

CHAPTER 410

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**APPROPRIATIONS**

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**HOUSE BILL 14-1240**

BY REPRESENTATIVE(S) Duran, May, Gerou, Fields, McLachlan, Rosenthal, Salazar;  
also SENATOR(S) Steadman, Hodge, Lambert.

**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, 2013.** In Session Laws of Colorado 2013, section 2 of chapter 441, (SB 13-230), **amend** Part X as follows:

Section 2. **Appropriation.**

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*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	3,139,121				3,139,121 <sup>a</sup>	
					(42.7 FTE)	
Health, Life, and Dental	2,850,112	748,515		275,969 <sup>b</sup>	1,697,754 <sup>c</sup>	127,874(I) <sup>d</sup>
Short-term Disability	62,042	15,088		5,852 <sup>b</sup>	38,675 <sup>c</sup>	2,427(I) <sup>d</sup>
S.B. 04-257 Amortization Equalization Disbursement	1,243,606	301,564		116,950 <sup>b</sup>	776,652 <sup>c</sup>	48,440(I) <sup>d</sup>
S.B. 06-235 Supplemental Amortization Equalization Disbursement	1,121,769	271,313		105,579 <sup>b</sup>	701,147 <sup>c</sup>	43,730(I) <sup>d</sup>
Salary Survey for Classified Employees	339,441	73,571		70,627 <sup>b</sup>	167,876 <sup>c</sup>	27,367(I) <sup>d</sup>
Salary Survey for Exempt Employees	4,115,142	888,600		117,733 <sup>b</sup>	3,057,736 <sup>c</sup>	51,073(I) <sup>d</sup>
Merit Pay for Classified Employees	153,103	47,536		27,435 <sup>b</sup>	65,178 <sup>c</sup>	12,954(I) <sup>d</sup>

Merit Pay for Exempt Employees	388,765	92,519	9,388 <sup>b</sup>	282,623 <sup>c</sup>	4,235(I) <sup>d</sup>
Workers' Compensation	74,945	20,172	8,804 <sup>b</sup>	43,798 <sup>c</sup>	2,171(I) <sup>d</sup>
Attorney Registration and Continuing Legal Education	99,263	22,144	2,625 <sup>b</sup>	72,525 <sup>c</sup>	1,969(I) <sup>d</sup>
Operating Expenses	190,629			190,629 <sup>a</sup>	
Administrative Law Judge Services	4,362		4,362 <sup>b</sup>		
Purchase of Services from Computer Center	55,762			55,762 <sup>a</sup>	
Colorado State Network	166,319			166,319 <sup>a</sup>	
Payment to Risk Management and Property Funds	128,371			128,371 <sup>a</sup>	
Vehicle Lease Payments	62,019	18,377	19,889 <sup>b</sup>	21,138 <sup>c</sup>	2,615(I) <sup>d</sup>
Information Technology Asset Maintenance	445,807	22,803	62,250 <sup>b</sup>	359,373 <sup>c</sup>	1,381(I) <sup>d</sup>
Leased Space	27,789	4,580	3,052 <sup>b</sup>	19,985 <sup>c</sup>	172(I) <sup>d</sup>
Ralph L. Carr Colorado Judicial Center Leased Space	2,926,487	767,179	353,185 <sup>b</sup>	1,718,514 <sup>c</sup>	87,609(I) <sup>d</sup>
Communication Services Payments	8,988	3,598	2,019 <sup>b</sup>	1,226 <sup>c</sup>	2,145(I) <sup>d</sup>
COFRS Modernization	46,431			46,431 <sup>a</sup>	
Information Technology Security	2,328			2,328 <sup>a</sup>	

Ch. 410

Appropriations

2193

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Attorney General Discretionary Fund	<u>5,000</u>	5,000				
	17,657,601					

<sup>a</sup> Of these amounts, \$3,215,803 shall be from departmental indirect cost recoveries and \$513,158 shall be from statewide indirect cost recoveries collected by the Department of Law.

<sup>b</sup> These amounts shall be from various sources of cash funds. Of these amounts, \$240,656(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.

<sup>c</sup> These amounts shall be from various sources of reappropriated funds.

<sup>d</sup> Of these amounts, \$357,594 shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services and \$58,568 shall be from the Colorado Justice Review Project, a grant provided by the U.S. Department of Justice. These amounts are shown for informational purposes only.

**(2) LEGAL SERVICES TO STATE AGENCIES<sup>45</sup>**

Personal Services	<del>21,168,224</del>
	22,052,724
	(244.5 FTE)
	(250.5 FTE)
Operating and Litigation	<del>1,696,667</del>
	1,794,944

Indirect Cost Assessment	<u>3,264,492</u>			
		<del>26,129,383</del>	848,945 <sup>a</sup>	<del>25,280,438<sup>a</sup></del>
		27,112,160		26,263,215 <sup>a</sup>

<sup>a</sup> 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	3,233,334	1,546,447 (15.5 FTE)	1,090,426 <sup>a</sup> (12.7 FTE)	596,461 <sup>b</sup> (6.2 FTE)
Auto Theft Prevention Grant	282,234			282,234 <sup>c</sup> (2.5 FTE)
Appellate Unit	3,240,771	2,603,174 (36.5 FTE)		637,597 <sup>d</sup> (1.0 FTE)
Medicaid Fraud Control Unit	1,579,511	394,876(M) (4.3 FTE)		1,184,635(I) <sup>e</sup> (12.7 FTE)
Peace Officers Standards and Training Board Support	2,966,320		2,966,320 <sup>f</sup> (7.0 FTE)	
Safe2Tell	100,686	100,686 (1.0 FTE)		

Ch. 410 Appropriations 2195

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Indirect Cost Assessment	<u>515,376</u>	11,918,232			263,029 <sup>g</sup>	82,780 <sup>b</sup>	169,567(I) <sup>e</sup>

<sup>a</sup> This amount shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S.

<sup>b</sup> 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.

<sup>c</sup> 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.

<sup>d</sup> Of this amount, \$564,946 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.

<sup>e</sup> These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services. These amounts are shown for informational purposes only.

<sup>f</sup> This amount shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S.

<sup>g</sup> Of this amount, \$169,567 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$93,462 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 <sup>a</sup>			

(3.0 FTE)

Defense of the Republican River Compact	110,000	110,000 <sup>a</sup>	
Consultant Expenses	400,000	400,000 <sup>b</sup>	
Comprehensive Environmental Response, Compensation and Liability Act	460,629		460,629 <sup>c</sup> (3.5 FTE)
Comprehensive Environmental Response, Compensation and Liability Act Contracts	425,000		425,000 <sup>c</sup>
Natural Resource Damage Claims at Rocky Mountain Arsenal	50,000		50,000 <sup>c</sup>
Indirect Cost Assessment	<u>46,731</u>		46,731 <sup>c</sup>
	2,341,441		

<sup>a</sup> 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.

<sup>b</sup> 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.

<sup>c</sup> 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.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b>(5) CONSUMER PROTECTION</b>						
Consumer Protection and Antitrust	2,046,520	1,084,818		720,221 <sup>a</sup>	241,481 <sup>b</sup>	
		(11.0 FTE)		(11.0 FTE)	(3.0 FTE)	
Consumer Credit Unit	1,512,150			1,512,150 <sup>c</sup>		
				(20.0 FTE)		
Indirect Cost Assessment	<u>467,308</u>			427,253 <sup>d</sup>	40,055 <sup>b</sup>	
	4,025,978					

<sup>a</sup> Of this amount, \$673,834(I) shall be from custodial moneys, \$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 do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

<sup>b</sup> 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.

<sup>c</sup> 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.

<sup>d</sup> Of this amount, \$267,034 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., and \$160,219(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.

**(6) SPECIAL PURPOSE**

District Attorneys' Salaries	2,676,960	2,676,960		
Litigation Management and Technology <sup>46</sup>	325,000		325,000 <sup>a</sup>	
Tobacco Litigation	1,250,000	1,250,000		
<del>Lobato Litigation Expenses</del>	<del>50,000</del>			<del>50,000<sup>b</sup></del>
Lowry Range Litigation Expenses	616,520		616,520 <sup>c</sup>	
	<u>1,119,569</u>		1,119,569 <sup>c</sup>	
	4,918,480			
	5,371,529			

<sup>a</sup> 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 2012-13, or from the Attorney Fees and Costs Account created pursuant to Section 24-31-108 (2), C.R.S.

~~<sup>b</sup> This amount shall be transferred from the Governor - Lieutenant Governor - State Planning and Budgeting, Office of the Governor, Lobato Litigation Expenses line item.~~

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

**TOTALS PART X**

<b>(LAW)</b>	\$66,991,115	\$13,473,403	\$10,800,781 <sup>a</sup>	\$40,946,567	\$1,770,364 <sup>b</sup>
	<u>\$68,426,941</u>		<u>\$11,303,830<sup>a</sup></u>	<u>\$41,879,344</u>	

<sup>a</sup> Of this amount, \$1,074,709 contains an (I) notation.

<sup>b</sup> This amount contains an (I) notation.

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

- 45 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 \$94.95 per hour for attorneys and not exceed \$70.86 per hour for legal assistants, which equates to a blended rate of \$91.08 per hour.
- 46 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 2013-14, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2013-14. 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 27, 2014