



# JBC Staff Comeback Memos

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# Human Services

**JBC Staff:** Emily Pope, (303-866-4961)

**Date:** January 26, 2026

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## Statutory Authority for S2 Services for People Unlikely to be Restored

The Committee requested additional information regarding the statutory authority for the S2 Services for people unlikely to be restored request from the Department of Human Services (CDHS). During the presentation, Staff clarified that the Supplemental Bill should be written to current law, and statutory authority for the request was unclear.

The original CDHS request indicated that it requires legislation to implement. However, the request does not specify what is needed legislatively to implement the request. When staff asked the Department for clarification, the Department indicated that legislative requirements would depend on what is included in a non-JBC bill related to people who are unlikely to be restored. It is staff's understanding that the bill is not yet introduced at the time this document was finalized.

Staff is more concerned about a lack of clarity for operating these services in statute after discussing the request with the Office of Legislative Legal Services (OLLS). Primary concerns include:

1. If money is appropriated in a Supplemental Bill or the Long Bill, the Department isn't required to use the funding for the purposes described in the budget request. If it is important to the General Assembly that funding is used for certain projects, populations, or purposes, those guardrails and expectations should be specified in statute.
2. Similar initiatives have been included in legislation in recent years to specify the use of funding, including state hospital renovation projects, private provider contracts, private provider renovations, and private provider incentive payments.
3. If it is within the Department's current statutory mandate to serve these populations, why are they not already being served?

The following sections describe concerns by request component.

### Wheat Ridge

The request includes funding for capital improvements, state FTE, and contract security to convert four beds at the Wheat Ridge Regional Center to serve people with intellectual and developmental disabilities (IDD) who are discharged from jail. Committee approved funding for this portion of the request with Committee common policy adjustments for FTE costs.

Regional Centers provide state operated services and supports to persons with developmental disabilities.<sup>1</sup> A person cannot be admitted to a Regional Center without a court order except in an emergency or for the purpose of temporary respite.<sup>2</sup> A court order originates from a petition for legal disability.<sup>3</sup> The individual must be found to pose a probable threat, and must be placed in the least restrictive residential setting appropriate.

JBC Staff and OLLS Staff agree that legislation is not required for a Regional Center to serve people with IDD who are discharged from jail, assuming a petition for legal disability is filed. However, staff remains concerned about appropriating funding for this purpose prior to determining the statutory requirements for referring people to the beds, and specifying the number of beds the Department may use for this purpose.

## Skilled Nursing Contracts

The request includes funding for 10 skilled nursing beds to serve people with neurocognitive disorders. The Committee approved partial year funding for 2.0 FTE and \$50,000 to renovate the space for a private provider for the current fiscal year. The contract is not expected to begin until FY 2026-27, and will include an incentive payment as well as Medicaid reimbursement.

JBC Staff, OLLS Staff, and CDC Staff agree that there are multiple statutory concerns with this portion of the request. Primarily, Staff is currently unaware of statutory authority for the Department to serve people with neurocognitive disorders. The Department is charged with serving people with IDD and mental health disorders.<sup>4</sup> This is one of the factors driving a gap in services for people with neurocognitive disorders.

There is a Brain Injury Trust Fund appropriated to the Department. The trust fund is managed by a board, and 55.0 percent of the fund must be expended for service coordination and skills training. Staff has not been able to identify current statutory language related to residential treatment requirements for people with neurocognitive disorders. Staff is also concerned about the process for placing people with neurocognitive disorders. Staff assumes that patients will need to be in the custody of the Department, as is current practice for a residential level of care in Department facilities.

Further, staff is concerned about appropriating money for the renovation of a private facility. Funding for private facility renovations was included for Mental Health Transitional Living Homes in H.B. 22-1303. Some funding appropriated in the bill was recaptured because the actual need for renovations was less than the Department anticipated.

JBC Staff and CDC Staff are currently unaware of other examples of funding appropriated for the purpose of renovating a private facility. OLLS Staff is concerned that this component may require legislation assuming the Department does not have ownership of the building. JBC Staff has reached out to the Office of the State Architect to clarify legal authority and how the project will be monitored.

Similarly, provider incentives have been included in recent legislation for youth placements. Examples include incentives for youth services placements from H.B. 23-1307, and high acuity youth and respite placements in H.B. 24-1038. The example bills provided expectations for how funding should be utilized. These requirements

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<sup>1</sup> Section 27-10.5-301, C.R.S.

<sup>2</sup> Section 27-10.5-110 (2), C.R.S.

<sup>3</sup> Section 25.5-10-216, C.R.S.

<sup>4</sup> Section 26-1-201, C.R.S.

have allowed staff to analyze whether the appropriated funding is being utilized in line with legislative intent, including whether the funding is supporting more or less beds than anticipated.

House Bill 22-1303 required the Department to operate 125 Mental Health Transitional Living Home beds. Staff assumes that the Department would need to submit a budget request if funding was not sufficient to support the minimum required number of beds. In contrast, contracts for private hospital competency beds appear to have been established through the budget without legislation. The number of beds has fluctuated over time depending on changes to daily rates and hospital contracts. Staff recommended that the Committee approve an RFI to track the number of contracted beds because the Committee would otherwise be unaware of whether the appropriation was supporting the number of beds intended by the appropriation.

## **Pueblo Renovation**

The capital construction request includes funding to renovate a facility on the Pueblo hospital campus to serve people with neurocognitive and neurodevelopmental disorders by the Division of Regional Centers. The Committee approved a placeholder in the current fiscal year for this portion of the request.

Staff finds that the Division of Regional Centers does not currently have statutory authority to serve people with neurocognitive disorders. Staff is not supportive of approving funding separate from statutory changes to refer people to treatment.

House Bill 22-1303 also included expectations for a renovation on the Fort Logan campus. The bill required that the renovated unit initially support forensic patients. Once the competency waitlist is eliminated, the unit is required to serve civil patients. If the General Assembly is appropriating funding with the expectation that the renovation is used for a specific population, Staff recommends putting that expectation in statute.

Otherwise, the Department may change the expected use of the unit over time. Staff is particularly concerned due to the Department's descriptions of moving patients between units with multiple ongoing capital projects, as well as differentiating the unit from the hospital for Medicaid eligibility. House Bill 22-1283 established the youth neuro-psych unit in statute, which is similarly on the Fort Logan campus but expected to operate separately from the hospital for Medicaid reimbursement.

## **Outpatient Mental Health Clinic**

The capital construction request includes funding to renovate a private facility to develop a state operated outpatient mental health clinic. The operating request includes partial year funding for a program director. The Committee has approved a placeholder for this portion of the request. JBC Staff and OLLS Staff agree that this portion of the request requires legislation to implement.

## **Committee Current Action**

The Committee approved funding for Wheat Ridge and the skilled nursing contract in the current fiscal year, with a placeholder for the remaining components of the request. Following conversations with OLLS, Staff continues to recommend not including any appropriations in the Supplemental Bill based on outstanding concerns with existing statutory authority. The Committee may choose to designate a placeholder for the costs of the request.

The table below describes Committee current action. That includes Staff's recommendation for partial year funding of 2.0 FTE for skilled nursing care coordinating staff. The Committee discussed funding 2.0 FTE rather than the requested 8.0 FTE during the presentation. Staff has included funding for the two lowest level positions requested, funded beginning in April, without centrally appropriated line items pursuant to Committee common policies.

**Table 1: Committee Current Action – Increases Included in the Supplemental Bill**

| Item                                  | FY 2025-26<br>General Fund | FY 2025-26 FTE | Ongoing<br>General Fund | Ongoing FTE |
|---------------------------------------|----------------------------|----------------|-------------------------|-------------|
| A. Wheat Ridge security capital       | \$485,934                  | 0.0            | \$0                     | 0.0         |
| B. Wheat Ridge state FTE              | 175,366                    | 1.8            | 332,039                 | 7.0         |
| C. Wheat Ridge contract security      | 62,500                     | 0.0            | 125,000                 | 0.0         |
| D. Skilled nursing private renovation | 50,000                     | 0.0            | 0                       | 0.0         |
| E. Skilled nursing care coord staff   | 51,244                     | 0.5            | 191,594                 | 2.0         |
| <b>Total</b>                          | <b>\$825,044</b>           | <b>2.3</b>     | <b>\$648,633</b>        | <b>9.0</b>  |

**Table 2: Committee Current Action – Placeholder**

| Item                                   | FY 2025-26<br>General Fund | FY 2025-26<br>FTE | Ongoing<br>General Fund [1] | Ongoing<br>FTE |
|--|----------------------------|-------------------|-----------------------------|----------------|
| F. Pueblo capital                      | \$3,577,898                | 0.0               | \$0                         | 0.0            |
| G. Move Pueblo patients to contracts   | 3,328,800                  | 0.0               | 6,657,600                   | 0.0            |
| H. Pueblo ongoing operating            | 0                          | 0.0               | 5,151,034                   | 89.9           |
| I. Outpatient clinic capital           | 1,722,906                  | 0.0               | 0                           | 0.0            |
| J. Outpatient clinic ongoing operating | 43,255                     | 0.5               | 3,279,438                   | 23.5           |
| K. Electronic health records staff     | 121,160                    | 1.5               | 635,248                     | 6.0            |
| L. HCPF care coord staff               | 27,549                     | 0.7               | 113,358                     | 2.0            |
| <b>Total</b>                           | <b>\$8,821,568</b>         | <b>2.7</b>        | <b>\$15,836,678</b>         | <b>121.4</b>   |

[1] Estimates based on CDHS request and calculations submitted by HCPF. Actual amounts are expected to be higher based on standard annual increases for employee compensation and Medicaid rates.

Staff strongly urges the Committee against including the costs associated with the skilled nursing contracts as part of the Supplemental Bill. If the Committee chooses to include funding for the Wheat Ridge components in the Supplemental Bill, Staff recommends appropriating the capital components of the request in a new line item to clearly track the project expenditures.

# Judicial

JBC Staff: Amanda Bickel, (303-866-4960)

Date: January 28, 2026

## Health, Life, Dental Common Policy Adjustment (Departmentwide)

As part of the JBC's decisions on common policy adjustments, it approved an increase of \$2,537,555, including \$2,338,547 General Fund, for the Judicial Department as a whole. The expectation was that the common policy adjustment, as approved, would match the detailed submissions from individual departments. However, the sum of the detail submitted by the various components of the Judicial Department, including Courts & Probation, the Office of the State Public Defender, and the Office of Administrative Services for Independent Agencies (OASIA) is slightly lower than the figure in the document presented to the Committee in the common policy document presented January 20, 2026.<sup>5</sup> **Staff recommends using the figures reflected in the submissions from the Judicial Department.**

|  | Total              | General Fund       | Cash Funds       | Reapp<br>Funds | Federal<br>Funds |
|--|--------------------|--------------------|------------------|----------------|------------------|
| <b>Department agency submission totals<br/>(Revised Rec)</b> | <b>\$2,506,470</b> | <b>\$2,363,691</b> | <b>\$142,779</b> | <b>\$0</b>     | <b>\$0</b>       |
| DPA common policy request/JBC action                         | 2,537,555          | 2,338,547          | 197,060          | 1,948          | 0                |
| Difference   | -31,085            | 25,144             | -54,281          | -1,948         | 0                |

## Spending Authority for Grant Funds – Courts & Probation

**Recommendation:** Staff recommends providing the Department spending authority for FY 2025-26 for \$1,000,000 cash funds from grant receipts in a new line item entitled "State Internet Portal Authority Grant".

**Supplemental Criteria:** The Department did not submit a request for this item in time for consideration as a supplemental, but brought this to JBC Staff after the supplemental deadline. The request is for spending authority for a grant received by the Department from the State Internet Portal Authority (SIPA). Staff is presenting this as a supplemental item due to time constraints on spending the grant and potential TABOR implications if spending authority is only provided in FY 2026-27.

**Spending Authority Needed:** The SIPA grant is to implement an Identity Management technology. The grant is for \$1.3 million and must be spent by mid-December 2026. The Department reports that, under law, it does not have statutory spending authority to spend gifts, grants, and donations but must request related annual spending authority. While some authority to spend grants exists within current appropriations, there is not sufficient authority to cover this \$1.3 million grant.

<sup>5</sup> [https://content.leg.colorado.gov/sites/default/files/CY26\\_compsup.pdf](https://content.leg.colorado.gov/sites/default/files/CY26_compsup.pdf)

**Grant Purpose:** The grant will support technology for an enterprise-wide identity management system that ensures that the right people have access to the right things at the right time — and keeps everyone else out. It creates one place to control what each person can see or do, whether it's logging into email, accessing files or using systems and applications. This streamlines how employees, customers and vendors access our technology while protecting Department information from those who should not have access.

The Department reports that implementing this technology is an important precursor to the Department's Case Management System. Having this system in place before implementing the CMS is key to be able to use the Identity Management technology to properly control what court and probation data is accessed by employees, contractors, other governmental agencies and public entities.

**Potential TABOR Issue:** The Department's budget office only recently became aware of the spending authority problem for this grant. JBC Staff requested that they inquire of the Controller's Office whether the grant would be considered revenue subject to TABOR, which might drive out General Fund. The initial answer from the Controller's Office is that this grant IS subject to TABOR, because it is being provided by a state special purpose authority and is therefore outside of the State's TABOR district. Particularly in light of this, staff is recommending providing this spending authority quickly, in FY 2025-26, when the State expects to be under its TABOR cap. Staff expects to continue to investigate this issue, but believes that it would be prudent to add FY 2025-26 spending authority now.

## Judicial (Courts & Probation) S1 Courthouse Furnishings

The Committee has not yet acted on a comeback for \$\$1,215,700 General Fund for courthouse furnishings. The original request was \$1.4M. The comeback is for the JBC Staff recommendation. Staff has attached the Department's emailed responses to questions raised during its comeback presentation. Beyond the Department's comeback request (which was for the staff recommendation), the Committee could consider:

- A bill requiring counties to take more responsibility for furnishings or a footnote expressing legislative intent that counties take more (or all) responsibility for courthouse furnishings in upcoming years. Staff continues to believe IT equipment necessary to connect with judicial systems and software statewide should probably be a state responsibility, but staff can investigate the various IT components further.
- As previously noted, the Committee could consider a reduction to the Department's Health, Life, and Dental (HLD) line item to offset the increase, based on a hiring "chill" in FY 2025-26. A one month hiring freeze in this Department provides \$0.8 million General Fund in savings. By slowing the filling of some positions, the Department could be required to provide savings to offset the additional furnishings cost in FY 2025-26, if this is the JBC's wish.

Staff has attached follow-up information provided by the Department, along with its comeback request. A link to the original staff write-up and Department comeback is at the link below. The staff recommendation was based on the request but reduced it based on: (1) excluding \$150,000 for "ancillary" new judge projects; and (2) eliminating architect travel costs, except for travel to more remote locations.

**Department Comeback:** <https://content.leg.colorado.gov/sites/default/files/JUDSuppCB-01-26-26.pdf>

**Original Staff Recommendation:** [https://content.leg.colorado.gov/sites/default/files/CY26\\_judsup1.pdf](https://content.leg.colorado.gov/sites/default/files/CY26_judsup1.pdf)

**From Email received 1/26/26 from Robin Smart, Judicial Budget Director**

1. The standard calculations for capital outlay for new judges was provided to Fiscal Notes Staff and was used by them for costing out S.B. 25-024. This included the following:

| <b>Courthouse furnishings and IT infrastructure costs based on standard fiscal note calculations</b> |                                  |                               |                    |
|--|----------------------------------|-------------------------------|--------------------|
| <b>Item</b>  | <b>Cost/per Judicial Officer</b> | <b># of Judicial Officers</b> | <b>Total</b>       |
| Courtroom (furniture, only)  | \$67,000                         | 15                            | \$1,005,000        |
| Chambers (furniture, only)   | \$30,000                         | 15                            | \$450,000          |
| AV (courtroom, only)   | \$75,000                         | 15                            | \$1,125,000        |
| Jury Room  | \$25,000                         | 15                            | \$375,000          |
| Conference Room  | \$4,100                          | 15                            | \$61,500           |
| <b>Total 2 year cost if funded in the bill</b>   | <b>\$201,100</b>                 |                               | <b>\$3,016,500</b> |

2. This standard fiscal notes calculation was used in calculating the placeholder for all judges identified in the original version of the bill.
  - a. The original version of the bill included 29 judges and courthouse furnishings was calculated at the full \$201,100 for all of the judges identified in the introduced version of the bill.
  - b. As the bill moved through the legislature, changes were made at the request of the sponsor(s). Even though we requested the bill, it ceased to be “our” bill once the sponsor(s) began the drafting process.

Two things happened during the drafting and throughout the process

1. The sponsor(s) worked with leadership on the “size” of the bill and significantly reduced the number of judgeships that would be created (down to 15)
2. The sponsor(s) decided to add a judge in a county (Eagle) that was not identified as one of the lowest staffed counties per the weighted caseload model.

We did not know whether or not all counties would require a full \$201,100 for each judge, and we elected to go with information about which we were certain.

We communicated with fiscal notes staff that we could work with the JBC through the regular budget process for the additional funds as we determined the actual need. This is the piece that hasn’t been clearly communicated or understood for (apparently) the past year.

3. Full funding for a total of 5 judges was provided in S.B. 25-024:
  - a. \$401,200 in the FY26 appropriation (for 2 judges)
  - b. \$603,300 in the FY27 annualization (for 3 judges)
  - c. We lack funding for the remaining 10 judges
4. 2-year spending authority has historically been a common thing for this appropriation



- a. The Courthouse Furnishings and Infrastructure Maintenance line item receives 2-year spending authority through a Long Bill footnote. I don't know how long the footnote has existed but it precedes me by several years at least. (I can look into this if necessary.)
  - b. It is standard practice for there to be 2-year spending authority so that the end of the fiscal year doesn't cause problems with the procurement process, since the product has to actually be "in-hand" prior to the end of the fiscal year in order for us to pay for it out of current fiscal year funds. Sometimes things can cross fiscal years by just a few days.
5. The standard fiscal notes calculation includes \$75,000 for AV/IT costs for each courtroom (as identified above). It is identified simply as AV, but AV is tied to the network.
- a. The amount required for each courtroom varies, depending on the location, but the average cost across the state falls within that \$75,000/courtroom.
  - b. Based on \$75,000 per courtroom, the cost of AV/IT costs would total \$1,125,000 for all 15 judges. We received an appropriation/annualization totaling \$375,000 for AV/IT for 5 judges (over two years), leaving \$750,000 still needed for AV/IT alone (if calculated based on standard fiscal notes costs).
  - c. The AV/IT costs identified in the supplemental request total \$613,300 for 9 courtrooms (a bit less than the cost for 9 courtrooms calculated at \$75,000/courtroom (which would equal \$675,000)).
  - d. Through the planning process, it was determined that 1 new judge courtroom does not need AV/network technology as it already has it so the total funding request for new judges only reflects 14 courtrooms instead of 15.

| FY 2025-26 COURTHOUSE FURNISHINGS AND INFRASTRUCTURE MAINTENANCE SUPPLEMENTAL REQUEST |   |              |            |         |                    |
|---|---|--------------|------------|---------|--------------------|
| Location  | Brief description of project              | Audio Visual | Technology | Network | Total General Fund |
| <b>NEW JUDGE-RELATED PROJECTS</b>   |   |              |            |         |                    |
| 4th JD Trial Courts   | New hearing rooms with judges' chambers   | \$240,000    | \$8,000    | \$2,200 | <b>\$250,200</b>   |
| 5th JD Trial Courts   | New judge relocation                      | \$91,100     | \$6,000    | \$2,500 | <b>\$99,600</b>    |
| 7th JD Trial Courts   | New judge chambers                        | \$0          | \$1,000    | \$0     | <b>\$1,000</b>     |
| 8th JD Trial Courts   | New judge chambers                        | \$0          | \$1,000    | \$0     | <b>\$1,000</b>     |
| 13th JD Trial Courts  | New judge chambers                        | \$0          | \$1,000    | \$0     | <b>\$1,000</b>     |
| 17th JD Trial Courts  | New judge hearing rooms and chambers      | \$128,000    | \$30,000   | \$7,500 | <b>\$165,500</b>   |
| 18th JD Trial Courts  | New judge courtroom, chambers, conference | \$82,000     | \$6,000    | \$5,000 | <b>\$93,000</b>    |
| 19th JD Trial Courts  | New judge chambers                        | \$0          | \$1,000    | \$0     | <b>\$1,000</b>     |
| 23rd JD Trial Courts  | New judge furniture                       | \$0          | \$1,000    | \$0     | <b>\$1,000</b>     |
| <b>Subtotal, A/V, Technology, and Network, ONLY</b>                                   |   |              |            |         | <b>\$613,300</b>   |