

An Act

HOUSE BILL 16-1244

BY REPRESENTATIVE(S) Hamner, Young, Rankin, Kagan, McCann,
Rosenthal;
also SENATOR(S) Lambert, Grantham, Steadman, Cadman.

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF
LAW.

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

SECTION 1. Appropriation to the department of law for the fiscal year beginning July 1, 2015. In Session Laws of Colorado 2015, section 2 of chapter 364, (SB 15-234), **amend** Part X as follows:

Section 2. Appropriation.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
PART X DEPARTMENT OF LAW							
(1) ADMINISTRATION							
Personal Services	3,687,299					3,687,299 ^a (45.2 FTE)	
Office of Community Engagement	595,381		580,381 (5.8 FTE)		15,000 ^b		
Health, Life, and Dental	3,555,133		1,020,527		382,756 ^c	2,040,181 ^d	111,669(1) ^e
Short-term Disability	84,714		23,392		8,611 ^c	50,245 ^d	2,466(1) ^e
S.B. 04-257 Amortization Equalization Disbursement	1,694,290		467,856		172,221 ^c	1,004,900 ^d	49,313(1) ^e
S.B. 06-235 Supplemental Amortization Equalization Disbursement	1,636,530		451,906		166,350 ^c	970,642 ^d	47,632(1) ^e
Salary Survey for Classified Employees	119,650		40,723		30,754 ^c	38,897 ^d	9,276(1) ^e
Salary Survey for Exempt Employees	965,318		235,874		38,990 ^c	680,763 ^d	9,691(1) ^e
Merit Pay for Classified Employees	114,830		37,379		29,845 ^c	39,991 ^d	7,615(1) ^e
Merit Pay for Exempt Employees	295,260		71,154		11,730 ^c	209,337 ^d	3,039(1) ^e
Workers' Compensation	83,973		23,257		9,807 ^c	48,580 ^d	2,329(1) ^e
Attorney Registration and Continuing Legal Education	129,913		31,041		4,275 ^c	93,528 ^d	1,069(1) ^e
Operating Expenses	206,603					206,603 ^d	
Legal Services for 411 hours	39,049		19,002		20,047 ^f		

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Administrative Law Judge Services	6,749				6,749 ^e		
Payment to Risk Management and Property Funds	169,910		47,059		19,845 ^e	98,295 ^d	4,711(1) ^f
Vehicle Lease Payments	70,416		34,669		7,255 ^e	26,290 ^d	2,202(1) ^f
Information Technology Asset Maintenance	645,206		174,663		75,291 ^e	377,036 ^d	18,216(1) ^f
Ralph L. Carr Colorado Judicial Center Leased Space	3,034,238 3,126,117		840,388 865,834		354,368^e 365,099 ^e	1,755,344^d 1,808,498 ^d	84,138(1)^f 86,686(1) ^f
Payments to OIT	444,965		123,241		51,968 ^e	257,417 ^d	12,339(1) ^f
CORE Operations	59,075		16,362		6,898 ^e	34,177 ^d	1,638(1) ^f
Attorney General Discretionary Fund	<u>5,000</u>		5,000				
		17,643,502					
		17,735,381					

^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 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, ~~\$283,032(1)~~ \$285,230(1) 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 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 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.

^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 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.

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

^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).

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

^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 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
\$	\$	\$	\$	\$	\$	\$

^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 Fund pursuant to Section 11-51-603.5 (2), C.R.S.

^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 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) (1), C.R.S.

^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 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 Section 24-33.5-506 (1) (c), C.R.S.

^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 only.

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

^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 in Section 24-31-303 (2) (b), C.R.S.

(4) WATER AND NATURAL RESOURCES

Federal and Interstate Water

Unit	578,087		578,087 (5.5 FTE)			
Defense of the Colorado River Basin Compact	351,685			351,685 ^a (3.0 FTE)		
Defense of the Republican River Compact	110,000			110,000 ^a		
Consultant Expenses	400,000			400,000 ^b		
Comprehensive Environmental Response, Compensation and Liability Act	488,170				488,170 ^c (3.5 FTE)	

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Comprehensive Environmental Response, Compensation and Liability Act Contracts	100,000					100,000 ^c	
Natural Resource Damage Claims at Rocky Mountain Arsenal	50,000					50,000 ^c	
Indirect Cost Assessment	<u>42,199</u>					42,199 ^c	
		2,120,141					

^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.

^c These amounts shall be transferred from the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Contaminated Site Cleanups and Remediation Programs, Transfer to the Department of Law for CERCLA-Related Costs, and the Transfer to the Department of Law for Natural Resource Damage Claims at Rocky Mountain Arsenal line items, from the Hazardous Substance Response Fund pursuant to Section 25-16-104.5 (1.7) (a) (III), C.R.S.

(5) CONSUMER PROTECTION

Consumer Protection and Antitrust	2,646,731		1,208,089 (11.2 FTE)		1,152,316 ^a (13.0 FTE)	286,326 ^b (3.0 FTE)
Consumer Credit Unit	1,674,691				1,674,691 ^c (20.0 FTE)	
Indirect Cost Assessment	<u>448,515</u>				412,344 ^d	36,171 ^b
		4,769,937				

^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 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 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 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.

APPROPRIATION FROM

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\$	\$	\$	\$	\$	\$	\$
(6) SPECIAL PURPOSE						
District Attorneys' Salaries	2,718,249	2,718,249				
Deputy District Attorney Training	350,000	350,000				
Litigation Management ⁵⁶	200,000			200,000 ^a		
Tobacco Litigation	1,250,000			1,250,000 ^b		
CORA and OML Attorney	87,635	87,635 (0.9 FTE)				
	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.						
TOTALS PART X (LAW)	\$77,257,689	\$14,963,624		\$15,796,431^a	\$44,703,757^b	\$1,793,877^c
	\$77,349,568	\$14,989,070		\$15,807,162^a	\$44,756,911^b	\$1,796,425^c

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\$	\$	\$	\$	\$	\$	\$

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

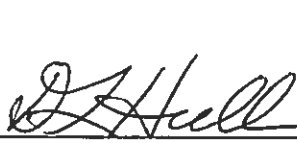
^b Of this amount, \$286,666 contains an (I) notation.

^c This amount contains an (I) notation.

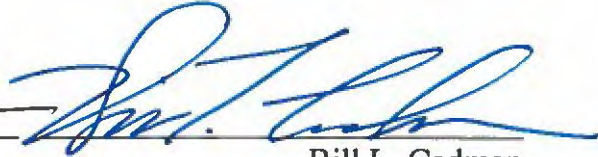
FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

- 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 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 equates to a blended rate of \$95.01 per hour.
- 56 Department of Law, Special Purpose, Litigation Management -- It is the intent of the General Assembly to grant the Department of Law additional flexibility 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 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 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 line item will not be used to offset present or future personal services deficits in any division of the Department.

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.



Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Bill L. Cadman
PRESIDENT OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Effie Ameen
SECRETARY OF
THE SENATE

APPROVED 2:42 PM 3/11/16



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO