

CHAPTER 444

APPROPRIATIONS

SENATE BILL 03-216

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

AN ACT

CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. Part XVIII of section 2 of chapter 399, Session Laws of Colorado 2002, 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.

APPROPRIATION FROM

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

**PART XVIII
DEPARTMENT OF REGULATORY AGENCIES**

(1) EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES²²³

(A) Director's Office

Personal Services	3,390,878				3,390,878(T) ^a	
					(53.0 FTE)	
Health, Life, and Dental	1,050,602	51,496		866,028^b	133,078(T)^a	
	950,601	41,893		776,135 ^b	132,573(T) ^a	
Short-term Disability	38,890	1,873		33,079^b	3,938(T)^a	
	35,402	1,755		30,333 ^b	3,314(T) ^a	
Salary Survey and Senior Executive Service	1,617,945	67,968		1,333,591 ^b	216,386(T) ^a	
Performance-based Pay Awards	327,157	18,550		308,607 ^b		
Workers' Compensation	107,873	4,807		90,380 ^b	11,179(T) ^a	1,507
Operating Expenses	249,119	3,883		105,064 ^b	140,172(T) ^a	
Legal Services for 83,093 hours	4,968,961	63,222		4,691,882^b	101,136(T)^a	112,721
	4,949,445	43,706				
Administrative Law Judge Services	254,695	1,121		243,518^b	10,056(T) ^a	

	278,519	1,356	267,107 ^b		
Purchase of Services from Computer Center	67,171	739	57,498^a	8,934(T)^a	
	79,928	879	59,236 ^b	19,813(T) ^a	
Multiuse Network Payments	19,120		11,273^a	7,847(T)^a	
	49,654		31,823 ^b	17,831(T) ^a	
Payment to Risk Management and Property Funds	125,362	6,225	99,547 ^b	17,124(T) ^a	2,466
Vehicle Lease Payments	314,692		314,692^a		
	224,202		224,202 ^b		
Information Technology Asset Maintenance	117,683			117,683(T) ^a	
Leased Space	2,286,936	110,257	1,729,764 ^b	418,945(T) ^a	27,970
Capitol Complex Leased Space	4,605	3,855	750 ^b		
Hardware/Software Maintenance	424,654	800	166,600 ^b	257,254(T) ^a	
CoverColorado ²²⁴	12,738,244			12,738,244^a	
	15,355,165			15,355,165 ^c	
Contractual Services to Convert Non-standard Systems	240,240			240,240(T) ^a	
WAN Improvements	143,190			143,190(T) ^a	
Digital Communication Server	30,038			30,038(T) ^a	
	<u>28,518,055</u>				

Ch. 444

Appropriations

3087

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	30,988,596					

^a Of these amounts, it is estimated that ~~\$4,964,241~~ \$5,109,509 shall be from indirect cost recoveries, \$58,371 shall be from the Department of Public Health and Environment, \$56,307 shall be from the Department of Health Care Policy and Financing, \$31,625 shall be from transfers from other departments, and \$12,000 shall be from other departments for sunset reviews.

^b These amounts shall be from various cash sources within the Department.

^c Of this amount, it is estimated that ~~\$9,236,329~~ \$11,853,250 shall be from reserves in the CoverColorado Cash Fund, \$2,355,583 shall be from interest earned on the Unclaimed Property Trust Fund, and \$1,146,332 shall be from interest earned on the CoverColorado Cash Fund.

(B) Office of Certification

Program Costs	277,225			45,097 ^a	232,128(T) ^a
	136,435			20,371 ^a	116,064(T) ^b
	(4.0 FTE)				
	(2.0 FTE)				

^a This amount shall be from various grants from local governmental entities.

^b This amount shall be from federal funds transferred from the Department of Transportation.

(C) Office of Boxing

Program Costs	77,556
	(1.0 FTE)
Indirect Cost Assessment	<u>11,153</u>

88,709

88,709^a

^a This amount shall be from the Office of Boxing Cash Fund.

~~28,883,989~~

31,213,740

(2) DIVISION OF BANKING

Personal Services	2,509,921
	(38.5 FTE)
Operating Expenses	213,569
Board Meeting Costs	11,500
Indirect Cost Assessment	<u>429,371</u>

3,164,361

3,164,361^a

^a This amount shall be from the Division of Banking Cash Fund.

