

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0436.01 Carolyn Kampman x4959

SENATE BILL 21-046

SENATE SPONSORSHIP

Moreno, Hansen, Rankin

HOUSE SPONSORSHIP

McCluskie, Herod, 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.

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.

1 **SECTION 1. Appropriation to the department of law for the**
2 **fiscal year beginning July 1, 2020.** In Session Laws of Colorado 2020,
3 section 2 of chapter 326, (HB 20-1360), **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	4,495,724				4,495,724 ^a		
6						(48.2 FTE)		
7	Office of Community							
8	Engagement	885,788	693,079		192,709 ^b			
9			(8.1 FTE)					
10	Health, Life, and Dental ⁷⁶	4,821,004	727,932		631,515 ^c	3,314,428 ^d	147,129(I) ^e	
11	Short-term Disability	81,203	21,806		9,975 ^c	47,611 ^d	1,811(I) ^e	
12	S.B. 04-257 Amortization							
13	Equalization Disbursement	2,388,324	641,356		293,386 ^c	1,400,312 ^d	53,270(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	2,388,324	641,356		293,386 ^c	1,400,312 ^d	53,270(I) ^e
4	PERA Direct Distribution	1,119,139	326,104		135,653 ^c	657,382 ^d	
5	Workers' Compensation	206,773	58,670		29,376 ^c	112,804 ^d	5,923(I) ^e
6	Attorney Registration and						
7	Continuing Legal Education	141,076	35,863		4,275 ^c	99,513 ^d	1,425(I) ^e
8	Operating Expenses	202,917				202,917 ^a	
9	Legal Services	9,498	3,648		5,850 ^f		
10	Administrative Law Judge						
11	Services	775			775 ^c		
12	Payment to Risk Management						
13	and Property Funds	145,673	41,335		20,694 ^c	79,472 ^d	4,172(I) ^e
14	Vehicle Lease Payments	61,432	24,787		15,537 ^c	20,568 ^d	540(I) ^e

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
			\$	\$	\$	\$	\$
1	Information Technology Asset						
2	Maintenance	1,358,969	385,607		193,064 ^c	741,374 ^d	38,924(I) ^e
3	Ralph L. Carr Colorado						
4	Judicial Center Leased Space	3,440,771	976,319		488,817 ^c	1,877,084 ^d	98,551(I) ^e
5	Payments to OIT	940,700	266,923		133,642 ^c	513,191 ^d	26,944(I) ^e
6	CORE Operations	60,148	17,068		8,546 ^c	32,811 ^d	1,723(I) ^e
7	Attorney General						
8	Discretionary Fund	5,000	5,000				
9		22,753,238					

10

11 ^a Of these amounts, \$4,552,181 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 \$146,460
 12 shall be from statewide indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

13 ^b Of this amount, \$175,209 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
 14 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.

<u>APPROPRIATION FROM</u>						
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

¹ °Of these amounts, \$295,473(I) shall be from custodial money and \$1,963,168 shall be from various sources of cash funds. Pursuant to Section 24-31-108 (3), C.R.S., custodial money
² 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
³ custodial money do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

⁴ ^d These amounts shall be from various sources of reappropriated funds.

⁵ 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.

⁷ 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.

9 (2) LEGAL SERVICES TO STATE AGENCIES⁷⁷

10	Personal Services	33,792,256		
11		(273.2 FTE)		
12	Operating and Litigation	1,747,632		
13	Indirect Cost Assessment	3,843,839		
14		<hr/>	39,383,727	2,257,709 ^a 37,126,018 ^b

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

1 ^a Of this amount, \$2,057,709 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 \$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
 3 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
 4 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	4,092,988	1,708,325	1,558,704 ^a	825,959 ^b
13		(13.8 FTE)	(14.4 FTE)	(6.5 FTE)
14 Auto Theft Prevention Grant	295,544		295,544(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	4,452,296	3,839,619			612,677 ^d	
2			(39.1 FTE)			(1.0 FTE)	
3	Medicaid Fraud Control Unit	2,299,642	574,910				1,724,732(I) ^e
4			(5.3 FTE)				(14.7 FTE)
5	Peace Officers Standards and						
6	Training Board Support	5,105,534			5,105,534 ^f		
7					(14.6 FTE)		
8	Indirect Cost Assessment	704,657			401,047 ^g	91,789 ^b	211,821(I) ^e
9		16,950,661					
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, \$527,681 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)
 5 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
 6 Assistance 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 These amounts shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2)(b), C.R.S.

10 ^g Of this amount, \$203,348 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$197,699 shall be from the P.O.S.T. Board Cash Fund created
 11 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	621,497		621,497			
4				(4.6 FTE)			
5	Defense of the Colorado River						
6	Basin Compact	465,675			465,675 ^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	544,562				544,562 ^c	
15						(3.5 FTE)	

APPROPRIATION FROM						
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS
		\$	\$	\$	\$	\$
1	Indirect Cost Assessment	49,425				49,425 ^c
2		2,066,159				
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	3,792,393		3,638,665 ^a
15				153,728 ^b (34.2 FTE)

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Consumer Credit Unit	2,220,954			2,220,954 ^c		
2					(23.0 FTE)		
3	Indirect Cost Assessment	628,402			607,220 ^d	21,182 ^b	
4		6,641,749					
5							

^a Of this amount, \$3,389,234(I) shall be from custodial money and \$249,431 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 OF THIS AMOUNT, \$1,940,954 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., AND \$280,000(I) SHALL BE FROM THE STUDENT LOAN OMBUDSPERSON AND SERVICER LICENSING FUND CREATED IN SECTION 5-20-104 (3)(a), C.R.S., WHICH AMOUNT IS INCLUDED FOR INFORMATIONAL PURPOSES AS THE FUND IS CONTINUOUSLY APPROPRIATED PURSUANT TO SECTION 5-20-104 (3)(c), C.R.S.

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

^d Of this amount, \$282,428 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 \$254,185(I) shall be from custodial money, \$42,364(I) shall be from the Student Loan Ombudsperson and Student Loan Servicer Licensing Fund created in Section 5-20-104 (3)(a), C.R.S., and \$28,243 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. Appropriations from the Student Loan Ombudsperson and Student Loan Servicer Licensing Fund are shown for informational purposes only as they are continuously appropriated pursuant to Section 5-20-104 (3)(c), C.R.S.

(6) SPECIAL PURPOSE

10	District Attorneys' Salaries	2,799,368	2,799,368
11	Deputy District Attorney		
12	Training	350,000	350,000
13	Litigation Management ⁷⁸	200,000	200,000 ^a
14	Tobacco Litigation	100,000	100,000 ^b
15		3,449,368	

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

^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) \$91,244,902 \$14,760,572 \$19,397,708^a \$54,716,387^b \$2,370,235^c

^a Of this amount, \$4,328,584 contains an (I) notation.

^b Of this amount, ~~\$380,540~~ \$660,540 contains an (I) notation.

^c This amount contains an (I) notation.

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

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

2

3 76 Department of Law, Administration, Health, Life, and Dental -- The General Fund appropriation includes a decrease of \$714,506 that is equal to 5.0 percent
 4 of the General Fund portion of estimated base salary for the Department. The reduction in this General Fund appropriation is in lieu of a 5.0 percent personal
 5 services base reduction and provides the Department with increased flexibility to absorb the reduction and engage in more considered targeted reductions across
 6 all department divisions and programs. This reduction is not intended to reduce the Health, Life, and Dental benefit provided to state employees. It is the
 7 General Assembly's intent that Health, Life, and Dental costs for employees, as approved in budget actions, be fully paid within personal services
 8 appropriations augmented by Department allocations from central benefits appropriations.

9

10 77 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
 11 the Department for legal services to state agencies not exceed \$110.46 per hour for attorneys and not exceed \$82.05 per hour for legal assistants, which equates
 12 to a blended legal rate of \$106.34 per hour.

13

14 78 Department of Law, Special Purpose, Litigation Management -- It is the General Assembly's intent to grant the Department of Law additional flexibility by
 15 allowing the Department to use money appropriated to this line item to address unanticipated state legal needs that arise during FY 2020-21. It is also the
 16 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

APPROPRIATION FROM

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

1 increase, promotion, reclassification, or bonus related to any present or future FTE employed by the Department of Law. It is furthermore the General
2 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. Appropriation to the department of law for the**
2 **fiscal year beginning July 1, 2020.** In Session Laws of Colorado 2020,
3 **amend** section 2 (2)(a) of chapter 169, (HB 20-1379), as follows:

4 **Section 2. Appropriation - adjustments to 2020 long bill.**

5 (2) (a) To implement this act, appropriations made in the annual general
6 appropriation act for the 2020-21 state fiscal year for the PERA direct
7 distribution are decreased as follows:

	Department	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
1	Agriculture	\$481,308	\$157,816	\$323,492	\$0	\$0
2	Corrections	9,388,586	9,128,730	259,856	0	0
3	Education	1,220,885	870,498	198,219	152,168	0
4	Governor	2,427,624	230,830	58,019	2,138,775	0
5	Health Care Policy and Financing	977,212	880,628	74,277	22,307	0
6	Higher Education	441,133	160,598	280,535	0	0
7	Human Services	7,450,138	5,576,328	74,354	1,799,456	0
8	Judicial	8,470,053	7,850,176	619,877	0	0
9	Labor and Employment	2,035,721	126,776	757,183	11,564	1,140,198
10	Law	1,121,212	326,058	137,650	657,504	0
11		1,119,139	326,104	135,653	657,382	
12	Legislature	660,409	660,409	0	0	0
13	Local Affairs	323,311	161,219	44,897	117,195	0
14	Military and Veterans Affairs	238,282	234,742	3,540	0	0
15	Natural Resources	2,936,082	520,633	2,329,063	86,386	0
16	Personnel	671,727	260,140	32,065	379,522	0
17	Public Health and Environment	2,671,912	1,496,477	896,319	279,116	0

	Department	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
1	Public Safety	3,859,353	1,021,162	2,518,486	319,705	0
2	Regulatory Agencies	1,040,006	43,832	932,277	63,897	0
3	Revenue	2,143,176	829,713	1,311,348	2,115	0
4	State	245,319	0	245,319	0	0
5	Treasury	49,947	31,876	18,071	0	0
6		\$48,853,396	\$30,568,641	\$11,114,847	\$6,029,710	\$1,140,198
7	TOTAL	\$48,851,323	\$30,568,687	\$11,112,850	\$6,029,588	

8

1 **SECTION 3. 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.