

CHAPTER 323

APPROPRIATIONS

SENATE BILL 11-144

BY SENATOR(S) Hodge, Steadman, Lambert;
also REPRESENTATIVE(S) Gerou, Becker, Ferrandino.

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. The appropriation to the department of law for the fiscal year beginning July 1, 2010, as enacted in Part X of section 2 of chapter 453, Session Laws of Colorado 2010 (HB 10-1376), 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	2,947,855				2,947,855 ^a (42.2 FTE)	
Health, Life, and Dental	2,022,131 1,967,131	540,110 485,110		176,275 ^b	1,255,479 ^c	50,267 ^d
Short-term Disability	42,246	12,299		2,939 ^b	25,755 ^c	1,253 ^d
S.B. 04-257 Amortization Equalization Disbursement	654,314	190,617		45,512 ^b	398,784 ^c	19,401 ^d
S.B. 06-235 Supplemental Amortization Equalization Disbursement	477,318	139,206		33,186 ^b	290,780 ^c	14,146 ^d
Workers' Compensation	50,863	15,394		4,028 ^b	30,098 ^c	1,343 ^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	
Purchase of Services from Computer Center	37,522				37,522 ^a	
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Payment to Risk Management and Property Funds	28,842					28,842 ^a	
Vehicle Lease Payments	72,813 74,330		21,214		15,697 ^b 16,114 ^b	31,218 ^c	4,684 ^d 4,814 ^d
Information Technology Asset Maintenance	407,667		15,291		47,298 ^b	343,697 ^c	1,381 ^d
Leased Space	26,220		4,321		2,880 ^b	18,857 ^c	162 ^d
Capitol Complex Leased Space	1,252,757		379,165		99,200 ^b	741,325 ^c	33,067 ^d
Security for State Services Building	120,919		36,598		9,575 ^b	71,554 71,554 ^c	3,192 ^d
Communication Services Payments	7,744		2,748		684 ^b	2,464 ^c	1,848 ^d
Attorney General Discretionary Fund	<u>5,000</u>		5,000				
		8,441,516					
		8,388,033					

^a These amounts shall be from indirect cost recoveries.

^b These amounts shall be from various sources of cash funds. Of these amounts, \$62,242 from court-ordered awards and \$12,947 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 AGENCIES³²

Personal Services	18,687,929			
	19,494,757			
	(223.6 FTE)			
	(229.8 FTE)			
Operating and Litigation	1,445,134			
	1,548,804			
Indirect Cost Assessment	<u>2,608,316</u>			
	22,741,379		1,582,388 ^a	21,158,991 ^a
	23,651,877			22,069,489 ^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, the Cumbres and Toltec Railroad Commission, and other sources of cash funds.

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

(3) CRIMINAL JUSTICE AND APPELLATE

Special Prosecutions Unit	2,844,966	1,578,099	217,159 ^a	1,049,708 ^b
	(31.0 FTE)			
Auto Theft Prevention Grant	246,976			246,976 ^c
				(2.0 FTE)
Appellate Unit	2,648,687	2,491,477		157,210 ^d
	(32.0 FTE)			
Medicaid Fraud Control Unit	1,341,607	335,402(M)		1,006,205 ^e
	(14.0 FTE)			
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 APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Peace Officers Standards and Training Board Support	2,681,744				2,681,744 ^f (7.0 FTE)		
Safe2Tell	98,351		98,351 (1.0 FTE)				
Indirect Cost Assessment	<u>375,994</u>				112,325 ^g	139,520 ^h	124,149 ^e
		10,238,325					

^a This amount shall be from the State Compensation Insurance Authority.

^b Of this amount, \$655,547 shall be from the Division of Insurance Cash Fund through an appropriation to the Department of Regulatory Agencies and \$394,161 shall be from the Division of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies.

^c This amount shall be from a grant received from the Colorado Auto Theft Prevention Cash Fund through an appropriation to the Department of Public Safety.

^d Of this amount, \$82,830 shall be from indirect cost recoveries and \$74,380 shall be from Victims Assistance and Law Enforcement funds appropriated to the Department of Public Safety, Division of Criminal Justice.

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

^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.

^g Of this amount, \$82,766 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S., and \$29,559 shall be from the State Compensation Insurance Authority.

^h Of this amount, \$93,407 shall be from the Division of Insurance Cash Fund through an appropriation to the Department of Regulatory Agencies, and \$46,113 shall be from the Division of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies.

(4) WATER AND NATURAL RESOURCES

Federal and Interstate

Water Unit	516,519	516,519
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(5.5 FTE)

Defense of the Colorado River Basin Compact	333,017		333,017 ^a (3.0 FTE)
Defense of the Republican River Compact	110,000		110,000 ^b
Consultant Expenses	50,000 75,000		50,000^c 75,000 ^c
Comprehensive Environmental Response, Compensation and Liability Act	382,962 (3.5 FTE)	357,084	25,878 ^d
Comprehensive Environmental Response, Compensation and Liability Act Contracts	500,000	75,000	425,000 ^d
Natural Resource Damage Claims at Rocky Mountain Arsenal	<u>150,000</u>		150,000 ^e
		2,042,498 2,067,498	

^a This amount 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 shall be from the Colorado Water Conservation Board's Litigation Fund created in Section 37-60-121 (2.5) (a), C.R.S.

^c ~~This amount~~ OF THIS AMOUNT, \$41,134 shall be from the Attorney Fees and Costs Account created in ~~Section 24-31-108 (2), C.R.S.~~ SECTION 24-31-108 (2), C.R.S., AND \$33,866 SHALL BE FROM THE COLORADO WATER CONSERVATION BOARD'S LITIGATION FUND CREATED IN SECTION 37-60-121 (2.5) (a), C.R.S.

^d These amounts shall be from the Hazardous Substance Response Fund through an appropriation to the Department of Public Health and Environment.

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

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(5) CONSUMER PROTECTION						
Consumer Protection and Anti-Trust	1,814,069	907,056 (12.5 FTE)		664,957 ^a (1.5 FTE)	242,056 ^b (7.0 FTE)	
Consumer Credit Unit	1,350,707			1,350,707 ^c (18.0 FTE)		
Indirect Cost Assessment	<u>307,418</u>			271,947 ^d	35,471 ^b	
	3,472,194					

^a Of this amount, \$363,654 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., \$80,000 shall be from custodial funds, \$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) (a), 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., or from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S.

^d Of this amount, \$224,652 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 12-14-136 (1) (a), C.R.S., \$35,471 shall be from court-ordered awards, and \$11,824 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

District Attorneys' Salaries	2,313,828	2,313,828			
	2,263,228	2,263,228			
Litigation Management and Technology Fund ³³	325,000		325,000 ^a		
Tobacco Litigation	750,000		750,000 ^b		
Lobato Litigation Expenses	432,500			432,500^c	
	<u>1,207,093</u>			<u>1,207,093^c</u>	
	3,821,328				
	4,545,321				

^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 2009-10 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.

^c This amount shall be from the General Fund through an appropriation to the Office of the Governor.

TOTALS PART X

(LAW)	\$50,757,240	\$10,057,017	\$9,040,268	\$30,398,294	\$1,261,661
	<u>\$52,363,248</u>	<u>\$9,952,387</u>	<u>\$9,065,685</u>	<u>\$32,083,385</u>	<u>\$1,261,791</u>

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

32 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 \$76.36 per hour for attorneys and not exceed \$60.03 per hour for paralegals, which equates to a blended rate of \$73.37 per hour.

33 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 2010-11, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2010-11. 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 18, 2011