

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 12-0388.01 John Ziegler

HOUSE BILL 12-1189

HOUSE SPONSORSHIP

Gerou, Becker, Levy

SENATE SPONSORSHIP

Hodge, Steadman, Lambert

House Committees
Appropriations

Senate Committees
Appropriations

SENATE
3rd Reading Unamended
February 15, 2012

A BILL FOR AN ACT

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

SENATE
2nd Reading Unamended
February 14, 2012

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
3rd Reading Unamended
February 9, 2012

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

2 **SECTION 1. Appropriation to the department of law for the**

HOUSE
2nd Reading Unamended
February 7, 2012

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 **fiscal year beginning July 1, 2011.** In Session Laws of Colorado 2011,
2 section 2 of chapter 335, (SB 11-209), **amend** Part X as follows:
3 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	2,973,997				2,973,997 ^a	
6						(40.7 FTE)	
7	Health, Life, and Dental	2,281,572	577,900		237,546 ^b	1,385,970 ^c	80,156 ^d
8	Short-term Disability	49,196	13,008		4,457 ^b	30,127 ^c	1,604 ^d
9	S.B. 04-257 Amortization						
10	Equalization Disbursement	775,756	203,279		70,505 ^b	476,591 ^c	25,381 ^d
11	S.B. 06-235 Supplemental						
12	Amortization Equalization						
13	Disbursement	622,261	162,234		56,656 ^b	382,975 ^c	20,396 ^d
14	Workers' Compensation	66,843	18,378		6,919 ^b	39,449 ^c	2,097 ^d

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Attorney Registration and						
2	Continuing Legal Education	92,626	22,238		4,538 ^b	65,287 ^c	563 ^d
3	Operating Expenses	189,679				189,679 ^a	
4	Purchase of Services from						
5	Computer Center	73,188				73,188 ^a	
6	Payment to Risk Management						
7	and Property Funds	92,047				92,047 ^a	
8	Vehicle Lease Payments	70,176	18,988		23,943^b	24,435^c	2,810^d
9		65,989	18,277		22,153 ^b	22,896 ^c	2,663 ^d
10	Information Technology Asset						
11	Maintenance	407,667	15,291		59,588 ^b	331,407 ^c	1,381 ^d
12	Leased Space	26,220	4,321		2,880 ^b	18,857 ^c	162 ^d
13	Capitol Complex Leased						
14	Space	1,284,061	352,895		132,910 ^b	757,812 ^c	40,444 ^d

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Security for State Services						
2	125,430		34,472		12,983 ^b	74,024 ^c	3,951 ^d
3	Communication Services						
4	8,365		2,946		2,269 ^b	1,146 ^c	2,004 ^d
5	Attorney General						
6	5,000		5,000				
7		<u>9,144,084</u>					
8		9,139,897					
9							

10 ^a Of these amounts, \$2,760,413 shall be from departmental indirect cost recoveries and \$568,511 shall be from statewide indirect cost recoveries.

11 ^b These amounts shall be from various sources of cash funds. Of these amounts, \$82,940 from court-ordered awards and \$14,879 from the Tobacco Settlement Defense Account of the
 12 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 the State
 13 Constitution.

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

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	^d Of these amounts, \$158,545 \$158,398 shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services and \$22,404						
2	shall be from the Colorado Justice Review Project, a grant provided by the U.S. Department of Justice.						
3							
4	(2) LEGAL SERVICES TO STATE AGENCIES³⁹						
5	Personal Services	19,473,569					
6		(226.6 FTE)					
7	Operating and Litigation	1,479,444					
8	Indirect Cost Assessment	2,809,499					
9			23,762,512		1,659,140 ^a	22,103,372 ^b	

11 ^a This amount may include funds from the Public Employees' Retirement Association, CollegeInvest, the College Access Network, State Veterans' Nursing Homes, higher education
 12 enterprises, the Disability Insurance Trust, state institutions of higher education, private vocational schools, the Cumbres and Toltec Railroad Commission, and other sources of cash
 13 funds.

14 ^b This amount shall be from various sources of funds appropriated for legal services to state agencies.

15

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(3) CRIMINAL JUSTICE AND APPELLATE						
2	Special Prosecutions Unit	2,830,320		1,391,287	879,039 ^a	559,994 ^b	
3		(30.5 FTE)					
4	Auto Theft Prevention Grant	239,075				239,075 ^c	
5						(2.0 FTE)	
6	Appellate Unit	2,666,027		2,278,605		387,422 ^d	
7				(31.0 FTE)		(1.0 FTE)	
8	Medicaid Fraud Control Unit	1,579,511		394,876(M)			1,184,635 ^e
9		(17.0 FTE)					
10	Peace Officers Standards and						
11	Training Board Support	2,683,620			2,683,620 ^f		
12					(7.0 FTE)		
13	Safe2Tell	100,686		100,686			
14				(1.0 FTE)			
15	Indirect Cost Assessment	451,504			222,031 ^g	71,943 ^h	157,530 ^e

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1		10,550,743					
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							

^a Of this amount, \$666,199 shall be from the Insurance Fraud Cash Fund created in Section 10-3-207.5 (2) C.R.S., and \$212,840 shall be from the State Compensation Insurance Authority.

^b This amount shall be from an appropriation to the Department of Regulatory Agencies out of the Division of Securities Cash Fund created in Section 11-51-707 (2), C.R.S.

^c This amount shall be from a grant received from the Department of Public Safety out of the Colorado Auto Theft Prevention Cash Fund created in Section 42-5-112 (4) (a), C.R.S.

^d Of this amount, \$311,248 shall be from indirect cost recoveries and \$76,174 shall be from Victims Assistance and Law Enforcement funds appropriated to the Department of Public Safety, Division of Criminal Justice.

^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, \$96,751 shall be from the Insurance Fraud Cash Fund created in Section 10-3-207.5 (2), C.R.S., \$86,828 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S., and \$38,452 shall be from the State Compensation Insurance Authority.

^h This amount shall be from an appropriation to the Department of Regulatory Agencies out of the Division of Securities Cash Fund created in Section 11-51-707 (2), C.R.S.

(4) WATER AND NATURAL RESOURCES

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Federal and Interstate Water						
2	Unit	513,883	513,883				
3			(5.5 FTE)				
4	Defense of the Colorado River						
5	Basin Compact	335,198			335,198 ^a		
6					(3.0 FTE)		
7	Defense of the Republican						
8	River Compact	110,000			110,000 ^b		
9	Consultant Expenses	400,000			400,000 ^c		
10	Comprehensive						
11	Environmental Response,						
12	Compensation and Liability						
13	Act	460,629				460,629 ^d	
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	425,000				425,000 ^d	
5	Natural Resource Damage						
6	Claims at Rocky Mountain						
7	Arsenal	50,000			50,000 ^e		
8	Indirect Cost Assessment	43,414				43,414 ^d	
9		2,338,124					

11 ^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,
 12 Wyoming and Utah.

13 ^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.

14 ^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
 15 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	^d These amounts shall be from an appropriation to the Department of Public Health and Environment out of the Hazardous Substance Response Fund created in Section 25-16-104.6						
2	(1) (a), C.R.S.						
3	^e This amount shall be from the Hazardous Substance Response Fund created in Section 25-16-104.6 (1) (a), C.R.S.						
4							
5	(5) CONSUMER PROTECTION						
6	Consumer Protection and						
7	Anti-Trust	1,815,952	928,104		644,143 ^a	243,705 ^b	
8			(10.0 FTE)		(8.0 FTE)	(3.0 FTE)	
9	Consumer Credit Unit	1,359,706			1,359,706 ^c		
10					(18.0 FTE)		
11	Indirect Cost Assessment	334,907			297,695 ^d	37,212 ^b	
12		3,510,565					
13							

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	^a Of this amount, \$342,840 shall be from court-ordered awards, \$154,656 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created						
2	in Section 24-22-115 (2) (a), C.R.S., \$80,000 shall be from custodial funds, \$45,863 shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II),						
3	C.R.S., and \$20,784 shall be from the Building Regulation Fund created in Section 24-32-3309 (1) (a), C.R.S. Expenditures from court-ordered awards and the Tobacco Settlement						
4	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.						
5	^b These amounts shall be from an appropriation to the Department of Regulatory Agencies out of the Mortgage Company and Loan Originator Licensing Cash Fund created in Section						
6	12-61-908 (2), 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, \$223,272 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., \$62,019 shall be from court-ordered awards, and \$12,404 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash						
11	Fund created in Section 24-22-115 (2) (a), C.R.S. Court-ordered awards do not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.						
12							
13	(6) SPECIAL PURPOSE						
14	District Attorneys' Salaries	2,534,796		2,534,796			

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Litigation Management and						
2	Technology Fund ⁴⁰	325,000			325,000 ^a		
3	Tobacco Litigation	880,000			880,000 ^b		
4	Lobato Litigation Expenses	432,500				432,500 ^c	
5		4,172,296					

7 ^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 2010-11 or from the Attorney Fees
8 and Costs Account created in Section 24-31-108 (2), C.R.S.

9 ^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
10 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
11 Constitution.

12 ^c This amount shall be from a General Fund appropriation to the Office of the Governor.

13

		APPROPRIATION FROM					
ITEM & SUBTOTAL		TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$		\$	\$	\$	\$	\$	\$
1	TOTALS PART X						
2	(LAW)	\$53,478,324	\$9,573,187		\$10,460,766	\$31,921,257	\$1,523,114
3		<u>\$53,474,137</u>	<u>\$9,572,476</u>		<u>\$10,458,976</u>	<u>\$31,919,718</u>	<u>\$1,522,967</u>

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

7 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
8 by the Department for legal services to state agencies not exceed \$78.49 per hour for attorneys and not exceed \$62.39 per hour for paralegals, which equates
9 to a blended rate of \$75.71 per hour.

11 40 Department of Law, Special Purpose, Litigation Management and Technology Fund -- It is the intent of the General Assembly to grant the Department of Law
12 additional flexibility by allowing the Department to use funds appropriated in this line item to address unanticipated state legal needs that arise during FY
13 2011-12, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2011-12. It is also
14 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 type
15 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
16 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

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Department. The Department is requested to submit a quarterly report to the Joint Budget Committee detailing the purpose for which moneys from this fund						
2	have been expended. Such a report is also requested with any supplemental requests for additional legal services funding within or outside of the Legal Services						
3	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.