

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 23-0380.01 Carolyn Kampman x4959

SENATE BILL 23-122

SENATE SPONSORSHIP

Zenzinger, Bridges, Kirkmeyer

HOUSE SPONSORSHIP

Bird, Sirota, Bockenfeld

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.

SENATE
2nd Reading Unamended
February 8, 2023

1 **SECTION 1. Appropriation to the department of law for the**
2 **fiscal year beginning July 1, 2022.** In Session Laws of Colorado 2022,
3 section 2 of chapter 507, (HB 22-1329), **amend** Part XI and the affected
4 totals, as Part XI (1) and the affected totals are amended by section 13 of
5 chapter 170, (HB 22-1133), as follows:

6 Section 2. **Appropriation.**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
PART XI							
DEPARTMENT OF LAW							
(1) ADMINISTRATION							
5	Personal Services	4,849,848				4,849,848 ^a	
6						(51.2 FTE)	
7	Office of Community						
8	Engagement	962,519	764,879		197,640 ^b		
9		(9.0 FTE)					
10	Patterns and Practices	334,829	334,829				
11			(2.0 FTE)				
12	Health, Life, and Dental	6,529,977	1,501,660		813,530 ^c	4,040,208 ^d	174,579(I) ^e
13	Short-term Disability	89,614	21,360		10,363 ^c	55,825 ^d	2,066(I) ^e
14	S.B. 04-257 Amortization						
15	Equalization Disbursement	2,800,422	667,499		323,841 ^c	1,744,524 ^d	64,558(I) ^e

APPROPRIATION FROM

	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	2,800,422	667,499		323,841 ^c	1,744,524 ^d	64,558(I) ^e	
4	Salary Survey for Classified							
5	Employees	473,763	140,618		141,955 ^c	157,267 ^d	33,923(I) ^e	
6	Salary Survey for Exempt							
7	Employees	2,608,975	558,626		95,414 ^c	1,938,380 ^d	16,555(I) ^e	
8	PERA Direct Distribution	935,196			174,463 ^c	760,733 ^d		
9	Workers' Compensation	191,851	44,744		29,272 ^c	112,712 ^d	5,123(I) ^e	
10	Attorney Registration and							
11	Continuing Legal Education	165,585	26,505		10,403 ^c	127,252 ^d	1,425(I) ^e	
12	Operating Expenses	225,567				225,567 ^a		
13	Legal Services	85,019	32,656		52,363 ^f			
14	Administrative Law Judge							
15	Services	1,042			1,042 ^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	344,882	80,436		52,619 ^c	202,617 ^d	9,210(I) ^e
3	Vehicle Lease Payments	88,783	34,570		16,481 ^c	29,432 ^d	8,300(I) ^e
4	Information Technology Asset						
5	Maintenance	1,124,439	262,242		171,560 ^c	660,609 ^d	30,028(I) ^e
6	Ralph L. Carr Colorado						
7	Judicial Center Leased Space	3,565,176	831,472		543,947 ^c	2,094,550 ^d	95,207(I) ^e
8	Payments to OIT	469,144	109,417		71,576^c	275,623^d	12,528(I) ^e
9		464,246	108,241		70,864 ^c	272,613 ^d	
10	CORE Operations	49,216	11,478		7,509 ^c	28,915 ^d	1,314(I) ^e
11	Attorney General						
12	Discretionary Fund	5,000	5,000				
13			28,701,269				
14			28,696,371				
15							

APPROPRIATION FROM

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

1 ^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
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, \$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
4 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.

5 ^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
6 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
7 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
8 20 of Article X of the State Constitution.

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

10 ^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
11 only.

12 ^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 AGENCIES⁷⁵						
2	Personal Services	41,420,007					
3		42,392,530					
4		(318.5 FTE)					
5		(319.6 FTE)					
6	Operating and Litigation	2,462,284					
7		2,482,796					
8	Indirect Cost Assessment	4,178,501					
9			48,060,792		1,722,148 ^a	46,338,644 ^b	
10			49,053,827			47,331,679 ^b	
11							

APPROPRIATION FROM

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

1 ^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
2 (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
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 (4), C.R.S. The
7 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
8 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
9 total spending authority for the line item appropriations within this section (2).

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

12 Special Prosecutions Unit	4,686,348		2,216,872		1,615,295 ^a	854,181 ^b	
13			(17.7 FTE)		(14.4 FTE)	(6.5 FTE)	
14 Auto Theft Prevention Grant	167,945					167,945(I) ^c	
15						(1.0 FTE)	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Appellate Unit	4,842,361	4,196,724			645,637 ^d	
2			(40.6 FTE)			(1.0 FTE)	
3	Medicaid Fraud Control Unit	3,209,440	802,361				2,407,079(I) ^e
4			(8.3 FTE)				(19.0 FTE)
5	Peace Officers Standards and						
6	Training Board Support	6,374,354	21,535		6,352,819 ^f		
7					(16.3 FTE)		
8	Indirect Cost Assessment	<u>785,847</u>			398,827 ^g	85,276 ^b	301,744(I) ^e
9		20,066,295					

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

12 ^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
 13 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 (2)(b), C.R.S.

4 ^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)
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 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
10 created in Section 39-28.8-501 (1), C.R.S.

11 ^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
12 in Section 24-31-104.5 (2), 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	851,981		851,981			
4				(6.5 FTE)			
5	Defense of the Colorado River						
6	Basin Compact	953,971			953,971 ^a		
7					(3.5 FTE)		
8	Defense of the Republican						
9	River Compact	110,000			110,000 ^a		
10	Consultant Expenses	475,000			475,000 ^b		
11	Comprehensive						
12	Environmental Response,						
13	Compensation and Liability						
14	Act	560,274				560,274 ^c	
15						(3.5 FTE)	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Indirect Cost Assessment	45,918				45,918 ^c	
2		2,997,144					
3							
4	^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.						
5	^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						
6	Fees and Costs Account created in Section 24-31-108 (3), C.R.S.						
7	^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						
8	Hazardous Materials and Waste Management Division, Contaminated Site Cleanups and Remediation Programs section. These amounts originate as cash funds from the Hazardous						
9	Substance Response Fund and are transferred pursuant to Section 25-16-104.5 (1.7)(a)(III), C.R.S.						
10							
11							
12	(5) CONSUMER PROTECTION						
13	Consumer Protection and						
14	Antitrust	4,283,228	2,287,863		1,834,558 ^a	160,807 ^b	
15		(36.2 FTE)					

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Consumer Credit Unit	2,491,175			2,491,175 ^c		
2					(25.0 FTE)		
3	Indirect Cost Assessment	625,791			606,112 ^d	19,679 ^b	
4		<u>7,400,194</u>					

6 ^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
7 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
8 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
9 20 of Article X of the State Constitution.

10 ^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
11 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.

12 ^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
13 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.
14 Appropriations from the Student Loan Ombudsperson and Student Loan Servicer Licensing Fund are shown for informational purposes only because they are continuously appropriated
15 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
	\$	\$	\$	\$	\$	\$	\$

1 ^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
2 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
3 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
4 (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
5 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
6 State Constitution. Appropriations from the Student Loan Ombudsperson and Student Loan Servicer Licensing Fund are shown for informational purposes only as they are continuously
7 appropriated pursuant to Section 5-20-104 (3)(c), C.R.S.

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9 **(6) SPECIAL PURPOSE**

10 District Attorneys' Salaries	2,810,808		2,810,808				
11 Deputy District Attorney							
12 Training	350,000		350,000				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Appropriation to						
2	District Attorney						
3	Assistance for Bond						
4	600,000		600,000				
5	District Attorney						
6	Assistance for Bond						
7	600,000					600,000 ^a	
8	200,000				200,000 ^b		
9	100,000				100,000 ^c		
10	101,717		101,717				
11			(1.0 FTE)				
12		4,762,525					
13							

14 ^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.

APPROPRIATION FROM

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

1 ^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
2 Account created pursuant to Section 24-31-108 (3), C.R.S.

3 ^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
4 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
5 Constitution.

8 **TOTALS PART XI**

9 (LAW)	\$111,988,219	\$20,335,351		\$19,897,724 ^a	\$68,526,947 ^b	\$3,228,197 ^c
10	\$112,976,356	\$20,334,175		\$19,897,012 ^a	\$69,516,972 ^b	

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

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

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

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APPROPRIATION FROM

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

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.

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.