

This file contains the following documents:

1. February 15, 2012, JBC Staff memo titled: "DORA FY12-13 Figure Setting Follow-up Items", and presented to the Committee on March 7,2012.
2. February 14, 2012, JBC Staff document titled: "FY 2012-13 Staff Figure Setting Department of Regulatory Agencies".

MEMORANDUM

TO: Joint Budget Committee

FROM: Alfredo Kemm, JBC Staff (303-866-4549)

SUBJECT: DORA FY12-13 Figure Setting Follow-up Items

DATE: February 15, 2012

1. Figure setting for the *Consumer Outreach/Education Program* line in the Executive Director's Office was tabled in order to provide additional information regarding the sources of funding for all of the Department's television commercials.

Section 24-34-108, C.R.S., added in H.B. 08-1216, requires the Department to develop and implement a consumer outreach and education program, funded by surcharges on fines collected by the Department, with revenues not to exceed \$200,000, and subject to annual appropriation for the direct and indirect costs associated with the program.

Additional information from the Department is pending and will be provided to the Committee when received.

2. Figure setting for the Division of Insurance was tabled in order to collect additional information regarding the *Operating Expenses* and *Out-of-State Travel Expenses* lines.

The *actual* expenditure for FY 2010-11, as shown on page 10 in the numbers pages, was \$305,487, that included \$294,370 in Operating Expenses expenditures and \$11,117 in Out-of-State Travel Expenses. However, the FY 2010-11 *appropriation* for Operating Expenses was \$397,049, and included \$100,000 for Out-of-State Travel Expenses.

The FY 2011-12 appropriations for the two lines, as shown on page 10 in the numbers pages, were \$291,716 and \$100,000 respectively. As shown in the table on page 37 in the narrative, the FY 2011-12 Long Bill appropriation for Operating Expenses was \$297,049. The final FY 2011-12 appropriation includes a reduction of \$5,333 from H.B. 11-1033.

The explanation for the apparent difference from the FY 2010-11 actual and FY 2011-12 appropriation in the numbers pages was not due to an increase in appropriation level, but a reflection of the \$88,883 reversion in spending authority for the Out-of-State Travel Expenses line in FY 2010-11.

As explained in the narrative on page 37, the Out-of-State Travel Expenses line are reimbursements paid by insurance companies, incurred when division staff are required to complete market conduct

examinations, and are continuously appropriated pursuant to Section 10-1-108 (9), C.R.S.

3. The following section replaces the section in the figure setting narrative for the Public Utilities Commission, CBI Background Checks Pass-through line, that was tabled at the February 14 figure setting, and includes a summary table explaining the increased request and recommendation for FY 2012-13.

Colorado Bureau of Investigation Background Checks Pass-through

Description: This line item was added to the FY 2008-09 Long Bill to account for reappropriated funds in the Department of Public Safety, Colorado Bureau of Investigation, for processing of fingerprint-based criminal history record checks of drivers of certain motor vehicle carriers.

Request: The Department requests an appropriation of \$104,377 cash funds.

Recommendation: **Staff recommends an appropriation of \$104,377 cash funds.** The following table summarizes the staff recommendation for this line item.

| Public Utilities Commission - Colorado Bureau of Investigation Background Checks Pass-through | |
|--|------------------|
| | CF |
| FY 2011-12 Long Bill Appropriation | \$67,128 |
| FY 2011-12 Supplemental | 0 |
| Subtotal FY 2011-12 Appropriation | 67,128 |
| Annualize H.B. 11-1198, Motor Carrier Recodification | <u>37,249</u> |
| Recommended FY 2012-13 Appropriation | \$104,377 |

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



**FY 2012-13 STAFF FIGURE SETTING
DEPARTMENT OF REGULATORY AGENCIES**

**JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision**

**Prepared By:
Alfredo Kemm, JBC Staff
February 14, 2012**

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DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

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DEPARTMENT OF REGULATORY AGENCIES

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| Division of Registrations | 14 | 46 |
| Division of Securities | 15 | 50 |
| Department Total | 16 | n/a |
| Footnotes and Request for Information | n/a | 53 |

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

Committee of Reference SMART Act Recommendation Letter for the Department

House Economic and Business Development Committee
Received January 23, 2012
Recommendations

The House Economic and Business Development Committee recommended the following changes:

The committee recommends that the Department provide a report to the House Economic and Business Development Committee and the JBC that lists the total number of entities, professions, or groups regulated by the Department and the number of regulated professionals within those entities, professions, or groups for each of the last five years. The report should correlate the number of regulated entities, professions, or groups and the professionals within those entities with the budget and FTE allotted to each entity for each of the last five years. The report must be provided within 60 days of approval, and posted on the Department's website.

Senate Business, Labor, and Technology Committee
Received January 23, 2012
Recommendations

The Senate Business, Labor, and Technology Committee did not provide a recommendation on the Department's FY 2012-13 budget.

House Transportation Committee
Received January 23, 2012
Recommendations

The House Transportation Committee did not provide a recommendation on the Department's FY 2012-13 budget.

Senate Transportation Committee
Received February 1, 2012
Recommendations

The Senate Transportation Committee did not provide a recommendation on the Department's FY 2012-13 budget.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

| Decision Item Table of Contents | |
|--|------------------------------|
| Decision Item | Narrative Page Number |
| The Department had no Decision Item Requests | |

The Committee has not yet acted on the following common policies:

- Personal Services base reduction;
- Health, Life, and Dental;
- Information technology common policies, set for the Governor's Office (figure setting date March 15, 2012);
- Department of Personnel and Administration (DPA) operating common policies, set for DPA (figure setting date March 15, 2012);
- Legal services hourly rate, set for the Department of Law (figure setting date March 15, 2012).

FY 2012-13 Joint Budget Committee Staff Figure Setting
Department of REGULATORY AGENCIES
Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|

| |
|--|
| DEPARTMENT OF REGULATORY AGENCIES Barbara Kelley, Executive Director |
|--|

(1) EXECUTIVE DIRECTOR'S OFFICE AND ADMINISTRATIVE SERVICES

The Executive Director's Office performs department-wide administrative functions including accounting, budgeting, and purchasing. The Office of Policy and Research conducts sunrise and sunset evaluations pursuant to section 24-34-104 (8), C.R.S.

| | | | | | |
|---|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Personal Services | <u>4,022,230</u> | <u>2,141,818</u> | <u>2,207,730</u> | <u>2,254,768</u> | <u>Pending</u> |
| <i>FTE</i> | 49.0 | 28.4 | 27.5 | 27.5 | 29.5 |
| General Fund | 15,619 | 0 | 3,500 | 3,500 | |
| Cash Funds | 25,500 | 0 | 29,000 | 29,000 | |
| Reappropriated Funds | 3,981,111 | 2,141,818 | 2,175,230 | 2,222,268 | |
| Health, Life, and Dental | <u>2,878,828</u> | <u>2,633,444</u> | <u>2,873,888</u> | <u>2,957,012</u> | <u>Pending</u> |
| General Fund | 92,248 | 89,650 | 92,463 | 104,395 | |
| Cash Funds | 2,200,431 | 2,362,286 | 2,596,890 | 2,658,390 | |
| Reappropriated Funds | 542,780 | 181,508 | 157,668 | 147,996 | |
| Federal Funds | 43,369 | 0 | 26,867 | 46,231 | |
| Short-term Disability | <u>48,080</u> | <u>49,782</u> | <u>56,574</u> | <u>60,597</u> | <u>55,751</u> |
| General Fund | 1,113 | 1,730 | 1,956 | 1,975 | 1,956 |
| Cash Funds | 41,117 | 44,915 | 49,889 | 54,427 | 49,889 |
| Reappropriated Funds | 5,401 | 3,137 | 4,325 | 3,502 | 3,502 |
| Federal Funds | 449 | 0 | 404 | 693 | 404 |
| S.B. 04-257 Amortization Equalization Disbursement | <u>623,700</u> | <u>767,991</u> | <u>880,361</u> | <u>1,095,520</u> | <u>1,095,148</u> |
| General Fund | 14,244 | 26,415 | 30,573 | 35,706 | 35,334 |
| Cash Funds | 539,181 | 693,014 | 789,205 | 983,984 | 983,984 |
| Reappropriated Funds | 70,275 | 48,562 | 54,187 | 63,307 | 63,307 |
| Federal Funds | 0 | 0 | 6,396 | 12,523 | 12,523 |

*This line item includes a decision item.

FY 2012-13 Joint Budget Committee Staff Figure Setting
Department of REGULATORY AGENCIES
Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|---|-------------------------|-------------------------|-----------------------------|-------------------------|------------------------------------|
| S.B. 06-235 Supplemental Amortization Equalization | | | | | |
| Disbursement | <u>389,309</u> | <u>559,808</u> | <u>707,267</u> | <u>941,462</u> | <u>940,997</u> |
| General Fund | 8,719 | 19,067 | 24,403 | 30,685 | 30,220 |
| Cash Funds | 336,721 | 505,331 | 634,182 | 845,611 | 845,611 |
| Reappropriated Funds | 43,869 | 35,410 | 43,543 | 54,404 | 54,404 |
| Federal Funds | 0 | 0 | 5,139 | 10,762 | 10,762 |
| Workers' Compensation | <u>74,629</u> | <u>80,268</u> | <u>70,066</u> | <u>76,436</u> | <u>Pending</u> |
| General Fund | 2,825 | 2,850 | 2,328 | 2,538 | |
| Cash Funds | 67,940 | 72,476 | 64,296 | 70,145 | |
| Reappropriated Funds | 2,571 | 4,942 | 2,337 | 2,548 | |
| Federal Funds | 1,293 | 0 | 1,105 | 1,205 | |
| Operating Expenses | <u>188,850</u> | <u>131,851</u> | <u>210,344</u> | <u>210,344</u> | <u>210,344</u> |
| General Fund | 3,689 | 0 | 3,689 | 3,689 | 3,689 |
| Cash Funds | 74,164 | 23,238 | 95,427 | 95,427 | 95,427 |
| Reappropriated Funds | 110,997 | 108,613 | 111,228 | 111,228 | 111,228 |
| Legal Services | <u>7,616,109</u> | <u>7,877,947</u> | <u>8,088,494</u> | <u>7,896,902</u> | <u>Pending</u> |
| General Fund | 152,809 | 148,721 | 153,464 | 153,464 | |
| Cash Funds | 7,324,753 | 7,081,789 | 7,759,646 | 7,570,989 | |
| Reappropriated Funds | 138,547 | 647,437 | 30,433 | 30,433 | |
| Federal Funds | 0 | 0 | 144,951 | 142,016 | |
| Administrative Law Judge Services | <u>324,818</u> | <u>300,459</u> | <u>430,196</u> | <u>287,849</u> | <u>Pending</u> |
| General Fund | 14,964 | 13,842 | 19,819 | 13,261 | |
| Cash Funds | 309,854 | 286,617 | 410,377 | 274,588 | |

*This line item includes a decision item.

FY 2012-13 Joint Budget Committee Staff Figure Setting
Department of REGULATORY AGENCIES
Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|-----------------------|-------------------------|-----------------------------|-------------------------|------------------------------------|
| Purchase of Services from Computer Center | <u>48,916</u> | <u>1,484,641</u> | <u>1,695,122</u> | <u>1,818,880</u> | <u>Pending</u> |
| General Fund | 0 | 24,265 | 60,624 | 64,934 | |
| Cash Funds | 0 | 1,371,730 | 1,634,498 | 1,753,946 | |
| Reappropriated Funds | 48,916 | 88,646 | 0 | 0 | |
| Multiuse Network Payments | <u>0</u> | <u>127,783</u> | <u>149,825</u> | <u>328,794</u> | <u>Pending</u> |
| General Fund | 0 | 4,625 | 5,385 | 11,738 | |
| Cash Funds | 0 | 112,232 | 144,440 | 317,056 | |
| Reappropriated Funds | 0 | 10,926 | 0 | 0 | |
| Management and Administration of OIT | <u>60,444</u> | <u>139,117</u> | <u>278,679</u> | <u>131,988</u> | <u>Pending</u> |
| General Fund | 1,376 | 2,574 | 9,957 | 4,712 | |
| Cash Funds | 49,277 | 122,801 | 268,722 | 127,276 | |
| Reappropriated Funds | 9,246 | 13,742 | 0 | 0 | |
| Federal Funds | 545 | 0 | 0 | 0 | |
| Payment to Risk Management and Property Funds | <u>90,734</u> | <u>27,792</u> | <u>106,459</u> | <u>129,003</u> | <u>Pending</u> |
| General Fund | 3,286 | 987 | 3,537 | 4,281 | |
| Cash Funds | 73,272 | 25,094 | 97,694 | 118,394 | |
| Reappropriated Funds | 12,179 | 1,711 | 3,550 | 4,297 | |
| Federal Funds | 1,997 | 0 | 1,678 | 2,031 | |
| Vehicle Lease Payments | <u>191,507</u> | <u>205,660</u> | <u>184,182</u> | <u>221,254</u> | <u>Pending</u> * |
| Cash Funds | 191,507 | 205,660 | 184,182 | 221,254 | |
| Information Technology Asset Maintenance | <u>586,737</u> | <u>668,485</u> | <u>671,403</u> | <u>671,403</u> | <u>671,403</u> |
| Cash Funds | 398,480 | 478,227 | 480,646 | 480,646 | 480,646 |
| Reappropriated Funds | 188,257 | 190,258 | 190,757 | 190,757 | 190,757 |

*This line item includes a decision item.

