

DEPARTMENT OF LAW
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 1, 2021
1:30 pm – 2:45 pm

1:30-1:45 INTRODUCTIONS AND OPENING COMMENTS

Presenter: Philip J. Weiser, Colorado Attorney General

1:45-1:55 COMMON DISCUSSION QUESTIONS

Main Presenters:

- Philip J. Weiser, Colorado Attorney General

Topics:

- Flex Workspace, Lease Space and Leased Vehicles: Page 1, Question 1 in the packet.
- CARES Act and ARPA funding: Pages 1-2, Question 2 in the packet.

1:55-2:10 UPDATE ON SETTLEMENTS IMPACTING CUSTODIAL FUNDS

Main Presenters:

- Philip J. Weiser, Colorado Attorney General

Topics:

- Opioids, Page 2-3, Question 3 in the packet.
- Reintegration of Incarcerated Persons: Page 3, Question 3 in the packet.

2:10-2:20 RESPONSES TO MEMBER QUESTIONS ON CURRENT BUDGET REQUESTS

Main Presenters:

- Philip J. Weiser, Colorado Attorney General

Topics:

- Peace Officers Standards and Training Board Job Task Analysis and Curriculum Development: Page 4, Question 4 in the packet.
- Patterns and Practices program: Page 4, Question 5 in the packet.
- Consumer Credit Safe Affordable Credit Report: Page 5, Question 6 in the packet.

2:20-2:45 MAJOR LITIGATION PENDING AGAINST THE STATE

** The Committee may go into Executive Session to discuss any ongoing litigation*

Main Presenters:

- Philip J. Weiser, Colorado Attorney General
- Natalie Hanlon-Leh Chief Deputy Attorney General

Topics:

- Overview of Major Litigation: Executive Session
- Updates to any litigation discussed at briefing: Executive Session
- Discussion of cases requiring Executive Session:

DEPARTMENT OF LAW
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 1, 2021
1:30 pm – 2:45 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

Response: The Department has implemented a new flexible workspace policy. Prior to the pandemic, the Department was at office space capacity. The past two legislative sessions significantly increased the FTE and associated responsibilities, whereby the Department does not have the resources to provide individual office space to each employee.

To address workspace issues, the Department engaged in a Department-wide employee by employee analysis focusing on the work requirements of each employee, if that work is most effectively performed remotely or in Department office space, as well as implications to other team members and client agencies. This analysis resulted in a recast of the Department office space: some employees will work full time in the office, some employees will now share an office with a peer, while some employees will work primarily from home. The Department is currently installing "hoteling" software for those employees that don't have an assigned office but may periodically need to be in the building to conduct their assignments. In these instances, the employee can reserve an office cubicle for the day.

With respect to the Department fleet vehicles, the Department has installed Agile, a state purchased solution to facilitate Department vehicle reservations and track usage. This software will allow the Department to track the use of each vehicle, the number of reservations, the areas of the state travelled, thereby providing the data for the Department to make better decisions about the fleet size and make up. This software was installed a month before the pandemic. Because the use of the fleet has been greatly minimized during the pandemic, the Department does not have sound data to make recommendations on the appropriate size of the fleet, at this time. Anecdotally, the Department is likely positioned to reduce the number of vehicles in the fleet, however, the Department wants to ensure a solid business assessment to ensure the appropriate resources are in place for effective and efficient program delivery.

- 2 Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal

legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

Response: For FY2020-21, the Department received \$120,000 of CARES Act funding through HB20-1411, "Concerning the Allocation of Money the State Received from the Federal Coronavirus Relief Fund for Behavioral Health."

With these resources, Safe2Tell conducted one public awareness campaign during the 2020-21 school year to address impact of the COVID-19 pandemic on youth. The campaign involved the creation and distribution of three public service announcements (PSAs), each with a unique message. PSA #1 addressed student and parent stress and challenges surrounding online schooling, with the goal of showing support to students who cannot learn in person and to the students and parents who are struggling with the online learning process. PSA #2 addressed student stress caused by a lack of social interaction with the goal of supporting students with a message that while our world has changed, we have the power to seek help for friends. The goal of PSA #3 was to remind the public that Safe2tell is a resource available 24/7/365, even when schools are closed and during holidays, prolonged breaks, and shutdowns.

Currently, the Department is not expecting to receive any additional CARES Act or ARPA funding.

UPDATE ON SETTLEMENTS IMPACTING CUSTODIAL FUNDS

[Sen. Moreno] Provide an update on high visibility custodial funds including those from the settlement from the opioid epidemic and related to the reintegration programs for people who are transitioning out of incarceration into the community.

- Discuss the structure of the programs;
- The expectations on how those funds will be spent; and
- Related to the opioid settlement, the partnership with Colorado counties to distribute those funds.

Response:

Opioid Settlement Funds

As a result of the settlement agreement from litigation the State joined to hold accountable corporate actors for illegal conduct resulting in the opioid epidemic, Colorado will receive \$400 million over the next two decades if a critical mass of cities and counties enter into an agreement with our office. Without this buy-in, Colorado will receive half the amount over the same time period. In anticipation of receipt of the funds, the Department of Law ("the Department" or "DOL") engaged Colorado local governments in a negotiation on both: (1) how to properly spend any settlement monies; and (2) achieve agreement in which local governments would drop any lawsuits, thereby allowing Colorado to further maximize settlement funds received by the State. Through this process, the Department has conducted an extensive outreach campaign, and Colorado is nearing the threshold of signatures needed to maximize Colorado's settlement dollars. After the settlement agreements are signed, the Department will continue to work with local governments across the state to support them and the regions, both directly and through the Statewide Abatement Council.

The DOL's partnership with Colorado counties is reflected in the MOU that directs how opioid settlement recovery funds will be distributed. The DOL and local partners have already achieved broad sign-on and expect close to 100% local government sign-on to the MOU.

According to the agreement reached with the local governments, the funds will be distributed as directed in the Memorandum of Understanding (MOU) between the State of Colorado and local governments, as follows:

- 20% to municipalities and counties (with the option to direct the funds to the county or region);
- 60% to each opioid response region;
- 10% to Infrastructure Fund; and
- 10% to State priorities.

All opioid settlement funds will be spent on opioid use disorder abatement. [The Colorado Opioid Crisis Response Plan](#) lays out a comprehensive (but not exhaustive) list of approved uses. Municipalities and counties will determine how to spend opioid funds consistent with the MOU. The Department, regions, and local governments will establish a Statewide Abatement Council with oversight of region spending and infrastructure fund spending, subject to the approval of the Opioid Crisis Recovery Funds Advisory Committee, the committee established by the General Assembly in 2019 to work with the Department on spending priorities. The Department is preparing a plan for the expected state share of the remaining settlement funds (10% of total) that will be directed to the opioid custodial fund, which will be guided by the Opioid Crisis Recovery Funds Advisory Committee. The state share will be used for opioid use disorder abatement, with a portion being used for operating expenses for the Department's Opioid Response Unit.

Custodial opioid recovery funds received thus far are limited to the McKinsey and Company Settlement that occurred in February 2021. The first settlement payment of approximately \$8.2 million was received in April 2021; approximately \$1.7 million more will be paid out to Colorado in equal annual installments from 2022-2025.

Reentry Employer Network Initiative

In November 2021, the Department granted \$1,192,072 to the Department of Corrections ("DOC") to support the DOC's Work and Gain Education & Employment Skills program ("WAGEES"). The DOC contracts with the Latino Coalition for Community Leadership ("LCCL") to run the WAGEES program. The Department's grant to the DOC will fund a fair chance hiring pilot program within DOC's existing agreement with LCCL. The purpose of the Program is to reduce recidivism through employment across the State of Colorado in connection with ongoing statewide reentry efforts.

LCCL will develop a Fair Chance Hiring Council, conduct a landscape analysis, recruit and train employers, develop a fair chance employer directory, build employer/community relationships, deploy sub-grants for community partner capacity building, and develop a sustainability plan.

CURRENT BUDGET REQUESTS

[Rep. McCluskie] Provide an update on the work of the Peace Officer Standards and Training (POST) Board job task analysis. Provide an update and timeline on updating the POST Board curriculum(s) including a timeline for when work is expected to be completed.

Response: The DOL is currently utilizing one-time \$150,000 spending authority for FY2021-22 to conduct a Job Task Analysis (JTA). This analysis will identify the key job tasks that entry-level peace officers must be able to perform—along with the competencies necessary to perform those tasks safely and competently. The results of the JTA will then inform the development of an entirely revised curriculum for law enforcement academies that incorporates effective adult learning pedagogies to teach and deliver the competencies necessary for students' success as entry-level peace officers in our state.

The DOL is not anticipating any additional resource needs for the JTA effort. Building on that foundation, the DOL is committed to redesigning the peace academy curriculum through a multi-step process:

- JTA completed by June 30, 2022;
- Curriculum redevelopment assessment completed by June 30, 2023;
- Develop new curriculum, train academy instructors on new curriculum, and pilot the curriculum in a few select academies by June 30, 2024; and
- Conduct statewide implementation during FY 25 based on lessons learned during FY 24.

As this process proceeds, the Department will evaluate our fiscal needs and apprise this committee of relevant investments necessary to improve greatly how we train peace officers.

[Rep. Herod] Discuss the current workload of the new Patterns and Practices program. Describe how the budget request R5 Patterns and Practices Funding will impact the Department ability to respond to the complaints filed to date and whether the Department anticipates having enough funding to timely respond if approved.

Response: While the Department is unable to comment publicly on pending or ongoing investigations, significant requests have been made from the public for the DOL to commence patterns and practices investigations into governmental authorities.

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

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

[Sen. Moreno] Discuss the R7 Consumer Credit Unit Safe Affordable Credit Report request. If the Department is seeking an additional \$215,000 for FY 2022-23, as opposed to extending the spending authority of the FY 2021-22 appropriation for this purpose, discuss the cause for the increased cost since passage of the FY 2021-22 Long Bill.

Response: For the FY 2021-22 budget cycle, the Department received \$215,000 General Fund spending authority to conduct a specific study on credit affordability. This effort requires a formal solicitation and selection to hire a qualified vendor. The DOL initially conducted a Request for Information ("RFI") to identify potential vendors and solutions for this effort. The DOL received no responses. Since the RFI, the Department has identified two potential vendors.

Additionally, the RFI process and assessment of potential vendors has provided the DOL a better understanding of the magnitude and scope of this effort. Completion of the analysis and study is estimated to require more time than available this fiscal year. As such, the Department has determined it is unable to expend this one-time funding in the present fiscal year, and requests the General Assembly extend (not increase) the funding for an additional fiscal year.

MAJOR LITIGATION PENDING AGAINST THE STATE

[Rep. McCluskie] Provide an overview of the major litigation pending against the state and highlight those the Attorney General believes would be of most interest to the Joint Budget Committee.

[JBC Staff] Discuss any notable changes or updates related to any of the items included in the Major Litigation Pending Against the State report to the Controller for 2021.

[JBC Staff] If applicable, discuss any other litigation pending before the state for which an Executive Session with the Committee is required.

Response: This discussion is best handled in Executive Session.

DEPARTMENT OF LAW
FY 2022-23 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

Response: As of the date of this communication, there is no legislation with a fiscal impact that the Department of Law has failed to implement or has partially implemented, within statutory deadlines.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

Response: The DOL is not aware of any High Priority Outstanding recommendations in the State Auditor's annual report.

The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

Response: The DOL engages in several public awareness campaigns.

Safe2Tell engages in public awareness activities with the goal of creating awareness of the program as a resource to youth in Colorado. During the 2021-2022 school year, Safe2Tell has

not conducted any new paid awareness campaigns. Instead, the focus for awareness has been to reach students through posting to social platforms they frequently engage in. Safe2Tell launched a TikTok account in September 2021 to post informative videos, training messages, and trending themes that can be related to reporting through Safe2Tell. Safe2Tell also posts regularly on existing Instagram and Twitter accounts with messages about when, why, and how to make a Safe2Tell report.

Safe2Tell is currently redeveloping the program website, which will have several pages that are trans-created in Spanish. The site will employ current standards for mobile device optimization and provide access to the tip reporting form, training materials and general Safe2Tell resources. The cost for the website redevelopment is \$39,000. Also, Safe2Tell purchased 200 additional masks with the Safe2Tell logo to satisfy school requests, totaling \$500.

Safe2Tell often receives earned media as a result of our monthly public updates.

Firearm Safety

The Department of Law, in partnership with district attorneys and firearm safety organizations around the state, produced the following videos and awareness campaign on safe firearm storage: <https://coag.gov/firearmsafety/> . The Department spent approximately \$25,000 developing these videos with a production company and \$60,000 on dissemination on broadcast television and radio via the Colorado Broadcasters Association.

Opioid Response

In August 2021, the Colorado Attorney General finalized the Memorandum of Understanding with local governments to determine how the opioid crisis recovery funds would be distributed across the state. The Opioid Response Unit created a [video](#) to encourage local governments to sign onto the MOU and the national settlements, at a cost of \$21,860. The video, and other DOL outreach efforts over the last 18 months, have resulted in Colorado leading the nation in local government sign-on to the national settlement agreements. We anticipate close to 100% Colorado local government sign-on, which will meet the goal to maximize settlement funds for Colorado.

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

Response: C.R.S. § 24-4-103(2.5)(a), specifies the process whereby any person may request the DORA to require any agency proposing a rule to conduct a cost-benefit analysis. Additionally, C.R.S. § 24-4-103(4.5)(a), allows any person to request that a State agency conduct a regulatory analysis of proposed rule changes. Each of these analyses have specified statutory requirements.

During FY2020-21, the POST Board promulgated or modified 37 rules. No cost benefit analyses were requested of these rules. However, the POST Board did conduct a requested cost benefit analysis during the November 15, 2021 rulemaking. The reason for the new rule and amendments was to implement Colorado House Bill 21-1250 ("HB 21-1250") and House Bill of 21-1251 ("HB 21-1251") as well as Colorado Senate Bill 21-174 ("SB 21-174"), which were signed into law on July 6, 2021 and July 2, 2021, respectively (collectively "legislation"). This legislation mandates the POST Board promulgate rules related to creation of a public facing database that tracks peace officer misconduct and termination, reporting processes to collect data related to the same, and creation of new disqualifying incidents that would subject a certificate holder to revocation or suspension. Conforming rule changes were needed to effectuate these changes.

During CY 2021, the Consumer Protection section promulgated rules addressing investigative hearings. The purpose of the rules is generally to assist the Attorney General in enforcing the Colorado Consumer Protection Act (CCPA) and the Colorado Antitrust Act (CAA) and provides clarity and certainty to the individuals and entities participating in the investigative hearing process. The rules support the Attorney General's mandates to identify offenders and protect the public and businesses from conduct that threatens consumers and the marketplace. A cost benefit analysis was requested for these rules which the DOL produced on September 2, 2021.

During FY2020-21, the Consumer Credit Unit promulgated two rules. One of these rules, addressed the Colorado Student Loan Equity Act, adopted July 30, 2021 and one rule addressed Colorado Fair Debt Collection practices, adopted May 7, 2021. No cost benefit analyses were requested for these rules.

- 5 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

Response: The Department is not a major goods buyer; as such, changes due to inflation and the CPI are not major factors contributing to any cost increases for the Department.

The primary cost drivers for the Department are salaries and associated state paid benefits and the costs associated with expert witnesses hired to support specific litigation efforts. The Department is in constant competition for talent with the private sector and other public sector attorney organizations. To maintain competitiveness with the public sector attorney market, the Department is requesting a 6% salary increase for all attorney positions, with the exception of management attorneys. For management attorneys, the Department is requesting a 3% salary increase. The Department is witnessing an increase in attorney departures over the past year. In many instances, the departures are due to increased salary opportunities.

The Department pays for all litigation costs on behalf of the client agencies. These costs are one of the factors associated with the legal allocations to each State agency. In some instances, the Department must hire expert witnesses such as medical professionals, scientists, or other specialized disciplines to best support the State's legal positions. The hourly rates charged by these disciplines are factored into the monthly spending projections to help ensure the

Department is most effectively meeting its obligations within spending authorities provided by the General Assembly.

Furthermore, the Department is assessing various technology solutions to support the provision of legal services to State, client agencies and consumer protection and criminal justice efforts. Depending on the business direction of the organization, the Department may submit future budget requests to address these potentially emerging needs.

- 6 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

Response: Based on the three-year average allocation for the client agencies plus hours associated with special bills impacting FY 2021, the DOL estimated 409,563 hours of legal work for FY 2020-21. The actual FY 21 hours worked on behalf of client agencies was 441,556, demonstrating increased demand for legal services by all state agencies. The DOL opened 5,462 new legal matters in FY20 and 5,216 new legal matters in FY21.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;
- b. Specify why additional FTE are necessary; and
- c. Describe the evaluation process you used to determine the number of FTE requested.

Response: The DOL modified the responsibilities of various existing positions, over the past two years, to best address client needs and the work of the DOL. Each of these positions were funded within existing resources authorized by the General Assembly and based on workload demand. These positions include:

- Corrections Litigation Manager
- Grants Specialist
- Asst Attorney General
- Human Resources Specialist
- 1st Assistant Attorney General Cross Unit Matters
- 1st Assistant Attorney General Criminal Appeals
- 2nd Assistant Attorney General Corrections Unit
- 2nd Assistant Attorney General Employment, Personnel and Civil Rights Unit
- 2nd Assistant Attorney General Employment, Personnel and Civil Rights Unit
- 2nd Assistant Attorney General Employment, Personnel and Civil Rights Unit
- 3.0 2nd Assistant Attorney General Human Services
- 2nd Assistant Attorney General Parks and Wildlife

Additionally, due to significant needs posed to the Department to fulfill its statutory obligations—particularly due to the opioid epidemic, related litigation, and increasing consumer complaints, the Department created the following personnel positions.

- Director of Opioid Response
- Grants Specialist
- Program Asst I
- Grants Specialist
- Program Management I
- IT Professional
- Technician III
- 3.0 Assistant Attorney General positions Corrections
- Legal Assistant- Corrections
- Assistant Attorney General Conflicts Counsel
- 2.0 Legal Assistants Human Services
- Administrator II
- IT Professional
- Compliance Specialist II
- IT- Part-time Administrative Assistant III
- Procurement Specialist
- IT Professional
- Legal Assistant II
- Marketing & Comm Specialist
- Legal Assistant Higher Education
- Administrative Assistant part-time, Human Services
- IT- Project Manager
- Analyst IV
- Assistant Attorney General Higher Ed
- Assistant Attorney General Contracts & Procurement
- Assistant Attorney General Public Officials

For the FY2022-23 Budget Request, the Department is requesting 9 new FTE and the reinstatement of 6.5 FTE that were cut during the FY2020-21 budget balancing efforts.

- BR#2 Administration Support of the DOL: The Department is requesting a Budget Analyst, an HR Specialist, and an HR Technician. These are state personnel classified positions. As such, all Department employees and external candidates that meet the minimum requirements will be welcome to apply and compete for these positions.

As articulated in the request, as well as the supporting data, the Department has grown significantly with a variety of funding sources and additional responsibilities and FTE over the past decade. To best meet the financial complexity of the organization and new HR mandates, such as the “equal pay for equal work” and collective bargaining responsibilities the Department is making this request.

For the Budget Analyst position the Department informally surveyed other agencies to better understand staffing and workload needs. This information coupled with the growth in the organization and estimated workloads were the determining factors in making this FTE request. For the HR Specialist and Technician positions, the Department used industry standards to help guide the appropriate staffing based on size of the agency.

- BR#3 addresses increased workload in the Peace Officers Standards and Training Board (POST). The General Assembly has passed various bills over the past two legislative sessions expanding the data collection, reporting responsibilities, and potential POST Board actions. The cumulative impact of these bills has resulted in a measurable impact on the POST staff, necessitating this request. The requested position is a state personnel classified position. All Department employees and external candidates that meet the minimum requirements will be welcome to apply and compete for these positions.

BR#4 "Medicaid Fraud Control Unit Staffing: The Department is requesting 4.0 FTE. 2.0 of these FTE are Criminal Investigators, 1.0 Legal Assistant, and 1.0 Data Manager. These are state personnel classified positions. As such, all Department employees and external candidates that meet the minimum requirements will be welcome to apply and compete for these positions.

