

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0686.01 Carolyn Kampman x4959

HOUSE BILL 20-1250

HOUSE SPONSORSHIP

Esgar, McCluskie, Ransom, Gray

SENATE SPONSORSHIP

Moreno, Zenzinger, Rankin

House Committees
Appropriations

Senate Committees
Appropriations

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
3rd Reading Unamended
February 13, 2020

SENATE
2nd Reading Unamended
February 12, 2020

HOUSE
3rd Reading Unamended
February 6, 2020

HOUSE
2nd Reading Unamended
February 5, 2020

1 **SECTION 1. Appropriation to the department of law for the**
2 **fiscal year beginning July 1, 2019.** In Session Laws of Colorado 2019,
3 section 2 of chapter 454, (SB 19-207), **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	4,298,562				4,298,562 ^a	
6						(48.2 FTE)	
7	Office of Community						
8	Engagement	926,944	734,556		192,388 ^b		
9			(9.0 FTE)				
10	Health, Life, and Dental	5,069,951	1,332,613		609,537 ^c	2,982,564 ^d	145,237(I) ^e
11	Short-term Disability	78,605	20,740		9,634 ^c	46,287 ^d	1,944(I) ^e
12	S.B. 04-257 Amortization						
13	Equalization Disbursement	2,311,928	609,996		283,366 ^c	1,361,377 ^d	57,189(I) ^e

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	S.B. 06-235 Supplemental						
2	Amortization Equalization						
3	2,311,928		609,996		283,366 ^c	1,361,377 ^d	57,189(I) ^e
4	1,173,886		310,469		146,761 ^c	687,277 ^d	29,379(I)^e
5			339,848				
6	Salary Survey for Classified						
7	383,066		100,341		118,149 ^c	139,664 ^d	24,912(I) ^e
8	Salary Survey for Exempt						
9	1,588,834		414,511		62,248 ^c	1,094,014 ^d	18,061(I) ^e
10	Merit Pay for Exempt						
11	689,740		165,099		23,928 ^c	492,399 ^d	8,314(I) ^e
12	211,095		60,148		30,019 ^c	115,332 ^d	5,596(I) ^e
13	Attorney Registration and						
14	131,908		33,868		4,275 ^c	92,340 ^d	1,425(I) ^e
15	202,917					202,917 ^a	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Legal Services	35,800		17,421	18,379 ^f		
2	Administrative Law Judge						
3	Services	1,307			1,307 ^c		
4	Payment to Risk Management						
5	and Property Funds	231,888	66,073		32,975 ^c	126,693 ^d	6,147(I) ^e
6	Vehicle Lease Payments	66,876	28,615		20,259 ^c	17,462 ^d	540(I) ^e
7	Information Technology Asset						
8	Maintenance	1,375,402	395,965		194,779 ^c	748,351 ^d	36,307(I) ^e
9	Ralph L. Carr Colorado						
10	Judicial Center Leased Space	3,379,635	962,949		480,597 ^c	1,846,504 ^d	89,585(I) ^e
11	Payments to OIT	895,196	255,065		127,300 ^c	489,102 ^d	23,729(I) ^e
12	CORE Operations	47,529	13,542		6,760 ^c	25,967 ^d	1,260(I) ^e
13	Attorney General						
14	Discretionary Fund	5,000	5,000				
15		25,417,997					

APPROPRIATION FROM

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

1

2 ^a Of these amounts, \$4,389,570 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 \$111,909
3 shall be from statewide indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

4 ^b Of this amount, \$174,888 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
5 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.

6 ^c Of these amounts, \$289,438(I) shall be from custodial money and \$2,145,822 shall be from various sources of cash funds. Pursuant to Section 24-31-108 (3), C.R.S., custodial money
7 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
8 custodial money do not constitute fiscal year spending for the purposes of Section 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 AGENCIES⁶⁵						
2	Personal Services	29,616,449					
3		(259.4 FTE)					
4	Operating and Litigation	1,486,173					
5	Indirect Cost Assessment	3,552,478					
6		34,655,100			1,487,309 ^a	33,167,791 ^b	

^a Of this amount, \$1,287,309 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 \$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).

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<p>^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.</p>						
2	<p>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.</p>						
3	<p>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</p>						
4	<p>increase total spending authority for the line item appropriations within this section (2).</p>						
5							
6	(3) CRIMINAL JUSTICE AND APPELLATE						
7	Special Prosecutions Unit	4,460,237	2,180,540		1,491,217 ^a	788,480 ^b	
8			(17.9 FTE)		(14.4 FTE)	(6.5 FTE)	
9	Auto Theft Prevention Grant	295,544				295,544(I) ^c	
10						(2.0 FTE)	
11	Appellate Unit	4,264,342	3,819,316			445,026 ^d	
12			(40.6 FTE)			(1.0 FTE)	
13	Medicaid Fraud Control Unit	2,223,658	555,910				1,667,748(I) ^e
14			(5.3 FTE)				(14.7 FTE)

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Peace Officers Standards and						
2	Training Board Support	5,931,929			5,931,929 ^f		
3					(14.0 FTE)		
4	Indirect Cost Assessment	672,893			401,474 ^g	91,887 ^b	179,532(I) ^e
5		17,848,603					

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

8 ^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
9 originate as cash funds from the Division of Securities Cash Fund pursuant to Section 11-51-707 (2), C.R.S.

10 ^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
11 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
12 to Section 24-31-108 (1)(b)(I), C.R.S.

13 ^d Of this amount, \$360,030 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)
14 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
15 Assistance section, pursuant to Section 24-33.5-506 (1)(c), C.R.S.

APPROPRIATION FROM

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

1 ^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
2 only.

3 ^f Of this amount, \$4,895,163 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
4 in Section 39-28.8-501 (1), C.R.S.

5 ^g Of this amount, \$203,564 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$197,910 shall be from the P.O.S.T. Board Cash Fund created
6 in Section 24-31-303 (2)(b), C.R.S.

7

8 **(4) WATER AND NATURAL RESOURCES**

9 Federal and Interstate Water

10 Unit	800,845		800,845			
11			(6.4 FTE)			

12 Defense of the Colorado River

13 Basin Compact	442,877				442,877 ^a	
14					(3.5 FTE)	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Defense of the Republican						
2	River Compact	110,000			110,000 ^a		
3	Consultant Expenses	275,000			275,000 ^b		
4	Comprehensive						
5	Environmental Response,						
6	Compensation and Liability						
7	Act	531,548				531,548 ^c	
8						(3.5 FTE)	
9	Indirect Cost Assessment	49,477				49,477 ^c	
10		<u>2,209,747</u>					

12 ^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.

13 ^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
 14 Fees and Costs Account created pursuant to Section 24-31-108 (2), C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	° 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						
2	Hazardous Materials and Waste Management Division, Contaminated Site Cleanups and Remediation Programs section. These amounts originate as cash funds from the Hazardous						
3	Substance Response Fund and are transferred pursuant to Section 25-16-104.5 (1.7)(a)(III), C.R.S.						
4							
5	(5) CONSUMER PROTECTION						
6	Consumer Protection and						
7	Antitrust	3,466,185	1,802,915		1,514,506 ^a	148,764 ^b	
8			(11.5 FTE)		(20.0 FTE)	(1.5 FTE)	
9	Consumer Credit Unit	1,810,553			1,810,553 ^c		
10					(20.0 FTE)		
11	Indirect Cost Assessment	586,661			565,456 ^d	21,205 ^b	
12		5,863,399					

APPROPRIATION FROM

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

1 ^a Of this amount, \$1,272,006(I) shall be from custodial money and \$242,500 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund
2 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
3 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
4 20 of Article X of the State Constitution.

5 ^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
6 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.

7 ^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
8 5-6-204 (1), C.R.S.

9 ^d Of this amount, \$282,728 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
10 5-16-134 (1)(a), C.R.S., and \$254,455(I) shall be from custodial money, and \$28,273 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash
11 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
12 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
13 of Section 20 of Article X of the State Constitution.

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APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(6) SPECIAL PURPOSE						
2	District Attorneys' Salaries	2,754,858		2,754,858			
3	Deputy District Attorney						
4	Training	350,000		350,000			
5	Litigation Management ⁶⁶	200,000			200,000 ^a		
6	Tobacco Litigation	750,000			750,000 ^b		
7	CORA and OML Attorney	96,010		96,010			
8				(1.0 FTE)			
9		4,150,868					

^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.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2							
3	TOTALS PART X						
4	(LAW)	\$90,145,714	\$18,497,361		\$17,626,348 ^a	\$51,667,911 ^b	\$2,354,094 ^c
5		<u> </u>	<u>\$18,526,740</u>		<u> </u>	<u> </u>	<u>\$2,324,715^c</u>
6							

7 ^a Of this amount, \$1,815,899 contains an (I) notation.

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

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

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

13 65 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
 14 the Department for legal services to state agencies not exceed \$111.93 per hour for attorneys and not exceed \$84.37 per hour for legal assistants, which equates
 15 to a blended legal rate of \$106.60 per hour.

APPROPRIATION FROM

		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$	\$
1	66	Department of Law, Special Purpose, Litigation Management -- It is the General Assembly's intent to grant the Department of Law additional flexibility by						
2		allowing the Department to use money appropriated to this line item to address unanticipated state legal needs that arise during FY 2019-20. It is also the						
3		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						
4		increase, promotion, reclassification, or bonus related to any present or future FTE employed by the Department of Law. It is furthermore the General						
5		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.