

JOINT BUDGET COMMITTEE



STAFF FIGURE SETTING FY 2023-24

DEPARTMENT OF LAW

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

PREPARED BY:
SCOTT PHILIP THOMPSON, JBC STAFF
FEBRUARY 22, 2023

JOINT BUDGET COMMITTEE STAFF
200 E. 14TH AVENUE, 3RD FLOOR • DENVER • COLORADO • 80203
TELEPHONE: (303) 866-2061 • TDD: (303) 866-3472
<https://leg.colorado.gov/agencies/joint-budget-committee>

TABLE OF CONTENTS

Department Overview	1
Summary of Staff Recommendations.....	1
Description of Incremental Changes.....	2
Major Differences from the Request.....	6
Decision Items Affecting Multiple Divisions	6
➔ R3 Investigator targeted salary	6
➔ BA1 Total Compensation Attorney Salary Survey.....	7
➔ Staff-initiated operating expenses inflation adjustment.....	9
(1) Administration.....	11
Decision Items – Administration.....	12
➔ R4 Patterns and Practices FTE	12
➔ R5 IT asset maintenance	13
➔ R6 Administration section support of agency	14
➔ R9 Refinance Safe2Tell Marijuana Tax Cash Fund with General Fund.....	16
➔ BA2 Administer negotiated payroll changes	17
Line Item Detail – Administration	19
(2) Legal Services to State Agencies	37
Decision Items – Legal Services To State Agencies.....	38
➔ R7 Legal costs for Public Health and Environment (continuation of supplemental)	38
Line Item Detail – Legal Services to State Agencies.....	41
(3) Criminal Justice and Appellate.....	44
Decision Items – Criminal Justice and Appellate.....	45
➔ R2 Organized retail crime	45
Line Item Detail – Criminal Justice and Appellate.....	46
(4) Water and Natural Resources.....	53
Decision Items – Water and Natural Resources.....	54
➔ R1 Federal Interstate Water Unit Additional FTE	54
Line Item Detail – Water and Natural Resources	56
(5) Consumer Protection	62
Decision Items – Consumer protection.....	62
➔ R8 False Claims Recovery Cash Fund spending authority	62
Line Item Detail – Consumer Protection.....	64

(6) Special Purpose	68
Decision Items – Special Purpose.....	68
➔ BA1a Costs for imminent special litigation.....	68
➔ JBC Staff-initiated Codify Litigation Management Footnote [Requires Legislation].....	71
Line Item Detail – Special Purpose	73
Long Bill Footnotes and Requests for Information	79
Long Bill Footnotes	79
Requests for Information.....	80
Appendix A: Numbers Pages.....	81
Appendix B: IT Asset Maintenance Refresh Cycle and Cost Estimates	96

HOW TO USE THIS DOCUMENT

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

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

DEPARTMENT OVERVIEW

The Attorney General is one of five independently elected constitutional officers of the State. As the chief executive officer of the Department of Law, the Attorney General represents and defends the legal interests of the people of the State of Colorado and serves as the legal counsel and advisor to state agencies. The Department also administers a number of programs and organizational units that engage in enforcement of civil complaints, such as consumer, environmental, and natural resources protection, Medicaid fraud, and tobacco settlement agreements. As well as those engaged in criminal enforcement including complex and multijurisdictional cases, large-scale conspiracies, financial crimes, and standardizes the training for peace officers.

SUMMARY OF STAFF RECOMMENDATIONS

DEPARTMENT OF LAW						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$112,114,238	\$20,361,958	\$19,915,728	\$68,605,451	\$3,231,101	581.2
Other legislation	1,461,979	261,943	596,843	606,097	(2,904)	10.9
SB 23-122 (Supplemental bill)	988,137	(1,176)	(712)	990,025	0	1.1
TOTAL	\$114,564,354	\$20,622,725	\$20,511,859	\$70,201,573	\$3,228,197	593.2
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$114,564,354	\$20,622,725	\$20,511,859	\$70,201,573	\$3,228,197	593.2
BA1 DOL Total Compensation	3,879,055	747,769	141,977	2,991,699	(2,390)	0.0
BA1a Costs for imminent special litigation	1,475,700	0	1,475,700	0	0	0.0
BA2 Administer negotiated payroll changes	247,458	0	0	247,458	0	2.7
R1 Federal interstate additional FTE	181,839	181,839	0	0	0	1.6
R2 Special Prosecution organized retail crime	507,556	507,556	0	0	0	4.2
R3 Criminal investigator coordinated compensation	296,478	72,790	72,100	12,012	139,576	0.0
R4 Patterns and practices	107,268	107,268	0	0	0	0.8
R5 IT asset maintenance	244,994	65,112	32,227	139,001	8,654	0.0
R6 Admin section support	171,583	0	0	171,583	0	1.8
R7 Representation of CDPHE	459,969	0	0	459,969	0	2.4
R8 False claims recovery cash fund spending authority	300,000	0	300,000	0	0	0.0
R9 Refinance Safe2Tell MTCF to GF	(16,194)	202,218	(218,412)	0	0	(0.2)
Staff-initiated operating expenses inflation adjustment	245,259	34,865	79,515	130,879	0	0.0
Centrally appropriated line items	6,279,258	1,980,715	824,062	3,190,557	283,924	0.0
Indirect cost adjustment	633,779	0	70,452	570,251	(6,924)	0.0
Nonprioritized items	375,064	29,313	15,230	327,581	2,940	1.3
Annualize prior year budget actions	61,473	45,128	(265,025)	148,012	133,358	0.7
Annualize prior year legislation	(1,581,714)	34,837	313,127	(1,929,678)	0	9.6
Technical changes	0	(292,401)	344,324	(61,614)	9,691	(2.0)
TOTAL	\$128,433,179	\$24,339,734	\$23,697,136	\$76,599,283	\$3,797,026	616.1
INCREASE/(DECREASE)	\$13,868,825	\$3,717,009	\$3,185,277	\$6,397,710	\$568,829	22.9
Percentage Change	12.1%	18.0%	15.5%	9.1%	17.6%	3.9%

DEPARTMENT OF LAW						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 EXECUTIVE REQUEST	\$129,484,257	\$24,542,012	\$23,607,542	\$77,544,767	\$3,789,936	618.2
Request Above/(Below) Recommendation	\$1,051,078	\$202,278	(\$89,594)	\$945,484	(\$7,090)	2.1

DESCRIPTION OF INCREMENTAL CHANGES

BA1 DOL TOTAL COMPENSATION: The recommendation includes \$3,879,055 total funds, including an increase of \$747,769 in General Fund. The Department’s attorney positions are not included in the Total Compensation Survey performed by the Department of Personnel. As such, the Department annually contracts to assess the attorney classification pay ranges, salaries, and salary increases within the local marketplace to determine competitive and appropriate salary increase requests. The Department’s marketplace is generally public sector attorney employers along the Front Range. The Department seeks this change to remain competitive and slow departures of current attorneys.

BA1A COSTS FOR IMMINENT SPECIAL LITIGATION: The recommendation includes \$1,475,700 cash funds spending authority from the Attorneys Fees and Costs Cash Fund to fund the anticipated costs of three trials related to the death of Elijah McClain. While cost estimates available now are limited, delaying action until those costs are more certain would result in the need for the Department to seek an emergency supplemental. The Attorneys Fees and Costs Cash Fund has sufficient balance and unanticipated or extraordinary litigation is one of its primary use-purposes.

BA2 ADMINISTER NEGOTIATED PAYROLL CHANGES: The recommendation includes \$247,458 in reappropriated funds from the Legal Services to State Agencies Cash Fund and 2.7 FTE to implement the option required to be offered by the employee partnership agreement that allows employees to elect a one-time opportunity to switch to biweekly lag pay. The majority of the Department’s current employees are paid current monthly. The addition of at least two pay cycles per month and additional steps to close the month end books for lag-pay employees that was less burdensome of current-pay monthly employees requires an ongoing addition of 3.0 FTE.

R1 FEDERAL INTERSTATE ADDITIONAL FTE: The recommendation includes \$181,839 General Fund and 1.6 FTE in FY 2023-24 to attend responsibilities associated with the Colorado River negotiations. Staff participates in litigation, when necessary, but also by actively serving as negotiation counsel to arrive at creative solutions for managing the basin consistent with existing laws under increasingly variable conditions. Because no major rivers flow into Colorado, Colorado must satisfy all its water demands from sources within the State. This Unit’s attorneys and staff are experts in Colorado’s river matters and dedicated to protecting the state’s interests.

R2 SPECIAL PROSECUTION ORGANIZED RETAIL CRIME: The recommendation includes 4.2 FTE and \$507,556 General Fund to increase staff capacity for special prosecutions. The demand for special prosecution resources has increased to help combat complex and organized criminal activity. The Department’s workload has more than doubled related to assistance requested by entities that typically refer cases to the Department for special prosecutions and the Department has had to delay or defer action against criminal organizations due to the lack of capacity.

R3 CRIMINAL INVESTIGATOR COORDINATED COMPENSATION: The recommendation includes an increase of \$296,478 total funds, including \$72,790 General Fund in FY 2023-24 and \$272,012 total funds in FY 2024-25 including \$66,783 General Fund in FY 2024-25 and ongoing for salary increases within the criminal investigator job classification series. By increasing salaries to be more in line with the Colorado labor market, the Department will ensure better retention of current high functioning investigators and will also provide the Department the ability to make competitive salary offers for vacant positions.

R4 PATTERNS AND PRACTICES: The recommendation includes \$107,268 General Fund and 0.8 FTE to increase staff capacity for patterns and practices investigations as authorized by Senate Bill 20-217 and associated enforcement areas. The requests for investigations into patterns and practices of civil rights violations by government entities continues to exceed the resources dedicated to the program.

R5 IT ASSET MAINTENANCE: The recommendation includes \$244,994 total funds, including \$53,403 General Fund to its Information Technology Asset Maintenance line item. This request will provide necessary resources to address the annual replacement of the department's IT infrastructure, accommodating for the recent increases in FTE. The request is primarily for annual licensing for software but also includes a variety of hardware with a life cycle of at least four years and for as many as seven. Due to the size and operational nature of this request, it was not referred to the Joint Technology Committee.

R6 ADMIN SECTION SUPPORT: The recommendation includes \$171,583 reappropriated funds spending authority and 1.8 FTE for FY 2023-24 to meet increasing administrative workload specifically in the Human Resources and Financial Services units due to the general expansion in programmatic responsibilities and Department staffing. Funding the request brings the Department's ratio of administrative staff to employees into the range of the industry standard.

R7 REPRESENTATION OF CDPHE: The recommendation includes \$459,969 reappropriated funds in FY 2023-24 to continue the appropriations for legal services provided in the Department's FY 2022-23 supplemental bill. The Colorado Department of Public Health and Environment (CDPHE) is experiencing an increased need for legal support that requires additional legal expertise and hours. Though some legal support is specific to promoting equitable outcomes by supporting CDPHE's environmental justice and civil rights compliance, many of the legal services below include assistance to reduce disproportionate impacts and improve meaningful involvement which is being embedded across the environmental health and protection divisions, in addition to the substantive-specific work that will occur. Areas impacted are Title V Air Permit litigation, oil and gas permitting, general response to complaints, investigations, and systems improvements, and environmental justice.

R8 FALSE CLAIMS RECOVERY CASH FUND SPENDING AUTHORITY: The recommendation includes \$300,000 cash funds spending authority in a new line item, "False Claims Recovery Cash Fund" within the Consumer Protection Long Bill Budget Group. The funding provides the Department spending authority such that in the event recoveries are received that it can make the required reimbursements to those entities defrauded and that recoveries and penalties were made on behalf of pursuant to law enacted in H.B. 22-1119 (Colorado False Claims Act).

R9 REFINANCE SAFE2TELL MTCF TO GF: The recommendation includes \$202,218 General Fund and 1.8 FTE with a corresponding reduction to the Marijuana Tax Cash Fund appropriation of \$218,412 and 2.0 FTE for FY 2023-24. The change refinances two positions funded by the Marijuana

Tax Cash Fund with General Fund due to the minimal nexus between the Safe2Tell program and the purposes of the Marijuana Tax Cash Fund. The reduction is greater than the increase in General Fund in the first year, due to moving a cash funded position to General Fund and having to account for the pay date shift. These positions were originally requested to be funded with General Fund, however, pressure on balancing the General Fund pushed this budget item to be funded by the Marijuana Tax Cash Fund.

STAFF INITIATED OPERATING EXPENSES INFLATION ADJUSTMENT: The recommendation includes an increase of \$245,259 total funds, including \$34,865 General Fund, which represents a nine percent increase to operating line items to reflect a similar request as the statewide inflation request impacting non-elected official budgets. JBC staff requests permission to reflect any changes made to the statewide request in this staff-initiated recommendation if the Committee were to elect a different inflationary rate.

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

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey	\$3,808,664	\$923,087	\$425,259	\$2,362,904	\$97,414	0.0
Health, life, and dental	989,327	355,332	195,820	360,478	77,697	0.0
Payments to OIT	800,693	228,214	101,155	439,431	31,893	0.0
Health, life, dental true-up	363,570	87,444	48,142	215,435	12,549	0.0
AED	299,848	94,653	51,569	131,883	21,743	0.0
SAED	299,848	94,653	51,569	131,883	21,743	0.0
DPA Paid family leave	279,025	68,594	33,787	168,877	7,767	0.0
Legal services	115,190	44,245	70,945	0	0	0.0
Risk management & property adjustment	52,548	25,189	(341)	22,872	4,828	0.0
Risk legal adjustment correction	22,252	5,913	2,928	12,625	786	0.0
Short-term disability	2,967	1,612	816	22	517	0.0
ALJ services	191	0	191	0	0	0.0
PERA Direct Distribution	(736,961)	48,765	(150,351)	(640,916)	5,541	0.0
Workers' compensation	(12,401)	2,948	(5,667)	(10,898)	1,216	0.0
CORE adjustment	(5,503)	66	(1,760)	(4,039)	230	0.0
TOTAL	\$6,279,258	\$1,980,715	\$824,062	\$3,190,557	\$283,924	0.0

INDIRECT COST ADJUSTMENT: The recommendation includes adjustments to account for indirect cost recoveries to cover the cost of administrative overhead across the Department.

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

NONPRIORITIZED ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
NP5 PHE Water legal services	\$250,000	\$0	\$0	\$250,000	\$0	1.3
NP4 OIT Budget package	117,034	31,104	15,395	66,401	4,134	0.0
DPS Digital trunk radio	8,625	2,396	5,126	1,103	0	0.0
NP1 DPA COE common policy	8,584	2,268	1,129	4,884	303	0.0
NP3 DPA Transfer perf. Budgeting to DPA	527	140	69	299	19	0.0

NONPRIORITIZED ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OIT Real time billing	(4,898)	(1,302)	(644)	(2,779)	(173)	0.0
NP2 Fleet vehicle adjustment	(4,808)	(5,293)	(5,845)	7,673	(1,343)	0.0
TOTAL	\$375,064	\$29,313	\$15,230	\$327,581	\$2,940	1.3

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

PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB 22-1119 False Claims Act for base	\$300,396	\$0	\$300,396	\$0	\$0	2.0
HB 22-1244 Toxic air protection	254,114	0	0	254,114	0	9.6
SB 22-161 Employer & employee	205,196	205,196	0	0	0	1.2
SB 22-130 State entity authority P3	70,477	0	0	70,477	0	0.3
SB 22-034 Business filing fraud for base	34,956	0	34,956	0	0	0.3
HB 22-1235 Sunset Vet Practices Act	29,571	0	0	29,571	0	0.2
SB 22-034 Business filing fraud	25,663	0	25,663	0	0	0.3
SB 22-154 Increasing safety in assist.	24,840	0	0	24,840	0	0.2
SB 15-288 Elected Official compensation	4,711	0	0	4,711	0	0.0
SB 23-122 Supplemental Bill	(979,728)	0	0	(979,728)	0	(1.0)
SB 23-122 Supplemental bill	(967,625)	1,176	712	(969,513)	0	(1.1)
HB 22-1326 Fentanyl response	(150,000)	(150,000)	0	0	0	0.0
HB 22-1295 Dept of Early Childhood	(118,284)	0	0	(118,284)	0	(0.7)
HB 22-1284 Surprise health billing protections	(88,713)	0	0	(88,713)	0	(0.5)
HB 22-1359 Household econ. recovery plan	(34,499)	0	0	(34,499)	0	(0.2)
HB 22-1242 Regulate tiny homes	(30,752)	0	0	(30,752)	0	(0.2)
SB 22-025 Security token capital financing	(30,000)	0	0	(30,000)	0	(0.2)
HB 22-1376 K-12 Supportive learning envir.	(30,000)	0	(30,000)	0	0	0.0
HB 21-1122 First Responder interactions	(21,535)	(21,535)	0	0	0	(0.3)
HB 22-1355 Producer recycling responsibility	(20,503)	0	0	(20,503)	0	(0.1)
SB 22-070 K-12 Personnel evaluators	(19,714)	0	0	(19,714)	0	(0.1)
SB 22-205 Intoxicating hemp and THC	(18,600)	0	(18,600)	0	0	0.0
SB 22-114 Fire suppression pond rights	(11,828)	0	0	(11,828)	0	0.0
SB 22-160 Loans for res. owned comms.	(9,857)	0	0	(9,857)	0	(0.1)
TOTAL	(\$1,581,714)	\$34,837	\$313,127	(\$1,929,678)	\$0	9.6

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

PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 22-23 Medicaid fraud unit	\$123,301	\$30,825	\$0	\$0	\$92,476	0.7
Prior year salary survey	89,550	(126,279)	13,660	194,637	7,532	0.0
Carr building leased space	64,172	133,100	(66,547)	(35,376)	32,995	0.0
Attorney registration and CLE	10,450	7,482	(5,938)	8,551	355	0.0
FY 22-23 POST course redevelopment	(206,200)	0	(206,200)	0	0	0.0

PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 22-23 R2 Admin section support of agency	(19,800)	0	0	(19,800)	0	0.0
TOTAL	\$61,473	\$45,128	(\$265,025)	\$148,012	\$133,358	0.7

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

MAJOR DIFFERENCES FROM THE REQUEST

The Major difference between the Department request and Staff Recommendation involve primarily decision items with FTE. For these items, the JBC staff recommendation differs from the Department request:

- By not including centralized appropriations consistent with JBC policy for first year FTE,
- By assuming positions will start August 1 instead of July 1; and
- By correcting a formula error that added an additional month of salary to the request total.

Other differences include

- Including all identified IT Assets in the total funding recommended due to a formula error excluding a portion;
- The staff-initiated recommendation to include an operating costs inflationary adjustment to be consistent with the Executive Branch request, which was not requested by the Department of Law; and
- The staff-initiated recommendation for legislation to codify the long existing footnote granting flexibility to the Department’s Litigation Management line item.

DECISION ITEMS AFFECTING MULTIPLE DIVISIONS

→ R3 INVESTIGATOR TARGETED SALARY

REQUEST

The request includes \$296,478 total funds, including \$72,790 General Fund for targeted salary increases within the criminal investigator job classification series with the goal of ensuring better retention of current high functioning investigators and allow the Department to make competitive salary offers for vacant positions.

RECOMMENDATION

Staff recommends approval of the Department request. Approving the request will bring the base pay for Criminal Investigator II classification to \$47.13 hourly, and for Criminal Investigator III a base pay of \$53.49 hourly, which align with pay for those classifications employed by the Department of Public Safety.

DISCUSSION

The Department of Law is experiencing the consequences of being unable to offer competitive pay in the current job market for its Criminal Investigators. At the time of the budget submission, the Department was recruiting for 18 criminal investigators. Decision items recommended through this figure setting document would add an additional three investigators beginning in FY 2023-24.

Based on its analysis of the state workforce for the criminal investigators, the Department requests, and is supported by the Department of Personnel recommendation on the coordinated compensation analysis, the following adjustments:

- Increase base salaries for Criminal Investigator II classifications to \$47.13 hourly (\$8,169 monthly). This closely aligns with the starting salary that the Department of Public Safety (DPS) often hires but still recognizes the statewide scope of DPS and the desire for hires to have 15+ years of experience. Both agencies have similar duties and preferred candidates come with multiple years of experience and usually are second career retired law enforcement.
- Increase base salaries for Criminal Investigator III classifications to \$53.49 hourly (\$9,271 monthly). This allows for compression adjustments of current incumbents and aligns with DPS employees with similar class entry dates.

The median market monthly salary for Colorado for Investigator II is \$8,165, and while a statewide comparison for Criminal Investigator III was not available, postings for similar positions with federal agencies located in Colorado offer a range of \$9,807 to \$13,318 monthly.

While other agencies utilize this classification in conjunction with other state agencies it was determined that the duties are not similar, and they have not expressed the same concerns or have turnover at the rates of the Department. For example, Department of Labor and Employment utilizes Criminal Investigators, but they do not require P.O.S.T certification and the positions within the Department statutorily require P.O.S.T certification.

The total increase includes adjustments to base building salaries including PERA and Medicare, plus the associated salary-based one-time POTS within FY 2023-24. These increases will affect 29 FTE within the department.

JBC staff discussed the request with the JBC compensation analysts who agreed that the Department had demonstrated a need to address a targeted salary adjustment. JBC staff recommends approving the Department request.

→ BA1 TOTAL COMPENSATION ATTORNEY SALARY SURVEY

REQUEST: The Department of Law modified its FY2023-24 Total Compensation request to accommodate information and data that was not available prior to November 1st. The request includes incremental increases to the Department's November 1 request to four line items: Salary Survey for Exempt Employees, AED, SAED and Short-Term Disability. This request is for an additional \$3,879,055 Total Funds, of which \$747,769 is General Fund.

RECOMMENDATION: JBC Staff recommends approving the Department request. If the Committee makes adjustments to its statewide total compensation decisions, this change will stand on top of the

base compensation adjustment as approved by the Committee and is in addition to the Department's total compensation request.

DISCUSSION

The Department's attorney positions are not included in the Department of Personnel annual Total Compensation Survey. As such, the Department annually contracts to assess the Department's attorney classification pay ranges, salaries, and salary increases within the Department's marketplace to determine competitive and appropriate salary increase requests. The Department's marketplace is generally public sector attorney employers along the Front Range. These employers include:

- 1st Judicial District (Jefferson/Gilpin)\
- Jefferson County
- 2nd Judicial District (Denver)
- Denver City/County
- 17th Judicial District (Adams)
- 18th Judicial District (Arapahoe/Douglas)
- Arapahoe County
- Douglas County
- 20th Judicial District (Boulder)
- Boulder County

For the FY 2022-23 salary analysis, the DOL retained a vendor to analyze the base compensation for the attorney classifications and conduct a pay equity analysis for incumbents in these classifications. The deliverables included a compensation study, an equity analysis, and the development of a pay adjustment model to alleviate any pay inequities, if found. The vendor utilized three criteria for the pay equity analysis:

- Years of relevant experience, weight 75 percent
- Tenure with the Department weight 20 percent
- Years since passing the bar exam, weight 5 percent

The Department is currently experiencing an unprecedented increase in attorney departures and job offers being declined as a result of salary. Although the Department has also experienced various other reasons leading to turnover during FY2021-22, employees who left the Department for outside employment largely reported their departure was due to the state's less competitive salary levels. Many of these departures were to other public sector positions with the other surveyed employers, where former Department employees were receiving much higher salaries for comparable roles and responsibilities. In many instances, the Department has had job offers declined because a candidate was unwilling to accept a salary that the Department was legally required to pay, due to current salaries for comparable job classifications within the Department.

Ultimately the commission report, which can be provided by JBC Staff upon request, details a number of conclusions.

First, the Department pay ranges are generally similar to the market pay ranges. Some of the Department ranges are below the market and some slightly above.

Secondly, the Department is generally in a defensible position and in compliance with the Equal Pay for Equal Work Act with respect to current salaries based on the allowable factors.

The biggest and most notable issue is that the Department is not currently paying at a competitive placement within the pay range, as compared to the market. The Department does not currently have

a meaningful mechanism to address appropriate penetration into the pay ranges and subsequent movement through the pay ranges, for the attorney positions.

To align the salary distribution of current attorney positions with the legal market and to improve the Department’s market competitiveness when making salary offers to candidates, the Department is proposing a Wage Progression Model to determine individual salaries that will provide the mechanism for attorney positions to reach the midpoint of a pay range at 10 years of experience. This model will ensure long-term market competitiveness and pay equity and support recruitment and retention efforts. Additionally, this model will continue to provide lesser but still appropriate salary increases to attorneys with more than 10 years of experience, which is also in line with the Department’s market.

The Attorney General’s Office is expected to have the best Colorado attorneys working for it. There will always be attorneys chasing a greater pay day, but the Department of Law losing its attorneys to other public-sector employers due to the state’s inability to fairly compensate is concerning. Approving the request also allows Department to introduce a pay structure and assign jobs to a pay grade that corresponds to labor market ranges. This is reported to allow the Department to effectively recruit, retain, and reward talent and remain competitive in the establish labor market.

JBC Staff recommends approving the Department request to ensure the state continues to employ the best attorneys and be able to retain them after junior attorneys learn from their senior counterparts.

→ STAFF-INITIATED OPERATING EXPENSES INFLATION ADJUSTMENT

REQUEST

The Department did not request an operating expenses inflationary adjustment, however, JBC Staff requested the Department submit documentation describing how it would allocate a **nine percent** inflationary adjustment if the JBC adopts the one proposed by the executive branch. This adjustment adds a total of \$245,259 total funds to the Department of Law’s operating expenses and program line items with operating costs in FY 2023-24. The following table summarizes those calculations by division.

SUMMARY OF IMPACT OF NINE PERCENT INFLATIONARY ADJUSTMENT FOR OPERATING EXPENSES						
DIVISION	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Administration	\$24,010	\$6,894	\$0	\$17,116	\$0	0.0
Legal Services to State Agencies	109,836	0	0	109,836	0	0.0
Criminal Justice and Appellate	93,251	24,844	65,636	2,771	0	0.0
Water and Natural Resources	9,547	713	7,934	900	0	0.0
Consumer Protection	8,461	2,260	5,945	256	0	0.0
Special Purpose	154	154	0	0	0	0.0
Total	\$245,259	\$34,865	\$79,515	\$130,879	\$0	0.0

RECOMMENDATION

Staff recommendation is pending Committee action on the executive branch’s statewide request for a nine percent inflationary adjustment. The analyst for the Department of Personnel will make a recommendation on the statewide policy on February 28, 2023. **JBC Staff recommends that if that Committee adopts a statewide common policy operating expenses inflationary adjustment for executive branch agencies that it apply a similar methodology to independent agencies**

including the Department of Law. Staff requests permission to apply the statewide decision to the Department of Law once the Committee takes action.

(1) ADMINISTRATION

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

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

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

ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$28,827,288	\$6,122,097	\$3,055,823	\$19,127,090	\$522,278	62.2
Other legislation	69,461	166,743	(15,874)	(78,504)	(2,904)	0.0
SB 23-122 (Supplemental bill)	(4,898)	(1,176)	(712)	(3,010)	0	0.0
TOTAL	\$28,891,851	\$6,287,664	\$3,039,237	\$19,045,576	\$519,374	62.2
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$28,891,851	\$6,287,664	\$3,039,237	\$19,045,576	\$519,374	62.2
Centrally appropriated line items	6,279,258	1,980,715	824,062	3,190,557	283,924	0.0
BA1 DOL Total Compensation	3,879,055	747,769	141,977	2,991,699	(2,390)	0.0
BA2 Administer negotiated payroll changes	247,458	0	0	247,458	0	2.7
R5 IT asset maintenance	244,994	65,112	32,227	139,001	8,654	0.0
R6 Admin section support	171,583	0	0	171,583	0	1.8
Nonprioritized items	125,064	29,313	15,230	77,581	2,940	0.0
R4 Patterns and practices	107,268	107,268	0	0	0	0.8
Staff-initiated operating expenses inflation adjustment	24,010	6,894	0	17,116	0	0.0

ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Annualize prior year budget actions	(2,847,821)	(535,197)	(307,442)	(1,988,054)	(17,128)	0.0
Annualize prior year legislation	(140,391)	(148,824)	712	7,721	0	0.0
R9 Refinance Safe2Tell MTCF to GF	(16,194)	202,218	(218,412)	0	0	(0.2)
Technical changes	0	36,600	(23,652)	(22,639)	9,691	0.0
TOTAL	\$36,966,135	\$8,779,532	\$3,503,939	\$23,877,599	\$805,065	67.3
INCREASE/(DECREASE)	\$8,074,284	\$2,491,868	\$464,702	\$4,832,023	\$285,691	5.1
Percentage Change	27.9%	39.6%	15.3%	25.4%	55.0%	8.2%
FY 2023-24 EXECUTIVE REQUEST	\$37,071,626	\$8,802,161	\$3,493,860	\$23,977,630	\$797,975	67.9
Request Above/(Below) Recommendation	\$105,491	\$22,629	(\$10,079)	\$100,031	(\$7,090)	0.6

DECISION ITEMS – ADMINISTRATION

→ R4 PATTERNS AND PRACTICES FTE

REQUEST

The request includes \$143,122 General Fund and 0.9 FTE for FY 2023-24, annualizing to \$147,826 General Fund in FY 2024-25, to add a criminal investigator to the Patterns and Practices program. The request is for 0.9 FTE in the first fiscal year due to the pay date shift for General Funded positions.

RECOMMENDATION

Staff recommends approval of the Department request, but consistent with JBC policy, the recommendation does not include centralized costs for health, life, dental, short-term disability, AED, or SAED. It also recommends 0.8 FTE in FY 2023-24 based on the assumption staff will begin in August instead of July. Finally, the recommendation also includes a correction related to a formula error in the Department's request that added an additional \$8,669 General Fund to the request. Therefore, the recommended appropriation is \$107,268 and 0.8 FTE in FY 2023-24, which annualizes to \$142,222 and 1.0 FTE in FY 2024-25.

REQUEST AND RECOMMENDATION SUMMARY						
CHANGE DESCRIPTION	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Criminal Investigator II	0.9	\$107,625	0.8	\$97,928	1.0	\$117,514
Subtotal - Personal Services	0.9	\$107,625	0.8	\$97,928	1.0	117,514
Centralized appropriations		17,488		0		22,038
\$0.22 per mile fleet travel cost for 6,000 miles		1,320		1,320		1,320
Operating Expense		1,350		1,350		1,350
Capital Outlay		6,670		6,670		0
Formula and rounding error amount		8,669		0		0
Total Change	0.9	\$143,122	0.8	\$107,268	1.0	\$142,222

DISCUSSION

Authorized by S.B. 20-217 (Concerning Measures to Enhance Law Enforcement Integrity), the Patterns and Practices program investigates governmental authorities and allows the Attorney General to take civil action against any governmental authority that engages in a pattern or practice of conduct

by its law enforcement officers, officials, or employees that deprives persons of rights, privileges, or immunities as granted under the federal and state constitutions.

Due to the confidential nature and sensitivity of ongoing investigations, the Department is unable to publicly comment on pending or ongoing investigations but the resources dedicated to the program are insufficient to meet the demand. While authorized by S.B. 20-217 and granted the power of subpoena by H.B. 21-1250 (Measures to Address Law Enforcement Accountability), neither bill provided appropriations to the Department of Law specifically for the Patterns and Practices investigations.

Following a request from the Department, the General Assembly provided 1.8 FTE to the program in FY 2021-22, which annualized to \$334,829 General Fund and 2.0 FTE in FY 2022-23. The Department has also dedicated a portion of time of over 14 attorneys and paralegals since the program commenced, sometimes relying on *pro bono* services. The program's current staff includes one Senior Assistant Attorney General and one investigator. For FY 2022-23, the Department requested and JBC staff recommended adding an additional Senior Assistant Attorney General, however, the General Assembly declined to include funding for the request in the final 2022 Long Bill.

For FY 2023-24, the Department is requesting the program be augmented by a criminal investigator who reportedly will facilitate the appropriate follow up on tips, and in those instances that are warranted, the investigation of potential actionable issues. The Department requests and JBC staff recommends the Committee approve a salary at the midpoint salary for the Department's currently employed criminal investigators. The recommendation includes other adjustments that are described in the recommendation at the beginning of this discussion item.

If the Committee desires more information on the current workload the Patterns and Practices program, JBC Staff encourages members to contact the Attorney General's Office directly because staff is limited in what can be shared publicly due to the program's confidential nature.

→ R5 IT ASSET MAINTENANCE

REQUEST

The request includes a total increase of \$200,939, including \$53,403 General Fund, to the Department's IT Asset Maintenance line item, which provides funding for information technology replacement cycles. The increased appropriation is requested to accommodate the department's recent twenty percent growth in FTE.

RECOMMENDATION

Staff recommends an increase of \$214,995, including an increase of \$57,056 General Fund. JBC staff has provided a summary of the assets, the refresh cycle for each type, and the estimated cost required to remain on the cycle schedule in Appendix B: IT Asset Maintenance Refresh Cycle and Cost Estimates. The Department's request appears to have omitted the final five rows in its summation, which total \$44,055. JBC Staff recommends including the omitted amount in the final appropriation, which also ensures that proper federal and executive branch agency funds are billed for the additional costs.

DISCUSSION

The Department manages its IT infrastructure budgets through the Information Technology and Asset Maintenance line item. The entire budget for IT efforts is \$1,124,439 total funds. This line item was augmented by a FY 2020-21 budget request addressing one-time network upgrades and the resource needs due to increasing FTE numbers and program expansions through special legislation, which was based on FY 2019-20 FTE.

Since the FY 2020-21 request was approved the DOL has grown by an additional 111.5 FTE. Additionally, the state budget process allows agencies to include computer and associated software expenses in the first year of a budgeted new FTE. However, these dollars are eliminated in out years when accommodating for the annualization of the FTE expenses. As such, state agencies do not receive the associated budget to replace IT assets for new employees in the replacement cycle. This request is addressing this budgetary need.

This requested funding will provide the necessary equipment for all DOL employees, to enrich legal data management, bolster Continuity of Operations capabilities, maintain our strong cyber-security position, and enhance system and network availability and effectiveness. Due to the size of this request being under \$500,000 and because the components being replaced are operational in nature, the JBC did not seek guidance on this request from the Joint Technology Committee.

As mentioned above, a summary of all assets and licenses included in the Department's total IT Asset Maintenance line item is found in Appendix B: IT Asset Maintenance Refresh Cycle and Cost Estimates. Because these cost estimates are either actual costs or seem to be reasonable estimates, JBC Staff recommends approving a total increase of \$214,995 total funds, including 57,056 General Fund. The appropriation will also require increased appropriations from the Department of Public Health and Environment for the CERCLA and Mortgage Broker Consumer Protection programs, and from the Department of Regulatory Agencies for the Securities Fraud program. JBC staff requests permission to work with agency staff and impacted JBC staff to ensure these increases are accounted for in their final Long Bill appropriations.

→ R6 ADMINISTRATION SECTION SUPPORT OF AGENCY

REQUEST

The request includes \$230,512 reappropriated funds and 2.0 FTE to add one HR Specialist IV and one Accountant II in FY 2023-24 to support the administrative burden associated with growing by 79.0 FTE since FY 2019-20. Most of the growth is attributable to provision of legal services associated with implementation of newly passed legislation.

RECOMMENDATION

Staff recommends approval of the Department request, but consistent with JBC policy, the recommendation does not include centralized costs for health, life, dental, short-term disability, AED, or SAED. Staff also recommends 0.9 FTE in FY 2023-24 based on the assumption staff will begin in August instead of July. Finally, the recommendation includes a correction related to a formula error in the Department's request that added an additional \$12,521 reappropriated funds to the request. Therefore, the recommended appropriation is \$171,583 and 1.8 FTE in FY 2023-24, which annualizes to \$210,321 and 2.0 FTE in FY 2024-25.

REQUEST AND RECOMMENDATION SUMMARY						
CHANGE DESCRIPTION	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
HR Specialist IV	1.27000	\$97,778	0.9	\$89,631	1.0	\$97,778
Accountant II	1.0	71,904	0.9	65,912	1.0	71,904
Subtotal - Personal Services	2.0	\$169,682	1.8	\$155,543	2.0	\$169,682
Centralized appropriations		32,269		0		37,939
Operating Expense		2,700		2,700		2,700
Capital Outlay		13,340		13,340		0
Formula error amount		12,521		0		0
Total	2.0	\$230,512	1.8	\$171,583	2.0	\$210,321

DISCUSSION

The Department continues to experience growth that compounds and necessitates the additional of administrative staff. The Department's Administration Section workload continues to exceed current staffing capacities. The Department has always taken an incremental approach to increasing FTE and this request follows one recently included in the budget because it continues to experience more work than staff available. The Department received appropriations for two HR specialists and a Budget Analyst III position included in the FY 2022-23 Long Bill. Over the last 10 years, the Department has grown by 38 percent (162.0 FTE). Since FY 2019-20 79.0 FTE have been added to the Department. This request seeks to add one HR Specialist IV and one Accountant II to address the growing needs in human resources and accounting.

The HR Specialist IV is requested to supplement the **Human Resources Unit**, who manages recruiting and hiring new employees; new employee orientation; pre-employment background checks and fingerprinting, compensation, performance management, employee leave and benefits administration; Family Medical Leave and American's with Disabilities Act administration; worker's compensation and Short-Term Disability claims; personal services contracts review/approval; and consulting with employees and managers regarding job classification, compensation, dispute resolution, employee relations, State Personnel Rules and Procedures, and state and federal personnel laws and regulations. The Human Resources team also often takes on additional duties as assigned by the Attorney General, the Chief Deputy, and the Chief Operating Officer.

In addition to the growth of the workforce, turnover has increased resulting in an increase in recruitment, hiring and onboarding workload. Over the past five years, the turnover rate has averaged 15.8 percent, which is an increase of 15.72 percent from 10 years ago. Further, the very difficult labor market requires additional time and effort to recruit qualified applicants, including reposting job announcements multiple times, and repeating efforts due to declined job offers primarily due to salary.

The industry standard ratio of HR staff to employees ranges from minimum standard of 1.4 per 100 employees to the preferred standard of 2.0 per 100 employees. The Department's current ratio is 1.24 per 100 employees. The increase of 1.0 FTE would result in an improved ratio of 1.42 per 100 employee moving the Department closer to the preferred industry standard.

The Accountant II is request to supplement the **Financial Services Unit**, which is responsible for: (1) review and approval of accounting documents, (2) allocating and approving spending authority in the State's accounting system consistent with the Long Bill, special bills, and nonappropriated grants; (3) approving Department payments to vendors, contractors, and employees; (4) ensuring Department

expenditures are consistent with state law, state fiscal rules, Department policies, and generally accepted accounting principles; (5) conducting solicitations in conformance with Colorado Procurement laws and rules; and (6) negotiating and issuing purchase orders, vendor agreements, interagency agreements, contracts, and contract amendments.

This Unit has experienced increased accounting responsibilities that require additional support to maintain the financial integrity of the Department and ensure proper internal controls. Changes include a 25 percent growth in appropriations to the Department, the addition of more cash funds, payroll processing, and accounting related to opioid settlement funds.

The Department request and staff recommendation is to appropriate funding based on the midpoint for the position request based on those actually employed by the Department of Law currently. Staff recommends the Committee approve the Department request but with adjustments that are described in the recommendation summary at the beginning of this discussion.

→ R9 REFINANCE SAFE2TELL MARIJUANA TAX CASH FUND WITH GENERAL FUND

REQUEST

The request includes refinancing 2.0 FTE funded from the Marijuana Tax Cash Fund with General Fund. Current Marijuana Tax Cash Fund appropriations for the 2.0 FTE support the Safe2Tell program and were initially appropriated by H.B. 18-1434 (Safe2Tell Program New Duties and Annual Report).

RECOMMENDATION

Staff recommends approval of the Department request. JBC staff agrees that the nexus between the Marijuana Tax Cash Fund and the Safe2Tell training responsibilities is tenuous and thus refinancing these staff with General Fund is an appropriate solution. The following table provides detail into the request and recommendation.

SUMMARY OF REQUEST AND RECOMMENDATION				
	FY 2023-24 CHANGE	FTE CHANGE	FY 2024-25 ANNUALIZATION	FY 2024-25 FTE ANNUALIZATION
Marijuana Tax Cash Fund	(\$218,412)	(2.0)	\$0	0.0
General Fund	202,218	1.8	16,194	0.2
Total	(\$16,194)	(0.2)	\$16,194	0.2

DISCUSSION

House Bill 18-1434 (Safe2Tell Program New Duties and Annual Report) expanded program responsibilities and appropriated funding from the Marijuana Tax Cash Fund to support 2.0 FTE. Program expansion from this bill included, in part:

- Provide training and support to all preschool, elementary, and secondary school and school districts (schools) regarding school safety.
- Provide training materials to schools aimed at preventing the misuse of the program.
- Provide technical assistance and support to law enforcement and school officials when misuse of the program occurs.
- Analyze and follow-up with law enforcement and schools to determine the outcome of a report made to the program.

- Provide a report annually to the General Assembly analyzing prior year data.

Initially the Legislative Council Staff Fiscal Note identified General Fund appropriations being required to implement the bill and likewise, the Department at the time also requested General Fund to address the workload expansion. However, due to General Fund limitations, the General Assembly funded the 2.0 FTE and associated operating costs with Marijuana Tax Cash Fund (MTCF) dollars.

The Department notes that the nexus between the Marijuana Tax Cash Fund and the Safe2Tell training responsibilities is minimal. As such, the Department is requesting a refinance of these positions and associated operating to the General Fund to better align program delivery with appropriate funding.

Approving the Department request does result in the appearance of a budget oddity related to the pay date shift. Since the pay date shift only effects positions funded with General Fund, refinancing the Safe2Tell appropriation with General Fund results in savings equal to one month salary in FY 2023-24. This amount will annualize in FY 2024-25 to a total appropriation of \$218,412 General Fund, an increase of \$16,194 General Fund from FY 2023-24.

→ BA2 ADMINISTER NEGOTIATED PAYROLL CHANGES

REQUEST

The Department of Law is requesting a budget amendment for \$325,863 and 3.0 FTE in reappropriated for FY 2023-24, and \$305,853 and 3.0 FTE in out years for additional accounting and human resources staff to execute and deliver new payroll provisions included in the November 2022 amendment to the collective bargaining agreement that increases workload to the administration team.

RECOMMENDATION

Staff recommends approval of the Department request, but consistent with JBC policy, the recommendation does not include centralized costs for health, life, dental, short-term disability, AED, or SAED. Staff also recommends 0.9 FTE in FY 2023-24 per position for 2.7 FTE total based on the assumption staff will begin in August instead of July. Finally, the recommendation includes a correction related to a formula error in the Department's request that added an additional \$17,530 reappropriated funds to the request. Therefore, the recommended appropriation is \$247,458 and 2.7 FTE in FY 2023-24, which annualizes to \$408,483 and 3.0 FTE in FY 2024-25.

REQUEST AND RECOMMENDATION SUMMARY						
CHANGE DESCRIPTION	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Technician IV	1.0	\$55,236	0.9	\$56,254	1.0	\$82,324
Accountant II	1.0	63,660	0.9	58,355	1.0	90,762
Administrator V	1.0	91,464	0.9	83,842	1.0	133,901
Subtotal - Personal Services	3.0	\$210,360	2.7	\$198,451	3.0	\$306,988
Centralized appropriations		46,882		0		62,259
PERA/Medicare		27,031		24,947		35,187
Operating Expense		4,050		4,050		4,050
Capital Outlay		20,010		20,010		0
Formula error amount		17,530		0		0
Total Change	3.0	\$325,863	2.7	\$247,458	3.0	\$408,483

DISCUSSION

The Colorado Partnership for Quality Jobs and Services Act, enacted by H.B. 20-1153, required the creation of a collective bargaining system between covered state employees and the Executive branch. The fiscal note for the bill identified the need for additional labor negotiation staff for certain departments and appropriated additional legal hours in support of statewide implementation. However, the fiscal note did not contemplate the fiscal impact of implementing certain provisions of the partnership agreement, nor does the bill preclude agencies with excluded employees to implement provisions across the organization to minimize disparity and promote equity and inclusion.

The November 2022 amended Agreement supports the state's ability to recruit and retain state employees and ensure Colorado continues to provide efficient and effective services to Coloradans. The Agreement includes a provision that allows current agency employees paid on a monthly pay cycle to have the choice to be paid on a biweekly pay cycle, effective July 2023 (starting in FY 2023-24). The Department's criminal investigator job classification is specifically excluded in accordance with provisions contained in the agreement, however, no such exclusion apply to over 580 Department employees.

In compliance with the Agreement, the Department plans to offer a one-time option to existing employees to make the change from a monthly to biweekly pay cycle beginning in July 2023, but it cannot implement the change without additional staff resources. The Department conducted an internal survey during Winter 2022, and 45 percent of the responses indicated they would select the biweekly pay option starting in July 2023. The amended partnership agreement was executed after the submission of the Department's FY 2023-24 budget request, which necessitates the requested budget amendment. Based on the Department's employee survey and anticipated participation rate in biweekly pay, the pay cycle changes are expected to increase implementation and ongoing workload in the Administration section.

