



Colorado General Assembly
Joint Budget Committee

JOINT BUDGET COMMITTEE STAFF FY 2024-25 BUDGET BRIEFING SUMMARY

Department of Law

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's FY 2023-24 appropriation represents approximately 0.3 percent of statewide operating appropriations and 0.2 percent of statewide General Fund appropriations.

FY 2023-24 APPROPRIATION AND FY 2024-25 REQUEST

| DEPARTMENT OF LAW | | | | | | |
|--------------------------------------|----------------------|---------------------|---------------------|----------------------|--------------------|--------------|
| | TOTAL FUNDS | GENERAL FUND | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS | FTE |
| FY 2023-24 APPROPRIATION: | | | | | | |
| SB 23-214 (Long Bill) | \$130,052,173 | \$24,252,594 | \$23,658,114 | \$78,347,293 | \$3,794,172 | 616.1 |
| Other Legislation | 2,937,515 | 17,708 | 37,500 | 2,882,307 | 0 | 14.2 |
| TOTAL | \$132,989,688 | \$24,270,302 | \$23,695,614 | \$81,229,600 | \$3,794,172 | 630.3 |
| FY 2024-25 REQUESTED APPROPRIATION: | | | | | | |
| FY 2023-24 Appropriation | \$132,989,688 | \$24,270,302 | \$23,695,614 | \$81,229,600 | \$3,794,172 | 630.3 |
| Statewide R1 Pros. Fed. gun crimes | 599,368 | 599,368 | 0 | 0 | 0 | 3.7 |
| R1 Special prosecution rural support | 593,966 | 593,966 | 0 | 0 | 0 | 2.3 |
| R2 Increase agency admin support | 662,356 | 0 | 0 | 662,356 | 0 | 3.6 |
| R3 Fed Interstate Water Unit | 295,795 | 295,795 | 0 | 0 | 0 | 1.8 |
| R4 Long bill reorganization | 0 | 0 | 0 | 0 | 0 | 0.0 |
| Centrally appropriated line items | 8,516,091 | 2,107,773 | 1,654,959 | 4,740,794 | 12,565 | 0.0 |
| Indirect cost adjustment | 1,011,889 | 0 | 273,377 | 703,092 | 35,420 | 0.0 |
| Prior year legislation | 666,629 | 65,086 | (30,799) | 632,342 | 0 | 1.9 |
| Nonprioritized request | 294,083 | 86,406 | 38,733 | 168,944 | 0 | 0.0 |
| Prior year budget action | (1,420,072) | (363,630) | (1,417,371) | 362,210 | (1,281) | 1.6 |
| Technical adjustments | 642,826 | 5,008 | 881,420 | (243,864) | 262 | 7.4 |
| TOTAL | \$144,852,619 | \$27,660,074 | \$25,095,933 | \$88,255,474 | \$3,841,138 | 652.6 |
| INCREASE/(DECREASE) | \$11,862,931 | \$3,389,772 | \$1,400,319 | \$7,025,874 | \$46,966 | 22.3 |
| Percentage Change | 8.9% | 14.0% | 5.9% | 8.6% | 1.2% | 3.5% |

[NONE OF THE DEPARTMENT REQUESTS REQUIRE LEGISLATION]

STATEWIDE R1 EXPAND PROSECUTION OF FEDERAL GUN CRIMES: The request includes an increase of \$599,368 General Fund and 3.7 FTE to allow the Attorney General to enter an agreement with the U.S. Attorney's Office Colorado District to increase the number of attorneys prosecuting gun crimes in federal court. This request originates from the Governor's Office and is submitted with the support of the Attorney General. No agreement is currently in place, however, the City and County of Denver and City of Aurora currently have similar one with the U.S. Attorney's Office. While these positions would be authorized to work with the U.S. Attorney's Office, the Attorney General

directs the attorney's work and intends to limit their scope to federal gun crimes that are going unprosecuted due to lack of resources.

R1 SPECIAL PROSECUTION RURAL SUPPORT: The request includes \$593,966 General Fund and 2.5 FTE in FY 2024-25, increasing to \$624,566 General Fund and 2.5 FTE in FY 2025-26, to establish a specialized team for prosecution support in rural cases across the state. Funding is intended to allow the AG to respond efficiently to executive orders, district attorney resignations, and provide resources and expertise to address cases pending in rural jurisdictions.

R2 INCREASE AGENCY ADMIN SUPPORT: The request includes \$622,356 reappropriated funds and 3.6 FTE in FY 2024-25, increasing to \$693,444 reappropriated funds and 4.0 FTE in FY 2025-26 to increase administrative support at the agency. This request continues the Department of Law's efforts to slowly "right-size" its support staff, building on budget actions taken by the Joint Budget Committee during the prior two budget cycles, to address the Department's recent growth, driven primarily by legislation, and costs of administering new regulatory and legislative requirements.

R3 FEDERAL INTERSTATE WATER UNIT: The request includes \$295,795 General Fund and 1.8 FTE in FY 2024-25, increasing to \$306,480 General Fund and 2.0 FTE in FY 2025-26, to increase the Department's capacity to respond to federal and interstate water conflicts that arise related to the waters of Colorado. The complexity, sensitivity, and magnitude of state water issues has increased the policy and litigation workloads for the Interstate Water Unit, as well as the intensity of communications, and requires a uniform and coordinated response from across state government.

R4 LONG BILL REORGANIZATION: The request includes a total funds neutral reorganization of the Department's Long Bill including renaming the Consumer Protection and Antitrust line item "Consumer Protection, Antitrust, and Civil Rights" and moving programs such as Patterns and Practices investigations in and Medicaid Fraud Control Unit into the Consumer Protection and Antitrust Long Bill section. The reorganization reflects current operations of the Attorney General's Office.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes adjustments to centrally appropriated line item, as detailed in the following table.

| CENTRALLY APPROPRIATED LINE ITEMS | | | | | | |
|---|--------------------|--------------------|--------------------|----------------------|-----------------|------------|
| | TOTAL FUNDS | GENERAL FUND | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS | FTE |
| Salary survey | \$5,512,997 | \$1,305,210 | \$712,964 | \$3,411,255 | \$83,568 | 0.0 |
| PERA Direct Distribution | 1,211,122 | 323,511 | 185,646 | 701,965 | 0 | 0.0 |
| AED | 507,261 | 125,978 | 186,125 | 197,137 | (1,979) | 0.0 |
| SAED | 507,261 | 125,978 | 186,125 | 197,137 | (1,979) | 0.0 |
| Health, life, and dental | 405,825 | 156,800 | 339,774 | (26,939) | (63,810) | 0.0 |
| Paid Family and Medical Leave Insurance | 338,797 | 83,244 | 50,424 | 197,549 | 7,580 | 0.0 |
| Leased space | 72,587 | 31 | 10,173 | 67,519 | (5,136) | 0.0 |
| Workers' compensation | 67,127 | 16,548 | 8,871 | 39,854 | 1,854 | 0.0 |
| Short-term disability | 15,623 | 3,921 | 5,396 | 6,359 | (53) | 0.0 |
| Vehicle lease payments | 11,926 | 6,201 | 500 | 4,925 | 300 | 0.0 |
| DPS Digital trunk radio | 4,989 | 7,783 | (5,151) | 2,357 | 0 | 0.0 |
| Risk management & property adjustment | (95,656) | (26,969) | (12,532) | (52,157) | (3,998) | 0.0 |
| CORE adjustment | (22,042) | (5,943) | (2,897) | (12,390) | (812) | 0.0 |
| Legal services | (15,310) | (6,159) | (9,151) | 0 | 0 | 0.0 |
| Payments to OIT | (5,849) | (8,361) | (741) | 6,223 | (2,970) | 0.0 |
| ALJ services | (567) | 0 | (567) | 0 | 0 | 0.0 |
| TOTAL | \$8,516,091 | \$2,107,773 | \$1,654,959 | \$4,740,794 | \$12,565 | 0.0 |

INDIRECT COST ADJUSTMENT: The request includes adjustments to indirect costs across the department.

PRIOR YEAR LEGISLATION: The request includes adjustments related to prior year legislation.

| PRIOR YEAR LEGISLATION | | | | | | |
|---------------------------------------|------------------|-----------------|-------------------|----------------------|---------------|------------|
| | TOTAL FUNDS | GENERAL FUND | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS | FTE |
| HB23-1174 Underinsured Homeowners | \$598,697 | \$0 | \$0 | \$598,697 | \$0 | 1.7 |
| HB23-172 Protect Worker Opp & Rights | 269,956 | (11,258) | 0 | 281,214 | 0 | 1.3 |
| HB23-1252 Thermal Energy | 190,333 | 0 | 0 | 190,333 | 0 | 1.0 |
| HB23-1257 Mobile Park Water Quality | 152,266 | 0 | 0 | 152,266 | 0 | 0.8 |
| SB23-251 AG Revoke MV license repeals | 111,027 | 0 | 0 | 111,027 | 0 | 0.5 |
| SB23-166 Wildfire Code Board | 95,166 | 0 | 0 | 95,166 | 0 | 0.5 |
| HB20-1026 23rd Judicial District | 63,971 | 63,971 | 0 | 0 | 0 | 0.0 |
| SB23-105 Equal Pay Equal Work | 52,870 | 0 | 0 | 52,870 | 0 | 0.3 |
| SB18-200 PERA unfunded liability | 51,186 | 12,373 | 6,701 | 32,112 | 0 | 0.0 |
| SB23-167 Midwives Reg. by Nurse Board | 42,296 | 0 | 0 | 42,296 | 0 | 0.3 |
| SB22-179 MV Emissions Tampering | 19,714 | 0 | 0 | 19,714 | 0 | 0.1 |
| HB23-1008 Food Accessibility | 0 | 0 | 0 | 0 | 0 | 0.2 |
| SB23-291 Utility Regulation | (285,498) | 0 | 0 | (285,498) | 0 | (1.6) |
| SB23-228 Admin Svcs for Ind Agencies | (100,453) | 0 | 0 | (100,453) | 0 | (0.5) |
| SB23-229 Beh Health Court Liaison | (100,453) | 0 | 0 | (100,453) | 0 | (0.5) |
| SB23-290 Natural Med Regulation | (90,576) | 0 | 0 | (90,576) | 0 | (0.4) |
| SB23-271 Intox. Hemp and Marijuana | (57,100) | 0 | 0 | (57,100) | 0 | (0.3) |
| HB23-1205 Office of Jud. Ombudsmen | (56,042) | 0 | 0 | (56,042) | 0 | (0.3) |
| SB23-001 P3 for Housing | (47,583) | 0 | 0 | (47,583) | 0 | (0.3) |
| HB23-1161 Appliance Enviro Standards | (43,882) | 0 | 0 | (43,882) | 0 | (0.2) |
| HB23-1042 Admissibility Stds | (37,500) | 0 | (37,500) | 0 | 0 | 0.0 |
| SB23-285 Energy and Carbon Mgmt | (33,838) | 0 | 0 | (33,838) | 0 | (0.1) |
| SB23-087 Teacher Apprenticeship | (26,435) | 0 | 0 | (26,435) | 0 | (0.1) |
| SB23-189 Reproductive Health Access | (23,263) | 0 | 0 | (23,263) | 0 | (0.1) |
| SB23-016 Greenhouse Gas Reductions | (21,148) | 0 | 0 | (21,148) | 0 | (0.1) |
| SB23-003 Adult High School Program | (21,148) | 0 | 0 | (21,148) | 0 | (0.1) |
| SB23-275 Wild Horse Project | (21,148) | 0 | 0 | (21,148) | 0 | (0.1) |
| SB23-221 Healthy School Meals All | (14,786) | 0 | 0 | (14,786) | 0 | (0.1) |
| TOTAL | \$666,629 | \$65,086 | (\$30,799) | \$632,342 | \$0 | 1.9 |

