

CHAPTER 350

APPROPRIATIONS

SENATE BILL 15-152

BY SENATOR(S) Lambert, Grantham, Steadman;
also REPRESENTATIVE(S) Hamner, Young, Rankin, Fields, Pettersen, Rosenthal.

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, 2014. In Session Laws of Colorado 2014, section 2 of chapter 420, (HB 14-1336), **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	3,408,314				3,408,314 ^a (43.7 FTE)	
Health, Life, and Dental	2,878,006	791,193		344,575 ^b	1,642,380 ^c	99,858(I) ^d
Short-term Disability	79,509	20,973		9,067 ^b	47,051 ^c	2,418(I) ^d
S.B. 04-257 Amortization Equalization Disbursement	1,445,612	381,335		164,849 ^b	855,466 ^c	43,962(I) ^d
S.B. 06-235 Supplemental Amortization Equalization Disbursement	1,355,263	357,502		154,546 ^b	802,000 ^c	41,215(I) ^d
Salary Survey for Classified Employees	295,496	91,353		74,976 ^b	106,793 ^c	22,374(I) ^d
Salary Survey for Exempt Employees	358,827	83,586		19,197 ^b	252,482 ^c	3,562(I) ^d
Merit Pay for Classified Employees	104,360	36,984		22,483 ^b	36,301 ^c	8,592(I) ^d
Merit Pay for Exempt Employees	263,836	62,917		11,284 ^b	186,740 ^c	2,895(I) ^d

Workers' Compensation	104,477	28,278	12,196 ^b	61,053 ^c	2,950(I) ^d
Attorney Registration and Continuing Legal Education	126,351	30,524	4,698 ^b	90,060 ^c	1,069(I) ^d
Operating Expenses	197,242			197,242 ^a	
LEGAL SERVICES FOR 325 HOURS	32,178	32,178			
Administrative Law Judge Services	29,302 30,254		29,302 ^b 30,254 ^b		
Payment to Risk Management and Property Funds	153,905			153,905 ^a	
Vehicle Lease Payments	55,970 61,855	15,012 20,897	17,097 ^b	21,382 ^c	2,479(I) ^d
Information Technology Asset Maintenance	645,206	174,663	75,291 ^b	377,036 ^c	18,216(I) ^d
Ralph L. Carr Colorado Judicial Center Leased Space	2,981,368	804,128	348,331 ^b	1,743,005 ^c	85,904(I) ^d
Payments to OIT	335,787 343,938	91,127 94,169	39,385 ^b 39,958 ^b	195,415 ^c 199,951 ^c	9,860(I) ^d
COFRS Modernization	47,570 67,404			46,431 ^a 67,404 ^a	1,139(I) ^d
Attorney General Discretionary Fund	<u>5,000</u>	5,000			
		14,871,401			

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	14,938,401					

^a Of these amounts, ~~\$3,471,602~~ \$3,466,109 shall be from departmental indirect cost recoveries or the Indirect Cost Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$334,290 shall be from statewide indirect cost recoveries or the Indirect Cost Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$26,466 shall be from various sources of reappropriated funds.

^b These amounts shall be from various sources of cash funds. Of these amounts, ~~\$273,224(I)~~ \$273,442(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.

^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 and are shown for informational purposes only.

(2) LEGAL SERVICES TO STATE AGENCIES⁵⁸

Personal Services	25,645,486
	26,375,021
	(251.0 FTE)
	(255.6 FTE)
Operating and Litigation	1,788,002
	1,869,062
Indirect Cost Assessment	<u>3,211,050</u>

30,644,538	848,945 ^a	29,795,593^a
31,455,133		30,606,188 ^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	3,659,196	1,832,354 (16.9 FTE)	1,162,763 ^a (12.7 FTE)	664,079 ^b (6.2 FTE)	
Auto Theft Prevention Grant	301,569			301,569 ^c (2.5 FTE)	
Appellate Unit	3,697,461	3,209,853 (37.9 FTE)		487,608 ^d (1.0 FTE)	
Medicaid Fraud Control Unit	1,648,189	412,045(M) (4.3 FTE)			1,236,144(I) ^e (12.7 FTE)
Peace Officers Standards and Training Board Support	3,073,274		3,073,274 ^f (7.0 FTE)		
Safe2Tell	107,471	107,471 (1.0 FTE)			
Indirect Cost Assessment	<u>503,848</u>		257,145 ^g	80,929 ^b	165,774(I) ^e

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	12,991,008					

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

^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, \$411,549 shall be from departmental indirect cost recoveries or the Indirect Cost Recovery Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$76,059 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, \$2,997,274 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S., and \$76,000 shall be from the Marijuana Cash Fund created in Section 12-43.3-501 (1) (a), C.R.S.

^g Of this amount, \$165,774 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$91,371 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	576,724	576,724
		(5.5 FTE)

Defense of the Colorado River Basin Compact	352,289	352,289 ^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	484,300		484,300 ^c (3.5 FTE)
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>45,686</u>		45,686 ^c
	2,118,999		

^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.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(5) CONSUMER PROTECTION						
Consumer Protection and Antitrust	2,328,660	1,106,670		961,411 ^a	260,579 ^b	
		(11.0 FTE)		(12.0 FTE)	(3.0 FTE)	
Consumer Credit Unit	1,616,183			1,616,183 ^c		
				(20.0 FTE)		
Indirect Cost Assessment	<u>456,857</u>			417,698 ^d	39,159 ^b	
	4,401,700					

^a Of this amount, \$773,832(I) shall be from custodial moneys, \$161,860 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 \$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. 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.

^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, \$261,061 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 \$156,637(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	2,697,656	2,697,656	
Litigation Management and Technology ⁵⁹	200,000		200,000 ^a
Tobacco Litigation	1,250,000		1,250,000 ^b
Lowry Range Litigation Expenses	<u>392,400</u>		392,400 ^c
	4,540,056		

^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 2013-14, 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.

^c 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

(LAW)¹	<u>\$69,567,702</u>	<u>\$12,917,348</u>	<u>\$12,369,385^a</u>	<u>\$42,532,558</u>	<u>\$1,748,411^b</u>
	<u>\$70,445,297</u>	<u>\$12,958,453</u>	<u>\$12,370,910^a</u>	<u>\$43,368,662</u>	<u>\$1,747,272^b</u>

^a Of this amount, ~~\$1,203,693~~ \$1,203,911 contains an (I) notation.

^b This amount contains an (I) notation.

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

- 1 All Departments except Department of Corrections, Department of Human Services, and Department of Public Safety, Totals -- It is the intent of the General Assembly that when each department applies the 2.5 percent salary survey increase reflected in the salary survey line item appropriations, each employee shall receive a base-building increase up to the range maximum, and that salary survey increase amounts over the range maximum shall not be base-building.
- 58 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 \$102.79 per hour for attorneys and not exceed \$78.73 per hour for legal assistants, which equates to a blended rate of \$99.01 per hour.
- 59 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 2014-15. 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 a 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.

Approved: March 11, 2015