

CHAPTER 435

APPROPRIATIONS

SENATE BILL 03-207

BY SENATOR(S) Owen, Teck, Reeves, and Linkhart;
also REPRESENTATIVE(S) Young, Witwer, and Plant.

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF LABOR AND EMPLOYMENT.

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

SECTION 1. Part IX of section 2 of chapter 399, Session Laws of Colorado 2002, is amended, and the said Part IX is further amended BY THE ADDITION OF A NEW FOOTNOTE, 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.

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

**PART IX
DEPARTMENT OF LABOR AND EMPLOYMENT**

(1) EXECUTIVE DIRECTOR'S OFFICE

Personal Services	10,427,832
	(165.4 FTE)
Health, Life, and Dental	2,025,278
	1,853,684
Short-term Disability	69,108
	63,079
Salary Survey and Senior Executive Service	2,677,880
Performance-based Pay Awards	565,985
Shift Differential	26,066
Workers' Compensation	378,571
Operating Expenses ¹⁵⁴	1,571,503
	1,462,037
Legal Services for 7,694 hours	460,101
Purchase of Services from Computer Center	1,389,397

	1,173,514			
Multiuse Network				
Payments	21,801			
	19,128			
Payment to Risk				
Management and				
Property Funds	93,900			
Vehicle Lease Payments	126,489			
	123,114			
Leased Space	2,921,041			
Capitol Complex Leased				
Space	20,139			
Utilities	139,959			
Information Technology				
Asset Maintenance	980,781			
Statewide Indirect Cost				
Assessment	<u>839</u>			
		23,896,670	8,049,637 ^a	1,168,243
		23,387,650	7,757,547 ^a	14,678,790
			1,152,344 ^b	14,477,759

^a Of this amount, an estimated \$3,781,091 shall be from the Workers' Compensation Cash Fund pursuant to Section 8-44-112 (7), C.R.S., an estimated ~~\$2,736,645~~ \$2,627,179 shall be from the Employment Support Fund pursuant to Section 8-77-109, C.R.S., an estimated \$660,113 shall be from the Petroleum Storage Tank Fund pursuant to Section 8-20.5-103, C.R.S., an estimated \$295,566 shall be from the Boiler Inspection Fund pursuant to Section 9-4-109, C.R.S., and ~~\$576,221~~ \$393,598 shall be from other cash fund sources within the Department.

^b Of this amount, ~~\$667,573~~ \$702,812 shall be from reserves in the Major Medical Insurance Fund pursuant to Section 8-46-202, C.R.S., and the Subsequent Injury Fund pursuant to Section 8-46-101, C.R.S., ~~\$253,757~~ \$255,724 shall be from reserves in the Petroleum Storage Tank Fund pursuant to Section 8-20.5-103 C.R.S., ~~\$188,274~~ \$189,734 shall be from reserves in the Unemployment Revenue Fund pursuant to Section 8-77-106, C.R.S., ~~\$54,565(T)~~ shall be from statewide indirect cost recoveries, and \$4,074(T) shall be from the Department of Public Health and Environment.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(2) DIVISION OF EMPLOYMENT AND TRAINING						
(A) Unemployment Insurance Programs						
Program Costs	20,725,145					
	(416.0 FTE)					
Statewide Indirect Cost						
Assessment	462,918					
	<u>21,188,063</u>			872,828 ^a		20,315,235
				83,000 ^a		21,105,063 ^b

^a ~~Of this amount, \$789,828 shall be from the Employment Support Fund pursuant to Section 8-77-109, C.R.S., and \$83,000~~ THIS AMOUNT shall be from the sale of transcripts.

^b OF THIS AMOUNT, \$789,828 SHALL BE FROM REED ACT FUNDS DISTRIBUTED TO COLORADO ON MARCH 13, 2002, PURSUANT TO SECTION 903(D) OF THE SOCIAL SECURITY ACT. THESE FUNDS SHALL BE USED FOR UNEMPLOYMENT INSURANCE PROGRAM ADMINISTRATION.

(B) Unemployment Insurance Fraud Program¹⁵⁵

Program Costs	1,162,509					
	(20.0 FTE)					
Statewide Indirect Cost						
Assessment	11,182					
	<u>1,173,691</u>			523,129 ^a	650,562 ^b	

^a This amount shall be from the Unemployment Revenue Fund pursuant to Section 8-77-106, C.R.S.

^b This amount shall be from reserves in the Unemployment Revenue Fund pursuant to Section 8-77-106, C.R.S.

(C) Employment and Training Programs

State Operations ¹⁵⁶	9,067,111	5,735,859^a	35,817(T) ^b	3,295,435
		101,345 ^a		8,929,949 ^e
		(66.0 FTE)	(0.7 FTE)	(76.7 FTE)
One-Stop County Contracts	7,347,980			7,347,980 (40.5 FTE)
REED ACT DISTRIBUTIONS FOR ONE-STOP EMPLOYMENT CENTERS ^{156A}	7,000,000			7,000,000 ^f
Trade Adjustment Act Assistance	2,300,000			2,300,000
Workforce Investment Act	21,929,650			21,929,650 (40.0 FTE)
Welfare-to-Work Block Grant ^{157, 158}	15,854,645			15,854,645 ^e
Statewide Indirect Cost Assessment	131,943	131,943 ^d		
	56,631,329			
	63,631,329			

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

^a Of this amount, ~~\$5,634,514~~ shall be from the Employment Support Fund pursuant to Section 8-77-109, C.R.S., \$91,808 shall be from the Displaced Homemakers Fund pursuant to Section 8-15.5-108, C.R.S., and \$9,537 shall be from the Unemployment Revenue Fund pursuant to Section 8-77-106, C.R.S.

^b This amount shall be from contracts with other government agencies.

^c This amount shall be from the Welfare-to-Work Block Grant.

^d This amount shall be from the Employment Support Fund pursuant to Section 8-77-109, C.R.S.

^e OF THIS AMOUNT, \$5,634,514 SHALL BE FROM REED ACT FUNDS DISTRIBUTED TO COLORADO ON MARCH 13, 2002, PURSUANT TO SECTION 903(D) OF THE SOCIAL SECURITY ACT. THESE FUNDS SHALL BE USED FOR EMPLOYMENT AND TRAINING PROGRAM ADMINISTRATION.

^f THIS AMOUNT SHALL BE FROM REED ACT FUNDS DISTRIBUTED TO COLORADO ON MARCH 13, 2002, PURSUANT TO SECTION 903(D) OF THE SOCIAL SECURITY ACT. THESE FUNDS SHALL BE USED FOR THE ADMINISTRATION OF PUBLIC EMPLOYMENT OFFICES.

(D) Labor Market Information

Program Costs	2,260,752	11,626 ^a	2,249,126 (47.5 FTE)
Statewide Indirect Cost Assessment	<u>422</u>		422
	2,261,174		

^a This amount shall be from the sale of publications.

~~81,254,257~~
88,254,257

(3) DIVISION OF LABOR

Personal Services	726,756			
	(11.5 FTE)			
Operating Expenses	61,023			
Welfare Reform ¹⁵⁹	96,032			
	<u>(2.0 FTE)</u>			
	883,811	471,759 ^a	412,052(T) ^b	
		571,759 ^a	312,052(T) ^b	

^a ~~This amount~~ OF THIS AMOUNT, \$471,759 shall be from the Employment Support Fund pursuant to Section 8-77-109, ~~C.R.S.~~ C.R.S., AND THE REMAINDER SHALL BE FROM VARIOUS SOURCES OF CASH FUNDS.

^b This amount shall be from statewide indirect cost recoveries.

(4) DIVISION OF OIL AND PUBLIC SAFETY

Personal Services	3,445,751			
	(57.3 FTE)			
Operating Expenses	341,741			
Statewide Indirect Cost Assessment	<u>32,315</u>			
	3,819,807	2,760,138	519,161	540,508
		3,038,164 ^a	241,135 ^b	

^a Of this amount, \$1,747,761 shall be from the Petroleum Storage Tank Fund pursuant to Section 8-20.5-103, C.R.S., \$827,744 shall be from the Boiler Inspection Fund pursuant to Section 9-4-109, C.R.S., and \$184,633 shall be from the Public Safety Inspection Fund pursuant to Section 8-1-151, ~~C.R.S.~~ C.R.S., AND \$278,026 SHALL BE FROM VARIOUS SOURCES OF CASH FUNDS.

^b Of this amount, ~~\$278,026(T)~~ shall be from indirect cost recoveries; \$232,841 shall be from reserves in the Petroleum Storage Tank Fund pursuant to Section 8-20.5-103, C.R.S., and \$8,294(T) shall be from the Department of Public Health and Environment.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(5) DIVISION OF WORKERS' COMPENSATION						
(A) Workers' Compensation¹⁶⁰						
Personal Services	5,657,943					
	(106.4 FTE)					
Operating Expenses	608,735					
Administrative Law						
Judge Services	2,468,080					
	2,143,486					
Physicians Accreditation	165,834					
Utilization Review	76,000					
Immediate Payment	10,000					
Statewide Indirect Cost Assessment	63,554					
	<u>9,050,146</u>			8,592,450 ^a	457,696 ^b	
	8,725,552			8,267,856 ^a		

^a Of this amount, ~~\$7,978,590~~ \$7,653,996 shall be from the Workers' Compensation Cash Fund pursuant to Section 8-44-112 (7), C.R.S., \$243,272 shall be from the Workers' Compensation Self-Insurance Fund pursuant to Section 8-44-202, C.R.S., \$165,834 shall be from the Physicians Accreditation Program Cash Fund pursuant to Section 8-42-101(3.6)(l), C.R.S., \$140,254 shall be from the Cost Containment Fund pursuant to Section 8-14.5-108, C.R.S., and \$64,500 shall be from the Utilization Review Cash Fund pursuant to Section 8-43-501, C.R.S. Of this amount, \$230,334 is shown for the purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. Such moneys are included for informational purposes as they are continuously appropriated by Sections 8-42-101(3.6)(l) and 8-43-501(2), C.R.S.

^b Of this amount, \$351,657 shall be from reserves in the Workers' Compensation Cash Fund pursuant to Section 8-44-112 (7), C.R.S., \$81,039 shall be from reserves in the Cost Containment Fund pursuant to Section 8-14.5-108, C.R.S., \$11,500 shall be from reserves in the Utilization Review Cash Fund pursuant to Section 8-43-501, C.R.S., \$10,000 shall be from the Immediate Payment Fund pursuant to Section 8-44-206, C.R.S., and \$3,500 shall be from the Workers' Compensation Self-Insurance Fund pursuant to Section 8-44-202, C.R.S. Of this amount, \$11,500 is shown for purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. Such moneys are included for informational purposes as they are continuously appropriated by Section 8-43-501(2), C.R.S.

(B) Major Medical Insurance and Subsequent Injury Funds

Personal Services	1,278,523	1,278,523 ^a
		(22.0 FTE)
Operating Expenses	123,422	123,422 ^a
Statewide Indirect Cost		
Assessment	69,417	69,417 ^a
Major Medical Benefits	6,000,000	6,000,000 ^b
Major Medical Legal		
Services for 426 hours	25,475	25,475 ^b
Subsequent Injury		
Benefits	5,200,000	5,200,000 ^c
Subsequent Injury Legal		
Services for 6,000 hours	143,520	143,520 ^c
Medical Disaster	15,000	15,000 ^b
	<u>12,855,357</u>	

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

^a Of these amounts, \$1,177,090 shall be from reserves in the Major Medical Insurance Fund pursuant to Section 8-46-202, C.R.S., and \$294,272 shall be from reserves in the Subsequent Injury Fund pursuant to Section 8-46-101, C.R.S.

^b For the purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these amounts shall be from reserves in the Major Medical Insurance Fund and are included for informational purposes as they are continuously appropriated by Section 8-46-202(1)(b), C.R.S.

^c For the purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these amounts shall be from reserves in the Subsequent Injury Fund and are included for informational purposes as they are continuously appropriated by Section 8-46-101(1)(b), C.R.S.

~~21,905,503~~
21,580,909

**TOTALS PART IX
(LABOR AND
EMPLOYMENT)^{5,6}**

\$131,760,048			\$27,149,369	\$16,098,888 ^a	\$88,511,791
<u>\$137,926,434</u>			<u>\$20,486,369</u>	<u>\$15,704,963^a</u>	<u>\$101,735,102</u>

^a Of this amount, ~~\$792,828~~ \$360,237 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. 2002, p. 3034.)

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 in an electronic format that is suitable for public access through electronic means. Such rules 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.

154 (Governor lined through this provision. See L. 2002, p. 3066.)

155 (Governor lined through this provision. See L. 2002, p. 3066.)

156 (Governor lined through this provision. See L. 2002, p. 3067.)

~~156a DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF EMPLOYMENT AND TRAINING, EMPLOYMENT AND TRAINING, REED ACT DISTRIBUTION FOR ONE STOP EMPLOYMENT CENTERS -- IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THESE FUNDS BE ALLOCATED ON A ONE TIME BASIS TO ONE STOP EMPLOYMENT CENTERS ACCORDING TO THE DEPARTMENT OF LABOR AND EMPLOYMENT'S USUAL WORKLOAD ALLOCATION MODEL.~~

(Governor lined through this provision. See the editor's note and the Governor's letter following this act.)

157 (Governor lined through this provision. See L. 2002, p. 3067.)

158 (Governor lined through this provision. See L. 2002, p. 3068.)

159 (Governor lined through this provision. See L. 2002, p. 3068.)

160 (Governor lined through this provision. See L. 2002, p. 3068.)

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 in part and vetoed in part: March 10, 2003

Editor's note: The following is a reprinting of the Governor's message filed with Senate Bill 03-207 when he approved the bill in part and vetoed it in part on March 10, 2003. Markings were made on the bill by the Governor purporting to veto a footnote pertaining to the allocation of federal funds to an employment and training program. For the reasons set forth in the letter to the Governor on page 131 of Volume 1 of the 1989 Session Laws of Colorado, the President of the Senate and the Speaker of the House of Representatives expressed their opinion that similar markings made on the 1989 long bill did not constitute valid vetoes. However, the Colorado Supreme Court has held that such purported vetoes are entitled to a presumption of validity. See Romer v. Colorado General Assembly, 810 P.2d 215 (Colo. 1991). In view of this holding, the purported veto is reflected in the version of the bill printed on the preceding pages.

March 10, 2003

The Honorable Colorado Senate
Sixty-Fourth Colorado General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Secretary of State Senate Bill 03-207, "Concerning a Supplemental Appropriation to the Department of Labor and Employment." I approved in part and disapproved in part this bill as of 1:40 p.m. today and this letter sets forth my reasons for doing so.

While I have approved Senate Bill 03-207 as a whole, I have vetoed footnote 156a within the bill because this footnote violates the separation of powers by attempting to administer the appropriation.

Sincerely,

Bill Owens