,553	\$0	\$0	15.6
<b>TOTAL</b>	<b>\$1,783,553</b>	<b>\$0</b>	<b>\$1,783,553</b>	<b>\$0</b>	<b>\$0</b>	<b>15.6</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,783,553	\$0	\$1,783,553	\$0	\$0	15.6
R4 Increase EDO resources	(11,320)	0	(11,320)	0	0	0.0
Annualize prior year funding	32,331	0	32,331	0	0	0.0
Indirect cost assessment	4,476	0	4,476	0	0	0.0
<b>TOTAL</b>	<b>\$1,809,040</b>	<b>\$0</b>	<b>\$1,809,040</b>	<b>\$0</b>	<b>\$0</b>	<b>15.6</b>
<b>INCREASE/(DECREASE)</b>	<b>\$25,487</b>	<b>\$0</b>	<b>\$25,487</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	1.4%	n/a	1.4%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,809,040</b>	<b>\$0</b>	<b>\$1,809,040</b>	<b>\$0</b>	<b>\$0</b>	<b>15.6</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### DECISION ITEMS - DIVISION OF FINANCIAL SERVICES

All decision items impacting this division are covered in the “Decision Items Affecting Multiple Divisions” section of this document.

### LINE ITEM DETAIL - DIVISION OF FINANCIAL SERVICES

#### PERSONAL SERVICES

This line item recurs annually to provide Division staffing and pay for Board per diem and contractual services. This line item is supported by the Financial Services Cash Fund.

*STATUTORY AUTHORITY:* Sections 5-1-101, 11-30-101 and 103, 11-40-101, 11-47-101, 11-48-101, 11-101-101 thru 11-109-907, C.R.S.

*REQUEST:* The Department requests an appropriation of \$1,529,184 cash funds and 15.6 FTE for FY 2022-23.

***RECOMMENDATION:* Staff recommends an appropriation of \$1,529,184 cash funds and 15.6 FTE for FY 2022-23.**

DIVISION OF FINANCIAL SERVICES, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$1,496,853	\$0	\$1,496,853	\$0	\$0	15.6
<b>TOTAL</b>	<b>\$1,496,853</b>	<b>\$0</b>	<b>\$1,496,853</b>	<b>\$0</b>	<b>\$0</b>	<b>15.6</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,496,853	\$0	\$1,496,853	\$0	\$0	15.6
Annualize prior year funding	32,331	0	32,331	0	0	0.0
<b>TOTAL</b>	<b>\$1,529,184</b>	<b>\$0</b>	<b>\$1,529,184</b>	<b>\$0</b>	<b>\$0</b>	<b>15.6</b>
<b>INCREASE/(DECREASE)</b>	<b>\$32,331</b>	<b>\$0</b>	<b>\$32,331</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	2.2%	n/a	2.2%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,529,184</b>	<b>\$0</b>	<b>\$1,529,184</b>	<b>\$0</b>	<b>\$0</b>	<b>15.6</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**OPERATING EXPENSES**

This line item recurs annually for costs associated with supporting Division operations and capital needs. This line item is supported by the Financial Services Cash Fund.

*STATUTORY AUTHORITY:* Sections 11-102-101 thru 106, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$145,961 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$145,961 cash funds for FY 2022-23.**

**INDIRECT COST ASSESSMENT**

This line item provides funding for the Office’s share of assessed indirect cost recoveries. This line item is supported by the Financial Services Cash Fund.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$133,895 cash funds for FY 2022-23.

*RECOMMENDATION:* **On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds.** JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

DIVISION OF FINANCIAL SERVICES, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						

DIVISION OF FINANCIAL SERVICES, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 21-205 (Long Bill)	\$140,739	\$0	\$140,739	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$140,739</b>	<b>\$0</b>	<b>\$140,739</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$140,739	\$0	\$140,739	\$0	\$0	0.0
R4 Increase EDO resources	(11,320)	0	(11,320)	0	0	0.0
Indirect cost assessment	4,476	0	4,476	0	0	0.0
<b>TOTAL</b>	<b>\$133,895</b>	<b>\$0</b>	<b>\$133,895</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$6,844)</b>	<b>\$0</b>	<b>(\$6,844)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(4.9%)	n/a	(4.9%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**(6) DIVISION OF INSURANCE**

The Division of Insurance regulates companies and agents providing health insurance, property and liability insurance (homeowners and automobile), life insurance, and title insurance. The Division is slated for repeal on September 1, 2030.

DIVISION OF INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$9,839,358	\$0	\$9,269,238	\$0	\$570,120	92.3
Other legislation	1,666,281	0	1,666,281	0	0	9.8
<b>TOTAL</b>	<b>\$11,505,639</b>	<b>\$0</b>	<b>\$10,935,519</b>	<b>\$0</b>	<b>\$570,120</b>	<b>102.1</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$11,505,639	\$0	\$10,935,519	\$0	\$570,120	102.1
R1 Implement primary care and maternal health apms	250,000	0	250,000	0	0	0.0
R2 Actuarial review of ins coverages	0	0	0	0	0	0.0
R3 Align state surprise billing law	0	0	0	0	0	0.0
R4 Increase EDO resources	(66,417)	0	(66,417)	0	0	0.0
BA2 Behavioral Health Admin	142,612	0	142,612	0	0	2.0
Annualize prior year funding	194,075	0	175,223	0	18,852	0.0
Annualize prior year legislation	108,973	0	108,973	0	0	0.2
Indirect cost assessment	27,351	0	26,262	0	1,089	0.0
<b>TOTAL</b>	<b>\$12,162,233</b>	<b>\$0</b>	<b>\$11,572,172</b>	<b>\$0</b>	<b>\$590,061</b>	<b>104.3</b>
<b>INCREASE/(DECREASE)</b>	<b>\$656,594</b>	<b>\$0</b>	<b>\$636,653</b>	<b>\$0</b>	<b>\$19,941</b>	<b>2.2</b>
Percentage Change	5.7%	n/a	5.8%	n/a	3.5%	2.2%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$12,589,190</b>	<b>\$0</b>	<b>\$11,999,129</b>	<b>\$0</b>	<b>\$590,061</b>	<b>106.6</b>
Request Above/(Below) Recommendation	\$426,957	\$0	\$426,957	\$0	\$0	2.3

**DECISION ITEMS - DIVISION OF INSURANCE**

Along with the following, there is one additional decision item that impacts this division, which can be found in the “Decision Items Affecting Multiple Divisions” section of this document.

**→ R1 IMPLEMENTATION OF PRIMARY CARE AND MATERNAL HEALTH APMS**

*REQUEST:* The Department requests an increase of \$250,000 cash funds from the Division of Insurance Cash Fund for FY 2022-23 for the implementation of primary care and maternal health alternative payment models. This is one-time funding that would annualize to \$400,000 in FY 2023-24 and would help establish an aligned approach to value-based payment across public and private payers in Colorado.

*RECOMMENDATION:* Staff recommends approval of \$250,000 cash funds from the Division of Insurance Cash Fund for FY 2022-23.

*ANALYSIS:*

## FEE-FOR-SERVICE PAYMENT MODEL VS. VALUE-BASED PAYMENT MODEL

Currently, the standard payment model used by insurance firms and other payers to reimburse hospitals and other providers for healthcare services is referred to as fee-for-service (FFS). In the FFS model, healthcare providers charge based on individual services rendered such as appointments, tests, prescriptions, etc. and are then reimbursed based on itemized bills that list out each treatment or procedure administered.<sup>1</sup>

On the other hand, in a value-based payment model – also known as an alternative payment model (APM) – the goal is to reimburse providers based on the quality of care rather than the quantity of procedures performed. Typically, the quality of care is measured using patient health outcomes. As such, in this type of reimbursement model, providers are rewarded for effectively managing the health of individuals and populations.<sup>2</sup>

## PRIMARY CARE CONTEXT

There have been many studies of alternative payment models over the last 10-15 years to try to understand the potential impacts on the quality and cost of care. The results from these studies are generally nuanced and narrow, but one theme remains the same – a larger pool of providers and payers participating in the model typically equates to more savings and better quality of care.<sup>3</sup>

A few of the larger scale experiments happened in Rhode Island and New York. In Rhode Island, the state introduced affordability standards in 2010 to try to reduce Fee-for-Service spending. A study done comparing 38,001 commercially insured adults in Rhode Island to the same number of commercially insured adults in other states found that on average, enrollees in Rhode Island paid \$304 less per year on health care costs. The study also mentioned, however, that quality measures were unaffected or improved. While the results of this study are interesting, it is not quite the same thing that is being proposed in Colorado because in Rhode Island they were simply using a capitated FFS model and the focus was not on quality of care.<sup>4</sup>

In New York, one provider network created an ‘Enhanced Primary Care (EPC)’ initiative – a model that rewards doctors for spending more time with their sickest patients and creating ongoing relationships with those patients to deliver continuous and comprehensive care. The voluntary model currently includes 187 physician practices, 850 network clinicians, and 212,000 members.<sup>5</sup> A three year analysis of the program was completed in 2014 (when participation was largely the same as today) and found a \$20.7 million cost savings related directly to the program. In addition, providers received around \$12.8 million more in reimbursements and bonuses than if they had not been participating in the program. Further, the analysis found that quality of care was increasing as doctors spent more time with the sickest patients. Primary care visits decreased among the general membership, but increased among the most vulnerable members.<sup>6</sup> These results are more interesting in how they relate to Colorado, as the focus of this program is not only lower costs but also increased quality of care.

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<sup>1</sup> <https://www.decorm.com/understanding-fee-for-service-and-value-based-care/>

<sup>2</sup> <https://www.carecloud.com/continuum/value-based-care-vs-fee-for-service/>

<sup>3</sup> <https://jamanetwork.com/journals/jama/article-abstract/1864086>

<sup>4</sup> <https://www.healthaffairs.org/doi/pdf/10.1377/hlthaff.2018.05164>

<sup>5</sup> <https://www.cdphp.com/providers/programs/enhanced-primary-care>

<sup>6</sup> <https://www.cdphp.com/-/media/files/providers/epc/enhanced-primary-care-summary.pdf?la=en>

These examples are included just to show that it is possible to reduce health care costs and focus on more at-risk populations to elevate the quality of care overall. These are not, however, analogous situations to that in Colorado and it would be prudent to not expect similar results based solely on these studies.

On the other hand, there are various sources that describe potential problems with a value-based model, such as a general difficulty in correctly attributing services rendered to the providers that actually performed those services, a lack of provider control over all the services and spending assigned to them, the challenge of determining the appropriateness of services, and an issue with risk adjustment systems not being able to adjust for differences in patient needs.<sup>7</sup> While all of these issues have merit, these are issues of implementation rather than execution. The Division has submitted this request precisely to understand what kind of implementation challenges are present in Colorado and how to design a system to overcome those challenges.

#### MATERNAL CARE CONTEXT

In the maternal care context, there is unfortunately much less information and data from studies on how maternal care is impacted by the implementation of value-based payment models. As such, staff can't speak directly to an APM's efficacy as it relates to maternity care.

Colorado has actually implemented two value-based payment models for maternity care for Medicaid enrollees since 2018. The Hospital Quality Incentive Payment Program is a voluntary model for hospitals who provide services to Medicaid enrollees that offers incentive payments to hospitals if they meet certain maternal health and perinatal care quality measures, and the Maternity Bundled Payment Program is a voluntary model that creates payment incentives for obstetrics providers for performance on cost and quality metrics.<sup>8</sup> Though these programs are available currently, neither has been in place for very long, and staff was unable to locate any effectiveness data related to either one.

In a broader context, there is mixed evidence on the effectiveness of APMs on improving the quality of maternal care.<sup>9</sup> What is in abundance is speculation that APMs could greatly improve quality of care and decrease costs for maternal care. Staff believes that the main reason for this is because child delivery is already conducive to an 'episode of care' payment model, and because child delivery is the largest category of hospital-based expenditures.<sup>10</sup>

#### IMPLEMENTATION

To implement primary and maternal care APMs, the Department is asking for \$250,000 cash funds from the Division of Insurance Cash Fund for FY 2022-23 to hire two contractors to support an alignment of primary care and maternal care APMs in the commercial market. The two contractors will have separate duties – one to provide technical support to carriers and one to develop plans to evaluate the implementation and impact of the APMs.

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<sup>7</sup> [https://chqpr.org/downloads/Accountability\\_for\\_Healthcare\\_Spending.pdf](https://chqpr.org/downloads/Accountability_for_Healthcare_Spending.pdf)

<sup>8</sup> <https://www.macpac.gov/wp-content/uploads/2021/09/Colorado-Hospital-Quality-Incentive-Payment-Program-and-Maternity-Bundled-Payment-Program.pdf>

<sup>9</sup> <https://www.macpac.gov/wp-content/uploads/2021/01/Value-Based-Payment-for-Maternity-Care-in-Medicaid.pdf>

<sup>10</sup> <https://pubmed.ncbi.nlm.nih.gov/30801455/>

It is important to note that the Department expects this to be a two year implementation cycle, and this request will annualize to \$400,000 cash funds in FY 2023-24. The following table outlines the out-year impact of this request.

R1 – IMPLEMENTATION OF PRIMARY CARE AND MATERNAL HEALTH APMs						
LINE ITEM	FY 2022-23 REQUEST		FY 2022-23 STAFF REC.		FY 2023-24 IMPACT	
	\$	FTE	\$	FTE	\$	FTE
Division of Insurance – Personal Services	\$250,000	0.0	\$250,000	0.0	\$400,000	0.0
Cash Funds	250,000		250,000		400,000	
<b>Total</b>	<b>\$250,000</b>	<b>0.0</b>	<b>\$250,000</b>	<b>0.0</b>	<b>\$400,000</b>	<b>0.0</b>

In the first year, the Department plans to hire a technical support contractor to provide ongoing technical assistance to commercial carriers in implementing the APMs. This technical assistance will include modifications from payer specific models to come into alignment with the statewide APM. The contractor will also be responsible for facilitating at least six meetings per year between different payers to work out how the APM alignment should take place. The contractor will have a few responsibilities related to payer alignment meetings:

- Provide technical assistance in the form of shared tools and operational strategies to address payer needs;
- Develop a policy for managing antitrust considerations and concerns; and
- Assist with adjustment of quality metrics and other model components.

The contractor will also be responsible for holding twice yearly multi-stakeholder symposia to bring payers and providers together to discuss successes and challenges associated with implementation.

The main reason why the Department plans to hold symposia with payers and providers together is that there is evidence that collaboration between these groups is improved when participants employ neutral, proactive facilitators. In the past, the Multi-Payer Collaborative has been prominent in supporting payer collaboration in many ongoing health reform initiatives, but that group has now been dissolved. The Department plans to use their methods, best practices, and lessons learned and employ an independent, third-party contractor as a facilitator for these meetings.

In the second year, the Department will hire a different contractor to design evaluations of the implementation of the APMs in the commercial insurance market. This contractor will essentially formulate an implementation evaluation plan with all the details including metrics, timelines, accountable entities, data sources, and data collection processes to track the implementation of the APM. The contractor will also formulate an impact evaluation plan to have a way to track the impact of the APMs on payers, providers, and patients. At a minimum, this plan will track the following measures:

- Access to care and quality of care;
- Patient and provider engagement and satisfaction;
- Health outcomes for primary care and maternal and infant health;
- Carrier expenditures on primary and maternal care; and
- Total health care costs.

Finally, this contractor will be responsible for prioritizing equity in the design of evaluations and identifying data sources that will allow measurement of impacts on health disparities.

**LEVEL OF EVIDENCE PURSUANT TO S.B. 21-284:**

Senate Bill 21-284 states that a program or practice is “evidence-informed” if it reflects a moderate, supported, or promising level of confidence of effectiveness, ineffectiveness, or harmfulness as determined by an evaluation with a comparison group, multiple pre- and post-evaluations, or an equivalent measure. The Department identified this budget request as an evidence-informed practice, and identified the theory of change as “the adoption of aligned, statewide APMs to improve care delivery, health outcomes, and to increase health equity and care quality to reduce health care costs over time.” The Department’s objective is “to implement primary care and maternal care APMs in the commercial insurance market that are aligned with the public market.”

A level of confidence in this context is determined by many variables, including research methods and outcomes, and credible and transferable data. While the research methods and outcomes seem to be strong and meaningful, JBC staff disagrees that the outcomes are transferable to Colorado. JBC staff has determined that, pursuant to S.B. 21-284 (Evidence-based Evaluations for Budget), this request represents a theory-informed practice – which is defined as a program or practice that reflects a moderate to low or promising level of confidence of effectiveness, ineffectiveness, or harmfulness as determined by tracking and evaluating performance measures including pre- and post-intervention evaluation of program outcomes, evaluation of program outputs, identification and implementation of a theory of change, or equivalent measures.



## → R2 ACTUARIAL REVIEW OF INSURANCE COVERAGES [REQUIRES LEGISLATION]

*REQUEST:* The Department requests an increase of \$237,924 cash funds from the Division of Insurance Cash Fund and 0.3 FTE for FY 2022-23 to establish a process for objective, reliable, and independent reviews of proposed legislative changes to private insurance coverage.

*RECOMMENDATION:* **Staff recommends denial of the request.** This request requires legislation, and the Department is not asking the Committee to sponsor any legislation. As such, these funds should not appear in the Long Bill. The Department is, however, asking that the Committee consider setting aside these funds for potential legislation.

### *ANALYSIS:*

#### CURRENT LAW

In the past, the State has had dedicated processes to do actuarial reviews of proposed health insurance coverage mandates. In 2003, S.B. 03-068 created a Commission on Mandated Health Insurance Benefits. This commission was tasked with reviewing existing and proposed health benefit mandates for their impact on individuals, employers, and health insurers. The commission was repealed on July 1, 2010.

This is not to say that there is currently no mechanism by which reviews are required. Section 10-16-103 (1), C.R.S. states,

“Every person or organization which seeks legislative action which would mandate a health coverage or offering of a health coverage by an insurance carrier, nonprofit hospital and health-care service corporation, health maintenance organization, or prepaid dental care plan organization as a component of individual or group policies shall submit a report to the legislative committee of reference addressing both the social and financial impacts of such coverage, including the efficacy of the treatment or service proposed.”

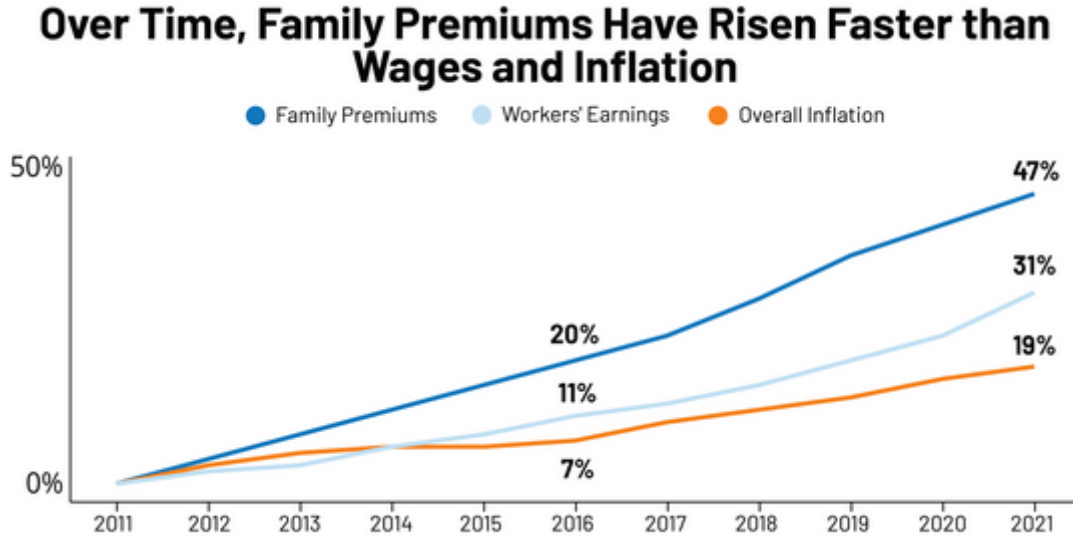
While this statute exists, it is either not being followed at all or not to the degree that would produce valuable information for decision-makers. The Department reports that they believe that no review or report has ever been submitted to a committee of reference as is required by statute.

Further, there are also two main issues with the requirements of this statute. It requires that any ‘person or organization...shall submit a report to the legislative committee of reference’. The first issue is that the statute places the burden of review on the person or organization who wants to introduce the change, and reviews like this can be very expensive. If the person or organization does not have the resources to conduct or commission such a review, they are either barred from participation or are placed at a severe disadvantage lacking evidence behind their claims.

The second issue is one of potential bias in any review conducted. When the person or organization that is proposing the change is the same as the one conducting the review, there is no way to control for biased data and results. The statute places guidelines on what must be studied, but mentions no requirement of impartiality on the reviewer’s part.

## ISSUE

The Department has identified a few problems that could be solved with independent review of proposed health benefit changes. The first is that health insurance premiums are expensive. The following graph, from the Kaiser Family Foundation, illustrates the national trends over the past 10 years for inflation, workers' earnings, and family health insurance premiums.



Source: <https://www.kff.org/health-costs/>

While this is the case for the nation as a whole, the situation in Colorado is slightly different. In October, 2021, the Division released its rate filing approvals for 2022 health insurance plans which show that premium prices in the individual market will increase only 1.1 percent over 2021 premiums.<sup>11</sup> With premiums seemingly ever-increasing, an independent review of proposed health benefit mandates could help to avoid further increases from mandates that don't give benefits to justify the increase. Related to this is the consideration of long term costs and benefits of new coverages. An independent review could help illuminate long term benefits or detriments of a policy that aren't immediately apparent, especially as they relate to populations that have historically faced barriers to health.

The other two problems were mentioned above, namely that decision-makers often don't have enough information or evidence to support an informed decision on new mandates, and that the risk of impartiality with the current law could lead to misleading or harmful outcomes. An independent review process would help alleviate these problems.

## SOLUTION

The Department has identified the solution to this problem as legislation to create an independent review process carried out by actuarial and consulting firms to review any proposed changes to mandated health benefits. There is significant precedent for having a mechanism for this in place, as

<sup>11</sup> <https://doi.colorado.gov/for-consumers/consumer-resources/insurance-plan-filings-approved-plans>

was seen in Colorado from 2003 through 2010. Additionally, as of 2012, 33 other states had mandate review requirements in law intended to analyze costs and benefits of proposed changes.<sup>12</sup>

Staff agrees that there should be a mechanism for impartial review in this context, however it would likely be more cost-effective to begin building support within government to carry out these reviews, especially because there is an expectation that this will be a necessary task for the foreseeable future. It would likely be a slow process to build this capacity, so hiring actuarial and consulting firms for the first few years and then phasing in government support would in staff's opinion be the best way forward.

Until then, the Department has provided an estimate on how much hiring third parties would cost given a few assumptions – prime among them is that there would be a limit of 5 reviews that could be conducted each year. The following table breaks down the Department's cost estimates.

INDEPENDENT REVIEW PROCESS COST	
	COST PER YEAR
Division FTE (0.3)	\$37,924
Actuarial Contractor	80,000
Consulting Firm	45,000
Claims Data	75,000
<b>Total</b>	<b>\$237,924</b>

#### LEVEL OF EVIDENCE PURSUANT TO S.B. 21-284:

Senate Bill 21-284 states that a program or practice is “theory-informed” if a theory of change has been identified and implemented. The Department identified this budget request as a theory-informed practice, and identified the theory of change as “giving policymakers the ability to consider the value of changes in health insurance coverage and who they impact through independent, objective data on costs and benefits.” The Department's objective is to “provide policymakers with better data on the costs and benefits of potential new benefits.”

A theory of change is a method that explains how a given intervention, or set of interventions, is expected to lead to specific outcomes, drawing on a causal analysis based on available evidence. While there are potentially identifiable outputs related to the creation of an independent review mechanism for new health benefits, JBC staff disagrees that it qualifies as an intervention that is intended to lead to a specific change with measurable outcomes. JBC staff has determined that, pursuant to S.B. 21-284 (Evidence-based Evaluations for Budget), assignment of a level of evidence is not applicable to this request.

<sup>12</sup> <https://www.ncsl.org/research/health/state-ins-mandates-and-aca-essential-benefits.aspx>

→ R3 ALIGN STATE SURPRISE BILLING LAW WITH THE FEDERAL NO SURPRISES ACT  
[REQUIRES LEGISLATION]

*REQUEST:* The Department requests an increase of \$159,912 cash funds from the Division of Insurance Cash Fund for FY 2022-23 to support 2.0 FTE that would work to harmonize the State’s surprise billing law with the federal law. This is one time funding to support term-limited FTE to implement and align state statutory provisions regarding out-of-network billing restrictions and the federal No Surprises Act (NSA).

*RECOMMENDATION:* **Staff recommends denial of the request.** This request requires legislation, and the Department is not asking the Committee to sponsor any legislation. As such, these funds should not appear in the Long Bill. The Department is, however, asking that the Committee consider setting aside these funds for potential legislation.

*ANALYSIS:*

BACKGROUND

Surprise bills emerge from the practice of balanced billing, when an individual is cared for by an out-of-network provider and then billed the difference between the charges the provider billed and the amount paid by the individual’s health plan. When consumers don’t know that this will happen because they are unaware of the out-of-network status of their provider, or they are not in a position to choose a provider because of an emergency situation, this is called surprised billing.<sup>13</sup>

Currently, Colorado has a mechanism in statute whereby individuals with health benefit plans regulated by the Division are protected from receiving surprise bills when receiving emergency care from an out-of-network provider or facility, or when receiving non-emergency care at an in-network facility from an out-of-network provider. The bill that established this statute is H.B. 19-1174 (Out-of-Network Health Care Services).

That legislation enacted the following rules:

- Established payment methodologies for carriers when reimbursing providers or facilities for out-of-network services;
- Requires insurers, providers, and facilities to develop and provide disclosures to consumers about the effects of receiving out-of-network services; and
- Created an arbitration process for carriers, providers, and facilities to use to settle out-of-network billing disputes.

Since the bill’s enactment, the Division has promulgated various other rules to govern:

- Data reporting requirements for out-of-network reimbursements;
- Disclosures for emergency and non-emergency out-of-network services;
- Payment methodology for non-contracted service agencies that provide ambulance services; and
- The establishment of a carrier payment arbitration program for out-of-network providers.

<sup>13</sup> <https://www.cms.gov/nosurprises/Ending-Surprise-Medical-Bills>

#### NO SURPRISES ACT

The U.S. Congress, in December 2020, passed H.R. 3630 – No Surprises Act (NSA). This act became effective on January 1, 2022 and shares the same overall goal of the Colorado law – to protect individuals from surprise billing for certain out-of-network emergency facility services and out-of-network services at an in-network facility. While the intent is the same, the federal act and Colorado law differ in a few ways.

First, the federal law does not establish reimbursement methodologies for out-of-network providers and facilities. Instead, it created an independent dispute resolution process for carriers, providers, and facilities. Colorado’s independent dispute resolution process is only used if a provider or facility asserts its payment was insufficient.

Some other aspects where Colorado and federal law differ is in protections for air and ground ambulance transports and post stabilization care, as well as which plans are actually covered under the laws. State law applies only to fully insured plans while the federal law applies to both fully insured and self-insured plans.

#### ALIGNMENT

Through this request, the Division hopes to align current statute with the No Surprises Act. The goal of this is to ensure consistency and efficient implementation of surprise billing requirements for consumers, providers, and insurers. One important aspect of this alignment that the Department has emphasized is that it will not simply be changing Colorado law to match federal law, it will be a blending of both to ensure the strongest consumer protections.

The Department has identified four areas for potential alignment:

- The arbitration process;
- Reporting and noticing requirements;
- Situations in which the laws apply; and
- Technical changes to streamline administration for the Division and carriers.

To achieve the desired alignment, the Department would hire two term-limited FTE to implement provisions of the NSA into Colorado law. One position would support setting up the arbitration process and the provider payment methodology confirmation process pursuant to Section 10-16-704, C.R.S. The position would also be responsible for creating procedures to ensure the arbitration timelines are met and for tracking the outcomes of arbitrations. The second position would support the rulemaking process to implement new provisions as a result of the NSA and update existing rules. Additionally, the position would also assist in setting up procedures and informational materials to support the increase in consumer complaints that the Department anticipates.

#### LEVEL OF EVIDENCE PURSUANT TO S.B. 21-284:

Senate Bill 21-284 states that a program or practice is “theory-informed” if a theory of change has been identified and implemented. The Department identified this budget request as a theory-informed practice, and identified the theory of change as “aligning the provisions of state and federal law regarding out-of-network protections to streamline implementation.” The Department’s objective is to “create consistency in enforcement of out-of-network restrictions.”

A theory of change is a method that explains how a given intervention, or set of interventions, is expected to lead to specific outcomes, drawing on a causal analysis based on available evidence. While there are potentially identifiable outputs related to the alignment of Colorado law and the federal No Surprises Act, JBC staff disagrees that it qualifies as an intervention that is intended to lead to a specific change with measurable outcomes. JBC staff has determined that, pursuant to S.B. 21-284 (Evidence-based Evaluations for Budget), assignment of a level of evidence is not applicable to this request.

## → BA2 BEHAVIORAL HEALTH ADMINISTRATION

*REQUEST:* The Department requests an increase of \$171,733 cash funds from the Division of Insurance Cash Fund for FY 2022-23 to support 2.0 FTE. This funding would support the Division's role within the Behavioral Health Administration of bringing private insurance carriers into alignment with the State's behavioral health parity structure.

*RECOMMENDATION:* **Staff recommends approval of an increase of \$142,612 cash funds from the Division of Insurance Cash Fund for FY 2022-23 to support 2.0 FTE.** This recommendation is consistent with the Joint Budget Committee's decision on appropriations regarding new FTE.

### *ANALYSIS:*

#### BEHAVIORAL HEALTH ADMINISTRATION

The Behavioral Health Administration (BHA) is in the process of being created in order to provide a centralized regulatory and administrative role to strengthen interagency coordination on behavioral health care.

The BHA has several goals, one of which is to drive return on investment through increased federal Medicaid match, better identification of waste, a reduction in duplicate payments, and a more efficient use of State resources.<sup>14</sup>

Related to the Division of Insurance specifically, the BHA hopes to work together to identify payment models that improve the sustainability of integrated care to expand access to integration in primary care and to expand access to medical care for those with serious mental illness. Further, the Division will be the conduit for the BHA to assist Coloradans in accessing services, identifying providers, and understanding processes such as commitment procedures for individuals covered by commercial insurance.<sup>15</sup>

Finally, the BHA will support the Division's efforts to promote consumer understanding on the integration of behavioral health in health care and insurance, and to improve consumer education on their rights and protections within the health care and insurance systems.<sup>16</sup>

#### THE DIVISION'S ROLE IN THE BHA

While the BHA will utilize the Division's capacity to integrate behavioral health into the commercial insurance market, the Division will have some specific tasks in aiding in the successful implementation of the BHA. The Division will primarily be responsible for monitoring behavioral health parity with physical health and enforcing parity compliance among carriers.

There will also be expanded data sharing on grievances and gaps in care access to help find solutions for those complaints and lack of access. This data sharing will come with analysis of behavioral health needs of communities and access to behavioral health and integrated care services. The Division will also pursue opportunities in telehealth and technology to identify ways to improve access and coverage.

<sup>14</sup> <https://drive.google.com/file/d/13H2jGAApljrItLdeljywwB4PvjDNcv6-/view>

<sup>15</sup> *ibid*

<sup>16</sup> *ibid*

Additionally, the Division will set standards for payment, providers, and health plans to align all parties around how behavioral health is to be billed and paid for. This alignment will include setting regulation for carriers to ensure compliance and improving accountability for commercial payers and those in the individual marketplace.

#### REQUEST

In this request, which is a companion request along with ones from the Department of Health Care, Policy, and Financing and the Department of Human Services is for funding for 2.0 FTE to integrate behavioral health care parity between the public, private, and Medicaid insurance markets.

One position will be responsible for the more technical aspects of the integration, while the other will be responsible for coordination of complaints and grievances as well as education assistance. The responsibilities of the first FTE would include:

- Analyzing data received from the BHA as it pertains to provider participation and consumer access to care;
- Supporting the identification of systemic issues related to behavioral health access;
- Conducting policy analysis related to reforms under consideration by the BHA;
- Implementing strategies related to BHA-led reforms; and
- Ensuring cross agency collaboration, legislative engagement, and public and local stakeholder engagement.

The responsibilities of the second FTE would include:

- Coordinating and receiving individual complaints and grievances from the BHA related to consumer and provider behavioral health experiences in the commercial insurance market and investigating those complaints and grievances;
- Serving as the primary contact at the division for education, training, and technical assistance related to commercial coverage and mental health parity for consumers, providers, and BHA staff; and
- Working with the division's market regulation staff to identify, investigate, and enforce potential mental health integration initiatives that are identified through the BHA.

An important point to consider is that the Division currently has capacity related to parity compliance. The position is primarily responsible for implementing mental and behavioral health bills passed in the 2019-2021 legislative sessions. The position also ensures that regulations to implement those bills are followed by carriers, and advises Division leadership on parity compliance and enforcement issues. The position also engages in stakeholder meetings to ensure that all affected parties are well informed on the Division's parity compliance work.

Despite having this capacity already, staff believes that the new positions are warranted based on the fact that the existing capacity is solely focused on enacting regulation in the commercial market, whereas the requested positions would be focused more on how to ensure that parity compliance and enforcement work together in the public, private, and Medicaid and Medicare markets.



LEVEL OF EVIDENCE PURSUANT TO S.B. 21-284:

Senate Bill 21-284 states that a program or practice is “theory-informed” if a theory of change has been identified and implemented. The Department identified this budget request as a theory-informed practice, and identified the theory of change as “properly funding and staffing the behavioral health system so that Coloradans receive the care they need.” The Department’s objective is “to improve access and integration of behavioral health services statewide.”

A theory of change is a method that explains how a given intervention, or set of interventions, is expected to lead to specific outcomes, drawing on a causal analysis based on available evidence. While there are potentially identifiable outputs related to staffing related to the Behavioral Health Administration, JBC staff disagrees that it qualifies as an intervention that is intended to lead to a specific change with measurable outcomes. JBC staff has determined that, pursuant to S.B. 21-284 (Evidence-based Evaluations for Budget), assignment of a level of evidence is not applicable to this request.

LINE ITEM DETAIL - DIVISION OF INSURANCE

PERSONAL SERVICES

This line item recurs annually to provide division staffing and pay for contractual services. The Division of Insurance is separated into two functional areas: (1) Financial Regulation is composed of corporate affairs, financial examinations, and financial affairs and (2) Consumer Affairs is composed of rates and forms, consumer complaints, market conduct, and investigations. This line item is supported by the Viatical Settlements Cash Fund and the Division of Insurance Cash Fund.

*STATUTORY AUTHORITY:* Title 10, C.R.S.

*REQUEST:* The Department requests an appropriation of \$9,829,562 total funds and 100.6 FTE for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$9,402,605 cash funds and 98.3 FTE for FY 2022-23.** Staff’s recommendation is lower than the request due to the Committee’s decision on appropriation for new FTE, as well as the recommended denial of two of the Department’s request items.

DIVISION OF INSURANCE, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$6,993,579	\$0	\$6,993,579	\$0	\$0	86.3
Other legislation	1,599,141	0	1,599,141	0	0	9.8
<b>TOTAL</b>	<b>\$8,592,720</b>	<b>\$0</b>	<b>\$8,592,720</b>	<b>\$0</b>	<b>\$0</b>	<b>96.1</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$8,592,720	\$0	\$8,592,720	\$0	\$0	96.1
R1 Implement primary care and maternal health apms	250,000	0	250,000	0	0	0.0
R2 Actuarial review of ins coverages	0	0	0	0	0	0.0
R3 Align state surprise billing law	0	0	0	0	0	0.0

DIVISION OF INSURANCE, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
BA2 Behavioral Health Admin	126,712	0	126,712	0	0	2.0
Annualize prior year legislation	239,098	0	239,098	0	0	0.2
Annualize prior year funding	194,075	0	175,223	0	18,852	0.0
<b>TOTAL</b>	<b>\$9,402,605</b>	<b>\$0</b>	<b>\$9,383,753</b>	<b>\$0</b>	<b>\$18,852</b>	<b>98.3</b>
<b>INCREASE/(DECREASE)</b>	<b>\$809,885</b>	<b>\$0</b>	<b>\$791,033</b>	<b>\$0</b>	<b>\$18,852</b>	<b>2.2</b>
Percentage Change	9.4%	n/a	9.2%	n/a	0.0%	2.3%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$9,829,562</b>	<b>\$0</b>	<b>\$9,810,710</b>	<b>\$0</b>	<b>\$18,852</b>	<b>100.6</b>
Request Above/(Below) Recommendation	\$426,957	\$0	\$426,957	\$0	\$0	2.3

**OPERATING EXPENSES**

This line item recurs annually for costs associated with supporting Division operations and capital needs. This includes, but is not limited to, office supplies, telephone, postage, printing, furniture, and travel expenses. This line item is supported by the Division of Insurance Cash Fund.

*STATUTORY AUTHORITY:* Title 10, C.R.S.

*REQUEST:* The Department requests an appropriation of \$252,370 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$252,370 cash funds for FY 2022-23.**

DIVISION OF INSURANCE, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$299,455	\$0	\$299,455	\$0	\$0	0.0
Other legislation	\$67,140	\$0	\$67,140	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$366,595</b>	<b>\$0</b>	<b>\$366,595</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$366,595	\$0	\$366,595	\$0	\$0	0.0
BA2 Behavioral Health Admin	15,900	0	15,900	0	0	0.0
Annualize prior year legislation	(130,125)	0	(130,125)	0	0	0.0
<b>TOTAL</b>	<b>\$252,370</b>	<b>\$0</b>	<b>\$252,370</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$114,225)</b>	<b>\$0</b>	<b>(\$114,225)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(31.2%)	n/a	(31.2%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$252,370</b>	<b>\$0</b>	<b>\$252,370</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**OUT-OF-STATE TRAVEL EXPENSES**

This line item funds out-of-state travel expenses incurred when Division staff are required to perform market conduct examinations. Funds in this line item are reimbursements paid by insurance companies. This line item is supported by the Division of Insurance Cash Fund.

*STATUTORY AUTHORITY:* Section 10-1-108, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$50,000 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$50,000 cash funds for FY 2022-23.**

#### SENIOR HEALTH COUNSELING PROGRAM

This federally funded program provides senior citizens with Medicare information, and the appropriation is contingent on the availability of federal money from the Centers for Medicare and Medicaid Services and the U.S. Administration on Aging.

*STATUTORY AUTHORITY:* Title 10, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$533,253 federal funds and 2.0 FTE for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$533,253 federal funds and 2.0 FTE for FY 2022-23.**

#### TRANSFER TO CAPCO ADMINISTRATION

This line provides the cash funds for the administration of the capital company (CAPCO) incentives program in the Governor's Office. The Office of Economic Development certifies CAPCOs that are qualified to offer assistance to business enterprises that create jobs in the state. Insurance companies that make an investment of certified capital in an OED-certified CAPCO can receive a tax credit against premium taxes owed. This line item is supported by the Division of Insurance Cash Fund.

*STATUTORY AUTHORITY:* Title 10, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$85,291 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$85,291 cash funds for FY 2022-23.**

#### COLORADO REINSURANCE PROGRAM

This line item provides funding for the administration of the Colorado Reinsurance Program, created in HB 19-1168 and modified in SB 20-215. The Reinsurance Program is authorized to reimburse insurance companies for high cost claims with the intent of lowering premium prices for individuals purchasing health insurance coverage on the individual market. This line item is supported by the Reinsurance Cash Fund.

*STATUTORY AUTHORITY:* 10-16-1105, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$1,015,122 cash funds and 4.0 FTE for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$1,015,122 cash funds and 4.0 FTE for FY 2022-23.**

INDIRECT COST ASSESSMENT

This line item provides funding for the Division’s share of assessed indirect cost recoveries. This line item is supported by the Division of Insurance Cash Fund.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$823,592 total funds for FY 2022-23.

*RECOMMENDATION:* **On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds.** JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

DIVISION OF INSURANCE, 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)	\$862,658	\$0	\$825,791	\$0	\$36,867	0.0
<b>TOTAL</b>	<b>\$862,658</b>	<b>\$0</b>	<b>\$825,791</b>	<b>\$0</b>	<b>\$36,867</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$862,658	\$0	\$825,791	\$0	\$36,867	0.0
R4 Increase EDO resources	(66,417)	0	(66,417)	0	0	0.0
Indirect cost assessment	27,351	0	26,262	0	1,089	0.0
<b>TOTAL</b>	<b>\$823,592</b>	<b>\$0</b>	<b>\$785,636</b>	<b>\$0</b>	<b>\$37,956</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$39,066)</b>	<b>\$0</b>	<b>(\$40,155)</b>	<b>\$0</b>	<b>\$1,089</b>	<b>0.0</b>
Percentage Change	(4.5%)	0.0%	(4.9%)	0.0%	3.0%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$823,592</b>	<b>\$0</b>	<b>\$785,636</b>	<b>\$0</b>	<b>\$37,956</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**(7) PUBLIC UTILITIES COMMISSION**

The Public Utilities Commission regulates investor-owned electric, natural gas, telecommunications, and private water utilities, and motor vehicle carriers for hire. The Division is slated for repeal on September 1, 2026.

PUBLIC UTILITIES COMMISSION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$16,547,033	\$0	\$16,507,228	\$0	\$39,805	103.8
Other legislation	1,800,357	(10)	1,800,367	0	0	11.1
Long Bill Supplemental	10	10	0	0	0	0.0
<b>TOTAL</b>	<b>\$18,347,400</b>	<b>\$0</b>	<b>\$18,307,595</b>	<b>\$0</b>	<b>\$39,805</b>	<b>114.9</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$18,347,400	\$0	\$18,307,595	\$0	\$39,805	114.9
R4 Increase EDO resources	(75,269)	0	(75,269)	0	0	0.0
R5 Reduce payments to TUDF	(59,541)	0	(59,541)	0	0	0.0
Annualize prior year legislation	366,845	0	366,845	0	0	5.8
Annualize prior year funding	320,997	0	320,997	0	0	0.0
Indirect cost assessment	30,938	0	29,762	0	1,176	0.0
<b>TOTAL</b>	<b>\$18,931,370</b>	<b>\$0</b>	<b>\$18,890,389</b>	<b>\$0</b>	<b>\$40,981</b>	<b>120.7</b>
<b>INCREASE/(DECREASE)</b>	<b>\$583,970</b>	<b>\$0</b>	<b>\$582,794</b>	<b>\$0</b>	<b>\$1,176</b>	<b>5.8</b>
Percentage Change	3.2%	n/a	3.2%	n/a	3.0%	5.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$18,931,360</b>	<b>(\$10)</b>	<b>\$18,890,389</b>	<b>\$0</b>	<b>\$40,981</b>	<b>120.7</b>
Request Above/(Below) Recommendation	(\$10)	(\$10)	\$0	\$0	\$0	0.0

**DECISION ITEMS - PUBLIC UTILITIES COMMISSION**

Along with the following, there is one additional decision item that impacts this division, which can be found in the “Decision Items Affecting Multiple Divisions” section of this document.

**→ R5 REDUCE FUNDING FOR RELAY COLORADO**

**REQUEST:** The Department requests a decrease of \$59,541 cash funds from the Telephone Users with Disabilities Cash Fund for FY 2022-23. The requested decrease in funding is a result of an expected decrease in minutes used by Relay Colorado. Funding for this program is based on usage, and overall usage has been declining for several years, with the trend expected to continue.

**RECOMMENDATION:** Staff recommends approval of a decrease of \$59,541 cash funds from the Telephone Users with Disabilities Cash Fund for FY 2022-23.

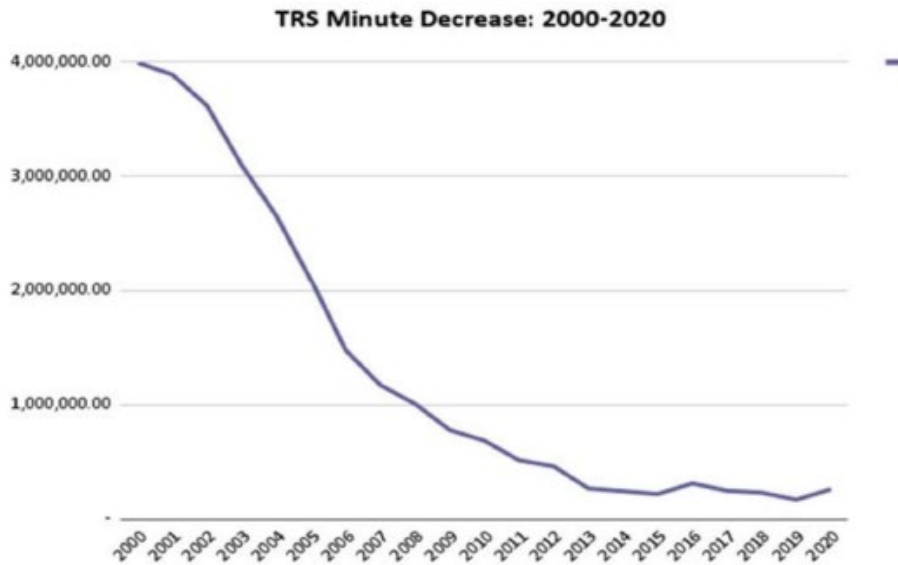
*ANALYSIS:*  
BACKGROUND

Relay Colorado, pursuant to Section 40-17-101 through 105, C.R.S., is a free service that provides full telephone access to people who are deaf, hard of hearing, deaf-blind, or speech-disabled. The service was put in place in 1992 to adhere to requirements of the American’s with Disabilities Act (ADA).

The service is funded by a flat fee on all landline and wireless access lines for both business and residential telephone customers. The fund that fees are paid into is the Telephone Users with Disabilities Cash Fund (TUDF). The service is contracted, and is paid each year based on utilization, which is determined by minutes used.

**UTILIZATION DECREASE**

In recent years, with the development of new technologies that have allowed these users to communicate via different methods, utilization of the service has decreased. The following chart and table, provided by the Department, illustrate usage and expenditure levels since 2000 and 2017, respectively.



<b>Disabled Telephone Users Fund Payments</b>	<b>FY 16-17</b>	<b>FY 17-18</b>	<b>FY 18-19</b>	<b>FY 19-20</b>	<b>FY 20-21</b>
<b>Contract Expenditures</b>	\$995,583	\$961,562	\$882,555	\$875,499	\$777,809
<i>Dollar Change</i>	(\$283,242)	(\$34,022)	(\$79,007)	(\$7,056)	(\$97,690)
<i>Percent change</i>	-22.1%	-3.4%	-8.2%	-0.8%	-11.2%

Staff’s main concern regarding a decrease in funding is if the trend of working from home has or will increase utilization of the service in the future. As shown in the graph, there was a slight uptick in utilization in 2020. The Department acknowledges this possibility, but is of the opinion that usage will not increase dramatically, and will rather plateau or continue to steadily decline. Staff can understand this, as the same technologies that were used prior to the onset of the pandemic and an increase in working from home are still being used, and new communications mediums are constantly being created and updated.

In the case that utilization does increase dramatically in the near future, this funding decrease still should not present a problem, as Section 40-17-104 (1)(c), C.R.S. gives the Department continuous

spending authority from the TUDF “for the reimbursement of providers who render telecommunications services authorized by this article 17.” So even if the contract requires a larger payment than what has been appropriated, the Department would be able to pay it and then potentially ask for increased spending authority going forward.

#### FEE/FUND IMPACT

Currently, the fee that supports the service is set at \$0.06 per line per month, resulting in revenue of just under \$3.9 million per year. A spending authority reduction of \$59,541 will not impact fee levels meaningfully.

Additionally, the TUDF is healthy. The fund is in compliance with the excess uncommitted reserve requirements and the fund balance is growing slowly, but the rate at which it is growing is decreasing. Staff does not anticipate any issues with the fund in the near future.

#### LEVEL OF EVIDENCE PURSUANT TO S.B. 21-284:

Senate Bill 21-284 states that a program or practice is “theory-informed” if a theory of change has been identified and implemented. The Department identified this budget request as a theory-informed practice, and identified the theory of change as “providing telephone relay services at the statewide level that meets the needs of deaf and hard of hearing consumers as well as complies with the federal Americans with Disabilities Act.” The Department’s objective is to “make payments that reflect use of a central statewide Telephone Relay Service contract.”

A theory of change is a method that explains how a given intervention, or set of interventions, is expected to lead to specific outcomes, drawing on a causal analysis based on available evidence. While there are potentially identifiable outputs related to decreasing funding for this service, JBC staff disagrees that it qualifies as an intervention that is intended to lead to a specific change with measurable outcomes. JBC staff has determined that, pursuant to S.B. 21-284 (Evidence-based Evaluations for Budget), assignment of a level of evidence is not applicable to this request.

## LINE ITEM DETAIL - PUBLIC UTILITIES COMMISSION

### PERSONAL SERVICES

This line item recurs annually to provide division staffing and pay for contractual services. This line item is supported by the Fixed Utilities Fund, the Motor Carriers Fund, the Disabled Telephone Users Fund, the Telecommunications Utilities Fund, the High Cost Administration Fund, the Transportation Network Company Fund, and the State 911 Fund.

*STATUTORY AUTHORITY:* Title 40, C.R.S.

*REQUEST:* The Department requests an appropriation of \$12,902,253 cash funds and 120.7 FTE for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$12,902,263 cash funds and 120.7 FTE for FY 2022-23.** Staff’s recommendation is higher than the request due to the technical adjustment that the Joint Budget Committee approved to correct an error in the appropriation clause for S.B. 21-272.

PUBLIC UTILITIES COMMISSION, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$11,221,099	\$0	\$11,221,099	\$0	\$0	103.8
Other legislation	855,662	(10)	855,672	0	0	11.1
Long Bill Supplemental	10	10	0	0	0	0.0
<b>TOTAL</b>	<b>\$12,076,771</b>	<b>\$0</b>	<b>\$12,076,771</b>	<b>\$0</b>	<b>\$0</b>	<b>114.9</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$12,076,771	\$0	\$12,076,771	\$0	\$0	114.9
Annualize prior year legislation	504,495	0	504,495	0	0	5.8
Annualize prior year funding	320,997	0	320,997	0	0	0.0
<b>TOTAL</b>	<b>\$12,902,263</b>	<b>\$0</b>	<b>\$12,902,263</b>	<b>\$0</b>	<b>\$0</b>	<b>120.7</b>
<b>INCREASE/(DECREASE)</b>	<b>\$825,492</b>	<b>\$0</b>	<b>\$825,492</b>	<b>\$0</b>	<b>\$0</b>	<b>5.8</b>
Percentage Change	6.8%	n/a	6.8%	n/a	n/a	5.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$12,902,253</b>	<b>(\$10)</b>	<b>\$12,902,263</b>	<b>\$0</b>	<b>\$0</b>	<b>120.7</b>
Request Above/(Below)						
Recommendation	(\$10)	(\$10)	\$0	\$0	\$0	0.0

**OPERATING EXPENSES**

This line item recurs annually for costs associated with supporting Division operations and capital needs. This includes, but is not limited to, office supplies, telephone, postage, printing, furniture, and travel expenses. This line item is supported by the Fixed Utilities Fund and the Telecommunications Utilities Fund.

*STATUTORY AUTHORITY:* Title 40, C.R.S.

*REQUEST:* The Department requests an appropriation of \$693,235 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$693,235 cash funds for FY 2022-23.**

PUBLIC UTILITIES COMMISSION, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$636,190	\$0	\$636,190	\$0	\$0	0.0
Other legislation	194,695	0	194,695	0	0	0.0
<b>TOTAL</b>	<b>\$830,885</b>	<b>\$0</b>	<b>\$830,885</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$830,885	\$0	\$830,885	\$0	\$0	0.0
Annualize prior year legislation	(137,650)	0	(137,650)	0	0	0.0
<b>TOTAL</b>	<b>\$693,235</b>	<b>\$0</b>	<b>\$693,235</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$137,650)</b>	<b>\$0</b>	<b>(\$137,650)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(16.6%)	n/a	(16.6%)	n/a	n/a	n/a



PUBLIC UTILITIES COMMISSION, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$693,235</b>	<b>\$0</b>	<b>\$693,235</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**EXPERT TESTIMONY**

This line item recurs annually to support contractual services requiring expertise not available from PUC staff and to assist with PUC representation before the Commissioners. This line item is supported by the Fixed Utilities Fund.

*STATUTORY AUTHORITY:* Section 40-6-102 (3), 40-6-109, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$25,000 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$25,000 cash funds for FY 2022-23.**

**DISABLED TELEPHONE USERS FUND PAYMENTS**

Revenue for the Colorado Telephone Users with Disabilities Fund is from fees on landlines pursuant to Section 40-17-104 (1), C.R.S. Money in the fund is continuously appropriated to pay the cost of a contract that provides telecommunications relay services for disabled individuals. This line item is supported by the Telephone Users with Disabilities Fund.

*STATUTORY AUTHORITY:* Section 40-17-103 (3), C.R.S.

*REQUEST:* The Department requests an appropriation of \$777,809 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$777,809 cash funds for FY 2022-23.**

PUBLIC UTILITIES COMMISSION, DISABLED TELEPHONE USERS FUND PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$837,350	\$0	\$837,350	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$837,350</b>	<b>\$0</b>	<b>\$837,350</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$837,350	\$0	\$837,350	\$0	\$0	0.0
R5 Reduce payments to TUDF	(59,541)	0	(59,541)	0	0	0.0
<b>TOTAL</b>	<b>\$777,809</b>	<b>\$0</b>	<b>\$777,809</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$59,541)</b>	<b>\$0</b>	<b>(\$59,541)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(7.1%)	n/a	(7.1%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$777,809</b>	<b>\$0</b>	<b>\$777,809</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

PUBLIC UTILITIES COMMISSION, DISABLED TELEPHONE USERS FUND PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**TRANSFER TO READING SERVICES FOR THE BLIND CASH FUND**

Funds are appropriated to this line from the Colorado Telephone Users with Disabilities Fund and are subsequently reappropriated to the Department of Education for allocation to privately-operated reading services for the blind. This line item is supported by the Telephone Users with Disabilities Fund.

*STATUTORY AUTHORITY:* Section 40-17-104(1)(b)(II), C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$510,000 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$510,000 cash funds for FY 2022-23.**

**COMMISSION FOR THE DEAF AND HARD OF HEARING CASH FUND**

Funds are appropriated to this line from the Colorado Telephone Users with Disabilities Fund and are subsequently reappropriated to the Department of Human Services for use by the Commission for the Deaf and Hard of Hearing. This line item is supported by the Telephone Users with Disabilities Fund.

*STATUTORY AUTHORITY:* Section 40-17-104 (4)(a), C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$1,992,589 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$1,992,589 cash funds for FY 2022-23.**

**TALKING BOOK LIBRARY**

Funds are appropriated to this line from the Colorado Telephone Users with Disabilities Fund and are subsequently reappropriated to the Department of Education for use in managing a program to provide audio, Braille, and large print books to those who can't read standard print. The recommended amount in this line item is based on the recommendation in the Department of Education and reflects action taken in the Department of Education. This line item is supported by the Telephone Users with Disabilities Fund.

*STATUTORY AUTHORITY:* Section 40-17-104 (1)(b)(III), C.R.S.

*REQUEST:* The Department requests an appropriation of \$250,000 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$250,000 cash funds for FY 2022-23.**

PUBLIC UTILITIES COMMISSION, COLORADO TALKING BOOK LIBRARY						
	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
Other legislation	250,000	0	250,000	0	0	0.0
<b>TOTAL</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$250,000	\$0	\$250,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	n/a	n/a	n/a	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**COLORADO BUREAU OF INVESTIGATION BACKGROUND CHECKS PASS-THROUGH**

This line item recurs annually to pass-through CBI/FBI background check fees to the Department of Public Safety pursuant to HB 07-1065 and HB 07-1249, which require fingerprint-based criminal history record checks for drivers of certain motor vehicle carriers, and the principals of household goods moving companies, respectively. This line item is supported by the Motor Carriers Fund.

*STATUTORY AUTHORITY:* Title 40, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$104,377 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$104,377 cash funds for FY 2022-23.**

**HIGHWAY-RAIL CROSSING SIGNALIZATION FUND**

This line item covers expenditures made from annual statutory transfers to the Highway Rail Crossing Signalization Fund for the purposes set forth in Section 40-29-116, C.R.S. The Fund exists to provide payment of costs of installing, reconstructing, and improving automatic and other safety appliance signals or devices at crossings at grade of public highways or roads over the tracks of any railroad or street railway corporation in this state. This line item is supported by the Highway-Rail Crossing Signalization Fund.

*STATUTORY AUTHORITY:* Sections 40-4-106 and 40-29-116, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$244,800 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$244,800 cash funds for FY 2022-23.**

**COLORADO ELECTRIC TRANSMISSION AUTHORITY**

This line item was established by S.B. 21-072 to enable Colorado to increase grid reliability, meet clean energy goals, and aid in economic development. This line item is supported by the Fixed Utilities Fund.

*STATUTORY AUTHORITY:* Section 40-42-104, C.R.S.

*REQUEST:* The Department requests an appropriation of \$500,000 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$500,000 cash funds for FY 2022-23.**

PUBLIC UTILITIES COMMISSION, COLORADO ELECTRIC TRANSMISSION AUTHORITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
Other legislation	\$500,000	\$0	\$500,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$500,000	\$0	\$500,000	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	n/a	n/a	n/a	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**INDIRECT COST ASSESSMENT**

This line item provides funding for the Commission’s share of assessed indirect cost recoveries. This line item is supported by General Fund and the Fixed Utilities Fund.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$931,297 total funds for FY 2022-23.

*RECOMMENDATION:* **On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds.** JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

PUBLIC UTILITIES COMMISSION, 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)	\$975,628	\$0	\$935,823	\$0	\$39,805	0.0
<b>TOTAL</b>	<b>\$975,628</b>	<b>\$0</b>	<b>\$935,823</b>	<b>\$0</b>	<b>\$39,805</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$975,628	\$0	\$935,823	\$0	\$39,805	0.0
R4 Increase EDO resources	(75,269)	0	(75,269)	0	0	0.0
Indirect cost assessment	30,938	0	29,762	0	1,176	0.0
<b>TOTAL</b>	<b>\$931,297</b>	<b>\$0</b>	<b>\$890,316</b>	<b>\$0</b>	<b>\$40,981</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$44,331)</b>	<b>\$0</b>	<b>(\$45,507)</b>	<b>\$0</b>	<b>\$1,176</b>	<b>0.0</b>
Percentage Change	(4.5%)	0.0%	(4.9%)	0.0%	3.0%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$931,297</b>	<b>\$0</b>	<b>\$890,316</b>	<b>\$0</b>	<b>\$40,981</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**(8) DIVISION OF REAL ESTATE**

The Division of Real Estate licenses real estate agents, appraisers, and mortgage loan originators and registers mortgage companies and homeowners associations. The Division is slated for repeal on September 1, 2026.

DIVISION OF REAL ESTATE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$4,936,547	\$0	\$4,936,547	\$0	\$0	48.9
<b>TOTAL</b>	<b>\$4,936,547</b>	<b>\$0</b>	<b>\$4,936,547</b>	<b>\$0</b>	<b>\$0</b>	<b>48.9</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$4,936,547	\$0	\$4,936,547	\$0	\$0	48.9
R4 Increase EDO resources	(35,482)	0	(35,482)	0	0	0.0
Annualize prior year funding	94,995	0	94,995	0	0	0.0
Indirect cost assessment	14,030	0	14,030	0	0	0.0
<b>TOTAL</b>	<b>\$5,010,090</b>	<b>\$0</b>	<b>\$5,010,090</b>	<b>\$0</b>	<b>\$0</b>	<b>48.9</b>
<b>INCREASE/(DECREASE)</b>	<b>\$73,543</b>	<b>\$0</b>	<b>\$73,543</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	1.5%	n/a	1.5%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$5,010,090</b>	<b>\$0</b>	<b>\$5,010,090</b>	<b>\$0</b>	<b>\$0</b>	<b>48.9</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**DECISION ITEMS - DIVISION OF REAL ESTATE**

All decision items impacting this division are covered in the “Decision Items Affecting Multiple Divisions” section of this document.

**LINE ITEM DETAIL - DIVISION OF REAL ESTATE****PERSONAL SERVICES**

This line item provides funding for the payment of Division staffing and contractual services. This line item is supported by the Division of Real Estate Cash Fund.

*STATUTORY AUTHORITY:* Sections 12-10-206 and 207, C.R.S.

*REQUEST:* The Department requests an appropriation of \$4,109,738 cash funds and 48.9 FTE for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$4,109,738 cash funds and 48.9 FTE for FY 2022-23.**

DIVISION OF REAL ESTATE, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$4,014,743	\$0	\$4,014,743	\$0	\$0	48.9
<b>TOTAL</b>	<b>\$4,014,743</b>	<b>\$0</b>	<b>\$4,014,743</b>	<b>\$0</b>	<b>\$0</b>	<b>48.9</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$4,014,743	\$0	\$4,014,743	\$0	\$0	48.9
Annualize prior year funding	94,995	0	94,995	0	0	0.0
<b>TOTAL</b>	<b>\$4,109,738</b>	<b>\$0</b>	<b>\$4,109,738</b>	<b>\$0</b>	<b>\$0</b>	<b>48.9</b>
<b>INCREASE/(DECREASE)</b>	<b>\$94,995</b>	<b>\$0</b>	<b>\$94,995</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	2.4%	n/a	2.4%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$4,109,738</b>	<b>\$0</b>	<b>\$4,109,738</b>	<b>\$0</b>	<b>\$0</b>	<b>48.9</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### OPERATING EXPENSES

This line item recurs annually for costs associated with supporting Division operations and capital needs. This includes, but is not limited to, office supplies, telephone, postage, printing, furniture, and travel expenses. This line item is supported by the Division of Real Estate Cash Fund.

*STATUTORY AUTHORITY:* Sections 12-10-206 and 207, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$198,627 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$198,627 cash funds for FY 2022-23.**

### COMMISSION MEETING COSTS

This line item recurs annually to pay per diem, travel and miscellaneous costs for Real Estate Commission members attending meetings to conduct business related to rule-making, policy formulation, taking disciplinary action, and making licensing decisions. This line item is supported by the Division of Real Estate Cash Fund.

*STATUTORY AUTHORITY:* Sections 12-10-206 and 207, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$36,332 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$36,332 cash funds for FY 2022-23.**

**HEARINGS PURSUANT TO COMPLAINT**

This line item recurs annually for investigation of complaints, primarily to contract for expert witness testimony, depositions, and shorthand/court reports and transcripts. Expenses associated with hearings, proceedings, and mediations, as well as a portion of the cost of cases referred to the Attorney General, are funded via this line item. Expenses of the Attorney General include costs for expert witnesses, court reporters, transcripts, and depositions. This line item is supported by the Division of Real Estate Cash Fund.

*STATUTORY AUTHORITY:* Sections 12-10-206 and 207, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$4,000 cash funds for FY 2022-23.

***RECOMMENDATION:* Staff recommends a continuation-level appropriation of \$4,000 cash funds for FY 2022-23.**

**MORTGAGE BROKER CONSUMER PROTECTION**

This line item recurs annually to support the investigation and prosecution of mortgage broker complaints in the Attorney General’s Office. This line item is supported by the Division of Real Estate Cash Fund.

*STATUTORY AUTHORITY:* Sections 12-10-206 and 207, C.R.S.

*REQUEST:* The Department requests an appropriation of \$241,681 cash funds for FY 2022-23.

***RECOMMENDATION:* Staff recommendation is pending committee action on this line item. Staff requests permission to reflect committee action in the Long Bill.** The table below reflects only the Department’s request.

DIVISION OF REAL ESTATE, MORTGAGE BROKER CONSUMER PROTECTION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$241,681	\$0	\$241,681	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$241,681</b>	<b>\$0</b>	<b>\$241,681</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$241,681	\$0	\$241,681	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$241,681</b>	<b>\$0</b>	<b>\$241,681</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</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



**INDIRECT COST ASSESSMENT**

This line item provides funding for the Commission’s share of assessed indirect cost recoveries. This line item is supported by the Division of Real Estate Cash Fund.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$419,712 cash funds for FY 2022-23.

*RECOMMENDATION:* **On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds.** JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

DIVISION OF REAL ESTATE, 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)	\$441,164	\$0	\$441,164	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$441,164</b>	<b>\$0</b>	<b>\$441,164</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$441,164	\$0	\$441,164	\$0	\$0	0.0
R4 Increase EDO resources	(35,482)	0	(35,482)	0	0	0.0
Indirect cost assessment	14,030	0	14,030	0	0	0.0
<b>TOTAL</b>	<b>\$419,712</b>	<b>\$0</b>	<b>\$419,712</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$21,452)</b>	<b>\$0</b>	<b>(\$21,452)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(4.9%)	n/a	(4.9%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$419,712</b>	<b>\$0</b>	<b>\$419,712</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## (9) DIVISION OF PROFESSIONS AND OCCUPATIONS

The Division of Professions and Occupations regulates licensees in over 30 professions and occupations to ensure a basic level of competence to protect the public welfare. The professions and occupations regulated by this Division vary in repeal dates.

DIVISION OF PROFESSIONS AND OCCUPATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$20,240,844	\$0	\$19,647,393	\$593,451	\$0	205.5
Other legislation	275,933	0	275,933	0	0	3.7
<b>TOTAL</b>	<b>\$20,516,777</b>	<b>\$0</b>	<b>\$19,923,326</b>	<b>\$593,451</b>	<b>\$0</b>	<b>209.2</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$20,516,777	\$0	\$19,923,326	\$593,451	\$0	209.2
R4 Increase EDO resources	(149,627)	0	(149,627)	0	0	0.0
BA1 Fee relief nurses and mental health pros	0	0	0	0	0	0.0
Annualize prior year funding	392,271	0	392,271	0	0	0.0
Annualize prior year legislation	235,764	0	235,764	0	0	4.4
Indirect cost assessment	59,164	0	59,164	0	0	0.0
<b>TOTAL</b>	<b>\$21,054,349</b>	<b>\$0</b>	<b>\$20,460,898</b>	<b>\$593,451</b>	<b>\$0</b>	<b>213.6</b>
<b>INCREASE/(DECREASE)</b>	<b>\$537,572</b>	<b>\$0</b>	<b>\$537,572</b>	<b>\$0</b>	<b>\$0</b>	<b>4.4</b>
Percentage Change	2.6%	n/a	2.7%	0.0%	n/a	2.1%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$14,070,140	\$14,070,140	\$0	\$0	\$0	0.0

### DECISION ITEMS - DIVISION OF PROFESSIONS AND OCCUPATIONS

Along with the following, there is one additional decision item that impacts this division, which can be found in the “Decision Items Affecting Multiple Divisions” section of this document.

#### → BA1 FEE RELIEF FOR LICENSED NURSES AND MENTAL HEALTH PROFESSIONALS

**REQUEST:** The Department request an increase of \$14,070,140 General Fund for FY 2022-23 to subsidize license renewal fees for nursing and mental health professionals. This amount would be spread over two years because of the cyclical nature of license renewal.

**RECOMMENDATION:** **Staff recommends denial of the request.** Fees are collected to support specific programs or activities, and using General Fund to subsidize those activities is not an appropriate use of tax dollars.

*ANALYSIS:*

GOVERNOR’S REQUEST

Governor Polis has proposed a \$1.27 billion one-time State investment into various different sectors to “strengthen Colorado’s recovery, create healthy and thriving communities, and support businesses and workers across our state.” The six areas that would receive support are air quality, Unemployment Insurance Trust Fund relief, workforce development and support, budget stabilization factor, public safety, and fee relief.

It is the final sector – fee relief – that this request is concerned with. The Governor’s proposal allocates \$103.9 million for fee relief for individuals and businesses. The Division of Professions and Occupations provides consumer protection through its regulation of more than 500,000 licenses in over 50 professions, occupations, and businesses. This request is asking for a General Fund subsidy for the Division of Professions and Occupation Cash Fund (fund) to reduce fees for some nurses and mental health professionals to \$0 for FY 2022-23 and FY 2023-24.

**GENERAL FUND SUBSIDY IMPACT**

The reason that this funding would stretch over two fiscal years is because nurses and mental health professionals renew licenses on a two-year basis, so to waive all targeted fees, the Division would use roughly half of the subsidy in FY 2022-23 and the other half in FY 2023-24. The following table outlines which fees would be waived in which fiscal years, and how much General Fund would be used in each year.

GENERAL FUND SUBSIDIZED FEES				
OCCUPATION	FY 2022-23 LICENSE VOLUME	FY 2023-24 LICENSE VOLUME	AMOUNT OF SUBSIDY	COST PER LICENSE RENEWAL
Licensed Practical Nurse	8,000	0	\$544,000	\$68.00
Registered Nurse	38,000	37,000	7,125,000	95.00
Nurse Aide	42,700	0	2,989,000	70.00
Counselor Professional (two-year)	0	6,900	1,038,450	150.50
Counselor Provisional Professional (two-year)	0	100	9850	98.50
Marriage & Family Therapist (two-year)	0	1,100	176,550	160.50
Marriage & Family Provisional (two-year)	0	10	805	80.50
Psychologist (two-year)	0	3,100	854,050	275.50
Provisional Psychologist (two-year)	0	10	835	83.50
Psychotherapists Registered (two-year)	0	3,100	571,950	184.50
Social Worker	0	6,600	749,100	113.50
Social Worker (Provisional)	0	100	10,550	105.50
<b>Total</b>	<b>88,700</b>	<b>58,020</b>	<b>\$14,070,140</b>	
Subsidy per Year	\$7,143,000	\$6,927,140		

The total amount of the proposed subsidy would equal slightly less than half of the fund’s single year revenue. While the fund has in the past few years seen revenue hover around \$30.0 million, the actual amount of revenue received is based on the levels at which the Department sets the fees. These levels are set with a goal of maintaining a fund balance in compliance with the 16.5 percent reserve requirement, and change often, though not dramatically.

The impact of a General Fund subsidy would simply be the replacement of these fee dollars with General Fund dollars for two years. When the funding is exhausted at the end of FY 2023-24, the normal renewal fees will be charged to these professions again. The Department believes, and staff agrees that there should not be any issues with fund balance or dramatic swings in fee levels as a result of this subsidy.

Another fiscal impact to consider regarding this subsidy is its impact on TABOR. Overall, this would have a positive impact on TABOR. In other words, because the Division would be taking in \$14.1 million less in revenue, it would allow that much more to be taken in elsewhere in the State.

While staff does not see an issue with fund balance or fee impacts, staff has concerns about the appropriateness of this request. The main reason for this is that the professions chosen seem to be arbitrary. There are other healthcare professions that have been left off of this list, and it seems to staff that no group of healthcare workers have been any more or less impacted over the last two years.

Another issue with this request is that there are potentially very different impacts of waiving fees for these professions. Some of the professions are very high paying with low fees, while others pay less but have higher fees. Staff sees this as a built-in inequity when thinking about how to address fee relief for healthcare workers.

**LEVEL OF EVIDENCE PURSUANT TO S.B. 21-284:**

Senate Bill 21-284 states that a program or practice is “theory-informed” if a theory of change has been identified and implemented. The Department identified this budget request as a theory-informed practice, and identified the theory of change as “fee relief for targeted professions and businesses to provide a transformational one-time investment addressing problems resulting from the COVID-19 pandemic.” The Department’s objective is to “apply one-time resources available as a result of prior years of fiscal restraint in a manner that does not grow operational costs or exacerbate approaching fiscal problems.”

A theory of change is a method that explains how a given intervention, or set of interventions, is expected to lead to specific outcomes, drawing on a causal analysis based on available evidence. While there are potentially identifiable outputs related to subsidizing fees for nurses and mental health professionals, JBC staff disagrees that it qualifies as an intervention that is intended to lead to a specific change with measurable outcomes. JBC staff has determined that, pursuant to S.B. 21-284 (Evidence-based Evaluations for Budget), assignment of a level of evidence is not applicable to this request.

**LINE ITEM DETAIL - DIVISION OF PROFESSIONS AND OCCUPATIONS**

**PERSONAL SERVICES**

This line item recurs annually to provide Division staffing, contractual services, and Board per diem. This line item is supported by the Marijuana Tax Cash Fund, the Division of Professions and Occupations Cash Fund, and the Prescription Drug Monitoring Fund.

*STATUTORY AUTHORITY:* Sections 12-20-101 thru 12-20-408, C.R.S.

*REQUEST:* The Department requests an appropriation of \$16,822,737 total funds and 208.6 FTE for FY 2022-23. This includes the out-year impact of prior year budget actions and legislation.

*RECOMMENDATION:* **Staff recommends an appropriation of \$16,822,737 total funds and 208.6 FTE for FY 2022-23.**

DIVISION OF PROFESSIONS AND OCCUPATIONS, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$15,988,710	\$0	\$15,395,259	\$593,451	\$0	200.5
Other legislation	227,543	0	227,543	0	0	3.7
<b>TOTAL</b>	<b>\$16,216,253</b>	<b>\$0</b>	<b>\$15,622,802</b>	<b>\$593,451</b>	<b>\$0</b>	<b>204.2</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$16,216,253	\$0	\$15,622,802	\$593,451	\$0	204.2
Annualize prior year funding	380,995	0	380,995	0	0	0.0
Annualize prior year legislation	225,489	0	225,489	0	0	4.4
<b>TOTAL</b>	<b>\$16,822,737</b>	<b>\$0</b>	<b>\$16,229,286</b>	<b>\$593,451</b>	<b>\$0</b>	<b>208.6</b>
<b>INCREASE/(DECREASE)</b>	<b>\$606,484</b>	<b>\$0</b>	<b>\$606,484</b>	<b>\$0</b>	<b>\$0</b>	<b>4.4</b>
Percentage Change	3.7%	n/a	3.9%	0.0%	n/a	2.2%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$16,822,737</b>	<b>\$0</b>	<b>\$16,229,286</b>	<b>\$593,451</b>	<b>\$0</b>	<b>208.6</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### OPERATING EXPENSES

This line item recurs annually for costs associated with supporting Division operations and capital needs. This includes, but is not limited to, office supplies, telephone, postage, printing, and travel expenses. This line item is supported by the Marijuana Tax Cash Fund, the Division of Professions and Occupations Cash Fund, and the Prescription Drug Monitoring Fund.

*STATUTORY AUTHORITY:* Sections 12-20-101 thru 12-20-408, C.R.S.

*REQUEST:* The Department requests an appropriation of \$1,669,125 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$1,669,125 cash funds for FY 2022-23.**

DIVISION OF PROFESSIONS AND OCCUPATIONS, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$1,610,460	\$0	\$1,610,460	\$0	\$0	0.0
Other legislation	48,390	0	48,390	0	0	0.0
<b>TOTAL</b>	<b>\$1,658,850</b>	<b>\$0</b>	<b>\$1,658,850</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,658,850	\$0	\$1,658,850	\$0	\$0	0.0
Annualize prior year legislation	10,275	0	10,275	0	0	0.0
<b>TOTAL</b>	<b>\$1,669,125</b>	<b>\$0</b>	<b>\$1,669,125</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$10,275</b>	<b>\$0</b>	<b>\$10,275</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	0.6%	n/a	0.6%	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,669,125</b>	<b>\$0</b>	<b>\$1,669,125</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>

DIVISION OF PROFESSIONS AND OCCUPATIONS, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**OFFICE OF EXPEDITED SETTLEMENT PROGRAM COSTS**

The Office of Expedited Settlement oversees the expedited settlement process in which all complaints received by boards and commissions are initially sent, for the purpose of resolving complaints prior to the use of the Attorney General's Office and incurring legal service costs. This line item is supported by the Division of Professions and Occupations Cash Fund.

*STATUTORY AUTHORITY:* Sections 12-20-101 thru 12-20-408, C.R.S.

*REQUEST:* The Department requests an appropriation of \$470,876 cash funds and 5.0 FTE for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$470,876 cash funds and 5.0 FTE for FY 2022-23.**

DIVISION OF PROFESSIONS AND OCCUPATIONS, OFFICE OF EXPEDITED SETTLEMENT PROGRAM COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$459,600	\$0	\$459,600	\$0	\$0	5.0
<b>TOTAL</b>	<b>\$459,600</b>	<b>\$0</b>	<b>\$459,600</b>	<b>\$0</b>	<b>\$0</b>	<b>5.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$459,600	\$0	\$459,600	\$0	\$0	5.0
Annualize prior year funding	11,276	0	11,276	0	0	0.0
<b>TOTAL</b>	<b>\$470,876</b>	<b>\$0</b>	<b>\$470,876</b>	<b>\$0</b>	<b>\$0</b>	<b>5.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$11,276</b>	<b>\$0</b>	<b>\$11,276</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	2.5%	n/a	2.5%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$470,876</b>	<b>\$0</b>	<b>\$470,876</b>	<b>\$0</b>	<b>\$0</b>	<b>5.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**HEARINGS PURSUANT TO COMPLAINT**

This line item pays for expenses associated with the Division’s hearings and mediations to resolve complaints received. Also included in this line item is funding for a portion of the expert witnesses, court reporters, transcripts, and depositions expenses incurred by the Office of the Attorney General in the Department of Law. This line item is supported by the Division of Professions and Occupations Cash Fund.

*STATUTORY AUTHORITY:* Sections 12-20-101 thru 12-20-408, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$307,075 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$307,075 cash funds for FY 2022-23.**

**PAYMENTS TO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING**

Federal regulations require the state to certify nurse aides who work in medical facilities with Medicaid or Medicare patients. Federal matching funds pay half the cost of the Medicaid portion of this program, but the Department cannot apply directly for the federal match because Medicaid's centralization rules require that the matching funds be routed through the Department of Health Care Policy and Financing. Nurse aide certification was modified to require criminal background checks, for which a match is required from the Division of Professions and Occupations Cash Fund. This line item is supported by the Division of Professions and Occupations Cash Fund.

*STATUTORY AUTHORITY:* Sections 12-20-101 thru 12-20-408, C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$14,652 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$14,652 cash funds for FY 2022-23.**

**INDIRECT COST ASSESSMENT**

This line item provides funding for the Commission’s share of assessed indirect cost recoveries. This line item is supported by the Division of Professions and Occupations Cash Fund.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$1,769,884 cash funds for FY 2022-23.

*RECOMMENDATION:* **On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds.** JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

DIVISION OF PROFESSIONS AND OCCUPATIONS, 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)	\$1,860,347	\$0	\$1,860,347	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$1,860,347</b>	<b>\$0</b>	<b>\$1,860,347</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,860,347	\$0	\$1,860,347	\$0	\$0	0.0
R4 Increase EDO resources	(149,627)	0	(149,627)	0	0	0.0
Indirect cost assessment	59,164	0	59,164	0	0	0.0

DIVISION OF PROFESSIONS AND OCCUPATIONS, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>TOTAL</b>	<b>\$1,769,884</b>	<b>\$0</b>	<b>\$1,769,884</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$90,463)</b>	<b>\$0</b>	<b>(\$90,463)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(4.9%)	n/a	(4.9%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$1,769,884</b>	<b>\$0</b>	<b>\$1,769,884</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0



**(10) DIVISION OF SECURITIES**

The Division of Securities monitors the conduct of broker-dealers and sales representatives, investigates citizen complaints, and investigates indicators of investment fraud. The Division is slated for repeal on September 1, 2026.

DIVISION OF SECURITIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$3,976,898	\$0	\$3,976,898	\$0	\$0	24.0
<b>TOTAL</b>	<b>\$3,976,898</b>	<b>\$0</b>	<b>\$3,976,898</b>	<b>\$0</b>	<b>\$0</b>	<b>24.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$3,976,898	\$0	\$3,976,898	\$0	\$0	24.0
R4 Increase EDO resources	(17,416)	0	(17,416)	0	0	0.0
Annualize prior year funding	70,614	0	70,614	0	0	0.0
Indirect cost assessment	6,887	0	6,887	0	0	0.0
<b>TOTAL</b>	<b>\$4,036,983</b>	<b>\$0</b>	<b>\$4,036,983</b>	<b>\$0</b>	<b>\$0</b>	<b>24.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$60,085</b>	<b>\$0</b>	<b>\$60,085</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	1.5%	n/a	1.5%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**DECISION ITEMS - DIVISION OF SECURITIES**

All decision items impacting this division are covered in the “Decision Items Affecting Multiple Divisions” section of this document.

**LINE ITEM DETAIL - DIVISION OF SECURITIES****PERSONAL SERVICES**

This line item provides funding for the payment of Division staffing and contractual services. This line item is supported by the Division of Securities Cash Fund.

*STATUTORY AUTHORITY:* Sections 11-51-101, et seq.; 11-53-101, et seq.; 11-59-101, et seq.; 24-75-701, et seq., C.R.S.

*REQUEST:* The Department requests an appropriation of \$2,488,252 cash funds and 24.0 FTE for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$2,488,252 cash funds and 24.0 FTE for FY 2022-23.**

DIVISION OF SECURITIES, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$2,417,638	\$0	\$2,417,638	\$0	\$0	24.0
<b>TOTAL</b>	<b>\$2,417,638</b>	<b>\$0</b>	<b>\$2,417,638</b>	<b>\$0</b>	<b>\$0</b>	<b>24.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$2,417,638	\$0	\$2,417,638	\$0	\$0	24.0
Annualize prior year funding	70,614	0	70,614	0	0	0.0
<b>TOTAL</b>	<b>\$2,488,252</b>	<b>\$0</b>	<b>\$2,488,252</b>	<b>\$0</b>	<b>\$0</b>	<b>24.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$70,614</b>	<b>\$0</b>	<b>\$70,614</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	2.9%	n/a	2.9%	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$2,488,252</b>	<b>\$0</b>	<b>\$2,488,252</b>	<b>\$0</b>	<b>\$0</b>	<b>24.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**OPERATING EXPENSES**

This line item provides funding for operating expenses of the division. This line item is supported by the Division of Securities Cash Fund.

*STATUTORY AUTHORITY:* Sections 11-51-101, et seq.; 11-53-101, et seq.; 11-59-101, et seq.; 24-75-701, et seq., C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$99,064 cash funds for FY 2022-23.

***RECOMMENDATION:* Staff recommends a continuation-level appropriation of \$99,064 cash funds for FY 2022-23.**

**HEARINGS PURSUANT TO COMPLAINT**

This line item recurs annually for investigation of complaints, primarily to contract for expert witness testimony, depositions, and shorthand/court reports, and transcripts. This line item pays for expenses associated with hearings, proceedings, and mediations, as well as a portion of the cost of cases referred to the Attorney General. Expenses of the Attorney General include costs for expert witnesses, Court reporters, transcripts, and depositions. This line item is supported by the Division of Securities Cash Fund.

*STATUTORY AUTHORITY:* Sections 11-51-101, et seq.; 11-53-101, et seq.; 11-59-101, et seq.; 24-75-701, et seq., C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$19,594 cash funds for FY 2022-23.

***RECOMMENDATION:* Staff recommends a continuation-level appropriation of \$19,594 cash funds for FY 2022-23.**

**BOARD MEETING COSTS**

This line item funds the per diem, travel, and miscellaneous costs incurred by the Colorado Securities Board members when they attend Board meetings. This line item is supported by the Division of Securities Cash Fund.

*STATUTORY AUTHORITY:* Sections 11-51-101, et seq.; 11-53-101, et seq.; 11-59-101, et seq.; 24-75-701, et seq., C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$4,500 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommends a continuation-level appropriation of \$4,500 cash funds for FY 2022-23.**

**SECURITIES FRAUD PROSECUTION**

This line item supports expenditures in the Department of Law for the criminal prosecution of securities fraud. This line item is supported by the Division of Securities Cash Fund.

*STATUTORY AUTHORITY:* Sections 11-51-101, et seq.; 11-53-101, et seq.; 11-59-101, et seq.; 24-75-701, et seq., C.R.S.

*REQUEST:* The Department requests a continuation-level appropriation of \$1,219,580 cash funds for FY 2022-23.

*RECOMMENDATION:* **Staff recommendation on this line item is pending.** JBC staff requests permission to adjust this line item in response to Committee action on common policy items.

DIVISION OF SECURITIES, SECURITIES FRAUD PROSECUTION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$1,219,580	\$0	\$1,219,580	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$1,219,580</b>	<b>\$0</b>	<b>\$1,219,580</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$1,219,580	\$0	\$1,219,580	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$1,219,580</b>	<b>\$0</b>	<b>\$1,219,580</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</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>\$1,219,580</b>	<b>\$0</b>	<b>\$1,219,580</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**INDIRECT COST ASSESSMENT**

This line item provides funding for the Commission’s share of assessed indirect cost recoveries. This line item is supported by the Division of Securities Cash Fund.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$205,993 cash funds for FY 2022-23.

*RECOMMENDATION:* **On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds.** JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department’s request.

DIVISION OF SECURITIES, 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)	\$216,522	\$0	\$216,522	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$216,522</b>	<b>\$0</b>	<b>\$216,522</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$216,522	\$0	\$216,522	\$0	\$0	0.0
R4 Increase EDO resources	(17,416)	0	(17,416)	0	0	0.0
Indirect cost assessment	6,887	0	6,887	0	0	0.0
<b>TOTAL</b>	<b>\$205,993</b>	<b>\$0</b>	<b>\$205,993</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$10,529)</b>	<b>\$0</b>	<b>(\$10,529)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(4.9%)	n/a	(4.9%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$205,993</b>	<b>\$0</b>	<b>\$205,993</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**(11) DIVISION OF CONSERVATION**

The Division of Conservation, in conjunction with the Conservation Easement Oversight Commission, certifies conservation easement holders and conservation easement tax credit certificates. The Division is slated for repeal on July 1, 2026.

DIVISION OF CONSERVATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 Appropriation</b>						
SB 21-205 (Long Bill)	\$499,693	\$0	\$499,693	\$0	\$0	3.8
Other legislation	158,666	0	158,666	0	0	2.0
<b>TOTAL</b>	<b>\$658,359</b>	<b>\$0</b>	<b>\$658,359</b>	<b>\$0</b>	<b>\$0</b>	<b>5.8</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$658,359	\$0	\$658,359	\$0	\$0	5.8
R4 Increase EDO resources	(2,757)	0	(2,757)	0	0	0.0
Indirect cost assessment	1,090	0	1,090	0	0	0.0
Annualize prior year legislation	(12,400)	0	(12,400)	0	0	0.0
<b>TOTAL</b>	<b>\$644,292</b>	<b>\$0</b>	<b>\$644,292</b>	<b>\$0</b>	<b>\$0</b>	<b>5.8</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$14,067)</b>	<b>\$0</b>	<b>(\$14,067)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(2.1%)	n/a	(2.1%)	n/a	n/a	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$644,292</b>	<b>\$0</b>	<b>\$644,292</b>	<b>\$0</b>	<b>\$0</b>	<b>5.8</b>
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

**DECISION ITEMS - DIVISION OF CONSERVATION**

All decision items impacting this division are covered in the “Decision Items Affecting Multiple Divisions” section of this document.

**LINE ITEM DETAIL - DIVISION OF CONSERVATION****CONSERVATION EASEMENT PROGRAM COSTS**

This line item provides funding for the payment of Division staffing and contractual services. This line item is supported by the Conservation Easements Cash Fund.

*STATUTORY AUTHORITY:* Section 12-15-101 thru 107, C.R.S.

*REQUEST:* The Department requests an appropriation of \$611,676 cash funds and 5.8 FTE for FY 2022-23.

*RECOMMENDATION:* **Staff recommends an appropriation of \$611,676 cash funds and 5.8 FTE for FY 2022-23.**

DIVISION OF CONSERVATION, CONSERVATION EASEMENT PROGRAM COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2021-22 APPROPRIATION</b>						
SB 21-205 (Long Bill)	\$465,410	\$0	\$465,410	\$0	\$0	3.8
Other legislation	\$158,666	\$0	\$158,666	\$0	\$0	2.0
<b>TOTAL</b>	<b>\$624,076</b>	<b>\$0</b>	<b>\$624,076</b>	<b>\$0</b>	<b>\$0</b>	<b>5.8</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$624,076	\$0	\$624,076	\$0	\$0	5.8
Annualize prior year legislation	(12,400)	0	(12,400)	0	0	0.0
<b>TOTAL</b>	<b>\$611,676</b>	<b>\$0</b>	<b>\$611,676</b>	<b>\$0</b>	<b>\$0</b>	<b>5.8</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$12,400)</b>	<b>\$0</b>	<b>(\$12,400)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(2.0%)	0.0%	(2.0%)	0.0%	0.0%	0.0%
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$611,676</b>	<b>\$0</b>	<b>\$611,676</b>	<b>\$0</b>	<b>\$0</b>	<b>5.8</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

### INDIRECT COST ASSESSMENT

This line item provides funding for the Commission's share of assessed indirect cost recoveries. This line item is supported by the Conservation Easements Cash Fund.

*STATUTORY AUTHORITY:* Section 24-75-1401, C.R.S.

*REQUEST:* The Department requests an appropriation of \$32,616 cash funds for FY 2022-23.

**RECOMMENDATION:** On February 9, 2022, the Committee adopted a common policy concerning the statewide Indirect Cost Assessment. For this department, that assessment is \$678,990 total funds. JBC staff requests permission to reflect Committee action for this line item. The amount reflected in the table below represents the Department's request.

DIVISION OF CONSERVATION, 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)	\$34,283	\$0	\$34,283	\$0	\$0	0.0
<b>TOTAL</b>	<b>\$34,283</b>	<b>\$0</b>	<b>\$34,283</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>FY 2022-23 RECOMMENDED APPROPRIATION</b>						
FY 2021-22 Appropriation	\$34,283	\$0	\$34,283	\$0	\$0	0.0
R4 Increase EDO resources	(2,757)	0	(2,757)	0	0	0.0
Indirect cost assessment	1,090	0	1,090	0	0	0.0
<b>TOTAL</b>	<b>\$32,616</b>	<b>\$0</b>	<b>\$32,616</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
<b>INCREASE/(DECREASE)</b>	<b>(\$1,667)</b>	<b>\$0</b>	<b>(\$1,667)</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	(4.9%)	n/a	(4.9%)	n/a	n/a	n/a
<b>FY 2022-23 EXECUTIVE REQUEST</b>	<b>\$32,616</b>	<b>\$0</b>	<b>\$32,616</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

## LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

### LONG BILL FOOTNOTES

The FY 2021-22 Long Bill does not include any footnotes for this department, and staff does not recommend any footnote changes for the Department.

### REQUESTS FOR INFORMATION

Staff recommends **CONTINUING** the following request for information:

- 1 Department of Regulatory Agencies; Public Utilities Commission. The Department is requested to provide the following information to the Joint Budget Committee every year on November 1<sup>st</sup>: The number of pipeline incidents that have occurred under the jurisdiction of Gas Pipeline Safety Unit for the previous three fiscal years, the classification of pipelines in which those incidents have occurred, the degree of severity of incidents that have occurred, the status of hiring and number of FTE included within the Gas Pipeline Safety Unit.

APPENDIX A:  
NUMBERS PAGES  
(DIGITAL ONLY)

*Appendix A is only available in the online version of this document.*



*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 REGULATORY AGENCIES**  
**Patty Salazar, Executive Director**

**(1) EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES**

Personal Services	<u>3,758,754</u>	<u>2,657,546</u>	<u>2,672,646</u>	<u>3,196,361</u>	<u>3,126,014</u> *
FTE	28.5	30.7	29.5	35.5	35.5
General Fund	0	12,493	16,000	99,685	99,685
Cash Funds	0	0	27,000	27,000	27,000
Reappropriated Funds	3,758,754	2,645,053	2,629,646	3,069,676	2,999,329
Health, Life, and Dental	<u>5,377,336</u>	<u>5,768,701</u>	<u>6,016,598</u>	<u>7,165,893</u>	<u>7,165,894</u> *
General Fund	212,959	106,935	262,112	245,044	241,045
Cash Funds	4,817,641	5,293,845	5,179,195	6,477,523	6,482,690
Reappropriated Funds	346,736	367,921	367,311	396,545	395,186
Federal Funds	0	0	207,980	46,781	46,973
Short-term Disability	<u>58,073</u>	<u>63,488</u>	<u>67,250</u>	<u>75,519</u>	<u>75,519</u>
General Fund	2,003	2,244	2,370	2,247	2,247
Cash Funds	51,313	56,908	58,130	68,282	68,282
Reappropriated Funds	4,757	4,336	4,233	4,409	4,409
Federal Funds	0	0	2,517	581	581
S.B. 04-257 Amortization Equalization Disbursement	<u>1,877,005</u>	<u>2,036,764</u>	<u>2,121,329</u>	<u>2,363,055</u>	<u>2,363,055</u>
General Fund	65,307	66,334	74,756	70,325	70,325
Cash Funds	1,670,554	1,842,266	1,833,653	2,136,603	2,136,603
Reappropriated Funds	141,144	128,164	133,518	137,955	137,955
Federal Funds	0	0	79,402	18,172	18,172

\*This line item contains a decision item.

*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
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>1,877,056</u>	<u>2,036,764</u>	<u>2,121,329</u>	<u>2,363,055</u>	<u>2,363,055</u>
General Fund	65,307	66,334	74,756	70,325	70,325
Cash Funds	1,670,605	1,842,266	1,833,653	2,136,603	2,136,603
Reappropriated Funds	141,144	128,164	133,518	137,955	137,955
Federal Funds	0	0	79,402	18,172	18,172
PERA Direct Distribution					
General Fund	<u>1,058,437</u>	<u>0</u>	<u>1,041,362</u>	<u>1,066,205</u>	<u>1,066,205</u>
Cash Funds	37,914	0	36,698	31,730	31,730
Reappropriated Funds	947,774	0	900,142	964,031	964,031
Federal Funds	72,749	0	65,544	62,245	62,245
Federal Funds	0	0	38,978	8,199	8,199
Salary Survey					
General Fund	<u>1,167,294</u>	<u>0</u>	<u>1,388,353</u>	<u>1,553,423</u>	<u>1,553,423</u>
Cash Funds	47,933	0	48,924	46,237	46,237
Reappropriated Funds	1,027,399	0	1,200,071	1,404,553	1,404,553
Federal Funds	91,962	0	87,388	90,682	90,682
Federal Funds	0	0	51,970	11,951	11,951
Paid Family and Medical Leave Insurance					
General Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>142,501</u>	<u>142,501</u> *
Cash Funds	0	0	0	4,381	4,381
Reappropriated Funds	0	0	0	128,309	128,309
Federal Funds	0	0	0	8,993	8,993
Federal Funds	0	0	0	818	818

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

	<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>
Workers' Compensation	<u>210,927</u>	<u>199,915</u>	<u>186,397</u>	<u>155,448</u>	<u>217,012</u>
General Fund	7,031	6,664	6,122	5,227	7,127
Cash Funds	196,792	186,518	171,343	138,248	199,486
Reappropriated Funds	7,104	6,733	6,490	8,111	7,556
Federal Funds	0	0	2,442	3,862	2,843
Operating Expenses	<u>104,791</u>	<u>76,743</u>	<u>210,379</u>	<u>258,079</u>	<u>258,079</u> *
General Fund	0	19	3,689	11,639	11,639
Cash Funds	0	0	95,427	95,427	95,427
Reappropriated Funds	104,791	76,724	111,263	151,013	151,013
Federal Funds	0	0	0	0	0
Legal Services	<u>10,633,006</u>	<u>10,601,471</u>	<u>10,419,093</u>	<u>11,103,000</u>	<u>11,103,000</u>
General Fund	142,451	163,625	154,061	171,366	171,366
Cash Funds	10,396,045	10,377,731	10,135,528	10,768,612	10,768,612
Reappropriated Funds	94,510	60,115	56,601	93,025	93,025
Federal Funds	0	0	72,903	69,997	69,997
Administrative Law Judge Services	<u>353,655</u>	<u>488,137</u>	<u>408,797</u>	<u>514,330</u>	<u>531,448</u>
General Fund	15,979	22,055	18,470	23,238	24,012
Cash Funds	337,676	466,082	390,327	491,092	507,436
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Payment to Risk Management and Property Funds	<u>169,829</u>	<u>147,131</u>	<u>226,294</u>	<u>384,013</u>	<u>350,849</u> *
General Fund	5,661	5,028	7,616	12,913	11,808
Cash Funds	158,448	137,026	207,564	341,522	321,732
Reappropriated Funds	5,720	5,077	7,697	20,106	12,054
Federal Funds	0	0	3,417	9,472	5,255

*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>196,843</u>	<u>221,463</u>	<u>279,899</u>	<u>276,795</u>	<u>263,331</u> *
General Fund	0	0	0	0	0
Cash Funds	196,843	221,463	279,899	276,795	263,331
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Information Technology Asset Maintenance	<u>664,530</u>	<u>530,279</u>	<u>753,403</u>	<u>1,678,403</u>	<u>1,678,403</u>
General Fund	0	0	0	0	0
Cash Funds	478,453	465,318	562,646	1,487,646	1,487,646
Reappropriated Funds	186,077	64,961	190,757	190,757	190,757
Federal Funds	0	0	0	0	0
Hardware/Software Maintenance	<u>503,333</u>	<u>444,686</u>	<u>590,939</u>	<u>590,939</u>	<u>590,939</u>
General Fund	0	0	800	800	800
Cash Funds	257,722	286,146	331,537	331,537	331,537
Reappropriated Funds	245,611	158,540	258,602	258,602	258,602
Federal Funds	0	0	0	0	0
Leased Space	<u>3,136,794</u>	<u>3,265,990</u>	<u>4,346,332</u>	<u>4,429,214</u>	<u>4,533,645</u>
General Fund	130,866	122,263	138,335	167,080	167,080
Cash Funds	2,718,051	2,826,054	3,593,459	3,661,996	3,766,427
Reappropriated Funds	287,877	317,673	459,088	433,158	433,158
Federal Funds	0	0	155,450	166,980	166,980
Payments to OIT	<u>3,482,875</u>	<u>3,503,452</u>	<u>3,633,431</u>	<u>4,186,655</u>	<u>4,186,655</u> *
General Fund	144,022	181,776	183,803	151,109	151,109
Cash Funds	3,338,853	3,321,676	3,449,628	4,035,546	4,035,546
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*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
CORE Operations	<u>275,226</u>	<u>357,400</u>	<u>302,496</u>	<u>360,575</u>	<u>365,367</u>
General Fund	10,803	14,024	11,722	12,125	14,158
Cash Funds	250,068	324,741	271,502	320,677	327,931
Reappropriated Funds	14,355	18,635	15,576	18,814	18,814
Federal Funds	0	0	3,696	8,959	4,464
Consumer Outreach/Education Program	<u>232,840</u>	<u>125,985</u>	<u>205,000</u>	<u>205,000</u>	<u>205,000</u>
General Fund	0	0	0	0	0
Cash Funds	232,840	125,985	205,000	205,000	205,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
<b>TOTAL - (1) Executive Director's Office and Administrative Services</b>	35,289,645	32,728,419	55,729,083	60,806,219	42,139,394
<i>FTE</i>	<u>29.8</u>	<u>32.7</u>	<u>29.5</u>	<u>35.5</u>	<u>35.5</u>
General Fund	888,236	769,794	1,040,234	1,125,471	1,125,074
Cash Funds	28,898,118	27,976,529	49,463,460	54,234,758	35,658,182
Reappropriated Funds	5,503,291	3,982,096	4,527,232	5,082,046	5,001,733
Federal Funds	0	0	698,157	363,944	354,405

*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) DIVISION OF BANKING</b>					
Personal Services	<u>3,518,769</u>	<u>3,916,822</u>	<u>4,061,426</u>	<u>4,153,242</u>	<u>4,153,242</u>
FTE	34.8	35.8	40.0	40.0	40.0
General Fund	0	0	0	0	0
Cash Funds	3,518,769	3,916,822	4,061,426	4,153,242	4,153,242
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>359,873</u>	<u>250,607</u>	<u>490,733</u>	<u>490,733</u>	<u>490,733</u>
General Fund	0	0	0	0	0
Cash Funds	359,873	250,607	490,733	490,733	490,733
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Board Meeting Costs	<u>16,346</u>	<u>5,327</u>	<u>23,500</u>	<u>23,500</u>	<u>23,500</u>
General Fund	0	0	0	0	0
Cash Funds	16,346	5,327	23,500	23,500	23,500
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>374,131</u>	<u>357,993</u>	<u>360,870</u>	<u>343,321</u>	<u>343,321</u> *
General Fund	0	0	0	0	0
Cash Funds	374,131	357,993	360,870	343,321	343,321
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

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

	<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 - (2) Division of Banking</b>	4,269,119	4,530,749	4,936,529	5,010,796	5,010,796
<i>FTE</i>	<u>34.8</u>	<u>35.8</u>	<u>40.0</u>	<u>40.0</u>	<u>40.0</u>
General Fund	0	0	0	0	0
Cash Funds	4,269,119	4,530,749	4,936,529	5,010,796	5,010,796
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*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>(3) CIVIL RIGHTS DIVISION</b>					
Personal Services	<u>1,579,610</u>	<u>1,676,374</u>	<u>2,701,061</u>	<u>2,783,103</u>	<u>2,783,103</u>
FTE	30.0	33.3	35.3	35.3	35.3
General Fund	1,014,786	1,065,743	1,742,231	1,791,155	1,791,155
Cash Funds	0	0	0	0	0
Reappropriated Funds	564,824	610,631	518,888	518,888	518,888
Federal Funds	0	0	439,942	473,060	473,060
Operating Expenses	<u>62,380</u>	<u>50,444</u>	<u>105,556</u>	<u>105,556</u>	<u>105,556</u>
General Fund	62,380	50,444	62,380	62,380	62,380
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	43,176	43,176	43,176
Hearings Pursuant to Complaint	<u>1,896</u>	<u>4,026</u>	<u>18,000</u>	<u>18,000</u>	<u>18,000</u>
General Fund	1,896	4,026	17,000	17,000	17,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	1,000	1,000	1,000
Commission Meeting Costs	<u>3,641</u>	<u>768</u>	<u>12,374</u>	<u>12,374</u>	<u>12,374</u>
General Fund	3,641	768	5,174	5,174	5,174
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	7,200	7,200	7,200



*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
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>90,756</u>	<u>93,437</u>	<u>93,437</u>
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	90,756	93,437	93,437
<b>TOTAL - (3) Civil Rights Division</b>	1,647,527	1,731,612	2,927,747	3,012,470	3,012,470
<i>FTE</i>	<u>30.0</u>	<u>33.3</u>	<u>35.3</u>	<u>35.3</u>	<u>35.3</u>
General Fund	1,082,703	1,120,981	1,826,785	1,875,709	1,875,709
Cash Funds	0	0	0	0	0
Reappropriated Funds	564,824	610,631	518,888	518,888	518,888
Federal Funds	0	0	582,074	617,873	617,873

*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
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**(4) OFFICE OF THE UTILITY CONSUMER ADVOCATE**

Personal Services	<u>841,691</u>	<u>823,074</u>	<u>1,181,924</u>	<u>1,292,188</u>	<u>1,292,188</u>
FTE	6.5	7.0	10.2	11.0	11.0
General Fund	0	0	0	0	0
Cash Funds	841,691	823,074	1,181,924	1,292,188	1,292,188
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>25,852</u>	<u>24,682</u>	<u>84,934</u>	<u>61,214</u>	<u>61,214</u>
General Fund	0	0	0	0	0
Cash Funds	25,852	24,682	84,934	61,214	61,214
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>65,473</u>	<u>62,649</u>	<u>63,152</u>	<u>60,082</u>	<u>60,082</u> *
General Fund	0	0	0	0	0
Cash Funds	65,473	62,649	63,152	60,082	60,082
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