The Department reviewed Medicaid data, state Medicaid financial data, current caseload, the time to review incoming potential cases, as well as reviewed the current impacts of this program. This data helped determine the conservative request for additional resources and the estimated returns of these additional resources.

- BR#5 Patterns and Practices: This request is to add an additional attorney to the current 2 FTE staffing for these efforts. The Department used data from a recent investigation to help determine the appropriate annual staffing. All Department employees and external candidates that meet the minimum requirements and are licensed as attorneys will be welcome to apply and compete for this position.

Lastly, the Department is requesting the reinstatement of 9 positions that were cut from the Department during FY2020-21 budget balancing. In all instances, the Department was able to move the FTE occupying cut positions to other vacant positions in the Department or reduced FTE positions and associated resources that were vacant. As such, no Department employee lost their job, as a result of the budget reductions. Since then, 3 of these FTE have either retired from state government or have taken a position outside of the Department. For those employees that are attorneys and continue to work for the Department, the Department will gauge each employee's interest in their previous position. For the classified positions, all Department employees and external candidates that meet the minimum requirements will be welcome to apply and compete for these positions.

- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

Response: The POST Board is responsible for ensuring statewide consistency in the qualifications and training for peace officers. The Board thus certifies peace officers appointed by state and local law enforcement agencies, regulates peace officer training academies, and facilitates on-going training for all state peace officers by disbursing grants and providing training sessions specifically developed by the POST Board and staff.

Pursuant to Senate Bill 14-215, the Marijuana Tax Cash Fund, supported by taxes on marijuana, supports law enforcement training programs related to marijuana, including advanced roadside impaired driving enforcement training and drug recognition expert training. The POST Board was appropriated \$1,036,766 during FY 2019-20 from the Marijuana Tax Cash Fund for these efforts. This funding was eliminated for FY 2020-21 and for FY 2021-22. The POST Board is currently operating exclusively within the POST Cash Fund. The DOL anticipates spending roughly \$5.3M during FY 2021-22 to support staffing, grants for training, and associated operating costs. The DOL is requesting the reinstatement of the Marijuana Tax cash funds through BR#1 "Budget Reduction Restoration".

Additionally, the DOL refinanced all attorneys in the Consumer Protection Unit—that were traditionally paid by GF appropriations—to the Consumer Protection Custodial Fund starting in FY 2020-21. This budgetary move is currently saving roughly \$2.6M of GF in salaries, state paid benefits, and associated operating costs. The DOL is requesting the reinstatement of these funds through BR#1 "Budget Reduction Restoration".

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

Response:

Line Item	FY 21 Spending Authority Reversion	Source of Funding	Reason for Reversion
Administration Personal Services	44,547	RF: Indirect Cost Assessment	Savings due to turnover in staff and time to refill positions
Office of Community Engagement	124,942	GF and Marijuana Tax Cash Fund	Savings due to turnover in staff and time to refill positions as well as reduced travel and in person training due to pandemic impact on Safe2Tell
Administration Operating	22,898	RF: Indirect Cost Assessment	Reduced travel due to pandemic impacts
Legal Services to State Agencies Personal Services	2,117,723	RF: Legal Services to State Agencies Cash Fund	Savings due to turnover in staff and time to fill vacant positions and new positions granted through special legislation

Legal Services to State Agencies Operating	943,376	RF: Legal Services to State Cash Fund	Savings due to reduced travel and less operating demands due to staff vacancies
Special Prosecution	430,549	GF, Insurance Fraud Cash Fund, and RF from Securities Cash Fund	Savings due to turnover in staff and time to refill positions as well as reduced travel and associated operating
Auto Theft Prevention Grant	149,089	RF from Auto Theft Prevention Grant	Savings due to reduction in staffing and associated operating
Criminal Appeals	67,803	GF and RF from Indirect Cost Assessment	Savings due to turnover in staff and time to refill positions
Medicaid Fraud Control Unit	179,035	25% GF and 75% FF	Savings due to turnover in staff and time to refill positions
Peace Officers Standards and Training Board	530,794	Peace Officers Standards and Training Board Cash Fund	Savings due to turnover in staff and regional training grants not being fully utilized by training regions.
Federal and Interstate Water	29,543	GF	Savings due to reduced travel and operation expenses associated with pandemic impacts.
CERCLA	327,838	RF from CDPHE	Savings due to vacancy savings and the need for fewer contracts during the fiscal year.
Consumer Protection	224,837	Consumer Protection and Tobacco Settlement Litigation Cash Funds	Savings due to vacancy savings and the times associated with refilling positions.
Consumer Credit Unit	44,172	CAB, UCCC and Student Loan Cash Funds	Savings due to turnover in staff and time to refill positions

