

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 14-0408.01 John Ziegler

HOUSE BILL 14-1240

HOUSE SPONSORSHIP

Duran, May, Gerou

SENATE SPONSORSHIP

Steadman, Hodge, Lambert

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.

HOUSE
3rd Reading Unamended
February 11, 2014

HOUSE
2nd Reading Unamended
February 10, 2014

1 **SECTION 1. Appropriation to the department of law for the**
2 **fiscal year beginning July 1, 2013.** In Session Laws of Colorado 2013,
3 section 2 of chapter 441, (SB 13-230), **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	3,139,121				3,139,121 ^a	
6						(42.7 FTE)	
7	Health, Life, and Dental	2,850,112	748,515		275,969 ^b	1,697,754 ^c	127,874(I) ^d
8	Short-term Disability	62,042	15,088		5,852 ^b	38,675 ^c	2,427(I) ^d
9	S.B. 04-257 Amortization						
10	Equalization Disbursement	1,243,606	301,564		116,950 ^b	776,652 ^c	48,440(I) ^d
11	S.B. 06-235 Supplemental						
12	Amortization Equalization						
13	Disbursement	1,121,769	271,313		105,579 ^b	701,147 ^c	43,730(I) ^d
14	Salary Survey for Classified						
15	Employees	339,441	73,571		70,627 ^b	167,876 ^c	27,367(I) ^d

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Salary Survey for Exempt						
2	Employees	4,115,142	888,600		117,733 ^b	3,057,736 ^c	51,073(I) ^d
3	Merit Pay for Classified						
4	Employees	153,103	47,536		27,435 ^b	65,178 ^c	12,954(I) ^d
5	Merit Pay for Exempt						
6	Employees	388,765	92,519		9,388 ^b	282,623 ^c	4,235(I) ^d
7	Workers' Compensation	74,945	20,172		8,804 ^b	43,798 ^c	2,171(I) ^d
8	Attorney Registration and						
9	Continuing Legal Education	99,263	22,144		2,625 ^b	72,525 ^c	1,969(I) ^d
10	Operating Expenses	190,629				190,629 ^a	
11	Administrative Law Judge						
12	Services	4,362			4,362 ^b		
13	Purchase of Services from						
14	Computer Center	55,762				55,762 ^a	
15	Colorado State Network	166,319				166,319 ^a	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Payment to Risk Management						
2	and Property Funds	128,371				128,371 ^a	
3	Vehicle Lease Payments	62,019	18,377		19,889 ^b	21,138 ^c	2,615(I) ^d
4	Information Technology Asset						
5	Maintenance	445,807	22,803		62,250 ^b	359,373 ^c	1,381(I) ^d
6	Leased Space	27,789	4,580		3,052 ^b	19,985 ^c	172(I) ^d
7	Ralph L. Carr Colorado						
8	Judicial Center Leased Space	2,926,487	767,179		353,185 ^b	1,718,514 ^c	87,609(I) ^d
9	Communication Services						
10	Payments	8,988	3,598		2,019 ^b	1,226 ^c	2,145(I) ^d
11	COFRS Modernization	46,431				46,431 ^a	
12	Information Technology						
13	Security	2,328				2,328 ^a	
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
	\$	\$	\$	\$	\$	\$	\$

17,657,601

^a 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.

^b 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.

^c These amounts shall be from various sources of reappropriated funds.

^d 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 AGENCIES⁴⁵

Personal Services	21,168,224						
	22,052,724						
	(244.5 FTE)						
	(250.5 FTE)						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Operating and Litigation	1,696,667					
2		1,794,944					
3	Indirect Cost Assessment	3,264,492					
4			26,129,383		848,945 ^a	25,280,438 ^a	
5			27,112,160			26,263,215 ^a	
6							
7	^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.						
8	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						
9	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						
10	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						
11	total spending authority for the line item appropriations within this section (2).						
12							
13	(3) CRIMINAL JUSTICE AND APPELLATE						
14	Special Prosecutions Unit	3,233,334	1,546,447		1,090,426 ^a	596,461 ^b	
15			(15.5 FTE)		(12.7 FTE)	(6.2 FTE)	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Auto Theft Prevention Grant	282,234				282,234 ^c	
2						(2.5 FTE)	
3	Appellate Unit	3,240,771	2,603,174			637,597 ^d	
4			(36.5 FTE)			(1.0 FTE)	
5	Medicaid Fraud Control Unit	1,579,511	394,876(M)				1,184,635(I) ^e
6			(4.3 FTE)				(12.7 FTE)
7	Peace Officers Standards and						
8	Training Board Support	2,966,320			2,966,320 ^f		
9					(7.0 FTE)		
10	Safe2Tell	100,686	100,686				
11			(1.0 FTE)				
12	Indirect Cost Assessment	515,376			263,029 ^g	82,780 ^b	169,567(I) ^e
13		11,918,232					

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

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

1 ^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
2 Fund pursuant to Section 11-51-603.5 (2), C.R.S.

3 ^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
4 42-5-112 (3), C.R.S.

5 ^d 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
6 Assistance, State Victims Assistance and Law Enforcement Program line item pursuant to Section 24-33.5-506 (1) (c), C.R.S.

7 ^e 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
8 informational purposes only.

9 ^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.

10 ^g 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
11 in Section 24-31-303 (2) (b), C.R.S.

13 **(4) WATER AND NATURAL RESOURCES**

14 Federal and Interstate Water

15 Unit 513,883

513,883

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1				(5.5 FTE)			
2	Defense of the Colorado River						
3	Basin Compact	335,198			335,198 ^a		
4					(3.0 FTE)		
5	Defense of the Republican						
6	River Compact	110,000			110,000 ^a		
7	Consultant Expenses	400,000			400,000 ^b		
8	Comprehensive						
9	Environmental Response,						
10	Compensation and Liability						
11	Act	460,629				460,629 ^c	
12						(3.5 FTE)	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Comprehensive						
2	Environmental Response,						
3	Compensation and Liability						
4	Act Contracts	425,000				425,000 ^c	
5	Natural Resource Damage						
6	Claims at Rocky Mountain						
7	Arsenal	50,000				50,000 ^c	
8	Indirect Cost Assessment	46,731				46,731 ^c	
9		2,341,441					

11 ^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.

12 ^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
 13 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	2,046,520	1,084,818		720,221 ^a	241,481 ^b	
8			(11.0 FTE)		(11.0 FTE)	(3.0 FTE)	
9	Consumer Credit Unit	1,512,150			1,512,150 ^c		
10					(20.0 FTE)		
11	Indirect Cost Assessment	467,308			427,253 ^d	40,055 ^b	
12		4,025,978					
13							

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

1 ^a 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),
2 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
3 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
4 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, \$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
10 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
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.

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14 **(6) SPECIAL PURPOSE**

15 District Attorneys' Salaries	2,676,960		2,676,960				
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APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Litigation Management and						
2	Technology ⁴⁶	325,000			325,000 ^a		
3	Tobacco Litigation	1,250,000	1,250,000				
4	Lobato Litigation Expenses	50,000				50,000^b	
5	Lowry Range Litigation						
6	Expenses	616,520			616,520^c		
7		<u>1,119,569</u>			1,119,569 ^c		
8		4,918,480					
9		5,371,529					

11 ^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 2012-13, or from the Attorney Fees and
 12 Costs Account created pursuant to Section 24-31-108 (2), C.R.S.

13 ~~^b This amount shall be transferred from the Governor – Lieutenant Governor – State Planning and Budgeting, Office of the Governor, Lobato Litigation Expenses line item.~~

14 ^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
 15 (1), C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
TOTALS PART X						
(LAW)	\$66,991,115	\$13,473,403		\$10,800,781 ^a	\$40,946,567	\$1,770,364 ^b
	<u>\$68,426,941</u>	<u> </u>	<u> </u>	<u>\$11,303,830^a</u>	<u>\$41,879,344</u>	<u> </u>

^a Of this amount, \$1,074,709 contains an (I) notation.

^b 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

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 additional flexibility by allowing the Department to use moneys appropriated in this line item to address unanticipated state legal needs that arise during FY
2 2013-14, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2013-14. It is also
3 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
4 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
5 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
6 the Department. The Department is requested to include with its annual budget request information detailing the purpose of line item expenditures. Such
7 information is also requested with any supplemental requests for additional legal services funding within or outside of the Legal Services to State Agencies
8 program.

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.