

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 12-1189

BY REPRESENTATIVE(S) Gerou, Becker, Levy, McCann, Ryden;
also SENATOR(S) Hodge, Steadman, Lambert.

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, 2011. In Session Laws of Colorado 2011, section 2 of chapter 335, (SB 11-209), **amend** Part X as follows:

Section 2. **Appropriation.**

APPROPRIATION FROM

	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	2,973,997					2,973,997 ^a	
						(40.7 FTE)	
Health, Life, and Dental	2,281,572		577,900		237,546 ^b	1,385,970 ^c	80,156 ^d
Short-term Disability	49,196		13,008		4,457 ^b	30,127 ^c	1,604 ^d
S.B. 04-257 Amortization Equalization Disbursement	775,756		203,279		70,505 ^b	476,591 ^c	25,381 ^d
S.B. 06-235 Supplemental Amortization Equalization Disbursement	622,261		162,234		56,656 ^b	382,975 ^c	20,396 ^d
Workers' Compensation	66,843		18,378		6,919 ^b	39,449 ^c	2,097 ^d
Attorney Registration and Continuing Legal Education	92,626		22,238		4,538 ^b	65,287 ^c	563 ^d
Operating Expenses	189,679					189,679 ^a	
Purchase of Services from Computer Center	73,188					73,188 ^a	
Payment to Risk Management and Property Funds	92,047					92,047 ^a	
Vehicle Lease Payments	70,176 65,989		18,988 18,277		23,943^b 22,153 ^b	24,435^c 22,896 ^c	2,810^d 2,663 ^d
Information Technology Asset Maintenance	407,667		15,291		59,588 ^b	331,407 ^c	1,381 ^d
Leased Space	26,220		4,321		2,880 ^b	18,857 ^c	162 ^d

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Capitol Complex Leased Space	1,284,061		352,895		132,910 ^b	757,812 ^c	40,444 ^d
Security for State Services Building	125,430		34,472		12,983 ^b	74,024 ^c	3,951 ^d
Communication Services Payments	8,365		2,946		2,269 ^b	1,146 ^c	2,004 ^d
Attorney General Discretionary Fund	<u>5,000</u>		5,000				
		<u>9,144,084</u>					
		9,139,897					

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

^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 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 Constitution.

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

^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 shall be from the Colorado Justice Review Project, a grant provided by the U.S. Department of Justice.

(2) LEGAL SERVICES TO STATE AGENCIES³⁹

Personal Services	19,473,569						
	(226.6 FTE)						
Operating and Litigation	1,479,444						
Indirect Cost Assessment	<u>2,809,499</u>						
		23,762,512			1,659,140 ^a	22,103,372 ^b	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(3) CRIMINAL JUSTICE AND APPELLATE							
Special Prosecutions Unit	2,830,320		1,391,287		879,039 ^a	559,994 ^b	
	(30.5 FTE)						
Auto Theft Prevention Grant	239,075					239,075 ^c	
						(2.0 FTE)	
Appellate Unit	2,666,027		2,278,605			387,422 ^d	
			(31.0 FTE)			(1.0 FTE)	
Medicaid Fraud Control Unit	1,579,511		394,876(M)				1,184,635 ^e
	(17.0 FTE)						
Peace Officers Standards and Training Board Support	2,683,620				2,683,620 ^f		
					(7.0 FTE)		
Safe2Tell	100,686		100,686				
			(1.0 FTE)				
Indirect Cost Assessment	<u>451,504</u>				222,031 ^g	71,943 ^h	157,530 ^e
		10,550,743					

^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.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Federal and Interstate Water Unit	513,883	513,883	(5.5 FTE)			
Defense of the Colorado River Basin Compact	335,198			335,198 ^a		(3.0 FTE)
Defense of the Republican River Compact	110,000			110,000 ^b		
Consultant Expenses	400,000			400,000 ^c		
Comprehensive Environmental Response, Compensation and Liability Act	460,629 (3.5 FTE)					460,629 ^d
Comprehensive Environmental Response, Compensation and Liability Act Contracts	425,000					425,000 ^d
Natural Resource Damage Claims at Rocky Mountain Arsenal	50,000			50,000 ^e		
Indirect Cost Assessment	43,414					43,414 ^d
	2,338,124					

^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
\$	\$	\$	\$	\$	\$	\$
Consumer Protection and Anti-Trust	1,815,952	928,104 (10.0 FTE)		644,143 ^a (8.0 FTE)	243,705 ^b (3.0 FTE)	
Consumer Credit Unit	1,359,706			1,359,706 ^c (18.0 FTE)		
Indirect Cost Assessment	<u>334,907</u>			297,695 ^d	37,212 ^b	
	3,510,565					

^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 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), 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 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.

^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 12-61-908 (2), 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, \$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 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 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.

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(6) SPECIAL PURPOSE							
District Attorneys' Salaries	2,534,796		2,534,796				
Litigation Management and Technology Fund ⁴⁰	325,000				325,000 ^a		
Tobacco Litigation	880,000				880,000 ^b		
Lobato Litigation Expenses	<u>432,500</u>					432,500 ^c	
		4,172,296					

^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 and Costs Account created in 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 from a General Fund appropriation to the Office of the Governor.

TOTALS PART X

(LAW)		\$53,478,324	\$9,573,187		\$10,460,766	\$31,921,257	\$1,523,114
		<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>

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

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 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 to a blended rate of \$75.71 per hour.

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 additional flexibility by allowing the Department to use funds appropriated in this line item to address unanticipated state legal needs that arise during FY 2011-12, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2011-12. It is 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 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 fund will not be used to offset present or future personal services deficits in any division in the

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Department. The Department is requested to submit a quarterly report to the Joint Budget Committee detailing the purpose for which moneys from this fund 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 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.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO