

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 19-116

BY SENATOR(S) Moreno, Zenzinger, Rankin, Tate;
also REPRESENTATIVE(S) Esgar, Hansen, Ransom, Galindo.

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, 2018. In Session Laws of Colorado 2018, section 2 of chapter 424, (HB 18-1322), **amend** Part X as follows:

Section 2. **Appropriation.**

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

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
PART X							
DEPARTMENT OF LAW							
(1) ADMINISTRATION							
Personal Services	3,962,891					3,962,891 ^a (46.2 FTE)	
Office of Community Engagement	819,808 802,687		802,308 785,187 (7.0 FTE)		17,500 ^b		
Health, Life, and Dental Short-term Disability	4,446,369 80,820		1,214,540 22,619		630,564 ^c 9,336 ^c	2,457,733 ^d 46,767 ^d	143,532(I) ^e 2,098(I) ^e
S.B. 04-257 Amortization Equalization Disbursement	2,126,857		595,245		245,682 ^c	1,230,722 ^d	55,208(I) ^e
S.B. 06-235 Supplemental Amortization Equalization Disbursement	2,126,857		595,245		245,682 ^c	1,230,722 ^d	55,208(I) ^e
Salary Survey for Classified Employees	403,959		136,002		112,053 ^c	131,697 ^d	24,207(I) ^e
Salary Survey for Exempt Employees	1,071,536		274,637		52,558 ^c	731,902 ^d	12,439(I) ^e
Workers' Compensation	189,682		54,227		27,465 ^c	102,871 ^d	5,119(I) ^e
Attorney Registration and Continuing Legal Education	128,345		33,393		4,275 ^c	89,252 ^d	1,425(I) ^e
Operating Expenses	200,057					200,057 ^a	
Legal Services	25,766		12,538		13,228 ^f		
Administrative Law Judge Services	5,736				5,736 ^c		
Payment to Risk Management and Property Funds	203,937		58,414		29,153 ^c	110,855 ^d	5,515(I) ^e

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Vehicle Lease Payments	66,876		31,194		16,300 ^c	18,842 ^d	540(I) ^e
Information Technology Asset Maintenance	833,595		240,818		120,189 ^c	450,184 ^d	22,404(I) ^e
Ralph L. Carr Colorado Judicial Center Leased Space	3,320,577		951,100		474,670 ^c	1,805,014 ^d	89,793(I) ^e
Payments to OIT	639,107		182,709		92,539 ^c	346,610 ^d	17,249(I) ^e
CORE Operations	81,395		23,268		11,785 ^c	44,145 ^d	2,197(I) ^e
Attorney General Discretionary Fund	<u>5,000</u>		5,000				
		20,739,170					
		20,722,049					

^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 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, \$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, \$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 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 AGENCIES⁷⁰

Personal Services 27,789,656
 28,909,656
 (244.7 FTE)
 (250.8 FTE)

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Operating and Litigation	1,845,294						
	1,445,294						
Indirect Cost Assessment	<u>3,266,800</u>						
		32,901,750			1,580,050 ^a	31,321,700 ^b	
		33,621,750			1,280,050 ^a	32,341,700 ^b	

^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 (2.5), 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 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	4,329,311		2,112,247 (17.9 FTE)		1,450,385 ^a (14.4 FTE)	766,679 ^b (6.5 FTE)	
Auto Theft Prevention Grant	294,005					294,005(I) ^c (2.0 FTE)	
Appellate Unit	3,953,309		3,528,230 (37.0 FTE)			425,079 ^d (1.0 FTE)	
Medicaid Fraud Control Unit	1,861,114		465,274 (4.3 FTE)				1,395,840(I) ^e (12.7 FTE)
Peace Officers Standards and Training Board Support	6,413,701				6,413,701 ^f (14.0 FTE)		
Indirect Cost Assessment	<u>635,471</u>				379,147 ^g	86,776 ^b	169,548(I) ^e
		17,486,911					

APPROPRIATION FROM

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

^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, \$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 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, \$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 in Section 39-28.8-501 (1), C.R.S.

^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 in Section 24-31-303 (2)(b), C.R.S.

(4) WATER AND NATURAL RESOURCES

Federal and Interstate Water Unit	612,122	612,122 (5.5 FTE)				
Defense of the Colorado River Basin Compact	428,639			428,639 ^a (3.5 FTE)		
Defense of the Republican River Compact	110,000			110,000 ^a		
Consultant Expenses	275,000			275,000 ^b		

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Comprehensive Environmental Response, Compensation and Liability Act	510,462					510,462 ^c (3.5 FTE)	
Indirect Cost Assessment	<u>46,726</u>					46,726 ^c	
		1,982,949					

^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	3,201,684		1,467,712 (11.7 FTE)		1,594,121 ^a (20.0 FTE)	139,851 ^b (1.5 FTE)	
Consumer Credit Unit	1,758,393				1,758,393 ^c (20.0 FTE)		
Indirect Cost Assessment	<u>554,034</u>				534,009 ^d	20,025 ^b	
		5,514,111					

^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.

APPROPRIATION FROM

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

^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, \$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				

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

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

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

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

^c This amount contains an (I) notation.

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

- 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 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 to a blended legal rate of \$103.63 per hour.
- 71 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 2018-19. It is also the 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 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.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO