



Joint Budget Committee

Staff Budget Briefing FY 2026-27

Department of Law

Prepared by:
Scott Thompson, JBC Staff
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Joint Budget Committee Staff

200 E. 14th Avenue, 3rd Floor

Denver, Colorado 80203

Telephone: (303) 866-2061

leg.colorado.gov/agencies/joint-budget-committee

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Additional Resources

To find the online version of the briefing document search the General Assembly’s website for [budget documents](https://content.leg.colorado.gov/content/budget#budget-documents-section) (https://content.leg.colorado.gov/content/budget#budget-documents-section).

Overview of 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 all state agencies. The statutory responsibilities of the Department are summarized below.

Legal Counsel and Advice to the State

- Provides state agencies and elected officials with legal services such as legal representation, legal advice and opinions, contract review, and rule writing assistance.
- The Attorney General rarely represents the General Assembly, but has provided legal opinions and legal representation when the Executive Branch and the General Assembly priorities are aligned.

Civil Enforcement

- Protects Colorado consumers against fraud and enforces state and federal consumer protection, antitrust, charitable solicitation, consumer lending, and fair debt collection laws.
- Represent the State's interests in interstate and federal water cases.
- Leads enforcement actions at sites contaminated with hazardous materials under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- Pursues civil recoveries and damages from Medicaid providers for fraud and over billing.
- Enforces provisions of the tobacco master settlement agreements and protect the State's interests under the settlement payment calculation provision.

Criminal Enforcement

- Investigates and prosecutes certain complex and multi-jurisdictional cases, environmental crimes, election fraud, and foreign fugitives.
- Provides investigative and prosecutorial support to district attorneys in complex homicides, cold cases, human trafficking cases, and large-scale drug conspiracies.
- Investigates and prosecute securities, insurance, and workers' compensation fraud.
- Represents the State in criminal appeal cases in state and federal courts.
- Investigates and prosecutes Medicaid provider fraud and patient abuse.
- Oversees the Peace Officers Standards and Training (P.O.S.T.) Board, which manages the training and certification of peace officers.
- Assures that the constitutional and statutory rights of victims are preserved in criminal cases being prosecuted or defended by the Department, and investigates complaints concerning alleged violations of the Victim's Rights Act.

Recent Appropriations

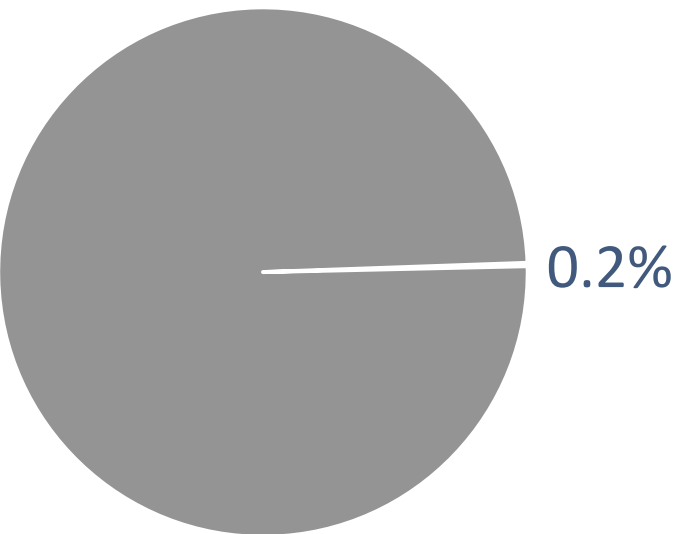
Law: Recent Appropriations

Funding Source	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27 [1]
General Fund	\$24,461,846	\$26,847,104	\$28,849,741	\$33,176,052
Cash Funds	23,707,954	25,136,497	25,514,253	26,599,685
Reappropriated Funds	82,151,267	90,294,259	94,128,583	100,660,633
Federal Funds	3,794,172	3,834,599	3,934,991	4,172,278
Total Funds	\$134,115,239	\$146,112,459	\$152,427,568	\$164,608,648
Full Time Equivalent Staff	630.3	655.5	666.8	671.6

[1] Requested appropriation.

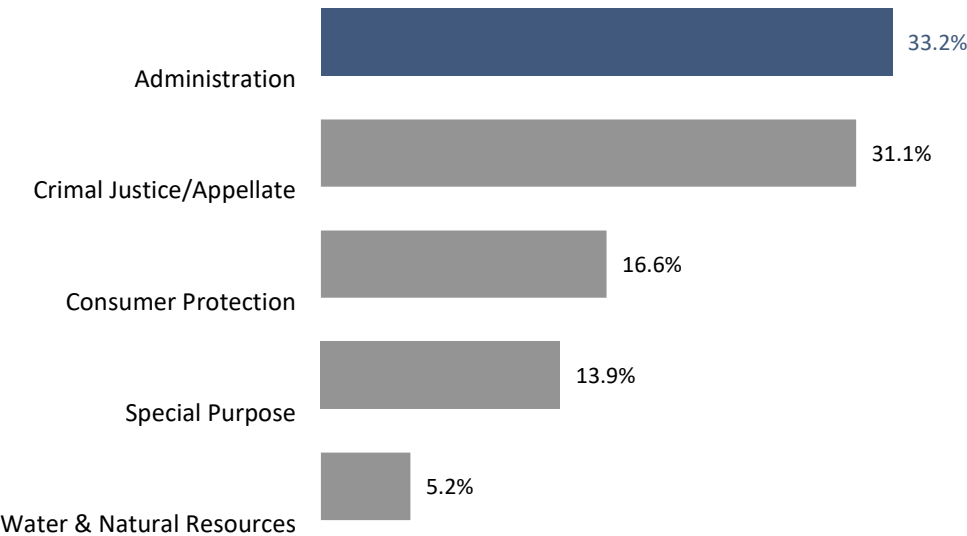
Graphic Overview

Department's Share of Statewide General Fund



Based on the FY 2025-26 appropriation.

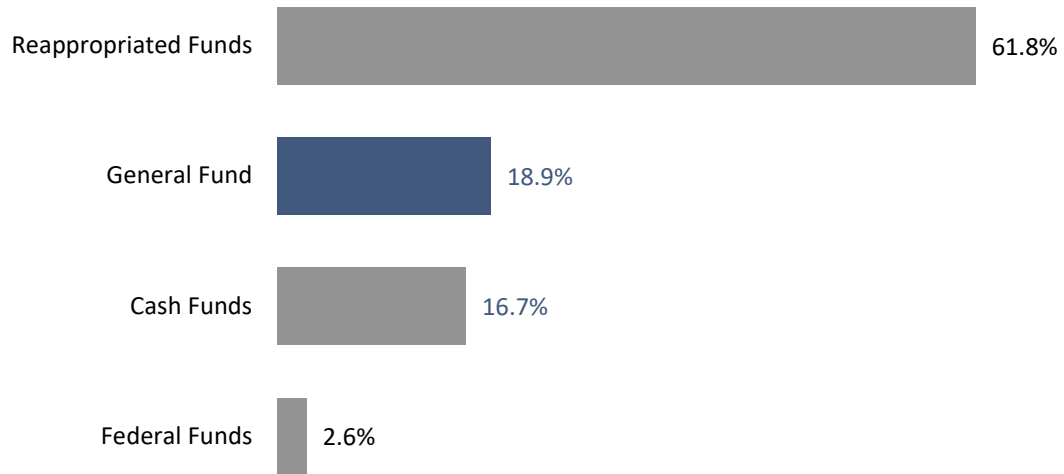
Distribution of General Fund by Division [1]



Based on the FY 2025-26 appropriation.

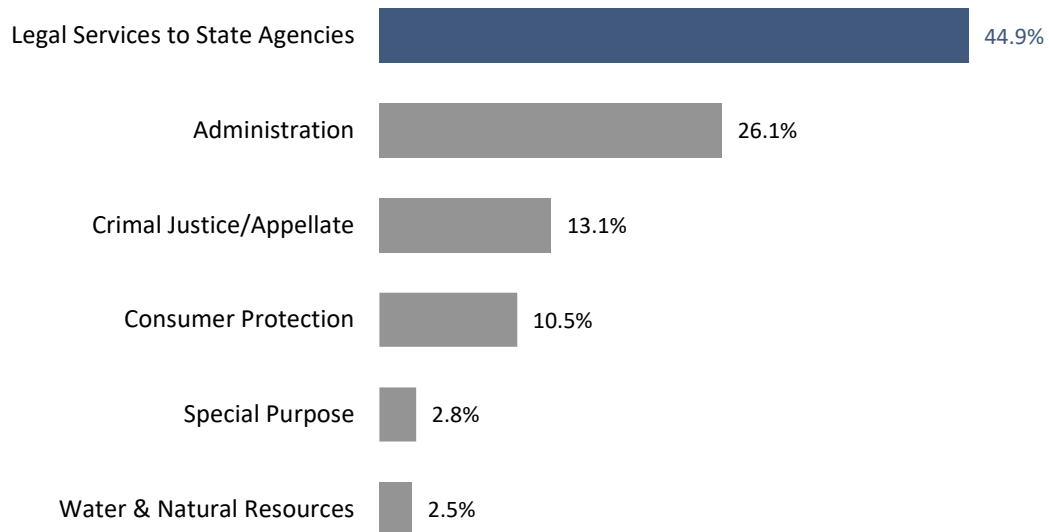
[1] The Legal Services to State Agencies section does not receive General Fund appropriations.

Department Funding Sources



Based on the FY 2025-26 appropriation.

Distribution of Total Funds by Division



Based on the FY 2025-26 Appropriation

Cash Funds Detail

Department of Law Cash Fund Detail

Fund Name	FY 2024-25 Approp.	Note	Primary Revenue Sources	Primary Uses in Dept.
Legal Services Cash Fund	\$77,467,311	[1]	Revenue from providing legal services to state agencies	Legal Services to State Agencies
Indirect Cost Recoveries	6,337,822		Cash and reappropriated fund sources collected in each division	Centralized services in the Administration section
P.O.S.T. Board Cash Fund	5,647,800		All or a portion of fees charged for P.O.S.T. Board Exam, VIN inspections, publication, and motor vehicle registrations	P.O.S.T. Board
Consumer Protection Custodial Funds	3,708,832	[2]	Consumer protection litigation court awards	Consumer Protection & Anti-Trust section Supports 30.0 FTE
Insurance Fraud Cash Fund	2,280,043		Fees for licensing insurance providers	Special Prosecution Unit
Marijuana Tax Cash Fund	1,709,553		Sales tax on marijuana and special sales tax on retail marijuana	P.O.S.T. Board and Consumer Protection & Antitrust Section
CWCB Litigation Fund	1,571,399	[4]	Interest earnings on loans for water-related projects authorized by statute	Water and Natural Resources Division
Mortgage Fraud Custodial Fund	936,221	[2]	Established as the result of a court award, which funded the principal	Stipulated to be expended on mortgage or housing efforts through contracts
Attorney Fees & Costs	650,000		Attorney fees and costs awarded by a court, is subject to appropriation.	Litigation Management, Consultant Expenses, and Legal Services to State Agencies
Student Loan Ombudsperson and Loan Servicer Licensing Fund	437,569	[5]	Fees for Student Loan Servicer Licensing and Student Loan Servicer Investigations	Continuously appropriated, Consumer Protection & Antitrust section, Uniform Consumer Credit Code
Tobacco Litigation Settlement Fund	413,418		Tobacco litigation settlements	Consumer Protection & Antitrust section
Consumer Credit Unit Cash Fund	328,512	[3]	Fees on lenders and creditors issuing consumer credit and engaging in debt management and credit repair	Continuously appropriated, Consumer Protection & Antitrust section, Uniform Commercial Credit Code
False Claims Recovery Fund	300,000		Proceeds retained by state under False Claims actions	Special Prosecutions Unit for False Claims actions
Special Prosecution Custodial Funds	50,200	[2]	Court awards from forfeitures under Colorado Organized Crime Act and interest	Special Prosecutions Unit
Various Sources of Cash and Reappropriated Funds	14,840,039		Includes all sources identified above	Centralized services in the Administration section
Total	\$116,678,719			

[1] The figure associated with Legal Services Cash Fund includes both "Cash Funds" and "Reappropriated Funds".

[2] Custodial funds are not subject to appropriation and often have specific uses designated through settlement agreements or court awards. Those without conditions are expended as directed by the Attorney General.

[3] Fund is continuously appropriated pursuant Section 5-2-302 (11)(a), C.R.S. Section 5-2-302 (11)(d), C.R.S., sets the alternate reserve limit to 33.3 percent. Cash Fund was created by SB 23-248 and thus has \$0 appropriation in FY23-24. The FY24-25 request estimates \$3.6 million in expenditures from the fund.

[4] Fund is continuously appropriated pursuant Section 37-60-121 (2.5)(a), C.R.S.

[5] Fund is continuously appropriated pursuant Section 5-20-104 (3)(c), C.R.S.

Additional detail for select funds

Legal services cash fund

The majority of cash funds appropriations to the Department of Law are made from the Legal Services Cash Fund. This fund allows the Department flexibility to apply payments made from two buckets of appropriations. One bucket allows Law to accept funds appropriated from client agency's legal services line item appropriation, or reappropriated funds. The other allows Law to accept funds appropriated to program line items in agencies when unexpected legal costs and program decisions lead to reappropriated fund payments being insufficient.

Custodial funds

Custodial Funds are not subject to annual appropriation by the General Assembly. Custodial Money may only be expended for the purposes for which the funds were provided. Usually these terms are found in the final settlement agreements or judgments awarded to Colorado for successful litigation.

Any money received by the attorney general as an award of attorney fees or costs that is not Custodial Money must be placed in a separate Attorney Fees and Costs Account and is subject to annual appropriation by the general assembly for legal services provided by the department.

General Factors Driving the Budget

The Attorney General is the State's chief legal representative as well as the legal counsel to the State Government's Executive Branch. It represents the governor, executive branch principal departments, and other state agencies, boards, and commissions including the Judicial Branch.

The Department is largely a cash-funded agency that receives funding from state agencies and various programs for the provision of legal services, the investigation and prosecution of fraud, and the protection of citizens of this State through consumer protection efforts. To deploy these services statewide, the Department employs approximately 666.8 FTE.

Legal representation of state agencies, boards, and commissions

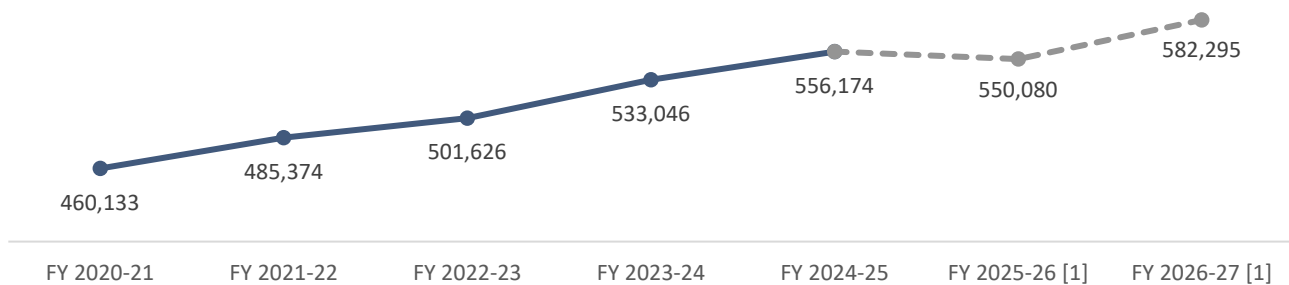
Prior to 1973, legal representation of state agencies was provided by attorneys hired by individual agencies, which sometimes led to conflict between agencies. In 1973 the state consolidated legal representation to the Attorney General's Office to ensure a consistent legal strategy for the state. Between 1973 and 2017, the Department billed client agencies each month for the billable hours of legal services actually provided to the client during the previous month. This led to a consistent decline in the amount of work being requested in the last quarter of the fiscal year. This method led to budgetary uncertainty when agencies chose to avoid requesting services when agency funding prioritized spending for non-legal service costs.

Starting in FY 2017-18 the General Assembly restructured the legal services common policy to estimate the number of legal services hours allocated to each agency based on the three-year average of their actual legal service hours consumed. Thus, Legal Services appropriations by agency are calculated by taking the three-year average of actual hours billed and multiplying it by the "blended legal service rate." JBC staff makes recommendations to the JBC annually for the blended legal service rate based on the direct and indirect costs of providing legal representation.

Now, to collect the reappropriated fund appropriations from each of the user agencies the Department of Law bills each one-twelfth of its total appropriation monthly. Budgetary certainty provided by this methodology allows the Department to maintain an appropriate number of staff to provide the required services and minimizes the volume of higher-cost contract attorneys or outside counsel that may be needed to meet demand that exceeds capacity. While the current common policy may not encourage agencies to limit the number of legal service hours utilized, it likely results in lower attorneys' costs statewide. In the spectrum of common policies, the legal services common policy provides more budgetary certainty but reduces overall transparency regarding the actual annual costs of legal representation.

The FY 2025-26 budget for legal services provides a total of \$68.4 million across all state agencies to pay for the time billed by the Attorney General's Office and assumes the Department will provide 550,080 total legal service hours to clients. This amount represents 44.9 percent of the Department's total appropriation. While the number of legal service hours appropriated in FY 2025-26 showed a temporary leveling off of legal hours required, the number requested in FY 2026-27 is rising more sharply again. Between years FY 2019-20 and FY 2023-24 the FTE that support this division has grown from 281.5 to 361.4, or 28.4 percent.

Actual and Projected Hours of Blended Legal Services Provided Statewide



[1] Figure for FY 2025-26 represents appropriated hours and for FY 2026-27 the number of legal service hours requested.

Fluctuations in legal services expenditures are due to: (1) changes in the Department's hourly rates; and (2) changes in the number of hours of legal services provided to state agencies by attorneys and legal assistants. The hourly rates fluctuate based on the costs of employee salaries and benefits as well as operating expenses. This may be the impact increased activity litigation against the federal government but its true impact is blunted by the averaging of prior year legal service hours. The JBC should expect this trend to continue for at least the next two fiscal years, while this period remains as part of the average hours provided.

Nine state agencies account for the majority of legal service hours provided by the Department. The following graphic illustrates the legal service hours provided state-wide, highlighting the nine agencies with over 18,000 hours of legal services provided in FY 2024-25.



Criminal Justice and Appellate

The largest allocation of General Fund in the Department is for the Criminal Justice and Appellate section, which accounts for 32.1 percent of General Fund appropriations to the Department for FY 2024-25. A bit more than half of the General Fund in this section is devoted to the Appellate Unit, which represents the State in criminal appeals, and much of the remainder is devoted to the Special Prosecutions Unit, which investigates and prosecutes a variety of crimes that tend to be more complex or occur across multiple jurisdictions. The workload

of the Appellate Unit continues to exceed its resources, but is working to reduce the number of cases remaining on its backlog. The following table provides expenditure and workload data for the Appellate Unit.

Appellate Unit Data: FY 2019-20 to FY 2023-24

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Actual
Expenditures	\$5,141,091	\$5,325,192	\$5,950,509	\$6,910,193	\$7,149,468
<i>FTE</i>	<i>38.0</i>	<i>37.3</i>	<i>41.6</i>	<i>40.7</i>	<i>41.6</i>
Incoming Briefs	958	734	628	735	813
Outgoing Briefs	877	803	794	652	717
Case backlog	493	417	258	342	435

The backlog remained largely stagnant for the last ten years, with an overall average of 422 cases delayed for the following fiscal year. However, a combination of new efficiency strategies, new attorneys added through the budget and a decrease in the number of incoming briefs has enabled the section to significantly reduce the backlog.

When a backlog of 450 cases is allocated among the Section's 29 attorneys, the number of cases in each attorney's queue means that the most recently arrived case cannot be briefed for many months. A backlog of 350 cases, however, allows the Section a much more manageable number of cases per attorney and for more expedited briefing.

While the Section reports to have successfully employed several different strategies for reducing the backlog utilizing its existing staff, there are many factors over which the Section has no control. These include the number of briefs filed by criminal defendants; the size of the appellate record; the number of issues raised in each brief; and the complexity of the issues raised. The most certain way to prevent the backlog from increasing further is to maintain current staffing levels.

The Section anticipates that the backlog could increase over the next several years from additional appeals secondary to HB 25-1275 (the Forensic Science Integrity Act). Section leadership will continue to work hard to increase efficiency by being targeted and intentional in case assignments, making sure to match cases to attorneys based on their areas of expertise.

General Fund support for District Attorneys

The budget for the Department of law also includes a few appropriations that passes through it to the Colorado District Attorney's Council or directly to counties to fund their judicial district's district attorney's office. Funding for these purposes has remained generally static with total appropriations growing from \$3.1 million in FY 2016-17 to 3.8 million in FY 2025-26. For FY 2026-27, however, approximately \$3.0 million additional General Fund is anticipated to be allocated to fund the state's share of district attorney and assistant district attorney salary costs.

Historic General Fund pass-through to District Attorneys

Fiscal Year	DA Salaries	Bond Hearing Assistance	DA Training	Total Pass-Through Appropriations to DAs
FY 2016-17	\$2,738,841	\$0	\$405,000	\$3,143,841
FY 2017-18	2,749,138	0	405,000	3,154,138
FY 2018-19	2,749,138	0	350,000	3,099,138

Fiscal Year	DA Salaries	Bond Hearing Assistance	DA Training	Total Pass-Through Appropriations to DAs
FY 2019-20	2,754,858	0	400,000	3,154,858
FY 2020-21	2,799,368	0	200,000	2,999,368
FY 2021-22	2,800,512	150,000	350,000	3,300,512
FY 2022-23	2,810,808	600,000	350,000	3,760,808
FY 2023-24	2,813,096	600,000	350,000	3,763,096
FY 2024-25	2,878,674	600,000	350,000	3,828,674
FY 2025-26	2,943,586	600,000	350,000	3,893,586
FY 2026-27	5,959,256	600,000	350,000	6,909,256

The Department of Law's FY 2026-27 budget request only grows by a total \$4.3 million total General Fund, so the additional \$3.0 million for DA salaries has a significant impact on the overall General Fund outlook for the Department of Law. When comparing all the General Fund appropriations that support district attorneys to the Department of Law's total budget, 20.8 percent of the General Fund requested in FY 2026-27 will be passed-through to district attorneys.

