

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0453.01 John Ziegler x4956

SENATE BILL 19-116

SENATE SPONSORSHIP

Moreno, Zenzinger, Rankin, Tate

HOUSE SPONSORSHIP

Esgar, Hansen, Ransom

Senate Committees

Appropriations

House Committees

A BILL FOR AN ACT
101 **CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT**
102 **OF LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Supplemental appropriations are made to the department of law.

SENATE
3rd Reading Unamended
February 7, 2019

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
February 6, 2019

1 **SECTION 1. Appropriation to the department of law for the**
2 **fiscal year beginning July 1, 2018.** In Session Laws of Colorado 2018,
3 section 2 of chapter 424, (HB 18-1322), **amend** Part X as follows:

4 **Section 2. Appropriation.**

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	PART X						
2	DEPARTMENT OF LAW						
3							
4	(1) ADMINISTRATION						
5	Personal Services	3,962,891				3,962,891 ^a	
6						(46.2 FTE)	
7	Office of Community						
8	Engagement	819,808		802,308		17,500 ^b	
9		802,687		785,187			
10			(7.0 FTE)				
11	Health, Life, and Dental	4,446,369		1,214,540		630,564 ^c	2,457,733 ^d
12	Short-term Disability	80,820		22,619		9,336 ^c	46,767 ^d
13	S.B. 04-257 Amortization						2,098(I) ^e
14	Equalization Disbursement	2,126,857		595,245		245,682 ^c	1,230,722 ^d
							55,208(I) ^e

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
			\$	\$	\$	\$	\$
1	S.B. 06-235 Supplemental						
2	Amortization Equalization						
3	Disbursement	2,126,857	595,245		245,682 ^c	1,230,722 ^d	55,208(I) ^e
4	Salary Survey for Classified						
5	Employees	403,959	136,002		112,053 ^c	131,697 ^d	24,207(I) ^e
6	Salary Survey for Exempt						
7	Employees	1,071,536	274,637		52,558 ^c	731,902 ^d	12,439(I) ^e
8	Workers' Compensation	189,682	54,227		27,465 ^c	102,871 ^d	5,119(I) ^e
9	Attorney Registration and						
10	Continuing Legal Education	128,345	33,393		4,275 ^c	89,252 ^d	1,425(I) ^e
11	Operating Expenses	200,057				200,057 ^a	
12	Legal Services	25,766	12,538		13,228 ^f		
13	Administrative Law Judge						
14	Services	5,736			5,736 ^c		

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Payment to Risk Management						
2	and Property Funds	203,937	58,414		29,153 ^c	110,855 ^d	5,515(I) ^e
3	Vehicle Lease Payments	66,876	31,194		16,300 ^c	18,842 ^d	540(I) ^e
4	Information Technology Asset						
5	Maintenance	833,595	240,818		120,189 ^c	450,184 ^d	22,404(I) ^e
6	Ralph L. Carr Colorado						
7	Judicial Center Leased Space	3,320,577	951,100		474,670 ^c	1,805,014 ^d	89,793(I) ^e
8	Payments to OIT	639,107	182,709		92,539 ^c	346,610 ^d	17,249(I) ^e
9	CORE Operations	81,395	23,268		11,785 ^c	44,145 ^d	2,197(I) ^e
10	Attorney General						
11	Discretionary Fund	5,000	5,000				
12		20,739,170					
13		20,722,049					
14							

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

1 ^a Of these amounts, \$4,034,820 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 \$128,128
 2 shall be from statewide indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

3 ^b Of this amount, \$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
 4 Cash Fund created in Section 24-31-705 (1)(e), C.R.S.

5 ^c Of these amounts, \$200,862(I) shall be from custodial money and \$1,877,125 shall be from various sources of cash funds. Pursuant to Section 24-31-108 (3), C.R.S., custodial money
 6 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
 7 custodial money do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

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

9 ^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
 10 only.

11 ^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.

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		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	(2) LEGAL SERVICES TO STATE AGENCIES⁷⁰						
2	Personal Services	<u>27,789,656</u>					
3		28,909,656					
4		(244.7 FTE)					
5		(250.8 FTE)					
6	Operating and Litigation	<u>1,845,294</u>					
7		1,445,294					
8	Indirect Cost Assessment	<u>3,266,800</u>					
9		<u>32,901,750</u>			<u>1,580,050^a</u>	<u>31,321,700^b</u>	
10		33,621,750			1,280,050 ^a	32,341,700 ^b	
11							

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

1 ^a Of this amount, \$1,080,050 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 (2.5), C.R.S., and \$500,000 \$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
 3 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
 4 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
 5 authority for the line item appropriations within this section (2).

6 ^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.
 7 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.
 8 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
 9 increase total spending authority for the line item appropriations within this section (2).

10
 11 **(3) CRIMINAL JUSTICE AND APPELLATE**

12 Special Prosecutions Unit	4,329,311	2,112,247	1,450,385 ^a	766,679 ^b
13		(17.9 FTE)	(14.4 FTE)	(6.5 FTE)
14 Auto Theft Prevention Grant	294,005		294,005(I) ^c	
15				(2.0 FTE)

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Appellate Unit	3,953,309		3,528,230		425,079 ^d	
2				(37.0 FTE)		(1.0 FTE)	
3	Medicaid Fraud Control Unit	1,861,114		465,274			1,395,840(I) ^e
4				(4.3 FTE)			(12.7 FTE)
5	Peace Officers Standards and						
6	Training Board Support	6,413,701			6,413,701 ^f		
7					(14.0 FTE)		
8	Indirect Cost Assessment	635,471			379,147 ^g	86,776 ^b	169,548(I) ^e
9				17,486,911			
10							

^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

^c originate as cash funds from the Division of Securities Cash Fund pursuant to Section 11-51-707 (2), C.R.S.

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

1 ^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
 2 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
 3 to Section 24-31-108 (1)(b)(I), C.R.S.

4 ^d Of this amount, \$340,083 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 shall
 5 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
 6 section, pursuant to Section 24-33.5-506 (1)(c), C.R.S.

7 ^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
 8 only.

9 ^f Of this amount, \$5,376,935 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
 10 in Section 39-28.8-501 (1), C.R.S.

11 ^g Of this amount, \$192,243 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$186,904 shall be from the P.O.S.T. Board Cash Fund created
 12 in Section 24-31-303 (2)(b), C.R.S.

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		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	(4) WATER AND NATURAL RESOURCES						
2	Federal and Interstate Water						
3	Unit	612,122		612,122			
4				(5.5 FTE)			
5	Defense of the Colorado River						
6	Basin Compact	428,639			428,639 ^a		
7					(3.5 FTE)		
8	Defense of the Republican						
9	River Compact	110,000			110,000 ^a		
10	Consultant Expenses	275,000			275,000 ^b		
11	Comprehensive						
12	Environmental Response,						
13	Compensation and Liability						
14	Act	510,462				510,462 ^c	
15						(3.5 FTE)	

APPROPRIATION FROM						
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS
		\$	\$	\$	\$	\$
1	Indirect Cost Assessment	46,726				46,726 ^c
2		<hr/>				1,982,949
3						

^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.

12 (5) CONSUMER PROTECTION

13	Consumer Protection and			
14	Antitrust	3,201,684	1,467,712	1,594,121 ^a
15		(11.7 FTE)	(20.0 FTE)	(1.5 FTE)

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Consumer Credit Unit	1,758,393			1,758,393 ^c		
2					(20.0 FTE)		
3	Indirect Cost Assessment	554,034			534,009 ^d	20,025 ^b	
4		5,514,111					
5							

^a Of this amount, \$1,358,014(I) shall be from custodial money and \$236,107 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, 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.

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

^d Of this amount, \$267,005 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 \$240,304(I) shall be from custodial money, and \$26,700 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	2,749,138	2,749,138
Deputy District Attorney		
Training	350,000	350,000
Litigation Management ⁷¹	200,000	200,000 ^a
Tobacco Litigation	1,050,000	1,050,000 ^b
CORA and OML Attorney	93,059	93,059
		(1.0 FTE)
	4,442,197	

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

1

2 ^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
 3 Costs Account created pursuant to Section 24-31-108 (2), C.R.S.

4 ^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
 5 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
 6 Constitution.

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9 **TOTALS PART X**

10 (LAW)	\$83,067,088	\$16,611,039		\$17,882,160^a	\$46,571,567^b	\$2,002,322^c
11	\$83,769,967	\$16,593,918		\$17,582,160 ^a	\$47,591,567 ^b	

13 ^a Of this amount, \$1,799,180 contains an (I) notation.

14 ^b Of this amount, \$375,739 contains an (I) notation.

15 ^c This amount contains an (I) notation.

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

1
2 **FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.
3
4

5 70 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
6 the Department for legal services to state agencies not exceed \$107.66 per hour for attorneys and not exceed \$81.26 per hour for legal assistants, which equates
7 to a blended legal rate of \$103.63 per hour.

8 71 Department of Law, Special Purpose, Litigation Management -- It is the General Assembly's intent to grant the Department of Law additional flexibility by
9 allowing the Department to use money appropriated to this line item to address unanticipated state legal needs that arise during FY 2018-19. It is also the
10 General Assembly's intent that money spent from this line item does not require the appropriation of additional FTE and will not be used for any type of salary
11 increase, promotion, reclassification, or bonus related to any present or future FTE employed by the Department of Law. It is furthermore the General
12 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.

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