

CHAPTER 337

APPROPRIATIONS

SENATE BILL 05-117

BY SENATOR(S) Tapia, Keller, and Owen;
also REPRESENTATIVE(S) Plant, Buescher, and Hall.

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 427, Session Laws of Colorado 2004, 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	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
PART X						
DEPARTMENT OF LAW						
(1) ADMINISTRATION						
Personal Services	2,345,788 (38.7 FTE)			5,000 ^a	2,340,788(T) ^b	
Health, Life, and Dental	813,024	245,244		51,207 ^c	503,362 ^d	13,211
Short-term Disability	31,765	8,554		1,788 ^c	20,516 ^d	907
Salary Survey for Classified Employees	152,486	58,514		21,563 ^c	61,113 ^d	11,296
Salary Survey for Exempt Employees	361,924	92,068		5,004 ^c	262,257 ^d	2,595
Performance-based Pay Awards for Classified Employees	84,436	32,647		11,757 ^c	34,114 ^d	5,918
Performance-based Pay Awards for Exempt Employees	201,320	44,192		3,153 ^c	152,212 ^d	1,763
Workers' Compensation	38,861 39,810	11,698 12,559		2,547^c 2,602 ^c	23,661^d 23,670 ^d	955 979
Operating Expenses	190,000	177,411 165,144			12,589(T)^a 24,856(T) ^b	

Administrative Law					
Judge Services	6,408		6,408*		
	306		306 ^c		
Purchase of Services from					
Computer Center	38,002	38,002			
	33,443	33,443			
Payment to Risk					
Management and					
Property Funds	105,485	105,485			
	75,065	75,065			
Vehicle Lease Payments	45,596	19,145	1,912 ^c	18,909*	5,630
	29,778	17,324		4,047 ^d	6,495
ADP Capital Outlay	66,777		6,489 ^e	60,288 ^d	
Information Technology					
Asset Maintenance	396,410		38,049 ^e	358,361 ^d	
Leased Space	26,292	4,372	3,583 ^e	18,337 ^d	
Capitol Complex Leased					
Space	895,529	269,566	58,688*	545,267*	22,008
	906,405	279,447	59,313 ^e	545,366 ^d	22,279
Communications Services					
Payments	888	355		311 ^d	222
	1,756	676			769
Attorney General					
Discretionary Fund	<u>5,000</u>	5,000			
		5,805,991			
		5,761,785			

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Appropriations

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

^a This amount shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II), C.R.S.

^b This amount shall be from indirect cost recoveries.

^c These amounts shall be from various cash fund sources within the department.

^d Of these amounts, ~~\$2,052,316~~ \$2,037,562 shall be from various sources of cash funds exempt and \$6,392 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, ~~\$2,019,942~~ \$2,005,188 of these amounts contains a (T) notation.

(2) LEGAL SERVICES TO STATE AGENCIES^{94, 95}

Personal Services	13,985,683					
	14,015,683					
	(194.8 FTE)					
Operating and Litigation	798,646					
	818,646					
Indirect Cost Assessment	1,977,894					
	<u>1,990,161</u>					
	16,762,223			520,000(T) ^a	16,242,223(T) ^b	
	16,824,490				16,304,490(T) ^b	

^a 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.

^b This amount shall be from various sources of funds appropriated for legal services to state agencies.

(3) CRIMINAL JUSTICE AND APPELLATE

Special Prosecutions Unit	1,500,556	772,024	179,578 ^a	548,954(T) ^b	
		(8.8 FTE)	(2.0 FTE)	(6.2 FTE)	
Appellate Unit	1,749,865	1,749,865			
		(26.0 FTE)			
Medicaid Fraud Grant ³¹	1,012,115	253,029(M)			759,086
	(11.0 FTE)				
Capital Crimes Prosecution Unit	335,344	335,344			
		(4.0 FTE)			
Peace Officers Standards and Training Board Support	1,140,019		1,140,019^f		
	1,185,420		1,180,228 ^e	5,192 ^g	
	(6.0 FTE)				
Victims Assistance	63,400			63,400(T) ^d	
				(1.0 FTE)	
Indirect Cost Assessment	<u>144,104</u>		81,185 ^e	62,919(T) ^f	
		5,945,403			
		5,990,804			

^a These amounts shall be from the State Compensation Insurance Authority.

^b Of this amount, \$320,223 shall be from the Department of Regulatory Agencies, Division of Securities Cash Fund, and \$228,731 shall be from the Department of Regulatory Agencies, Division of Insurance Cash Fund.

^c This amount shall be from the P.O.S.T. Board Cash Fund created pursuant to Section 24-31-303 (2) (a) (II) (b), C.R.S.

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

^d This amount shall be from the Department of Public Safety, Division of Criminal Justice, Victims Assistance and Law Enforcement Fund.

^e Of this amount, \$60,889 shall be from the P.O.S.T. Board Cash Fund created pursuant to Section 24-31-303 (2) (a) (II) (b), C.R.S., and \$20,296 shall be from the State Compensation Insurance Authority.

^f Of this amount, \$37,308 shall be from the Department of Regulatory Agencies, Division of Securities Cash Fund, and \$25,611 shall be from the Department of Regulatory Agencies, Division of Insurance Cash Fund.

^g THIS AMOUNT SHALL BE FROM RESERVES IN THE P.O.S.T. BOARD CASH FUND TO COMPENSATE THE GENERAL FUND FOR PAYDATE SHIFT EXPENSES.

(4) WATER AND NATURAL RESOURCES

Federal and Interstate

Water Unit	394,229	394,229			
		(5.0 FTE)			

Defense of Arkansas

River Compact	150,000	95,000		55,000 ^a	
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Consultant Expenses	25,000	25,000			
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Comprehensive

Environmental Response,

Compensation and

Liability Act	415,052	99,760		315,292(T) ^b	
	(4.8 FTE)				

Comprehensive Environmental Response, Compensation and Liability Act Contracts	600,000			600,000(T) ^b
Indirect Cost Assessment	<u>48,712</u>			48,712(T) ^b
		1,632,993		

^a This amount shall be from reserves in the Attorney Fees and Costs Account created in Section 24-31-108 (2), C.R.S.

^b These amounts shall be transferred from the Department of Public Health and Environment.

(5) CONSUMER PROTECTION

Consumer Protection and Anti-Trust	1,282,099	677,664 (10.5 FTE)	62,746 ^a (1.5 FTE)	541,689 ^b (4.0 FTE)
Collection Agency Board	172,800 (3.5 FTE)		172,800 ^c	
Uniform Consumer Credit Code	706,543 (9.5 FTE)		706,543 ^d	
Indirect Cost Assessment	<u>182,667</u>		142,075 ^e	40,592 ^f
		2,344,109		

^a Of this amount, \$41,962 shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II), C.R.S., and \$20,784 shall be from the Building Regulation Fund created pursuant to Section 24-32-3309, C.R.S.

^b 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.

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

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
District Attorneys' Salaries	1,298,889	1,298,889				
Trinidad Correctional Facility Construction Litigation	466,200				466,200(T) ^a	
Litigation Management and Technology Fund ⁶	325,000				325,000 ^b	
Statewide HIPAA Legal Services	43,099	43,099				
	<u>2,133,188</u>					

^a This amount shall be from the Department of Corrections.

^b This amount shall be from either General Fund fund balance generated by excess earnings in the Legal Services to State Agencies program in FY 2003-04 or from reserves in the Attorney Fees and Costs Account created in Section 24-31-108 (2), C.R.S.

^d This amount shall be from the Uniform Consumer Credit Code Cash Fund pursuant to Section 5-6-204 (1), C.R.S.

^e Of this amount, \$96,408 shall be from the Uniform Consumer Credit Code Cash Fund pursuant to Section 5-6-204 (1), C.R.S., \$35,519 shall be from the Collection Agency Cash Fund pursuant to Section 12-14-136 (1) (a), C.R.S., and \$10,148 shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II), C.R.S.

^f Of this amount, \$20,296 shall be from court-awarded settlements, \$10,148 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund pursuant to Section 24-22-115 (2) (a), C.R.S., and \$10,148 shall be from custodial funds administered by the Department.

(6) SPECIAL PURPOSE

TOTALS PART X

(LAW) ^{1,2}	\$34,623,907	\$6,856,156	\$3,222,094 ^a	\$23,722,066 ^a	\$823,591 ^a
	<u>\$34,687,369</u>	<u>\$6,818,152</u>	<u>\$3,256,881^a</u>	<u>\$23,787,038^a</u>	<u>\$825,298</u>

^a Of these amounts, ~~\$23,241,019~~ \$23,300,799 contains a (T) notation.

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

1 (Governor lined through this provision. See L. 2004, p. 2712.)

2 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 is requested to produce its rules in an electronic format that is suitable for public access through electronic means. Such rules in such format should 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.

31 Department of Health Care Policy and Financing, Medical Services Premiums; and Department of Law, Criminal Justice and Appellate, Medicaid Fraud Grant -- 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, 2004.

94 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 \$63.37 per hour for attorneys and not exceed \$53.42 per hour

for paralegals, which equates to a blended rate of \$61.57.

- 95 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.
- 96 Department of Law, Special Purpose, Litigation Management and Technology 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 2004-05 as well as information technology decision items approved by the General Assembly that require General Fund or smaller amounts of other funding sources. 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. Such a report is also requested to be provided with any supplemental requests for additional legal services funding within or outside of the Legal Services to State Agencies program.

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 11, 2005