

CHAPTER 436

**APPROPRIATIONS**

SENATE BILL 03-208

BY SENATOR(S) Owen, Teck, Reeves, and Evans;  
also REPRESENTATIVE(S) Young, Witwer, and Plant.

**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 399, Session Laws of Colorado 2002, 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.*

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 APPROPRIATION FROM
 

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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	<del>2,204,957</del> 2,126,957 (38.7 FTE) (38.4 FTE)	<del>104,899</del> 26,899			2,100,058(T) <sup>a</sup>	
Health, Life, and Dental	<del>735,548</del> 656,536	<del>266,810</del> 223,767		5,619 <sup>a</sup> 4,339 <sup>b</sup>	<del>448,370</del> 415,325 <sup>c</sup>	<del>14,749</del> 13,105
Short-term Disability	<del>27,702</del> 25,313	<del>8,971</del> 8,183		222 <sup>a</sup> 208 <sup>b</sup>	<del>17,740</del> 16,220 <sup>c</sup>	<del>769</del> 702
Salary Survey for Classified Employees	341,907	161,846		3,587 <sup>b</sup>	151,516 <sup>c</sup>	24,958
Salary Survey for Exempt Employees	742,155	199,053		2,995 <sup>b</sup>	534,219 <sup>c</sup>	5,888
Performance-based Pay Awards for Classified Employees	80,155	38,086		922 <sup>b</sup>	35,109 <sup>c</sup>	6,038
Performance-based Pay Awards for Exempt Employees	256,750	68,571		1,075 <sup>b</sup>	184,991 <sup>c</sup>	2,113

Worker's Compensation	40,014	13,795	231 <sup>b</sup>	25,034 <sup>e</sup>	954
Operating Expenses	222,021	222,021			
Administrative Law					
Judge Services	<del>5,135</del>			<del>5,135<sup>e</sup></del>	
	1,194			1,194 <sup>e</sup>	
Purchase of Services from					
Computer Center	<del>31,577</del>	<del>31,577</del>			
	37,451	37,451			
Payment to Risk					
Management and					
Property Funds	71,863	71,863			
Vehicle Lease Payments	<del>56,920</del>	<del>21,065</del>		<del>34,656<sup>e</sup></del>	<del>1,199</del>
	56,280	20,828		34,266 <sup>e</sup>	1,186
Information Technology					
Asset Maintenance	110,825	38,207	641 <sup>b</sup>	69,334 <sup>e</sup>	2,643
Upgrade the Office Suite					
and Windows Operating					
System	23,400			23,400 <sup>e</sup>	
Leased Space	12,600	4,258		7,996 <sup>e</sup>	346
Capitol Complex Leased					
Space	768,418	264,914	4,443 <sup>b</sup>	480,734 <sup>e</sup>	18,327
Attorney General					
Discretionary Fund	<u>5,000</u>	5,000			
		<del>5,736,947</del>			
		5,578,839			

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

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

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

<sup>c</sup> Of these amounts, ~~\$2,009,865~~ \$1,971,139 shall be from various sources of cash funds exempt, of which ~~\$1,882,470(T)~~ \$1,850,618(T) shall have a (T) designation, and ~~\$8,369~~ \$8,199 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.

**(2) LEGAL SERVICES TO STATE AGENCIES<sup>161, 162,</sup>**

<sup>163</sup>

Personal Services	<del>13,453,142</del>					
	13,569,636					
	(194.9 FTE)					
Operating Expenses	<del>638,560</del>					
	653,560					
Litigation Expenses	<del>227,357</del>					
	242,357					
Indirect Cost Assessment	<u>1,874,090</u>					
	<del>16,193,149</del>			450,000 <sup>a</sup>	<del>15,743,149(T)</del> <sup>a</sup>	
	16,339,643				15,889,643(T) <sup>b</sup>	

<sup>a</sup> 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.

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

**(3) CRIMINAL JUSTICE AND APPELLATE**

Special Prosecutions Unit	<del>1,389,885</del> 1,374,885	<del>710,921</del> 695,921 (8.8 FTE)	167,264 <sup>a</sup>  (2.0 FTE)	511,700(T) <sup>b</sup>  (6.0 FTE)	
Appellate Unit	<del>1,986,422</del> 1,856,422	<del>1,986,422</del> 1,856,422 <del>(31.0 FTE)</del> (29.8 FTE)			
Medicaid Fraud Grant <sup>164</sup>	975,934 (11.0 FTE)	243,983(M)			731,951
Capital Crimes Prosecution Unit <sup>165, 166, 167</sup>	<del>409,419</del> 349,419	<del>409,419</del> 349,419 <del>(5.0 FTE)</del> (4.0 FTE)			
Peace Officers Standards and Training Board Support	<del>255,186</del> 250,186 (4.0 FTE)	<del>100,186</del> 80,186	145,000 <sup>c</sup>	<del>10,000<sup>d</sup></del> 25,000 <sup>d</sup>	
Victims Assistance	62,760			47,010(T) <sup>e</sup> (1.0 FTE)	15,750
Indirect Cost Assessment	<u>76,925</u>		19,231 <sup>a</sup>	57,694 (T) <sup>f</sup>	
		<del>5,156,531</del> 4,946,531			

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		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

<sup>a</sup> These amounts shall be from the State Compensation Insurance Authority.

<sup>b</sup> Of this amount, \$299,257 shall be from the Department of Regulatory Agencies, Division of Securities, and \$212,443 shall be from the Department of Regulatory Agencies, Division of Insurance Cash Fund.

<sup>c</sup> 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.

<sup>d</sup> 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.

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

<sup>f</sup> Of this amount, \$33,655 shall be from the Department of Regulatory Agencies, Division of Securities, and \$24,039 shall be from the Department of Regulatory Agencies, Division of Insurance Cash Fund.

#### (4) WATER AND NATURAL RESOURCES

Federal and Interstate

Water Unit <sup>168</sup>	530,030	530,030
		(7.0 FTE)

Defense of Arkansas

River Compact	348,741	348,741
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Defense of Republican

River Compact	<del>254,000</del>	<del>254,000</del>
	85,715	85,715
Consultant Expenses	<del>50,000</del>	<del>50,000</del>
	25,000	25,000

Comprehensive Environmental Response, Compensation and Liability Act	<del>737,396</del> 566,396 <del>(9.3 FTE)</del> (7.0 FTE)	<del>578,926</del> 427,926		<del>158,470(T)<sup>a</sup></del> 138,470(T) <sup>a</sup>
Comprehensive Environmental Response, Compensation and Liability Act Contracts <sup>169</sup>	642,074	<del>642,074</del> 227,074		415,000(T) <sup>a</sup>
Indirect Cost Assessment	<u>14,423</u>			14,423(T) <sup>a</sup>
		<del>2,576,664</del> 2,212,379		

<sup>a</sup> These amounts shall be from the Department of Public Health and Environment.

**(5) CONSUMER PROTECTION**

Consumer Protection and Anti-Trust	1,235,683	<del>925,808</del> 876,308 (12.5 FTE)	20,761 <sup>a</sup>  (0.5 FTE)	<del>289,114<sup>a</sup></del> 338,614 <sup>b</sup> (3.0 FTE)
Collection Agency Board	161,349 (2.5 FTE)		68,181 <sup>c</sup>	93,168 <sup>d</sup>
Uniform Consumer Credit Code	<del>629,402</del>		170,190 <sup>e</sup>	<del>459,212<sup>e</sup></del>

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		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
643,902					473,712 <sup>f</sup>	
<del>(8.5 FTE)</del>						
(8.8 FTE)						
<del>Consumer Protection</del>						
<del>Recovery Fund</del>	<del>49,500</del>				<del>49,500<sup>e</sup></del>	
Indirect Cost Assessment	134,619				134,619 <sup>b</sup>	
	<del>2,210,553</del>					
	2,175,553					

<sup>a</sup> This amount shall be from the Manufactured Home Fund created pursuant to Section 6-1-603(4), C.R.S.

<sup>b</sup> Of this amount, \$153,187 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., and ~~\$135,927~~ \$185,427 shall be from court-awarded settlements.

<sup>c</sup> This amount shall be from the Collection Agency Board Fund created pursuant to Section 12-14-136, C.R.S.

<sup>d</sup> This amount shall be from reserves in the Collection Agency Board Fund created pursuant to Section 12-14-136, C.R.S.

<sup>e</sup> This amount shall be from the Uniform Consumer Credit Code Fund created pursuant to Section 5-6-204, C.R.S.

<sup>f</sup> This amount shall be from reserves in the Uniform Consumer Credit Code Fund created pursuant to Section 5-6-204, C.R.S.

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

<sup>h</sup> Of this amount, \$81,733 shall be from reserves in the Uniform Consumer Credit Code Fund created pursuant to Section 5-6-204, C.R.S., \$24,039 shall be from reserves in the Collection Agency Board Fund created pursuant to Section 12-14-136, C.R.S., \$19,231 shall be from court-awarded settlements, and \$9,616 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.

**(6) SPECIAL PURPOSE**



District Attorneys'			
Salaries	<del>1,297,567</del>	<del>1,297,567</del>	
	1,289,567	1,289,567	
Trinidad Correctional Facility Construction			
Litigation	<del>466,200</del>		<del>466,200(T)</del> <sup>a</sup>
	576,200		576,200 <sup>a</sup>
HMO LAWSUIT EXPENSES	<u>1,198,870</u>		<u>1,198,870(T)</u> <sup>b</sup>
	<del>1,763,767</del>		
	3,064,637		

<sup>a</sup> ~~This amount~~ OF THIS AMOUNT, \$521,200(T) shall be from the Department of ~~Corrections~~: CORRECTIONS, AND \$55,000 SHALL BE FROM THE ATTORNEY FEES AND COSTS ACCOUNT, CREATED PURSUANT TO SECTION 24-31-108(2), C.R.S.

<sup>b</sup> THIS AMOUNT SHALL BE FROM THE DEPARTMENT OF HEALTH CARE POLICY FINANCING.

**TOTALS PART X**

(LAW) <sup>5,6</sup>	<del>\$33,637,611</del>	<del>\$9,599,013</del>	<del>\$1,060,362</del>	<del>\$22,152,551</del> <sup>a</sup>	<del>\$825,685</del>
	<u>\$34,317,582</u>	<u>\$8,441,034</u>	<u>\$1,059,068</u>	<u>\$23,993,519</u> <sup>a</sup>	<u>\$823,961</u>

<sup>a</sup> Of this amount, ~~\$20,981,174~~ \$22,744,686 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. 2002, p. 3034.)

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.

- 161 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 \$61.95 per hour for attorneys and \$50.11 per hour for paralegals, for an average rate of \$59.80.
- 162 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.
- 163 Department of Law, Legal Services to State Agencies -- The General Assembly requests that the Department of Law submit a report by January 15, 2003, detailing legal hours spent assisting each department in complying with the federal Health Insurance Portability and Accountability Act (HIPAA). Based on year-to-date legal hours used and projected future use of legal hours by client agency, the report should include any recommended shifting of legal hours to better allocate funding to those agencies who most need legal assistance in complying with HIPAA.
- 164 Department of Law, Criminal Justice and Appellate, Medicaid Fraud Grant -- It is requested 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, 2002.

165 (Governor lined through this provision. See L. 2002, p. 3069.)

166 (Governor lined through this provision. See L. 2002, p. 3069.)

167 Department of Law, Criminal Justice and Appellate, Capital Crimes Prosecution Unit -- The Department is requested to submit a report to the General Assembly, no later than November 1, 2002, on the Department's recommendations regarding the cash funding of the Capital Crimes Prosecution Unit. Specifically, the report should examine the potential to charge local district attorneys for hourly assistance provided in considering, investigating, and prosecuting death penalty cases. The report should also provide a historical review of the types of local jurisdictions benefitting from the services of the capital crimes prosecution unit as well as analyzing the ability of local jurisdictions to pay for the Unit's services.

168 Department of Law, Water and Natural Resources, Federal and Interstate Water Unit -- The General Assembly requests that the Department of Law submit a report by January 15, 2003, which details the Department's expenditures in the first half of FY 2002-03 for the following cases: (1) the Arkansas River Litigation; (2) the Republican River Litigation; (3) the federal reserved water rights case on the Gunnison River; (4) the federal reserved water rights case on the Arkansas River, and; (5) the federal reserved water rights case on the San Juan River. The Department should also include expenses on any other major water lawsuits for which Department staff expends significant amounts of time. The expenditure reporting should break down expenses for each case by: (1) the cost of Department attorneys; (2) the cost of private attorneys; (3) the cost of expert witnesses and consultants, and; (4) other operating costs.

169 (Governor lined through this provision. See L. 2002, p. 3069.)

**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, 2003