

CHAPTER 271

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**APPROPRIATIONS**

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**SENATE BILL 95-184**

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

**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 XI of section 2 of chapter 354, Session Laws of Colorado 1994, 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				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
<b>PART XI</b>							
<b>DEPARTMENT OF LAW</b>							
<b>(1) ADMINISTRATION <sup>88</sup></b>							
Personal Services	1,463,347					1,463,347 (T) <sup>a</sup>	
(36.7 FTE)							
Group Health and Life	601,058		230,370		34,866 <sup>b</sup>	318,710 <sup>c</sup>	17,112
Short-term Disability	26,950		10,330		1,563 <sup>b</sup>	14,290 <sup>c</sup>	767
Salary Survey, Anniversary Increases and Shift Differential	420,985		165,381		24,041 <sup>b</sup>	219,764 <sup>c</sup>	11,799
Workers' Compensation	184,185		70,593		10,684 <sup>b</sup>	97,664 <sup>c</sup>	5,244
Operating Expenses	221,611		<del>221,611</del>				
			116,875			104,736 (T) <sup>a</sup>	
Purchase of Services from Computer Center	143,708		143,708				
Payment to Risk Management and Property Funds	258,990		258,990				
Vehicle Lease Payments	36,956		11,443			20,752 <sup>c</sup>	4,761
ADP Capital Outlay Capitol Complex	406,839		203,107		14,003 <sup>b</sup>	189,729 <sup>c</sup>	

Leased Space	620,441	237,799	35,990 <sup>b</sup>	328,988 <sup>c</sup>	17,664
Attorney General					
Discretionary Fund	<u>5,000</u>	5,000 <sup>d</sup>			
		4,390,070			

<sup>a</sup> Of ~~this amount~~, THESE AMOUNTS, \$276,476 shall be from statewide indirect cost recoveries, and ~~\$1,186,871~~ \$1,291,607 shall be from departmental indirect cost recoveries.

<sup>b</sup> Of these amounts, \$99,456 shall be from various sources of appropriated cash funds, \$8,173 shall be from various sources of funds appropriated for legal services, and \$13,518 shall be from various sources of nonappropriated funds.

<sup>c</sup> Of these amounts, \$1,143,837(T) shall be from various sources of funds appropriated for legal services, and \$46,060 shall be from various sources of nonappropriated funds.

<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>88</sup>**

Personal Services	2,084,440	1,485,526	598,914 <sup>a</sup>
	(40.0 FTE)		
Appellate Backlog <sup>89</sup>	272,953	272,953	
		(4.0 FTE)	
Operating Expenses	116,831	116,831	
Litigation Expenses	31,429	31,429	
Consultant Expenses	30,000	30,000	
Capital Crimes			
Prosecution			

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM			
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT
	\$	\$	\$	\$	\$	\$
Unit <sup>89a</sup>	302,947		302,947			
		2,838,600	(4.0 FTE)			

<sup>a</sup> Of this amount, \$420,575(T) shall be from excess statewide indirect cost recoveries, and \$178,339 shall be from court-awarded settlements.

**(3) LEGAL SERVICES TO STATE AGENCIES <sup>88, 90, 91</sup>**

Personal Services <sup>92</sup>	<del>7,423,300</del>					
	7,789,233					
	<del>(139.6 FTE)</del>					
	(145.5 FTE)					
Operating Expenses	<del>341,163</del>					
	367,139					
Litigation Expenses	<del>101,579</del>					
	181,546					
Litigation Management Fund <sup>93</sup>	280,000		280,000			
Indirect Cost						
Assessment	<del>1,519,218</del>					
	<u>1,623,954</u>	9,665,260		160,018 <sup>a</sup>	9,225,242 <sup>b</sup>	

10,241,872

35,663 <sup>a</sup>

9,926,209 <sup>b</sup>

<sup>a</sup> This amount shall be from various sources of non appropriated funds.

<sup>b</sup> Of this amount, ~~\$8,977,677(T)~~ \$9,678,644(T) shall be from various sources of funds appropriated for legal services to state agencies, and \$247,565 shall be from other, nonappropriated funds.

**(4) SPECIAL PURPOSE <sup>88</sup>**

Collection Agency

Board 112,267

~~111,643~~ <sup>a</sup>

~~624~~ <sup>b</sup>

112,267 <sup>a</sup>

(2.5 FTE)

Uniform Consumer Credit

Code 374,941

364,007 <sup>c</sup>

10,934 <sup>d</sup>

(6.5 FTE)

Medicaid Fraud Grant <sup>94</sup>

~~654,892~~

163,723 (M)

~~491,169~~

662,892

2,000 <sup>j</sup>

497,169

(3.0 FTE)

(8.0 FTE)

Office of Consumer

Counsel 241,948

241,948 <sup>e</sup>

(4.0 FTE)

District Attorneys'

Salaries 932,976

932,976

Indirect Cost

Assessment 364,703

170,954 <sup>f</sup>

193,749 (T) <sup>g</sup>

Legal Services for Risk

Management Division 1,006,385

1,006,385 (T) <sup>g</sup>

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
						(17.0 FTE)	
Comprehensive Environmental Response, Compensation and Liability Act	963,431		856,944 (17.0 FTE)				106,487 (T) <sup>b</sup> (2.0 FTE)
Comprehensive Environmental Response, Compensation and Liability Act Contracts <sup>95</sup>	1,309,812		1,309,812				
Workers' Compensation Fraud	121,413				121,413 <sup>i</sup> (2.0 FTE)		
Supreme Court Litigation	302,084		302,084				
Police Officers Standards and Training Board Support	163,405		163,405 (4.0 FTE)				
	<hr/>	<b>6,548,257</b>					

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

~~<sup>b</sup> This amount shall be from Collection Agency Board Fund reserves.~~

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

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

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

<sup>f</sup> Of this amount, \$28,492 shall be from Collection Agency Board Fund, \$74,080 shall be from Uniform Consumer Credit Code Fund, \$45,588 shall be from the Public

Utilities Commission Fixed Utilities Fund, and \$22,794 shall be from the State Compensation Insurance Authority.

<sup>g</sup> These amounts shall be from the Risk Management Fund.

<sup>h</sup> This amount shall be from the Department of Health.

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

<sup>j</sup> THIS AMOUNT SHALL BE FROM COURT-AWARDED SETTLEMENTS.

**TOTALS PART XI**

(LAW) <sup>8</sup>	<del>\$23,442,187</del>	<del>\$7,806,962<sup>a</sup></del>	<del>\$1,291,130</del>	<del>\$13,795,579<sup>b</sup></del>	<del>\$548,516</del>
	<u>\$24,026,799</u>	<u>\$7,702,226<sup>a</sup></u>	<u>\$1,167,399</u>	<u>\$14,602,658<sup>b</sup></u>	<u>\$554,516</u>

<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 as set forth in Section 24-75-201.1, C.R.S.

<sup>b</sup> Of this amount, ~~\$13,312,057~~ \$14,117,760 contains a (T) notation.

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

8 (Governor lined through this provision. See L. 94, p. 3086.)

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

- 88 Department of Law, All Sections -- In making these appropriations, it is the intent of the General Assembly that the Department not exceed its total appropriated level of FTE at any time during the fiscal year.
- 89 Department of Law, General Enforcement and Appellate Sections, Appellate Backlog -- The additional 4.0 FTE and contract moneys appropriated to the Appellate Backlog line item shall be used to address the existing case backlog and future cases received. The Department will be expected to justify to the General Assembly the continuing need for these positions and funding after the elimination of the current case backlog. Of the 4.0 FTE provided for in this appropriation, 1.0 FTE is intended to be used for support staff to assist the attorneys in this effort.
- 89a Department of Law, General Enforcement and Appellate Sections, Capital Crimes Prosecution Unit -- The Department is requested to provide an annual report to the General Assembly on both the dollars and the FTE utilized by district attorneys in prosecuting cases in which defendants could be sentenced to death. In addition, the Department is requested to report no later than January 15, 1995, on the dollars and FTE utilized within the Department in assisting district attorneys in such death penalty cases.
- 90 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.
- 91 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 \$50.10 per hour for attorneys and \$38.30 per hour for paralegals, for an average rate of \$48.39.
- 92 Department of Law, Legal Services to State Agencies, Personal Services -- It is the intent of the General Assembly that sufficient resources are appropriated in this line item for the Department to properly execute its timely review of state contracts pursuant to Section 24-30-202(10), C.R.S., and that the Department should allocate these resources accordingly to perform this function.
- 93 Department of Law, Legal Services to State Agencies, 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. Beginning in August 1994, the Department is requested to report monthly to the Joint Budget

Committee and to the Governor as to how these funds are being used. On or before January 1, 1995, the Department is requested to justify to the Joint Budget Committee the benefit of continuing this appropriation in FY 1995-96. 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 make up for present or future personal services budgetary shortfalls in any area.

- 94 Department of Law, Special Purpose, Medicaid Fraud Grant -- The Department is requested to redirect its program efforts toward capturing dollars fraudulently spent in the state Medicaid program. A report on the Department's efforts in this area is requested by November 1, 1994. Such report should contain estimates on the total fraudulent activity, both fiscal and programmatic, occurring within the state Medicaid program and information on the Medicaid Fraud Grant Section's efforts toward reducing such fraud.
- 95 Department of Law, Special Purpose, Comprehensive Environmental Response, Compensation and Liability Act Contracts -- It is the intent of the General Assembly that any appropriation made to the Department of Law for the purpose of funding contracts outside the state be spent on such contracts pursuant to the State Fiscal Rules. The Department is requested to submit to the Joint Budget Committee, by January 15, 1995, a delineation of its contract expenditures, both anticipated and to date, for FY 1994-95.

**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 29, 1995