

CHAPTER 440

APPROPRIATIONS

HOUSE BILL 10-1305

BY REPRESENTATIVE(S) Pommer, Ferrandino, Lambert;
also SENATOR(S) Keller, Tapia, White.**AN ACT****CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LAW.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** Part X of section 2 of chapter 464, Session Laws of Colorado 2009, is amended to read:Section 2. **Appropriation.**

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART X						
DEPARTMENT OF LAW						
(1) ADMINISTRATION						
Personal Services	2,960,059				2,960,059 ^a	
	2,755,059				2,755,059 ^a	
					(42.2 FTE)	
Health, Life, and Dental	1,940,668	534,414		152,611 ^b	1,194,594 ^c	59,049 ^d
Short-term Disability	36,556	11,079		2,962 ^b	21,527 ^c	988 ^d
S.B. 04-257 Amortization Equalization Disbursement	560,823	159,454		40,983 ^b	344,034 ^c	16,352 ^d
S.B. 06-235 Supplemental Amortization Equalization Disbursement	348,890	98,034		25,614 ^b	215,022 ^c	10,220 ^d
Workers' Compensation	53,106 50,893	15,936 15,272		4,325^b 4,136 ^b	31,426^c 30,125 ^c	1,419^d 1,360 ^d
Attorney Registration and Continuing Legal Education	92,626	22,238		3,750 ^b	66,075 ^c	563 ^d
Operating Expenses	194,679				194,679^a	
Ch. 440		Appropriations				2469

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
	173,823					173,823 ^a	
Purchase of Services from Computer Center	71,185		71,185				
	68,003		68,003				
Payment to Risk Management and Property Funds	98,646					98,646	
	92,968					92,968 ^a	
Vehicle Lease Payments	73,969		23,891		14,773 ^b	30,621 ^c	4,684 ^d
ADP Capital Outlay	13,764		9,176			4,588 ^c	
Information Technology Asset Maintenance	407,667		15,291		47,298 ^b	343,697 ^c	1,381 ^d
Leased Space	32,502		5,357		3,570 ^b	23,374 ^c	201 ^d
Capitol Complex Leased Space	1,293,584		388,174		105,357^b	765,483^c	34,570^d
	1,276,139		382,931		103,874 ^b	755,229 ^c	34,105 ^d
Security for State Services Building	196,693		73,989		15,512 ^b	101,938 ^a	5,254 ^d
Communication Services Payments	6,208		2,308		575 ^b	1,773 ^c	1,552 ^d

Attorney General			
Discretionary Fund	<u>5,000</u>		5,000
		8,386,625	
		8,132,251	

^a These amounts shall be from indirect cost recoveries.

^b These amounts shall be from various sources of cash funds. Of these amounts, ~~\$65,095~~ \$62,937 from court-ordered awards and ~~\$12,877~~ \$12,827 from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115 (2) (a), C.R.S., do not constitute fiscal year spending for purposes of Section 20 of Article X of the State Constitution.

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

^d These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services.

(2) LEGAL SERVICES TO STATE AGENCIES³⁵

Personal Services	18,241,775		
	18,459,927		
	(217.5 FTE)		
	(219.4 FTE)		
Operating and Litigation	1,354,987		
	1,397,011		
Indirect Cost Assessment	<u>2,697,806</u>		
	22,294,568	981,826 ^c	21,312,742^b
	22,554,744	1,700,540 ^a	20,854,204 ^b

^a This amount may include funds from the Public Employees' Retirement Association, CollegeInvest, the College Access Network, State Veterans' Nursing Homes, higher education enterprises, the Disability Insurance Trust, state institutions of higher education, private vocational schools, and the Cumbres and Toltec Railroad Commission.

^b This amount shall be from various sources of funds appropriated for legal services to state agencies.

 APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(3) CRIMINAL JUSTICE AND APPELLATE							
Special Prosecutions Unit	2,905,614		1,612,257		221,805 ^a	1,071,552 ^b	
	2,774,416		1,481,059				
	(31.0 FTE)						
AUTO THEFT PREVENTION GRANT	72,083				72,083 ^b		
					(0.5 FTE)		
Appellate Unit	2,583,983		2,583,983				
	2,583,755		2,302,221			281,534 ⁱ	
			(31.0 FTE)				
Medicaid Fraud Grant	1,368,866		342,276(M)				1,026,590^e
	1,329,586		332,456(M)				997,130 ^e
	(14.0 FTE)						
Peace Officers Standards and Training Board Support	1,246,975		50,000		1,196,975^e		
	1,196,608				1,196,608 ^d		
					(6.0 FTE)		
Victims Assistance	76,086		330			75,756 ^e	
						(1.0 FTE)	
Indirect Cost Assessment	<u>374,591</u>				105,431 ^f	138,921 ^g	130,239 ^e
		8,556,115					

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Comprehensive Environmental Response, Compensation and Liability Act	391,178		365,300			25,878 ^c	
	314,024		288,146				
	(3.5 FTE)						
Comprehensive Environmental Response, Compensation and Liability Act Contracts	500,000		75,000			425,000^c	
	520,000					520,000 ^c	
Natural Resource Damage Claims at Rocky Mountain Arsenal	195,000				195,000 ^d		
		2,246,379					
		2,212,385					

^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., or from payments received from New Mexico, Wyoming and Utah.

^b ~~This amount~~ OF THIS AMOUNT, \$50,000 SHALL BE FROM A GRANT FROM THE COLORADO WATER CONSERVATION BOARD'S LITIGATION FUND ESTABLISHED 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 (2), C.R.S.

^c These amounts shall be from funds appropriated to the Department of Public Health and Environment.

^d This amount shall be from the Hazardous Substance Response Fund created in Section 25-16-104.6 (1) (a), C.R.S.

(5) CONSUMER PROTECTION

Consumer Protection and Anti-Trust	1,819,320 1,701,987	912,882 795,549 (12.5 FTE)	663,695 ^a (5.5 FTE)	242,743 ^b (3.0 FTE)
Collection Agency Board	314,425 313,859		314,425^c 313,859 ^c (5.2 FTE)	
Uniform Consumer Credit Code	1,014,033 1,013,409		1,014,033^d 1,013,409 ^d (12.3 FTE)	
Indirect Cost Assessment	<u>328,698</u>		291,487 ^e	37,211 ^b
		3,476,476		
		3,357,953		

^a Of this amount, \$442,392 shall be from court-ordered awards, \$154,656 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., \$45,863 shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II), C.R.S., and \$20,784 shall be from the Building Regulation Fund created in Section 24-32-3309 (1), C.R.S. Expenditures from court-ordered awards and 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.

^b These amounts shall be from the Mortgage Broker Registration Cash Fund through an appropriation to the Department of Regulatory Agencies.

^c This amount shall be from the Collection Agency Cash Fund created in Section 12-14-136 (1) (a), C.R.S.

^d This amount shall be from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
District Attorneys' Salaries	2,096,078	2,096,078				
Litigation Management and Technology Fund ³⁶	325,000			325,000 ^a		
Statewide HIPAA Legal Services	7,538 3,538		7,538 3,538			
Tobacco Litigation	300,000 <u>600,000</u>			300,000^a 600,000 ^b		
	<u>2,728,616</u>					
	3,024,616					

^a Of this amount, \$152,566 shall be from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S., \$64,498 shall be from the Collection Agency Cash Fund created in Section 12-14-136 (1) (a), C.R.S., \$49,615 shall be from court-ordered awards, \$12,404 shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II), C.R.S., and \$12,404 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. Court-ordered awards do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

(6) SPECIAL PURPOSE

^a This amount shall be from either General Fund fund balance generated by excess earnings in the Legal Services to State Agencies program in FY 2008-09 or from the Attorney Fees and Costs Account created in 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.

TOTALS PART X

(LAW)	\$47,688,779	\$10,008,042	\$6,660,336	\$29,727,339	\$1,293,062
	<u>\$47,689,074</u>	<u>\$9,225,846</u>	<u>\$7,797,904</u>	<u>\$29,402,246</u>	<u>\$1,263,078</u>

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

- 35 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 by the Department for legal services to state agencies not exceed \$77.97 per hour for attorneys and not exceed \$63.04 per hour for paralegals, which equates to a blended rate of \$75.38 per hour.

- 36 Department of Law, Special Purpose, Litigation Management and Technology Fund -- It is the intent of the General Assembly to grant the Department of Law additional flexibility by allowing the Department to use funds appropriated in this line item to address unanticipated state legal needs that arise during FY 2009-10, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2009-10. It is also the intent of the General Assembly that moneys spent from this fund 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 intent of the General Assembly that moneys spent from this fund will not be used to offset present or future personal services deficits in any division in the Department. The Department is requested to submit a quarterly report to the Joint Budget Committee detailing the purpose for which moneys from this fund have been expended. Such a report is also requested with any supplemental requests for additional legal services funding within or outside of the Legal Services to State Agencies program.

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.

Approved: March 10, 2010