

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-0549.01 John Ziegler

HOUSE BILL 10-1305

HOUSE SPONSORSHIP

Pommer, Ferrandino, Lambert

SENATE SPONSORSHIP

Keller, Tapia, White

House Committees
Appropriations

Senate Committees
Appropriations

SENATE
2nd Reading Unamended
February 24, 2010

A BILL FOR AN ACT

101 **CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT**
102 **OF LAW.**

HOUSE
3rd Reading Unamended
February 18, 2010

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Supplemental appropriations are made to the department of law.

HOUSE
2nd Reading Unamended
February 17, 2010

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.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part X of section 2 of chapter 464, Session Laws of

3 Colorado 2009, is amended to read:

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	2,960,059				2,960,059 ^a	
6		2,755,059				2,755,059 ^a	
7						(42.2 FTE)	
8	Health, Life, and Dental	1,940,668	534,414		152,611 ^b	1,194,594 ^c	59,049 ^d
9	Short-term Disability	36,556	11,079		2,962 ^b	21,527 ^c	988 ^d
10	S.B. 04-257 Amortization						
11	Equalization Disbursement	560,823	159,454		40,983 ^b	344,034 ^c	16,352 ^d
12	S.B. 06-235 Supplemental						
13	Amortization Equalization						
14	Disbursement	348,890	98,034		25,614 ^b	215,022 ^c	10,220 ^d
15	Workers' Compensation	53,106	15,936		4,325 ^b	31,426 ^c	1,419 ^d

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	50,893		15,272		4,136 ^b	30,125 ^c	1,360 ^d
2	Attorney Registration and						
3	Continuing Legal Education	92,626	22,238		3,750 ^b	66,075 ^c	563 ^d
4	Operating Expenses	194,679				194,679^a	
5		173,823				173,823 ^a	
6	Purchase of Services from						
7	Computer Center	71,185	71,185				
8		68,003	68,003				
9	Payment to Risk Management						
10	and Property Funds	98,646				98,646^a	
11		92,968				92,968 ^a	
12	Vehicle Lease Payments	73,969	23,891		14,773 ^b	30,621 ^c	4,684 ^d
13	ADP Capital Outlay	13,764	9,176			4,588 ^c	
14	Information Technology Asset						
15	Maintenance	407,667	15,291		47,298 ^b	343,697 ^c	1,381 ^d

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Leased Space	32,502		5,357	3,570 ^b	23,374 ^c	201 ^d
2	Capitol Complex Leased						
3	Space	1,293,584	388,174		105,357^b	765,483 ^e	34,570 ^d
4		1,276,139	382,931		103,874 ^b	755,229 ^c	34,105 ^d
5	Security for State Services						
6	Building	196,693	73,989		15,512 ^b	101,938 ^a	5,254 ^d
7	Communication Services						
8	Payments	6,208	2,308		575 ^b	1,773 ^c	1,552 ^d
9	Attorney General						
10	Discretionary Fund	5,000	5,000				
11			<u>8,386,625</u>				
12			8,132,251				
13							

14 ^a These amounts shall be from indirect cost recoveries.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	^b These amounts shall be from various sources of cash funds. Of these amounts, \$65,095 \$62,937 from court-ordered awards and \$12,877 \$12,827 from the Tobacco Settlement Defense						
2	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						
3	the State Constitution.						
4	^c These amounts shall be from various sources of reappropriated funds.						
5	^d These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services.						
6							
7	(2) LEGAL SERVICES TO STATE AGENCIES³⁵						
8	Personal Services	18,241,775					
9		18,459,927					
10		(217.5 FTE)					
11		(219.4 FTE)					
12	Operating and Litigation	1,354,987					
13		1,397,011					
14	Indirect Cost Assessment	2,697,806					
15		<u>22,294,568</u>			981,826 ^a	21,312,742 ^b	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1		22,554,744			1,700,540 ^a	20,854,204 ^b	
2							
3	^a This amount may include funds from the Public Employees' Retirement Association, CollegeInvest, the College Access Network, State Veterans' Nursing Homes, higher education						
4	enterprises, the Disability Insurance Trust, state institutions of higher education, private vocational schools, and the Cumbres and Toltec Railroad Commission.						
5	^b This amount shall be from various sources of funds appropriated for legal services to state agencies.						
6							
7	(3) CRIMINAL JUSTICE AND APPELLATE						
8	Special Prosecutions Unit	2,905,614		1,612,257		221,805 ^a	1,071,552 ^b
9		2,774,416		1,481,059			
10		(31.0 FTE)					
11	AUTO THEFT PREVENTION						
12	GRANT	72,083				72,083 ^h	
13						(0.5 FTE)	
14	Appellate Unit	2,583,983		2,583,983			
15		2,583,755		2,302,221			281,534 ⁱ

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1				(31.0 FTE)			
2	Medicaid Fraud Grant	1,368,866		342,276(M)			1,026,590 ^c
3		1,329,586		332,456(M)			997,130 ^c
4		(14.0 FTE)					
5	Peace Officers Standards and						
6	Training Board Support	1,246,975		50,000	1,196,975 ^d		
7		1,196,608			1,196,608 ^d		
8					(6.0 FTE)		
9	Victims Assistance	76,086		330		75,756 ^e	
10						(1.0 FTE)	
11	Indirect Cost Assessment	374,591			105,431 ^f	138,921 ^g	130,239 ^c
12			8,556,115				
13			8,407,125				
14							
15	^a This amount shall be from the State Compensation Insurance Authority.						

