

CHAPTER 350

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**APPROPRIATIONS**

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**SENATE BILL 99-183**

BY SENATORS Lacy, Owen, and Tanner;  
also REPRESENTATIVES Tool, Berry, and Saliman.

**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 336, Session Laws of Colorado 1998, 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				
		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	<del>1,750,854</del>	283,077			<del>1,467,777(F)<sup>a</sup></del>	
	1,760,854	254,850			1,506,004(T) <sup>a</sup>	
(37.7 FTE)						
Health, Life, and Dental	<del>663,417</del>	225,176		30,793 <sup>b</sup>	<del>393,501(F)<sup>c</sup></del>	13,947
	681,105				411,189(T) <sup>c</sup>	
Short-term Disability	<del>35,472</del>	11,111		1,633 <sup>b</sup>	<del>21,730(F)<sup>c</sup></del>	998
	35,675				21,933(T) <sup>c</sup>	
Salary Survey and Anniversary Increases	1,088,890	353,127		54,144 <sup>b</sup>	639,188(T) <sup>c</sup>	42,431
Worker's Compensation	43,200	14,391		2,685 <sup>b</sup>	24,995(T) <sup>c</sup>	1,129
Operating Expenses	220,939	220,939				
Purchase of Services from Computer Center	43,573	43,573				
Payment to Risk Management and Property Funds	<del>49,400</del>	<del>49,400</del>				

	48,600	48,600			
Vehicle Lease Payments	57,840	21,549		30,936(T) <sup>c</sup>	5,355
ADP Capital Outlay	410,000	201,230	40,870 <sup>b</sup>	167,900(T) <sup>c</sup>	
Year 2000 Projects <sup>64</sup>	32,400	32,400			
Capitol Complex Leased Space	<del>627,740</del>	<del>209,028</del>	<del>31,133<sup>b</sup></del>	<del>372,106(T)<sup>c</sup></del>	<del>15,473</del>
	556,024	185,148	27,577 <sup>b</sup>	329,594(T) <sup>c</sup>	13,705
Attorney General Discretionary Fund	<u>5,000</u>	5,000 <sup>d</sup>			
		<del>5,028,725</del>			
		4,984,100			

<sup>a</sup> This amount shall be from indirect cost recoveries.

<sup>b</sup> These amounts shall be from various sources of cash funds within the department.

<sup>c</sup> These amounts shall be from various sources of cash funds exempt within the department.

<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>121, 121a</sup>**

Personal Services	2,696,816	2,696,816
	(46.0 FTE)	
Appellate Contract Purchases	<del>132,104</del>	<del>132,104</del>
	317,864	317,864
Operating Expenses	139,143	139,143
Litigation Expenses	32,043	32,043

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Consultant Expenses	200,000		200,000				
Consumer Protection Recovery Fund	50,000					50,000 <sup>a</sup>	
Capital Crimes Prosecution Unit <sup>122, 123</sup>	343,478 (5.0 FTE)		343,478				
Victim's Assistance	53,058 (1.0 FTE)					53,058(T) <sup>b</sup>	
		<u>3,646,642</u>					
		3,832,402					

<sup>a</sup> This amount shall be from court-awarded settlements.

<sup>b</sup> This amount shall be from the Department of Public Safety, Division of Criminal Justice, Victim's Assistance and Law Enforcement Fund.

**(3) LEGAL SERVICES TO STATE AGENCIES<sup>124, 125</sup>**

Personal Services	<del>10,471,230</del>
	10,580,983
	<del>(175.0 FTE)</del>
	(177.5 FTE)

Operating Expenses	<del>484,385</del>			
	510,154			
Litigation Expenses	<del>120,268</del>			
	129,115			
Indirect Cost Assessment	<del>1,192,057</del>			
	<u>1,230,284</u>			
		<del>12,267,940</del>	116,790 <sup>a</sup>	<del>12,151,150(T)</del> <sup>a</sup>
		12,450,536		12,333,746(T) <sup>b</sup>

<sup>a</sup> Of this amount, \$21,184 shall be from the Public Employees' Retirement Association, \$32,658(T) shall be from the Department of Revenue, State Lottery Division, \$15,327(T) shall be from the Department of Corrections, Correctional Industries Subprogram, \$25,914(T) shall be from the Department of Higher Education, Colorado Student Loan Program, \$5,353(T) shall be from the Department of Human Services, Nursing Homes, and \$16,354(T) shall be from Auraria Higher Education Center Enterprises.

<sup>b</sup> This amount shall be from various sources of funds appropriated for legal services to state agencies.

**(4) SPECIAL PURPOSE**

Collection Agency Board <sup>121</sup>	135,988		135,988 <sup>a</sup>		
			(2.5 FTE)		
Uniform Consumer Credit Code	436,501		436,501 <sup>b</sup>		
			(6.5 FTE)		
Medicaid Fraud Grant <sup>126</sup>	795,304	196,826(M)		2,000 <sup>c</sup>	596,478
	(11.0 FTE)				
Office of Consumer Counsel	270,494		270,494 <sup>d</sup>		
			(4.0 FTE)		

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
District Attorneys' Salaries	1,314,834		1,314,834				
Legal Services for Risk Management Division	1,249,629					1,249,629(T) <sup>e</sup> (19.0 FTE)	
Comprehensive Environmental Response, Compensation and Liability Act	880,204 (15.0 FTE)		803,828			76,376(T) <sup>f</sup>	
Comprehensive Environmental Response, Compensation and Liability Act Contracts <sup>127</sup>	1,233,976		1,233,976				
Workers' Compensation Fraud	142,202				142,202 <sup>e</sup> (2.0 FTE)		
Supreme Court Litigation	302,084		302,084				
Police Officers Standards and Training Board Support	215,773		70,773		145,000 <sup>h</sup>		

	(4.0 FTE)			
Litigation Management Fund <sup>28</sup>	300,000	300,000		
Securities Fraud	253,700		253,700(T) <sup>i</sup>	(3.5 FTE)
Insurance Fraud	154,000		154,000(T) <sup>j</sup>	(2.5 FTE)
Tobacco Litigation	<del>1,500,000</del>	<del>1,500,000</del>		
	554,089	554,089		
Indirect Cost Assessment	<del>290,236</del>		104,178 <sup>k</sup>	<del>186,058(F)<sup>g</sup></del>
	<u>275,720</u>			171,542(T) <sup>l</sup>
		9,474,925		
		8,514,498		

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

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

<sup>c</sup> This amount shall be from court-awarded settlements.

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

<sup>e</sup> This amount shall be from the Risk Management Fund.

<sup>f</sup> This amount shall be from the Department of Public Health and Environment.

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

<sup>h</sup> This amount shall be from the Peace Officers Standards and Training Board Cash Fund.

<sup>i</sup> This amount shall be from the Department of Regulatory Agencies, Division of Securities.

<sup>j</sup> This amount shall be from the Department of Regulatory Agencies, Division of Insurance Cash Fund.

<sup>k</sup> Of this amount, \$17,363 shall be from the Collection Agency Board Fund, \$45,144 shall be from the Uniform Consumer Credit Code Fund, \$27,781 shall be from the Public Utilities Commission Fixed Utilities Fund, and \$13,890 shall be from the State Compensation Insurance Authority.

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<b>TOTALS PART X</b>						
<b>(LAW)<sup>4,5</sup></b>	\$30,418,232	\$10,935,906 <sup>a</sup>		\$1,512,411 <sup>b</sup>	\$17,294,104 <sup>b</sup>	\$675,811
	<u>\$29,781,536</u>	<u>\$10,122,848<sup>a</sup></u>		<u>\$1,508,855<sup>b</sup></u>	<u>\$17,475,790<sup>b</sup></u>	<u>\$674,043</u>

<sup>1</sup> Of this amount, \$131,958 shall be from the Risk Management Fund, \$24,308 shall be from the Department of Regulatory Agencies, Division of Securities, and \$15,276 shall be from the Department of Regulatory Agencies, Division of Insurance.

<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 these amounts, ~~\$17,337,710~~ \$17,519,396 contains a (T) notation.

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

4 (Governor lined through this provision. See L. 98, p. 2193.)

5 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. Each principal department of the state shall produce its rules and regulations in an electronic format that is suitable for public access through electronic means. Such rules and regulations in such format shall be submitted to the

Office of Legislative Legal Services for publishing on the Internet. It is the intent of the General Assembly that this be done within existing resources.

- 64 Department of Human Services, Office of Information Technology Services, Year 2000 Projects; Department of Law, Administration, Year 2000 Projects; Department of Public Health and Environment, Information Technology Services, Year 2000 Projects; and Department of Revenue, Information Technology Division, Year 2000 Projects -- It is the intent of the General Assembly that moneys in this line be restricted by the State Controller until the Commission on Information Management has reviewed and approved the Department's Year 2000 implementation plan.
- 121 Department of Law, General Enforcement and Appellate Sections; and Special Purpose, Collection Agency Board -- The General Assembly anticipates that, as a result of funds in FY 1995-96 for an automated phone system or answering service, the Consumer Protection Unit of the General Enforcement and Appellate Section and the Collection Agency Board will be able to demonstrate a decrease in the average time to respond to complaints and an increase in the number of complaints resolved and enforcement actions.
- 121a Department of Law, General Enforcement and Appellate Sections -- It is the intent of the General Assembly that in FY 1998-99, the Department of Law be authorized to use up to \$750,000 in custodial funds from the Consumer Protection and Antitrust Custodial Funds, designated by a Court for future consumer protection and antitrust enforcement purposes, to fund the State Tobacco Litigation.
- 122 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, 1998, on both the dollars and the FTE utilized by the district attorneys in prosecuting death penalty cases in FY 1997-98. In addition, the Department is requested to report no later than October 15, 1998, on the dollars and FTE utilized within the Department in assisting district attorneys in such death penalty cases in FY 1997-98.
- 123 Department of Law, General Enforcement and Appellate Sections, Capital Crimes Prosecution Unit -- The Department is requested to report to the Joint Budget Committee, no later than October 15, 1998, on the allocation of Unit resources in FY 1997-98. The report should itemize the number of hours and dollars dedicated to all aspects of the Unit's work, including: researching and drafting, case investigation, and appearances in court.

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124	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 \$51.40 per hour for attorneys and \$39.55 per hour for paralegal, for an average rate of \$49.11.						
125	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.						
<u>126</u>	Department of Law, Special Purpose, Medicaid Fraud Grant -- It is the intent of the General Assembly that all efforts be made to eliminate fraud and abuse occurring within the Colorado Medicaid program. To this end, 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) estimates on the total amount of Medicaid fraud and abuse in Colorado; (2) an itemized list of total fines, costs, and restitutions recovered, on a case-by-case basis, attributable to the Medicaid Fraud Control Unit's efforts; (3) an analysis of the time and cost associated with each Medicaid fraud or abuse case prosecuted by the Medicaid Fraud Control Unit; (4) a detailed explanation of the Medicaid Fraud Control Unit's participation in the Operation Restore Trust program; (5) 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 (6) 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, 1998.						
127	Department of Law, Special Purpose, Comprehensive Environmental Response, Compensation 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.

- 128 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 10, 1999