

NOTE: This bill has been prepared for the signature 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 10-1305

BY REPRESENTATIVE(S) Pommer, Ferrandino, Lambert;
also SENATOR(S) Keller, Tapia, White.

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF
LAW.

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

SECTION 1. Part X of section 2 of chapter 464, Session Laws of Colorado 2009, is amended to read:

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	2,960,059 2,755,059					2,960,059 2,755,059 ^a	
						(42.2 FTE)	
Health, Life, and Dental	1,940,668		534,414		152,611 ^b	1,194,594 ^c	59,049 ^d
Short-term Disability	36,556		11,079		2,962 ^b	21,527 ^c	988 ^d
S.B. 04-257 Amortization Equalization Disbursement	560,823		159,454		40,983 ^b	344,034 ^c	16,352 ^d
S.B. 06-235 Supplemental Amortization Equalization Disbursement	348,890		98,034		25,614 ^b	215,022 ^c	10,220 ^d
Workers' Compensation	53,106 50,893		15,936 15,272		4,325 ^b 4,136 ^b	31,426 ^c 30,125 ^c	1,419 ^d 1,360 ^d
Attorney Registration and Continuing Legal Education	92,626		22,238		3,750 ^b	66,075 ^c	563 ^d
Operating Expenses	194,679 173,823					194,679 ^a 173,823 ^a	
Purchase of Services from Computer Center	71,185 68,003		71,185 68,003				
Payment to Risk Management and Property Funds	98,646					98,646 ^a	
	92,968					92,968 ^a	
Vehicle Lease Payments	73,969		23,891		14,773 ^b	30,621 ^c	4,684 ^d
ADP Capital Outlay	13,764		9,176			4,588 ^c	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Information Technology Asset							
Maintenance	407,667		15,291		47,298 ^b	343,697 ^c	1,381 ^d
Leased Space	32,502		5,357		3,570 ^b	23,374 ^c	201 ^d
Capitol Complex Leased							
Space	1,293,584		388,174		105,357^b	765,483^c	34,570^d
	1,276,139		382,931		103,874 ^b	755,229 ^c	34,105 ^d
Security for State Services							
Building	196,693		73,989		15,512 ^b	101,938 ^a	5,254 ^d
Communication Services							
Payments	6,208		2,308		575 ^b	1,773 ^c	1,552 ^d
Attorney General							
Discretionary Fund	<u>5,000</u>		5,000				
		8,386,625					
		8,132,251					

^a These amounts shall be from indirect cost recoveries.

^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 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 These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services.

(2) LEGAL SERVICES TO STATE AGENCIES³⁵

Personal Services	18,241,775
	18,459,927
	(217.5 FTE)
	(219.4 FTE)
Operating and Litigation	1,354,987
	1,397,011
Indirect Cost Assessment	<u>2,697,806</u>

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
		22,294,568			981,826 ^a	21,312,742 ^b	
		22,554,744			1,700,540 ^a	20,854,204 ^b	
(3) CRIMINAL JUSTICE AND APPELLATE							
Special Prosecutions Unit	2,905,614		1,612,257		221,805 ^a	1,071,552 ^b	
	2,774,416		1,481,059				
	(31.0 FTE)						
AUTO THEFT PREVENTION GRANT	72,083				72,083 ^h		
					(0.5 FTE)		
Appellate Unit	2,583,983		2,583,983				
	2,583,755		2,302,221			281,534 ⁱ	
	(14.0 FTE)		(31.0 FTE)				
Medicaid Fraud Grant	1,368,866		342,276(M)				1,026,590 ^c
	1,329,586		332,456(M)				997,130 ^c
	(14.0 FTE)						
Peace Officers Standards and Training Board Support	1,246,975		50,000		1,196,975^d		
	1,196,608				1,196,608 ^d		
					(6.0 FTE)		
Victims Assistance	76,086		330			75,756 ^e	
						(1.0 FTE)	
Indirect Cost Assessment	<u>374,591</u>				105,431 ^f	138,921 ^g	130,239 ^c
		8,556,115					
		8,407,125					

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

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

APPROPRIATION FROM

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

^a This amount shall be from the State Compensation Insurance Authority.

^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 of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies.

^c These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services.

^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.

^e This amount shall be from Victims Assistance and Law Enforcement funds appropriated to the Department of Public Safety, Division of Criminal Justice.

^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.

^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 of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies.

^h THIS AMOUNT SHALL BE FROM A GRANT FROM THE COLORADO AUTO THEFT PREVENTION AUTHORITY.

ⁱ THIS AMOUNT SHALL BE FROM INDIRECT COST RECOVERIES.

(4) WATER AND NATURAL RESOURCES

Federal and Interstate Water Unit	526,872		526,872			
	500,032		500,032			
			(5.5 FTE)			
Defense of the Colorado River Basin Compact	473,329			473,329 ^a		
				(4.0 FTE)		
Defense of the Republican River Compact	110,000			110,000 ^a		
Consultant Expenses	50,000			50,000^b		
	100,000			100,000 ^b		
Comprehensive Environmental Response, Compensation and Liability Act	391,178		-365,300		25,878 ^c	
	314,024		288,146			

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
	(3.5 FTE)						
Comprehensive Environmental Response, Compensation and Liability Act Contracts	500,000 520,000		75,000			425,000 ^c 520,000 ^c	
Natural Resource Damage Claims at Rocky Mountain Arsenal	195,000				195,000 ^d		
		2,246,379 2,212,385					

^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, Wyoming and Utah.

^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) (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.

^c These amounts shall be from funds appropriated to the Department of Public Health and Environment.

^d This amount shall be from the Hazardous Substance Response Fund created in Section 25-16-104.6 (1) (a), C.R.S.

(5) CONSUMER PROTECTION

Consumer Protection and Anti-Trust	1,819,320 1,701,987		912,882 795,549 (12.5 FTE)		663,695 ^a (5.5 FTE)	242,743 ^b (3.0 FTE)
Collection Agency Board	314,425 313,859				314,425 ^c 313,859 ^c (5.2 FTE)	
Uniform Consumer Credit Code	1,014,033				1,014,033 ^d	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
	1,013,409				1,013,409 ^d		
	(12.3 FTE)				291,487 ^e		
Indirect Cost Assessment	328,698					37,211 ^b	
		3,476,476					
		3,357,953					

^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 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 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 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 the Mortgage Broker Registration Cash Fund through an appropriation to the Department of Regulatory Agencies.

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

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

^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 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 (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. Court-ordered awards 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	2,096,078		2,096,078				
Litigation Management and Technology Fund ³⁶	325,000				325,000 ^a		
Statewide HIPAA Legal Services	7,538		7,538				
	3,538		3,538				
Tobacco Litigation	300,000				300,000 ^b		
	600,000				600,000 ^b		
		2,728,616					
		3,024,616					

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
TOTALS PART X (LAW)	\$47,688,779	\$10,008,042		\$6,660,336	\$29,727,339	\$1,293,062
	<u>\$47,689,074</u>	<u>\$9,225,846</u>		<u>\$7,797,904</u>	<u>\$29,402,246</u>	<u>\$1,263,078</u>

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

- 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 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 to a blended rate of \$75.38 per hour.
- 36 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 2009-10, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2009-10. 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 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.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO