

CHAPTER 351

APPROPRIATIONS

SENATE BILL 01-188

BY SENATOR(S) Reeves, Tate, and Owen;
also REPRESENTATIVE(S) Young, Berry, and Saliman.

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 413, Session Laws of Colorado 2000, is amended to read:

Section 2. **Appropriation.**

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
\$	\$	\$	\$	\$	\$	\$
PART X						
DEPARTMENT OF LAW						
(1) ADMINISTRATION						
Personal Services (38.7 FTE)	1,995,828	45,255			1,950,573(T) ^a	
Health, Life, and Dental	639,063	207,661 36,882		21,250 ^b	397,512(T)^f 568,291(T) ^d	12,640
Short-term Disability	7,245	2,279		410 ^b	4,340(T) ^c	216
Salary Survey for Classified Employees	264,233	125,810		29,843 ^b	86,656(T) ^c	21,924
Salary Survey for Exempt Employees	607,685	144,475		20,487 ^b	437,680(T) ^c	5,043
Anniversary Increases for Classified Employees	92,452	41,873		10,927 ^b	32,705(T) ^c	6,947
Anniversary Increases for Exempt Employees	292,757	67,156		7,686 ^b	215,306(T) ^c	2,609
Worker's Compensation	62,315	20,512		2,753 ^b	37,536(T) ^c	1,514
Operating Expenses	225,668 228,130	225,668 127,090			101,040(T) ^a	

Purchase of Services from Computer Center	35,000	35,000			
Payment to Risk Management and Property Funds	38,831	38,831			
Vehicle Lease Payments	56,173	22,683		30,101(T) ^c	3,389
ADP Capital Outlay	130,490 44,908	130,490 44,908			
Information Technology Asset Maintenance	233,320	76,800	7,560 ^b	143,290(T) ^c	5,670
Leased Space	78,210 7,150	35,194 1,754		600 ^b	43,016 224
Capitol Complex Leased Space	662,047 695,441	227,825 242,851	30,323 ^b	403,899(T) ^c	18,368
Attorney General Discretionary Fund	<u>5,000</u>	5,000			
		5,426,317 5,305,531			

~~This amount~~ ^a THESE AMOUNTS shall be from indirect cost recoveries.

^b These amounts shall be from various sources of cash funds within the department.

^c These amounts shall be from various sources of cash funds exempt within the department.

^d OF THIS AMOUNT, \$397,512 SHALL BE FROM VARIOUS SOURCES OF CASH FUNDS EXEMPT WITHIN THE DEPARTMENT AND \$170,779 SHALL BE FROM INDIRECT COST RECOVERIES.

(2) GENERAL ENFORCEMENT AND APPELLATE SECTIONS¹⁴⁶

Personal Services	3,518,593	3,427,702	18,926 ^a	71,965 ^b
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Ch. 351

Appropriations

Appropriations

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		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
3,353,343 (57.3 FTE)		3,262,452				
Appellate Contract Purchases	132,104	132,104				
Operating Expenses	472,171 201,517	457,892 187,126		1,482 ^a	42,797^b 12,909 ^b	
Litigation Expenses	29,292	28,492		800 ^a		
Consultant Expenses	200,000 150,000	200,000 150,000				
Consumer Protection Recovery Fund	49,500				49,500 ^b	
Capital Crimes Prosecution Unit ^{147, 148}	373,321	373,321 (5.0 FTE)				
Victims Assistance	64,889				64,889(T) ^c (1.0 FTE)	
Indirect Cost Assessment	<u>22,991</u>			4,598 ^a	18,393 ^b	
		4,562,861 4,376,957				

^a These amounts shall be from the Manufactured Home Fund created pursuant to Section 6-1-603(4), C.R.S.

^b These amounts shall be from court-awarded settlements.

^c This amount shall be from the Department of Public Safety, Division of Criminal Justice, Victims Assistance and Law Enforcement Fund.

(3) LEGAL SERVICES TO STATE AGENCIES^{149, 150}

Personal Services	11,273,526			
	11,123,526			
	(172.9 FTE)			
	(173.4 FTE)			
Operating Expenses	480,215			
	490,273			
Litigation Expenses	115,129			
Indirect Cost Assessment	1,579,987			
	<u>1,851,806</u>			
		13,448,857	95,000 ^a	13,353,857(T) ^b
		13,580,734	145,229 ^a	13,435,505(T) ^b

^a This amount shall include funds from the Public Employees' Retirement Association, the State Lottery Division in the Department of Revenue, the Correctional Industries Subprogram in the Department of Corrections, the Colorado Student Loan Program in the Department of Higher Education, THE COLORADO STUDENT OBLIGATION BONDING AUTHORITY, Nursing Homes in the Department of Human Services, and Auraria Higher Education Center Enterprises.

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

(4) SPECIAL PURPOSE

Collection Agency				
Board ¹⁴⁶	151,186		151,186 ^a	
			(2.5 FTE)	

Ch. 351

Appropriations

Appropriations

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Uniform Consumer Credit Code	580,379				490,457 ^b (6.5 FTE)	89,922 ^c (2.0 FTE)	
Medicaid Fraud Grant ¹⁵¹	901,480 (11.0 FTE)		223,370(M)			2,000 ^d	676,110
Office of Consumer Counsel	295,662				295,662 ^e (4.0 FTE)		
District Attorneys' Salaries	1,307,733		1,307,733				
Legal Services for Risk Management Division	1,418,592 1,419,532					1,418,592(T)^f 1,419,532(T) ^f (19.0 FTE)	
Comprehensive Environmental Response, Compensation and Liability Act	885,152 885,726 (12.7 FTE)		744,222 744,796			140,930(T) ^g	

Comprehensive Environmental Response, Compensation and Liability Act Contracts ¹⁵²	642,074	642,074		
Workers' Compensation Fraud	153,565		153,565 ^h (2.0 FTE)	
Supreme Court Litigation	302,084	302,084		
Police Officers Standards and Training Board Support	243,392 (4.0 FTE)	87,480	154,912 ⁱ	1,000 ^j
Litigation Management Fund ¹⁵³	300,000	300,000		
Securities Fraud	278,265			278,265(T) ^k (3.5 FTE)
Insurance Fraud	198,734			198,734(T) ^l (2.5 FTE)
School Finance Litigation	100,000	100,000		
Parental Notification Act Litigation	123,053 25,000	123,053 25,000		
Cumbres & Toltec Operator Litigation	38,625 35,625			38,625(T) ^m 35,625(T) ^m
Trinidad Correctional Facility Construction Litigation	466,200			466,200(T) ⁿ

Ch. 351

Appropriations

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Indirect Cost Assessment	<u>397,296</u>				137,950 ^o	259,346 ^p	
		8,783,472					
		8,583,933					

^a This amount shall be from the Collection Agency Board Fund created pursuant to Section 12-14-136, C.R.S..

^b This amount shall be from the Uniform Consumer Credit Code Fund created pursuant to Section 5-6-204, C.R.S.

^c This amount shall be from reserves in the Uniform Consumer Credit Code Fund created pursuant to Section 5-6-204, C.R.S.

^d This amount shall be from court-awarded settlements.

^e This amount shall be from the Public Utilities Commission Fixed Utilities Fund created pursuant to Section 40-2-114, C.R.S.

^f This amount shall be from the Risk Management Fund created pursuant to Section 24-30-1510, C.R.S.

^g This amount shall be from the Department of Public Health and Environment.

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

ⁱ This amount shall be from the Peace Officers Standards and Training Board Cash Fund created pursuant to Section 24-31-303 (2)(a)(II)(b), C.R.S.

^j This amount shall be from reserves in the Peace Officers Standards and Training Board Cash Fund created pursuant to Section 24-31-303 (2)(a)(II)(b), C.R.S.

^k This amount shall be from the Department of Regulatory Agencies, Division of Securities.

^l This amount shall be from the Department of Regulatory Agencies, Division of Insurance Cash Fund.

^m This amount shall be from the Cumbres and Toltec Scenic Railroad Commission.

ⁿ This amount shall be from the Department of Corrections.

° Of this amount, \$22,992 shall be from the Collection Agency Board Fund, \$59,778 shall be from the Uniform Consumer Credit Code Fund, \$36,787 shall be from the Public Utilities Commission Fixed Utilities Fund, and \$18,393 shall be from the State Compensation Insurance Authority.

º Of this amount, \$18,393 shall be from reserves in the Uniform Consumer Credit Code Fund, \$174,737(T) shall be from the Risk Management Fund, \$11,036(T) shall be from the Department of Public Health and Environment, \$32,188(T) shall be from the Department of Regulatory Agencies, Division of Securities, and \$22,992(T) shall be from the Department of Regulatory Agencies, Division of Insurance.

TOTALS PART X

(LAW) ^{5,6}	\$32,221,507	\$9,602,039	\$1,635,777	\$20,204,613*	\$779,078
	<u>\$31,847,155</u>	<u>\$8,845,191</u>	<u>\$1,686,606</u>	<u>\$20,560,704^a</u>	<u>\$754,654</u>

^a Of this amount, ~~\$19,940,643~~ \$20,296,622 contains a (T) notation.

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

- 5 (Governor lined through this provision. See L. 2000, p. 2752.)
- 6 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. Each principal department of the state shall produce its rules in an electronic format that is suitable for public access through electronic means. Such rules in such format shall be submitted to the Office of Legislative Legal Services for publishing on the Internet. It is the intent of the General Assembly that this be done within existing resources.
- 146 Department of Law, General Enforcement and Appellate Sections; and Special Purpose, Collection Agency Board -- The General Assembly anticipates that, as a result of funds in FY 1995-96 for an automated phone system or answering service, the Consumer Protection Unit of the General Enforcement and Appellate Section 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 complaints resolved and enforcement actions.
- 147 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, 2000, on both the dollars and the FTE utilized by the district attorneys in prosecuting death penalty cases in FY 1999-2000. In addition, the Department is requested to report no later than October 15, 2000, on the dollars and FTE utilized within the

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Department in assisting district attorneys in such death penalty cases in FY 1999-2000.

- 148 Department of Law, General Enforcement and Appellate Sections, Capital Crimes Prosecution Unit -- The Department is requested to report to the Joint Budget Committee, no later than October 15, 2000, on the allocation of Unit resources in FY 1999-2000. The report should itemize the number of hours and dollars dedicated to all aspects of the Unit's work, including researching and drafting, case investigation, and appearances in court. The report should also include information about the number of motions filed by the Department, as well as the number of motions responded to by the Department, in death penalty cases. The information requested should be provided for all Department units involved in prosecuting death penalty cases, including the Capital Crimes Unit and the Appellate Section.
- 149 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 \$58.03 per hour for attorneys and \$45.10 per hour for paralegals, for an average rate of \$55.81.
- 150 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.
- 151 Department of Law, Special Purpose, Medicaid Fraud Grant -- It is the intent of the General Assembly that all efforts be made to eliminate fraud and abuse occurring within the Colorado Medicaid program. To this end, the General Assembly requests that the Department of Law's Medicaid Fraud Control Unit produce a progress report on the Department's efforts to reduce Medicaid fraud and abuse in Colorado. The report should include: (1) estimates on the total amount of Medicaid fraud and abuse in Colorado; (2) an itemized list of total fines, costs, and restitutions recovered, on a case-by-case basis, attributable to the Medicaid Fraud Control Unit's efforts; (3) an analysis of the time and cost associated with each Medicaid fraud or abuse

case prosecuted by the Medicaid Fraud Control Unit; (4) a detailed explanation of the Medicaid Fraud Control Unit's participation in the Operation Restore Trust program; (5) a detailed explanation of the Medicaid Fraud Control Unit's participation in global or national Medicaid fraud settlements, including total awards received due to them; and (6) evidence of the effectiveness of the Medicaid Fraud Control Unit in reducing the amount of Medicaid fraud and abuse in Colorado. The Medicaid Fraud Control Unit is requested to submit the report to the Joint Budget Committee by November 1, 2000.

- 152 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 -- It is the intent of the General Assembly that the Department work toward the goal of removing contaminated sites from the federal list of Superfund sites as soon as possible. In this regard, the departments are requested to cooperate in the preparation of a report on the State's CERCLA Program. The report should be prepared annually and should be submitted with each department's budget request. This report should include detailed expenditures, by department, for CERCLA contracts, including actual, estimated, and requested funding for personal services, contract services, operating expenses, and other costs. The report also should include an analysis of long-term funding needs of the State in responding to, litigating, and cleaning up CERCLA sites, including estimated long-term maintenance costs for these sites. The report should discuss the possible downsizing of the State's CERCLA programs.
- 153 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.

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 5, 2001