FY 2012-13 Joint Budget Committee Staff Figure Setting
Department of REGULATORY AGENCIES
Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|-------------------------|-------------------------|-----------------------------|-------------------------|------------------------------------|
| Leased Space | <u>2,839,367</u> | <u>2,791,912</u> | <u>3,038,518</u> | <u>3,038,518</u> | <u>3,038,518</u> |
| General Fund | 99,836 | 96,132 | 106,866 | 106,866 | 106,866 |
| Cash Funds | 2,285,655 | 2,262,957 | 2,536,022 | 2,536,022 | 2,536,022 |
| Reappropriated Funds | 453,876 | 432,823 | 356,190 | 356,190 | 356,190 |
| Federal Funds | 0 | 0 | 39,440 | 39,440 | 39,440 |
| Capitol Complex Leased Space | <u>6,325</u> | <u>6,358</u> | <u>6,098</u> | <u>5,585</u> | <u>Pending</u> |
| Cash Funds | 6,325 | 6,358 | 6,098 | 5,585 | |
| Hardware/Software Maintenance | <u>872,377</u> | <u>690,689</u> | <u>805,010</u> | <u>686,330</u> | <u>686,330</u> |
| General Fund | 800 | 0 | 800 | 800 | 800 |
| Cash Funds | 613,822 | 433,268 | 545,608 | 426,928 | 426,928 |
| Reappropriated Funds | 257,755 | 257,421 | 258,602 | 258,602 | 258,602 |
| Consumer Outreach/Education Program | <u>193,834</u> | <u>200,000</u> | <u>200,000</u> | <u>200,000</u> | <u>200,000</u> |
| Cash Funds | 193,834 | 200,000 | 200,000 | 200,000 | 200,000 |
| Total Funds - (1) Executive Director's Office and Administrative Services | 21,056,794 | 20,885,805 | 22,660,216 | 23,012,645 | 6,898,491 |
| FTE | <u>49.0</u> | <u>28.4</u> | <u>27.5</u> | <u>27.5</u> | <u>29.5</u> |
| General Fund | 411,528 | 430,858 | 519,364 | 542,544 | 178,865 |
| Cash Funds | 14,731,833 | 16,287,993 | 18,526,822 | 18,769,668 | 5,618,507 |
| Reappropriated Funds | 5,865,780 | 4,166,954 | 3,388,050 | 3,445,532 | 1,037,990 |
| Federal Funds | 47,653 | 0 | 225,980 | 254,901 | 63,129 |

*This line item includes a decision item.

FY 2012-13 Joint Budget Committee Staff Figure Setting
Department of REGULATORY AGENCIES
Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|

(2) DIVISION OF BANKING

The Division of Banking regulates state-chartered commercial and industrial banks, trust companies, debt adjusters, and money order companies; and conducts examinations of institutions and ensures institutions comply with the Public Deposit Protection Act. The Division is entirely cash funded by the Division of Banking Cash Fund, pursuant to section 11-102-403, C.R.S.

| | | | | | |
|-------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Personal Services | <u>2,703,233</u> | <u>2,860,656</u> | <u>3,552,422</u> | <u>3,612,383</u> | <u>Pending</u> |
| <i>FTE</i> | 34.5 | 36.7 | 47.5 | 47.5 | 40.0 |
| Cash Funds | 2,703,233 | 2,860,656 | 3,552,422 | 3,612,383 | |
| Operating Expenses | <u>411,694</u> | <u>432,187</u> | <u>506,387</u> | <u>490,703</u> | <u>490,703</u> |
| Cash Funds | 411,694 | 432,187 | 506,387 | 490,703 | 490,703 |
| Board Meeting Costs | <u>21,876</u> | <u>19,167</u> | <u>23,500</u> | <u>23,500</u> | <u>23,500</u> |
| Cash Funds | 21,876 | 19,167 | 23,500 | 23,500 | 23,500 |
| Indirect Cost Assessment | <u>513,677</u> | <u>309,464</u> | <u>315,930</u> | <u>315,930</u> | <u>Pending</u> |
| Cash Funds | 513,677 | 309,464 | 315,930 | 315,930 | |

| | | | | | |
|--|------------------|------------------|------------------|------------------|----------------|
| Total Funds - (2) Division of Banking | 3,650,480 | 3,621,474 | 4,398,239 | 4,442,516 | 514,203 |
| <i>FTE</i> | <u>34.5</u> | <u>36.7</u> | <u>47.5</u> | <u>47.5</u> | <u>40.0</u> |
| Cash Funds | 3,650,480 | 3,621,474 | 4,398,239 | 4,442,516 | 514,203 |

*This line item includes a decision item.

FY 2012-13 Joint Budget Committee Staff Figure Setting
Department of REGULATORY AGENCIES
Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|

(3) CIVIL RIGHTS DIVISION

The Civil Rights Division enforces state laws that prohibit discrimination in employment, housing, and public accommodations on the basis of race, sex (gender), national origin, ancestry, physical or mental disability, religion, color, marital status, or sexual orientation.

| | | | | | |
|---------------------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-----------------------|
| Personal Services | <u>1,556,303</u> | <u>1,574,017</u> | <u>1,580,295</u> | <u>1,609,144</u> | <u>Pending</u> |
| <i>FTE</i> | 23.6 | 25.9 | 31.4 | 31.4 | 27.0 |
| General Fund | 960,212 | 945,538 | 999,488 | 1,023,546 | |
| Reappropriated Funds | 272,752 | 297,629 | 232,343 | 232,343 | |
| Federal Funds | 323,339 | 330,850 | 348,464 | 353,255 | |
| | | | | | |
| Operating Expenses | <u>68,224</u> | <u>85,637</u> | <u>100,438</u> | <u>100,438</u> | <u>100,438</u> |
| General Fund | 63,336 | 59,318 | 59,318 | 59,318 | 59,318 |
| Federal Funds | 4,888 | 26,319 | 41,120 | 41,120 | 41,120 |
| | | | | | |
| Hearings Pursuant to Complaint | <u>17,000</u> | <u>17,000</u> | <u>18,000</u> | <u>18,000</u> | <u>18,000</u> |
| General Fund | 17,000 | 17,000 | 17,000 | 17,000 | 17,000 |
| Federal Funds | 0 | 0 | 1,000 | 1,000 | 1,000 |
| | | | | | |
| Commission Meeting Costs | <u>5,174</u> | <u>5,168</u> | <u>12,374</u> | <u>12,374</u> | <u>12,374</u> |
| General Fund | 5,174 | 5,168 | 5,174 | 5,174 | 5,174 |
| Federal Funds | 0 | 0 | 7,200 | 7,200 | 7,200 |
| | | | | | |
| Indirect Cost Assessment | <u>37,208</u> | <u>33,295</u> | <u>51,798</u> | <u>51,798</u> | <u>Pending</u> |
| Federal Funds | 37,208 | 33,295 | 51,798 | 51,798 | |

| | | | | | |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|
| Total Funds - (3) Civil Rights Division | 1,683,909 | 1,715,117 | 1,762,905 | 1,791,754 | 130,812 |
| <i>FTE</i> | <u>23.6</u> | <u>25.9</u> | <u>31.4</u> | <u>31.4</u> | <u>27.0</u> |
| General Fund | 1,045,722 | 1,027,024 | 1,080,980 | 1,105,038 | 81,492 |
| Reappropriated Funds | 272,752 | 297,629 | 232,343 | 232,343 | 0 |
| Federal Funds | 365,435 | 390,464 | 449,582 | 454,373 | 49,320 |

*This line item includes a decision item.

FY 2012-13 Joint Budget Committee Staff Figure Setting
Department of REGULATORY AGENCIES
Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|

(4) OFFICE OF CONSUMER COUNSEL

The Office of Consumer Counsel represents the interests of residential, agricultural and small business consumers at electric, gas, and telecommunications utility rate and service proceedings before the Public Utility Commission. The Division is cash funded by the Public Utilities Commission Fixed Utility Fund pursuant to section 40-2-114, C.R.S.

| | | | | | |
|-------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------------|
| Personal Services | <u>723,873</u> | <u>708,610</u> | <u>778,171</u> | <u>792,953</u> | <u>Pending</u> |
| <i>FTE</i> | 7.0 | 6.8 | 7.0 | 7.0 | 7.0 |
| Cash Funds | 723,873 | 708,610 | 778,171 | 792,953 | |
| Operating Expenses | <u>41,802</u> | <u>48,022</u> | <u>55,787</u> | <u>55,787</u> | <u>55,787</u> |
| Cash Funds | 41,802 | 48,022 | 55,787 | 55,787 | 55,787 |
| Indirect Cost Assessment | <u>76,032</u> | <u>49,233</u> | <u>46,558</u> | <u>46,558</u> | <u>Pending</u> |
| Cash Funds | 76,032 | 49,233 | 46,558 | 46,558 | |

| | | | | | |
|---|----------------|----------------|----------------|----------------|---------------|
| Total Funds - (4) Office of Consumer Counsel | 841,707 | 805,865 | 880,516 | 895,298 | 55,787 |
| <i>FTE</i> | <u>7.0</u> | <u>6.8</u> | <u>7.0</u> | <u>7.0</u> | <u>7.0</u> |
| Cash Funds | 841,707 | 805,865 | 880,516 | 895,298 | 55,787 |

(5) DIVISION OF FINANCIAL SERVICES

The Division of Financial Services regulates state-chartered credit unions, savings and loans, and life care institutions; and conducts examinations of institutions to ensure continued compliance with regulatory standards. The Division is entirely cash funded by the Division of Financial Services Cash Fund pursuant to section 11-40-106 (2), C.R.S.

| | | | | | |
|--------------------------|------------------|----------------|------------------|------------------|----------------|
| Personal Services | <u>1,048,009</u> | <u>978,162</u> | <u>1,109,414</u> | <u>1,134,247</u> | <u>Pending</u> |
| <i>FTE</i> | 13.2 | 11.9 | 15.0 | 15.0 | 13.0 |
| Cash Funds | 1,048,009 | 978,162 | 1,109,414 | 1,134,247 | |

*This line item includes a decision item.

FY 2012-13 Joint Budget Committee Staff Figure Setting
Department of REGULATORY AGENCIES
Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|---|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
| Operating Expenses | <u>129,434</u> | <u>95,719</u> | <u>161,788</u> | <u>161,788</u> | <u>161,788</u> |
| Cash Funds | 129,434 | 95,719 | 161,788 | 161,788 | 161,788 |
| Indirect Cost Assessment | <u>162,927</u> | <u>105,499</u> | <u>99,767</u> | <u>99,767</u> | <u>Pending</u> |
| Cash Funds | 162,927 | 105,499 | 99,767 | 99,767 | |
| Total Funds - (5) Division of Financial Services | 1,340,370 | 1,179,380 | 1,370,969 | 1,395,802 | 161,788 |
| FTE | <u>13.2</u> | <u>11.9</u> | <u>15.0</u> | <u>15.0</u> | <u>13.0</u> |
| Cash Funds | 1,340,370 | 1,179,380 | 1,370,969 | 1,395,802 | 161,788 |

(6) DIVISION OF INSURANCE

The Division of Insurance is responsible for licensing insurance agents and adjusters; and regulating insurance companies, non-profit hospitals, prepaid dental plans, health maintenance organizations, self-insurance pools for workers' compensation, bail bondsmen, and pre-need funeral contracts. Unless otherwise indicated, the Division is funded by the Division of Insurance Cash Fund pursuant to section 10-1-103 (3), C.R.S.

| | | | | | |
|---|------------------|------------------|------------------|------------------|----------------|
| Personal Services | <u>5,700,543</u> | <u>5,762,069</u> | <u>5,659,555</u> | <u>5,787,409</u> | <u>Pending</u> |
| FTE | 81.7 | 77.8 | 84.7 | 84.7 | 83.0 |
| Cash Funds | 5,700,543 | 5,762,069 | 5,657,035 | 5,787,409 | |
| Federal Funds | 0 | 0 | 2,520 | 0 | |
| Operating Expenses | <u>373,227</u> | <u>305,487</u> | <u>291,716</u> | <u>291,716</u> | <u>291,716</u> |
| Cash Funds | 373,227 | 305,487 | 291,716 | 291,716 | 291,716 |
| Out-of-State Travel Expenses | <u>0</u> | <u>0</u> | <u>100,000</u> | <u>100,000</u> | <u>100,000</u> |
| Cash Funds | 0 | 0 | 100,000 | 100,000 | 100,000 |
| Senior Health Counseling Program | <u>869,262</u> | <u>869,262</u> | <u>507,838</u> | <u>509,000</u> | <u>Pending</u> |
| FTE | | | 2.0 | 2.0 | 2.0 |
| Federal Funds | 869,262 | 869,262 | 507,838 | 509,000 | |

*This line item includes a decision item.

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| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
| Transfer to CAPCO Administration | <u>79,196</u> | <u>79,593</u> | <u>80,281</u> | <u>80,281</u> | <u>Pending</u> |
| Cash Funds | 79,196 | 79,593 | 80,281 | 80,281 | |
| Indirect Cost Assessment | <u>911,898</u> | <u>613,227</u> | <u>571,561</u> | <u>571,561</u> | <u>Pending</u> |
| Cash Funds | 911,898 | 613,227 | 563,353 | 563,353 | |
| Federal Funds | 0 | 0 | 8,208 | 8,208 | |
| Insurance Fraud Prosecution | <u>830,262</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| Cash Funds | 830,262 | 0 | 0 | 0 | 0 |
| Total Funds - (6) Division of Insurance | 8,764,388 | 7,629,638 | 7,210,951 | 7,339,967 | 391,716 |
| FTE | <u>81.7</u> | <u>77.8</u> | <u>86.7</u> | <u>86.7</u> | <u>85.0</u> |
| Cash Funds | 7,895,126 | 6,760,376 | 6,692,385 | 6,822,759 | 391,716 |
| Federal Funds | 869,262 | 869,262 | 518,566 | 517,208 | 0 |

(7) PUBLIC UTILITIES COMMISSION

The Public Utilities Commission regulates the rates and services of fixed and transportation utilities in Colorado; and administers the Colorado Telecommunications High Cost Program, the Low-Income Telephone Assistance Program, and the Disabled Telephone Users Program.

| | | | | | |
|---------------------------|------------------|------------------|------------------|------------------|----------------|
| Personal Services | <u>7,937,847</u> | <u>8,323,065</u> | <u>8,570,623</u> | <u>8,759,799</u> | <u>Pending</u> |
| FTE | 86.3 | 88.1 | 101.1 | 101.1 | 95.0 |
| Cash Funds | 7,937,847 | 8,323,065 | 8,570,623 | 8,759,799 | |
| Operating Expenses | <u>453,045</u> | <u>430,361</u> | <u>445,689</u> | <u>445,689</u> | <u>445,689</u> |
| Cash Funds | 453,045 | 430,361 | 445,689 | 445,689 | 445,689 |

*This line item includes a decision item.

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| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|---|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
| Expert Testimony | <u>25,000</u> | <u>24,450</u> | <u>25,000</u> | <u>25,000</u> | <u>25,000</u> |
| Cash Funds | 25,000 | 24,450 | 25,000 | 25,000 | 25,000 |
| Disabled Telephone Users Fund Payments | <u>2,009,738</u> | <u>1,890,099</u> | <u>2,439,591</u> | <u>2,439,591</u> | <u>2,439,591</u> |
| Cash Funds | 2,009,738 | 1,890,099 | 2,439,591 | 2,439,591 | 2,439,591 |
| Transfer to Reading Services for the Blind Cash Fund | <u>250,000</u> | <u>250,000</u> | <u>250,000</u> | <u>250,000</u> | <u>Pending</u> |
| Cash Funds | 250,000 | 250,000 | 250,000 | 250,000 | |
| Commission for the Deaf and Hard of Hearing Cash Fund | <u>730,626</u> | <u>910,190</u> | <u>873,778</u> | <u>878,964</u> | <u>Pending</u> |
| Cash Funds | 730,626 | 910,190 | 873,778 | 878,964 | |
| Colorado Commission for Individuals who are Blind or Visually Impaired | <u>98,822</u> | <u>98,089</u> | <u>111,002</u> | <u>112,067</u> | <u>Pending</u> |
| Cash Funds | 98,822 | 98,089 | 111,002 | 112,067 | |
| Low Income Telephone Assistance | <u>1,094,729</u> | <u>253,580</u> | <u>2,143,752</u> | <u>2,143,752</u> | <u>2,143,752</u> |
| Cash Funds | 1,094,729 | 253,580 | 2,143,752 | 2,143,752 | 2,143,752 |
| Colorado Bureau of Investigation Background Checks Pass-through | <u>46,649</u> | <u>66,795</u> | <u>67,128</u> | <u>104,377</u> | <u>104,377</u> |
| Cash Funds | 46,649 | 66,795 | 67,128 | 104,377 | 104,377 |
| Indirect Cost Assessment | <u>1,095,953</u> | <u>706,846</u> | <u>672,432</u> | <u>672,432</u> | <u>Pending</u> |
| Cash Funds | 1,095,953 | 706,846 | 672,432 | 672,432 | |
| Total Funds - (7) Public Utilities Commission | 13,742,409 | 12,953,475 | 15,598,995 | 15,831,671 | 5,158,409 |
| FTE | <u>86.3</u> | <u>88.1</u> | <u>101.1</u> | <u>101.1</u> | <u>95.0</u> |
| Cash Funds | 13,742,409 | 12,953,475 | 15,598,995 | 15,831,671 | 5,158,409 |

*This line item includes a decision item.

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| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|

(8) DIVISION OF REAL ESTATE

The Division of Real Estate licenses real estate brokers, real estate appraisers, and mortgage brokers; and administers enforcement programs to ensure compliance with state and federal regulatory laws.

| | | | | | |
|--|------------------|------------------|------------------|------------------|----------------|
| Personal Services | <u>2,692,133</u> | <u>2,744,215</u> | <u>3,275,140</u> | <u>3,323,782</u> | <u>Pending</u> |
| <i>FTE</i> | 43.1 | 45.4 | 52.3 | 52.3 | 46.9 |
| Cash Funds | 2,692,133 | 2,744,215 | 3,275,140 | 3,323,782 | |
| Operating Expenses | <u>189,346</u> | <u>181,370</u> | <u>221,306</u> | <u>219,546</u> | <u>219,546</u> |
| Cash Funds | 189,346 | 181,370 | 221,306 | 219,546 | 219,546 |
| Commission Meeting Costs | <u>23,972</u> | <u>30,472</u> | <u>38,836</u> | <u>38,836</u> | <u>38,836</u> |
| Cash Funds | 23,972 | 30,472 | 38,836 | 38,836 | 38,836 |
| Hearings Pursuant to Complaint | <u>0</u> | <u>1,808</u> | <u>4,000</u> | <u>4,000</u> | <u>4,000</u> |
| Cash Funds | 0 | 1,808 | 4,000 | 4,000 | 4,000 |
| Mortgage Broker Consumer Protection | <u>304,252</u> | <u>305,312</u> | <u>303,770</u> | <u>308,544</u> | <u>Pending</u> |
| Cash Funds | 304,252 | 305,312 | 303,770 | 308,544 | |
| Indirect Cost Assessment | <u>533,316</u> | <u>352,365</u> | <u>347,856</u> | <u>347,856</u> | <u>Pending</u> |
| Cash Funds | 533,316 | 352,365 | 347,856 | 347,856 | |
| Total Funds - (8) Division of Real Estate | <u>3,743,019</u> | <u>3,615,542</u> | <u>4,190,908</u> | <u>4,242,564</u> | <u>262,382</u> |
| <i>FTE</i> | <u>43.1</u> | <u>45.4</u> | <u>52.3</u> | <u>52.3</u> | <u>46.9</u> |
| Cash Funds | 3,743,019 | 3,615,542 | 4,190,908 | 4,242,564 | 262,382 |

*This line item includes a decision item.

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Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|

(9) DIVISION OF REGISTRATIONS

The Division of Registrations oversees boards and commissions that promulgate rules to ensure continued competency of regulated professionals; enforces laws; and takes action against individuals failing to follow laws and regulations.

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------|
| Personal Services | <u>10,919,756</u> | <u>11,816,640</u> | <u>12,244,406</u> | <u>12,384,462</u> | <u>Pending</u> |
| <i>FTE</i> | 172.5 | 178.7 | 192.6 | 192.6 | 183.5 |
| Cash Funds | 9,307,088 | 9,603,281 | 11,625,467 | 11,765,523 | |
| Reappropriated Funds | 1,612,668 | 2,213,359 | 618,939 | 618,939 | |
| Operating Expenses | <u>1,301,438</u> | <u>1,284,616</u> | <u>1,419,979</u> | <u>1,379,648</u> | <u>1,379,648</u> |
| Cash Funds | 1,301,438 | 1,284,616 | 1,419,504 | 1,379,173 | 1,379,173 |
| Reappropriated Funds | 0 | 0 | 475 | 475 | 475 |
| Office of Expedited Settlement Program Costs | <u>315,127</u> | <u>349,130</u> | <u>355,008</u> | <u>361,397</u> | <u>Pending</u> |
| <i>FTE</i> | | 4.9 | 5.0 | 5.0 | 5.0 |
| Cash Funds | 315,127 | 349,130 | 355,008 | 361,397 | |
| Hearings Pursuant to Complaint | <u>215,768</u> | <u>256,617</u> | <u>307,075</u> | <u>307,075</u> | <u>307,075</u> |
| Cash Funds | 215,768 | 256,617 | 307,075 | 307,075 | 307,075 |
| Payments to Department of Health Care Policy and Financing | <u>14,652</u> | <u>14,652</u> | <u>14,652</u> | <u>14,652</u> | <u>14,652</u> |
| Cash Funds | 14,652 | 14,652 | 14,652 | 14,652 | 14,652 |
| Indirect Cost Assessment | <u>4,021,952</u> | <u>3,422,037</u> | <u>1,277,687</u> | <u>1,277,687</u> | <u>Pending</u> |
| Cash Funds | 4,021,952 | 3,422,037 | 1,277,687 | 1,277,687 | |

| | | | | | |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|
| Total Funds - (9) Division of Registrations | 16,788,693 | 17,143,692 | 15,618,807 | 15,724,921 | 1,701,375 |
| <i>FTE</i> | <u>172.5</u> | <u>183.6</u> | <u>197.6</u> | <u>197.6</u> | <u>188.5</u> |
| General Fund | 0 | 0 | 0 | 0 | 0 |
| Cash Funds | 15,176,025 | 14,930,333 | 14,999,393 | 15,105,507 | 1,700,900 |
| Reappropriated Funds | 1,612,668 | 2,213,359 | 619,414 | 619,414 | 475 |

*This line item includes a decision item.

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| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|
|--|----------------------|----------------------|-----------------------------|-----------------------|------------------------------------|

(10) DIVISION OF SECURITIES

The Division of Securities monitors the conduct of Colorado broker-dealers and sales representatives; and investigates citizen complaints and other indications of investment fraud. The Division is funded by the Division of Securities Cash Fund pursuant to section 11-51-707 (2), C.R.S.

| | | | | | |
|--|-------------------------|-------------------------|-------------------------|-------------------------|-----------------------|
| Personal Services | <u>1,700,013</u> | <u>1,804,415</u> | <u>2,116,333</u> | <u>2,157,670</u> | <u>Pending</u> |
| <i>FTE</i> | 21.0 | 21.3 | 26.0 | 26.0 | 24.0 |
| Cash Funds | 1,700,013 | 1,804,415 | 2,116,333 | 2,157,670 | |
| Operating Expenses | <u>57,696</u> | <u>52,921</u> | <u>73,009</u> | <u>58,999</u> | <u>58,999</u> |
| Cash Funds | 57,696 | 52,921 | 73,009 | 58,999 | 58,999 |
| Hearings Pursuant to Complaint | <u>12,271</u> | <u>19,371</u> | <u>19,594</u> | <u>19,594</u> | <u>19,594</u> |
| Cash Funds | 12,271 | 19,371 | 19,594 | 19,594 | 19,594 |
| Board Meeting Costs | <u>2,505</u> | <u>4,182</u> | <u>4,500</u> | <u>4,500</u> | <u>4,500</u> |
| Cash Funds | 2,505 | 4,182 | 4,500 | 4,500 | 4,500 |
| Securities Fraud Prosecution | <u>473,028</u> | <u>493,081</u> | <u>720,638</u> | <u>727,381</u> | <u>Pending</u> |
| Cash Funds | 473,028 | 493,081 | 720,638 | 727,381 | |
| Indirect Cost Assessment | <u>238,960</u> | <u>160,809</u> | <u>172,930</u> | <u>172,930</u> | <u>Pending</u> |
| Cash Funds | 238,960 | 160,809 | 172,930 | 172,930 | |
| Total Funds - (10) Division of Securities | 2,484,473 | 2,534,779 | 3,107,004 | 3,141,074 | 83,093 |
| <i>FTE</i> | <u>21.0</u> | <u>21.3</u> | <u>26.0</u> | <u>26.0</u> | <u>24.0</u> |
| Cash Funds | 2,484,473 | 2,534,779 | 3,107,004 | 3,141,074 | 83,093 |

*This line item includes a decision item.

FY 2012-13 Joint Budget Committee Staff Figure Setting
Department of REGULATORY AGENCIES
Numbers Pages

| | FY 2009-10 Actual | FY 2010-11 Actual | FY 2011-12 Appropriation | FY 2012-13 Request | FY 2012-13 Staff Recommendation |
|--|------------------------------|------------------------------|-------------------------------------|-------------------------------|--|
| Total Funds - Department of Regulatory Agencies | 74,096,242 | 72,084,767 | 76,799,510 | 77,818,212 | 15,358,056 |
| <i>FTE</i> | <u>531.9</u> | <u>525.9</u> | <u>592.1</u> | <u>592.1</u> | <u>555.9</u> |
| General Fund | 1,457,250 | 1,457,882 | 1,600,344 | 1,647,582 | 260,357 |
| Cash Funds | 63,605,442 | 62,689,217 | 69,765,231 | 70,646,859 | 13,946,785 |
| Reappropriated Funds | 7,751,200 | 6,677,942 | 4,239,807 | 4,297,289 | 1,038,465 |
| Federal Funds | 1,282,350 | 1,259,726 | 1,194,128 | 1,226,482 | 112,449 |

*This line item includes a decision item.

**DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING**

JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

(1) EXECUTIVE DIRECTOR'S OFFICE

The Executive Director's Office performs operations that are common to all divisions including accounting, budgeting, data processing, human resources, and purchasing. The Office of Policy and Research conducts sunrise reviews if they are requested and statutorily required sunset evaluations of divisions, commissions, and boards located throughout state government.

Personal Services

Description: This line funds the Executive Director, accounting, budget, purchasing, human resources, and Office of Policy and Research staff.

Request: The Department requests an appropriation of \$2,254,768, of which \$3,500 is General Fund, and 27.5 FTE.

| Staff Summary Executive Director's Office | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|--|------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Management and Administrative Staff | 5.5 | 4.0 | 4.0 | 6.0 |
| Legislative Liaison and Public Information Staff | 1.2 | 2.0 | 2.0 | 2.0 |
| Office of Policy and Research Staff | 6.5 | 6.5 | 6.5 | 6.5 |
| Planning and budgeting | 2.0 | 2.0 | 2.0 | 2.0 |
| Accounting and Purchasing | 7.2 | 7.0 | 7.0 | 7.0 |
| Human Resources | 6.0 | 6.0 | 6.0 | 6.0 |
| TOTAL | 28.4 | 27.5 | 27.5 | 29.5 |

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

| Executive Director's Office - Personal Services | | | | | |
|--|--------------|---------------|------------------|------------------|-------------|
| | GF | CF | RF | Total | FTE |
| FY 2011-12 Long Bill Appropriation | \$3,500 | \$29,000 | \$2,222,268 | \$2,254,768 | 27.5 |
| S.B. 11-076, state PERA reduction | 0 | 0 | (47,038) | (47,038) | 0.0 |
| FY 2011-12 Supplementals | 0 | 0 | 0 | 0 | 0.0 |
| Subtotal FY 2011-12 Subtotal | 3,500 | 29,000 | 2,175,230 | 2,207,730 | 27.5 |
| Annualize S.B. 11-076, state PERA reduction | 0 | 0 | 47,038 | 47,038 | 0.0 |

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

| Executive Director's Office - Personal Services | | | | | |
|---|----|----|----|----------------|-------------|
| | GF | CF | RF | Total | FTE |
| Staff recommended adjustment to FTE | | | | | 2.0 |
| Base personal services adjustment | | | | PENDING | |
| Recommended FY 2012-13 Appropriation | | | | PENDING | 29.5 |

Staff also recommends an adjustment to FTE to better reflect actual FTE usage by the Executive Director's Office and each division in the Department. **Staff recommends 29.5 FTE** for the Executive Director's Office.

As presented in a briefing issue, the Department consistently experiences a disparity between appropriated FTE and actual FTE usage.

Based on the legal memorandum of October 6, 2011, provided by the Office of Legislative Legal Services to the Joint Budget Committee, regarding the General Assembly's control over FTEs, and included in the Compensation-Related Common Policy briefing on November 10, 2011:

- The Governor has the power to determine the appropriate number of FTE, regardless of the number of FTE specified by the General Assembly in the long bill; and
- Pursuant to current statutory law and the Colorado Supreme Court's decisions, the General Assembly cannot limit or reduce a department's actual FTE through an FTE designation in the long bill.

The Committee and the General Assembly have authority to address the personal services appropriation amount. The FTE numbers or allocations in the budget do not restrict the executive branch from using a different number of FTE, and represents a measuring tool for budget and appropriations authority purposes.

Based on the separation of powers authority over FTE allocation that has been accorded to the executive branch pursuant to current statutory law and Colorado Supreme Court decisions, staff recommends the Committee eliminate consistently vacant FTE in the Department's budget in order to align with the executive branch's actual usage. Resolving this disparity will provide additional clarity and transparency going forward, particularly when addressing decision item requests or appropriation amendments for additional resources.

The following table summarizes staff's recommendation for the Executive Director's Office and each division.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

| Department FTE by Division | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | Currently Filled | FY 2012-13 Recomm. |
|-----------------------------------|------------------------------|-------------------------------|-------------------------------|-----------------------------|-------------------------------|
| Executive Director's Office | 28.4 | 27.5 | 27.5 | 29.5 | 29.5 |
| Division of Banking | 36.7 | 47.5 | 47.5 | 34.5 | 40.0 |
| Civil Rights Division | 25.9 | 31.4 | 31.4 | 26.0 | 27.0 |
| Office of Consumer Counsel | 6.8 | 7.0 | 7.0 | 7.0 | 7.0 |
| Division of Financial Services | 11.9 | 15.0 | 15.0 | 12.0 | 13.0 |
| Division of Insurance | 77.8 | 84.7 | 84.7 | 81.8 | 83.0 |
| Public Utilities Commission | 88.1 | 101.1 | 101.1 | 93.4 | 95.0 |
| Division of Real Estate | 45.4 | 52.3 | 52.3 | 45.0 | 46.9 |
| Division of Registrations | 183.6 | 197.6 | 197.6 | 183.6 | 188.5 |
| Division of Securities | 21.3 | 26.0 | 26.0 | 24.0 | 24.0 |
| DEPARTMENT TOTAL | 525.9 | 590.1 | 590.1 | 536.8 | 553.9 |

Health, Life, and Dental

Description: This line funds the Department's share of the state's group health, life and dental insurance plans for state employees. Health, life, and dental is appropriated to the Executive Director's Office and distributed as needed to the divisions.

Request: The Department requests an appropriation of \$2,957,012, of which \$104,395 is General Fund.

Recommendation: **Staff recommendation is pending Committee action on Health, Life, and Dental rates.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

Short-term Disability

This line item funds the Department's share of the state's short-term disability program which is administered by the Department of Personnel and Administration (DPA). The Department requests an appropriation of \$60,597, of which \$1,975 is General Fund.

Staff recommends an appropriation of \$55,751 total funds, in accordance with Committee policy. Of the total appropriation, \$1,956 is General Fund, \$49,889 is cash funds, \$3,502 is reappropriated funds, and \$404 is federal funds.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

S.B. 04-257 Amortization Equalization Disbursement

This line funds the costs associated with S.B. 04-257, which requires additional state contribution for employees in PERA. The Department requests an appropriation of \$1,095,520, of which \$35,706 is General Fund.

Staff recommends an appropriation of \$1,095,148, in accordance with Committee policy. Of the total appropriation \$35,334 is General Fund, \$983,984 is cash funds, \$63,307 is reappropriated funds, and \$12,523 is federal funds.

S.B. 06-235 Supplemental Amortization Equalization Disbursement

Senate Bill 06-235 created a mechanism to increase the state's effective PERA rate beginning on January 1, 2008. The Department requests an appropriation of \$941,462, of which \$30,685 is General Fund.

Staff recommends an appropriation of \$940,997, in accordance with Committee policy. Of the total appropriation \$30,220 is General Fund, \$845,611 is cash funds, \$54,404 is reappropriated funds, and \$10,762 is federal funds.

Salary Survey and Senior Executive Services

DPA's total compensation report pursuant to Section 24-50-104 (4) (c), C.R.S., recommends salary adjustments that are funded by this line. The Department did not request funding for salary survey and senior executive services. **Staff recommends that salary survey not be funded for FY 2012-13**, in accordance with Committee policy.

Performance-Based Pay Awards

Employee performance-based pay is appropriated and funded by this line pursuant to Section 24-50-104 (1) (c) (I), C.R.S. The Department did not request funding for performance-based pay awards. **Staff recommends that performance-based pay awards not be funded for FY 2012-13**, in accordance with Committee policy.

Workers' Compensation

This line item is used to pay the Department's share of the state's workers' compensation program run by the DPA. The Department requests an appropriation of \$76,436, of which \$2,538 is General Fund.

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Staff recommendation is pending the approval of common policy by the Committee. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

Operating Expenses

Request: The Department requests an appropriation of \$210,344, of which \$3,689 is General Fund.

Recommendation: **Staff recommends an appropriation of \$210,344 total funds.** This appropriation is a continuation of the FY 2011-12 appropriation and includes \$3,689 in General Fund.

Legal Services

This line item is used to pay the Department of Law for the provision of legal services to all divisions. The Department requests an appropriation of 104,340 hours.

Staff recommends 104,340 hours of services, and the dollar amount is pending Committee policy setting the hourly rate for FY 2012-13 legal services. Staff requests permission to adjust the line and apply a funding split once Committee policy is established. The following table summarizes staff's calculation of the FY 2012-13 legal services recommendation.

| Executive Director's Office - Legal Services | | | | | | |
|---|-----------|-------------|-----------|-----------|--------------|---------------|
| | GF | CF | RF | FF | Total | Hours* |
| FY 2011-12 Appropriation | \$153,464 | \$7,487,586 | \$30,433 | \$142,016 | \$7,813,499 | 103,203 |
| FY 2011-12 Supplemental | 0 | 0 | 0 | 0 | 0 | 0 |
| S.B. 11-088 | 0 | 4,109 | 0 | 0 | 4,109 | 56 |
| S.B. 11-091 | 0 | 4,402 | 0 | 0 | 4,402 | 60 |
| S.B. 11-094 | 0 | 4,402 | 0 | 0 | 4,402 | 60 |
| S.B. 11-128 | 0 | 0 | 0 | 2,935 | 2,935 | 40 |
| S.B. 11-169 | 0 | 38,886 | 0 | 0 | 38,886 | 530 |
| S.B. 11-187 | 0 | 176,088 | 0 | 0 | 176,088 | 2,400 |
| S.B. 11-192 | 0 | 0 | 0 | 0 | 0 | 0 |
| H.B. 11-1033 | 0 | 0 | 0 | 0 | 0 | 0 |
| H.B. 11-1100 | 0 | 34,484 | 0 | 0 | 34,484 | 470 |
| H.B. 11-1195 | 0 | 7,337 | 0 | 0 | 7,337 | 100 |

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| Executive Director's Office - Legal Services | | | | | | |
|--|------------------|--------------------|-----------------|------------------|--------------------|----------------|
| | GF | CF | RF | FF | Total | Hours* |
| H.B. 11-1198 | 0 | 0 | 0 | 0 | 0 | 0 |
| H.B. 11-1300 | 0 | 2,352 | 0 | 0 | 2,352 | 32 |
| Subtotal FY 2011-12 Appropriation | 153,464 | 7,759,646 | 30,433 | 144,951 | 8,088,494 | 106,951 |
| Annualize S.B. 11-088 | 0 | (4,109) | 0 | 0 | (4,109) | (56) |
| Annualize S.B. 11-091 | 0 | (4,402) | 0 | 0 | (4,402) | (60) |
| Annualize S.B. 11-094 | 0 | (4,402) | 0 | 0 | (4,402) | (60) |
| Annualize S.B. 11-128 | 0 | 0 | 0 | (2,935) | (2,935) | (40) |
| Annualize S.B. 11-169 | 0 | (25,191) | 0 | 0 | (25,191) | (343) |
| Annualize S.B. 11-187 | 0 | (110,055) | 0 | 0 | (110,055) | (1,500) |
| Annualize S.B. 11-192 | 0 | 0 | 0 | 0 | 0 | 0 |
| Annualize H.B. 11-1033 | 0 | 0 | 0 | 0 | 0 | 0 |
| Annualize H.B. 11-1100 | 0 | (34,484) | 0 | 0 | (34,484) | (470) |
| Annualize H.B. 11-1195 | 0 | (3,662) | 0 | 0 | (3,662) | (50) |
| Annualize H.B. 11-1198 | 0 | 0 | 0 | 0 | 0 | 0 |
| Annualize H.B. 11-1300 | 0 | (2,352) | 0 | 0 | (2,352) | (32) |
| Recommended FY 2012-13 Appropriation | \$153,464 | \$7,570,989 | \$30,433 | \$142,016 | \$7,896,902 | 104,340 |

*Legal service hours appropriated in special bills were calculated at \$73.37 per hour. The FY 2011-12 Long Bill, supplemental, budget amendment and recommended total hours are calculated at \$75.71 per hour.

Administrative Law Judge (ALJ) Services

This line item is used to purchase administrative law services from DPA. The Department requests an appropriation of \$287,849, of which \$13,261 is General Fund.

Staff recommendation is pending the approval of common policy by the Committee. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

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Purchase of Services from Computer Center

This line item is used to reimburse the Governor's Office of Information Technology (OIT) for the Department's share of the state's computer system. The Department requests an appropriation of \$1,818,880, of which \$64,934 is General Fund.

Staff recommendation is pending the approval of common policy by the Committee. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

Multiuse Network Payments

This line item was added in FY 2010-11 as part of the statewide information technology staff consolidation. Funds in this line are used to reimburse OIT for the Department's share of the statewide multi-use network. The Department requests an appropriation of \$328,794, of which \$11,738 is General Fund and \$317,056 is cash funds.

Staff recommendation is pending the approval of common policy by the Committee. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

Management and Administration of OIT

The Department requests an appropriation of \$131,988, of which \$4,712 is General Fund.

Staff recommendation is pending the approval of common policy by the Committee. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

Payment to Risk Management and Property Funds

This line item is used to reimburse DPA for the Department's share of the state's liability and property insurance. The Department requests an appropriation of \$129,003, of which \$4,281 is General Fund.

Staff recommendation is pending the approval of common policy by the Committee. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

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Vehicle Lease Payments

Description: Funding for annual payments to DPA for the cost of administration, loan repayment, and lease-purchase payments for new and replacement motor vehicles is provided by this line item.

Request: The Department requests \$221,254 cash funds, and includes the replacement of eight vehicles and adjustments to the line item to align appropriations with actual billings from DPA. Justification for replacement of these vehicles is *very high mileage*, greater than 140,000 miles, which will typically result in higher maintenance and repair costs, lower reliability, and an increase in safety concerns. The following table provides details about the vehicle replacement request.

| Summary of the FY 2012-13 Vehicle Replacement Request | | | | | | |
|---|--------------------|------------|----------|----------|-------------------|---|
| Division/Board | | | Mileage | | Projected Mileage | |
| that Uses Vehicle | Type of Vehicle | Model Year | May 2011 | May 2012 | March 2013 | Department Justification for Replacement |
| Electrical Board | Small 4x4 | 2006 | 111,499 | 133,027 | 153,957 | These vehicles are used by electrical inspectors, plumbing inspectors, and for PUC pipeline inspections. Electrical inspectors, pursuant to Section 12-23-116 (2) (b), C.R.S., and plumbing inspectors, pursuant to Section 12-58-114.5 (1), C.R.S., have three working days after receiving an inspection request to perform the inspection. Due to the large amount of travel required, the Department anticipates significant increase in the cost of the repairs/maintenance. Inspection vehicles are 4wd because they are statutorily required to perform safety inspections in all weather conditions, on improved (60 percent) and unimproved (40 percent) roads and in mountainous regions. |
| Electrical Board | ½ Ton - 4x4 | 2009 | 93,357 | 135,609 | 167,298 | |
| Electrical Board | Small 4x4 | 2009 | 88,089 | 132,453 | 165,726 | |
| Electrical Board | Small 4x4 | 2008 | 106,480 | 137,500 | 160,765 | |
| Electrical Board | Small 4x4 | 2006 | 119,264 | 140,096 | 155,720 | |
| Plumbers Board | Small 4x4 | 2007 | 169,482 | 206,166 | 233,679 | |
| Plumbers Board | Small 4x4 | 2006 | 144,109 | 171,229 | 191,569 | |
| Public Utilities Commission | Large patrol sedan | 2005 | 176,530 | 203,410 | 223,570 | |

Recommendation: Staff recommends the replacement of the eight vehicles, five for the Electrical Board, two for the Plumbers Board and one for the Public Utilities Commission. These replacements are cash funded, and each vehicle will be in excess of 140,000 miles, the *very high mileage* replacement criterion set by Fleet Management in DPA, at the projected time of replacement in FY 2012-13. **The dollar amount of the staff recommendation is pending the**

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approval of common policy by the Committee. Once a Committee policy is established, staff requests permission to adjust the line and apply a fund split.

Information Technology Asset Maintenance

This line item pays for replacement of the Department's information technology assets on a schedule determined by OIT. The Department requests an appropriation of \$671,403, that is unchanged from the FY 2011-12 request and appropriation.

Staff recommends the Department's request for \$671,403, of which \$480,646 is cash funds and \$190,757 is reappropriated funds.

Leased Space

Description: The Department leases a total of 159,042 square feet, of which, 154,837 is located at 1550 Broadway, Denver Colorado. The remaining 4,205 square feet is for satellite offices for the electrical board and civil rights offices located throughout the state. The following table provides a breakdown of the lease space locations and rates, excluding operating expenses that are paid on a calendar year basis.

| Executive Director's Office, Leased Space Base Rates (Excluding Operating Expenses) | | | | | | |
|---|--------------------------|---------------|--------------------|--------------------|---------------|--------------------|
| Location | FY 2011-12 Appropriation | | | FY 2012-13 Request | | |
| | Area | Rate | Total | Area | Rate | Total |
| 1560 Broadway, Denver - Section 1 | 149,127 | \$17.10 | \$2,550,072 | 149,127 | \$17.35 | \$2,587,353 |
| 1560 Broadway, Denver - Section 2 | 5,710 | \$20.01 | \$114,257 | 5,710 | \$20.51 | \$117,112 |
| Satellite Offices | 4,205 | \$11.90-26.68 | \$63,304 | 4,205 | \$13.52-23.49 | \$62,747 |
| Total | 159,042 | | \$2,727,633 | 159,042 | | \$2,767,213 |

Request: The Department requests an appropriation of \$3,038,518 total funds, of which \$106,866 is General Fund, \$2,536,022 is cash funds, \$356,190 is reappropriated funds, and \$39,440 is federal funds. This request total is unchanged from the FY 2011-12 request.

Recommendation: **Staff recommends an appropriation of \$3,038,518 total funds,** of which \$106,866 is General Fund, \$2,536,022 is cash funds, \$356,190 is reappropriated funds, and \$39,440 is federal funds.

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Capitol Complex Leased Space

Capitol complex space is maintained by DPA, and the Department requests an appropriation for 769 square feet in the Grand Junction Facility for the Division of Registrations Electrical Board.

Staff recommends funding for 769 square feet of space. The cash fund dollar amount is pending the approval of common policy by the Committee. Staff requests permission to adjust the line once Committee policy is established.

Hardware/Software Maintenance

This line item pays for the licensing and maintenance agreements for hardware and software, as well as the costs of required equipment upgrades. The Department requests \$686,330 for this purpose.

Staff recommends an appropriation of \$686,330 total funds, which is outlined in the following table.

| Executive Director's Office - Hardware/Software Maintenance | | | | |
|--|--------------|------------------|------------------|------------------|
| | GF | CF | RF | Total |
| FY 2011-12 Long Bill Appropriation | \$800 | \$426,928 | \$258,602 | \$686,330 |
| S.B. 11-169 | 0 | 23,680 | 0 | 23,680 |
| S.B. 11-187 | 0 | 95,000 | 0 | 95,000 |
| Subtotal FY 2011-12 Subtotal | 800 | 545,608 | 258,602 | 805,010 |
| Annualize S.B. 11-169 | 0 | (23,680) | 0 | (23,680) |
| Annualize S.B. 11-187 | 0 | (95,000) | 0 | (95,000) |
| Recommended FY 2012-13 Appropriation | \$800 | \$426,928 | \$258,602 | \$686,330 |

Consumer Outreach / Education Program

Description: This line item was added to the FY 2009-10 Long Bill as a result of H.B. 08-1216 (Ferrandino/Romer), which established the Consumer Outreach and Education Program (Program) within the Department. The Program works to inform consumers of their rights regarding regulated professions and occupations, decrease regulatory violations by licensees, and increase public awareness of consumer protection information available from the Department. The Program is funded by a surcharge on fines issued by various divisions.

Request: The Department requests a continuation appropriation of \$200,000 cash funds.

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Recommendation: **Staff recommends an appropriation of \$200,000 cash funds.**

(2) DIVISION OF BANKING

The Division of Banking is responsible for the enforcement of banking laws on state-chartered commercial banks, trust companies, industrial banks and money transmitters. The Division holds charter and license application hearings, issues rules and regulations, investigates consumer complaints, and conducts examinations of banking institutions. Pursuant to Section 11-102-403, C.R.S., this Division is funded entirely by the Division of Banking Cash Fund.

Personal Services

Description: Division staff conduct examinations and enforce compliance with the Public Deposit Protection Act and the Uniform Consumer Credit Code. Staff also enforce regulatory guidelines for trust departments, electronic funds transfers, and electronic data processing.

Request: The Department requests an appropriation of \$3,612,383 cash funds and 47.5 FTE, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$59,961 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

| Staff Summary Banking Division | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|---|------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Commissioner and Assistant | 1.5 | 2.0 | 2.0 | 2.0 |
| Examiners | 32.2 | 39.5 | 39.5 | 34.0 |
| Administration | 3.0 | 6.0 | 6.0 | 4.0 |
| TOTAL | 36.7 | 47.5 | 47.5 | 40.0 |

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 40.0 FTE to better reflect actual FTE usage. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

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| Division of Banking - Personal Services | | |
|---|------------------|-------------|
| | CF | FTE |
| FY 2011-12 Long Bill Appropriation | \$3,612,383 | 47.5 |
| S.B. 11-076, state PERA reduction | (59,961) | 0.0 |
| Subtotal FY 2011-12 Appropriation | 3,552,422 | 47.5 |
| Annualize S.B. 11-076, state PERA reduction | 59,961 | 0.0 |
| Staff recommended adjustment to FTE | | (7.5) |
| Base personal services adjustment | PENDING | |
| Recommended FY 2012-13 Appropriation | PENDING | 40.0 |

Operating Expenses

Description: A portion of this line item funds the reimbursement for travel of staff examiners. Travel reimbursements includes meal and hotel per diem, and mileage reimbursement. The remainder of this line is used for general operating expenses incurred by the Division.

Request: The Department requests \$490,703 cash funds.

Recommendation: **Staff recommends an appropriation of \$490,703 cash funds.** Staff's recommendation is outlined in the following table.

| Division of Banking - Operating Expenses | |
|--|------------------|
| | CF |
| FY 2011-12 Long Bill Appropriation | \$506,387 |
| Subtotal FY 2011-12 Appropriation | 506,387 |
| Annualize FY 2011-12 DI #1 - Banking resources | (15,684) |
| FY 2012-13 Recommended Appropriation | \$490,703 |

Board Meeting Costs

Description: The eight-member Governor-appointed Colorado State Banking Board (Board) is the policy and rulemaking authority for this Division. The Board conducts monthly hearings on applications for commercial and industrial banks, trust companies, and the licensure of money transmitters. Board members receive reimbursements for expenses incurred during the performance of official duties pursuant to Section 11-102-103 (6), C.R.S.

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Request: The Department requests a continuation appropriation of \$23,500 cash funds.

Recommendation: **Staff recommends an appropriation of \$23,500 cash funds.**

Indirect Cost Assessment

Description: This line item funds a portion of the Executive Director's Office costs and for the Department's share of statewide indirect costs. Statewide indirect costs are overhead costs associated with the operation of general government functions and departmental administrative duties. Indirect cost recoveries are intended to offset these overhead costs in the Executive Director's Office and statewide, that would otherwise have been supported General Fund. This description applies to all Indirect Cost Assessment lines in each division.

Request: The Department is requesting an appropriation of \$315,930 cash funds for this purpose.

Recommendation: **Staff recommendation is pending the approval of common policy by the Committee.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

(3) CIVIL RIGHTS DIVISION

This Division is the administrative arm of the Colorado Civil Rights Commission, and enforces the laws that prohibit discrimination in employment, housing, and public accommodations on the basis of race, sex, national origin, ancestry, physical or mental disability, religion, color, or marital status.

Personal Services

Description: Division staff investigate and adjudicate charges of discriminatory practices, supervise complaint hearings, provide technical assistance with fair housing laws, general public information, and community intervention and education.

Request: The Department requests an appropriation of \$1,609,144 total funds and 31.4 FTE, of which \$1,023,546 is General Fund. The request is unchanged from the FY 2011-12 Long Bill appropriation, and includes an increase of \$28,849 in total funds, of which \$24,058 is General Fund, to restore the state PERA contribution reduction from S.B. 11-076.

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| Staff Summary Civil Rights Division | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|---|----------------------|-----------------------|-----------------------|-----------------------|
| Management and Administrative Staff | 3.9 | 4.0 | 4.0 | 4.0 |
| Outreach and Education Staff | 1.2 | 1.5 | 1.5 | 1.5 |
| Intake and Employment Public Accommodation Staff | 6.2 | 6.0 | 6.0 | 6.0 |
| Investigations and Enforcement Compliance | 13.5 | 18.4 | 18.4 | 14.0 |
| Mediation, State Personnel Board and Internships | 1.1 | 1.5 | 1.5 | 1.5 |
| TOTAL | 25.9 | 31.4 | 31.4 | 27.0 |

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 27.0 FTE to better reflect actual FTE usage. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

| Civil Rights Division - Personal Services | | | | | |
|---|----------------|----------------|----------------|------------------|-------------|
| | GF | RF | FF | Total | FTE |
| FY 2011-12 Long Bill Appropriation | \$1,023,546 | \$232,343 | \$353,255 | \$1,609,144 | 31.4 |
| S.B. 11-076, state PERA reduction | (24,058) | 0 | (4,791) | (28,849) | 0.0 |
| Subtotal FY 2011-12 Appropriation | 999,488 | 232,343 | 348,464 | 1,580,295 | 31.4 |
| Annualize S.B. 11-076, state PERA reduction | 24,058 | 0 | 4,791 | 28,849 | 0.0 |
| Staff recommended adjustment to FTE | | | | | (4.4) |
| Base personal services adjustment | | | | PENDING | |
| Recommended FY 2012-13 Appropriation | | | | PENDING | 27.0 |

Operating Expenses

Request: The Department requests an appropriation of \$100,438, of which \$59,318 is General Fund and \$41,120 is federal funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommends an appropriation of \$100,438 total funds,** of which, \$59,318 is General Fund and \$41,120 is federal funds. The following table outlines staff's recommendation.

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| Civil Rights Division - Operating Expenses | | | |
|---|-----------------|-----------------|------------------|
| | GF | FF | Total |
| FY 2011-12 Long Bill Appropriation | \$59,318 | \$41,120 | \$100,438 |
| FY 2011-12 Supplementals | 0 | 0 | 0 |
| Subtotal FY 2011-12 Appropriation | 59,318 | 41,120 | 100,438 |
| No changes to FY 2011-12 appropriation | | | |
| Recommended FY 2012-13 Appropriation | \$59,318 | \$41,120 | \$100,438 |

Hearings Pursuant to Complaint

Description: This line item pays for expenses associated with division hearings and mediations to resolve complaints received by the division. Also included in this line is funding for a portion of the expert witnesses, court reporters, transcripts and depositions expenses incurred in the Office of the Attorney General in the Department of Law. This description applies to all lines in the following divisions titled Hearings Pursuant to Complaint.

Request: The Department requests a continuation appropriation of \$18,000, of which \$17,000 is General Fund.

Recommendation: **Staff recommends an appropriation of \$18,000**, of which \$17,000 is General Fund and \$1,000 is federal funds.

Commission Meeting Costs

Description: The Colorado Civil Rights Commission holds meetings at various locations around the state, enabling members of the public to tell the Commission about their concerns regarding civil rights issues. This line receives General Funds and federal funds because meetings include federal and state civil rights issues. This line funds the per diem and travel expenses for Commissioners and various other meeting costs.

Request: The Department requests a continuation appropriation of \$12,374, of which \$5,174 is General Fund and \$7,200 is federal funds.

Recommendation: **Staff recommends an appropriation of \$12,374**, of which, \$5,174 is General Fund and \$7,200 is federal funds.

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Indirect Cost Assessment

Request: The Department requests an appropriation of \$51,798 federal funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommendation is pending the approval of common policy by the Committee.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

(4) OFFICE OF CONSUMER COUNSEL

The Office of Consumer Counsel represents the public interest, especially those interests of residential, small business, and agricultural consumers in cases heard by the Public Utilities Commission and federal agencies (such as the Federal Communications Commission and the Federal Energy Regulatory Commission). Cases involve proposed changes to electric, gas, and telecommunications utility rates, service, and general policies. This Office is funded entirely with cash funds from the Public Utilities Fixed Utility Fund pursuant to Section 40-2-114, C.R.S.

Personal Services

Request: The Department requests an appropriation of \$792,953 cash funds, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$14,782 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

| Staff Summary Consumer Counsel | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|---|------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Director | 1.0 | 1.0 | 1.0 | 1.0 |
| Technical Staff | 3.8 | 4.0 | 4.0 | 4.0 |
| Administrative Staff | 2.0 | 2.0 | 2.0 | 2.0 |
| TOTAL | 6.8 | 7.0 | 7.0 | 7.0 |

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 7.0 FTE. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

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| Personal Services - Office of Consumer Counsel | | |
|---|----------------|------------|
| | CF | FTE |
| FY 2011-12 Long Bill Appropriation | \$792,953 | 7.0 |
| FY 2011-12 Supplementals | 0 | 0.0 |
| S.B. 11-076, state PERA reduction | (14,782) | 0.0 |
| Subtotal FY 2011-12 Appropriation | 778,171 | 7.0 |
| Annualize S.B. 11-076, state PERA reduction | 14,782 | 0.0 |
| Base personal services adjustment | PENDING | |
| Recommended FY 2012-13 Appropriation | PENDING | 7.0 |

Operating Expenses

Request: The Department requests an appropriation of \$55,787 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommends an appropriation of \$55,787 cash funds**, which is outlined in the table below.

| Office of Consumer Counsel - Operating Expenses | |
|--|-----------------|
| | CF |
| FY 2011-12 Long Bill Appropriation | \$55,787 |
| FY 2011-12 Supplementals | 0 |
| Subtotal FY 2011-12 Appropriation | 55,787 |
| No changes to the FY 2011-12 appropriation | |
| Recommended FY 2012-13 Appropriation | \$55,787 |

Indirect Cost Assessment

Request: The Department requests an appropriation of \$46,558 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommendation is pending the approval of common policy by the Committee.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

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(5) DIVISION OF FINANCIAL SERVICES

This Division regulates state-chartered credit unions, savings and loan associations and life-care institutions, which provide care for the duration of a person's life in return for the payment of an initial fee. The Division is entirely cash funded by the Division of Financial Services Cash Fund.

Personal Services

Description: Division staff enforce the Public Deposit Protection Act and conduct examinations to ensure financial stability and compliance with state and federal laws. When appropriate, division staff will initiate enforcement actions in order to bring an institution into compliance with regulatory laws.

Request: The Department requests an appropriation of \$1,134,247 cash funds and 15.0 FTE, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$24,833 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

| Staff Summary Financial Services | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|-------------------------------------|----------------------|-----------------------|-----------------------|-----------------------|
| Commissioner | 1.0 | 1.0 | 1.0 | 1.0 |
| Examiners | 9.1 | 12.0 | 12.0 | 10.0 |
| Administrative | 1.8 | 2.0 | 2.0 | 2.0 |
| TOTAL | 11.9 | 15.0 | 15.0 | 13.0 |

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 13.0 FTE to better reflect actual FTE usage. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

| Division of Financial Services - Personal Services | | |
|--|------------------|-------------|
| | CF | FTE |
| FY 2011-12 Long Bill Appropriation | \$1,134,247 | 15.0 |
| FY 2011-12 Supplementals | 0 | 0.0 |
| S.B. 11-076, state PERA reduction | (24,833) | 0.0 |
| Subtotal FY 2011-12 Appropriation | 1,109,414 | 15.0 |
| Annualize S.B. 11-076, state PERA reduction | 24,833 | 0.0 |

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| Division of Financial Services - Personal Services | | |
|---|----------------|-------------|
| | CF | FTE |
| Staff recommended adjustment to FTE | | (2.0) |
| Base personal services adjustment | PENDING | |
| Recommended FY 2012-13 Appropriation | PENDING | 13.0 |

Operating Expenses

Request: The Department requests an appropriation of \$161,788 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommends \$161,788 cash funds.** The following table outlines staff's recommendation.

| Division of Financial Services - Operating Expenses | |
|--|------------------|
| | CF |
| FY 2011-12 Long Bill Appropriation | \$161,788 |
| FY 2011-12 Supplemental | 0 |
| Subtotal FY 2011-12 Appropriation | 161,788 |
| No changes to the FY 2011-12 appropriation | |
| Recommended FY 2012-13 Appropriation | \$161,788 |

Indirect Cost Assessment

Request: For this line item, the Department is requesting \$99,767 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommendation is pending the approval of common policy by the Committee.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

**DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING**

JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

(6) DIVISION OF INSURANCE

This Division regulates insurance entities and insurance producers throughout Colorado. If the Division of Insurance Cash Fund (Fund) does not collect enough revenue to fully fund the Division's appropriated expenditures, the Division is authorized by Section 10-3-209 (4), C.R.S. to divert up to 5.0 percent of insurance premium tax revenues to the Fund from the General Fund.

Personal Services

Description: There are two units that work within the division, the financial regulation unit and the consumer affairs unit. The financial regulation unit works primarily with insurance companies and agents, conducting financial exams and managing corporate and financial affairs. The consumer affairs unit works mainly with consumers, taking consumer complaints, conducting investigations and insurance market analysis.

Request: The Department requests \$5,787,409 cash funds and 84.7 FTE, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$130,374 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

| Staff Summary Division of Insurance | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|--|------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Commissioner's Office | 4.0 | 4.0 | 4.0 | 4.0 |
| Finance and Administration | 45.6 | 50.7 | 50.7 | 49.0 |
| Consumer Affairs | 28.2 | 30.0 | 30.0 | 30.0 |
| TOTAL | 77.8 | 84.7 | 84.7 | 83.0 |

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 83.0 FTE to better reflect actual FTE usage. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

| Division of Insurance - Personal Services | | |
|--|------------------|-------------|
| | CF | FTE |
| FY 2011-12 Long Bill Appropriation | \$5,787,409 | 84.7 |
| FY 2011-12 Supplementals | 0 | 0.0 |
| S.B. 11-076, state PERA reduction | (130,374) | 0.0 |
| S.B. 11-128, Child Only Health Plans | 2,520 | 0.0 |
| Subtotal FY 2011-12 Appropriation | 5,659,555 | 84.7 |

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

| Division of Insurance - Personal Services | | |
|--|----------------|-------------|
| | CF | FTE |
| Annualize S.B. 11-076, state PERA reduction | 130,374 | 0.0 |
| Annualize S.B. 11-128, Child Only Health Plans | (2,520) | 0.0 |
| Staff recommended adjustment to FTE | | (1.7) |
| Base personal services adjustment | PENDING | |
| Recommended FY 2011-12 Appropriation | PENDING | 83.0 |

Operating Expenses

Description: This line consists of amounts annually appropriated by the General Assembly for division operating expenses.

Request: The Department requests an appropriation of \$291,716 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommends an appropriation of \$291,716 cash funds.** The following table summarizes the staff recommendation.

| Division of Insurance - Operating Expenses | |
|---|----------------|
| | CF |
| FY 2011-12 Long Bill Appropriation | \$297,049 |
| FY 2011-12 Supplementals | 0 |
| H.B. 11-1033, Repeal Schedule P Filing | (5,333) |
| Subtotal FY 2011-12 Appropriation | 291,716 |
| No changes to the FY 2011-12 appropriation | |
| Recommended FY 2012-13 Appropriation | 291,716 |

Out-Of-State Travel Expenses

Description: This line item funds out-of state travel expenses incurred when Division staff are required to do market conduct examinations. Funds in this line item are reimbursements paid by insurance companies and are continuously appropriated pursuant to Section 10-1-108 (9), C.R.S.

Request: The Department requests an appropriation of \$100,000 cash funds, that is unchanged from the FY 2011-12 appropriation.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

Recommendation: **Staff recommends an appropriation of \$100,000 cash funds.**

Senior Health Counseling Program

Description: This federally funded program provides senior citizens with Medicare information, and the appropriation is contingent on the availability of federal money from the Centers for Medicare and Medicaid Services and the U.S. Administration on Aging. Annual spending fluctuations are the result of the availability of funds.

Request: The Department requests \$509,000 federal funds and 2.0 FTE, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$1,162 federal funds to restore the state PERA contribution reduction from S.B. 11-076.

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 2.0 FTE. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

Transfer to CAPCO Administration

Description: This line item accounts for the reappropriated funds in the CAPCO Administration line in the Governor's Office budget. This line provides the cash funds for the administration of the capital company (CAPCO) incentives program in the Governor's Office. The Office of Economic Development (OED) certifies CAPCOs that are qualified to offer assistance to business enterprises that create jobs in the state. Insurance companies that make an investment of certified capital in an OED-certified CAPCO can receive a tax credit against premium taxes owed.

Request: The Department requests an appropriation of \$80,281 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff's recommendation is pending the Office of the Governor figure setting.** Staff requests permission to adjust the line once Committee policy is established.

Indirect Cost Assessment

Request: The Department requests \$571,561 total funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommendation is pending the approval of common policy by the Committee.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

Insurance Fraud Prosecution

Description: The Division refers cases to the Department of Law's (Law) Special Prosecutions Unit for criminal prosecution of insurance fraud cases. Funds are reappropriated to Law to pay for prosecution costs incurred by Law. **The appropriation for this line item was eliminated in H.B. 10-1385, which fully cash funded the program with fees credited to the Department of Law's Insurance Fraud Cash Fund.** This line is included in staff's numbers pages for informational purposes only and will not appear in the FY 2012-13 Long Bill.

(7) PUBLIC UTILITIES COMMISSION

The three-member Public Utilities Commission (PUC) regulates the rates and services of fixed and transportation utilities, and possesses quasi-legislative and quasi-judicial responsibilities. The PUC administers the Colorado Telecommunications High Cost Program, the Low Income Telephone Assistance Program, and the Disabled Telephone Users Program.

Personal Services

Request: The Department requests an appropriation of \$8,759,799 cash funds and 101.1 FTE, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$183,002 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

| Staff Summary Public Utilities Commission | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|--|------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Director & Commissioners | 6.0 | 6.0 | 6.0 | 6.0 |
| Management | 2.0 | 2.0 | 2.0 | 2.0 |
| Administrative Services | 5.0 | 6.0 | 6.0 | 5.0 |
| Administrative Hearings | 7.0 | 7.0 | 7.0 | 7.0 |
| Policy Advisers & Case Mgmt | 21.1 | 21.1 | 21.1 | 20.0 |
| External Affairs | 5.0 | 5.0 | 5.0 | 5.0 |
| Utilities | 25.0 | 27.0 | 27.0 | 26.0 |
| Transportation | 8.0 | 13.0 | 13.0 | 11.0 |
| Gas Pipeline Safety | 4.0 | 5.0 | 5.0 | 4.0 |
| Rail/Transit | 2.0 | 2.0 | 2.0 | 2.0 |
| Research and Emerging Issues | 3.0 | 7.0 | 7.0 | 7.0 |
| TOTAL | 88.1 | 101.1 | 101.1 | 95.0 |

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 95.0 FTE to better reflect actual FTE usage. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

| Public Utilities Commission - Personal Services | | |
|--|------------------|--------------|
| | CF | FTE |
| FY 2011-12 Long Bill Appropriation | \$8,753,625 | 101.1 |
| FY 2011-12 Supplementals | 0 | 0.0 |
| S.B. 11-076, state PERA reduction | (183,002) | 0.0 |
| Subtotal FY 2011-12 Appropriation | 8,570,623 | 101.1 |
| Annualize S.B. 11-076, state PERA reduction | 183,002 | 0.0 |
| Annualize H.B. 11-1198, Recodify Motor Carriers | 6,174 | 0.0 |
| Staff recommended adjustment to FTE | | (6.1) |
| Base personal services adjustment | PENDING | |
| Recommended FY 2012-13 Appropriation | PENDING | 95.0 |

Operating Expenses

Request: The Department requests an appropriation of \$445,689 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommends an appropriation of \$445,689 cash funds.** The following table summarizes the staff recommendation for this line item.

| Public Utilities Commission - Operating Expenses | |
|---|------------------|
| | CF |
| FY 2011-12 Long Bill Appropriation | \$445,689 |
| FY 2011-12 Supplemental | 0 |
| Subtotal FY 2011-12 Appropriation | 445,689 |
| No changes to the FY 2011-12 appropriation | |
| Recommended FY 2012-13 Appropriation | \$445,689 |

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

Expert Testimony

Description: This line pays for expert testimony during PUC hearings, and for the cost of outside contract services for expertise not available from PUC staff.

Request: The Department requests a continuation appropriation of \$25,000 cash funds.

Recommendation: **Staff recommends a continuation appropriation of \$25,000 cash funds.**

Disabled Telephone Users Fund Payments

Description: Revenue for the Disabled Telephone Users Fund is from fees on land lines pursuant to Section 40-17-104 (1), C.R.S. Money in the fund is continuously appropriated to pay the cost of a contract with Sprint that provides telecommunications relay services for disabled individuals. A call through Sprint's service works as follows: a non-disabled individual telephones a hearing-impaired individual and the call is routed to a communications assistant who types the spoken words so they can be sent to a teletypewriter (TTY) terminal used by the hearing-impaired individual.

Request: The Department requests an appropriation of \$2,439,591 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommends an appropriation of \$2,439,591 cash funds.**

Transfer to Reading Services for the Blind Cash Fund

Description: Funds are appropriated to this line from the Disabled Telephone Users Fund, and reappropriated to the Department of Education for allocation to privately operated reading services for the blind.

Request: The Department requests a continuation appropriation of \$250,000 cash funds.

Recommendation: **Staff recommendation is pending the Department of Education figure setting.** Staff requests permission to adjust the line once Committee policy is established.

Commission for the Deaf and Hard of Hearing Cash Fund

Description: Funds are appropriated to this line from the Disabled Telephone User Fund, and reappropriated to the Department of Human Services for use by the Commission for the Deaf and Hard of Hearing.

Request: The Department requests an appropriation of \$878,964 cash funds from the Disabled Telephone User Fund, that is unchanged from the FY 2011-12 appropriation.

**DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING**

JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

Recommendation: **Staff recommendation is pending the Department of Human Services figure setting.** Staff requests permission to adjust the line once Committee policy is established.

Commission for the Blind or Visually Impaired Cash Fund

Description: Funds are appropriated to this line from the Disabled Telephone User Fund, and reappropriated to the Colorado Commission for the Individuals who are Blind or Visually Impaired line item in the Department of Human Services.

Request: The Department requests an appropriation of \$112,067 cash funds.

Recommendation: **Staff recommendation is pending the Department of Human Services figure setting.** Staff requests permission to adjust the line once Committee policy is established.

Low Income Telephone Assistance

Description: Since 1990 the PUC has run a program that subsidizes services for eligible low income telephone customers pursuant to Section 40-3.4-104, C.R.S. The program is funded by a monthly surcharge on telephone lines, set by the PUC each year. Currently, the monthly surcharge is set at \$0.07 per month. The appropriation in this line item represents the funds collected by the PUC and passed onto carriers, and no part of this appropriation is used by the PUC for personnel or operating.

Request: The Department requests a continuation appropriation of \$2,143,752.

Recommendation: **Staff recommends an appropriation of \$2,143,752 cash funds.**

Colorado Bureau of Investigation Background Checks Pass-through

Description: This line item was added to the FY 2008-09 Long Bill to account for reappropriated funds in the Department of Public Safety, Colorado Bureau of Investigation, for processing of fingerprint-based criminal history record checks of drivers of certain motor vehicle carriers.

Request: The Department requests an appropriation of \$104,377 cash funds.

Recommendation: **Staff recommends an appropriation of \$104,377 cash funds.**

Indirect Cost Assessment

Request: The Department has requested an appropriation of \$672,432 cash funds.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

Recommendation: **Staff recommendation is pending the approval of common policy by the Committee.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

(8) DIVISION OF REAL ESTATE

The Division of Real Estate licenses real estate agents, appraisers and mortgage loan originators, registers mortgage companies and homeowners associations, and administers the conservation easement certification programs.

Personal Services

Request: The Department requests an appropriation of \$3,323,782 and 52.3 FTE, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$56,642 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

| Staff Summary Division of Real Estate | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|---|----------------------|-----------------------|-----------------------|-----------------------|
| Director's Office | 3.0 | 2.0 | 2.0 | 2.0 |
| Broker Unit | 9.0 | 9.4 | 9.4 | 8.0 |
| Education Unit | 2.0 | 5.0 | 5.0 | 5.0 |
| Licensing and Operations | 13.8 | 14.7 | 14.7 | 12.0 |
| Appraisal Unit | 5.0 | 5.3 | 5.3 | 5.3 |
| Conservation Unit | 2.6 | 2.6 | 2.6 | 2.6 |
| Mortgage Broker Unit | 5.0 | 6.3 | 6.3 | 5.0 |
| Expedited Settlement and Support Services | 4.0 | 5.0 | 5.0 | 5.0 |
| Home Owner's Association Unit | 1.0 | 2.0 | 2.0 | 2.0 |
| TOTAL | 45.4 | 52.3 | 52.3 | 46.9 |

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 46.9 FTE to better reflect actual FTE usage. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

| Division of Real Estate - Personal Services | | |
|--|------------------|-------------|
| | CF | FTE |
| FY 2011-12 Long Bill Appropriation | \$3,323,782 | 52.3 |
| FY 2011-12 Supplemental | 0 | 0.0 |
| S.B. 11-076, state PERA reduction | (56,642) | 0.0 |
| H.B. 11-1300, Disputed Conservation Easements | 8,000 | 0.0 |
| Subtotal FY 2011-12 Appropriation | 3,275,140 | 52.3 |
| Annualize S.B. 11-076, state PERA reduction | 56,642 | 0.0 |
| Annualize H.B. 11-1300 | (8,000) | 0.0 |
| Staff recommended adjustment to FTE | | (5.4) |
| Base personal services adjustment | PENDING | |
| Recommended FY 2012-13 Appropriation | PENDING | 46.9 |

Operating Expenses

Request: The Department requests an appropriation of \$219,546 cash funds, that is unchanged from the FY 2011-12 Long Bill appropriation.

Recommendation: **Staff recommends an appropriation of \$219,546 cash funds.** The following table summarizes the staff recommendation for this line item.

| Division of Real Estate - Operating Expenses | |
|---|------------------|
| | CF |
| FY 2011-12 Long Bill Appropriation | \$219,546 |
| FY 2011-12 Supplementals | 0 |
| H.B. 11-1300, Disputed Conservation Easements | 1,760 |
| Subtotal FY 2011-12 Appropriation | 221,306 |
| Annualize H.B. 11-1300 | (1,760) |
| Recommended FY 2012-13 Appropriation | \$219,546 |

**DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING**

JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

Commission Meeting Costs

Description: This line item funds the per diem, travel, and miscellaneous expenses for Real Estate Commission members when they attend Commission meetings.

Request: The Department requests a continuation appropriation of \$38,836 cash funds.

Recommendation: **Staff recommends an appropriation of \$38,836 cash funds.**

Hearings Pursuant to Complaint

Request: The Department requests a continuation appropriation of \$4,000 cash funds.

Recommendation: **Staff recommends a continuation appropriation of \$4,000 cash funds.**

Mortgage Broker Consumer Protection

Description: This line is used to pay the costs for the investigation and prosecution of mortgage brokers, and mortgage fraud by the Attorney General's Office. Funds are appropriated to the Division then reappropriated to the Department of Law.

Request: The Department is requesting an appropriation of \$308,544 cash funds, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$4,774 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

Recommendation: **Staff recommendation is pending figure setting for the Department of Law.** Staff requests permission to adjust the line as necessary.

Indirect Cost Assessment

Request: The Department has requested an appropriation of \$347,856 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommendation is pending the approval of common policy by the Committee.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

(9) DIVISION OF REGISTRATIONS

The Division of Registrations regulates over 300,000 licensees in more than forty-nine professions and occupations. This Division is funded by fees paid by regulated professionals and licensees.

Personal Services

Description: Division staff investigate complaints filed against licensees, staff board meetings and respond to questions from applicants and current licensees.

Request: The Department requests an appropriation of \$12,384,462 total funds and 192.6 FTE.

| Staff Summary Division of Registrations | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|---|----------------------|-----------------------|-----------------------|-----------------------|
| Director's Office | 6.8 | 9.0 | 9.0 | 7.0 |
| Complaint Investigations | 14.2 | 14.2 | 14.2 | 14.2 |
| Licensing | 23.7 | 24.5 | 24.5 | 24.5 |
| Support Services | 17.5 | 22.1 | 22.1 | 18.0 |
| Board Staff - Health Services Section | 12.6 | 15.0 | 15.0 | 13.0 |
| Board Staff - Business and Technical Section | 63.3 | 64.8 | 64.8 | 64.8 |
| Board Staff - Healthcare Section | 40.6 | 43.0 | 43.0 | 42.0 |
| Total | 178.7 | 192.6 | 192.6 | 183.5 |

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 183.5 FTE to better reflect actual FTE usage. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

| Division of Registrations - Personal Services | | | | |
|---|--------------|-----------|--------------|-------|
| | CF | RF | Total | FTE |
| FY 2011-12 Long Bill Appropriation | \$11,345,601 | \$619,414 | \$11,965,015 | 187.1 |
| FY 2011-12 Supplemental | | 0 | 0 | (1.3) |

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

| Division of Registrations - Personal Services | | | | |
|---|-------------------|----------------|-------------------|--------------|
| | CF | RF | Total | FTE |
| S.B. 11-076, state PERA reduction | (214,636) | 0 | (214,636) | 0.0 |
| S.B. 11-088 | 1,750 | 0 | 1,750 | 0.0 |
| S.B. 11-091 | 7,000 | 0 | 7,000 | 0.0 |
| S.B. 11-169 | 86,028 | 0 | 86,028 | 1.4 |
| S.B. 11-187 | 232,158 | 0 | 232,158 | 3.4 |
| S.B. 11-192 | 40,872 | 0 | 40,872 | 1.0 |
| H.B. 11-1100 | 59,904 | 0 | 59,904 | 0.0 |
| H.B. 11-1195 | 66,315 | 0 | 66,315 | 1.0 |
| Subtotal FY 2011-12 Appropriation | 11,624,992 | 619,414 | 12,244,406 | 192.6 |
| Annualize S.B. 11-076, state PERA reduction | 214,636 | 0 | 214,636 | 0.0 |
| Annualize S.B. 11-088 | (1,750) | 0 | (1,750) | 0.0 |
| Annualize S.B. 11-091 | (7,000) | 0 | (7,000) | 0.0 |
| Annualize S.B. 11-169 | (19,383) | 0 | (19,383) | 0.0 |
| Annualize SB. 11-187 | 24,932 | 0 | 24,932 | (1.3) |
| Annualize H.B. 11-1100 | (59,904) | 0 | (59,904) | 0.0 |
| Annualize H.B. 11-1195 | (11,475) | 0 | (11,475) | 0.0 |
| Technical adjustment – S.B. 11-187/FY 11-12 Supplemental | | | | 1.3 |
| Staff recommended adjustment to FTE | | | | (9.1) |
| Base personal services adjustment | | | PENDING | |
| Recommended FY 2012-13 Appropriation | | | PENDING | 183.5 |

Operating Expenses

Request: The Department requests an appropriation of \$1,379,648 cash funds.

Recommendation: **Staff recommends an appropriation of \$1,379,648 total funds**, of which \$1,379,173 is cash funds and \$475 is reappropriated funds. The following table summarizes the staff recommendation.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

| Division of Registrations - Operating Expenses | | | |
|---|--------------------|--------------|--------------------|
| | CF | RF | Total |
| FY 2011-12 Long Bill Appropriation | \$1,354,278 | \$475 | \$1,354,753 |
| FY 2011-12 Supplemental | 0 | 0 | 0 |
| S.B. 11-091 | 673 | 0 | 673 |
| S.B. 11-094 | 1,050 | 0 | 1,050 |
| S.B. 11-169 | 15,786 | 0 | 15,786 |
| S.B. 11-187 | 29,382 | 0 | 29,382 |
| S.B. 11-192 | 9,454 | 0 | 9,454 |
| H.B. 11-1195 | 8,881 | 0 | 8,881 |
| Subtotal FY 2011-12 Appropriation | 1,419,504 | 475 | 1,419,979 |
| Annualize S.B. 11-094 | (1,050) | 0 | (1,050) |
| Annualize S.B. 11-169 | (2,830) | 0 | (2,830) |
| Annualize S.B. 11-187 | (21,714) | 0 | (21,714) |
| Annualize S.B. 11-192 | (8,504) | 0 | (8,504) |
| Annualize H.B. 11-1195 | (6,233) | 0 | (6,233) |
| Recommended FY 2012-13 Appropriation | \$1,379,173 | \$475 | \$1,379,648 |

Office of Expedited Settlement Program Costs

Description: The Office of Expedited Settlement oversees the Expedited Settlement Process (ESP) where all complaints received by Boards and Commissions are initially sent, to try and resolve the complaint without the use of the Attorney General's Office and incur legal service costs.

Request: The Department requests an appropriation of \$361,397 cash funds and 5.0 FTE, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$6,389 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 5.0 FTE. Staff requests permission to adjust the line once Committee policy is established.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

| Office of Expedited Settlement - Program Costs | | |
|---|----------------|------------|
| | CF | FTE |
| Personal Services | \$309,243 | 5.0 |
| Operating Expenses | \$52,154 | 0.0 |
| FY 2011-12 Long Bill Appropriation | \$361,397 | 5.0 |
| S.B. 11-076, state PERA reduction | (\$6,389) | 0.0 |
| Subtotal FY 2011-12 Appropriation | 355,008 | 5.0 |
| Annualize S.B. 11-076, state PERA reduction | 6,389 | 0.0 |
| Base personal services adjustment | PENDING | |
| Recommended FY 2012-13 Appropriation | PENDING | 5.0 |

Hearings Pursuant to Complaint

Request: The Department requests a continuation appropriation of \$307,075 cash funds.

Recommendation: **Staff recommends a continuation appropriation of \$307,075 cash funds.**

Payments to Department of Health Care Policy and Financing

Description: Federal regulations require the state to certify nurse aides who work in medical facilities with Medicaid or Medicare patients. Federal matching funds pay half the cost of the Medicaid portion of this program, but the Department cannot apply directly for the federal match because Medicaid's centralization rules require that the matching funds be funneled through the Department of Health Care Policy and Financing. The Division obtains the funds to cover the state's expenses from an assessment on nursing homes.

Request: The Department requests a continuation appropriation of \$14,652 cash funds.

Recommendation: **Staff recommends an appropriation of \$14,652 cash funds.**

Indirect Cost Assessment

Request: The Department requests an appropriation of \$1,277,687 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommendation is pending the approval of common policy by the Committee.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING
 JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

(10) DIVISION OF SECURITIES

This Division regulates the conduct of securities broker-dealers and sales representatives throughout Colorado, and enforces the following programs: the Colorado Securities Act, the Colorado Commodity Code, the Colorado Municipal Bond Supervision Act, and the Local Government Investment Pool Trust Fund Administration and Enforcement Act. The Division is entirely cash funded from the Division of Securities Cash Fund.

Personal Services

Description: Division staff investigate fraudulent and other abusive conduct in the securities market and when appropriate issue sanctions and take other enforcement action. Staff also investigate consumer complaints, monitor Colorado broker-dealer and sale representative conduct, screen license applications, and perform on-site examinations of broker-dealer offices.

Request: The Department requests \$2,157,670 cash funds and 26.0 FTE, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$41,337 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

| Staff Summary Division of Securities | FY 2010-11 Actual | FY 2011-12 Approp. | FY 2012-13 Request | FY 2012-13 Recomm. |
|---|------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Commissioner's Office | 1.5 | 2.0 | 2.0 | 2.0 |
| Administration Unit | 2.0 | 2.0 | 2.0 | 2.0 |
| Examination Unit | 6.8 | 11.0 | 11.0 | 9.0 |
| Enforcement Unit | 11.0 | 11.0 | 11.0 | 11.0 |
| TOTAL | 21.3 | 26.0 | 26.0 | 24.0 |

Recommendation: **Staff recommendation on funding is pending Committee action on a personal services base adjustment.** Staff recommends 24.0 FTE to better reflect actual FTE usage. Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

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| Division of Securities - Personal Services | | |
|---|------------------|-------------|
| | CF | FTE |
| FY 2011-12 Long Bill Appropriation | \$2,157,670 | 26.0 |
| FY 2011-12 Supplemental | 0 | 0.0 |
| S.B. 11-076, state PERA reduction | (41,337) | 0.0 |
| Subtotal FY 2011-12 Appropriation | 2,116,333 | 26.0 |
| Annualize S.B. 11-076, state PERA reduction | 41,337 | 0.0 |
| Staff recommended adjustment to FTE | | (2.0) |
| Base personal services adjustment | PENDING | |
| Recommended FY 2012-13 Appropriation | PENDING | 24.0 |

Operating Expenses

Request: The Department requests an appropriation of \$58,999 cash funds.

Recommendation: **Staff recommends an appropriation of \$58,999 cash funds.** Staff's recommendation is outlined in the following table.

| Division of Securities - Operating Expenses | |
|--|-----------------|
| | CF |
| FY 2011-12 Long Bill Appropriation | \$73,009 |
| FY 2011-12 Supplemental | 0 |
| Subtotal FY 2011-12 Appropriation | 73,009 |
| Annualize FY 2011-12 DI #2 - Securities staffing | (14,010) |
| Recommended FY 2012-13 Appropriation | \$58,999 |

Hearings Pursuant to Complaint

Request: The Department requests a continuation appropriation of \$19,594 cash funds.

Recommendation: **Staff recommends an appropriation of \$19,594 cash funds.**

Board Meeting Costs

Description: This line item funds the per diem, travel, and miscellaneous costs incurred by the five Colorado Securities Board members when they attended board meetings.

**DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING**

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Request: The Department requests a continuation appropriation of \$4,500 cash funds.

Recommendation: **Staff recommends a continuation appropriation of \$4,500 cash funds.**

Securities Fraud Prosecution

Description: The Division refers cases to the Securities Fraud Unit within the Department of Law's Criminal, Justice and Appellate Division for investigation and criminal prosecution. Funds appropriated in this line are reappropriated to the Department of Law.

Request: The Department requests an appropriation of \$727,381 cash funds, that is unchanged from the FY 2011-12 Long Bill appropriation. The request includes an increase of \$6,743 cash funds to restore the state PERA contribution reduction from S.B. 11-076.

Recommendation: **Staff recommendation is pending figure setting for the Department of Law.** Staff requests permission to adjust the line as necessary.

Indirect Cost Assessment

Request: The Department requests an appropriation of \$172,930 cash funds, that is unchanged from the FY 2011-12 appropriation.

Recommendation: **Staff recommendation is pending the approval of common policy by the Committee.** Staff requests permission to adjust the line and apply a funding split once Committee policy is established.

**DEPARTMENT OF REGULATORY AGENCIES
FY 2012-13 STAFF FIGURE SETTING**

JBC Working Document: Decisions Subject to Change
Staff Recommendation Does Not Represent Committee Decision

Long Bill Footnotes and Requests for Information

The Long Bill for FY 2011-12 did not contain any footnotes specific to the Department of Regulatory Agencies. Staff recommends the following information request be **added** for FY 2012-13:

- 1 Department of Regulatory Agencies, Executive Director's Office** -- The Department is requested to submit to the Joint Budget Committee and the House Economic and Business Development Committee and post on the Department's website, on or before November 1, 2012, a report that lists the total number of entities, professions, or groups regulated by the Department and the number of regulated professionals within those entities, professions, or groups for each of the last five years. The report should correlate the number of regulated entities, professions, or groups and the professionals within those entities with the actual or appropriated budget and FTE allotted to regulate each entity for each of the last five years.