

CHAPTER 316

APPROPRIATIONS

HOUSE BILL 20-1250

BY REPRESENTATIVE(S) Esgar, McCluskie, Ransom, Gray;
also SENATOR(S) Moreno, Zenzinger, Rankin.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LAW.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Appropriation to the department of law for the fiscal year beginning July 1, 2019. In Session Laws of Colorado 2019, section 2 of chapter 454, (SB 19-207), **amend** Part X as follows:

Section 2. **Appropriation.**

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

APPROPRIATION FROM

| ITEM & SUBTOTAL | TOTAL | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS |
|---|-----------|--------------------|---------------------------|----------------------|-------------------------|----------------------------------|
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| PART X | | | | | | |
| DEPARTMENT OF LAW | | | | | | |
| (I) ADMINISTRATION | | | | | | |
| Personal Services | 4,298,562 | | | | 4,298,562 ^a | |
| | | | | | (48.2 FTE) | |
| Office of Community Engagement | 926,944 | 734,556 | | 192,388 ^b | | |
| | | (9.0 FTE) | | | | |
| Health, Life, and Dental | 5,069,951 | 1,332,613 | | 609,537 ^c | 2,982,564 ^d | 145,237(I) ^e |
| Short-term Disability | 78,605 | 20,740 | | 9,634 ^c | 46,287 ^d | 1,944(I) ^e |
| S.B. 04-257 Amortization Equalization Disbursement | 2,311,928 | 609,996 | | 283,366 ^c | 1,361,377 ^d | 57,189(I) ^e |
| S.B. 06-235 Supplemental Amortization Equalization Disbursement | 2,311,928 | 609,996 | | 283,366 ^c | 1,361,377 ^d | 57,189(I) ^e |
| PERA Direct Distribution | 1,173,886 | 310,469 | | 146,761 ^c | 687,277 ^d | 29,379(I)^e |
| | | 339,848 | | | | |

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Supplemental Appropriations - Law

1759

| | ITEM & SUBTOTAL | TOTAL | APPROPRIATION FROM | | | | |
|--|--------------------|-------|--------------------|---------------------------|----------------------|-------------------------|------------------------|
| | | | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Salary Survey for Classified Employees | 383,066 | | 100,341 | | 118,149 ^c | 139,664 ^d | 24,912(I) ^e |
| Salary Survey for Exempt Employees | 1,588,834 | | 414,511 | | 62,248 ^c | 1,094,014 ^d | 18,061(I) ^e |
| Merit Pay for Exempt Employees | 689,740 | | 165,099 | | 23,928 ^c | 492,399 ^d | 8,314(I) ^e |
| Workers' Compensation | 211,095 | | 60,148 | | 30,019 ^c | 115,332 ^d | 5,596(I) ^e |
| Attorney Registration and Continuing Legal Education | 131,908 | | 33,868 | | 4,275 ^c | 92,340 ^d | 1,425(I) ^e |
| Operating Expenses | 202,917 | | | | | 202,917 ^a | |
| Legal Services | 35,800 | | 17,421 | | 18,379 ^f | | |
| Administrative Law Judge Services | 1,307 | | | | 1,307 ^c | | |
| Payment to Risk Management and Property Funds | 231,888 | | 66,073 | | 32,975 ^c | 126,693 ^d | 6,147(I) ^e |
| Vehicle Lease Payments | 66,876 | | 28,615 | | 20,259 ^c | 17,462 ^d | 540(I) ^e |
| Information Technology Asset Maintenance | 1,375,402 | | 395,965 | | 194,779 ^c | 748,351 ^d | 36,307(I) ^e |

| | | | | | |
|---------------------|--------------|------------|----------------------|------------------------|------------------------|
| Ralph L. Carr | | | | | |
| Colorado Judicial | | | | | |
| Center Leased Space | 3,379,635 | 962,949 | 480,597 ^c | 1,846,504 ^d | 89,585(I) ^e |
| Payments to OIT | 895,196 | 255,065 | 127,300 ^c | 489,102 ^d | 23,729(I) ^e |
| CORE Operations | 47,529 | 13,542 | 6,760 ^c | 25,967 ^d | 1,260(I) ^e |
| Attorney General | | | | | |
| Discretionary Fund | <u>5,000</u> | 5,000 | | | |
| | | 25,417,997 | | | |

^a Of these amounts, \$4,389,570 shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$111,909 shall be from statewide indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

^b Of this amount, \$174,888 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., \$15,000 shall be from the Safe2Tell Cash Fund created in Section 24-31-610 (1), C.R.S., and \$2,500 shall be from the Colorado Domestic Violence Review Board Cash Fund created in Section 24-31-705 (1)(e), C.R.S.

^c Of these amounts, \$289,438(I) shall be from custodial money and \$2,145,822 shall be from various sources of cash funds. Pursuant to Section 24-31-108 (3), C.R.S., custodial money received by the Attorney General is not subject to annual appropriation but the expenditure of such money may be indicated in the annual general appropriation act. Expenditures from custodial money do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

^d These amounts shall be from various sources of reappropriated funds.

^e These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services and are shown for informational purposes only.

^f This amount shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2)(b), C.R.S.

(2) LEGAL SERVICES TO STATE AGENCIES⁶⁵

| | | | | | |
|--------------------------|------------------|------------|------------------------|-------------------------|--|
| Personal Services | 29,616,449 | | | | |
| | (259.4 FTE) | | | | |
| Operating and Litigation | 1,486,173 | | | | |
| Indirect Cost Assessment | <u>3,552,478</u> | | | | |
| | | 34,655,100 | 1,487,309 ^a | 33,167,791 ^b | |

| ITEM & SUBTOTAL | TOTAL | APPROPRIATION FROM | | | | |
|--------------------|-------|--------------------|---------------------------|---------------|-------------------------|------------------|
| | | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS |
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |

^a Of this amount, \$1,287,309 shall be from funds that are received for the provision of legal services and that are credited to the Legal Services Cash Fund created in Section 24-31-108 (2.5), C.R.S., and \$200,000 shall be from the Attorney Fees and Costs Account created pursuant to Section 24-31-108 (2), C.R.S. The cash funds appropriation from the Legal Services Cash Fund reflects funds received from state entities for which there is not a corresponding appropriation made in this act for the purchase of legal services. The Attorney General is authorized to transfer spending authority between cash and reappropriated fund sources appropriated within this section (2), but the Attorney General shall not increase total spending authority for the line item appropriations within this section (2).

^b This amount shall be from funds that are received for the provision of legal services and that are credited to the Legal Services Cash Fund created in Section 24-31-108 (2.5), C.R.S. The reappropriated funds appropriation reflects funds received from state agencies for which there is a corresponding appropriation made in this act for the purchase of legal services. The Attorney General is authorized to transfer spending authority between cash and reappropriated fund sources appropriated within this section (2), but the Attorney General shall not increase total spending authority for the line item appropriations within this section (2).

(3) CRIMINAL JUSTICE AND APPELLATE

| | | | | | | |
|--------------------------------|-----------|-------------------------|--|--------------------------------------|--------------------------------------|---|
| Special Prosecutions Unit | 4,460,237 | 2,180,540 (17.9 FTE) | | 1,491,217 ^a (14.4 FTE) | 788,480 ^b (6.5 FTE) | |
| Auto Theft Prevention Grant | 295,544 | | | | 295,544(I) ^c (2.0 FTE) | |
| Appellate Unit | 4,264,342 | 3,819,316 (40.6 FTE) | | | 445,026 ^d (1.0 FTE) | |
| Medicaid Fraud Control Unit | 2,223,658 | 555,910 (5.3 FTE) | | | | 1,667,748(I) ^e (14.7 FTE) |

| | | | | | |
|--|----------------|------------|------------------------|---------------------|-------------------------|
| Peace Officers Standards and Training Board Support | 5,931,929 | | 5,931,929 ^f | | |
| | | | (14.0 FTE) | | |
| Indirect Cost Assessment | <u>672,893</u> | | 401,474 ^e | 91,887 ^b | 179,532(I) ^c |
| | | 17,848,603 | | | |

^a This amount shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S.

