

CHAPTER 458

APPROPRIATIONS

SENATE BILL 09-199

BY SENATOR(S) Keller, Tapia, White;
also REPRESENTATIVE(S) Pommer, Ferrandino, Marostica, Liston, Waller.

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 474, as Part XVIII (1) is amended by section 31 of chapter 284, Session Laws of Colorado 2008, 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	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART XVIII
DEPARTMENT OF REGULATORY AGENCIES**

(1) EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES

Personal Services	3,961,046	24,936		36,310^a	3,899,800^a	
	3,957,136	24,914		36,274 ^a	3,895,948 ^b	
					(52.3 FTE)	
Health, Life, and Dental	2,477,430	78,208		1,902,287 ^c	460,167 ^b	36,768 ^d
Short-term Disability	47,155	1,074		38,181 ^c	7,427 ^b	473 ^d
S.B. 04-257 Amortization Equalization Disbursement	580,087	12,938		469,915 ^c	91,409 ^b	5,825 ^d
S.B. 06-235 Supplemental Amortization Equalization Disbursement	271,701	5,850		220,272 ^c	42,848 ^b	2,731 ^d
Salary Survey and Senior Executive Service	1,325,901	64,174		1,047,658 ^c	214,069 ^b	
Performance-based Pay Awards	530,143	21,972		426,446 ^c	81,725 ^b	
Workers' Compensation	104,352	3,667		88,149 ^c	10,771 ^b	1,765 ^d
Operating Expenses	209,671	3,689		95,427 ^c	110,555 ^b	

Legal Services for 98,869 hours	7,425,063	143,940	7,000,635 ^c	138,511 ^b	141,977 ^d
Administrative Law Judge Services	239,949	11,054	228,895 ^c		
Purchase of Services from Computer Center	51,060			51,060 ^b	
MANAGEMENT AND ADMINISTRATION OF OIT	67,106	1,525	54,708 ^c	10,267 ^b	606
Payment to Risk Management and Property Funds	85,486	3,148	67,971 ^c	12,322 ^b	2,045 ^d
Vehicle Lease Payments	130,536		130,536 ^c		
Information Technology Asset Maintenance	671,403		354,412 ^c	190,757 ^b	126,234 ^d
Leased Space	2,790,497	91,259	2,251,493 ^c	420,490 ^b	27,255 ^d
Capitol Complex Leased Space	1,284		1,284 ^c		
Hardware/Software Maintenance	669,117	800	409,715 ^c	258,602 ^b	
	<u>21,571,881</u>				
	21,635,077				

^a Of this amount, it is estimated that ~~\$11,810~~ \$11,774 shall be from the Inspection and Consumer Services Cash Fund created in Section 35-1-106.5 (1), C.R.S., \$8,000 shall be from the River Outfitters Cash Fund created in Section 33-32-111, C.R.S., \$5,000 shall be from the Workers' Compensation Cash Fund created in Section 8-44-112 (7) (a), C.R.S., \$4,500 shall be from the Colorado Commission for the Deaf and Hard of Hearing Cash Fund created in Section 26-21-107 (1), C.R.S., \$4,000 shall be from the Pet Animal Care and Facility Fund created in Section 35-80-116, C.R.S., and \$3,000 shall be from the Notary Administration Cash Fund created in to Section 12-55-102.5 (1), C.R.S.

APPROPRIATION FROM

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

^b Of these amounts, it is estimated that ~~\$5,895,399~~ \$5,901,814 shall be from indirect cost recoveries, \$43,057 shall be from the Department of Public Health and Environment, \$43,057 shall be from the Department of Health Care Policy and Financing, and \$9,000 shall be from other departments for sunset reviews.

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

^d These amounts shall be from the Equal Employment Opportunity Commission, the U.S. Department of Housing and Urban Development, the U.S. Department of Justice, and the Health Information Counseling and Assistance Grant Program, and are included for informational purposes only.

(2) DIVISION OF BANKING

Personal Services	2,810,567					
	2,710,476					
	(38.5 FTE)					
Operating Expenses	279,905					
Board Meeting Costs	23,500					
Indirect Cost Assessment	<u>473,214</u>					
	3,587,186			3,587,186 ^c		
	3,487,095			3,487,095 ^a		

^a 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	1,659,026	880,923		419,067^c	359,036^c
	1,543,989	766,655		418,653 ^a	358,681 ^b

		(19.0 FTE)	(2.0 FTE)	(11.0 FTE)
		(17.6 FTE)		
Operating Expenses	100,736	59,616		41,120 ^b
Hearings Pursuant to Complaint	18,000	17,000		1,000 ^b
Commission Meeting Costs	12,374	5,174		7,200 ^b
Indirect Cost Assessment	<u>35,916</u>			35,916 ^b
	1,826,052			
	1,711,015			

^a This amount shall be from indirect cost recoveries.

^b These amounts shall be from the Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development, and are included for informational purposes only.

(4) OFFICE OF CONSUMER COUNSEL

Personal Services	773,249			
	772,485			
	(7.0 FTE)			
Operating Expenses	55,572			
Indirect Cost Assessment	<u>86,039</u>			
	914,860	914,860 ^a		
	914,096	914,096 ^a		

^a This amount shall be from the Public Utilities Commission Fixed Utility Fund created in Section 40-2-114, C.R.S.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(5) DIVISION OF FINANCIAL SERVICES						
Personal Services	956,351					
	955,406					
	(13.0 FTE)					
Operating Expenses	81,671					
	127,263					
Indirect Cost Assessment	<u>159,787</u>					
	1,197,809			1,197,809		
	1,242,456			1,242,456 ^a		

^a 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	5,804,777
	5,539,878
	(80.2 FTE)
	(78.1 FTE)
Operating Expenses	383,869
	373,760

Senior Health Counseling Program	509,000 (2.0 FTE)			
Insurance Fraud Prosecution	845,305			
Indirect Cost Assessment	999,006			
TRANSFER TO CAPCO ADMINISTRATION	91,930			
	<u>8,541,957</u>	8,541,957	8,019,711 ^a	522,246 ^b
	8,358,879		7,836,633 ^a	

^a Of this amount, ~~\$7,894,285~~ \$7,711,207 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, and \$25,426 shall be from the Viatical Settlements Cash Fund created in Section 10-7-619, C.R.S. Reimbursement moneys are shown for purposes of complying with the limitation on state fiscal year spending imposed by Section 20 of Article X of the State Constitution and are continuously appropriated pursuant to Section 10-1-108 (9), C.R.S.

^b 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	8,138,973 7,693,408 (97.1 FTE)
Operating Expenses	400,479
Expert Testimony	25,000
Disabled Telephone Users Fund Payments	2,439,591

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Transfer to Reading Services for the Blind Cash Fund	200,000 250,000						
Commission for the Deaf and Hard of Hearing Cash Fund	654,756						
Commission for the Blind or Visually Impaired Cash Fund	112,067						
Low Income Telephone Assistance	2,143,752						
Colorado Bureau of Investigation Background Checks Pass-through	67,128						
Indirect Cost Assessment	<u>1,193,483</u>						
		15,375,229 14,979,664			15,375,229* 14,979,664*		

^a Of this amount, it is estimated that ~~\$7,649,858~~ \$7,423,075 shall be from the Public Utilities Commission Fixed Utility Fund created in Section 40-2-114, C.R.S., ~~\$3,508,234~~ \$3,558,234 shall be from the Colorado Disabled Telephone Users Fund created in Section 40-17-104 (1), C.R.S., \$2,143,752 shall be from the Low Income Telephone Assistance Fund created in Section 40-3.4-108 (2) (a), C.R.S., ~~\$1,973,342~~ \$1,754,560 shall be from the Public Utilities Commission Motor Carrier Fund created in Section 40-2-110.5 (6), C.R.S., and \$100,043 shall be from the Colorado High Cost Administration Fund created in Section 40-15-208 (3), C.R.S. Of this amount, \$3,206,414 is shown for purposes of complying with the limitation on state fiscal year spending imposed by Section 20 of Article X 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.

(8) DIVISION OF REAL ESTATE

Personal Services	2,984,740		
	2,871,056		
	(46.5 FTE)		
Operating Expenses	197,768		
Commission Meeting Costs	21,925		
Hearings Pursuant to Complaint	4,000		
Mortgage Broker Consumer Protection	309,495		
Indirect Cost Assessment	<u>571,544</u>		
	4,089,472		4,089,472
	3,975,788		3,975,788 ^a

^a Of this amount, it is estimated that ~~\$3,134,280~~ \$3,038,749 shall be from the Division of Real Estate Cash Fund created in Section 12-61-111.5 (2) (b), C.R.S., and ~~\$955,192~~ \$937,039 shall be from the Mortgage Broker Registration Cash Fund created in Section 12-61-908 (2), C.R.S.

(9) DIVISION OF REGISTRATIONS

Personal Services	10,962,621
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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	10,721,633					
	(172.0 FTE)					
Operating Expenses	1,367,967					
Hearings Pursuant to Complaint	307,075					
Payments to Department of Health Care Policy and Financing	14,652					
Indirect Cost Assessment	<u>4,122,091</u>					
	16,774,406			14,586,599 ^a	2,181,315 ^a	6,492
	16,533,418			14,347,357 ^a	2,179,569 ^b	

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

^b Of this amount, it is estimated that ~~\$1,623,234~~ \$1,614,997 shall be from indirect cost recoveries, \$282,286 shall be from the Department of Public Health and Environment, and \$282,286 shall be from the Department of Health Care Policy and Financing.

(10) DIVISION OF SECURITIES

Personal Services	1,731,241
	1,729,531
	(20.0 FTE)
Operating Expenses	47,816

Hearings Pursuant to Complaint	19,594			
Board Meeting Costs	4,500			
Securities Fraud Prosecution	473,014			
Indirect Cost Assessment	<u>245,825</u>			
		2,521,990		2,521,990
		2,520,280		2,520,280 ^a

^a 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)

\$76,400,842	\$1,429,422		\$65,062,442	\$8,590,895	\$1,318,083
<u>\$75,357,768</u>	<u>\$1,316,657</u>		<u>\$64,127,627</u>	<u>\$8,595,150</u>	<u>\$1,318,334</u>

SECTION 2. Section 10 (1) of chapter 268, Session Laws of Colorado 2008, is amended to read:

Section 10. **Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2008, the sum of ~~fifty-six thousand seven hundred forty-nine dollars (\$56,749)~~ FIFTY-FOUR THOUSAND TWO HUNDRED TWENTY-NINE DOLLARS (\$54,229) cash funds and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Section 9 (2) of chapter 448, Session Laws of Colorado 2008, is amended to read:

Section 9. **Appropriation - adjustment to the 2008 long bill.** (2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the conservation easement holder certification fund created in section 12-61-720 (3), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of real estate, to implement and administer a conservation easement holder certification program, for the fiscal year beginning July 1, 2008, the sum of ~~two hundred thirty-six thousand nine hundred thirty-seven dollars (\$236,937)~~ TWO HUNDRED TWENTY-ONE THOUSAND EIGHT HUNDRED SEVENTEEN DOLLARS (\$221,817) and 1.8 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. 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 12, 2009