NONPRIORITIZED REQUEST: The request includes one decision items originating in the Department of Personnel, the Central Services Omnibus Request. For more information, see the [briefing for the Department of Personnel](#), accessible once published and expected November 27, 2023.

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

| PRIOR YEAR BUDGET ACTION | | | | | | |
|--|----------------------|--------------------|----------------------|----------------------|------------------|------------|
| | TOTAL FUNDS | GENERAL FUND | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS | FTE |
| FY23-24 Prosecute Retail Crime | \$57,613 | \$57,613 | \$0 | \$0 | \$0 | 0.8 |
| Info. Funds adjustment for grant award | 49,137 | 18,234 | 0 | 30,903 | 0 | 0.4 |
| FY23-24 Refinance Safe2Tell with GF | 16,194 | 16,194 | 0 | 0 | 0 | 0.2 |
| FY23-24 Patterns and Practices FTE | 12,916 | 12,916 | 0 | 0 | 0 | 0.2 |
| FY23-24 IT Asset Maintenance | 0 | (7,126) | 231 | 9,743 | (2,848) | 0.0 |
| FY23-24 Special Litigation Support | (1,475,700) | 0 | (1,475,700) | 0 | 0 | 0.0 |
| Prior year salary survey | (46,882) | (461,461) | 58,098 | 354,914 | 1,567 | 0.0 |
| FY22-23 Admin Support | (20,010) | 0 | 0 | (20,010) | 0 | 0.0 |
| FY23-24 Admin Support of Agency | (13,340) | 0 | 0 | (13,340) | 0 | 0.0 |
| TOTAL | (\$1,420,072) | (\$363,630) | (\$1,417,371) | \$362,210 | (\$1,281) | 1.6 |

TECHNICAL CHANGES: The request includes several technical adjustments that result in a net increase of \$642,826, including \$5,008 General Fund. Adjustments include allocation of Attorney General Custodial Funds based on anticipated needs, costs for attorney registration fees based on attorney FTE, and an adjustment that corrects differences in how JBC staff and agency staff recorded appropriations in the Legal Services to State Agencies division.

SUMMARY OF ISSUES PRESENTED TO THE JOINT BUDGET COMMITTEE

SUMMARY OF DEPARTMENT REQUEST: This issue provides more depth on three of the Department of Law's current year budget requests. The discussion includes information about the Statewide R1 Expand Prosecution of Federal gun crimes, R1 Special prosecution rural support, and R3 Fed Interstate Water Unit. Combined, these requests total shy of \$1.5 million General Fund and 7.8 FTE in FY 2024-25.

MAJOR LITIGATION PENDING AGAINST THE STATE: The Department of Law submits an annual report to the State Controller discussing pending litigation that could have a significant financial or budgetary impact for cases where the Attorney General represents the state. The most recent report was submitted September 14, 2023. This issue provides a discussion of litigation included in the report that have a potential liability exceeding \$5 million, and which are not covered by the state's risk management and property program.

FOR MORE INFORMATION

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TO READ THE ENTIRE BRIEFING: Go to <http://leg.colorado.gov/content/budget/budget-documents> to use the budget document search tool. Select this department's name under *Department/Topic*, "Briefing" under *Type*, and select a *Start date* and *End date* to show documents released in November and December of 2023.