(3) CIVIL RIGHTS DIVISION

Personal Services	1,968,560
	1,789,314
Operating Expenses	137,712
Hearings Pursuant to	
Complaint	6,000
Commission Meeting Costs	21,000

~~1,427,689~~
 1,248,443
~~(24.0 FTE)~~
 (20.5 FTE)

115,418(T)^a
 (2.5 FTE)

425,453
 (8.5 FTE)

81,234

1,000

15,826

Ch. 444

Appropriations

3089

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Indirect Cost Assessment	<u>48,707</u>					48,707
	2,181,979					
	2,002,733					

^a This amount shall be from indirect cost recoveries.

(4) OFFICE OF CONSUMER COUNSEL²²⁵

Personal Services	674,557					
	(7.0 FTE)					
Operating Expenses	58,657					
Indirect Cost Assessment	<u>78,068</u>					
	811,282			811,282 ^a		

^a This amount shall be from the Public Utilities Commission Fixed Utilities Fund.

(5) DIVISION OF FINANCIAL SERVICES

Personal Services	767,273					
	(11.0 FTE)					
Operating Expenses	74,976					
Indirect Cost Assessment	<u>122,678</u>					

964,927

964,927^a

^a This amount shall be from the Division of Financial Services Cash Fund.

(6) DIVISION OF INSURANCE

Personal Services	5,417,435				
	4,982,373				
	(88.1 FTE)				
	(80.3 FTE)				
Operating Expenses	404,062				
	401,075				
Senior Health Counseling Program	182,746				
	(2.0 FTE)				
Workers' Compensation Studies	67,725				
PIP Exam Program	100,000				
Insurance Fraud Prosecution	265,509				
Indirect Cost Assessment	<u>999,372</u>				
		7,436,849	7,157,041 ^a	80,225 ^b	199,583
		6,998,800	6,718,992 ^a		

^a Of this amount, ~~\$7,057,041~~ \$6,618,992 shall be from the Division of Insurance Cash Fund and \$100,000 shall be from reimbursements from insurance companies for travel expenses. Reimbursement moneys are shown for purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution and are continuously appropriated under Section 10-1-204 (9), C.R.S.

Ch. 444

Appropriations

3091

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

^b Of this amount, \$67,725 shall be from reserves in the Workers' Compensation Cash Fund and \$12,500 shall be from the Motorist Insurance Identification Account in the Highway Users Tax Fund.

(7) PUBLIC UTILITIES COMMISSION

Personal Services	6,532,572
	(91.7 FTE)
Operating Expenses	356,254
Expert Testimony	25,000
Indirect Cost Assessment	1,033,837
Highway Crossing Payments	279,293
Disabled Telephone Users Fund Payments	3,500,000
Transfer to Reading Services for the Blind Cash Fund	93,800
Transfer to Commission for the Deaf and Hard of Hearing Cash Fund	25,000
Low Income Telephone Assistance	164,162
High Cost Administration	134,061

<u>(1.0 FTE)</u>				
	12,143,979	240,000	11,546,375 ^a	357,604^a 597,604 ^b

^a Of this amount, it is estimated that \$6,221,774 shall be from the Public Utilities Commission Fixed Utilities Fund, \$3,500,000 shall be from the Disabled Telephone Users Cash Fund, \$1,653,889 shall be from the Public Utilities Commission Motor Carrier Fund, \$123,625 shall be from the Low-Income Telephone Assistance Fund, \$39,293 shall be from interest earned on the Highway Crossing Protection Fund, and \$7,794 shall be from the Colorado High Cost Fund. Of this amount, \$3,500,000 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 40-17-104, C.R.S.

^b Of this amount, it is estimated that \$190,800 shall be from reserves in the Disabled Telephone Users Cash Fund, \$126,267 shall be from reserves in the Colorado High Cost Administration Fund, and \$40,537 shall be from reserves in the Low-Income Telephone Assistance Fund. FUND, AND \$240,000 SHALL BE FROM RESERVES IN THE HIGHWAY CROSSING PROTECTION FUND.

(8) DIVISION OF REAL ESTATE²²⁶

Personal Services	2,278,693		
	(37.0 FTE)		
Operating Expenses	188,499		
Commission Meeting Costs	21,925		
Hearings Pursuant to Complaint	4,427		
Name Checks	9,000		
Indirect Cost Assessment	412,643		
Payments from the Real Estate Recovery Fund	<u>100,000</u>		
	3,015,187	3,015,187 ^a	

^a Of this amount, \$2,915,187 shall be from the Division of Real Estate Cash Fund and \$100,000 shall be from the Real Estate Recovery Fund.

 APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(9) DIVISION OF REGISTRATIONS						
Personal Services	8,553,990					
	(151.4 FTE)					
Operating Expenses	1,310,657					
Centralized Licensing System - Annual License	175,000					
Hearings Pursuant to Complaint	304,075					
Payments to Department of Health Care Policy and Financing	12,844					
Indirect Cost Assessment	<u>3,529,847</u>					
	13,886,413			11,761,088 ^a	2,125,325(T) ^b	

^a This amount shall be from the Division of Registrations Cash Fund.

^b Of this amount, it is estimated that \$1,607,966 shall be from indirect cost recoveries, \$263,336 shall be from the Department of Public Health and Environment, and \$254,023 shall be from the Department of Health Care Policy and Financing.

(10) DIVISION OF SECURITIES

Personal Services	1,481,793
	(20.0 FTE)

Operating Expenses	45,439		
Hearings Pursuant to Complaint	19,594		
Board Meeting Costs	5,746		
Securities Fraud Prosecution	362,157		
Indirect Cost Assessment	<u>223,050</u>		
		2,137,779	2,137,779 ^a

^a This amount shall be from the Division of Securities Cash Fund.

TOTALS PART XVIII

**(REGULATORY
AGENCIES)^{5,6}**

\$74,626,745	\$2,069,137	\$50,744,119	\$20,897,022^a	\$916,467
<u>\$76,339,201</u>	<u>\$1,621,029</u>	<u>\$50,144,092</u>	<u>\$23,657,613^a</u>	

^a Of this amount, ~~\$7,720,949~~ \$7,624,619 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.

- 223 Department of Regulatory Agencies, Executive Director's Office and Administrative Services -- The Department of Regulatory Agencies is requested by the General Assembly to conduct a review of the background check requirements for all professions it licenses and to submit a report of this review to the Joint Budget Committee by October 1, 2002. The report should include: the background check requirements for each profession; an explanation as to why the level of background check used is appropriate for each profession; a summary and discussion of the statutory language pertaining to these requirements; and recommendations for legislation to change statutes that need clarity, specificity, and/or language to comply with FBI fingerprint requirements, if necessary and applicable. It is the intent of the General Assembly that this report be compiled using existing resources.
- 224 Department of Regulatory Agencies, Executive Director's Office and Administrative Services, CoverColorado -- The CoverColorado Director's Office is requested by the General Assembly to provide a report to the Joint Budget Committee on July 1, 2002 and on January 1, 2003 that updates the enrollment, revenue, expenditure, and fund balance projections for the program. These projections should include anticipated enrollment numbers and fund balance for June 30, 2003, June 30, 2004, and June 30, 2005. The January 1, 2003 report should also provide details on how the program is implementing the recommendations outlined in the July 2000 State Auditor's report on the program.
- 225 Department of Regulatory Agencies, Office of Consumer Counsel -- The Office is requested to report to the Joint Budget Committee by October 1, 2002 on the effects of the reallocation of resources in the Office. The report should include a comparison of the number of cases before the PUC in which the Office represented consumer interests, and the outcome of those cases, for the three most recent fiscal years.
- 226 Department of Regulatory Agencies, Division of Real Estate -- The Division of Real Estate is requested to report to the Joint Budget Committee by October 1, 2002 on ways the Judicial Department's name check system could be made more effective for the Division. Specifically, the Division should investigate and discuss: obtaining social security numbers from name checks; submitting the names of all licensees for annual name checks; "flagging" name checks to alert the Division that the individual went to court in the subsequent year (both for applicants and current licensees); other methods for making the name check system more effective; and the

estimated costs of implementing the improvements discussed. It is the intent of the General Assembly that this report be compiled using existing resources.

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 5, 2003