

CHAPTER 313

APPROPRIATIONS

HOUSE BILL 96-1326

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

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 283, Session Laws of Colorado 1995, 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				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
PART XI							
DEPARTMENT OF LAW							
(1) ADMINISTRATION							
Personal Services	1,565,370					1,565,370(T) ^a (37.7 FTE)	
Health, Life, and Dental	580,138		228,854		28,153 ^b	310,817(T) ^c	12,314
Short-term Disability	26,950		10,330		1,563 ^b	14,290(T) ^c	767
Salary Survey, Anniversary Increases, and Shift Differential	684,770		245,020		39,298 ^b	379,593(T) ^c	20,859
Workers' Compensation	189,117		70,348		9,908 ^b	103,443(T) ^c	5,418
Operating Expenses	223,171		1,560			221,611(T) ^a	
Purchase of Services from Computer Center	80,533					80,533(T) ^a	
Payment to Risk Management and Property Funds	124,608					124,608(T) ^a	
Vehicle Lease Payments	37,296 39,504		11,783 13,991			20,752(T) ^c	4,761
ADP Capital Outlay	160,098 162,295		64,774 53,575		6,404 ^b	84,597(T)^c 97,993(T) ^c	4,323

Capitol Complex					
Leased Space	629,881		234,198	33,001 ^b	344,532(T) ^c
Attorney General					18,150
Discretionary Fund	<u>5,000</u>		5,000 ^d		
		4,306,932			
		4,311,337			

^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 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.

^e OF THIS AMOUNT, \$13,396 SHALL BE FROM INDIRECT COST RECOVERIES AND \$84,597 SHALL BE FROM VARIOUS SOURCES OF CASH FUNDS EXEMPT WITHIN THE DEPARTMENT.

(2) GENERAL ENFORCEMENT AND APPELLATE SECTIONS

Personal Services ^{93a}	2,183,338	1,669,333	514,005 ^a
	2,168,338	1,654,333	
	(40.0 FTE)		
Appellate Backlog ⁹⁴	272,953	272,953	
		(4.0 FTE)	
Operating Expenses	117,943	117,943	
	132,943	132,943	
Litigation Expenses	31,429	31,429	
Consultant Expenses	7,000	7,000	
Capital Crimes			

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
Prosecution Unit ⁹⁵	299,450		299,450				
	297,242		297,242				
			(4.0 FTE)				
		2,912,113					
		2,909,905					

^a Of this amount, \$117,787(T) shall be from indirect cost recoveries and \$396,218 shall be from court-awarded settlements.

(3) LEGAL SERVICES TO STATE AGENCIES^{7, 96, 97}

Personal Services	8,263,692						
	8,305,449						
	(153.6 FTE)						
	(154.2 FTE)						
Operating Expenses	372,751						
	376,002						
Litigation Expenses	110,984						
	111,465						
Indirect Cost							
Assessment	1,744,359						
	1,757,755						
		10,491,786		35,546 ^a		10,456,240(T) ^b	

10,550,671

10,515,125(T)^b

^a This amount shall be from the Public Employees' Retirement Association.

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

(4) SPECIAL PURPOSE

Collection Agency

Board^{93a} ~~132,661~~
133,361

~~132,661~~^a
133,361^a
(2.5 FTE)

Uniform Consumer Credit
Code

381,146

381,146^b
(6.5 FTE)

Medicaid Fraud Grant⁹⁸ 693,887
(11.0 FTE)

171,471(M)

2,000^c 520,416

Office of Consumer
Counsel

242,605

242,605^d
(4.0 FTE)

District Attorneys'
Salaries

932,974

932,974

Legal Services for Risk
Management Division

1,033,687

1,033,687(T)^e
(17.0 FTE)

Comprehensive
Environmental
Response, Compensation

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
and Liability Act	994,710		867,351			127,359(T) ^f	
	(19.0 FTE)						
Comprehensive Environmental Response, Compensation and Liability Act							
Contracts	1,309,812		1,309,812				
Workers' Compensation Fraud	124,335				124,335 ^g (2.0 FTE)		
Supreme Court Litigation	302,084		302,084				
Police Officers Standards and Training Board Support	183,030		165,030		18,000 ^h		
	(4.0 FTE)						
Litigation Management Fund ⁹⁹	300,000		300,000				
Indirect Cost Assessment	<u>365,550</u>				171,352 ⁱ	194,198(T) ^e	
		6,996,481					
		6,997,181					

^a This amount shall be from Collection Agency Board Fund.

^b This amount shall be from Uniform Consumer Credit Code Fund.

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

^d This amount shall be from the Public Utilities Commission Fixed Utilities Fund.

^e These amounts shall be from the Risk Management Fund.

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

^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.

¹ Of this amount, \$28,559 shall be from Collection Agency Board Fund, \$74,252 shall be from Uniform Consumer Credit Code Fund, \$45,694 shall be from the Public Utilities Commission Fixed Utilities Fund, and \$22,847 shall be from the State Compensation Insurance Authority.

TOTALS PART XI

(LAW) ^{10,11,11a}	\$24,707,312	\$7,318,697 ^e	\$1,223,972	\$15,577,635 ^b	\$587,008
	<u>\$24,769,094</u>	<u>\$7,307,498^a</u>	<u>\$1,224,672</u>	<u>\$15,649,916^b</u>	

^a 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 asset forth in Section 24-75-201.1, C.R.S.

^b Of this amount, ~~\$15,179,417~~ \$15,251,698 contains a (T) notation.

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

7 Department of Administration, Division of Administrative Hearings; Judicial Department, Courts Administration, Administrative Special Purpose, Office of Dispute Resolution; and Department of Law, Legal Services to State Agencies -- The Departments are requested to provide, by October 15, 1995, a report to the Joint Budget Committee on proposals to improve and expand the use and coordination of alternative dispute resolution programs. The report should include a discussion of the cost-effectiveness of alternative dispute resolution programs and a plan for expanded use of such programs in claims involving the state.

10 (Governor lined through this provision. See L. 95, p. 1963.)

11 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

Appropriations

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\$	\$	\$	\$	\$	\$	\$

Committee and the majority and minority leadership in each house of the General Assembly.

11a (Governor lined through this provision. See L. 95, p. 1964.)

93a Department of Law, General Enforcement and Appellate Section, Personal Services; and Special Purpose, Collection Agency Board -- Of the amount appropriated for the General Enforcement and Appellate Section for personal services, \$32,155 is intended to provide for an automated telephone response system or answering services to handle consumer complaints. Of the amount appropriated for the Collection Agency Board, \$15,983 is intended for the same purpose. Based upon these appropriations, the General Assembly anticipates that the General Enforcement and Appellate Section will be able to demonstrate an increase in the number of complaints resolved and the number of dollars recovered by the Consumer Protection Unit. The General Assembly also anticipates that the Collection Agency Board will be able to demonstrate an increase in the number of enforcement actions and a decrease in the time required to respond to consumer complaints.

94 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.

95 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, 1995, on both the dollars and the FTE utilized by district attorneys in prosecuting death penalty cases in FY 1994-95. In addition, the Department is requested to report no later than October 15, 1995, on the dollars and FTE utilized within the Department in assisting district attorneys in such death penalty cases in FY 1994-95.

96 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.

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 \$49.85 per hour for attorneys and \$39.21 per hour for paralegals, for an average rate of \$48.07.

98 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 should be submitted to the Joint Budget Committee by October 15, 1995. The 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 Section's efforts toward reducing such fraud. If the dollar value of actual General Fund recoveries received by the Department by the end

of FY 1994-95 is less than the anticipated amount of \$303,572, the FY 1995-96 appropriation for the Medicaid Fraud Unit will be reviewed by the Joint Budget Committee.

99 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. Beginning in November 1995, 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 7, 1996