

CHAPTER 401

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**APPROPRIATIONS**

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**HOUSE BILL 00-1405**

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

**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 364, Session Laws of Colorado 1999,  
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

## 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	1,869,509				1,869,509(T) <sup>a</sup>	
(37.7 FTE)						
Health, Life, and Dental	644,732	220,736		29,247 <sup>b</sup>	380,468(T) <sup>c</sup>	14,281
Short-term Disability	38,110	11,766		1,925 <sup>b</sup>	23,305(T) <sup>c</sup>	1,114
Salary Survey and Anniversary Increases	1,002,449	300,119		44,804 <sup>b</sup>	630,644(T) <sup>c</sup>	26,882
Worker's Compensation	54,185	18,042		2,429 <sup>b</sup>	32,378(T) <sup>c</sup>	1,336
Operating Expenses	218,756	189,994			28,762(T) <sup>a</sup>	
Purchase of Services from Computer Center	41,116	41,116				
Payment to Risk Management and Property Funds	37,023	37,023				
Vehicle Lease Payments	62,430	24,440			32,635(T) <sup>c</sup>	5,355
ADP Capital Outlay	256,000	53,300		15,800 <sup>b</sup>	182,150(T) <sup>c</sup>	4,750
Telephone Replacements	22,000	3,000			19,000(T) <sup>c</sup>	

Capitol Complex Leased Space	686,864	228,044	34,399 <sup>b</sup>	407,727(T) <sup>c</sup>	16,694
Attorney General Discretionary Fund	<u>5,000</u>	5,000 <sup>d</sup>			
		4,938,174			

<sup>a</sup> These amounts 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>151</sup>**

Personal Services	2,896,102	2,823,083	73,019 <sup>a</sup>
	(48.0 FTE)		
Appellate Contract Purchases	<del>132,104</del>	<del>132,104</del>	
	616,104	616,104	
Operating Expenses	150,697	137,846	12,851 <sup>a</sup>
Litigation Expenses	28,013	28,013	
Consultant Expenses	200,000	200,000	
Consumer Protection Recovery Fund	49,500		49,500 <sup>a</sup>
Capital Crimes Prosecution Unit <sup>152, 153</sup>	359,083	359,083	
	(5.0 FTE)		
Victims Assistance	59,399		59,399(T) <sup>b</sup>

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Indirect Cost Assessment	(1.0 FTE) <u>17,218</u>					17,218 <sup>a</sup>	
		3,892,116					
		4,376,116					

<sup>a</sup> These amounts shall be from court-awarded settlements.

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

**(3) LEGAL SERVICES TO STATE AGENCIES<sup>154, 155</sup>**

Personal Services	<del>11,238,069</del>						
	11,156,324						
	(176.5 FTE)						
Operating Expenses	486,591						
Litigation Expenses	112,193						
Indirect Cost Assessment	<u>1,519,478</u>						
		<del>13,356,331</del>		116,250 <sup>a</sup>		<del>13,240,081(T)<sup>b</sup></del>	
		13,274,586				13,158,336(T) <sup>b</sup>	

<sup>a</sup> This amount shall include funds from the Public Employees' Retirement Association, from the State Lottery Division in the Department of Revenue, from the Correctional Industries Subprogram in the Department of Corrections, from the Colorado Student Loan Program in the Department of Higher Education, from Nursing Homes in the Department of Human Services, and 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>151</sup>	143,223		143,223 <sup>a</sup>		
			(2.5 FTE)		
Uniform Consumer Credit Code	554,878		461,715 <sup>b</sup>	93,163 <sup>c</sup>	
			(6.5 FTE)	(2.0 FTE)	
Medicaid Fraud Grant <sup>156</sup>	859,434	212,859(M)		2,000 <sup>d</sup>	644,575
	(11.0 FTE)				
Office of Consumer Counsel	283,114		283,114 <sup>e</sup>		
			(4.0 FTE)		
District Attorneys' Salaries	1,313,607	1,313,607			
Legal Services for Risk Management Division	1,354,906			1,354,906(T) <sup>f</sup>	
				(19.0 FTE)	
Comprehensive Environmental Response, Compensation and Liability Act <sup>156a</sup>	<del>911,143</del>	<del>834,767</del>			
	1,046,100	969,724		76,376(T) <sup>g</sup>	
	(14.3 FTE)				

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			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Comprehensive Environmental Response, Compensation and Liability Act Contracts <sup>157, 158</sup>	1,217,423		1,217,423				
Workers' Compensation Fraud	150,322				150,322 <sup>h</sup> (2.0 FTE)		
Supreme Court Litigation	<del>302,084</del> 650,200		<del>302,084</del> 650,200				
Police Officers Standards and Training Board Support	237,004 (4.0 FTE)		81,092		154,912 <sup>i</sup>	1,000 <sup>j</sup>	
Litigation Management Fund <sup>159</sup>	<del>300,000</del> 350,000		<del>300,000</del> 350,000				
Securities Fraud	265,258					265,258(T) <sup>k</sup> (3.5 FTE)	
Insurance Fraud	162,695					162,695(T) <sup>l</sup> (2.5 FTE)	

School Finance Litigation	621,888	621,888		
ROCKY MOUNTAIN HMO LITIGATION	375,000			375,000(T) <sup>o</sup>
PARENTAL NOTIFICATION	321,984	321,984		
Indirect Cost Assessment	<u>361,575</u>		129,134 <sup>m</sup>	232,441 <sup>n</sup>
	<del>9,038,554</del>			
	10,268,611			

<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 reserves in the Uniform Consumer Credit Code Fund.

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

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

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

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

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

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

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

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

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

<sup>m</sup> Of this amount, \$21,522 shall be from the Collection Agency Board Fund, \$55,958 shall be from the Uniform Consumer Credit Code Fund, \$34,436 shall be from the Public Utilities Commission Fixed Utilities Fund, and \$17,218 shall be from the State Compensation Insurance Authority.

<sup>n</sup> Of this amount, \$17,218 shall be from reserves in the Uniform Consumer Credit Code Fund, \$163,570(T) shall be from the Risk Management Fund, \$30,131(T) shall be from the Department of Regulatory Agencies, Division of Securities, and \$21,522(T) shall be from the Department of Regulatory Agencies, Division of Insurance.

<sup>o</sup> THIS AMOUNT SHALL BE FROM MEDICAID FUNDS TRANSFERRED FROM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

**TOTALS PART X**

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(LAW) <sup>5,6</sup>	\$31,225,175	\$9,696,429 <sup>a</sup>		\$1,567,274	\$19,246,485 <sup>b</sup>	\$714,987
	<u>\$32,857,487</u>	<u>\$11,035,486<sup>a</sup></u>			<u>\$19,539,740<sup>b</sup></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 these amounts, ~~\$18,980,516~~ \$19,273,771 contains a (T) notation.

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

5 (Governor lined through this provision. See L. 99, p. 2245.)

6 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.

- 151 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.
- 152 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, 1999, on both the dollars and the FTE utilized by the district attorneys in prosecuting death penalty cases in FY 1998-99. In addition, the Department is requested to report no later than October 15, 1999, on the dollars and FTE utilized within the Department in assisting district attorneys in such death penalty cases in FY 1998-99.
- 153 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, 1999, on the allocation of Unit resources in FY 1998-99. 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. The report should also include information about the number of motions filed by the Department, as well as the number of motions responded to by the Department, in death penalty cases. The information requested should be provided for all Department units involved in prosecuting death penalty cases, including the Capital Crimes Unit and the Appellate Section.
- 154 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 \$54.36 per hour for attorneys and \$45.65 per hour for paralegals, for an average rate of \$52.87.
- 155 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.
- 156 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

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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, 1999.

156a Department of Law, Special Purpose, Comprehensive Environmental Response, Compensation and Liability Act -- The Department is requested to submit a report analyzing the progress made in cleaning up Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites in Colorado under existing federal law. Such report should detail the successes and failures of the current federal CERCLA program in achieving timely and effective cleanup of CERCLA sites in Colorado. Further, this report should outline the actions being taken at each CERCLA site toward delisting the site from the U.S. Environmental Protection Agency's National Priorities List, as well as provide a time line estimating when each site will be removed from the National Priorities List. The Department is requested to submit this report to the Joint Budget Committee by November 1, 1999.

157 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.

- 158 Department of Law, Special Purpose, Comprehensive Environmental Response, Compensation and Liability Act Contracts; 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 analyzing the long-term funding needs of the State in responding to, litigating, and cleaning up CERCLA sites. Since most CERCLA sites are now in the cleanup stage, the report should discuss the possible down-sizing of the State's CERCLA programs.
- 159 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 6, 2000