In certain instances, the Department will hire temporary attorneys to fill critical needs while a position is being advertised and filled by a permanent state employee. This occurs when the particular expertise is available within temporary attorney ranks. In many instances, it is difficult to fill certain expertise needs with temporary attorneys. In these instances, the Department does not utilize any savings from vacant positions for other purposes and, instead, attempts to quickly fill the vacant position to best meet client and state priorities.

Line Item	FY 22 Estimated Spending Authority Reversion	Source of Funding	Reason for Reversion
Patterns and Practices	105,000	GF	Savings due to timing of initial staffing for these efforts
Legal Services to State Agencies Personal Services	1,500,000	RF: Legal Services to State Agencies Cash Fund	Savings due to turnover in staff and time to fill vacant positions and new positions granted through special legislation
Legal Services to State Agencies Operating	800,000	RF: Legal Services to State Cash Fund	Savings due to reduced travel and less operating demands due to staff vacancies
Medicaid Fraud Control Unit	125,000	25% GF and 75% FF	Savings due to turnover in staff and time to refill positions
CERCLA	200,000	RF from CDPHE	Savings due to vacancy savings and the need for less expert contracts during the fiscal year.
Financial Empowerment	100,000	GF	Savings due to timing of initial staffing for these efforts
Consumer Credit Unit	215,000	GF	Safe, Affordable Credit Study
Consumer Credit Unit	60,000	CAB, UCCC and Student Loan Cash Funds	Savings due to turnover in staff and time to refill positions

The Department is not able to estimate any FY2022-23 vacancy savings, as appropriations and staffing patterns have not yet been determined for this fiscal year.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:
- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.
 - b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.
 - c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

Response:

Non-Tax Revenues Collected by Department That Are Subject to TABOR (excluding sources that amount to less than \$100,000/year)				
Revenue Source	Associated Cash Fund	Revenues Collected Annually		
		FY 2020-21 Actual	FY 2021-22 Projection	FY 2022-23 Projection
Insurance Fraud Fee	Insurance Fraud Cash Fund #1620.	2,573,683	2,140,678	2,290,000
Business Registrations	Collection Agency Board Cash Fund #1500	793,401	960,000	1,019,000
Business Registrations	Uniform Consumer Credit Code Cash Fund #1510	1,933,119	2,060,000	2,185,000
Business Registrations	Student Loan Ombudsperson and Student Loan Servicer Cash Fund #1511	429,625	400,000	425,000
Certification and Inspection Fees	Peace Officers Standards and Training Board Cash Fund	168,071	170,000	170,000
TOTALS		5,897,900	5,730,678	6,089,000

None of the Department decision item budget requests impact any of these cash funds and fee settings.

NOTE: An example template for providing data for this question will be provided by the JBC Staff.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.

Response: For FY2020-21, the Department received \$120,000 of CARES Act funding through HB20-1411, "Concerning the Allocation of Money the State Received from the Federal Coronavirus Relief Fund for Behavioral Health.

With these resources, Safe2Tell conducted one public awareness campaign during the 2020-21 school year to address impact of the COVID-19 pandemic on youth. The campaign involved the creation and distribution of three public service announcements (PSAs), each with a unique message. PSA #1 addressed student and parent stress and challenges surrounding online schooling, with the goal of showing support to students who cannot learn in person and to the students and parents who are struggling with the online learning process. PSA #2 addressed student stress caused by a lack of social interaction with the goal of supporting students with a message that while our world has changed, we have the power to seek help for friends. The goal

of PSA #3 was to remind the public that Safe2tell is a resource available 24/7/365, even when schools are closed and during holidays, prolonged breaks, and shutdowns.

Currently, the Department is not expecting to receive any additional CARES Act or ARPA funding.

NOTE: A template for providing data for this question will be provided by the JBC Staff.