<b>TOTAL - (4) Office of the Utility Consumer Advocate</b>	933,016	910,405	1,330,010	1,413,484	1,413,484
FTE	<u>6.5</u>	<u>7.0</u>	<u>10.2</u>	<u>11.0</u>	<u>11.0</u>
General Fund	0	0	0	0	0
Cash Funds	933,016	910,405	1,330,010	1,413,484	1,413,484
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*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) DIVISION OF FINANCIAL SERVICES</b>					
Personal Services	<u>1,130,630</u>	<u>1,208,446</u>	<u>1,496,853</u>	<u>1,529,184</u>	<u>1,529,184</u>
FTE	12.9	14.0	15.6	15.6	15.6
General Fund	0	0	0	0	0
Cash Funds	1,130,630	1,208,446	1,496,853	1,529,184	1,529,184
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>109,643</u>	<u>125,447</u>	<u>145,961</u>	<u>145,961</u>	<u>145,961</u>
General Fund	0	0	0	0	0
Cash Funds	109,643	125,447	145,961	145,961	145,961
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>145,911</u>	<u>139,617</u>	<u>140,739</u>	<u>133,895</u>	<u>133,895</u> *
General Fund	0	0	0	0	0
Cash Funds	145,911	139,617	140,739	133,895	133,895
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
<b>TOTAL - (5) Division of Financial Services</b>	<b>1,386,184</b>	<b>1,473,510</b>	<b>1,783,553</b>	<b>1,809,040</b>	<b>1,809,040</b>
FTE	<u>12.9</u>	<u>14.0</u>	<u>15.6</u>	<u>15.6</u>	<u>15.6</u>
General Fund	0	0	0	0	0
Cash Funds	1,386,184	1,473,510	1,783,553	1,809,040	1,809,040
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*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>(6) DIVISION OF INSURANCE</b>					
Personal Services	<u>7,417,033</u>	<u>6,690,120</u>	<u>8,592,720</u>	<u>9,829,562</u>	<u>9,402,605</u> *
FTE	79.1	81.0	96.1	100.6	98.3
General Fund	215,423	0	0	0	0
Cash Funds	7,201,610	6,690,120	8,592,720	9,810,710	9,383,753
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	18,852	18,852
Operating Expenses	<u>314,455</u>	<u>179,737</u>	<u>366,595</u>	<u>252,370</u>	<u>252,370</u> *
General Fund	0	0	0	0	0
Cash Funds	314,455	179,737	366,595	252,370	252,370
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Out-of-State Travel Expenses	<u>0</u>	<u>0</u>	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	50,000	50,000	50,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Senior Health Counseling Program	<u>1,156,323</u>	<u>1,151,596</u>	<u>533,253</u>	<u>533,253</u>	<u>533,253</u>
FTE	4.1	3.6	2.0	2.0	2.0
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	1,156,323	1,151,596	533,253	533,253	533,253

*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
Transfer to CAPCO Administration	<u>85,291</u>	<u>85,291</u>	<u>85,291</u>	<u>85,291</u>	<u>85,291</u>
General Fund	0	0	0	0	0
Cash Funds	85,291	85,291	85,291	85,291	85,291
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Colorado Reinsurance Program	<u>8,000</u>	<u>692,953</u>	<u>1,015,122</u>	<u>1,015,122</u>	<u>1,015,122</u>
FTE	0.0	1.6	4.0	4.0	4.0
General Fund	0	0	0	0	0
Cash Funds	0	684,953	1,015,122	1,015,122	1,015,122
Reappropriated Funds	0	0	0	0	0
Federal Funds	8,000	8,000	0	0	0
Indirect Cost Assessment	<u>778,193</u>	<u>769,685</u>	<u>862,658</u>	<u>823,592</u>	<u>823,592</u> *
General Fund	0	0	0	0	0
Cash Funds	778,193	769,685	825,791	785,636	785,636
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	36,867	37,956	37,956
<b>TOTAL - (6) Division of Insurance</b>	<b>9,759,295</b>	<b>9,569,382</b>	<b>11,505,639</b>	<b>12,589,190</b>	<b>12,162,233</b>
FTE	<u>83.2</u>	<u>86.2</u>	<u>102.1</u>	<u>106.6</u>	<u>104.3</u>
General Fund	215,423	0	0	0	0
Cash Funds	8,379,549	8,409,786	10,935,519	11,999,129	11,572,172
Reappropriated Funds	0	0	0	0	0
Federal Funds	1,164,323	1,159,596	570,120	590,061	590,061

*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>(7) PUBLIC UTILITIES COMMISSION</b>					
Personal Services	<u>7,458,979</u>	<u>9,059,438</u>	<u>12,076,771</u>	<u>12,902,253</u>	<u>12,902,273</u>
FTE	71.1	79.5	114.9	120.7	120.7
General Fund	0	0	0	(10)	10
Cash Funds	7,458,979	9,059,438	12,076,771	12,902,263	12,902,263
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>470,350</u>	<u>301,303</u>	<u>830,885</u>	<u>693,235</u>	<u>693,235</u>
General Fund	0	0	0	0	0
Cash Funds	470,350	301,303	830,885	693,235	693,235
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Expert Testimony	<u>0</u>	<u>0</u>	<u>25,000</u>	<u>25,000</u>	<u>25,000</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	25,000	25,000	25,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Disabled Telephone Users Fund Payments	<u>875,499</u>	<u>845,459</u>	<u>837,350</u>	<u>777,809</u>	<u>777,809</u> *
General Fund	0	0	0	0	0
Cash Funds	875,499	845,459	837,350	777,809	777,809
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

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

	<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>
Transfer to Reading Services for the Blind Cash Fund	<u>510,000</u>	<u>510,000</u>	<u>510,000</u>	<u>510,000</u>	<u>510,000</u>
General Fund	0	0	0	0	0
Cash Funds	510,000	510,000	510,000	510,000	510,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Commission for the Deaf and Hard of Hearing Cash Fund	<u>2,199,359</u>	<u>1,925,828</u>	<u>1,992,589</u>	<u>1,992,589</u>	<u>1,992,589</u>
General Fund	0	0	0	0	0
Cash Funds	2,199,359	1,925,828	1,992,589	1,992,589	1,992,589
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Colorado Talking Book Library	<u>250,000</u>	<u>200,000</u>	<u>250,000</u>	<u>250,000</u>	<u>250,000</u>
General Fund	0	0	0	0	0
Cash Funds	250,000	200,000	250,000	250,000	250,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Colorado Bureau of Investigation Background Checks Pass-through	<u>5,293</u>	<u>1,304</u>	<u>104,377</u>	<u>104,377</u>	<u>104,377</u>
General Fund	0	0	0	0	0
Cash Funds	5,293	1,304	104,377	104,377	104,377
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*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
Highway-Rail Crossing Signalization Fund	<u>0</u>	<u>0</u>	<u>244,800</u>	<u>244,800</u>	<u>244,800</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	244,800	244,800	244,800
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>853,955</u>	<u>933,378</u>	<u>975,628</u>	<u>931,297</u>	<u>931,297</u> *
General Fund	0	0	0	0	0
Cash Funds	853,955	933,378	935,823	890,316	890,316
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	39,805	40,981	40,981
Colorado Electric Transmission Authority	<u>0</u>	<u>0</u>	<u>500,000</u>	<u>500,000</u>	<u>500,000</u>
FTE	0.0	0.0	0.0	0.0	0.0
Cash Funds	0	0	500,000	500,000	500,000
<b>TOTAL - (7) Public Utilities Commission</b>	<b>12,623,435</b>	<b>13,776,710</b>	<b>18,347,400</b>	<b>18,931,360</b>	<b>18,931,380</b>
<i>FTE</i>	<u>71.1</u>	<u>79.5</u>	<u>114.9</u>	<u>120.7</u>	<u>120.7</u>
General Fund	0	0	0	(10)	10
Cash Funds	12,623,435	13,776,710	18,307,595	18,890,389	18,890,389
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	39,805	40,981	40,981



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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>(8) DIVISION OF REAL ESTATE</b>					
Personal Services	<u>3,648,948</u>	<u>3,784,198</u>	<u>4,014,743</u>	<u>4,109,738</u>	<u>4,109,738</u>
FTE	48.9	48.9	48.9	48.9	48.9
General Fund	0	0	0	0	0
Cash Funds	3,648,948	3,784,198	4,014,743	4,109,738	4,109,738
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>108,266</u>	<u>74,496</u>	<u>198,627</u>	<u>198,627</u>	<u>198,627</u>
General Fund	0	0	0	0	0
Cash Funds	108,266	74,496	198,627	198,627	198,627
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Commission Meeting Costs	<u>15,033</u>	<u>0</u>	<u>36,332</u>	<u>36,332</u>	<u>36,332</u>
General Fund	0	0	0	0	0
Cash Funds	15,033	0	36,332	36,332	36,332
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Hearings Pursuant to Complaint	<u>0</u>	<u>0</u>	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	4,000	4,000	4,000
Reappropriated Funds	0	0	0	0	0
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
Mortgage Broker Consumer Protection	<u>200,979</u>	<u>194,595</u>	<u>241,681</u>	<u>241,681</u>	<u>241,681</u>
General Fund	0	0	0	0	0
Cash Funds	200,979	194,595	241,681	241,681	241,681
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>457,376</u>	<u>437,647</u>	<u>441,164</u>	<u>419,712</u>	<u>419,712</u> *
General Fund	0	0	0	0	0
Cash Funds	457,376	437,647	441,164	419,712	419,712
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
<b>TOTAL - (8) Division of Real Estate</b>	4,430,602	4,490,936	4,936,547	5,010,090	5,010,090
<i>FTE</i>	<u>48.9</u>	<u>48.9</u>	<u>48.9</u>	<u>48.9</u>	<u>48.9</u>
General Fund	0	0	0	0	0
Cash Funds	4,430,602	4,490,936	4,936,547	5,010,090	5,010,090
Reappropriated Funds	0	0	0	0	0
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>(9) DIVISION OF PROFESSIONS AND OCCUPATIONS</b>					
Personal Services	<u>14,913,113</u>	<u>14,915,437</u>	<u>16,216,253</u>	<u>16,822,737</u>	<u>16,822,737</u>
FTE	188.6	188.5	204.2	208.6	208.6
General Fund	0	0	0	0	0
Cash Funds	14,604,507	14,606,129	15,622,802	16,229,286	16,229,286
Reappropriated Funds	308,606	309,308	593,451	593,451	593,451
Federal Funds	0	0	0	0	0
Operating Expenses	<u>1,098,849</u>	<u>943,634</u>	<u>1,658,850</u>	<u>1,669,125</u>	<u>1,669,125</u>
General Fund	0	0	0	0	0
Cash Funds	1,098,849	943,634	1,658,850	1,669,125	1,669,125
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Office of Expedited Settlement Program Costs	<u>302,115</u>	<u>443,487</u>	<u>459,600</u>	<u>470,876</u>	<u>470,876</u>
FTE	4.3	4.8	5.0	5.0	5.0
General Fund	0	0	0	0	0
Cash Funds	302,115	443,487	459,600	470,876	470,876
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Hearings Pursuant to Complaint	<u>226,271</u>	<u>237,762</u>	<u>307,075</u>	<u>307,075</u>	<u>307,075</u>
General Fund	0	0	0	0	0
Cash Funds	226,271	237,762	307,075	307,075	307,075
Reappropriated Funds	0	0	0	0	0
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
Payments to Department of Health Care Policy and Financing	<u>14,652</u>	<u>14,652</u>	<u>14,652</u>	<u>14,652</u>	<u>14,652</u>
General Fund	0	0	0	0	0
Cash Funds	14,652	14,652	14,652	14,652	14,652
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>1,891,234</u>	<u>1,839,190</u>	<u>1,860,347</u>	<u>1,769,884</u>	<u>1,769,884</u> *
General Fund	0	0	0	0	0
Cash Funds	1,891,234	1,839,190	1,860,347	1,769,884	1,769,884
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Fee Relief Payments to DPO Cash Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>14,070,140</u>	<u>0</u> *
General Fund	0	0	0	14,070,140	0
<b>TOTAL - (9) Division of Professions and Occupations</b>	18,446,234	18,394,162	20,516,777	35,124,489	21,054,349
FTE	<u>192.9</u>	<u>193.3</u>	<u>209.2</u>	<u>213.6</u>	<u>213.6</u>
General Fund	0	0	0	14,070,140	0
Cash Funds	18,137,628	18,084,854	19,923,326	20,460,898	20,460,898
Reappropriated Funds	308,606	309,308	593,451	593,451	593,451
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>(10) DIVISION OF SECURITIES</b>					
Personal Services	<u>2,325,130</u>	<u>2,413,274</u>	<u>2,417,638</u>	<u>2,488,252</u>	<u>2,488,252</u>
FTE	25.3	25.3	24.0	24.0	24.0
General Fund	0	0	0	0	0
Cash Funds	2,325,130	2,413,274	2,417,638	2,488,252	2,488,252
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>59,478</u>	<u>99,051</u>	<u>99,064</u>	<u>99,064</u>	<u>99,064</u>
General Fund	0	0	0	0	0
Cash Funds	59,478	99,051	99,064	99,064	99,064
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Hearings Pursuant to Complaint	<u>16,353</u>	<u>15,930</u>	<u>19,594</u>	<u>19,594</u>	<u>19,594</u>
General Fund	0	0	0	0	0
Cash Funds	16,353	15,930	19,594	19,594	19,594
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Board Meeting Costs	<u>604</u>	<u>222</u>	<u>4,500</u>	<u>4,500</u>	<u>4,500</u>
General Fund	0	0	0	0	0
Cash Funds	604	222	4,500	4,500	4,500
Reappropriated Funds	0	0	0	0	0
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
Securities Fraud Prosecution	<u>1,128,468</u>	<u>959,706</u>	<u>1,219,580</u>	<u>1,219,580</u>	<u>1,219,580</u>
General Fund	0	0	0	0	0
Cash Funds	1,128,468	959,706	1,219,580	1,219,580	1,219,580
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>224,479</u>	<u>214,796</u>	<u>216,522</u>	<u>205,993</u>	<u>205,993</u> *
General Fund	0	0	0	0	0
Cash Funds	224,479	214,796	216,522	205,993	205,993
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
<b>TOTAL - (10) Division of Securities</b>	3,754,512	3,702,979	3,976,898	4,036,983	4,036,983
<i>FTE</i>	<u>25.3</u>	<u>25.3</u>	<u>24.0</u>	<u>24.0</u>	<u>24.0</u>
General Fund	0	0	0	0	0
Cash Funds	3,754,512	3,702,979	3,976,898	4,036,983	4,036,983
Reappropriated Funds	0	0	0	0	0
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>(11) DIVISION OF CONSERVATION</b>					
Conservation Easement Program Costs	<u>139,943</u>	<u>200,816</u>	<u>624,076</u>	<u>611,676</u>	<u>611,676</u>
FTE	1.2	1.6	5.8	5.8	5.8
General Fund	0	0	0	0	0
Cash Funds	139,943	200,816	624,076	611,676	611,676
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>35,074</u>	<u>34,009</u>	<u>34,283</u>	<u>32,616</u>	<u>32,616</u> *
General Fund	0	0	0	0	0
Cash Funds	35,074	34,009	34,283	32,616	32,616
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
<b>TOTAL - (11) Division of Conservation</b>	<u>175,017</u>	<u>234,825</u>	<u>658,359</u>	<u>644,292</u>	<u>644,292</u>
FTE	<u>1.2</u>	<u>1.6</u>	<u>5.8</u>	<u>5.8</u>	<u>5.8</u>
General Fund	0	0	0	0	0
Cash Funds	175,017	234,825	658,359	644,292	644,292
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

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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 - Department of Regulatory Agencies</b>	92,714,586	91,543,689	126,648,542	148,388,413	115,224,501
<i>FTE</i>	<u>536.6</u>	<u>557.6</u>	<u>635.5</u>	<u>657.0</u>	<u>654.7</u>
General Fund	2,186,362	1,890,775	2,867,019	17,071,310	3,000,783
Cash Funds	82,987,180	83,591,283	116,251,796	123,509,859	104,506,326
Reappropriated Funds	6,376,721	4,902,035	5,639,571	6,194,385	6,114,072
Federal Funds	1,164,323	1,159,596	1,890,156	1,612,859	1,603,320