

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 15-0410.01 John Ziegler

SENATE BILL 15-152

SENATE SPONSORSHIP

Lambert, Grantham, Steadman

HOUSE SPONSORSHIP

Hamner, Young, Rankin

Senate Committees
Appropriations

House Committees
Appropriations

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
2nd Reading Unamended
February 11, 2015

SENATE
3rd Reading Unamended
February 5, 2015

SENATE
2nd Reading Unamended
February 4, 2015

1 **SECTION 1. Appropriation to the department of law for the**
2 **fiscal year beginning July 1, 2014.** In Session Laws of Colorado 2014,
3 section 2 of chapter 420, (HB 14-1336), **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	3,408,314				3,408,314 ^a	
6						(43.7 FTE)	
7	Health, Life, and Dental	2,878,006	791,193		344,575 ^b	1,642,380 ^c	99,858(I) ^d
8	Short-term Disability	79,509	20,973		9,067 ^b	47,051 ^c	2,418(I) ^d
9	S.B. 04-257 Amortization						
10	Equalization Disbursement	1,445,612	381,335		164,849 ^b	855,466 ^c	43,962(I) ^d
11	S.B. 06-235 Supplemental						
12	Amortization Equalization						
13	Disbursement	1,355,263	357,502		154,546 ^b	802,000 ^c	41,215(I) ^d
14	Salary Survey for Classified						
15	Employees	295,496	91,353		74,976 ^b	106,793 ^c	22,374(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	358,827		83,586	19,197 ^b	252,482 ^c	3,562(I) ^d
3	Merit Pay for Classified						
4	Employees	104,360		36,984	22,483 ^b	36,301 ^c	8,592(I) ^d
5	Merit Pay for Exempt						
6	Employees	263,836		62,917	11,284 ^b	186,740 ^c	2,895(I) ^d
7	Workers' Compensation						
		104,477		28,278	12,196 ^b	61,053 ^c	2,950(I) ^d
8	Attorney Registration and						
9	Continuing Legal Education	126,351		30,524	4,698 ^b	90,060 ^c	1,069(I) ^d
10	Operating Expenses						
		197,242				197,242 ^a	
11	LEGAL SERVICES FOR 325						
12	HOURS	32,178		32,178			
13	Administrative Law Judge						
14	Services	29,302			29,302^b		
15		30,254			30,254 ^b		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Payment to Risk Management						
2	and Property Funds	153,905				153,905 ^a	
3	Vehicle Lease Payments	55,970	15,012		17,097 ^b	21,382 ^c	2,479(I) ^d
4		61,855	20,897				
5	Information Technology Asset						
6	Maintenance	645,206	174,663		75,291 ^b	377,036 ^c	18,216(I) ^d
7	Ralph L. Carr Colorado						
8	Judicial Center Leased Space	2,981,368	804,128		348,331 ^b	1,743,005 ^c	85,904(I) ^d
9	Payments to OIT	335,787	91,127		39,385^b	195,415^c	9,860(I) ^d
10		343,938	94,169		39,958 ^b	199,951 ^c	
11	COFRS Modernization	47,570				46,431^a	1,139(I)^d
12		67,404				67,404 ^a	
13	Attorney General						
14	Discretionary Fund	5,000	5,000				
15		<u>14,871,401</u>					

APPROPRIATION FROM

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

14,938,401

^a Of these amounts, ~~\$3,471,602~~ \$3,466,109 shall be from departmental indirect cost recoveries or the Indirect Cost Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$334,290 shall be from statewide indirect cost recoveries or the Indirect Cost Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., AND \$26,466 SHALL BE FROM VARIOUS SOURCES OF REAPPROPRIATED FUNDS.

^b These amounts shall be from various sources of cash funds. Of these amounts, ~~\$273,224(I)~~ \$273,442(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 These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services and are shown for informational purposes only.

(2) LEGAL SERVICES TO STATE AGENCIES⁵⁸

Personal Services	25,645,486
	26,375,021

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(251.0 FTE)						
2	(255.6 FTE)						
3	Operating and Litigation	1,788,002					
4		1,869,062					
5	Indirect Cost Assessment	3,211,050					
6		30,644,538			848,945 ^a	29,795,593 ^a	
7		31,455,133				30,606,188 ^a	
8							

^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. 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 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 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 total spending authority for the line item appropriations within this section (2).

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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	3,659,196	1,832,354		1,162,763 ^a	664,079 ^b	
3			(16.9 FTE)		(12.7 FTE)	(6.2 FTE)	
4	Auto Theft Prevention Grant	301,569				301,569 ^c	
5						(2.5 FTE)	
6	Appellate Unit	3,697,461	3,209,853			487,608 ^d	
7			(37.9 FTE)			(1.0 FTE)	
8	Medicaid Fraud Control Unit	1,648,189	412,045(M)				1,236,144(I) ^e
9			(4.3 FTE)				(12.7 FTE)
10	Peace Officers Standards and						
11	Training Board Support	3,073,274			3,073,274 ^f		
12					(7.0 FTE)		
13	Safe2Tell	107,471	107,471				
14			(1.0 FTE)				
15	Indirect Cost Assessment	503,848			257,145 ^g	80,929 ^b	165,774(I) ^e

APPROPRIATION FROM

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

12,991,008

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

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

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

^d Of this amount, \$411,549 shall be from departmental indirect cost recoveries or the Indirect Cost Recovery Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$76,059 shall be transferred from the Department of Public Safety, Division of Criminal Justice, Victims Assistance, State Victims Assistance and Law Enforcement Program line item pursuant to Section 24-33.5-506 (1) (c), C.R.S.

^e These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services and are shown for informational purposes only.

^f Of this amount, \$2,997,274 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S., and \$76,000 shall be from the Marijuana Cash Fund created in Section 12-43.3-501 (1) (a), C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	[§] Of this amount, \$165,774 shall be from the Insurance Fraud Cash Fund created in Section 24-31-104.5 (2), C.R.S., and \$91,371 shall be from the P.O.S.T. Board Cash Fund created						
2	in Section 24-31-303 (2) (b), C.R.S.						
3							
4	(4) WATER AND NATURAL RESOURCES						
5	Federal and Interstate Water						
6	Unit	576,724		576,724			
7				(5.5 FTE)			
8	Defense of the Colorado River						
9	Basin Compact	352,289			352,289 ^a		
10					(3.0 FTE)		
11	Defense of the Republican						
12	River Compact	110,000			110,000 ^a		
13	Consultant Expenses	400,000			400,000 ^b		

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	484,300				484,300 ^c	
5						(3.5 FTE)	
6	Comprehensive						
7	Environmental Response,						
8	Compensation and Liability						
9	Act Contracts	100,000				100,000 ^c	
10	Natural Resource Damage						
11	Claims at Rocky Mountain						
12	Arsenal	50,000				50,000 ^c	
13	Indirect Cost Assessment	45,686				45,686 ^c	
14		2,118,999					
15							

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	^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.						
2	^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						
3	Fees and Costs Account created pursuant to Section 24-31-108 (2), C.R.S.						
4	^c These amounts shall be transferred from the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Contaminated Site Cleanups and						
5	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						
6	Mountain Arsenal line items, from the Hazardous Substance Response Fund pursuant to Section 25-16-104.5 (1.7) (a) (III), C.R.S.						
7							
8	(5) CONSUMER PROTECTION						
9	Consumer Protection and						
10	Antitrust	2,328,660	1,106,670		961,411 ^a	260,579 ^b	
11			(11.0 FTE)		(12.0 FTE)	(3.0 FTE)	
12	Consumer Credit Unit	1,616,183			1,616,183 ^c		
13					(20.0 FTE)		
14	Indirect Cost Assessment	456,857			417,698 ^d	39,159 ^b	
15		4,401,700					

APPROPRIATION FROM

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

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^a Of this amount, \$773,832(I) shall be from custodial moneys, \$161,860 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., and \$25,719 shall be from Colorado No-call List annual registration fees collected pursuant to Section 6-1-905 (3) (b) (II), C.R.S. 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.

^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 and Loan Originator Licensing Cash Fund pursuant to Sections 12-61-908 (2) and 12-61-909, 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, \$261,061 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., and \$156,637(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.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(6) SPECIAL PURPOSE						
2	District Attorneys' Salaries	2,697,656		2,697,656			
3	Litigation Management and						
4	Technology ⁵⁹	200,000			200,000 ^a		
5	Tobacco Litigation	1,250,000			1,250,000 ^b		
6	Lowry Range Litigation						
7	Expenses	392,400			392,400 ^c		
8		4,540,056					

^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 2013-14, or from the Attorney Fees and Costs Account created pursuant to 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.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
TOTALS PART X						
(LAW)¹	\$69,567,702	\$12,917,348		\$12,369,385 ^a	\$42,532,558	\$1,748,411 ^b
	<u>\$70,445,297</u>	<u>\$12,958,453</u>		<u>\$12,370,910^a</u>	<u>\$43,368,662</u>	<u>\$1,747,272^b</u>

^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 (1), C.R.S.

^a Of this amount, ~~\$1,203,693~~ \$1,203,911 contains an (I) notation.

^b This amount contains an (I) notation.

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

1 All Departments except Department of Corrections, Department of Human Services, and Department of Public Safety, Totals -- It is the intent of the General Assembly that when each department applies the 2.5 percent salary survey increase reflected in the salary survey line item appropriations, each employee shall receive a base-building increase up to the range maximum, and that salary survey increase amounts over the range maximum shall not be base-building.

APPROPRIATION FROM

		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$	\$
1	58	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						
2		by the Department for legal services to state agencies not exceed \$102.79 per hour for attorneys and not exceed \$78.73 per hour for legal assistants, which						
3		equates to a blended rate of \$99.01 per hour.						
4								
5	59	Department of Law, Special Purpose, Litigation Management and Technology -- It is the intent of the General Assembly to grant the Department of Law						
6		additional flexibility by allowing the Department to use moneys appropriated in this line item to address unanticipated state legal needs that arise during FY						
7		2014-15. It is also the intent of the General Assembly that moneys spent from this line item shall not require the appropriation of additional FTE and will not						
8		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						
9		furthermore the 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						
10		an division of the Department.						

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.