

CHAPTER 363

APPROPRIATIONS

HOUSE BILL 02-1375

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

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 363, Session Laws of Colorado 2001, 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

APPROPRIATION FROM

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	2,115,577 2,111,142 (38.7 FTE)	123,585 119,150			1,991,992(T) ^a	
Health, Life, and Dental	720,238	259,880		4,680 ^b	444,475(T) ^c	11,203
Short-term Disability	11,896	3,779		88 ^b	7,692(T) ^c	337
Salary Survey for Classified Employees	332,029	159,252		4,597 ^b	141,904(T) ^c	26,276
Salary Survey for Exempt Employees	731,602	186,168		3,081 ^b	536,268(T) ^c	6,085
Anniversary Increases for Classified Employees	89,331	41,727			41,294(T) ^c	6,310
Anniversary Increases for Exempt Employees	334,035	85,001		2,509 ^b	243,747(T) ^c	2,778
Workers' Compensation	43,620 41,519	14,888 14,171		316 ^b 301 ^b	27,373(T)^c 26,054(T) ^c	1,043 993
Operating Expenses	222,021	222,021				

ADMINISTRATIVE LAW JUDGE SERVICES FOR 50 HOURS	5,135			5,135 ^c	
Purchase of Services from Computer Center	33,418 31,242	33,418 31,242			
Payment to Risk Management and Property Funds	51,632 20,331	51,632 20,331			
Vehicle Lease Payments	54,343 49,307	22,179 19,508		29,761(T)^f 29,340(T) ^c	2,403 459
ADP Capital Outlay	18,450	7,698		10,752(T) ^c	
Information Technology Asset Maintenance	233,320	78,957	1,691 ^b	147,093(T) ^c	5,579
Building Wiring and Security Upgrade ¹⁵⁹	256,550	50,721	1,625 ^b	198,843(T) ^c	5,361
Leased Space	12,360	4,177		7,844(T) ^c	339
Capitol Complex Leased Space	733,058 761,922	250,196 260,151	5,312^b 5,477 ^b	460,020(T)^f 478,084(T) ^c	17,530 18,210
Attorney General Discretionary Fund	<u>5,000</u>	5,000			
		5,998,480 5,987,430			

^a This amount shall be from indirect cost recoveries.

Ch. 363

Appropriations

Appropriations

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(2) GENERAL ENFORCEMENT AND APPELLATE SECTIONS							
Personal Services	3,765,682		3,616,846		18,479 ^a	130,357^b	
	3,775,492		3,578,156			178,857 ^b	
	(61.0 FTE)						
	(60.2 FTE)						
Operating Expenses	218,320		199,077		1,482 ^a	17,761^c	
	233,720					33,161 ^c	
Litigation Expenses	25,019		23,394		800 ^a	825^d	
	30,245					6,051 ^d	
Consultant Expenses	100,000		100,000				
	50,000		50,000				
Consumer Protection Recovery Fund	49,500					49,500 ^e	
Capital Crimes Prosecution Unit ^{160, 161}	387,919		387,919				
	377,013		377,013				
			(5.0 FTE)				
Victims Assistance	65,990					65,990^f	

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

^c ~~These amounts~~ OF THESE AMOUNTS, \$2,306,918 shall be from various sources of cash funds exempt within the ~~department~~ DEPARTMENT AND \$6,472 SHALL BE FROM THE TOBACCO SETTLEMENT DEFENSE ACCOUNT OF THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED PURSUANT TO SECTION 24-22-115 (2) (a), C.R.S.

			50,240(T) ^f	15,750
			(1.0 FTE)	
Indirect Cost Assessment	<u>32,464</u>	4,638 ^a	27,826 ^g	
	4,644,894			
	4,614,424			

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

^b Of this amount, \$70,228 shall be from court-awarded settlements and ~~\$60,129~~ \$108,629 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created pursuant to Section 24-22-115 (2) (a), C.R.S.

^c Of this amount, \$12,909 shall be from court-awarded settlements and ~~\$4,852~~ \$20,252 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created pursuant to Section 24-22-115 (2) (a), C.R.S.

^d This amount shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created pursuant to Section 24-22-115 (2) (a), C.R.S..

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

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

^g Of this amount, \$18,551 shall be from court-awarded settlements and \$9,275 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created pursuant to Section 24-22-115 (2) (a), C.R.S.

(3) LEGAL SERVICES TO STATE AGENCIES^{162, 163}

Personal Services	13,067,952			
	(196.5 FTE)			
Operating Expenses	627,087			
Litigation Expenses	227,671			
Indirect Cost Assessment	<u>1,822,646</u>			
	15,745,356	161,636^e	15,583,720(T)^b	
		511,636 ^a	15,233,720(T) ^b	

Ch. 363

Appropriations

Appropriations

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(4) SPECIAL PURPOSE						
Collection Agency Board	156,083			68,181 ^a	87,902 ^b	
				(2.5 FTE)		
Uniform Consumer Credit Code	609,618 604,483			170,190 ^c	439,428^a 434,293 ^d	
				(2.5 FTE)	(6.0 FTE)	
Medicaid Fraud Grant ¹⁶⁴	928,924	230,231(M) 225,731(M)			2,000^e 6,500 ^e	696,693
	(11.0 FTE)					
District Attorneys' Salaries Comprehensive Environmental Response, Compensation and Liability Act	1,295,917	1,295,917				
	885,767 807,762	745,163 667,158			140,604(T) ^f	

^a This amount shall include funds from THE DIVISION OF WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES, 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, Veterans' Nursing Homes in the Department of Human Services, Auraria Higher Education Center Enterprises, and the Colorado Student Obligation Bonding Authority.

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

	(12.3 FTE)			
	(11.3 FTE)			
Comprehensive Environmental Response, Compensation and Liability Act Contracts ¹⁶⁵	642,074	642,074		
Workers' Compensation Fraud	159,601		159,601 ^g	
			(2.0 FTE)	
Defense of Arkansas River Compact	302,084	302,084		
	691,024	691,024		
Defense of Republican River Compact	288,840	288,840		
	410,423	345,423		65,000 ^o
		(2.0 FTE)		
Police Officers Standards and Training Board Support	246,163	93,985	142,500 ^h	9,678ⁱ
		88,985		14,678 ⁱ
	(4.0 FTE)			
Litigation Management Fund ¹⁶⁶	300,000	300,000		
	200,000	200,000		
Securities Fraud	287,940			287,940(T) ^j
STATEWIDE HIPAA LEGAL SERVICES	17,529	17,529		
				(3.5 FTE)

Ch. 363

Appropriations

Appropriations

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Insurance Fraud	204,723					204,723(T) ^k (2.5 FTE)	
Cumbres & Toltec Operator Litigation	20,500					20,500(T) ^l	
Trinidad Correctional Facility Construction Litigation	466,200					466,200(T) ^m	
Indirect Cost Assessment	<u>187,366</u>				18,551 ^g	168,815 ⁿ	
		<u>6,981,800</u>					
		7,326,712					

^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 reserves in the Collection Agency Board Fund created pursuant to Section 12-14-136, C.R.S.

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

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

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

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

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

^h 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.

ⁱ 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.

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

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

¹ This amount shall be from the Cumbres and Toltec Scenic Railroad Commission.

^m This amount shall be from the Department of Corrections.

ⁿ Of this amount, \$23,189 shall be from reserves in the Collection Agency Board Fund, \$78,842 shall be from reserves in the Uniform Consumer Credit Code Fund, \$11,131(T) shall be from the Department of Public Health and Environment, \$32,464(T) shall be from the Department of Regulatory Agencies, Division of Securities, and \$23,189(T) shall be from the Department of Regulatory Agencies, Division of Insurance.

^o OF THIS AMOUNT, \$56,000 SHALL BE FROM THE ATTORNEYS FEES AND COST ACCOUNT PURSUANT TO SECTION 24-31-108 (2), C.R.S., AND \$9,000 SHALL BE FROM COURT-AWARDED SETTLEMENTS.

TOTALS PART X

(LAW)^{4, 5}	\$33,370,530	\$9,825,809	\$769,957	\$21,992,827 ^a	\$781,937
	<u>\$33,673,922</u>	<u>\$9,970,415</u>	<u>\$1,120,107</u>	<u>\$21,787,027^a</u>	<u>\$796,373</u>

^a Of this amount, ~~\$21,125,519~~ \$20,776,093 contains a (T) notation.

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

4 (Governor lined through this provision. See L. 2001, p. 2345.)

5 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.

159 Department of Law, Administration, Building Wiring and Security Upgrade -- It is the intent of the General Assembly that the Department of Law coordinate its wiring and security upgrade project with the Governor's Office of Innovation and Technology. To prevent the wiring from becoming prematurely obsolete, the Department is requested to consult with the Governor's Office of Innovation and Technology regarding the most modern category

Appropriations

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

of wiring available on the market. If a higher specification wiring is anticipated to become available in the immediate future, it is the intent of the General Assembly that the Department delay the project as necessary to implement the higher specification technology.

- 160 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, 2001, on both the dollars and the FTE utilized by the district attorneys in prosecuting death penalty cases in FY 2000-01. In addition, the Department is requested to report no later than October 15, 2001, on the dollars and FTE utilized within the Department in assisting district attorneys in such death penalty cases in FY 2000-01.
- 161 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, 2001, on the allocation of Unit resources in FY 2000-01. 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.
- 162 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 \$61.25 per hour for attorneys and \$45.70 per hour for paralegals, for an average rate of \$58.43.
- 163 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.

- 164 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, 2001.
- 165 (Governor lined through this provision. See L. 2001, p. 2362.)
- 166 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. Effective date. This act shall take effect upon passage; except that this act shall only take effect if the following bills are enacted at the Second Regular Session of the Sixty-third General Assembly and become law: House Bill 02-1366; House Bill 02-1367; House Bill 02-1368; House Bill 02-1369; House Bill 02-1370; House Bill 02-1371; House Bill 02-1372; House Bill 02-1373; House Bill 02-1374; House Bill 02-1376; House Bill 02-1377; House Bill 02-1378; House Bill 02-1379; House Bill 02-1380; House Bill 02-1381; House Bill 02-1382; House Bill 02-1383; House Bill 02-1384; House Bill 02-1385; House Bill 02-1386; House Bill 02-1387; House Bill 02-1388; House Bill 02-1389; House Bill 02-1390; House Bill 02-1391; House Bill 02-1392; House Bill 02-1393; and House Bill 02-1394.

SECTION 3. 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 27, 2002

Editor's note: Section 2 of this act provided that this act is effective upon passage only if House Bills 02-1366 through 02-1394 are enacted and become law. Said bills were signed March 27, 2002.