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Final Fiscal Note

Drafting Number: LLS 23-0869 Date: May 23, 2023
Prime Sponsors: Sen. Zenzinger; Kirkmeyer Bill Status: Signed into Law
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Bill Topic: STATE AGENCY ATTORNEY HOURLY RATE

- Summary of Fiscal Impact:
State Revenue
State Expenditure
State Transfer
TABOR Refund
Local Government
Statutory Public Entity

Budget package bill. The bill increases the hourly rate for contract attorneys at the Office of the Child's Representative, the Office of Respondent Parents' Counsel, and for certain attorneys at the Alternate Defense Counsel to \$100 per hour in FY 2023-24, with additional increases in future years. The bill will increase state expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required as the rate increase is accounted for in the 2023-24 Long Bill. See State Appropriation section for detail.

Fiscal Note Status: The fiscal note reflects the enacted bill. The bill was recommended by the Joint Budget Committee as part of its FY 2023-24 budget package.

Table 1
State Fiscal Impacts Under SB 23-227

Table with 4 columns: Category, Sub-category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (General Fund, Reappropriated Funds, Total Expenditures), Transfers, and Other Budget Impacts (General Fund Reserve).

## **Summary of Legislation**

The bill sets the rate for contract attorney time at \$100 per hour in FY 2023-24 for the Office of the Child’s Representative (OCR) and the Office of Respondent Parents’ Counsel (ORPC). The bill also sets the rate to \$100 per hour for Office of the Alternate Defense Counsel (OADC) contract attorneys who work on Type B felony cases. The rate must be increased in subsequent years by up to \$5 per year until the rate is 75 percent of the rate paid to federal contractors, which is currently \$164.

## **Background**

The current rate for contract attorneys with OCR, ORPC, and OADC is \$85 per hour, which is 58 percent of the federal contractor rate. If the contractor rate increases \$5 per year, it would reach 75 percent of the federal rate in FY 2028-29, assuming the federal rate does not change.

## **State Expenditures**

The bill increases state General Fund expenditures by \$12.7 million in FY 2023-24, and up to \$17.0 million in FY 2024-25, increasing until the state reaches 75 percent of the federal rate. FY 2024-25 costs assume the number of billable hours stays consistent, currently estimated at 848,892 hours per year among the independent agencies. The exact increase in future year expenditures will be determined through the annual budget process.

## **Effective Date**

The bill was signed into law by the Governor and took effect on April 17, 2023.

## **State Appropriations**

The bill requires an appropriation of \$12,733,391 from the General Fund and reappropriated funds from the Department of Human Services to the Alternate Defense Counsel, the Office of the Child’s Representative, and the Office of Respondent Parents’ Counsel. These amounts are appropriated through the FY 2023-24 Long Bill; therefore, no appropriation is required in the bill.

## **State and Local Government Contacts**

Alternate Defense Counsel  
Joint Budget Committee Staff

Office of the Child’s Representative  
Office of Respondent Parents’ Counsel