

CHAPTER 306

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**APPROPRIATIONS**

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**SENATE BILL 97-194**

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

**AN ACT**

**CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF REVENUE.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Part XIX of section 2 of chapter 324, Session Laws of Colorado 1996, 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
\$	\$	\$	\$	\$	\$	\$

**PART XIX  
DEPARTMENT OF REVENUE**

**(1) EXECUTIVE DIRECTOR'S OFFICE<sup>147, 148, 149</sup>**

Personal Services and Operating Expenses	5,213,382
	4,974,290
	(85.3 FTE)
	(83.8 FTE)
System Design <sup>150</sup>	967,034
Health, Life, and Dental	2,641,719
	2,657,007
Short-term Disability	98,419
Salary Survey, Anniversary Increases and Shift Differential	2,518,394
Workers' Compensation	848,635
Legal Services for <del>8,496</del> 9,270 hours	403,108
	411,828

Payment to Risk					
Management and Property					
Funds	131,446				
Vehicle Lease Payments	<del>437,412</del>				
	362,412				
ADP Capital Outlay	2,149,785				
Leased Space	<del>2,357,828</del>				
	2,165,944				
Capitol Complex Leased					
Space	676,624				
Utilities	<del>138,244</del>				
	<u>236,910</u>				
		18,582,030	11,460,689	634,358*	6,486,983 <sup>b</sup>
		18,198,728	11,218,304	791,929 <sup>a</sup>	6,188,495 <sup>b</sup>

<sup>a</sup> Of this amount, ~~\$30,082~~ \$17,421 shall be from the Liquor Enforcement Cash Fund, ~~\$63,445~~ \$42,356 shall be from the Auto Dealers License Fund, \$33,864 shall be from the Ignition Interlock Fund, \$235,604 SHALL BE FROM THE STATE LOTTERY FUND, and ~~\$506,967~~ \$462,684 shall be from various sources of cash.

<sup>b</sup> Of this amount, ~~\$1,375,263~~ \$1,649,647 shall be from the Highway Users Tax Fund, ~~\$235,604~~ \$127,091 shall be from the Distributive Data Processing Account FOR INDIRECT COST RECOVERIES, \$672,676 shall be from the Drivers License Revocation Account, ~~\$206,698~~ shall be from the State Lottery Fund, ~~\$145,878 (T)~~ \$125,170(T) shall be from the Limited Gaming Fund, FUND FOR INDIRECT COST RECOVERIES, ~~\$48,791~~ \$37,465 shall be from the Automotive Inspection and Readjustment Account for indirect cost recoveries, \$9,868(T) SHALL BE FROM THE HAZARDOUS MATERIAL SAFETY FUND, and ~~\$3,802,073~~ \$3,566,578 shall be from various sources of exempt cash funds.

**(2) INFORMATION AND SUPPORT SERVICES DIVISION<sup>149, 151</sup>**

Program Costs	<del>16,085,567</del>	14,444,169	462,837*	1,178,561 <sup>b</sup>
	16,646,711	14,814,837	492,640 <sup>a</sup>	1,339,234 <sup>b</sup>
	(237.0 FTE)			
	(241.5 FTE)			

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Program Costs	18,587,182					
	18,036,987					
	(396.4 FTE)					
	(382.4 FTE)					
Drivers License Documents	892,734					
	<u>1,069,545</u>					
	19,479,913	9,569,702		74,877 <sup>a</sup>	9,835,334 <sup>b</sup>	
	19,106,532	9,257,093		48,338 <sup>a</sup>	9,801,101 <sup>b</sup>	

<sup>a</sup> Of this amount, \$293,948 shall be from the Trade Name Registration Fund, ~~\$46,157~~ \$67,562 shall be from the Auto Dealers License Fund, \$25,186 shall be from the Aviation Fund, \$7,075 shall be from the Waste Disposal Fund, \$7,610 shall be from the Tax Lien Certification Fund, ~~\$82,864~~ AND \$91,259 shall be from the Liquor Enforcement Cash Fund.

<sup>b</sup> Of this amount, ~~\$855,450~~ \$932,893 shall be from the Distributive Data Processing Account, \$72,804 shall be from fees collected pursuant to Section 42-1-215(2), C.R.S., \$1,088(T) shall be from the Debt Collection Fund, ~~\$29,960~~ \$42,197 shall be from the Automotive Inspection and Readjustment Account, \$46,797 shall be from the Drivers License Revocation Account, \$4,853(T) shall be from the State Lottery Fund, ~~\$154,097 (T)~~ \$204,608(T) shall be from the Limited Gaming Fund, OF WHICH \$176,601 SHALL BE FOR INDIRECT COST RECOVERIES, and \$13,512 shall be from the Outstanding Judgements and Warrants Account. ACCOUNT, AND \$20,482 SHALL BE FROM THE HIGHWAY USERS TAX FUND.

**(3) MOTOR VEHICLE DIVISION<sup>16, 149</sup>**

<sup>a</sup> Of this amount, ~~\$70,346~~ \$43,777 shall be from the Auto Dealers License Fund, and \$4,561 shall be from the Ignition Interlock Fund.

<sup>b</sup> Of this amount, ~~\$9,115,006~~ \$9,109,567 shall be from the Highway Users Tax Fund, ~~\$266,521~~ \$241,298 shall be from the Distributive Data Processing Account, \$136,863 shall be from the Drivers License Revocation Account, \$72,033 shall be from fees collected pursuant to Section 42-2-116(3)(c), C.R.S., ~~\$95,083~~ \$91,513 shall be from the Automotive Inspection and Readjustment Account, and ~~\$149,828~~ \$149,827 shall be from the Penalty Assessment Account.

**(4) PORTS OF ENTRY DIVISION<sup>149</sup>**

Program Costs	<del>5,490,550</del>			
	6,139,686			
	(129.5 FTE)			
	(145.0 FTE)			
Controlled Maintenance -				
Fixed and Mobile Ports	<u>55,335</u>			
		<del>5,545,885</del>	652,051	<del>5,545,885</del> *
		6,195,021		5,542,970 <sup>a</sup>

<sup>a</sup> Of this amount, ~~\$5,541,040~~ \$5,538,125 shall be from the Highway Users Tax Fund, and \$4,845 shall be from the Penalty Assessment Fund.

**(5) SPECIAL PURPOSE<sup>149</sup>**

**(A) Vehicle Emissions**

Program Costs	<del>978,633</del>			<del>978,633</del> *
	983,486			983,486 <sup>a</sup>
				(16.5 FTE)

<sup>a</sup> This amount shall be from the Automobile Inspection and Readjustment Account.

**(B) Motor Vehicle Dealer Licensing Board**

Program Costs	<del>1,183,246</del>		<del>1,183,246</del> *
	1,213,950		1,213,950 <sup>a</sup>
			(23.2 FTE)

<sup>a</sup> This amount shall be from the Auto Dealers License Fund.

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
<b>(C) Traffic Safety Program</b>	100,000					100,000(T) <sup>a</sup>	
<b>(D) Data Processing Services</b>							
Distributive Data Processing	<del>4,017,899</del> 4,027,468 (27.5 FTE)						
Titles	<del>1,308,115</del> 1,299,265 (42.4 FTE)						
	<u>5,326,014</u> 5,326,733		155,192			<del>5,170,822*</del> 5,171,541 <sup>a</sup>	

<sup>a</sup> This amount shall be from federal funds appropriated in the Office of Transportation Safety, Colorado Department of Transportation.

<sup>a</sup> Of this amount, ~~\$4,892,524~~ \$4,893,243 shall be from the Distributive Data Processing Account, \$126,186 shall be from the Central Indexing Fund, and \$152,112 (T) shall be from the Department of State.

<b>(E) Motor Carrier Safety Assistance Program</b>	292,123		292,123 (8.5 FTE)
<b>(F) Hazardous Materials Permitting Program</b>	<del>150,640</del> 142,394		<del>150,640(T)<sup>a</sup></del> 142,394(T) <sup>a</sup> (4.0 FTE)

<sup>a</sup> This amount shall be from the Hazardous Materials Safety Fund.

<b>(G) Mineral Audit Program</b>	563,834 (10.0 FTE)		43,322(T) <sup>a</sup>	520,512 <sup>b</sup>
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<sup>a</sup> Of this amount, \$2,008 shall be from the Oil and Gas Conservation Fund and \$41,314 shall be from the State Land Board Administration Fund.

<sup>b</sup> Included in this amount is \$77,021 in indirect cost recoveries.

<b>(H) Cigarette Tax Rebate</b>	16,500,000	16,500,000 <sup>a</sup>	
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<sup>a</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.

<b>(I) Old Age Heat and Fuel and Property Tax Assistance Grant</b>	11,900,000	11,900,000 <sup>a</sup>	
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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

<sup>a</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.

**(J) Reinvestment**

<b>Reserve<sup>152</sup></b>	250,000				250,000(T) <sup>a</sup>
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<sup>a</sup> This amount shall be from savings identified within the Department.

**(K) Colorado Municipal**

<b>League Computer List</b>	1,314			1,314 <sup>a</sup>
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<sup>a</sup> This amount shall be from the Colorado Municipal League.

~~37,245,804~~  
37,273,834

**(6) TAXATION AND COMPLIANCE DIVISION<sup>149</sup>**

Program Costs	<del>11,173,872</del>	<del>11,090,210</del>		6,641 <sup>a</sup>	77,021(T) <sup>b</sup>
	11,196,353	11,112,691			
	(207.1 FTE)				



<sup>a</sup> This amount shall be from the Aviation Fund.

<sup>b</sup> This amount shall be from the Mineral Audit Program for indirect cost recoveries.

**(7) TAXPAYER SERVICE DIVISION<sup>149</sup>**

Program Costs	<del>4,004,183</del>	<del>3,712,315</del>	277,478 <sup>a</sup>	14,390(T) <sup>b</sup>
	3,740,096	3,448,228		
	<del>(88.0 FTE)</del>			
	(83.5 FTE)			

<sup>a</sup> Of this amount, \$249,545 shall be from the Trade Name Registration Fund, and \$27,933 shall be from the Aviation Fund.

<sup>b</sup> This amount shall be from the Debt Collection Fund.

**(8) LIQUOR ENFORCEMENT DIVISION<sup>149</sup>**

Personal Services and Operating Expenses	<del>1,153,792</del>	<del>472,464</del>	681,328 <sup>a</sup>	
	1,155,491	474,163		
		(9.5 FTE)	(11.0 FTE)	

<sup>a</sup> This amount shall be from the Liquor Enforcement Cash Fund.

**(9) STATE LOTTERY DIVISION<sup>149</sup>**

Fixed Costs	<del>9,332,307</del>			
	9,375,472			
	(128.0 FTE)			
Travel	139,111			
Leased Space	389,472			
Grand Junction Office				
Building Leased Space	5,022			
Indirect Cost Assessment	240,457			

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Marketing and Communications	9,751,607						
Vendor Fees	8,632,560 <sup>a</sup>						
Prizes	148,014,000 <sup>a</sup>						
Retailer Compensation	15,293,940 <sup>a</sup>						
Ticket Costs	<del>3,351,720</del>						
	3,880,250						
Capital Outlay	<u>223,700</u>						
		<del>195,373,896</del>				<del>195,373,896<sup>b</sup></del>	
		195,945,591				195,945,591 <sup>b</sup>	

<sup>a</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.

<sup>b</sup> This amount shall be from the State Lottery Fund.

**(10) LIMITED GAMING DIVISION<sup>149</sup>**

Program Costs	<del>18,192,277</del>	<del>18,192,277<sup>a</sup></del>
	20,896,349	20,896,349 <sup>a</sup>
		(70.0 FTE)

<sup>a</sup> This amount shall be from the Limited Gaming Fund. 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.

**(11) DIVISION OF RACING EVENTS<sup>149</sup>**

Program Costs	<del>2,163,216</del>			
	2,156,738			
	(37.2 FTE)			
Racetrack Applications	25,000			
Purses and Breeders	810,000 <sup>a</sup>			
Fair Circuit Race Days <sup>153</sup>	95,710			
	<u>(1.3 FTE)</u>			
	<del>3,093,926</del>	<del>2,258,926</del>		835,000 <sup>b</sup>
	3,087,448	2,252,448		

<sup>a</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.

<sup>b</sup> Of this amount, \$25,000 shall be from racetrack applications and \$810,000 shall be from racing tax revenues for the Supplemental Purses and Breeders Awards program.

**TOTALS PART XIX**

<b>(REVENUE)<sup>2,3</sup></b>	<del>\$329,931,145</del>	<del>\$81,563,667<sup>a</sup></del>	<del>\$22,349,356</del>	<del>\$225,205,487<sup>b</sup></del>	\$812,635
	<u>\$333,442,154</u>	<u>\$81,785,007<sup>a</sup></u>	<u>\$25,244,967</u>	<u>\$225,599,545<sup>b</sup></u>	

<sup>a</sup> Of this amount, \$28,400,000, 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, ~~\$1,092,401~~ \$1,124,826 contains a (T) notation, and ~~\$16,031,309~~ \$16,317,821 is from the Highway Users Tax Fund subject to Section 43-4-201(3)(a), C.R.S.

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

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

- 2 (Governor lined through this provision. See L. 96, p. 2434.)
- 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.
- 16 Department of Corrections, Correctional Industries; and Department of Revenue, Motor Vehicle Division -- The Department of Corrections is requested to submit to the Joint Budget Committee quarterly reports which outline the license plate production level, by type, for the preceding quarter, as well as an estimate of the next quarter's anticipated production level as compared to actual orders received. The Department of Revenue is requested to submit to the Joint Budget Committee quarterly reports which outline the license plate inventory on hand, by county, as of the end of each quarter, as well as the estimated license plate demand of each county for the next quarter. The Department of Revenue should seek approval from the Information Management Commission before proceeding with implementation of an automated inventory system.
- 147 Department of Revenue, Executive Director's Office -- It is the intent of the General Assembly that the Department submit a zero base budget request for FY 1997-98 to the Joint Budget Committee by November 1, 1996.
- 148 Department of Revenue, Executive Director's Office -- It is the intent of the General Assembly that the Department of Revenue submit a report to the Joint Budget Committee by November 1, 1996, detailing vacancy savings and POTS being utilized to provide funding in the Reinvestment Reserve.

- 149 Department of Revenue, All Sections -- The Department's line item appropriations have been based upon and are subject to the Memorandum of Understanding between the Department of Revenue and the Joint Budget Committee of the General Assembly, which memorandum was signed by the Executive Director of the Department and the Chairman of the Joint Budget Committee. The Memorandum of Understanding is on file at the office of the Joint Budget Committee. The intent of the Memorandum is to make the Department more cost-effective through new and continued line item consolidation in order to maximize productivity by using existing and reduced staff and funding levels to prioritize assignments and responsibly perform statutorily required functions. The Department shall maintain accounting records which will delineate actual expenditures for the consolidated line items based on the FY 1988-89 appropriation line items.
- 150 Department of Revenue, Executive Director's Office, System Design -- It is the intent of the General Assembly that the Department utilize contract labor and that no new FTE be hired for this project. It is also the intent of the General Assembly that these funds not be used to acquire any new software or hardware resources related to implementation features of the new system, except for personal computers for design activities pertaining to Phase II System Design.
- 151 Department of Revenue, Information and Support Services Division -- It is the intent of the General Assembly that the Department submit a decision item to the Joint Budget Committee when an appropriation request reflects a 5% increase from the prior year's base appropriation for Purchases of Services from Computer Center-Pueblo and Purchases of Services from Computer Center-GGCC.
- 152 Department of Revenue, Special Purpose, Reinvestment Reserve -- It is the intent of the General Assembly that the Department be allowed to reduce other line item appropriations in order to fund the Reinvestment Reserve line item. To this end, and in accordance with the Memorandum of Understanding between the Department and the Joint Budget Committee, the Department shall submit a Reinvestment Reserve plan to the Committee, in conjunction with its report as required under paragraph 6(b)(1) of the Memorandum of Understanding. The plan shall identify the sources of funds proposed for transfer to the Reinvestment Reserve. It is the intent of the General Assembly that the Joint Budget Committee be briefed by the Department on past, current, and future uses of the Reinvestment Reserve and lump sum flexibility on a quarterly basis. Based on its agreement with the plan submitted by the Department, the Joint Budget Committee shall support a supplemental appropriation to implement the proposal. Any funds thus appropriated to the Reinvestment Reserve in FY 1995-96 shall remain available for expenditure through the fiscal year ending June 30, 1998.

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

153 Department of Revenue, Division of Racing Events, Fair Circuit Race Days -- These funds are appropriated to support the Fair Circuit Race program. The Division may transfer these funds and FTE to the Division's Program Cost line. The Division should report the expenditures on the Fair Circuit Program to the Joint Budget Committee by November 1, 1996.

**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