

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-0608.01 John Ziegler

HOUSE BILL 16-1244

HOUSE SPONSORSHIP

Hamner, Young, Rankin

SENATE SPONSORSHIP

Lambert, Grantham, Steadman

House Committees

Appropriations

Senate 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://www.leg.state.co.us/billsummaries>.)

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 indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
February 10, 2016

1 **SECTION 1. Appropriation to the department of law for the**
2 **fiscal year beginning July 1, 2015.** In Session Laws of Colorado 2015,
3 section 2 of chapter 364, (SB 15-234), **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	3,687,299				3,687,299 ^a		
6						(45.2 FTE)		
7	Office of Community							
8	Engagement	595,381		580,381		15,000 ^b		
9				(5.8 FTE)				
10	Health, Life, and Dental	3,555,133		1,020,527		382,756 ^c	2,040,181 ^d	111,669(I) ^e
11	Short-term Disability	84,714		23,392		8,611 ^c	50,245 ^d	2,466(I) ^e
12	S.B. 04-257 Amortization							
13	Equalization Disbursement	1,694,290		467,856		172,221 ^c	1,004,900 ^d	49,313(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	1,636,530	451,906		166,350 ^c	970,642 ^d	47,632(I) ^e
4	Salary Survey for Classified						
5	Employees	119,650	40,723		30,754 ^c	38,897 ^d	9,276(I) ^e
6	Salary Survey for Exempt						
7	Employees	965,318	235,874		38,990 ^c	680,763 ^d	9,691(I) ^e
8	Merit Pay for Classified						
9	Employees	114,830	37,379		29,845 ^c	39,991 ^d	7,615(I) ^e
10	Merit Pay for Exempt						
11	Employees	295,260	71,154		11,730 ^c	209,337 ^d	3,039(I) ^e
12	Workers' Compensation	83,973	23,257		9,807 ^c	48,580 ^d	2,329(I) ^e
13	Attorney Registration and						
14	Continuing Legal Education	129,913	31,041		4,275 ^c	93,528 ^d	1,069(I) ^e
15	Operating Expenses	206,603				206,603 ^a	

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
			\$	\$	\$	\$	\$
1	Legal Services for 411 hours	39,049		19,002		20,047 ^f	
2	Administrative Law Judge						
3	Services	6,749				6,749 ^c	
4	Payment to Risk Management						
5	and Property Funds	169,910		47,059		19,845 ^c	98,295 ^d
6	Vehicle Lease Payments	70,416		34,669		7,255 ^c	26,290 ^d
7	Information Technology Asset						
8	Maintenance	645,206		174,663		75,291 ^c	377,036 ^d
9	Ralph L. Carr Colorado						
10	Judicial Center Leased Space	3,034,238		840,388		354,368 ^e	1,755,344 ^d
11		3,126,117		865,834		365,099 ^c	1,808,498 ^d
12	Payments to OIT	444,965		123,241		51,968 ^c	257,417 ^d
13	CORE Operations	59,075		16,362		6,898 ^c	34,177 ^d
14	Attorney General						
15	Discretionary Fund	5,000		5,000			

APPROPRIATION FROM						
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$
1		17,643,502				
2		17,735,381				
3						

4 ^a Of these amounts, \$3,741,395 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 \$152,507
 5 shall be from statewide indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

6 ^b This amount shall be from the Safe2Tell Cash Fund created in Section 24-31-610 (1), C.R.S.

7 ^c These amounts shall be from various sources of cash funds. Of these amounts, \$283,032(I) \$285,230(I) shall be from custodial moneys. Pursuant to Section 24-31-108 (3), C.R.S.,
 8 custodial moneys received by the Attorney General are not subject to annual appropriation but the expenditure of such moneys may be indicated in the annual general appropriation act.
 9 Expenditures from custodial moneys do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

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

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 This amount shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S.

14

15

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	(2) LEGAL SERVICES TO STATE AGENCIES⁵⁵						
2	Personal Services	26,646,634					
3		(260.2 FTE)					
4	Operating and Litigation	1,929,006					
5	Indirect Cost Assessment	3,134,783					
6		<u>31,710,423</u>			982,904 ^a	30,727,519 ^a	
7							

^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	4,204,018	1,871,430		1,641,126 ^a	691,462 ^b	
3			(16.9 FTE)		(14.7 FTE)	(6.2 FTE)	
4	Auto Theft Prevention Grant	286,666				286,666(I) ^c	
5						(2.0 FTE)	
6	Appellate Unit	3,782,761	3,481,795			300,966 ^d	
7			(38.0 FTE)			(1.0 FTE)	
8	Medicaid Fraud Control Unit	1,697,877	424,465(M)				1,273,412(I) ^e
9			(4.3 FTE)				(12.7 FTE)
10	Peace Officers Standards and						
11	Training Board Support	5,946,971			5,946,971 ^f		
12						(9.0 FTE)	
13	Indirect Cost Assessment	489,509			261,634 ^g	74,753 ^b	153,122(I) ^e
14		16,407,802					
15							

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

1 ^a Of this amount, \$1,204,360 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$436,766 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, Division of Securities, Securities Fraud Prosecution line item from the Division of Securities Cash
4 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, Colorado State Patrol, Automobile Theft Prevention Authority line item from a grant awarded pursuant to Section
6 42-5-112 (3), C.R.S., and 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.

7 ^d Of this amount, \$221,104 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
8 be transferred from the Department of Public Safety, Division of Criminal Justice, Victims Assistance, State Victims Assistance and Law Enforcement Program line item pursuant to
9 Section 24-33.5-506 (1) (c), C.R.S.

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 Of this amount, \$4,778,971 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S., and \$1,168,000 shall be from the Marijuana Tax Cash Fund created
13 in Section 39-28.8-501 (1), C.R.S.

14 ^g Of this amount, \$153,122 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$108,512 shall be from the P.O.S.T. Board Cash Fund created
15 in Section 24-31-303 (2) (b), C.R.S.

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1							
2	(4) WATER AND NATURAL RESOURCES						
3	Federal and Interstate Water						
4	Unit	578,087	578,087				
5			(5.5 FTE)				
6	Defense of the Colorado River						
7	Basin Compact	351,685			351,685 ^a		
8				(3.0 FTE)			
9	Defense of the Republican						
10	River Compact	110,000			110,000 ^a		
11	Consultant Expenses	400,000			400,000 ^b		
12	Comprehensive						
13	Environmental Response,						
14	Compensation and Liability						
15	Act	488,170				488,170 ^c	

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1							(3.5 FTE)
2	Comprehensive						
3	Environmental Response,						
4	Compensation and Liability						
5	Act Contracts	100,000					100,000 ^c
6	Natural Resource Damage						
7	Claims at Rocky Mountain						
8	Arsenal	50,000					50,000 ^c
9	Indirect Cost Assessment	42,199					42,199 ^c
10		2,120,141					
11							

^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

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
	\$	\$	\$	\$	\$	\$
Transferred from the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Contaminated Site Cleanups						
Transfer to the Department of Law for CERCLA-Related Costs, and the Transfer to the Department of Law for Natural Resource Damage Claims at Ro						
, from the Hazardous Substance Response Fund pursuant to Section 25-16-104.5 (1.7) (a) (III), C.R.S.						
CTION						
	2,646,731	1,208,089		1,152,316 ^a	286,326 ^b	
		(11.2 FTE)		(13.0 FTE)	(3.0 FTE)	
	1,674,691			1,674,691 ^c		
				(20.0 FTE)		
	448,515			412,344 ^d	36,171 ^b	
	4,769,937					

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

1 ^a Of this amount, \$896,518(I) shall be from custodial moneys, \$243,798 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 \$12,000 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 moneys received by the Attorney General are not subject to annual appropriation but the expenditure of such moneys may be indicated in the annual
 4 general appropriation act. Expenditures from custodial moneys 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, Division of Real Estate, Mortgage Broker Consumer Protection line item, from the Mortgage Company
 6 and Loan Originator Licensing Cash Fund pursuant to Sections 12-61-908 (2) and 12-61-909, C.R.S.

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

9 ^d Of this amount, \$241,137 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 12-14-136 (1) (a), C.R.S., and \$171,207(I) shall be from custodial moneys. Pursuant to Section 24-31-108 (3), C.R.S., custodial moneys received by the Attorney General are not subject
 11 to annual appropriation but the expenditure of such moneys may be indicated in the annual general appropriation act. Expenditures from custodial moneys do not constitute fiscal year
 12 spending for the purposes of Section 20 of Article X of the State Constitution.

13

14 **(6) SPECIAL PURPOSE**

15 District Attorneys' Salaries 2,718,249 2,718,249

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Deputy District Attorney						
2	Training	350,000		350,000			
3	Litigation Management ⁵⁶	200,000				200,000 ^a	
4	Tobacco Litigation	1,250,000				1,250,000 ^b	
5	CORA and OML Attorney	87,635		87,635			
6			(0.9 FTE)				
7		4,605,884					

^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 2014-15, 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	TOTALS PART X						
2	(LAW)	\$77,257,689	\$14,963,624		\$15,796,431 ^a	\$44,703,757 ^b	\$1,793,877 ^c
3		\$77,349,568	\$14,989,070		\$15,807,162 ^a	\$44,756,911 ^b	\$1,796,425 ^c
4							

5 ^a Of this amount, \$1,350,757 \$1,352,955 contains an (I) notation.

6 ^b Of this amount, \$286,666 contains an (I) notation.

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

8

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

10

11 55 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
12 by the Department for legal services to state agencies not exceed \$97.95 per hour for attorneys and not exceed \$78.85 per hour for legal assistants, which
13 equates to a blended rate of \$95.01 per hour.

14

15 56 Department of Law, Special Purpose, Litigation Management -- It is the intent of the General Assembly to grant the Department of Law additional flexibility

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

1 by allowing the Department to use moneys appropriated in this line item to address unanticipated state legal needs that arise during FY 2015-16. It is also the
2 intent of the General Assembly that moneys spent from this line item shall not require the appropriation of additional FTE and will not be used for any type
3 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
4 of the General Assembly that moneys spent from this line item will not be used to offset present or future personal services deficits in any division of the
5 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.