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
1	^b Of this amount, \$669,615 shall be from the Division of Insurance Cash Fund through an appropriation to the Department of Regulatory Agencies and \$401,937 shall be from the Division					
2	of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies.					
3	^c These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services.					
4	^d This amount shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S.					
5	^e This amount shall be from Victims Assistance and Law Enforcement funds appropriated to the Department of Public Safety, Division of Criminal Justice.					
6	^f Of this amount, \$74,422 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S., and \$31,009 shall be from the State Compensation Insurance Authority.					
7	^g Of this amount, \$94,268 shall be from the Division of Insurance Cash Fund through an appropriation to the Department of Regulatory Agencies, and \$44,653 shall be from the Division					
8	of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies.					
9	^h THIS AMOUNT SHALL BE FROM A GRANT FROM THE COLORADO AUTO THEFT PREVENTION AUTHORITY.					
10	ⁱ THIS AMOUNT SHALL BE FROM INDIRECT COST RECOVERIES.					
11						
12	(4) WATER AND NATURAL RESOURCES					
13	Federal and Interstate Water					
14	Unit	526,872	526,872			
15		500,032	500,032			

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	473,329				473,329 ^a		
4					(4.0 FTE)		
5	Defense of the Republican						
6	110,000				110,000 ^a		
7	50,000				50,000^b		
8	100,000				100,000 ^b		
9	Comprehensive						
10	Environmental Response,						
11	Compensation and Liability						
12	391,178		-365,300			25,878 ^c	
13	314,024		288,146				
14				(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	500,000	75,000			425,000 ^e	
5		520,000				520,000 ^c	
6	Natural Resource Damage						
7	Claims at Rocky Mountain						
8	Arsenal	195,000			195,000 ^d		
9		<u>2,246,379</u>					
10		2,212,385					
11							

12 ^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., or from payments received from New Mexico,
13 Wyoming and Utah.

14 ^b ~~This amount~~ OF THIS AMOUNT, \$50,000 SHALL BE FROM A GRANT FROM THE COLORADO WATER CONSERVATION BOARD'S LITIGATION FUND ESTABLISHED IN SECTION 37-60-121 (2.5)
15 (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.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	° These amounts shall be from funds appropriated to the Department of Public Health and Environment.						
2	^d This amount shall be from the Hazardous Substance Response Fund created in Section 25-16-104.6 (1) (a), C.R.S.						
3							
4	(5) CONSUMER PROTECTION						
5	Consumer Protection and						
6	Anti-Trust	1,819,320		912,882		663,695 ^a	242,743 ^b
7		1,701,987		795,549			
8				(12.5 FTE)		(5.5 FTE)	(3.0 FTE)
9	Collection Agency Board	314,425				314,425 ^c	
10		313,859				313,859 ^c	
11						(5.2 FTE)	
12	Uniform Consumer Credit						
13	Code	1,014,033				1,014,033 ^d	
14		1,013,409				1,013,409 ^d	
15						(12.3 FTE)	

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Indirect Cost Assessment	328,698			291,487 ^e	37,211 ^b	
2		3,476,476					
3		3,357,953					
4							

5 ^a Of this amount, \$442,392 shall be from court-ordered awards, \$154,656 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created
6 in Section 24-22-115 (2) (a), C.R.S., \$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
7 Building Regulation Fund created in Section 24-32-3309 (1), C.R.S. Expenditures from court-ordered awards and the Tobacco Settlement Defense Account of the Tobacco Litigation
8 Settlement Cash Fund do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

9 ^b These amounts shall be from the Mortgage Broker Registration Cash Fund through an appropriation to the Department of Regulatory Agencies.

10 ^c This amount shall be from the Collection Agency Cash Fund created in Section 12-14-136 (1) (a), C.R.S.

11 ^d This amount shall be from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S.

12 ^e Of this amount, \$152,566 shall be from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S., \$64,498 shall be from the Collection Agency Cash Fund
13 created in Section 12-14-136 (1) (a), C.R.S., \$49,615 shall be from court-ordered awards, \$12,404 shall be from the Public Utilities Commission under the provisions of Section 6-1-905
14 (3) (b) (II), C.R.S., 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.
15 Court-ordered awards do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2	(6) SPECIAL PURPOSE						
3	District Attorneys' Salaries	2,096,078		2,096,078			
4	Litigation Management and						
5	Technology Fund ³⁶	325,000			325,000 ^a		
6	Statewide HIPAA Legal						
7	Services	7,538		7,538			
8		3,538		3,538			
9	Tobacco Litigation	300,000			300,000^b		
10		<u>600,000</u>			<u>600,000^b</u>		
11		2,728,616					
12		3,024,616					
13							

14 ^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 2008-09 or from the Attorney Fees
 15 and Costs Account created in 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 ^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
 2 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
 3 Constitution.

4

5 **TOTALS PART X**

6 (LAW)	\$47,688,779	\$10,008,042		\$6,660,336	\$29,727,339	\$1,293,062
7	\$47,689,074	\$9,225,846		\$7,797,904	\$29,402,246	\$1,263,078

8

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

10

11 35 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
 12 by the Department for legal services to state agencies not exceed \$77.97 per hour for attorneys and not exceed \$63.04 per hour for paralegals, which equates
 13 to a blended rate of \$75.38 per hour.

14

15 36 Department of Law, Special Purpose, Litigation Management and Technology Fund -- It is the intent of the General Assembly to grant the Department of
 16 Law additional flexibility by allowing the Department to use funds appropriated in this line item to address unanticipated state legal needs that arise during

APPROPRIATION FROM

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

1 FY 2009-10, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2009-10. It is
 2 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
 3 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
 4 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
 5 Department. The Department is requested to submit a quarterly report to the Joint Budget Committee detailing the purpose for which moneys from this fund
 6 have been expended. Such a report is also requested with any supplemental requests for additional legal services funding within or outside of the Legal
 7 Services to State Agencies 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.