

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

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.

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 |

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 | 1,636,530 | | 451,906 | | 166,350 ^c | 970,642 ^d | 47,632(I) ^e |
| 4 | Salary Survey for Classified | | | | | | |
| 5 | 119,650 | | 40,723 | | 30,754 ^c | 38,897 ^d | 9,276(I) ^e |
| 6 | Salary Survey for Exempt | | | | | | |
| 7 | 965,318 | | 235,874 | | 38,990 ^c | 680,763 ^d | 9,691(I) ^e |
| 8 | Merit Pay for Classified | | | | | | |
| 9 | 114,830 | | 37,379 | | 29,845 ^c | 39,991 ^d | 7,615(I) ^e |
| 10 | Merit Pay for Exempt | | | | | | |
| 11 | 295,260 | | 71,154 | | 11,730 ^c | 209,337 ^d | 3,039(I) ^e |
| 12 | 83,973 | | 23,257 | | 9,807 ^c | 48,580 ^d | 2,329(I) ^e |
| 13 | Attorney Registration and | | | | | | |
| 14 | 129,913 | | 31,041 | | 4,275 ^c | 93,528 ^d | 1,069(I) ^e |
| 15 | 206,603 | | | | | 206,603 ^a | |

APPROPRIATION FROM

| | ITEM & SUBTOTAL | TOTAL | 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 | 4,711(I) ^e |
| 6 | Vehicle Lease Payments | 70,416 | 34,669 | | 7,255 ^c | 26,290 ^d | 2,202(I) ^e |
| 7 | Information Technology Asset | | | | | | |
| 8 | Maintenance | 645,206 | 174,663 | | 75,291 ^c | 377,036 ^d | 18,216(I) ^e |
| 9 | Ralph L. Carr Colorado | | | | | | |
| 10 | Judicial Center Leased Space | 3,034,238 | 840,388 | | 354,368^c | 1,755,344^d | 84,138(I)^e |
| 11 | | 3,126,117 | 865,834 | | 365,099 ^c | 1,808,498 ^d | 86,686(I) ^e |
| 12 | Payments to OIT | 444,965 | 123,241 | | 51,968 ^c | 257,417 ^d | 12,339(I) ^e |
| 13 | CORE Operations | 59,075 | 16,362 | | 6,898 ^c | 34,177 ^d | 1,638(I) ^e |
| 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 |
|--------------------|-------|-----------------|---------------------------|---------------|-------------------------|------------------|
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |

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(I)~~ \$285,230(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 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.

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 | | | 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).

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14
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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 | | | | | | | |
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| 14 | | | | | | | |
| 15 | | | | | | | |

(4) WATER AND NATURAL RESOURCES

Federal and Interstate Water

Unit 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

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 | | | | | | | |

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, \$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

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 | ^c These amounts shall be transferred from the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Contaminated Site Cleanups and | | | | | | |
| 2 | 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 | | | | | | |
| 3 | Mountain Arsenal line items, from the Hazardous Substance Response Fund 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 | 2,646,731 | 1,208,089 | | 1,152,316 ^a | 286,326 ^b | |
| 8 | | | (11.2 FTE) | | (13.0 FTE) | (3.0 FTE) | |
| 9 | Consumer Credit Unit | 1,674,691 | | | 1,674,691 ^c | | |
| 10 | | | | | (20.0 FTE) | | |
| 11 | Indirect Cost Assessment | 448,515 | | | 412,344 ^d | 36,171 ^b | |
| 12 | | <u>4,769,937</u> | | | | | |
| 13 | | | | | | | |

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 | | | | | |
| 8 | | | | | | | |

9 ^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
10 Costs Account created pursuant to Section 24-31-108 (2), C.R.S.

11 ^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
12 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
13 Constitution.

14
15

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 | | <u>\$77,349,568</u> | <u>\$14,989,070</u> | | <u>\$15,807,162^a</u> | <u>\$44,756,911^b</u> | <u>\$1,796,425^c</u> |
| 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.

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

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.

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.