

CHAPTER 325

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**APPROPRIATIONS**

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**HOUSE BILL 98-1347**

BY REPRESENTATIVES Grampas, Owen, and Romero;  
also SENATORS Lacy, Blickensderfer, and Rizzuto.

**AN ACT**

**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 310, Session Laws of Colorado 1997,  
is amended to read:

Section 2. **Appropriation.**

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

Appropriations

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b>PART X</b>						
<b>DEPARTMENT OF LAW</b>						
<b>(1) ADMINISTRATION</b>						
Personal Services (37.7 FTE)	1,693,206	332,646			1,360,560(T) <sup>a</sup>	
Health, Life, and Dental	<del>603,098</del> 615,257	221,775		30,785 <sup>b</sup>	<del>337,254(T)<sup>c</sup></del> 349,413(T) <sup>c</sup>	13,284
Short-term Disability	<del>31,251</del> 31,620	10,212		1,737 <sup>b</sup>	<del>18,341(T)<sup>c</sup></del> 18,710(T) <sup>c</sup>	961
Salary Survey and Anniversary Increases	567,671	180,009		29,643 <sup>b</sup>	336,657(T) <sup>c</sup>	21,362
Operating Expenses	220,939	220,939				
Purchase of Services from Computer Center	47,818	47,818				
Payment to Risk Management and Property Funds	60,994	60,994				
Vehicle Lease Payments	<del>44,808</del>	<del>16,127</del>			<del>23,209(T)<sup>c</sup></del>	<del>5,472</del>

	45,600	18,585		21,660(T) <sup>c</sup>	5,355
ADP Capital Outlay	108,500	91,688	6,356 <sup>b</sup>	4,920(T) <sup>c</sup>	5,536
Year 2000 Project <sup>148</sup>	101,310	85,613	5,934 <sup>b</sup>	4,594(T) <sup>c</sup>	5,169
Capitol Complex Leased Space	627,740	223,944	33,965 <sup>b</sup>	352,951(T) <sup>c</sup>	16,880
Attorney General Discretionary Fund	<u>5,000</u>	5,000 <sup>d</sup>			
		<b>4,112,335</b>			
		4,125,655			

<sup>a</sup> This amount shall be from indirect cost recoveries.

<sup>b</sup> These amounts shall be from various sources of cash funds within the department.

<sup>c</sup> These amounts shall be from various sources of cash funds exempt within the department.

<sup>d</sup> For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision and, therefore, are not subject to the limitation of General Fund appropriations as set forth in Section 24-75-201.1, C.R.S.

**(2) GENERAL ENFORCEMENT AND APPELLATE SECTIONS<sup>122</sup>**

Personal Services	2,347,859	2,347,859
	(40.0 FTE)	
Appellate Backlog	<del>294,380</del>	<del>294,380</del>
	496,030	496,030
	(4.0 FTE)	
Operating Expenses	<del>121,714</del>	<del>121,714</del>
	126,414	126,414
Litigation Expenses	31,429	31,429
Consultant Expenses	200,000	200,000

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Consumer Protection Recovery Fund	50,000					50,000 <sup>a</sup>	
Capital Crimes Prosecution Unit <sup>123</sup>	272,366 (4.0 FTE)		272,366				
Victim's Assistance	49,677 (1.0 FTE)					49,677(T) <sup>b</sup>	
		<u>3,367,425</u>					
		3,573,775					

<sup>a</sup> This amount shall be from court-awarded settlements.

<sup>b</sup> This amount shall be from the Victims' Assistance and Law Enforcement Fund, appropriated in the Department of Public Safety, Division of Criminal Justice.

**(3) LEGAL SERVICES TO STATE AGENCIES<sup>124, 125</sup>**

Personal Services	<del>9,324,360</del>
	9,502,063
	<del>(160.5 FTE)</del>
	(164.3 FTE)
Operating Expenses	<del>403,243</del>

	437,912			
Litigation Expenses	<del>116,455</del>			
	118,347			
Indirect Cost Assessment	<del>1,114,006</del>			
	<u>1,211,810</u>			
		<del>10,958,064</del>	114,398 <sup>a</sup>	<del>10,843,666(T)</del> <sup>b</sup>
		11,270,132		11,155,734(T) <sup>b</sup>

<sup>a</sup> Of this amount, \$35,375 shall be from the Public Employees' Retirement Association, \$31,919(T) shall be from the Department of Revenue, State Lottery Division, \$20,416(T) shall be from the Department of Corrections, Correctional Industries Subprogram, and \$26,688(T) shall be from the Colorado Student Loan Program in the Department of Higher Education.

<sup>b</sup> This amount shall be from various sources of funds appropriated for legal services to state agencies.

**(4) SPECIAL PURPOSE**

Collection Agency Board <sup>122</sup>	134,311		134,311 <sup>a</sup>		
			(2.5 FTE)		
Uniform Consumer Credit Code	417,235		417,235 <sup>b</sup>		
			(6.5 FTE)		
Medicaid Fraud Grant <sup>39, 126</sup>	759,883	187,971(M)		2,000 <sup>c</sup>	569,912
	(11.0 FTE)				
Office of Consumer Counsel	262,618		262,618 <sup>d</sup>		
			(4.0 FTE)		
District Attorneys' Salaries	1,315,987	1,315,987			

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Legal Services for Risk Management Division	<del>1,109,353</del> 1,194,835					<del>1,109,353(T)<sup>e</sup></del> 1,194,835(T) <sup>e</sup> (17.0 FTE) (17.5 FTE)	
Comprehensive Environmental Response, Compensation and Liability Act	919,724 (16.0 FTE)		819,724			100,000(T) <sup>f</sup>	
Comprehensive Environmental Response, Compensation and Liability Act Contracts <sup>127</sup>	1,433,976		1,433,976				
Workers' Compensation Fraud	137,782				137,782 <sup>g</sup> (2.0 FTE)		
Supreme Court Litigation	302,084		302,084				

Police Officers Standards and Training Board					
Support	<del>210,683</del>	65,683	<del>145,000<sup>a</sup></del>		
	225,214		147,255 <sup>i</sup>	2,128(T) <sup>b</sup>	10,148
	(4.0 FTE)				
Litigation Management Fund <sup>127a</sup>	300,000	300,000			
Securities Fraud	245,158			245,158(T) <sup>i</sup>	
				(3.5 FTE)	
Indirect Cost Assessment	<del>246,554</del>		104,178 <sup>i</sup>	<del>142,376(T)<sup>k</sup></del>	
	<u>250,027</u>			145,849(T) <sup>k</sup>	
		<del>7,795,348</del>			
		7,898,834			

<sup>a</sup> This amount shall be from the Collection Agency Board Fund.

<sup>b</sup> This amount shall be from the Uniform Consumer Credit Code Fund.

<sup>c</sup> This amount shall be from court-awarded settlements.

<sup>d</sup> This amount shall be from the Public Utilities Commission Fixed Utilities Fund.

<sup>e</sup> This amount shall be from the Risk Management Fund.

<sup>f</sup> This amount shall be from the Department of Public Health and Environment.

<sup>g</sup> This amount shall be from the State Compensation Insurance Authority.

<sup>h</sup> This amount shall be from the Peace Officers Standards and Training Board Cash Fund.

<sup>i</sup> This amount shall be from the Department of Regulatory Agencies, Division of Securities.

<sup>j</sup> Of this amount, \$17,363 shall be from the Collection Agency Board Fund, \$45,144 shall be from the Uniform Consumer Credit Code Fund, \$27,781 shall be from the Public Utilities Commission Fixed Utilities Fund, and \$13,890 shall be from the State Compensation Insurance Authority.

<sup>k</sup> Of this amount, ~~\$118,068~~ \$121,541 shall be from the Risk Management Fund, and \$24,308 shall be from the Department of Regulatory Agencies, Division of Securities.

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<b>TOTALS PART X</b>						
<b>(LAW)<sup>2, 3, 4</sup></b>	\$26,233,172	\$9,189,938 <sup>a</sup>		\$1,423,942 <sup>b</sup>	\$14,980,716 <sup>b</sup>	\$638,576
	<u>\$26,868,396</u>	<u>\$9,398,746<sup>a</sup></u>		<u>\$1,426,197<sup>b</sup></u>	<u>\$15,394,846<sup>b</sup></u>	<u>\$648,607</u>

<sup>1</sup> OF THIS AMOUNT, \$2,255 SHALL BE FROM THE COLORADO ASSOCIATION OF CHIEFS OF POLICE AND COUNTY SHERIFFS OF COLORADO, AND \$145,000 SHALL BE FROM THE PEACE OFFICERS STANDARDS AND TRAINING BOARD CASH FUND.

<sup>a</sup> Of this amount, \$5,000 is included as information for purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. As this amount is continuously appropriated by a permanent statute or constitutional provision it is not subject to the limitation of General Fund appropriations asset forth in Section 24-75-201.1, C.R.S.

