

CHAPTER 451

APPROPRIATIONS

SENATE BILL 07-168

BY SENATOR(S) Tapia, Keller, and Johnson;
also REPRESENTATIVE(S) Buescher, Pommer, White, Carroll T., Gardner B., King, and Labuda.

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 394, Session Laws of Colorado 2006, 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.

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	2,474,053 (38.7 FTE)			5,000 ^a	2,469,053(T) ^b	
Health, Life, and Dental	1,166,472	363,616		63,732 ^c	720,233 ^d	18,891 ^e
Short-term Disability	25,199	7,560		1,515 ^c	15,625 ^d	499 ^e
Amortization Equalization Disbursement	172,286	51,310		10,027 ^c	107,570 ^d	3,379 ^e
Salary Survey for Classified Employees	246,897	104,828		31,760 ^c	95,857 ^d	14,452 ^e
Salary Survey for Exempt Employees	987,957	241,127		12,940 ^c	723,918 ^d	9,972 ^e
Workers' Compensation	49,615 55,453	15,238 17,031		3,516^c 3,930 ^c	29,652^d 33,141 ^d	1,209^e 1,351 ^e
Operating Expenses	190,143	176,529			13,614(T) ^b	
Administrative Law Judge Services	82 1,268			82^c 1,268 ^c		
Purchase of Services from Computer Center	30,303	30,303				

	54,978		54,978			
Payment to Risk Management and Property Funds	65,665		65,665			
	89,130		89,130			
Vehicle Lease Payments	33,281		12,629	4,020 ^a	8,740 ^a	7,892 ^a
	39,904		15,637	4,724 ^c	10,270 ^d	9,273 ^c
ADP Capital Outlay	26,825				26,825 ^d	
	29,550		2,725			
Information Technology Asset Maintenance	358,296			37,982 ^c	320,314 ^d	
Leased Space	26,292		4,372	3,583 ^c	18,337 ^d	
Capitol Complex Leased Space	1,009,085		309,995	71,503 ^c	603,008 ^d	24,579 ^c
Communications Services Payments	4,932		1,958	352 ^a	1,037 ^a	1,585 ^a
	6,043		2,399	431 ^c	1,271 ^d	1,942 ^c
Attorney General Discretionary Fund	<u>5,000</u>		5,000			
		6,872,383				
		6,938,006				

^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, ~~\$2,660,483~~ \$2,665,736 shall be from various sources of cash funds exempt, and \$10,633 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, ~~\$2,605,786~~ \$2,610,736 of these amounts contains a (T) notation.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Personal Services	15,049,194 15,253,502 (195.9 FTE) (198.4 FTE)					
Operating and Litigation	812,182 914,336					
Indirect Cost Assessment	<u>2,109,083</u>					
	17,970,459			945,000(T) ^a	17,025,459(T) ^a	
	18,276,921				17,331,921(T) ^b	

^a 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^{91, 92}

^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, CollegeInvest (formerly the Colorado Student Obligation Bonding 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	1,065,815	870,019 (9.3 FTE)	195,796 ^a (2.5 FTE)	
Insurance Fraud Unit	240,245			240,245(T) ^b (2.6 FTE)
Securities Fraud Unit	448,472	113,590 (2.0 FTE)		334,882(T) ^c (3.6 FTE)
Appellate Unit	1,987,284	1,987,284 (27.0 FTE)		
Medicaid Fraud Grant ⁹³	1,065,816 (11.0 FTE)	266,408(M)		799,408 ^d
Capital Crimes Prosecution Unit	350,255	350,255 (4.0 FTE)		
Peace Officers Standards and Training Board Support	1,155,202 (6.0 FTE)		1,155,202 ^e	
Victims Assistance	67,697			67,697(T) ^f (1.0 FTE)
Indirect Cost Assessment	<u>158,262</u>		91,512 ^a	66,750(T) ^b
		6,539,048		

^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.

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

^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, \$64,597 shall be from the P.O.S.T. Board Cash Fund created pursuant to Section 24-31-303 (2) (b), C.R.S., and \$26,915 shall be from the State Compensation Insurance Authority.

^h Of this amount, \$38,758 shall be from the Division of Securities Cash Fund through an appropriation to the Department of Regulatory Agencies, and \$27,992 shall be from the Division of Insurance Cash Fund through an appropriation to the Department of Regulatory Agencies.

(4) WATER AND NATURAL RESOURCES

Federal and Interstate Water

Unit	422,445	422,445				
		(5.0 FTE)				
Defense of Arkansas River Compact	140,000	68,667		71,333 ^a		
Defense of the Colorado River Basin Compact	758,880			758,880 ^b		
				(4.0 FTE)		
Comprehensive Environmental Response, Compensation and Liability Act	439,286	413,286		26,000(T) ^c		
	(4.8 FTE)					

Comprehensive Environmental Response, Compensation and Liability Act Contracts	600,000	175,000		425,000(T) ^c
Natural Resource Damage Claims at Rocky Mountain Arsenal	742,312	742,312	(2.0 FTE)	
	<u> </u>			
		3,102,923		

^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 This amount shall be from the Colorado Water Conservation Board Litigation Fund created in Section 37-60-121 (2.5)(a), C.R.S.

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

(5) CONSUMER PROTECTION

Consumer Protection and Anti-Trust	1,358,593	729,353	64,737 ^a	564,503 ^b
		(10.5 FTE)	(1.5 FTE)	(4.0 FTE)
Collection Agency Board	232,612		232,612 ^c	
	(4.5 FTE)			
Uniform Consumer Credit Code	807,699		752,560 ^d	55,139 ^e
	(10.5 FTE)			
Indirect Cost Assessment	<u>215,322</u>		172,258 ^f	43,064 ^g
		2,614,226		

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

^a Of this amount, \$43,953 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, \$326,784 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 created in Section 12-14-136 (1) (a), C.R.S.

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

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

^f Of this amount, \$113,044 shall be from the Uniform Consumer Credit Code Cash Fund created in Section 5-6-204 (1), C.R.S., \$48,448 shall be from the Collection Agency Cash Fund created in Section 12-14-136 (1) (a), C.R.S., and \$10,766 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, \$21,532 shall be from court-awarded settlements, \$10,766 shall be from custodial funds administered by the Department, and \$10,766 shall be from the Tobacco Settlement Defense Account of the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115 (2) (a), C.R.S.

(6) SPECIAL PURPOSE

District Attorneys' Salaries	1,310,681	1,310,681			
Litigation Management and Technology Fund ^{g,h}	325,000			325,000 ^a	
Statewide HIPAA Legal Services	20,331	20,331			
REFERENDUM K	43,446	43,446			
		(0.5 FTE)			
TOBACCO LITIGATION	<u>125,000</u>			125,000 ^b	

1,656,012
1,824,458

^a This amount shall be from either General Fund fund balance generated by excess earnings in the Legal Services to State Agencies program in FY 2005-06 or from reserves in the Attorney Fees and Costs Account created in Section 24-31-108 (2), C.R.S.

^b This amount shall be from General Fund fund balance generated by excess earnings in the Legal Services to State Agencies program in FY 2005-06.

TOTALS PART X

(LAW)^{2,3}	\$38,755,051	\$8,859,761		\$3,855,689 ^a	\$25,157,735 ^a	\$881,866
	<u>\$39,295,582</u>	<u>\$8,959,314</u>	<u> </u>	<u>\$3,858,072^a</u>	<u>\$25,594,450^a</u>	<u>\$883,746</u>

^a Of these amounts, ~~\$24,219,486~~ \$24,530,898 contains a (T) notation.

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

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. Until such time as the Secretary of State publishes the code of Colorado regulations and the Colorado register in electronic form pursuant to section 24-4-103 (11) (b), C.R.S., 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. Alternatively, the Office of Legislative Legal Services may provide links on its internet web site to such rules. It is the intent of the General Assembly that this be done within existing resources.

3 (Governor lined through this provision. See L. 2006, p. 2896.)

91 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 \$70.54 per hour for attorneys and not exceed \$56.18 per hour for paralegals, which equates to a blended rate of \$67.77 per hour.

- 92 Department of Law, Legal Services to State Agencies -- The Department of Law is requested to make available as necessary 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.
- 93 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, 2006.
- 94 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 2006-07, 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 22, 2007