

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 17-0414.01 John Ziegler

SENATE BILL 17-165

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

HOUSE SPONSORSHIP

Hamner, Young, Rankin

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.

SENATE
3rd Reading Unamended
February 10, 2017

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
February 9, 2017

1 **SECTION 1. Appropriation to the department of law for the**
2 **fiscal year beginning July 1, 2016.** In Session Laws of Colorado 2016,
3 section 2 of chapter 385, (HB 16-1405), **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	3,805,907				3,805,907 ^a		
6						(46.2 FTE)		
7	Office of Community							
8	Engagement	657,116		642,116		15,000 ^b		
9				(6.0 FTE)				
10	Health, Life, and Dental	3,789,903		1,014,768		450,192 ^c	2,234,782 ^d	90,161(I) ^e
11	Short-term Disability	75,164		20,214		8,464 ^c	44,602 ^d	1,884(I) ^e
12	S.B. 04-257 Amortization							
13	Equalization Disbursement	1,898,869		510,666		213,828 ^c	1,126,779 ^d	47,596(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	1,879,090	505,347		211,601 ^c	1,115,042 ^d	47,100(I) ^e
4	Salary Survey for Classified						
5	Employees	8,276	1,861		857 ^c	5,558 ^d	
6	Workers' Compensation	101,393	28,528		11,694 ^c	58,446 ^d	2,725(I) ^e
7	Attorney Registration and						
8	Continuing Legal Education	135,280	32,680		4,275 ^c	96,900 ^d	1,425(I) ^e
9	Operating Expenses	202,850				202,850 ^a	
10	Legal Services for 411 hours	39,066	19,010		20,056 ^f		
11	Administrative Law Judge						
12	Services	1,602			1,602 ^c		
13	Payment to Risk Management						
14	and Property Funds	253,820	71,416		29,271 ^c	146,310 ^d	6,823(I) ^e

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Vehicle Lease Payments	45,411	21,213		5,957 ^c	17,566 ^d	675(I) ^e
2		45,344	26,369		5,313 ^c	13,353 ^d	309(I) ^e
3	Information Technology Asset						
4	Maintenance	645,206	174,663		75,291 ^c	377,036 ^d	18,216(I) ^e
5		789,982	226,235		92,583 ^c	450,345 ^d	20,819(I) ^e
6	Ralph L. Carr Colorado						
7	Judicial Center Leased Space	3,202,517	890,498		359,473 ^c	1,865,577 ^d	86,969(I) ^e
8	Payments to OIT	239,473	66,554		26,914 ^c	139,502 ^d	6,503(I) ^e
9	CORE Operations	62,453	17,572		7,202 ^c	36,001 ^d	1,678(I) ^e
10	Attorney General						
11	Discretionary Fund	5,000	5,000				
12		17,048,396					
13		17,193,105					
14							

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

^a Of these amounts, \$3,893,198 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 \$115,559 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 This amount shall be from the Safe2Tell Cash Fund created in Section 24-31-610 (1), C.R.S.

^c These amounts shall be from various sources of cash funds. Of these amounts, ~~\$108,352(I)~~ \$112,437(I) shall be from custodial money. Pursuant to Section 24-31-108 (3), C.R.S., custodial money received by the Attorney General are 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.

^eThese 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 AGENCIES⁶⁶

Personal Services ~~26,813,879~~

26,967,860

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1		(260.8 FTE)					
2		(261.8 FTE)					
3	Operating and Litigation	1,942,517					
4		1,959,626					
5	Indirect Cost Assessment	3,455,011					
6		32,211,407			1,054,580 ^a	31,156,827 ^a	
7		32,382,497				31,327,917 ^a	
8							

^a These amounts 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 cash funds appropriation 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 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).

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	(3) CRIMINAL JUSTICE AND APPELLATE						
2	Special Prosecutions Unit	4,308,283	2,066,874		1,528,836 ^a	712,573 ^b	
3			(17.8 FTE)		(14.7 FTE)	(6.2 FTE)	
4	Auto Theft Prevention Grant	296,548				296,548(I) ^c	
5						(2.0 FTE)	
6	Appellate Unit	3,854,792	3,280,780			574,012 ^d	
7			(37.0 FTE)			(1.0 FTE)	
8	Medicaid Fraud Control Unit	1,737,371	434,338(M)				1,303,033(I) ^e
9			(4.3 FTE)				(12.7 FTE)
10	Peace Officers Standards and						
11	Training Board Support	5,536,725			5,536,725 ^f		
12					(9.0 FTE)		
13	Indirect Cost Assessment	537,858			287,476 ^g	82,136 ^b	168,246(I) ^e
14		16,271,577					
15							

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

1 ^a Of this amount, \$1,242,070 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$286,766 shall be from the Marijuana Tax Cash Fund created
 2 in Section 39-28.8-501 (1), C.R.S.

3 ^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
 4 originate as cash funds from the Division of Securities Cash Fund pursuant to Section 11-51-603.5 (2), C.R.S.

5 ^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
 6 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
 7 to Section 24-31-108 (1) (b) (I), C.R.S.

8 ^d Of this amount, \$494,150 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 \$79,862 shall
 9 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
 10 section, pursuant to Section 24-33.5-506 (1) (c), C.R.S.

11 ^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
 12 only.

13 ^f Of this amount, \$4,786,725 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S., and \$750,000 shall be from the Marijuana Tax Cash Fund created
 14 in Section 39-28.8-501 (1), C.R.S.

APPROPRIATION FROM

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

^g Of this amount, \$168,246 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$119,230 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

5 Federal and Interstate Water

596,349

7 (5.5 FTE)

8 Defense of the Colorado River

9 Basin Compact 428,639

428,639^a

10

11 Defense of the Republican

12 River Compact

12 Consultant Expenses 400,000

400 000^b

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Comprehensive						
2	Environmental Response,						
3	Compensation and Liability						
4	Act	495,577				495,577 ^c	
5						(3.5 FTE)	
6	Comprehensive						
7	Environmental Response,						
8	Compensation and Liability						
9	Act Contracts	100,000				100,000 ^c	
10	Indirect Cost Assessment	46,367				46,367 ^c	
11		2,176,932					
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.

^b Of this amount, \$350,000 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

15 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	2,901,046	1,368,420	1,235,354 ^a	297,272 ^b
		(11.2 FTE)	(15.0 FTE)	(3.0 FTE)
Consumer Credit Unit	1,714,816		1,714,816 ^c	
			(20.0 FTE)	
Indirect Cost Assessment	463,671		423,928 ^d	39,743 ^b
	<hr/>	5,079,533		

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

1 ^a Of this amount, \$1,002,944(I) shall be from custodial money, \$230,410 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created
 2 in Section 24-22-115 (2) (a), C.R.S., and \$2,000 shall be from Colorado No-call List annual registration fees collected pursuant to Section 6-1-905 (3) (b) (II), C.R.S. Pursuant to Section
 3 24-31-108 (3), C.R.S., custodial money received by the Attorney General are not subject to annual appropriation but the expenditure of such money may be indicated in the annual general
 4 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.

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 Mortgage Company and Loan Originator Licensing Cash Fund created in Section 12-61-908 (2), C.R.S., and are transferred pursuant to Section
 7 12-61-909, C.R.S.

8 ^c This amount shall be from the Collection Agency Cash Fund created in Section 12-14-136 (1) (a), C.R.S., or from the Uniform Consumer Credit Code Cash Fund created in Section
 9 5-6-204 (1), C.R.S.

10 ^d Of this amount, \$264,955 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
 11 12-14-136 (1) (a), C.R.S., and \$158,973(I) shall be from custodial money. Pursuant to Section 24-31-108 (3), C.R.S., custodial money received by the Attorney General are not subject
 12 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
 13 spending for the purposes of Section 20 of Article X of the State Constitution.

14
 15

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	(6) SPECIAL PURPOSE						
2	District Attorneys' Salaries	2,738,841		2,738,841			
3	Deputy District Attorney						
4	Training	405,000		405,000			
5	Litigation Management ⁶⁷	200,000			200,000 ^a		
6	Tobacco Litigation	1,250,000				1,250,000 ^b	
7	CORA and OML Attorney	90,297		90,297			
8			(1.0 FTE)				
9		4,684,138					

^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 2015-16, 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)	\$77,471,983	\$15,003,005		\$15,612,031 ^a	\$45,073,913 ^b	\$1,783,034 ^c
5		\$77,787,782	\$15,059,733		\$15,628,679 ^a	\$45,314,099 ^b	\$1,785,271 ^c
6							

7 ^a Of this amount, \$1,270,269 \$1,274,354 contains an (I) notation.

8 ^b Of this amount, \$296,548 contains an (I) notation.

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

10

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

12

13 66 Department of Law, Legal Services to State Agencies -- In making this appropriation, it is the intent of the General Assembly that hourly billing rates charged
14 by the Department for legal services to state agencies not exceed \$98.26 per hour for attorneys and not exceed \$77.06 per hour for legal assistants, which
15 equates to a blended legal rate of \$95.05 per hour.

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

1 67 Department of Law, Special Purpose, Litigation Management -- It is the intent of the General Assembly to grant the Department of Law additional flexibility
 2 by allowing the Department to use money appropriated in this line item to address unanticipated state legal needs that arise during FY 2016-17. It is also the
 3 intent of the General Assembly that money spent from this line item shall not require the appropriation of additional FTE and will not be used for any type
 4 of salary increase, promotion, reclassification, or bonus related to any present or future FTE employed by the Department of Law. It is furthermore the intent
 5 of the General Assembly that money spent from this line item will not be used to offset present or future personal services deficits in any division in the
 6 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.