

CHAPTER 297

APPROPRIATIONS

SENATE BILL 97-185

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

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 324, Session Laws of Colorado 1996, 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	1,628,896	266,418 195,471			1,362,478(T)^a 1,433,425(T) ^a	
(37.7 FTE)						
Health, Life, and Dental	605,412	227,265		34,351 ^b	331,481(T) ^c	12,315
Short-term Disability	29,289	10,753		1,530 ^b	16,217(T) ^c	789
Salary Survey, Anniversary Increases, and Shift						
Differential	636,218	212,198		36,096 ^b	367,726(T) ^c	20,198
Workers' Compensation	43,612	16,011		2,278 ^b	24,148(T) ^c	1,175
Operating Expenses	220,939	220,939				
Purchase of Services from Computer Center	42,952	42,952				
Payment to Risk Management and Property Funds	67,690	67,690				
Vehicle Lease Payments	39,800	15,719			18,609(T) ^c	5,472
ADP Capital Outlay	215,333	80,878		19,787 ^b	111,149(T) ^c	3,519

Capitol Complex Leased					
Space	632,291	232,129	33,029 ^b	350,103(T) ^c	17,030
Attorney General					
Discretionary Fund	<u>5,000</u>	5,000 ^d			
		4,167,432			

^a This amount 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.

(2) GENERAL ENFORCEMENT AND APPELLATE SECTIONS

Personal Services	2,258,600	1,750,767	507,833 ^a
	(40.0 FTE)		
Appellate Backlog	272,964	272,964	
		(4.0 FTE)	
Operating Expenses	121,714	121,714	
	128,714	128,714	
Litigation Expenses	31,429	31,429	
Consultant Expenses	200,000	200,000	
Capital Crimes Prosecution			
Unit ¹¹⁰	285,765	285,765	
	278,765	278,765	
		(4.0 FTE)	
Victim's Assistance	41,766		41,766(T)^b
	45,571		45,571(T) ^b
	<u> </u>		(1.0 FTE)
		3,212,238	

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	3,216,043					
(3) LEGAL SERVICES TO STATE AGENCIES^{111, 112}						
Personal Services	8,681,251					
	8,812,010					
	(153.6 FTE)					
	(156.2 FTE)					
Operating Expenses	372,193					
	417,885					
Litigation Expenses	111,452					
	112,346					
Indirect Cost Assessment	1,091,598					
	<u>1,162,545</u>					
	10,256,494			98,460 ^a	10,158,034(T)^b	
	10,504,786				10,406,326(T) ^b	

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

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

^a Of this amount, \$34,968 shall be from the Public Employees' Retirement Association, \$31,552(T) shall be from the Department of Revenue, State Lottery Division, \$5,577(T) shall be from the Department of Corrections, Correctional Industries Subprogram, and \$26,363(T) shall be from the Colorado Student Loan Program in the Department of Higher Education.

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

(4) SPECIAL PURPOSE

Collection Agency Board	127,720		127,720 ^a (2.5 FTE)		
Uniform Consumer Credit Code	399,629		399,629 ^b (6.5 FTE)		
Medicaid Fraud Grant ¹¹³	726,544 (11.0 FTE)	179,636		2,000 ^c	544,908
Office of Consumer Counsel	251,668		251,668 ^d (4.0 FTE)		
District Attorneys' Salaries Legal Services for Risk Management Division	1,124,482 1,070,946 1,182,481	1,124,482		1,070,946(T)^e 1,182,481(T) ^e (17.0 FTE)	
Comprehensive Environmental Response, Compensation and Liability Act	1,035,414 908,055 (19.0 FTE) (16.0 FTE)	908,055 808,055		127,359(T)^f 100,000(T) ^f	

Appropriations

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Comprehensive Environmental Response, Compensation and Liability Act Contracts ¹⁴	1,309,812		1,309,812				
Workers' Compensation Fraud	128,561				128,561 ^g (2.0 FTE)		
Supreme Court Litigation	302,084		302,084				
Police Officers Standards and Training Board Support	191,192 (4.0 FTE)		166,192		25,000 ^h		
Litigation Management Fund ¹⁵	300,000		300,000				
Securities Fraud	254,197					254,197(T) ⁱ (3.5 FTE)	
Indirect Cost Assessment	<u>270,880</u>				100,949 ^j	169,931(T) ^e	
		7,493,129					
		7,477,305					

^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 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.

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

^j Of this amount, \$16,825 shall be from Collection Agency Board Fund, \$43,744 shall be from Uniform Consumer Credit Code Fund, \$26,920 shall be from the Public Utilities Commission Fixed Utilities Fund, and \$13,460 shall be from the State Compensation Insurance Authority.

TOTALS PART X

(LAW) ^{2,3}	\$25,129,293	\$8,350,852 ^a	\$1,259,058	\$14,913,977 ^b	\$605,406
	<u>\$25,365,566</u>	<u>\$8,179,905^a</u>	<u>\$1,259,058^b</u>	<u>\$15,321,197^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^d 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.

^b Of this amount, ~~\$14,467,636~~ THESE AMOUNTS, \$14,874,856 contains a (T) notation.

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

2 (Governor lined through this provision. See L. 96, p. 2332.)

3 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.

110 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, 1996, on both the dollars and the FTE utilized by

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district attorneys in prosecuting death penalty cases in FY 1995-96. In addition, the Department is requested to report no later than October 15, 1996, on the dollars and FTE utilized within the Department in assisting district attorneys in such death penalty cases in FY 1995-96.

- 111 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.
- 112 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 \$49.10 per hour for attorneys and \$39.16 per hour for paralegals, for an average rate of \$47.45.
- 113 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 October 15, 1996. 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 1995-96 is less than the anticipated amount of \$491,837, the FY 1996-97 appropriation for the Medicaid Fraud Unit will be reviewed by the Joint Budget Committee.
- 114 Department of Law, Special Purpose, Comprehensive Environmental Response, Compensation and Liability Act Contracts; Department of Natural Resources, Executive Director's Office, Comprehensive Environmental Response, Compensation

and Liability Act; and Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Contaminated Site Cleanups -- The departments are requested to cooperate in the preparation of a report detailing each department's expenditures for CERCLA contracts. The report should include a case-by-case itemization of actual, estimated and requested funding for personal services, contract services, operating expenses and other costs. The report should be prepared annually and should be submitted with each department's budget request.

- 115 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. 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 13, 1997