

CHAPTER 345

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**APPROPRIATIONS**

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SENATE BILL 05-125

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

**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 427, Session Laws of Colorado 2004, 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.*

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 APPROPRIATION FROM
 

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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 SERVICES<sup>120</sup>

Personal Services	3,523,984	3,500			3,520,484(T) <sup>a</sup> (53.0 FTE)	
Health, Life, and Dental	1,211,392	33,551		1,064,621 <sup>b</sup>	113,220(T) <sup>a</sup>	
Short-term Disability	47,162	1,454		40,190 <sup>b</sup>	5,518(T) <sup>a</sup>	
Salary Survey and Senior Executive Service	648,354	19,212		552,385 <sup>b</sup>	76,757(T) <sup>a</sup>	
Performance-based Pay Awards	377,166	11,091		325,470 <sup>b</sup>	40,605(T) <sup>a</sup>	
Workers' Compensation	<del>80,904</del> 83,544	<del>2,547</del> 2,630		<del>70,738<sup>b</sup></del> 73,046 <sup>b</sup>	<del>6,401(T)<sup>a</sup></del> 6,610(T) <sup>a</sup>	1,218 <sup>e</sup> 1,258 <sup>c</sup>
Operating Expenses	214,549	3,689		101,745 <sup>b</sup>	109,115(T) <sup>a</sup>	
Legal Services for 84,767 hours	5,219,105	45,008		4,986,863 <sup>b</sup>	71,175(T) <sup>a</sup>	116,059 <sup>c</sup>
Administrative Law Judge Services	<del>250,650</del> 177,966	<del>5,850</del> 4,344		<del>240,040<sup>b</sup></del> 169,938 <sup>b</sup>	<del>4,760(T)<sup>a</sup></del> 3,684(T) <sup>a</sup>	
Purchase of Services from Computer Center	<del>62,070</del>	<del>1,390</del>		<del>46,510<sup>b</sup></del>	<del>14,170(T)<sup>a</sup></del>	

	29,185	653	21,869 <sup>b</sup>	6,663(T) <sup>a</sup>	
Multiuse Network Payments	<del>3,239</del>		2,090 <sup>b</sup>	<del>1,149(T)</del> <sup>a</sup>	
	2,847			757(T) <sup>a</sup>	
Payment to Risk Management and Property Funds	<del>95,577</del>	<del>2,976</del>	<del>79,805<sup>b</sup></del>	<del>10,750(T)</del> <sup>a</sup>	2,046 <sup>c</sup>
	77,461	2,412	64,678 <sup>b</sup>	8,713(T) <sup>a</sup>	1,658 <sup>c</sup>
Vehicle Lease Payments	<del>223,265</del>		<del>223,265<sup>b</sup></del>		
	151,526		151,526 <sup>b</sup>		
Information Technology Asset Maintenance	463,332		270,021 <sup>b</sup>	193,311(T) <sup>a</sup>	
Leased Space	2,399,793	102,493	1,942,677 <sup>b</sup>	324,551(T) <sup>a</sup>	30,072 <sup>c</sup>
Capitol Complex Leased Space	<del>1,086</del>		<del>1,086<sup>b</sup></del>		
	1,064		1,064 <sup>b</sup>		
Hardware/Software Maintenance	659,002	800	399,600 <sup>b</sup>	258,602(T) <sup>a</sup>	
CoverColorado <sup>121</sup>	<u>3,515,251</u>		12,710 <sup>d</sup>	3,502,541 <sup>c</sup>	
		<del>18,995,881</del>			
		18,802,683			

<sup>a</sup> Of these amounts, it is estimated that ~~\$4,651,735~~ \$4,645,896 shall be from indirect cost recoveries, ~~\$42,824~~ \$40,297 shall be from the Department of Public Health and Environment, ~~\$41,309~~ \$38,872 shall be from the Department of Health Care Policy and Financing, and \$14,700 shall be from other departments for sunset reviews.

<sup>b</sup> These amounts shall be from various cash sources within the Department.

<sup>c</sup> These amounts shall be from the Equal Employment Opportunity Commission, the Department of Housing and Urban Development, and the Health Information Counseling and Assistance Grant Program, and are included for informational purposes only.

<sup>d</sup> This amount shall be from interest earned on the CoverColorado Cash Fund created in Section 10-8-530 (2), C.R.S.

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

<sup>a</sup> Of this amount, it is estimated that \$1,993,866 shall be from interest earned on the Unclaimed Property Trust Fund created in Section 38-13-116.5 (1) (a), C.R.S., and \$1,508,675 shall be from reserves in the CoverColorado Cash Fund created in Section 10-8-530 (2), C.R.S.

**(2) DIVISION OF BANKING**

Personal Services	2,563,701				
	(38.5 FTE)				
Operating Expenses	270,547				
Board Meeting Costs	11,500				
Indirect Cost Assessment	<del>422,788</del>				
	<u>422,409</u>				
	3,268,536			3,268,536 <sup>c</sup>	
	3,268,157			3,268,157 <sup>a</sup>	

<sup>a</sup> This amount shall be from the Division of Banking Cash Fund created in Section 11-102-403, C.R.S.

**(3) CIVIL RIGHTS DIVISION**

Personal Services	1,401,697	751,274		211,318(T) <sup>a</sup>	439,105 <sup>b</sup>
		(14.0 FTE)		(2.0 FTE)	(9.0 FTE)
Operating Expenses	123,905	37,380			86,525 <sup>b</sup>



ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	<del>974,911</del>			<del>974,911<sup>a</sup></del>		
	974,803			974,803 <sup>a</sup>		

<sup>a</sup> This amount shall be from the Division of Financial Services Cash Fund created in Section 11-40-106 (2), C.R.S.

**(6) DIVISION OF INSURANCE**

Personal Services	5,005,983					
	(76.5 FTE)					
Operating Expenses	377,972					
Senior Health Counseling Program	344,000					
	(2.0 FTE)					
PIP Exam Program	100,000					
Insurance Fraud Prosecution	283,493					
Indirect Cost Assessment	<del>854,514</del>					
	853,761					
	<u>6,965,962</u>			<del>6,607,937<sup>a</sup></del>		358,025 <sup>b</sup>
	6,965,209			6,607,184 <sup>a</sup>		

<sup>a</sup> Of this amount, ~~\$6,469,269~~ \$6,468,516 shall be from the Division of Insurance Cash Fund created in Section 10-1-103 (3), C.R.S., \$100,000 shall be from reimbursements from insurance companies for travel expenses, \$20,524 shall be from the Multiple Employer Welfare Arrangement Cash Fund created in Section 10-16-902 (6), C.R.S., and \$18,144 shall be from the Commission on Mandated Health Insurance Benefits Cash Fund created in Section 10-16-103.3 (8), C.R.S. 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.

<sup>b</sup> This amount shall be from the Health Information Counseling and Assistance Program and is included for informational purposes only.

**(7) PUBLIC UTILITIES COMMISSION**

Personal Services	6,955,767			
	(92.7 FTE)			
Operating Expenses	388,660			
Expert Testimony	25,000			
Disabled Telephone Users				
Fund Payments	3,268,475			
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	377,265			
Indirect Cost Assessment	<del>1,017,986</del>			
	<u>1,017,073</u>			
		<del>12,151,953</del>	<del>11,188,518<sup>a</sup></del>	963,435 <sup>b</sup>
		12,151,040	11,187,605 <sup>a</sup>	

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

<sup>a</sup> Of this amount, it is estimated that ~~\$6,021,291~~ \$6,020,563 shall be from the Public Utilities Commission Fixed Utility Fund created in Section 40-2-114, C.R.S., \$3,187,549 shall be from the Colorado Disabled Telephone Users Fund created in Section 40-17-104 (1), C.R.S., ~~\$1,531,674~~ \$1,531,489 shall be from the Public Utilities Commission Motor Carrier Fund created in Section 40-2-110.5 (6), C.R.S., \$377,265 shall be from the Low-Income Telephone Assistance Fund created in Section 40-3.4-108 (2) (a), C.R.S., and \$70,739 shall be from the Colorado High Cost Administration Fund created in Section 40-15-208 (3), C.R.S. Of this amount, \$3,187,549 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 (1), C.R.S.

<sup>b</sup> Of this amount, it is estimated that \$501,793 shall be from reserves in the Public Utilities Commission Fixed Utilities Fund created in Section 40-2-114, C.R.S., \$276,580 shall be from reserves in the Colorado Disabled Telephone Users Fund created in Section 40-17-104 (1), C.R.S., \$115,245 shall be from reserves in the Public Utilities Commission Motor Carrier Fund created in Section 40-2-110.5 (6), C.R.S., and \$69,817 shall be from reserves in the Colorado High Cost Administration Fund created in Section 40-15-208 (3), C.R.S.

**(8) DIVISION OF REAL ESTATE**

Personal Services	2,366,750
	(37.0 FTE)
Operating Expenses	183,923
Commission Meeting Costs	21,925
Hearings Pursuant to Complaint	4,427
CBI/FBI Record Checks	<del>161,950</del> 209,350
Payments from the Real Estate Recovery Fund	538,028

Indirect Cost Assessment	<del>406,316</del>		
	<u>405,952</u>		
		3,683,319	3,683,319 <sup>a</sup>
		3,730,355	3,730,355 <sup>a</sup>

<sup>a</sup> Of this amount, ~~\$3,145,291~~ \$3,192,327 shall be from the Division of Real Estate Cash Fund created in Section 12-61-111.5 (2) (b), C.R.S., and \$538,028 shall be from the Real Estate Recovery Fund created in Section 12-61-301 (1), C.R.S.

**(9) DIVISION OF REGISTRATIONS**

Personal Services	9,300,481		
	(157.4 FTE)		
Operating Expenses	1,231,413		
Hearings Pursuant to Complaint	307,075		
Payments to Department of Health Care Policy and Financing	12,844		
Indirect Cost Assessment	<del>3,197,834</del>		
	<u>3,194,778</u>		
		<del>14,049,647</del>	1,987,280(T) <sup>b</sup>
		14,046,591	12,059,311 <sup>a</sup>

<sup>a</sup> This amount shall be from the Division of Registrations Cash Fund created in Section 24-34-105 (2) (b) (I), C.R.S.

<sup>b</sup> Of this amount, it is estimated that \$1,491,307 shall be from indirect cost recoveries, \$252,450 shall be from the Department of Public Health and Environment, and \$243,523 shall be from the Department of Health Care Policy and Financing.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b>(10) DIVISION OF SECURITIES</b>						
Personal Services	1,563,188					
	(20.0 FTE)					
Operating Expenses	45,557					
Hearings Pursuant to Complaint	34,836					
Board Meeting Costs	5,746					
Securities Fraud Prosecution	387,531					
Indirect Cost Assessment	<del>219,630</del>					
	<u>219,433</u>					
	<u>2,256,488</u>			<u>2,256,488</u>		
	2,256,291			2,256,291 <sup>a</sup>		

<sup>a</sup> This amount shall be from the Division of Securities Cash Fund created in Section 11-51-707 (2), C.R.S.

**TOTALS PART XVIII**

**(REGULATORY  
AGENCIES)<sup>1,2</sup>**

<del>\$64,778,355</del>	<del>\$1,032,389</del>	<del>\$51,243,324</del>	<del>\$11,415,142</del>	<del>\$1,087,500</del>
<u>\$64,626,718</u>	<u>\$1,029,665</u>	<u>\$51,105,562</u>	<u>\$11,404,339<sup>a</sup></u>	<u>\$1,087,152</u>

<sup>a</sup> Of this amount, ~~\$6,949,166~~ \$6,938,363 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.

120 (Governor lined through this provision. See L. 2004, p. 2740.)

121 Department of Regulatory Agencies, Executive Director's Office and Administrative Services, CoverColorado -- The Director's Office is requested by the General Assembly to provide a report to the Joint Budget Committee on July first and on January first that updates the enrollment, revenue, expenditure, and fund balance projections for the CoverColorado program. These projections should include anticipated assessments to insurers, enrollment numbers and fund balance for June 30 of the next three fiscal years.

**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

