

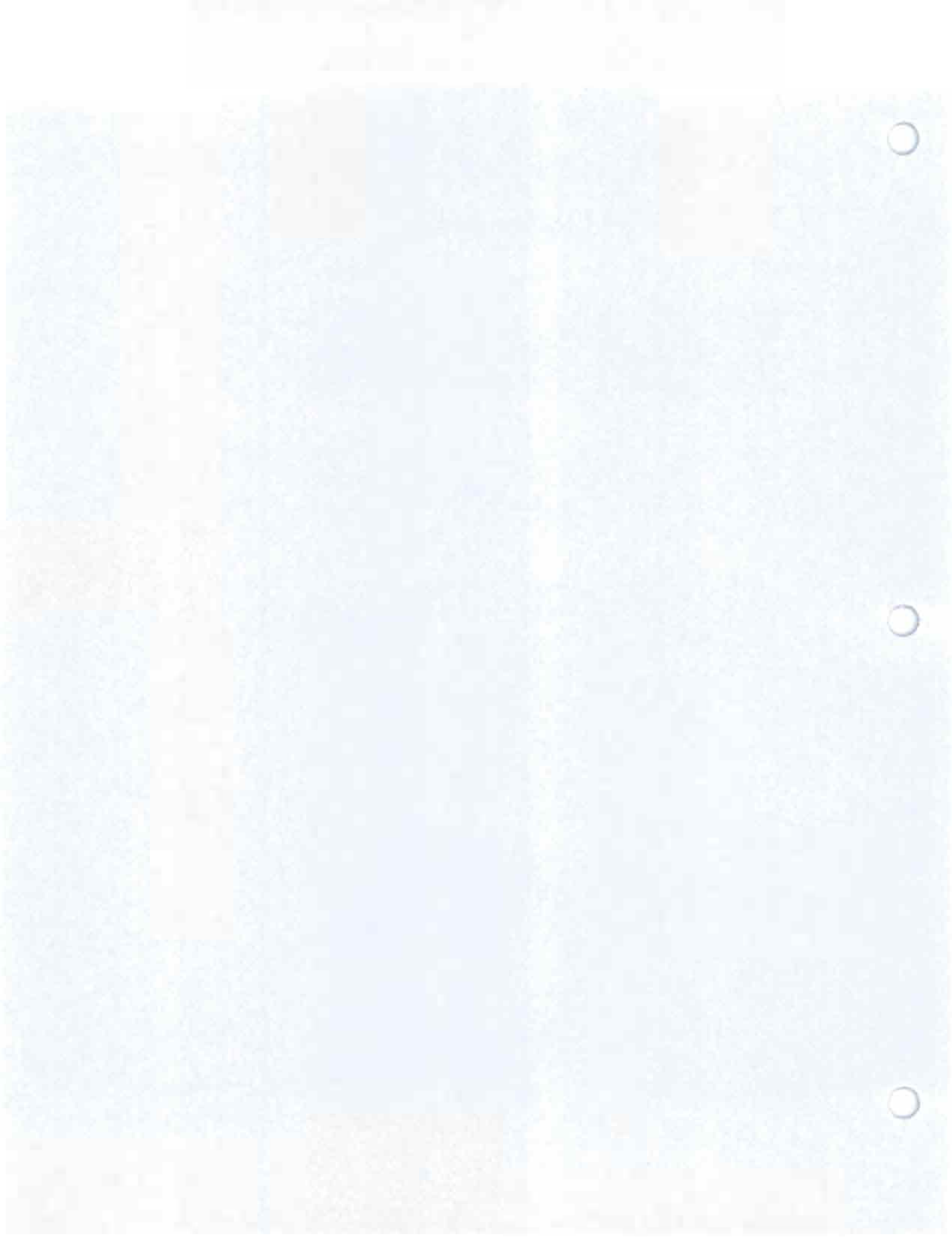
**Department of Law**  
**Schedule 10**  
**FY 2009-10 Budget Request**

Priority	Number	Division	Request	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Decision Items</b>									
1	DI-1	Criminal Justice	Consolidation of Special Prosecutions Unit	0.0	\$0				
2	DI-2	Criminal Justice	FTE Need for Special Prosecutions Unit	2.0	\$213,326	\$142,275	\$71,051		
3	DI-3	Water & NR	Consolidation of Colo River/Fed & Interstate Units	0.0	(\$162,017)	\$382,983	(\$545,000)		
4	DI-4	Administration	New Assistant Solicitor General Position	1.0	\$93,353	\$6,882		\$86,471	
5	DI-5	Consumer Protect	Legal Assistant position	1.0	\$54,004	\$54,004			
6	DI-6			0.0	\$0				
<b>Total - Decision Items</b>				<b>4.0</b>	<b>\$198,666</b>	<b>\$586,144</b>	<b>(\$473,949)</b>	<b>\$86,471</b>	<b>\$0</b>
<b>Base Reduction Items</b>									
1	BRJ-1	Water & NR	Natural Resource Damages @ the Rocky Mt Arsenal	(2.4)	(\$1,017,924)		(\$1,017,924)	\$0	\$0
<b>Total - Base Reduction Items</b>				<b>(2.4)</b>	<b>(\$1,017,924)</b>	<b>\$0</b>	<b>(\$1,017,924)</b>	<b>\$0</b>	<b>\$0</b>
<b>Non-Prioritized Items</b>									
NA	NP-1	Administration	Common Policy I - Adm. Operating Expenses	0.0	(\$160,164)	\$22,172	(\$19,031)	(\$172,372)	\$9,067
NA	NP-2	Administration	Common Policy II - Vehicle Operating Increase	0.0	\$7,074	\$2,721	\$1,088	\$3,265	\$0
NA	NP-3	Administration	Common Policy III - Postage Operating Increase	0.0	\$8,259	\$2,132	\$2,075	\$4,052	\$0
<b>Total Non Prioritized Items</b>				<b>0.0</b>	<b>(\$144,831)</b>	<b>\$27,025</b>	<b>(\$15,868)</b>	<b>(\$165,055)</b>	<b>\$9,067</b>
<b>Grand Total November 3, 2008</b>				<b>1.6</b>	<b>(\$964,089)</b>	<b>\$613,169</b>	<b>(\$1,507,741)</b>	<b>(\$78,584)</b>	<b>\$9,067</b>



# Consolidation of Special Prosecutions Unit







**Schedule 13  
Change Request for FY 2009-10 Budget Request Cycle**

Decision Item FY 2009-10	<input checked="" type="checkbox"/>	Base Reduction Item FY 2009-10	<input type="checkbox"/>	Supplemental FY 2008-09	<input type="checkbox"/>	Budget Amendment FY 2009-10	<input type="checkbox"/>			
Request Title: Consolidation of the SP Unit										
Department: Law										
Priority Number: DI - 1										
Dept. Approval by:		Date:		OSPB Approval:		Date:				
		11/01/2008		N/A		N/A				
	1	2	3	4	5	6	7	8	9	10
Fund	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11

Non-Line Item Request: None  
 Letternote Revised Text: NOTE: The base request column includes common policy vehicle operating increase  
 Cash or Federal Fund Name and COFRS Fund Number:  
 Reappropriated Funds Source, by Department and Line Item Name: Div of Securities Cash Fund; Div of Insurance Cash Fund both from the Dept of Regulatory Cash Funds  
 Approval by OIT? Yes:  No:  N/A:   
 Schedule 13s from Affected Departments:

**CHANGE REQUEST for FY 2009-10 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	DI-1
Change Request Title:	Consolidation of the Criminal Justice Section

**SELECT ONE (click on box):**

- Decision Item FY 2009-10
- Base Reduction Item FY 2009-10
- Supplemental Request FY 2008-09
- Budget Request Amendment FY 2009-10

**SELECT ONE (click on box):**

- Supplemental or Budget Request Amendment Criterion:
- Not a Supplemental or Budget Request Amendment
  - An emergency
  - A technical error which has a substantial effect on the operation of the program
  - New data resulting in substantial changes in funding needs
  - Unforeseen contingency such as a significant workload change

Short Summary of Request:

This decision item request seeks to consolidate the Special Prosecutions Unit, the Insurance Fraud Unit, the Securities Fraud Unit and the Capital Crime Prosecutions Unit into a single Special Prosecutions Unit of the Criminal Justice Section to increase efficiency in the investigation and prosecution of crimes for which the Attorney General has jurisdiction to prosecute. The creation of a consolidated unit is intended to provide greater flexibility in the Department's ability to utilize limited resources; provide better investigative and prosecutorial services in the criminal cases arising from regulatory programs; continue to be a state-wide resource for law-enforcement on the investigation and prosecution of white-collar crime; and provide training and guidance to investigators from other agencies.

Background and Appropriation History:

The Criminal Justice Section of the Attorney General's Office is comprised of six sub-units: Special Prosecutions, Insurance Fraud, Securities Fraud, Homicide Assistance (formerly Capital Crimes), Foreign Prosecution, and Worker's Compensation. The funding for each sub-unit is set forth in the attached organizational chart.

FY09 Appropriation		FTE	Total Funds	General Fund	Cash Funds	RA Funds
Special Prosecution Unit**	12.8	1,243,416	1,029,683	213,733		
Insurance Fraud Unit	7.6	619,975			619,975	
Securities Fraud Unit	5.6	484,293	123,015		361,278	
Capital Crimes Prosecutions Unit	4.0	376,643	376,643			
Total FTE	30.0	2,724,327	1,529,341	213,733	981,253	
FY10 Request*		FTE	Total Funds	General Fund	Cash Funds	RA Funds
Special Prosecution Unit**	12.8	1,288,742	1,066,937	221,806		
Insurance Fraud Unit	7.6	642,879			642,879	
Securities Fraud Unit	5.6	503,888	128,958		374,930	
Capital Crimes Prosecutions Unit	4.0	390,992	390,992			
Total FTE	30.0	2,826,502	1,586,887	221,806	1,017,809	

\*Includes Common Policy Decision Item requests for vehicle operating expense increase

\*\* includes funding for the Foreign Prosecutions and Worker's Compensation Fraud units.

The sub-units above are appropriated as four different line items in the FY09 Department of Law Long Bill with four different funding sources. While each prosecutor and investigator in these units has certainly developed specialized subject matter expertise, there are many skills that are universal to these professionals that can be fully exploited and utilized to the benefit of the other units when the need arises.

Currently, the Special Prosecution Unit, the Insurance Fraud Unit, Worker's Compensation Unit and the Securities Fraud Unit FTE are all constrained to their own budget areas in their limited subject matter area only. As a direct result of these restrictions, it is nearly impossible to work joint projects between the units or to even allow investigators or prosecutors from one unit to assist another unit on an extremely



intensive or urgent matter. This is a highly inefficient use of personnel and taxpayer money as investigations in the office are severely hampered by these restrictions on a regular basis.

The flexibility sought will enable the Criminal Justice Section to operate in a similar fashion to a local District Attorneys Office by allowing management to direct the full resources of this section to particular cases such as high profile or highly complex criminal cases as deemed necessary in the interest of justice. The prioritization and assignment of resources to cases that need such an effort at any given time will maximize the section's ability to fully utilize its limited resources in a manner that will result in a heightened ability to provide more thorough and timely investigation of cases, more complete and fully analyzed cases for prosecution, more responsive and effective support to law enforcement and District Attorney requests for assistance on a statewide basis. This budgetary flexibility would also allow for the mixing of all funding sources to balance out serious salary discrepancies between employees of similar experience and expertise. In the last couple of years, the section has lost very talented investigators and attorneys due to the fact that their salary levels are not based upon their individual experience and talent, but rather, are directly limited by the specific unit they work for at any given time. By allowing this further flexibility within the budget of the Criminal Justice Section, we will be able to balance salaries, improve morale, limit resignations and thereby improve productivity.

Notwithstanding this request, the Criminal Justice Section needs to remain fully accountable to each funding source and ensure that each of the funding agencies receives an amount of investigatory and prosecutorial support commensurate with that agency's contribution to the Criminal Justice Section. Accordingly, this proposal, while freeing up the ability to co-mingle and fully utilize resources between the units, will also provide a mechanism to these agencies for verifying that the appropriate number of employee hours (investigators, attorneys and legal assistants) are attributed toward their respective referrals and concerns on a regular basis.

In order to accomplish this level of accountability, the Criminal Justice Section will be required to continue providing monthly reports to the respective agencies showing the hours of employees and shall also be available for monthly meetings with agency representatives to explain current caseloads that may require a shifting of resources for a given project or time period to one area as the need demands. The overall balancing of accountability shall be reviewed on a quarterly basis with the respective agency representatives for consideration of balancing out the agency hours. Finally, the Criminal Justice Section shall remain fully accountable for ensuring that by the end of each year, the Criminal Justice Section has provided each agency with the appropriate number of hours worked in correlation to the funding proved by that agency.

General Description of Request:

The following line item appropriations will be consolidated into a new single "Special Prosecutions Unit": the existing Special Prosecutions Unit; Insurance Fraud Unit; Securities Fraud Unit and the Capital Crimes Unit. The consolidation of the current line item budgeting constraints will allow for a more efficient use of the limited assets in this section related to the use of available funding and personnel. Aggregating these funds will allow for cross-training and sharing of personnel and resources in a manner that will heighten the productivity of the Criminal Justice Section and better serve the taxpayers without losing any accountability to the respective agencies that refer criminal cases to the Office of the Attorney General for prosecution.

Second, the Department requests that the transfer of funds from the Division of Securities and the Division of Insurance be a direct appropriation to the Department of Law from their cash funds as opposed to a re-appropriation. A direct appropriation would clarify that there is no attorney-client relationship between the Department of Law and the source of the cash funds from other Departments.

The role of a prosecutor is very different from a civil lawyer. Most attorneys represent a client whose desires on a case or negotiation are paramount, within certain ethical boundaries, and the attorney should not take action in the case without the approval of the client. A prosecutor, to the contrary, represents an entire community. In the case of prosecutors in the Office of Attorney General, that community is the people of the state.

The oath a prosecutor takes is to "do justice" on behalf of the people. This requires that the prosecutor consider the law and the needs of the community first. Ideally, the victims or other involved parties understand and agree with the progress of a prosecution, but this is not the controlling factor.

A prosecutor's caseload is controlled more by defendants who choose when to commit crimes, their defense attorneys, and the courts than the schedule of the prosecutor. It is more of a reactive than proactive schedule often with little discretion given to the prosecutor. *Court opinions have also taken care to separate the discretion available to a prosecutor from their respective funding sources.* For instance, there was a time in Colorado's history when the prosecutor was paid "by the case". This was found to encourage case filings for reasons other than the merits of the matter. In determining the disposition of a case, a prosecutor is required to consider similarly situated defendants and treat such cases in a similar manner.

The use of finite personnel resources within the Criminal Justice Section often requires that persons assist in large case prosecutions whether or not they are officially assigned to that topic area. These large cases do not occur in a predictable time frame nor are they coming in on a regular basis from the same agencies. Having attorneys and staff who can at times be shifted to accommodate case needs is the only efficient way to manage the caseload.

With this in mind it is essential that one understand that the Department of Law Special Prosecution unit is **not** working for the Division of Securities or the Division of Insurance. The Special Prosecution line is partially funded from the cash funds those divisions oversee, but ultimately the prosecution decisions are made by the Department of Law. Those decisions are solely the responsibility of the Attorney General and can not be influenced by an administrative agency or fund source type. However, the Department recognizes its obligation to the General Assembly and the Joint Budget Committee to report on the operations and expenditures of the Special Prosecutions unit.

Cost Accounting. To ensure that each funding source pays for its "fair share" of the effort expended on its behalf, the department will develop a cost accounting system that will utilize time keeping and actual cost expended. The Department of Law intends that each fund source should pay for the "effort" expended on behalf of the fund. The basis of cost allocation will be time expended and actual costs incurred. All attorneys, legal assistants and investigators will record their time, thereby providing a record which will provide a basis for cost allocation. Then if this request is approved for the Departments FY12 budget request, the Department will make the changes in financing of the line based on the time keeping records of FY10. By utilizing this methodology, the fund sources will be charged according to their usage.

To ensure that referring agencies are provided some degree of accountability, the Department of Law currently provides and will continue to provide monthly case status reports on specific cases to the various Divisions from which the Department of Law's Fraud programs are funded.

Consequences if Not Funded:

The inefficiencies and limitations of the current line item appropriations truly hamper the ability of the Criminal Justice Section to effectively investigate and prosecute cases. Current examples are very illustrative of the problem. This past year, the Department's Insurance Fraud Unit had one investigator and one prosecutor work a case for more than a year and finally determined that the matter was more accurately categorized as an auto theft ring rather than an insurance fraud case. Regardless of the primary offenses involved, the case needed to be prosecuted. However, rather than having the ability to keep those same professionals working on this case, the Department had to shift the case to the Special Prosecutions Unit. The Special Prosecutions Unit then had a new investigator and a new prosecutor learn the entire case before the Department could proceed with the case. The current line item budgeting constraints limit the flexibility to shift the case to appropriate unit. Ultimately, this process results in case investigation and prosecution costing nearly **twice** as much to the taxpayers as it should and slows down other investigations by pulling other investigators and lawyers off of pending cases.

Another prime example of the inefficiency in this system is a current high profile case. Last winter, Governor Ritter, by executive order, instructed this office to take over the investigation of the murder of Peggy Hettrick after the case against Timothy Masters was dismissed and he was released from prison. This homicide occurred more than twenty years ago in Ft. Collins and includes an incredible amount of documentation and investigative work that needs to be done by experienced and talented investigators. Because of the funding restrictions, the Department was unable to use one of the unit's top three investigators on this matter with any degree of regularity. This particular investigator has over thirty-three years of experience and has investigated numerous homicides throughout his career. He works in the Insurance Fraud Unit. The Hettrick case is a Special Prosecution Unit case. The fact that Department cannot assign one of the Department's most qualified investigators to this case for a short period of time is an incredible waste of talent and experience.

If this request is not granted, the Department foresees that there will continue to be situations arising where state resources are not utilized to their fullest and the Criminal Justice Section will not be as efficient as it should be with the taxpayer's money. It is also likely that the current system will continue to result in slowing down the unit's ability to respond, investigate and prosecute cases promptly.

## Calculations for Request:

Summary of Request FY 2009-10 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	\$0	\$0	\$1,017,809	(\$1,017,809)		0.0
Special Prosecutions Unit	\$1,537,759	\$519,950	\$1,017,809			17.2
Securities Fraud Unit	(\$503,888)	(\$128,958)		(\$374,930)		(5.6)
Insurance Fraud Unit	(\$642,879)			(\$642,879)		(7.6)
Capital Crimes Unit	(\$390,992)	(\$390,992)				(4.0)

Summary of Request FY 2010-11 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	\$0	\$0	\$1,017,809	(\$1,017,809)		0.0
Special Prosecutions Unit	\$1,537,759	\$519,950	\$1,017,809			17.2
Securities Fraud Unit	(\$503,888)	(\$128,958)		(\$374,930)		(5.6)
Insurance Fraud Unit	(\$642,879)			(\$642,879)		(7.6)
Capital Crimes Unit	(\$390,992)	(\$390,992)				(4.0)

**NOTE: THIS REQUEST INCLUDES COMMON POLICY DECISION ITEM FOR INCREASE IN VEHICLE OPERATING FUNDS.**

Tailor fund sources as needed

Add other tables and references to Excel spreadsheets here as needed.

Cash Funds Projections: [Complete for any request using funding from a cash fund]

Cash Fund Name	Cash Fund Number	FY 2007-08 Expenditures	FY 2007-08 End of Year Cash Balance	FY 2008-09 End of Year Cash Balance Estimate	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate
<u>Division of Securities</u> Cash Fund						
<u>Division of Insurance</u> Cash Fund						

Assumptions for Calculations:

- That the new Special Prosecution Line will consist of the existing Special Prosecutions Unit, the Insurance Fraud Unit, the Securities Fraud Unit, and the Homicide Assistance Unit (formally known as the Capital Crimes Unit). The combined appropriation for FY10 will be: \$2,826,502 Total and 30.0 FTE. The fund splits will be \$1,586,887 GF; \$221,806 CF.
- That this is a net zero dollar request.
- That the appropriation of funds from the Division of Securities and the Division of Insurance to the Department of Law shall be direct as cash funds and not re-appropriated funds as they are in FY09.
- That this request **does not** include any other decision items that may affect the total appropriation **except** for the common policy decision item for fixed vehicle increases.

Impact on Other Government Agencies: Zero dollar impact on this request. The State Agencies will continue to receive the same case status reporting information as they currently receive.

Cost Benefit Analysis: The two specific examples provided in the Consequences if not funded section very explicitly demonstrate the benefit to the state of this consolidation. Investigation time is saved, individual skills can be utilized with cases and disparities in salaries can be evened out. The current appropriated structure makes this extremely difficult.

Implementation Schedule:

Task	Month/Year
Internal Research/Planning Period	N/A
Written Agreement w/ Other State Agencies	N/A
FTE Hired	N/A
Waiver or State Plan Amendment Written	N/A
Waiver or State Plan Amendment Approved	N/A
RFP Issued	N/A
System Modifications Made	N/A
Contract or MOU Written	N/A
Rules Written	N/A
Rules Passed	N/A
Contract or MOU Awarded/Signed	N/A
Start-Up Date	7/1/2009

Tailor this table to meet the needs of the specific Change Request; delete and add rows as applicable.

Statutory and Federal Authority: § 24-31-101 C.R.S.; § 10-1-129 C.R.S.; § 11-51-603

Performance Measures: To provide efficient and effective prosecutorial services on behalf of the citizens of the State of Colorado.



# FTE Needed for Special Prosecutions Unit





Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10  Base Reduction Item FY 2009-10  Supplemental FY 2008-09  Budget Amendment FY 2009-10

Request Title: Special Prosecution Program needs  
 Department: Law  
 Priority Number: DI - 2  
 Dept. Approval by: N/A  
 OSPB Approval: N/A  
 Date: 11/1/2008  
 Date: N/A

Fund	1	2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
Total of All Line Items	1,307,460	1,258,554	0	1,258,554	1,287,382	213,326	1,500,708	0	1,500,708	203,041
FTE	12.1	12.8	0.0	12.8	12.8	2.0	14.8	0.0	14.8	2.0
GF	1,114,357	1,036,564	0	1,036,564	1,065,576	142,275	1,207,851	0	1,207,851	136,578
GFE	0	0	0	0	0	0	0	0	0	0
CF	193,103	213,733	0	213,733	221,806	71,051	292,857	0	292,857	66,463
CFE/RF	0	8,257	0	8,257	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0
(Criminal Justice and Appellate), Special Prosecutions	1,307,460	1,243,416	0	1,243,416	1,287,382	195,507	1,482,889	0	1,482,889	203,041
FTE	12.1	12.8	0.0	12.8	12.8	2.0	14.8	0.0	14.8	2.0
GF	1,114,357	1,029,683	0	1,029,683	1,065,576	129,044	1,194,620	0	1,194,620	136,578
GFE	0	0	0	0	0	0	0	0	0	0
CF	193,103	213,733	0	213,733	221,806	66,463	288,269	0	288,269	66,463
CFE/RF	0	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0
(Administration), ADP Capital Outlay	0	15,138	0	15,138	0	17,819	17,819	0	17,819	0
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	0	6,881	0	6,881	0	13,231	13,231	0	13,231	0
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	0	0	0	0	4,588	4,588	0	4,588	0
CFE/RF	0	8,257	0	8,257	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0

Non-Line Item Request:  
 Letternote Revised Text:  
 Cash or Federal Fund Name and COFRS Fund Number: Division of Securities Cash Fund; Division of Insurance Cash Fund  
 Reappropriated Funds Source, by Department and Line Item Name:  
 Approval by OIT? Yes:  No:  N/A:   
 Schedule 13s from Affected Departments: Department of Regulatory Agencies



**CHANGE REQUEST for FY 2009-10 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	DI-2
Change Request Title:	2.0 FTE for the Criminal Justice & Appellate Units

**SELECT ONE (click on box):**

- Decision Item FY 2009-10
- Base Reduction Item FY 2009-10
- Supplemental Request FY 2008-09
- Budget Request Amendment FY 2009-10

**SELECT ONE (click on box):**

Supplemental or Budget Request Amendment Criterion:

- Not a Supplemental or Budget Request Amendment
- An emergency
- A technical error which has a substantial effect on the operation of the program
- New data resulting in substantial changes in funding needs
- Unforeseen contingency such as a significant workload change

Short Summary of Request:

*Note: This request assumes the approval of the Decision Item request that will consolidate all the Fraud units in the Criminal Justice and Appellate Section and Homicide Assistance Unit into a single Special Prosecutions Unit. The Special Prosecutions Unit has an immediate need for two additional FTE: one full time forensic accountant and an additional bi-lingual Criminal Investigator II to aid in criminal investigations and prosecutions including the incredibly successful Article 4 prosecutions with Mexico.*

Background and Appropriation History:

In the past several years, the Securities Fraud and Insurance Fraud units have added criminal investigators to allow the Attorney General's Office to properly investigate cases over which we have original jurisdiction. With the addition of these investigators, the number of complex criminal investigations has increased within the office. This increase is in addition to the evolving complexity of financial crimes that both the Financial Fraud Special Prosecution Units continue to investigate and prosecute under the Colorado Organized Crime Control Act. The Colorado legislature also adopted a crime relating to fraud in mortgage lending practices in 2007, and gave the Attorney General's office

original jurisdiction to investigate and prosecute those crimes as well. With the increase of complex, financial criminal investigations, a forensic accountant would substantially aid in both the detection and prosecution of financial crimes.

The Foreign Prosecution Unit was implemented in September of 2001 after the budgetary addition of a single criminal investigator to run the program. Foreign prosecutions occur when a defendant who is a Mexican national has fled the United States and can be subject to prosecution by Mexican authorities in Mexico under Article IV of the Mexican Penal Code. Since its inception, the unit has filed 16 Article IV cases for prosecution in Mexico, orchestrated the extradition of three different Mexican nationals back to Colorado and facilitated the arrests of four U.S. Citizens in Mexico for return to Colorado for prosecution. As a direct result of this work, six murder prosecutions have been completed in Mexico under Article IV proceedings for crimes committed in Colorado. This alone resulted in the sentencing of these defendants for a total of 117.5 years in the Mexican prison system, thus saving the Colorado taxpayers hundreds of thousands of dollars in incarceration costs and further prosecution costs.

General Description of Request:

A forensic accountant would aid in the prosecution of complex cases and would allow for more of such cases to be investigated and prosecuted. The fraud and special prosecutions units investigate several cases a year utilizing the statewide grand jury which allows for multi-jurisdictional, complex cases to be brought on behalf of Colorado citizens. Grand jury cases require a significant amount of preparation time and are time intensive; however, due to the ability to use the grand jury for multifaceted investigations, they also allow for the development of larger cases that can have a greater impact in battling fraud on behalf of Colorado citizens. The Attorney General's office traditionally takes some of the larger cases for prosecution because the local District Attorney's offices are often not equipped to handle such cases. Our office has concurrent jurisdiction with the District Attorneys to prosecute cases that involve insurance, securities and mortgage fraud and the Attorney General's office tries to pursue cases that can have a significant impact on organized criminal activities. A forensic accountant or auditor would also provide significant assistance to the Special Prosecution unit's cases involving organized crime.

Another pressing need is for the addition of a second bi-lingual (Spanish/English) Criminal Investigator for the Foreign Prosecution section of the Special Prosecution Unit. This unit has also successfully assisted in the extradition of fugitives back to the Colorado to face criminal charges in Colorado courts. The Office of the Attorney General handles requests from the various twenty-two elected District Attorneys around the state and is the only source of such assistance for Colorado prosecutors and law enforcement agencies outside of the United States Department of Justice in Washington D.C.. Article IV proceedings are based on reports submitted by law enforcement agencies in the United States. These submittals typically entail hundreds of pages of reports that must all be translated word by word from English to Spanish before the Mexican officials will accept the filing on the case.

In addition, the cases often need follow-up interviews with numerous witnesses remaining in Colorado, many of whom are Spanish speaking only. With the dedication of a single investigator, the Attorney General's office has developed internationally recognized expertise in compiling the necessary documentation and has formed relationships with Mexican officials to facilitate these prosecutions. Our sole investigator is now regularly sought by state and national organizations seeking to train personnel and establish similar programs in their respective states. She has also been invited several times, by the Mexican Government, to assist in international presentations and conferences between Mexican officials and Attorneys General from many of the western states. Currently, the Office of the Attorney General is working on a program to assist the State of Baja Mexico in the training of prosecutors and investigators as the country of Mexico embarks on an ambitious complete overhaul of its criminal justice system. As a direct result of the quality and effectiveness of this program and the expertise developed by our office, the workload is increasing to a point that cannot be kept up with by a single investigator. It is critical to the continued success of this program and to the ability of prosecutors in Colorado seeking to hold fugitives from justice who flee to Mexico responsible for their crimes, that the Office of the Attorney General hire another highly skilled and experienced bi-lingual criminal investigator for the Foreign Prosecution Section.

Consequences if Not Funded:

The hiring of outside forensic accountants is a time intensive and expensive proposition for the Attorney General's office. Every case which needs this unique expertise requires Attorney General Prosecutors to seek out, interview, vet and retain an expert for each case. This can be especially burdensome for a case which requires Grand Jury secrecy because documents obtained by Grand Jury subpoena should not go to outside offices for review or analysis because this office is then unable to ensure secrecy is maintained. The hiring of outside experts also requires attorney time to be used for reviewing billing agreement and conducting conflict checks.

The failure to add another bi-lingual criminal investigator to the Foreign Prosecution Section will result in an inability of this office to facilitate all of the requests for assistance that come into the office from the elected District Attorneys in the state. In just the past seven months, the unit has successfully presented to Article IV cases to the Mexican authorities (which requires an appearance in court in Mexico City), while six more cases are pending arrests Mexico as all six are murder suspects in Colorado cases. Further, the unit is currently preparing two newer cases, including one that involves three suspects (requires three filings) from a murder in Montrose, Colorado. Ultimately, the failure to fund another investigator this year will mean that many more offenders who flee to Mexico might not get found, arrested or prosecuted for crimes committed in Colorado. This request is truly a public safety issue and a failure to fund this additional position will have a direct and negative impact on the legitimacy and effectiveness of Colorado's Criminal Justice System.



Calculations for Request:

Summary of Request FY 2009-10 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	\$216,326	\$142,275	\$71,051			1.9
(Criminal Justice & Appellate) Special Prosecutions Unit	\$198,507	\$132,044	\$66,463			1.9
(Administration) ADP Capital Outlay	\$17,819	\$13,231	\$4,588			

Summary of Request FY 2010-11 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	\$203,041	\$136,578	\$66,463			2.0
(Criminal Justice & Appellate) Special Prosecutions Unit	\$203,041	\$136,578	\$66,463			2.0

Tailor fund sources as needed  
 Add other tables and references to Excel spreadsheets here as needed.  
 Show FTEs to the one decimal

Cash Funds Projections:

[Complete for any request using funding from a cash fund]

Cash Fund Name	Cash Fund Number	FY 2007-08 Expenditures	FY 2007-08 End of Year Cash Balance	FY 2008-09 End of Year Cash Balance Estimate	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate
<u>Division of Securities</u>						
<u>Cash Fund</u>						
<u>Division of Insurance</u>						
<u>Cash Fund</u>						

Assumptions for Calculations:

- That all costs for the Auditor IV position will be split 1/3 General Fund; 1/3<sup>rd</sup> cash funds from the Division of Securities cash fund and 1/3 from the Division of Insurance cash fund.
- That the personal services cost for an Auditor IV position (forensic accountant) and Criminal Investigator II will be \$176,607 including PERA and Medicare in FY10.
- That the operating/investigation cost for the Auditor IV position and Criminal Investigator II will be \$18,900 in FY10 and each year thereafter.
- That one-time costs for both positions total \$17,819 (\$13,231 GF; \$4,588 CF) for computers, software, office equipment, and investigator equipment.
- That the total cost for this request in FY10 is \$213,326 of which \$142,275 is General Fund and \$71,051 is Cash Funds split 50/50 between the Division of Securities Cash Fund and the Division of Insurance Cash Fund.

- The FY11 costs of this request is \$203,041 of which \$136,578 is General Fund and \$66,463 is CF split 50/50 between the Division of Securities Cash Fund and the Division of Insurance Cash Fund.

Impact on Other Government Agencies: [Table with other agencies' line items, dollar, fund splits. Add narrative if needed]

Cost Benefit Analysis:

- The cost of utilizing a contracted forensic accountant is \$150-\$250/hour. The cost of utilizing a contracted forensic account on a full time basis would total \$360,000 vs. \$106,576 for a State FTE. Further, the Department could pursue more complex financial crimes that it is currently able to do. Even on existing cases, the Department cannot always level all charges against the defendant due to a lack of a forensic accountant. With this position the department will be able to:
  - Pursue cases that it is currently not able to prosecute
  - Help ensure that defendants are charged with all possible financial crimes
  - Improve the quality of financial prosecution cases

Implementation Schedule:

Task	Month/Year
Internal Research/Planning Period	N/A
Written Agreement w/ Other State Agencies	N/A
FTE Hired	7/1/2009
Waiver or State Plan Amendment Written	N/A
Waiver or State Plan Amendment Approved	N/A
RFP Issued	N/A
System Modifications Made	N/A
Contract or MOU Written	N/A
Rules Written	N/A
Rules Passed	N/A
Contract or MOU Awarded/Signed	N/A
Start-Up Date	7/1/2009

Tailor this table to meet the needs of the specific Change Request; delete and add rows as applicable.

Statutory and Federal Authority: § 24-31-105 C.R.S.; C.R.S. 11-51-603.5; C.R.S. 10-1-129

Performance Measures:

**GOAL: To effectively enforce criminal securities fraud laws throughout the state of Colorado, with emphasis on complex, multi-jurisdictional cases.**

*Objective #1:* For FY '09, Investigate at least 8 major multi-jurisdictional frauds that are suited to the state-wide grand jury and proceed to indictment when appropriate.

**GOAL: To prosecute insurance fraud throughout the state of Colorado with an emphasis on complex, multi-jurisdictional cases.**

*Objective #1:* Investigate at least 4 major cases in FY'09 that are appropriate for the state-wide grand jury, proceeding to indictment when warranted.

**GOAL: To prosecute complex crimes that cross judicial district boundaries or are major investigations requiring specialized resources or knowledge not generally available to local District Attorneys.**

*Objective #1:* For FY '07, '08, and '09, investigate at least 5 major multi-jurisdictional cases each year that are suited to the state-wide grand jury and proceed to indictment when appropriate, including at least one environmental case in FY '08 and at least one mortgage fraud in FY '09.

**GOAL: To provide direction and assistance on any case wherein the local District Attorney is requesting prosecution of a Mexican national in Mexico.**

*Objective #1:* Educate local law enforcement on the resources available through this unit by presenting at least two seminars annually available to prosecutors and law enforcement professionals.

OSPB Common Policy for FTE Requests

Fiscal Year(s) of Request	FTE and Operating Costs										GRAND TOTAL		
	FY 08-09	FY 09-10	FY 10-11	FY 08-09	FY 09-10	FY 10-11	FY 08-09	FY 09-10	FY 10-11	FY 08-09	FY 09-10	FY 10-11	
<b>PERSONAL SERVICES</b>													
Title:													
Number of PERSONS / class title	1	1	1	1	1	1	0	0	0	0	0	0	
Number of months working in FY 08-09, FY 09-10 and FY 10-11	12	12	12	12	12	12	0	0	0	0	0	0	
Number months paid in FY 08-09, FY 09-10 and FY 10-11 <sup>1</sup>	11	12	12	12	12	12	0	0	0	0	0	0	
Calculated FTE per classification	0.9	1.0	1.0	1.0	1.0	1.0	0.0	0.0	0.0	1.9	2.0	2.0	
Annual base salary	\$81,000	\$81,000	\$81,000	\$84,000	\$84,000	\$84,000	\$0	\$0	\$0	\$158,250	\$165,000	\$165,000	
SALARY	\$74,250	\$81,000	\$81,000	\$84,000	\$84,000	\$84,000	\$0	\$0	\$0	\$158,250	\$165,000	\$165,000	
PERA	\$7,536	\$8,222	\$8,222	\$8,526	\$8,526	\$8,526	\$0	\$0	\$0	\$16,062	\$16,748	\$16,748	
Medicare	\$1,077	\$1,175	\$1,175	\$1,218	\$1,218	\$1,218	\$0	\$0	\$0	\$2,295	\$2,393	\$2,393	
Subtotal Personal Services at Division Level	\$82,863	\$90,397	\$90,397	\$93,744	\$93,744	\$93,744	\$0	\$0	\$0	\$176,607	\$184,141	\$184,141	
<b>OPERATING EXPENSES</b>													
Supplies @ \$500/\$500 <sup>2</sup>	\$500	\$500	\$500	\$500	\$500	\$500	\$0	\$0	\$0	\$1,000	\$1,000	\$1,000	
Computer @ \$2,489/\$0	\$2,489	\$0	\$0	\$2,489	\$0	\$0	\$0	\$0	\$0	\$4,978	\$0	\$0	
Office Suite Software @ \$395/\$0	\$395	\$0	\$0	\$395	\$0	\$0	\$0	\$0	\$0	\$790	\$0	\$0	
Office Equipment @ \$3,998/\$0 (includes cubicle and chair)	\$3,998	\$0	\$0	\$3,998	\$0	\$0	\$0	\$0	\$0	\$7,996	\$0	\$0	
Telephone Base @ \$450/\$450 <sup>2</sup>	\$450	\$450	\$450	\$450	\$450	\$450	\$0	\$0	\$0	\$900	\$900	\$900	
Investigator Equipment Costs (see attached list)	\$4,055	\$0	\$0	\$4,055	\$0	\$0	\$0	\$0	\$0	\$4,055	\$0	\$0	
Investigation Expense	\$12,000	\$12,000	\$12,000	\$5,000	\$5,000	\$5,000	\$0	\$0	\$0	\$17,000	\$17,000	\$17,000	
Other <sup>3,4</sup>										\$0	\$0	\$0	
Subtotal Operating Expenses	\$23,887	\$12,950	\$12,950	\$12,832	\$5,950	\$5,950	\$0	\$0	\$0	\$36,719	\$18,900	\$18,900	
<b>GRAND TOTAL ALL COSTS</b>	\$106,750	\$103,347	\$103,347	\$106,576	\$99,694	\$99,694	\$0	\$0	\$0	\$213,326	\$203,041	\$203,041	

1 - Initial year full salary is 11 months to account for Pay Date Shift if General Fund employee.

2 - The \$450 for Telephone Base and \$500 for Supplies will carry over each year as an acceptable expense. Items are prorated for partial FTE.

3 - Other non-routine expenses such as Fleet, Leased space, or a laptop must be separately defended and calculated. Please provide documentation to justify these requested costs. Agencies must work with DPA or the Governor's Office of IT when requesting Fleet, MNT, GCCC, or other centralized items administered by this Department.

4 - Computer contract hours should be estimated at \$100 / hour and legal fees should be \$75.10 (blended attorney and paralegal services estimate charged by Dept. of Law). Exceptions will only be given if sufficient justification is provided. Mileage reimbursement rates are outlined below:

Mileage Reimbursement (per 24-9-104)	\$7,534
2-wheel drive (90% of IRS rate (set at \$0.505 in 2008))	\$0.45
4-wheel drive (95% of IRS rate (set at \$0.505 in 2008))	\$0.48
Nautilcal mileage	\$0.40

# **Consolidation of Colorado River/Federal & Interstate Units**







Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10		Base Reduction Item FY 2009-10		Supplemental FY 2008-09		Budget Amendment FY 2009-10				
Request Title:		Combining Colo River Unit w/Federal & Interstate Unit								
Department:		Law								
Priority Number:		DI - 3								
		Dept. Approval by:		Date:		11/1/2008				
		OSPB Approval:		Date:		N/A				
		N/A								
Fund	1	2	3	4	5	6	7	8	9	Change from Base (Column 5) FY 2010-11
	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	
Total of All Line Items	891,258	1,050,555	0	1,050,555	1,087,218	(162,017)	925,201	0	925,201	(162,017)
FTE	8.4	9.5	0.0	9.5	9.5	0.0	9.5	0.0	9.5	0.0
GF	515,142	505,555	0	505,555	542,218	382,983	925,201	0	925,201	382,983
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	545,000	0	545,000	545,000	(545,000)	0	0	0	(545,000)
CFE/RF	376,116	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0
(Water & Natural Resources) Federal and Interstate Water Unit	515,142	505,555	0	505,555	526,872	398,329	925,201	0	925,201	398,329
FTE	4.6	5.5	0.0	5.5	5.5	4.0	9.5	0.0	9.5	4.0
GF	515,142	505,555	0	505,555	526,872	398,329	925,201	0	925,201	398,329
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	0	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0
(Water & Natural Resources) Defense of the Colorado River Compact	376,116	545,000	0	545,000	560,346	(560,346)	0	0	0	(560,346)
FTE	3.8	4.0	0.0	4.0	4.0	(4.0)	0.0	0.0	0.0	(4.0)
GF	0	0	0	0	15,346	(15,346)	0	0	0	(15,346)
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	545,000	0	545,000	545,000	(545,000)	0	0	0	(545,000)
CFE/RF	376,116	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0

Non-Line Item Request: N/A  
 Letternote Revised Text: N/A  
 Cash or Federal Fund Name and COFRS Fund Number: N/A  
 Reappropriated Funds Source, by Department and Line Item Name:  
 Approval by OIT? Yes:  No:  N/A:   
 Schedule 13s from Affected Departments: N/A:



**CHANGE REQUEST for FY 2009-10 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	DI-3
Change Request Title:	Refinancing & combining Federal & Interstate Water with the Colo River Unit

**SELECT ONE (click on box):**

- Decision Item FY 2009-10
- Base Reduction Item FY 2009-10
- Supplemental Request FY 2008-09
- Budget Request Amendment FY 2009-10

**SELECT ONE (click on box):**

Supplemental or Budget Request Amendment Criterion:

- Not a Supplemental or Budget Request Amendment
- An emergency
- A technical error which has a substantial effect on the operation of the program
- New data resulting in substantial changes in funding needs
- Unforeseen contingency such as a significant workload change

Short Summary of Request:

The Department of Law has determined that it is in the best interest of the State of Colorado and its water users that the Colorado River Subunit, currently funded from the Colorado Water Conservation Board Litigation Fund, be incorporated into the Federal and Interstate Water Unit of the Natural Resources and Environment Section and entirely funding the unit with General Fund.

Background and Appropriation History:

Colorado is aptly termed the "headwaters state." The State of Colorado is the source for six major interstate river systems: the Colorado River and its various tributaries, the Rio Grande, the Arkansas River, the South Platte, the Republican River and the North Platte. Colorado is also a downstream state on Costilla Creek, a tributary of the Rio Grande, and Pot Creek, a tributary of the Green, and therefore Colorado River. Because of Colorado's unique position, it is a signatory to nine interstate compacts, two Supreme Court decrees allocating interstate streams and one memorandum of understanding. Each of these equitable apportionments of interstate waters has its own unique terms, history, policies

and judicial interpretation. In addition, the federal government has filed numerous claims for federal reserved rights on federal lands, as well as claiming numerous water rights on behalf of federal agencies within Colorado's allocation system.

Currently, the Federal and Interstate Water Unit (FIWU) and the Colorado River Subunit are appropriated separately, the FIWU line is General Fund while the Colorado River Sub-unit is cash funded from the Colorado Water Conservation Board Litigation Fund.

The Federal and Interstate Water Unit specializes in water matters that involve Colorado's compacts or interstate decrees, defending Colorado's interests against claims for water rights made by the federal government and its agencies and representing Colorado in associated water matters involving other states or the federal government such as interstate endangered species issues. This is a specialized area within the general arena of water rights and requires attorneys knowledgeable in the laws, history and policies involved in disputes with other states and the federal government. The FIWU currently has 4.5 FTE attorneys and 1.0 FTE paralegal. In recent years the FIWU was expanded by 0.5 FTE in order to begin assuming duties regarding the Arkansas River Compact from outside counsel and in response to increasing pressure on our interstate streams.

The Colorado River Subunit was created in FY06 in response to potential litigation over the Colorado River Compact and/or the Upper Basin Compact and was created for the specific purpose of preparing the State of Colorado for, and representing the State of Colorado in, existing and potential litigation over issues pertaining to the Colorado River and the Colorado River Compact. The Subunit's primary tasks include researching issues relevant to potential litigation, preparing a litigation database of the voluminous documents that could prove relevant to such litigation, and assisting the State Engineer in preparing rules or other actions for any in-state curtailment of water rights resulting from a Colorado River Compact call. The Subunit's research and database preparation duties have contributed to the State of Colorado's ongoing negotiations with the other Colorado River basin states that are signatories to the Colorado River Compact.

Since the Subunit's creation, there has been an increase in activity related to the Colorado River and the two compacts. These include the seven states agreement to address the management of the Colorado River between the upper and the lower basins, various federal court actions filed by environmental groups challenging the management of the Colorado River, analysis and negotiations related to new statutes and projects within the basin and various environmental analyses. The Subunit has also provided assistance to the FIWU where Colorado River issues intersect with intrastate issues such as the completion of the Animas-La Plata Project or the claim of a federal reserved water right for the Black Canyon of the Gunnison. It appears that such intersection between the Colorado River Subunit and the FIWU will continue to increase.

Specialized knowledge of the type developed by the Subunit is especially important in relation to the Colorado River Compact. Water from the Colorado River and its tributaries constitutes more the 75% of the total water supply of the entire state of Colorado. In addition to considerable west slope uses, Colorado River water is diverted to the South Platte, Arkansas and Rio Grande basins for municipal and irrigation supplies. Any reduction in Colorado's uses from the Colorado River would therefore have severe negative impacts throughout the State.

Due to the number of states involved in the Colorado River compact, it's various uses and the long history of the Compact, the body of law that governs the Compact, the "Law of the River," is the most complex of all of Colorado's compacts and decrees. It includes the compacts themselves, a vast quantity of federal legislation, various federal agency rules and policies and a long history of case law.

As water supplies tighten and downstream states fully develop their water sources, we anticipate continued threats of litigation as those downstream states look to the source of water, the State of Colorado, for additional water supplies. Combined with continued environmental pressures due to the full allocation of water supplies, Colorado must remain ever vigilant and prepared to defend its rights to interstate streams and protect Colorado water users. In order to accomplish this goal and meet pressing legal and policy

issues as they continue to arise, funding of a specialized Federal and Interstate Water Unit is necessary and appropriate to assure that Colorado has the necessary skilled persons.

General Description of Request:

The Colorado River Subunit will be merged into the Federal and Interstate Water Unit appropriation. This will allow the Department of Law to continue to provide necessary and timely assistance on matters involving interstate compacts or decrees and claims to Colorado water made by the federal government while allowing increased flexibility of assignments within the combined unit that will result in more efficient delivery of legal services.

When the Defense of the Colorado River appropriation was approved in FY06, the write up stated that this line would be funded with General Fund in FY08. The Water Conservation Board Litigation Cash Fund dollars were intended to get this unit started quickly but the long term plan was to fund this appropriation with General Fund. Through careful expenditure management, the Department of Law was able to fund this line from the cash fund through FY09.

Consequences if Not Funded:

The Department of Law will have to contract with private counsel to represent the State in its sovereign and proprietary capacity to defend its right to fully develop its allocation to interstate streams and to defend against claims to Colorado waters made by the federal government. This will be a significantly more expensive option than having an in-house Federal and Interstate Unit of 9.5 FTE.

Funding this request will benefit the State of Colorado in its sovereign capacity as well as benefitting the state agencies responsible for water allocation and policy. Providing experienced attorneys and staff, as well as the continued document collection and organization, will allow the State of Colorado and its agencies to better defend against claims to the State's waters by downstream states and the federal government.

Calculations for Request:

Summary of Request FY 2009-10 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	(\$162,017)	\$382,983	(\$545,000)			0.0
Federal & Interstate Line Item	\$398,329	\$398,329				4.0
Defense of the Colorado River Compact	(\$560,346)	(\$15,000)	(\$545,000)			(4.0)

Summary of Request FY 2010-11 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	(\$162,017)	\$382,983	(\$545,000)			0.0
Federal & Interstate Line Item	\$398,329	\$398,329				4.0
Defense of the Colorado River Compact	(\$560,346)	(\$15,000)	(\$545,000)			(4.0)

Tailor fund sources as needed

Add other tables and references to Excel spreadsheets here as needed.

Show FTEs to the one decimal

Cash Funds Projections:

N/A

Cash Fund Name	Cash Fund Number	FY 2007-08 Expenditures	FY 2007-08 End of Year Cash Balance	FY 2008-09 End of Year Cash Balance Estimate	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate

Assumptions for Calculations:

That the FY10 request for the Federal and Interstate Line item appropriation is \$526,872 General Fund and 5.5 FTE.

That the FY10 request for the Defense of the Colorado River Compact line item appropriation is \$15,346 General Fund and \$545,000 Cash Funds and 4.0 FTE.

That this Change Request seeks to combine the units into a single Federal and Interstate Water Unit line appropriation of \$925,201 and 9.5 FTE all General Fund.

Impact on Other Government Agencies:

If this request is approved, then no other agency will be affected by this request.

Cost Benefit Analysis:

Assuming that the 7.5 FTE attorneys and 2.0 FTE paralegals will have to be replaced by private counsel and assuming a conservative \$200/hr for attorney time and \$100/hr paralegal time, to replace the time necessarily spent by the Federal and Interstate Unit and the Colorado River Subunit would require an expenditure of approximately \$3,060,000 per year vs. \$925,201 for a combined Federal and Interstate Unit.



Implementation Schedule:

Task	Month/Year
Internal Research/Planning Period	N/A
Written Agreement w/ Other State Agencies	N/A
FTE Hired	N/A
Waiver or State Plan Amendment Written	N/A
Waiver or State Plan Amendment Approved	N/A
RFP Issued	N/A
System Modifications Made	N/A
Contract or MOU Written	N/A
Rules Written	N/A
Rules Passed	N/A
Contract or MOU Awarded/Signed	N/A
Start-Up Date	7/1/2009

Tailor this table to meet the needs of the specific Change Request; delete and add rows as applicable.

Statutory and Federal Authority:

24-31-101 C.R.S.

Performance Measures:

This program provides legal counsel to the people of the State of Colorado in matters involving: (1) federal water right claims and regulatory programs that may adversely affect State water rights and (2) interstate water allocations. The program goal is to defend Colorado's water rights from down state users. The appropriation provides the legal resources to defend those rights.



# **New Assistant Solicitor General Position**





Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10  Base Reduction Item FY 2009-10  Supplemental FY 2008-09  Budget Amendment FY 2009-10

Request Title: Assistant Solicitor Position in OAG  
 Department: Law  
 Priority Number: DI - 4

Date: 11/1/2008  
 Date: N/A

Dept. Approval by: N/A  
 OSPB Approval: N/A

	1	2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
<b>Total of All Line Items</b>	Total FTE 3,158,909 GF 38.2 GFE 332,107 CF 5,000 CFE/RF 2,821,802 FF 0	3,002,990 41.2 6,881 0 2,996,109 0	0 0.0 0 0 0 0	3,002,990 41.2 6,881 0 2,996,109 0	3,120,290 41.2 0 0 3,120,290 0	93,353 1.0 6,882 0 86,471 0	3,213,643 42.2 6,882 0 3,206,761 0	0 0.0 0 0 0 0	3,213,643 42.2 6,882 0 3,206,761 0	86,471 1.0 0 0 86,471 0
<b>(Administration), Personal Services</b>	Total FTE 2,819,932 GF 38.2 GFE 238,144 CF 5,000 CFE/RF 2,576,788 FF 0	2,795,309 41.2 0 0 2,795,309 0	0 0.0 0 0 0 0	2,795,309 41.2 0 0 2,795,309 0	2,927,747 41.2 0 0 2,927,747 0	85,521 1.0 0 0 85,521 0	3,013,268 42.2 0 0 3,013,268 0	0 0.0 0 0 0 0	3,013,268 42.2 0 0 3,013,268 0	85,521 1.0 0 0 85,521 0
<b>(Administration), Operating Expense</b>	Total FTE 338,977 GF 0.0 GFE 93,963 CF 0 CFE/RF 245,014 FF 0	192,543 0.0 0 0 192,543 0	0 0.0 0 0 0 0	192,543 0.0 0 0 192,543 0	192,543 0.0 0 0 192,543 0	950 0.0 0 0 950 0	193,493 0.0 0 0 193,493 0	0 0.0 0 0 0 0	193,493 0.0 0 0 193,493 0	950 0.0 0 0 950 0
<b>(Administration), ADP Capital Outlay</b>	Total FTE 15,138 GF 0.0 GFE 6,881 CF 0 CFE/RF 8,257 FF 0	15,138 0.0 6,881 0 8,257 0	0 0.0 0 0 0 0	15,138 0.0 6,881 0 8,257 0	0 0.0 0 0 0 0	6,882 0.0 6,882 0 0 0	6,882 0.0 6,882 0 0 0	0 0.0 0 0 0 0	6,882 0.0 6,882 0 0 0	0 0.0 0 0 0 0

Non-Line Item Request:  
 Letternote Revised Text:  
 Cash or Federal Fund Name and COFRS Fund Number:  
 Reappropriated Funds Source, by Department and Line Item Name:  
 Approval by OIT? Yes:  No:  N/A:   
 Schedule 13s from Affected Departments: N/A: N/A



**CHANGE REQUEST for FY 2009-10 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	DI-4
Change Request Title:	New Assistant Solicitor General FTE

**SELECT ONE (click on box):**

- Decision Item FY 2009-10
- Base Reduction Item FY 2009-10
- Supplemental Request FY 2008-09
- Budget Request Amendment FY 2009-10

**SELECT ONE (click on box):**

Supplemental or Budget Request Amendment Criterion:

- Not a Supplemental or Budget Request Amendment
- An emergency
- A technical error which has a substantial effect on the operation of the program
- New data resulting in substantial changes in funding needs
- Unforeseen contingency such as a significant workload change

Short Summary of Request:

Request is for an assistant solicitor general FTE in the Office of the Attorney General.

Background and Appropriation History:

The Office of the Attorney General (OAG) oversees the entire operations of the Department of Law, but currently consists only of four attorneys, including the Attorney General, plus two support staff. The Solicitor General is charged with supervising all state and federal litigation the state undertakes, reviewing each brief filed by the state in appellate courts, providing a legal opinion for the Attorney General on all rules and regulations enacted by state agencies, advising the Attorney General on local and national legal issues, reviewing requests from state agencies for special assistant attorney general designations, testifying in appropriate circumstances before the legislature, representing the office before civic groups, coordinating the approach to legal issues taken by different units in the Department. The Solicitor General also personally serves as lead counsel in many of the most important cases in which the state participates, particularly on appeal.

The growth of the office and the issues it confronts means that the solicitor general (and others in the OAG) is stretched thin. Working on all of these issues makes it difficult to

give any one in particular the in-depth attention it may call for at a given time. The state's legal representation suffers as a result.

General Description of Request:

The assistant is meant to serve a glaring hole in the structure of the OAG – the lack of a junior member. Currently, there are four attorneys: the Attorney General himself, the Chief Deputy, the Solicitor General, and a Deputy Attorney General. There are two administrative assistants, but no-one to provide junior-level legal help. The assistant would serve mainly to review incoming matters to determine which require the attention of the Solicitor General or other members of the senior staff. The assistant would also help with research, drafting and editing briefs, and coordinating office-wide legal analysis and office policies.

This would free the Solicitor General and others in the OAG to spend more time in particular on a recurring difficulty caused by the assignment of most attorneys in the office to specific client agencies. The problem is that legal issues that have important impact across many state agencies often either are under-analyzed (because no single agency wishes to pay for their attorneys to extensively work on them) or are treated inconsistently, or both.

There are historically legal issues that cross department boundaries and have impacts on a statewide basis or to statewide groups (such as the public institutions of higher education). Examples of such issues are: the Open Meetings Act and Open Records Act, which apply equally to all state agencies (with minor variations based on specific agency statutory authority); Amendment 41, which limits receipt of gifts by state officials; HB1023, which requires verification of lawful presence in the United States for anyone applying for a state benefit; and the Governor's Executive Order on Employee Partnerships, which addresses the issue of representation of state employees by organized labor. Each of these statutes or constitutional amendments are very broad and apply, in one fashion or another, to virtually every state agency, department, or entity. When they were enacted or as they are amended, each requires extensive legal work to determine the impact (if any) on the state entity and what modifications must be made in response to the new law or amendment. Many of the basic questions arising from these laws or



amendments are the same, regardless of what part of the state is involved. For example, when Amendment 41 was enacted, the agencies needed to determine how it impacted contracts that they were negotiating with third parties. These questions arose for every contract, regardless of the subject matter. Another example is in connection with the Governor's Executive Order on Employee Partnerships, which required agencies to determine how the order applied to them and how it would be implemented. In the past, agencies have sought advice from their individual attorneys on these types of questions. This request for a assistant solicitor would enable these issues to be examined from a statewide prospective as opposed to a client specific prospective thus creating some efficiencies.

Consequences if Not Funded:

The solicitor general and others in the OAG will be forced to spend more time on routine matters that ought properly to be handled at a more junior level, or at least ought to be reviewed initially at a more junior level. The Solicitor General may not be able to spend much time serving as lead counsel, or providing intense assistance to others in the office, in important cases. This is far from an optimal allocation of the state's resources. A junior-level attorney in the OAG would free up resources for far more productive use.

Calculations for Request:

Summary of Request FY 2009-10 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	\$93,353	\$6,882		\$86,471		1.0
(Administration) Personal Services	\$85,521			\$85,521		1.0
(Administration) Operating	\$950			\$950		
(Administration) ADP Capital Outlay	\$6,882	\$6,882				

Summary of Request FY 2010-11 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	\$86,521			\$86,471		1.0
(Administration) Personal Services	\$85,521			\$85,521		1.0
(Administration) Operating	\$950			\$950		

**Tailor fund sources as needed**  
**Add other tables and references to Excel spreadsheets here as needed.**  
**Show FTEs to the one decimal**

Cash Funds Projections:

N/A

Cash Fund Name	Cash Fund Number	FY 2007-08 Expenditures	FY 2007-08 End of Year Cash Balance	FY 2008-09 End of Year Cash Balance Estimate	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate

Assumptions for Calculations:

That a mid-level Assistant Attorney General will cost \$85,521 R/A funds including PERA and Medicare.

That operating expenses are \$950/year R/A in FY10 and each year beyond.

That the source of Re-appropriated funds is indirect cost recoveries.

That the one time ADP capital outlay for computers, software and office equipment is \$6,882 General Fund.

Impact on Other Government Agencies:

N/A

Cost Benefit Analysis:

An Assistant Solicitor General would assist the Solicitor in legal matters of statewide importance. The Department of Law has grown significantly in the last 18 years. In FY90 there were 259.1 appropriated FTE in the Department of Law including one State Solicitor. For FY09 there were 389.6 FTE and still only one Solicitor. The number and complexity of legal issues has increased significantly over this time period. It is

unrealistic to expect a single FTE to continue to perform all the duties of the Solicitor without junior legal help.

Implementation Schedule:

Task	Month/Year
Internal Research/Planning Period	N/A
Written Agreement w/ Other State Agencies	N/A
FTE Hired	7/1/2009
Waiver or State Plan Amendment Written	N/A
Waiver or State Plan Amendment Approved	N/A
RFP Issued	N/A
System Modifications Made	N/A
Contract or MOU Written	N/A
Rules Written	N/A
Rules Passed	N/A
Contract or MOU Awarded/Signed	N/A
Start-Up Date	7/1/2009

Tailor this table to meet the needs of the specific Change Request; delete and add rows as applicable.

Statutory and Federal Authority:

§ 24-31-203 C.R.S.

Performance Measures:

The new assistant solicitor will record their time in the Department's timekeeping system. This will enable the Department to evaluate the effectiveness of the position as the Department continues to grapple with complex legal issues that have a statewide impact.

**OSPB Common Policy for FTE Requests**

Fiscal Year(s) of Request	FTE and Operating Costs											GRAND TOTAL			
	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12
<b>PERSONAL SERVICES</b>															
Number of PERSONS / class title	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Number of months working in FY 08-09, FY 09-10 and FY 10-11	12	12	12	0	0	0	0	0	0	0	0	0	0	0	0
Number months paid in FY 08-09, FY 09-10 and FY 10-11 <sup>1</sup>	12	12	12	0	0	0	0	0	0	0	0	0	0	0	0
Calculated FTE per classification	1.0	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Annual base salary	\$76,632	\$76,632	\$76,632	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PERA	\$7,778	\$7,778	\$7,778	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Medicare	\$1,111	\$1,111	\$1,111	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Subtotal Personal Services at Division Level</b>	<b>\$85,521</b>	<b>\$85,521</b>	<b>\$85,521</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>OPERATING EXPENSES</b>															
Supplies @ \$500/\$500 <sup>2</sup>	\$500	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Computer @ \$2,489/\$0	\$2,489	\$2,489	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Office Suite Software @ \$395/\$0	\$395	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Office Equipment @ \$3,998/\$0 (includes cubicle and chair)	\$3,998	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Telephone Base @ \$450/\$450 <sup>2</sup>	\$450	\$450	\$450	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other <sup>3,4</sup>															
Other <sup>3,4</sup>															
Other <sup>3,4</sup>															
<b>Subtotal Operating Expenses</b>	<b>\$7,832</b>	<b>\$950</b>	<b>\$950</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>GRAND TOTAL ALL COSTS</b>	<b>\$93,353</b>	<b>\$86,471</b>	<b>\$86,471</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

1 - Initial year full salary is 11 months to account for Pay Date Shift if General Fund employee.

2 - The \$450 for Telephone Base and \$500 for Supplies will carry over each year as an acceptable expense. Items are prorated for partial FTE.

3 - Other non-routine expenses such as Fleet, Leased space, or a laptop must be separately defended and calculated. Please provide documentation to justify these requested costs. Agencies must work with DPA or the Governor's Office of IT when requesting Fleet, MNT, GGCC, or other centralized items administered by this Department.

4 - Computer contract hours should be estimated at \$100 /hour and legal fees should be \$75.10 (blended attorney and paralegal services estimate charged by Dept. of Law). Exceptions will only be given if sufficient justification is provided. Mileage reimbursement rates are outlined below:

Mileage Reimbursement (per 24-9-104)	
2-wheel drive (90% of IRS rate (set at \$0.505 in 2008))	\$0.45
4-wheel drive (95% of IRS rate (set at \$0.505 in 2008))	\$0.48
nautical mileage	\$0.40

FTE Calcs - Mandatory if FTE



# Legal Assistant Position







Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10		<input checked="" type="checkbox"/> Base Reduction Item FY 2009-10	<input type="checkbox"/> Supplemental FY 2008-09	<input type="checkbox"/> Budget Amendment FY 2009-10	Date: 11/1/2008					
Request Title:		Legal Assistant FTE for Consumer Protection Unit						Date: N/A		
Department:		Law						Date: N/A		
Priority Number:		DI - 5						Date: N/A		
Dept. Approval by:		N/A						Date: N/A		
OSPB Approval:		N/A						Date: N/A		
Fund	1	2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
Total of All Line Items	1,721,339	1,783,873	0	1,783,873	1,838,480	58,004	1,896,484	0	1,896,484	55,683
FTE	18.0	20.0	0.0	20.0	20.0	1.0	21.0	0.0	21.0	1.0
GF	965,065	881,354	0	881,354	916,762	58,004	974,766	0	974,766	55,683
GFE	0	0	0	0	0	0	0	0	0	0
CF	79,988	651,557	0	651,557	674,888	0	674,888	0	674,888	0
CFE/RF	676,286	250,962	0	250,962	246,830	0	246,830	0	246,830	0
FF	0	0	0	0	0	0	0	0	0	0
(Consumer Protection )	1,721,339	1,768,735	0	1,768,735	1,838,480	51,122	1,889,602	0	1,889,602	55,683
Consumer Protection	18.0	20.0	0.0	20.0	20.0	1.0	21.0	0.0	21.0	1.0
and Anti-Trust	965,065	874,473	0	874,473	916,762	51,122	967,884	0	967,884	55,683
GFE	0	0	0	0	0	0	0	0	0	0
CF	79,988	651,557	0	651,557	674,888	0	674,888	0	674,888	0
CFE/RF	676,286	242,705	0	242,705	246,830	0	246,830	0	246,830	0
FF	0	0	0	0	0	0	0	0	0	0
(Administration), ADP	0	15,138	0	15,138	0	6,882	6,882	0	6,882	0
Capital Outlay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GFE	0	6,881	0	6,881	0	6,882	6,882	0	6,882	0
CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	0	8,257	0	8,257	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0

Non-Line Item Request: None  
 Letternote Revised Text: None  
 Cash or Federal Fund Name and COFRS Fund Number:  
 Reappropriated Funds Source, by Department and Line Item Name:  
 Approval by OIT? Yes:  No:  N/A:   
 Schedule 13s from Affected Departments:

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5

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**CHANGE REQUEST for FY 2009-10 BUDGET REQUEST CYCLE**

Department:	Law – Antitrust, Tobacco, and Consumer Protection Unit
Priority Number:	DI-5
Change Request Title:	Legal Assistant II to support critical enforcement goals in Consumer Protec

**SELECT ONE (click on box):**

- Decision Item FY 2009-10
- Base Reduction Item FY 2009-10
- Supplemental Request FY 2008-09
- Budget Request Amendment FY 2009-10

**SELECT ONE (click on box):**

- Supplemental or Budget Request Amendment Criterion:
- Not a Supplemental or Budget Request Amendment
  - An emergency
  - A technical error which has a substantial effect on the operation of the program
  - New data resulting in substantial changes in funding needs
  - Unforeseen contingency such as a significant workload change

Short Summary of Request:

The Department of Law is requesting the addition of a Legal Assistant II in the Consumer Protection Unit, to assist attorneys and investigators with a dramatically increasing number of new investigations and prosecutions. This request for a new Legal Assistant II will be paid out of general funds, although, their may be some tasks that support mortgage fraud investigations and prosecutions. However at this time the amount of that effort is unknown and therefore this request is all from the General Fund.

Background and Appropriation History:

As a result of legislation passed in 2007 (HB 07-1322, SB 07-203, and SB 07-216) our Office was given greatly expanded authority over mortgage lending and mortgage brokering issues. We were given authority to hire a new AAG I and two investigators to work on mortgage fraud issues. Prior to these hires, all consumer fraud work was handled by 16 FTE in what was formerly known as the Business Regulation Unit. Of those 16 FTE only one was a “general purpose” Legal Assistant providing litigation support for the entire Unit, with a resulting a ratio of legal assistants-to-attorneys of 1:8. The other Legal Assistant in the Unit is dedicated primarily to No-Call List Act enforcement (in fact, his FTE is paid for out of No-Call registration fees). With the

addition of the three new FTE for mortgage fraud enforcement, the decision was made to divide BRU into two separate work Units. The Consumer Fraud Unit handles general violations of the Consumer Protection Act and was assigned the only general purpose Legal Assistant from the previous BRU. The rest of the FTE were assigned to the new Antitrust, Tobacco, and Consumer Protection Unit to handle antitrust cases, tobacco Master Settlement Agreement enforcement, No-Call List Act enforcement, and mortgage fraud cases. This Unit has 5 attorneys and 3 investigators but no Legal Assistant to support its activities.

General Description of Request:

Two separate consumer protection Units currently share the services of a single general purpose Legal Assistant to support 9 attorneys and 4 investigators (a ratio of 1:13) handling an ever-increasing and complex case load. Some time is "borrowed" from the no-Call List Act Legal Assistant, but that is insufficient for the Units' expanding needs. There is simply insufficient Legal Assistant time available to support all of the investigations and prosecutions in both Units. Currently, between both Units for whom our Legal Assistant does work, there are 6 cases in active litigation and more than 50 active investigations, a number of which are being prepared for filing as lawsuits. This is substantially more assistance than a single Legal Assistant can effectively and efficiently provide. Especially with investigations that become lawsuits, having consistent Legal Assistant support throughout the life of a case greatly benefits both the investigators and attorneys working on those cases. The addition of a new Legal Assistant will result in a much more efficient legal assistant-to-attorney ratio in both Units of 1:4 and 1:5, respectively.

Consequences if Not Funded:

As a result of the lack of general purpose Legal Assistant time, our attorneys and investigators must increasingly handle routine litigation tasks themselves, including document management, filing, and basic legal research. Those demands on their time will only increase as the Units continue to handle more, and increasingly complex, cases. For every hour spent by an attorney working on document management or filing, an hour that could be used more efficiently to prosecute a perpetrator of consumer or mortgage fraud is lost. Legal Assistants are an incredibly valuable part of every litigation team, freeing up attorneys to handle more complex matters. With only a single Legal Assistant,

most new cases filed by the Units will not have the services of any legal assistant services. That means attorneys will be able to handle fewer cases overall to the detriment of the Office's consumer protection mission. Decisions will have to be made to forego or delay certain litigation until legal assistant resources become available.

Calculations for Request:

Summary of Request FY 2009-10 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	\$58,004	\$58,004				1.0
Consumer Protection	\$51,122	\$51,122				1.0
Administration - ADP	\$6,882	\$6,882				

Summary of Request FY 2010-11 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	\$55,683	\$55,683				1.0
Consumer Protection	\$55,683	\$55,683				1.0

Tailor fund sources as needed  
 Add other tables and references to Excel spreadsheets here as needed.  
 Show FTEs to the one decimal

Cash Funds Projections:

N/A

Cash Fund Name	Cash Fund Number	FY 2007-08 Expenditures	FY 2007-08 End of Year Cash Balance	FY 2008-09 End of Year Cash Balance Estimate	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate

Assumptions for Calculations:

That a Legal Assistant II will cost \$50,172 in FY10 including PERA and Medicare General Fun (11 months only of expense for General Fund). This will annualize to \$54,733 in FY11.

That operating expenses will be \$950 General Fund in FY10 and each year thereafter.

That one-time ADP capital outlay expenses will be \$6,882 General Fund in FY10.

Impact on Other Government Agencies:

N/A

Cost Benefit Analysis:

The Department estimates that attorneys in the Consumer Protection Unit each spend between three and six hours every week handling tasks that could be performed by a new legal assistant. With nine lawyers, conservatively we estimate at least 40 hours a week in paralegal work being performed by our attorneys. Efficiencies could clearly be realized by adding a legal assistant to assist to perform the "legal assistant" duties. This would free attorneys to pursue legal matters that require an attorney.

Implementation Schedule:

Task	Month/Year
Internal Research/Planning Period	N/A
Written Agreement w/ Other State Agencies	N/A
FTE Hired	N/A
Waiver or State Plan Amendment Written	N/A
Waiver or State Plan Amendment Approved	N/A
RFP Issued	N/A
System Modifications Made	N/A
Contract or MOU Written	N/A
Rules Written	N/A
Rules Passed	N/A
Contract or MOU Awarded/Signed	N/A
Start-Up Date	7/1/2009

Tailor this table to meet the needs of the specific Change Request; delete and add rows as applicable.

Statutory and Federal Authority:

Colorado Antitrust Act of 1992, §§ 6-4-101 to 122, C.R.S. (2008); Federal Sherman and Clayton Acts, 15 U.S.C. §§ 1 through 26 (2007); Colorado Unfair Practices Act, §§ 6-2-101 to 117, C.R.S. (2008); Colorado Consumer Protection Act, §§ 6-1-101 to 1115, C.R.S. (2008); Charitable Solicitations Act; §§ 6-16-101 to 113 (2008); Motor Vehicle Repair Act, §§ 42-9-101 to 113, C.R.S. (2008); Unsolicited Goods Act, §§ 6-6-101 to 103, C.R.S. (2008).

Performance Measures:

Through the use of timekeeping, the Department will track legal assistance.

OSP Common Policy for FTE Requests

Fiscal Year(s) of Request	FTE and Operating Costs												GRAND TOTAL				
	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12	FY 09-10	FY 10-11	FY 11-12	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 08-09	FY 09-10	FY 10-11	FY 11-12
<b>PERSONAL SERVICES</b>																	
Number of PERSONS / Legal Assistant II	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Number of months working in FY 08-09, FY 09-10 and FY 10-11	12	12	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Number months paid in FY 08-09, FY 09-10 and FY 10-11	11	12	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Calculated FTE per classification	0.9	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.9	1.0	1.0	
Annual base salary	\$49,044	\$49,044	\$49,044	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$44,957	\$49,044	\$49,044	
PERA	\$4,563	\$4,978	\$4,978	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,563	\$4,978	\$4,978	
Medicare	\$652	\$711	\$711	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$652	\$711	\$711	
Subtotal Personal Services at Division Level	\$50,172	\$54,733	\$54,733	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$50,172	\$54,733	\$54,733	
<b>OPERATING EXPENSES</b>																	
Supplies @ \$500/\$500 <sup>2</sup>	\$500	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$500	\$500	\$500	
Computer @ \$2,489/\$0	\$2,489	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,489	\$0	\$0	
Office Suite Software @ \$395/\$0	\$395	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$395	\$0	\$0	
Office Equipment @ \$3,998/\$0 (includes cubicle and chair)	\$3,998	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,998	\$0	\$0	
Telephone Base @ \$450/\$450 <sup>2</sup>	\$450	\$450	\$450	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$450	\$450	\$450	
Other <sup>3,4</sup>														\$0	\$0	\$0	
Other <sup>3,4</sup>														\$0	\$0	\$0	
Other <sup>3,4</sup>														\$0	\$0	\$0	
Subtotal Operating Expenses	\$7,832	\$950	\$950	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,832	\$950	\$950	
<b>GRAND TOTAL ALL COSTS</b>	\$58,004	\$55,683	\$55,683	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$58,004	\$55,683	\$55,683	

- 1 - Initial year full salary is 11 months to account for Pay Date Shift if General Fund employee.
- 2 - The \$450 for Telephone Base and \$500 for Supplies will carry over each year as an acceptable expense. Items are prorated for partial FTE.
- 3 - Other non-routine expenses such as Fleet, Leased space, or a laptop must be separately defended and calculated. Please provide documentation to justify these requested costs. Agencies must work with DPA or the Governor's Office of IT when requesting Fleet, MNT, GGCC, or other centralized items administered by this Department.
- 4 - Computer contract hours should be estimated at \$100 / hour and legal fees should be \$75.10 (blended attorney and paralegal services estimate charged by Dept. of Law). Exceptions will only be given if sufficient justification is provided. Mileage reimbursement rates are outlined below:

Mileage Reimbursement (per 24-9-104)	\$0.45
2-wheeled drive (90% of IRS rate (set at \$0.505 in 2008))	\$0.48
4-wheeled drive (95% of IRS rate (set at \$0.505 in 2008))	\$0.40



# **Natural Resources Damages @ Rocky Mt. Arsenal**





Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10		Base Reduction Item FY 2009-10		Supplemental FY 2008-09		Budget Amendment FY 2009-10					
Request Title:		Reduction to RMA appropriation									
Department:		Law									
Priority Number:		BRI - 1									
		Dept. Approval by:		Date:		11/01/2008					
		OSP Approval:		Date:		N/A					
		1	2	3	4	5	6	7	8	9	10
	Fund	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
Total of All Line Items	Total	928,307	1,212,924	0	1,212,924	1,212,924	(1,017,924)	195,000	0	195,000	(1,017,924)
	FTE	0.0	2.4	0.0	2.4	0.0	(2.4)	(2.4)	0.0	(2.4)	(2.4)
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	774,203	1,212,924	0	1,212,924	1,212,924	(1,017,924)	195,000	0	195,000	(1,017,924)
	CFE/RF	154,104	0	0	0	0	0	0	0	0	0
	FF	0	0	0	0	0	0	0	0	0	0
(Water & Natural Resources), Natural Resource Damage Claim at Rocky Mountain Arsenal	Total	928,307	1,212,924	0	1,212,924	1,212,924	(1,017,924)	195,000	0	195,000	(1,017,924)
	FTE	0.0	2.4	0.0	2.4	0.0	(2.4)	(2.4)	0.0	(2.4)	(2.4)
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	774,203	1,212,924	0	1,212,924	1,212,924	(1,017,924)	195,000	0	195,000	(1,017,924)
	CFE/RF	154,104	0	0	0	0	0	0	0	0	0
	FF	0	0	0	0	0	0	0	0	0	0

Non-Line Item Request: N/A  
 Letternote Revised Text: N/A  
 Cash or Federal Fund Name and COFRS Fund Number: Hazardous Substance Response Fund 25-16-104.6 (1)(a), C.R.S.  
 Reappropriated Funds Source, by Department and Line Item Name: Transfer from Department of Public Health and Environment, Hazardous Substance Response Fund 25-16-104.6 (1)(a), C.R.S.  
 Approval by OIT? Yes:  No:  N/A: N/A  
 Schedule 13s from Affected Departments: N/A



**CHANGE REQUEST for FY 2009-10 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	BRI - 1
Change Request Title:	Reduction in the Rocky Mountain Arsenal Natural Resource Damage Claims

**SELECT ONE (click on box):**

- Decision Item FY 2009-10
- Base Reduction Item FY 2009-10
- Supplemental Request FY 2008-09
- Budget Request Amendment FY 2009-10

**SELECT ONE (click on box):**

Supplemental or Budget Request Amendment Criterion:

- Not a Supplemental or Budget Request Amendment
- An emergency
- A technical error which has a substantial effect on the operation of the program
- New data resulting in substantial changes in funding needs
- Unforeseen contingency such as a significant workload change

Short Summary of Request:

With the settlement of the State's Rocky Mountain Arsenal Natural Resource Damage claims, we no longer need funding to litigate the merits of the case. However, some residual level of funding is needed to assist the State's Natural Resource Trustees in deciding how to award the settlement moneys so as to maximize the benefits to the state's natural resources.

Background and Appropriation History:

The State filed its claim in this case on December 9, 1983. The case was placed on administrative closure on February 9, 1995. On May 29, 2008, the State reached Agreements in Principle to settle its claims with the two defendants in the case, Shell Oil and the U.S. Army. On October 2, 2008, the U.S. District Court entered an order approving the Consent Decree between the State and Shell Oil. The Consent Decree between the U.S. and the State is expected to be finalized sometime in November or December of 2008. Together, the two settlements are valued at \$35 million.

The Rocky Mountain Arsenal Natural Resource Damage line item was established in FY2007. In that year, the Legislature provided \$ 742,312 to conduct damage assessment work and litigation preparation. In FY 2008, the Legislature appropriated \$2,661,667 to complete assessment work and continue litigation preparation. In FY 2009, the legislature appropriated \$ 1,212,924 for litigation.

General Description of Request:

The Department is requesting to reduce the base for this line to \$195,000. Because the Department has reached agreements with the two defendants to settle the case (one of which is final), there is no longer a need for funds to litigate the matter. However, the settlements include \$27.4 million in cash that must be distributed consistently with the terms of the consent decree. \$17.4 million of this amount is "natural resource damages," and that money must be spent as provided under the federal superfund program. The remaining \$10 million must be spent on Northeast Greenway Corridor projects, with emphasis on projects that restore, replace, or acquire the equivalent of the natural resources that were injured at the Arsenal. The state typically distributes natural resource damage awards through a "request for proposal" process, and signs contracts with the entities that submit the winning bids. The process has significant public involvement. Given the size and significance of the settlement at the Arsenal, to ensure compliance with statutory requirements, and to maximize the natural resource benefits from the settlement moneys, the state will need to rely on outside contractors to help evaluate and rank proposals. \$150,000 of the proposed \$195,000 would be used to support these contracting efforts. This level of expenditure would likely last 2 or 3 years, until the settlement proceeds have been distributed. The remaining \$45,000 annually will be used to support CDPHE staff participation in this process.

Consequences if Not Funded:

It would be difficult for CDPHE staff to participate in the decision-making process regarding award of NRD funds, as this funding line has been the source of funding. That would limit the information available to the Natural Resource Trustees as they make their decisions. In addition, the state would not be able to avail itself of Stratus Consulting's expertise in evaluating and ranking potential NRD projects. Stratus is the leading NRD firm in the United States. The loss of their assistance would make it more difficult to ensure we get the maximum benefits from the RMA NRD recovery.

Calculations for Request:

Summary of Request FY 2009-10 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	(\$1,017,924)		(\$1,017,924)			(2.4)
Natural Resource Damage Claims @ the Rocky Mountain Arsenal	(\$1,017,924)		(\$1,017,924)			(2.4)

Summary of Request FY 2010-11 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	(\$1,017,924)		(\$1,017,924)			(2.4)
Natural Resource Damage Claims @ the Rocky Mountain Arsenal	(\$1,017,924)		(\$1,017,924)			(2.4)

Tailor fund sources as needed

Add other tables and references to Excel spreadsheets here as needed.

Show FTEs to the one decimal



Cash Funds Projections: Hazardous Substance Response Fund § 25-16-104.6(1)(a), C.R.S.

Cash Fund Name	Cash Fund Number	FY 2007-08 Expenditures	FY 2007-08 End of Year Cash Balance	FY 2008-09 End of Year Cash Balance Estimate	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate
Hazardous Substance Response Fund						

Assumptions for Calculations:

That the initial FY10 request for the Natural Resource Damage Claims at the Rocky Mountain Arsenal was \$1,212,924.

That this budget reduction request is for \$1,017,924 Cash Funds.

That the remaining appropriation for FY10 for the Natural Resources Damage Claims at Rocky Mountain Arsenal will be \$190,000 to pay for consultants to advise the Natural Resource Trustees on the expenditure of settlement funds in this case.

Impact on Other Government Agencies:

The Colorado Department of Health and Environment. This request will reduce the need for funds from the Hazardous Substance Response Fund.

Cost Benefit Analysis:

Due to settlement of the case the Department of Law is able to save the State considerable amount of money that would have been used for litigation.

Implementation Schedule:

Task	Month/Year
Internal Research/Planning Period	N/A
Written Agreement w/ Other State Agencies	N/A
FTE Hired	N/A
Waiver or State Plan Amendment Written	N/A
Waiver or State Plan Amendment Approved	N/A
RFP Issued	N/A
System Modifications Made	N/A
Contract or MOU Written	N/A
Rules Written	N/A
Rules Passed	N/A
Contract or MOU Awarded/Signed	N/A
Start-Up Date	7/1/2008

Tailor this table to meet the needs of the specific Change Request; delete and add rows as applicable.

STATE OF COLORADO FY 2009-10 BUDGET REQUEST CYCLE: Department of Law

Statutory and Federal Authority: 42 U.S.C § 9607(f); § 25-16-104.7, C.R.S.; § 24-33-108, C.R.S.

Performance Measures: N/A



# **Common Policy I**

# **Administrative Operating**

# **Expenses**





Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10		<input checked="" type="checkbox"/> Common Policy	Base Reduction Item FY 2009-10		<input type="checkbox"/> Supplemental FY 2008-09	November 1 Request FY 2009-10		Budget Amendment FY 2009-10	<input type="checkbox"/>	
Request Title:		Dept. Approval by: 11/1/2008								
Department:		Date: N/A								
Priority Number:		OSP Approval: N/A								
Fund	1	2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
Total of All Line Items	4,504,074	5,175,674	0	5,175,674	5,175,674	(114,055)	5,061,619	0	5,061,619	0
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	1,377,890	1,441,984	0	1,441,984	1,441,984	30,877	1,472,861	0	1,472,861	0
GFE	0	0	0	0	0	0	0	0	0	0
CF	282,796	431,903	0	431,903	431,903	(17,546)	414,357	0	414,357	0
CFE/RF	2,726,244	3,154,438	0	3,154,438	3,154,438	(136,634)	3,017,804	0	3,017,804	0
FF	117,144	147,349	0	147,349	147,349	9,248	156,597	0	156,597	0
(1) Administration, Health, Life and Dental	1,423,679	1,783,219	0	1,783,219	1,783,219	136,706	1,919,925	0	1,919,925	0
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	461,603	531,993	0	531,993	531,993	19,452	551,445	0	551,445	0
GFE	0	0	0	0	0	0	0	0	0	0
CF	90,556	141,137	0	141,137	141,137	12,964	154,101	0	154,101	0
CFE/RF	847,378	1,063,960	0	1,063,960	1,063,960	94,876	1,158,836	0	1,158,836	0
FF	24,142	46,129	0	46,129	46,129	9,414	55,543	0	55,543	0
(1) Administration, Short-term Disability	31,935	36,340	0	36,340	36,340	1,153	37,493	0	37,493	0
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	9,571	10,672	0	10,672	10,672	215	10,887	0	10,887	0
GFE	0	0	0	0	0	0	0	0	0	0
CF	1,832	2,874	0	2,874	2,874	91	2,965	0	2,965	0
CFE/RF	19,631	21,660	0	21,660	21,660	887	22,547	0	22,547	0
FF	901	1,134	0	1,134	1,134	(40)	1,094	0	1,094	0
(1) Administration, SB 04-257 Amortization	303,805	444,510	0	444,510	444,510	129,604	574,114	0	574,114	0
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	92,272	128,608	0	128,608	128,608	36,182	164,790	0	164,790	0
GFE	0	0	0	0	0	0	0	0	0	0
CF	17,229	35,889	0	35,889	35,889	9,727	45,616	0	45,616	0
CFE/RF	185,792	266,062	0	266,062	266,062	80,810	346,872	0	346,872	0
FF	8,512	13,951	0	13,951	13,951	2,885	16,836	0	16,836	0
(1) Administration, SB 06-235 Supplemental Amortization	62,558	206,226	0	206,226	206,226	150,908	357,134	0	357,134	0
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	17,229	58,147	0	58,147	58,147	43,160	101,307	0	101,307	0
GFE	0	0	0	0	0	0	0	0	0	0
CF	3,692	16,578	0	16,578	16,578	11,932	28,510	0	28,510	0
CFE/RF	39,813	124,962	0	124,962	124,962	91,833	216,795	0	216,795	0
FF	1,824	6,539	0	6,539	6,539	3,983	10,522	0	10,522	0

Schedule 13

Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10		<input checked="" type="checkbox"/> Common Policy	Base Reduction Item FY 2009-10		<input type="checkbox"/> Supplemental FY 2008-09	Budget Amendment FY 2009-10		<input type="checkbox"/>		
Request Title:		Dept. Approval by:							Date:	
Department:		OSPB Approval:							Date:	
Priority Number:		N/A							N/A	
Fund	1	2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
(1) Administration, Salary Survey For Classified Employees	Total	278,941	341,175	0	341,175	(90,062)	251,113	0	251,113	0
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	114,731	138,299	0	138,299	(38,154)	100,145	0	100,145	0
	GFE	0	0	0	0	0	0	0	0	0
	CF	37,397	55,068	0	55,068	(18,722)	36,346	0	36,346	0
CFE/RF	108,862	128,644	0	128,644	128,644	(37,244)	91,400	0	91,400	0
	17,951	19,164	0	19,164	19,164	4,058	23,222	0	23,222	0
(1) Administration, Salary Survey For Exempt Employees	Total	759,833	658,444	0	658,444	(96,221)	562,223	0	562,223	0
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	196,084	164,387	0	164,387	(28,549)	135,838	0	135,838	0
	GFE	0	0	0	0	0	0	0	0	0
	CF	12,305	27,694	0	27,694	(5,999)	21,695	0	21,695	0
CFE/RF	541,856	461,582	0	461,582	461,582	(61,362)	400,220	0	400,220	0
	9,588	4,781	0	4,781	4,781	(311)	4,470	0	4,470	0
(1) Administration, Performance-based Pay Awards for Classified Employees	Total	122,210	133,803	0	133,803	(133,803)	0	0	0	0
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	25,543	54,578	0	54,578	(54,578)	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0
	CF	17,488	20,811	0	20,811	(20,811)	0	0	0	0
CFE/RF	71,444	49,054	0	49,054	49,054	(49,054)	0	0	0	0
	7,735	9,360	0	9,360	9,360	(9,360)	0	0	0	0
(1) Administration, Performance-based Pay Awards for Exempt Employees	Total	256,353	282,048	0	282,048	(282,048)	0	0	0	0
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	66,582	67,997	0	67,997	(67,997)	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0
	CF	4,133	11,485	0	11,485	(11,485)	0	0	0	0
CFE/RF	182,369	200,188	0	200,188	200,188	(200,188)	0	0	0	0
	3,269	2,378	0	2,378	2,378	(2,378)	0	0	0	0
(1) Administration, Workers' Compensation	Total	51,407	65,561	0	65,561	100	65,661	0	65,661	0
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	16,115	19,909	0	19,909	(10)	19,899	0	19,899	0
	GFE	0	0	0	0	0	0	0	0	0
	CF	3,704	5,833	0	5,833	(512)	5,321	0	5,321	0
CFE/RF	30,120	37,990	0	37,990	677	38,667	0	38,667	0	
	1,468	1,829	0	1,829	(55)	1,774	0	1,774	0	



Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10		Base Reduction Item FY 2009-10		Supplemental FY 2008-09		Supplemental FY 2009-10		Budget Amendment FY 2009-10		
Request Title:		Common Policy								
Department:		Law								
Priority Number:		NP - 1								
Dept. Approval by:		Date:		Date:		Date:		Date:		
OSP Approval:		N/A		N/A		N/A		N/A		
Fund	1	2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
(1) Administration, Vehicle Lease Payments (Fixed)	Total 48,175 FTE 0.0 GF 10,724 GFE 0 CF 10,737 CFE/RF 18,133 FF 8,581	65,125 0.0 12,446 0 11,362 31,571 9,746	0 0.0 0 0 0 0 0	65,125 0.0 12,446 0 11,362 31,571 9,746	65,125 0.0 12,446 0 11,362 31,571 9,746	2,778 0.0 4,535 0 9,082 (11,109) 270	67,903 0.0 16,981 0 20,444 20,462 10,016	0 0.0 0 0 0 0 0	67,903 0.0 16,981 0 20,444 20,462 10,016	0 0.0 0 0 0 0 0
(1) Administration, Capitol Complex Leased Space	Total 1,165,178 FTE 0.0 GF 367,436 GFE 0 CF 83,723 CFE/RF 680,846 FF 33,173	1,159,223 0.0 254,948 0 103,172 768,765 32,338	0 0.0 0 0 0 0 0	1,159,223 0.0 254,948 0 103,172 768,765 32,338	1,159,223 0.0 254,948 0 103,172 768,765 32,338	66,830 0.0 116,621 0 (3,813) (46,760) 782	1,226,053 0.0 371,569 0 99,359 722,005 33,120	0 0.0 0 0 0 0 0	1,226,053 0.0 371,569 0 99,359 722,005 33,120	0 0.0 0 0 0 0 0

Non-Line Item Request: None  
 Letternote Revised Text:  
 Cash or Federal Fund Name and COFRS Fund Number: "FF": These amounts shall be from the federal Medicaid Fraud Control Program administered by the U.S. Department of Health Human Services.  
 Reappropriated Funds Source, by Department and Line Item Name: These amounts shall be from various sources of reappropriated funds  
 Approval by OIT? Yes: No: N/A: X  
 Schedule 13s from Affected Departments: None



# **Common Policy II Vehicle Operating Increase**



1.  $\frac{1}{2} \times \frac{1}{3} = \frac{1}{6}$

2.  $\frac{2}{3} \times \frac{3}{4} = \frac{2}{4} = \frac{1}{2}$

3.  $\frac{3}{4} \times \frac{4}{5} = \frac{3}{5}$

4.  $\frac{4}{5} \times \frac{5}{6} = \frac{4}{6} = \frac{2}{3}$

5.  $\frac{5}{6} \times \frac{6}{7} = \frac{5}{7}$

Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10		Base Reduction Item FY 2009-10		Supplemental FY 2008-09		Supplemental FY 2009-10		Budget Amendment FY 2009-10		
Request Title:		Common Policy - Operating Vehicle Increase								
Department:		Law								
Priority Number:		NP-2								
Dept. Approval by:		N/A								
OSPB Approval:		N/A								
Date:		11/1/2008								
Date:		N/A								
Fund	1	2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
Total of All Line Items	8,014,652	6,951,701	0	6,951,701	7,179,442	7,074	7,186,516	0	7,186,516	7,074
FTE	57.7	62.3	0.0	62.3	62.3	0.0	62.3	0.0	62.3	0.0
GF	2,685,663	2,403,814	0	2,403,814	2,501,743	2,721	2,504,464	0	2,504,464	2,721
GFE	0	0	0	0	0	0	0	0	0	0
CF	1,227,101	1,837,817	0	1,837,817	1,909,895	1,088	1,910,983	0	1,910,983	1,088
CFE/RF	4,101,888	2,710,070	0	2,710,070	2,767,804	3,265	2,771,069	0	2,771,069	3,265
FF	0	0	0	0	0	0	0	0	0	0
(Administration) Operating	338,977	192,543	0	192,543	192,543	272	192,815	0	192,815	272
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	93,963	0	0	0	0	272	272	0	272	272
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	245,014	192,543	0	192,543	192,543	0	192,543	0	192,543	0
FF	0	0	0	0	0	0	0	0	0	0
(Criminal Justice and Appellate), Insurance Fraud	675,468	619,975	0	619,975	642,335	544	642,879	0	642,879	544
FTE	7.3	7.6	0.0	7.6	7.6	0.0	7.6	0.0	7.6	0.0
GF	0	0	0	0	0	0	0	0	0	0
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	675,468	619,975	0	619,975	642,335	544	642,879	0	642,879	544
FF	0	0	0	0	0	0	0	0	0	0
(Criminal Justice and Appellate), Securities Fraud	529,070	484,293	0	484,293	503,616	272	503,888	0	503,888	272
FTE	5.4	5.6	0.0	5.6	5.6	0.0	5.6	0.0	5.6	0.0
GF	131,440	123,015	0	123,015	128,958	0	128,958	0	128,958	0
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	397,630	361,278	0	361,278	374,658	272	374,930	0	374,930	272
FF	0	0	0	0	0	0	0	0	0	0
(Criminal Justice and Appellate), Special Prosecution	1,307,460	1,243,416	0	1,243,416	1,287,381	1,361	1,288,742	0	1,288,742	1,361
FTE	12.1	12.8	0.0	12.8	12.8	0.0	12.8	0.0	12.8	0.0
GF	1,114,357	1,029,683	0	1,029,683	1,065,576	1,361	1,066,937	0	1,066,937	1,361
GFE	0	0	0	0	0	0	0	0	0	0
CF	193,103	213,733	0	213,733	221,805	0	221,805	0	221,805	0
CFE/RF	0	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0

**Schedule 13  
Change Request for FY 2009-10 Budget Request Cycle**

Decision Item FY 2009-10		Common Policy - Operating Vehicle Increase		Base Reduction Item FY 2009-10		Supplemental FY 2008-09		Supplemental FY 2008-09		Budget Amendment FY 2009-10	
Request Title:		Law		Dept. Approval by:		Date:		Date:		Date:	
Priority Number:		NP-2		OSP Approval:		N/A		N/A		N/A	
Fund		1	2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
(Criminal Justice and Appellate), Capital Crimes	Total	380,838	376,643	0	376,643	390,448	544	390,992	0	390,992	544
	FTE	3.8	4.0	0.0	4.0	4.0	0.0	4.0	0.0	4.0	0.0
	GF	380,838	376,643	0	376,643	390,448	544	390,992	0	390,992	544
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	0	0	0	0	0	0	0	0	0	0	
FF	0	0	0	0	0	0	0	0	0	0	
(Legal Services to State Agencies), Operating	Total	2,000,659	1,293,569	0	1,293,569	1,311,438	2,449	1,313,887	0	1,313,887	2,449
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	2,000,659	1,293,569	0	1,293,569	1,311,438	2,449	1,313,887	0	1,313,887	2,449	
FF	0	0	0	0	0	0	0	0	0	0	
(Consumer Protection), Consumer Protection & Anti-Trust	Total	1,721,339	1,768,735	0	1,768,735	1,838,479	544	1,839,023	0	1,839,023	544
	FTE	18.0	20.0	0.0	20.0	20.0	0.0	20.0	0.0	20.0	0.0
	GF	965,065	874,473	0	874,473	916,761	544	917,305	0	917,305	544
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	79,988	651,557	0	651,557	674,888	0	674,888	0	674,888	0
CFE/RF	676,286	242,705	0	242,705	246,830	0	246,830	0	246,830	0	
FF	0	0	0	0	0	0	0	0	0	0	
(Consumer Protection), UCCC	Total	1,060,841	972,527	0	972,527	1,013,202	1,088	1,014,290	0	1,014,290	1,088
	FTE	11.1	12.3	0.0	12.3	12.3	0.0	12.3	0.0	12.3	0.0
	GF	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	954,010	972,527	0	972,527	1,013,202	1,088	1,014,290	0	1,014,290	1,088
CFE/RF	106,831	0	0	0	0	0	0	0	0	0	
FF	0	0	0	0	0	0	0	0	0	0	

Non-Line Item Request: None  
 Letternote Revised Text: None  
 Cash or Federal Fund Name and COFRS Fund Number:  
 Reappropriated Funds Source, by Department and Line Item Name:  
 Approval by OIT? Yes:  No:  N/A:   
 Schedule 13s from Affected Departments:

# **Common Policy III**

# **Postage Operating**

# **Increase**







Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2009-10		Base Reduction Item FY 2009-10		Supplemental FY 2008-09		Budget Amendment FY 2009-10				
Request Title:		Common Policy -DPA Central Service Postage Increase								
Department:		Law		Dept. Approval by:		Date:				
Priority Number:		NP-3		OSPB Approval:		Date:				
		N/A		N/A		N/A				
Fund	1	2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 2007-08	Appropriation FY 2008-09	Supplemental Request FY 2008-09	Total Revised Request FY 2008-09	Base Request FY 2009-10	Decision/ Base Reduction FY 2009-10	November 1 Request FY 2009-10	Budget Amendment FY 2009-10	Total Revised Request FY 2009-10	Change from Base (Column 5) FY 2010-11
Total of All Line Items	9,287,125	8,210,219	0	8,210,219	8,841,303	8,259	8,849,562	0	8,849,562	8,259
FTE	67.5	74.5	0.0	74.5	77.5	0.0	77.5	0.0	77.5	0.0
GF	3,638,359	3,311,532	0	3,311,532	3,816,488	2,132	3,818,620	0	3,818,620	2,132
GFE	0	0	0	0	0	0	0	0	0	0
CF	1,350,432	3,097,721	0	3,097,721	3,198,248	2,075	3,200,323	0	3,200,323	2,075
CFE/RF	4,298,334	1,800,966	0	1,800,966	1,826,567	4,052	1,830,619	0	1,830,619	4,052
FF	0	0	0	0	0	0	0	0	0	0
(Administration) Operating	338,977	192,543	0	192,543	192,543	1,186	193,729	0	193,729	1,186
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	93,963	0	0	0	0	1,186	1,186	0	1,186	1,186
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	245,014	192,543	0	192,543	192,543	0	192,543	0	192,543	0
FF	0	0	0	0	0	0	0	0	0	0
(Criminal Justice and Appellate), Victim's Assistance	80,271	72,149	0	72,149	75,954	132	76,086	0	76,086	132
FTE	1.0	1.0	0.0	1.0	1.0	0.0	1.0	0.0	1.0	0.0
GF	11,080	0	0	0	198	132	330	0	330	132
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	69,191	72,149	0	72,149	75,756	0	75,756	0	75,756	0
FF	0	0	0	0	0	0	0	0	0	0
(Criminal Justice and Appellate), POST Board	1,233,323	1,176,732	0	1,176,732	1,293,986	489	1,294,475	0	1,294,475	489
FTE	6.0	6.0	0.0	6.0	6.0	0.0	6.0	0.0	6.0	0.0
GF	44,638	0	0	0	97,500	0	97,500	0	97,500	0
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	1,176,732	0	1,176,732	1,196,486	489	1,196,975	0	1,196,975	489
CFE/RF	1,188,685	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0
(Criminal Justice and Appellate), Appellate	2,523,613	2,437,059	0	2,437,059	2,802,029	304	2,802,333	0	2,802,333	304
FTE	26.4	30.0	0.0	30.0	33.0	0.0	33.0	0.0	33.0	0.0
GF	2,523,613	2,437,059	0	2,437,059	2,802,029	304	2,802,333	0	2,802,333	304
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	0	0	0	0	0	0	0	0	0
CFE/RF	0	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0

Department of Law

**Schedule 13  
Change Request for FY 2009-10 Budget Request Cycle**

Decision Item FY 2009-10 Request Title: Department: Priority Number:	Fund	1		2	3	4	5	6	7	8	9	10
		Prior-Year Actual FY 2007-08	Base Reduction Item FY 2009-10									
(Legal Services to State Agencies), Operating	Total	2,000,659	1,293,569	1,293,569	1,311,438	4,052	1,315,490	0	1,315,490	0	1,315,490	4,052
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	0	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0	0
CFE/RF	2,000,659	1,293,569	1,293,569	1,311,438	4,052	1,315,490	0	1,315,490	0	1,315,490	4,052	0
FF	0	0	0	0	0	0	0	0	0	0	0	0
(Consumer Protection), Consumer Protection & Anti-Trust	Total	1,721,339	1,768,735	1,768,735	1,838,479	510	1,838,989	0	1,838,989	0	1,838,989	510
	FTE	18.0	20.0	20.0	20.0	0.0	20.0	0.0	20.0	0.0	20.0	0.0
	GF	965,065	874,473	874,473	916,761	510	917,271	0	917,271	0	917,271	510
	GFE	0	0	0	0	0	0	0	0	0	0	0
	CF	79,988	651,557	651,557	674,888	0	674,888	0	674,888	0	674,888	0
CFE/RF	676,286	242,705	242,705	246,830	0	246,830	0	246,830	0	246,830	0	0
FF	0	0	0	0	0	0	0	0	0	0	0	0
(Consumer Protection), Collection Agency Board	Total	328,102	296,905	296,905	313,672	754	314,426	0	314,426	0	314,426	754
	FTE	5.0	5.2	5.2	5.2	0.0	5.2	0.0	5.2	0.0	5.2	0.0
	GF	0	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0	0
	CF	316,434	296,905	296,905	313,672	754	314,426	0	314,426	0	314,426	754
CFE/RF	11,668	0	0	0	0	0	0	0	0	0	0	
FF	0	0	0	0	0	0	0	0	0	0	0	
(Consumer Protection), UCCC	Total	1,060,841	972,527	972,527	1,013,202	832	1,014,034	0	1,014,034	0	1,014,034	832
	FTE	11.1	12.3	12.3	12.3	0.0	12.3	0.0	12.3	0.0	12.3	0.0
	GF	0	0	0	0	0	0	0	0	0	0	0
	GFE	0	0	0	0	0	0	0	0	0	0	0
	CF	954,010	972,527	972,527	1,013,202	832	1,014,034	0	1,014,034	0	1,014,034	832
CFE/RF	106,831	0	0	0	0	0	0	0	0	0	0	
FF	0	0	0	0	0	0	0	0	0	0	0	

Supplemental FY 2008-09  Budget Amendment FY 2009-10

Date: 11/1/2008

Date: N/A

Dept. Approval by: N/A

OSP Approval: N/A

Non-Line Item Request: None  
 Letternote Revised Text: None  
 Cash or Federal Fund Name and COFRS Fund Number:  
 Reappropriated Funds Source, by Department and Line Item Name:  
 Approval by OIT? Yes:  No:  N/A:   
 Schedule 13s from Affected Departments: