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**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

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**Office of the Attorney General**

March 12, 2025

**M E M O R A N D U M**

- TO:** Sen. Jeff Bridges, Chair, Joint Budget Committee  
Rep. Shannon Bird, Vice-chair, Joint Budget Committee  
Sen. Judy Amabile, Joint Budget Committee  
Sen. Barbara Kirkmeyer, Joint Budget Committee  
Rep. Emily Sirota, Joint Budget Committee  
Rep. Rick Taggart, Joint Budget Committee
- FROM:** Jefferey Riester, Senior Assistant Attorney General, Department of Law  
Kurtis Morrison, Deputy Attorney General, Department of Law
- CC:** Sen. Julie Gonzales, Chair, Senate Committee on the Judiciary  
Rep. Javier Mabrey, Chair, House Committee on the Judiciary  
Scott Thompson, Joint Budget Committee Staff  
Jason Schrock, Chief Financial Officer, Department of Law
- RE:** Comeback Request for Department of Law FY 2025-2026 Budget Request:  
“BA1 Additional Litigation Resources”

On behalf of Attorney General Weiser, the Department of Law (“Department”) respectfully submits this comeback request for the Joint Budget Committee’s (“JBC”) consideration. The comeback request is specific to the Department decision item, submitted by budget request amendment, entitled “BA1 Additional Litigation Resources.”

**SUMMARY OF BUDGET REQUEST AND JBC ACTION**

***Summary of Decision Item.*** On January 15, 2025, the Attorney General submitted a budget request amendment<sup>1</sup> to the JBC, requesting \$604,491 General

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<sup>1</sup> § 2-3-208(2)(a), C.R.S. (2024).

Fund for 2.8 FTE in FY 2025-26 and \$637,600 General Fund for 3.0 FTE in FY 2026-27.<sup>2</sup> The request is submitted to fund dedicated litigators for the following purposes:

- ***Litigation***
  - Litigating and supporting ongoing legal challenges to unlawful federal government actions, including: (1) Colorado-led and -joined litigation; (2) litigation in which Colorado has intervened; and (3) amicus briefs.
  - Litigating Colorado-specific litigation anticipated in the coming year.
  - Coordinating with other state attorneys general offices on federal actions that harm states and/or citizens' rights.
  - Tracking, researching, and analyzing federal actions that merit legal challenges or pose compliance issues for Colorado state agencies and/or institutions of higher education (“IHEs”).
  
- ***Legal Counsel to State Agencies***
  - Researching, monitoring, and analyzing the evolving federal legal landscape—specifically federal administrative actions that impact Colorado state agencies, IHEs, and citizens.
  - Developing compliance-related legal advice for state agencies and IHEs regarding the evolving federal legal landscapes, with emphasis on ensuring that legal advice to state agencies and IHEs is up to date with the significant volume of new and amended federal executive orders, directives, memoranda, and other actions, given the daily or, at times, hourly, changes in federal administrative actions.
  
- ***Federal Funding Protection***
  - Coordinating and advising on federal compliance to ensure continuity of federal funding streams for Colorado state agencies and IHEs.
  - Analyzing new and updated federal executive orders and directives that contain federal funding sanctions or penalties for noncompliance, and developing corresponding legal advice to state agencies and IHEs.
  - Representing state agencies in appeals and administrative disputes when grants are terminated, paused, or disrupted by a federal agency.

***Summary of JBC Action.*** The JBC considered the Department’s request on February 7, 2025, opted not to act at that time, and requested additional information supporting the request.<sup>3</sup> This memorandum to the JBC provides the additional data and information that the Committee indicated it would like to receive.

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<sup>2</sup> Letter from Att’y Gen. Phil Weiser to Sen. Jeff Bridges, Chair, Joint Budget Comm., Colo. Gen. Assemb. (Jan. 15, 2025) (“FY 2025-2026 Department of Law Budget Amendment Request”).

<sup>3</sup> *Figure Setting Hearing for the Dep’t of Law FY 2025-2026 Budget Request Before the Joint Budget Comm.*, 75th Gen. Assemb. 1st Reg. Sess. (Feb. 7, 2025).

## **BACKGROUND**

The Attorney General is charged by law to serve as the State’s chief legal representative; function as the lawyer for Executive and Judicial Departments of state government, including IHEs; and appear for the State in civil or criminal actions in which the State of Colorado is interested.<sup>4</sup> These functions include defending the State’s legal and funding interests against unlawful actions, including actions taken by the federal government that violate federal laws and harm the State of Colorado and/or its citizens. The policy of the Department of Law, set by Attorney General Weiser, is to challenge the federal government in litigation when two conditions are present: (1) federal laws are violated; and (2) Coloradans are harmed.<sup>5</sup>

To date, the Attorney General has led, joined, or supported litigation against the federal government during all three Administrations during his two terms in office. However, the current Administration’s actions—both the volume of actions and their inconsistency with constitutional and statutory frameworks—are markedly increased from prior administrations. During the current federal Administration, the Department’s workload spiraled upward due to a heavy volume of federal actions impacting Colorado state agencies, IHEs, federal funding streams directed to the State, and citizens’ rights.<sup>6</sup> Since January 20, 2025, multiple federal courts have blocked a number of these federal actions from being implemented. The volume of federal actions challenged and presently held under preliminary injunctions or temporary restraining orders (“TROs”) is extensive.<sup>7</sup> This in turn led to additional legal work as various federal agencies’ actions continue to send notices of funding restrictions and pauses to Colorado entities, despite preliminary injunctions and TROs entered by federal courts.

The major volume of federal actions—in the forms of executive orders, directives, memoranda, and guidance from the White House and federal agencies—carries significant consequences for state agencies, IHEs, and Colorado citizens. Regardless of whether such actions are lawful or are presently being challenged as

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<sup>4</sup> §§ 24-31-101(1)(a), -101(1)(b), -111, C.R.S. (2024).

<sup>5</sup> *Dep’t of Law 2025 SMART Act Presentation Before the Joint Comm. on the Judiciary*, 75th Gen. Assemb. 1st Reg. Sess. (Jan. 28, 2025), available at <https://coag.gov/blog-post/testimony-ag-weiser-joint-committee-judiciary-dol-performance-jan-8-2025/>.

<sup>6</sup> A summary of litigation-related actions is provided as Appendix A.

<sup>7</sup> *California. et al. v. U.S. Dep’t of Educ. al.*, No. 1:25-cv-10139-LTS (D. Mass. Feb. 13, 2025) (order granting preliminary injunction); *New Jersey. et al. v. Trump et al.*, No. 1:25-cv-10548-MJJ (D. Mass. Mar. 10, 2025) (order granting temporary restraining order); *New York. et al. v. Trump et al.*, No. 1:25-cv-00039-JJM-PAS, (D.R.I. Mar. 6, 2025) (order granting preliminary injunction); *Mass. et al. v. NIH et al.*, No. 1:25-cv-10338-AK (D. Mass. Mar. 5, 2025) (order granting preliminary injunction); *New York. et al. v. Trump et al.*, No. 25-cv-01144 (S.D.N.Y. Feb. 21, 2025) (order granting preliminary injunction); *Washington et al. v. Trump et al.*, No. 2:25-cv-00244-LK (W.D. Wash. Feb. 28, 2025) (order granting preliminary injunction).

unlawful, these federal actions are rapidly changing the legal landscape the State operates within. This, in turn, directly impacts the State and its citizens—with specific impacts on a significant number of federal grants that support the State.

## JUSTIFICATION AND ANALYSIS

The legal risks and uncertainties for Colorado state agencies, IHEs, and citizens prompted by unlawful federal actions threaten not only Colorado’s sovereignty and Coloradans’ rights, but also federal grant streams that fund critical State and local programs. To date, thousands of federal funding streams have been identified for funding pauses, rescissions, claw-backs, cancellations, or reallocations through a series of presidential executive orders<sup>8</sup> and federal agency directives.<sup>9</sup>

While not possible to quantify with exactitude the federal grant risks to Colorado, the breadth of funding streams affected—and their impacts on Colorado infrastructure, education, health, safety, and welfare—are extensive. The justifications for blocking such funding do not appear rooted in laws, but in the Administration’s policy priorities. In fact, the January 27, 2025, U.S. Office of Management Budget (“OMB”) Memorandum M-25-13 and corresponding guidance blocked 2,600 federal assistance programs from sending federal dollars to recipients until assuring that such spending “conforms to Administration priorities” and to “cancel awards already awarded *that are in conflict with Administration priorities*”.<sup>10</sup>

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<sup>8</sup> See Exec. Order No. 14,154, Unleashing American Energy, 90 Fed. Reg. 8,353 (Jan. 20, 2025); Exec. Order No. 14,168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, 90 Fed. Reg. 8,615 (Jan. 20, 2025); Exec. Order No. 14,159, Protecting the American People Against Invasion, 90 Fed. Reg. 8,443 (Jan. 20, 2025); Exec. Order No. 14,173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, 90 Fed. Reg. 8,633 (Jan. 21, 2025); Exec. Order No. 14,151, Ending Radical and Wasteful Government DEI Programs and Preferencing, 90 Fed. Reg. 8,339 (Jan. 29, 2025); Exec. Order No. 14,190, Ending Radical Indoctrination in K-12 Schooling, 90 Fed. Reg. 8,853 (Jan. 29, 2025); Exec. Order No. 14,190, Expanding Educational Freedom and Opportunities for Families, 90 Fed. Reg. 8,859 (Jan. 29, 2025); Exec. Order No. 14,187, Protecting Children from Chemical and Surgical Mutilation, 90 Fed. Reg. 8,771 (Feb. 3, 2025); Exec. Order No. 14,201, Keeping Men Out of Women’s Sports, 90 Fed. Reg. 8,365 (Feb. 5, 2025); Exec. Order No. 14,214, Keeping Education Accessible and Ending COVID-19 Vaccine Mandates in Schools, 90 Fed. Reg. 8,949 (Feb. 14, 2025); Exec. Order No. 14,218, Ending Taxpayer Subsidization of Open Borders, 90 Fed. Reg. 10,581 (Feb. 19, 2025).

<sup>9</sup> See Letter from Craig Trainor, Acting Asst. Sec. for Civil Rights, U.S. Dep’t. of Educ. (Feb. 14-2025); OFFICE OF THE ATTORNEY GENERAL, U.S. DEP’T OF JUSTICE, MEMORANDUM, SANCTUARY JURISDICTION DIRECTIVES (Feb. 5, 2025); OFFICE OF THE SEC. FOR TRANSP., U.S. DEP’T OF TRANSP., DOT ORDER, ENSURING RELIANCE UPON SOUND ECONOMIC ANALYSIS IN DEPARTMENT OF TRANSPORTATION POLICIES, PROGRAMS, AND ACTIVITIES at 3-4 (Jan. 29, 2025) (“[USDOT] programs . . . shall prioritize projects and goals that . . . give preference to communities with marriage and birth rates higher than the national average[.]”); OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, OMB MEMORANDUM M-25-13, TEMPORARY PAUSE OF AGENCY GRANT, LOAN, AND OTHER FINANCIAL ASSISTANCE PROGRAMS (Jan. 27, 2025) (*rescinded* by OMB MEMORANDUM M-25-14, RESCISSION OF M-25-13 (Jan. 29, 2025)).

<sup>10</sup> OMB MEMORANDUM M-25-13, TEMPORARY PAUSE OF AGENCY GRANT, LOAN, AND OTHER FINANCIAL ASSISTANCE PROGRAMS (Jan. 27, 2025) (emphasis added) (*rescinded* by OMB MEMORANDUM M-25-14,

Under litigation brought by the Department and other state attorneys general, a federal judge has blocked the OMB action from taking effect.<sup>11</sup> Despite the present TROs and preliminary injunctions on the OMB Memo case and others, it's been reported that as much as \$570 million remains withheld<sup>12</sup> from Colorado entities due to unlawful freezes or cancellations, including, for example:

- \$45 million in Department of Public Safety (“DPS”) grants that fund safety improvements to Colorado places of worship, preventing school violence, and disaster assistance, as well as terrorism prevention, nonprofit security, and state and local cybersecurity;<sup>13</sup>
- \$35 million in Colorado Energy Office (“CEO”) grants that support weatherization assistance disbursements;<sup>14</sup> and
- \$2 million in grants to support Colorado agriculture and food banks;<sup>15</sup>
- 34 grants to the Department of Natural Resources under the Floodplain Mapping Program.<sup>16</sup>

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RESCISSION OF M-25-13 (Jan. 29, 2025)); OMB INSTRUCTIONS FOR FEDERAL FINANCIAL ASSISTANCE PROGRAM ANALYSIS IN SUPPORT OF M-25-13, *available at* [https://www.heinrich.senate.gov/imo/media/doc/instructions\\_for\\_federal\\_financial\\_assistance\\_program\\_analysis\\_in\\_support\\_of\\_m-25-13.pdf](https://www.heinrich.senate.gov/imo/media/doc/instructions_for_federal_financial_assistance_program_analysis_in_support_of_m-25-13.pdf).

<sup>11</sup> *New York. et al. v. Trump et al.*, No. 1:25-cv-00039-JJM-PAS, (D.R.I. Mar. 6, 2025) (order granting preliminary injunction).

<sup>12</sup> Memorandum from U.S. Senator John Hickenlooper, *How Trump’s Federal Funding Freeze Affects Colorado* (Jan. 28, 2025) *available at* [https://www.hickenlooper.senate.gov/press\\_releases/memo-how-trumps-federal-funding-freeze-affects-colorado/](https://www.hickenlooper.senate.gov/press_releases/memo-how-trumps-federal-funding-freeze-affects-colorado/).

<sup>13</sup> Mot. to Enforce TRO, *NY. v. Trump*, No. 1:25-cv-00039-JJM-PAS, at 16 (D.R.I. Feb. 28, 2025) (emphasis added).

“The Colorado [DPS] Division of Homeland Security & Emergency Management is the recipient of Emergency Operations Center Grant Program grants . . . , Homeland Security Grant Program grants . . . , Nonprofit Security Grant Program grants . . . , State and Local Cybersecurity Grant Program grants . . . , and Targeted Violence and Terrorism Prevention Grant Program grants[.] These **grants have been reported as becoming inaccessible for payment** between February 19th and 21st and remain frozen. The Colorado [DPS] is also the recipient of a Shelter and Services Program Grant. The agency has received correspondence from FEMA claiming that it is out of compliance with various requirements of federal law, and that **FEMA intends to claw back the grant funds.**”

*See also* Seth Klamann, *Nearly \$45 Million in Colorado Safety Grants Still Frozen by Trump Administration, Officials Say*, THE DENVER POST, Mar. 4, 2025.

<sup>14</sup> Klamann, *supra* note 12.

<sup>15</sup> Hickenlooper, *supra* note 11.

<sup>16</sup> Pls.’ Mot. to Enforce TRO, *NY. v. Trump*, No. 1:25-cv-00039-JJM-PAS, at 16 (D.R.I. Feb. 28, 2025) (“The Colorado [DNR] is the recipient of thirty-four grants under the Floodplain Mapping Program - Cooperating Technical Partnership Award from Fiscal Years 2018 through 2022, all of which have been on hold in PARS since February 21[.]”).

The Department continues to work to ensure continuity of federal revenue streams by advising client agencies and IHEs on compliance and, where necessary, seeking to enforce preliminary injunctions and TROs barring federal agencies from continued spending freezes despite court orders entered. Mitigating these risks to ensure federal funding streams are uninterrupted requires sustained and robust legal representation for the State, as well as up-to-date legal advice for state agencies and IHEs regarding compliance.

***Department Staffing Impacts.*** Prior to the current federal Administration assuming office in January 2025, a large volume of material and statements were made available by personnel presently serving in the Administration. As such, the Department was prepared to respond to corresponding legal challenges and changes to our work—ranging from a pace the Department experienced during the prior two federal administrations (a pace of work the Department was capable of absorbing) to the other end of the spectrum in which the volume of unlawful federal actions and corresponding legal advice became a major driver of Department workload. Since January 20, 2025, the volume of workload driven by unlawful actions, litigation to respond, and corresponding legal advice to state agencies has exceeded expectations.

Since January 2025, new workload generated—including litigating against the federal government to challenge unlawful actions, and research to remain informed of changing federal laws, directives, and rules for legal advising and compliance—involves over 30 assistant solicitors general, assistant attorneys general, and deputy attorneys general. The workload absorbed by this core group of staff since January 2025 conservatively averages 240 hours/week in litigation work and 230 hours/week in legal counsel and advising to client agencies. Annualized, this workload amounts to 12.6 FTE (6.0 FTE for litigation, 6.6 FTE for legal counsel and advising).

That 12.6 FTE workload is presently absorbed by the 30-some attorneys assigned to this work—however, this is an unsustainable model to continue. This is particularly true as: (1) the Department does not expect this new workload to abate; (2) the workload is anticipated to grow if and when new litigation is brought specific to Colorado agencies, facilities, or laws; and (3) federal agencies actions delaying, pausing, or cancelling state agency and IHEs federal funding grants has not stopped despite current TROs and preliminary injunctions ordered by federal courts.

***Decision Item Request.*** To better situate the Department to respond to this evolving legal landscape, additional staff resources are necessary. While the Department continues to absorb this new workload within existing staff levels, this approach is unsustainable. Without the requested funding, the Department will be less situated to sufficiently monitor and respond to federal actions that impact Colorado's interests and address further increases in litigation. As a result, Colorado will be at a disadvantage in countering unlawful federal actions through litigation. Furthermore, the State will be less resourced to bring independent legal actions—as

a result, the Department's alternative option is to take supportive roles to other states that serve in litigation leads instead of Colorado. While this approach may be appropriate in some cases, it leaves the Department less able to ensure that Colorado's interests are at the forefront of multistate litigation strategies. Furthermore, this approach does not account for solely Colorado-specific harms which cannot be led by other states that do not have a legal interest to defend.

**Appendix A. Ongoing State of Colorado  
Litigation Against the Federal Government  
(current as of March 7, 2025)**

Case	Subject Matter	Legal/Financial Risks to the State
<i>Plaintiff State</i>		
<i>New Jersey, et al. v. Trump et al.</i> (D. Mass.)	Legality of the elimination of 14 <sup>th</sup> Amendment birthright citizenship for U.S.-born children of undocumented immigrants.	Denies citizenship and corresponding benefits to Colorado children born in the U.S. to parents who are undocumented.
<i>New York, et al. v. Trump et al.</i> (D.R.I.)	Legality of funding rescissions, pauses, cancellations of federal assistance grants.	Federal funding received by Colorado state agencies, IHEs.
<i>Mass. et al. v. NIH et al.</i> (D. Mass.)	Legality of reductions in medical and public health research federal funding.	Federal funding received by Colorado IHEs.
<i>New York, et al. v. Trump et al.</i> (S.D.N.Y.)	Legality of unlawful access by unauthorized persons to the U.S. Treasury central payment system and data.	Protects again unauthorized access to Coloradans' personal financial data.
<i>Washington et al. v. Trump et al.</i> (W.D. Wash.)	Legality of an executive order directing criminal enforcement against medical professionals and patients involved in gender-affirming care.	Protects transgender Coloradans' access to gender affirming care and Colorado medical professionals.
<i>California et al. v. U.S. Dep't of Education</i> (D. Mass.)	Legality of the termination of \$600 million in grant funding for K-12 teacher preparation programs.	Protects \$2.8 million in funding to address teacher shortages in rural Colorado (cancelled grants will result in an estimated 50 new teacher positions lost for rural school districts).
<i>Maryland et al. v. U.S. Dep't of Agriculture et al.</i> (D. Mass.)	Legality of federal agency mass firings of probational federal employees	Seeks restoration of unlawfully terminated federally employed Coloradans, and prevention of unlawful mass firings that may harm federal operations critical to Colorado's security such as wildfire mitigation.
<i>Amici</i>		
<i>AFGE et al. v. Ezell, OPM*</i> (D. Mass.)	Legality of the federal employee buy-out directive.	Protects against potential harms to approximately 40,000 Coloradans employed by the federal government.
<i>Baltimore et al. v. CFPB et al.</i> (D. Md.)	Legality of defunding and disbanding the U.S. Consumer Finance Protection Bureau ("CFPB").	Challenges removal of regulatory oversight of the country's largest banks that provide loans and credit to Colorado consumers and homeowners; shifts federal consumer complaints and enforcement to state consumer protection agencies.
<i>Nat'l Treasury Employees Union et al. v. Vought et al.</i> (D.D.C.)	Legality of DOGE personnel access to dismantle CFPB	Challenges removal of federal consumer protections and elimination of supervision of large banking institutions.
<i>Pacito et al. v. Trump et al.</i> (W.D. Wash.)	Legality of the executive order "Realigning the U.S. Refugee Admissions Program" that suspends refugee-related funding.	Challenges federal actions suspending refugee admittance to the U.S., denying lawful admission to the county and keeping families apart awaiting to be reunited.
<i>PFLAG et al. v. Trump et al.</i> (D. Mass.)	Legality of the executive order "Protecting Children from Chemical and Surgical Mutilization" that blocks funding for health-related entities that provide gender affirming care.	Defends the State's antidiscrimination laws protecting transgender persons, and the State's right to regulate the practice of medicine within Colorado.
<i>Schilling et al. v. Trump et al.</i> (W.D. Wash.)	Legality of executive order "Prioritizing Military Excellence and Readiness" that excludes transgender persons from serving in the military.	Protects the right of Colorado transgender persons to serve in uniform, supports CO National Guard readiness, and emergency and disaster preparedness.
<i>Talbot et al. v. Trump et al.</i> (D.D.C.)	Legality of executive order "Prioritizing Military Excellence and Readiness" that	Protects the right of Colorado transgender persons to serve in uniform, supports CO



	excludes transgender persons from serving in the military (separate challenge).	National Guard readiness, and emergency and disaster preparedness.
<i>Wilcox et al. v. Trump et al.</i> (D.D.C.)	Legality of the firing/removal of a National Labor Relations Board (“NLRB”) member.	Protects the legally granted independence of the NLRB which administers legal protections to Colorado workers covered by collective bargaining agreements.
<b>Intervening Defendant-Appellant</b>		
<i>Nat’l Assn’ of Gun Rights v. Garland</i> (N.D. Tex.)	Defense of ATF rule to prohibit illegal conversions of firearms into fully automatic weapons.	Defends a federal rule promulgated to protect the public from gun violence.
<i>Butler v. Garland</i> (N.D. Ala.)	Defense of ATF rule implementing federal law’s expansion of firearm dealers required to undergo background-check process.	Defends a federal rule promulgated to protect the public from gun violence.
<i>Kansas v. U.S.</i> (D.N.D.)	Defense of Affordable Care Act insurance exchange access for DACA recipients.	Protects access to health care for DACA recipients.

\*Court declined to hear amicus briefs at the district court level.



# DEPARTMENT OF LAW

*FY 2025-26 Funding Request  
January 15, 2025*

*Philip J. Weiser  
Attorney General*

*Natalie Hanlon Leh  
Chief Deputy Attorney General*

*Tanja Wheeler  
Associate Chief Deputy Attorney General*

**Department Priority: #1**

**Request Title: Additional Litigation Resources to Protect the State of Colorado and Coloradans' Rights**

Summary of Incremental Funding Change for FY 2025-26	Total Funds	FTE	GF	CF	RF
<b>Total</b>	<b>\$604,491</b>	<b>2.8</b>	<b>\$604,491</b>		
Administration – Office of the Attorney General	\$604,491	2.8	\$604,491		

Summary of Incremental Funding Change for FY 2026-27	Total Funds	FTE	GF	CF	RF
<b>Total</b>	<b>\$637,600</b>	<b>3.0</b>	<b>\$637,600</b>		
Administration – Office of the Attorney General	\$637,600	3.0	\$637,600		

## Request Summary:

The Department of Law (DOL) requests \$604,491 General Fund for 2.8 FTE in FY 2025-26 and \$637,600 General Fund for 3.0 FTE in FY 2026-27 for dedicated litigators to:

- support the State in leading anticipated litigation efforts challenging unlawful federal government actions;
- coordinate with other state attorneys general offices on potential federal actions that harm states and/or citizens' rights;
- conduct legal research and legal risk analyses on federal actions that may harm, reduce, or eliminate critical federal funding streams that support Colorado state and local government priority programs and operations; and
- monitor, track, and advise on federal agency administrative actions and rulemakings that impact Colorado's citizens and state and local governments.

The Office of the Attorney General, § 24-31-102, C.R.S., within the Department of Law plays a crucial role in defending Colorado's legal and financial interests against unlawful actions, including federal overreach in violation of federal laws. Under Attorney General Weiser, it is the policy of the Department of Law to challenge the federal government in litigation when two conditions are present: (1) federal laws were violated; and (2) Coloradans were harmed.

Since 2019, the Department of Law has initiated litigation, or supported other states' litigation, against the federal government when laws were violated, or the State's interests, or its citizens, were at risk. For example:

- In 2019, Colorado brought a lawsuit against the U.S. Department of Justice to challenge improper withholding of Byrne Justice Assistance Grant funds—the leading source of federal criminal justice funding for state and local governments—from Colorado local law

## Background Information:

enforcement agencies. When the funds were unlawfully withheld, the Department of Law successfully challenged this action in court.

- In 2024, the Department joined Eagle County in litigation against a private entity to stop a project posing significant risk of environmental harms to the Colorado River. In this case both Eagle County and the Department are on the opposing side of the U.S. Solicitor General representing the federal government's interest. The case is presently before the U.S. Supreme Court awaiting a decision.

With the transition in federal administrations occurring this month, such litigation activities against federal actions are not expected to abate. In fact—based on publicly available transition documents and statements from officials set to serve in the next administration—the Department anticipates that such litigation is highly likely to increase.

**Problem:**

The legal risks and uncertainties for the State caused by unlawful federal actions threaten not only Colorado's sovereignty and Coloradans' rights, but also significant federal grant streams that fund critical state and local programs. To mitigate these risks requires sustained and robust legal representation for the State of Colorado and Coloradans. To date, this work was absorbed within existing resources. However, the Department's workload dedicated to these purposes expected under the next administration is anticipated to require a major increase in staff hours. Underscoring this need, at least one other state is taking steps to invest greater resources towards its state attorney general office for the same purposes.

**Anticipated Outcomes:**

The DOL requests \$604,491 General Fund for 2.8 FTE in FY 2025-26 and \$637,600 General Fund for 3.0 FTE in FY 2026-27 and ongoing to bolster DOL's resources to effectively litigate and defend the State of Colorado's interests and Coloradans' rights, and to safeguard critical federal funding resources that support core priorities, including but not limited to public health, infrastructure, crime prevention, and justice programs.

The approval of this budget request will allow the Department of Law to best and most effectively safeguard the State's interests from anticipated federal actions that are not adherent to federal law.

**Assumptions for Calculations:**

The requested GF includes funding for 2.8 FTE in FY 2025-26 annualizing to 3.0 FTE in FY 2026-27 —1.0 deputy solicitor general, and 2.0 senior assistant attorneys general — with specialized litigation experience and expertise in constitutional law. Salaries are based on the Department's average pay scale, and first-year costs assume a start date of July 1, 2025.

**Consequences if not funded:**

Without this funding, the Department will be less situated to sufficiently monitor and respond to federal actions that impact Colorado's interests and address the anticipated increase in litigation. As a result, Colorado will be at a greater disadvantage in countering unlawful federal actions through litigation. Furthermore, the State of Colorado will be less resourced to bring independent legal actions—as a result, the Department's alternative option will be to take supportive roles behind other states that serve in litigation leads instead of Colorado. This leaves the Department less able to ensure that Colorado's interests are at the forefront of multistate litigation strategies.

**Impacts to Other State Agencies:**

The DOL supports, advises, and represents state agencies. These positions will help strengthen the DOL's resources to best position the Department to advise on and support agencies in any federal actions adversely affecting their mission and programs that serve Colorado.

**Current Statutory Authority or Needed Statutory Change:**

No statutory changes needed.

Chart #1: Decision Item Calculations

	<b>FY 26</b>	<b>FY 27</b>
Supplies @ \$500/\$500 * 3.0 FTE	\$1,500	\$1,500
Telephone Base @ \$450/\$450 * 3.0 FTE	\$1,350	\$1,350
Software @ \$330/\$330 *3.0FTE	\$1,200	\$300
Computer @ \$1,670/\$0 * 3.0 FTE	\$5,010	\$1,253
Cubicle/Workstation @ \$5,000/\$0	\$15,000	\$0
Travel @ \$1,300/\$1,300 * 3.0 FTE	\$3,900	\$3,900
<b>Total Operating</b>	<b>\$24,060</b>	<b>\$4,403</b>
Snr AAG 2.0 FTE (11 months first year)	\$261,630	\$285,414
Deputy Solicitor General (11 months first year)	\$189,191	\$206,390
Annual Salaries	450,821	491,805
PERA at 11.63%	\$52,430	\$57,197
Medicare at 1.45%	\$6,537	\$7,131
Unfunded AED @ 10%	\$45,082	\$49,180
Est HLD at Employee Only (\$765/FTE)	\$25,245	\$27,540
STD @ 0.0007	\$316	\$344
<b>Total Personal Services</b>	<b>\$580,431</b>	<b>\$633,198</b>
	<b>FY 26</b>	<b>FY 27</b>
<b>Total Costs (GF)</b>	<b>604,491</b>	<b>637,600</b>
<b>Total FTE</b>	<b>2.8</b>	<b>3.0</b>