Currently, nearly all Department employees are paid monthly with a few exceptions such as those employees classified as temporary. The Department's payroll is currently staffed by 1.0 FTE within the Financial Services section supported by the Administration's personal services and operating expenses long bill line items. Additionally, the Department's Human Resources staff provides Kronos administration support to manage and track employee schedules and leave, such as sick and annual leave accumulations and use. The current administration of the Kronos system and employee use of the system equates to roughly 0.2 FTE. In total, the Department currently dedicates 1.2 FTE to payroll and Kronos administration.

Historically, these resources have been sufficient, primarily since payroll related entries generally occur once a month, reconciliation of leave accounting is not a requirement for pay, and any changes to the Department's timekeeping system is limited to adjustments from new or separating employees each month. The state enterprise is currently required to place new employees on biweekly payroll; however, the Department is operating under a temporary State Controller waiver from this requirement because of the lack of appropriate resources. Current staffing is unable to accommodate the workload to effectively implement and administer a biweekly pay option for eligible Department employees. The State Controller waiver is only in place until the Department has sufficient resources to meet the administrative demands of biweekly pay.

The implementation of biweekly payroll significantly increases workload in two primary ways. First, managing a monthly payroll and biweekly payroll will increase the number of pay cycles from one per month to a minimum of three pay cycles per month (one monthly and two biweekly). Secondly, biweekly pay is positive pay which means that employee pay is contingent on employee and supervisor Kronos approvals.

To ensure each employee is accurately paid in the biweekly system requires a significant increase in Kronos schedule and leave administration to verify that each employee is accurately capturing their schedule, supervisors are reviewing entries, all approvals have occurred prior to payroll processing, and the time sensitivities associated with reconciling payroll records are met. With a biweekly pay option, it will be incumbent on Department Administration to complete the record reconciliation on a more condensed timeline to avoid errors or delays to employee payroll. The Department currently lacks the staff to effectively implement biweekly pay cycles within the timeframe specified by the partnership agreement.

In order to provide the resources needed to implement the pay frequency selection starting in July 2023 and maintain the biweekly payroll cycle, the Department requests an additional 3.0 FTE to staff a new payroll unit starting in FY 2023-24. The request includes: 1.0 FTE (Technician IV) to administer the time and leave accounting system (Kronos), including training and implementation, 1.0 FTE (Accountant II) to complete the necessary approvals and payroll reconciliation, and 1.0 FTE (Administrator V) to manage the payroll unit and complete supervisor duties and responsibilities. With the requested resources, the payroll unit will have a staffing ratio of approximately one payroll staff to every 162 Department employees. This ratio of staff is similarly aligned with of similar size and complexity.

While JBC staff has some reservations about recommending funding for new staff to administer contractual terms that require offering pay cycles that differ from the majority of a Department's current pay cycles, alternate solutions seem to be lacking. If the Department must offer all of its current employees the opportunity to elect biweekly pay in July and it requires a waiver from the Controller to continue onboarding new employees to monthly pay without those resources, JBC staff sees no other alternative than to fund the requested positions.

JBC staff recommends approving the Department request, but with the adjustments described in the recommendation summary at the beginning of this item.

LINE ITEM DETAIL – ADMINISTRATION

PERSONAL SERVICES

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation is summarized in the following table and includes changes as recommended in the discussion of *BA2 Administer negotiated payroll changes* and *R6 Admin section support*, both which can be found at the beginning of this division.

ADMINISTRATION, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$4,849,848	\$0	\$0	\$4,849,848	\$0	51.2
TOTAL	\$4,849,848	\$0	\$0	\$4,849,848	\$0	51.2
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$4,849,848	\$0	\$0	\$4,849,848	\$0	51.2
BA2 Administer negotiated payroll changes	223,398	0	0	223,398	0	2.7
R6 Admin section support	155,543	0	0	155,543	0	1.8
Salary survey for FY 2022-23	154,218	0	0	154,218	0	0.0
Annualize prior year legislation	4,711	0	0	4,711	0	0.0
TOTAL	\$5,387,718	\$0	\$0	\$5,387,718	\$0	55.7
INCREASE/(DECREASE)	\$537,870	\$0	\$0	\$537,870	\$0	4.5
Percentage Change	11.1%	0.0%	0.0%	11.1%	0.0%	8.8%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$5,525,052	\$0	\$0	\$5,525,052	\$0	56.2
	\$137,334	\$0	\$0	\$137,334	\$0	0.5

OFFICE OF COMMUNITY ENGAGEMENT

The Attorney General’s Office is actively engaged in protecting consumers, prosecuting criminals, responding to complaints and other associated efforts for the good of the state. The Office of Community Engagement (OCE) was established to better educate and inform citizens and generally empower Coloradans in their local communities. The OCE improves the dissemination of various state information on resources and solutions that is of benefit to the citizens in areas of consumer protection, law enforcement, and school safety.

The office is charged with improving relationships with partner organizations and agencies regarding domestic violence prevention, consumer protection outreach and education, safe communities and safe schools, and anti-human trafficking efforts.

The Safe2Tell program is one outreach program specifically housed within the OCE. This program is charged with empowering students and the community by offering a comprehensive program of education, awareness, and training and a readily accessible tool that allows students and the community to easily provide anonymous information about unsafe, potentially harmful, dangerous, violent, or criminal activities in schools, or the threat of these activities, to appropriate law enforcement and public safety agencies and school officials.

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation is summarized in the following table and no longer includes any Marijuana Tax Cash Fund appropriations as described in the *R9 Refinance Safe2Tell MTCF with GF* recommendation discussed at the beginning of this division. Differences include the changes recommended in Staff-initiated operating expenses inflation adjustment. JBC staff requests permission to make adjustments to this line item if the decision on statewide inflation adjustment common policies changes.

ADMINISTRATION, OFFICE OF COMMUNITY ENGAGEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$962,519	\$764,879	\$197,640	\$0	\$0	9.0
Other legislation	40,850	43,350	(2,500)	0	0	0.0
TOTAL	\$1,003,369	\$808,229	\$195,140	\$0	\$0	9.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$1,003,369	\$808,229	\$195,140	\$0	\$0	9.0
Salary survey for FY 2022-23	18,917	16,505	2,412	0	0	0.0
Staff-initiated operating expenses inflation adjustment	6,679	6,679	0	0	0	0.0
R9 Refinance Safe2Tell MTCF to GF	(13,206)	169,346	(182,552)	0	0	(0.2)
TOTAL	\$1,015,759	\$1,000,759	\$15,000	\$0	\$0	8.8
INCREASE/(DECREASE)	\$12,390	\$192,530	(\$180,140)	\$0	\$0	(0.2)
Percentage Change	1.2%	23.8%	(92.3%)	0.0%	0.0%	(2.2%)
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$1,009,080	\$994,080	\$15,000	\$0	\$0	8.8
	(\$6,679)	(\$6,679)	\$0	\$0	\$0	0.0

PATTERNS AND PRACTICES

This unit is responsible for assessing and investigating instances in which a governmental agency may have engaged in patterns of practice that deprives persons of rights, privileges, or immunities protected by the laws and constitutions of the state and nation. In certain instances, the Attorney General may seek all appropriate relief through civil actions.

STATUTORY AUTHORITY: Section 24-31-113, C.R.S.

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below and includes recommended changes as described in the discussion of *R4 Patterns and Practices* at the beginning of this division. Differences include the changes recommended in *Staff-initiated operating expenses inflation adjustment*. JBC staff requests permission to make adjustments to this line item if statewide inflation adjustment common policies differ.

ADMINISTRATION, PATTERNS AND PRACTICE INVESTIGATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$334,829	\$334,829	\$0	\$0	\$0	2.0
TOTAL	\$334,829	\$334,829	\$0	\$0	\$0	2.0

ADMINISTRATION, PATTERNS AND PRACTICE INVESTIGATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$334,829	\$334,829	\$0	\$0	\$0	2.0
R4 Patterns and practices	107,268	107,268	0	0	0	0.8
Salary survey for FY 2022-23	6,960	6,960	0	0	0	0.0
Staff-initiated operating expenses inflation adjustment	215	215	0	0	0	0.0
TOTAL	\$449,272	\$449,272	\$0	\$0	\$0	2.8
INCREASE/(DECREASE)						
	\$114,443	\$114,443	\$0	\$0	\$0	0.8
Percentage Change	34.2%	34.2%	0.0%	0.0%	0.0%	40.0%
FY 2023-24 EXECUTIVE REQUEST						
	\$484,911	\$484,911	\$0	\$0	\$0	2.9
Request Above/(Below) Recommendation	\$35,639	\$35,639	\$0	\$0	\$0	0.1

HEALTH, LIFE, AND DENTAL

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation is summarized in the following table and no longer includes any Marijuana Tax Cash Fund appropriations as described in the *R9 Refinance Safe2Tell MTCF with GF* recommendation discussed at the beginning of this division. Staff requests permission to adjust this line item if future action taken by the Committee affects compensation common policies.

ADMINISTRATION, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$6,529,977	\$1,501,660	\$813,530	\$4,040,208	\$174,579	0.0
TOTAL	\$6,529,977	\$1,501,660	\$813,530	\$4,040,208	\$174,579	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$6,529,977	\$1,501,660	\$813,530	\$4,040,208	\$174,579	0.0
Centrally appropriated line items	1,352,897	442,776	243,962	575,913	90,246	0.0
R9 Refinance Safe2Tell MTCF to GF	(1,451)	15,965	(17,416)	0	0	0.0
TOTAL	\$7,881,423	\$1,960,401	\$1,040,076	\$4,616,121	\$264,825	0.0
INCREASE/(DECREASE)						
	\$1,351,446	\$458,741	\$226,546	\$575,913	\$90,246	0.0
Percentage Change	20.7%	30.5%	27.8%	14.3%	51.7%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
	\$7,881,424	\$1,960,400	\$1,040,077	\$4,616,121	\$264,826	0.0
Request Above/(Below) Recommendation	\$1	(\$1)	\$1	\$0	\$1	0.0

SHORT-TERM DISABILITY

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation is summarized in the following table and no longer includes any Marijuana Tax Cash Fund appropriations as described in the *R9 Refinance Safe2Tell MTCF with GF* recommendation discussed at the beginning of this division. It also includes the recommendations for *BA1 DOL Total Compensation* discussed in the decision items affecting multiple division section of this document. Staff requests permission to adjust this line item if future action taken by the Committee affects compensation common policies.

ADMINISTRATION, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$89,614	\$21,360	\$10,363	\$55,825	\$2,066	0.0
TOTAL	\$89,614	\$21,360	\$10,363	\$55,825	\$2,066	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$89,614	\$21,360	\$10,363	\$55,825	\$2,066	0.0
BA1 DOL Total Compensation	4,746	668	437	3,644	(3)	0.0
Centrally appropriated line items	2,967	1,612	816	22	517	0.0
R9 Refinance Safe2Tell MTCF to GF	(17)	187	(204)	0	0	0.0
TOTAL	\$97,310	\$23,827	\$11,412	\$59,491	\$2,580	0.0
INCREASE/(DECREASE)	\$7,696	\$2,467	\$1,049	\$3,666	\$514	0.0
Percentage Change	8.6%	11.5%	10.1%	6.6%	24.9%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$367	(\$107)	\$23	\$445	\$6	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE

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. H.B. 22-1133 prepaid state premiums by \$57 million until that amount runs out.

STATUTORY AUTHORITY: Not applicable.

REQUEST AND RECOMMENDATION: The Department request is summarized in the table below. Staff recommendation is pending Committee action of operating common policies. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$126,019	\$26,607	\$18,004	\$78,504	\$2,904	0.0
Other legislation	(126,019)	(26,607)	(18,004)	(78,504)	(2,904)	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	279,025	68,594	33,787	168,877	7,767	0.0
TOTAL	\$279,025	\$68,594	\$33,787	\$168,877	\$7,767	0.0
INCREASE/(DECREASE)	\$279,025	\$68,594	\$33,787	\$168,877	\$7,767	0.0
Percentage Change	n/a	n/a	n/a	n/a	n/a	n/a
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

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

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below and include adjustments to apply the approved Committee policy on compensation common policies and the recommendations described in the discussions for *BA1 DOL Total compensation* which can be found in the decision items affecting multiple division section and *R9 Refinance Safe2Tell MTCF to GF* at the beginning of this division. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,800,422	\$667,499	\$323,841	\$1,744,524	\$64,558	0.0
TOTAL	\$2,800,422	\$667,499	\$323,841	\$1,744,524	\$64,558	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,800,422	\$667,499	\$323,841	\$1,744,524	\$64,558	0.0
Centrally appropriated line items	299,848	94,653	51,569	131,883	21,743	0.0
BA1 DOL Total Compensation	157,466	30,365	5,752	121,446	(97)	0.0
R9 Refinance Safe2Tell MTCF to GF	(585)	6,435	(7,020)	0	0	0.0
TOTAL	\$3,257,151	\$798,952	\$374,142	\$1,997,853	\$86,204	0.0
INCREASE/(DECREASE)	\$456,729	\$131,453	\$50,301	\$253,329	\$21,646	0.0
Percentage Change	16.3%	19.7%	15.5%	14.5%	33.5%	0.0%

ADMINISTRATION, S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 EXECUTIVE REQUEST	\$3,257,151	\$798,952	\$374,142	\$1,997,853	\$86,204	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below and include adjustments to apply the approved Committee policy on compensation common policies and the recommendations described in the discussions for *BA1 DOL Total compensation* which can be found in the decision items affecting multiple division section and *R9 Refinance Safe2Tell MTCF to GF* at the beginning of this division. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,800,422	\$667,499	\$323,841	\$1,744,524	\$64,558	0.0
TOTAL	\$2,800,422	\$667,499	\$323,841	\$1,744,524	\$64,558	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,800,422	\$667,499	\$323,841	\$1,744,524	\$64,558	0.0
Centrally appropriated line items	299,848	94,653	51,569	131,883	21,743	0.0
BA1 DOL Total Compensation	157,466	30,365	5,752	121,446	(97)	0.0
R9 Refinance Safe2Tell MTCF to GF	(585)	6,435	(7,020)	0	0	0.0
TOTAL	\$3,257,151	\$798,952	\$374,142	\$1,997,853	\$86,204	0.0
INCREASE/(DECREASE)	\$456,729	\$131,453	\$50,301	\$253,329	\$21,646	0.0
Percentage Change	16.3%	19.7%	15.5%	14.5%	33.5%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PERA DIRECT DISTRIBUTION

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below and include adjustments to apply the approved Committee policy on compensation common policies. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, PERA DIRECT DISTRIBUTION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$935,196	\$0	\$174,463	\$760,733	\$0	0.0
TOTAL	\$935,196	\$0	\$174,463	\$760,733	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$935,196	\$0	\$174,463	\$760,733	\$0	0.0
Centrally appropriated line items	(736,961)	48,765	(150,351)	(640,916)	5,541	0.0
TOTAL	\$198,235	\$48,765	\$24,112	\$119,817	\$5,541	0.0
INCREASE/(DECREASE)	(\$736,961)	\$48,765	(\$150,351)	(\$640,916)	\$5,541	0.0
Percentage Change	(78.8%)	n/a	(86.2%)	(84.2%)	n/a	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$5,486	(\$108)	\$163	(\$5,541)	0.0

SALARY SURVEY FOR CLASSIFIED EMPLOYEES

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below and include adjustments to apply the approved Committee policy on compensation common policies and the recommendations described in the discussions for *BA1 DOL Total compensation* which can be found in the decision items affecting multiple division section and *R9 Refinance Safe2Tell MTCF to GF* at the beginning of this division. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, SALARY SURVEY FOR CLASSIFIED EMPLOYEES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$473,763	\$140,618	\$141,955	\$157,267	\$33,923	0.0
TOTAL	\$473,763	\$140,618	\$141,955	\$157,267	\$33,923	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$473,763	\$140,618	\$141,955	\$157,267	\$33,923	0.0
Centrally appropriated line items	933,283	268,102	306,085	290,163	68,933	0.0
Salary survey for FY 2022-23	(473,763)	(140,618)	(141,955)	(157,267)	(33,923)	0.0
R9 Refinance Safe2Tell MTCF to GF	(350)	3,850	(4,200)	0	0	0.0
TOTAL	\$932,933	\$271,952	\$301,885	\$290,163	\$68,933	0.0

ADMINISTRATION, SALARY SURVEY FOR CLASSIFIED EMPLOYEES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
INCREASE/(DECREASE)	\$459,170	\$131,334	\$159,930	\$132,896	\$35,010	0.0
Percentage Change	96.9%	93.4%	112.7%	84.5%	103.2%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
	\$932,933	\$271,952	\$297,685	\$294,363	\$68,933	0.0
Request Above/(Below) Recommendation	\$0	\$0	(\$4,200)	\$4,200	\$0	0.0

SALARY SURVEY FOR EXEMPT EMPLOYEES

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

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below and include adjustments to apply the approved Committee policy on compensation common policies and the recommendations described in the discussion of *BA1 DOL Total compensation* which can be found in the decision items affecting multiple division section. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, SALARY SURVEY FOR EXEMPT EMPLOYEES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,608,975	\$558,626	\$95,414	\$1,938,380	\$16,555	0.0
TOTAL	\$2,608,975	\$558,626	\$95,414	\$1,938,380	\$16,555	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,608,975	\$558,626	\$95,414	\$1,938,380	\$16,555	0.0
BA1 DOL Total Compensation	3,559,377	686,371	130,036	2,745,163	(2,193)	0.0
Centrally appropriated line items	2,875,381	654,985	119,174	2,072,741	28,481	0.0
FY22-23 Salary survey	(2,608,975)	(558,626)	(95,414)	(1,938,380)	(16,555)	0.0
TOTAL	\$6,434,758	\$1,341,356	\$249,210	\$4,817,904	\$26,288	0.0
INCREASE/(DECREASE)	\$3,825,783	\$782,730	\$153,796	\$2,879,524	\$9,733	0.0
Percentage Change	146.6%	140.1%	161.2%	148.6%	58.8%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
	\$6,434,758	\$1,341,356	\$249,210	\$4,817,904	\$26,288	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

WORKERS' COMPENSATION

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

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

REQUEST AND RECOMMENDATION: The Department request is summarized in the table below. Staff recommendation is pending Committee action of operating common policies. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, WORKERS' COMPENSATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$191,851	\$44,744	\$29,272	\$112,712	\$5,123	0.0
TOTAL	\$191,851	\$44,744	\$29,272	\$112,712	\$5,123	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$191,851	\$44,744	\$29,272	\$112,712	\$5,123	0.0
Centrally appropriated line items	(12,401)	2,948	(5,667)	(10,898)	1,216	0.0
TOTAL	\$179,450	\$47,692	\$23,605	\$101,814	\$6,339	0.0
INCREASE/(DECREASE)	(\$12,401)	\$2,948	(\$5,667)	(\$10,898)	\$1,216	0.0
Percentage Change	(6.5%)	6.6%	(19.4%)	(9.7%)	23.7%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

ATTORNEY REGISTRATION AND CONTINUING LEGAL EDUCATION

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

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

REQUEST AND RECOMMENDATION: Staff recommends approving the request. The prior year budget action adjustments relate to the change in volume of attorneys funded as outlined above.

ADMINISTRATION, ATTORNEY REGISTRATION AND CONTINUING LEGAL EDUCATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$165,585	\$26,505	\$10,403	\$127,252	\$1,425	0.0
TOTAL	\$165,585	\$26,505	\$10,403	\$127,252	\$1,425	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$165,585	\$26,505	\$10,403	\$127,252	\$1,425	0.0
Annualize prior year budget actions	10,450	7,482	(5,938)	8,551	355	0.0
TOTAL	\$176,035	\$33,987	\$4,465	\$135,803	\$1,780	0.0

ADMINISTRATION, ATTORNEY REGISTRATION AND CONTINUING LEGAL EDUCATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
INCREASE/(DECREASE)	\$10,450	\$7,482	(\$5,938)	\$8,551	\$355	0.0
Percentage Change	6.3%	28.2%	(57.1%)	6.7%	24.9%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
	\$176,035	\$33,987	\$4,465	\$135,803	\$1,780	0.0
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

OPERATING EXPENSES

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the following table. The recommendation includes adjustments related to BA2 Administer negotiated payroll changes, R6 Administration Section Support of agency, and Staff initiated operating expenses inflation adjustment as discussed at the beginning of this division. JBC staff requests permission to make adjustments to this line item if statewide inflation adjustment common policies differ.

ADMINISTRATION, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$225,567	\$0	\$0	\$225,567	\$0	0.0
Other legislation	150,000	150,000	0	0	0	0.0
TOTAL	\$375,567	\$150,000	\$0	\$225,567	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$375,567	\$150,000	\$0	\$225,567	\$0	0.0
BA2 Administer negotiated payroll changes	24,060	0	0	24,060	0	0.0
Staff-initiated operating expenses inflation adjustment	17,116	0	0	17,116	0	0.0
R6 Admin section support	16,040	0	0	16,040	0	0.0
Annualize prior year legislation	(150,000)	(150,000)	0	0	0	0.0
Annualize prior year budget actions	(19,800)	0	0	(19,800)	0	0.0
TOTAL	\$262,983	\$0	\$0	\$262,983	\$0	0.0
INCREASE/(DECREASE)	(\$112,584)	(\$150,000)	\$0	\$37,416	\$0	0.0
Percentage Change	(30.0%)	(100.0%)	0.0%	16.6%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
	\$245,867	\$0	\$0	\$245,867	\$0	0.0
Request Above/(Below)						
Recommendation	(\$17,116)	\$0	\$0	(\$17,116)	\$0	0.0

LEGAL SERVICES

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

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

REQUEST AND RECOMMENDATION: The Department request is summarized in the table below. Staff recommendation is pending Committee action of legal services common policies. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, LEGAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$85,019	\$32,656	\$52,363	\$0	\$0	0.0
TOTAL	\$85,019	\$32,656	\$52,363	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$85,019	\$32,656	\$52,363	\$0	\$0	0.0
Centrally appropriated line items	115,190	44,245	70,945	0	0	0.0
TOTAL	\$200,209	\$76,901	\$123,308	\$0	\$0	0.0
INCREASE/(DECREASE)	\$115,190	\$44,245	\$70,945	\$0	\$0	0.0
Percentage Change	135.5%	135.5%	135.5%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

ADMINISTRATIVE LAW JUDGE SERVICES

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

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

REQUEST AND RECOMMENDATION: The Department request is summarized in the table below. Staff recommendation is pending Committee action of operating common policies. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, ADMINISTRATIVE LAW JUDGE SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$1,042	\$0	\$1,042	\$0	\$0	0.0
TOTAL	\$1,042	\$0	\$1,042	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$1,042	\$0	\$1,042	\$0	\$0	0.0
Centrally appropriated line items	191	0	191	0	0	0.0
TOTAL	\$1,233	\$0	\$1,233	\$0	\$0	0.0

ADMINISTRATION, ADMINISTRATIVE LAW JUDGE SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
INCREASE/(DECREASE)	\$191	\$0	\$191	\$0	\$0	0.0
Percentage Change	18.3%	0.0%	18.3%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
REQUEST	\$1,233	\$0	\$1,233	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PAYMENT TO RISK MANAGEMENT AND PROPERTY FUNDS

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

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

REQUEST AND RECOMMENDATION: The Department request is summarized in the table below. Staff recommendation is pending Committee action of operating common policies. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, PAYMENT TO RISK MANAGEMENT AND PROPERTY FUNDS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$344,882	\$80,436	\$52,619	\$202,617	\$9,210	0.0
TOTAL	\$344,882	\$80,436	\$52,619	\$202,617	\$9,210	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$344,882	\$80,436	\$52,619	\$202,617	\$9,210	0.0
Centrally appropriated line items	74,800	31,102	2,587	35,497	5,614	0.0
TOTAL	\$419,682	\$111,538	\$55,206	\$238,114	\$14,824	0.0
INCREASE/(DECREASE)	\$74,800	\$31,102	\$2,587	\$35,497	\$5,614	0.0
Percentage Change	21.7%	38.7%	4.9%	17.5%	61.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
REQUEST	\$419,682	\$111,538	\$55,206	\$238,114	\$14,824	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

STATEWIDE TRAINING [NEW LINE ITEM]

This line item provides funding for payments to the Center for Organizational Effectiveness, which provides professional development and training services for state employees.

STATUTORY AUTHORITY: Section 24-50-122, C.R.S.

REQUEST AND RECOMMENDATION: The staff recommendation is **pending** the Committee common policy decision for this line 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 or creation of a new line item to accommodate a new common policy to provide annual funding for employee training.

ADMINISTRATION, STATEWIDE TRAINING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Nonprioritized items	\$8,584	\$2,268	\$1,129	\$4,884	\$303	0.0
TOTAL	\$8,584	\$2,268	\$1,129	\$4,884	\$303	0.0
INCREASE/(DECREASE)	\$8,584	\$2,268	\$1,129	\$4,884	\$303	0.0
Percentage Change	n/a	n/a	n/a	n/a	n/a	n/a
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

VEHICLE LEASE PAYMENTS

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

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

REQUEST AND RECOMMENDATION: The Department request is summarized in the table below. Staff recommendation is pending Committee action of operating common policies. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, VEHICLE LEASE PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$88,783	\$34,570	\$16,481	\$29,432	\$8,300	0.0
Other legislation	4,630	0	4,630	0	0	0.0
SB 23-122 (Supplemental bill)	0	0	0	0	0	0.0
TOTAL	\$93,413	\$34,570	\$21,111	\$29,432	\$8,300	0.0

ADMINISTRATION, VEHICLE LEASE PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$93,413	\$34,570	\$21,111	\$29,432	\$8,300	0.0
Nonprioritized items	(4,808)	(5,293)	(5,845)	7,673	(1,343)	0.0
TOTAL	\$88,605	\$29,277	\$15,266	\$37,105	\$6,957	0.0
INCREASE/(DECREASE)	(\$4,808)	(\$5,293)	(\$5,845)	\$7,673	(\$1,343)	0.0
Percentage Change	(5.1%)	(15.3%)	(27.7%)	26.1%	(16.2%)	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

IT ASSET MAINTENANCE

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include including all anticipated IT asset maintenance costs as described in the discussion for *R5 IT asset maintenance* at the beginning of this division.

ADMINISTRATION, INFORMATION TECHNOLOGY ASSET MAINTENANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$1,124,439	\$262,242	\$171,560	\$660,609	\$30,028	0.0
TOTAL	\$1,124,439	\$262,242	\$171,560	\$660,609	\$30,028	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$1,124,439	\$262,242	\$171,560	\$660,609	\$30,028	0.0
R5 IT asset maintenance	244,994	65,112	32,227	139,001	8,654	0.0
Technical changes	0	36,600	(23,652)	(22,639)	9,691	0.0
TOTAL	\$1,369,433	\$363,954	\$180,135	\$776,971	\$48,373	0.0
INCREASE/(DECREASE)	\$244,994	\$101,712	\$8,575	\$116,362	\$18,345	0.0
Percentage Change	21.8%	38.8%	5.0%	17.6%	61.1%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$44,055)	(\$11,709)	(\$5,795)	(\$24,995)	(\$1,556)	0.0

RALPH L. CARR COLORADO JUDICIAL CENTER LEASED SPACE

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

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

REQUEST AND RECOMMENDATION: Staff requests permission to reflect the future Committee decision. This amount is impacted by Committee decisions on the Judicial Branch budget request related to the Carr Center and the Department of Public Safety’s budget request for State Patrol Services.

ADMINISTRATION, RALPH L. CARR COLORADO JUDICIAL CENTER LEASED SPACE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$3,565,176	\$831,472	\$543,947	\$2,094,550	\$95,207	0.0
TOTAL	\$3,565,176	\$831,472	\$543,947	\$2,094,550	\$95,207	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$3,565,176	\$831,472	\$543,947	\$2,094,550	\$95,207	0.0
Annualize prior year budget actions	64,172	133,100	(66,547)	(35,376)	32,995	0.0
TOTAL	\$3,629,348	\$964,572	\$477,400	\$2,059,174	\$128,202	0.0
INCREASE/(DECREASE)	\$64,172	\$133,100	(\$66,547)	(\$35,376)	\$32,995	0.0
Percentage Change	1.8%	16.0%	(12.2%)	(1.7%)	34.7%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

PAYMENTS TO OIT

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

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

REQUEST AND RECOMMENDATION: The Department request is summarized in the table below. Staff recommendation is pending Committee action of IT common policies. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, PAYMENTS TO OIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$469,144	\$109,417	\$71,576	\$275,623	\$12,528	0.0
SB 23-122 (Supplemental bill)	(4,898)	(1,176)	(712)	(3,010)	0	0.0
TOTAL	\$464,246	\$108,241	\$70,864	\$272,613	\$12,528	0.0

ADMINISTRATION, PAYMENTS TO OIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$464,246	\$108,241	\$70,864	\$272,613	\$12,528	0.0
Centrally appropriated line items	800,693	228,214	101,155	439,431	31,893	0.0
Nonprioritized items	99,830	26,384	7,435	62,050	3,961	0.0
Annualize prior year legislation	4,898	1,176	712	3,010	0	0.0
TOTAL	\$1,369,667	\$364,015	\$180,166	\$777,104	\$48,382	0.0
INCREASE/(DECREASE)	\$905,421	\$255,774	\$109,302	\$504,491	\$35,854	0.0
Percentage Change	195.0%	236.3%	154.2%	185.1%	286.2%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
REQUEST	\$1,369,667	\$364,015	\$180,166	\$777,104	\$48,382	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

CORE OPERATIONS

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

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

REQUEST AND RECOMMENDATION: The Department request is summarized in the table below. Staff recommendation is pending Committee action of operating common policies. Staff requests permission to make adjustments in accordance with future action on common policies.

ADMINISTRATION, CORE OPERATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$49,216	\$11,478	\$7,509	\$28,915	\$1,314	0.0
TOTAL	\$49,216	\$11,478	\$7,509	\$28,915	\$1,314	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$49,216	\$11,478	\$7,509	\$28,915	\$1,314	0.0
Nonprioritized items	527	140	69	299	19	0.0
Centrally appropriated line items	(5,503)	66	(1,760)	(4,039)	230	0.0
TOTAL	\$44,240	\$11,684	\$5,818	\$25,175	\$1,563	0.0
INCREASE/(DECREASE)	(\$4,976)	\$206	(\$1,691)	(\$3,740)	\$249	0.0
Percentage Change	(10.1%)	1.8%	(22.5%)	(12.9%)	18.9%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
REQUEST	\$44,240	\$11,684	\$5,818	\$25,175	\$1,563	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DIGITAL TRUNK RADIO [NEW LINE ITEM]

This line item provides funding for payments to the Office of Public Safety Communications in the Department of Public Safety related to digital trunk radio user charges. This is a new line item that

reflects the transfer of digital trunk radio administration from the Office of Information Technology to the Office of Public Safety Communications as created by H.B. 22-1353 (Public Safety Communications Transfer).

STATUTORY AUTHORITY: Section 24-33.5-2508, C.R.S.

REQUEST AND RECOMMENDATION: The Department request is summarized in the following table. **Staff recommendation is pending** Committee action on common policy for this line item. Staff requests permission to update pending line items and apply necessary fund split adjustments once Committee policy is established.

ADMINISTRATION, DIGITAL TRUNK RADIO						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Nonprioritized items	\$20,931	\$5,814	\$12,442	\$2,675	\$0	0.0
TOTAL	\$20,931	\$5,814	\$12,442	\$2,675	\$0	0.0
INCREASE/(DECREASE)	\$20,931	\$5,814	\$12,442	\$2,675	\$0	0.0
Percentage Change	n/a	n/a	n/a	n/a	n/a	n/a
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

ATTORNEY GENERAL DISCRETIONARY FUND

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

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

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

REQUEST AND RECOMMENDATION: Staff recommends approving the request.

(2) LEGAL SERVICES TO STATE AGENCIES

The Legal Services to State Agencies (LSSA) section of the Long Bill provides appropriations to the Department to allow it to spend moneys received from other state agencies for the provision of legal services as required by Section 24-31-101, C.R.S. Since 1973, the General Assembly has made appropriations for legal services to the various state agencies, which in turn purchase services from the Department of Law at hourly rates. The Department of Law collects payments from these agencies for the provision of legal services based on a three year average of prior actual usage. In order to spend the money it receives to pay salaries and related expenses, the Department of Law also requires an appropriation. Thus, whenever the General Assembly makes an appropriation to a state agency for legal services, the Department of Law must receive an equal appropriation so it can spend the money it receives. If a Department's appropriation to the Legal Services line item does not meet the Department of Law's appropriated budget, it may rely on appropriations in operating or program line items.

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

Decision made to this division impact the Legal Services to State Agencies common policy and the resulting blended average legal rate utilized to recoup costs for the provision of services. JBC Staff will take all decisions made that impact the legal services rate and present those at the end of figure setting. This in turn provides the final appropriation for individual Legal Services line items for other state agencies.

LEGAL SERVICES TO STATE AGENCIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$48,060,792	\$0	\$1,722,148	\$46,338,644	\$0	318.5
Other legislation	1,284,601	0	0	1,284,601	0	7.1
SB 23-122 (Supplemental bill)	993,035	0	0	993,035	0	1.1
TOTAL	\$50,338,428	\$0	\$1,722,148	\$48,616,280	\$0	326.7
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$50,338,428	\$0	\$1,722,148	\$48,616,280	\$0	326.7
Annualize prior year budget actions	2,052,814	0	0	2,052,814	0	0.0
Indirect cost adjustment	559,674	0	0	559,674	0	0.0
R7 Representation of CDPHE	459,969	0	0	459,969	0	2.4
Nonprioritized items	250,000	0	0	250,000	0	1.3
Staff-initiated operating expenses inflation adjustment	109,836	0	0	109,836	0	0.0
Annualize prior year legislation	(1,937,399)	0	0	(1,937,399)	0	6.1
Technical changes	0	0	345,230	(345,230)	0	0.0
TOTAL	\$51,833,322	\$0	\$2,067,378	\$49,765,944	\$0	336.5
INCREASE/(DECREASE)	\$1,494,894	\$0	\$345,230	\$1,149,664	\$0	9.8
Percentage Change	3.0%	n/a	20.0%	2.4%	n/a	3.0%

LEGAL SERVICES TO STATE AGENCIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 EXECUTIVE REQUEST	\$52,682,702	\$0	\$2,067,378	\$50,615,324	\$0	337.5
Request Above/(Below) Recommendation	\$849,380	\$0	\$0	\$849,380	\$0	1.0

DECISION ITEMS – LEGAL SERVICES TO STATE AGENCIES

→ R7 LEGAL COSTS FOR PUBLIC HEALTH AND ENVIRONMENT (CONTINUATION OF SUPPLEMENTAL)

REQUEST: The request includes an increase \$459,969 reappropriated funds and 2.4 FTE in FY 2023-24 and ongoing. The request also includes an increase of \$459,969 General Fund for the Department of Public Health and Environment (CDPHE).

RECOMMENDATION: Staff recommends that the Committee approve the Department’s request, but identify the source of funds as various departmental cash funds instead of General Fund in the Department of Public Health and Environment’s initial appropriation. JBC Staff requests permission to work with agency staff to determine the right mix of cash funds if the Committee adopts JBC Staff recommendation. Adopting this recommendation will add 2,300 legal service hours annually to the Department of Public Health and Environment. This funding represents a comprehensive request to address several programs in the Department of Public Health and Environment experiencing growth in legal service needs but for which legal service hours and appropriations are insufficient.

DISCUSSION

This discussion benefits from a brief summary of the legal services rate common policy annually set by the Joint Budget Committee and memorialized as a Long Bill footnote. The legal services rate for FY 2022-23 is \$105.74 and to arrive at this figure, JBC Staff first provides the Committee with figure setting recommendations for the Legal Services to State Agencies (LSSA) division for the Department. Most of the annual changes to these line items are driven by annualizing legislation passed in prior legislative session or for salary and benefits annualizations approved through the budget process. Between initial figure setting for the Department of Law and the end of the figure setting period, JBC Staff calculates a legal rate used to calculate individual agency appropriations. This figure is referred to as the “blended rate for legal services” because it combines the rate calculated for tasks performed by attorneys and the rate for legal assistants.

Appropriations in each agency for legal services is then calculated based on a three-year average of actual legal hours utilized. Prior to implementing this methodology, the appropriation had been based on the number of hours the prior year was calculated. To reduce the need to request mid-year adjustments such as this one, the Department requested a change to utilize the average hours to flatten out the peaks and valleys of usage experienced by some agencies. The request was approved and is now part of the methodology for calculating the legal services appropriations.

The goal of moving to the three-year average was to make legal services appropriations more predictable, but it was not adopted with the expectation that it would entirely eliminate the need for legal costs supplementals or would it entirely eliminate inaccurate forecasting of costs in the fiscal

notes process, growing workload from changing regulated industries, or voluminous litigation expenses. The purpose of this methodology is to ensure that each client agency receives the legal support it needs each fiscal year. However, it does not provide a means to increase long-term anticipated legal needs due to changes to a client agency’s regulatory requirements or other trending legal needs, which go through the normal budget process.

This funding represents a comprehensive request to address several programs in the Department of Public Health and Environment experiencing growth in legal service needs but for which legal service hours and appropriations are insufficient. While this request is to fund five months of legal services in FY 2022-23, the number of legal service hours estimated by the Department are based on a full year of representation because the funding will be ongoing based on the annual number of legal service hours. The request by program area is summarized below.

SUMMARY OF S1 LEGAL COSTS FOR PUBLIC HEALTH AND ENVIRONMENT			
PROGRAM	FULL YEAR LEGAL HOURS REQUESTED	FULL YEAR APPROPRIATION	FTE
Title V Air Permit Litigation	750	\$79,305	0.4
Oil and Gas	600	63,444	0.3
Environmental Justice	700	74,018	0.4
Response to Complaints, Investigations, and Systems Improvements	2,300	243,202	1.3
Total	4,350	\$459,969	2.4
ESTIMATE BASED ON FY 2022-23 BLENDED LEGAL RATE \$105.74			

The Department of Public Health and Environment (CDPHE) has requested this change in FY 2022-23 as General Fund. In FY 2023-24 and ongoing, JBC Staff assigned the Department of Public Health and Environmental will determine the mix of funds appropriate, but since many of the impacted programs identified are cash funded programs, **JBC Staff is recommending the increase in Public Health and Environment associated with this request instead by funded from various sources of cash funds.** Some of the sources of cash funds that could make up the total appropriation include Stationary Sources Control Fund, the AIR Account of the Highway Users Tax Fund, and the Community Impact Fund. JBC Staff recommends the Committee give permission to the JBC staff assigned to Health and Environment to work with the Department to find the right mix of cash funds.

Summaries of the justification for the increased legal service needs are provided below by program area. Like the table above, legal services hours are estimates of a full-year of representation.

TITLE V AIR PERMIT LITIGATION

The Air Pollution Control Division’s Clean Air Act Title V air permitting program has experienced a backlog. Select environmental advocates have attempted to force action on the delayed Title V permits by filing a series of civil actions against CDPHE in an attempt to compel more timely action. At the time of submitting the budget request, a total of seven actions are underway and being litigated. The Department of Law’s Air Quality Unit has the responsibility to defend these actions, resulting in unanticipated litigation added within the last year. **CDPHE and Department of Law are estimating 750 hours per year for this litigation and as the case numbers grow, so will the hours.**

OIL AND GAS REGULATION

CDPHE's role in oil and gas permitting has grown. Traditionally, the Department of Law's legal support of CDPHE with respect to oil and gas had been through the context of a specific environmental medium, such as water quality or air quality. Now, added to the mix is the need for oil and gas specific knowledge. One example of this need is in the context of CDPHE's role in consultation with the Colorado Oil and Gas Conservation Commission (OGCC) in the issuance of Oil and Gas Development Plans and Comprehensive Area Plans. The Department of Law has responded to this growing work by providing CDPHE with specialized support and the workload has increased to the point that the Department believes dedicated staff and expertise is warranted. **The CDPHE and Department of Law are estimating an additional 600 hours annually to address these needs.**

ENVIRONMENTAL JUSTICE

House Bill 21-1266 (*Environmental Justice for Impacted Communities*) directs the Air Quality Control Commission (AQCC) within the CDPHE to update the list of air pollutants that are required to be reported in an air pollutant emission notice to include greenhouse gases (GHG), and to establish a fee per ton of GHG based on the most recent notice on file. The fiscal note for the bill estimated the work required would take 3,600 legal service hours to support and therefore an appropriation to CDPHE for \$382,680 cash funds from the Stationary Sources Control Fund was included in the bill to fund 2.0 FTE in the Department of Law.

While working on estimating the fiscal impact with fiscal notes staff, the Department of Law's team examined the traditional roles for legal work, including the work of board/commission counsel and general counsel work that was anticipated would arise in the course of establishing these offices/functions. The Department was unable to predict, however, how this work would unfold, and it is more complex than anticipated. Environmental justice is a priority for both CDPHE and the federal EPA. It impacts multiple aspects of CDPHE division activities ranging from procurement to permitting. Embedding an equitable approach to reduce disparities within a regulatory environment is complex and often calls for solutions that move beyond the existing legal framework. At the same time stakeholders are engaged in a similarly expanded fashion, questioning whether client decisions are properly evaluating and addressing adverse impacts on disproportionately impacted communities. As CDPHE prepares to respond, the agency's leadership is relying on legal support at greater levels. This work creates an entirely new and unexpected demand for legal services. **The CDPHE and Department of Law are estimating an additional 700 hours annually to support these efforts.**

RESPONSE TO COMPLAINTS, INVESTIGATIONS, AND SYSTEMS IMPROVEMENTS

CDPHE is resetting internal processes and the Department of Law has been asked to do significantly more to support the growth of their regulatory oversight. CDPHE is making a strategic adjustment to its management of a number of complex issues which will involve regular, proactive engagement of general counsel with CDPHE leadership, from the decision-making processes to implementation and beyond. Department of Law's Air Quality Unit, in consultation with CDPHE leadership, continues to evaluate the details of that type of coordination. If this work is done as envisioned, it will constitute a necessary and significant shift in legal services engagement. The Department of Law will need to provide general counsel to attend several client meetings per week, requiring multiple attorneys to be available to address the needs of several separate programs.

An example is when assessing revisions to permit application processing time to address the permit backlog, CDPHE may seek advice on the legal risk of offering a public comment period when not

legally required but advances environmental justice. **The CDPHE and Department of Law are estimating an additional 2,300 hours of annual time to support this work.**

CONCLUSION

The Department of Law is submitting this budget request to respond to the needs of one of its clients as its client adapts to new tasks and oversight duties the General Assembly has added to it. The request is being driven by unanticipated work omitted in fiscal impact estimates, unanticipated and substantial litigation, or new strategies adopted to avoid future litigation. JBC Staff for Departments of Law and Public Health and Environment agree that the estimated number of legal service hours seems to be a reasonable request. Because many of the impacted programs are primarily cash funded, JBC Staff recommends the increase in CDPHE’s Legal Services line item be made from cash funds instead of the General Fund. Approving the request in FY 2023-24 increases the allocated legal services hours by 4,350 legal hours for an increase of \$459,959 reappropriated funds in the Department of Law.

LINE ITEM DETAIL – LEGAL SERVICES TO STATE AGENCIES

PERSONAL SERVICES

The appropriation in the Long Bill for personal services in the Legal Services to State Agencies (LSSA) section is a reflection of the State’s need for legal services. The LSSA section has two types of employees who bill client agencies: attorneys and legal assistants. Each “billing” attorney and legal assistant provides 1,800 hours of legal services annually¹. All attorneys bill at a uniform hourly attorney rate, and all legal assistants bill at a uniform hourly legal assistant rate. The “blended” legal rate is a weighted average of these two rates, which is used to compute the appropriations to other state agencies for the purchase of legal services.

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

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. The recommendation also includes funding as described at the beginning of this division *R7 Representation of CDPHE*.

LEGAL SERVICES TO STATE AGENCIES, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$41,420,007	\$0	\$0	\$41,420,007	\$0	318.5

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

LEGAL SERVICES TO STATE AGENCIES, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Other legislation	1,284,601	0	0	1,284,601	0	7.1
SB 23-122 (Supplemental bill)	972,523	0	0	972,523	0	1.1
TOTAL	\$43,677,131	\$0	\$0	\$43,677,131	\$0	326.7
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$43,677,131	\$0	\$0	\$43,677,131	\$0	326.7
Salary survey for FY 2022-23	2,052,814	0	0	2,052,814	0	0.0
R7 Representation of CDPHE	413,973	0	0	413,973	0	2.4
Nonprioritized items	225,000	0	0	225,000	0	1.3
Annualize prior year legislation	(1,087,616)	0	0	(1,087,616)	0	7.1
FY 2022-23 Supplemental Bill	(959,216)	0	0	(959,216)	0	(1.0)
TOTAL	\$44,322,086	\$0	\$0	\$44,322,086	\$0	336.5
INCREASE/(DECREASE)	\$644,955	\$0	\$0	\$644,955	\$0	9.8
Percentage Change	1.5%	0.0%	0.0%	1.5%	0.0%	3.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$959,215	\$0	\$0	\$959,215	\$0	1.0

OPERATING AND LITIGATION

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment. The recommendation also includes funding as described at the beginning of this division R7 *Representation of CDPHE*.