^b These amounts shall be transferred from the Department of Regulatory Agencies from the Securities Fraud Prosecution line item in the Division of Securities section. These amounts originate as cash funds from the Division of Securities Cash Fund pursuant to Section 11-51-707 (2), C.R.S.

^c This amount shall be transferred from the Department of Public Safety from the Automobile Theft Prevention Authority line item in the Colorado State Patrol section, from a grant awarded pursuant to Section 42-5-112 (3), C.R.S. This amount is shown for informational purposes only because grant funds are continuously appropriated to the Department pursuant to Section 24-31-108 (1)(b)(I), C.R.S.

^d Of this amount, \$360,030 shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$84,996(I) shall be transferred from the Department of Public Safety from the State Victims Assistance and Law Enforcement Program line item in the Division of Criminal Justice, Victims Assistance section, pursuant to Section 24-33.5-506 (1)(c), C.R.S.

^e These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services and are shown for informational purposes only.

^f Of this amount, \$4,895,163 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2)(b), C.R.S., and \$1,036,766 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

^g Of this amount, \$203,564 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$197,910 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2)(b), C.R.S.

(4) WATER AND NATURAL RESOURCES

| | | | | | |
|--|---------|--|----------------------|--|--|
| Federal and Interstate Water Unit | 800,845 | | 800,845 (6.4 FTE) | | |
| Defense of the Colorado River Basin Compact | 442,877 | | 442,877 ^a | | |

| | ITEM & SUBTOTAL | TOTAL | APPROPRIATION FROM | | | | |
|---|--------------------|-----------|--------------------|---------------------------|----------------------|-------------------------|------------------|
| | | | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| | | | | | (3.5 FTE) | | |
| Defense of the Republican River Compact | 110,000 | | | | 110,000 ^a | | |
| Consultant Expenses | 275,000 | | | | 275,000 ^b | | |
| Comprehensive Environmental Response, Compensation and Liability Act | 531,548 | | | | | 531,548 ^c | |
| | | | | | | (3.5 FTE) | |
| Indirect Cost Assessment | <u>49,477</u> | | | | | 49,477 ^c | |
| | | 2,209,747 | | | | | |

^a These amounts shall be from the Colorado Water Conservation Board's Litigation Fund created in Section 37-60-121 (2.5)(a), C.R.S.

^b Of this amount, \$225,000 shall be from the Colorado Water Conservation Board's Litigation Fund created in Section 37-60-121 (2.5)(a), C.R.S., and \$50,000 shall be from the Attorney Fees and Costs Account created pursuant to Section 24-31-108 (2), C.R.S.

^c These amounts shall be transferred from the Department of Public Health and Environment from the Transfer to the Department of Law for CERCLA-Related Costs line item in the Hazardous Materials and Waste Management Division, Contaminated Site Cleanups and Remediation Programs section. These amounts originate as cash funds from the Hazardous Substance Response Fund and are transferred pursuant to Section 25-16-104.5 (1.7)(a)(III), C.R.S.

(5) CONSUMER PROTECTION

| | | | | | | | |
|--------------------------------------|-----------|--|-----------|--|------------------------|--|----------------------|
| Consumer Protection and Antitrust | 3,466,185 | | 1,802,915 | | 1,514,506 ^a | | 148,764 ^b |
|--------------------------------------|-----------|--|-----------|--|------------------------|--|----------------------|

| | | | | |
|--------------------------|----------------|------------|------------------------|---------------------|
| Consumer Credit Unit | 1,810,553 | (11.5 FTE) | (20.0 FTE) | (1.5 FTE) |
| | | | 1,810,553 ^c | |
| Indirect Cost Assessment | <u>586,661</u> | | (20.0 FTE) | |
| | | | 565,456 ^d | 21,205 ^b |
| | | 5,863,399 | | |

^a Of this amount, \$1,272,006(I) shall be from custodial money and \$242,500 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115 (2)(a), C.R.S. Pursuant to Section 24-31-108 (3), C.R.S., custodial money received by the Attorney General is not subject to annual appropriation but the expenditure of such money may be indicated in the annual general appropriation act. Expenditures from custodial money do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

^b These amounts shall be transferred from the Department of Regulatory Agencies from the Mortgage Broker Consumer Protection line item in the Division of Real Estate section. These amounts originate as cash funds from the Division of Real Estate Cash Fund created in Section 12-61-111.5 (2)(b)(I), C.R.S., and are transferred pursuant to Section 12-61-909, C.R.S.

^c This amount shall be from the Collection Agency Cash Fund created in Section 5-16-134 (1)(a), C.R.S., or from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S.

^d Of this amount, \$282,728 shall be from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S., or the Collection Agency Cash Fund created in Section 5-16-134 (1)(a), C.R.S., and \$254,455(I) shall be from custodial money, and \$28,273 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115 (2)(a), C.R.S. Pursuant to Section 24-31-108 (3), C.R.S., custodial money received by the Attorney General is not subject to annual appropriation but the expenditure of such money may be indicated in the annual general appropriation act. Expenditures from custodial money do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

(6) SPECIAL PURPOSE

| | | | |
|-------------------------------------|-----------|-----------|----------------------|
| District Attorneys' Salaries | 2,754,858 | 2,754,858 | |
| Deputy District | | | |
| Attorney Training | 350,000 | 350,000 | |
| Litigation Management ⁶⁶ | 200,000 | | 200,000 ^a |
| Tobacco Litigation | 750,000 | | 750,000 ^b |
| CORA and OML Attorney | 96,010 | 96,010 | |

| ITEM & SUBTOTAL | TOTAL | APPROPRIATION FROM | | | | |
|--------------------|-----------|--------------------|---------------------------|---------------|-------------------------|------------------|
| | | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS |
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| | | (1.0 FTE) | | | | |
| | 4,150,868 | | | | | |

^a This amount shall be from either excess earnings credited to the Legal Services Cash Fund created in Section 24-31-108 (2.5), C.R.S., in FY 2017-18, or from the Attorney Fees and Costs Account created pursuant to Section 24-31-108 (2), C.R.S.

^b This amount shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115 (2)(a), C.R.S. Expenditures from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

TOTALS PART X

| | | | | | | |
|--------------|--------------|-------------------------|--|---------------------------|---------------------------|------------------------------------|
| (LAW) | \$90,145,714 | \$18,497,361 | | \$17,626,348 ^a | \$51,667,911 ^b | \$2,354,094^c |
| | | <u>\$18,526,740</u> | | | | <u>\$2,324,715^c</u> |

^a Of this amount, \$1,815,899 contains an (I) notation.

^b Of this amount, \$380,540 contains an (I) notation.

^c This amount contains an (I) notation.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

- 65 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 \$111.93 per hour for attorneys and not exceed \$84.37 per hour for legal assistants, which equates to a blended legal rate of \$106.60 per hour.
- 66 Department of Law, Special Purpose, Litigation Management -- It is the General Assembly's intent to grant the Department of Law additional flexibility by allowing the Department to use money appropriated to this line item to address unanticipated state legal needs that arise during FY 2019-20. It is also the General Assembly's intent that money spent from this line item shall not require the appropriation of additional FTE and will not be used for any type of salary increase, promotion, reclassification, or bonus related to any present or future FTE employed by the Department of Law. It is furthermore the General Assembly's intent that money spent from this line item will not be used to offset present or future personal services deficits in any division in the Department.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 4, 2020