

CHAPTER 427

APPROPRIATIONS

SENATE BILL 13-094

BY SENATOR(S) Steadman, Hodge, Lambert;
also REPRESENTATIVE(S) Levy, Duran, Gerou, Fields, Kagan, Labuda, Salazar, Young.

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. Appropriation to the department of law for the fiscal year beginning July 1, 2012. In Session Laws of Colorado 2012, section 2 of chapter 305, (HB 12-1335), **amend** Part X as follows:

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.

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	3,049,837	14,072			3,035,765 ^a	
					(41.7 FTE)	
Health, Life, and Dental	2,620,363	712,358		307,246 ^b	1,497,893 ^c	102,866 ^d
Short-term Disability	49,196	13,008		4,457 ^b	30,127 ^c	1,604 ^d
S.B. 04-257 Amortization Equalization Disbursement	965,510	271,731		93,597 ^b	559,668 ^c	40,514 ^d
S.B. 06-235 Supplemental Amortization Equalization Disbursement	828,618	232,402		80,435 ^b	480,964 ^c	34,817 ^d
Workers' Compensation	73,256	19,388		7,666 ^b	43,950 ^c	2,252 ^d
Attorney Registration and Continuing Legal Education	99,263	21,769		3,000 ^b	72,525 ^c	1,969 ^d
Operating Expenses	193,513				193,513 ^a	
Administrative Law Judge Services	1,135			1,135 ^b		

Purchase of Services from Computer Center	107,588			107,588 ^a	
Payment to Risk Management and Property Funds	87,949			87,949 ^a	
	128,156	40,207			
Vehicle Lease Payments	70,285	19,980	21,501 ^b	26,189 ^c	2,615 ^d
Information Technology Asset Maintenance	445,807	21,754	63,299 ^b	359,373 ^c	1,381 ^d
ADP Capital Outlay	154,370		154,370 ^e		
Leased Space	27,789	4,580	3,052 ^b	19,985 ^c	172 ^d
Capitol Complex Leased Space	1,273,320	335,366	132,620 ^b	766,375 ^c	38,959 ^d
Security for State Services Building	140,489	37,180	14,704 ^b	84,287 ^c	4,318 ^d
Communication Services Payments	10,614	3,765	2,868 ^b	1,448 ^c	2,533 ^d
COFRS Modernization	46,431			46,431 ^a	
Attorney General Discretionary Fund	<u>5,000</u>	5,000			
		10,250,333			
		10,290,540			

^a Of these amounts, \$2,913,501 shall be from departmental indirect cost recoveries and \$557,745 shall be from statewide indirect cost recoveries collected by the Department of Law.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(2) LEGAL SERVICES TO STATE AGENCIES³⁹						
Personal Services	20,510,299					
	20,940,239					
	(237.9 FTE)					
	(241.4 FTE)					
Operating and Litigation	1,670,720					
	1,718,491					
Indirect Cost Assessment	<u>2,950,911</u>					
	25,131,930			280,576 ^a	24,851,354^b	
	25,609,641				25,329,065 ^b	

^b These amounts shall be from various sources of cash funds. Of these amounts, \$131,114(I) shall be from custodial moneys and \$15,258 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. 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 and 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 These amounts shall be from various sources of reappropriated funds.

^d Of these amounts, \$194,715 shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services and \$39,285(I) shall be from the Colorado Justice Review Project, a grant provided by the U.S. Department of Justice.

^e This amount shall be from the Attorney Fees and Costs Account created in Section 24-31-108 (2), C.R.S.

^a This amount shall be from the Legal Services Cash Fund created in Section 24-31-108 (2.5), C.R.S. This amount includes various sources of cash funds received for the provision of legal services to entities for which there is not a corresponding initial appropriation made to the entity purchasing such services.

^b This amount shall be from the Legal Services Cash Fund created in Section 24-31-108 (2.5), C.R.S. This amount shall be transferred from various state agencies from various sources of funds for the provision of legal services.

(3) CRIMINAL JUSTICE AND APPELLATE

Special Prosecutions Unit	2,816,528	1,391,287 (14.2 FTE)	870,476 ^a (10.4 FTE)	554,765 ^b (5.9 FTE)	
Auto Theft Prevention Grant	239,075			239,075 ^c (2.0 FTE)	
Appellate Unit	2,703,455	2,189,829 (31.0 FTE)		513,626 ^d (1.0 FTE)	
Medicaid Fraud Control Unit	1,579,511	394,876(M) (4.3 FTE)			1,184,635 ^e (12.7 FTE)
Peace Officers Standards and Training Board Support	2,683,620		2,683,620 ^f (7.0 FTE)		
Safe2Tell	100,686	100,686 (1.0 FTE)			
Indirect Cost Assessment	<u>446,544</u>		215,830 ^g	73,184 ^b	157,530 ^e
	10,569,419				

^a This amount shall be from the Insurance Fraud Cash Fund created in Section 10-3-207.5 (2), C.R.S., and from moneys received from Pinnacol Assurance for the investigation and prosecution of insurance fraud.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		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.

^d Of this amount, \$440,975 shall be from departmental indirect cost recoveries and \$72,651 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.

^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, \$129,002 shall be from the Insurance Fraud Cash Fund created in Section 10-3-207.5 (2), C.R.S., and from moneys received from Pinnacle Assurance for the investigation and prosecution of insurance fraud, and \$86,828 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	513,883	513,883			
		(5.5 FTE)			

Defense of the Colorado

River Basin Compact	335,198		335,198 ^a		
			(3.0 FTE)		

Defense of the Republican

River Compact	110,000		110,000 ^b		
Consultant Expenses	400,000		400,000 ^c		

Comprehensive Environmental Response, Compensation and Liability Act	460,629		460,629 ^d (3.5 FTE)
Comprehensive Environmental Response, Compensation and Liability Act Contracts	425,000		425,000 ^d
Natural Resource Damage Claims at Rocky Mountain Arsenal	50,000		50,000 ^d
Indirect Cost Assessment	<u>43,414</u>		43,414 ^d
		2,338,124	

^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 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 in Section 24-31-108 (2), C.R.S.

^d 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), C.R.S.

(5) CONSUMER PROTECTION

Consumer Protection and Antitrust	2,167,295	928,104 (9.0 FTE)	997,710 ^a (14.0 FTE)	241,481 ^b (3.0 FTE)
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Appropriations

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Consumer Credit Unit	1,521,916				1,521,916 ^c (20.0 FTE)		
Indirect Cost Assessment	<u>471,352</u>				434,140 ^d	37,212 ^b	
		4,160,563					

^a Of this amount, \$797,528(I) shall be from custodial moneys, \$153,795 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., \$25,719 shall be from Colorado No-call List annual registration fees collected pursuant to Section 6-1-905 (3) (b) (II), C.R.S., and \$20,668 shall be from the Building Regulation Fund created in Section 24-32-3309 (1) (a), 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 and 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.

^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 and Loan Originator Licensing Cash Fund pursuant to Sections 12-61-908 (2) and 12-61-909, C.R.S.

^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, \$248,080 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., \$173,656(I) shall be from custodial moneys, 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. 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 and 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.

(6) SPECIAL PURPOSE

District Attorneys' Salaries	2,656,368	2,656,368		
Litigation Management and Technology ⁴⁰	325,000		325,000 ^a	
Tobacco Litigation	880,000		880,000 ^b	
Lobato Litigation Expenses	50,000			50,000 ^c
Lowry Range Litigation Expenses	<u>638,870</u>		638,870 ^d	
		4,550,238		

^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 2011-12 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 transferred from the Governor - Lieutenant Governor - State Planning and Budgeting, Office of the Governor, Lobato Litigation Expenses line item.

^d This amount shall be received from the State Board of Land Commissioners Investment and Development Fund created in Section 36-1-153 (1), C.R.S.

TOTALS PART X

(LAW)	\$57,000,607	\$9,887,386	\$10,583,286 ^a	\$34,953,770	\$1,576,165 ^b
	<u>\$57,518,525</u>	<u>\$9,927,593</u>		<u>\$35,431,481</u>	

^a Of this amount, \$1,102,298 contains an (I) notation.

^b Of this amount, \$39,285 contains an (I) notation.

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

- 39 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 \$79.87 per hour for attorneys and not exceed \$64.79 per hour for legal assistants, which equates to a blended rate of \$77.25 per hour.
- 40 Department of Law, Special Purpose, Litigation Management and Technology --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 2012-13, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2012-13. 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 in the Department. The Department is requested to include with its annual budget request information detailing the purpose of line item expenditures. Such information 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: February 19, 2013