

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.

An Act

SENATE BILL 23-122

BY SENATOR(S) Zenzinger, Bridges, Kirkmeyer;
also REPRESENTATIVE(S) Bird, Sirota, Bockenfeld, Bacon, Herod,
Jodeh, Snyder, Velasco, McCluskie.

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, 2022. In Session Laws of Colorado 2022, section 2 of chapter 507, (HB 22-1329), **amend** Part XI and the affected totals, as Part XI (1) and the affected totals are amended by section 13 of chapter 170, (HB 22-1133), 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 XI DEPARTMENT OF LAW							
(1) ADMINISTRATION							
Personal Services	4,849,848					4,849,848 ^a (51.2 FTE)	
Office of Community Engagement	962,519 (9.0 FTE)		764,879		197,640 ^b		
Patterns and Practices	334,829		334,829 (2.0 FTE)				
Health, Life, and Dental Short-term Disability	6,529,977 89,614		1,501,660 21,360		813,530 ^c 10,363 ^c	4,040,208 ^d 55,825 ^d	174,579(I) ^e 2,066(I) ^e
S.B. 04-257 Amortization Equalization Disbursement	2,800,422		667,499		323,841 ^c	1,744,524 ^d	64,558(I) ^e
S.B. 06-235 Supplemental Amortization Equalization Disbursement	2,800,422		667,499		323,841 ^c	1,744,524 ^d	64,558(I) ^e
Salary Survey for Classified Employees	473,763		140,618		141,955 ^c	157,267 ^d	33,923(I) ^e
Salary Survey for Exempt Employees	2,608,975		558,626		95,414 ^c	1,938,380 ^d	16,555(I) ^e
PERA Direct Distribution	935,196				174,463 ^c	760,733 ^d	
Workers' Compensation	191,851		44,744		29,272 ^c	112,712 ^d	5,123(I) ^e
Attorney Registration and Continuing Legal Education	165,585		26,505		10,403 ^c	127,252 ^d	1,425(I) ^e
Operating Expenses	225,567					225,567 ^a	
Legal Services	85,019		32,656		52,363 ^f		
Administrative Law Judge Services	1,042				1,042 ^c		

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Payment to Risk Management and Property Funds	344,882		80,436		52,619 ^c	202,617 ^d	9,210(I) ^e
Vehicle Lease Payments	88,783		34,570		16,481 ^c	29,432 ^d	8,300(I) ^e
Information Technology Asset Maintenance	1,124,439		262,242		171,560 ^c	660,609 ^d	30,028(I) ^e
Ralph L. Carr Colorado Judicial Center Leased Space	3,565,176		831,472		543,947 ^c	2,094,550 ^d	95,207(I) ^e
Payments to OIT	469,144		109,417		71,576^c	275,623^d	12,528(I) ^e
	464,246		108,241		70,864 ^c	272,613 ^d	
CORE Operations	49,216		11,478		7,509 ^c	28,915 ^d	1,314(I) ^e
Attorney General Discretionary Fund	<u>5,000</u>		5,000				
		28,701,269					
		28,696,371					

^a Of these amounts, \$4,931,379 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 \$144,036 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, \$180,140 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, \$402,383(I) shall be from custodial money, \$26,561 shall be from the Marijuana Tax Cash Fund created in section 36-28.8-501 (1), C.R.S., and ~~\$2,358,872~~ \$2,358,160 shall be from various sources of cash funds. Pursuant to Section 24-31-108 (5), 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.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(2) LEGAL SERVICES TO STATE AGENCIES⁷⁵							
Personal Services	41,420,007						
	42,392,530						
	(318.5 FTE)						
	(319.6 FTE)						
Operating and Litigation	2,462,284						
	2,482,796						
Indirect Cost Assessment	<u>4,178,501</u>						
		48,060,792			1,722,148 ^a	46,338,644 ^b	
		49,053,827				47,331,679 ^b	

^a Of this amount, \$1,522,148 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 (4), C.R.S., and \$200,000 shall be from the Attorney Fees and Costs Account created pursuant to Section 24-31-108 (3), 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 (4), 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	4,686,348		2,216,872		1,615,295 ^a	854,181 ^b
			(17.7 FTE)		(14.4 FTE)	(6.5 FTE)
Auto Theft Prevention Grant	167,945					167,945(I) ^c
						(1.0 FTE)
Appellate Unit	4,842,361		4,196,724			645,637 ^d
			(40.6 FTE)			(1.0 FTE)

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	
	\$	\$	\$	\$	\$	\$	\$	
Medicaid Fraud Control Unit	3,209,440		802,361 (8.3 FTE)					2,407,079(I) ^e (19.0 FTE)
Peace Officers Standards and Training Board Support	6,374,354		21,535		6,352,819 ^f (16.3 FTE)			
Indirect Cost Assessment	<u>785,847</u>				398,827 ^g	85,276 ^b		301,744(I) ^e
		20,066,295						

^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 (2)(b), C.R.S.

^d Of this amount, \$560,641 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, \$5,316,053 shall be from 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, \$209,909 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2)(b), C.R.S., and \$188,918 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S.

(4) WATER AND NATURAL RESOURCES

Federal and Interstate Water Unit	851,981	851,981 (6.5 FTE)
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Defense of the Colorado River Basin Compact	953,971				953,971 ^a (3.5 FTE)		
Defense of the Republican River Compact	110,000				110,000 ^a		
Consultant Expenses	475,000				475,000 ^b		
Comprehensive Environmental Response, Compensation and Liability Act	560,274					560,274 ^c (3.5 FTE)	
Indirect Cost Assessment	<u>45,918</u>					45,918 ^c	
		2,997,144					

^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, \$425,000 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 in Section 24-31-108 (3), 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	4,283,228 (36.2 FTE)		2,287,863		1,834,558 ^a	160,807 ^b	
Consumer Credit Unit	2,491,175				2,491,175 ^c (25.0 FTE)		
Indirect Cost Assessment	<u>625,791</u>				606,112 ^d	19,679 ^b	
		7,400,194					

APPROPRIATION FROM

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

^a Of this amount, \$1,576,712(I) shall be from custodial money and \$257,846 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 (5), 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. These amounts originate as cash funds from the Division of Real Estate Cash Fund created in Section 12-10-215 (2)(a)(II)(B), C.R.S., and are transferred pursuant to Section 12-10-719, C.R.S.

^c Of this amount, \$2,141,175 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 \$350,000(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. Appropriations from the Student Loan Ombudsperson and Student Loan Servicer Licensing Fund are shown for informational purposes only because they are continuously appropriated pursuant to Section 5-20-104 (3)(c), C.R.S.

^d Of this amount, \$275,505 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., \$251,891(I) shall be from custodial money, and \$52,477(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 \$26,239 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 (5), 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

District Attorneys' Salaries	2,810,808		2,810,808			
Deputy District Attorney Training	350,000		350,000			
Appropriation to District Attorney Assistance for Bond Hearings Cash Fund	600,000		600,000			
District Attorney Assistance for Bond Hearings Grants	600,000				600,000 ^a	
Litigation Management ⁷⁶	200,000			200,000 ^b		
Tobacco Litigation	100,000			100,000 ^c		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
CORA OML Attorney	101,717		101,717	(1.0 FTE)			
	4,762,525						

^a This amount shall be from the District Attorney Assistance for Bond Hearings Cash Fund created in Section 16-4-117 (9)(a), C.R.S.

^b This amount shall be from either excess earnings credited to the Legal Services Cash Fund created in Section 24-31-108 (4), C.R.S., in FY 2021-22, or from the Attorney Fees and Costs Account created pursuant to Section 24-31-108 (3), C.R.S.

^c 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 XI

(LAW)		\$111,988,219	\$20,335,351		\$19,897,724 ^a	\$68,526,947 ^b	\$3,228,197 ^c
		\$112,976,356	\$20,334,175		\$19,897,012 ^a	\$69,516,972 ^b	

^a Of this amount, \$2,633,463 contains an (I) notation.

^b Of this amount, \$167,945 contains an (I) notation.

^c This amount contains an (I) notation.

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

75 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 \$109.63 per hour for attorneys and not exceed \$83.40 per hour for legal assistants, which equates to a blended legal rate of \$105.74 per hour.

76 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 the 2022-23 fiscal year. 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.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO