

## CHAPTER 411

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**APPROPRIATIONS**

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HOUSE BILL 04-1325

BY REPRESENTATIVE(S) Young, Witwer, Plant, and Weddig;  
also SENATOR(S) Owen, Teck, and Reeves.**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 449, Session Laws of Colorado 2003,  
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
\$	\$	\$	\$	\$	\$	\$
<b>PART X</b>						
<b>DEPARTMENT OF LAW</b>						
<b>(1) ADMINISTRATION</b>						
Personal Services	<del>2,279,389</del> 2,299,889 (37.7 FTE)			5,000 <sup>a</sup>	<del>2,274,389(T)</del> <sup>a</sup> 2,294,889(T) <sup>b</sup>	
Health, Life, and Dental	717,870	229,539		4,096 <sup>c</sup>	469,970 <sup>d</sup>	14,265
Short-term Disability	33,551	11,052		214 <sup>c</sup>	21,365 <sup>d</sup>	920
Salary Survey for Classified Employees	227,826	101,822		2,450 <sup>c</sup>	105,978 <sup>d</sup>	17,576
Salary Survey for Exempt Employees	528,667	123,966		2,349 <sup>c</sup>	397,737 <sup>d</sup>	4,615
Worker's Compensation	25,105	8,764		145 <sup>c</sup>	15,597 <sup>d</sup>	599
Operating Expenses	190,000	190,000				
Administrative Law Judge Services	<del>1,491</del> 6,253				<del>1,491</del> <sup>a</sup> 6,253 <sup>d</sup>	
Purchase of Services from Computer Center	<del>30,880</del>	30,880				
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	TOTAL		APPROPRIATION FROM				
	ITEM & SUBTOTAL		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
	33,249		33,249				
Payment to Risk Management and Property Funds	<del>121,106</del>		<del>121,106</del>				
	120,431		120,431				
Vehicle Lease Payments	<del>45,649</del>		<del>18,419</del>		<del>1,912*</del>	<del>24,919*</del>	<del>399</del>
	48,273		19,000		2,112 <sup>c</sup>	25,016 <sup>d</sup>	2,145
ADP Capital Outlay	29,543				6,251 <sup>c</sup>	23,292 <sup>d</sup>	
Information Technology Asset Maintenance	233,320				2,012 <sup>c</sup>	231,308 <sup>d</sup>	
Leased Space	<del>15,656</del>		5,291			<del>9,935*</del>	430
	25,493					19,772 <sup>d</sup>	
Capitol Complex Leased Space	<del>770,576</del>		<del>246,524</del>		<del>4,610*</del>	<del>500,425*</del>	<del>19,017</del>
	835,763		267,379		5,000 <sup>c</sup>	542,758 <sup>d</sup>	20,626
Communications Services Payments	<del>4,431</del>		1,640			<del>2,698*</del>	<del>93</del>
	3,260					1,620 <sup>d</sup>	
Attorney General Discretionary Fund	<u>5,000</u>		5,000				
		<del>5,260,060</del>					
		5,363,493					

<sup>a</sup> This amount shall be from e-infoData.com pursuant to Section 6-1-905(3)(b)(II), C.R.S.

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

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

<sup>d</sup> Of these amounts, ~~\$1,796,299~~ \$1,852,055 shall be from various sources of cash funds exempt and ~~\$8,416~~ \$8,611 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created pursuant to Section 24-22-115(2)(a), C.R.S. Additionally, ~~\$1,669,248~~ \$1,718,576 of these amounts contains a (T) notation.

**(2) LEGAL SERVICES TO STATE AGENCIES<sup>129, 130.</sup>**

<sup>131, 132</sup>

Personal Services	<del>13,938,790</del>			
	14,038,790			
	(193.1 FTE)			
Operating and Litigation	<del>772,835</del>			
	812,145			
Indirect Cost Assessment	<del>2,012,076</del>			
	<u>2,090,572</u>			
		16,723,701 <sup>a</sup>	520,000 <sup>a</sup>	<del>16,203,701(T)</del> <sup>c</sup>
		16,941,507		16,421,507(T) <sup>b</sup>

<sup>a</sup> This amount shall include funds from the Division of Wildlife in the Department of Natural Resources, the Public Employees' Retirement Association, the State Lottery Division in the Department of Revenue, the Correctional Industries Subprogram in the Department of Corrections, the Colorado Student Loan Program in the Department of Higher Education, Veterans' Nursing Homes in the Department of Human Services, Auraria Higher Education Center Enterprises, Disability Insurance Trust, and the Colorado Student Obligation Bonding Authority.

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

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b>(3) CRIMINAL JUSTICE AND APPELLATE</b>						
Special Prosecutions Unit	1,503,563	775,031 (8.8 FTE)		179,578 <sup>a</sup> (2.0 FTE)	548,954(T) <sup>b</sup> (6.2 FTE)	
Appellate Unit	1,753,372	1,753,372 (26.0 FTE)				
Medicaid Fraud Grant <sup>133</sup>	<del>1,018,135</del> 1,015,808 (11.0 FTE)	<del>254,533(M)</del> 253,952(M)				763,602 761,856
Capital Crimes Prosecution Unit <sup>134</sup>	336,016	336,016 (4.0 FTE)				
Peace Officers Standards and Training Board Support	259,037 (4.0 FTE)	56,866		147,181 <sup>e</sup>	54,990 <sup>d</sup>	
Victims Assistance	63,521				63,521(T) <sup>e</sup> (1.0 FTE)	
Indirect Cost Assessment	84,654			20,647 <sup>a</sup>	64,007(T) <sup>f</sup>	
	<u>5,018,298</u> 5,015,971					

<sup>a</sup> These amounts shall be from the State Compensation Insurance Authority.



ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Indirect Cost Assessment	<u>12,388</u>				12,388(T) <sup>b</sup>	
	1,679,313					

<sup>a</sup> These amounts shall be from reserves in the Attorney Fees and Costs Fund created in Section 24-31-108(2), C.R.S.

<sup>b</sup> These amounts shall be transferred from the Department of Public Health and Environment.

**(5) CONSUMER PROTECTION**

Consumer Protection and Anti-Trust	1,284,667	680,232 (10.5 FTE)	62,746 <sup>a</sup> (1.5 FTE)	541,689 <sup>b</sup> (4.0 FTE)
Collection Agency Board	<del>173,037</del> 198,037 (3.5 FTE)		163,037 <sup>c</sup>	<del>10,000<sup>a</sup></del> 35,000 <sup>d</sup>
Uniform Consumer Credit Code	707,959 (9.5 FTE)		357,959 <sup>e</sup>	350,000 <sup>f</sup>
Indirect Cost Assessment	<u>165,271</u>			165,271 <sup>g</sup>
	<del>2,330,934</del> 2,355,934			

<sup>a</sup> Of this amount, \$20,784 shall be from the Manufactured Home Fund created pursuant to Section 6-1-603(4), C.R.S., and \$41,962 shall be from e-infoData.com pursuant to Section 6-1-905(3)(b)(II), C.R.S.

<sup>b</sup> Of this amount, \$303,970 shall be from court-awarded settlements, \$157,719 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created pursuant to Section 24-22-115(2)(a), C.R.S., and \$80,000 shall be from custodial funds administered by the Department.

<sup>c</sup> This amount shall be from the Collection Agency Cash Fund created pursuant to Section 12-14-136(1)(a), C.R.S.

<sup>d</sup> This amount shall be from reserves in the Collection Agency Cash Fund created pursuant to Section 12-14-136(1)(a), C.R.S.

<sup>e</sup> This amount shall be from the Uniform Consumer Credit Code Cash Fund created pursuant to Section 5-6-204(1), C.R.S.

<sup>f</sup> This amount shall be from reserves in the Uniform Consumer Credit Code Cash Fund created pursuant to Section 5-6-204(1), C.R.S.

<sup>g</sup> Of this amount, \$98,075 shall be from reserves in the Uniform Consumer Credit Code Cash Fund created pursuant to Section 5-6-204(1), C.R.S., \$25,808 shall be from reserves in the Collection Agency Cash Fund created pursuant to Section 12-14-136(1)(a), C.R.S., \$31,064 shall be from court-awarded settlements, and \$10,324 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created pursuant to Section 24-22-115(2)(a), C.R.S.

**(6) SPECIAL PURPOSE**

District Attorneys'

Salaries	1,298,889	1,298,889
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Trinidad Correctional

Facility Construction

Litigation	<del>466,200</del>	<del>466,200(T)</del> <sup>g</sup>
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	200,000	200,000(T) <sup>a</sup>
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Litigation Management

Fund <sup>136</sup>	<del>200,000</del>	<del>200,000</del> <sup>g</sup>
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	<u>225,000</u>	225,000 <sup>b</sup>
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	<del>1,965,089</del>
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	1,723,889
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<sup>a</sup> This amount shall be from the Department of Corrections.

<sup>b</sup> This amount shall be from either General Fund fund balance generated by excess earnings in the Legal Services to State Agencies program in FY 2002-03 or from reserves in the Attorney Fees and Costs Fund created in Section 24-31-108(2), C.R.S.

**TOTALS PART X**

(LAW) <sup>2,3</sup>	\$32,977,395	\$7,251,317	\$1,480,187*	\$23,424,375*	\$821,516
	<u>\$33,080,107</u>	<u>\$7,273,866</u>	<u>\$1,480,777*</u>	<u>\$23,502,432*</u>	<u>\$823,032</u>

\* Of these amounts, ~~\$21,787,084~~ \$21,873,392 contains a (T) notation.

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

2 (Governor lined through this provision. See L. 2003, p. 3551.)

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. 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.

129 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 \$62.90 per hour for attorneys and not exceed \$51.31 per hour for paralegals, which equates to a blended rate of \$60.79.

130 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.

131 Department of Law, Legal Services to State Agencies -- The General Assembly requests that the Department of Law submit a report by January 15, 2004, detailing legal hours spent assisting each department in complying with the federal Health Insurance Portability and Accountability Act (HIPAA). Based on year-to-date legal hours used and projected future use of legal hours by each client agency, the report should include any recommended shifting of legal hours to better allocate funding to those agencies who most need legal assistance in complying with HIPAA.

132 Department of Law, Legal Services to State Agencies -- For FY 2003-04, the Department may make one transfer up to \$150,000 in spending

authority between the Personal Services and the Operating and Litigation line items to minimize the blended legal rate charged to other State agencies and allow the Department to make full use of appropriations to this program. The Department is requested to submit a report to the Joint Budget Committee by August 1, 2004, detailing whether such a transfer occurred and the corresponding expenses.

133 Department of Law, Criminal Justice and Appellate, Medicaid Fraud Grant -- It is requested 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, 2003.

134 (Governor lined through this provision. See L. 2003, p. 358 1.)

135 Department of Law, Water and Natural Resources, Federal and Interstate Water Unit -- The General Assembly requests that the Department of Law submit a report by January 15, 2004, which details any major water lawsuits for which Department staff expends significant amounts of time. This report should break down expenses for each case by: (1) the cost of Department attorneys; (2) the cost of private attorneys; (3) the cost of expert witnesses and consultants; and (4) other operating costs.

136 Department of Law, Special Purpose, Litigation Management Fund -- It is the intent of the General Assembly to grant the Department of Law additional flexibility by allowing the Department to use funds appropriated in this line item to address unanticipated state legal needs, which arise during FY 2003-04. It is also the intent of the General Assembly that moneys spent from this fund shall not require the appropriation of additional FTE and will not be used for any type of salary increase, promotion, reclassification, or bonus related to any present or future FTE employed by the Department of Law. It is furthermore the intent of the General Assembly that moneys spent from this fund will not be used to offset present or future personal services deficits in any division in the Department. The Department is requested to submit a quarterly report to the Joint Budget Committee detailing the purpose for which moneys from this fund have been expended.

**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 3, 2004