<sup>b</sup> Of these amounts, \$14,992,987 contains a (T) notation.

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

2 (Governor lined through this provision. See L. 97, p. 2144.)

3 All Departments, Totals -- The General Assembly requests that copies of all reports requested in other footnotes contained in this act be delivered to the Joint Budget Committee and the majority and minority leadership in each house of the General Assembly.



- 4 (Governor lined through this provision. See L. 97, p. 2144.)
- 39 Department of Health Care Policy and Financing, Medical Programs, Administration; and Department of Law, Special Purpose, Medicaid Fraud Grant -- It is the intent of the General Assembly that all efforts be made to reduce the amount of fraudulent activity occurring within the state Medicaid program. To this end, the General Assembly requests that the departments cooperate to produce a report on Medicaid fraud, including: (1) estimates on the total amount of fraudulent activity; (2) information on which areas within Medicaid are particularly vulnerable to fraud, both fiscal and programmatic; (3) what new and existing efforts are being made by each department to remedy the problem of Medicaid fraud; and (4) recommendations on ways to prevent and catch fraudulent Medicaid claims, such as data systems or investigatory tools. The departments are requested to submit the report to the Joint Budget Committee by November 1, 1997.
- 122 Department of Law, General Enforcement and Appellate Sections and Special Purpose, Collection Agency Board -- The General Assembly anticipates that, as a result of funds appropriated in FY 1995-96 for an automated phone system or answering service, the Consumer Protection Unit of the General Enforcement and Appellate Sections and the Collection Agency Board will be able to demonstrate a decrease in the average time to respond to complaints and an increase in the number of enforcement actions.
- 123 Department of Law, General Enforcement and Appellate Sections, Capital Crimes Prosecution Unit -- The Department is requested to report to the General Assembly, no later than October 15, 1997, on both the dollars and the FTE utilized by the district attorneys in prosecuting death penalty cases in FY 1996-97. In addition, the Department is requested to report no later than October 15, 1997, on the dollars and FTE utilized within the Department in assisting district attorneys in such death penalty cases in FY 1996-97.
- 124 Department of Law, Legal Services to State Agencies -- Funds received by the Department for the provision of legal services shall be expended only if appropriated by the General Assembly.
- 125 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 \$49.78 per hour for attorneys and \$39.09 per hour for paralegals, for an average rate of \$48.00.

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126	Department of Law, Special Purpose, Medicaid Fraud Grant -- If the dollar value of actual General Fund recoveries received by the Department by the end of FY 1996-97 is less than the anticipated amount of \$275,000, the FY 1997-98 appropriation for the Medicaid Fraud Unit will be reviewed by the Joint Budget Committee.						
127	Department of Law, Special Purpose, Comprehensive Environmental Response, Compensation and Liability Act Contracts; Department of Natural Resources, Executive Director's Office, Comprehensive Environmental Response, Compensation and Liability Act; and Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Contaminated Site Cleanups -- The departments are requested to cooperate in the preparation of a report detailing each department's expenditures for CERCLA contracts. The report should include a case-by-case itemization of actual, estimated, and requested funding for personal services, contract services, operating expenses, and other costs. The report should be prepared annually and should be submitted with each department's budget request.						
127a	Department of Law, Special Purpose, Litigation Management Fund -- It is the intent of the General Assembly to grant the Department additional management flexibility by allowing the Department to use funds appropriated in this line item to address unanticipated state legal needs and priorities which materialize in the fiscal year, by mutual agreement of the Attorney General and the Governor. It is also the intent of the General Assembly that the Department will not require an appropriation of additional FTE as a result of this appropriation. The Department is requested to report quarterly to the Joint Budget Committee and to the Governor regarding how these funds are being used. It is furthermore the intent of the General Assembly that this appropriation not be used for any type of salary increase, promotion, reclassification, or bonus for any present or future FTE employed by the Department of Law, nor is it to be used to offset present or future personal services budgetary shortfalls in any area.						

148 Department of Human Services, Office of Information Technology Services, Year 2000 Date Change; Department of Labor and Employment, Executive Director's Office, Year 2000 Date Change; Department of Law, Administration, Year 2000 Project; Department of Public Health and Environment, Information Technology Services, Year 2000 Projects; and Department of Revenue, Information Technology Division, Year 2000 Programming -- It is the intent of the General Assembly that moneys in this line be restricted by the State Controller until the Commission on Information Management has reviewed and approved the Department's Year 2000 implementation plan.

**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.

Approved: March 12, 1998