

## CHAPTER 460

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**APPROPRIATIONS**

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HOUSE BILL 08-1290

BY REPRESENTATIVE(S) Buescher, Pommer, and White;  
also SENATOR(S) Keller, Morse, and Johnson.**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 466, Session Laws of Colorado 2007, 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.*

APPROPRIATION FROM

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	2,630,408 (39.7 FTE)			5,000 <sup>a</sup>	2,625,408(T) <sup>b</sup>	
Health, Life, and Dental	1,423,679	461,603		90,556 <sup>c</sup>	847,378 <sup>d</sup>	24,142 <sup>e</sup>
Short-term Disability	31,935	9,571		1,832 <sup>c</sup>	19,631 <sup>d</sup>	901 <sup>e</sup>
S.B. 04-257 Amortization Equalization Disbursement	303,805	92,272		17,229 <sup>c</sup>	185,792 <sup>d</sup>	8,512 <sup>e</sup>
S.B. 06-235 Supplemental Amortization Equalization Disbursement	62,558	17,229		3,692 <sup>c</sup>	39,813 <sup>d</sup>	1,824 <sup>e</sup>
Salary Survey for Classified Employees	278,941	114,731		37,397 <sup>c</sup>	108,862 <sup>d</sup>	17,951 <sup>e</sup>
Salary Survey for Exempt Employees	759,834	196,085		12,305 <sup>c</sup>	541,856 <sup>d</sup>	9,588 <sup>e</sup>
Performance-based Pay Awards for Classified Employees	122,210	25,543		17,488 <sup>c</sup>	71,444 <sup>d</sup>	7,735 <sup>e</sup>
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 APPROPRIATION FROM
 

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	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Performance-based Pay Awards for Exempt Employees	256,353		66,582		4,133 <sup>c</sup>	182,369 <sup>d</sup>	3,269 <sup>e</sup>
Workers' Compensation	<del>78,836</del> 51,406		<del>24,714</del> 16,115		<del>5,680<sup>e</sup></del> 3,704 <sup>c</sup>	<del>46,191<sup>d</sup></del> 30,119 <sup>d</sup>	<del>2,251<sup>e</sup></del> 1,468 <sup>e</sup>
Operating Expenses	190,643					190,643(T) <sup>b</sup>	
<del>Administrative Law Judge Services</del>	<del>1,282</del>				<del>1,282<sup>e</sup></del>		
Purchase of Services from Computer Center	<del>43,802</del> 48,499					<del>43,802(T)<sup>b</sup></del> 48,499(T) <sup>b</sup>	
Payment to Risk Management and Property Funds	<del>79,868</del> 71,197					<del>79,868(T)<sup>b</sup></del> 71,197(T) <sup>b</sup>	
Vehicle Lease Payments	<del>57,483</del> 48,175		<del>12,066</del> 10,724		<del>13,753<sup>e</sup></del> 10,737 <sup>c</sup>	<del>23,023<sup>d</sup></del> 18,133 <sup>d</sup>	<del>8,641<sup>e</sup></del> 8,581 <sup>e</sup>
ADP Capital Outlay	91,325		35,844			40,350 <sup>d</sup>	15,131 <sup>e</sup>
Information Technology Asset Maintenance	358,296				37,699 <sup>c</sup>	320,597 <sup>d</sup>	
Leased Space	29,686		4,961		3,657 <sup>c</sup>	20,901 <sup>d</sup>	167 <sup>e</sup>
Capitol Complex Leased Space	<del>1,147,113</del>		<del>361,739</del>		<del>82,425<sup>e</sup></del>	<del>670,290<sup>d</sup></del>	<del>32,659<sup>e</sup></del>

Communication Services	1,165,178	367,436	83,723 <sup>c</sup>	680,846 <sup>d</sup>	33,173 <sup>e</sup>
Payments	<del>6,030</del>	<del>2,471</del>	<del>377<sup>e</sup></del>	<del>1,486<sup>d</sup></del>	<del>1,696<sup>e</sup></del>
	5,944	2,435	372 <sup>c</sup>	1,465 <sup>d</sup>	1,672 <sup>e</sup>
Attorney General Discretionary Fund	<u>5,000</u>	5,000			
		<del>7,959,087</del>			
		7,935,072			

<sup>a</sup> This amount shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II), C.R.S.

<sup>b</sup> These amounts shall be from indirect cost recoveries.

<sup>c</sup> These amounts shall be from various cash fund sources within the Department.

<sup>d</sup> Of these amounts, ~~\$3,106,533~~ \$3,071,978 shall be from various sources of cash funds exempt, \$24,149 SHALL BE FROM INDIRECT COST RECOVERIES, and \$13,429 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. Additionally, ~~\$3,038,129~~ \$3,027,759 of these amounts contains a (T) notation.

<sup>e</sup> These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services.

**(2) LEGAL SERVICES TO STATE AGENCIES<sup>97</sup>**

Personal Services	<del>16,095,662</del>				
	16,222,899				
	<del>(200.6 FTE)</del>				
	(202.1 FTE)				
Operating and Litigation	<del>903,656</del>				
	967,275				
Indirect Cost Assessment	<u>2,458,442</u>				
		<del>19,457,760</del>	1,000,000(T) <sup>a</sup>	<del>18,457,760(T)<sup>b</sup></del>	
		19,648,616		18,648,616(T) <sup>b</sup>	

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

<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, College Access Network (formerly 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, Disability Insurance Trust, CollegenInvest (formerly the Colorado Student Obligation Bonding Authority), and the following institutions of higher education: the University of Colorado at Boulder, the State Board of Agriculture, the Colorado School of Mines, the University of Northern Colorado, Adams State College, Mesa State College, Western State College, Fort Lewis College, and the Private Vocational Schools.

<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	1,194,091	990,007 (10.3 FTE)		204,084 <sup>a</sup> (2.5 FTE)		
Insurance Fraud Unit	594,563				594,563(T) <sup>b</sup> (7.6 FTE)	
Securities Fraud Unit	463,762	116,799 (2.0 FTE)			346,963(T) <sup>c</sup> (3.6 FTE)	
Appellate Unit	2,177,260	2,177,260 (28.0 FTE)				
Medicaid Fraud Grant <sup>98</sup>	1,281,613 (14.0 FTE)	320,372(M)				961,241 <sup>d</sup>
Capital Crimes Prosecution Unit	361,781	361,781				

		(4.0 FTE)		
Peace Officers Standards and Training Board Support	1,208,125	44,638	1,163,487 <sup>e</sup>	
	(6.0 FTE)			
Victims Assistance	69,191		69,191(T) <sup>f</sup>	
			(1.0 FTE)	
Indirect Cost Assessment	<u>241,673</u>		104,275 <sup>g</sup>	137,398(T) <sup>h</sup>
	7,592,059			

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

<sup>b</sup> This amount shall be from the Division of Insurance Cash Fund through an appropriation to the Department of Regulatory Agencies.

<sup>c</sup> This amount shall be from the Division of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies.

<sup>d</sup> This amount shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services.

<sup>e</sup> This amount shall be from the P.O.S.T. Board Cash Fund created pursuant to Section 24-31-303 (2) (b), C.R.S.

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

<sup>g</sup> Of this amount, \$73,606 shall be from the P.O.S.T. Board Cash Fund created pursuant to Section 24-31-303 (2) (b), C.R.S., and \$30,669 shall be from the State Compensation Insurance Authority.

<sup>h</sup> Of this amount, \$93,234 shall be from the Division of Insurance Cash Fund through an appropriation to the Department of Regulatory Agencies and \$44,164 shall be from the Division of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
<b>(4) WATER AND NATURAL RESOURCES</b>							
Federal and Interstate Water Unit	<del>482,426</del> 437,426		<del>482,426</del> 437,426				
			(5.5 FTE)				
Defense of the Colorado River Basin Compact	758,880					758,880 <sup>a</sup> (4.0 FTE)	
DEFENSE OF THE REPUBLICAN RIVER COMPACT	130,000					130,000 <sup>b</sup>	
Consultant Expenses	50,000					50,000 <sup>b</sup>	
Comprehensive Environmental Response, Compensation and Liability Act	452,001 (4.8 FTE)		426,123			25,878(T) <sup>c</sup>	
Comprehensive Environmental Response, Compensation and Liability Act Contracts	600,000		175,000			425,000(T) <sup>c</sup>	

Natural Resource Damage Claims at Rocky Mountain Arsenal	2,661,667	2,661,667 (2.0 FTE)
	<u>                    </u>	
	<del>5,004,974</del>	
	5,089,974	

<sup>a</sup> ~~This amount~~ THESE AMOUNTS shall be from the Colorado Water Conservation Board Litigation Fund created in Section 37-60-121 (2.5) (a), C.R.S.

<sup>b</sup> This amount shall be from reserves in the Attorney Fees and Costs Account created in Section 24-31-108 (2), C.R.S.

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

**(5) CONSUMER PROTECTION**

Consumer Protection and Anti-Trust	1,481,229	841,874 (11.5 FTE)	65,799 <sup>a</sup> (1.5 FTE)	573,556 <sup>b</sup> (4.0 FTE)
Collection Agency Board	285,667 (5.2 FTE)		238,098 <sup>c</sup>	47,569 <sup>d</sup>
Uniform Consumer Credit Code	873,437 (11.3 FTE)		766,606 <sup>e</sup>	106,831 <sup>f</sup>
Indirect Cost Assessment	<u>263,756</u>		214,685 <sup>g</sup>	49,071 <sup>h</sup>
		2,904,089		

<sup>a</sup> Of this amount, \$45,015 shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II), C.R.S., and \$20,784 shall be from the Building Regulation Fund created pursuant to Section 24-32-3309, C.R.S.

<sup>b</sup> Of this amount, \$335,837 shall be from court-awarded settlements, \$157,719 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 \$80,000 shall be from custodial funds administered by the Department.

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

<sup>c</sup> This amount shall be from the Collection Agency Cash Fund created in Section 12-14-136 (1) (a), C.R.S.

<sup>d</sup> This amount shall be from the reserves in the Collection Agency Cash Fund created in Section 12-14-136 (1) (a), C.R.S.

<sup>e</sup> This amount shall be from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S.

<sup>f</sup> This amount shall be from reserves in the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S.

<sup>g</sup> Of this amount, \$138,625 shall be from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S., \$63,792 shall be from the Collection Agency Cash Fund created in Section 12-14-136 (1) (a), C.R.S., and \$12,268 shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II), C.R.S.

<sup>h</sup> Of this amount, \$24,535 shall be from court-awarded settlements, \$12,268 shall be from custodial funds administered by the Department, and \$12,268 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.

**(6) SPECIAL PURPOSE**

District Attorneys' Salaries	1,313,037	1,313,037				
Litigation Management and Technology Fund <sup>99</sup>	325,000				325,000 <sup>a</sup>	
Statewide HIPAA Legal Services	21,609	21,609				
Tobacco Litigation	225,000	100,000			125,000 <sup>b</sup>	
<del>Fraudulent Documents (S.B. 06-110)</del>	<del>65,874</del>			<del>65,874<sup>c</sup></del>		
				<del>(1.0 FTE)</del>		
Referendum K	43,466	43,466				
	23,466	23,466				

(0.5 FTE)

	1,993,986
	1,908,112

<sup>a</sup> This amount shall be from either General Fund fund balance generated by excess earnings in the Legal Services to State Agencies program in FY 2006-07 or from reserves in the Attorney Fees and Costs Account created in Section 24-31-108 (2), C.R.S.

<sup>b</sup> This amount shall be from ~~General Fund balance generated by excess earnings in the Legal Services to State Agencies program in FY 2006-07~~: THE DEFENSE ACCOUNT OF THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED IN SECTION 24-22-115 (2) (a), C.R.S.

<sup>c</sup> ~~This amount shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (1.5), C.R.S.~~

**TOTALS PART X**

<b>(LAW)<sup>4,5</sup></b>	\$44,911,955	\$11,506,470		\$4,157,413 <sup>a</sup>	\$28,152,364 <sup>a</sup>	\$1,095,708
	<u>\$45,077,922</u>	<u>\$11,437,190</u>		<u>\$4,086,558<sup>a</sup></u>	<u>\$28,458,819<sup>a</sup></u>	<u>\$1,095,355</u>

<sup>a</sup> Of these amounts, ~~\$27,034,603~~ \$27,211,115 contains a (T) notation.

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

- 4 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.
  
- 5 All Departments, Totals -- Every Department is requested to submit to the Joint Budget Committee information on the number of additional federal and cash funds exempt FTE associated with any federal grants or private donations that are applied for or received during FY 2007-08. The information should include the number of FTE, the associated costs (such as workers' compensation, health and life benefits, need for additional space, etc.) that are related to the additional FTE, the direct and indirect matching requirements associated with the federal grant or donated funds, the duration of the grant, and a brief description of the program and its goals and objectives.

- 97 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 \$74.64 per hour for attorneys and not exceed \$60.79 per hour for paralegals, which equates to a blended rate of \$72.03 per hour.
- 98 Department of Law, Criminal Justice and Appellate, Medicaid Fraud Grant -- 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) the most recent estimates on the total amount of Medicaid fraud and abuse in Colorado; (2) a summary of total fines, costs, and restitutions recovered, attributable to the Medicaid Fraud Control Unit's efforts; (3) 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 (4) 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, 2007.
- 99 Department of Law, Special Purpose, Litigation Management and Technology Fund -- It is the intent of the General Assembly to grant the Department of Law additional flexibility by allowing the Department to use funds appropriated in this line item to address unanticipated state legal needs that arise during FY 2007-08, as well as information technology asset maintenance needs that would otherwise require General Fund appropriations during FY 2007-08. It is also the intent of the General Assembly that moneys spent from this fund 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 fund will not be used to offset present or future personal services deficits in any division in the Department. The Department is requested to submit a quarterly report to the Joint Budget Committee detailing the purpose for which moneys from this fund have been expended. Such a report 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. Repeal.** Section 12 (2) (b) of chapter 386, Session Laws of Colorado 2007, is repealed as follows:

Section 12. **Appropriation.** (2) (b) ~~In addition to any other appropriation, there is hereby appropriated, to the department of law, for consumer protection, for the fiscal year beginning July 1, 2007, the sum of two hundred sixty-four thousand six hundred eight dollars (\$264,608), cash funds exempt, and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation to the division of real estate in subsection (1) of this section.~~

**SECTION 3. Repeal.** Section 17 (1) (b) of chapter 388, Session Laws of Colorado 2007, is repealed as follows:

Section 17. **Appropriation.** (1) (b) ~~In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2007, to the department of law, for allocation to the consumer protection section, for the fiscal year beginning July 1, 2007, the sum of one hundred eighty-six thousand three hundred forty-nine dollars (\$186,349) and 2.3 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies, executive director's office out of the appropriation for to the division of real estate in section 16 of this act.~~

**SECTION 4. 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 17, 2008