Summary of Request

Department of Law

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2025-26 Appropriation						
SB 25-206 Long Bill	\$152,099,782	\$28,849,741	\$25,514,253	\$93,800,797	\$3,934,991	665.4
Other legislation	327,786	0	\$0	327,786	0	1.4
Total	\$152,427,568	\$28,849,741	\$25,514,253	\$94,128,583	\$3,934,991	666.8
FY 2026-27 Requested Appropriation						
FY 2025-26 Appropriation	\$152,427,568	\$28,849,741	\$25,514,253	\$94,128,583	\$3,934,991	666.8
No prioritized requests	0	0	0	0	0	0.0
Employee compensation common policies	7,172,129	1,711,508	1,148,818	4,094,492	217,311	0.0
Prior year actions	3,967,402	2,447,512	13,121	1,506,345	424	3.8
Operating common policies	814,655	76,940	-66,596	782,655	21,656	0.0
Reflect auto theft prevention grant	154,821	0	0	154,821	0	1.0
Impacts driven by other agencies	16,868	4,739	2,114	9,484	531	0.0
Technical adjustments	55,205	85,612	-12,025	-15,747	-2,635	0.0
Total	\$164,608,648	\$33,176,052	\$26,599,685	\$100,660,633	\$4,172,278	671.6
Increase/-Decrease	\$12,181,080	\$4,326,311	\$1,085,432	\$6,532,050	\$237,287	4.8
Percentage Change	8.0%	15.0%	4.3%	6.9%	6.0%	0.0

No prioritized requests: The request does not include any prioritized requests or “decision items” for the Department of Law, however, they anticipate to submit a budget amendment for an additional year of leased space due to the Carr building construction preventing it from fully accessing all space it expects to occupy. Last year, the General Assembly provided a one-time \$600,000 increase that included about \$160,000 General Fund. Negotiations are ongoing which is why the request submission is delayed.

Employee compensation common policies: The request includes a net increase of \$7.2 million for employee compensation common policies. A common policy refers to general policies applied consistently to all departments.

Employee compensation common policies

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Salary survey	\$3,281,573	\$787,890	\$458,067	\$1,958,695	\$76,921	0.0
Health, life, and dental	2,896,608	693,961	499,539	1,587,851	115,257	0.0
Unfunded liability amortization payments	613,869	149,114	138,846	305,741	20,168	0.0
Step plan	313,629	62,611	30,995	216,107	3,916	0.0
PERA direct distribution	34,528	10,177	14,151	10,200	0	0.0
Paid family and medical leave insurance	27,625	6,711	6,248	13,758	908	0.0
Short-term disability	4,297	1,044	972	2,140	141	0.0

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Total	\$7,172,129	\$1,711,508	\$1,148,818	\$4,094,492	\$217,311	0.0

Prior year actions: The request includes a net increase of \$4.0 million for the impact of prior year budget decisions and legislation.

Prior year actions

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
HB 24-013 District Attorneys' salaries	\$4,378,971	\$4,378,971	\$0	\$0	\$0	0.0
SB 24-010 Dental services compact	230,436	0	0	230,436	0	1.0
HB 24-1111 Cosmetology compact	192,030	0	0	192,030	0	0.8
SB 24-018 Physician assistant compact	153,624	0	0	153,624	0	0.7
HB 24-1002 Social work licensure compact	115,218	0	0	115,218	0	0.5
HB 24-1054 Jail standards	112,247	112,247	0	0	0	0.8
SB 25-130 Emergency services	85,335	0	0	85,335	0	0.3
SB 25-126 Uniform antitrust merger notices	61,382	61,382	0	0	0	0.0
HB 25-1267 Statewide emergency strategies	48,146	0	0	48,146	0	0.2
FY 25-26 Additional litigation resources	37,009	37,009	0	0	0	0.2
SB 24-141 Telehealth providers	6,401	0	0	6,401	0	0.0
FY 25-26 Salary survey	3,988	-634,848	5,272	633,139	425	0.0
FY 25-26 Step Plan	0	-83,299	7,849	75,451	-1	0.0
SB 25-305 Water quality permitting	0	0	0	0	0	0.0
HB 25-1239 Anti-discrimination Act	0	0	0	0	0	0.0
SB 25-244 Reduce ADA State Funding	-1,363,783	-1,363,783	0	0	0	0.0
SB25-304 Sex assault kit backlog	-60,167	-60,167	0	0	0	-0.5
HB 25-1154 Community services enterprise	-33,435	0	0	-33,435	0	-0.2
Total	\$3,967,402	\$2,447,512	\$13,121	\$1,506,345	\$424	3.8

Operating common policies: The request includes a net increase of \$0.8 million for operating common policies.

Operating common policies

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Resetting indirect cost base	\$328,512	\$0	\$328,512	\$0	\$0	0.0
Departmental indirect cost adjustment	327,642	0	-470,055	775,164	22,533	0.0
Legal services	122,824	47,088	75,736	0	0	0.0
Workers' compensation	99,080	30,568	11,679	53,904	2,929	0.0
Office of Information Technology services	57,045	26,598	4,718	24,693	1,036	0.0
State accounting system (CORE)	45,684	12,972	5,689	25,595	1,428	0.0
Attorney licensing and education	17,658	7,330	-218	10,136	410	0.0
Administrative law judge services	2,252	0	2,252	0	0	0.0
Digital trunked radios	1,342	891	266	185	0	0.0
Risk management & property	-179,195	-45,143	-23,851	-104,196	-6,005	0.0
Vehicle lease payments	-8,189	-3,364	-1,324	-2,826	-675	0.0
Total	\$814,655	\$76,940	-\$66,596	\$782,655	\$21,656	0.0

Reflect auto theft prevention grant: The request includes an increase of \$154,821 reappropriated funds that appear for informational purposes to reflect updated award expectations from the Auto Theft Prevention Grant Program from the Department of Public Safety.

Impacts driven by other agencies: The request includes a net increase of \$16,868 for requests from other state agencies. These are also called “non-prioritized requests.” The amount shown in the table below applies only to this department and does not necessarily reflect the total value of the request.

Impacts driven by other agencies

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
NP State accounting system (CORE) staff	\$20,800	\$5,843	\$2,607	\$11,695	\$655	0.0
NP SB24-205 AI compliance	2,993	841	375	1,683	94	0.0
NP Statewide enable AI	1,501	422	188	844	47	0.0
NP IT efficiencies	-8,426	-2,367	-1,056	-4,738	-265	0.0
Total	\$16,868	\$4,739	\$2,114	\$9,484	\$531	0.0

Technical adjustments: The request includes a net increase of \$55,205, including \$85,612 General Fund, for three adjustments that are technical in nature. The change is comprised of two net-zero fund source adjustments and an increase of \$55,205 total funds related to an escalation clause in the leased space contract.

Budget reduction options

The Elected Official budget request does not include reductions for the Department of Law. Highlighted in this issue brief is a summary of decision items that have added General Fund or that impact General Fund appropriations indirectly for the Committee to consider as options to aid in balancing the FY 2025-26 and FY 2026-27 budget years.

Summary

- The Department of Law does not have any budget requests but expects to submit a budget amendment requesting General Fund for an additional year of leased space while it is unable to occupy all space needed in the Carr building.
- Even without requests, the Department's budget is expected to grow by 15 percent in FY 2026-27, primarily as annualization of legislation that provides additional state funding to district attorney's offices.
- The Department of Law is a very staff heavy budget area. It does not administer many grant programs or pay providers for services. Therefore, most options to reduce the Department of Law's budget will often require employees departing state employment.

Recommendation

The Committee should ask the Department to provide any additional detail on the impacts or actions required related to taking budget actions identified in this issue brief. The Committee should also give the Department of Law an opportunity to offer alternative budget reductions that have lower or less-harmful impacts.

Discussion

Funding History FY 2018-19 to FY 2025-26

The Department of Law represents 0.2 percent of total state General Fund appropriations in FY 2025-26. As reflected in the table below, General Fund in this section of the budget has increased by 33.6 percent since FY 2018-19 after adjustments for inflation¹. This is more than the statewide increase in General Fund appropriations of 13.6 percent over the same period after adjustments. During that time total funding in this section of the budget, after adjustments, has changed by 39.1 percent.

FY 2018-19 to FY 2025-26 Appropriations Comparison - Adjusted for Inflation

Fund	FY 2018-19 Nominal	FY 2018-19 Adjusted	FY 2025-26	\$ Change from FY 2018-19 Adjusted	% Change from FY 2018-19 Adjusted
General Fund	\$16,593,918	\$21,594,803	\$28,849,741	\$7,254,938	33.6%
Total Funds	\$84,198,382	\$109,573,127	\$152,427,568	\$42,854,441	39.1%

¹ Fiscal year 2018-19 appropriations are adjusted for inflation, calculated based on the Legislative Council Staff September forecast, which reflects an increase in the Denver-Aurora-Lakewood consumer price index of 30.1 percent between FY 2018-19 and FY 2025-26.

Budget Requests for General Fund Relief

For this section of the budget, the Department's request did not include proposals for General Fund relief. The Department also did not submit any new budget requests for FY 2026-27, with most changes requested relating to common. Even without requesting any additional General Fund dollars through decision items, the Department's total General Fund is requested to increase by 15 percent. This annual growth is only 4.5 percent if you don't consider the combined effects of HB 24-013 and SB 25-244, which will increase the Department's General Fund by \$3.0 million in FY 2026-27. While the Department's budget request did not include a proposal for General Fund relief, last year the Department identified about \$1.2 million General Fund that would have the least impact to fulfilling its duties. All included items were not impacted by FY 2025-26 budget balancing decisions. This equates to about 5.0 percent of the General Fund appropriated to the Department of law if pass through funds for the state share of District Attorney's Salary are excluded from the total General Fund. Those proposals are summarized below.

Proposals for General Fund Relief

Option	General Fund	Other Funds	Bill? Y/N	Description
Expenditure Reductions				
Reduce Consumer Protection and Antitrust by 3.0 FTE	-\$500,000	\$0	N	The reduction of attorneys will diminish the DOL's capacity to protect Colorado consumers and businesses, including enforcement of laws that promote a fair business environment and shield consumers from fraud. It will also weaken the enforcement of data privacy standards and protections against unscrupulous financial practices, as well as diminish efforts to hold parties accountable for the opioid crisis.
Reduce the Appellate Unit by 4.0 FTE fellows	-420,000	0	N	Reductions in this section will hamper the DOL's ability to represent law enforcement interests in appellate cases where defendants challenge felony convictions.
Reduce Special Prosecution Unit by 2.0 FTE	-280,000	0	N	Reductions in this section will hamper the DOL's ability to represent law enforcement interests in appellate cases where defendants challenge felony convictions.
Subtotal - Expenditures	-\$1,200,000	\$0		
Net General Fund Relief	\$1,200,000			

Additional Options for JBC Consideration

The table below summarizes options identified by the JBC staff that the Committee could consider in addition to or instead of the options presented in the budget request.

A General Fund reduction of 5.0 to the Department covered in this briefing would require a reduction of \$1.6 million.

Additional Options for General Fund Relief

Option	General Fund	Other Funds	Bill? Y/N	Description
Expenditure Reductions				

Option	General Fund	Other Funds	Bill? Y/N	Description
Reverse FY 25-26 Additional federal litigation resources	-\$604,491	0	N	Added funding for 3.0 FTE focused on defending Colorado against federal actions with adverse effects on Colorado or Coloradans.
Reverse FY 24-25 Special Prosecution rural support	-375,934	0	N	Added 2.5 FTE to focus on assisting rural prosecutors with complex actions.
Reverse FY 24-25 Augment federal interstate water unit	-255,191	0	N	Added 2.0 FTE to the federal and interstate water unit due to litigation concerning Colorado and Rio Grande River compacts.
Reverse FY 23-24 Organized retail crime prosecution	-565,169	0	N	Added 4.5 FTE to focus on prosecuting organized retail crime.
Reverse FY 23-24 Federal-interstate water staff	-181,839	0	N	Added 2.0 FTE to the federal and interstate water unit due to litigation concerning Colorado River compact.
Reverse FY 23-24 Patterns and Practices staff	-120,184	0	N	Added 1.0 FTE to respond to complaints submitted to the Patterns and Practices program.
Eliminate appropriation for grants for DAs to work weekend bond hearings	-600,000	0	Y	Added in FY 21-22 when the speed required for bond hearings to occur required DAs to cover previously unstaffed weekends.
Eliminate appropriation for Deputy District Attorney Training for CDAC	-350,000	0	Y	Added In FY 14-15, statute compels an annual \$350,000 appropriation to conduct prosecutor trainings.
Reduce 1.0 FTE for Safe2Tell	-56,175	0	N	Repeat action taken during FY 20-21 budget action.
Reduce 4.1 FTE from Special Prosecutions Unit	-563,750	0	N	Repeat action taken during FY 20-21 budget action. Would increase time to prosecute complicated multi-jurisdictional crimes.
Reduce 2.5 FTE from Appellate Unit	-173,796	0	N	Repeat action taken during FY 20-21 budget action. This unit is already behind on the backlog of cases it considers ideal caseload.
Eliminate CORA 1.0 FTE	-122,107	0	N	Repeat action taken during FY 20-21 budget action. Only CORA specialized attorney providing advice to all state agencies. Likely saves a lot of time on responding to CORA requests statewide.
Subtotal - Expenditures	-\$3,968,636	\$0		
Net General Fund Relief	-\$3,968,636			

Expenditure Reductions

Reverse FY 25-26 Additional federal litigation resources

Description: This would eliminate \$604,491 General Fund that was added in the FY 2025-26 budget to litigate against the federal government. The funding supports 3.0 FTE, but FTE were not included with the funding last year.

Key Considerations: Requires the Department to eliminate positions it should have already filled. Federal actions continue to adversely impact Colorado.

Additional background: This unit has successfully defended Colorado in a number of actions and it may be premature to eliminate it.

Reverse FY 24-25 Special Prosecution Rural Support

Description: This would eliminate \$375,934 General Fund and 2.5 FTE in the Department's base for additional staff assisting rural prosecutors with complex crime prosecution and coordination. The amount includes the total approved in the FY 2024-25 Long Bill as well as the annualization requested for FY 2025-26.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added due to increasing requests for coordination and support provided by the Attorney General's Office from rural jurisdictions and allowed the AG to respond to executive orders, district attorney resignations, and provide resources and expertise to address cases pending in rural jurisdictions that require additional prosecutorial support.

Reverse FY 24-25 Augment federal interstate water staff

Description: This would eliminate \$255,191 General Fund and 2.0 FTE in the Department's base for staff that increase capacity and monitor developments nationally, regionally, and in Colorado that impact Colorado's water supply and the Department's ability to defend Colorado's water rights.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added for staff to attend to responsibilities associated with the Colorado River negotiations. Staff participates in litigation, when necessary, but also by actively serving as negotiation counsel for managing the basin consistent with existing laws.

Reverse FY 23-24 Organized retail crime prosecution

Description: This would eliminate \$565,169 General Fund and 4.5 FTE in the Department's base from the Special Prosecutions unit to assist in prosecuting organized retail crime.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added to assist local jurisdictions in responding to an increase in retail theft including organized mobs of shoplifters overwhelming retail business staff to carryout theft. Does not prevent local jurisdictions from arresting and prosecuting those accused of shoplifting.

Reverse FY 23-24 Federal interstate water staff

Description: This would eliminate \$181,839 General Fund and 2.0 FTE in the Department's base for staff to the federal and interstate water unit to support litigation around the Colorado and Rio Grande River compacts.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added for staff to attend to responsibilities associated with the Colorado River negotiations. Staff participates in litigation, when necessary, but also by actively serving as negotiation counsel for managing the basin consistent with existing laws.

Reverse FY 23-24 Patterns and Practices staff

Description: This would eliminate \$120,184 General Fund and 1.0 FTE in the Department's base for staff to respond to complaints submitted to its Patterns and Practices program.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added for staff because the requests for investigations into patterns and practices of civil rights violations by government entities continues to exceed the resources dedicated to the program.

Eliminate appropriation for grants for DAs to work weekend bond hearings

Description: Statute requires the General Assembly appropriate \$600,000 General Fund annually for the Colorado District Attorneys Counsel (CDAC) to make grants to district attorney's offices to pay for additional work required by state law changing to require bond hearings to be held within 48 hours of arrest.

Key Considerations: Requires a bill to eliminate or even reduce temporarily. Grants will have to be replaced with funding from impacted district's counties.

Additional background: Enacted in HB 22-1067 (Bond hearings funding).

Eliminate appropriation for Deputy District Attorney Training for CDAC

Description: Statute requires the General Assembly appropriate \$600,000 General Fund annually for the Colorado District Attorneys Counsel (CDAC) to make grants to district attorney's offices to pay for additional work required by state law changing to require bond hearings to be held within 48 hours of arrest.

Key Considerations: Requires a bill to eliminate or even reduce temporarily. No immediate health, life, or safety impact/does not affect vulnerable population.

Additional background: Enacted in HB 14-1144 (Deputy district attorney compensation and training).

Reduce 1.0 FTE for Safe2Tell

Description: Reduces the appropriation for Safe2Tell by \$56,175 General Fund and 1.0 FTE for a social media position. The Safe2Tell program is created in the Office of Community Engagement. The Safe2Tell program employs 6.0 FTE at the Department.

Key Considerations: No immediate health, life, or safety impact/Does not affect vulnerable population.

Additional background: Created in FY 2015-16, the Community Engagement line item supports statewide community engagement efforts, including 6.0 FTE dedicated to the Safe2Tell program (which had been funded as a separate line item prior to FY 2015-16). 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.

Reduce 4.1 FTE from Special Prosecutions Unit

Description: Statute requires the General Assembly appropriate \$600,000 General Fund annually for the Colorado District Attorneys Counsel (CDAC) to make grants to district attorney's offices to pay for additional work required by state law changing to require bond hearings to be held within 48 hours of arrest.

Key Considerations: No immediate health, life, or safety impact/Does not affect vulnerable population.

Additional background: 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;

- Criminal activity by gangs;
- Environmental crimes;
- Foreign prosecutions; and
- Violent Crimes Assistance Team

Eliminate CORA 1.0 FTE

Description: Eliminate the appropriation for a CORA and Open Meeting Law expert attorney in the Department of Law for \$122,107 General Fund and 1.0 FTE.

Key Considerations: No immediate health, life, or safety impact/Does not affect vulnerable population. Likely saves a lot of agencies a lot of resources.

Additional background: 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. This attorney provides support statewide.

Major litigation pending against the state

The Department of Law submits an annual report to the State Controller describing pending litigation against the State that could have a significant financial impact. The most recent report was submitted September 16, 2025. While the details of the report remain confidential, traditionally the parties involved, a short description, and potential value of financial risk have been conveyed in JBC staff briefings.

Summary

The following ongoing legal cases involving the State could have a financial impact of at least \$5.0 million individually or \$10.0 million collectively:

Pending Litigation with Potential for Significant Financial Impact

Department	Caption	Summary/Topic	Potential Financial Impact
Health Care Policy and Financing	CO Dept. of Health Care Policy and Financing v. CMS	CHIPRA Bonus Recovery	\$38.4 million
Natural Resources	South Platte River Compact Litigation	Nebraska asks the Supreme Court to find CO out of compliance with Platte River Compact	Unknown
Public Health and Environment	Heartland Biogas, LLC v. CO Dept. of Public Health and Environment, et al.	Heartland Biogas Facility State Court Litigation	Unknown
Revenue	Americans for Prosperity v. CO Dept. of Revenue	Challenge involving enterprises and TABOR revenue cap impacts of S.B. 21-260	\$224 million
Revenue	Advance Colorado, et al. v. Humphreys, et al.	Challenge to HB 25-1296 (Tax Expenditure Adjustment)	up to \$280 million
Revenue	Zachary Langston, et al. v. Heidi Humphreys, et al.	Challenge to Firearms and ammunition excise tax	\$39 million annually
Revenue	McLane Western, Inc. v. Colo. Department of Revenue,	Tobacco company TABOR refund request	\$26.6 million
Transportation	Flatiron / AECOM v. CDOT	Construction Delays Dispute	\$64 million

Recommendation

Traditionally, follow up discussions with the Attorney General's Office concerning the details of this report have occurred during an Executive Session, which has been included as part of the Department's Hearing. However, last year JBC staff and staff from the Office of Legislative Legal Services concluded that such a meeting did not meet the statutory requirements to enter an executive session. Section 24-6-402, C.R.S., limits executive sessions to discussion between attorneys representing the General Assembly in committee meetings. Because the Attorney General does not represent the General Assembly in most matters, only rare exceptions would qualify a meeting held by the JBC to be held in executive session.

Staff recommends that the Committee ask the Department to discuss the status of the various cases listed in the report, as well as any other cases the Attorney General believes warrant the Committee's attention, at the Department's upcoming hearing on December 5, 2024, noting that the detail that can be provided in a public meeting is likely to be not much more information than is included in this briefing issue.

Discussion

Background of pending litigation report

The Department of Law submits an annual report to the State Controller concerning pending or threatened litigation, claims, and assessments brought against the State and to which the Department has devoted “substantial” attention on behalf of the State. The threshold for inclusion in this report is \$5.0 million per claim or \$10.0 million collectively. The Department's annual report describes the nature and status of each case, the claims asserted by the plaintiff and the objectives and/or damages sought, how management is responding to the litigation, the Attorney General’s evaluation of the likelihood of an unfavorable outcome, and an estimate as to the amount or range of potential loss.

The report does not include information about two types of cases or claims that may result in financial liability to the state:

- ones involving pre-litigation claims that are settled by the state’s Risk Management Office; and
- ones against state-entities not represented by the Attorney General.

Pending litigation that is not found in this report

The report excludes pre-litigation claims. The Risk Management Office and the State Claims Board² in the Department of Personnel have statutory responsibility to investigate, adjust, and settle claims that are being made against the state before they require resolution by litigation³. A potential litigant must file a notice of claim before it can commence legal proceedings, which alerts the Risk Management Office’s and allows it to begin pre-litigation work processes. When pre-litigation settlements are reached, awards the state agrees to make are paid from the appropriate risk management fund⁴ up to the limits allowed in Colorado’s governmental immunity provisions.⁵

Likewise impacts from lawsuits filed against entities the Attorney General does not represent are also excluded. Litigation involving the General Assembly or the Colorado Board of Regents would not appear in this report except in cases involving the Risk Management Office.

Structure of this Briefing Issue

The Department submitted the 2025 annual report to the State Controller on September 16, 2025. Based on the report, JBC staff provides a brief summary of a selection of unresolved cases in which the potential financial impact, either through damages, attorneys’ fees and costs, or the cost of state compliance with court orders, exceeds \$5 million. Cases are also included if multiple parties have amounts in controversy less than \$5 million but that exceed \$10 million when aggregated.

² The State Claims Board is composed of the Attorney General, the State Treasurer, and the Executive Director of the Department of Personnel.

³ See Section 24-30-1501, *et seq.*, C.R.S.

⁴ See Section 24-30-1510, C.R.S.

⁵ See the budget briefing for the Department of Personnel for information about budget and the Risk Management Office.

Pending Litigation by Department

Health Care Policy and Financing

CHIPRA Bonus Recovery

Case: On April 30, 2019, the Center for Medicare and Medicaid Services (CMS) issued a demand that Colorado return \$38.4 million in performance bonus payments paid under the Children’s Health Insurance Program Reauthorization Act of 2009. The Department disagrees with the CMS finding that the Department improperly included individuals in the enrollment counts provided to CMS for FYs 2009-10 through 2012-13.

Status: Not much has changed since the prior year report. The Department filed an appeal at the federal Departmental Appeals Board (DAB) on May 30, 2019 and provided a brief and written argument in September 2019. Briefing completed in February 2020. On April 21, 2021, the DAB issued a decision agreeing with the states that CMS’s interpretation and ambiguous guidance conflicted with federal statute. The DAB remanded the matter for the states to provide enrollment documentation so that the bonus payments can be properly calculated. Unfortunately, the relevant data is quite old and difficult to obtain for the relevant time period of 2009 through 2013. Additionally, once the baseline rate is properly calculated, the Department may still owe the federal government a significant amount of money. The Department is hopeful that CMS will be willing to negotiate a reasonable settlement. New information for 2024 is that negotiations with CMS have not yet commenced.

Potential Financial Impact: CMS seeks to recover \$38.4 million.

Natural Resources

South Platte River Compact Litigation

Case: Nebraska has asked the Supreme Court of the United States to let it file a complaint against Colorado under the South Platte River Compact. In its request, Nebraska claims there are disputes between the two states that only the Supreme Court can resolve. Put simply, Nebraska claims there are disputes about whether Colorado is meeting its summertime obligations under the Compact and that Colorado is blocking Nebraska’s plans to build a canal in Colorado.

Status: Nebraska filed its Motion for Leave to File Bill of Complaint on July 16, 2025. The Supreme Court is not obligated to take the case, and Colorado will be allowed to respond to Nebraska’s Motion. Colorado’s response was due on October 15, 2025. If the Court does accept the case, it can decide some or all the legal questions on its own or refer the case to a Special Master before deciding anything. It could be up to a year before the AG’s office will know whether the Court will take the case. If it does, it could be many more years before it addresses the merits

Financial Impact: If the Court takes up Nebraska’s claims of overuse, Nebraska has indicated that it will ask the Court to disgorge ⁶the profits Colorado obtained from using water to which it was not entitled. Nebraska has not yet assigned a value to that claim.

⁶ **Disgorgement:** The act of giving up something (such as profits illegally obtained) on demand or by legal compulsion.

Public Health and Environment

Heartland Biogas facility state court litigation

Case: Heartland Biogas filed a state suit against the Colorado Department of Public Health and Environment (CDPHE). The claims, arising from the voluntary closure of the company's biogas facility, allege that the State agencies are liable under a theory of promissory estoppel and that the State's actions constituted a regulatory taking. Heartland alleges the Department promised that all zoning approvals needed to operate a solid waste facility were obtained and that the facility could distribute wastewater to third parties. Heartland alleges that the Department later took the position that Heartland did not have the proper zoning permits and prohibited the company from distributing wastewater. Heartland Biogas dismissed its federal lawsuit against the CDPHE and filed a new lawsuit in Denver District Court. Heartland alleges that CDPHE is responsible for its decision to voluntarily close its biogas facility. Heartland alleges a violation of Section 15 of Article 2 of the Colorado Constitution, in the form of a regulatory taking claim.

Status: The case is on appeal. In May 2023, the District Court ruled in CDPHE and the BOCC's favor and against Heartland. In May 2025, the State prevailed in Heartland Biogas's appeal to the Colorado Court of Appeals. In July 2025, Heartland Biogas filed a Petition for Writ of Certiorari with the Colorado Supreme Court.

Financial Impact: Damages would be paid out of the State's Risk Management Office, but Plaintiff's initially sought over \$100 million. The Department estimates damages could be in the tens of millions of dollars if plaintiff prevails.

Revenue

Americans for Prosperity challenge involving enterprises and TABOR revenue cap impacts of S.B. 21-260

Case: Plaintiff challenges the legality of S.B. 21-260 on four grounds:

- the enterprises created or modified by the bill violate a 2020 citizens' initiative (Proposition 117, codified at section 24-77-108);
- the bill violates the Colorado Constitution's single subject requirement;
- the bill's increase of the state's excess state revenues cap by \$224 million violates TABOR; and
- failure to downwardly adjust the excess state revenues cap for the bill's creation/modification of the enterprises violates TABOR.

Status: The complaint was filed on April 7, 2022. The State Defendants filed a motion for summary judgment, and the district court granted this motion on April 29, 2024 (deciding the case at the district court level in the State Defendants' favor). The Colorado Court of Appeals affirmed the district court's order on May 1, 2025. On June 12, 2025, Plaintiffs filed a petition for writ of certiorari to the Colorado Supreme Court. The State Defendants/Appellees filed a brief in opposition to the petition for certiorari on July 17, 2025. The parties are awaiting a determination on certiorari.

Financial Impact: If a court invalidates the \$224 million increase of the excess state revenues cap made by S.B. 21-260, such a ruling could require the State to refund \$224 million to taxpayers with interest under TABOR. The Department states the remaining potential loss is indeterminate at this time but could be significant.

Challenge to HB 25-1296 (Tax Expenditure Adjustment)

Case: The complaint raises claims that H.B. 25-1296 violates TABOR:

- the overtime income tax addback is a “new tax,” “tax rate increase,” or “tax policy change causing a net revenue gain” adopted without a vote of the people under TABOR;
- the income tax withholding statute's new language requiring employers to deduct and withhold tax on “compensation other than wages” is a “new tax” or “tax rate increase” and creates a “new state definition of taxable income” before the next tax year under TABOR; and
- the various changes to tax credits and exemptions constitute a “tax policy change causing a net revenue gain” adopted without a vote of the people under TABOR.

Status: The complaint was filed on July 24, 2025. The State Defendants’ current deadline to respond to the complaint was October 1, 2025.

Financial Impact: A ruling that the overtime addback violates TABOR could require the State to refund \$180M–\$270M annually, plus 10 percent annual simple interest under TABOR. A ruling that the various changes to tax credits and exemptions violate TABOR could require the State to refund \$5.4 million in the first fiscal year, an additional \$10.7 million in the second fiscal year, and an additional \$10.6 million per year in future years, plus 10 percent annual simple interest under TABOR.

Firearms and ammunition excise tax lawsuit

Case: Proposition KK enacted a 6.5% excise tax on the net taxable sales of firearms, ammunition, and firearm precursor parts. The complaint asserts that the tax violates the Second Amendment to the U.S. Constitution and seeks a declaration that the tax is unconstitutional.

Status: Plaintiffs filed the complaint on March 31, 2025. Defendant Humphreys answered on May 20, 2025. On May 30, 2025, co-defendant Michael Allen, El Paso County District Attorney, filed a motion to dismiss, on which the court has not yet ruled.

Financial Impact: If a court finds that the Firearms and Ammunition Excise Tax is unlawful, then the State could be required to refund the amount of tax collected between April 1, 2025, and the judgment date, which could total up to \$39 million per year plus 10 percent annual simple interest under Section (1) of TABOR.

Tobacco company TABOR refund request

Case: The complaint challenges the constitutionality of Colorado H.B. 23-1290. H.B. 23-1290 referred Proposition II to Colorado’s voters for approval for the State to retain revenues in excess of the Bluebook estimates for new tobacco, nicotine, and cigarette taxes approved by Proposition EE (2020). Plaintiffs claim that under TABOR, H.B. 23-1290 and Proposition II sought this voter approval after a constitutional deadline of the “next fiscal year,” and thus violate TABOR.

Status: The complaint was filed on March 28, 2025. The parties filed cross-motions for judgment on the pleadings and completed briefing on those motions on July 23, 2025. Discovery in the case is ongoing while the parties await a determination on those cross-motions.

Financial Impact: If a court found that this HB 23-2390 and Prop EE violated TABOR, the State could owe a refund to Plaintiffs of \$26.6 million plus 10 percent annual simple interest. The State could also potentially owe a significant (but indeterminate) refund (plus interest) to other similarly situated taxpayers.

Transportation

C470 Construction delay dispute

Case: Flatiron/AECOM (F/A) is a joint venture and is the Colorado Department of Transportation's (CDOT) design-build contract on the C470 road construction project. F/A is approximately three years past due in completing the project. Currently F/A has completed approximately 95 percent of the project (a change of 5 percent over the prior report), but landscaping issues remain. In May 2022, F/A finally submitted a request for equitable adjustment (REA) to the Project team in which they alleged that CDOT owes them \$64 million, alleging they are owed damages for weather conditions and a retaining wall. CDOT has rejected the REA for being untimely by the contract terms. Due to an arbitration agreement, this case is pending before the American Arbitration Association (AAA).

Status: CDOT has also filed its own breach of contract action against F/A in Denver District Court on August 1, 2022 to recoup the damages CDOT incurred based on F/A delivering the Project late. CDOT's Denver District Court breach of contract action against F/A has been stayed pending a decision in the AAA arbitration matter. On September 12, 2023, counsel for both parties argued before the AAA panel whether the panel has jurisdiction to consider the claims brought by F/A, which the panel ultimately found it did. F/A has been very slow to prosecute its AAA matter, but is anticipated to submit a full claim package to the AAA by the end of 2024. The AAA arbitration hearing is currently scheduled to take place from April 26-May 21, 2027.

Financial Impact: The request for equitable adjustment (REA) that F/A submitted alleges they are owed \$64 million, which amount was reasserted in the AAA arbitration appeal. CDOT believes it has valid defenses to all of F/A's allegations and also is seeking to recover its own damages through the breach of contract action.

FY 2025-26 Executive Order Budget Adjustments

Budget Reductions

The Department of Law is not subject to Executive Order D 2025 014, as amended, however, the Department of Law has instituted a hiring freeze consistent with the Executive Order. The amount of savings for this action has not been estimated, but JBC expects the impact to be much less than then \$3.0 million in savings identified this action in executive branch agencies.

Footnotes and Requests for Information

Update on Long Bill Footnotes

The General Assembly includes footnotes in the Long Bill to:

1. set forth purposes, conditions, or limitations;
2. explain assumptions; or
3. express legislative intent.

This section discusses a subset of the footnotes relevant to the items covered in the briefing. For a full list of footnotes, see the end of each departmental section of the [2026 Long Bill](https://leg.colorado.gov/bills/sb25-206) (<https://leg.colorado.gov/bills/sb25-206>)

- 68 Department of Law, Legal Services to State Agencies -- In making this appropriation, it is the General Assembly's intent that hourly billing rates charged by the Department for legal services to state agencies not exceed \$146.05 per hour for attorneys and not exceed \$98.03 per hour for legal assistants, which equates to a blended legal rate of \$138.82 per hour.

Comment: This footnote provides a basis for calculating each agency's legal service hours appropriation. It is set annually by the JBC based on JBC staff recommendations at the end of figure setting.

Update on Requests for Information

The Joint Budget Committee may submit requests for information (RFIs) to departments. The Joint Budget Committee must prioritize the requests per Section 2-3-203 (3), C.R.S.

This section discusses a subset of the RFIs relevant to the divisions covered in the briefing. For a full list of RFIs, see the [letters requesting information](https://leg.colorado.gov/sites/default/files/rfi_fy_2025-26.pdf) (https://leg.colorado.gov/sites/default/files/rfi_fy_2025-26.pdf).

Requests Affecting Multiple Departments

- 4 Department of Law, Special Purpose, District Attorney Training; Department of Local Affairs, Division of Local Government, Field Services, Public Defender and Prosecutor Behavioral Health Support Grant Program – Pursuant to Section 24-32-3502, C.R.S., funds appropriated or donated to the Public Defender and Prosecutor Behavioral Health Support Fund are split evenly between the State Public Defender and the Colorado District Attorneys' Counsel (CDAC). CDAC is requested to submit an annual report by November 1 for the prior completed fiscal year detailing the total grant applicants, the name of the grant applicants, amount applied for, amounts awarded for each application submitted, a total amount of all grants funded per round of grants and the amount of funds it received but did not award.

Comment: The CDAC submitted its response as requested before November 3, 2025, which can be found in Appendix B. The Department of Law serves as a facilitator connecting the appropriations with the non-state entity CDAC, and thus it operates much like a grant from the Department of Law.

Department of Law Requests

- 1 Department of Law, Criminal Justice and Appellate, Appellate Unit – The Department is requested to provide by November 1, 2025 a report concerning the Appellate Unit’s progress in reducing its case backlog, including the following data for FY 2024-25: the number of opening briefs received; the number of answer briefs filed; and the case backlog as of June 30, 2025.

Comment: The Department complied with this information request, which staff summarized in the General Factors Driving the Budget section of this document.

- 2 Department of Law, Consumer Protection and Antitrust, Medicaid Fraud Control Unit – Pursuant to Section 25.5-4-310, C.R.S., the Department of Law’s Medicaid Fraud Control Unit is required to submit an annual report by January 15 concerning: actions filed under the “Colorado Medicaid False Claims Act”, the amount recovered as a result of such actions, and the amount of related expenditures. The General Assembly requests that the Department also include in this annual report information about expenditures and recoveries related to the Unit’s criminal investigations.

Comment: This information request is still forthcoming. The Department has consistently complied with this annual request for information, which supplements the statutory annual report with additional information about the unit’s criminal investigations.

- 3 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: The CDAC submitted its response as requested before November 3, 2025, which can be found in Appendix B. The Department of Law serves as a facilitator connecting the appropriations with the non-state entity CDAC, and thus it operates much like a grant from the Department of Law.

- 5 Department of Law, Special Purpose, District Attorney Assistance for Bond Hearings Grants – Pursuant to Section 16-4-117, C.R.S., funds appropriated to the District Attorney Assistance for Bond Hearings Grants is allocated to the Colorado District Attorneys’ Council (CDAC) for grants to district attorney offices. CDAC is requested to submit an annual report by November 1 of each year for the prior completed fiscal year detailing the total grant applicants, the name of the grant applicants, amounts applied for, amounts awarded for each application submitted, a total amount of all grants funded per round of grants, and the amount of funds it received but did not award.

Comment: The CDAC submitted its response as requested before November 3, 2025, which can be found in Appendix B. The Department of Law serves as a facilitator connecting the appropriations with the non-state entity CDAC, and thus it operates much like a grant from the Department of Law.

Department Annual Performance Report

Departments must publish an **Annual Performance Report**⁷ for the *previous state fiscal year* by November 1 of each year. This report summarizes the Department's performance plan and most recent performance evaluation. In addition, departments develop and submit a **Performance Plan**⁸ for the *current fiscal year* to the Joint Budget Committee and the relevant Joint Committee of Reference by July 1 of each year.

Per statute⁹, the Joint Budget Committee must consider performance plans submitted by departments and may prioritize budget requests intended to enhance productivity, improve efficiency, reduce costs, and eliminate waste. To find the performance plans, search the Office of State Planning and Budgeting website and select the [performance plan](http://www.colorado.gov/pacific/performancemanagement/department-performance-plans) (www.colorado.gov/pacific/performancemanagement/department-performance-plans).

⁷ Section 2-7-205, C.R.S.

⁸ Section 2-7-204 (3)(a), C.R.S.

⁹ Section 2-7-204 (6), C.R.S.

Appendix A: Numbers Pages

Appendix A details the actual expenditures for the last two state fiscal years, the appropriation for the current fiscal year, and the requested appropriation for next fiscal year. Appendix A organizes this information by line item and fund source.

Appendix A: Numbers Pages

	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
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Department of Law Phil Weiser, Attorney General

(1) Administration

Personal Services	<u>5,465,244</u>	<u>6,018,145</u>	<u>7,005,264</u>	<u>7,328,936</u>	
FTE	56.3	59.9	64.0	63.7	
General Fund	16,651	0	683,546	684,756	
Reappropriated Funds	5,448,593	6,018,145	6,321,718	6,644,180	
Office of Community Engagement	<u>1,009,080</u>	<u>1,539,147</u>	<u>1,587,558</u>	<u>1,644,543</u>	
FTE	8.8	14.0	14.0	14.0	
General Fund	994,080	1,058,830	1,096,341	1,118,435	
Cash Funds	15,000	480,317	491,217	526,108	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Health, Life, and Dental	<u>7,881,423</u>	<u>8,997,572</u>	<u>9,258,351</u>	<u>12,154,959</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	1,960,401	2,293,302	2,226,962	2,920,923	
Cash Funds	1,040,076	1,496,414	1,566,729	2,066,268	
Reappropriated Funds	4,616,121	4,989,274	5,227,709	6,815,560	
Federal Funds	264,825	218,582	236,951	352,208	
Patterns and Practice Investigations	<u>449,057</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	2.8	0.0	0.0	0.0	
General Fund	449,057	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	

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Appendix A: Numbers Pages

	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
Short-term Disability	<u>97,310</u>	<u>112,933</u>	<u>58,188</u>	<u>62,485</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	23,827	27,748	14,127	15,171	
Cash Funds	11,412	16,808	8,069	9,041	
Reappropriated Funds	59,491	65,850	34,599	36,739	
Federal Funds	2,580	2,527	1,393	1,534	
Paid Family and Medical Leave Insurance	<u>0</u>	<u>338,797</u>	<u>374,062</u>	<u>401,687</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	83,244	90,815	97,526	
Cash Funds	0	50,424	51,872	58,120	
Reappropriated Funds	0	197,549	222,420	236,178	
Federal Funds	0	7,580	8,955	9,863	
PERA AED and SAED	<u>0</u>	<u>7,528,824</u>	<u>8,312,502</u>	<u>8,926,371</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	1,849,860	2,018,121	2,167,235	
Cash Funds	0	1,120,534	1,152,712	1,291,558	
Reappropriated Funds	0	4,389,980	4,942,662	5,248,403	
Federal Funds	0	168,450	199,007	219,175	
S.B. 04-257 Amortization Equalization Disbursement	<u>3,257,151</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	798,952	0	0	0	
Cash Funds	374,142	0	0	0	
Reappropriated Funds	1,997,853	0	0	0	
Federal Funds	86,204	0	0	0	

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Appendix A: Numbers Pages

	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>3,257,151</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	798,952	0	0	0	
Cash Funds	374,142	0	0	0	
Reappropriated Funds	1,997,853	0	0	0	
Federal Funds	86,204	0	0	0	
Salary Survey for Classified Employees	<u>932,933</u>	<u>583,068</u>	<u>620,440</u>	<u>844,548</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	271,952	157,840	180,095	282,671	
Cash Funds	301,885	206,081	202,916	286,512	
Reappropriated Funds	290,163	193,621	202,331	221,868	
Federal Funds	68,933	25,526	35,098	53,497	
Salary Survey for Exempt Employees	<u>6,434,758</u>	<u>2,717,146</u>	<u>2,531,389</u>	<u>2,437,025</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	1,341,356	623,492	576,394	505,219	
Cash Funds	249,210	220,716	173,676	171,555	
Reappropriated Funds	4,817,904	1,848,438	1,746,289	1,736,827	
Federal Funds	26,288	24,500	35,030	23,424	
Step Increases	<u>0</u>	<u>2,212,783</u>	<u>487,416</u>	<u>313,629</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	493,191	101,123	62,611	
Cash Funds	0	258,943	57,793	30,995	
Reappropriated Funds	0	1,444,080	324,257	216,107	
Federal Funds	0	16,569	4,243	3,916	

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	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
PERA Direct Distribution	<u>198,235</u>	<u>1,398,718</u>	<u>1,521,258</u>	<u>1,555,786</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	54,306	345,060	405,753	415,930	
Cash Funds	24,112	214,256	210,956	225,107	
Reappropriated Funds	119,817	839,402	904,549	914,749	
Federal Funds	0	0	0	0	
Workers' Compensation	<u>181,482</u>	<u>241,118</u>	<u>223,238</u>	<u>322,318</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	48,232	62,827	59,985	90,553	
Cash Funds	23,873	31,756	28,705	40,384	
Reappropriated Funds	102,966	138,519	127,330	181,234	
Federal Funds	6,411	8,016	7,218	10,147	
Attorney Registration and Continuing Legal Education	<u>176,036</u>	<u>201,977</u>	<u>201,977</u>	<u>219,635</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	33,987	38,995	38,995	46,325	
Cash Funds	4,465	5,123	5,123	4,905	
Reappropriated Funds	135,803	155,816	155,817	165,953	
Federal Funds	1,781	2,043	2,042	2,452	
Operating Expenses	<u>245,867</u>	<u>243,805</u>	<u>275,053</u>	<u>250,685</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	33,310	8,942	
Cash Funds	0	0	0	0	
Reappropriated Funds	245,867	243,805	241,743	241,743	
Federal Funds	0	0	0	0	

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	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
Legal Services	<u>212,826</u>	<u>197,609</u>	<u>250,530</u>	<u>373,354</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	82,398	76,507	96,678	143,766	
Cash Funds	130,428	121,102	153,852	229,588	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Administrative Law Judge Services	<u>1,118</u>	<u>517</u>	<u>431</u>	<u>2,683</u>	*
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	1,118	517	431	2,683	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Payment to Risk Management and Property Funds	<u>884,210</u>	<u>468,794</u>	<u>425,259</u>	<u>246,064</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	260,008	122,155	114,273	69,130	
Cash Funds	51,704	61,742	54,680	30,829	
Reappropriated Funds	558,613	269,313	242,555	138,359	
Federal Funds	13,885	15,584	13,751	7,746	
Vehicle Lease Payments	<u>83,975</u>	<u>95,901</u>	<u>104,090</u>	<u>95,901</u>	*
FTE	0.0	0.0	0.0	0.0	
General Fund	33,200	39,401	42,765	39,401	
Cash Funds	15,000	15,500	16,824	15,500	
Reappropriated Funds	28,175	33,100	35,926	33,100	
Federal Funds	7,600	7,900	8,575	7,900	

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	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
Information Technology Asset Maintenance	<u>1,369,433</u>	<u>1,369,433</u>	<u>1,369,433</u>	<u>1,369,433</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	363,954	356,828	367,981	384,733	
Cash Funds	180,135	180,366	176,081	171,579	
Reappropriated Funds	776,971	786,714	781,087	770,012	
Federal Funds	48,373	45,525	44,284	43,109	
Ralph L. Carr Colorado Judicial Center Leased Space	<u>3,629,348</u>	<u>3,701,935</u>	<u>3,727,340</u>	<u>3,782,545</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	964,571	964,602	1,001,570	1,062,682	
Cash Funds	477,401	487,574	479,263	473,924	
Reappropriated Funds	2,059,174	2,126,693	2,125,974	2,126,866	
Federal Funds	128,202	123,066	120,533	119,073	
1700 Lincoln Lease Payments	<u>0</u>	<u>0</u>	<u>607,687</u>	<u>607,687</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	163,801	171,549	
Cash Funds	0	0	81,659	79,475	
Reappropriated Funds	0	0	362,227	356,663	
Federal Funds	0	0	0	0	
Payments to OIT	<u>1,488,228</u>	<u>1,380,760</u>	<u>871,534</u>	<u>924,647</u>	*
FTE	0.0	0.0	0.0	0.0	
General Fund	401,002	359,881	234,282	259,776	
Cash Funds	181,008	181,817	111,624	115,849	
Reappropriated Funds	857,748	793,172	497,433	519,915	
Federal Funds	48,470	45,890	28,195	29,107	

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	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
Digital Trunk Radio	<u>20,895</u>	<u>25,884</u>	<u>24,831</u>	<u>26,173</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	5,804	13,587	13,922	14,813	
Cash Funds	12,421	7,270	6,449	6,715	
Reappropriated Funds	2,670	5,027	4,460	4,645	
Federal Funds	0	0	0	0	
Attorney General Discretionary Fund	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	5,000	5,000	5,000	5,000	
CORE Operations	<u>38,349</u>	<u>12,030</u>	<u>11,522</u>	<u>78,006</u> *	
FTE	0.0	0.0	0.0	0.0	
General Fund	10,192	3,134	3,097	21,912	
Cash Funds	5,045	1,584	1,480	9,776	
Reappropriated Funds	21,758	6,912	6,572	43,862	
Federal Funds	1,354	400	373	2,456	
TOTAL - (1) Administration	37,319,109	39,391,896	39,854,353	43,974,100	10.3%
FTE	<u>67.9</u>	<u>73.9</u>	<u>78.0</u>	<u>77.7</u>	(0.4%)
General Fund	8,917,882	8,975,484	9,568,936	10,589,059	10.7%
Cash Funds	3,472,577	5,158,844	5,032,111	5,846,471	16.2%
Reappropriated Funds	24,137,540	24,545,410	24,507,658	26,652,963	8.8%
Federal Funds	791,110	712,158	745,648	885,607	18.8%

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	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
(2) Legal Services to State Agencies					
Personal Services	<u>49,275,840</u>	<u>55,844,085</u>	<u>59,765,404</u>	<u>62,723,669</u>	
FTE	350.1	358.2	362.9	366.2	
General Fund	0	11,279	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	49,275,840	55,832,806	59,765,404	62,723,669	
Federal Funds	0	0	0	0	
Operating and Litigation	<u>2,942,518</u>	<u>3,108,466</u>	<u>3,140,463</u>	<u>3,252,249</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	1,253	0	0	
Cash Funds	200,000	200,000	200,000	200,000	
Reappropriated Funds	2,742,518	2,907,213	2,940,463	3,052,249	
Federal Funds	0	0	0	0	
Indirect Cost Assessment	<u>4,916,588</u>	<u>5,731,983</u>	<u>5,512,959</u>	<u>6,043,680</u>	
FTE	0.0	0.0	0.0	0.0	
Cash Funds	1,867,378	1,990,242	1,747,137	1,515,999	
Reappropriated Funds	3,049,210	3,741,741	3,765,822	4,527,681	
TOTAL - (2) Legal Services to State Agencies	57,134,946	64,684,534	68,418,826	72,019,598	5.3%
FTE	<u>350.1</u>	<u>358.2</u>	<u>362.9</u>	<u>366.2</u>	0.9%
General Fund	0	12,532	0	0	0.0%
Cash Funds	2,067,378	2,190,242	1,947,137	1,715,999	(11.9%)
Reappropriated Funds	55,067,568	62,481,760	66,471,689	70,303,599	5.8%
Federal Funds	0	0	0	0	0.0%

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	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
(3) Criminal Justice and Appellate					
Special Prosecutions Unit	<u>5,488,135</u>	<u>6,262,995</u>	<u>6,655,312</u>	<u>6,850,267</u>	
FTE	42.8	45.9	46.4	46.4	
General Fund	2,830,127	3,402,246	3,608,949	3,692,850	
Cash Funds	1,753,913	1,901,380	2,029,862	2,110,588	
Reappropriated Funds	904,095	959,369	1,016,501	1,046,829	
Auto Theft Prevention Grant	<u>172,300</u>	<u>203,299</u>	<u>222,465</u>	<u>377,343</u>	
FTE	1.0	1.0	1.0	2.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	172,300	203,299	222,465	377,343	
Appellate Unit	<u>5,111,359</u>	<u>5,767,426</u>	<u>6,236,031</u>	<u>6,401,626</u>	
FTE	41.6	41.6	41.6	41.6	
General Fund	4,171,200	4,651,424	5,376,375	5,208,277	
Cash Funds	0	0	0	0	
Reappropriated Funds	940,159	1,116,002	859,656	1,193,349	
Medicaid Fraud Control Unit	<u>3,596,188</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	28.0	0.0	0.0	0.0	
General Fund	899,047	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	2,697,141	0	0	0	

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	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
Peace Officers Standards and Training Board Support	<u>6,216,262</u>	<u>6,235,595</u>	<u>6,323,396</u>	<u>6,427,214</u>	
FTE	16.0	16.0	16.0	16.0	
General Fund	0	0	0	0	
Cash Funds	6,216,262	6,235,595	6,323,396	6,427,214	
Reappropriated Funds	0	0	0	0	
Indirect Cost Assessment	<u>843,468</u>	<u>592,885</u>	<u>605,785</u>	<u>647,418</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	442,857	491,203	490,249	523,941	
Reappropriated Funds	94,690	101,682	115,536	123,477	
Federal Funds	305,921	0	0	0	
TOTAL - (3) Criminal Justice and Appellate	21,427,712	19,062,200	20,042,989	20,703,868	3.3%
FTE	<u>129.4</u>	<u>104.5</u>	<u>105.0</u>	<u>106.0</u>	<u>1.0%</u>
General Fund	7,900,374	8,053,670	8,985,324	8,901,127	(0.9%)
Cash Funds	8,413,032	8,628,178	8,843,507	9,061,743	2.5%
Reappropriated Funds	2,111,244	2,380,352	2,214,158	2,740,998	23.8%
Federal Funds	3,003,062	0	0	0	0.0%

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	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
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(4) Water and Natural Resources

Federal and Interstate Water Unit	<u>1,049,696</u>	<u>1,420,026</u>	<u>1,496,305</u>	<u>1,562,408</u>	
FTE	8.1	10.3	10.5	10.5	
General Fund	1,049,696	1,420,026	1,496,305	1,562,408	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Defense of the Colorado River Basin Compact	<u>977,107</u>	<u>1,036,399</u>	<u>1,061,699</u>	<u>1,073,445</u>	
FTE	3.5	3.5	4.5	4.5	
General Fund	0	0	0	0	
Cash Funds	977,107	1,036,399	1,061,699	1,073,445	
Reappropriated Funds	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>	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	110,000	110,000	110,000	110,000	
Reappropriated Funds	0	0	0	0	
Consultant Expenses	<u>475,000</u>	<u>475,000</u>	<u>475,000</u>	<u>475,000</u>	
FTE	0.0	0.0	0.0	0.0	
Cash Funds	475,000	475,000	475,000	475,000	
Reappropriated Funds	0	0	0	0	

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Appendix A: Numbers Pages

	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
Comprehensive Environmental Response, Compensation and Liability Act	<u>594,444</u>	<u>625,474</u>	<u>655,018</u>	<u>669,154</u>	
FTE	3.5	3.5	3.5	3.5	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	594,444	625,474	655,018	669,154	
Federal Funds	0	0	0	0	
Indirect Cost Assessment	<u>50,987</u>	<u>54,752</u>	<u>54,646</u>	<u>58,401</u>	
FTE	0.0	0.0	0.0	0.0	
Reappropriated Funds	50,987	54,752	54,646	58,401	
TOTAL - (4) Water and Natural Resources	3,257,234	3,721,651	3,852,668	3,948,408	2.5%
FTE	<u>15.1</u>	<u>17.3</u>	<u>18.5</u>	<u>18.5</u>	(0.0%)
General Fund	1,049,696	1,420,026	1,496,305	1,562,408	4.4%
Cash Funds	1,562,107	1,621,399	1,646,699	1,658,445	0.7%
Reappropriated Funds	645,431	680,226	709,664	727,555	2.5%
Federal Funds	0	0	0	0	0.0%

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	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
(5) Consumer Protection, Antitrust, and Civil Rights					
Consumer Protection, Antitrust, and Civil Rights	<u>5,728,974</u>	<u>6,661,522</u>	<u>7,228,801</u>	<u>7,503,284</u>	
FTE	41.8	44.6	45.2	45.2	
General Fund	2,728,990	3,026,116	3,287,367	3,421,327	
Cash Funds	2,832,352	3,452,360	3,739,440	3,871,468	
Reappropriated Funds	167,632	183,046	201,994	210,489	
Federal Funds	0	0	0	0	
Consumer Credit Unit	<u>2,568,079</u>	<u>2,715,818</u>	<u>2,891,920</u>	<u>2,976,217</u>	
FTE	25.0	25.0	25.0	25.0	
General Fund	0	0	0	0	
Cash Funds	2,568,079	2,715,818	2,891,920	2,976,217	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
False Claims Recovery Act Reimbursements	<u>300,000</u>	<u>300,000</u>	<u>300,000</u>	<u>300,000</u>	
FTE	0.0	0.0	0.0	0.0	
Cash Funds	300,000	300,000	300,000	300,000	
Patterns and Practices	<u>0</u>	<u>490,118</u>	<u>547,820</u>	<u>692,013</u>	
FTE	0.0	3.0	3.2	4.0	
General Fund	0	490,118	547,820	692,013	

NOTE: An asterisk (*) indicates that the FY 2026-27 request for a line item is affected by one or more decision items.

Appendix A: Numbers Pages

	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
Medicaid Fraud Control Unit	0	3,725,239	3,815,292	3,915,019	
FTE	0.0	28.0	28.0	28.0	
General Fund	0	931,310	953,823	978,755	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	2,793,929	2,861,469	2,936,264	
Indirect Cost Assessment	738,581	1,121,633	1,164,733	1,244,778	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	0	0	
Cash Funds	716,729	769,656	813,439	869,342	
Reappropriated Funds	21,852	23,465	23,420	25,029	
Federal Funds	0	328,512	327,874	350,407	
TOTAL - (5) Consumer Protection, Antitrust, and Civil Rights	9,335,634	15,014,330	15,948,566	16,631,311	4.3%
FTE	66.8	100.6	101.4	102.2	0.8%
General Fund	2,728,990	4,447,544	4,789,010	5,092,095	6.3%
Cash Funds	6,417,160	7,237,834	7,744,799	8,017,027	3.5%
Reappropriated Funds	189,484	206,511	225,414	235,518	4.5%
Federal Funds	0	3,122,441	3,189,343	3,286,671	3.1%

NOTE: An asterisk (*) indicates that the FY 2026-27 request for a line item is affected by one or more decision items.

Appendix A: Numbers Pages

	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
(6) Special Purpose					
District Attorneys' Salaries	<u>2,813,096</u>	<u>2,878,674</u>	<u>2,943,586</u>	<u>5,959,256</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	2,813,096	2,878,674	2,943,586	5,959,256	
Deputy District Attorney Training	<u>350,000</u>	<u>350,000</u>	<u>350,000</u>	<u>350,000</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	350,000	350,000	350,000	350,000	
District Attorney Assistance for Bond Hearings Grants	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	600,000	600,000	600,000	600,000	
Litigation Management	<u>1,675,700</u>	<u>200,000</u>	<u>200,000</u>	<u>200,000</u>	
FTE	0.0	0.0	0.0	0.0	
Cash Funds	1,675,700	200,000	200,000	200,000	
Tobacco Litigation	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	
FTE	0.0	0.0	0.0	0.0	
Cash Funds	100,000	100,000	100,000	100,000	
CORA OML Attorney	<u>101,808</u>	<u>109,174</u>	<u>116,580</u>	<u>122,107</u>	
FTE	1.0	1.0	1.0	1.0	
General Fund	101,808	109,174	116,580	122,107	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

NOTE: An asterisk (*) indicates that the FY 2026-27 request for a line item is affected by one or more decision items.

Appendix A: Numbers Pages

	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request	Request vs. Appropriation
TOTAL - (6) Special Purpose	5,640,604	4,237,848	4,310,166	7,331,363	70.1%
<i>FTE</i>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>0.0%</u>
General Fund	3,864,904	3,937,848	4,010,166	7,031,363	75.3%
Cash Funds	1,775,700	300,000	300,000	300,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%
TOTAL - Department of Law	134,115,239	146,112,459	152,427,568	164,608,648	8.0%
<i>FTE</i>	<u>630.3</u>	<u>655.5</u>	<u>666.8</u>	<u>671.6</u>	<u>0.7%</u>
General Fund	24,461,846	26,847,104	28,849,741	33,176,052	15.0%
Cash Funds	23,707,954	25,136,497	25,514,253	26,599,685	4.3%
Reappropriated Funds	82,151,267	90,294,259	94,128,583	100,660,633	6.9%
Federal Funds	3,794,172	3,834,599	3,934,991	4,172,278	6.0%

NOTE: An asterisk (*) indicates that the FY 2026-27 request for a line item is affected by one or more decision items.

Appendix B: RFI Responses

Documents attached in this appendix are RFI's from the Colorado District Attorney Council related to General Fund appropriations that support activities to educate and staff district attorney offices. This is the primary oversight over the expenditure because the Council does not report to any state entity.

Colorado District Attorneys' Council Training Fund Annual Report
July 1, 2024 – June 30, 2025 (FY 24-25), RFI #3
HB 14-1144 Training Funds

Expenditures	
Personnel	\$162,128.09
Supplies & Operating	\$5,570.51
Travel	\$4,190.38
Registration Fees	\$139,490.00
Scholarships	\$31,591.92
Equipment	\$5,453.80
	\$348,424.70

Expenditure Summary

Personnel: Salary and benefits

As contemplated by the legislation, this funding covers a resource staff attorney, and admin support. The staff attorney is available for prosecution related trainings and services who is a readily available resource to prosecutors in every jurisdiction on case law, legislation and case strategy and preparation. He assists on prosecution related services including legislative issues and legal analysis of court decisions and often serves as a subject matter expert on such topics for prosecutors, law enforcement and legislators when necessary. This staff attorney travels the state on a regular basis and provided various in person trainings to prosecutors and law enforcement all over the state. He has also actively mentored new prosecutors in several offices by spending time with them in the courtroom and in reviewing and preparing cases. Further, he has been instrumental in assisting prosecutors around the state in creating and facilitating working groups on specialized areas of prosecution. The impact and benefit of this position has been significant to the rural offices in Colorado.

Supplies and Operating: Costs to organize trainings and training materials

Covered expenses included contractual fees to create and maintain a training library, which provided DA office staff with on-demand training opportunities. Many of these trainings were CLE accredited for attorneys. We use Zoom webinars to increase the number of people we are able to train as webinars can be offered virtually and are later recorded and edited for on-demand viewing. Legislative Update booklets, written and edited by our staff, are provided as valuable training resource and is also covered under this portion of the budget.

Colorado District Attorneys' Council Training Fund Annual Report
July 1, 2024 – June 30, 2025 (FY 24-25), RFI #3
HB 14-1144 Training Funds

Registration Fees: Reduced registration fees for DA office members

The HB 1144 funding allowed CDAC to reduce the registration fees for six previously existing CDAC trainings charged to DA office members. Registration fees for the major case course (3 day) were reduced from \$160 to \$0, from \$260 to \$105 for the annual conference, from \$210 to \$0 for four trial techniques courses (5 day), and from \$80 to \$0 for a felony prosecution skills class (3 day).

This resulted in savings of to every one of the district attorneys' offices. Total savings for the offices to send the 810 attendees was \$139,490. The net effect of this funding resulted in the ability of each office in the state to offer more training to their prosecutors than was previously available through local budgets alone. The conference provides a single training where the prosecutors can fulfill nearly all of their required CLE credits at one time each year.

Equipment: Equipment for Trainings

During this fiscal year, \$5,453.80 was used to purchase new equipment to support staff training and improve facility functionality. This included the acquisition of updated equipment for our training room, enhancing the learning environment and enabling more effective training sessions. Additionally, a video wall plate replacement was installed, ensuring improved connectivity for audiovisual presentations and meetings.

Unexpended funds:

We had \$1,575.30 in unexpended funds this fiscal year, due in part to funds earmarked for scholarships that were not submitted for reimbursement. We will rollover these funds into the 25/26 budget to provide additional scholarship funds for our offices.

Colorado District Attorneys' Council Training Fund Annual Report
July 1, 2024 – June 30, 2025 (FY 24-25), RFI #4
SB 22-188 Behavioral Health Support

The Colorado District Attorneys' Council (CDAC) is the recipient of annual funding from the General Assembly in the amount of \$250,000 for the purposes of: 1) funding training and education related to job related trauma and how to treat and prevent trauma; 2) to fund peer support programs for employees of a district attorney's office; and 3) to fund payment of counseling services for prosecutors and other employees of a district attorney's office including reimbursements for those who have paid costs for their own counseling services for job related trauma as provided by a licensed mental health professional.

CDAC has received a total of \$750,000 across three fiscal years (i.e., FY 22-23; FY23-24; FY24-25), although the first fiscal year funding was received later during the calendar year (subsequent FY funding has been received in approximately August of the second and third year of the program). As of the end of this fiscal year on June 30, 2025, CDAC has received reimbursement requests for programs and individual prosecutor and staff expense reimbursements in the amount of approximately \$548,362. 13 of the then 22 DA Offices were able to submit reimbursements during the 1st year of the program. Only 5 of 22 offices were able to submit reimbursement requests during the 2nd year of the program. To date, for the 3rd year of the program, 12 of the now 23 offices have been able to submit reimbursement requests.

Upon reviewing the spending rate and the challenges associated with program implementation, CDAC has taken a more proactive approach in the latter half of FY 2024–2025. Specifically, we have increased collaboration with District Attorney Offices to provide additional resources and training guidance in support of the program's overall goals. To ensure accountability and measure progress, we have also initiated a more detailed request policy and new request forms. As a result, requests for support are now being submitted more regularly.

Although stigma around seeking mental health services for job-related issues persists and addressing behavioral health continues to be a barrier to prosecutor well-being, we have seen a marked improvement in the number of support requests being submitted and expect this trend to continue.

Colorado District Attorneys' Council Training Fund Annual Report
July 1, 2024 – June 30, 2025 (FY 24-25), RFI #5
HB 21-1280 Weekend Bond Hearing Assistance Grant

The Colorado District Attorneys' Council (CDAC) is the recipient of annual funding from the General Assembly in the amount of \$600,000 to provide funding assistance to each office in recognition of increased costs related to weekend bond hearings required by the legislation. These funds are divided into \$150,000 per quarter with 75% of funding allocated to the District Attorney Offices with a population of less than 200,000. The remaining 25% of the funds are split between the larger offices. The majority of the offices, on average 19 of the 23 Judicial Districts, request their allocation of the funds quarterly. This grant has played a critical role in reducing the financial burden on districts, which are already operating under constrained budgets.