LEGAL SERVICES TO STATE AGENCIES, OPERATING AND LITIGATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,462,284	\$0	\$200,000	\$2,262,284	\$0	0.0
SB 23-122 (Supplemental bill)	20,512	0	0	20,512	0	0.0
TOTAL	\$2,482,796	\$0	\$200,000	\$2,282,796	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,482,796	\$0	\$200,000	\$2,282,796	\$0	0.0
Annualize prior year legislation	129,945	0	0	129,945	0	0.0
Staff-initiated operating expenses inflation adjustment	109,836	0	0	109,836	0	0.0
R7 Representation of CDPHE	45,996	0	0	45,996	0	0.0
Nonprioritized items	25,000	0	0	25,000	0	0.0
FY 2022-23 Supplemental Bill	(20,512)	0	0	(20,512)	0	0.0
TOTAL	\$2,773,061	\$0	\$200,000	\$2,573,061	\$0	0.0
INCREASE/(DECREASE)	\$290,265	\$0	\$0	\$290,265	\$0	0.0

LEGAL SERVICES TO STATE AGENCIES, OPERATING AND LITIGATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Percentage Change	11.7%	0.0%	0.0%	12.7%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$2,663,226	\$0	\$200,000	\$2,463,226	\$0	0.0
Request Above/(Below) Recommendation	(\$109,835)	\$0	\$0	(\$109,835)	\$0	0.0

INDIRECT COST ASSESSMENT

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the following table. However, staff requests permission to work with the Department to adjust these amounts as necessary once the Committee has finalized all statewide policy changes to ensure adequate indirect costs are assessed to account for administrative costs.

LEGAL SERVICES TO STATE AGENCIES, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$4,178,501	\$0	\$1,522,148	\$2,656,353	\$0	0.0
TOTAL	\$4,178,501	\$0	\$1,522,148	\$2,656,353	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$4,178,501	\$0	\$1,522,148	\$2,656,353	\$0	0.0
Indirect cost adjustment	559,674	0	0	559,674	0	0.0
Technical changes	0	0	345,230	(345,230)	0	0.0
TOTAL	\$4,738,175	\$0	\$1,867,378	\$2,870,797	\$0	0.0
INCREASE/(DECREASE)	\$559,674	\$0	\$345,230	\$214,444	\$0	0.0
Percentage Change	13.4%	0.0%	22.7%	8.1%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$4,738,175	\$0	\$1,867,378	\$2,870,797	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(3) CRIMINAL JUSTICE AND APPELLATE

This section provides funding for department staff who:

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

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

CRIMINAL JUSTICE AND APPELLATE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$20,066,295	\$7,237,492	\$8,366,941	\$1,753,039	\$2,708,823	124.8
Other legislation	30,000	0	30,000	0	0	0.0
TOTAL	\$20,096,295	\$7,237,492	\$8,396,941	\$1,753,039	\$2,708,823	124.8
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$20,096,295	\$7,237,492	\$8,396,941	\$1,753,039	\$2,708,823	124.8
R2 Special Prosecution organized retail crime	507,556	507,556	0	0	0	4.2
Annualize prior year budget actions	489,368	398,593	(101,968)	42,257	150,486	0.7
R3 Criminal investigator coordinated compensation	290,907	72,790	66,529	12,012	139,576	0.0
Staff-initiated operating expenses inflation adjustment	93,251	24,844	65,636	2,771	0	0.0
Indirect cost adjustment	27,014	0	27,960	5,978	(6,924)	0.0
Annualize prior year legislation	(51,535)	(21,535)	(30,000)	0	0	(0.3)
Technical changes	0	(306,255)	0	306,255	0	0.0
TOTAL	\$21,452,856	\$7,913,485	\$8,425,098	\$2,122,312	\$2,991,961	129.4
INCREASE/(DECREASE)	\$1,356,561	\$675,993	\$28,157	\$369,273	\$283,138	4.6
Percentage Change	6.8%	9.3%	0.3%	21.1%	10.5%	3.7%
FY 2023-24 EXECUTIVE REQUEST						
	\$21,512,298	\$8,041,334	\$8,359,462	\$2,119,541	\$2,991,961	129.7

CRIMINAL JUSTICE AND APPELLATE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	\$59,442	\$127,849	(\$65,636)	(\$2,771)	\$0	0.3

DECISION ITEMS – CRIMINAL JUSTICE AND APPELLATE

→ R2 ORGANIZED RETAIL CRIME

REQUEST: The Department requests \$660,249 General Fund and 4.5 FTE to increase staff capacity for special prosecutions. The request is being made as the Department attempts to respond to requests to designate investigators and prosecutors to respond to multi-jurisdictional organized retail theft. Coordinating and litigating multi-jurisdictional crimes is one of the primary powers and duties charged to the Department in Colorado statutes.

RECOMMENDATION: If the Committee wishes to approve the Department’s request to create a new Organized Retail Crime unit with the Special Prosecution Unit, Staff recommends an appropriation of \$507,556 cash funds and 4.2 FTE, Differences include assuming FTE will begin August 1 instead of July 1 to account for hiring time, a correction to correct a formula error that increased the requested amount by \$23,225, and applying JBC policy for centrally appropriated line items. For FY 2023-24, JBC staff recommends an appropriation of \$181,839 General Fund and 1.6 FTE, which annualizes to \$240,613 General Fund and 2.0 FTE in FY 2024-25.

REQUEST AND RECOMMENDATION SUMMARY							
CHANGE DESCRIPTION	FY 2023--55124 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 ANNUALIZATION		
	FTE	Cost	FTE	Cost	FTE	Cost	
Personal Services							
Criminal Investigator II	1.8	\$215,441	1.7	\$195,855	2.0	\$235,026	
Assistant AG II	1.8	208,036	1.7	189,124	2.0	226,948	
Legal Assistant II	0.9	76,820	0.8	69,837	1.0	83,805	
Subtotal - Personal Services	4.5	\$500,297	4.2	\$454,816	5.0	545,779	
Centralized appropriations		83,987		0		125,140	
Attorney Litigation Expenses		10,000		10,000		10,000	
\$0.22 per mile fleet travel cost for 12,000 miles		2,640		2,640		2,640	
Operating Expense		6,750		6,750		6,750	
Capital Outlay		33,350		33,350		0	
Formula error amount		23,225		0		0	
Total Change	4.5	\$660,249	4.2	\$507,556	5.0	\$690,309	

DISCUSSION

The Attorney General engages in criminal enforcement and prosecution through the Criminal Justice Section. The Criminal Justice Section is comprised of three units: (1) Financial Fraud, (2) Medicaid Fraud and (3) Special Prosecutions. The Financial Fraud Unit litigates cases primarily involving securities fraud and insurance fraud. In addition to Medicaid fraud, the Medicaid Fraud Unit also litigates cases involving elder abuse at facilities which receive Medicaid funding. The Special Prosecutions Unit (“SP Unit”) utilizes expertise to address wiretap investigations, state tax fraud, human trafficking, environmental crimes, auto theft, and violent crimes.

The SP Unit is designed as a statewide prosecution resource for law enforcement and district attorneys, because of the need to investigate and prosecute crimes without regard to county or judicial district. This Unit derives its authority to investigate and prosecute from three sources, statutory authority granted directly to the Attorney General; appointment by a local District Attorney to act as a Special Deputy District Attorney; and gubernatorial order. Currently the SP Unit is actively working with 21 of the 22 judicial districts.

The demand for SP Unit resources has increased to help combat complex and organized criminal activity. In FY 2020-21, the Department opened 101 cases during the fiscal year. During FY 2021-22, the DOL opened 265. Unfortunately, this has led to increasing numbers of cases declined, deferred or referred to other agencies.

Organized retail crime is perpetrated by sophisticated groups of criminals who move from store to store and city to city stealing high-dollar items with the intent of reselling the goods to a fence for cash, to trade for drugs, or to return for gift cards which are used to purchase goods and then returned for cash, i.e. money laundering.

The SP Unit is being asked to designate investigators and prosecutors to respond to multi-jurisdictional organized retail theft. Organized retail theft is costing Colorado millions of dollars and creates a public safety risk that requires a coordinated response. Retailers need dedicated investigators and prosecutors who are experienced with complex, organized crime cases. These cases are also most efficiently prosecuted when charged as one case and presented to a single jurisdiction, which may be accomplished by SP Unit and the State Grand Jury.

The request does not require granting the Attorney General any additional authority, but the Department wants to start a new sub-unit to focus on organized retail crime as its response to the requests it is receiving from district attorneys. Essentially beginning a new program. The program is modeled off one the Illinois Attorney General created, which is also composed of 5.0 FTE.

The Department proposes creating a five member team made up of two prosecutors, two investigators, and a legal assistant. This unit will investigate organized retail crime statewide, refer those cases that are specific to a local district, and investigate and prosecute those cases that cross judicial districts. Additionally, the Department anticipates this unit to help address priority cases as they arise within the SP Unit, such as election fraud, human trafficking, and other serious matters.

Whether or not to create a new Organized Retail Crime unit within the SP Unit is more of a policy decision, and thus the JBC staff recommendation assumes that the Committee agrees with the Attorney General's Office to create this new sub unit.

LINE ITEM DETAIL – CRIMINAL JUSTICE AND APPELLATE

SPECIAL PROSECUTIONS UNIT

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

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

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment and the adjustments to R2 Special Prosecution organized retail crime discussed at the beginning of this division and R3 Criminal investigator coordinated compensation discussed in the decision items affecting multiple divisions section.

CRIMINAL JUSTICE AND APPELLATE, SPECIAL PROSECUTIONS UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$4,686,348	\$2,216,872	\$1,615,295	\$854,181	\$0	38.6
TOTAL	\$4,686,348	\$2,216,872	\$1,615,295	\$854,181	\$0	38.6
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$4,686,348	\$2,216,872	\$1,615,295	\$854,181	\$0	38.6
R2 Special Prosecution organized retail crime	507,556	507,556	0	0	0	4.2
Salary survey for FY 2022-23	189,425	79,434	72,089	37,902	0	0.0
R3 Criminal investigator coordinated compensation	104,806	26,265	66,529	12,012	0	0.0
Staff-initiated operating expenses inflation adjustment	17,480	9,129	5,724	2,627	0	0.0
TOTAL	\$5,505,615	\$2,839,256	\$1,759,637	\$906,722	\$0	42.8
INCREASE/(DECREASE)	\$819,267	\$622,384	\$144,342	\$52,541	\$0	4.2
Percentage Change	17.5%	28.1%	8.9%	6.2%	0.0%	10.9%
FY 2023-24 EXECUTIVE REQUEST						
	\$5,640,828	\$2,982,820	\$1,753,913	\$904,095	\$0	43.1

CRIMINAL JUSTICE AND APPELLATE, SPECIAL PROSECUTIONS UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	\$135,213	\$143,564	(\$5,724)	(\$2,627)	\$0	0.3

AUTO THEFT PREVENTION GRANT

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

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment. This is an informational appropriation to reflect the Department's anticipated use of the grant from the Department of Public Safety.

CRIMINAL JUSTICE AND APPELLATE, AUTO THEFT PREVENTION GRANT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$167,945	\$0	\$0	\$167,945	\$0	1.0
TOTAL	\$167,945	\$0	\$0	\$167,945	\$0	1.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$167,945	\$0	\$0	\$167,945	\$0	1.0
Salary survey for FY 2022-23	4,355	0	0	4,355	0	0.0
Staff-initiated operating expenses inflation adjustment	144	0	0	144	0	0.0
TOTAL	\$172,444	\$0	\$0	\$172,444	\$0	1.0
INCREASE/(DECREASE)	\$4,499	\$0	\$0	\$4,499	\$0	0.0
Percentage Change	2.7%	0.0%	0.0%	2.7%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$144)	\$0	\$0	(\$144)	\$0	0.0

APPELLATE UNIT

This unit handles *criminal appeals* for the Department, representing the prosecution when a defendant challenges his/her felony conviction before the state appellate court or the federal courts². Most of the cases handled by this unit are in the Colorado Court of Appeals, with the remainder in the Colorado Supreme Court and the federal courts. This unit also prepares a weekly digest summarizing published cases to ensure that Appellate Unit attorneys and prosecutors throughout the state are informed about developments in criminal law and procedure.

Pursuant to Section 24-31-106, C.R.S., the Appellate Unit also employs a *Victims' Services Coordinator*, who assures compliance with Article II, Section 16a of the State Constitution, which states that crime victims have the “right to be heard when relevant, informed, and present at all critical stages of the criminal justice process.” When the Department of Law is involved in a trial court prosecution or a criminal appeal, the Coordinator keeps victims informed about their cases, helps them understand the legal process, and sometimes accompanies them to court. The Coordinator position is supported by General Fund and the Victims Assistance and Law Enforcement (VALE) Fund³, which is administered by the Department of Public Safety’s Division of Criminal Justice⁴.

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment.

CRIMINAL JUSTICE AND APPELLATE, APPELLATE UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$4,842,361	\$4,196,724	\$0	\$645,637	\$0	41.6
TOTAL	\$4,842,361	\$4,196,724	\$0	\$645,637	\$0	41.6
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$4,842,361	\$4,196,724	\$0	\$645,637	\$0	41.6
Salary survey for FY 2022-23	268,998	268,998	0	0	0	0.0
Staff-initiated operating expenses inflation adjustment	13,390	13,390	0	0	0	0.0
Technical changes	0	(306,255)	0	306,255	0	0.0
TOTAL	\$5,124,749	\$4,172,857	\$0	\$951,892	\$0	41.6
INCREASE/(DECREASE)	\$282,388	(\$23,867)	\$0	\$306,255	\$0	0.0
Percentage Change	5.8%	(0.6%)	0.0%	47.4%	0.0%	0.0%

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

³ See Section 24-33.5-506 (1), C.R.S.

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

CRIMINAL JUSTICE AND APPELLATE, APPELLATE UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 EXECUTIVE REQUEST	\$5,111,359	\$4,159,467	\$0	\$951,892	\$0	41.6
Request Above/(Below) Recommendation	(\$13,390)	(\$13,390)	\$0	\$0	\$0	0.0

MEDICAID FRAUD CONTROL UNIT

The Medicaid Fraud Control Unit, operational in Colorado since 1978, is mandated by federal law to assist in maintaining the financial integrity of the State's Medicaid program and the safety of patients in Medicaid-funded facilities. By federal law and Executive Order D1787, the Unit has statewide authority to *criminally* investigate and prosecute Medicaid provider fraud, as well as physical and financial abuse of residents in federally-funded long-term care facilities⁵. The Colorado False Claims Act, adopted in May 2010, expanded the Unit's authority by allowing it to pursue *civil* recoveries and damages against providers for incidents of fraud and over billing.

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment. The recommendation includes adjustments as described in R3 Criminal investigator coordinated compensation discussed in decision items affecting multiple divisions section.

CRIMINAL JUSTICE AND APPELLATE, MEDICAID FRAUD CONTROL UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$3,209,440	\$802,361	\$0	\$0	\$2,407,079	27.3
TOTAL	\$3,209,440	\$802,361	\$0	\$0	\$2,407,079	27.3
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$3,209,440	\$802,361	\$0	\$0	\$2,407,079	27.3
R3 Criminal investigator coordinated compensation	186,101	46,525	0	0	139,576	0.0
Annualize prior year budget actions	123,301	30,825	0	0	92,476	0.7
Salary survey for FY 2022-23	77,346	19,336	0	0	58,010	0.0
Staff-initiated operating expenses inflation adjustment	2,325	2,325	0	0	0	0.0
TOTAL	\$3,598,513	\$901,372	\$0	\$0	\$2,697,141	28.0
INCREASE/(DECREASE)	\$389,073	\$99,011	\$0	\$0	\$290,062	0.7
Percentage Change	12.1%	12.3%	0.0%	0.0%	12.1%	2.6%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$2,325)	(\$2,325)	\$0	\$0	\$0	0.0

⁵ Fraud committed by Medicaid clients is investigated by county departments of human services.

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

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

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

- The P.O.S.T. Board Cash Fund, which consists of fees paid by applicants seeking certification as well as a \$1.00 vehicle registration fee; and
- The Marijuana Tax Cash Fund, supported by taxes on marijuana, supports law enforcement training programs related to marijuana, including advanced roadside impaired driving enforcement training and drug recognition expert training.

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment.

CRIMINAL JUSTICE AND APPELLATE, PEACE OFFICERS STANDARDS AND TRAINING BOARD SUPPORT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$6,374,354	\$21,535	\$6,352,819	\$0	\$0	16.3
Other legislation	30,000	0	30,000	0	0	0.0
TOTAL	\$6,404,354	\$21,535	\$6,382,819	\$0	\$0	16.3
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$6,404,354	\$21,535	\$6,382,819	\$0	\$0	16.3
Staff-initiated operating expenses inflation adjustment	59,912	0	59,912	0	0	0.0
Salary survey for FY 2022-23	32,143	0	32,143	0	0	0.0
Annualize prior year budget actions	(206,200)	0	(206,200)	0	0	0.0
Annualize prior year legislation	(51,535)	(21,535)	(30,000)	0	0	(0.3)
TOTAL	\$6,238,674	\$0	\$6,238,674	\$0	\$0	16.0
INCREASE/(DECREASE)	(\$165,680)	(\$21,535)	(\$144,145)	\$0	\$0	(0.3)
Percentage Change	(2.6%)	(100.0%)	(2.3%)	0.0%	0.0%	(1.8%)
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$6,178,762	\$0	\$6,178,762	\$0	\$0	16.0
	(\$59,912)	\$0	(\$59,912)	\$0	\$0	0.0

INDIRECT COST ASSESSMENT

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the following table. However, staff requests permission to work with the Department to adjust these amounts as necessary once the Committee has finalized all statewide policy changes to ensure adequate indirect costs are assessed to account for administrative costs.

CRIMINAL JUSTICE AND APPELLATE, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$785,847	\$0	\$398,827	\$85,276	\$301,744	0.0
TOTAL	\$785,847	\$0	\$398,827	\$85,276	\$301,744	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$785,847	\$0	\$398,827	\$85,276	\$301,744	0.0
Indirect cost adjustment	27,014	0	27,960	5,978	(6,924)	0.0
TOTAL	\$812,861	\$0	\$426,787	\$91,254	\$294,820	0.0
INCREASE/(DECREASE)	\$27,014	\$0	\$27,960	\$5,978	(\$6,924)	0.0
Percentage Change	3.4%	0.0%	7.0%	7.0%	(2.3%)	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(4) WATER AND NATURAL RESOURCES

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

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

This section also advocates on behalf of the Colorado Natural Resource Trustees⁶ to recover damages for injuries to natural resources and to restore, replace, and acquire the equivalent of the natural resources injured.

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

WATER AND NATURAL RESOURCES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$2,997,144	\$851,981	\$1,538,971	\$606,192	\$0	13.5
TOTAL	\$2,997,144	\$851,981	\$1,538,971	\$606,192	\$0	13.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,997,144	\$851,981	\$1,538,971	\$606,192	\$0	13.5
R1 Federal interstate additional FTE	181,839	181,839	0	0	0	1.6
Annualize prior year budget actions	73,182	38,622	390	34,170	0	0.0
Staff-initiated operating expenses						
inflation adjustment	9,547	713	7,934	900	0	0.0
Indirect cost adjustment	3,219	0	0	3,219	0	0.0
Technical changes	0	(22,746)	22,746	0	0	0.0
TOTAL	\$3,264,931	\$1,050,409	\$1,570,041	\$644,481	\$0	15.1
INCREASE/(DECREASE)	\$267,787	\$198,428	\$31,070	\$38,289	\$0	1.6
Percentage Change	8.9%	23.3%	2.0%	6.3%	n/a	11.9%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$45,380	\$54,214	(\$7,934)	(\$900)	\$0	0.2

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

DECISION ITEMS – WATER AND NATURAL RESOURCES

→ R1 FEDERAL INTERSTATE WATER UNIT ADDITIONAL FTE

REQUEST: The request includes an increase of \$236,766 General Fund and 1.8 FTE in FY 2023-24 to support the Federal and Interstate Water Unit with an additional legal assistant and assistant attorney general position. The Unit’s purpose is largely to protect and honor Colorado’s rights and obligations under interstate water compacts, and to uphold the State’s sovereign interests over water administration within its borders. The reason for requesting 0.9 FTE is to account for the pay date shift for General Funded positions.

RECOMMENDATION: Staff recommends the Committee approve the increased FTE, but make adjustments to the requested appropriation as summarized in the following table. Differences include assuming FTE will begin August 1 instead of July 1 to account for hiring time, a correction to correct a formula error that increased the requested amount by \$14,562, and applying JBC policy for centralized appropriations. For FY 2023-24, JBC staff recommends an appropriation of \$181,839 General Fund and 1.6 FTE, which annualizes to \$240,613 General Fund and 2.0 FTE in FY 2024-25.

REQUEST AND RECOMMENDATION SUMMARY						
CHANGE DESCRIPTION	FY 2023-24 REQUEST		FY 2023-24 RECOMMENDATION		FY 2024-25 ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Legal Assistant II	0.9	\$76,840	0.8	\$69,917	1.0	\$83,899
Assistant AG II	0.9	103,926	0.8	94,562	1.0	113,474
Subtotal - Personal Services	1.8	\$180,766	1.6	\$164,479	2.0	\$197,373
Centralized appropriations		24,078		0		40,540
Formula Error Amount		14,562		0		0
Operating Expense		4,020		4,020		2,700
Capital Outlay		13,340		13,340		0
Total Change	1.8	\$236,766	1.6	\$181,839	2.0	\$240,613

DISCUSSION

The Federal and Interstate Water Unit protects the state’s interests in the waters of interstate rivers, with respect to both interstate water allocation and federal environmental requirements, including, among others, the National Environmental Policy Act, the Endangered Species Act (ESA), and the Wild and Scenic Rivers Act. Additionally, this unit supports the Department staff dedicated to the Colorado River Compact, that is funded in the “Defense of the Colorado River Basin Compact” line item. Staff participates in litigation, when necessary, but also by actively serving as negotiation counsel to arrive at creative solutions for managing the basin consistent with existing laws under increasingly variable conditions.

This unit also works with state water users to protect the state’s interests in the timely and reasonable resolution of federal claims for water rights, including reserved water rights and ESA compliance. Because no major rivers flow into Colorado, Colorado must satisfy all its water demands from sources within the State. This unit’s attorneys and Colorado’s river matters and dedicated to protecting the state’s interests.

Over the last two decades the Department has built an internal team of interstate water law experts. Multiple times, that team successfully represented the State of Colorado in litigation against other

states before the federal courts. The Department's investment in these experts resulted in substantial taxpayer savings. Many other states contract with outside counsel that assign teams of attorneys to the case and can bill thousands of dollars per hour for their services and costs. Over the course of decades-long litigation, the expense of contracting with outside counsel can be significant, and the results are not guaranteed. Relying on in-house expertise allows the Department to maintain a degree of control over cost drivers that is lost with outside counsel.

The Colorado River is divided into two basins: Upper Basin and Lower Basin. The States of the Upper Division in the Upper Basin include Colorado, Utah, New Mexico, and Wyoming. The Lower Division States in the Lower Basin include California, Arizona, and Nevada. The Colorado River's two main reservoirs are Lake Mead and Lake Powell. Both are located below the Upper Division States' places of use but above the Lower Division States' places of use so these reservoirs help to support the Lower Division States' apportionments and the United States' obligations to Mexico. They are both currently at unprecedented low levels.

The depleted storage is due to chronic overuse in the Lower Basin in excess of their apportionments and in the ongoing drying climate in the Colorado River basin. Issues on the horizon include the expiration of existing management guidelines for operations at Lake Powell and Lake Mead in 2026.

Due to the dire conditions in the Colorado River basin and the expiration of the operating guidelines for Lake Powell and Lake Mead, discussions among the Department of the Interior, the Basin States, water users, Tribes, and other stakeholders are ongoing. During the Summer of 2022, the U.S. Department of Interior through the Bureau of Reclamation, highlighted this crisis and the need for action to reduce uses to protect critical elevations at Lake Powell and Lake Mead. In July 2022, the Upper Division States transmitted a letter that included a five-point plan to reduce uses in the Upper Division States to the Commissioner of the Bureau of Reclamation. However, no plan was provided by the Lower Division States to reduce uses there. Because most of the uses occur in the Lower Basin, the effectiveness of this Upper Division State's plan is limited without significant cuts in the Lower Basin. It is unclear what steps and efforts may take place to accommodate the Department of the Interior's continued call for significant cuts.

Solutions will need to include voluntary reductions across the entire Colorado River basin and potentially mandatory reductions in the Lower Basin. How these modified use solutions are developed and implemented have and will continue to require extensive negotiations and diplomacy, overshadowed by the likelihood of intense litigation and lengthy court actions to best protect Colorado interests. Additionally, establishing new management guidelines for the operations of Lake Powell and Lake Mead negotiated with all Basin states and the federal government will require additional intense diplomatic negotiations, direct communications and thoughtful analysis of legal, technical and policy implications to state's significant interests in the Colorado River.

The Department seeks to add one additional Assistant Attorney General and one legal assistant. If approved, the Department will employ 11.0 FTE (8.0 FTE attorneys, 2.0 FTE paralegals, and 1.0 FTE administrative assistant) working directly on interstate water issues. These FTE are budgeted in two Long Bill line items: Federal and Interstate Water Unit and the Defense of the Colorado River Basin Compact. Additionally, an Assistant Deputy Attorney General oversees and, at times, works directly on interstate water issues to protect Colorado's water rights and resources.

The Department also contracts with eight outside technical experts who support the Department’s work on interstate water issues. The Department contracts with four outside technical experts for the Colorado River, one for the Republican River, and three for the Rio Grande. These outside experts are budgeted through the Colorado Water Conservation Board’s Litigation Fund under Section 37-60-121(2.5)(a), C.R.S. This fund provides the funding for three Department budget lines: Defense of the Colorado River Basin Compact, Defense of the Republican River Compact, and Consultant Expenses.

JBC Staff recommends the Committee approve the Department’s request, with the adjustments described in the recommendation at the beginning of this discussion.

LINE ITEM DETAIL – WATER AND NATURAL RESOURCES

FEDERAL AND INTERSTATE WATER UNIT

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment and adjustments described in R1 Federal interstate additional FTE discussed at the beginning of this division.

WATER AND NATURAL RESOURCES, FEDERAL AND INTERSTATE WATER UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$851,981	\$851,981	\$0	\$0	\$0	6.5
TOTAL	\$851,981	\$851,981	\$0	\$0	\$0	6.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$851,981	\$851,981	\$0	\$0	\$0	6.5
R1 Federal interstate additional FTE	181,839	181,839	0	0	0	1.6
Salary survey for FY 2022-23	15,876	15,876	0	0	0	0.0
Staff-initiated operating expenses inflation adjustment	713	713	0	0	0	0.0
TOTAL	\$1,050,409	\$1,050,409	\$0	\$0	\$0	8.1
INCREASE/(DECREASE)	\$198,428	\$198,428	\$0	\$0	\$0	1.6
Percentage Change	23.3%	23.3%	0.0%	0.0%	0.0%	24.6%

WATER AND NATURAL RESOURCES, FEDERAL AND INTERSTATE WATER UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 EXECUTIVE REQUEST	\$1,104,623	\$1,104,623	\$0	\$0	\$0	8.3
Request Above/(Below) Recommendation	\$54,214	\$54,214	\$0	\$0	\$0	0.2

DEFENSE OF THE COLORADO RIVER BASIN COMPACT

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

The unit’s major tasks include the following:

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

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment.

WATER AND NATURAL RESOURCES, DEFENSE OF THE COLORADO RIVER BASIN COMPACT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$953,971	\$0	\$953,971	\$0	\$0	3.5
TOTAL	\$953,971	\$0	\$953,971	\$0	\$0	3.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$953,971	\$0	\$953,971	\$0	\$0	3.5
Salary survey for FY 2022-23	23,136	22,746	390	0	0	0.0
Staff-initiated operating expenses inflation adjustment	1,496	0	1,496	0	0	0.0
Technical changes	0	(22,746)	22,746	0	0	0.0

WATER AND NATURAL RESOURCES, DEFENSE OF THE COLORADO RIVER BASIN COMPACT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	\$978,603	\$0	\$978,603	\$0	\$0	3.5
INCREASE/(DECREASE)	\$24,632	\$0	\$24,632	\$0	\$0	0.0
Percentage Change	2.6%	0.0%	2.6%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$977,107	\$0	\$977,107	\$0	\$0	3.5
Request Above/(Below) Recommendation	(\$1,496)	\$0	(\$1,496)	\$0	\$0	0.0

DEFENSE OF THE REPUBLICAN RIVER COMPACT

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

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

RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment.

WATER AND NATURAL RESOURCES, DEFENSE OF THE REPUBLICAN RIVER COMPACT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$110,000	\$0	\$110,000	\$0	\$0	0.0
TOTAL	\$110,000	\$0	\$110,000	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$110,000	\$0	\$110,000	\$0	\$0	0.0
Staff-initiated operating expenses inflation adjustment	130	0	130	0	0	0.0
TOTAL	\$110,130	\$0	\$110,130	\$0	\$0	0.0
INCREASE/(DECREASE)	\$130	\$0	\$130	\$0	\$0	0.0
Percentage Change	0.1%	0.0%	0.1%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$110,000	\$0	\$110,000	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$130)	\$0	(\$130)	\$0	\$0	0.0

CONSULTANT EXPENSES

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

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment.

WATER AND NATURAL RESOURCES, CONSULTANT EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$475,000	\$0	\$475,000	\$0	\$0	0.0
TOTAL	\$475,000	\$0	\$475,000	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$475,000	\$0	\$475,000	\$0	\$0	0.0
Staff-initiated operating expenses inflation adjustment	6,308	0	6,308	0	0	0.0
TOTAL	\$481,308	\$0	\$481,308	\$0	\$0	0.0
INCREASE/(DECREASE)	\$6,308	\$0	\$6,308	\$0	\$0	0.0
Percentage Change	1.3%	0.0%	1.3%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$6,308)	\$0	(\$6,308)	\$0	\$0	0.0

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

This line item provides funding for the Department’s CERCLA Litigation Unit, which handles the legal work for sites that have been seriously contaminated by hazardous substances (known as “Superfund” sites), most of which are being cleaned up under consent decrees by those who contaminated them. Most CERCLA cases include two phases that require separate legal proceedings. The first phase focuses on remediation – the disposal and treatment of hazardous substances at a pollution site. The second phase focuses on compensation for the environmental degradation that remains after remediation.

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

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

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$560,274	\$0	\$0	\$560,274	\$0	3.5
TOTAL	\$560,274	\$0	\$0	\$560,274	\$0	3.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$560,274	\$0	\$0	\$560,274	\$0	3.5
Salary survey for FY 2022-23	34,170	0	0	34,170	0	0.0
Staff-initiated operating expenses inflation adjustment	900	0	0	900	0	0.0
TOTAL	\$595,344	\$0	\$0	\$595,344	\$0	3.5
INCREASE/(DECREASE)	\$35,070	\$0	\$0	\$35,070	\$0	0.0
Percentage Change	6.3%	0.0%	0.0%	6.3%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$594,444 (\$900)	\$0	\$0	\$594,444 (\$900)	\$0	3.5 0.0

INDIRECT COST ASSESSMENT

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

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the following table. However, staff requests permission to work with the Department to adjust these amounts as necessary once the Committee has finalized all statewide policy changes to ensure adequate indirect costs are assessed to account for administrative costs.

WATER AND NATURAL RESOURCES, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$45,918	\$0	\$0	\$45,918	\$0	0.0

WATER AND NATURAL RESOURCES, INDIRECT COST ASSESSMENT

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	\$45,918	\$0	\$0	\$45,918	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$45,918	\$0	\$0	\$45,918	\$0	0.0
Indirect cost adjustment	3,219	0	0	3,219	0	0.0
TOTAL	\$49,137	\$0	\$0	\$49,137	\$0	0.0
INCREASE/(DECREASE)	\$3,219	\$0	\$0	\$3,219	\$0	0.0
Percentage Change	7.0%	0.0%	0.0%	7.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(5) CONSUMER PROTECTION

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

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

CONSUMER PROTECTION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$7,400,194	\$2,287,863	\$4,931,845	\$180,486	\$0	61.2
Other legislation	677,917	95,200	582,717	0	0	3.8
TOTAL	\$8,078,111	\$2,383,063	\$5,514,562	\$180,486	\$0	65.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$8,078,111	\$2,383,063	\$5,514,562	\$180,486	\$0	65.0
Annualize prior year legislation	547,611	205,196	342,415	0	0	3.8
R8 False claims recovery cash fund spending authority	300,000	0	300,000	0	0	0.0
Annualize prior year budget actions	291,551	140,731	143,995	6,825	0	0.0
Indirect cost adjustment	43,872	0	42,492	1,380	0	0.0
Staff-initiated operating expenses inflation adjustment	8,461	2,260	5,945	256	0	0.0
R3 Criminal investigator coordinated compensation	5,571	0	5,571	0	0	0.0
Technical changes	0	0	0	0	0	(2.0)
TOTAL	\$9,275,177	\$2,731,250	\$6,354,980	\$188,947	\$0	66.8
INCREASE/(DECREASE)	\$1,197,066	\$348,187	\$840,418	\$8,461	\$0	1.8
Percentage Change	14.8%	14.6%	15.2%	4.7%	n/a	2.8%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$9,266,716	\$2,728,990	\$6,349,035	\$188,691	\$0	66.8
	(\$8,461)	(\$2,260)	(\$5,945)	(\$256)	\$0	0.0

DECISION ITEMS – CONSUMER PROTECTION

→ R8 FALSE CLAIMS RECOVERY CASH FUND SPENDING AUTHORITY

REQUEST: The request includes an increase of \$300,000 cash fund spending authority from the False Claims Recovery Cash Fund and to create a new line item entitled the “False Claims Recovery Cash Fund.” The request is being made so that reimbursement scan be made to those entities defrauded

and that recoveries and penalties were made on behalf of in the event the Department is successful in bringing such claims.

RECOMMENDATION

JBC staff recommends the Committee approve the Department request, however, JBC staff recommends naming the line item “False Claims Recovery Act Reimbursements and Rewards” which seems to be a more detailed description of purpose for which the new line item is requested.

DISCUSSION

Established by H.B. 22-1119, the False Claims Recovery Act enacted processes to bring claims and assess penalties against any individual who defrauds or intends to defraud the state, counties, and/or municipalities. This bill establishes that any person is liable to the state or a political subdivision of the state for a civil penalty if the person commits, attempts to commit or supports false claims efforts, which include, in part:

- Knowingly presenting a false claim for payment or approval.
- Knowingly using false records for payment;
- Knowingly delivering less material or payments that are rightfully the political subdivisions, and;
- Generally, taking property or money from a subdivision that is not rightfully the person’s or attempting to be paid for materials or services that were not fully performed or provided.

Additionally, this bill created the False Claims Recovery Cash Fund (“Recovery Fund”), C.R.S. 24-31-1209. This fund is comprised of proceeds retained by the Attorney General from false claims actions. The Department may use moneys in this fund to carry out its duties and pay back the entity that was defrauded.

The Recovery Fund is annually appropriated by the General Assembly for both false claims recovery payments to defrauded entities and to fulfill its duties outlined in the Act. Because no recoveries could be made until the program succeeds in bringing a claim, the Attorney General’s Office relied on custodial funds to stand the program up in FY 2022-23. For FY 2023-24, the recommended appropriation includes a change to annualize the funding for the bill, consistent with the final Legislative Council Staff Fiscal Note. This base funding includes \$300,396 from the Recovery Fund and 2.0 FTE appropriated to the “Consumer Protection and Antitrust” line item.

Despite the appropriation, the Department anticipates continuing to pay the staffing costs from the Consumer Protection Custodial Fund until sufficient resources exist in the Recovery Fund to cover the personal services and operating costs of False Claims staffing efforts. The Department indicates that it will submit further budget requests when better data materializes to help demonstrate the business need and associated cost of pursuing perpetrators of false claims.

The funding requested by the Department in FY 2023-24 is in addition to the annualized funding described above. Thus approving the Department request will bring the total appropriation from the Recovery Fund to \$600,396. The Department requests the funding is appropriated to a new Long Bill line item called “False Claims Recovery Cash Fund”. Because personal services and operating expenses for the program are appropriated to the “Consumer Protection and Antitrust” line item and because the Department requests this additional funding so that it can provide reimbursements to defrauded divisions of government, JBC staff recommends adding the appropriation to a line item called “False Claims Recovery Act Reimbursements and Awards”.

Approving the Department request does not expose the state to much risk. If the Department is successful in bringing claims, the Recovery Fund will begin to fill and can support the program staff as well as make payments back to defrauded parties, as the appropriations are intended. If the Department is unable to bring claims successfully, it will continue to pay for personal services and operating expenses from its Consumer Protection Custodial Fund and determine a course of action. JBC staff has not reviewed any information that would lead to a conclusion that the program will not succeed, only that the recommendation spans the realm of likely outcomes. The JBC staff recommendation is also being made based on the expectation that if data materializes that supports winding down the program or required statutory change to increase the odds of successful claims, that the JBC would be notified by a budget request to make changes to the program or appropriation.

LINE ITEM DETAIL – CONSUMER PROTECTION

CONSUMER PROTECTION AND ANTITRUST

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

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

The cash funds for this line item derive from:

- Various court-ordered awards that the Department has received as the result of its enforcement work (these are custodial funds used at the discretion of the Department).
- The Defense Account of the Tobacco Litigation Settlement Cash Fund for non-participating-tobacco manufacturer enforcement work.

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the following table. Differences include the staff-initiated operating expenses adjustment.

CONSUMER PROTECTION, CONSUMER PROTECTION AND ANTI-TRUST

	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$4,283,228	\$2,287,863	\$1,834,558	\$160,807	\$0	36.2
Other legislation	677,917	95,200	582,717	0	0	3.8
TOTAL	\$4,961,145	\$2,383,063	\$2,417,275	\$160,807	\$0	40.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$4,961,145	\$2,383,063	\$2,417,275	\$160,807	\$0	40.0
Annualize prior year legislation	547,611	205,196	342,415	0	0	3.8
Salary survey for FY 2022-23	214,647	140,731	67,091	6,825	0	0.0
R3 Criminal investigator coordinated compensation	5,571	0	5,571	0	0	0.0
Staff-initiated operating expenses inflation adjustment	2,723	2,260	207	256	0	0.0
Technical changes	0	0	0	0	0	(2.0)
R8 False claims recovery cash fund spending authority	0	0	0	0	0	0.0
TOTAL	\$5,731,697	\$2,731,250	\$2,832,559	\$167,888	\$0	41.8
INCREASE/(DECREASE)	\$770,552	\$348,187	\$415,284	\$7,081	\$0	1.8
Percentage Change	15.5%	14.6%	17.2%	4.4%	0.0%	4.5%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$2,723)	(\$2,260)	(\$207)	(\$256)	\$0	0.0

CONSUMER CREDIT UNIT

The Consumer Credit unit enforces the Colorado Uniform Consumer Credit Code (UCCC) (consumer lending); Uniform Debt Management Services Act (credit counseling and debt settlement); Credit Services Organization Act (credit repair), Rental Purchase Agreement Act (rent-to-own), and Refund Anticipation Loans Act.

The UCCC protects the rights of consumers who borrow money, establishes reasonable limits on interest rates and fees, fosters fair competition among lenders, and promotes an adequate supply of credit. The UCCC, title 5 of the Colorado Revised Statutes, includes articles establishing the Colorado Consumer Equity Protection Act (restricting certain terms in high-cost loans), Deferred Deposit Loan Act (payday loans), and the Refund Anticipation Loans Act and Rental Purchase Agreement Act, both described below. The unit licenses and examines lenders who make high-rate loans – defined as loans with an annual percentage rate of more than 12 percent, including deferred deposit or “payday” lenders – and as of January 1, 2010 may examine retailers that extend credit and sales finance companies that collect credit contracts. These retailers must file an annual notification form. There is an advisory board – the Council of Advisors on Consumer Credit. The UCCC contains a licensing exemption for residential first mortgage acquisition and refinance loans

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment.

CONSUMER PROTECTION, CONSUMER CREDIT UNIT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,491,175	\$0	\$2,491,175	\$0	\$0	25.0
TOTAL	\$2,491,175	\$0	\$2,491,175	\$0	\$0	25.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,491,175	\$0	\$2,491,175	\$0	\$0	25.0
Salary survey for FY 2022-23	76,904	0	76,904	0	0	0.0
Staff-initiated operating expenses inflation adjustment	5,738	0	5,738	0	0	0.0
TOTAL	\$2,573,817	\$0	\$2,573,817	\$0	\$0	25.0
INCREASE/(DECREASE)	\$82,642	\$0	\$82,642	\$0	\$0	0.0
Percentage Change	3.3%	0.0%	3.3%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$5,738)	\$0	(\$5,738)	\$0	\$0	0.0

FALSE CLAIMS RECOVERY REIMBURSEMENTS [NEW LINE ITEM]

House Bill 22-1119 established the False Claims Recovery Act. This Act establishes processes and penalties for any individual who defrauds or intends to defraud the state, counties, and municipalities. This bill allows the Attorney General to bring civil action to bring claims involving state or local moneys. Appropriations to this line item are from the False Claims Recovery Cash Fund and are intended as reimbursements or awards of funds recovered on behalf of defrauded divisions of government.

STATUTORY AUTHORITY: Sections 24-31-1201, *et seq.*, C.R.S.

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the following table, which includes the Staff recommendation for R8 False Claims Recovery Cash Fund spending authority.

CONSUMER PROTECTION, FALSE CLAIMS RECOVERY ACT REIMBURSEMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0

CONSUMER PROTECTION, FALSE CLAIMS RECOVERY ACT REIMBURSEMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
R8 False claims recovery cash fund spending authority	\$300,000	\$0	\$300,000	\$0	\$0	0.0
TOTAL	\$300,000	\$0	\$300,000	\$0	\$0	0.0
INCREASE/(DECREASE)	\$300,000	\$0	\$300,000	\$0	\$0	0.0
Percentage Change	n/a	n/a	n/a	n/a	n/a	n/a
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

INDIRECT COST ASSESSMENT

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

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the following table. However, staff requests permission to work with the Department to adjust these amounts as necessary once the Committee has finalized all statewide policy changes to ensure adequate indirect costs are assessed to account for administrative costs.

CONSUMER PROTECTION, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$625,791	\$0	\$606,112	\$19,679	\$0	0.0
TOTAL	\$625,791	\$0	\$606,112	\$19,679	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$625,791	\$0	\$606,112	\$19,679	\$0	0.0
Indirect cost adjustment	43,872	0	42,492	1,380	0	0.0
TOTAL	\$669,663	\$0	\$648,604	\$21,059	\$0	0.0
INCREASE/(DECREASE)	\$43,872	\$0	\$42,492	\$1,380	\$0	0.0
Percentage Change	7.0%	0.0%	7.0%	7.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(6) SPECIAL PURPOSE

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

SPECIAL PURPOSE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$4,762,525	\$3,862,525	\$300,000	\$600,000	\$0	1.0
Other legislation	(600,000)	0	0	(600,000)	0	0.0
TOTAL	\$4,162,525	\$3,862,525	\$300,000	\$0	\$0	1.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$4,162,525	\$3,862,525	\$300,000	\$0	\$0	1.0
BA1a Costs for imminent special litigation	1,475,700	0	1,475,700	0	0	0.0
Annualize prior year budget actions	2,379	2,379	0	0	0	0.0
Staff-initiated operating expenses inflation adjustment	154	154	0	0	0	0.0
TOTAL	\$5,640,758	\$3,865,058	\$1,775,700	\$0	\$0	1.0
INCREASE/(DECREASE)	\$1,478,233	\$2,533	\$1,475,700	\$0	\$0	0.0
Percentage Change	35.5%	0.1%	491.9%	n/a	n/a	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$5,640,604	\$3,864,904	\$1,775,700	\$0	\$0	1.0
	(\$154)	(\$154)	\$0	\$0	\$0	0.0

DECISION ITEMS – SPECIAL PURPOSE

→ BA1A COSTS FOR IMMINENT SPECIAL LITIGATION

REQUEST

The Department submitted this request on February 3, 2023, after discussing the potential for litigation expected to be led by the Attorney General's Office occurring during the 2023 legislative interim. JBC Staff requested the Department submit this budget amendment because delaying action until more accurate cost estimates are available would delay action until the emergency supplemental or regular supplemental cycles.

The Department requests a one-time increase of \$1,475,700 cash funds from the Attorney Fees and Costs Cash Fund (Fees and Costs Fund) to prepare for and prosecute three trials that seek justice for the death of Elijah McCain. Each trial is set for 21 days and are scheduled to occur between July and September 2023.

RECOMMENDATION

Staff recommends approval of the Department request. The size of the requested and recommended increase was chosen intentionally to exceed expected costs to ensure sufficient spending authority from the Fees and Costs Fund while the General Assembly is not meeting. Revenue in the Fees and Costs Fund originate as any award received by the Attorney General's Office for attorneys fees and costs that is not custodial money and is subject to annual appropriation by the General Assembly. This appropriation fits squarely in the intended uses of the Fees and Costs Fund, the fund has sufficient balance to absorb this one-time expenditure, and prevents asking the JBC to approve an emergency supplemental that could be argued does not meet statutory criteria.

DISCUSSION

On February 3, the Department of Law submitted a late budget amendment. The Department chose to call this "BA1a Increase of Special Litigation," indicating that it is the Department top priority behind its request for funding to increase staff salaries. After discussing the problem and options available, JBC Staff requested the Department submit this late budget amendment to avoid asking the JBC for a June or September emergency supplemental that might not meet the statutory criteria for those requests.

While the supplemental criteria for regular supplementals are based in Committee policy, statute authorizing emergency supplementals⁷ or "1331s" only allow the Controller to authorize an overexpenditure of the existing appropriation if it:

- (1) Is approved in whole or in part by the JBC;
- **(2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session;**
- (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments);
- (4) Is approved by the Capital Development Committee, if a capital request;
- (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and
- (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.

Both Department Staff and JBC Staff believed that were it to delay requesting spending authority until a June or September JBC Meeting, that there would be some question about whether the request was actually necessary due to *unforeseen circumstances* and that those circumstances *arose outside of session*. The Department and General Assembly already know these trials are forthcoming, which is a great argument that the problem was actually foreseen. Therefore, JBC Staff volunteered to bring this late budget amendment to the Committee for consideration.

ANTICIPATED LITIGATION

On June 25, 2020, Governor Polis signed Executive Order D 2020 115, designating Attorney General Weiser as the State's prosecutor to investigate and prosecute any individuals whose actions caused the death of Elijah McClain in August 2019.

⁷ Section 24-75-111, C.R.S.

A grand jury investigation began, and after a lengthy and thorough investigation, the statewide grand jury indicted three Aurora officers and two paramedics in connection with Mr. McClain’s death. The defendants are charged with reckless manslaughter, criminally negligent homicide, and several counts of second-degree assault as a crime of violence.

On January 18, 2023, the case was severed into three separate jury trials, each set for 21 days, which triggered the Department of Law to make this request. Two defendants are scheduled for trial in July 2023, two other defendants are scheduled for trial in August 2023, and the last defendant is scheduled for trial in September 2023. Motions and expert preparation are already underway in advance of the upcoming trials.

To date, the Department utilized the Litigation Management line item to support litigation efforts and relied on staff expertise from the Patterns and Practices line item, Special Prosecution line item, and Criminal Appeals line item.

The Governor’s order did not include additional funding for the Department, and potential funding challenges for the investigations and prosecutions of the case were acknowledged in the Executive Order. Additionally, when the Department of Law submitted its proposed FY 2024 budget, the case was joined for one trial, and has since been severed into *three* three-week-long jury trials. This action substantially increases the costs of litigation.

ATTORNEYS FEES AND COSTS CASH FUND

Created in Section 24-31-108 (3), C.R.S., the Attorneys Fees and Costs Cash Fund (Fees and Costs Fund) receives awards provided through litigation and settlement proceedings for attorneys costs and fees. Appropriations from the Fees and Costs Fund support two Long Bill appropriations annually, Consultant Expenses line item in the Water and Natural Resources section and the one impacted by this request Litigation Management in the Special Purpose section.

The end of year balance for the Fees and Costs Fund for FY 2021-22 was \$2.8 million and while annual expenditures vary, they average about \$128,500 over the past five completed fiscal years. During that same period the revenues to the fund averaged about \$220,000. The FY 2022-23 year-end balance is estimated to be around \$2.5 million thus approving the request would leave the fund balance under \$1.1 million. This far exceeds the typical 16.5 percent cash fund reserve of typical cash funds, despite this fund being exempt from that limit. Cash fund activity is summarized below.

ATTORNEYS FEES AND COSTS CASH FUND ACTIVITY			
FISCAL YEAR	ACTUAL EXPENSES	ACTUAL REVENUES	END OF YEAR FUND BALANCE
2017-18	\$204,648	\$468,690	2,615,566
2018-19	175,000	270,648	2,711,214
2019-20	25,114	136,579	2,822,679
2020-21	212,530	54,233	2,664,382
2021-22	25,000	167,285	2,806,667
<i>5-year Average</i>	<i>\$128,458</i>	<i>\$219,487</i>	

Out of fear of revealing litigation strategy to attorneys representing defendants, JBC Staff agreed to avoid sharing the details of the cost estimates in any documents presented to the public. As with other sensitive requests, the Attorney General could provide more detail in an Executive Session meeting

with the Committee. If desired, setting such a meeting when the JBC has allocated time to Elected Official comebacks would be wise, which is currently scheduled for the afternoon of Monday March 13, 2023.

→ JBC STAFF-INITIATED CODIFY LITIGATION MANAGEMENT FOOTNOTE [REQUIRES LEGISLATION]

REQUEST

The Department did not request this statutory change. The Department is in agreement with JBC staff that substantive policy direction by the General Assembly be placed in statute, instead of an annual Long Bill footnote. Since this issue was initially brought to the Joint Budget Committee during briefing, the Department has not raised any concerns but continues to desire participation in the drafting process.

RECOMMENDATION

JBC staff recommends the Committee pursue legislation to codify budgetary flexibility currently provided by a Long Bill footnote. The footnote authority allows the Attorney General to respond to unanticipated state legal needs that may arise during a budget year by allocating funding from the Litigation Management line item, but prevents the reallocated funding to be utilized for wage raises, promotions, reclassifications or bonuses for Department of Law employees. JBC staff requests permission to work with the Department of Law staff to craft specific bill language before sharing a draft with the Committee. It is recommended that the bill be included in the Long Bill package.

DISCUSSION

In FY 1994-95, the General Assembly began appropriating General Fund to a new line item to offset the cost of unexpected litigation against the state and reduce the need for the Department of Law to seek adjusted appropriations through the supplemental budget cycle when unexpected litigation arises. It would also go on to serve as a source of funds to maintain information technology equipment when agency needs exceed appropriation to the Information Technology Asset Maintenance line item. Due to concerns that funding unexpected litigation via a separate General Fund appropriation would shift costs of litigation for cash-funded programs to the General Fund, the appropriation for Litigation Management evolved into a cash fund appropriation. The appropriation originates from two sources:

- 1 Excess revenues collected by the Legal Services to State Agencies (LSSA) program during the previous fiscal year. This line item appropriation allows the Department to retain and roll forward a portion of any excess collections to the next fiscal year. Appropriations that have been rolled forward that are not spent in the following fiscal year revert to the General Fund.
- 2 Various court awards that are deposited into the Attorneys Fees and Costs Account, which is established in Section 24-31-108 (2), C.R.S. This account consists of any moneys received by the Attorney General as an award of attorney fees or costs that are not considered custodial moneys. Moneys in the Account are subject to annual appropriation by the General Assembly for legal services provided by the Department. For purposes of this appropriation, this source of funding serves as a backup, filling in the remainder of the appropriation to the Litigation Management and Technology Fund appropriation when excess LSSA earnings come up short.

Since its inception, the Litigation Management appropriation has carried with it a Long Bill footnote detailing the intended use and disallowed uses of the appropriation. For the FY 2022-23 Long Bill, this footnote appeared as follows:

Department of Law, Special Purpose, Litigation Management -- It is the General Assembly's intent to grant the Department of Law additional flexibility by allowing the Department to use money appropriated to this line item to address unanticipated state legal needs that arise during the 2022-23 fiscal year. It is also the General Assembly's intent that money spent from this line item shall not require the appropriation of additional FTE and will not be used for any type of salary increase, promotion, reclassification, or bonus related to any present or future FTE employed by the Department of Law. It is furthermore the General Assembly's intent that money spent from this line item will not be used to offset present or future personal services deficits in any division in the Department.

While the specific language in the footnote has evolved over the years, its general purpose has remained to provide the Department of Law flexibility to respond to unanticipated legal needs that arise throughout the year without the delays introduced by seeking a budget adjustment through supplementals.

In FY 2014-15, the funding associated with addressing unexpected IT expenditures was relocated to the IT Asset Maintenance line item in the Administration section of the agency, reducing total cash fund appropriations from \$325,000 to \$200,000. The appropriation for Litigation Management has remained at a continuation level of \$200,000 since.

The creation and use of this footnote also predates litigation that determined the scope with which the General Assembly may use footnotes to the Long Bill, which the Colorado Supreme Court determined by authoring *Colorado General Assembly v. Owens*, 236 P.3d 262 (Colo. 2006). Because neither the Attorney General's Office nor the State Controller's Office have encountered roadblocks to fulfilling the General Assembly's intent for the footnote's purpose, this issue has not been brought to the Joint Budget Committee previously.

For the past couple years, during the proofing process JBC staff undertake to draft the Long Bill, other JBC staff have raised questions with the Department of Law analyst concerning the legality of the aforementioned footnote. Because these flags have come late in the overall budget crafting process and due to the age of the original footnote and lack of conflict, JBC staff believed it prudent to delay bringing the issue before the Committee until now. With sufficient time to discuss the idea with agency staff and to research the history of the footnote, JBC staff believes its use is stretching the bounds of what the Colorado Supreme Court has delineated is legal for Long Bill footnotes. **Thus, JBC staff is recommending the Joint Budget Committee introduce legislation to codify this long standing footnote including its limitations.** Ultimately adopting the JBC staff recommendation will not change anything in practice; making the change now prevents any disruption to the Attorney General's Office fulfilling its statutory duties if a willing litigant did choose to attack the footnote to undermine the Attorney General's ability to respond.

A summary of the Department’s actual annual expenditures from this line item in recent years follows.

FY 2018-19 ACTUAL	FY 2019-20 ACTUAL	FY 2020-21 ACTUAL	FY 2021-22 ACTUAL
\$200,000	\$25,114	\$187,530	\$89,917

JBC staff discussed recommending legislation to codify this footnote with budget staff from the Department of Law, who have expressed support for resolving this issue via legislation. **JBC staff requests permission to work with and share drafts with Department of Law staff prior to presenting a draft bill to the Committee.**

LINE ITEM DETAIL – SPECIAL PURPOSE

DISTRICT ATTORNEYS’ SALARIES

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

- 1 The Department of Law's budget includes an appropriation for “District Attorneys’ Salaries”
- 2 Judicial Branch’s budget includes an appropriation for “District Attorney Mandated Costs”
- 3 The Department of Corrections' budget includes an appropriation for "Payments to District Attorneys" for costs associated with prosecuting a crime alleged to have been committed by a person in the custody of the Department
- 4 The Judicial Branch's budget includes an appropriation for "District Attorney Adult Pretrial Diversion Programs" for adult pretrial diversion programs that meet the established statutory guidelines [established through H.B. 13-1156]
- 5 The Department of Public Safety’s budget includes an appropriation for “Witness Protection Fund Expenditures” to pay DAs for qualifying expenses related to security personnel, travel expenses, lodging, and other immediate needs

In addition, the General Assembly appropriates funds to the State Court Administrator’s Office, the Office of the State Public Defender (OSPD), the Office of the Alternate Defense Counsel (OADC), and the Office of the Child's Representative to cover the costs of obtaining discoverable materials⁸.

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

⁸ Under Colorado Supreme Court Rule 16, the prosecuting attorney is required to make available to the defense certain material and information that is within his or her control and to provide duplicates upon request. The State pays the costs of duplicating discoverable material when legal representation is provided for an indigent defendant.

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

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

REQUEST AND RECOMMENDATION: The Department's request and the Staff recommendation is summarized below.

SPECIAL PURPOSE, DISTRICT ATTORNEYS' SALARIES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$2,810,808	\$2,810,808	\$0	\$0	\$0	0.0
TOTAL	\$2,810,808	\$2,810,808	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$2,810,808	\$2,810,808	\$0	\$0	\$0	0.0
FY 22-23 Salary survey	2,288	2,288	0	0	0	0.0
TOTAL	\$2,813,096	\$2,813,096	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$2,288	\$2,288	\$0	\$0	\$0	0.0
Percentage Change	0.1%	0.1%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DEPUTY DISTRICT ATTORNEY TRAINING

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

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

REQUEST AND RECOMMENDATION: The Department request and the Staff recommendation is summarized in the flowing table and represents continuation-level funding.

SPECIAL PURPOSE, DEPUTY DISTRICT ATTORNEY TRAINING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$350,000	\$350,000	\$0	\$0	\$0	0.0
TOTAL	\$350,000	\$350,000	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						

SPECIAL PURPOSE, DEPUTY DISTRICT ATTORNEY TRAINING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation	\$350,000	\$350,000	\$0	\$0	\$0	0.0
TOTAL	\$350,000	\$350,000	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$350,000	\$350,000	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DEPUTY DISTRICT ATTORNEY ASSISTANCE FOR BOND HEARINGS GRANTS

The General Assembly created this line item in FY 2021-22 to implement H.B. 21-1280 (48 Hour Bond Hearings) to provide state funds to local district attorneys due to increase work required to meet the statutory requirement to hold bond hearings within 24 hours of arrest. As amended by H.B. 22-1067 (Clarifying Bond Hearings), appropriations to this line item pass-through the Department of Law to the District Attorneys Council, which administers the grant program.

STATUTORY AUTHORITY: Sections 16-4-117(4) and (8), C.R.S.

REQUEST AND RECOMMENDATION: The Department's request and Staff recommendation is summarized in the following table.

SPECIAL PURPOSE, DISTRICT ATTORNEY ASSISTANCE FOR BOND HEARINGS GRANTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$600,000	\$0	\$0	\$600,000	\$0	0.0
Other legislation	0	600,000	0	(600,000)	0	0.0
TOTAL	\$600,000	\$600,000	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$600,000	\$600,000	\$0	\$0	\$0	0.0
TOTAL	\$600,000	\$600,000	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$600,000	\$600,000	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

LITIGATION MANAGEMENT

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

of funds to maintain information technology equipment (over and above the funding appropriated for the Information Technology Asset Maintenance line item).

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

Money for this appropriation come from two sources:

- Excess revenues earned by the LSSA program during the previous fiscal year. This line item appropriation allows the Department to retain and roll forward a portion of any excess revenues to the next fiscal year. Moneys that have been rolled forward that are not spent in the following fiscal year revert to the General Fund
- Various court awards that are deposited into the Attorneys Fees and Costs Account, which is established in Section 24-31-108 (2), C.R.S. This account consists of any money received by the Attorney General as an award of attorney fees or costs that are not considered custodial moneys. Money in the Account is subject to annual appropriation by the General Assembly for legal services provided by the Department. For purposes of this appropriation, this source of funding serves as a backup, filling in the remainder of the appropriation to the Litigation Management and Technology Fund appropriation when excess LSSA earnings come up short.

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below, which includes the one-time cash fund increase for BA1a Costs for imminent special litigation.

SPECIAL PURPOSE, LITIGATION MANAGEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$200,000	\$0	\$200,000	\$0	\$0	0.0
TOTAL	\$200,000	\$0	\$200,000	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$200,000	\$0	\$200,000	\$0	\$0	0.0
BA1a Costs for imminent special litigation	1,475,700	0	1,475,700	0	0	0.0
TOTAL	\$1,675,700	\$0	\$1,675,700	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,475,700	\$0	\$1,475,700	\$0	\$0	0.0
Percentage Change	737.9%	0.0%	737.9%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

TOBACCO LITIGATION

Since the State’s settlement of the tobacco litigation against the major domestic tobacco companies in 1998, this unit has monitored compliance with the numerous injunctive terms and payment obligations under the Master Settlement Agreement (“MSA”) and the Smokeless Tobacco Master Settlement Agreement (“STMSA”). Under these agreements, the companies have agreed to a host of marketing restrictions, including a prohibition on youth marketing. Also under these agreements, the companies pay anywhere from \$80.0 - \$100.0 Million to the general fund of the State of Colorado each year. The fluctuations in payments depend on various complex adjustments provided for under the MSA which relate to sales volume by the participating companies and market share loss to manufacturers that are not part of the MSA (so called, “nonparticipating manufacturers” or “NPMs”). This unit monitors compliance with the settlement and protects Colorado’s interests in the MSA’s annual payment calculations.

This unit also enforces statutes that require NPMs to pay an escrow on their sales that approximates what they would owe under the settlement. The diligent enforcement of these statutes represent Colorado’s responsibilities under the MSA. The Colorado Department of Revenue (DOR) also has enforcement responsibilities with regard to these escrow requirements, and this unit works closely with DOR on this enforcement. The Antitrust, Tobacco and Consumer Protection Unit has one full-time lawyer and paralegal funded out tobacco settlement funds to handle these responsibilities.

The State’s “diligent enforcement” of the escrow statutes are subject to arbitration proceedings instigated by the tobacco companies in an attempt to claw back settlement payments made to the State. Colorado recently reached a supplemental settlement to the MSA that resolved 10 years of these disputes with a contingency for settling some outlying years. In joining this settlement, the universe of cigarettes and roll-your-own products that Colorado must track and diligently enforce against is greatly expanded. The unit is in the process of creating the framework for enforcement that moving into the future will comply with these new responsibilities and prepare it for successful defense of its diligent enforcement in any future arbitration.

STATUTORY AUTHORITY: Sections 24-31-402 and 403, C.R.S.

REQUEST: The Department requests a continuation appropriation of \$100,000 cash funds from the Tobacco Settlement Defense Account.

RECOMMENDATION: Staff recommends approving the request. Staff requests permission to alter this line item based on final figures determined by the revenue forecast selected by the Committee to balance the budget against, however, any changes are unlikely given current conditions.

SPECIAL PURPOSE, TOBACCO LITIGATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$100,000	\$0	\$100,000	\$0	\$0	0.0
TOTAL	\$100,000	\$0	\$100,000	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$100,000	\$0	\$100,000	\$0	\$0	0.0

SPECIAL PURPOSE, TOBACCO LITIGATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	\$100,000	\$0	\$100,000	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
	\$100,000	\$0	\$100,000	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

CORA AND OML ATTORNEY

The General Assembly created this line item in FY 2015-16 to support an attorney dedicated to enhancing the Department's expertise with respect to the Colorado Open Records Act (CORA) and Open Meetings Law (OML). The position is specifically focused on CORA and OML legal issues and compliance to provide centralized expertise within the Department and to facilitate other agencies' CORA and OML compliance.

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

REQUEST AND RECOMMENDATION: The Department request and Staff recommendation are summarized in the table below. Differences include the staff initiated operating expenses adjustment.

SPECIAL PURPOSE, CORA OML ATTORNEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$101,717	\$101,717	\$0	\$0	\$0	1.0
TOTAL	\$101,717	\$101,717	\$0	\$0	\$0	1.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$101,717	\$101,717	\$0	\$0	\$0	1.0
Staff-initiated operating expenses inflation adjustment	154	154	0	0	0	0.0
Salary survey for FY 2022-23	91	91	0	0	0	0.0
TOTAL	\$101,962	\$101,962	\$0	\$0	\$0	1.0
INCREASE/(DECREASE)	\$245	\$245	\$0	\$0	\$0	0.0
Percentage Change	0.2%	0.2%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST						
	\$101,808	\$101,808	\$0	\$0	\$0	1.0
Request Above/(Below) Recommendation	(\$154)	(\$154)	\$0	\$0	\$0	0.0

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

LONG BILL FOOTNOTES

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

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

COMMENT: The blended legal rate is used to compute the Long Bill appropriations for legal services for the various agencies of state government. The blended rate is also used to compute legal-service appropriations in other legislation. This footnote contains a clear statement of legislative intent regarding the blended legal rate and the rates to be charged for the services provided by attorneys and legal assistants. Staff will ultimately fill in the hourly rates that correspond to appropriations that are included in the FY 2023-24 Long Bill.

Assuming the JBC Adopts JBC Staff recommendation to codify the following footnote in statute, Staff recommends **DISCONTINUING** the following footnote:

- 63 Department of Law, Special Purpose, Litigation Management – It is the intent of the General Assembly to grant the Department of Law additional flexibility by allowing the Department to use money appropriated to this line item to address unanticipated state legal needs that arise during FY 2023-24. It is also the intent of the General Assembly that money spent from this line item shall not require the appropriation of additional FTE and will not be used for any type of salary increase, promotion, reclassification, or bonus related to any present or future FTE employed by the Department of Law. It is furthermore the intent of the General Assembly that money spent from this line item will not be used to offset present or future personal services deficits in any division in the Department.

COMMENT: If the Committee does not elect to carry legislation, JBC staff recommends including this footnote in the FY 2023-24 Long Bill.

REQUESTS FOR INFORMATION

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

- 2 Department of Law, Criminal Justice and Appellate, Appellate Unit – The Department is requested to provide by November 1, 2023 a report concerning the Appellate Unit’s progress in reducing its case backlog, including the following data for FY 2022-23: the number of opening briefs received; the number of answer briefs filed; and the case backlog as of June 30, 2023.

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

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

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

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
--	----------------------	----------------------	-----------------------------	-----------------------	------------------------------

DEPARTMENT OF LAW Phil Weiser, Attorney General
--

(1) ADMINISTRATION

Personal Services	<u>5,214,677</u>	<u>5,626,892</u>	<u>4,849,848</u>	<u>5,525,052</u>	<u>5,387,718</u> *
FTE	41.5	42.8	51.2	56.2	55.7
General Fund	736,797	1,168,142	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	4,477,880	4,458,750	4,849,848	5,525,052	5,387,718
Federal Funds	0	0	0	0	0
Office of Community Engagement	<u>885,788</u>	<u>880,836</u>	<u>1,003,369</u>	<u>1,009,080</u>	<u>1,015,759</u> *
FTE	8.1	8.0	9.0	8.8	8.8
General Fund	693,079	687,937	808,229	994,080	1,000,759
Cash Funds	192,709	192,899	195,140	15,000	15,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Patterns and Practice Investigations	<u>0</u>	<u>323,921</u>	<u>334,829</u>	<u>484,911</u>	<u>449,272</u> *
FTE	0.0	1.8	2.0	2.9	2.8
General Fund	0	323,921	334,829	484,911	449,272
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Health, Life, and Dental	<u>4,821,004</u>	<u>6,008,122</u>	<u>6,529,977</u>	<u>7,881,424</u>	<u>7,881,423</u> *
General Fund	727,932	1,290,587	1,501,660	1,960,400	1,960,401
Cash Funds	631,515	966,405	813,530	1,040,077	1,040,076
Reappropriated Funds	3,314,428	3,595,030	4,040,208	4,616,121	4,616,121
Federal Funds	147,129	156,100	174,579	264,826	264,825
Short-term Disability	<u>81,203</u>	<u>79,236</u>	<u>89,614</u>	<u>97,677</u>	<u>97,310</u> *
General Fund	21,806	17,233	21,360	23,720	23,827
Cash Funds	9,975	12,499	10,363	11,435	11,412
Reappropriated Funds	47,611	47,300	55,825	59,936	59,491
Federal Funds	1,811	2,204	2,066	2,586	2,580
S.B. 04-257 Amortization Equalization Disbursement	<u>2,388,324</u>	<u>2,476,156</u>	<u>2,800,422</u>	<u>3,257,151</u>	<u>3,257,151</u> *
General Fund	641,356	538,541	667,499	798,952	798,952
Cash Funds	293,386	390,598	323,841	374,142	374,142
Reappropriated Funds	1,400,312	1,478,141	1,744,524	1,997,853	1,997,853
Federal Funds	53,270	68,876	64,558	86,204	86,204
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>2,388,324</u>	<u>2,476,156</u>	<u>2,800,422</u>	<u>3,257,151</u>	<u>3,257,151</u> *
General Fund	641,356	538,541	667,499	798,952	798,952
Cash Funds	293,386	390,598	323,841	374,142	374,142
Reappropriated Funds	1,400,312	1,478,141	1,744,524	1,997,853	1,997,853
Federal Funds	53,270	68,876	64,558	86,204	86,204

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Salary Survey for Classified Employees	<u>0</u>	<u>468,752</u>	<u>473,763</u>	<u>932,933</u>	<u>932,933</u> *
General Fund	0	139,945	140,618	271,952	271,952
Cash Funds	0	152,845	141,955	297,685	301,885
Reappropriated Funds	0	142,474	157,267	294,363	290,163
Federal Funds	0	33,488	33,923	68,933	68,933
Salary Survey for Exempt Employees	<u>0</u>	<u>1,620,558</u>	<u>2,608,975</u>	<u>6,434,758</u>	<u>6,434,758</u> *
General Fund	0	352,456	558,626	1,341,356	1,341,356
Cash Funds	0	255,634	95,414	249,210	249,210
Reappropriated Funds	0	967,392	1,938,380	4,817,904	4,817,904
Federal Funds	0	45,076	16,555	26,288	26,288
PERA Direct Distribution	<u>2,072</u>	<u>1,214,732</u>	<u>935,196</u>	<u>198,235</u>	<u>198,235</u>
General Fund	0	297,982	0	54,251	48,765
Cash Funds	2,072	191,616	174,463	24,004	24,112
Reappropriated Funds	0	725,134	760,733	119,980	119,817
Federal Funds	0	0	0	0	5,541
Workers' Compensation	<u>206,773</u>	<u>186,397</u>	<u>191,851</u>	<u>179,450</u>	<u>179,450</u>
General Fund	58,670	43,923	44,744	47,692	47,692
Cash Funds	29,376	30,222	29,272	23,605	23,605
Reappropriated Funds	112,804	106,900	112,712	101,814	101,814
Federal Funds	5,923	5,352	5,123	6,339	6,339

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Attorney Registration and Continuing Legal Education					
General Fund	<u>141,076</u>	<u>150,528</u>	<u>165,585</u>	<u>176,035</u>	<u>176,035</u> *
Cash Funds	35,863	25,555	26,505	33,987	33,987
Reappropriated Funds	4,275	10,403	10,403	4,465	4,465
Federal Funds	99,513	113,145	127,252	135,803	135,803
Operating Expenses	<u>1,425</u>	<u>1,425</u>	<u>1,425</u>	<u>1,780</u>	<u>1,780</u>
General Fund	<u>202,917</u>	<u>202,917</u>	<u>375,567</u>	<u>245,867</u>	<u>262,983</u> *
Cash Funds	0	0	150,000	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	202,917	202,917	225,567	245,867	262,983
Legal Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	<u>9,498</u>	<u>26,626</u>	<u>85,019</u>	<u>200,209</u>	<u>200,209</u>
Cash Funds	3,648	10,227	32,656	76,901	76,901
Reappropriated Funds	5,850	16,399	52,363	123,308	123,308
Federal Funds	0	0	0	0	0
Administrative Law Judge Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	<u>775</u>	<u>197</u>	<u>1,042</u>	<u>1,233</u>	<u>1,233</u>
Cash Funds	0	0	0	0	0
Reappropriated Funds	775	197	1,042	1,233	1,233
Federal Funds	0	0	0	0	0

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Payment to Risk Management and Property Funds	<u>145,673</u>	<u>203,812</u>	<u>344,882</u>	<u>419,682</u>	<u>419,682</u>
General Fund	41,335	48,028	80,436	111,538	111,538
Cash Funds	20,694	33,044	52,619	55,206	55,206
Reappropriated Funds	79,472	116,888	202,617	238,114	238,114
Federal Funds	4,172	5,852	9,210	14,824	14,824
Statewide training	<u>0</u>	<u>0</u>	<u>0</u>	<u>8,584</u>	<u>8,584</u> *
General Fund	0	0	0	2,268	2,268
Cash Funds	0	0	0	1,129	1,129
Reappropriated Funds	0	0	0	4,884	4,884
Federal Funds	0	0	0	303	303
Vehicle Lease Payments	<u>61,432</u>	<u>82,356</u>	<u>93,413</u>	<u>88,605</u>	<u>88,605</u> *
General Fund	24,787	35,690	34,570	29,277	29,277
Cash Funds	15,537	18,357	21,111	15,266	15,266
Reappropriated Funds	20,568	26,056	29,432	37,105	37,105
Federal Funds	540	2,253	8,300	6,957	6,957
Information Technology Asset Maintenance	<u>1,358,969</u>	<u>1,124,439</u>	<u>1,124,439</u>	<u>1,325,378</u>	<u>1,369,433</u> *
General Fund	385,607	264,966	262,242	352,245	363,954
Cash Funds	193,064	182,312	171,560	174,340	180,135
Reappropriated Funds	741,374	644,874	660,609	751,976	776,971
Federal Funds	38,924	32,287	30,028	46,817	48,373
Ralph L. Carr Colorado Judicial Center Leased Space	<u>3,440,771</u>	<u>3,501,908</u>	<u>3,565,176</u>	<u>3,629,348</u>	<u>3,629,348</u>
General Fund	976,319	825,200	831,472	964,572	964,572
Cash Funds	488,817	567,784	543,947	477,400	477,400
Reappropriated Funds	1,877,084	2,008,371	2,094,550	2,059,174	2,059,174
Federal Funds	98,551	100,553	95,207	128,202	128,202

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Payments to OIT	<u>940,700</u>	<u>941,899</u>	<u>464,246</u>	<u>1,369,667</u>	<u>1,369,667</u> *
General Fund	266,923	222,869	108,241	364,015	364,015
Cash Funds	133,642	152,520	70,864	180,166	180,166
Reappropriated Funds	513,191	539,499	272,613	777,104	777,104
Federal Funds	26,944	27,011	12,528	48,382	48,382
CORE Operations	<u>60,148</u>	<u>44,664</u>	<u>49,216</u>	<u>44,240</u>	<u>44,240</u> *
General Fund	17,068	10,524	11,478	11,684	11,684
Cash Funds	8,546	7,240	7,509	5,818	5,818
Reappropriated Funds	32,811	25,617	28,915	25,175	25,175
Federal Funds	1,723	1,283	1,314	1,563	1,563
Digital Trunk Radio	<u>0</u>	<u>0</u>	<u>0</u>	<u>20,931</u>	<u>20,931</u> *
General Fund	0	0	0	5,814	5,814
Cash Funds	0	0	0	12,442	12,442
Reappropriated Funds	0	0	0	2,675	2,675
Federal Funds	0	0	0	0	0
Attorney General Discretionary Fund	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
General Fund	5,000	5,000	5,000	5,000	5,000
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>279,025</u>	<u>279,025</u>
General Fund	0	0	0	68,594	68,594
Cash Funds	0	0	0	33,787	33,787
Reappropriated Funds	0	0	0	168,877	168,877
Federal Funds	0	0	0	7,767	7,767

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
TOTAL - (1) Administration	22,355,124	27,646,104	28,891,851	37,071,626	36,966,135
<i>FTE</i>	<u>49.6</u>	<u>52.6</u>	<u>62.2</u>	<u>67.9</u>	<u>67.3</u>
General Fund	5,277,546	6,847,267	6,287,664	8,802,161	8,779,532
Cash Funds	2,323,619	3,571,572	3,039,237	3,493,860	3,503,939
Reappropriated Funds	14,320,277	16,676,629	19,045,576	23,977,630	23,877,599
Federal Funds	433,682	550,636	519,374	797,975	805,065

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(2) LEGAL SERVICES TO STATE AGENCIES					
Personal Services	<u>35,230,340</u>	<u>40,930,020</u>	<u>43,677,131</u>	<u>45,281,301</u>	<u>44,322,086</u> *
FTE	281.5	316.0	326.7	337.5	336.5
Cash Funds	377,181	0	0	0	0
Reappropriated Funds	34,853,159	40,930,020	43,677,131	45,281,301	44,322,086
Operating and Litigation	<u>1,907,419</u>	<u>2,040,671</u>	<u>2,482,796</u>	<u>2,663,226</u>	<u>2,773,061</u> *
General Fund	0	0	0	0	0
Cash Funds	241,909	200,000	200,000	200,000	200,000
Reappropriated Funds	1,665,510	1,840,671	2,282,796	2,463,226	2,573,061
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>3,843,839</u>	<u>3,974,390</u>	<u>4,178,501</u>	<u>4,738,175</u>	<u>4,738,175</u>
Cash Funds	1,836,064	1,314,518	1,522,148	1,867,378	1,867,378
Reappropriated Funds	2,007,775	2,659,872	2,656,353	2,870,797	2,870,797
TOTAL - (2) Legal Services to State Agencies	40,981,598	46,945,081	50,338,428	52,682,702	51,833,322
FTE	<u>281.5</u>	<u>316.0</u>	<u>326.7</u>	<u>337.5</u>	<u>336.5</u>
General Fund	0	0	0	0	0
Cash Funds	2,455,154	1,514,518	1,722,148	2,067,378	2,067,378
Reappropriated Funds	38,526,444	45,430,563	48,616,280	50,615,324	49,765,944
Federal Funds	0	0	0	0	0

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(3) CRIMINAL JUSTICE AND APPELLATE					
Special Prosecutions Unit	<u>4,092,988</u>	<u>4,484,745</u>	<u>4,686,348</u>	<u>5,640,828</u>	<u>5,505,615</u> *
FTE	34.7	38.6	38.6	43.1	42.8
General Fund	1,708,325	2,099,156	2,216,872	2,982,820	2,839,256
Cash Funds	1,558,704	1,559,250	1,615,295	1,753,913	1,759,637
Reappropriated Funds	825,959	826,339	854,181	904,095	906,722
Auto Theft Prevention Grant	<u>295,544</u>	<u>163,713</u>	<u>167,945</u>	<u>172,300</u>	<u>172,444</u>
FTE	2.0	1.0	1.0	1.0	1.0
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	295,544	163,713	167,945	172,300	172,444
Appellate Unit	<u>4,384,232</u>	<u>4,235,179</u>	<u>4,842,361</u>	<u>5,111,359</u>	<u>5,124,749</u>
FTE	38.6	38.1	41.6	41.6	41.6
General Fund	3,887,608	3,597,612	4,196,724	4,159,467	4,172,857
Cash Funds	0	0	0	0	0
Reappropriated Funds	496,624	637,567	645,637	951,892	951,892
Medicaid Fraud Control Unit	<u>2,299,642</u>	<u>2,299,804</u>	<u>3,209,440</u>	<u>3,596,188</u>	<u>3,598,513</u>
FTE	20.0	20.0	27.3	28.0	28.0
General Fund	574,910	574,642	802,361	899,047	901,372
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	1,724,732	1,725,162	2,407,079	2,697,141	2,697,141

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Peace Officers Standards and Training Board Support	<u>5,105,534</u>	<u>5,145,816</u>	<u>6,404,354</u>	<u>6,178,762</u>	<u>6,238,674</u>
FTE	14.6	15.5	16.3	16.0	16.0
General Fund	0	39,775	21,535	0	0
Cash Funds	5,105,534	5,106,041	6,382,819	6,178,762	6,238,674
Reappropriated Funds	0	0	0	0	0
Indirect Cost Assessment	<u>704,657</u>	<u>686,766</u>	<u>785,847</u>	<u>812,861</u>	<u>812,861</u>
Cash Funds	401,047	388,989	398,827	426,787	426,787
Reappropriated Funds	91,789	87,187	85,276	91,254	91,254
Federal Funds	211,821	210,590	301,744	294,820	294,820
TOTAL - (3) Criminal Justice and Appellate	16,882,597	17,016,023	20,096,295	21,512,298	21,452,856
FTE	<u>109.9</u>	<u>113.2</u>	<u>124.8</u>	<u>129.7</u>	<u>129.4</u>
General Fund	6,170,843	6,311,185	7,237,492	8,041,334	7,913,485
Cash Funds	7,065,285	7,054,280	8,396,941	8,359,462	8,425,098
Reappropriated Funds	1,709,916	1,714,806	1,753,039	2,119,541	2,122,312
Federal Funds	1,936,553	1,935,752	2,708,823	2,991,961	2,991,961

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(4) WATER AND NATURAL RESOURCES					
Federal and Interstate Water Unit	<u>621,497</u>	<u>612,908</u>	<u>851,981</u>	<u>1,104,623</u>	<u>1,050,409</u> *
FTE	4.6	4.5	6.5	8.3	8.1
General Fund	621,497	612,908	851,981	1,104,623	1,050,409
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Defense of the Colorado River Basin Compact	<u>465,675</u>	<u>465,929</u>	<u>953,971</u>	<u>977,107</u>	<u>978,603</u>
FTE	3.5	3.5	3.5	3.5	3.5
General Fund	0	0	0	0	0
Cash Funds	465,675	465,929	953,971	977,107	978,603
Reappropriated Funds	0	0	0	0	0
Defense of the Republican River Compact	<u>110,000</u>	<u>110,000</u>	<u>110,000</u>	<u>110,000</u>	<u>110,130</u>
General Fund	0	0	0	0	0
Cash Funds	110,000	110,000	110,000	110,000	110,130
Reappropriated Funds	0	0	0	0	0
Consultant Expenses	<u>275,000</u>	<u>275,000</u>	<u>475,000</u>	<u>475,000</u>	<u>481,308</u>
Cash Funds	275,000	275,000	475,000	475,000	481,308
Reappropriated Funds	0	0	0	0	0

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Comprehensive Environmental Response, Compensation and Liability Act	<u>544,562</u>	<u>544,562</u>	<u>560,274</u>	<u>594,444</u>	<u>595,344</u>
FTE	3.5	3.5	3.5	3.5	3.5
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	544,562	544,562	560,274	594,444	595,344
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>49,425</u>	<u>46,947</u>	<u>45,918</u>	<u>49,137</u>	<u>49,137</u>
Reappropriated Funds	49,425	46,947	45,918	49,137	49,137
TOTAL - (4) Water and Natural Resources	2,066,159	2,055,346	2,997,144	3,310,311	3,264,931
FTE	<u>11.6</u>	<u>11.5</u>	<u>13.5</u>	<u>15.3</u>	<u>15.1</u>
General Fund	621,497	612,908	851,981	1,104,623	1,050,409
Cash Funds	850,675	850,929	1,538,971	1,562,107	1,570,041
Reappropriated Funds	593,987	591,509	606,192	643,581	644,481
Federal Funds	0	0	0	0	0

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(5) CONSUMER PROTECTION					
Consumer Protection and Antitrust	<u>3,792,393</u>	<u>3,993,176</u>	<u>4,961,145</u>	<u>5,728,974</u>	<u>5,731,697</u> *
FTE	34.2	36.0	40.0	41.8	41.8
General Fund	0	200,128	2,383,063	2,728,990	2,731,250
Cash Funds	3,638,665	3,639,066	2,417,275	2,832,352	2,832,559
Reappropriated Funds	153,728	153,982	160,807	167,632	167,888
Consumer Credit Unit	<u>2,220,954</u>	<u>2,514,199</u>	<u>2,491,175</u>	<u>2,568,079</u>	<u>2,573,817</u>
FTE	23.0	23.5	25.0	25.0	25.0
General Fund	0	215,000	0	0	0
Cash Funds	2,220,954	2,299,199	2,491,175	2,568,079	2,573,817
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
False Claims Recovery Act Reimbursements	<u>0</u>	<u>0</u>	<u>0</u>	<u>300,000</u>	<u>300,000</u> *
Cash Funds	0	0	0	300,000	300,000
Indirect Cost Assessment	<u>628,402</u>	<u>767,246</u>	<u>625,791</u>	<u>669,663</u>	<u>669,663</u>
Cash Funds	607,220	747,126	606,112	648,604	648,604
Reappropriated Funds	21,182	20,120	19,679	21,059	21,059
TOTAL - (5) Consumer Protection	6,641,749	7,274,621	8,078,111	9,266,716	9,275,177
FTE	<u>57.2</u>	<u>59.5</u>	<u>65.0</u>	<u>66.8</u>	<u>66.8</u>
General Fund	0	415,128	2,383,063	2,728,990	2,731,250
Cash Funds	6,466,839	6,685,391	5,514,562	6,349,035	6,354,980
Reappropriated Funds	174,910	174,102	180,486	188,691	188,947
Federal Funds	0	0	0	0	0

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(6) SPECIAL PURPOSE					
District Attorneys' Salaries	<u>2,799,368</u>	<u>2,800,512</u>	<u>2,810,808</u>	<u>2,813,096</u>	<u>2,813,096</u>
General Fund	2,799,368	2,800,512	2,810,808	2,813,096	2,813,096
Deputy District Attorney Training	<u>200,000</u>	<u>350,000</u>	<u>350,000</u>	<u>350,000</u>	<u>350,000</u>
General Fund	200,000	350,000	350,000	350,000	350,000
Reappropriated Funds	0	0	0	0	0
District Attorney Assistance for Bond Hearings					
Grants	<u>0</u>	<u>150,000</u>	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>
General Fund	0	150,000	600,000	600,000	600,000
Reappropriated Funds	0	0	0	0	0
Litigation Management	<u>187,530</u>	<u>89,917</u>	<u>200,000</u>	<u>1,675,700</u>	<u>1,675,700</u> *
Cash Funds	187,530	89,917	200,000	1,675,700	1,675,700
Tobacco Litigation	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>
Cash Funds	100,000	100,000	100,000	100,000	100,000
CORA OML Attorney	<u>0</u>	<u>0</u>	<u>101,717</u>	<u>101,808</u>	<u>101,962</u>
FTE	0.0	0.0	1.0	1.0	1.0
General Fund	0	0	101,717	101,808	101,962
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*Indicates the line item is impacted by a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
TOTAL - (6) Special Purpose	3,286,898	3,490,429	4,162,525	5,640,604	5,640,758
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
General Fund	2,999,368	3,300,512	3,862,525	3,864,904	3,865,058
Cash Funds	287,530	189,917	300,000	1,775,700	1,775,700
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
TOTAL - Department of Law	92,214,125	104,427,604	114,564,354	129,484,257	128,433,179
<i>FTE</i>	<u>509.8</u>	<u>552.8</u>	<u>593.2</u>	<u>618.2</u>	<u>616.1</u>
General Fund	15,069,254	17,487,000	20,622,725	24,542,012	24,339,734
Cash Funds	19,449,102	19,866,607	20,511,859	23,607,542	23,697,136
Reappropriated Funds	55,325,534	64,587,609	70,201,573	77,544,767	76,599,283
Federal Funds	2,370,235	2,486,388	3,228,197	3,789,936	3,797,026

*Indicates the line item is impacted by a decision item.

APPENDIX B: IT ASSET MAINTENANCE REFRESH CYCLE AND COST ESTIMATES

IT ASSET MAINTENANCE REFRESH CYCLE AND COST ESTIMATES				
IT ASSET OR LICENSE	QUANTITY	COST	LIFECYCLE	ANNUAL COST
Adobe Suite	1	\$97,649	1	\$97,649
Barracuda WAF	1	4,233	1	4,233
Cisco Hyperconverged System (Data Center)	1	216,404	5	43,281
Cisco Hyperconverged System (e-Fort (DR))	1	82,418	5	16,484
Conference Room Provisioning	10	30,000	4	7,500
Crowdstrike Advanced Threat Protection	1	34,046	1	34,046
Firewalls (Data Center)	1	72,000	5	14,400
Firewalls (e-Fort (DR))	1	72,000	5	14,400
Microsoft Enterprise Agreement G3	1	272,205	1	272,205
Microsoft Premier Support	1	105,630	1	105,630
Monitors	1200	250,800	7	35,829
Multifactor Authentication	1	1,500	1	1,500
Nintex Workflow & Forms	1	11,565	1	11,565
Personal Computing -- Desktop/Laptop	600	1,110,000	5	222,000
Rapid7 - InsightVM and IDR subscription	1	60,000	1	60,000
Mitel Licenses (Telephony)	650	24,458	1	24,458
SmartDraw Site License	1	5,120	1	5,120
Switches/Maintenance/license -- Data center switches	7	165,101	7	23,586
Switches/Maintenance/license -- IDF Cisco	24	263,523	7	37,646
Data Storage (Data Center/Dell)	1	38,000	3	12,667
Data Storage (DR/Dell)	1	38,000	3	12,667
Denver datacenter Netapp replacement one time	1	50,000	5	10,000
DR site Netapp replacement one time	1	50,000	5	10,000
Varonis Data Classification Tool	1	106,228	1	106,228
VEEAM Availability Suite	1	47,239	1	47,239
Visual Studio	4	6,000	1	6,000
Data Storage growth Requirements (DR/DC @ +25%/year)	1	30,750	1	30,750
Secret CRT	4	132	1	132
BeyondTrust	10	7,205	1	7,205
Solarwinds	4	275	1	275
SecretServer	20	8,166	1	8,166
DR & Denver Netapp Maintenance (this goes away when the equipment is replaced)	1	12,830	1	12,830
PDQ	7	7,699	1	7,699
Desk Subscriptions	150	4,500	1	4,500
Palo Alto	1	5,974	1	5,974
Smartsimple	1	11,514	1	11,514
Moveit	1	7,577	1	7,577
PingID	1	6,064	1	6,064
Conga	1	12,570	1	12,570
Manage Engine	1	14,325	1	14,325
Webex	1	3,519	1	3,519
Total				\$1,369,433