SENATE BILL 13-094

BY SENATOR(S) Steadman, Hodge, Lambert;
also REPRESENTATIVE(S) Levy, Duran, Gerou, Fields, Kagan, Labuda,
Salazar, Young.

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, 2012. In Session Laws of Colorado 2012, section 2 of chapter 305, (HB 12-1335), amend Part X as follows:

Section 2. Appropriation.
## PART X
### DEPARTMENT OF LAW

<table>
<thead>
<tr>
<th>ITEM &amp; SUBTOTAL</th>
<th>TOTAL</th>
<th>GENERAL FUND</th>
<th>GENERAL FUND EXEMPT</th>
<th>CASH FUNDS</th>
<th>REAPPROPRIATED FUNDS</th>
<th>FEDERAL FUNDS</th>
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</tbody>
</table>

### (1) ADMINISTRATION

**Personal Services**
- 3,049,837
- 14,072
- 3,035,765<sup>a</sup>

**Health, Life, and Dental**
- 2,620,363
- 712,358
- 307,246<sup>b</sup>
- 1,497,893<sup>c</sup>
- 102,866<sup>d</sup>

**Short-term Disability**
- 49,196
- 13,008
- 4,457<sup>b</sup>
- 30,127<sup>c</sup>
- 1,604<sup>d</sup>

**S.B. 04-257 Amortization Equalization Disbursement**
- 965,510
- 271,731
- 93,597<sup>b</sup>
- 559,668<sup>c</sup>
- 40,514<sup>d</sup>

**S.B. 06-235 Supplemental Amortization Equalization Disbursement**
- 828,618
- 232,402
- 80,435<sup>b</sup>
- 480,964<sup>c</sup>
- 34,817<sup>d</sup>

**Workers' Compensation**
- 73,256
- 19,388
- 7,666<sup>b</sup>
- 43,950<sup>c</sup>
- 2,252<sup>d</sup>

**Attorney Registration and Continuing Legal Education**
- 99,263
- 21,769
- 3,000<sup>b</sup>
- 72,525<sup>c</sup>
- 1,969<sup>d</sup>

**Operating Expenses**
- 193,513
- 1,135<sup>b</sup>
- 193,513<sup>a</sup>

**Administrative Law Judge Services**
- 1,135<sup>b</sup>

**Purchase of Services from Computer Center**
- 107,588
- 107,588<sup>a</sup>

**Payment to Risk Management and Property Funds**
- 87,949<sup>e</sup>
- 87,949<sup>a</sup>

**Vehicle Lease Payments**
- 128,156
- 40,207
- 26,189<sup>c</sup>
- 2,615<sup>d</sup>

**Information Technology Asset Maintenance**
- 128,156
- 19,980
- 21,501<sup>b</sup>
- 26,189<sup>c</sup>
- 2,615<sup>d</sup>

**ADP Capital Outlay**
- 154,370
- 154,370<sup>e</sup>
<table>
<thead>
<tr>
<th>ITEM &amp; SUBTOTAL</th>
<th>TOTAL</th>
<th>GENERAL FUND</th>
<th>GENERAL FUND EXEMPT</th>
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<tr>
<td>Leased Space</td>
<td>27,789</td>
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<td>4,580</td>
<td>3,052(^b)</td>
<td>19,985(^c)</td>
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<tr>
<td>Capitol Complex Leased Space</td>
<td>1,273,320</td>
<td>335,366</td>
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<td>132,620(^b)</td>
<td>766,375(^c)</td>
<td>38,959(^d)</td>
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<td>Security for State Services Building</td>
<td>140,489</td>
<td>37,180</td>
<td></td>
<td>14,704(^b)</td>
<td>84,287(^c)</td>
<td>4,318(^d)</td>
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<tr>
<td>Communication Services Payments</td>
<td>10,614</td>
<td>3,765</td>
<td></td>
<td>2,868(^b)</td>
<td>1,448(^c)</td>
<td>2,533(^d)</td>
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<td>COFRS Modernization</td>
<td>46,431</td>
<td></td>
<td></td>
<td>3,765</td>
<td>2,868(^b)</td>
<td>46,431(^a)</td>
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<td>Attorney General Discretionary Fund</td>
<td>5,000</td>
<td>5,000</td>
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</table>

\(^{a}\) Of these amounts, $2,913,501 shall be from departmental indirect cost recoveries and $557,745 shall be from statewide indirect cost recoveries collected by the Department of Law.

\(^{b}\) These amounts shall be from various sources of cash funds. Of these amounts, $131,114(I) shall be from custodial moneys and $15,258 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. 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 and 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.

