

CHAPTER 378

APPROPRIATIONS

HOUSE BILL 06-1222

BY REPRESENTATIVE(S) Plant, Buescher, Hall, Gardner, McGihon, Merrifield, and Penry;
also SENATOR(S) Tapia, Keller, and Owen.**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 354, Session Laws of Colorado 2005, 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 X
DEPARTMENT OF LAW**

(1) ADMINISTRATION

Personal Services	2,404,272 (38.7 FTE)			5,000 ^a	2,399,272(T) ^b	
Health, Life, and Dental	918,370	289,696		50,129 ^c	563,787 ^d	14,758 ^e
Short-term Disability	31,786	9,294		1,817 ^c	19,807 ^d	868 ^e
S.B. 04-257 Amortization Equalization						
Disbursement	52,568	7,448		5,124 ^c	38,512 ^d	1,484 ^e
Salary Survey for Classified Employees	233,165	95,590		33,861 ^c	87,853 ^d	15,861 ^e
Salary Survey for Exempt Employees	806,922	189,219		12,937 ^c	598,087 ^d	6,679 ^e
Workers' Compensation	50,295	15,149		3,489^c	30,432^d	1,225^e
	45,668	13,728		3,161 ^c	27,667 ^d	1,112 ^e
Operating Expenses	190,000	138,328			51,672(T)^b	
	190,143	26,442			163,701(T) ^b	

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APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Administrative Law							
Judge Services	339				339 ^e		
	24				24 ^e		
Purchase of Services from Computer Center	40,827		40,827				
	29,862		29,862				
Payment to Risk Management and Property Funds	98,922		98,922				
	26,082		26,082				
Vehicle Lease Payments	24,253		10,328		763 ^e	7,614 ^a	5,548 ^e
	25,353		10,991		868 ^e	5,584 ^d	7,910 ^e
ADP Capital Outlay	7,248				1,083 ^e	6,165 ^d	
	49,543		2,165			46,295 ^d	
Information Technology Asset Maintenance	358,296				34,725 ^e	323,571 ^d	
Leased Space	26,292		4,372		3,583 ^e	18,337 ^d	
Capitol Complex Leased Space	986,895		297,263		68,453 ^e	597,147 ^a	24,032 ^e
	976,506		294,071		67,717 ^e	590,939 ^d	23,779 ^e
Communications Services Payments	2,441		1,047		168 ^e	616 ^a	610 ^e

Attorney General	4,624	1,986	318 ^c	1,166 ^d	1,154 ^e
Discretionary Fund	<u>5,000</u>	5,000			
		6,237,891			
		6,184,476			

^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 These amounts shall be from indirect cost recoveries.

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

^d Of these amounts, ~~\$2,283,391~~ \$2,313,113 shall be from various sources of cash funds exempt and ~~\$8,537~~ \$8,492 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, ~~\$2,236,562~~ \$2,226,202 of these amounts contains a (T) notation.

^e These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services.

(2) LEGAL SERVICES TO STATE AGENCIES^{98,99}

Personal Services	14,243,481				
	14,573,158				
	(192.2 FTE)				
	(197.4 FTE)				
Operating and Litigation	783,646				
	953,720				
Indirect Cost Assessment	2,046,653				
	<u>2,158,682</u>				
		17,073,780	520,000(T) ^c	16,553,780(T) ^c	
		17,685,560	1,000,000(T) ^a	16,685,560(T) ^b	

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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 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, College Access Network (formerly 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 Collegenvest (formerly the Colorado Student Obligation Bonding Authority) AUTHORITY), AND THE FOLLOWING INSTITUTIONS OF HIGHER EDUCATION: THE UNIVERSITY OF COLORADO AT BOULDER, THE STATE BOARD OF AGRICULTURE, THE COLORADO SCHOOL OF MINES, THE UNIVERSITY OF NORTHERN COLORADO, ADAMS STATE COLLEGE, MESA STATE COLLEGE, WESTERN STATE COLLEGE, FORT LEWIS COLLEGE, AND THE PRIVATE VOCATIONAL SCHOOLS.

^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	1,024,143	833,978 (9.5 FTE) (9.3 FTE)	190,165 ^a (2.3 FTE) (2.5 FTE)		
Insurance Fraud Unit	233,071			233,071(T) ^b (2.6 FTE)	
Securities Fraud Unit	436,519	113,806 (2.0 FTE)		322,713(T) ^c (3.6 FTE)	
Appellate Unit	1,828,718 1,872,683	1,828,718 1,872,683 (26.0 FTE) (26.3 FTE)			
Medicaid Fraud Grant ¹⁰⁰	1,037,806	259,451(M)			778,355 ^d

	(11.0 FTE)			
Capital Crimes				
Prosecution Unit	343,027	343,027		
		(4.0 FTE)		
Peace Officers Standards and Training Board				
Support	1,145,965		1,145,965 ^e	
	1,193,965			48,000 ⁱ
	(6.0 FTE)			
Victims Assistance	65,824			65,824(T) ^f
				(1.0 FTE)
Indirect Cost Assessment	<u>154,366</u>		89,259 ^g	65,107(T) ^h
		6,269,439		
		6,361,404		

^a This amount shall be from the State Compensation Insurance Authority.

^b This amount shall be from the Division of Insurance Cash Fund through an appropriation to the Department of Regulatory Agencies.

^c This amount shall be from the Division of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies.

^d This amount shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health and Human Services.

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

^f This amount shall be from Victims Assistance and Law Enforcement funds appropriated to the Department of Public Safety, Division of Criminal Justice.

^g Of this amount, \$63,006 shall be from the P.O.S.T. Board Cash Fund created pursuant to Section 24-31-303 (2) (b), C.R.S., and \$26,253 shall be from the State Compensation Insurance Authority.

^h Of this amount, \$37,804 shall be from the Division of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies, and \$27,303 shall be from the Division of Insurance Cash Fund through an appropriation to the Department of Regulatory Agencies.

ⁱ THIS AMOUNT SHALL BE FROM RESERVES IN THE P.O.S.T. BOARD CASH FUND CREATED PURSUANT TO SECTION 24-31-303 (2) (B), C.R.S.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(4) WATER AND NATURAL RESOURCES							
Federal and Interstate Water Unit	407,296		407,296				
			(5.0 FTE)				
Defense of Arkansas River Compact	140,000		68,667			71,333 ^a	
DEFENSE OF THE COLORADO RIVER BASIN COMPACT	152,262					152,262 ^c	
						(1.3 FTE)	
Comprehensive Environmental Response, Compensation and Liability Act ¹⁰¹	424,916		42,945			381,971(T) ^b	
	(4.8 FTE)						
Comprehensive Environmental Response, Compensation and Liability Act Contracts	737,500					737,500(T) ^b	
Indirect Cost Assessment	50,405					50,405(T) ^b	
		1,760,117					
		1,912,379					

^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.

^c THIS AMOUNT SHALL BE FROM THE COLORADO WATER CONSERVATION BOARD LITIGATION FUND CREATED IN SECTION 37-60-121 (2.5)(A), C.R.S.

(5) CONSUMER PROTECTION

Consumer Protection and Anti-Trust	1,312,638 1,312,733	697,675 697,770 (10.5 FTE)	63,605 ^a (1.5 FTE) 179,768 ^c	551,358 ^b (4.0 FTE) 44,118 ^d
Collection Agency Board	223,886 (4.5 FTE)			
Uniform Consumer Credit Code	730,638 (9.5 FTE)		730,638 ^e	
Indirect Cost Assessment	<u>199,520</u>		157,516 ^f	42,004 ^e
		2,466,682		
		2,466,777		

^a Of this amount, \$42,821 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, \$313,639 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.

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

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

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

^f Of this amount, \$99,760 shall be from the Uniform Consumer Credit Code Cash Fund pursuant to Section 5-6-204 (1), C.R.S., \$47,255 shall be from the Collection Agency Cash Fund pursuant to Section 12-14-136 (1) (a), C.R.S., and \$10,501 shall be from the Public Utilities Commission under the provisions of Section 6-1-905 (3) (b) (II), C.R.S.

^g Of this amount, \$21,002 shall be from court-awarded settlements, \$10,501 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 \$10,501 shall be from custodial funds administered by the Department.

(6) SPECIAL PURPOSE

District Attorneys'

Salaries	1,301,837	1,301,837
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Litigation Management and Technology Fund ⁰²	325,000	325,000 ^g
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Statewide HIPAA Legal Services	30,638	30,638
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TOBACCO LITIGATION	<u>225,000</u>	225,000
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~~1,657,475~~

1,882,475

^h 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~~ FY 2004-05 or from reserves in the Attorney Fees and Costs Account created in Section 24-31-108 (2), C.R.S.

TOTALS PART X

(LAW) ^{4, 5}	\$35,465,384	\$7,130,521	\$3,298,387	\$24,187,056	\$849,420
	<u>\$36,493,071</u>	<u>\$7,203,044</u>	<u>\$3,777,263^a</u>	<u>\$24,660,804^a</u>	<u>\$851,960</u>

^a Of these amounts, ~~\$23,617,877~~ \$24,331,326 contains a (T) notation.

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

4 (Governor lined through this provision. See L. 2005, p. 2286.)

5 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.

98 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 \$67.29 per hour for attorneys and not exceed \$52.77 per hour for paralegals, which equates to a blended rate of \$64.45.

99 Department of Law, Legal Services to State Agencies -- The Department of Law is requested to make available to the Joint Budget Committee or other agencies of the executive branch, data regarding operating expenses for individual cases that exceed \$500 and are, thus, charged back to the applicable departments.

100 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) the most recent estimates on the total amount of Medicaid fraud and abuse in Colorado; (2) a summary of total fines, costs, and restitutions recovered, attributable to the Medicaid Fraud Control Unit's efforts; (3) 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 (4) 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, 2005.

101 Department of Law, Water and Natural Resources, Comprehensive Environmental Response, Compensation and Liability Act -- The Department is requested to submit a zero-based budget on this program for FY 2006-07. Such a budget should be included with the Department's November 1, 2005, budget submission.

102 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 2005-06, 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 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 8, 2006