\(^{c}\) These amounts shall be from various sources of reappropriated funds.

\(^{d}\) Of these amounts, $194,715 shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services and $39,285(I) shall be from the Colorado Justice Review Project, a grant provided by the U.S. Department of Justice.

\(^{e}\) This amount shall be from the Attorney Fees and Costs Account created in Section 24-31-108 (2), C.R.S.

(2) LEGAL SERVICES TO STATE AGENCIES\(^{39}\)

| Personal Services | 20,510,299 |
|                  | 20,940,239 |
| (227.9 FTE)      | (241.4 FTE) |

PAGE 3-SENATE BILL 13-094
<table>
<thead>
<tr>
<th>ITEM &amp; SUBTOTAL</th>
<th>TOTAL</th>
<th>GENERAL FUND</th>
<th>GENERAL FUND EXEMPT</th>
<th>CASH FUNDS</th>
<th>REAPPROPRIATED FUNDS</th>
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</tr>
<tr>
<td>Operating and Litigation</td>
<td>4,670,720</td>
<td>1,718,491</td>
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<tr>
<td>Indirect Cost Assessment</td>
<td>2,950,911</td>
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<td>280,576a</td>
<td>24,851,354b</td>
<td>25,329,065b</td>
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<tr>
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<td>25,134,930</td>
<td>25,609,641</td>
<td>280,576a</td>
<td>24,851,354b</td>
<td>25,329,065b</td>
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</table>

a This amount shall be from the Legal Services Cash Fund created in Section 24-31-108 (2.5), C.R.S. This amount includes various sources of cash funds received for the provision of legal services to entities for which there is not a corresponding initial appropriation made to the entity purchasing such services.
b This amount shall be from the Legal Services Cash Fund created in Section 24-31-108 (2.5), C.R.S. This amount shall be transferred from various state agencies from various sources of funds for the provision of legal services.

### (3) CRIMINAL JUSTICE AND APPELLATE

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TOTAL</th>
<th>GENERAL FUND</th>
<th>GENERAL FUND EXEMPT</th>
<th>CASH FUNDS</th>
<th>REAPPROPRIATED FUNDS</th>
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<td>Special Prosecutions Unit</td>
<td>2,816,528</td>
<td>1,391,287</td>
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<td>870,476a</td>
<td>554,765b</td>
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<td>Auto Theft Prevention Grant</td>
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<td>Appellate Unit</td>
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<td>2,189,829</td>
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<td>Medicaid Fraud Control Unit</td>
<td>1,579,511</td>
<td>394,876(M)</td>
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<td>Peace Officers Standards and Training Board Support</td>
<td>2,683,620</td>
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<td>2,683,620f</td>
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<tr>
<td>Safe2Tell</td>
<td>100,686</td>
<td>100,686</td>
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<td>73,184b</td>
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<td>Indirect Cost Assessment</td>
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<td>215,830g</td>
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<td>157,530c</td>
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PAGE 4-SENATE BILL 13-094
<table>
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<th>ITEM &amp; SUBTOTAL</th>
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<th>GENERAL FUND</th>
<th>GENERAL FUND EXEMPT</th>
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</tbody>
</table>

\[a\] This amount shall be from the Insurance Fraud Cash Fund created in Section 10-3-207.5 (2), C.R.S., and from moneys received from Pinnacol Assurance for the investigation and prosecution of insurance fraud.

\[b\] 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, $440,975 shall be from departmental indirect cost recoveries and $72,651 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.

\[f\] 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, $129,002 shall be from the Insurance Fraud Cash Fund created in Section 10-3-207.5 (2), C.R.S., and from moneys received from Pinnacol Assurance for the investigation and prosecution of insurance fraud, and $86,828 shall be from the P.O.S.T. Board Cash Fund created in Section 24-31-303 (2) (b), C.R.S.

### (4) WATER AND NATURAL RESOURCES

**Federal and Interstate Water Unit**  
- **513,883**  
  *(5.5 FTE)*

**Defense of the Colorado River Basin Compact**  
- **335,198**  
  *(3.0 FTE)*

**Defense of the Republican River Compact**  
- **110,000**

**Consultant Expenses**  
- **400,000**

**Comprehensive Environmental Response, Compensation and Liability Act**  
- **460,629**  
  *(3.5 FTE)*

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<table>
<thead>
<tr>
<th>ITEM &amp; SUBTOTAL</th>
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<th>REAPPROPRIATED FUNDS</th>
<th>FEDERAL FUNDS</th>
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<tr>
<td>Comprehensive Environmental Response, Compensation and Liability Act Contracts</td>
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<td>425,000&lt;sup&gt;d&lt;/sup&gt;</td>
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<td>Natural Resource Damage Claims at Rocky Mountain Arsenal</td>
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<td>50,000&lt;sup&gt;d&lt;/sup&gt;</td>
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<td>Indirect Cost Assessment</td>
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<td><strong>Total</strong></td>
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</tbody>
</table>

<sup>a</sup> 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, Wyoming and Utah.

<sup>b</sup> 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.

<sup>c</sup> 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 Fees and Costs Account created in Section 24-31-108 (2), C.R.S.

<sup>d</sup> These amounts shall be transferred from the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Contaminated Site Cleanups and 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 Mountain Arsenal line items, from the Hazardous Substance Response Fund pursuant to Section 25-16-104.5 (1.7), C.R.S.

### (5) CONSUMER PROTECTION

<table>
<thead>
<tr>
<th>Item</th>
<th>Total</th>
<th>General Fund</th>
<th>General Fund Exempt</th>
<th>Cash Funds</th>
<th>Reappropriated Funds</th>
<th>Federal Funds</th>
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<tbody>
<tr>
<td>Antitrust</td>
<td>2,167,295</td>
<td>928,104&lt;sup&gt;a&lt;/sup&gt;</td>
<td>(9.0 FTE)</td>
<td>997,710&lt;sup&gt;a&lt;/sup&gt;</td>
<td>241,481&lt;sup&gt;b&lt;/sup&gt;</td>
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<td>Consumer Credit Unit</td>
<td>1,521,916</td>
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<td></td>
<td>1,521,916&lt;sup&gt;c&lt;/sup&gt;</td>
<td>(20.0 FTE)</td>
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<td>Indirect Cost Assessment</td>
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<td>434,140&lt;sup&gt;d&lt;/sup&gt;</td>
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<td>37,212&lt;sup&gt;b&lt;/sup&gt;</td>
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<td><strong>Total</strong></td>
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<tr>
<td>ITEM &amp; SUBTOTAL</td>
<td>TOTAL</td>
<td>GENERAL FUND</td>
<td>GENERAL FUND EXEMPT</td>
<td>CASH FUNDS</td>
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</tbody>
</table>

a Of this amount, $797,528(I) shall be from custodial moneys, $153,795 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., $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., and $20,668 shall be from the Building Regulation Fund created in Section 24-32-3309 (1) (a), 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 and 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.
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, $248,080 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., $173,656(I) shall be from custodial moneys, 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. 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 and 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.

(6) SPECIAL PURPOSE

<table>
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<tr>
<th>District Attorneys' Salaries</th>
<th>2,656,368</th>
<th>2,656,368</th>
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<tbody>
<tr>
<td>Litigation Management and Technology</td>
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<tr>
<td>Tobacco Litigation</td>
<td>880,000</td>
<td>880,000b</td>
</tr>
<tr>
<td>Lobato Litigation Expenses</td>
<td>50,000</td>
<td>50,000c</td>
</tr>
<tr>
<td>Lowry Range Litigation Expenses</td>
<td>638,870</td>
<td>638,870d</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4,550,238</td>
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</table>

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 2011-12 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 PAGE 7-SENATE BILL 13-094
This amount shall be transferred from the Governor - Lieutenant Governor - State Planning and Budgeting, Office of the Governor, Lobato Litigation Expenses line item.

d This amount shall be received from the State Board of Land Commissioners Investment and Development Fund created in Section 36-1-153 (1), C.R.S.

TOTALS PART X
(LAW)

<table>
<thead>
<tr>
<th>ITEM &amp; SUBTOTAL</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td></td>
<td>$57,000,607</td>
<td>$9,887,386</td>
<td>$10,583,286</td>
<td>$34,953,770</td>
<td>$1,576,165</td>
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</tbody>
</table>

a Of this amount, $1,102,298 contains an (I) notation.
b Of this amount, $39,285 contains an (I) notation.

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 $79.87 per hour for attorneys and not exceed $64.79 per hour for legal assistants, which equates to a blended rate of $77.25 per hour.

40 Department of Law, Special Purpose, Litigation Management and Technology -- It is the intent of the General Assembly to grant the Department of Law additional flexibility by allowing the Department to use moneys appropriated in this line item to address unanticipated state legal needs that arise during FY 2012-13, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2012-13. 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 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 line item will not be used to offset present or future personal services deficits in any division in the Department. The Department is requested to include with its annual budget request information detailing the purpose of line item expenditures. Such information 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.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO