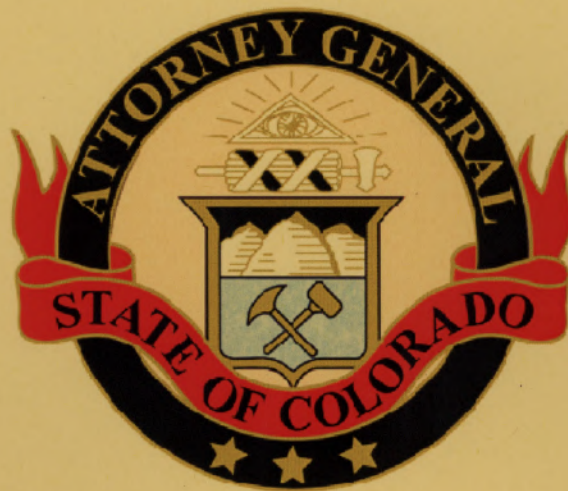


**Department of Law**  
**FY 2010-2011**  
**Strategic Plan**  
**&**  
**Budget Request**



**John W. Suthers**  
**Attorney General**

# Colorado Department of Law Strategic Plan and Budget Request

## Table of Contents – FY11

Item	Pg. No.
<b>Department of Law Overview &amp; Annual Reports:</b>	
Department Organizational Chart .....	1-1
FY11 Budget in Brief .....	1-5
Department of Law Annual Report .....	1-7
Fact Sheet .....	1-43
<b>Strategic Plan and Objectives –Mission and Values:</b>	
Department of Law Strategic Plan	
Mission and Values .....	2-1A
Appellate Division .....	2-1
Criminal Justice .....	2-5
Natural Resources & Environment .....	2-7
Civil Litigation and Employment Law .....	2-15
State Services .....	2-27
Business & Licensing .....	2-33
Consumer Protection .....	2-35
<b>Change Requests:</b>	
Schedule 10 – Summary of Change Requests .....	3-1
Decision Item #1 – Increase UCCC/CAB Legal Assistant .....	3-3
Decision Item #2 – Combine UCCC/CAB units .....	3-13
Base Reduction Item General Fund .....	3-29
FY11 Common Policy Request .....	3-39
Budget Assumptions and Calculations FY11.....	3-41
FY11 Personal Services Request.....	3-45
Table I & II – Legal Services Provided to State Agencies.....	3-47
<b>Summary Schedules:</b>	
<b>Schedule 2 – Summary by Long Bill Group .....</b>	<b>4-1</b>
<b>Schedule 5 – Line Item to Statute .....</b>	<b>4-13</b>
<b>Schedule 6 – Special Bills Summary .....</b>	<b>4-19</b>
<b>Schedule 7 – Supplement Bill Summary .....</b>	<b>4-27</b>
<b>Schedule 8 – Common Policy Summary</b>	
Health/Dental/Life (HLD).....	4-31
Short Term Disability (STD)	
Salary Survey for Classified Employees (SSC)	
Salary Survey for Exempt Employees (SSE)	
Performance-based Pay for Classified Employees (PBP Classified)	

Performance-based Pay for Exempt Employees (PBP Exempt)	
Amortization Equalization Disbursement (AED)	
Supplement Amortization Equalization Disbursement (SAED)	
Attorney Registration and CLE's	
Worker's Compensation	
Vehicle Lease Payments	
Capital Complex Lease Space	
Communication Service Payments	
ADP Capital Outlay	
Information Technology Asset Maintenance	
CLE Registration Fees	
Leased Space Storage	
Administrative Law Judge Services	
Distribution of Special Bills	
<b>Schedule 8 – Common Policy Summary (OSPB Format)</b> .....	4-67
<b>Schedule 9 – Cash Funds Reports</b> .....	4-85

**Administration:**

Administration Organizational Chart.....	5-1
Administration Program Narrative.....	5-3
Reconciliation Request.....	5-17
Administration Schedule 2, 3 & 4.....	5-21

**Legal Services to State Agencies:**

Organizational Chart.....	6-1
Business and Licensing Narrative .....	6-3
State Services Narrative.....	6-25
Criminal Justice – Department of Public Safety Narrative .....	6-47
Civil Litigation & Employment Law Narrative .....	6-55
Natural Resources & Environment Narrative.....	6-95
Consumer Protection – Office of Consumer Counsel Narrative.....	6-107
Reconciliation Request.....	6-111
LSSA Schedules 2, 3 & 4 .....	6-115

**Criminal Justice and Appellate:**

Organizational Chart.....	7-1
Reconciliation of Request.....	7-3
<b>Special Prosecutions Unit</b>	
Special Prosecutions Narrative.....	7-7
Special Prosecution Unit Schedule 2, 3 & 4 .....	7-39
<b>Insurance Fraud Unit</b>	
Insurance Fraud Prosecution Unit Schedules 2, 3 & 4 .....	7-49
<b>Securities Fraud Unit</b>	
Securities Fraud Unit Schedules 2, 3 & 4.....	7-59
<b>Appellate Unit</b>	
Appellate Narrative.....	7-69

Appellate Prosecution Unit Schedules 2, 3 & 4 .....	7-73
<b>Medicaid Fraud Unit</b>	
Medicaid Fraud Narrative .....	7-83
Medicaid Fraud Prosecution Unit Schedules 2, 3 & 4.....	7-89
<b>Capital Crimes Prosecution Unit</b>	
Capital Crimes Prosecution Unit Schedules 2, 3 & 4.....	7-99
<b>POST Board Unit</b>	
POST Board Narrative.....	7-109
POST Board Unit Schedules 2, 3 & 4.....	7-117
<b>Victims' Assistance Unit</b>	
Victims' Assistance Program Narrative.....	7-127
Victims Assistance Unit Schedules 2, 3 & 4 .....	7-131
<b>Indirect Cost Assessment</b>	
Indirect Cost Assessment Schedules 2, 3 & 4 .....	7-141
<b>Natural Resources and Water Rights:</b>	
Organizational Chart.....	8-1
Program Narrative .....	8-3
Reconciliation Request.....	8-11
<b>Federal &amp; Interstate Water Unit</b>	
Federal & Interstate Water Unit Schedules 2, 3 & 4 .....	8-17
<b>Defense of the Colorado River Compact</b>	
Defense of the Colorado River Compact Schedules 2, 3 & 4 .....	8-27
<b>Defense of the Republican River</b>	
Defense of the Republican River Schedules 2, 3 & 4 .....	8-37
<b>Consultant Expense</b>	
Consultant Expense Schedule 2, 3 & 4 .....	8-45
<b>CERCLA Unit</b>	
CERCLA Unit Schedules 2, 3 & 4.....	8-49
<b>CERCLA Contracts</b>	
CERCLA Contracts Schedules 2, 3 & 4.....	8-59
<b>Natural Resources Damage Claims at Rocky Mountain Arsenal</b>	
Natural Resources Damage Claims at Rocky Mountain Arsenal Schedule 2, 3 & 4 .....	8-63
<b>Consumer Protection:</b>	
Organizational Chart.....	9-1
Consumer Protection & Anti-Trust Narrative.....	9-3
Reconciliation Request.....	9-17
Consumer Protection & Anti-Trust Unit Schedules 2, 3 & 4.....	9-21
<b>Collection Agency Board and UCCC Units</b>	
Collection Agency Board Narrative.....	9-33
Collection Agency Board Schedules 2, 3 & 4 .....	9-45
<b>Uniform Consumer Credit Code</b>	
UCCC Unit Schedules 2, 3 & 4 .....	9-55

**CP -- Indirect Cost Assessment**

Indirect Cost Assessment Schedules 2, 3 & 4..... 9-67

**Special Purpose Line Items:**

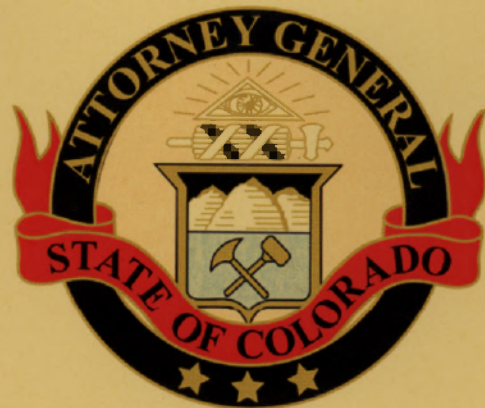
Reconciliation of Request..... 10-1  
DA Salaries Schedules 2, 3 & 4..... 10-3  
Litigation Management Fund Schedules 2, 3 & 4..... 10-7  
Statewide HIPAA Schedules 2, 3 & 4..... 10-13  
Tobacco Litigation Schedules 2, 3 & 4..... 10-17  
Fraudulent Documents..... 10-23  
Referendum K..... 10-27  
Building Security for the State Services Schedules 2, 3 & 4..... 10-33

**Custodial Funds:**

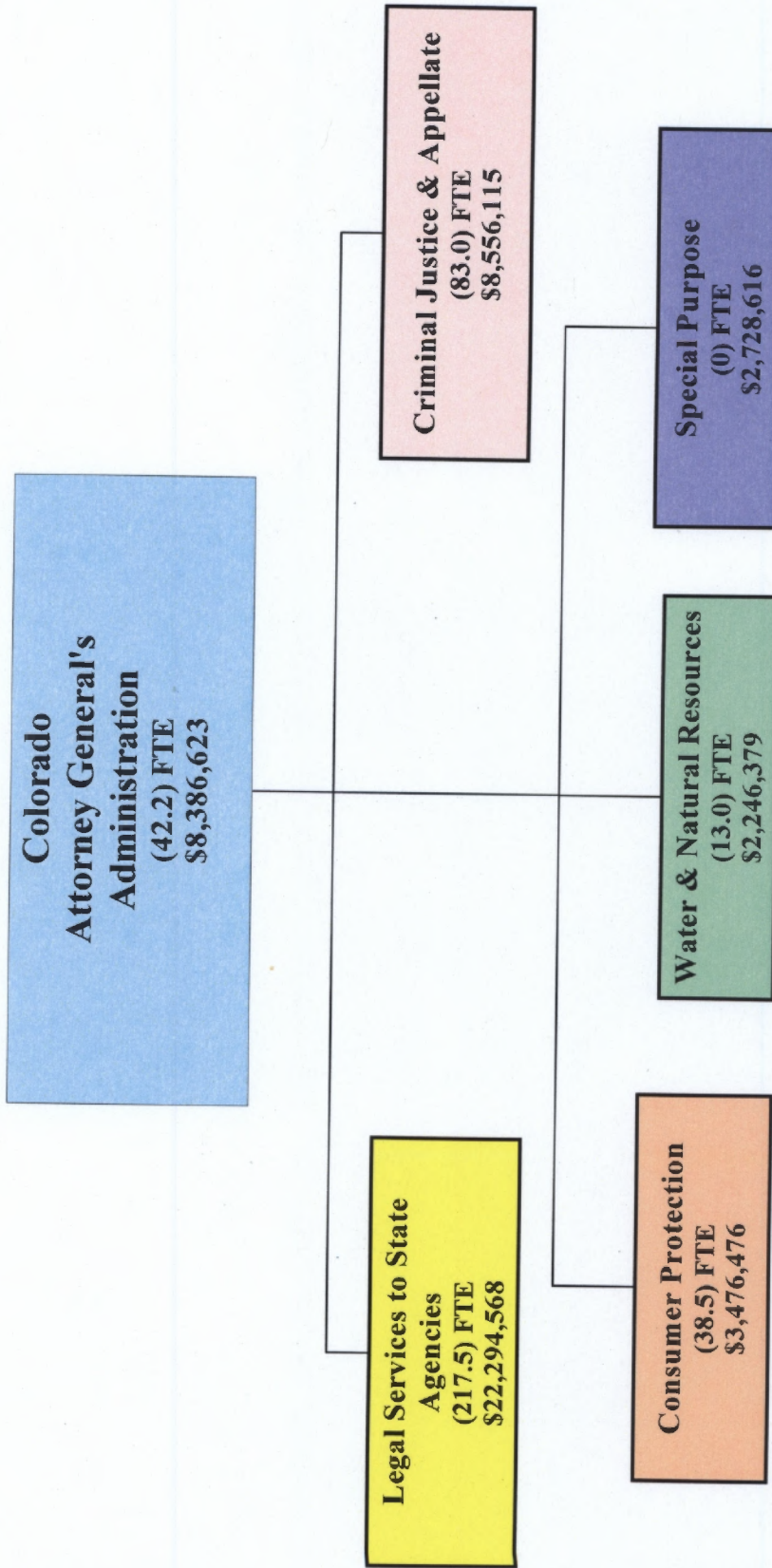
Consumer Protection Custodial Fund 146..... 11-1  
Special Prosecutions Custodial Fund 147..... 11-3  
Natural Resources Custodial Fund 148..... 11-5  
UCCC Custodial Fund 16B..... 11-7  
CAB Custodial Fund 19A..... 11-9  
Attorneys Fees and Costs Fund 13H..... 11-13  
POST Custodial Fund 14P..... 11-15  
Identity Theft Financial Fraud Fund 19Q..... 11-17

# **Department Description**

# Department Organizational Chart



**Colorado Department of Law  
FY 10**



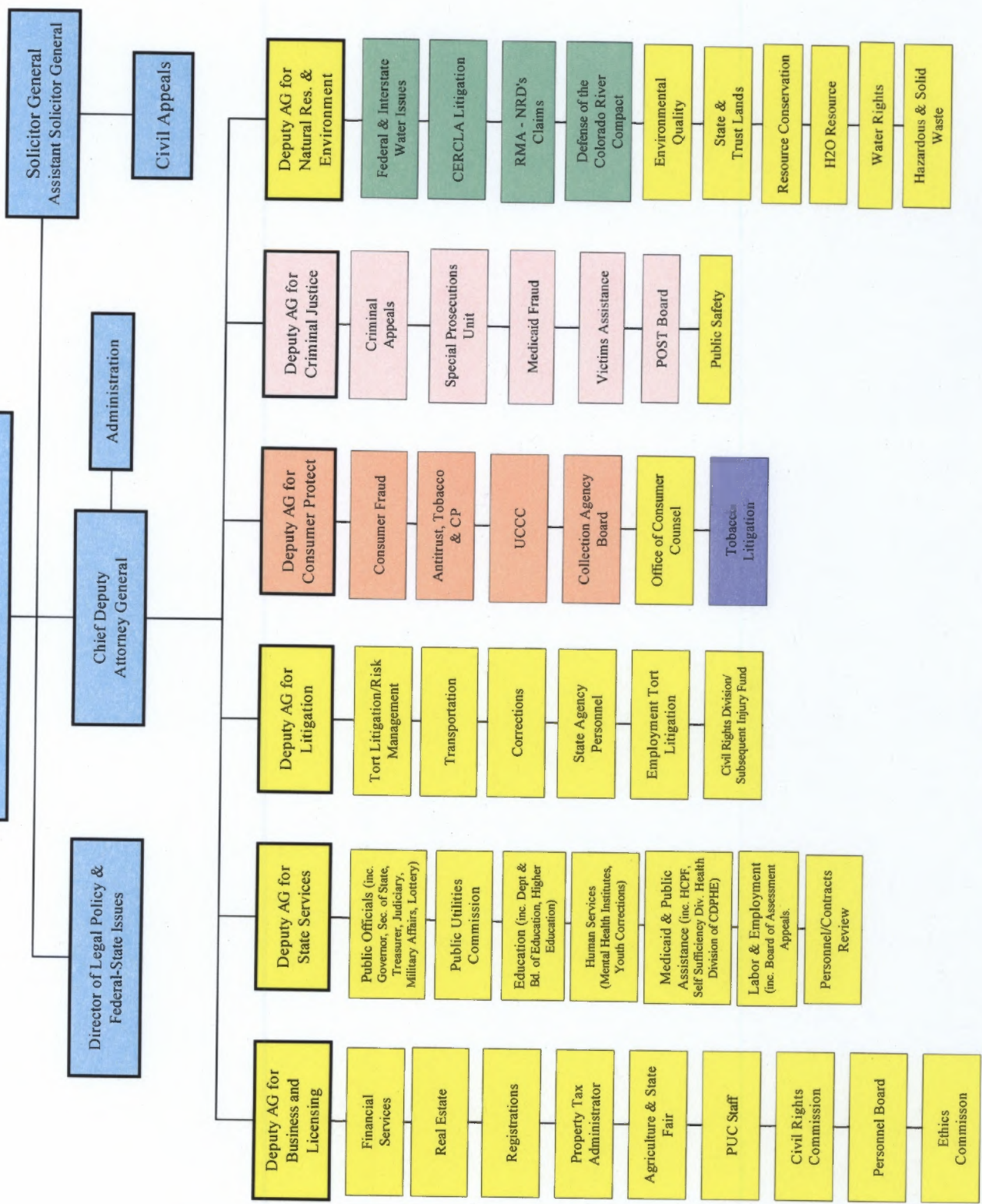
**FY 09-10 Dept Total**  
\$47,688,777 (394.2) FTE

GF = \$10,008,041 CF = \$6,660,337  
RA = \$29,727,339 FF = \$1,293,060





**Colorado  
Attorney General  
John Suthers**



Long Bill Funding Sources: LSSA=Yellow Criminal Justice & Appellate=Pink Administration=Blue

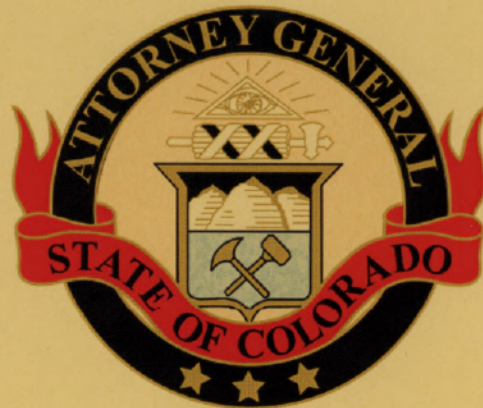
Natural Resources & Water Rights=Light Green

Consumer Protection=Orange

Special Purpose=Purple



# **FY11 Budget in Brief**



## Department of Law FY11 Budget in Brief

The FY Department of Law budget request totals \$49,483,748 and 392.3 FTE. This is a very slight (.3% - \$144,180) increase over the FY10 appropriation. The appropriated FTE actually decreases from 394.2 to 392.3 in FY11.

The Department is submitting General Fund reductions of \$203,488 and 3.5 FTE in its November 1<sup>st</sup> budget request. Further General Fund reductions and proposals to refinance certain programs (requiring legislation) are components of the Department's strategy to reduce General Fund appropriation by \$988,000 in FY11.

Listing of the General Fund Reduction components:

Reductions Submitted with our November 1<sup>st</sup> Submission:

- Reduction in Administration Personal Services by \$145,000 and 3.5 FTE-(two administrative assistant positions; assistant solicitor general; and IT professional II)
- Reduction in Administration Operating by \$950 (operating expenses associated with the assistant solicitor general position)
- Reduce POST appropriation by \$50,000 General Fund. Cash funds from HB09-1036 will replace the General Fund in this program.
- Eliminate the Statewide HIPAA Legal Services General Fund appropriation of \$7,538.

Other General Fund reductions (to be submitted as Budget Amendments or legislation):

- ~~Refinance two Investigator positions in the Securities Fraud Unit with cash from the Division of Securities Cash Fund. Estimated General Fund savings of \$172,000 in FY11.~~
- Refinance the CERLCA program line General Fund, with revenues from the HSRF at the Department of Public Health and Environment. Also refinance the \$75,000 General Fund from the CERCLA contracts line with cash from the same source. Estimate FY11 General Fund savings of \$535,000.

Other budget changes November 1<sup>st</sup> submission:

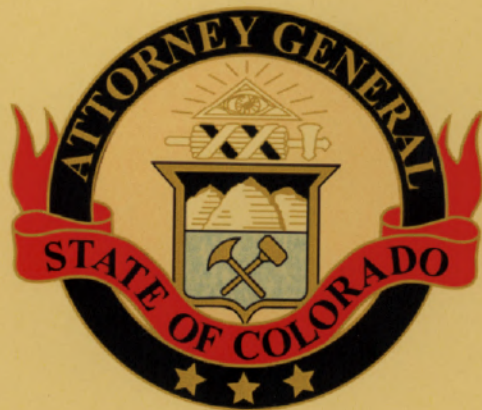
- Requesting .5 FTE legal assistant for Uniform Consumer Credit Code/Collection Agency Board
- Consolidating Uniform Consumer Credit Code/Collection Agency Board
- into one line item appropriation for program efficiencies

Budget Changes to be submitted as Budget Amendments (Non-General Fund):

- Reduce the Defense of the Colorado River Compact line to and 3.0 FTE with a corresponding reduction in the appropriation amount to be determined.
- Reduce the Rocky Mt Arsenal NRD's appropriation by \$45,000 to match anticipated expenditures.

# Department of Law

# Annual Report



## Table of Contents

Office of the Attorney General – 2

Budget and Legislation – 5

Consumer Protection – 6

Criminal Justice – 10

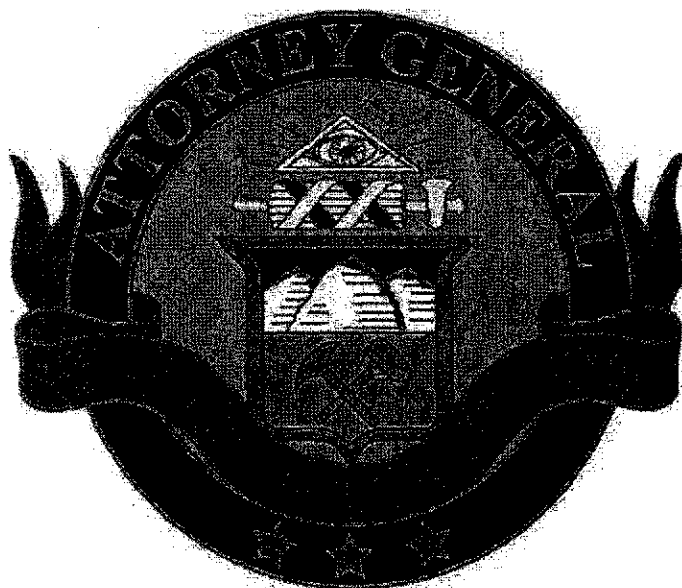
Appellate Division – 16

Natural Resources – 19

State Service – 23

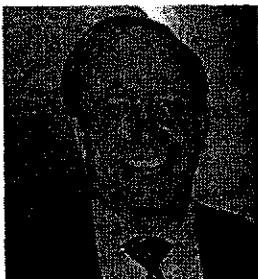
Civil Litigation and Employment Law – 26

Business and Licensing – 30





## Attorney General John W. Suthers



On Jan. 4, 2005, John W. Suthers was appointed as Colorado's 37th Attorney General. In November of 2006, the voters of Colorado elected Attorney General Suthers by a large margin to serve a full, four-year term. As Attorney General, Suthers is charged with representing and defending the interests of the People of the State of Colorado, and serves as chief legal counsel and advisor to state government, its statewide elected officials, and its many state agencies, boards, and commissions.

Attorney General Suthers graduated magna cum laude from the University of Notre Dame with a degree in government in 1974, and from the University of Colorado Law School in 1977. From 1977 to 1981, he served as a deputy and chief deputy district attorney in Colorado Springs. From September of 1979 to January of 1981, he headed the Economic Crime Division of the DA's office and co-authored a nationally published book on consumer fraud and white-collar crime.

In January 1981, Mr. Suthers entered private practice as a litigation partner in Colorado Springs firm of Sparks Dix, P.C. He remained with the firm until November 1988, when he ran against and defeated the incumbent district attorney for the 4th Judicial District. He was elected to a second term as district attorney in 1992. After serving two terms in office, he returned to Sparks Dix, P.C. as senior counsel in charge of the firm's litigation section.

In 1999, Mr. Suthers was appointed executive director of the Colorado Department of Corrections by Gov. Bill Owens. As head of the state's correctional system, he oversaw an organization with almost 6,000 employees and an annual operating budget of approximately \$500 million.

On July 30, 2001, Mr. Suthers was nominated by President George W. Bush to be the United States Attorney for the District of Colorado. He was unanimously confirmed by the U.S. Senate, and represented the United States in all criminal and civil matters within the District.

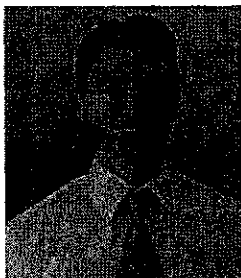
In his tenure as Attorney General, Mr. Suthers has founded a safe surfing initiative to protect Colorado's children from internet predators. He also has convened a Mortgage and Foreclosure Fraud Task Force which has led to several pieces of legislation designed to combat mortgage and foreclosure fraud. Attorney General Suthers has been a champion for Colorado's environment, leading the charge to reclaim damages for the Rocky Mountain Arsenal superfund site.

He serves as co-chair of the National Association of Attorneys General Criminal Law Committee, as chair of the National Association of Attorneys General Campus Safety Committee and as a member of the U.S. Attorney General's Executive Working Group.

Mr. Suthers has served on the board of numerous civic organizations. He served as president of the El Paso County Bar Association in 1990-91, president of the Colorado District Attorney's Council in 1994-1995, and senior vice president of the Colorado Bar Association in 1996-1997. In 1992, Suthers was appointed by the Colorado legislature to serve as a delegate to the National Conference on Uniform State Laws, serving as such until January 1997. In the summer of 2000, Mr. Suthers received a Gates Foundation Fellowship to attend the Government Executives Program at Harvard University's Kennedy School of Government.

John and his wife, Janet, have been married for 33 years and have two daughters, Alison, an attorney in Denver, and Kate, a post-graduate business student and a lieutenant in the United States Navy.

**Daniel Domenico**  
Solicitor General



Attorney General Suthers appointed Dan Domenico as Solicitor General of Colorado in April 2006. Before joining the Office of the Attorney General, Domenico was special assistant to the solicitor of the United States Department of the Interior. In that role, he advised the Secretary and senior management of the Department on a wide range of matters relating to National Parks, federal land, water resources, energy production and other issues important to Coloradans and citizens of the American West.

Prior to his work at the Interior Department, Domenico practiced for several years in the Denver and Boulder offices of the national law firm Hogan & Hartson. He also clerked for Judge Tim Tymkovich of the United States Court of Appeals for the 10th Circuit (himself a former Colorado Solicitor General), and also worked with U.S. Senator John Thune.

Domenico, a Boulder native, received his undergraduate degree, magna cum laude, from Georgetown University. He attended the University of Virginia School of Law, where he served as editor for two academic journals, including the Virginia Law Review, and was elected to the Order of the Coif.

**Cynthia Coffman**

Chief Deputy Attorney General



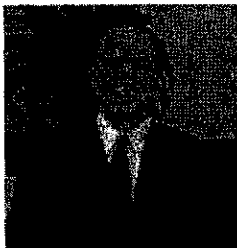
Cynthia Honssinger Coffman serves as chief of staff for the Department of Law's legal and administrative support team. Mrs. Coffman joined the Attorney General's Office in March 2005 after serving as chief legal counsel to Colorado Gov. Bill Owens.

Prior to her work at the State Capitol, Mrs. Coffman worked with the Colorado Department of Public Health and Environment. In that position, she oversaw legal and regulatory issues and worked extensively on the state's bioterrorism preparedness efforts and emergency planning.

Coffman is a founding member of the Public Health Law Association, a national professional organization formed in conjunction with the Centers for Disease Control and Prevention. She has served for five years on the faculty of the Centers' annual public health law conference and remains active in the field of health law.

**Geoff Blue**

Deputy Attorney General for Legal Policy and Governmental Affairs



Geoff Blue joined the Attorney General's Office in early 2008 as a senior policy adviser to the Attorney General and the office's liaison to the governor, General Assembly and local governments.

Prior to joining the office, Mr. Blue practiced law with Farfield and Woods, P.C., as a general commercial litigator. His legal experience includes stints with Higgins, Hopkins, McLain & Roswell, LLC, Wheeler Trigg & Kennedy, P.C., and Wolf, Block, Schorr & Solis-

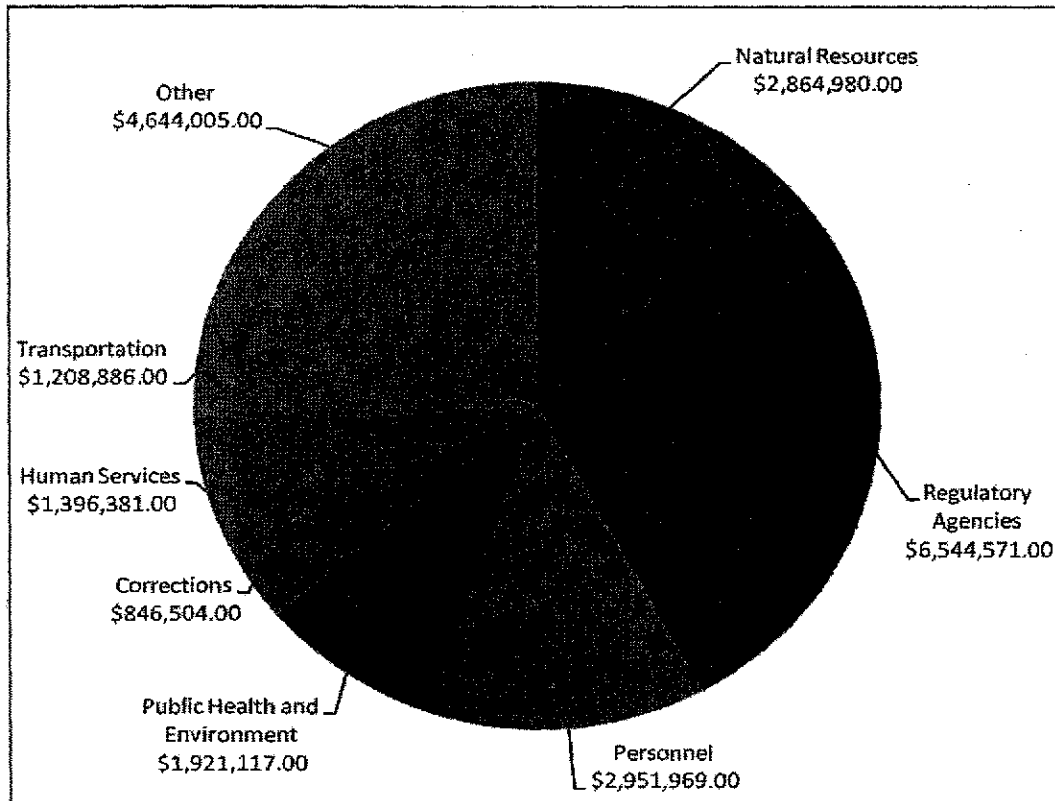
Choen, LLP.

Mr. Blue received his bachelor of arts degree in politics from Princeton University. From there, Mr. Blue matriculated to Victoria University of Manchester, England, where he earned a master of arts in health care ethics. Finally, Mr. Blue was granted a JD from the Georgetown University Law Center in 1998. During law school, he served as president of the Society of Law, Health and Bioethics.

The Department of Law by the numbers

Total FY2008-2009 appropriation	\$47,956,013
Percent of statewide appropriation	0.10%
Total full-time employees	390.9

Legal services expenditures by agency  
Fiscal Year 2008-2009



2008 Legislative Initiatives

The Office of the Attorney General saw mixed results in its 2008 legislative agenda. The office saw Senate Bill 77, which created civil and criminal penalties for the use of computers to circumvent ticket-purchase limits, pass with the support of 96 House and Senate lawmakers. The governor signed the measure into law.

The Senate State, Veterans and Military Affairs Commission struck down the office's effort to ban certain types of robo-calls, Senate Bill 146, in a 4-1 vote. The committee also struck down a similar proposal, Senate Bill 48, which the office said likely would be struck down as unconstitutional.

## Consumer Protection Section

The Colorado Attorney General's Office protects Colorado consumers and businesses against fraud and maintains a competitive business environment by enforcing state and federal consumer protection laws; enforcing state and federal antitrust laws; implementing and enforcing provisions of the tobacco master settlement agreements; enforcing state laws on consumer lending, predatory lending, debt collection, rent-to-own, and credit repair; and, advocating for residential, small business and agricultural public utility ratepayers. The enforcement activities during 2008 are discussed in more detail below.

### **Consumer fraud, antitrust and tobacco settlement enforcement**

The Attorney General's Office enforces a wide variety of state and federal consumer protection and antitrust statutes, as well as the terms of the Tobacco Master Settlement Agreement and related statutes. The office has also engaged in significant education and public outreach efforts, especially with respect to the victimization of older Coloradans.

Senior outreach: In October, the Attorney General sponsored a Summit on Senior Financial Exploitation in Denver, attended by more than 190 professionals in law enforcement, adult protection, health care, financial services, housing and other disciplines. The summit explored current trends in senior financial exploitation and the challenges that exist to preventing

exploitation. The best ideas from the Summit will be synthesized into a final report and will include formal recommendations for legislation, better professional training and improved coordination among the stakeholders working to prevent financial exploitation.

Mortgage fraud: Our mortgage fraud group undertook a number of investigations throughout the year designed to clean up false mortgage advertising, hold mortgage brokers accountable for deceptive brokering practices, and ensure greater protections for homeowners facing foreclosure.

Highlights include:

- The Attorney General reached settlements with four mortgage brokerage firms and their principals to resolve false mortgage advertising and marketing. The firms agree to cease the practice of advertising deceptively low "teaser" rates and ensure that material terms, such as an APR and other conditions of the loans, are prominently displayed in advertisements.
- The Attorney General filed two lawsuits and reached a settlement with another mortgage broker to address certain deceptive practices that they were using to originate loans. These cases go beyond just deceptive advertising and involve fraudulent loan origination practices.

Foreclosure Rescue Firms: The Attorney General took action against 11 firms that were out of compliance with the Foreclosure Protection Act. Each company agreed to cease soliciting Colorado homeowners until they come into compliance with the Foreclosure

Protection Act. Some of these cases resulted in refunds to consumers.

**Foreclosure Prevention:** The Attorney General continues to work with various local partnerships to support education and outreach to affected homeowners through the Foreclosure Hotline. He also continues to support the State Foreclosure Prevention Working Group, which is a multistate group composed of 13 state attorneys general and three state banking departments. This group is working with loan servicing companies to modify loans where it makes economic sense to keep the borrower in the home rather than let it fall into foreclosure.

**Antitrust:** Highlights of our antitrust enforcement activities include:

- Reaching a settlement in the long-standing Ovcon Litigation, which was filed in 2005. Colorado led this multistate litigation which charged Barr Laboratories and Warner Chilcott Pharmaceuticals with antitrust violations for conspiring to prevent a generic drug from being brought to the market. Under the Attorney General's leadership, the states settled with the remaining defendant, Barr Laboratories, for \$5.9 million.
- Seventeen states, including Colorado, joined the U.S. Department of Justice in October 2008 in suing to block the proposed merger of JBS Swift and National Beef, alleging a loss of competition in the upstream market for the purchase of feeder cattle as well as in the downstream market for selling boxed beef to retail outlets. A merger was cancelled in the face of opposition.

**Consumer Fraud:** The Attorney General continued to aggressively pursue deceptive trade practices in a variety of industries, including charitable

organizations. Some of the highlights include:

- *State v. Colorado Humane Society & Mary Warren et al.* (08CV2659): A 14-month investigation resulted in the filing of a lawsuit against this nonprofit corporation and its management alleging violations of the Colorado Charitable Solicitations Act, the Pet Animal Care Facilities Act, the Colorado Consumer Protection Act and the Colorado Revised Nonprofit Corporations Act. At the request of our office, a custodian was appointed to safeguard this charitable asset
- *State v. Family Relief Fund, Raymond Smith, and Marlene Stokes* (08CV5049): Filed suit on Nov. 24, 2008 and obtained a preliminary injunction against an unregistered charity. The complaint alleged the defendants falsely claimed to have tax-exempt status and misrepresented how donations would be used.
- *State v. AEI, et al.* (07CV908): The Office settled a lawsuit filed in 2007 against American Engine Installations, a Texas corporation, and its Colorado franchisees, alleging that defendants misrepresented estimates on engine repair services in order to collect large deposits from unsuspecting consumers. As part of the settlement, the defendants were barred from conducting an engine-repair business in Colorado and must pay the state \$300,000 in restitution, penalties and costs.
- *State v. LANS, et al.* (08CV666): The office brought suit in January 2008 against Legal Aid National Services, Inc. d/b/a The LANS Corp. (LANS) and its principals who misrepresented the "legal services" they provided. None of the defendants responded to the lawsuit and a default judgment was entered for \$1 million dollars in damages, fees and costs and a permanent injunction against advertising and performing "legal services" including preparation of legal documents.
- *State v. BASAD, et al.* (08CV9717): The Office filed suit against a Colorado-based company that operated a call

center for emergency locksmith services. Numerous consumers had complained that Basad misrepresented the price for its locksmith services and failed to disclose the actual expected charges.

## Uniform Consumer Credit Code and Collection Agency Board

The Consumer Credit Unit enforces a series of state credit-related laws: the Uniform Consumer Credit Code, which includes the Consumer Equity Protection Act and the Deferred Deposit Loan Act, the Fair Debt Collection Practices Act, the Debt-Management Services Act, the Credit Services Organization Act and the Rental Purchase Agreement Act.

Highlights from 2008 lending-practices cases include:

- Supervising 1,209 licensed lenders consisting of payday lenders (47 percent), mortgage companies (39 percent), finance companies (12 percent), and small installment lenders (2 percent). Enforced credit laws against other firms, including 870 companies filing notifications and collecting their own credit contracts.
- Conducting 667 compliance examinations of licensed lenders and required them to take corrective action and refund overcharges as appropriate and investigating 368 written consumer complaints against licensed lenders and other creditors.
- Refunding more than \$3 million dollars in overcharges to consumers from compliance examinations, investigations, and legal and administrative actions and collected \$124,500 in penalties, educational funds and cost reimbursements.
- Investigating or litigating 32 cases including a finance company's failure to provide consumers with right to cure default notices, an unlicensed payday lending company charging excess fees,

an automobile servicing company charging non-permitted fees to change payment due dates, and various excess fees on installment payments charged by health clubs and their servicing companies.

- Filing a lawsuit against a lender that makes small installment loans at 10 Colorado locations alleging that it failed to assess consumers' repayment ability, falsified application information, and charged excessive fees.

In the arena of debt collection, the Attorney General:

- Oversaw the activities of 674 licensed collection agencies.
- Investigated or litigated 44 cases and collected \$107,300 in fines. Most of the cases involved unlicensed debt collection activities.
- Handled 736 written complaints against collection agencies in addition to telephone complaints and inquiries.
- Issued 59 cease and desist notices to unlicensed collection agencies.
- Filed a lawsuit against a law firm alleging that it threatened legal action on old debts beyond the statute of limitations and misrepresented that civil penalties were due prior to obtaining court judgments.

## Office of Consumer Counsel

The OCC Unit provides legal support and represents the Office of Consumer Counsel. The OCC advocates on behalf of residential, small business and agricultural interests before the Colorado Public Utilities Commission and in other forums on issues concerning electricity, natural gas, and telephone issues.

Highlights from 2008 include:

- Working on behalf of the OCC in 80 matters before the PUC, including protests, interventions and rule-making activities. In fiscal year '08, consumer realized savings, based on the OCC's

representation, was more than \$43 million.

- Filing Advice Letter No. 727 on April 18, 2008, which is Public Service's Phase II gas rate case. The hearing commissioner issued his recommended decision on Oct. 24, which determined that the service and facilities charge should not be increased as proposed by Public Service.
- Aquila Networks-PNG filed Advice Letter No. 528 on June 30, 2008, which is a Phase I gas rate case, seeking to increase its annual revenue requirement by nearly \$2.7 million, or 14.94 percent. On July 15, Aquila filed its notice of date of closing with the commission in which it stated that Aquila transferred all of its Colorado utility properties to Black Hills/Colorado Electric Utility Company, LP on July 14, 2008. Black Hills filed its Phase II testimony Sept. 19 with the following proposed rate impacts: 4.13 percent increase for residential; 4.40 increase for small commercial; 5.02 percent decrease for

large volume; 26.24 percent increase for large volume transportation and \$0.01 increase per month for small volume and irrigation classes. A hearing will be held in 2009.

- On Aug. 5, 2008, Black Hills filed an application for approval of its 2008 Colorado Resource Plan. The 2008 CRP sets forth the company's proposed resource plan between now and 2013 with the proposed acquisition of 2 mW of solar in 2008, 2 mW of solar in 2012, at least 60 mW of wind (subsequently amended to 20 mW of wind) and 346 mW of natural gas-fired combustion turbines before 2012. Black Hills stated that its 2008 CRP filing was based on the Dec. 31, 2011 termination of a restated power sales agreement with Public Service. As a result of the Public Service PPA termination, Black Hills will have a capacity deficit of approximately 75 percent. A hearing for Phase I will be held in 2009.



## Criminal Justice Division

The Criminal Justice Division of the Colorado Attorney General's Office assists local prosecutors and law enforcement agencies throughout the state on matters that occur in more than one local jurisdiction, including presenting cases to the Statewide Grand Jury and serving as special district attorneys as requested. Division members provide special assistance to district attorneys in death penalty and gang-activity cases, as well as administer the Peace Office Standards and Training Board.

The Criminal Justice Division coordinates the prosecution of foreign fugitives and represents the Department of Public Safety. The Division has statutory authority to prosecute white-collar crimes, environmental crimes and multi-jurisdictional matters through either direct filings or use of the Statewide Grand Jury.

### Securities Fraud

Pursuant to Colorado law, the Attorney General has original jurisdiction to prosecute criminal violations relating to securities and securities fraud. The Attorney General's office independently investigates and prosecutes allegations of securities violations statewide and in doing so, works closely with the Colorado Division of Securities and other law enforcement agencies. The unit is made up of two attorneys, two investigators and a paralegal who all work on securities fraud cases full time.

The unit obtained 59 felony convictions at trial, and, for the year, the unit obtained a total of 69 felony convictions which resulted in restitution orders for Colorado victims of securities fraud totaling more than \$20.6 million. The unit opened nine investigations and filed six felony criminal cases throughout the state. Of the cases opened, five were initiated by the Attorney General's unit, and four cases were referred by the Colorado Division of Securities.

The unit's legal victories include a series of high-profile convictions and guilty pleas:

- In January, an El Paso County jury found Doug Scott guilty of securities fraud and theft for his role in a hedge fund scheme. Scott was using investors' money, for example, to purchase an airplane and to fund the construction of Scott's personal residence. He was sentenced to 15 years probation and owes nearly \$1.8 million in restitution to 148 victims.
- William Leary pleaded guilty in June to 11 counts of securities fraud for his role in convincing investors' to put up money for what they thought were baseball facilities. He was sentenced to four years probation and owes \$26,300 worth of restitution to two victims.
- In August, a Larimer County jury found Gene Little guilty of 34 securities fraud charges and one theft charge after he used his church and community affiliations to fraudulently obtain \$2 million in investments. Little promised investors a 15 percent return on their money, but only \$8,000 of the "investments" were ever invested. Little was sentenced to six years in prison and owes 38 Colorado victims nearly \$1.9 million.
- In September, Steven Sumner pleaded guilty to six count of securities fraud

and five counts of theft for convincing investors to let him to use their money to back home loans and real estate purchases. Sumner was sentenced to seven years in prison and owes more than \$57,000 to seven Colorado victims.

## Insurance Fraud

Under Colorado law, the Attorney General has original jurisdiction to prosecute allegations of criminal conduct relating to insurance fraud. The Insurance Fraud Unit consists to two attorneys, four investigators and a paralegal, all assigned full-time to insurance fraud matters. During 2008, the Insurance Fraud Unit received 337 referrals of potential criminal cases relating to insurance fraud. As a result, the unit opened 54 new felony investigations. The unit filed 17 felony cases throughout the state, five of these cases were initiated by indictments issued by the Statewide Grand Jury, the remainder were filed by complaint and information. The unit resolved 19 cases through plea negotiations, as a result of these negotiated settlements; the unit achieved new restitution orders totaling more than \$1.1 million in 2008.

## Medicaid Fraud

In 2008, Colorado paid more than \$3 billion on behalf of 393,200 citizens who qualified for Medicaid benefits. The goal of the Medicaid Fraud Control Unit is to preserve this fund for those in need and to protect it against fraud. The unit also investigates and prosecutes complaints of neglect and physical abuse in long-term care facilities such as nursing homes, and serves as an authority and a training resource on abuse investigation

and prevention. Two attorneys, eight investigators, an auditor, a nurse investigator, a paralegal and a program assistant accomplished the unit's work in 2008. Two of these positions, the nurse investigator and a criminal investigator, were added for 2008.

In 2008, the unit opened 46 new investigations and filed six new cases of fraud, including impersonation and durable medical equipment fraud. The unit obtained three criminal convictions and nine civil settlements, with recoveries totaling more than \$5.3 million. Sample convictions include: The ringleader of an organization that billed the state for over \$1 million in false and inflated wheelchair repair claims; a defendant who submitted false supplier invoices to support nerve stimulation bills that were considerably higher than the true prices; and a defendant working as a nurse under the name and license of an actual nurse residing in a different state.

## Foreign Prosecutions

Foreign prosecutions occur when a defendant who is a Mexican national has fled the United States and can be subjected to prosecution by Mexican authorities under Article IV of the Mexican Penal Code. 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.

During 2008, the FPU initiated three murder cases and prepared two additional Article IV cases. Additionally, the FPU has represented the Colorado Attorney General in numerous training sessions including the Policia Internacional Sonora y Arizona training seminar in Puerto Peñasco, Sonora, Mexico, the Conference of Western Attorneys General in Seattle and a cooperative exchange between Attorney General Suthers and the Mexican Attorneys General delegation. The unit's sole investigator has been instrumental working with CWAG, Council of State Governments and the U.S. Agency for International Development. Several MOUs have been signed between western attorneys general and Mexican attorneys general in a bi-national agreement to share criminal justice resources and training exchanges for criminal investigators and prosecutors from Mexico as our southern counterparts convert to an adversarial system of justice similar to ours. The FPU was responsible to coordinate the first non-border training exchange with fifteen state investigators from Baja, Mexico, through the collaboration of prosecutors and law enforcement agencies in Colorado.

The FPU has a total of 11 open cases, three awaiting a court ruling, six pending apprehensions and two in the process of preparation for filing under Article IV. At this reporting period, FPU has six murder cases completed, fugitive arrested and prosecuted, resulting in sentencing orders totaling more than 117 years to a Mexican federal prison thus saving Colorado millions of dollars of incarceration costs.

## Special Prosecutions

The Attorney General has statutory authority to prosecute specifically enumerated crimes including environmental violations, tax fraud, mortgage fraud, election fraud, workers compensation fraud and other types of fraud related offenses. Additionally, the Attorney General functions as the legal adviser to the statewide grand jury. This duty allows for the prosecution of complex criminal cases which occurred in multiple judicial districts throughout the state. The Special Prosecutions Unit, which is comprised of five attorneys, four investigators, and one support staff employee, is responsible for many of the state's multiple jurisdiction matters, as well as special investigations that can be referred by other state agencies or the governor. Unit attorneys prosecute cases throughout Colorado either under the auspices of the Attorney General and as specially appointed deputy district attorneys in the 22 judicial districts.

In early 2008, Gov. Bill Ritter assigned the Attorney General to take lead in the re-investigation of the 1987 murder of Peggy Hettrick in Fort Collins. A prosecutor and three unit investigators have been assigned to work with the deputy attorney general for criminal justice as well as with an attorney and an investigator from the Attorney General's homicide assistance team to conduct this investigation.

In 2008, this unit indicted 10 defendants who committed a sophisticated mortgage fraud scheme in the Metro Denver area. The leaders of this scheme were charged under the Colorado Organized Crime

Control Act and were prosecuted by a Special Prosecutions Unit in Adams County. This unit continued with its prosecution of 16 offenders associated with a drug and auto-theft ring in the Four Corners area. This particular prosecution included the conducting of a successful multi-week jury trial in November 2008 by this unit in Durango against a key leader of the criminal enterprise, who was convicted of violating the COCCA statute. Other cases indicted and prosecuted by this unit included a four defendant home burglary ring whose goal was to break into new homes throughout the Denver metro area, steal and then sell high end appliances. The ring leader pled guilty to violating the COCCA statute and was sentenced to prison. Unit prosecutors were also assigned to prosecute a six defendant heavy equipment theft ring in Adams County who were indicted by the Statewide Grand Jury this year.

Protecting Colorado's citizens from the fraudulent use of state funds is an important function for the special prosecutions unit. Multiple cases, including at least 11 matters of significant tax fraud were concluded this year. The tax fraud cases as a whole resulted in excess of \$250,000 of restitution being ordered on behalf of the citizens of Colorado. For example, unit prosecutors handling the tax crime cases were responsible for the conviction of a businessman in a tax evasion and theft scheme resulting in approximately \$60,000 of restitution. Twenty-three persons were successfully prosecuted for felonies involving unemployment insurance fraud, with more than \$100,000 in restitution being ordered by courts. Fifteen cases of workers'

compensation insurance fraud resulted in convictions and restitution orders of \$263,000.

Protecting Colorado's natural resources also is an important part of this unit's responsibility. The Environmental Crimes Unit within the Special Prosecutions Unit filed seven environmental crimes prosecutions in the last year including a significant grand jury indictment relating to the improper removal and disposal of asbestos from buildings. The Attorney General works closely with the U.S. Attorney's Office and both state and federal agencies in pursuing environmental crimes.

### **Homicide Assistance Team**

The Attorney General employs an expert team consisting of two attorneys, a seasoned homicide investigator and one support staff employee to provide critical support and assistance to the elected district attorneys and to local law enforcement throughout the state in matters involving all aspects of active and cold case homicide investigation and prosecution. In 2008, members of this assistance team assisted local prosecutors and investigators in many counties, including Larimer, Park, El Paso, Arapahoe, Douglas, Montrose and Elbert counties. The unit attorneys and its investigator are also responsible for the conducting of invaluable training for this state's prosecutors and investigators.

### **Department of Public Safety**

The Department of Public Safety is the principle state law enforcement agency and provides a leadership role in policy

development and implementation of a wide range of criminal justice issues. This unit of one attorney provides legal advice on policy decisions, attends staff meetings, is a voting member of the asset forfeiture committee, advises numerous boards and commissions, and attends rule making hearings and quarterly CSP SOAR meetings.

In 2008, the DPS was designated the lead state agency in providing security for the Democratic National Convention. This attorney advised DPS throughout the one-year planning process, coordinated legal issues with federal and local attorneys, drafted the Inter-governmental Agreement between the state and the city and county of Denver, and worked with the governor's legal counsel to pre-draft executive orders in case of catastrophic events.

In 2008, this attorney represented DPS in numerous district court cases, litigated 12 Personnel Board hearings, filed three responses to EEOC investigations, briefed and argued two appellate cases, reviewed and drafted contracts, MOUs and intergovernmental agreements responded to frequent open records requests, and handled nearly 200 general requests for legal advice.

### **Colorado Peace Officer Standards and Training Board**

The Colorado Peace Officer Standards and Training Board manages and documents the training and certification accomplishments of more than 14,400 active peace officers and reserve peace officers appointed by Colorado law enforcement agencies. The POST Board

and staff continue to manage and improve the records of Colorado peace officers through the application of the *Crown Pointe* computer software program.

POST continued to partner with the Anti Defamation League to offer the "ADL/P.O.S.T Anti-Bias Training for Law Enforcement Officers" program to officers. This project meets the peace officer training requirements of §24-31-309(c)(5); provides the training to the state's law enforcement agencies. More than 13,000 Colorado peace officers have undergone the program and other approved-agency training programs.

Additionally, the anti-bias training curriculum is now available on the Internet. The Internet program addresses the same core competencies and student outcomes as in the in-class program, and is available on the Internet to any peace officer and other law enforcement agency employees, at their convenience and at any computer.

POST staff and the POST Board training subcommittee worked diligently to complete the second grant funding process. The subcommittee's grant funding recommendations were presented to, and accepted by, the POST Board. The board approved training grant funding of in the amount of \$720,000 for the period July 1, 2008 through June 30, 2009. Four statewide training partners and 10 training regions, made up primarily of judicial districts, have been established to manage peace officer training programs. The law enforcement leaders serving on each of the regional committees have facilitated

training programs unique to the officers serving within their region.

During 2008, the POST Board reviewed the criminal convictions of 23 peace officers convicted of felonies and certain misdemeanors. In each of those cases,

the certificate of the convicted peace officer was revoked by the board.

Colorado revocations actions are entered into the POST electronic database and are also reported and entered into a national peace officer decertification database.

## The Appellate Division

The Appellate Division of the Attorney General's Office is Colorado's prosecutorial authority at the appellate level of the criminal justice system. Division attorneys represent law enforcement when defendants appeal criminal convictions in the Colorado appellate courts. In addition, the division represents the interests of the state in extradition appeals, in selected civil appeals (such as property and bond forfeiture actions) and in the federal courts in *habeas corpus* actions challenging state criminal convictions.

The overwhelming majority of trial convictions are obtained by the hundreds of deputy district attorneys who do felony trial work for the 22 district attorneys in the state. As of the end of 2008, the Attorney General's Appellate Division had 27 full-time attorneys supported by three staff members to respond to all of the defense appeals of these felony convictions. Not surprisingly, the division's caseload is high and demanding.

Because the division responds to appeals that are filed on behalf of convicted criminals, it cannot control the size of its caseload. The division must provide effective and ethical representation in all cases, which range from relatively simple trial court denials of postconviction relief to more complicated constitutional questions and issues of statutory interpretation and trial practice. In each case, the attorney must read the trial transcript and other pertinent documents, conduct legal research on each of the defendant's claims and write an argument explaining why law enforcement should prevail.

While a majority of the cases directly impact only the defendant and the victims, any given case may have a significant impact on how law enforcement authorities conduct searches and arrests; on criminal trials and sentencing hearings throughout the state; on the state's Department of Corrections; and on probation, parole and county community corrections programs.

In addition to their appellate litigation, Appellate Division attorneys share their expertise in criminal law issues with the state's district attorneys through weekly case law updates, informal advice, and formal presentations at Colorado District Attorneys Council meetings and training sessions.

### 2008 Caseload

The Appellate Division opened 1,130 new appellate cases in 2008 (179 more cases than 2007). Division attorneys successfully upheld criminal convictions and/or sentences in 90 percent of their cases. These cases involved the following convictions:

- 802 assaults or sexual assaults against children
- 399 burglaries and thefts
- 376 kidnappings and assaults
- 300 drug offenses
- 339 homicides
- 229 aggravated robberies
- 96 sexual assaults on adults
- 932 other offenses (primarily felonies)

In managing the appellate caseload, among other duties, division attorneys also performed the following tasks:

*Motions.* Monitored and responded as necessary to ongoing pleadings in hundreds

of cases in the preliminary stages of the appellate process.

*Opening and Answer Briefs.* Filed 936 opening briefs, answer briefs and answers to orders to show cause (45 more than 2007).

*Oral Arguments.* Appeared at 146 oral arguments (to present the state's position and answer questions from the judges. In most instances, panels of three or more division attorneys review the briefs and serve as judges in mock arguments to prepare the attorney handling the case for argument.

*Petitions for Rehearing.* Filed 50 petitions for rehearing to correct matters that were wrongly decided by the courts.

*Petitions for Certiorari.* Asked the Colorado Supreme Court to conduct further review in 22 cases that would otherwise have an adverse impact on law enforcement.

### Significant cases

People v. Washington and People v. Sayles, 186 P.3d 594 (Colo. 2008). In the trial court, Defendant Washington raised a claim that his right to a jury selected from a fair cross-section of the community would be violated, and he presented an expert witness who provided a statistical analysis to demonstrate the discrepancy between the percentage of African-Americans and Hispanics in the typical jury venire in Arapahoe County and in the community. Defendant Sayles, who was being tried in a different case in

Arapahoe County, raised the same claim and relied on the evidentiary hearing that had been held in Washington's case to support his claim. The Supreme Court held that no specific statistical measure should be excluded in determining whether the fair cross-section standard is met. It concluded, however, that the statistics offered by the defense expert did not demonstrate an unreasonable or unfair representation of Hispanic and African-American citizens in the jury pool in relation to the representation of those groups in the community, and thus neither defendant was deprived of his rights under the Sixth Amendment. However, the court disapproved of the jury panel selection practice that provided jury service credit to Aurora municipal court jurors (thus taking them out of the larger county pool), and it directed that this practice stop. The concurrence by Justice Coats questioned whether the court had supervisory powers over the jury commissioner that would permit it to direct such action in this criminal case.

Sanoff v. People, 187 P.3d 576 (Colo. 2008). Defendant Sanoff was a partner in, and responsible for, the financial dealings of a rehabilitation clinic. She used that position to embezzle more than \$450,000. For a variety of reasons, the restitution order was not entered until two years after Sanoff was sentenced (both defense and prosecution counsel consented to the delay). Sanoff argued that her conviction was void because the mittimus did not include the restitution order. The SC held that, because statutory law allows imposition of restitution after a defendant has been sentenced, judgments are



not void if they are not imposed simultaneously. All that is required for the conviction to be final is a court finding that the defendant is obligated to pay restitution; the amount of that obligation can be determined later.

**People v. Tixier, \_\_\_ P.3d \_\_\_, 06CA1534 (Colo. App. 10/16/08).**

Convictions: sexual assault on a child by one in a position of trust. Held:

- An appellate court reviews a trial court's findings under §18-3-414.5 for clear error, and reviews de novo the question of the court's factual findings are sufficient to support the legal conclusion that the defendant is a sexually violent predator within the meaning of the statute.
- SVP can apply in the context of a non-stranger relationship (here, a father victimizing stepdaughter): The COA held that, under §18-3-414.5(1)(a)(III), the defendant "promote[s] a relationship [with the victim] primarily for the purpose of sexual victimization" when he or she (1) interacts with a victim and, primarily for the purpose of sexual victimization, attempts but

fails to establish a relationship with the victim, or (2) encourages a victim with whom the offender has a limited relationship to enter into a broader relationship, primarily for the purpose of sexual victimization.

**People v. Gosselin, \_\_\_ P.3d \_\_\_, 07CA0799 (Colo. App. 10/16/08).**

Convictions: second degree murder. Held:

- Evidence obtained after a defendant invoked his right to counsel in violation of *Edwards v. Arizona*, 451 U.S. 477 (1981), is admissible if the statements leading to the discovery of the evidence are voluntary. Extends *United States v. Patane*, 542 U.S. 630 (2004) (exclusionary rule does not apply to evidence obtained from unwarned but voluntary statements); applies *People v. Bradshaw*, 156 P.3d 452 (Colo. 2007).
- Where a trial court's suppression ruling makes no reference to the Colorado constitution, the appellate court will presume that the trial court relied upon federal constitutional standards.

## Natural Resources Section

The Natural Resources and Environment Section works on behalf of Coloradans to protect and improve the quality of our State's natural environment and to ensure intelligent use and development of our natural resources. The section provides legal counsel and representation to the Colorado Department of Natural Resources, the Colorado Department of Public Health and Environment, and any other state agency or official with a natural resource or environmental issue. The section also advocates on behalf of the State Natural Resources Trustees to recover damages for injuries to natural resources and to restore those resources.

### Interstate water and water rights

The Natural Resources Section protects Colorado's interests in its intrastate waters and interstate rivers. Over the course of 2008, the section:

- Actively represented the State Engineer's Office in a 16-day trial in a large-scale agricultural-to-municipal change of water rights from the South Platte River.
- Successfully negotiated a final decree quantifying the United States' claims for reserved water rights in the Black Canyon of the Gunnison National Park, ending a dispute spanning more than 30 years.
- Protected the state's interests in litigation and legislation regarding the Colorado River Compact and the Upper Colorado River Compact.
- Participated in the Aspinall Unit re-operations Endangered Species Act review and National Environmental Policy Act processes on behalf of the state.
- Represented the state engineer in hundreds of water rights proceedings in Colorado's water courts, including several appeals to the Colorado Supreme Court. Achieved favorable results in all Supreme Court litigation for water rights – Supreme Court agreed that Ground Water Commission only has jurisdiction over surface water rights to determine whether the boundaries of a designated ground water basin are proper.
- Successfully defended four Supreme Court challenges to the state engineer's authority to curtail out-of-priority diversions.
- Assisted the Colorado Water Conservation Board, the State Land Board, Colorado Department of Transportation, Department of Corrections, the Division of Wildlife, Division of Parks and Outdoor Recreation and the Colorado Historical Society in acquiring new water rights and protecting existing water rights.
- Successfully obtained instream flow decrees for the Colorado Water Conservation Board, including appropriations in Water Divisions 1, 2, 5 and 7.
- Provided representation for over 200 cases for the Colorado Water Conservation Board encompassing all seven water court divisions.
- Began an in-depth, long-term analysis of Colorado State Parks' water rights in order to create a comprehensive inventory of ground and surface water rights owned, leased or used at each of the state's 45 parks. The inventory will be used to identify potential water right issues, determine which areas need additional water rights, and which water rights need protection or development.
- Represented the State Engineer's Office in a 30-day trial regarding a plan for

augmentation for 215 wells located on the South Platte River.

- Represented the State Engineer’s Office and the Colorado Water Conservation Board in their successful efforts at trial to achieve a state law based water right for the Great Sand Dunes National Park.

## Oil, gas and minerals

Over the course of 2008, the section also worked to protect the state’s interests in its mineral wealth, including:

- Assisting and advising the Colorado Oil and Gas Conservation Commission and its staff on numerous procedural and substantive issues in conjunction with one of the largest rule makings any state agency has undertaken.
- Negotiating a consent decree with a third party in a case where the operator, Asarco Inc., had filed a petition in bankruptcy. The consent decree requires the third party to reclaim the mine site to standards and to post a \$4.8 million bond to ensure reclamation of the site.
- Protecting the state’s interest in reclamation of mined land by representing mining agencies in a national, multimillion dollar Asarco, Inc. bankruptcy.
- Participating in federal, state and local team meetings regarding regulation of oil shale development. Worked closely with CDPHE to ensure state air and water quality issues of concern were addressed with respect to oil shale research, design, and development leases.
- Assisting the Division of Reclamation, Mining and Safety in several legislative bills concerning prospecting and regulation of uranium mining operations.
- Drafting amicus curiae briefs in the Colorado Supreme Court to protect the Mined Land Reclamation Board’s authority in the regulation of mining operations that use chemicals to process

minerals. The court ultimately ruled in favor of the board.

## State and trust lands

During 2008, the section managed public land for the benefit of Colorado residents and wildlife by:

- Facilitating the acquisition by the Division of Wildlife of more than \$27 million dollars in real property interests, both fee title and conservation easements that protect and preserve critical wildlife habitat throughout Colorado.
- Advising the Division of Wildlife in negotiating a memorandum of agreement with the Southern Ute Indian Tribe, whereby tribal members will exercise their off-reservation treaty based hunting rights in a manner compatible with continued public hunting in the same areas of southwestern Colorado.
- Assisting in the development of enabling statutes and the adoption of a regulatory program by the Division of Wildlife and the Division of Parks and Outdoor Recreation to address increasing threats to state wildlife and recreational resources from aquatic nuisance species (ANS). ANS management is becoming an issue of critical national importance as such exotic nonnative species continue to proliferate and the regulatory program adopted by the divisions is being looked at as a model by other states.
- Advising the Division of Parks and Outdoor Recreation as it undertook a major re-structuring of programs, personnel and financing in responding to and complying with an extensive performance audit requested by the Department of Natural Resources.
- Advising the State Board of Land Commissioners on management of the trust assets it holds for the benefit of K-12 education, which over the past year generated roughly \$60 million

dollars of net trust income to support public education in Colorado.

## Air, land and water protection

During 2008, the section protected the state's natural resources through active enforcement, including:

- Assisting CDPHE's Air Pollution Control Division and Air Quality Control Commission in preparing and adopting a comprehensive Ozone Action Plan, including a State Implementation Plan revision, to address ozone in the Denver Metropolitan Area and North Front Range.
- Obtaining an injunction for the Air Pollution Control Division against a rental property owner who caused three major asbestos spills in Pueblo residential areas.
- Negotiating a stipulation for the Water Quality Control Division, requiring the installation of comprehensive storm water run-off controls for construction activities on the Roan Plateau that had discharged substantial quantities of sediment into Parachute Creek.
- Bringing air enforcement action against Cemex, Inc. to ensure accurate data collection and reporting, and obtain a civil penalty and supplemental environmental projects that will protect and improve the environment and public health in Boulder County.
- Settling violations of the State's drinking water regulations at a trailer park in Golden that serves mainly low-income citizens. The settlement will bring the facility into full compliance.
- Continuing our involvement in Eleventh Circuit litigation in support of EPA's rule exempting water transfers from Clean Water Act permitting requirements in order to protect Colorado's interests in inter-basin water transfers.
- Settling joint enforcement actions with EPA and DOJ against national home builders and "big box" retailers for stormwater permit violations at construction sites in Colorado, resulting in vastly improved stormwater management at the defendants' sites and civil penalties of over \$200,000 payable to the state.
- Negotiating a settlement requiring Kerr-McGee to install \$12 million in air pollution control equipment upgrades at its oil and gas production facilities in Colorado.
- Working with the Air Pollution Control Division and the Southern Ute Tribe in drafting the Southern Ute's air quality procedural and Title V permitting regulations.
- Negotiating a settlement agreement with an entity operating under a drinking water disinfection waiver to require a reworking of its drinking water system and provide more frequent sampling and other operational changes to ensure continued compliance with drinking water standards.
- Negotiating an Order on Consent that resolved numerous long-standing and on-going water quality violations at the National Hog Farms facility.
- Entering in to a settlement that will bring a Glenwood Springs drinking water facility into compliance with the state's drinking water laws.
- Helping obtain a motion for summary judgment against Adams County, which had sought to block a waste disposal plan supported by CDPHE. Also defended before the state Supreme Court favorable decisions by the District Court and Court of Appeals in a lawsuit by Adams County challenging a state-issued license and permit.
- Negotiating a process to begin closure or alteration of a waste large impoundment at the Cotter Cañon City Uranium Mill.
- Representing the Governor's Energy Office and in support of expanded use of renewable energy and energy conservation as a part of Xcel Energy's electric resource plan, which the PUC approved.

- Advocating to the PUC on behalf of the Air Pollution Control Division in support of Xcel Energy's proposal to retire two coal-fired electric generating plants, which the PUC approved.
- Obtaining a favorable decision from the Colorado Court of Appeals in a challenge to the construction permit for Xcel Energy's Comanche 3 unit in Pueblo.
- Helping promulgate revised state mercury emission standards for coal-fired power plants.
- Working closely with CDPHE to mitigate potential air and water quality impacts regarding commercial oil shale development on Western Slope public lands.

## Hazardous and solid waste

During 2008, the section:

- Worked to require better monitoring of waste chemical weapons stored by the Department of Defense at the Pueblo Chemical Depot, and to force final treatment of the waste chemical munitions by 2017.
- Initiated contempt proceedings against defendants who had failed to comply with division and court requirements regarding compliance with Solid Waste Act and Regulations at two of the largest used tire storage facilities in the country. Worked with local officials and the site's new owners to bring the facilities into compliance after nearly a decade of regulatory problems.
- Assisted the client in stakeholder processes and intra-governmental negotiations regarding promulgation of regulations for two types of solid waste facilities: oil and gas exploration, production brine waste impoundments, and composting facilities.
- Convinced the U.S. Department of Defense that its long-standing policy of prohibiting DSMOA funding for sites based certain criteria was legally wrong. This hard-fought change in policy will make federal "formerly used defense

sites" funding available for sites like Fitzsimons Army Medical Center, and others in Colorado and nationwide.

## Natural resource damage restoration and land cleanup

During 2008, the section represented the National Resource Trustees in several matters, including:

- Negotiating a \$35 million settlement of the State's claim for natural resource damages at the Rocky Mountain Arsenal.
- Issuing a request for proposals to restore natural resources injured at Rocky Flats. The State Natural Resource Trustees and their federal counterparts will award up to \$4.5 million in natural resource damages to projects that restore, replace or acquire natural resources in the vicinity of Rocky Flats. Projects will be selected in 2009.
- Representing CDPHE to finalize settlements ensuring continued clean-up of the California Gulch Superfund site and restoration or replacement of injured natural resources, despite the bankruptcy of one of the site's largest responsible parties, Asarco. Obtained natural resource damages of \$5.25 million from Newmont Mining, and an uncontested claim for \$5.25 million in the ASARCO bankruptcy that will be used to restore upper Arkansas River habitats and clean up mine waste surrounding the site.
- Establishing a Natural Resource Damages Program to systematically and efficiently identify injuries to natural resources of the State, assess appropriate damages, and restore or replace the resources through fair and cost-effective projects.
- Successfully settling case against Standard Metals Corporation for natural resource damages caused by mining operations near Crested Butte and Silverton.

## State Services Section

The State Services Section of the Attorney General's Office represents the governor, other elected state officials, the administrative parts of the judicial branch, the State Board of Education, more than 20 Colorado-supported universities, colleges and community colleges, the Public Utilities Commission and the Departments of Human Services, Public Health and Environment, Health Care Policy and Financing, Education, Higher Education, Labor and Employment, and Personnel and Administration.

### Constitutional cases

During 2008, the State Services section accomplished much in defending Colorado's state government:

- Defending a challenge to most transfers of funds during the state's fiscal crisis.
- Defending the appeal of the dismissal of all claims in a major constitutional challenge to Colorado's system of financing K-12 education. The dismissal was affirmed by the Court of Appeals in January 2008 and is currently pending before the Colorado Supreme Court.
- Continuing to defend a free speech challenge to the Clean Indoor Air Act by area theatres. The dismissal is currently pending in the Colorado Supreme Court.
- Defending a challenge in the Colorado Court of Appeals to disclosure requirements in ballot measure elections.
- Defending a challenge to the coal severance tax in Denver District Court.

### Child Protection, Human Services and Health Care

On behalf of the Department of Human Services, the State Services section initiated actions against more than 38 entities seeking

finances for violations of licensing statutes and regulations and collected more than \$9,500 worth of fines. The section also:

- Represented DHS in an additional 87 cases, including 21 summary suspensions against child-care providers that failed to comply with regulations or operated without a license.
- Represented DHS in roughly 830 child protection cases, resolving most through mediation.
- Handled 29 cases for the Division of Youth Corrections regarding appropriate sentencing or the release of juveniles.
- Recovered more than \$568,000 in Medicaid payments from personal injury settlements and from other liable third parties.
- Advised and represented the Department of Health Care Policy and Financing through its Program Integrity Unit in the recovery of more than \$7.5 million in overpayments in the fiscal year ending June 30, 2008.
- Represented the Department of Public Health and Environment by initiating over 20 licensing actions to help maintain the quality of care provided by various health care facilities and emergency medical technicians.
- Successfully defended against a \$10 million dollar class action challenge to the state disability benefits program which would have required the department to pay for applicants' attorneys' fees.
- Successfully defended against an action seeking multi-million dollar changes in the operation of the Colorado Benefits Management System to make it compatible with other computer programs.

### Education

Over the course of 2008, the State Services section:

- Continued representing the Charter School Institute. Section members reviewed new applications and monitored seven operating institute charter schools serving more than 5,700 students. Two new schools were authorized to open in the fall of 2008.
- Continued representation of the Colorado Higher Education Insurance Benefits Alliance Trust in advisory and transactional capacities.
- Represented Adams State College, Auraria Higher Education Center, CollegeInvest, College Assist, College In Colorado, Colorado Historical Society, Colorado School of Mines, Fort Lewis College, Mesa State College, Metropolitan State College of Denver and Western State College in preparing and negotiating state contracts for various services, products and real estate, including contracts for providing students with electronic warnings of on-campus emergencies.
- Represented the Capital Construction Assistance Board, a newly constituted board created to administer the Building Excellent Schools Today program, which is authorized to provide up to \$250 million dollars for K-12 school construction and maintenance.
- On behalf of the State Board of Education, prosecuted disciplinary actions against 54 educator license holders and applicants, including 20 disciplinary actions involving charges of sexual offenses or misconduct.
- On behalf of the Auraria Higher Education Center, advised and represented the Center regarding facility use and security issues related to the 2008 Democratic National Convention, including negotiating and drafting license agreements for the use of Auraria campus facilities by the DNC Committee and the City and County of Denver during the DNC.
- On behalf of the Auraria Higher Education Center, advised the Center regarding the purchase and financing of 13.5 acres of real property adjacent to the Auraria campus for the future relocation and expansion of athletic

facilities for the Center's constituent institutions of higher education.

## Workers Compensation

The State Services section opened 105 cases to force employer compliance with mandatory workers' compensation insurance statutes. Section members closed 45 cases, either by the employer's fine payment, by settlement, by sending the fine to collection, or by the employer obtaining insurance or closing the business. The section obtained district court judgments for more than one million dollars in fines ordered by the Division of Workers' Compensation, and forwarded the judgments to Central Collection Services.

## Other legal actions

Attorneys and staff in the State Services section:

- Provided legal guidance to the Public Utilities Commission on gas, water, electric, telephone and transportation matters, including major rate cases and resource planning cases.
- Reviewed and edited or drafted approximately 750 PUC decisions and orders.
- Assisted the PUC in the implementation of House Bill 08-1227 – the PUC's sunset review legislation. Specific areas addressed in this legislation concern (1) implementation of numerous solar and other renewable energy initiatives, (2) a reduced standard of proof borne by applicants for new taxi service, (3) a lifting of the rate cap on the price of basic local exchange telecommunications service, (4) revisions to the Low-Income Telephone Assistance Program and Low-Income Energy Assistance Program, (5) procedures to permit commissioners to communicate with utility representatives and other interested persons so long as the discussion does not relate to any pending adjudicatory proceeding, and (6) new authority to assess civil

penalties against non-transportation public utilities.

- Advised the PUC in its consideration of the application by Public Service Company of Colorado for approval of its electric resource plan covering the period 2008 to 2015. In this complex proceeding, issues such as carbon reduction, integration of aggressive levels of wind generation, role of a post-hearing independent evaluator, the interplay between Section 123 (utility scale solar and other new-clean energy and energy-efficient technologies) and Section 124 (wind and solar subject to a cost cap) renewable resources, and transmission planning were addressed for the first time. Additionally, this application was supported by related applications concerning demand side management initiatives, the setting of the renewable energy standard

adjustment, additional gas-fired generation at Fort St. Vrain, and the restructuring of interruptible service offerings.

- Successfully defended the PUC in a court proceeding seeking to obtain reversal of a PUC decision in a Public Service Company of Colorado electric rate case that refused to reconsider the cost of a newly approved coal plant in establishing rates.
- Successfully defended the jurisdiction of the PUC to issue rules regarding towing services and to issue civil penalties to towing carriers.
- Continued to provide legal assistance to the Governor's Expert Emergency Epidemic Response Committee, the governor and CDPHE regarding the use of emergency public health powers in the event of a bio-terrorist attack or pandemic.



## Civil Litigation and Employment Law Section

The Colorado Attorney General's Office, through the Civil Litigation and Employment Law Section, defends state agencies and employees sued in state and federal court for personal injuries, property damage, employment discrimination and constitutional violations. The section also represents state agencies in personnel matters in front of the State Personnel Board. Section attorneys provide general legal advice and representation to the Colorado Department of Transportation, the Colorado Transportation Commission, the Colorado Department of Corrections, the Colorado State Board of Parole, the Division of Risk Management and the employees of those agencies.

The section attorneys provide advice and training to all state agencies in personnel administration and employment issues. The section handled a total of 766 new cases in 2008.

### Tort Litigation

The Tort Litigation Unit defended the state in 76 new lawsuits alleging personal and property damage and federal civil rights claims, including seven cases monitoring requests for attorneys' fees and costs. The attorneys also continued to handle many cases that were opened in previous years. The new cases handled in 2008 by this unit were brought against 12 different state agencies and entities.

The unit celebrated the following accomplishments in 2008:

- Won 32 motions to dismiss tort cases.
- Won seven motions for summary judgment.
- Won six cases filed on appeal.

- Settled 30 tort cases favorably for the State.
- Had 13 cases dismissed voluntarily.
- Successfully opposed five petitions for certiorari or mandamus filed in the U.S. Supreme Court.
- Won over \$168,000 in judgments, costs and fees for the state.
- Defended claims cumulatively seeking more than \$8.4 million in damages resulting in payments of less than \$2.5 million, saving the state almost \$6 million.

### Employment Tort Litigation

The Employment Tort Unit defends lawsuits brought by state employees and would-be state employees against their supervisors and employers. These employment cases are filed in state and federal district court and involve claims arising out of federal civil rights and employment law and state civil rights, tort, whistleblower, and contract law. The lawyers and staff also provide advice and training to various state agencies regarding employment issues.

In 2008, the unit:

- Defended 36 employment cases filed in state and federal district courts, including 15 new cases. The cases involved 236 claims for relief against state agencies and 717 claims for relief against state employees.
- Aggressively sought and obtained early dismissal and summary judgment, obtaining dismissal of 186 claims for relief before any time or money had been spent on discovery.
- Won every appellate issue decided during the year.
- Settled five cases for a total of \$347,235, saving the state more than \$1 million.
- Advised several agencies on FLSA issues, including classification, time-keeping, and calculation of overtime, along with drafting and review of overtime policies.
- Created and presented training to numerous State agencies, including numerous sessions

to CDOT supervisors on general employment issues. The CDOT training will continue in 2009, until we have reached every CDOT supervisor throughout the State.

### **Personnel, Employment, Civil Rights and Special Funds**

The Personnel/Employment/Civil Rights and Special Funds Unit of the Colorado Attorney General's Office helps state government manage its workforce and defends the state and its employees in employment and personnel disputes. The unit represents all agencies in personnel hearings and matters before the State Personnel Board. They also handle these cases on appeal. They provide advice and training to state agencies and employees regarding personnel matters. In addition, the unit provides legal advice to the Colorado Civil Rights Division within the Department of Regulatory Agencies in conjunction with CCRD's investigation of charges of employment, housing, and public accommodations discrimination and prosecutes those cases which have been noticed for hearing by the Colorado Civil Rights Commission. The unit also defends the Subsequent Injury Fund and the Major Medical Insurance Fund which are part of the Special Funds Unit of the Division of Workers' Compensation within the Department of Labor and Employment.

The unit accomplished the following in 2008:

- Provided "front-end" employment advice and consultation concerning hiring, discharging and disciplining employees to state agencies.
- Coordinated and presented statewide and agency-specific training seminars directed to state officials and managers to effectively educate, train and manage the workforce.
- Provided advice and representation to CCRD and its director on investigations, hearings, rulemaking and the sunset review process.
- Provided advice and representation to the Special Funds Unit on defense of the SIF and MMIF.
- Defended 273 cases before the State Personnel Board and the Colorado Court of Appeals, including 175 new cases. Won 67 percent of all mandatory hearing cases and got hearings denied on 68 percent of all discretionary hearing cases.
- Handled and prosecuted 27 CCRD/CCRC cases including 17 new cases. Settled 70 percent of all CCRD cases that included training and reporting requirements for respondents.
- Handled five special funds cases including three new cases. Won summary judgment in a case that resulted in respondent being ordered to pay \$48,000 to the fund and halting the Fund's payment of more than \$250 per week.

### **Transportation**

The Transportation Unit provides general legal advice to the Colorado Department of Transportation, the Transportation Commission, and the Colorado Tolling Enterprise Board. This unit represents CDOT in eminent domain cases as well as other types of land use cases such as billboard disputes, inverse condemnation, and access issues. The attorneys are increasingly involved in construction contract disputes. One of the attorneys reviews all CDOT contracts and revises them as needed.

The unit accomplished the following in 2008:

- Represented CDOT in 37 new condemnation, access, relocation, billboard, inverse condemnation, quiet title and other cases.
- Settled or resolved by trial 15 condemnation cases, saving the state approximately \$1.5 million.
- Reviewed 450 contracts for CDOT with an average turnaround time of three days – much shorter than the general turnaround time for attorney review of state contracts.
- Provided legal guidance and assisted CDOT with a Rail Governance Study which evaluated available mechanisms and potential new approaches for promoting passenger rail service in Colorado.
- Obtained a favorable settlement from the Denver Water Department for repair costs incurred by CDOT following the rupture of a Denver Water main and closure of Interstate 25 without resorting to litigation.
- Represented CDOT in several state court actions involving subcontractor disputes with prime contractors on CDOT projects, resolving actions without additional cost to the agency.
- Assisted CDOT with drafting and implementing rules allowing hybrid vehicles to travel in HOV lanes to comply with a legislative mandate.
- Settled several construction contract claims filed by prime contractors following mediation or arbitration. Recovered \$200,000 from engineering design consultants toward payment of a \$1.5 million damage award to a construction company for work on Colorado Highway 24 near Divide.

## Corrections

The Corrections Unit defended the State of Colorado in 463 new inmate lawsuits involving myriad issues, including prisoner constitutional rights, time computation,

prison discipline proceedings, *habeas corpus* petitions, religious issues, parole issues, constitutional and contract issues. In addition, unit lawyers have been handling approximately 1400 claims filed by claimants in the class action ADA lawsuit that was settled, *Montez v. Owens, et. al.* The lawyers also opened 54 major advisory files and provided general legal advice to the Department of Corrections and the Parole Board on a daily basis on matters such as open records requests, environmental issues, sentencing issues, internal discipline and procedural matters, and administrative regulations.

The unit accomplished the following in 2008:

- Obtained favorable rulings in 277 matters brought by inmates and unfavorable rulings in only 20 matters.
- Settled two cases favorably for the state for a total of \$500 from demands in excess of one million dollars.
- Obtained a published opinion from the Colorado Court of Appeals upholding the DOC's ability to order the inmate to pay \$33,188 in restitution for medical costs incurred for emergency transport and treatment for a drug overdose.
- After legislative sponsors and the Department of Corrections were at loggerheads over House Bill 1382 concerning earned time credits and agency sex offender classification hearings, the unit first assistant negotiated and drafted a compromise amendment that met the approval of the Attorney General, the DOC executive director and the sponsors.
- Drafted an amendment to Senate Bill 112 to delete prisoner suits from expanded religious rights protections under a proposed State version of the Religious Land Use and Institutionalized Persons Act and testified before the Senate State, Veterans and

Military Affairs Committee. The Amendment was approved 5-0 (the overall proposed bill was defeated 3-2).

- Met with 20 prison judges at the State

Judicial Conference in September of 2008 and also conducted due process training with Department of Corrections Hearing Officers and Administrators on two occasions.

## Business and Licensing Section

The six units of the Business and Licensing Section provide legal advice and litigation services to several state agencies including the Department of Regulatory Agencies and its divisions of Banking, Civil Rights, Financial Services, Insurance, Real Estate, Registrations, Securities and the staff of the Public Utilities Commission. The section also represents the Department of Revenue, the Department of Agriculture and the State Personnel Board.

### Medical and Ethics Unit

The Medical and Ethics Unit provides legal representation to the state boards within the Department of Regulatory Agencies that regulate physicians, physician assistants, podiatrists, nurses, certified nurse aides and psychiatric technicians. The unit also represents the newly established Independent Ethics Commission that was created as a result of 2006's Amendment 41. The unit supports each represented entity in its mission to protect the public. Legal services provided include litigation and resolution of licensure, disciplinary and injunctive matters, as well as advice and guidance with regard to rulemaking and policy issues. Examples of the work performed this year include:

### Board of Medical Examiners: Physicians and Physician Assistants

Counsel for the Board of Medical Examiners successfully prosecuted and resolved several complex disciplinary actions against physicians who engaged in unprofessional conduct. Specifically, counsel for the board prosecuted a summary suspension action against a physician who had sexually assaulted a patient during an examination. During the disciplinary proceeding, and parallel criminal action, three additional patients came forward with similar allegations. The physician permanently surrendered his license to practice medicine in Colorado. Counsel for the board also secured formal disciplinary action against two other physicians, connected with the aforementioned doctor, for their involvement in a conspiracy to dispense and distribute anabolic steroids in Eaton, Colo., and Mobile, Ala.

### Board of Nursing: Nurses, Nurse Aides and Psychiatric Technicians

Counsel for the Board of Nursing resolved a large number of cases this year including the successful prosecution of a registered nurse who admitted to using controlled substances while on duty and caring for newborn babies. Counsel also represented the board in a

summary suspension proceeding against a certified nurse aide who had engaged in criminal conduct to include theft and forgery which ultimately resulted in the surrender of her certificate to practice. When this person continued to practice after she relinquished her certificate, counsel successfully enjoined her to ensure that she did not continue to represent herself to the public as a certified nurse aide or otherwise engages in the practice of nursing.

### **Independent Ethics Commission**

Amendment 41, which was passed by the Colorado voters in 2006, established the Independent Ethics Commission to handle complaints, advisory opinions, and letter rulings to help define ethical conduct for government officials and employees. Counsel for the IEC assisted in promulgating procedural rules to ensure that the IEC could function effectively and fairly. Additionally, this year counsel for the IEC intervened in a case filed against Gov. Bill Ritter seeking to have Amendment 41 declared unconstitutional in part on the basis that the gift ban contained in the amendment severely burdens the right to engage in political speech. Counsel also filed an application in district court to preserve the identity of individuals requesting advisory opinions and letter rulings arguing that release of such information would discourage public officials and employees from seeking advice thereby inhibiting the proper functioning of the commission.

### **Real Estate Unit**

Counsel for the Real Estate Division represents the Real Estate Commission, the Board of Real Estate Appraisers, the newly formed Conservation Easement Oversight Commission and the Mortgage Broker Program. Counsel for the division provided legal services to the newly formed Conservation Easement Oversight Commission as it sought public input and began to implement new laws to provide a regulatory structure to prevent abuse in the use of conservation easements. The division's attorneys also provided substantial legal assistance to the Mortgage Broker Program as it adopted approximately 22 new rules and prepared to implement the new mandatory federal law requiring licenses for all loan originators. Additionally, counsel provided assistance to the division in order to protect the Colorado consumer by denying mortgage broker licenses to individuals convicted of crimes involving fraud and theft.

### **Financial and Health Services Unit**

The Financial and Health Services Unit provides legal services to a number of boards and commissions, each of which involves a specialized and distinct practice area. The Unit provides general counsel advice to the Securities Commissioner, Banking Board, Financial Services Board, the Certified Addiction Counselors Program, Marriage and Family and Family Therapist Board of Examiners, Massage Therapist Program, Psychologist Examiners Board, the Social Work

Examiners Board, the Board of Veterinary Medicine, the Acupuncture Licensure Program, the Respiratory Therapist Licensure Program, the Occupational Therapist Registration Program, the Physical Therapist Licensure Program, the Midwife Registration Program, the Audiology and Hearing Aid Provider Licensure Program, the Board of Chiropractic Examiners, the Board of Optometric Examiners, the Grievance Board (mental health) and the Licensed Professional Counselors Examiners Board. The unit also represents the various commissioners, boards and programs in licensing and other litigation matters.

### **Division of Securities**

Unit attorneys represented the Division of Securities in concluding an injunctive action in the Denver District Court against Life Partners, Inc., Life Partners Holdings, Inc and twelve sales representatives, by obtaining an order of summary judgment finding that the viatical settlement investments offered by defendants are securities, that violations of the Colorado Securities Act as to the sale of unregistered securities and sales by unlicensed sales representatives occurred, and ordering a permanent injunction. After the issuance of the order, the parties stipulated to the facts found in the order, that LPI and LPHI would not appeal the order and would accept a permanent injunction against both entities, and would offer full rescission to Colorado investors. With this action, the Colorado Division of Securities is the first national or state regulator to successfully argue that the

viatical settlement investments offered by Life Partners are securities.

### **Division of Banking**

During 2008, unit attorneys continued to assist in the liquidation proceedings of American International Depository and Trust.

### **Certified Addiction Counselors Program**

Unit attorneys represented the program in an administrative hearing that resulted in a three-year suspension to be followed by probation and practice monitoring of a certified addiction counselor who was found to engage in substandard practice and to have boundary issues where he allowed clients to use his personal vehicle in lieu of paying for counseling, charged excessive fees to Hispanic clients, and used profanity, demonstrated anger, used threatening language and behavior in the course of his practice.

### **Midwife Registration Program**

Unit attorneys represented the program in a contempt matter filed against an unlicensed midwife in Delta County. In that case, an unlicensed/unregistered midwife violated a previous court order prohibiting her from practicing midwifery. Our attorneys assisted in the settlement of the contempt proceeding wherein the defendant agreed to plead no contest to a finding of contempt and stipulate to a new, permanent injunction prohibiting her from being present at any home birthing unless a licensed midwife or physician is present.

## **Department of Agriculture**

The unit acts as general and litigation counsel to the various divisions of the Department of Agriculture. As part of its service, unit attorneys advise on a wide variety of subject areas including rulemaking, chronic wasting disease, Pet Animal Care Facilities Act enforcement matters, emergency preparedness, zoning, animal cruelty, animal identification, homeland security, regulation of the sale and use of pesticides, regulation of seed and nursery stock, promotion and marketing of agricultural products, control of noxious weeds, certification of organic producers, regulation of farm products dealers and commodity handlers, inspection of all commercially used weights and measures in the state, administration of the livestock brand recording system, and administration of the State Fair and its associated activities.

## **Mined Land Reclamation Board**

The unit acts as general and litigation counsel to the Mined Land Reclamation Board, a multi-interest citizen board which establishes the regulations, standards and policies that guide the Division of Reclamation, Mining and Safety. The board implements the Colorado Mined Land Reclamation Act and is actively involved in the decision-making process for controversial permit issuance and enforcement actions. The unit provides legal assistance to the board as required by its various activities which include approving or denying permits and permit modifications when there has been public comment, issuing

violations, setting civil penalties, setting program policy and promulgating rules, and revoking permits and forfeiting bonds

## **DORA Division of Registration Professional and Technical Licensing Boards**

The Unit provides legal representation to a variety of Type 1 and Type 2 boards contained within the Department of Regulatory Agencies. The unit supports each represented entity in its mission to protect the public. Legal services provided include litigation and resolution of licensure, disciplinary, and injunctive matters, as well as advice and guidance with regard to rulemaking and policy issues. Specific boards represented include the Board of Accountancy, the Architects, Engineers and Surveyors Board, the Passenger Tramway Safety Board, the Office of Athlete Agent Registration, the Barbers and Cosmetologists Board, the Electrical Board, the Plumbing Board, the Landscape Architects Board and the Office of Outfitters Registration.

## **Public Utilities Commission Litigation and Division of Insurance Unit**

The Public Utilities Commission regulates the rates, charges, services, and facilities of public utilities within Colorado. The Public Utilities Litigation Unit of the Attorney General's Office primarily represents the Litigation Staff of the Public Utilities Commission. The unit appears before the PUC in litigated matters on behalf of the public interest to achieve fair utility rates for all types of



customers. The unit works to ensure that adequate and reliable gas, electric, telephone, water and sewer, and motor carrier utility service is provided to all Coloradans.

The unit's significant cases from 2008 include:

- Representing the Litigation Staff in Public Service Company of Colorado's 2008 natural gas rate case.
- Representing the Litigation Staff in PSCo's 2007-2008 application to increase electricity generation.
- Representing the Litigation Staff in Tri-State Generation and Transmission Association, Inc.'s 2007-2008 application to construct transmission lines along the E-470 corridor in Adams County and Commerce City.
- Representing the Litigation Staff in five cases filed by Black Hills Energy in 2008 including its application for approval of its Energy Resource Plan, its 2009-11 Natural Gas and Electric Demand Side Management Plans, its 2009 Renewable Energy Resource Compliance Plan, and its 2008 natural gas rate case.

### **Division of Insurance Unit**

The unit acts as general and litigation counsel to the various divisions of the Division of Insurance. As part of its service, unit attorneys assist and advise on a wide variety of subject areas in rulemaking related to the regulation of insurance companies and their agents, and provide legal advice regarding changes and amendments to the insurance laws. Litigation is conducted on behalf of the DOI against unauthorized companies and individuals and insurance companies and their agents offering numerous types of insurance including, but not limited to, health care insurance, health

maintenance organizations, long-term care, Medicare supplement insurance, life insurance, property and casualty insurance, and preneed funeral contracts.

One of the unit's bigger cases from 2008 was a settlement was negotiated with Kaiser Permanente of Colorado wherein financial relief in the amount of \$155 million will be returned to customers during the years 2008-2010. Financial relief will be in the form of premium credits or enhanced benefits to employers and individual customers of Colorado Kaiser. A portion of the relief, \$5 million, will also be dedicated to the expansion of its Medical Financial Assistance Fund to support health care needs of lower income Colorado members. Prompting the settlement was that, contrary to Colorado law, Colorado Kaiser had sent million of dollars in profits earned from Colorado Kaiser customers to California Kaiser.

### **Department of Revenue Unit**

The attorneys on the revenue team provide legal services to all of divisions and programs within the Colorado Department of Revenue. This includes taxation divisions (Audit and Compliance, Collections, Fair Share, Taxpayer Services and the Office of the Tax Conferee), the Colorado Limited Gaming Control Commission, the Colorado Motor Vehicle Dealer Board, the Racing Commission, the Liquor Enforcement Division, the Lottery Division, the Division of Motor Vehicles, Administration and the Executive Director's Office. In addition to providing general legal advice to the department and its divisions and serving

as general counsel to boards and commissions, the unit's attorneys represent the department in administrative hearings, in state and federal trial courts, and on appeal before state and federal courts.

This year, attorneys provided regular and varied legal services to the Department of Revenue's taxation divisions. For example, the unit's attorneys handled numerous tax protester suits alleging that Colorado citizens have no obligation to file and pay Colorado income tax. Unit attorneys also provided regular legal advice defending the state's interest in consumer and business bankruptcy cases, representing the Conferee in administrative, trial and appellate proceedings, and advising the Department regarding rulemaking proceedings to implement new corporate tax apportionment provisions. Matters litigated by the unit's attorneys included cases interpreting conservation easement credits, analyzing whether the generation of electricity constitutes the "manufacture" of "tangible personal property," disputing appropriate taxation of the sales of materials used for well fracturing operations in the oil and gas production industry, and defending the agency's methodology for calculating the value of business personal property. Additionally, attorneys successfully defended the department in a case challenging the formula for calculating the coal severance tax. In 2008, after receiving a formal AG opinion concluding that enforcement of the statute would not violate article X, section 20 of the Colorado Constitution, the Taxpayer's Bill of Rights, the Department adopted an amended regulation that resumed enforcement of

the statutory formula. The mining industry sued the Department, claiming a violation of TABOR. On Dec. 17, 2008, the district court ruled in favor of the state on all claims. The case, which will be subject to appeal, raises issues of first impression under TABOR.

In addition to providing legal services to taxation divisions, attorneys in the unit represent several boards, commissions and other regulatory programs, including the Colorado Limited Gaming Control Commission, the Motor Vehicle Dealer Board, the Boxing Commission, the Colorado Racing Commission and the Liquor Enforcement Division. Each regularly assigned lawyer presents cases for the staff before his or her assigned board, commission, program, hearing officer or administrative law judge, and then represents the client on judicial review or appeal. Some of the cases litigated this year included revocation of a liquor license of an establishment that sold alcohol to a minor (who died as a consequence) and suspension of a horse trainer license following charges of forgery. Each assigned attorney also helps draft board or commission rules and provides legal advice on questions of law and policy decisions not connected with a specific case. For example, the Gaming Commission's attorneys are assisting with implementation of Amendment 50, which permitted residents of Black Hawk, Cripple Creek and Central City to significantly expand the scope of gaming in their communities.

Attorneys provided frequent legal advice to the Motor Vehicle Division by reviewing rules and records requests, and by representing the Division in

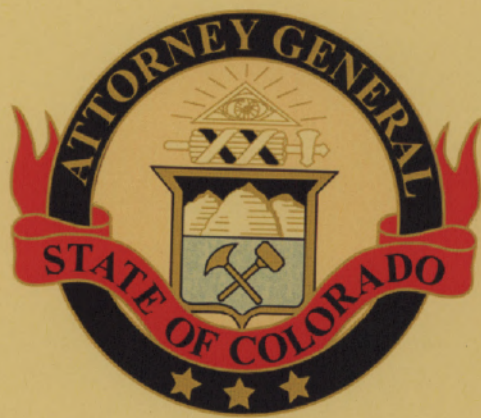
appeals of driver's license revocation cases to the Colorado Court of Appeals and Supreme Court.

### **The Colorado Board of Dental Examiners and the Colorado Board of Pharmacy**

The unit provides legal representation to the Colorado Board of Dental Examiners and the Colorado Board of Pharmacy. Legal services provided include litigation and resolution of licensure, disciplinary, and injunctive matters, as well as advice and guidance with regard to rulemaking and policy issues. Attorneys advised the boards regarding newly adopted statutes and rules, and prosecuted multiple disciplinary and licensure denial actions. For example, Dental Board attorneys successfully resolved a case involving a dentist who, for the second time, practiced dentistry

without a license. Attorneys also handled and resolved several complex substandard care cases, including a case in which a dentist was required to cease endodontic care pending completion of remedial education and a case in which a dentist provided his dental assistant with inappropriate prescriptions for controlled substances. The board's attorneys defended an action before the Court of Appeals (still pending) in which a dentist argued that the board did not have the right to require proof of continued competency when his license had been lapsed for over a decade. The Board of Pharmacy's attorneys provided regular general counsel and litigation services to the board in its efforts to regulate the practice of pharmacy in the state. For example, attorneys resolved complex cases in which pharmacists and pharmacies engaged in internet prescription sales that violated regulatory and public health standards.

# Department Fact Sheet





# COLORADO DEPARTMENT OF LAW

*A Fact Sheet*

**JOHN W. SUTHERS**  
Attorney General

**CYNTHIA H. COFFMAN**  
Chief Deputy Attorney General

*Department of Law*

*November 2009*

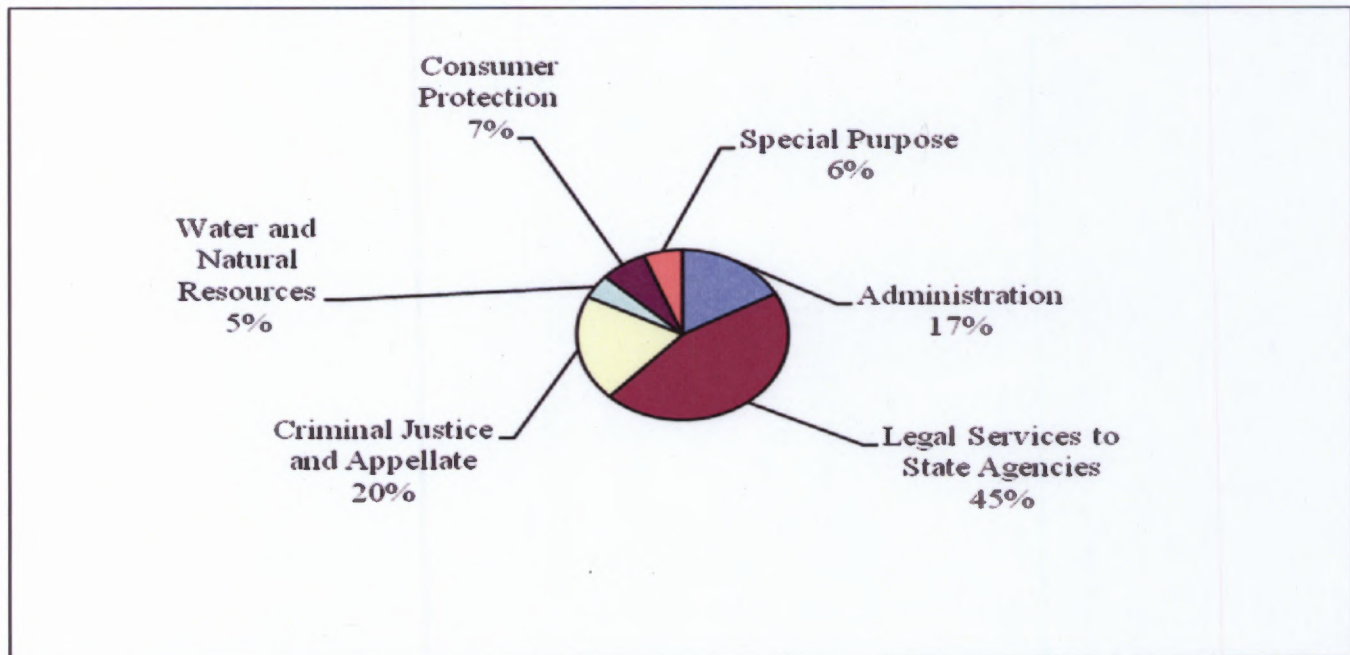
The Department of Law, which Attorney General John W. Suthers oversees (often referred to as the Colorado Attorney General's Office), represents and defends the legal interests of the people of the State of Colorado and its sovereignty.

## FY 2009-10 Appropriation

## FY 2010-11 Department of Law Request

Total Appropriation:	\$47,996,493	Total Request:	\$49,483,748
Percent of Statewide Total Appropriation:	%	Percent of Statewide Total Request:	%
General Fund Appropriation:	\$10,008,041	General Fund Request:	\$10,262,408
Percent of Statewide General Fund Appropriation:	%	Percent of Statewide General Fund Request:	%
Total Full Time Equivalent Employees (FTE):	394.2	Total Full Time Equivalent Employees (FTE):	392.3

## FY 2010-11 Request by Long Bill Group





## Department in Summary FY 2010-11

The Department of Law defends the legal interests of the people of the State of Colorado in seven program areas:

- Criminal Justice and Appellate – Colorado statutes provide that the Attorney General’s Office has criminal jurisdiction to: 1) To pursue trial level prosecutions of certain offenses, 2) To oversee certification and training of peace officers, and 3) Provide victim services for Department of Law cases. The Appellate Division – Represents the state on appeals of all felony convictions before the state appellate courts or the federal courts.
- Legal Services to State Agencies/ Business and Licensing Section – Provides litigation and legal counsel to State professional licensing and occupational regulatory boards. The section also represents the Department of Revenue in taxation, bankruptcy and regulatory matters involving the racing, lottery, liquor and motor vehicle dealer boards and commissions. Additionally, this section represents the staff of the Colorado Public Utilities Commission in rate cases, company mergers, licensee matters and performance standards for the telecommunications, electric, gas and transportation companies.
- Legal Services to State Agencies / Natural Resources Section – Protects and defends the interests of the State and its citizens in all areas of natural resources law and environmental law. It represents and advises state agencies and boards that regulate and oversee the use and conservation of Colorado’s natural resources and the quality of Colorado’s environment.
- Legal Services to State Agencies / State Services Section – The Section’s work protects children and people at risk. It also conserves the state’s fiscal system by reviewing hundreds of state contracts and defending the State against claims typically involving the inadequacy of funding of various programs. The Section also gives legal advice to the statewide elected officials and provides legal advice and council to the State Higher Education Institutions.
- Legal Services to State Agencies/ Civil Litigation and Employment Section – Defends State employees and agencies in State and federal courts. Cases may involve personal injury suits, property damage, or employment discrimination among others.
- Consumer Protection and Anti-Trust Unit – Protects Colorado consumers against fraud and provides a competitive business environment through enforcement of state and federal consumer protection, antitrust, and lending laws.

## Department Budget Highlights in Summary FY 2009-10

- HB09-1036 Increases the registration fee from the current fee charged on class A, B, and C motor vehicles that funds the Peace Officers Standards and Training (POST) Board Cash Fund. The fee is increased from \$0.25 to \$0.60.

## **Leading Budget Change Requests for FY 2010-11:**

The FY 2010-11 budget request highlights include the following:

- Decision Item#1 – Legal Assistant II for the UCCC/CAB units increases from .5 to 1.0 FTE. There are two parts to this request. First, currently a .5 FTE Legal Assistant I position is split between the Uniform Consumer Credit Code (UCCC) and Collection Agency Board (CAB). This request seeks to increase this half time position to 1.0 FTE and reclassify the position to a Legal Assistant II to assist with the legal services needs of the unit. Second, the units are in need of additional spending authority to pay for the cost of litigation. The total cost of this request is \$51,404 cash funds and .5 FTE.
- Decision Item#2 – Combine the Uniform Consumer Credit Code (UCCC) and Collection Agency Board (CAB) units of the Consumer Protection Section. In an effort to increase flexibility, efficiency of resources and greater productivity depending on changes on legislation, compliances issues, and consumer complaint trends, the Department of Law is seeking the decision item to consolidate the Uniform Consumer Credit Code (UCCC) and Collection Agency Board (CAB) appropriations into single UCCC/CAB units. There is no cost for this consolidation.

## **Key Issues and Legislation from 2009:**

- H.B. 09-1036 increased the amount deposited into the Peace Officers Standards and Training Board Cash Fund by increasing the registration fee for certain classes of personal property. The fee is increased from \$0.25 to \$0.60 beginning with vehicles registered on or after July 1, 2009.
- H.B. 09-1141 modified several provisions related to the Uniform Consumer Credit Code (UCCC) and allowed the UCCC Cash Fund to retain a fund balance equal to 1/3 of the previous fiscal year's expenditures, instead of 16.5% of the prior year's expenditures.
- H.B.07-1054 increased the number of Judges in the various state courts. The Department is appropriated an additional 1.0 attorney FTE in FY10 to handle the anticipated increase in the appellate case load.

*For more information about this Department and its programs, please call 303-866-4500.*

### **Links to Additional Fact Sheets and Websites**

Colorado Department of Law      <http://www.ago.state.co.us/index.cfm>

Colorado No Call Web-site      <http://www.coloradonocall.com/>



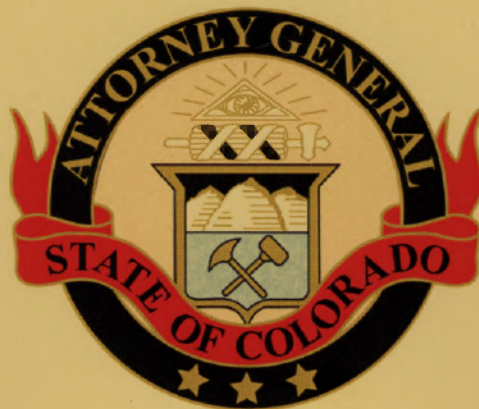
# **Special Purpose**

# **FY10-11 Reconciliation of Request**

## **Special Purpose**

### **(New Format)**

- A. District Attorney's Salaries**
- B. Litigation Management Fund**
- C. Statewide HIPPA Legal Services**
- D. Tobacco Litigation**
- E. Security for State Services Bldg.**



**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

**(6) Special Purpose**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(A) District Attorney's Salaries</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$2,096,078	0.0	\$2,096,078	\$0	\$0	\$0
AED & SED Adjustment	\$133,358	0.0	\$133,358	\$0	\$0	\$0
HB 07-1170 DA Salary Increase Annualization	\$84,392	0.0	\$84,392	\$0	\$0	\$0
<u>FY 10-11 Base Request</u>	<u>\$2,313,828</u>	<u>0.0</u>	<u>\$2,313,828</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>FY 10-11 November 1 Request</b>	<b>\$2,313,828</b>	<b>0.0</b>	<b>\$2,313,828</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>(B) Litigation Management Fund</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$325,000	0.0	\$0	\$325,000	\$0	\$0
<u>FY 10-11 Base Request</u>	<u>\$325,000</u>	<u>0.0</u>	<u>\$0</u>	<u>\$325,000</u>	<u>\$0</u>	<u>\$0</u>
<b>FY 10-11 November 1 Request</b>	<b>\$325,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$325,000</b>	<b>\$0</b>	<b>\$0</b>
<b>(C) Statewide HIPAA Legal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$7,538	0.0	\$7,538	\$0	\$0	\$0
<u>FY 10-11 Base Request</u>	<u>(\$7,538)</u>	<u>0.0</u>	<u>(\$7,538)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
FY 2010-11 BR#1 GF Base Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<u>FY 10-11 November 1 Request</u>	<u>\$0</u>	<u>0.0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>FY 10-11 November 1 Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>(D) Tobacco Litigation</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$300,000	0.0	\$0	\$300,000	\$0	\$0
<u>FY 10-11 Base Request</u>	<u>\$0</u>	<u>0.0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>FY 10-11 November 1 Request</b>	<b>\$300,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$300,000</b>	<b>\$0</b>	<b>\$0</b>
<b>(6) Special Purpose</b>						
<b>FY 2009-10 Total Appropriation (Long Bill plus Special Bills)</b>	<b>\$2,728,616</b>	<b>0.0</b>	<b>\$2,103,616</b>	<b>\$625,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2010-11 November 1 Request</b>	<b>\$2,938,828</b>	<b>0.0</b>	<b>\$2,313,828</b>	<b>\$625,000</b>	<b>\$0</b>	<b>\$0</b>

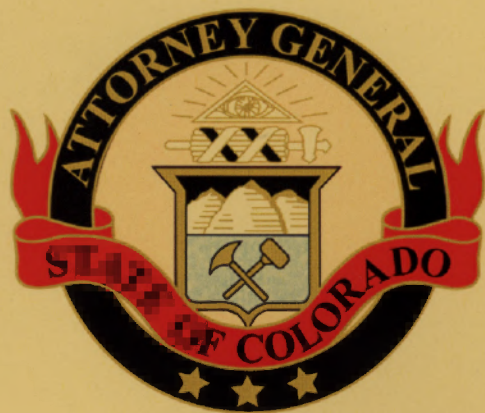


**FY 10-11**

**Budget**

**Schedules 2, 3 and 4**

**SP - District Attorneys Salaries**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law	DISTRICT ATTORNEY'S SALARIES									
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
District Attorney Salaries	1,315,994	-	1,654,605		2,096,078		2,096,078	-	2,313,828	
General Fund	1,315,994		1,654,605		2,096,078		2,096,078		2,313,828	

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	DISTRICT ATTORNEY'S SALARIES									
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
District Attorney Salaries	1,179,198		1,469,598		1,848,044		1,848,044		2,024,000	
PERA	114,257		145,768		179,050		179,050		196,098	
Other Retirement Plans	5,441		3,397		8,526		8,526		9,338	
SB 04.257 A.E.D.	14,151		24,094		37,137		37,137		48,752	
SB 06.235 S.A.E.D.	2,948		11,748		23,320		23,320		35,640	
<b>Subtotal</b>	<b>1,315,994</b>		<b>1,654,605</b>		<b>2,096,078</b>		<b>2,096,078</b>		<b>2,313,828</b>	
<b>TOTAL D.A. SALARIES</b>	<b>1,315,994</b>		<b>1,654,605</b>		<b>2,096,078</b>		<b>2,096,078</b>		<b>2,313,828</b>	
General Fund	1,315,994		1,654,605		2,096,078		2,096,078		2,313,828	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	1,313,037		1,654,605		2,096,078		2,096,078			
Supplemental (SB03-208)										
Pots Transfer	2,948									
Reversion										
<b>TOTAL RECONCILIATION</b>										
	1,315,985		1,654,605		2,096,078		2,096,078			



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**DISTRICT ATTORNEY'S SALARIES**

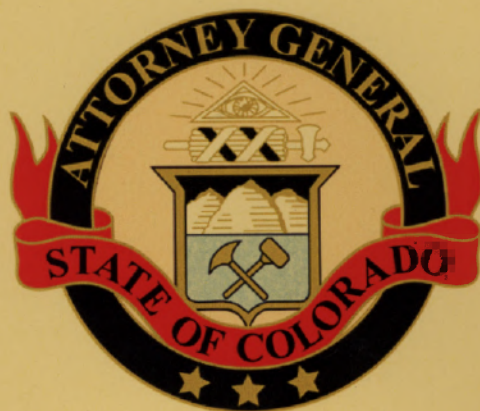
**Department of Law**

Item	Actual FY 08	Actual FY 09	Approp FY 10	Estimate FY 10	Request FY 11
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
Schedule 3 Total	1,315,994	1,654,605	2,096,078	2,096,078	2,313,828
General Fund	1,315,994	1,654,605	2,096,078	2,096,078	2,313,828





**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**SP - Litigation Management Fund**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law Item	LITIGATION MANAGEMENT FUND									
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Litigation Management Fund	330,828	-	327,006	-	325,000	-	325,000	-	325,000	-
General Fund	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	327,006	-	325,000	-	325,000	-	325,000	-
Reappropriated Funds	330,828	-	-	-	-	-	-	-	-	-





**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**LITIGATION MANAGEMENT FUND**

Department of Law	Actual FY 09		Appropriation		Estimate FY 10		Request FY 11	
	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds
<b>TOTAL Litigation Management Fund</b>								
General Fund		330,828		327,006		325,000		325,000
General Fund Exempt								
Cash Funds				327,006		325,000		325,000
Reappropriated Funds		330,828		-		-		-
<b>RECONCILIATION OF FUNDS</b>								
Long Bill Appropriation		325,000		325,000		325,000		
Supplemental (1331)		22,000		150,000		-		
Excess GF transfers to CDOT		-		57,544		-		
Rollforward from Previous FY		-				-		
Rollforward to Subsequent FY								
Reversion								
Lapsed CFE Spending Authority		(16,171)		(205,538)		325,000		
<b>TOTAL RECONCILIATION</b>		330,829		327,006		325,000		
<b>GRAND TOTAL</b>		<b>330,828</b>		<b>327,006</b>		<b>325,000</b>		<b>325,000</b>
General Fund		-		-		-		-
General Fund Exempt		-		-		-		-
Cash Funds		-		327,006		325,000		325,000
Reappropriated Funds		330,828		-		-		-
Federal Funds								

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

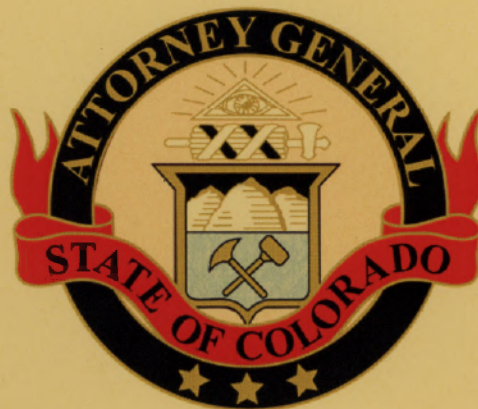
**LITIGATION MANAGEMENT FUND**

Department of Law	Item	Fund Number	Actual FY 2009	Actual FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>			330,828	327,006	325,000	325,000
General Funds			-	-	-	-
General Funds Exempt			327,006	327,006	325,000	325,000
Cash Funds			-	-	-	-
Reappropriated Funds			330,828	-	-	-
<b>Cash Funds</b>						
Attorney Fees and Costs	13H		57,544	57,544	325,000	325,000
LSSA Excess Revenues			269,462	269,462	-	-
<b>Reappropriated Funds</b>						
Attorney Fees and Costs	13H		238,577	-	-	-
LSSA Excess Revenues			92,251	-	-	-





**FY 10-11  
Budget  
Schedules 2,3 and 4  
Statewide HIPPA  
Legal Services**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law Item	STATEWIDE HIPAA LEGAL SERVICES					
	Actual FY 09		Actual FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Statewide HIPAA Legal Services	18,578	-	17,490	7,538	7,538	-
General Fund	18,578	-	17,490	7,538	7,538	-
Reappropriated Funds	-	-	-	-	-	-

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law Item	STATEWIDE HIPAA LEGAL SERVICES									
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Statewide HIPAA Legal Services	18,578	-	17,490	-	7,538	-	7,538	-	7,538	-
General Fund	18,578	-	17,490	-	7,538	-	7,538	-	7,538	-
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-
FY11 Decision Item Requests	-	-	-	-	-	-	-	-	(7,538)	-
Budget Amend-BR2 GF Base Reduction	-	-	-	-	-	-	-	-	(7,538)	-
General Fund	18,578	-	17,490	-	7,538	-	7,538	-	-	-
Reappropriated Funds	18,578	-	17,490	-	7,538	-	7,538	-	-	-
<b>TOTAL STATEWIDE HIPAA</b>										
General Fund	18,578	-	17,490	-	7,538	-	7,538	-	7,538	-
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	21,609	-	22,530	-	7,538	-	7,538	-	-	-
Rollforward from Previous FY	(3,031)	-	(5,039)	-	-	-	-	-	-	-
Rollforward to Subsequent FY	-	-	-	-	-	-	-	-	-	-
Reversion	-	-	-	-	-	-	-	-	-	-
<b>TOTAL RECONCILIATION</b>	18,578	-	17,491	-	7,538	-	7,538	-	-	-



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

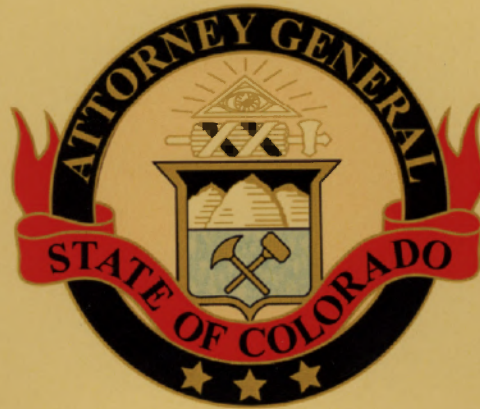
Department of Law

**STATEWIDE HIPAA LEGAL SERVICES**

Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds		Total Funds		Total Funds		Total Funds		Total Funds	
<b>Schedule 3 Total</b>	18,578		17,490		7,538		7,538		-	
General Fund	18,578		17,490		7,538		7,538		-	
Reappropriated Funds	-		-		-		-		-	



**FY 10-11  
Budget  
Schedule 2,3 and 4  
Tobacco  
Litigation**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law	TOBACCO LITIGATION											
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11			
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Tobacco Litigation Fund	126,245	-	372,226	-	300,000	-	300,000	-	300,000	-	300,000	-
General Fund	-	-	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	372,226	-	300,000	-	300,000	-	300,000	-	300,000	-
Reappropriated Funds	126,245	-	-	-	-	-	-	-	-	-	-	-

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	TOBACCO LITIGATION											
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11			
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Tobacco Litigation Fund	126,245	-	-	-	-	-	300,000	-	-	-	300,000	-
General Fund	-	-	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	126,245	-	-	-	-	-	300,000	-	300,000	-	300,000	-
<b>Personal Service Codes:</b>												
1920 - Personal Services Professional	91,795	-	263,368	-	-	-	300,000	-	300,000	-	300,000	-
<b>Personal Service Subtotal:</b>	<b>91,795</b>		<b>263,368</b>				<b>300,000</b>		<b>300,000</b>		<b>300,000</b>	
<b>Operating Expenses:</b>												
1930 - Purchased Services - Litigation	6	-	165	-	-	-	-	-	-	-	-	-
2231 - IT Hardware Maint/Repair Svcs	-	-	3	-	-	-	-	-	-	-	-	-
2641 - Other DPA Billing - Purch Svcs	-	-	363	-	-	-	-	-	-	-	-	-
3121 - Office Supplies	-	-	7	-	-	-	-	-	-	-	-	-
3123 - Postage	-	-	115	-	-	-	-	-	-	-	-	-
3128 - NonCap Equipment	-	-	653	-	-	-	-	-	-	-	-	-
<b>Operating Expenses Subtotal:</b>	<b>6</b>		<b>653</b>									
<b>Rollforwards</b>												
Cash Funds	34,444	-	108,205	-	-	-	-	-	-	-	-	-
Reappropriated Funds	34,444	-	-	-	-	-	-	-	-	-	-	-





**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Long Bill Appropriation</b>	225,000		300,000							
General Fund	100,000		-							
Cash Funds			300,000							
Reappropriated Funds	125,000		-							
<b>SPECIAL BILLS</b>										
<i>SB07-113 Use of Tobacco Lit Fund</i>										
General Fund	(100,000)									
Reappropriated Funds	100,000									
<b>TOBACCO LITIGATION TOTAL</b>	<b>126,245</b>		<b>372,226</b>		<b>300,000</b>		<b>300,000</b>		<b>300,000</b>	
General Fund	-									
General Fund Exempt	-									
Cash Funds			<b>372,226</b>		<b>300,000</b>		<b>300,000</b>		<b>300,000</b>	
Reappropriated Funds	<b>126,245</b>									
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	225,000		300,000				300,000			
<i>Supplemental HB06-1222</i>	-									
<i>1331 Supplemental for FY07</i>										
Rollforward from Previous FY	34,444		108,205							
Rollforward to Subsequent FY	(108,205)									
Reversion										
Lapsed Appropriation Cash Funds										
Lapsed Appropriation Reappropriated F	(24,993)		(35,979)							
<b>TOTAL RECONCILIATION</b>	<b>126,246</b>		<b>372,226</b>				<b>300,000</b>			

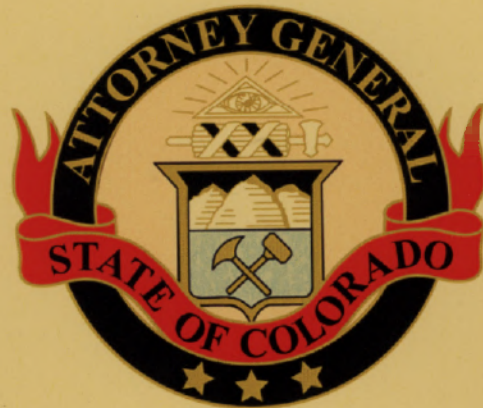


**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law	Item	TOBACCO LITIGATION				
		Actual FY 08 Total Funds	Actual FY 09 Total Funds	Approp. FY 10 Total Funds	Estimate FY 10 Total Funds	Request FY 11 Total Funds
<b>Schedule 3 Total</b>		126,245	372,226	300,000	300,000	300,000
General Fund		-	-	-	-	-
General Fund Exempt		-	-	-	-	-
Cash Funds		-	372,226	300,000	300,000	300,000
Reappropriated Funds		126,245	-	-	-	-
<b>Cash Funds</b>						
Tobacco Litigation Defense Account		225,000	264,021	300,000	300,000	300,000
Rollforward from previous year		108,205	108,205	-	-	-
Excess Revenues from LSSA Line		-	-	-	-	-
<b>Reappropriated Funds</b>						
Tobacco Litigation Defense Account		-	-	-	-	-
Excess Revenues from LSSA Line		-	-	-	-	-



**FY 10-11  
Budget  
Schedules 2,3 and 4  
Fraudulent Documents**



**SCHEDULE 2 - PROGRAM SUMMARY**

**FRAUDULENT DOCUMENTS SB06-110**

Department of Law Item	Actual FY 08		Approp FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Fraudulent Documents SB06-110	-	0.0	-	-	-	-	-	-	-	-
General Fund	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-

**SCHEDULE 3 - PROGRAM DETAIL**

**FRAUDULENT DOCUMENTS SB06-110**

Department of Law Item	Actual FY 08		Approp FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Fraudulent Documents SB06-110	-	-	-	-	-	-	-	-	-	-
General Fund	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-	-	-
<b>FRAUDULENT DOCUMENTS TOTAL</b>										
General Fund										
Cash Funds										
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	65,874	1.0								
Special Bill HB06s-1014	(65,874)	(1.0)								
Special Bill HB08-1290										
Rollforward from Previous FY										
Rollforward to Subsequent FY										
Reversion										
Lapsed Appropriation Cash Fund Exempt										
<b>TOTAL RECONCILIATION</b>										



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

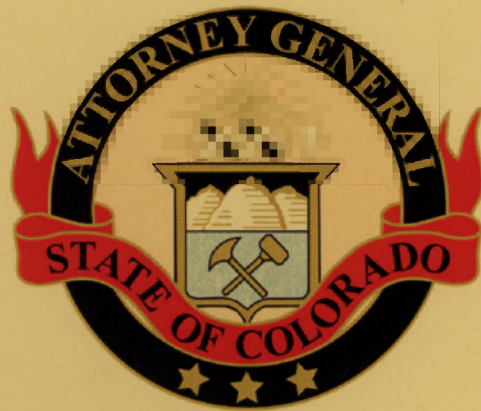
**FRAUDULENT DOCUMENTS SB06-110**

Department of Law Item	Actual FY 08	Approp FY 09	Approp FY 10	Estimate FY 10	Request FY 11
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
<b>Schedule 3 Total</b>	-	-	-	-	-
General Fund	-	-	-	-	-
General Fund Exempt	-	-	-	-	-
Cash Funds	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-
<b>Cash Funds</b>	-	-	-	-	-
Judicial Stabilization Cash Fund	-	-	-	-	-





**FY 10-11  
Budget  
Schedules 2,3 and 4  
Referendum K**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**REFERENDUM K.**

Item	Actual FY 09		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Referendum K	10,731	0.1								
General Fund	10,731									
Reappropriated Funds	-									



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		REFERENDUM K	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Referendum K</b>		10,731	0.1								
<b>Illegal Immigration</b>											
	General Fund	10,731									
	General Fund Exempt										
	Cash Funds Exempt	-									
<b>Personal Service:</b>											
	1211 - CN Regular PT Wages	1,248									
	1620 - CN FICA- Medicare Contribution	18									
	1621 - CN Other Retirement Plans	127									
	1622 - CN PERA	12									
	1624 - CN PERA Amort Equal Disburse										
	<b>Personal Service Subtotal:</b>	<b>1,405</b>									
<b>Operating Expenses:</b>											
	2690 - Legal Services	9,326									
	<b>Operating Subtotal:</b>	<b>9,326</b>									
<b>Personal and Operating Total:</b>		<b>10,731</b>									
<b>REFERENDUM K TOTAL</b>		<b>10,731</b>	<b>0.1</b>								
<b>Illegal Immigration</b>											
	General Fund	10,731									
	Reappropriated Funds										
<b>RECONCILIATION OF FUNDS</b>											
	Long Bill Appropriation	43,466									
	Supplemental HB 08-1290	(20,000)									
	Rollforward from Previous FY	-									
	Rollforward to Subsequent FY										
	Reversion	(12,734)	(0.4)								
	Lapsed Appropriation Cash Fund Exempt										
<b>TOTAL RECONCILIATION</b>		<b>10,732</b>	<b>0.1</b>								



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

**REFERENDUM K.**

Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Schedule 3 Total</b>	10,731	0.1								
General Fund	10,731									
Reappropriated Funds	-									



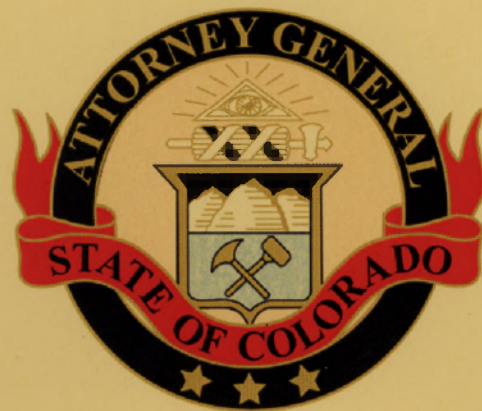


**FY 10-11**

**Budget**

**Schedules 2, 3 and 4**

**SP - Security for State Services Building**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law	Security for State Services Building									
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Security for State Services Building</b>	-	-	257,633							
General Fund	-	-	79,153							
General Fund Exempt			-							
Cash Funds			21,161							
Reappropriated Funds			150,093							
Federal Funds			7,226							

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	Security for State Services Building									
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Security for State Services Building</b>	-	-	256,588							
1920 - Prof Servs - Professional			1,054							
2258 - Parking Fees			257,642							
Subtotal:										
General Fund										
Cash Funds										
Reappropriated Funds										
Federal Funds										
<b>Total Security for State Services Building</b>	-	-	257,633							
General Fund			79,153							
Cash Funds			21,161							
Reappropriated Funds			150,093							
Federal Funds			7,226							

**SCHEDULE 3 - PROGRAM DETAIL**

10-34

**Department of Law**

**Security for State Services Building**

Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Security for State Services Building</b>										
General Fund	-		257,633							
Cash Funds	-		79,153							
Reappropriated Funds	-		21,161							
Federal Funds			150,093							
			7,226							
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	-		259,032							
Rollforward from Previous FY	-									
Rollforward to Subsequent FY	-									
Overexpenditure(Reversion) - GF	-		(883)							
Lapsed Appropriation Cash Fund	-		(516)							
Lapsed Reappropriated Funds										
Lapsed Appropriation Federal Funds										
<b>TOTAL RECONCILIATION</b>			257,633							

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

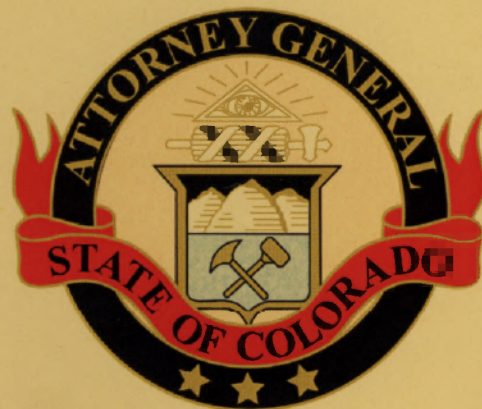
Department of Law Item	Security for State Services Building Request FY 11			
	Actual FY 08 Total Funds	Actual FY 09 Total Funds	Estimate FY 10 Total Funds	Total Funds
<b>Schedule 3 Total</b>				
General Fund	-	257,633	-	-
General Fund Exempt	-	79,153	-	-
Cash Funds	-	-	-	-
Reappropriated Funds	-	21,161	-	-
Federal Funds	-	150,093	-	-
		7,226	-	-
<b>Cash Funds</b>				
POST Board Cash Funds				
State Compensation Insurance Authority				
Collection Agency Board				
CP Custodial Funds		2,064		
No-Call Fund		516		
Tobacco Settlement Defense Account		688		
UCCC Custodial Funds		17,893		
UCCC Cash Funds				
<b>Reappropriated Funds</b>				
Various sources of Reappropriated funds (LSSA)				
Div. of Securities Fraud		140,320		
Div. of Insurance Fraud		2,478		
Div. of Real Estate		5,230		
		2,065		
<b>Federal Funds</b>				
Medicaid Fraud Control Program		7,226		



**Custodial**

# Consumer Protection

## Custodial 146



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**CP - CUSTODIAL - 146**

**Department of Law**

(FUND)	Actual FY08		Actual FY09		Appropriation		Estimate FY10		Request FY11	
	Total Funds	FYE	Total Funds	FYE	Total Funds	FYE	Total Funds	FYE	Total Funds	FYE
<b>PERSONAL SERVICES</b>										
DOL Internal Transfer	398,220		464,478							478,030
Temporary Services	6,201		2,500							
Medicare	90									
PERA	629									
AED	62									
<b>PERSONAL SERVICES TOTAL</b>	<b>405,202</b>		<b>466,978</b>							<b>455,267</b>
<b>OPERATING EXPENSES</b>										
1920 - Professional Services	5,400		12,200							
1930 - Purchased Service - Litigation	525									
2513 - IS Personal Vehicle Reimbursement			1,081							
2520 - IS Travel/Non Employee										
2523 - IS/Non-Emp - Pers Veh Reimb										
2530 - Out of State Travel	140		154							
2531 - OS Common Carrier Fares	1,651		1,203							
2532 - OS Personal Travel Per Diem	2,908		1,955							
2533 - OS Personal Vehicle Reimbursement										
2550 - Out of Country Travel										
2552 - OC Pers Travel Reimbursement			6,325							
2630 - Telephone	7,245									
2631 - Comm Svcs from Outside Sources										
2641 - Other ADP Billings - Purchase Services										
2660 - Insurance										
2680 - Contract Printing	8,469		10,844							
2681 - Photocopy Reimbursement										
2810 - Freight & Storage										
2820 - Other Purchased Services										
2830 - Office Moving/Purchased Services			113							
3110 - Other Supplies and Materials										
3112 - Automotive Supplies										
3114 - Custodial										
3115 - DP Supplies										
3116 - Purchase/Leased Software	3,746									
3117 - Educational										
3120 - Books & Subscriptions										
3121 - Office Supplies			276							



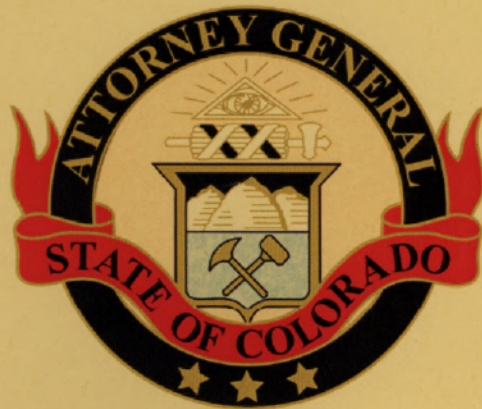
**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**CP - CUSTODIAL - 146**

Department of Law Item	Actual FY08		Actual FY09		Approp FY10		Estimate FY10		Request FY11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
3122 - Microfilming/Photo. Supplies	152		130							
3123 - Postage										
3124 - Printing										
3126 - Repair & Maintenance/Supplies	31		21,215							
3128 - Non-Capitalized Equipment	15,225									
3131- Non-Capitalized Bldg Mat.	268									
3132 - Noncap Office Furn/Office Syst										
3140 - Noncap IT - PC'S										
3940 - Electricity										
3950 - Gasoline										
4100 - Other Operating Expenses										
4140 - Dues & Memberships										
4151 - Interest Late Payments										
4170 - Miscellaneous Fees	82		1,087							
4180 - Official Functions	1,600		1,170							
4220 - Registration Fees										
6140 - Buildings and Improves. to Bldg.										
6210 - Other Capital Equipment										
6220 - Office Furn & Equip										
6280 - Other Capital Equipment (direct purchase)										
6410 - ADP Equipment-Lease Purchase	452,644		524,731				455,267		478,030	
<b>OPERATIONAL EXPENSES SUBTOTAL</b>	<b>452,644</b>		<b>524,731</b>				<b>455,267</b>		<b>478,030</b>	
<b>TOTAL CP Custodial</b>										
General Fund										
General Funds Exempt										
Cash Funds	452,644		524,731				455,267		478,030	
Cash Funds Exempt										
<b>GRAND TOTAL</b>	<b>452,644</b>		<b>524,731</b>				<b>455,267</b>		<b>478,030</b>	
General Fund	-		-				-		-	
General Fund Exempt	-		-				-		-	
Cash Funds	-		-				-		-	
Reappropriated Funds	452,644		524,731				455,267		478,030	
Federal Funds										

# Special Prosecution

## Custodial 147



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**SPECIAL PROSECUTIONS CUSTODIAL #147**

Department of Law Item	Actual FY03		Actual FY09		Approp FY10		Estimate FY10		Request FY11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Special Prosecutions Custodial</b>										
1110 - Reg. FT Wages			12,000							
1140 - Annual Leave Payments			505							
1512 - Life Insurance			9							
1513 - Disability			8							
1520 - Medicare Contribution			181							
1522 - PERA			1,269							
1524 - Amort. Equal Disburmt			225							
1525 - Suppl Amort Equal Disburmt			125							
1920 - PS / Professional			2,000							
2540 - Out-Of-State Travel/Non-Empl			115							
2541 - OS Non-Empl-Common Carrier			538							
2542 - OS Non-Empl/Pers Per Diem			291							
3121 - Office Supplies			3							
3131 - Non-Capt. Buidling Mat'l	8,322									
<b>Expense Subtotal:</b>	8,322		17,269							
<b>Decision Item</b>										
Cash Funds Exempt										
<b>EXPENSE TOTAL:</b>	8,322		17,269							
General Fund										
General Funds Exempt										
Cash Funds										
Cash Funds Exempt	8,322		17,269							

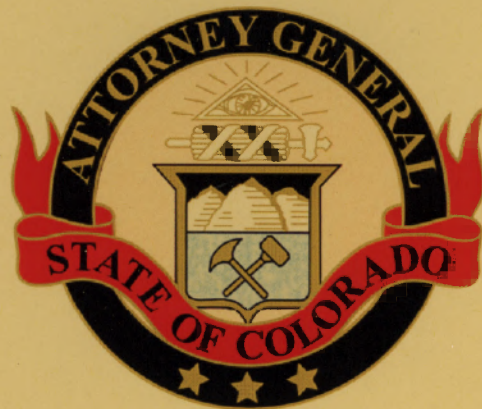
**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**SPECIAL PROSECUTIONS CUSTODIAL #147**

Department of Law Item	Actual FY08		Actual FY09		Approp FY10		Estimate FY10		Request FY11	
	Total Funds	FTE	Total Funds	FTE	Total Fund	FTE	Total Funds	FTE	Total Funds	FTE
<b>GRAND TOTAL</b>	8,322		17,269							
General Fund	-		-							
General Fund Exempt	-		-							
Cash Funds										
Cash Funds Exempt										
Federal Funds	8,322		17,269							

# Natural Resources

## Custodial 148

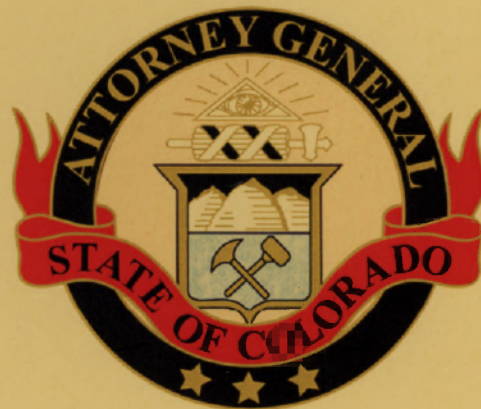


**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

Department of Law Item		NATURAL RESOURCES CUSTODIAL FUNDS #148											
		Actual FY09		Actual FY09		Approp. FY10		Estimate FY10		Request FY11			
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE		
<b>Natural Resources Custodial Funds</b>													
1920 - PS / Professional				13,327							545		
<b>Expense Subtotal:</b>				13,327							545		
<b>EXPENSE TOTAL:</b>				13,327							545		
General Fund													
General Funds Exempt													
Cash Funds				13,327									
Cash Funds Exempt													
<b>GRAND TOTAL</b>				13,327									
General Fund													
General Fund Exempt													
Cash Funds													
Cash Funds Exempt													
Federal Funds													



# **Uniform Consumer Credit Code Custodial 16B**





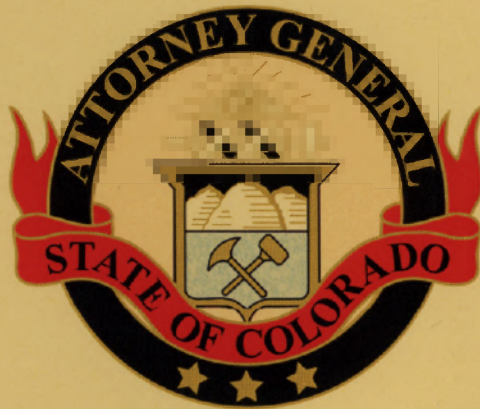


**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**UCCC CUSTODIAL 16B**

Department of Law Item	Actual FY'08		Actual FY'09		Appropriated FY'10		Estimate FY'10		Request FY'11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
2820 - Other Purchased Services	215									
2830 - Office Moving/Purchased Services										
3115 - DP Supplies			972							
3116 - Purchase/Leased Software										
3117 - Educational	97									
3120 - Books & Subscriptions	107									
3121 - Office Supplies										
3123 - Postage										
3131 - Noncap Building Mat's										
3132 - Noncap Office Furn/Off. Syst			2,963							
3143 - Noncap IT - Other	2,819									
4120 - Bad Debt Expense	500									
4140 - Dues & Memberships										
4220 - Registration Fees										
6222 - Office Furn & Equip Dir Pur										
<b>Expense Subtotal:</b>	104,581		287,155						99,952	115,000
<b>EXPENSE TOTAL:</b>	<b>104,581</b>		<b>287,155</b>						<b>99,952</b>	<b>115,000</b>
Cash Funds	104,581		287,155						99,952	115,000
Reappropriated Funds	-		-						-	-
<b>TOTAL UCCC CUSTODIAL</b>	<b>104,581</b>		<b>287,155</b>						<b>99,952</b>	<b>115,000</b>
Cash Funds	104,581		287,155						99,952	115,000
Reappropriated Funds	-		-						-	-
<b>GRAND TOTAL</b>	<b>104,581</b>		<b>287,155</b>						<b>99,952</b>	<b>115,000</b>
Cash Funds	104,581		287,155						99,952	115,000
Cash Funds Exempt	-		-						-	-
Federal Funds	-		-						-	-

**Collection Agency  
Board  
Custodial 19A**



SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL

CAB CUSTODIAL 19A

Department of Law

Account	Actual FY08 Total Funds	Actual FY09 Total Funds	Approved FY10 Total Funds	Estimated FY10 Total Funds	Request FY10 Total Funds
1120 - SPS Temp FT Wages					
1520 - SPS FICA-Medicare Contribution					
1522 - SPS PERA					
1524 - SPS PERA-Amort Equal Disbursmt					
1920 - Prof Serv IT		22			
2530 - Out of State Travel	125.0				
2531 - OS Common Carrier Fares	708.4				
1930 - Litigation					
2150 - Custodial Services					
2160 - Janitorial Service					
2170 - Waste Disposal Services					
2210 - Bldg Maintenance/Repair Svcs					
2220 - Building Grounds Maintenance					
2230 - Equipment Contract Maintenance					
2231 - ADP Equip Maint/Repair Services					
2232 - Software Upgrades					
2240 - Motor Veh Maint/Repair Svcs					
2251 - Lease Motor Pool Vehicle					
2252 - Motor Pool Mileage Charge					
2253 - Equipment Rental					
2254 - Rental of Motor Vehicles					
2255 - Rental of Buildings					
2258 - Parking Fees		4,914			
2559 - Parking Fee Reimbursement					
2510 - In State Travel					
2512 - IS Personal Travel Per Diem					
2513 - IS Personal Vehicle Reimbursement					
2520 - IS Travel/Non Employee					
2523 - IS/Non-Emp - Pers Veh Reimb					
2530 - Out of State Travel					
2531 - OS Common Carrier Fares		220			
2532 - OS Personal Travel Per Diem		839			
2533 - OS Personal Vehicle Reimbursement		1,388			
2550 - Out of Country Travel	1057.4				
2552 - OC Pers Travel Reimbursement					
2630 - Telephone					
2631 - Comm Svcs from Outside Sources					



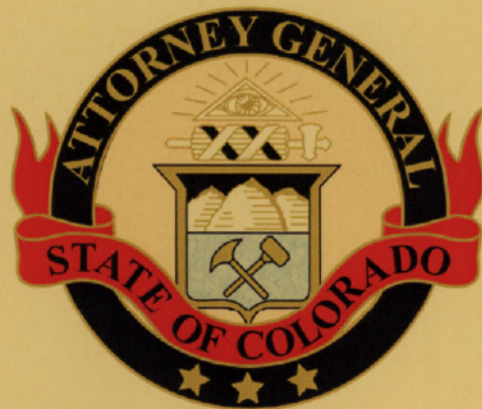
SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL

CAB CUSTODIAL 19A

Department of Law Item	Actual FY08		Actual FY09		Appropriated FY10		Estimated FY10		Request FY11	
	TOTAL FUNDS	EXEMPT FUNDS	TOTAL FUNDS	EXEMPT FUNDS	TOTAL FUNDS	EXEMPT FUNDS	TOTAL FUNDS	EXEMPT FUNDS	TOTAL FUNDS	EXEMPT FUNDS
<b>EXPENSE TOTAL:</b>										
Cash Funds Exempt	1,891		8,361							
	1,891		8,361							
<b>GRAND TOTAL</b>										
General Fund										
General Fund Exempt										
Cash Funds	1,891		8,361							
Cash Funds Exempt										
Federal Funds										



# **Attorneys Fees and Cost Custodial 13H**





**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

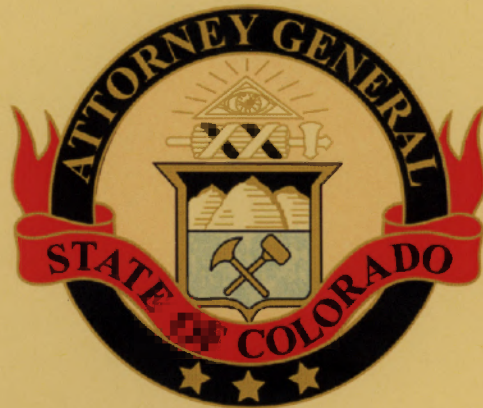
**ATTORNEYS FEES AND COSTS 13H**

Department of Law Item	Actual FY08		Actual FY09		Approp FY10		Estimate FY10		Request FY11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Attorney Fees and Costs</b>										
DOL Internal Transfer	14,251		94,595				50,000		50,000	
<b>EXPENSE TOTAL:</b>	<b>14,251</b>		<b>94,595</b>				<b>50,000</b>		<b>50,000</b>	
General Fund							-		-	
General Funds Exempt							50,000		50,000	
Cash Funds	14,251		94,595				-		-	
Cash Funds Exempt							50,000		50,000	
<b>TOTAL Attorneys Fees and Costs Custodial</b>										
Cash Funds	14,251		94,595				50,000		50,000	
Cash Funds Exempt							-		-	
<b>GRAND TOTAL</b>	<b>14,251</b>		<b>94,595</b>				<b>50,000</b>		<b>50,000</b>	
General Fund	-		-				-		-	
General Fund Exempt	-		-				-		-	
Cash Funds	14,251		94,595				50,000		50,000	
Cash Funds Exempt							-		-	
Federal Funds										



# POST

# Custodial 14P



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

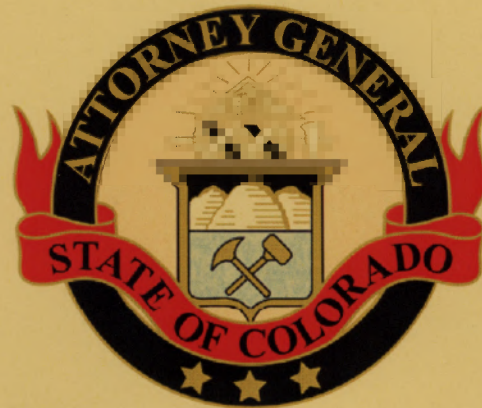
Department of Law Item	Actual FY08		Actual FY09		Approp. FY10		Estimate FY10		POST CUSTODIAL 14P Request FY11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
1622 - CN PERA	3,341									
1910 - PS Temporary Services	842									
1920 - Professional Services	63,628									
2230 - Equipment Contract Maintenance	506									
2231 - ADP Equip Maint/Repair Services	859									
2232 - Software Upgrades	4,505		2,950							
2630 - Telephone	255									
3115 - DP Supplies										
3120 - Books & Subscriptions										
3121 - Office Supplies										
3123 - Postage	13									
3140 - Non-Capitalized IT	1,195									
3143 - Non-Capitalized Other	2,178									
5140 - Grant Intergovernmental										
5781 - Grant to Nongovern/Organization										
5992 - Refunds to Non-Gov/Org.	7,506									
<b>Expense Subtotal:</b>	84,828		2,950							
<b>EXPENSE TOTAL:</b>	<b>84,828</b>		<b>2,950</b>							
Cash Funds	84,828		2,950							
Cash Funds Exempt	-		-							
<b>TOTAL POST Custodial</b>	<b>84,828</b>		<b>2,950</b>							
Cash Funds	84,828		2,950							
Cash Funds Exempt	-		-							
<b>GRAND TOTAL</b>	<b>84,828</b>		<b>2,950</b>							
General Fund	-		-							
General Fund Exempt	-		-							
Cash Funds	84,828		2,950							
Cash Funds Exempt	-		-							
Federal Funds	-		-							

C

C

i

**Identity Theft  
Financial Fraud  
Custodial 19Q**



**SCHEDULE 3 - CUSTODIAL PROGRAM DETAIL**

**IDENTITY THEFT FINANCIAL FRAUD #19Q**

Department of Law Item	Actual FY08		Actual FY09		Approp FY10		Estimate FY10		Request FY11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
AARD - Transfer DOL to CDPS	169,600		121,900							
<b>Expense Subtotal:</b>	169,600		121,900							
<b>EXPENSE TOTAL:</b>	<b>169,600</b>		<b>121,900</b>							
Cash Funds Exempt	169,600		121,900							
<b>GRAND TOTAL</b>	<b>169,600</b>		<b>121,900</b>							
General Fund	-		-							
General Fund Exempt	-		-							
Cash Funds										
Cash Funds Exempt	169,600		121,900							
Federal Funds										





# **Strategic Plan**

# MISSION AND VALUES

## Department of Law

2011

It is the mission of the Attorney General's Office to provide professional, ethical, and independent legal services to the State of Colorado and its citizens, to promote respect for and access to the justice system, to ensure the fair and open exercise of government, and to advance the public interest.

The Office values its employees as its most valuable resource and works to provide employees with the skills, knowledge and motivation to be successful and to exercise individual judgment and innovation.

The Office and its staff and volunteers commit to the highest professionalism, integrity, and ethical standards.

The Office promotes open and effective communications among and with its employees, clients, and the public and believes open communication is essential to its success.

The Office will provide quality legal service in an efficient, timely manner.

The Office respects diversity and commits to furthering it consistently through its programs, policies, and the effective use of the varied perspectives of its employees.

The Office will promote participatory, supportive management.

The Office will provide leadership on legal issues facing the state.

## Administration Goals and Objectives

To provide the Department of Law with an exceptional level of service, productivity, integrity, responsibility, initiative, and teamwork to enable the Department to fulfill its mission and value statement.

**Our Mission is to be:** Customer Focused  
Solution Oriented  
Innovative

## Objectives:

### Human Resources

1. Continue to use technology solutions to improve HR business processes and make information more readily accessible to employees. This includes a significant

makeover of the HR web site on the DOL intranet that will be easier to navigate and provide links to the most popular internet sites for our employees.

2. Continue to refine the implementation of the AG on-line training system purchased in October of 2006.
3. Continue the aggressive approach to ergonomic assessment of employee work stations which is designed to prevent repetitive motion injuries before they are brought about by a dysfunctional work station set-up.
4. Modify the DOL performance planning and evaluation form and process.

### **Information Technology**

1. Map out strategy to meet technology goals identified by the other sections in the office.
2. Identify and implement a unified case management program that integrates into the timekeeping program.
3. Identify and implement an electronic single-entry leave tracking system that integrates into the time keeping program but can also be used by non-billing staff members.
4. Identify and implement a document management system that meets the needs of document retention for the various law practices within the office. (Need a document retention policy as well.)
5. Improve scanning capabilities within the office to meet the growing demand of e-filing and electronic evidence production.
6. Work with DPA to implement voice over IP (VOIP) system.

### **Legal Support Services**

1. In conjunction with IT provide high quality, timely, and effective scanning for the Department. Enhance our services for in house copying
- 2: Improve the Department's Digital recording capabilities.
- 3: Offer a customer driven cost efficient travel center to handle all aspects of Department travel. Includes bookings to reimbursement

## **Accounting and Budgeting**

The main goal is to support the mission of the Department of Law by facilitating the effective and efficient delivery of services at each of the Department's organizational units by assisting with planning and policy development, reporting performance against identified standards, coordinating administrative functions and systems, and resource development. By aligning with the overall mission, values, and strategy of the Department of Law, accounting and budget professionals create value as influential business partners. This Section is responsible for the fiscal administration.

### **Objectives**

1. Accounting applies information management processes to create value for our business by being partners in value creation.
2. Utilize collaboration and partnerships to foster innovation and effectiveness through the maximization of our limited resources.
3. Maintain a highly skilled workforce and continuously develop capacity of employees to advance the department's mission and assure ongoing, high-caliber leadership.
4. Obtain and maximize the use of financial resources to assure the successful accomplishments of goals. Continue to provide high quality financial reporting and analysis presentation.
5. Provide accurate and timely financial information, quality customer service, fiscally sound cash management, and apply risk management techniques.
6. Complete the development of grant accounting guidelines to address the establishment of grant fund accounts, record receipts and expenditures, billing processes, and reporting fiscal information to granting agencies.
7. Ensure the security and proper disbursement of funds through effective appropriation management. Review and update the Department's credit card policies and procedures to improve and monitor internal control procedures and to ensure the Department's cash assets are adequately safeguarded.
8. Provide more electronic transactions options.
9. Improve our interface w/clients/customers.



## APPELLATE DIVISION STRATEGIC PLAN FY 2010-2011

The attorneys in the Appellate Division of the Attorney General's Office are Colorado's prosecutors at the appellate level of the criminal justice system. They represent law enforcement when defendants appeal criminal convictions to the Colorado Court of Appeals. In addition, they represent the interests of the state in habeas corpus actions in the federal courts, in extradition appeals, and in selected civil appeals (such as property and bond forfeiture actions).

The overwhelming majority of these trial convictions are obtained by the 22 offices of the state's District Attorneys. Some 1500 Deputy District Attorneys do the felony and misdemeanor trial work for these offices; a very conservative estimate is that at least half of those attorneys (750) do felony trial work. **For FY 2009, the Attorney General's Appellate Division had a total of 27 FTE attorneys supported by 3 FTE staff members to handle all of the felony appeals filed by defendants from these 22 judicial districts (An additional attorney FTE has been added for FY 2010).**

The Division responds to appeals that are brought on behalf of convicted criminals and therefore cannot control the size of its caseload. It must provide effective and ethical representation in every case. These cases range from relatively simple challenges to trial court denials of postconviction motions or the amount of restitution imposed; to more complicated questions of complicitor liability, equal protection, double jeopardy, and whether state and federal constitutions offer the same or different protections. While a majority of the cases directly impact only the defendant and the victims, any given case may have a staggering impact on how law enforcement authorities conduct searches and arrests, on criminal trials and sentencing hearings throughout the state, on the state's Department of Corrections, and on probation, parole, and county Community Corrections programs.

The Appellate Division activated 1240 new appeals in FY 2009 (the highest number ever). 33% were filed by the State Public Defender; 37% by private attorneys (including ADC); and 30% by pro se defendants.

Appellate Division attorneys filed 1029 principal briefs (either answer briefs, answers to orders to show cause in federal cases, or opening briefs for appeals on which we have obtained supreme court review) (an average of 38 briefs per attorney). On each case, the attorney must: (a) read the trial transcript and other pertinent documents; (b) conduct legal research on each of the defendant's claims (on average, 2.6 claims per case); (c) write an argument explaining why law enforcement should prevail.

In addition, Appellate Division attorneys performed the following tasks:

*Motions.* Reviewed over 7500 pre-briefing motions and miscellaneous pleadings to ensure that each case was properly postured for appellate review and to oppose any attempt to circumvent the rules of litigation. (A separate large group of routine pleadings and notices was processed by support staff.)

*Reply and Supplemental Briefs.* Filed 8 reply or supplemental briefs to clarify existing issues or to address developments that occurred while a case was pending.

*Oral Arguments.* Appeared at 138 oral arguments to present the state's position and answer questions from the judges. In most instances, to prepare the attorney handling the case for argument, panels of three or more Division attorneys review the briefs and serve as judges in a mock argument.

*Petitions for Rehearing.* Filed 49 petitions for rehearing to correct matters that were wrongly decided by the courts.

*Briefs in Opposition to Certiorari.* Filed 10 briefs to oppose defense attempts to gain further review in the state supreme court.

*Petitions for Certiorari.* Asked the state supreme court to conduct further review in 20 cases that would otherwise have an adverse impact on law enforcement.

**Goal: Maintain the continued imprisonment of Colorado's most serious offenders and beneficially affect the future of the law governing enforcement efforts in this state.**

**Objectives:**

- 1: Hire and retain the best lawyers possible to write and argue criminal appeals
2. Provide adequate and ongoing training to lawyers on brief-writing, oral advocacy, and substantive and procedural matters
3. Assign the most effective appellate advocates to those cases involving either the most serious offenders or the greatest potential for changing the law in the state.
4. Exercise good judgment in determining and in advising the District Attorneys about the cases on which further review should be sought.
5. Maintain at least an 85% success rate in upholding convictions/sentences (win/loss percentage for FY 2009 was 90%).

**Goal: Improve the effectiveness and timeliness of our response to a dramatically increasing caseload**

**Objectives:**

1. Review and continue to revise internal procedures for increasing effectiveness through case assignments and specialization.
2. Maintain at least the current level of productivity.
2. Continue to develop and maintain resource banks of information for appellate attorneys.
3. Develop and maintain an outline of standards of review to facilitate compliance with recently-changed Colorado Appellate Rule 28.
4. Continue to work with the courts and the public defender's office to develop a long-term plan for effectively and timely dealing with our backlog and with the huge number of new cases we are receiving annually.
5. Develop a decision item and an effective political/legislative strategy for obtaining the substantial attorney and support staff resources needed to address this problem.

**Goal: Expand our service to the people of the state of Colorado, as represented most directly by the elected District Attorneys and by the victims of crime.**

**Objectives:**

1. Provide ongoing, up-to-the-minute compilations of new case law to Appellate and Criminal Justice staff in the AG's Office, and to the various District Attorneys' Offices.
2. Attend CDAC meetings to advise the District Attorneys on case law developments and to network with the District Attorneys on common problems and issues on which we might be of assistance to each other.
3. Continue participation in CDAC committees and Supreme Court committees.
4. Develop presentations and accompanying materials on timely topics for presentation at the annual Colorado District Attorneys Council Training conference, and at other CDAC training sessions as requested.
5. Respond to requests for assistance in the areas of criminal law and procedure, constitutional law, and appellate practice. (Such questions may come from the Office of the Attorney General, district attorneys, Colorado General Assembly, and other state entities.) Answers may take the form of written advice, including formal and informal Attorney General Opinions.



6. Conduct reviews of legislation (which includes research into legislative history as well as research into the ramifications of proposed legislation), and provide other assistance on legal matters as requested by the Attorney General, Chief Deputy Attorney General, Solicitor General, Deputy Attorney General, or Assistant Solicitor General.

7. Maintain relationships with, and responsiveness to, victims of crime through the victim services coordinator.

**Goal: Improve our relationships with the state and federal courts.**

**Objective:**

Meet with representatives of the state and federal courts and the public defender's office as necessary to: (a) develop a long-term plan for effectively and timely dealing with our backlog and with the huge number of new cases we are receiving annually; (b) foster a good working relationship among our offices; and (3) assess the needs of the system and the strengths and weaknesses in our performance before those courts.

**Goal: Further the sense of professionalism between earnest adversaries (i.e. prosecutors and criminal defense counsel).**

**Objectives:**

1. Continue Appellate participation in Supreme Court committee work (there are currently Appellate Division representatives on the Appellate Rules Committee, the Criminal Rules Committee, and the Rules of Evidence Committee).

2. Continue Appellate Division participation in the Colorado Bar Association Appellate Practice Subcommittee (an Appellate Division First Assistant Attorney General currently chairs that committee).

**CRIMINAL JUSTICE DIVISION  
STRATEGIC PLAN  
FY2010-11**

The Criminal Justice Section consists of a total of 15 attorneys, 24 investigators, 11 support staff and three administrative professionals spread throughout six units. Colorado statutes provide that the Attorney General's Office has criminal jurisdiction to: 1) Represent the state on appeals of all felony convictions, 2) To pursue trial level prosecutions of certain offenses, 3) To oversee certification and training of peace officers, and 4) Provide victim services for Department of Law cases. We also provide all legal counsel for the Department of Public Safety, Colorado Bureau of Investigation, Colorado State Patrol, Department of Criminal Justice, and the newly formed Office of Preparedness, Security, and Fire Safety.

**Special Prosecution Unit:** This unit has six areas of prosecution: Environmental Crimes, Complex Crimes, Gang Prosecutions, Worker's Compensation Fraud, Foreign Prosecutions (murder fugitives in Mexico), and the Homicide Assistance Team (HAT). In addition to assisting in the prosecution of cases determined by the District Attorney to warrant filing of the death penalty, HAT also provides investigative assistance concerning aggravated homicides and cold case homicides throughout the state.

**Securities and Insurance Fraud Unit:** This unit was recently consolidated to improve prosecution efficiency. The two areas of fraud prosecution are: Securities Fraud and Insurance Fraud.

**Medicaid Fraud Control Unit:** The State of Colorado spends \$1.9 billion a year on its Medicaid program serving over 292,000 recipients. This Unit investigates: 1) Providers who fraudulently divert Medicaid Funds, and 2) Allegations of patient abuse (physical, sexual, and financial) in which the victims are Medicaid recipients. **The Medicaid Unit secured a grant to educate and train service law enforcement/ prosecutors regarding elder abuse investigations and prosecutions.**

**Victim Services:** It is often a complex and drawn out process as a criminal prosecution works its way through the justice system. Victims of serious crimes have a real need to know what is happening with their cases and when it will be over. The Attorney General Victim Service Coordinator assists over 1200 victims of felonies each year. The Coordinator also works with the other victim services providers to insure the best services possible at every step of the proceedings.

**P.O.S.T. Board and Staff:** The Peace Officers' Standards and Training Board is responsible for: 1) Basic officer training and certification standards and tests, 2) Inspections of the 40 academies, 3) Review and updates of the course curriculums, and 4) Revocation and denial of individual officer certification.

**Department of Public Safety:** Department of Public Safety includes the State Patrol, Colorado Bureau of Investigation and other state agencies. One designated attorney provides legal services to the 1300 employees of the Department of Public Safety. This work includes everything from rulemaking and contract review to counsel on discipline or termination of employees.



**NATURAL RESOURCES & ENVIRONMENT SECTION  
STRATEGIC PLAN  
FY 2010-11**

**GENERAL**

**GOAL #1: Protect and Defend the Interests of the State of Colorado and its Citizens in the Environment and Natural Resources.**

- Objective 1: Provide high quality, timely, and effective legal representation to the Governor and the Departments of Natural Resources (DNR), Public Health and Environment (CDPHE), and Labor and Employment on natural resources and environmental matters.
- Objective 2: Provide an educational and collegial environment for attorneys and support staff to develop their substantive knowledge of natural resource and environmental law and their legal skills.

**WATER MATTERS**

**GOAL #2: Aggressively Safeguard the State's Interests in all Interstate Compacts and Equitable Apportionment Decrees for Interstate Rivers.**

- Objective 1: Vigorously represent State interests in all pending interstate litigation to which Colorado is a party.
- Objective 2: Resolve litigation on the Arkansas River and develop an appropriate process to resolve or avoid future controversies between Kansas and Colorado.
- Objective 2: Analyze developments on the Rio Grande River and act to protect Colorado's compact entitlements.
- Objective 3: Work with the State and Division Engineers to resolve issues with New Mexico concerning implementation of the Costilla Creek Compact, including drafting an operating manual for the compact.
- Objective 4: Prepare to defend Colorado against any future litigation by Nebraska over the South Platte Compact.
- Objective 5: Work with the Republican River Water Conservation District to assure Colorado's future compliance with the Settlement Agreement reached on the Republican River.
- Objective 6: Prepare to defend Colorado against any future litigation by Nebraska or Kansas over the Republican River Compact.

**GOAL #3: Proactively Represent the State on all Matters Relating to the Colorado River.**

- Objective 1: Counsel and represent the Governor, the Colorado River Commissioner, the DNR Executive Director, and the Colorado Water Conservation Board (CWCB) on existing and potential

litigation over the Colorado River and the Colorado River Compact.

- Objective 2: Prepare an electronic indexed and searchable library of Colorado River information, documents, research, correspondence, legislative history, legal research, and other material relevant to possible interstate litigation over the Colorado River Compact and the Law of the Colorado River.
- Objective 3: Support Colorado's interests in ongoing interstate negotiations regarding the administration and operation of the Colorado River.
- Objective 4: Represent Colorado's interests on the legal committee of the Upper Colorado River Compact Commission.
- Objective 5: Advise the State Engineer on intrastate administration and operation of Colorado water rights subject to the Colorado River Compact, including the promulgation of rules.

**Goal #4: Work With the Department of Natural Resources, the State Engineer, and the Colorado Water Conservation Board to Anticipate and Address the Major Legal Battles Concerning Water Supplies Needed for Colorado's Existing Uses and Growth.**

- Objective 1: Provide quality legal representation to the State of Colorado in approximately 1,000 active water cases.
- Objective 2: Advise CWCB regarding financial grants and TABOR restrictions.
- Objective 3: Work with the State Engineer to support efforts to develop and implement policies and rules that resolve current conflicts between well users and surface water users.
- Objective 4: Support efforts to maintain the independent authority of the State Engineer's Office in litigation concerning water rights.
- Objective 5: Support efforts to maintain the independence and protect the interests of the water users, such as the CWCB, the Division of Wildlife and Department of Parks and Outdoor Recreation, from the State Engineer's Office in litigation concerning water rights.
- Objective 6: Provide legal advice to the Interbasin Compact Committee.
- Objective 7: Assist the State Engineer in developing rules for regulation of produced water from Oil and Gas wells.
- Objective 8: Assist the State Engineer in reviewing State Engineer policies to ensure effective, efficient, and consistent administration of water rights across Colorado.

**GOAL #5: Work with the Department of Natural Resources, the Division of Wildlife and the Division of Parks and Outdoor Recreation to Address the Water Needs of these Agencies.**

- Objective 1: File for and obtain water rights necessary to support State Parks and State Wildlife areas.
- Objective 2: Provide legal advice and representation to protect existing water rights for current State Parks and Wildlife Areas by helping the agency establish a data base to determine its existing water rights, the rights needing protecting and the rights needing diligence.
- Objective 3: Continue to assist Department of Parks to assess future water needs for Parks resources by helping the agency establish a data base for its existing parks that need new water rights or an expansion of its existing rights.

**GOAL #6: Help Resolve Indian Reserved Rights Issues in Southwestern Colorado Related to the Animas-La Plata Project.**

- Objective 1: Resolve issues pending after the State's recent victory in District Court regarding the construction and operation of the Animas-La Plata Project.
- Objective 2: Work with the parties to Indian reserved rights litigation and settlement to complete implementation of settlement.

**GOAL #7: Push for Resolution of Federal Reserved Water Right Claims of the U.S. Forest Service in Water Divisions 2 and 7.**

- Objective 1: Vigorously pursue quantification and resolution of the U.S. Forest Service claims in Divisions 2 and 7.
- Objective 2: If quantification or other issues cannot be resolved, vigorously litigate in opposition to the U.S. Forest Service claims in Divisions 2 and 7.

**GOAL #8: Resolve Claims for Federal Reserved Rights and Federal Appropriative Rights of the U.S. Forest Service and Bureau of Land Management.**

- Objective 1: Vigorously pursue final decrees in outstanding cases to finally decree federal rights or have those rights denied.
- Objective 2: Cooperate with water users, interested parties and federal agencies to resolve issues regarding potential claims for federal reserved rights for future Wild and Scenic River designations in the Colorado Basin to assure protection of existing water rights and future development, where appropriate.

**GOAL #9: Work With the Department of Natural Resources to Protect Colorado's Interests in Endangered Species Recovery Efforts.**

Objective 1: Support the DNR in its work with state and federal agencies, together with interested water users, to implement species recovery efforts in the Colorado, Platte, and Rio Grande River Basins.

**ENVIRONMENTAL MATTERS**

**GOAL#10: Facilitate Timely and Effective Cleanup of Contaminated Sites, and Help Create Opportunities at Those Sites for Future Land Uses that Protect and Enhance Colorado's Quality of Life.**

Objective 1: Support state efforts to expedite an effective cleanup and delisting of the remaining California Gulch Site Operable Units in Leadville and Lake County.

Objective 2: Resolve the State's claims against Asarco for response costs and natural resource damages at the California Gulch Site, and other sites in Colorado for which Asarco has responsibility in the pending bankruptcy action.

Objective 3: Assist CDPHE in updating the 1988 Remedial Action Plan to reflect progress made at the Cotter Mill/Lincoln Park CERCLA site and detail future remediation requirements.

Objective 4: Work with CDPHE and EPA to develop and implement effective, community-supported remedies at the recently listed Standard Mine (Crested Butte) and Nelson Tunnel (Creede) Superfund sites.

Objective 5: Negotiate an agreement on behalf of CDPHE for additional remedial work at the Eagle Mine Superfund site to reduce metals loading in the Eagle River and meet newly promulgated water quality standards.

Objective 6: Work with Department of Law budget staff, JBC analyst, and legislative leadership on long-term funding at an appropriate level for the state's CERCLA activities, including collection of Natural Resources Damages on behalf of the State's Natural Resources Trustees.

Objective 7: Work with CDPHE, Idarado, and the Town of Telluride to improve the remedy for mine tailings on the Telluride Valley Floor and draft an environmental covenant to ensure protection of human health and the environment.

Objective 8: Maintain and enhance strong working relationships with federal, state and local authorities in implementing the CERCLA program.

**GOAL#11: Aggressively Pursue Cleanup and Reuse of Contaminated Federal Facilities.**

- Objective 1: Support efforts of State Natural Resource Trustees, in consultation with affected local governments and the public to select and fund appropriate restoration projects to mitigate natural resource damages at the Rocky Mountain Arsenal Site.
- Objective 2: Work with other states and federal natural resources trustees, citizens and affected local governments to implement approved restoration projects for injured natural resources at Rocky Flats.
- Objective 3: Work with CDPHE, U.S. Department of Energy and U.S. Environmental Protection Agency (EPA) to provide regulatory oversight and to ensure effective implementation of the Rocky Flats Legacy Management Agreement.
- Objective 4: Work with CDPHE to evaluate, enforce, implement, and accelerate cleanup at numerous current and former federal facilities, including the Pueblo Chemical Depot, the Air Force Academy, the Lowry Bombing and Gunnery Range, Buckley Field, Lowry Air Force Base, Fitzsimons Army Hospital, the Denver Federal Center, and other "formerly used defense sites" and closing military bases.
- Objective 5: Work with the National Association of Attorneys General (NAAG), the Governor, CDPHE, and Colorado's Congressional delegation to lobby for legislation clearly establishing the Comprehensive Environmental, Response, Compensation and Liability Act of 1980 sovereign immunity waiver.
- Objective 6: Work with NAAG, the Governor, CDPHE, and Colorado's congressional delegation to lobby for adequate funding for cleanup of federal facilities, particularly U.S. Department of Energy and U.S. Department of Defense facilities.
- Objective 7: Work with CDPHE to force acceleration of the chemical weapons treatment program at Pueblo Chemical Depot through litigation or settlement of the State's Hazardous Waste Act enforcement suit.

**GOAL #12: Protect Colorado's Citizens and Lands from Dangers of Mismanaged Hazardous and Solid Wastes.**

- Objective 1: Assist the Hazardous Materials and Waste Management Division (HMWMD) in continuing to implement an innovative and effective hazardous waste management and enforcement program.
- Objective 2: Work with HMWMD to develop and implement a model solid waste management and enforcement program, including implementation of recently enhanced solid waste administrative order enforcement authority.
- Objective 3: Counsel HMWMD in efforts to clarify and strengthen state solid waste statutes and regulations.



**Goal # 13: Assist in Promulgation and Implementation of Environmental Programs to Protect Colorado's Air and Water.**

- Objective 1: Assist the Air Pollution Control Division (APCD), Water Quality Control Division (WQCD), and Laboratory and Radiation Services Division (LARS) to require compliance with environmental laws.
- Objective 2: Aggressively prosecute people and companies who break the environmental laws.
- Objective 3: Assist the APCD, WQCD, and LARS to develop educational programs to teach Colorado's citizens and industry about the dangers of uncontrolled pollution and how to actively protect the environmental quality of Colorado.

**Goal # 14: Assist in Promulgation and Implementation of Environmental Programs to Protect Colorado's Air and Water.**

- Objective 1: Assist the Air Quality Control Commission (AQCC) and CDPHE in implementing changes in the Automobile Inspection and Readjustment Program, including increased motorist convenience through greater remote sensing.
- Objective 2: Assist the APCD and AQCC in protecting visibility in National Parks and other "class I" areas, by requiring installation of Best Available Retrofit Technology at specified sources, and by working towards finalization Colorado's Regional Haze State Implementation Plan.
- Objective 3: Assist the AQCC and AQCD in implementing rules that will regulate mercury emissions from coal-fired power plants for the first time.
- Objective 4: Work with the APCD and AQCC to implement the 2008 Ozone Action Plan, and to develop, adopt and implement new Ozone Action Plans to attain the 2008 ozone standard.
- Objective 5: Assist the WQCC and WQCD in implementing new temperature standards to preserve and protect Colorado's diverse aquatic community.
- Objective 6: Work with Colorado's Congressional delegation and other interested parties to seeking to obtain "Good Samaritan" legislation for the cleanup of abandoned mining sites.
- Objective 7: Work with WQCD, APCD, DNR and industry on ensuring environmental protection from increased oil and gas exploration and production.
- Objective 8: Work with WQCD, APCD, DNR, federal agencies and industry to ensure that development of oil shale in Colorado is done in an economically and environmentally protective manner.

Objective 9: Work with the APCD and AQCC to achieve approved state implementation plans for program infrastructure and for interstate pollutant transport.

Objective 10: Work with the APCD and AQCC to clarify the emission standards for asbestos and to improve compliance with the standards through education, coordination with key stakeholders and aggressive enforcement.

### **NATURAL RESOURCES MATTERS**

#### **GOAL #15: Resolve Jurisdictional Issues Regarding Oil and Gas Extraction.**

Objective 1: Defend the Colorado Oil and Gas Conservation Commission (COGCC) in litigation concerning regulations the COGCC promulgated to regulate oil and gas activities.

Objective 2: Assist the COGCC in implementing regulations the COGCC promulgated to regulate oil and gas activities.

#### **GOAL #16: Provide Legal Advice and Representation Regarding Oil Shale Development in Colorado.**

Objective 1: Participate in federal-state team meetings regarding oil shale development in Colorado including on five research, development and demonstration projects located on federal land managed by the Bureau of Land Management.

Objective 2: Assist the Division of Reclamation, Mining and Safety in regard to oil shale development including legal representation at administrative hearings on permit applications filed by companies conducting five research, development and demonstration projects.

#### **GOAL #17: Provide Legal Advice and Representation Regarding Uranium and Vanadium Mining in Colorado.**

Objective 1: Assist the Division of Reclamation, Mining and Safety in regard to rulemaking proceedings to implement legislation regarding regulation of hard rock mining operations involving uranium and regarding prospecting activities, including drafting proposed regulations, attending stakeholder meetings and representing the Division at the formal rulemaking hearing before the Mined Land Reclamation Board.

Objective 2: Assist the Division of Reclamation, Mining and Safety in rulemaking proceedings to implement changes to the regulations concerning coal mining operations, including reviewing draft regulations and attending stakeholder meetings.

**GOAL #19: Provide Guidance to the State Board of Land Commissioners to Protect State Trust Lands.**

- Objective 1: Assist the State Land Board in resolving the disputes that have arisen between it, the Rangeview Metropolitan District and other local jurisdictions over development of the land and water resources on the Lowry Range.
- Objective 2: Assist the State Land Board in its management of trust lands, including the sale and lease of such lands, to maximize revenues for support of public education in Colorado.

**GOAL #20: Assist the Division of Parks and Outdoor Recreation in meeting the changing economic realities affecting the of park and outdoor recreation resources in Colorado.**

- Objective 1: Work the Division of Parks and Outdoor Recreation to address its significant budget shortfalls in a legal and thoughtful manner and that otherwise avoids unwarranted impacts to the recreating public.

**GOAL #21: Assist the Division of Wildlife in preserving wildlife and wildlife related recreational resources in Colorado.**

- Objective 1: Work with the Division of Wildlife to address the significant threats to wildlife resources and the decrease in public hunting opportunities caused by residential and oil and gas development throughout Colorado.
- Objective 2: Work with the Division of Wildlife in its development and adoption of a new big game season structure that addresses conflicts between the various users groups in a balanced manner.

**CIVIL LITIGATION AND EMPLOYMENT LAW  
STRATEGIC PLAN  
2010-11**

**GOALS AND OBJECTIVES**

**GOAL #1: Develop and maintain a successful and well-regarded litigation section that aggressively and effectively represents the state, state agencies, state employees and state officials in administrative, state, and federal court cases and that is available to assist other sections in complex litigation.**

Objective 1: Provide an educational and supportive environment for the staff and attorneys to develop their legal and trial skills. Provide training courses, mock demonstrations, opportunities to “staff” cases, and educational materials. Pursue opportunities for the staff and attorneys to attend CLE’s to develop discovery, trial, and preparation skills.

- Negotiated discount rate for eight attorneys to attend two-week National Institute of Trial Advocacy training.
- Negotiated discount rate for six attorneys to attend one-week National Association of Attorneys General trial practice training.
- Provided funding for several attorneys to attend the annual Colorado Employment Law training put on by the Colorado Bar Association.
- Each unit meets approximately monthly to discuss cases and strategies.
- Monthly Section/Firsts meetings are conducted to share office-wide information and to discuss Section and office issues.
- Created the “Reduction in Force” working group to share and coordinate advice to the agencies on issues related to the budget cuts, such as furloughs, layoffs, FLSA considerations, etc.

Objective 2: Provide aggressive and effective legal representation to all state agencies and employees in state and federal tort and constitutional claims.

- Win cases/claims by filing motions to dismiss and motions for summary judgment:

Corrections:	Won 164 out of 327
Tort Litigation:	Won 40 out of 42
Emp Tort:	Won 3 in full, 1 in part; lost (202 claims dismissed)

- Take cases to trial/hearing as necessary and win:

Corrections:	Won 17 out of 24
Tort Litigation:	One trial – verdict pending
Emp Tort:	Won 1 out of 1

- Win cases on appeal/petitions for certiorari:

Corrections:	Won 57 out of 58
Tort Litigation:	Won 7 out of 7
Emp Tort:	Won 2 out of 2

- Settle cases favorably for the state where appropriate

Corrections:	Saved \$509,500	(settled 5 cases for \$33,000, demands were \$542,500)
Tort Litigation:	Saved \$5,694,907	(settled 30 cases for \$3,278,500, demands were \$8,973,407)
Emp Tort:	Saved \$7,427,287	(settled 11 cases for \$437,713, demands were \$7,865,000)

- Obtain voluntary dismissals

Tort Litigation:	12 voluntary dismissals
------------------	-------------------------

- Save Risk Management money by aggressive defense, successful motions, trial/hearing victories, favorable settlements:

Tort Litigation:	Saved \$29,196,294
Emp Tort:	Saved \$11,627,287

Objective 3: Train legal assistants and attorneys in the use of technology in the courtroom. Familiarize staff with the requirements for exhibits in federal court. Prepare for increased use of technology in trials.

- We have successfully trained all attorneys and staff regarding electronic filing. We have not had any complaints regarding the use of e-filing.
- We use the services of IT in several cases in trials and hearings so that the attorneys can present evidence through the use of electronic means. We continue to learn new ways to use technology in our practice.

Objective 4: Monitor progress of cases through regular attorney and staff reports.

- Monthly status reports are prepared and sent to:  
Risk Management  
Dept. of Corrections  
Community Colleges  
Colorado State University  
Colorado Mental Health Institute in Pueblo  
Dept. of Agriculture  
Dept. of Public Safety  
Dept. of Transportation
- Monthly reports are prepared by all Tort Litigation attorneys.
- A weekly summary of developments in Corrections cases is prepared by the First Assistant in Corrections and submitted to the Department of Corrections and Risk Management.
- Regular Risk Management Litigation Reports are submitted to Risk on all Risk-covered cases.

Objective 5: Reduce the use of outside counsel except in conflict cases and develop an efficient system to monitor the progress of their cases.

- Outside counsel are required to submit monthly reports regarding their cases.
- Only 6 cases were sent from Corrections to outside counsel, two years previously, 42 cases were sent from Corrections to outside counsel.
- No cases were sent to outside counsel from Tort Litigation or Employment Tort.

Objective 6: Provide general litigation support for the entire office. Provide litigation CLE programs for attorneys and staff throughout the office.

- Our attorneys frequently are asked to consult on cases throughout the office.
- This past year, our section consulted with several sections regarding the requirement for electronic records to be retained pursuant to the Federal Rules of Civil Procedure.
- Information about available seminars outside the office is disseminated by the Deputy to the entire office.

- As noted above, the Deputy negotiated and arranged for intensive trial practice training for 14 attorneys in the office.

**GOAL #2: Handle personnel matters for all state agencies aggressively and successfully.**

Objective 1: Aggressively and successfully defend the state and its employees in mandatory hearings before the State Personnel Board.

- Won 63 %. (78 mandatory hearing cases were opened by SPB, 18 hearings were held, won 13)

Objective 2: Oppose petitions for discretionary hearings in cases where the employee does not have a right to a hearing, such as final agency grievance decisions.

- Won 78 %. (36 petitions briefed, won 28)

Objective 3: Represent state agencies successfully in appeals to the State Personnel Board from decisions of Administrative Law Judges.

- Won 20 %. (5 appeals, won 1)

Objective 4: Successfully represent state agencies in appeals from decisions of State Personnel Board to the Colorado Court of Appeals.

- Won 25 %. (4 appeals, won 1)

Objective 5: Settle personnel cases as appropriate and for a reasonable amount.

- Settled 65 %. (78 cases set for hearing, 51 settled)

Objective 6: Win personnel cases on dispositive motions.

- Won 100 %. (2 filed, 2 won)

**GOAL #3: Provide timely, accurate, and responsive legal advice to the Colorado Department of Corrections.**

Objective 1: Assist the Department in identifying legal issues of public interest and provide thorough and thoughtful legal advice regarding such issues. Maintain close contact with DOC to provide counsel as needed.

- Provide answers to requests for advice within 10 days of request
- The Corrections Unit had approximately 492 requests for advice from

DOC last fiscal year, 100% were answered within 10 days.

Objective 2: Maintain close liaison with national organizations such as the National Institute of Corrections and the National Association of Attorney Generals in matters of national interest, such as the Supermax, Hepatitis C, religious diet lawsuits and bankruptcy issues. Participate in presentations regarding these issues at national and regional conferences.

- Make presentations at the national conference of the National Institute of Corrections.

The First Assistant of the Corrections Unit is a nationally-recognized expert and has spoken at 5 annual conferences on the state of the law with respect to corrections.

Objective 3: Provide quality legal representation to the Dept. of Corrections and other state agencies in prison discipline challenges.

- Win cases in the trial court.

The numbers for winning motions and trials in prison discipline matters are included in the figures previously reported.

During fiscal years 2004 to 2008, the unit opened 2,403 litigation cases. They lost 67 of those cases, settled 11 and won the remainder for a 96.75% success rate.

- Win prison discipline cases on appeal.

Won 81 %. (Won 52, lost 12)

Objective 4: Provide quality representation when the agency is served with a subpoena duces tecum.

- The unit won every motion for protective order or motion to quash in every case in which a party sought privileged or confidential records or files.

Objective 5: Assist DOC in coming into compliance with the Remedial Plan in *Montez v. Owens* by May, 2009, without the necessity of a hearing.

- Approximately 1,400 individual damages cases have been resolved, approximately 5 remain.



- We hold monthly meetings in our office with DOC operations and clinical managers to review steps taken to come into compliance with programmatic requirements.
- Structural compliance has been achieved.
- A compliance hearing is set to commence on October 19, 2009.

Objective 6: Review proposed and pending legislation affecting CDOC within 5 days of receipt.

100 % of requests reviewed within 5 days.

Objective 7: Coordinate closely with the Appellate Section regarding cases that impact the DOC and the OAG.

The First Assistant sends summaries of relevant decisions to the Appellate Section and the OAG.

Objective 8: Represent the Attorney General on committees addressing sentencing and confinement issues. Advise the DOC regarding proposed legislation affecting confinement and sentencing issues. Testify and assist in drafting legislation proposed or supported by the Attorney General.

- The First Assistant represents the DOC on committees addressing sentencing issues. As additional committees are formed, members of the unit will participate and advise legislators and the DOC.

Objective 9: Attend annual state judicial conference to present to judges current developments in sentencing laws and recurring legal issues concerning inmate litigation.

Objective 10: Obtain attorneys' fees or cost of care awards for frivolous lawsuits.

- Obtained \$1,125 in attorneys' fees for the DOC.

**GOAL #4: Provide timely, accurate and responsive legal advice to the Colorado Department of Transportation.**

Objective 1: Handle CDOT condemnation actions and save the State money in acquiring real property for less money than the landowner demands.

- Resolved 16 condemnation cases, saved \$878,164.

Objective 2: Keep caseload current by bringing to conclusion 75% of cases within 2 years of filing action.

- Last fiscal year, the Transportation Unit concluded 87% of its cases within two years

Objective 3: Review and provide legal analysis of legislative proposals affecting CDOT and the Transportation Commission within 5 days of receipt of request. Testify on bills proposed and supported by the Attorney General.

- Reviewed and provided input within 5 days 100% of time.

Objective 4: Provide excellent legal representation in the approximately 85 cases filed annually by CDOT and against CDOT concerning acquisition of rights of way, billboard matters, condemnation, environmental and other issues.

Objective 5: Review and provide legal advice in a quick turnaround time concerning hundreds of contracts in which CDOT is involved on an annual basis.

- Reviewed 468 contracts last fiscal year with a turnaround time of 2.5 days.

Objective 6: Attend Transportation Commission meetings and provide legal opinions on issues raised.

- Transportation attorneys attended 100 % of the meetings.

Objective 7: Develop expertise in construction litigation and disputes. CDOT has experienced an increase in construction disputes.

- Construction claims totaling \$7,436,000 settled for \$788,000 saving CDOT \$6,648,000.
- Pursued defective workmanship claims, resulting in \$150,000 in settlements.

**GOAL # 5: Provide timely, current, and complete legal advice to the Colorado Civil Rights Division.**

Objective 1: Research, prepare and submit legal memoranda on transactional questions and legal issues to the CCRD within 30 days of request.

- This was achieved 100% of the time.

Objective 2: Provide complete legal analysis and opinions on the hearing worthiness of cases referred by the CCRD.

- 21 files were referred and analyzed. 100 % compliance.

Objective 3: Vigorously prosecute all cases of employment, housing and public accommodation discrimination in administrative and court proceedings in which the Colorado Civil Rights Commission issues a formal opinion.

- 15 complaints set for hearing, 5 settled, 2 lost at hearing, 8 still pending.
- Represented the agency in 2 appeals.
- Settled 6 cases for total of \$73,000 plus training.

**GOAL #6: Safeguard State money in the Subsequent Injury Fund (SIF) and Major Medical Insurance Fund and ensure that payments are paid only as mandated by statute.**

- Filed 2 motions, won both.
- Defended one case at hearing, won.
- Negotiated one settlement, settlement was favorable to Fund.

**GOAL #7: Maintain excellent relationship with the Office of Risk Management.**

Objective 1: Provide quick and accurate legal advice to the Risk Manager concerning the varied legal issues which arise in connection with lawsuits against the state and governmental immunity questions.

- This objective was met this past year with several meetings, revision of procedures, and weekly contact with Risk Manager.

Objective 2: Provide the Risk Manager with the periodic updates on cases she has requested.

- Each attorney updates the Risk Management Litigation Form on a regular basis and confers with the Risk Manager of exposure and valuation for settlement purposes.

Objective 3: Continue to increase the efficiency of the State Claims Board. Provide advice to the Attorney General regarding proposed procedures and rules of the Claims Board.

- The Deputy attends all meetings and briefs the Claims Board members on the procedures and rules guiding decision-making.

- The Deputy ensures that all appropriate cases are presented to the Claims Board on a timely and efficient basis.

Objective 4: Process notices of claims in a prompt, consistent, and accurate fashion pursuant to the needs of Risk Management.

- Each Notice of Claim is reviewed by the Deputy or a First Assistant and is referred to Risk Management for investigation, if necessary, and to other State agencies as appropriate.
- The Section maintains a complete and accurate record of all Notices of Claims received by the Attorney General's Office.
- Last year, 1,219 Notices of Claim were reviewed.

Objective 4: Obtain attorneys' fees when possible.

- Last fiscal year, obtained an order for \$10,305 in attorneys' fees.

**GOAL #8: Centralize the intake function and train those on the front desk regarding proper procedures.**

Objective 1: Ensure timely processing of summons and complaints and other court documents.

- The Section legal assistants review each summons and complaint served on the office and refers it to the appropriate unit in the office for handling.
- The intake process is continuously reviewed for ways to increase the efficiency and accuracy.

**GOAL #9: Represent the Attorney General in matters of statewide interest concerning civil litigation.**

Objective 1: Represent the Attorney General on committees to consider legislation in the area of governmental immunity, civil damages, court procedures, and other areas that impact civil litigation.

Objective 2: Participate in associations of attorneys addressing procedural and substantive issues regarding civil litigation.

- The Deputy is a member of the Defense Research Institute, a national civil litigation defense organization that disseminates information and holds conference on civil litigation issues from a defense perspective.

- The Deputy and one First Assistant is a member of the Colorado Defense Lawyers Association, a state-wide group that disseminates information and holds conferences on civil litigation issues from a defense perspective.
- The Deputy and several attorneys are members of the Faculty of Federal Advocates, a state-wide group of attorneys that practice in federal court and hold seminars on Colorado federal court rules and procedures.

Objective 3: Assist in drafting legislation proposed or supported by the Attorney General, testify if necessary.

- The Deputy and one First Assistant testified on proposed legislation to increase the remedies under the Colorado Anti-Discrimination Act. (This legislation was not proposed by the Attorney General.)

**GOAL #10: Prepare and deliver training to client agencies regarding lawsuits, the CGIA, employment matters, and conducting prison disciplinary hearings.**

Objective 1: Plan and deliver a presentation to various state agencies re: procedures when an agency or individuals are sued and re: the Colorado Governmental Immunity Act.

- 2 presentations were made this year.

Objective 2: Make presentations at agencies and conferences of state agencies regarding employment issues.

- The Employment Tort Unit presented 16 training sessions on general employment issues, as well as retaliation, USERRA, the Fair Pay Act, ARRA, medical marijuana, and unemployment insurance.
- The Employment Personnel Unit presented 27 training sessions to 30 agencies.
- Included in the above numbers were several training sessions requested by CDOT to train all of its supervisors on employment law.
- The First Assistant of the Corrections Unit presented several training sessions for DOC personnel on conducting prison disciplinary proceedings.

**GOAL #11: Maintain an open and positive relationship with clients.**

Objective 1: Respond to requests from clients in a timely and appropriate fashion.

- Clients continue to report a high level of satisfaction with the legal work and advice provided.

**GOAL # 12: Continue to be active on committees and in outside associations to support the office and its relationship with the community.**

- Several Section attorneys serve on the recruiting committee and are active in participating in law school placement and recruiting efforts.
- Several Section attorneys speak at law schools, community events, etc. to discuss the office and the work it does.
- Several Section attorneys volunteer to judge law student oral arguments and mock trials, and teach at conferences.
- Several Section attorneys are members of non-profit boards and local government boards and commissions.

**GOAL #13: Handle various tasks for the Attorney General.**

Objective #1: Handle certain tasks for the office, handle any special assignments requested by the Attorney General.

- Prepared the annual State Controller's report reflecting major cases in the office.
- Evaluated whether to participate or write amicus briefs on several litigation issues.
- Obtains conflicts counsel to represent agencies when their assigned counsel is unable to due to a conflict.



**STATE SERVICES  
STRATEGIC PLAN  
FY 2010-2011**

**GOALS AND OBJECTIVES**

**GOAL #1: Develop and support attorneys and administrative staff who will provide quality legal services to client agencies.**

Objective 1: Provide a collegial environment to develop analytical, legal and trial skills.

- Assign experienced attorneys to mentor newer attorneys on simple cases
- Pair experienced attorneys with newer attorneys on complex cases
- Conduct in-house training on procedures, litigation strategies and other legal matters that are frequently handled by the section
- Conduct regularly scheduled unit and Firsts meetings to discuss issues

Objective 2: Explore availability of funding to provide additional training for attorneys and support staff.

- Contact client agencies to explore possibility of paying for Continuing Legal Education seminars for attorneys
- Contact client agencies to request funding for additional training for legal assistants
- Contact various educational institutions to discuss possibility of scholarships for seminars and classes

Objective 3: Enhance reporting of major cases

- Have first assistants submit brief written updates of major cases or events on monthly basis.
- Submit reports to clients to supplement monthly billings

**GOAL #2: Provide timely, efficient and responsive legal services in matters related to labor and employment.**

Objective 1: Promote timely response to requests for petroleum leak remediation

- Contact petroleum storage tank fund applicants within 10 days of request by agency



- Process fund payment settlements within 7 business days of receiving documentation from parties.

Objective 2: Expedite the reduction of the number of employers without workers' compensation insurance

- Contact such employers within 10 days of referral
- Apply for a hearing within 20 days of contact if employers do not obtain insurance.

Objective 3: Contribute to the effective adjudication of workers' compensation proceedings

- Enhance the completion of workers' compensation proceedings by filing briefs on behalf of the Industrial Claims Appeals Office as quickly as possible.

**GOAL #3: Provide timely, efficient and responsive legal services in matters related to state administration.**

Objective 1: Assist in the development of fiscal policies and rules

- Review rules to ensure compliance with statute
- Provide representation and advice to the Controller's Advisory Group

Objective 2: Review and process contracts.

- Assist in improving the contract process to reduce review time
- Provide more assistance in the negotiation and execution of contracts
- Provide training to state agencies regarding contracts and procurement

**GOAL #4: Provide timely, efficient and responsive legal services in matters related to health care.**

Objective 1: Provide legal services in relation to the Colorado Benefits Management System

- Provide legal advice to ensure the long term success of the System
- Provide legal advice related to ongoing settlement efforts of CBMS litigation

Objective 2: Pursue repayment of public funds expended to provide medical benefits from estates, trusts and responsible third parties

- Maximize recovery from personal injury settlements and from liable third parties in line with number of cases referred by hcpf

Objective 3: Insure the integrity of Medicaid funds

- Defend appeals brought by Medicaid providers challenging reimbursement audits, reductions and denials
- Represent state in bankruptcy cases

Objective 4: Take appropriate action to terminate, suspend or limit HCPF and CDPHE provider agreements, certification or licensure

- Review referrals and prosecute actions to terminate Medicaid provider agreements Pursue revocation, suspension or other adverse action against health facility licensing and EMT/paramedic certifications when appropriate

Objective 5: Pursue false claims as appropriate

- Review cases to identify potential false claims
- Prosecute cases in conjunction with federal government

Objective 6 : Support state child support enforcement

- Defend state automated remedies
- Challenge district court jurisdiction over state remedies when necessary

**GOAL #5: Provide timely, efficient and responsive legal services in matters related to education**

Objective 1: Defend court challenges to legislation

- Defend court challenge to charter school legislation
- Defend court challenge to school financing

Objective 2: Provide preventative legal advice to education clients to avoid costly litigation and prosecute and defend necessary lawsuits to protect the clients and the state

- Advise clients with employment and student actions
- Assist clients with contracting and enforce contract terms as necessary and defend breach of contract actions.

Objective 3: Help improve the quality of educational and vocational instruction

- Assist the Department of Education in policing teacher licensing by reviewing licensing statutes and rules and evaluating and prosecuting disciplinary actions where appropriate
- Assist Capital Construction Advisory Board on allocation of funding for school construction projects
- Work with the Division of Private and Occupational Schools to monitor schools offering vocational training in Colorado
- Assist the Colorado Department of Higher Education to enforce the Degree Authorization Act
- Work with the Charter School Institute to review, approve and oversee Institute Charter Schools
- Assist state boards in drafting policies and regulations
- Review the School Violence Prevention Manual and Student Discipline Manual for any needed changes and updates
- Assist public colleges and universities and state educational agencies with compliance with state and federal regulations
- Assist governing boards of public institutions of higher education with policy and governance issues

**GOAL #6: Provide timely, efficient and responsive legal services in matters related to child care, child protection and treatment of the persons in the state hospital**

Objective 1: Resolve all child licensing enforcement cases as expeditiously as possible

- Review all referrals to determine appropriate action
- Draft summary suspension orders within 72 hours from the time that the matter is referred
- Prepare notice of charges in non-emergency cases with 30 days after matter is referred

Objective 2: Advise and defend state hospital

- Continue to assist state hospital in development of policies and procedures to ensure quality care
- Defend court challenges to policies and procedures

Objective 3: Prosecute child abuse cases in a timely fashion

- Attempt to resolve most requests without hearing
- Assist in continuously improving the process for fair hearings

Objective 4: Provide legal services and advice to the various divisions within the Department of Human Services

- Respond and draft legal opinion memos as requested
- File petitions and provide legal representation to the Division of Youth Corrections
- Prosecute administrative court cases for the Division of Vocational Rehabilitation and Division of Behavioral Health
- Advise the Board of Human Services, the Juvenile Parole Board, and other Boards and Committees of the Department
- Advise the Department on Open Records Act requests
- Respond to subpoenas for records and protect confidential and privileged information
- Defend or Represent the Department in civil district court non-Tort cases

**GOAL #7: Provide timely, efficient and responsive legal services to statewide elected officials**

Objective 1: Provide legal services to the Secretary of State

- Represent the Secretary in legal challenges to the Campaign and Political Finance Amendment, the Initiative Code and the Election Code
- Defend the Secretary in ongoing legal challenges to the State's voter registration laws and practices
- Assist the Secretary in prosecuting violations of the bingo and raffle statutes
- Assist the Secretary's preparation for the 2010 general election

Objective 2: Provide legal services to the Governor

- Provide assistance in the Governor's efforts to coordinate state and federal immigration policies
- Represent the Governor in open records challenges
- Represent the Governor in constitutional challenges to Amendments 41 and 54.

Objective 3: Provide legal services to the State Treasurer

- Provide assistance and advice with regard to property tax deferrals
- Provide assistance and advice with regard to unclaimed property
- Ensure that persons who make claims under the escheat and unclaimed property statutes are entitled to receive the requested funds.

**GOAL #8: Provide timely, efficient and responsive legal services to the Public Utilities Commission.**

Objective 1: Act as counselor to the Commission

- Provide on-going legal assistance to the Commission on all pending matters

Objective 2: Represent the Commission in court proceedings.

**BUSINESS & LICENSING  
STRATEGIC PLAN  
FY 2010-2011**

**MISSION:** The Business and Licensing Section's mission is to provide the highest quality legal representation to regulatory boards, commissions, programs and governmental agencies.

**Objective 1:** Business and Licensing's ("B&L") attorneys shall serve as general counsel to the following clients to effectuate the shared goal of public protection: Department of Regulatory Agencies, Department of Agriculture, Department of Revenue, and the Independent Ethics Commission.

**Goal 1:** Attorneys shall provide timely, accurate and responsive legal advice to the agencies.

**Goal 2:** Attorneys for all Units shall assist in rulemaking as needed or requested by the agencies.

**Goal 3:** When appropriate to the agency, attorneys shall develop and maintain internal tracking systems for informal attorney general opinions rulemaking, and legislation affecting the agencies.

**Goal 4:** Attorneys shall provide aggressive and effective legal representation of the Board on all appeals of Board decisions.

**Objective 2:** The Assistant Attorneys General ("AAGs") within B&L shall develop subject matter expertise on issues relevant to the clients they represent.

**Goal 1:** The Section shall continue to implement the training protocols for new attorneys by pairing each new attorney with a mentor and by holding Section wide practice improvement sessions.

**Goal 2:** The Section shall maintain competence of all attorneys by participating in the evaluation process and the goal planning process with supervisors.

**Goal 3:** The attorneys shall attend Continuing Legal Education programs relevant to their practice.

**Goal 4:** Supervisors shall improve legal advice to all agencies by identifying areas of law and practice where Section wide consistency can be achieved, and shall implement tools to address consistency.

**Objective 3:** The Section shall effectuate the client's goals through effective litigation by initiating actions in administrative court, State District Court, courts of appeals and other courts as necessary.

**Goal 1:** PUC attorneys shall assist Litigation Staff with early identification and development of issues to be presented at hearings.

**Goal 2:** The PUC supervisor and team leaders shall provide an educational environment in which attorneys and staff may increase their substantive knowledge of the subject matter and pursue opportunities for attorneys and staff to develop discovery, trial, and preparation skills.

**Goal 3:** All Units shall have policies in place to assure early attorney review and action on all referred cases.

**Goal 4:** All Units shall identify backlogs and have plans in place to effectively manage backlogs.

**Goal 5:** Units shall work with clients to continually educate investigators and staff regarding their role in managing evidence, affidavits and documentations supporting the legal elements that must be proved at hearing.

**Objective 4:** The B&L attorneys shall provide effective conflicts counsel to agencies as assigned.

**Goal 1:** Attorneys shall effectively advise the State Personnel Board in its adjudicatory role in actions that come before the board, and provide rulemaking support and other advice as required.

**Goal 2:** Attorneys shall effectively advise the Civil Rights Commission in its adjudicatory role in actions that come before the commission, and provide rulemaking support and other advice as required.

**Goal 3:** Attorneys shall effectively advise the Mined Land Reclamation Board in its adjudicatory role in actions that come before the board.

**CONSUMER PROTECTION SECTION  
STRATEGIC PLAN  
FY 2010-11**

The Consumer Protection Section is comprised of forty FTE working in four organizational units. Each Unit has the primary mission of protecting Colorado consumers and legitimate businesses. Each Unit has separate and distinct statutory authority to carry out their respective consumer protection goals and objectives.

**Uniform Consumer Credit Code/Collection Agency Board Unit**

**Consumer Credit**

The Consumer Credit group enforces the state's consumer credit and lending laws – the Colorado Uniform Consumer Credit Code (“UCCC”). The UCCC protects the rights of consumers who borrow money, establishes reasonable limits on interest rates and fees, fosters fair competition among lenders, and promotes an adequate supply of credit. The Unit licenses and examines lenders who make high-rate loans – defined as loans with an annual percentage rate of more than 12%. The Unit also licenses deferred deposit or “pay-day” lenders. Finally the Unit enforces the Colorado Equity Protection Act, which prohibits certain terms and conditions in high-cost loans.

**Debt Collection**

The Collection Agency Board enforces Colorado's collection agency laws (Colorado Fair Debt Collection Practices Act). The law protects business clients who place accounts for collection and establishes protections for consumers who are contacted by collection agencies. This ensures that all collection agencies act in compliance with the law and there is no unfair competition. The CAB Unit licenses collection agencies, investigates complaints of unlawful activity, and takes administrative discipline against agencies that violate the law.

**Debt Management Companies**

Beginning in January 2008, the Unit will regulate debt management companies. A “debt management” company provides services as an intermediary between an individual and one or more creditors of the individual for the purpose of obtaining concessions from those creditors. Services may also include, for a fee, the provision of a settlement plan to allow a debtor make periodic payments to retire debt. Debt management companies will need to be registered and must post a bond before engaging in business in Colorado under the new law.

**Consumer Fraud Unit**

The Unit investigates and prosecutes violations of the Colorado Consumer Protection Act, the Colorado Charitable Solicitations Act, the Colorado No-Call List Act, and other



consumer and business protection statutes. The Attorney General shares jurisdiction with the local district attorneys of the State over many of these violations. The Unit also participates in a broad range of multi-state initiatives, and joint activities with federal enforcement agencies. The Unit engages in extensive consumer outreach and educational efforts for the citizens of Colorado, including outreach efforts that are specifically targeted to reach Colorado's senior citizens.

### **Antitrust, Tobacco and Consumer Protection Unit**

The Unit investigates and prosecutes violations of the Colorado Antitrust Act of 1992 and the federal Sherman and Clayton antitrust acts. The Attorney General has exclusive jurisdiction over civil and criminal enforcement actions under the Colorado Antitrust Act. The Unit also participates in a broad range of multistate antitrust initiatives, and joint activities with other State Attorneys General and federal law enforcement agencies.

The Unit is responsible for the enforcement and defense of the state's Tobacco Master Settlement Agreement ("MSA") and the Smokeless Tobacco Master Settlement Agreement ("STMSA"). The MSA requires the nation's leading tobacco manufacturers to comply with extensive injunctive relief and to pay approximately \$2.8 billion dollars to Colorado over the next 25 years. The Unit is responsible for enforcing the tobacco companies' compliance with the payment and other obligations of the MSA and is responsible for making sure that certain statutory schemes implemented in furtherance of the MSA are implemented and vigorously enforced.

Finally, the Unit also has new and greatly expanded jurisdiction to enforce violations of article 61 of Title 12 relating to mortgage brokers and enforces the Colorado Foreclosure Protection Act.

### **Office of Consumer Counsel Unit**

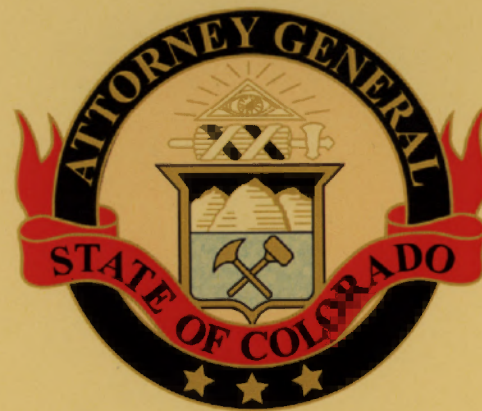
This Unit provides full legal services to the Office of Consumer Counsel, a type 1 agency within the Colorado Department of Regulatory Agencies, and the Utility Consumers' Board. By statute, the OCC is charged with representing the public interest and specific interests of residential, small business, and agricultural consumers in proceedings before the Colorado Public Utilities Commission (PUC). Such advocacy most often involves matters relating to proposed changes in electric, gas, and telephone utility rates and services. See Legal Services to State Agencies for Program Summary.

The Consumer Protection Section is comprised of thirty-four FTE working in three organizational units. Each Unit has the primary mission of protecting Colorado consumers and legitimate businesses. Each Unit has separate and distinct statutory authority to carry out their respective consumer protection goals and objectives.

# **Change Requests**

# FY 10-11 Schedule 10

# Summary of Change Requests

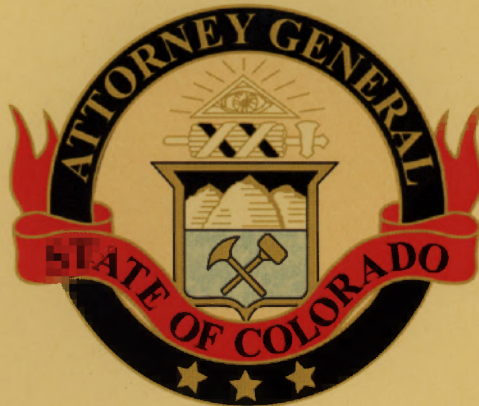


**Department of Law**  
 Schedule 10  
 FY 2010-11 Budget Request

Priority	Number	Division	Request	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Decision Items</b>									
2	DI-1	Consumer Protection	UCCC/CAB - Legal Asst. from .5 to 1 FTE	0.5	\$51,404	\$0	\$51,404	\$0	\$0
1	DI-2	Consumer Protection	Combine UCCC/CAB units	0.0	\$0	\$0	\$0	\$0	\$0
<b>Total - Decision Items</b>									
<b>Base Reduction Items</b>									
1	BRI-1	DOL	GF Base Reduction	(3.5)	(\$203,488)	(\$57,538)	\$0	(\$145,950)	\$0
<b>Total - Base Reduction Items</b>									
<b>Non-Prioritized Items</b>									
NA	NP-1	DOL	Common Policy Request	0.0	\$47,804	\$20,915	\$53,230	(\$13,739)	(\$12,602)
<b>Total Non Prioritized Items</b>									
<b>Grand Total November 3, 2009</b>				<b>(3.0)</b>	<b>(\$104,280)</b>	<b>(\$36,623)</b>	<b>\$104,634</b>	<b>(\$159,689)</b>	<b>(\$12,602)</b>



**Change Request #1**  
**UCCC/CAB Legal Asst.**  
**from .5 to 1 FTE**



Change Request for FY 2009-10 Budget Request Cycle

Decision Item FY 2010-11  Base Reduction Item FY 2010-11  Supplemental FY 2009-10  Budget Amendment FY 2010-11

Request Title: UCCC/CAB Legal Assistant Increase FTE  
 Department: Law  
 Priority Number: DJ-1  
 Dept. Approval by: *Cynthia J. Coffman* Date: *October 28, 2009*  
 OSPB Approval: N/A Date: N/A

Fund	1		2	3	4	5	6	7	8	9	10
	Prior-Year Actual FY 2008-09	FTE									
Total	1,521,653	17.5	1,328,458	0	1,328,458	1,328,458	51,404	1,379,862	0	1,379,862	51,404
FTE	17.5		17.5	0.0	17.5	17.5	0.5	18.0	0.0	18.0	0.5
GF	0		0	0	0	0	0	0	0	0	0
GFE	0		0	0	0	0	0	0	0	0	0
CF	1,521,653		1,328,458	0	1,328,458	1,328,458	51,404	1,379,862	0	1,379,862	51,404
CFE/RF	0		0	0	0	0	0	0	0	0	0
FF	0		0	0	0	0	0	0	0	0	0
<b>(5) Consumer Protection &amp; Anti-Trust, Collection Agency Board</b>											
Total	380,881		314,425	0	314,425	314,425	30,842	345,267	0	345,267	30,842
FTE	5.2		5.2	0.0	5.2	5.2	0.3	5.5	0.0	5.5	0.3
GF	0		0	0	0	0	0	0	0	0	0
GFE	0		0	0	0	0	0	0	0	0	0
CF	380,881		314,425	0	314,425	314,425	30,842	345,267	0	345,267	30,842
CFE/RF	0		0	0	0	0	0	0	0	0	0
FF	0		0	0	0	0	0	0	0	0	0
<b>(5) Consumer Protection &amp; Anti-Trust, Uniform Consumer Credit Code</b>											
Total	1,140,772		1,014,033	0	1,014,033	1,014,033	20,562	1,034,595	0	1,034,595	20,562
FTE	12.3		12.3	0.0	12.3	12.3	0.2	12.5	0.0	12.5	0.2
GF	0		0	0	0	0	0	0	0	0	0
GFE	0		0	0	0	0	0	0	0	0	0
CF	1,140,772		1,014,033	0	1,014,033	1,014,033	20,562	1,034,595	0	1,034,595	20,562
CFE/RF	0		0	0	0	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: Funds 150 and 151  
 Reappropriated Funds Source, by Department and Line Item Name: N/A  
 Approval by OIT? Yes:  No:  N/A:   
 Schedule 13s from Affected Departments: N/A





**CHANGE REQUEST for FY 2010-11 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	DI- #1
Change Request Title:	Increase UCCC-CAB Legal Assistant I from .5 to 1.0 FTE

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

- Decision Item FY 2010-11
- Base Reduction Item FY 2010-11
- Supplemental Request FY 2009-10
- Budget Request Amendment FY 2010-11

**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:

There are two parts to this request. First, currently a .5 FTE Legal Assistant I position is split between the Uniform Consumer Credit Code (UCCC) and Collection Agency Board (CAB). This request seeks to increase this half time position to 1.0 FTE and reclassify the position to a Legal Assistant II to assist with the legal services needs of the unit. Second, the units are in need of additional spending authority to pay for the cost of litigation. The total cost of this request is \$51,404 cash funds and .5 FTE.

Background and Appropriation History:

As a result of a decision item approved in FY08, the UCCC/CAB unit was authorized to add a .5 FTE Legal Assistant I and a 1.0 FTE Assistant Attorney General due to the workload of regulatory and legal actions generated by the five state credit laws it enforces. Further, the Colorado Debt Management Services Act took effect January 1, 2008 adding additional legal work load. Currently, the UCCC unit has 2.0 FTE of attorney and CAB has 1.0 FTE of attorney. The additional litigation that has resulted since the new Assistant Attorney General (AAG) that was approved and additional enforcement responsibilities as result of the new state law has driven a need for additional

legal services help. Currently, the two units (UCCC/CAB) are sharing a half time legal assistant. However, the litigation support and case management generally requires full time support services. A half time legal assistant cannot adequately provide support and assistance to the 3 unit attorneys. The unit is cash funded and can earn sufficient revenue to increase the position from part-time to full-time. The operating costs such as a computer, work area, and telephone are nearly the same whether the position is part-time or full-time and will require only a minimal increase (\$475). Therefore, the Department is requesting \$30,929 to pay for the increase of the part-time position to full time and to upgrade it to a Legal Assistant II position.

An additional problem is that major litigation cannot be supported through existing budget appropriations. Although most legal cases settle, court action is sometimes required. For example, current litigation against a licensed lender will require review of thousands of loan files, numerous depositions, and use of several expert witnesses. The current budget appropriations do not account for more than minimal litigation costs. For example, a single debt collection case filed in FY09 against a company and its primary officers cost \$3,600 in payments to outside vendors in one year for service of legal process and photocopying. There has not yet been a trial and these costs do not include attorney's fees. Similarly, a complex consumer lending case filed in FY 09 has cost \$2,400 in a few hours of consultation with expert witnesses. The expert witness work charges for trial preparation will be approximately \$34,000. This does not include costs for the experts at trial.

The Department is seeking \$20,000 in additional spending authority for litigation related expenses. Last fiscal year (FY09) the CAB had only \$21 dollars in lapsed spending authority while the UCCC had only \$956 in lapsed spending authority. There is insufficient spending authority in both these programs and they are unable to absorb these litigation related expenses within existing appropriations. Both cash funds have sufficient reserves (CAB fund balance actually exceeds SB98-194 limits) to pay for the additional expenditures anticipated as a result of this request.

General Description of Request:

Increase the UCCC-CAB appropriated Legal Assistant position by .5 FTE position to ensure sufficient support for litigation activities and to reclassify the position to a Legal Assistant II. Additional funding is also requested for litigation related expenses to avoid litigation delays and inefficiencies. Total request is \$51,404 Cash Funds and .5 FTE.

Consequences if Not Funded:

If the request is not funded, the position will remain as .5 FTE. Attorneys will continue to spend considerable time doing non-attorney work that should be performed by a legal assistant at a lower cost to the state. This results in inefficiencies and delays in legal work.

Calculations for Request:

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] Collection Agency Board	\$51,404		\$51,404			.5
Uniform Consumer Credit Code	\$30,842		\$30,842			.3
	\$20,562		\$20,562			.2

Summary of Request FY 2011-12 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this] Collection Agency Board	\$51,404		\$51,404			.5
Uniform Consumer Credit Code	\$30,842		\$30,842			.3
	\$20,562		\$20,562			.2

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:

Cash Fund Name	Cash Fund Number	FY 2008-09 Expenditures	FY 2008-09 End of Year Cash Balance	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate	FY 2011-12 End of Year Cash Balance Estimate
CAB Cash Fund	150	\$380,881	\$154,949	\$75,514	\$50,514	\$30,514
UCCC Cash Fund	151	\$1,140,772	\$159,774	\$236,610	\$356,610	\$475,110

Assumptions for Calculations:

- That a half time Legal Assistant II (six months) will cost \$27,367 CF including PERA and Medicare. To bring the Legal Assistant I position to a Legal Assistant II will cost \$3,562 CF including PERA and Medicare. Total personal services cost is \$30,929 CF in FY11 and beyond.
- That the increase in operating costs will be \$475 in FY11 and each year thereafter.
- That the increase in litigation costs will be \$20,000 in FY11 and each year thereafter.
- That this total request is \$51,404 CF of which \$30,842 is from the Collection Agency Board and \$20,562 is from the UCCC.

N/A

Impact on Other Government Agencies:

Cost Benefit Analysis:

The units litigate cases which may involve thousands of individual financial transactions, such as mortgage loan transactions. Each of these transactions are document intensive, including financial documentation, required disclosures, correspondence and payment

histories. It is more efficient to have a legal assistant performing these duties as opposed to an attorney. In addition, this position will provide litigation support to two compliance investigators and eight financial credit examiners. The additional .5 FTE will dramatically improve the efficiency of the unit.

Implementation Schedule:

Task	Month/Year
Internal Research/Planning Period	N/A
Written Agreement w/ Other State Agencies	N/A
FTE Hired	Increase to 1.0 FTE July 1, 2010
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	N/A

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

Statutory and Federal Authority: § § 12-24-101 to 12-24-137, C.R.S.; 15 U.S.C. § 1692; § 5-1-101 to 5-9-102.5, C.R.S.; 5-10-101 to 5-10-1001, C.R.S.; § 12-14.5-101 to 12-14.5-113, C.R.S. 15 U.S.C. §

Performance Measures:

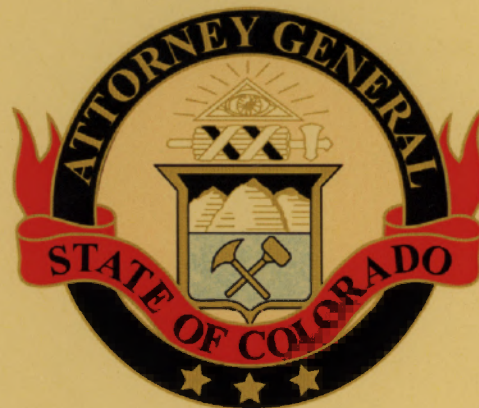
Objective: Ensure compliance with consumer credit laws.

Performance Measure	Outcome	FY 07 Actual	FY 08 Actual	FY 09 Estimate	FY 10 Request
Open investigations, file or defend legal or administrative actions, & settle cases	Benchmark	30	50	75	75
	Actual	42	45		





**Change Request #2**  
**Combine**  
**UCCC/CAB**  
**Units**



Change Request for FY 2010-11 Budget Request Cycle

Decision Item FY 2010-11  Base Reduction Item FY 2010-11  Supplemental FY 2009-10  Budget Amendment FY 2010-11

Request Title: Combine the Collection Agency Board and Uniform Consumer Credit Code into a single Appropriation.

Department: Law Dept. Approval by: *Cynthia Coffman* Date: 11/11/2009

Priority Number: DI-2 OSPB Approval: N/A Date: N/A

Fund	1		2		3		4		5		6		7		8		9		10	
	Prior-Year Actual FY 2008-09	Appropriation FY 2009-10	Supplemental Request FY 2009-10	Total Revised Request FY 2009-10	Base Request FY 2010-11	Decision/ Base Reduction FY 2010-11	November 1 Request FY 2010-11	Budget Amendment FY 2010-11	Total Revised Request FY 2010-11	Change from Base (Column 5) FY 2011-12										
Total of All Line Items	1,521,652	1,328,458	0	1,328,458	1,328,458	0	1,328,458	0	1,328,458	0	0	1,328,458	0	1,328,458	0	0	1,328,458	0	0	0
FTE	17.5	17.5	0.0	17.5	17.5	0.0	17.5	0.0	17.5	0.0	0.0	17.5	0.0	17.5	0.0	0.0	17.5	0.0	0.0	0.0
GF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CF	1,521,652	1,328,458	0	1,328,458	1,328,458	0	1,328,458	0	1,328,458	0	0	1,328,458	0	1,328,458	0	0	1,328,458	0	0	0
CFE/RF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
(Consumer Protection & Anti-Trust), Credit Protection Unit	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	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	0	0	0	0	0	0	0	0	0
GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CFE/RF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
(Consumer Protection & Anti-Trust), Collection Agency Board	380,880	314,425	0	314,425	314,425	(314,425)	314,425	0	314,425	(314,425)	0	314,425	0	314,425	0	0	314,425	0	0	(314,425)
Total	5.2	5.2	0.0	5.2	5.2	(5.2)	5.2	0.0	5.2	(5.2)	0.0	5.2	0.0	5.2	0.0	0.0	5.2	0.0	0.0	(5.2)
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	0	0	0	0	0	0	0	0	0	0
GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CF	380,880	314,425	0	314,425	314,425	(314,425)	314,425	0	314,425	(314,425)	0	314,425	0	314,425	0	0	314,425	0	0	(314,425)
CFE/RF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
(Consumer Protection & Anti-Trust), Uniform Consumer Credit Code	1,140,772	1,014,033	0	1,014,033	1,014,033	(1,014,033)	1,014,033	0	1,014,033	(1,014,033)	0	1,014,033	0	1,014,033	0	0	1,014,033	0	0	(1,014,033)
Total	12.3	12.3	0.0	12.3	12.3	(12.3)	12.3	0.0	12.3	(12.3)	0.0	12.3	0.0	12.3	0.0	0.0	12.3	0.0	0.0	(12.3)
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	0	0	0	0	0	0	0	0	0	0
GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CF	1,140,772	1,014,033	0	1,014,033	1,014,033	(1,014,033)	1,014,033	0	1,014,033	(1,014,033)	0	1,014,033	0	1,014,033	0	0	1,014,033	0	0	(1,014,033)
CFE/RF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Schedule 13**  
**Change Request for FY 2010-11 Budget Request Cycle**

Decision Item FY 2010-11  Base Reduction Item FY 2010-11  Supplemental FY 2009-10  Budget Amendment FY 2010-11

**Request Title:** Combine the Collection Agency Board and Uniform Consumer Credit Code into a single Appropriation.

**Department:** Law **Date:** 11/1/2009

**Priority Number:** DI-2 **Date:** N/A

**Dept. Approval by:**  
**OSPB Approval:**

Fund	1 Prior-Year Actual FY 2008-09	2 Appropriation FY 2009-10	3 Supplemental Request FY 2009-10	4 Total Revised Request FY 2009-10	5 Base Request FY 2010-11	6 Decision/ Base Reduction FY 2010-11	7 November 1 Request FY 2010-11	8 Budget Amendment FY 2010-11	9 Total Revised Request FY 2010-11	10 Change from Base (Column 5) FY 2011-12

**Non-Line Item Request:** None

**Letternote Revised Text:** None

**Cash or Federal Fund Name and COFRS Fund Number:** Funds 150 and 151

**Reappropriated Funds Source, by Department and Line Item Name:** N/A

**Approval by OIT?** Yes:  No:

**Schedule 13s from Affected Departments:**

**CHANGE REQUEST for FY 2010-11 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	Decision Item Request #2
Change Request Title:	Combine Uniform Consumer Credit Code and Collection Agency Board appropriations into one line item appropriation.

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

- Decision Item FY 2010-11
- Base Reduction Item FY 2010-11
- Supplemental Request FY 2009-10
- Budget Request Amendment FY 2010-11

**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 Uniform Consumer Credit Code (UCCC) and Collection Agency Board (CAB) appropriations into a single UCCC/CAB unit of the Consumer Protection Section to increase flexibility, efficiency of resources, and greater productivity depending on changes in legislation, compliance issues, and consumer complaint trends. There is no cost for this consolidation.

Background and Appropriation History:

The UCCC/CAB unit enforces six separate credit related laws. Two of the programs are funded via the CAB cash fund and four are funded via the UCCC cash fund. Investigations, complaints, and lawsuits often overlap and involve violations of both the credit and collection laws. Collections are often the back end of the credit extension process. Rather than transferring complaints back and forth between staff, and segregating expenditures, the unit should be able to handle a matter without regard to which cash fund should be billed, what staff members may be utilized, etc. In addition, a temporary decrease in licensees based on trends in a particular industry can be handled

without a major disruption in the provision of services. In order to respond to and resolve problems quickly, the two separate units and the program should be combined as one unit for flexibility and efficiency of resources.

Accountability on the Cost Accounting – to ensure that each funding source pays for its “fair share” of the effort 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. All attorneys, legal assistants and compliance investigators will track their time in the Department’s time keeping system. This will provide a record which will be the basis for cost allocation. Then if this request is approved for the Department FY12 budget request, the Department will make the changes in financing of the line based on the time keeping records of FY11. By utilizing this methodology, the fund sources will be charged according to their usage with one year lag on the adjustment.

General Description of Request:

Combine UCCC and CAB into one appropriation to increase flexibility, efficiency of resources, and greater productivity depending on changes in legislation, compliance issues, and consumer complaint trends. The cash funds will remain separate to ensure accountability and that each fund source is paying its proportional share.

Consequences if Not Funded:

If request is not funded, staff will continue to be divided into two separate appropriations, resulting in non-optimal utilization of resources.

Calculations for Request:

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	\$0		\$0			0.0
Combined CAB/UCCC Appropriation	\$1,328,458		\$1,328,458			17.5
Collection Agency Board Appropriation	(314,425)		(314,425)			(5.2)
Uniform Consumer Credit Code	(\$1,014,033)		(\$1,014,033)			(12.3)

Summary of Request FY 2011-12 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request	\$0		\$0			0.0
Combined CAB/UCCC Appropriation	\$1,328,458		\$1,328,458			17.5
Collection Agency Board Appropriation	(314,425)		(314,425)			(5.2)
Uniform Consumer Credit Code	(\$1,014,033)		(\$1,014,033)			(12.3)

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:

Cash Fund Name	Cash Fund Number	FY 2008-09 Expenditures	FY 2008-09 End of Year Cash Balance	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate	FY 2011-12 End of Year Cash Balance Estimate
CAB Cash Fund	150	\$380,881	\$154,949	\$75,514	\$50,514	\$40,514
UCCC Cash Fund	151	\$1,140,772	\$159,774	\$236,610	\$356,610	\$475,110

Assumptions for Calculations:

- That in FY11, the Collection Agency Board appropriation and the Uniform Consumer Credit Code appropriation will be combined into one appropriation call CAB/UCCC.
- That the FY11 Collection Agency Board FY11 request is \$314,425 CF and 5.2 FTE (excluding Decision Item request #1) and the FY11 Uniform Consumer Credit FY11 request is \$1,014,033 and 12.3 FTE (excluding Decision Item request #1).
- That the FY11 request for the combined programs will be \$1,328,458 CF and 17.5 FTE (excluding decision item #1).

N/A

Impact on Other Government Agencies:

Cost Benefit Analysis:

The Department of Law estimates that by combining the two appropriations, it would result in an efficiency of approximately .5 Administrative FTE. Further the program director salary for these two programs is currently paid only by UCCC. Implementing this consolidation and a timekeeping system by employees in these programs will enable the cash funds to be charged more accurately for worked performed on the programs behalf. While no net dollar savings are anticipated, program operating efficiencies should be realized.

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	July, 1, 2010

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



Statutory and Federal Authority:

§ § 12-24-101 to 12-24-137, C.R.S.; 15 U.S.C. § 1692; § § 5-1-101 to 5-9-102.5, C.R.S.;  
5-10-101 to 5-10-1001, C.R.S.; § § 12-14.5-101 to 12-14.5-113, C.R.S. 15 U.S.C. §

Performance Measures:

Consumer Credit						
Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request	
New Licenses Issued (UCCC)	Number	311	161	150	200	
License Total on June 30	Number	1,381	1,091	1,100	1,500	
New Registrations Issued (Debt Management) <sup>1</sup>	Number	0	42	60 <sup>2</sup>	60	
Written Complaints Received (UCCC, CSOA, CROA)	Number	399	396	450	475	
Written Complaints Received (Debt Management)	Number	5	45	60	75	
Compliance Examinations (UCCC)	Number	450	610	500 <sup>3</sup>	550	

<sup>1</sup> The debt management law took effect January 1, 2008 with registrations required as of July 1, 2008.

<sup>2</sup> This number may decrease if a proposed Federal Trade Commission rule impacting this industry is adopted.

<sup>3</sup> UCCC exams may decrease due to preparation time for a lengthy trial set for May 2010.

Debt Collection						
Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request	
New Licenses Issued	Number	104	106	120	120	
License Total on June 30	Number	661	665	700	700	
Written Complaints Received	Number	775	715	800	900	

**CONSUMER CREDIT**

*Objective:* Ensure compliance with consumer credit laws.

Performance Measure	Outcome	FY 08 Actual	FY 08 Actual	FY 10 Estimate	FY 11 Request
Open investigations, file or defend legal or administrative actions, & settle cases	Benchmark	50	60	60	60
	Actual	45	55		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Require businesses to refund overcharges to consumers	Benchmark	\$750,000	\$1,500,000	\$2,000,000	\$2,000,000
	Actual	\$2,677,847	\$3,150,768		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Issue licenses within 15 days or less of approval (60-day maximum permitted by law)	Benchmark	13	6	6	6
	Actual	6	3		

Uniform Consumer Credit code, Credit Repair, Rent-to-Own

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 09 Estimate	FY 11 Request
Investigate and resolve written consumer complaints within 60 days or less	Benchmark	50	45	45	55
	Actual	38	32		
Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Investigate and resolve 80% of written consumer complaints received during the FY	Benchmark	80%	80%	80%	75%
	Actual	96%	91%		

**Debt Management**

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Investigate and resolve written consumer complaints within 60 days or less	Benchmark		50	50	55
	Actual	43	42		
Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Investigate and resolve 80% of written consumer complaints received during the FY	Benchmark		80%	80%	75%
	Actual	83%	80%		

**DEBT COLLECTION**

*Objective:* Ensure compliance with laws regulating collection agencies.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Open investigations, file or defend legal or administrative actions, & settle cases	Benchmark	75	75	50	50
	Actual	69	48		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Issue cease and desist notices to unlicensed collection agencies	Benchmark	65	65	65	65
	Actual	61	64		

Objective: Ensure efficient operations to benefit collection agencies and consumers.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Issue licenses within 15 days or less of approval	Benchmark	10	10	6	8
	Actual	2	2		
Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Investigate and resolve written consumer complaints within 60 days or less	Benchmark	55	55	60	65
	Actual	47	44		

Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Investigate and resolve 80% of written consumer complaints received during the FY	85%	85%	80%	75%
Actual	96%	95%		

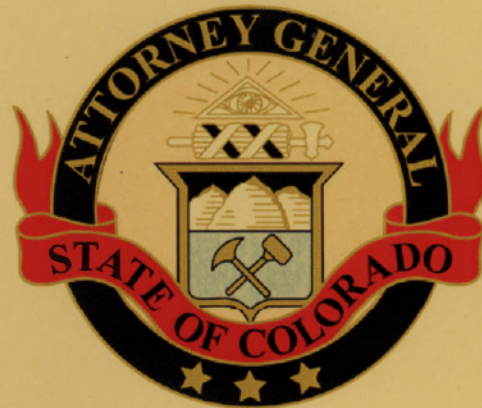




# Base Reduction

## Item #1

### General Fund



Change Request for FY 2010-11 Budget Request Cycle

Decision Item FY 2010-11		Base Reduction Item FY 2010-11		Supplemental FY 2009-10		Supplemental FY 2009-10		November 1 Request FY 2010-11		Budget Amendment FY 2010-11		Change from Base (Column 5) FY 2011-12									
Request Title:		General Fund Base Reduction Revised 11/09/2009		Total Revised Request FY 2009-10		Base Request FY 2010-11		Decision/ Base Reduction FY 2010-11		Total Revised Request FY 2010-11		Budget Amendment FY 2010-11									
Department:		Law		Dept. Approval by:		Base Request FY 2010-11		Decision/ Base Reduction FY 2010-11		Total Revised Request FY 2010-11		Budget Amendment FY 2010-11									
Priority Number:		BR-1		OSPB Approval:		Base Request FY 2010-11		Decision/ Base Reduction FY 2010-11		Total Revised Request FY 2010-11		Budget Amendment FY 2010-11									
Fund		Prior-Year Actual FY 2008-09		Appropriation FY 2009-10		Supplemental Request FY 2009-10		Total Revised Request FY 2009-10		Base Request FY 2010-11		Decision/ Base Reduction FY 2010-11		November 1 Request FY 2010-11		Budget Amendment FY 2010-11		Total Revised Request FY 2010-11		Change from Base (Column 5) FY 2011-12	
Total of All Line Items		Total	4,551,441	4,441,753	0	4,441,753	5,936,748	(63,820)	5,872,928	0	5,872,928	0	5,872,928	0	5,872,928	(63,820)					
		FTE	44.2	48.2	0.0	48.2	49.2	0.0	49.2	0.0	49.2	0.0	49.2	0.0	49.2	0.0					
		GF	371,154	62,895	0	62,895	62,895	(58,574)	4,321	0	4,321	0	4,321	0	4,321	(58,574)					
		GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
		CF	1,089,451	1,200,545	0	1,200,545	2,695,540	(690)	2,694,850	0	2,694,850	0	2,694,850	0	2,694,850	(690)					
		CFE/RF	3,090,836	3,178,112	0	3,178,112	3,178,112	(4,517)	3,173,595	0	3,173,595	0	3,173,595	0	3,173,595	(4,517)					
		FF	0	201	0	201	201	(39)	162	0	162	0	162	0	162	(39)					
(Administration) Personal Services		Total	3,049,687	2,960,059	0	2,960,059	2,960,059	0	2,960,059	0	2,960,059	0	2,960,059	0	2,960,059	0					
		FTE	39.6	42.2	0.0	42.2	42.2	0.0	42.2	0.0	42.2	0.0	42.2	0.0	42.2	0.0					
		GF	257,218	0	0	0	0	0	0	0	0	0	0	0	0	0					
		GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
		CF	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
		CFE/RF	2,792,469	2,960,059	0	2,960,059	2,960,059	0	2,960,059	0	2,960,059	0	2,960,059	0	2,960,059	0					
		FF	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
(Administration) Operating		Total	337,706	194,679	0	194,679	194,679	0	194,679	0	194,679	0	194,679	0	194,679	0					
		FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0					
		GF	39,339	0	0	0	0	0	0	0	0	0	0	0	0	0					
		GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
		CF	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
		CFE/RF	298,367	194,679	0	194,679	194,679	0	194,679	0	194,679	0	194,679	0	194,679	0					
		FF	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
(Administration) Spaces		Total	0	32,502	0	32,502	32,502	(6,282)	26,220	0	26,220	0	26,220	0	26,220	(6,282)					
		FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0					
		GF	0	5,357	0	5,357	5,357	(1,036)	4,321	0	4,321	0	4,321	0	4,321	(1,036)					
		GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
		CF	0	3,570	0	3,570	3,570	(690)	2,880	0	2,880	0	2,880	0	2,880	(690)					
		CFE/RF	0	23,374	0	23,374	23,374	(4,517)	18,857	0	18,857	0	18,857	0	18,857	(4,517)					
		FF	0	201	0	201	201	(39)	162	0	162	0	162	0	162	(39)					
(Criminal Justice & Appellate) Peace Officers Standards and Training Board		Total	1,146,558	1,246,975	0	1,246,975	2,741,970	(50,000)	2,691,970	0	2,691,970	0	2,691,970	0	2,691,970	(50,000)					
		FTE	4.6	6.0	0.0	6.0	7.0	0.0	7.0	0.0	7.0	0.0	7.0	0.0	7.0	0.0					
		GF	57,107	50,000	0	50,000	50,000	(50,000)	0	0	0	0	0	0	0	(50,000)					
		GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
		CF	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
		CFE/RF	1,089,451	1,196,975	0	1,196,975	2,691,970	0	2,691,970	0	2,691,970	0	2,691,970	0	2,691,970	0					
		FF	0	0	0	0	0	0	0	0	0	0	0	0	0	0					

Schedule 13

Change Request for FY 2010-11 Budget Request Cycle

Decision Item FY 2010-11  Base Reduction Item FY 2010-11  Supplemental FY 2009-10  Budget Amendment FY 2010-11

Request Title: General Fund Base Reduction Revised 11/09/2009  
 Department: Law  
 Priority Number: BR-1  
 Date: 11/9/2009  
 Dept. Approval by: [Signature]  
 OSPB Approval: [Signature]

Fund	1		2		3		4		5		6		7		8		9		10	
	Prior-Year Actual FY 2008-09	Fund	Appropriation FY 2009-10	Supplemental Request FY 2009-10	Total Revised Request FY 2009-10	Base Request FY 2010-11	Decision/ Base Reduction FY 2010-11	November 1 Request FY 2010-11	Budget Amendment FY 2010-11	Total Revised Request FY 2010-11	Change from Base (Column 5) FY 2011-12									
(Special Purpose)	17,490	Total	7,538	0	7,538	7,538	(7,538)	0	0	0	(7,538)	0	0	0	0	0	0	0	0	0
Statewide HIPAA Legal Services	0.0	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	17,490	GF	7,538	0	7,538	7,538	(7,538)	0	0	0	(7,538)	0	0	0	0	0	0	0	0	0
	0	GFE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	CF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	CFE/RF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	FF	0	0	0	0	0	0	0	0	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: [ ]

**CHANGE REQUEST for FY 2010-11 BUDGET REQUEST CYCLE**

Department:	Law
Priority Number:	BR-1
Change Request Title:	General Fund Budget Reductions for FY11

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

- Decision Item FY 2010-11
- Base Reduction Item FY 2010-11
- Supplemental Request FY 2009-10
- Budget Request Amendment FY 2010-11

**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 embarking upon a two year General Fund budget reduction strategy aimed at meeting or exceeding the targets set by the Governor's office. This request represents the initial General Fund reductions of \$203,488 and 3.5 FTE. The Department is targeting a total of 12.5% General Fund reduction in FY11 which equates to approximately \$989,000.

Background and Appropriation History:

The Department of Law's FY10 General Fund appropriation is \$10,008,041 of which \$2,096,078 is to pay the State portion of the District Attorneys' salaries. Therefore, the Department has control of approximately \$7,911,000 General Fund. For the purposes of budgetary reductions, the \$7.9 million figure is used as the baseline to calculate General Fund budget reductions percentages.

General Description of Request:

The initial budget reductions listed below equal \$203,488 and 3.5 FTE and are broken down as follows:

- \$145,000 in Administration Personal Services and -3.5 FTE.
- \$950 in Administration Operating Expenses
- \$50,000 to the Peace Officers Standards and Training Board
- \$7,538 for the elimination of the Statewide HIPAA Legal Services Line

The reductions in Administration include the elimination of two Administrative Assistant FTE; an IT Professional II position and the Assistant Solicitor position that was approved last fiscal year. The 2.5% base reduction to the Administration Personal Services (\$53,209) eliminated most of the funding the Department sought for the Assistant Solicitor position. The Department is also returning the \$950 operating that was approved for the Assistant Solicitor position.

The \$50,000 General Fund reduction in the Peace Officers Standards and Training Board appropriation is associated for the implementation of HB08-1397 for evidence collected in criminal cases, primarily DNA. With the passage of HB09-1036 (which increases the vehicle registration fee from \$.25 to \$.60 for Peace officer training) the General Fund can be replaced with funds from these new fees.

Finally, the \$7,538 for statewide HIPAA legal services questions can be eliminated and departments in need of legal advice on this topic can pay for it out of their legal services appropriation. It should not be that impacting to any state agency and they should be able to absorb within existing legal service appropriations.

These four items add up to \$203,488 of the \$554,000 (36.7%) General Fund saving objective. To achieve the balance of these reductions the Department purposes refinancing two General Funded Securities Fraud Investigator positions (estimated \$172,000 cost including all centrally appropriated POT's and Indirect Costs). The Department of Law met with the Department of Regulatory Agencies (DORA) Executive Director and the Division Director for the Division of Securities on August 19<sup>th</sup>, 2008 to discuss the refinancing of the two FTE positions. To date, the Department has yet to hear from DORA on their position on the refinancing proposal.

The Department of Law believes the General Assembly does intend for the Securities Fraud unit to be funded from the Division of Securities Cash Fund. In FY10 (current fiscal year) \$501,028 is transferred from the Division of Securities Cash Fund to the Department of Law to pay for Securities Fraud work per C.R.S. 11-51-603.5 (2).

“(2) For the purposes of providing adequate funding to the department of law for the investigation and prosecution of allegation of securities fraud, a portion of the fees collected under this article shall be allocated to the department of law for the investigation and prosecution of criminal violations under this article.”

Therefore, the refinancing of the two investigator positions is consistent with the statutory intent.

Finally the last component of the Department's General Fund reduction strategy is to refinance the CERCLA program line and the General Fund Component of the CERCLA Contracts line with funds from the HSRF. The Department is working with the Colorado Department of Health and Environment on legislation that would enable the both the line item appropriations to be funded from the HSRF eliminating the need for General Fund. The resultant savings would be approximately \$550,000.

Consequences if Not Funded:

N/A

Calculations for Request:

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]	(\$203,488)	(\$57,538)		(\$145,950)		(3.5)
Administration, Personal Services	(\$145,000)			(\$145,000)		(3.5)
Administration, Operating	(\$950)			(\$950)		
Criminal Justice & Appellate; Peace Officers Standards and Training Board	(\$50,000)	(\$50,000)				
Special Purpose; Statewide HIPPA	(\$7,538)	(\$7,538)				

Summary of Request FY 2011-12 Build to Numbers in Schedule 13	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Total Request [Items below total to this]	(\$203,488)	(\$57,538)		(\$145,950)		(3.5)
Administration, Personal Services	(\$145,000)			(\$145,000)		(3.5)
Administration, Operating	(\$950)			(\$950)		
Criminal Justice & Appellate; Peace Officers Standards and Training Board	(\$50,000)	(\$50,000)				
Special Purpose; Statewide HIPPA	(\$7,538)	(\$7,538)				



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 2008-09 Expenditures	FY 2008-09 End of Year Cash Balance	FY 2009-10 End of Year Cash Balance Estimate	FY 2010-11 End of Year Cash Balance Estimate	FY 2011-12 End of Year Cash Balance Estimate

Assumptions for Calculations:

- That the Administration Personal Services line will be reduced by \$145,000 R/A (Indirect costs) and 3.5 FTE in FY10-11.
- That the Administration Operating line will be reduced by \$950 R/A (indirect costs) in FY11.
- That the Peace Officer Standards and Training Board appropriation will be reduced by \$50,000 General Fund.
- That the Statewide HIPAA Legal Services appropriation of \$7,538 GF will be eliminated in FY11.

Impact on Other Government Agencies: N/A

Cost Benefit Analysis: N/A

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	N/A

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

Statutory and Federal Authority: N/A

Impact on Other Government Agencies: N/A

Cost Benefit Analysis: N/A

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	N/A

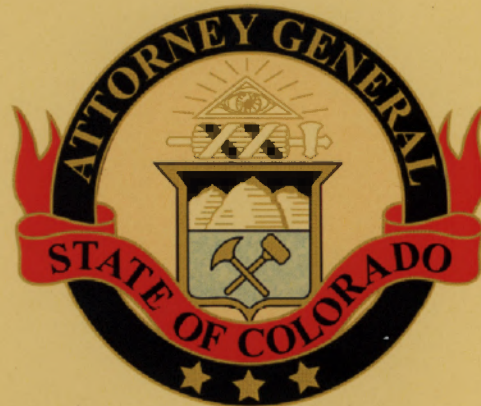
Tailor this table to meet the needs of the specific Change Request; delete and add rows as applicable.

Statutory and Federal Authority: N/A

Performance Measures: N/A



# **Common Policy Change Request #1**



Change Request for FY 2010-11 Budget Request Cycle

Decision Item FY 2010-11		<input checked="" type="checkbox"/> Base Reduction Item FY 2010-11	<input type="checkbox"/> Supplemental FY 2009-10	<input type="checkbox"/> Supplemental FY 2010-11	<input type="checkbox"/> Budget Amendment FY 2010-11	Date: 11/1/2009				
Request Title: FY11 Common Policy Request						Dept. Approval by: Date:				
Department: Law						OSPB Approval: Date:				
Priority Number: NP-1.										
	1	2	3	4	5	6	7	8	9	10
Fund	Prior-Year Actual FY 2008-09	Appropriation FY 2009-10	Supplemental Request FY 2009-10	Total Revised Request FY 2009-10	Base Request FY 2010-11	Decision/ Base Reduction FY 2010-11	November 1 Request FY 2010-11	Budget Amendment FY 2010-11	Total Revised Request FY 2010-11	Change from Base (Column 5) FY 2011-12
Total of All Line Items	0	1,940,668	0	1,940,668	1,940,668	196,254	1,994,754	0	1,994,754	1,994,754
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	0	534,414	0	534,414	534,414	103,389	556,365	0	556,365	556,365
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	152,611	0	152,611	152,611	83,012	206,531	0	206,531	206,531
CFF/RF	0	1,194,594	0	1,194,594	1,194,594	19,972	1,185,372	0	1,185,372	1,185,372
FF	0	59,049	0	59,049	59,049	(10,119)	46,486	0	46,486	46,486
(Administration) Health/Life/Dental	0	1,940,668	0	1,940,668	1,940,668	54,086	1,994,754	0	1,994,754	1,994,754
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	0	534,414	0	534,414	534,414	21,951	556,365	0	556,365	556,365
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	152,611	0	152,611	152,611	53,920	206,531	0	206,531	206,531
CFF/RF	0	1,194,594	0	1,194,594	1,194,594	(9,222)	1,185,372	0	1,185,372	1,185,372
FF	0	59,049	0	59,049	59,049	(12,563)	46,486	0	46,486	46,486
(Administration) Short Term Disability	0	36,556	0	36,556	36,556	5,690	42,246	0	42,246	42,246
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	0	11,079	0	11,079	11,079	1,745	12,824	0	12,824	12,824
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	2,962	0	2,962	2,962	565	3,527	0	3,527	3,527
CFF/RF	0	21,527	0	21,527	21,527	3,246	24,773	0	24,773	24,773
FF	0	988	0	988	988	134	1,122	0	1,122	1,122
(Administration) SB04-257 Amortization Equalization Disbursement	0	560,822	0	560,822	560,822	93,308	654,130	0	654,130	654,130
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	0	159,454	0	159,454	159,454	38,119	198,573	0	198,573	198,573
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	40,983	0	40,983	40,983	13,624	54,607	0	54,607	54,607
CFF/RF	0	344,034	0	344,034	344,034	39,542	383,576	0	383,576	383,576
FF	0	16,351	0	16,351	16,351	1,023	17,374	0	17,374	17,374
(Administration) SB 06-235 Supplemental Amortization Equalization Disbursement	0	348,889	0	348,889	348,889	128,084	476,973	0	476,973	476,973
FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GF	0	98,034	0	98,034	98,034	46,760	144,794	0	144,794	144,794
GFE	0	0	0	0	0	0	0	0	0	0
CF	0	25,614	0	25,614	25,614	14,204	39,818	0	39,818	39,818
CFF/RF	0	215,022	0	215,022	215,022	64,671	279,693	0	279,693	279,693
FF	0	10,219	0	10,219	10,219	2,449	12,668	0	12,668	12,668

Schedule 13

Change Request for FY 2010-11 Budget Request Cycle

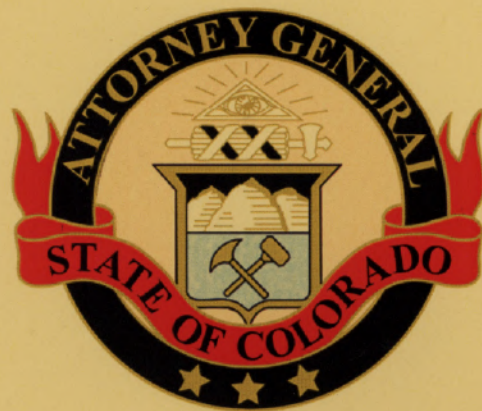
Decision Item FY 2010-11		Base Reduction Item FY 2010-11		Supplemental FY 2009-10		Budget Amendment FY 2010-11															
Request Title:		FY11 Common Policy Request																			
Department:		Law						Date: 11/1/2009													
Priority Number:		NP-1						Date:													
Dept. Approval by:		OSP B Approval:																			
Fund		1		2		3		4		5		6		7		8		9		10	
		Prior-Year Actual FY 2008-08		Appropriation FY 2009-10		Supplemental Request FY 2009-10		Total Revised Request FY 2009-10		Base Request FY 2010-11		Decision/ Base Reduction FY 2010-11		November 1 Request FY 2010-11		Budget Amendment FY 2010-11		Total Revised Request FY 2010-11		Change from Base (Column 5) FY 2011-12	
(Administration) Workers' Compensation		Total		53,106		0		53,106		53,106		5,300		58,406		0		58,406		58,406	
		FTE		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0	
		GF		15,936		0		15,936		15,936		1,794		17,730		0		17,730		17,730	
		GFE		0		0		0		0		0		0		0		0		0	
		CF		4,325		0		4,325		4,325		551		4,876		0		4,876		4,876	
		CFE/IRF		31,426		0		31,426		31,426		2,823		34,249		0		34,249		34,249	
		FF		1,419		0		1,419		1,419		132		1,551		0		1,551		1,551	
(Administration) Payment to Risk Management		Total		98,646		0		98,646		98,646		(48,472)		50,174		0		50,174		50,174	
		FTE		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	
		GFE		0		0		0		0		0		0		0		0		0	
		CF		0		0		0		0		0		0		0		0		0	
		CFE/IRF		0		0		0		0		0		0		0		0		0	
		FF		0		0		0		0		0		0		0		0		0	
(Administration) Vehicle Lease Payment		Total		73,969		0		73,969		73,969		(915)		73,054		0		73,054		73,054	
		FTE		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0	
		GF		23,891		0		23,891		23,891		(102)		23,789		0		23,789		23,789	
		GFE		0		0		0		0		0		0		0		0		0	
		CF		14,773		0		14,773		14,773		924		15,697		0		15,697		15,697	
		CFE/IRF		30,621		0		30,621		30,621		(1,737)		28,884		0		28,884		28,884	
		FF		4,684		0		4,684		4,684		0		4,684		0		4,684		4,684	
(Administration) Capitol Complex Leased Space		Total		1,293,584		0		1,293,584		1,293,584		(40,827)		1,252,757		0		1,252,757		1,252,757	
		FTE		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0	
		GF		388,174		0		388,174		388,174		(7,878)		380,296		0		380,296		380,296	
		GFE		0		0		0		0		0		0		0		0		0	
		CF		105,357		0		105,357		105,357		(776)		104,581		0		104,581		104,581	
		CFE/IRF		765,483		0		765,483		765,483		(30,879)		734,604		0		734,604		734,604	
		FF		34,570		0		34,570		34,570		(1,294)		33,276		0		33,276		33,276	

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:

**FY 10-11 Department  
Budget  
Assumptions and  
Calculations**





## Department of Law

### Budget Assumptions and Calculations FY11

- **Personal Services**— In accordance with Executive Budget Instructions, the FY11 Request is calculated by the continuation of the FY10 base personal services appropriation, plus special bills. A PERA rate of 10.15% is utilized. The Medicare rate is 1.45%.
- The **PERA Factor** utilized for the FY11 request is 10.15%
- The **FY11 Health Life Dental Request** is an estimate based on May 2009 enrollees and the revised State Contribution Rates per OSPB Instructions.
- The **FY11 STD** request is calculated at .13% per OSBP instructions.
- The **FY11 Amortization Equalization Distribution** Pot is 2.6% of the FY10 base salaries.
- The **FY11 Supplemental Amortization Equalization Distribution** Pot is 2.0% of the FY10 base salaries.
- **Operating Expenses**—Is a continuation of the FY10 appropriation, adjusted for any decision items. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments, etc) to the various line items where they are expended. The actual column expenditures (FY08 and FY09) include these allocated appropriations. The Estimate column includes the projected allocation of these central pots in the current fiscal year.
- **GGCC** – This appropriation is to pay for usage of services from the Governmental Computing Center.
- **Vehicle Lease Request**— appropriation is adjusted from FY10 appropriation to reflect vehicles coming off lease, and for replacement vehicles to be acquired in April 2010.
- **Capital Complex Lease Space** - This line item provides for leased space for the offices of the Attorney General (Department of Law) at 1525 Sherman Street. In accordance with OSPB budget instruction this is a decrease of \$40,827 from the FY10 appropriation.
- **Lease Space** — This line provides funding for storage space at 16<sup>th</sup> and Broadway.
- **Communication Service Payments** — This line provides funding for the payment of mobile radios and other communication services.

**For Single Program Line items** - The Personal Services and Operating Request are calculated per JBC policy. To calculate the base appropriation (for both PS and Operating), take the FY10 actual expenditures for personal services and operating and subtract all allocated POTS

(both personal services POTS and Operating POTS). Then take the two remaining figures (PS and Operating) add them together for a total. Then calculate the percentage that is Personal Services and the percentage that is operating. Take those two percentages, multiply them by the current year appropriation (FY 10) and derive a personal services figure and an operating figure for the current appropriation. Those numbers are your base figures for FY10. Then add to the Personal Services Base FY10 number, the Salary Act (classified & exempt) allocation and the Performance based Pay POT (classified & exempt) to determine the FY11 Personal Services Request.

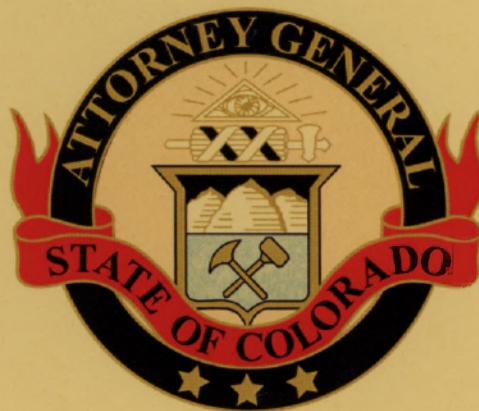
Operating Expenses for single purpose lines — The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY08 and FY09) include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

## **Budget Assumptions and Calculations For Legal Services to State Agencies**

- ***Personal Services***—In accordance with Executive Budget Instructions, the FY11 Request is calculated by the continuation of the FY10 base personal services appropriation, plus special bills. Special Bills are annualized. A PERA rate of 10.15% is utilized. The Medicare rate is 1.45%.
- The ***PERA Factor*** utilized for the FY11 request is 10.15%
- ***The Medicare*** rate is 1.45%
- ***Operating/Litigation Expenses***—are a continuation of the FY10 appropriation, adjusted for any decision items and special bills that maybe annualized. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY08 and FY09) include these allocated appropriations. The Estimate column includes the projected central pots allocation in the current fiscal year.



# **FY 10-11 Personal Services Calculations**



# Department of Law

## FY11 Personal Services Request

10/21/2009

Agency	42.2	217.5	1.0	2,960,059	(\$103,974)	0.0	2,960,059	0.0	2,960,059	42.2
<b>Administration</b>				\$2,960,059			\$2,960,059	\$0	\$2,960,059	42.2
<b>Legal Services to State Agencies</b>				\$18,241,775		\$155,794	\$18,397,569	(\$103,974)	\$18,293,595	217.6
<b>Criminal Justice &amp; Appellate</b>				\$2,765,973			\$2,765,973	\$0	\$2,765,973	31.0
Special Prosecution	31.0			\$0			\$0	\$0	\$0	0.0
Insurance Fraud	0.0			\$0			\$0	\$0	\$0	0.0
Securities Fraud	0.0			\$2,465,578		0.0	\$2,465,578	\$0	\$2,465,578	31.0
Appellate	31.0			\$1,292,751			\$1,292,751	\$0	\$1,292,751	14.0
Medicaid Fraud	14.0			\$0			\$0	\$0	\$0	0.0
Capital Crimes	0.0			\$458,022		64,951	\$520,973	\$0	\$520,973	7.0
Post Board Support	6.0			\$73,898			\$73,898	\$0	\$73,898	1.0
Victim's Assistance	1.0			\$7,054,222						83.0
<b>Subtotal Criminal Justice</b>										
<b>Natural Resources &amp; Water Rights</b>				\$492,360			\$492,360	\$0	\$492,360	5.5
Federal & Interstate Water Unit	5.5			\$458,251			\$458,251	\$0	\$458,251	4.0
Def of the Colo River Compact	4.0			\$377,873			\$377,873	\$0	\$377,873	3.5
CERCLA	3.5			\$195,000			\$195,000	\$0	\$195,000	0.0
NRD Rocky Mt Arsenal	0.0			\$1,523,484						13.0
<b>Subtotal NR&amp;WR</b>										
<b>Consumer Protection</b>				\$1,664,922			\$1,664,922	\$0	\$1,664,922	21.0
Consumer Protection/Anti-Trust	21.0			\$282,034			\$282,034	\$0	\$282,034	5.2
Collection Agency Board	5.2			\$911,133			\$911,133	\$0	\$911,133	12.3
Uniform Consumer Credit	12.3			\$2,856,089						38.5
<b>Subtotal Consumer Protection</b>										
<b>Department Total:</b>	<b>394.2</b>	<b>220,745</b>	<b>2.0</b>	<b>\$32,858,374</b>	<b>(\$103,974)</b>	<b>0.0</b>	<b>\$32,754,399</b>	<b>\$0</b>	<b>\$32,754,400</b>	<b>395.3</b>



# **FY 10-11**

# **LSSA Table 1 & 2**

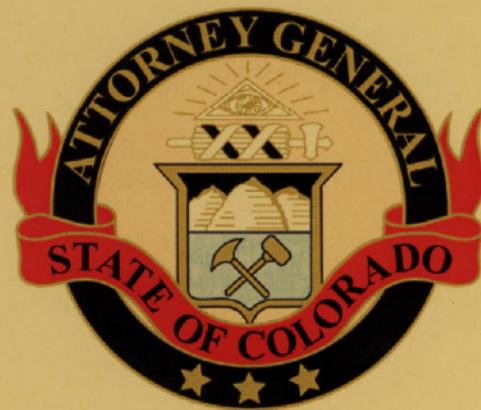




Table 1  
Legal Services Provided to State Agencies

Department	Actual Year FY 2008		Actual Year FY 2009		Estimate Year FY 2010		Request Year FY 2011	
	Attorney	Legal Asst.	Attorney	Legal Asst.	Hours	Amount	Hours	Amount
	Hours	Hours	Hours	Hours	Hours	Amount	Hours	Amount
Aeronautics	0		0					
Agriculture	3,428.70	486.90	3,505.60	772.20	35.00	\$2,638	35.00	\$2,521
Corrections	9,553.70	2,194.70	11,899.20	2,719.70	15,298.00	\$1,153,163	15,298.00	\$1,153,163
Education	4,026.00	760.40	4,506.00	1,205.90	7,528.00	\$567,461	7,528.00	\$567,461
Governor's Office	715.60	12.00	1,683.10	313.00	1,707.00	\$128,674	1,707.00	\$128,674
Innovation & Technology	33.10		0.00	0.00	0.00	\$0	0.00	\$0
Energy Conservation	493.40	14.20	634.60	22.20	0.00	\$0	0.00	\$0
Health Care Policy	8,172.80	2,076.50	9,596.90	2,115.00	13,089.00	\$986,649	13,089.00	\$986,649
Higher Education	9,514.80	626.70	12,872.91	528.70	448.00	\$33,770	448.00	\$33,770
HIPAA - DOL			\$0	0.00	0.00	\$0	0.00	\$0
Human Services	13,700.20	6,149.00	15,245.20	5,826.90	18,399.00	\$1,386,917	18,399.00	\$1,386,917
Judicial	2,362.60	334.90	2,637.20	311.70	3,000.00	\$226,140	3,000.00	\$226,140
Labor & Employment	6,181.90	1,744.10	6,531.10	1,806.60	8,355.00	\$629,800	8,355.00	\$629,800
Law	248.90	0.00	226.70	0.00	100.00	\$7,538	100.00	\$7,538
Legislature	264.00	0.00	107.00	44.70	188.00	\$14,171	188.00	\$14,171
Local Affairs	2,272.00	189.50	\$187,708	66.30	1,790.00	\$134,930	1,790.00	\$134,930
Military Affairs	14.50	0.00	41.20	1.90	110.00	\$8,282	110.00	\$8,282
Natural Resources	31,246.20	8,764.00	32,876.20	8,561.10	43,952.00	\$3,313,102	43,952.00	\$3,313,102
PERA	4.70	0.60	9.60	2.90	25.00	\$1,885	25.00	\$1,885
Personnel & Administration	32,431.20	8,740.00	26,197.50	8,513.40	36,111.00	\$2,722,047	36,111.00	\$2,722,047
P.O.S.T. Board			\$0	0.00	0.00	\$0	0.00	\$0
Public Health & Env.	22,419.10	4,075.60	24,957.80	3,857.90	32,176.00	\$2,425,427	32,176.00	\$2,425,427
Public Safety	1,952.10	1.00	2,145.70	0.30	2,113.00	\$159,278	2,113.00	\$159,278
Regulatory Agencies	75,888.20	14,480.60	83,812.80	14,195.10	101,950.00	\$7,684,991	101,950.00	\$7,684,991
Revenue	9,212.20	1,216.90	9,075.80	1,612.50	11,165.00	\$841,618	11,165.00	\$841,618
Revenue - Lottery	208.60	49.70	204.80	56.30	0.00	\$0	0.00	\$0
Revenue - Gaming	1,681.50	260.60	1,665.00	174.80	0.00	\$0	0.00	\$0
Secretary of State	3,380.90	744.40	2,903.50	162.10	7,118.00	\$536,555	7,118.00	\$536,555
State Fair Authority	398.80	0.30	330.787	12.10	180.00	\$13,568	180.00	\$13,568
Transportation	13,097.10	3,805.20	14,321.10	3,921.20	6,580.00	\$496,000	6,580.00	\$496,000
Treasury	525.90	230.50	848.30	371.40	575.00	\$43,344	575.00	\$43,344
Water Abandonments					0.00	\$0	0.00	\$0
<b>TOTALS</b>	<b>253,428.70</b>	<b>56,958.30</b>	<b>269,399.81</b>	<b>57,175.90</b>	<b>316,640.00</b>	<b>23,868,323.20</b>	<b>316,640.00</b>	<b>23,868,205.95</b>

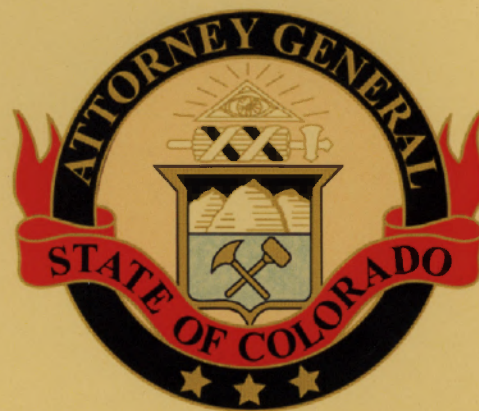
TABLE II  
Legal Services to State Agencies Comparison of Attorney Equivalent Hours

DEPARTMENTS	ACTUAL				ACTUAL				ACTUAL				APPROXIMATE				TOTAL				DIFFERENCE		
	LEGAL HOURS		LEGAL HOURS		LEGAL HOURS		LEGAL HOURS		LEGAL HOURS		LEGAL HOURS		LEGAL HOURS		LEGAL HOURS		LEGAL HOURS		LEGAL HOURS		LEGAL HOURS		
	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 04 TO 09	FY 09-10	FY 08-09	FY 09-10	FY 09-10	FY 09-10	FY 09-10	FY 09-10	FY 08-09	FY 09-10	FY 09-10	FY 09-10	FY 09-10	FY 09-10	FY 09-10	FY 09-10	FY 10-11	
AGRICULTURE	3,203	2,840	3,285	3,916	4,278	3,504	4,648	4,648	4,648	4,648	4,648	4,648	1,144	4,648	4,648	1,144	4,648	4,648	1,144	4,648	4,648	1,144	0
CORRECTIONS	17,875	15,508	13,830	11,748	14,619	14,716	15,298	15,298	15,298	15,298	15,298	15,298	582	15,298	15,298	582	15,298	15,298	582	15,298	15,298	582	0
EDUCATION	3,147	4,792	4,827	4,786	5,712	4,653	7,528	7,528	7,528	7,528	7,528	7,528	2,875	7,528	7,528	2,875	7,528	7,528	2,875	7,528	7,528	2,875	0
GOVERNOR/SPB/DEC/OIT	3,326	1,509	1,718	1,268	2,653	2,085	1,707	1,707	1,707	1,707	1,707	1,707	(388)	1,707	1,707	(388)	1,707	1,707	(388)	1,707	1,707	(388)	0
HEALTH CARE POLICY/FINANCING	12,300	11,642	11,132	10,249	11,682	11,401	13,089	13,089	13,089	13,089	13,089	13,089	1,688	13,089	13,089	1,688	13,089	13,089	1,688	13,089	13,089	1,688	0
HIGHER ED	10,747	11,549	11,475	10,142	13,402	11,463	448	448	448	448	448	448	(11,015)	448	448	(11,015)	448	448	(11,015)	448	448	(11,015)	0
HIPAA - DOL		410	289	249	227	235	100	100	100	100	100	100	(135)	100	100	(135)	100	100	(135)	100	100	(135)	0
HUMAN SERVICES	19,477	20,663	20,416	19,849	21,072	20,295	18,399	18,399	18,399	18,399	18,399	18,399	(1,896)	18,399	18,399	(1,896)	18,399	18,399	(1,896)	18,399	18,399	(1,896)	0
JUDICIAL	3,588	3,990	2,838	2,698	2,948	3,212	3,000	3,000	3,000	3,000	3,000	3,000	(212)	3,000	3,000	(212)	3,000	3,000	(212)	3,000	3,000	(212)	0
LABOR & EMPLOY	7,086	7,144	7,125	7,926	8,338	7,524	8,355	8,355	8,355	8,355	8,355	8,355	831	8,355	8,355	831	8,355	8,355	831	8,355	8,355	831	0
LEGISLATURE	179	225	55	264	152	175	188	188	188	188	188	188	13	188	188	13	188	188	13	188	188	13	0
LOCAL AFFAIRS	2,248	1,427	1,871	2,482	980	1,757	1,790	1,790	1,790	1,790	1,790	1,790	33	1,790	1,790	33	1,790	1,790	33	1,790	1,790	33	0
MILITARY AFFRS	100	107	24	15	43	58	110	110	110	110	110	110	52	110	110	52	110	110	52	110	110	52	0
NATURAL RESOUR	35,944	38,521	37,763	40,010	41,237	38,695	43,952	43,952	43,952	43,952	43,952	43,952	5,257	43,952	43,952	5,257	43,952	43,952	5,257	43,952	43,952	5,257	0
PERA	38	27	10	5	13	19	25	25	25	25	25	25	6	25	25	6	25	25	6	25	25	6	0
PERSONNEL	37,923	38,831	38,281	41,171	34,711	38,379	36,111	36,111	36,111	36,111	36,111	36,111	(2,268)	36,111	36,111	(2,268)	36,111	36,111	(2,268)	36,111	36,111	(2,268)	0
POST BOARD	17	111	0	0	0	26	0	0	0	0	0	0	(26)	0	0	(26)	0	0	(26)	0	0	(26)	0
PUBLIC HEALTH	21,794	24,462	23,608	26,495	28,816	25,035	32,176	32,176	32,176	32,176	32,176	32,176	7,141	32,176	32,176	7,141	32,176	32,176	7,141	32,176	32,176	7,141	0
PUBLIC SAFETY	1,966	1,971	2,040	1,953	2,146	2,015	2,113	2,113	2,113	2,113	2,113	2,113	98	2,113	2,113	98	2,113	2,113	98	2,113	2,113	98	0
REG AGENCIES	82,080	81,361	84,589	90,368	98,008	87,281	101,950	101,950	101,950	101,950	101,950	101,950	14,669	101,950	101,950	14,669	101,950	101,950	14,669	101,950	101,950	14,669	0
REVENUE	7,706	7,243	9,088	10,429	10,688	9,031	11,165	11,165	11,165	11,165	11,165	11,165	2,134	11,165	11,165	2,134	11,165	11,165	2,134	11,165	11,165	2,134	0
REV LOTTERY	378	322	352	258	261	314	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
REV GAMING	1,995	1,378	1,892	1,942	1,840	1,769	0	0	0	0	0	0	(1,769)	0	0	(1,769)	0	0	(1,769)	0	0	(1,769)	0
STATE	2,490	3,034	4,983	4,125	3,066	3,536	7,118	7,118	7,118	7,118	7,118	7,118	3,583	7,118	7,118	3,583	7,118	7,118	3,583	7,118	7,118	3,583	0
STATE FAIR AUTH.	183	239	174	399	223	240	180	180	180	180	180	180	(60)	180	180	(60)	180	180	(60)	180	180	(60)	0
TRANSPORTATION	16,002	17,159	16,467	16,902	18,242	16,954	6,580	6,580	6,580	6,580	6,580	6,580	(10,374)	6,580	6,580	(10,374)	6,580	6,580	(10,374)	6,580	6,580	(10,374)	0
AERONAUTICS	0	0	0	0	0	0	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	0
TREASURY	1,190	576	599	756	1,220	868	575	575	575	575	575	575	(293)	575	575	(293)	575	575	(293)	575	575	(293)	0
TOTAL	292,958	298,041	298,290	310,387	326,576	305,251	316,640	316,640	316,640	316,640	316,640	316,640	11,704	316,640	316,640	11,704	316,640	316,640	11,704	316,640	316,640	11,704	0

# **Summary Schedules**

# **FY 10-11 Schedule 2 Departmental Summary**

## **Old Format**



SCHEDULE 2A - Department Summary by Long Bill Line Item Appropriation

11/9/2009

Department of Law

	Appropriation FY 08		Appropriation FY 09		Appropriation FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>(1) ADMINISTRATION TOTAL</b>								
General Fund	3,309,929	38.2	3,159,035	39.6	3,386,623	42.2	3,792,653	42.2
General Fund Exempt	537,307		310,450		1,435,526		539,269	
Cash Funds					417,630		299,652	
CF Exempt/Reappropriated Funds	31,325				6,397,536		6,253,384	
Federal Funds	2,921,497		3,228,577		138,231		126,673	
<b>(2) LEGAL SERVICES TO STATE AGENCIES TOTAL</b>								
General Fund	22,205,120	195.3	20,988,431	203.5	22,250,362	218.5	26,422,778	218.5
General Fund Exempt			1,582,342		981,326		1,582,342	
Cash Funds			22,406,089		21,468,536		20,764,796	
CF Exempt/Reappropriated Funds								
Federal Funds								
<b>(3) CRIMINAL JUSTICE AND APPELLATE</b>								
<b>A) Special Prosecutions Unit</b>								
General Fund	1,310,029	12.1	1,402,469	12.8	2,905,614	31.0	3,284,940	31.0
General Fund Exempt	1,114,357		1,161,153		1,612,257		1,612,257	
Cash Funds					221,805		221,805	
CF Exempt/Reappropriated Funds	195,672		241,316		1,071,552		1,071,553	
Federal Funds								
<b>B) Insurance Fraud Unit</b>								
General Fund	675,468	7.3	718,670	7.6				
General Fund Exempt	2,442							
Cash Funds								
CF Exempt/Reappropriated Funds	673,026		718,670					
Federal Funds								
<b>C) Securities Fraud Unit</b>								
General Fund	529,070	5.4	541,099	5.1				
General Fund Exempt	131,440		134,001					
Cash Funds								
CF Exempt/Reappropriated Funds	397,630		407,098					
Federal Funds								



SCHEDULE 2A - Department Summary by Long Bill Line Item Appropriation

11/9/2009

Department of Law

Category	Actuals YOS		Appropriated		Estimate FY 10		Request FY 11	
	Total Funds	FIE	Total Funds	FIE	Total Funds	FIE	Total Funds	FIE
<b>I) C&amp;A Indirect</b>								
General Fund	223,273		247,395		374,591		374,591	
General Funds Exempt							105,431	
Cash Funds	85,875		106,744		105,431		138,921	
CF Exempt/Reappropriated Funds	137,398		140,651		138,921		130,239	
Federal Funds					130,239			
<b>(3) CRIMINAL JUSTICE AND APPELLATE</b>								
TOTAL	6,290,988	744	6,675,526	767	8,556,115	8510	13,019,655	8410
General Fund	6,532,186		6,818,183		4,588,846		6,152,409	4,538,786
General Funds Exempt								
Cash Funds	1,470,232		1,437,511		1,524,211		3,118,057	3,073,206
CF Exempt/Reappropriated Funds	1,271,246		1,338,569		1,286,229		1,456,305	1,286,230
Federal Funds	97,503		(108,126)		1,156,829		1,293,093	1,156,888
<b>(4) WATER AND NATURAL RESOURCES</b>								
<b>A) Federal &amp; Interstate Water Unit</b>								
General Fund	545,965		549,737		526,872		590,140	
General Funds Exempt	545,965		549,737		526,872		590,140	
Cash Funds								
CF Exempt/Reappropriated Funds								
Federal Funds								
<b>C) Defense of Colorado River</b>								
General Fund	360,041		426,699		473,329		508,493	
General Fund Exempt			2,073					
Cash Funds								
CF Exempt/Reappropriated Funds								
Federal Funds	360,041		424,626		473,329		508,493	





SCHEDULE 2A - Department Summary by Long Bill Line Item Appropriation

11/9/2009

Department of Law

	2008		2009		2010		2011	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>(4) WATER AND NATURAL RESOURCES</b>								
TOTAL	2,919,959	16.2	2,296,959	13.7	2,246,379	13.0	2,390,401	13.0
General Fund	1,099,738		1,008,927		967,172		1,076,030	
General Fund Exempt	1,820		63,968				863,493	
Cash Funds	928,307		797,342		828,329		828,329	
CF Exempt/Reappropriated Funds	889,934		486,732		450,878		460,878	
Federal Funds								

	2008		2009		2010		2011	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>(5) CONSUMER PROTECTION</b>								
<b>A) Consumer Protection and Anti-Trust</b>								
General Fund	1,721,338	18.0	1,938,546	19.1	1,819,320	21.0	2,081,014	21.0
General Fund Exempt	965,065		869,025		912,882		912,882	
Cash Funds	79,988		813,536		663,695		745,849	
CF Exempt/Reappropriated Funds	676,285		255,985		242,743		271,149	
Federal Funds								
<b>B) Collection Agency Board</b>								
General Fund	328,102	5.0	380,881	5.2	314,425	5.2	389,937	5.2
General Fund Exempt	328,102		380,881		314,425		389,937	
Cash Funds								
CF Exempt/Reappropriated Funds								
Federal Funds								
<b>C) Uniform Consumer Credit Code</b>								
General Fund	1,060,841	11.1	1,140,772	12.3	1,014,033	12.3	1,170,597	12.3
General Fund Exempt								
Cash Funds								
Cash Funds Exempt								
Federal Funds								



SCHEDULE 2A - Department Summary by Long Bill Line Item Appropriation

11/9/2009

**Department of Law**

Item	Available for Approval		Appropriated		Estimate FY 10		Revised FY 11	
	Total Funds	File	Total Funds	File	Total Funds	File	Total Funds	File
<b>D) Tobacco Litigation Fund</b>								
General Fund	126,245		372,226		300,000		300,000	
General Funds Exempt	-							
Cash Funds	-		372,226		300,000		300,000	
CF Exempt/Reappropriated Funds	126,245							
Federal Funds								
<b>Referendum K</b>		0.1						
(Fed. Reimb. Cost for Illegal Immigration)								
General Fund	10,732							
General Funds Exempt	10,732							
Cash Funds	-							
CF Exempt/Reappropriated Funds								
Federal Funds								
<b>E) State Services Building Security</b>								
General Fund	-		257,633					
General Fund Exempt			79,153					
Cash Funds								
CF Exempt/Reappropriated Funds								
Federal Funds								
			21,161					
			150,093					
			7,226					

SCHEDULE 2A - Department Summary by Long Bill Line Item Appropriation

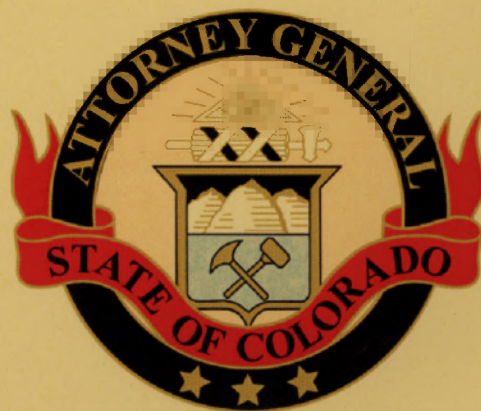
11/9/2009

Department of Law

Item	Acquis 708		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(6) SPECIAL PURPOSE TOTAL	1,802,377	30.1	2,628,960		2,728,616		2,728,616		2,938,828	
General Fund	1,335,304		1,751,248		2,103,616		2,103,616		2,313,828	
General Fund Exempt			720,393		625,000		625,000		625,000	
Cash Funds	457,073		150,093							
CF Exempt/Reappropriated Funds			7,226							
Federal Funds										
TOTAL - DEPARTMENT OF LAW	41,862,416	358.3	44,903,062	370.1	47,844,571	395.2	49,324,559	396.2	49,478,216	392.6
General Fund	8,279,399		8,757,841		10,008,042		9,935,340		10,261,371	
General Fund Exempt	1,973		63,968		6,660,336		8,186,246		8,889,573	
Cash Funds	5,249,735		7,109,055		29,883,133		29,909,880		29,044,311	
CF Exempt/Reappropriated Funds	27,359,977		27,883,719							
Federal Funds	971,331		1,088,489		1,293,060		1,293,093		1,282,961	

# **FY 10-11 Schedule 2 Departmental Summary**

## **OSPB Format**



Colorado Department of Law  
 FY 2010-11 Budget Cycle  
 Schedule 2

FY 2007-08 Actuals FTE FY 2008-09 Actuals FTE FY 2009-10 Appropriated FTE Estimate FTE FY 2010-11 Request FTE

(1) Administration

Total Expenditures / Appropriation / Request	FY 2007-08 Actuals	FTE	FY 2008-09 Actuals	FTE	FY 2009-10 Appropriated	FTE	Estimate	FTE	FY 2010-11 Request	FTE
Total Funds	\$3,309,929	38.2	\$3,539,035	39.6	\$8,386,623	42.2	\$3,792,653	42.2	\$8,416,881	38.7
General Fund	\$337,107		\$310,458		\$1,435,526		\$539,269		\$1,528,703	
General Fund Exempt	\$0		\$0		\$0		\$0		\$0	
Cash Funds	\$31,325		\$0		\$417,330		\$0		\$499,652	
Cash Funds Exempt / Reappropriated Funds	\$2,941,497		\$3,228,577		\$6,397,536		\$3,253,384		\$6,262,453	
Federal Funds	\$0		\$0		\$136,231		\$0		\$126,073	

(2) Legal Services to State Agencies

Total Expenditures / Appropriation / Request	FY 2007-08 Actuals	FTE	FY 2008-09 Actuals	FTE	FY 2009-10 Appropriated	FTE	Estimate	FTE	FY 2010-11 Request	FTE
Total Funds	\$22,205,120	195.3	\$23,988,431	203.5	\$22,450,462	218.5	\$25,422,778	218.5	\$22,347,138	217.9
General Fund	\$0		\$0		\$0		\$0		\$0	
General Fund Exempt	\$0		\$0		\$0		\$0		\$0	
Cash Funds	\$1,136,255		\$1,582,342		\$981,826		\$981,826		\$1,582,342	
Cash Funds Exempt / Reappropriated Funds	\$21,068,865		\$22,406,089		\$21,468,636		\$24,440,952		\$20,764,796	
Federal Funds	\$0		\$0		\$0		\$0		\$0	

(3) Criminal Justice and Appellate

Total Expenditures / Appropriation / Request	FY 2007-08 Actuals	FTE	FY 2008-09 Actuals	FTE	FY 2009-10 Appropriated	FTE	Estimate	FTE	FY 2010-11 Request	FTE
Total Funds	\$8,250,993	74.4	\$8,675,526	76.7	\$8,556,115	83.0	\$11,019,865	84.0	\$10,001,110	84.0
General Fund	\$4,532,185		\$4,818,183		\$4,588,846		\$5,152,409		\$4,538,786	
General Fund Exempt	\$0		\$0		\$0		\$0		\$0	
Cash Funds	\$1,470,232		\$1,437,511		\$1,524,211		\$3,118,057		\$3,019,206	
Cash Funds Exempt / Reappropriated Funds	\$1,277,245		\$1,338,569		\$1,286,229		\$1,456,306		\$1,286,230	
Federal Funds	\$971,331		\$1,081,263		\$1,156,829		\$1,293,093		\$1,156,888	

Colorado Department of Law  
 FY 2010-11 Budget Cycle  
 Schedule 2

FY 2007-08      FY 2008-09      FY 2009-10      FY 2009-10      FY 2010-11  
 Actuals      Actuals      Appropriated      Estimate      Request  
 FTE      FTE      FTE      FTE      FTE

(4) Water and Natural Resources

Total Expenditures / Appropriation / Request	16.2	\$2,296,959	13.7	\$2,246,379	13.0	\$2,390,401	13.0	\$2,246,379	13.0
Total Funds		\$2,919,959		\$2,246,379		\$2,390,401		\$2,246,379	
General Fund		\$1,099,738		\$967,172		\$1,076,030		\$967,172	
General Fund Exempt		\$1,973		\$0		\$0		\$0	
Cash Funds		\$928,307		\$757,342		\$863,493		\$828,329	
Cash Funds Exempt / Reappropriated Funds		\$889,941		\$466,732		\$450,878		\$450,878	
Federal Funds		\$0		\$0		\$0		\$0	

(5) Consumer Protection

Total Expenditures / Appropriation / Request	34.1	\$3,774,151	37.5	\$3,476,476	38.5	\$3,970,246	38.5	\$3,527,880	39.0
Total Funds		\$3,374,037		\$3,476,476		\$3,970,246		\$3,527,880	
General Fund		\$965,065		\$869,025		\$1,064,016		\$912,882	
General Fund Exempt		\$0		\$0		\$0		\$0	
Cash Funds		\$1,683,616		\$2,611,467		\$2,597,870		\$2,335,044	
Cash Funds Exempt / Reappropriated Funds		\$725,356		\$293,659		\$308,360		\$279,954	
Federal Funds		\$0		\$0		\$0		\$0	

(6) Special Purpose

Total Expenditures / Appropriation / Request	0.1	\$1,802,377	0.0	\$2,728,616	0.0	\$2,728,616	0.0	\$2,938,828	0.0
Total Funds		\$1,802,377		\$2,728,616		\$2,728,616		\$2,938,828	
General Fund		\$1,345,304		\$1,751,248		\$2,103,616		\$2,313,828	
General Fund Exempt		\$0		\$0		\$0		\$0	
Cash Funds		\$0		\$720,393		\$625,000		\$625,000	
Cash Funds Exempt / Reappropriated Funds		\$457,073		\$150,093		\$0		\$0	
Federal Funds		\$0		\$7,226		\$0		\$0	

Department of Law

Colorado Department of Law  
 FY 2010-11 Budget Cycle  
 Schedule 2

FY 2007-08      FY 2008-09      FY 2009-10      FY 2009-10      FY 2010-11  
 Actuals      Actuals      Appropriated      Estimate      Request      FTE      FTE      FTE      FTE

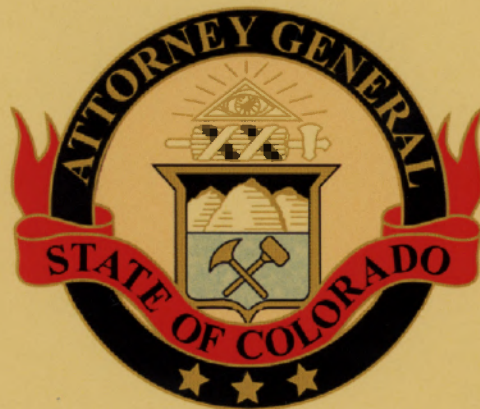
Department Total

Total Expenditures / Appropriation / Request	FY 2007-08 Actuals	FY 2008-09 Actuals	FY 2009-10 Appropriated	FY 2009-10 Estimate	FY 2010-11 Request	FTE
<b>Total Funds</b>	\$41,862,415	\$44,903,062	\$47,844,671	\$49,324,559	\$49,478,216	392.6
General Fund	\$8,279,399	\$8,757,841	\$10,008,042	\$9,935,340	\$10,261,371	
General Fund Exempt	\$1,973	\$63,958	\$0	\$0	\$0	
Cash Funds	\$5,249,735	\$7,109,055	\$6,660,336	\$8,186,246	\$8,889,573	
Cash Funds Exempt / Reappropriated Funds	\$27,359,977	\$27,883,719	\$29,883,233	\$29,909,880	\$29,044,311	
Federal Funds	\$971,331	\$1,088,489	\$1,293,060	\$1,293,093	\$1,282,961	





# FY 10-11 Schedule 5 Line Item to Statute



Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 5: Line Item to Statute

(1) Administration	Line Item Name	Line Item Description	Statutory Citation
(A)	Personal Services	The Administration's primary functions are Fiscal/Accounting, Human Resources, Information Technology, Legal Support Services and the Office of the Attorney General.	24-31-101 & 102 C.R.S. (1988)
(B)	Health, Life, and Dental	This appropriation covers the cost of the State's share of the employee's health, life and dental insurance.	24-50-609, C.R.S. (2007)
(C)	Short-term Disability	This funds insurance coverage available for all employees and paid by the State based on payroll that provides partial payment of an employee's salary if that individual becomes disabled and cannot perform his or her work duties.	24-51-701, C.R.S. (2007)
(D)	SB 04-257 Amortization Equalization	This appropriation reflects an increase to the effective PERA contribution rates beginning January 1, 2006 to bring the Department into compliance with 24-51-211 C.R.S. (2007).	24-51-411, C.R.S. (2007) Amortization equalization disbursement - repeal
(E)	SB 06-235 Supplemental Amortization	This appropriation reflects an increase to the effective PERA contribution rates beginning January 1, 2006 to bring the Department into compliance with 24-51-211 C.R.S. (2007).	24-51-101(25)(b), C.R.S. (2006) Supplemental Amortization Equalization Disbursement
(F)	Salary Survey for Classified Employees	This appropriation funds for Salary Survey which is equal to the recommended base salary increase for State Employees. The percentage increase is relational to private sector salary growth for similar position/occupational groups.	24-50-104(4)(c), C.R.S. (2007)
(G)	Salary Survey for Exempt Employees	This appropriation funds for Salary Survey study which was done by Fox Lawson & Associates for the Department exempt employees. The percentage increase is relational to comparable pay ranges at seventeen city and county attorney offices along the Front Range.	24-50-104(4)(c), C.R.S. (2007)

Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 5: Line Item to Statute

Line Item Name	Line Item Description	Statutory Citation
(H) Performance-based Pay Awards for Classified Employees	This funds the Total Compensation Survey includes recommendations on Performance-based Pay.	24-50-104(1)(c), C.R.S. (2007)
(I) Performance-based Pay Awards for Exempt Employees	This funds the annual salary survey conducted by Fox Lawson & Associates for exempt employees.	24-50-104(4)(c), C.R.S. (2007)
(J) Attorney Registration and Continuing Legal Education	This funds \$225 annual registration fee that the Department's attorneys must pay to practice law in Colorado and \$150 for continuing legal education (CLE) expenses of the Department's attorneys.	N/A
(K) Workers' Compensation	This funds workers' compensation insurance coverage available for all employees and paid by the State. This is a job related insurance for state employee for injury coverage while performed on state duty.	8-14.5-102 C.R.S.
(L) Operating Expenses	The Administration's primary functions are Fiscal/Accounting, Human Resources, Information Technology, Text Management and the Office of the Attorney General.	24-31-101 & 102 C.R.S. (1988)
(M) Purchase of Services from Computer Center	This funds the automated data processing services from the General Government Computer Center within the Department of Personnel and Administration.	24-30-1606 C.R.S.
(N) Payment to Risk Management and Property Funds	This funds the insurance coverage for state buildings and their contents, boilers and machinery, and for employee fidelity, liability claims and workers' compensation.	N/A
(O) Vehicle Lease Payments	This funds the payments made to State Fleet Management for the cost of lease purchasing and administering the State fleet of motor vehicles.	N/A
(P) ADP Capital Outlay	This funds the computer and capital outlay for a new FTE.	N/A

Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 5: Line Item to Statute

(1) Administration (Continue)

Line Item Name	Line Item Description	Statutory Citation
(Q) Information Technology Asset Maintenance	This funds IT Asset Maintenance replacement such as desk top computer, laptop computer and servers.	N/A
(R) Lease Space	This funds the off site storage lease space for the Department.	N/A
(S)Capitol Complex Leased Space	This funds the payments made to the Department of Personnel and Administration for leased space for the State Services building - 1525 Sherman office.	N/A
(T) Security for State Services Building	This funds the building security for 1525 Sherman building where the Attorney General's Office resides.	N/A
(U) Communications Services Payments	This funds for all the telephone equipment and services for the Department's employees.	N/A
(V) Attorney General Discretionary Fund	This funds for the Attorney General to utilize this money on his discretionary.	24-9-105(1)(c), C.R.S.

(2) Legal Services to State Agencies.

Line Item Name	Line Item Description	Statutory Citation
(A) Personal Services	This funds personal services expense incurred in the legal counsel of Legal Services to State Agencies.	24-31-101(1)(a) C.R.S. (1998)
(B) Operating & Litigation	This funds personal services expense incurred in the legal counsel of Legal Services to State Agencies.	24-31-101(1)(a) C.R.S. (1998)
(C) Indirect Costs Assessment	This funds personal services expense incurred in the legal counsel of Legal Services to State Agencies.	24-31-101(1)(a) C.R.S. (1998)

Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 5: Line Item to Statute

(3) Criminal Justice & Appellate	Line Item Name	Line Item Description	Statutory Citation
(A)	Special Prosecution Unit	This unit investigates and prosecutes crimes - Complex Crimes; Gang prosecution; Environmental crimes; Workers' Compensation and Foreign prosecution.	24-31-105 C.R.S.
(B)	Appellate Unit	This unit represents the State of Colorado in criminal cases that are appealed to state and federal appellate courts.	24-31-101(1)(a) C.R.S. (2001)
(C)	Medicaid Fraud Unit	This unit is mandated by federal law, investigates and prosecutes criminal fraud against the Medicaid program as well as misconduct against patients at Medicaid funded facilities, including physical and sexual abuse, threaten abuse and criminal neglect.	§ 24-31-101(1)(a), C.R.S. (1982); Executive Order D001787, dated March 4, 1987; 42 C.F.R. § 1002.301 (1987); 42 U.S.C. § 1396b(h) (1987); and § 26-4-101, <i>et seq.</i>
(D)	Peace Officer Standards and Training Board (POST)	This unit provides for certification of peace officers appointed by state and local enforcement agencies, as well as regulating basic training programs pursuant to the provision of sections 24-31-31 through 24-31-310 CRS.	24-31-301 through 24-31-310 C.R.S.
(E)	Victim Assistance Unit	This unit provides information to victims families about their cases on an appellate level.	Colo. Const. Art II, § 16a; Colo. Rev. Stat. § 24-31-106, § 24-4.1-302, § 4-4.1-302.5, § 24-4.1-303, § 24-33.5-506, C.R.S. (1999)

Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 5: Line Item to Statute

(4) Natural Resources and Water Rights

Line Item Name	Line Item Description	Statutory Citation
(A) Federal & Interstate Water Unit	This Unit protects the State's interests in the waters of interstate rivers, with respect to both interstate water allocation and federal environmental requirements.	§§ 37-60-113, 114, 120, & 121.1; 37-80-116; 37-81-102, C.R.S. (1998).
(B) Defense of the Colorado River Compact	This special appropriation funds the costs of litigation on the upper Colorado River Basin Compact.	§§ 37-60-113, 114, 120, & 121.1; 37-80-116; 37-81-102, C.R.S. (1998).
(B) Defense of the Republican River Compact	This special appropriation funds the costs of litigation with Kansas and Nebraska regarding Colorado's alleged violations of the Republican River Compact.	§§ 37-60-113, 114, 120, & 121.1; 37-80-116; 37-81-102, C.R.S. (1998).
(C) Consultant Expenses	This line item is being used to make payments to the private counsel that represents Colorado in Arkansas River Compact	N/A
(D) Comprehensive Environmental Response, Compensation, and Liability Act (CERLA)	This Unit handles the legal work for ten seriously contaminated sites - known as Superfund sites - most of which are being cleaned up under consent decrees by those who contaminated them.	§ 24-31-101(1)(a) C.R.S. (1998), as implemented by Executive Order Nos. D-0038-83, D-0012-86, D-0060-86, D-0084-86, D-0004-96 and D-0007-97; 42 U.S.C. §§. 9601 to 9675 (1988); §§. 25-15-301 to 313 (1998); §§ 25-16-101 to 201 (1998)
(E) CERLA Contracts	This line item provides funding for contractors who support the work of the CERLA litigation unit. These contractors include expert witnesses, scientists knowledgeable about hazardous waste and economists knowledgeable about natural resources damages.	N/A
(F) Natural Resource Damage Claims at Rocky Mountain Arsenal	This line funds CERLA litigation against Shell Oil Company and the U.S. Army over natural resource damages at the Rocky Mountain Arsenal.	§ 24-31-101(1)(a) C.R.S. (1998)

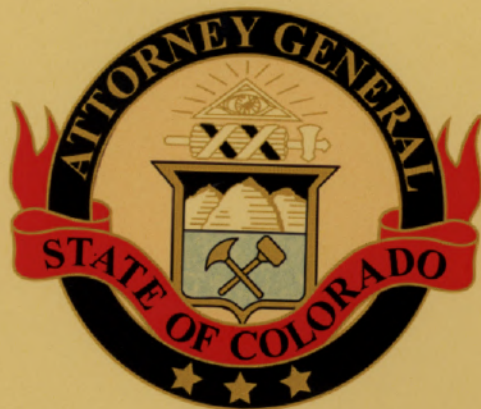
Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 5: Line Item to Statute

(5) Consumer Protection		
Line Item Name	Line Item Description	Statutory Citation
(A) Consumer Protection and Anti-Trust	The Unit enforces both criminally and civilly, the legislative mandate set forth in the state and federal antitrust laws. It does so on behalf of the state and local governments and their citizens.	Colorado Antitrust Act of 1992, §§ 6-4-101 to 122, C.R.S. (1999);
(B) Collection Agency Board	This Collection Agency Board unit enforces the Fair Debt Collection Practices Act and the related Colorado Child Support Collection Consumer Protection Act.	§§ 12-24-101 to 12-24-137, C.R.S.; 15 U.S.C. § 1692
(C) Uniform Consumer Credit Code	This unit regulates the Consumer Equity Protection Act, the Deferred Deposit Loan Act, the Rental Purchase Agreement Act and it licenses the supervised lenders and Debt Management.	§§ 5-1-101 to 5-9-102.5, C.R.S.; §§ 5-10-101 to 5-10-1001, C.R.S.; §§12-14.5-101 to 12-14.5-113, C.R.S. 15 U.S.C. §

(6) Special Purpose		
Line Item Name	Line Item Description	Statutory Citation
(A) District Attorneys Salaries	This funds the state portion of the state district attorney's salary expenses.	20-1-306 C.R.S. (2007)
(B) Litigation Management and Technol	This funds the unanticipated legal expenses during the fiscal year and also funds a portion of the approved IT expenditures for the Department.	24-31-101 & 102 C.R.S. (1988)
(C) Statewide HIPPA	This line item was created in FY04-05 to fund statewide General Fund legal expenses related to the Health Insurance Portability and Accountability Act (HIPPA).	24-31-101(1)(a) C.R.S. (1998)
(D) Tobacco Litigation	This line item defends the enforcement of the Tobacco Settlement Agreement.	N/A



# **FY 10-11 Schedule 6 Special Bills Summary**



Colorado Department of Law

FY 2010-11 Budget Request

Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2009-10									
SB 09-026	Athletic Trainers to register with DORA	(2) Legal Services to State Agencies Personal Services Total	0.2 0.2 0.2	\$21,779 \$21,779 \$21,779	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$21,779 \$21,779 \$21,779	\$0 \$0 \$0
SB 09-123	Pilot Program to reduce the dropout rate of adolescent students	(2) Legal Services to State Agencies Personal Services Total	0.0 0.0 0.0	\$751 \$751 \$751	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$751 \$751 \$751	\$0 \$0 \$0
SB 09-138	Certification of nurse aides	(2) Legal Services to State Agencies Personal Services Total	0.0 0.0 0.0	\$3,755 \$3,755 \$3,755	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$3,755 \$3,755 \$3,755	\$0 \$0 \$0
SB 09-163	Amends the Education Accreditation Act	(2) Legal Services to State Agencies Personal Services Total	0.0 0.0 0.0	\$7,135 \$7,135 \$7,135	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$7,135 \$7,135 \$7,135	\$0 \$0 \$0
SB 09-167	Regulation of Chiropractors	(2) Legal Services to State Agencies Personal Services Total	0.0 0.0 0.0	\$4,882 \$4,882 \$4,882	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$4,882 \$4,882 \$4,882	\$0 \$0 \$0
SB 09-239	Regulation of Nurses	(2) Legal Services to State Agencies Personal Services Total	0.2 0.2 0.2	\$33,795 \$33,795 \$33,795	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$33,795 \$33,795 \$33,795	\$0 \$0 \$0
HB 09-1036	Increase the motor vehicle registration fee to .60 cents	(2) Legal Services to State Agencies Personal Services Total	1.0 1.0 1.0	\$1,494,995 \$1,494,995 \$1,494,995	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$1,494,995 \$1,494,995 \$1,494,995	\$0 \$0 \$0
HB 09-1086	Renewal of licenses or certifications for social workers	(2) Legal Services to State Agencies Personal Services Total	0.2 0.2 0.2	\$30,000 \$30,000 \$30,000	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$30,000 \$30,000 \$30,000	\$0 \$0 \$0
HB 09-1136	Renewal of licenses of electricians	(2) Legal Services to State Agencies Personal Services Total	0.1 0.1 0.1	\$11,265 \$11,265 \$11,265	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$11,265 \$11,265 \$11,265	\$0 \$0 \$0

Colorado Department of Law  
FY 2010-11 Budget Request

Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt/ Reappropriated Funds	Federal Funds
FY 2009-10 Continue									
HB 09-1173	Enforcement of tobacco laws	(2) Legal Services to State Agencies							
		Personal Services	0.1	\$7,510	\$0	\$0	\$0	\$7,510	\$0
		Total	0.1	\$7,510	\$0	\$0	\$0	\$7,510	\$0
		<b>Total HB 08-1173</b>	<b>0.1</b>	<b>\$7,510</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$7,510</b>	<b>\$0</b>
HB 09-1188	Medical practitioners disclosure certain information for licenses renewal	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$0	\$0	\$0	\$0	\$0	\$0
		Total	0.0	\$0	\$0	\$0	\$0	\$0	\$0
		<b>Total HB 08-1188</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
HB 09-1202	Registration program for funeral establishments and crematories	(2) Legal Services to State Agencies							
		Personal Services	0.2	\$24,783	\$0	\$0	\$0	\$24,783	\$0
		Total	0.2	\$24,783	\$0	\$0	\$0	\$24,783	\$0
		<b>Total HB 08-1202</b>	<b>0.2</b>	<b>\$24,783</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$24,783</b>	<b>\$0</b>
HB 09-1319	Repeats enrollment programs	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$10,139	\$0	\$0	\$0	\$10,139	\$0
		Total	0.0	\$10,139	\$0	\$0	\$0	\$10,139	\$0
		<b>Total HB 08-1319</b>	<b>0.0</b>	<b>\$10,139</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$10,139</b>	<b>\$0</b>
<b>FY 2009-10 Department Total</b>				<b>\$1,650,789</b>	<b>\$0</b>	<b>0.0</b>	<b>1,494,995.0</b>	<b>155,794.0</b>	<b>0.0</b>
FY 2008-09									
SB 08-029	Architect Obtain Continuing Education	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$8,104	\$0	\$0	\$0	\$8,104	\$0
		Operating Expense	0.0	\$900	\$0	\$0	\$0	\$900	\$0
		Total	0.0	\$9,004	\$0	\$0	\$0	\$9,004	\$0
		<b>Total SB 08-029</b>	<b>0.0</b>	<b>\$9,004</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$9,004</b>	<b>\$0</b>
SB 08-152	Occupational Therapy	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$9,725	\$0	\$0	\$0	\$9,725	\$0
		Operating Expense	0.0	\$1,081	\$0	\$0	\$0	\$1,081	\$0
		Total	0.0	\$10,806	\$0	\$0	\$0	\$10,806	\$0
		<b>Total SB 08-152</b>	<b>0.0</b>	<b>\$10,806</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$10,806</b>	<b>\$0</b>

Colorado Department of Law

FY 2010-11 Budget Request

Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt/ Reappropriated Funds	Federal Funds
FY 2008-09 Continue									
Home Care Agencies by DPHE									
SB 08-153		(2) Legal Services to State Agencies							
		Personal Services	0.0	\$2,593	\$0	\$0	\$0	\$2,593	\$0
		Operating Expense	0.0	\$288	\$0	\$0	\$0	\$288	\$0
		Total	0.0	\$2,881	\$0	\$0	\$0	\$2,881	\$0
		<b>Total SB 08-153</b>	<b>0.0</b>	<b>\$2,881</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,881</b>	<b>\$0</b>
The Expansion of Prohibitions against Discrimination									
SB 08-200		(2) Legal Services to State Agencies							
		Personal Services	0.5	\$54,066	\$0	\$0	\$0	\$54,066	\$0
		Operating Expense	0.0	\$6,007	\$0	\$0	\$0	\$6,007	\$0
		Total	0.5	\$60,073	\$0	\$0	\$0	\$60,073	\$0
		<b>Total SB 08-200</b>	<b>0.5</b>	<b>\$60,073</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$60,073</b>	<b>\$0</b>
Regulation of Massage Therapists									
SB 08-219		(2) Legal Services to State Agencies							
		Personal Services	0.2	\$16,207	\$0	\$0	\$0	\$16,207	\$0
		Operating Expense	0.0	\$1,801	\$0	\$0	\$0	\$1,801	\$0
		Total	0.2	\$18,008	\$0	\$0	\$0	\$18,008	\$0
		<b>Total SB 08-219</b>	<b>0.2</b>	<b>\$18,008</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$18,008</b>	<b>\$0</b>
Uniform Athlete Agents Act									
HB 08-1058		(2) Legal Services to State Agencies							
		Personal Services	0.0	\$6,808	\$0	\$0	\$0	\$6,808	\$0
		Operating Expense	0.0	\$756	\$0	\$0	\$0	\$756	\$0
		Total	0.0	\$7,564	\$0	\$0	\$0	\$7,564	\$0
		<b>Total HB 08-1058</b>	<b>0.0</b>	<b>\$7,564</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$7,564</b>	<b>\$0</b>
Mined Land Reclamation Board									
HB 08-1161		(2) Legal Services to State Agencies							
		Personal Services	0.0	\$12,965	\$0	\$0	\$0	\$12,965	\$0
		Operating Expense	0.0	\$1,441	\$0	\$0	\$0	\$1,441	\$0
		Total	0.0	\$14,406	\$0	\$0	\$0	\$14,406	\$0
		<b>Total HB 08-1161</b>	<b>0.0</b>	<b>\$14,406</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,406</b>	<b>\$0</b>
CPA from another state to practice									
HB 08-1226		(2) Legal Services to State Agencies							
		Personal Services	0.0	\$3,242	\$0	\$0	\$0	\$3,242	\$0
		Operating Expense	0.0	\$360	\$0	\$0	\$0	\$360	\$0
		Total	0.0	\$3,602	\$0	\$0	\$0	\$3,602	\$0
		<b>Total HB 08-1226</b>	<b>0.0</b>	<b>\$3,602</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,602</b>	<b>\$0</b>

Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2008-09 Continue									
HB 08-1227	PUC under the Sunset Law	(2) Legal Services to State Agencies							
		Personal Services	0.3	\$38,896	\$0	\$0	\$0	\$38,896	\$0
		Operating Expense	0.0	\$4,322	\$0	\$0	\$0	\$4,322	\$0
		Total	0.3	\$43,218	\$0	\$0	\$0	\$43,218	\$0
		<b>Total HB 08-1227</b>	<b>0.3</b>	<b>\$43,218</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$43,218</b>	<b>\$0</b>
HB 08-1257	Motor Vehicle with an Overweight Divisible Load	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$9,801	\$0	\$0	\$0	\$9,801	\$0
		Operating Expense	0.0	\$1,089	\$0	\$0	\$0	\$1,089	\$0
		Total	0.0	\$10,890	\$0	\$0	\$0	\$10,890	\$0
		<b>Total HB 08-1257</b>	<b>0.0</b>	<b>\$10,890</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$10,890</b>	<b>\$0</b>
HB 08-1314	Gambling Addiction Counseling	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$2,579	\$0	\$0	\$0	\$2,579	\$0
		Operating Expense	0.0	\$287	\$0	\$0	\$0	\$287	\$0
		Total	0.0	\$2,866	\$0	\$0	\$0	\$2,866	\$0
		<b>Total HB 08-1314</b>	<b>0.0</b>	<b>\$2,866</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,866</b>	<b>\$0</b>
HB 08-1325	Non-Immigrant Agricultural Seasonal	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$3,890	\$0	\$0	\$0	\$3,890	\$0
		Operating Expense	0.0	\$432	\$0	\$0	\$0	\$432	\$0
		Total	0.0	\$4,322	\$0	\$0	\$0	\$4,322	\$0
		<b>Total HB 08-1325</b>	<b>0.0</b>	<b>\$4,322</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,322</b>	<b>\$0</b>
HB 08-1335	Finance Public School Facility	(2) Legal Services to State Agencies							
		Personal Services	0.3	\$29,173	\$0	\$0	\$0	\$29,173	\$0
		Operating Expense	0.0	\$3,241	\$0	\$0	\$0	\$3,241	\$0
		Total	0.3	\$32,414	\$0	\$0	\$0	\$32,414	\$0
		<b>Total HB 08-1335</b>	<b>0.3</b>	<b>\$32,414</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$32,414</b>	<b>\$0</b>
HB 08-1353	Easement in the state	(2) Legal Services to State Agencies							
		Personal Services	0.3	\$33,710	\$0	\$0	\$0	\$33,710	\$0
		Operating Expense	0.0	\$6,771	\$0	\$0	\$0	\$6,771	\$0
		Total	0.3	\$40,481	\$0	\$0	\$0	\$40,481	\$0
		<b>Total HB 08-1353</b>	<b>0.3</b>	<b>\$40,481</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$40,481</b>	<b>\$0</b>

Colorado Department of Law

FY 2010-11 Budget Request

Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2009-09 Continue									
HB 08-1383	Inactive Status for Nursing Licenses	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$648	\$0	\$0	\$0	\$648	\$0
		Operating Expense	0.0	\$72	\$0	\$0	\$0	\$72	\$0
		Total	0.0	\$720	\$0	\$0	\$0	\$720	\$0
	<b>Total HB 08-1383</b>	<b>0.0</b>	<b>\$720</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$720</b>	<b>\$0</b>	<b>\$0</b>
HB 08-1397	Evidence Collected in Criminal Cases	(3) Criminal Justice and Appellate Peace Officers Standards and Training Board							
		Personal Services	0.0	\$61,382	\$61,382	\$0	\$0	\$0	\$0
		Operating Expense	0.0	\$19,825	\$19,825	\$0	\$0	\$0	\$0
		Total	0.0	\$81,207	\$81,207	\$0	\$0	\$0	\$0
	<b>Total HB 08-1397</b>	<b>0.0</b>	<b>\$81,207</b>	<b>\$81,207</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
HB09-1188	Modified Skolnik Medical Transparency Act	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$907	\$0	\$0	\$0	\$907	\$0
		Operating Expense	0.0	\$220	\$0	\$0	\$0	\$220	\$0
		Total	0.0	\$1,127	\$0	\$0	\$0	\$1,127	\$0
	<b>Total HB 08-1188</b>	<b>0.0</b>	<b>\$1,127</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,127</b>	<b>\$0</b>	<b>\$0</b>
FY 2008-09 Department Total									
			1.6	\$343,589	\$81,207	0.0	0.0	262,382.0	0.0
FY 2007-08									
SB 07-025	Sexual Orientation Employment Discrimination	(2) Legal Services to State Agencies							
		Personal Services	0.3	\$16,942	\$0	\$0	\$0	\$16,942	\$0
		Operating Expense	0.0	\$16,943	\$0	\$0	\$0	\$16,943	\$0
		Total	0.3	\$33,885	\$0	\$0	\$0	\$33,885	\$0
	<b>Total SB 07-025</b>	<b>0.3</b>	<b>\$33,885</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$33,885</b>	<b>\$0</b>	<b>\$0</b>
SB 07-041	Public School Facilities Equity	(2) Legal Services to State Agencies							
		Personal Services	0.0	\$1,694	\$0	\$0	\$0	\$1,694	\$0
		Operating Expense	0.0	\$1,695	\$0	\$0	\$0	\$1,695	\$0
		Total	0.0	\$3,389	\$0	\$0	\$0	\$3,389	\$0
	<b>Total SB 07-041</b>	<b>0.0</b>	<b>\$3,389</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,389</b>	<b>\$0</b>	<b>\$0</b>
SB 07-057	Debt Management	(5) Consumer Protection							
		UCCC	1.0	\$69,717	\$0	\$0	\$0	\$69,717	\$0
		Total	1.0	\$69,717	\$0	\$0	\$0	\$69,717	\$0
			<b>Total SB 07-057</b>	<b>1.0</b>	<b>\$69,717</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$69,717</b>

Colorado Department of Law

FY 2010-11 Budget Request

Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2007-08 Continue									
SB 07-083	Uniform Election Code of 1992	(2) Legal Services to State Agencies Personal Services 0.0 \$5,930 Operating Expense 0.0 \$5,930 Total 0.0 \$11,860 Total SB 07-083 0.0 \$11,860	0.0	\$5,930	\$0	\$0	\$0	\$5,930	\$0
SB 07-085	Protect Consumer Real Estate	(2) Legal Services to State Agencies Personal Services 0.3 \$27,108 Operating Expense 0.0 \$13,554 Total 0.3 \$40,662 Total SB 07-085 0.3 \$40,662	0.3	\$27,108	\$0	\$0	\$0	\$27,108	\$0
SB 07-107	License Landscape Architects	(2) Legal Services to State Agencies Personal Services 0.0 \$14,570 Operating Expense 0.0 \$14,571 Total 0.0 \$29,141 Total SB 07-107 0.0 \$29,141	0.0	\$14,570	\$0	\$0	\$0	\$14,570	\$0
SB 07-113	Use of Tobacco Settlement Defense Fund	(5) Consumer Protection Total 0.0 \$0 Total SB 07-113 0.0 \$0	0.0	\$0	(\$100,000)	\$0	\$0	\$100,000	\$0
FY 2007-08 Continue									
SB 07-123	Regulation of Mechanical Conveyance	(2) Legal Services to State Agencies Personal Services 0.0 \$4,879 Operating Expense 0.0 \$4,880 Total 0.0 \$9,759 Total SB 07-123 0.0 \$9,759	0.0	\$4,879	\$0	\$0	\$0	\$4,879	\$0
SB 07-137	Regulation of Plumbers	(2) Legal Services to State Agencies Personal Services 0.2 \$14,231 Operating Expense 0.0 \$14,232 Total 0.2 \$28,463 Total SB 07-137 0.2 \$28,463	0.2	\$14,231	\$0	\$0	\$0	\$14,231	\$0
SB 07-196	Health Information Technology	(2) Legal Services to State Agencies Personal Services 0.0 \$4,066 Operating Expense 0.0 \$4,066 Total 0.0 \$8,132 Total SB 07-196 0.0 \$8,132	0.0	\$4,066	\$0	\$0	\$0	\$4,066	\$0

Colorado Department of Law

FY 2010-11 Budget Request

Schedule 6: Special Bills Summary

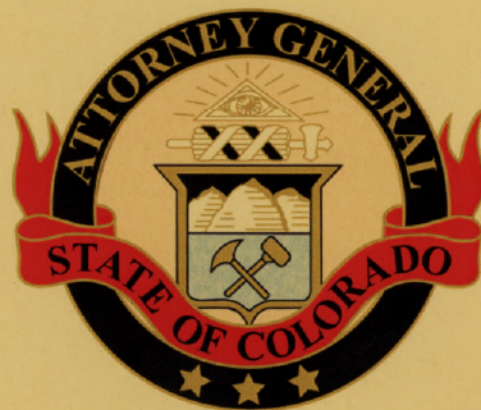
Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2007-08 Continue									
SB 07-203	Mortgage Loan Transactions	(2) Legal Services to State Agencies Personal Services Operating Expense Total Total SB 07-203	0.5 0.0 0.5 2.3 2.8	\$39,533 \$19,766 \$59,299 \$186,349 \$246,648	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$39,533 \$19,766 \$59,299 \$186,349 \$246,648	\$0 \$0 \$0 \$0 \$0
SB 07-210	Ethics Committee	(2) Legal Services to State Agencies Personal Services Operating Expense Total Total SB 07-210	0.9 0.0 0.9 0.9	\$81,324 \$40,662 \$121,986 \$121,986	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$81,324 \$40,662 \$121,986 \$121,986	\$0 \$0 \$0 \$0
SB 07-215	Online Learning	(2) Legal Services to State Agencies Personal Services Operating Expense Total Total SB 07-215	0.0 0.0 0.0 0.0	\$15,248 \$15,249 \$30,497 \$30,497	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$15,248 \$15,249 \$30,497 \$30,497	\$0 \$0 \$0 \$0
SB 07-216	Mortgage Loan Fraud	(2) Legal Services to State Agencies Personal Services Operating Expense Total Total SB 07-216	0.4 0.0 0.4 3.0 3.0 3.4	\$32,304 \$16,152 \$48,456 \$265,085 \$265,085 \$313,541	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$32,304 \$16,152 \$48,456 \$265,085 \$265,085 \$313,541	\$0 \$0 \$0 \$0 \$0 \$0
SB 07-261	Colo Econ. Dev/Paying Staffing	(2) Legal Services to State Agencies Personal Services Operating Expense Total Total SB 07-261	0.0 0.0 0.0 0.0	\$1,500 \$1,500 \$3,000 \$3,000	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$1,500 \$1,500 \$3,000 \$3,000	\$0 \$0 \$0 \$0
HB 07-1037	Energy Efficiency	(2) Legal Services to State Agencies Personal Services Operating Expense Total Total HB 07-1037	0.0 0.0 0.0 0.0	\$6,777 \$6,777 \$13,554 \$13,554	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$6,777 \$6,777 \$13,554 \$13,554	\$0 \$0 \$0 \$0
HB 07-1065	Motor Carrier for Criminal History	(2) Legal Services to State Agencies Personal Services Operating Expense Total Total HB 07-1065	0.0 0.0 0.0 0.0	\$2,168 \$2,169 \$4,337 \$4,337	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$2,168 \$2,169 \$4,337 \$4,337	\$0 \$0 \$0 \$0



Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 6: Special Bills Summary

Bill Number	Short Bill Title	Line Items	FTE	Total Funds	General Fund	General Fund Exempt	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2007-08 Continue									
HB 07-1228	Fuel Corp	(2) Legal Services to State Agencies Personal Services 0.0 \$812 Operating Expense 0.0 \$813 Total 0.0 \$1,625 Total HB 07-1228 0.0 \$1,625		\$1,625	\$0	\$0	\$0	\$812 \$813 \$1,625 \$1,625	\$0 \$0 \$0 \$0
HB 07-1322	Mortgage Loan Prevention	(2) Legal Services to State Agencies Personal Services 0.8 \$79,065 Operating Expense 0.0 \$39,533 Total 0.8 \$118,598 (5) Consumer Protection 3.0 \$264,608 Total 3.0 \$264,608 Total HB 07-1322 3.8 \$383,206		\$383,206	\$0	\$0	\$0	\$79,065 \$39,533 \$118,598 \$264,608 \$264,608 \$383,206	\$0 \$0 \$0 \$0 \$0 \$0
HB 07-1331	Medical Transparency	(2) Legal Services to State Agencies Personal Services 0.0 \$2,711 Operating Expense 0.0 \$2,711 Total 0.0 \$5,422 Total HB 07-1331 0.0 \$5,422		\$5,422	\$0	\$0	\$0	\$2,711 \$2,711 \$5,422 \$5,422	\$0 \$0 \$0 \$0
HB 08-1335	Finance Public School Facility	(2) Legal Services to State Agencies Operating Expense 0.0 \$0 Total 0.0 \$7,203 Total HB 07-1335 0.0 \$7,203		\$7,203	\$0	\$0	\$0	\$0 \$7,203 \$7,203	\$0 \$0 \$0
HB 07-1357	Litigation Cost associated with Clean up	(4) Water and Natural Resources Total 0.0 \$0 Total HB 07-1357 0.0 \$0		\$0	(\$2,661,667)	\$0	\$0	\$0 \$0	\$0 \$0
HB 08-1396	Studies to determine the potential impact to the Canterbury Tunnel	(2) Legal Services to State Agencies Personal Services 0.2 \$16,667 Operating Expense 0.0 \$8,333 Total 0.2 \$25,000 Total HB 07-1396 0.2 \$25,000		\$25,000	\$0	\$0	\$0	\$16,667 \$8,333 \$25,000 \$25,000	\$0 \$0 \$0 \$0
FY 2007-08 Department Total			12.9	\$1,390,027	(\$2,761,667)	\$0	\$2,731,384	\$1,420,310	\$0

# **FY 10-11 Schedule 7 Supplemental Bills Summary**



Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 7: Supplemental Bills Summary

Bill Number	Line Items	FTE	Total Funds	General Fund	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
FY 2008-09							
SB 09-192	<b>(1) Administration</b>						
	Health, Life, and Dental	0.0	(\$9,113)	(9,113)	\$0	\$0	\$0
	Amortization Equalization Disb	0.0	(\$3,921)	(3,921)	\$0	\$0	\$0
	Supplemental Amortization Eq. Disb	0.0	(\$1,918)	(1,918)	\$0	\$0	\$0
	Salary survey for Classified Employees	0.0	(\$90,062)	(90,062)	\$0	\$0	\$0
	Salary survey for Exempt Employees	0.0	(\$9,128)	(9,128)	\$0	\$0	\$0
	PBP for Classified Employees	0.0	(\$23,827)	(23,827)	\$0	\$0	\$0
	PBP for Exempt Employees	0.0	(\$3,167)	(3,167)	\$0	\$0	\$0
	Workers' Compensation	0.0	(\$673)	(673)	\$0	\$0	\$0
	Capitol Complex Leased Space	0.0	(\$9,696)	(9,696)	\$0	\$0	\$0
	<b>Total</b>	<b>0.0</b>	<b>(\$151,505)</b>	<b>(151,505)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	<b>(2) Legal Services to State Agencies</b>						
	Personal Services	1.7	\$196,944	\$0	\$0	\$196,944	\$0
	Operating and Litigation	0.0	\$49,236	\$0	\$0	\$49,236	\$0
	<b>Total</b>	<b>1.7</b>	<b>\$246,180</b>	<b>\$0</b>	<b>\$0</b>	<b>\$246,180</b>	<b>\$0</b>
	<b>(3) Criminal Justice and Appellate</b>						
	Special Prosecutions Unit	12.8	(\$10,000)	(\$10,000)	\$0	\$0	\$0
	Securities Fraud Unit	7.6	(\$10,000)	(\$10,000)	\$0	\$0	\$0
	Appellate Unit	30.0	(\$120,000)	(\$120,000)	\$0	\$0	\$0
	Medicaid Fraud Unit	14.0	(\$80,000)	(\$20,000)	\$0	\$0	(\$60,000)
	Capital Crimes Prosecution Unit	4.0	(\$70,000)	(\$70,000)	\$0	\$0	\$0
	<b>Total</b>	<b>68.4</b>	<b>(\$290,000)</b>	<b>(\$230,000)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$60,000)</b>
	<b>(4) Water and Natural Resources</b>						
	Federal and Interstate Water Unit	5.5	(\$30,000)	(\$30,000)	\$0	\$0	\$0
	Defense of the Republican River	0.0	\$19,144	\$0	\$19,144	\$0	\$0
	Consultant Expenses	0.0	\$70,000	\$0	\$70,000	\$0	\$0
	CERLA	4.3	(\$70,000)	(\$70,000)	\$0	\$0	\$0
	CELRA Contracts	0.0	(\$130,000)	(\$155,000)	\$0	\$25,000	\$0
	<b>Total</b>	<b>9.8</b>	<b>(\$140,856)</b>	<b>(\$255,000)</b>	<b>\$89,144</b>	<b>\$25,000</b>	<b>\$0</b>

Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 7: Supplemental Bills Summary

Bill Number	Line Items	FTE	Total Funds	General Fund	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
	<b>(5) Consumer Protection</b>						
	Consumer Protection & Anti-Trust	20.0	(\$33,495)	(\$153,495)	\$120,000	\$0	\$0
	<b>Total</b>	<b>20.0</b>	<b>(\$33,495)</b>	<b>(\$153,495)</b>	<b>\$120,000</b>	<b>\$0</b>	<b>\$0</b>
	<b>(6) Special Purpose</b>						
	Litigation Mgt and Tech. Fund	0.0	\$150,000	\$0	\$150,000	\$0	\$0
	<b>Total</b>	<b>0.0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$0</b>	<b>\$0</b>
	<b>Total SB 09-192</b>	<b>31.5</b>	<b>(\$219,676)</b>	<b>(\$790,000)</b>	<b>\$359,144</b>	<b>\$271,180</b>	<b>(\$60,000)</b>
FY 2007-08							
HB 08-1290	<b>(1) Administration</b>						
	Workers' Compensation	0.0	(\$27,430)	(\$8,599)	(\$1,976)	(\$16,072)	(\$783)
	Administrative Law Judge Services	0.0	(\$1,282)	\$0	(\$1,282)	\$0	\$0
	Purchases of Services from Computer Center	0.0	\$4,697	\$0	\$0	\$4,697	\$0
	Payment to Risk Management and Property Funds	0.0	(\$8,671)	\$0	\$0	(\$8,671)	\$0
	Vehicle Lease Payment	0.0	(\$9,308)	(\$1,342)	(\$3,016)	(\$4,890)	(\$60)
	Capitol Complex Leased Space	0.0	\$18,065	\$5,697	\$1,298	\$10,556	\$514
	Communication Services Payments	0.0	(\$86)	(\$36)	(\$5)	(\$21)	(\$24)
	<b>Total</b>	<b>0.0</b>	<b>(\$24,015)</b>	<b>(\$4,280)</b>	<b>(\$4,981)</b>	<b>(\$14,401)</b>	<b>(\$353)</b>
	<b>(2) Legal Services to State Agencies</b>						
	Personal Services	1.5	\$127,237	\$0	\$0	\$127,237	\$0
	Operating and Litigation	0.0	\$63,619	\$0	\$0	\$63,619	\$0
	<b>Total</b>	<b>1.5</b>	<b>\$190,856</b>	<b>\$0</b>	<b>\$0</b>	<b>\$190,856</b>	<b>\$0</b>
	<b>(4) Water and Natural Resources</b>						
	Federal and Interstate Water Unit	0.0	(\$45,000)	(\$45,000)	\$0	\$0	\$0
	Defense of the Republican River	0.0	\$130,000	\$0	\$0	\$130,000	\$0
	<b>Total</b>	<b>0.0</b>	<b>\$85,000</b>	<b>(\$45,000)</b>	<b>\$0</b>	<b>\$130,000</b>	<b>\$0</b>
	<b>(5) Consumer Protection</b>						
	Consumer Protection & Anti-Trust	(5.3)	(\$450,957)	\$0	\$0	(\$450,957)	\$0

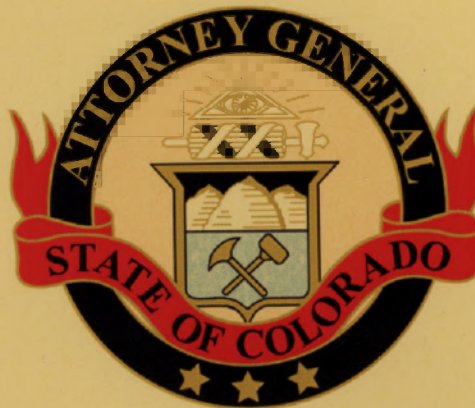
Colorado Department of Law  
 FY 2010-11 Budget Request  
 Schedule 7: Supplemental Bills Summary

Bill Number	Line Items	FTE	Total Funds	General Fund	Cash Funds	Cash Funds Exempt / Reappropriated Funds	Federal Funds
	<b>Total</b>	<b>(5.3)</b>	<b>(\$450,957)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$450,957)</b>	<b>\$0</b>
	<b>(6) Special Purpose</b>						
	Fraudulent Document (SB06-110)	(1.0)	(\$65,874)	\$0	(\$65,874)	\$0	\$0
	Referendum K	(0.5)	(\$20,000)	(\$20,000)			\$0
	<b>Total</b>	<b>(1.5)</b>	<b>(\$85,874)</b>	<b>(\$20,000)</b>	<b>(\$65,874)</b>	<b>\$0</b>	<b>\$0</b>
<b>Total HB 08-1290</b>		<b>(5.3)</b>	<b>(\$284,990)</b>	<b>(\$69,280)</b>	<b>(\$70,855)</b>	<b>(\$144,502)</b>	<b>(\$353)</b>
FY 2006-07							
<b>SB 07-168</b>	<b>(1) Administration</b>						
	Workers' Compensation	0.0	\$5,838	\$1,793	\$414	\$3,489	\$142
	Administrative Law Judge Services	0.0	\$1,186	\$0	\$1,186	\$0	\$0
	Purchases of Services from Computer Center	0.0	\$24,675	\$24,675	\$0	\$0	\$0
	Payment to Risk Management and Property Funds	0.0	\$23,465	\$23,465	\$0	\$0	\$0
	Vehicle Lease Payment	0.0	\$6,623	\$3,008	\$704	\$1,530	\$1,381
	ADP Capital Outlay	0.0	\$2,725	\$2,725	\$0	\$0	\$0
	Communication Services Payments	0.0	\$1,111	\$441	\$79	\$234	\$357
	<b>Total</b>	<b>0.0</b>	<b>\$65,623</b>	<b>\$56,107</b>	<b>\$2,383</b>	<b>\$5,253</b>	<b>\$1,880</b>
	<b>(2) Legal Services to State Agencies</b>						
	Personal Services	2.5	\$204,308	\$0	\$0	\$204,308	\$0
	Operating and Litigation	0.0	\$102,154	\$0	\$0	\$102,154	\$0
	<b>Total</b>	<b>2.5</b>	<b>\$306,462</b>	<b>\$0</b>	<b>\$0</b>	<b>\$306,462</b>	<b>\$0</b>
	<b>(6) Special Purpose</b>						
	Referendum K	0.5	\$43,446	\$43,446	\$0	\$0	\$0
	Tobacco Litigation	0.0	\$125,000	\$0	\$0	\$125,000	\$0
	<b>Total</b>	<b>0.5</b>	<b>\$168,446</b>	<b>\$43,446</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>
<b>Total SB 07-168</b>		<b>3.0</b>	<b>\$540,531</b>	<b>\$99,553</b>	<b>\$2,383</b>	<b>\$436,715</b>	<b>\$1,880</b>



# **FY 10-11 Schedule 8 Common Policy Summary**

## **Old Format**



**SCHEDULE 8**  
**Common Policy Summary**

Health/Dental/Life	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$154,111	\$154,111			
Legal Services to State Agencies	\$800,567			\$800,567	
Appellate	\$140,684	\$140,684			
Capital Crimes	\$16,421	\$16,421			
Medicaid Fraud	\$32,157	\$8,015			\$24,142
POST Board	\$29,354		\$29,354		
Special Prosecution	\$42,265	\$37,202	\$5,063	\$0	\$0
Securities Fraud	\$16,542	\$1,058		\$15,484	
Insurance Fraud	\$17,479			\$17,479	
Victims Assistance	\$3,726	\$3,726			
Federal & Interstate Water	\$23,438	\$23,438			
CERCLA	\$18,798	\$18,798			
RMA Litigation	\$7,452	\$7,452			
Colorado River Litigation	\$11,275	\$11,275			
Consumer Protection & Anti-Trust	\$56,997	\$39,423	\$3,726	\$13,848	
Collection Agency Board	\$18,766		\$18,766		
UCCC	\$33,647		\$33,647		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 07-08</b>	<b>\$1,423,679</b>	<b>\$461,603</b>	<b>\$90,556</b>	<b>\$847,378</b>	<b>\$24,142</b>
<b>Actual FY 08-09</b>					
Administration	\$168,578	\$168,578			
Legal Services to State Agencies	\$999,681			\$999,681	
Appellate	\$167,462	\$167,462			
Capital Crimes	\$19,122	\$19,122			
Medicaid Fraud	\$61,505	\$15,376			\$46,129
POST Board	\$34,277		\$34,277		
Special Prosecution	\$49,838	\$49,000	\$838		
Securities Fraud	\$26,432	\$5,126		\$21,306	
Insurance Fraud	\$42,973			\$42,973	
Victims Assistance	\$4,449	\$4,449			
Federal & Interstate Water	\$26,386	\$26,386			
CERCLA	\$22,120	\$22,120			
RMA Litigation	\$8,899		\$8,899		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$77,623	\$45,261	\$32,362		
Collection Agency Board	\$32,724		\$32,724		
UCCC	\$32,037		\$32,037		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$1,774,106</b>	<b>\$522,880</b>	<b>\$141,137</b>	<b>\$1,063,960</b>	<b>\$46,129</b>



**SCHEDULE 8**  
**Common Policy Summary**

Health/Dental/Life	Total Funds	GF	CF	RA	FF
<b>Estimate FY 09-10</b>					
Administration	\$190,695	\$190,695			
Legal Services to State Agencies	\$1,136,254			\$1,136,254	
Appellate	\$129,738	\$129,738			
Medicaid Fraud	\$78,732	\$19,683			\$59,049
POST Board	\$17,747		\$17,747		
Special Prosecution	\$130,797	\$61,433	\$12,231	\$57,133	
Victims Assistance	\$4,672	\$4,672			
Federal & Interstate Water	\$25,698	\$25,698			
CERCLA	\$19,219	\$19,219			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$9,615	\$9,615			
Consumer Protection & Anti-Trust	\$114,749	\$73,661	\$39,881	\$1,207	
Collection Agency Board	\$36,439		\$36,439		
UCCC	\$46,313		\$46,313		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$1,940,668</b>	<b>\$534,414</b>	<b>\$152,611</b>	<b>\$1,194,594</b>	<b>\$59,049</b>
<b>Request FY 10-11</b>					
Administration	\$1,994,754	\$556,365	\$206,531	\$1,185,372	\$46,486
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$1,994,754</b>	<b>\$556,365</b>	<b>\$206,531</b>	<b>\$1,185,372</b>	<b>\$46,486</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>Short Term Disability</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Actual FY 07-08</b>					
Administration	\$2,938	\$2,938			
Legal Services to State Agencies	\$18,244			\$18,244	
Appellate	\$2,406	\$2,406			
Capital Crimes	\$378	\$378			
Medicaid Fraud	\$1,171	\$270			\$901
POST Board	\$425		\$425		
Special Prosecution	\$1,185	\$974	\$211	\$0	\$0
Securities Fraud	\$503	\$173		\$330	
Insurance Fraud	\$642			\$642	
Victims Assistance	\$81	\$81			
Federal & Interstate Water	\$484	\$484			
CERCLA	\$453	\$453			
RMA Litigation	\$199	\$199			
Colorado River Litigation	\$350	\$350			
Consumer Protection & Anti-Trust	\$1,339	\$865	\$59	\$415	
Collection Agency Board	\$261		\$261		
UCCC	\$876		\$876		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 07-08</b>	<b>\$31,935</b>	<b>\$9,571</b>	<b>\$1,832</b>	<b>\$19,631</b>	<b>\$901</b>
<b>Actual FY 08-09</b>					
Administration	\$3,156	\$3,156			
Legal Services to State Agencies	\$20,339			\$20,339	
Appellate	\$2,598	\$2,598			
Capital Crimes	\$411	\$411			
Medicaid Fraud	\$2,437	\$1,303			\$1,134
POST Board	\$465		\$465		
Special Prosecution	\$1,209	\$978	\$231		
Securities Fraud	\$374			\$374	
Insurance Fraud	\$696			\$696	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$493	\$493			
CERCLA	\$415	\$415			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$352	\$352			
Consumer Protection & Anti-Trust	\$1,739	\$966	\$522	\$251	
Collection Agency Board	\$442		\$442		
UCCC	\$1,214		\$1,214		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$36,340</b>	<b>\$10,672</b>	<b>\$2,874</b>	<b>\$21,660</b>	<b>\$1,134</b>

**SCHEDULE 8**  
**Common Policy Summary**

Short Term Disability	Total Funds	GF	CF	RA	FF
<b>Estimate FY 09-10</b>					
Administration	\$3,248	\$3,248			
Legal Services to State Agencies	\$19,985			\$19,985	
Appellate	\$2,883	\$2,883			
Capital Crimes	\$402	\$402			
Medicaid Fraud	\$1,397	\$409			\$988
POST Board	\$440		\$440		
Special Prosecution	\$1,513	\$1,253	\$260		
Securities Fraud	\$660	\$213		\$447	
Insurance Fraud	\$799			\$799	
Victims Assistance	\$89	\$89			
Federal & Interstate Water	\$587	\$587			
CERCLA	\$482	\$482			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$387	\$387			
Consumer Protection & Anti-Trust	\$1,996	\$1,126	\$574	\$296	
Collection Agency Board	\$360		\$360		
UCCC	\$1,328		\$1,328		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$36,556</b>	<b>\$11,079</b>	<b>\$2,962</b>	<b>\$21,527</b>	<b>\$988</b>
<b>Request FY 10-11</b>					
Administration	\$42,246	\$12,824	\$3,527	\$24,773	\$1,122
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$42,246</b>	<b>\$12,824</b>	<b>\$3,527</b>	<b>\$24,773</b>	<b>\$1,122</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>S.B. 04-257 Amortization Equalization Disbursement</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Actual FY 07-08</b>					
Administration	\$27,641	\$27,641			
Legal Services to State Agencies	\$172,668			\$172,668	
Appellate	\$23,515	\$23,515			
Capital Crimes	\$3,686	\$3,686			
Medicaid Fraud	\$11,061	\$2,549			\$8,512
POST Board	\$4,004		\$4,004		
Special Prosecution	\$11,484	\$9,485	\$1,999	\$0	\$0
Securities Fraud	\$6,071			\$6,071	
Insurance Fraud	\$4,805	\$1,676		\$3,129	
Victims Assistance	\$784	\$784			
Federal & Interstate Water	\$4,731	\$4,731			
CERCLA	\$4,415	\$4,415		\$0	
RMA Litigation	\$1,943	\$1,943			
Colorado River Litigation	\$3,412	\$3,412			
Consumer Protection & Anti-Trust	\$12,917	\$8,435	\$558	\$3,924	
Collection Agency Board	\$2,438		\$2,438		
UCCC	\$8,230		\$8,230		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 07-08</b>	<b>\$303,805</b>	<b>\$92,272</b>	<b>\$17,229</b>	<b>\$185,792</b>	<b>\$8,512</b>
<b>Actual FY 08-09</b>					
Administration	\$37,945	\$37,945			
Legal Services to State Agencies	\$249,805			\$249,805	
Appellate	\$30,480	\$30,480			
Capital Crimes	\$4,563	\$4,563			
Medicaid Fraud	\$28,473	\$14,522			\$13,951
POST Board	\$5,719		\$5,719		
Special Prosecution	\$14,622	\$11,784	\$2,838		
Securities Fraud	\$6,419	\$1,815		\$4,604	
Insurance Fraud	\$8,570			\$8,570	
Victims Assistance	\$1,090	\$1,090			
Federal & Interstate Water	\$6,573	\$6,573			
CERCLA	\$5,620	\$5,620			
RMA Litigation	\$2,688		\$2,688		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$20,323	\$10,295	\$6,945	\$3,083	
Collection Agency Board	\$4,214		\$4,214		
UCCC	\$13,485		\$13,485		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$440,589</b>	<b>\$124,687</b>	<b>\$35,889</b>	<b>\$266,062</b>	<b>\$13,951</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>S.B. 04-257 Amortization Equalization Disbursement</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 09-10</b>					
Administration	\$47,556	\$47,556			
Legal Services to State Agencies	\$324,136			\$324,136	
Appellate	\$42,181	\$42,181			
Capital Crimes	\$6,098	\$6,098			
Medicaid Fraud	\$21,802	\$5,451			\$16,351
POST Board	\$7,045		\$7,045		
Special Prosecution	\$21,200	\$17,482	\$3,718	\$0	
Securities Fraud	\$8,618	\$2,846		\$5,772	
Insurance Fraud	\$10,307			\$10,307	
Victims Assistance	\$1,342	\$1,342			
Federal & Interstate Water	\$8,144	\$8,144			
CERCLA	\$6,936	\$6,936			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$5,494	\$5,494			
Consumer Protection & Anti-Trust	\$27,498	\$15,924	\$7,755	\$3,819	
Collection Agency Board	\$5,335		\$5,335		
UCCC	\$17,130		\$17,130		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$560,822</b>	<b>\$159,454</b>	<b>\$40,983</b>	<b>\$344,034</b>	<b>\$16,351</b>
<b>Request FY10-11</b>					
Administration	\$654,131	\$198,573	\$54,607	\$383,576	\$17,375
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$654,131</b>	<b>\$198,573</b>	<b>\$54,607</b>	<b>\$383,576</b>	<b>\$17,375</b>

## SCHEDULE 8 Common Policy Summary

S.B. 06-235 Supplemental Amortization Equalization	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$5,906	\$5,906			
Legal Services to State Agencies	\$37,001			\$37,001	
Appellate	\$4,083	\$4,083			
Capital Crimes	\$640	\$640			
Medicaid Fraud	\$2,370	\$546			\$1,824
POST Board	\$858		\$858		
Special Prosecution	\$2,075	\$1,647	\$428		
Securities Fraud	\$961	\$291		\$670	
Insurance Fraud	\$2,067	\$766		\$1,301	
Victims Assistance	\$136	\$136			
Federal & Interstate Water	\$821	\$821			
CERCLA	\$0	\$0			
RMA Litigation	\$337	\$337			
Colorado River Litigation	\$592	\$592			
Consumer Protection & Anti-Trust	\$2,425	\$1,464	\$120	\$841	
Collection Agency Board	\$522		\$522		
UCCC	\$1,764		\$1,764		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 07-08</b>	<b>\$62,558</b>	<b>\$17,229</b>	<b>\$3,692</b>	<b>\$39,813</b>	<b>\$1,824</b>
<b>Actual FY 08-09</b>					
Administration	\$17,808	\$17,808			
Legal Services to State Agencies	\$117,341			\$117,341	
Appellate	\$14,601	\$14,601			
Capital Crimes	\$2,242	\$2,242			
Medicaid Fraud	\$9,220	\$2,681			\$6,539
POST Board	\$2,681		\$2,681		
Special Prosecution	\$7,653	\$6,323	\$1,330		
Securities Fraud	\$3,183	\$1,025		\$2,158	
Insurance Fraud	\$4,018			\$4,018	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$3,131	\$3,131			
CERCLA	\$2,709	\$2,709			
RMA Litigation	\$1,260		\$1,260		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$10,164	\$5,709	\$3,010	\$1,445	
Collection Agency Board	\$1,976		\$1,976		
UCCC	\$6,321		\$6,321		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$204,308</b>	<b>\$56,229</b>	<b>\$16,578</b>	<b>\$124,962</b>	<b>\$6,539</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>S.B. 06-235 Supplemental Amortization Equalization</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 09-10</b>					
Administration	\$29,218	\$29,218			
Legal Services to State Agencies	\$202,585			\$202,585	
Appellate	\$25,916	\$25,916			
Capital Crimes	\$3,747	\$3,747			
Medicaid Fraud	\$13,626	\$3,407			\$10,219
POST Board	\$4,403		\$4,403		
Special Prosecution	\$13,066	\$10,741	\$2,325		
Securities Fraud	\$5,357	\$1,749		\$3,608	
Insurance Fraud	\$6,442			\$6,442	
Victims Assistance	\$825	\$825			
Federal & Interstate Water	\$5,004	\$5,004			
CERCLA	\$4,268	\$4,268			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$3,375	\$3,375			
Consumer Protection & Anti-Trust	\$17,016	\$9,784	\$4,845	\$2,387	
Collection Agency Board	\$3,335		\$3,335		
UCCC	\$10,706		\$10,706		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$348,889</b>	<b>\$98,034</b>	<b>\$25,614</b>	<b>\$215,022</b>	<b>\$10,219</b>
<b>Request FY10-11</b>					
Administration	\$476,974	\$144,794	\$39,818	\$279,693	\$12,669
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$476,974</b>	<b>\$144,794</b>	<b>\$39,818</b>	<b>\$279,693</b>	<b>\$12,669</b>

**SCHEDULE 8**  
**Common Policy Summary**

Salary Survey for Classified Employees	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$62,982	\$62,982			
Legal Services to State Agencies	\$89,467			\$89,467	
Appellate	\$3,827	\$3,827			
Capital Crimes	\$3,348	\$3,348			
Medicaid Fraud	\$23,844	\$5,893			\$17,951
POST Board	\$12,387		\$12,387		
Special Prosecution	\$15,036	\$11,718	\$3,318	\$0	\$0
Securities Fraud	\$7,507	\$4,982	\$0	\$2,525	
Insurance Fraud	\$11,910			\$11,910	
Victims Assistance	\$2,384	\$2,384			
Federal & Interstate Water	\$2,290	\$2,290			
CERCLA	\$5,964	\$5,964		\$0	
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$2,317	\$2,317			
Consumer Protection & Anti-Trust	\$15,741	\$9,026	\$1,755	\$4,960	\$0
Collection Agency Board	\$4,303		\$4,303		
UCCC	\$15,634		\$15,634		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 07-08</b>	<b>\$278,941</b>	<b>\$114,731</b>	<b>\$37,397</b>	<b>\$108,862</b>	<b>\$17,951</b>
<b>Actual FY 08-09</b>					
Administration	\$0	\$0			
Legal Services to State Agencies	\$115,493			\$115,493	
Appellate	\$4,526	\$4,526			
Capital Crimes	\$3,254	\$3,254			
Medicaid Fraud	\$19,164	\$0			\$19,164
POST Board	\$15,320		\$15,320		
Special Prosecution	\$15,602	\$12,562	\$3,040		
Securities Fraud	\$7,245	\$4,152		\$3,093	
Insurance Fraud	\$10,058			\$10,058	
Victims Assistance	\$2,960	\$2,960			
Federal & Interstate Water	\$2,852	\$2,852			
CERCLA	\$7,888	\$7,888			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$17,181	\$10,043	\$7,138		
Collection Agency Board	\$7,553		\$7,553		
UCCC	\$22,017		\$22,017		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$251,113</b>	<b>\$48,237</b>	<b>\$55,068</b>	<b>\$128,644</b>	<b>\$19,164</b>



## SCHEDULE 8 Common Policy Summary

Salary Survey for Classified Employees	Total Funds	GF	CF	RA	FF
<b>Estimate FY 09-10</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 10-11</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Salary Survey for Exempt Employees	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$17,838	\$17,838			
Legal Services to State Agencies	\$515,288			\$515,288	
Appellate	\$86,017	\$86,017			
Capital Crimes	\$9,803	\$9,803			
Medicaid Fraud	\$11,841	\$2,253			\$9,588
POST Board	\$0				
Special Prosecution	\$21,146	\$17,396	\$3,750	\$0	\$0
Securities Fraud	\$8,791		\$0	\$8,791	
Insurance Fraud	\$8,322	\$0	\$0	\$8,322	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$15,709	\$15,709			
CERCLA	\$9,200	\$9,200		\$0	
RMA Litigation	\$7,674	\$7,674			
Colorado River Litigation	\$8,661	\$8,661			
Consumer Protection & Anti-Trust	\$30,989	\$21,534	\$0	\$9,455	
Collection Agency Board	\$1,861		\$1,861	\$0	
UCCC	\$6,694		\$6,694	\$0	
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 07-08</b>	<b>\$759,834</b>	<b>\$196,084</b>	<b>\$12,305</b>	<b>\$541,856</b>	<b>\$9,588</b>
<b>Actual FY 08-09</b>					
Administration	\$16,034	\$16,034			
Legal Services to State Agencies	\$445,619			\$445,619	
Appellate	\$75,571	\$75,571			
Capital Crimes	\$6,629	\$6,629			
Medicaid Fraud	\$6,374	\$1,593			\$4,781
POST Board	\$0				
Special Prosecution	\$15,208	\$12,449	\$2,759		
Securities Fraud	\$6,723	\$0		\$6,723	
Insurance Fraud	\$6,013			\$6,013	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$13,025	\$13,025			
CERCLA	\$7,138	\$7,138			
RMA Litigation	\$0		\$0		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$37,270	\$22,820	\$11,223	\$3,227	
Collection Agency Board	\$4,988		\$4,988		
UCCC	\$8,724		\$8,724		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$649,316</b>	<b>\$155,259</b>	<b>\$27,694</b>	<b>\$461,582</b>	<b>\$4,781</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>Salary Survey for Exempt Employees</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 09-10</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 10-11</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Performance-based Pay Awards for Classified Employees	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$24,149			\$24,149	
Legal Services to State Agencies	\$42,822			\$42,822	
Appellate	\$2,366	\$2,366			
Capital Crimes	\$414	\$414			
Medicaid Fraud	\$10,313	\$2,578			\$7,735
POST Board	\$1,155	\$0	\$1,155		\$0
Special Prosecution	\$8,720	\$7,328	\$1,392	\$0	\$0
Securities Fraud	\$2,334	\$1,542		\$792	
Insurance Fraud	\$3,681			\$3,681	
Victims Assistance	\$718	\$718			
Federal & Interstate Water	\$2,081	\$2,081			
CERCLA	\$3,914	\$3,914		\$0	
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$695	\$695			
Consumer Protection & Anti-Trust	\$4,629	\$3,907	\$722	\$0	
Collection Agency Board	\$2,971		\$2,971	\$0	
UCCC	\$11,248		\$11,248		
Reversions/Lapsed Appropriation					
<b>Department Total FY 07-08</b>	<b>\$122,210</b>	<b>\$25,543</b>	<b>\$17,488</b>	<b>\$71,444</b>	<b>\$7,735</b>
<b>Actual FY 08-09</b>					
Administration	\$7,700	\$7,700			
Legal Services to State Agencies	\$42,999			\$42,999	
Appellate	\$1,740	\$1,740			
Capital Crimes	\$1,608	\$1,608			
Medicaid Fraud	\$12,480	\$3,120			\$9,360
POST Board	\$5,543		\$5,543		
Special Prosecution	\$7,709	\$6,240	\$1,469		
Securities Fraud	\$3,388	\$2,239		\$1,149	
Insurance Fraud	\$4,906			\$4,906	
Victims Assistance	\$1,056	\$1,056			
Federal & Interstate Water	\$1,014	\$1,014			
CERCLA	\$2,809	\$2,809			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$6,198	\$3,225	\$2,973		
Collection Agency Board	\$2,774		\$2,774		
UCCC	\$8,052		\$8,052		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$109,976</b>	<b>\$30,751</b>	<b>\$20,811</b>	<b>\$49,054</b>	<b>\$9,360</b>

## SCHEDULE 8 Common Policy Summary

Performance-based Pay Awards for Classified Employees	Total Funds	GF	CF	RA	FF
<b>Estimate FY 09-10</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 10-11</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Employees Performance-Pay Awards for Exempt Employees	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$1,364	\$1,364			
Legal Services to State Agencies	\$174,656			\$174,656	
Appellate	\$36,736	\$36,736			
Capital Crimes	\$1,725	\$1,725			
Medicaid Fraud	\$4,808	\$1,539			\$3,269
POST Board	\$0	\$0			
Special Prosecution	\$7,739	\$5,875	\$1,864	\$0	\$0
Securities Fraud	\$2,956			\$2,956	
Insurance Fraud	\$2,794			\$2,794	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$4,331	\$4,331			
CERCLA	\$2,156	\$2,156			
RMA Litigation	\$1,760	\$1,760			
Colorado River Litigation	\$2,174	\$2,174			
Consumer Protection & Anti-Trust	\$10,885	\$8,922	\$0	\$1,963	
Collection Agency Board	\$1,200		\$1,200		
UCCC	\$1,069		\$1,069		
Reversions/Lapsed Appropriation					
<b>Department Total FY 07-08</b>	<b>\$256,353</b>	<b>\$66,582</b>	<b>\$4,133</b>	<b>\$182,369</b>	<b>\$3,269</b>
<b>Actual FY 08-09</b>					
Administration	\$6,006	\$6,006			
Legal Services to State Agencies	\$192,804			\$192,804	
Appellate	\$29,920	\$29,920			
Capital Crimes	\$3,293	\$3,293			
Medicaid Fraud	\$3,171	\$793			\$2,378
POST Board	\$0		\$0		
Special Prosecution	\$8,735	\$7,362	\$1,373		
Securities Fraud	\$3,306	\$0		\$3,306	
Insurance Fraud	\$2,955			\$2,955	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$5,786	\$5,786			
CERCLA	\$3,113	\$3,113			
RMA Litigation	\$0		\$0		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$12,920	\$8,557	\$3,240	\$1,123	
Collection Agency Board	\$2,508		\$2,508		
UCCC	\$4,364		\$4,364		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$278,881</b>	<b>\$64,830</b>	<b>\$11,485</b>	<b>\$200,188</b>	<b>\$2,378</b>

## SCHEDULE 8 Common Policy Summary

Employees Performance-Pay Awards for Exempt Employees	Total Funds	GF	CF	RA	FF
<b>Estimate FY 09-10</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 10-11</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Workers' Compensation	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$5,319	\$5,319			
Legal Services to State Agencies	\$27,935			\$27,935	
Appellate	\$3,856	\$3,856			
Capital Crimes	\$550	\$550			
Medicaid Fraud	\$2,007	\$539			\$1,468
POST Board	\$862		\$862		
Special Prosecution	\$1,854	\$1,495	\$359	\$0	\$0
Securities Fraud	\$793	\$276		\$517	
Insurance Fraud	\$1,092			\$1,092	
Victims Assistance	\$137	\$137			
Federal & Interstate Water	\$796	\$796			
CERCLA	\$661	\$661			
RMA Litigation	\$276	\$276			
Colorado River Litigation	\$550	\$550			
Consumer Protection & Anti-Trust	\$2,450	\$1,660	\$215	\$575	
Collection Agency Board	\$696		\$696		
UCCC	\$1,572		\$1,572		
Reversions/Lapsed Appropriation					
<b>Department Total FY 07-08</b>	<b>\$51,406</b>	<b>\$16,115</b>	<b>\$3,704</b>	<b>\$30,120</b>	<b>\$1,468</b>
<b>Actual FY 08-09</b>					
Administration	\$7,019	\$7,019			
Legal Services to State Agencies	\$35,515			\$35,515	
Appellate	\$5,048	\$5,048			
Capital Crimes	\$673	\$673			
Medicaid Fraud	\$2,418	\$589			\$1,829
POST Board	\$1,045		\$1,045		
Special Prosecution	\$2,168	\$1,733	\$435		
Securities Fraud	\$964	\$337		\$627	
Insurance Fraud	\$1,325			\$1,325	
Victims Assistance	\$168	\$168			
Federal & Interstate Water	\$926	\$926			
CERCLA	\$808	\$808			
RMA Litigation	\$348		\$348		
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$3,415	\$1,935	\$957	\$523	
Collection Agency Board	\$906		\$906		
UCCC	\$2,142		\$2,142		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$64,888</b>	<b>\$19,236</b>	<b>\$5,833</b>	<b>\$37,990</b>	<b>\$1,829</b>



**SCHEDULE 8**  
**Common Policy Summary**

<b>Workers' Compensation</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 09-10</b>					
Administration	\$5,690	\$5,690			
Legal Services to State Agencies	\$29,506			\$29,506	
Appellate	\$4,190	\$4,190			
Capital Crimes	\$541	\$541			
Medicaid Fraud	\$1,892	\$473			\$1,419
POST Board	\$811		\$811		
Special Prosecution	\$1,730	\$1,392	\$338		
Securities Fraud	\$758	\$270		\$488	
Insurance Fraud	\$1,027			\$1,027	
Victims Assistance	\$136	\$136			
Federal & Interstate Water	\$744	\$744			
CERCLA	\$473	\$473			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$540	\$540			
Consumer Protection & Anti-Trust	\$2,702	\$1,487	\$810	\$405	
Collection Agency Board	\$703		\$703		
UCCC	\$1,663		\$1,663		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$53,106</b>	<b>\$15,936</b>	<b>\$4,325</b>	<b>\$31,426</b>	<b>\$1,419</b>
<b>Request FY 10-11</b>					
Administration	\$58,406	\$17,730	\$4,876	\$34,249	\$1,551
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$58,406</b>	<b>\$17,730</b>	<b>\$4,876</b>	<b>\$34,249</b>	<b>\$1,551</b>

**SCHEDULE 8**  
**Common Policy Summary**

Vehicle Lease Payments	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$3,623	\$3,623			
Legal Services to State Agencies	\$10,280			\$10,280	
Appellate	\$0				
Capital Crimes	\$348	\$348			
Medicaid Fraud	\$11,218	\$2,637			\$8,581
POST Board	\$0				
Special Prosecution	\$2,691	\$2,121	\$570		
Securities Fraud	\$2,407			\$2,407	
Insurance Fraud	\$5,446			\$5,446	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$1,995	\$1,995			
Collection Agency Board	\$0				
UCCC	\$10,167		\$10,167		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 07-08</b>	<b>\$48,175</b>	<b>\$10,724</b>	<b>\$10,737</b>	<b>\$18,133</b>	<b>\$8,581</b>
<b>Actual FY 08-09</b>					
Administration	\$2,407	\$2,407			
Legal Services to State Agencies	\$20,797			\$20,797	
Appellate	\$0	\$0			
Capital Crimes	\$348	\$348			
Medicaid Fraud	\$12,995	\$3,249			\$9,746
POST Board	\$0	\$0	\$0		
Special Prosecution	\$5,543	\$4,447	\$1,096		
Securities Fraud	\$2,407			\$2,407	
Insurance Fraud	\$5,446			\$5,446	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$0	\$0			
CERCLA	\$0	\$0			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$4,916	\$1,995	\$0	\$2,921	
Collection Agency Board	\$0		\$0		
UCCC	\$10,266		\$10,266		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY08-09</b>	<b>\$65,125</b>	<b>\$12,446</b>	<b>\$11,362</b>	<b>\$31,571</b>	<b>\$9,746</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>Vehicle Lease Payments</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 09-10</b>					
Administration	\$2,509	\$2,509			
Legal Services to State Agencies	\$19,681			\$19,681	
Appellate	\$0	\$0			
Capital Crimes	\$2,106	\$2,106			
Medicaid Fraud	\$6,245	\$1,561			\$4,684
POST Board	\$0	\$0			
Special Prosecution	\$19,817	\$15,618	\$4,199		
Securities Fraud	\$2,509			\$2,509	
Insurance Fraud	\$5,650			\$5,650	
Victims Assistance	\$0	\$0			
Federal & Interstate Water	\$0	\$0			
CERCLA	\$0	\$0			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$0	\$0			
Consumer Protection & Anti-Trust	\$4,878	\$2,097		\$2,781	
Collection Agency Board	\$0				
UCCC	\$10,574		\$10,574		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$73,969</b>	<b>\$23,891</b>	<b>\$14,773</b>	<b>\$30,621</b>	<b>\$4,684</b>
<b>Request FY 10-11</b>					
Administration	\$73,054	\$23,789	\$15,697	\$28,884	\$4,684
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$73,054</b>	<b>\$23,789</b>	<b>\$15,697</b>	<b>\$28,884</b>	<b>\$4,684</b>

**SCHEDULE 8**  
**Common Policy Summary**

Capitol Complex Leased Space	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$125,428	\$125,428			
Legal Services to State Agencies	\$632,823			\$632,823	
Appellate	\$88,463	\$88,463			
Capital Crimes	\$12,638	\$12,638			
Medicaid Fraud	\$44,230	\$11,057			\$33,173
POST Board	\$18,956		\$18,956		
Special Prosecution	\$40,440	\$32,542	\$7,898		
Securities Fraud	\$17,692	\$6,319		\$11,373	
Insurance Fraud	\$24,011			\$24,011	
Victims Assistance	\$3,159	\$3,159			
Federal & Interstate Water	\$17,376	\$17,376			
CERCLA	\$15,165	\$15,165			
RMA Litigation	\$6,319	\$6,319			
Colorado River Litigation	\$12,638	\$12,638			
Consumer Protection & Anti-Trust	\$53,710	\$36,332	\$4,739	\$12,639	
Collection Agency Board	\$16,745		\$16,745		
UCCC	\$35,385		\$35,385		
Reversions/Lapsed Appropriation					
<b>Department Total FY 07-08</b>	<b>\$1,165,178</b>	<b>\$367,436</b>	<b>\$83,723</b>	<b>\$680,846</b>	<b>\$33,173</b>
<b>Actual FY 08-09</b>					
Administration	\$120,708	\$23,639		\$97,069	
Legal Services to State Agencies	\$627,964			\$627,964	
Appellate	\$86,794	\$86,794			
Capital Crimes	\$16,573	\$16,573			
Medicaid Fraud	\$42,464	\$10,126			\$32,338
POST Board	\$18,479		\$18,479		
Special Prosecution	\$37,498	\$29,799	\$7,699		
Securities Fraud	\$16,873	\$5,786		\$11,087	
Insurance Fraud	\$23,406			\$23,406	
Victims Assistance	\$2,893	\$2,893			
Federal & Interstate Water	\$15,912	\$15,912			
CERCLA	\$8,887	\$8,887			
RMA Litigation	\$6,160		\$6,160		
Colorado River Litigation	\$11,573	\$11,573			
Consumer Protection & Anti-Trust	\$59,447	\$33,270	\$16,938	\$9,239	
Collection Agency Board	\$16,015		\$16,015		
UCCC	\$37,881		\$37,881		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$1,149,527</b>	<b>\$245,252</b>	<b>\$103,172</b>	<b>\$768,765</b>	<b>\$32,338</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>Capitol Complex Leased Space</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 09-10</b>					
Administration	\$138,617	\$138,617			
Legal Services to State Agencies	\$718,711			\$718,711	
Appellate	\$102,062	\$102,062			
Capital Crimes	\$13,169	\$13,169			
Medicaid Fraud	\$46,093	\$11,523			\$34,570
POST Board	\$19,754		\$19,754		
Special Prosecution	\$42,142	\$33,911	\$8,231		
Securities Fraud	\$18,447	\$6,585		\$11,862	
Insurance Fraud	\$25,033			\$25,033	
Victims Assistance	\$3,292	\$3,292			
Federal & Interstate Water	\$18,109	\$18,109			
CERCLA	\$11,523	\$11,523			
RMA Litigation	\$0	\$0			
Colorado River Litigation	\$13,168	\$13,168			
Consumer Protection & Anti-Trust	\$65,848	\$36,215	\$19,756	\$9,877	
Collection Agency Board	\$17,121		\$17,121		
UCCC	\$40,495		\$40,495		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY09-10</b>	<b>\$1,293,584</b>	<b>\$388,174</b>	<b>\$105,357</b>	<b>\$765,483</b>	<b>\$34,570</b>
<b>Request FY 10-11</b>					
Administration	\$1,252,757	\$380,296	\$104,581	\$734,604	\$33,276
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$1,252,757</b>	<b>\$380,296</b>	<b>\$104,581</b>	<b>\$734,604</b>	<b>\$33,276</b>

**SCHEDULE 8**  
**Common Policy Summary**

Communication Service Payments	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$372	\$372			
Medicaid Fraud	\$2,229	\$557			\$1,672
POST Board	\$0				
Special Prosecution	\$1,486	\$1,114	\$372		
Securities Fraud	\$743			\$743	
Insurance Fraud	\$372			\$372	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$742	\$392		\$350	
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY07-08</b>	<b>\$5,944</b>	<b>\$2,435</b>	<b>\$372</b>	<b>\$1,465</b>	<b>\$1,672</b>
<b>Actual FY 08-09</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$296	\$296			
Medicaid Fraud	\$2,069	\$517			\$1,552
POST Board	\$0				
Special Prosecution	\$1,478	\$1,182	\$296		
Securities Fraud	\$591			\$591	
Insurance Fraud	\$1,182			\$1,182	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$592	\$313	\$279		
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY08-09</b>	<b>\$6,208</b>	<b>\$2,308</b>	<b>\$575</b>	<b>\$1,773</b>	<b>\$1,552</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>Communication Service Payments</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 09-10</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0	\$0			
Medicaid Fraud	\$2,069	\$517			\$1,552
POST Board	\$0				
Special Prosecution	\$3,547	\$1,478	\$296	\$1,773	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$592	\$313	\$279		
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$6,208</b>	<b>\$2,308</b>	<b>\$575</b>	<b>\$1,773</b>	<b>\$1,552</b>
<b>Request FY 10-11</b>					
Administration	\$6,208	\$2,308	\$575	\$1,773	\$1,552
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$6,208</b>	<b>\$2,308</b>	<b>\$575</b>	<b>\$1,773</b>	<b>\$1,552</b>

**SCHEDULE 8**  
**Common Policy Summary**

ADP	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$6,725	\$6,725			
Legal Services to State Agencies	\$26,900			\$26,900	
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$20,175	\$5,044			\$15,131
POST Board	\$0				
Special Prosecution	\$10,625	\$10,625			
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$6,725	\$6,725			
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$6,725	\$6,725			
Collection Agency Board	\$6,725			\$6,725	
UCCC	\$6,725			\$6,725	
Reversions/Lapsed Appropriation					
<b>Department Total FY 07-08</b>	<b>\$91,325</b>	<b>\$35,844</b>	<b>\$0</b>	<b>\$40,350</b>	<b>\$15,131</b>
<b>Actual FY 08-09</b>					
Administration	\$6,881	\$6,881		\$0	\$0
Legal Services to State Agencies	\$8,257			\$8,257	
Appellate	\$0	\$0			
Capital Crimes	\$0	\$0			
Medicaid Fraud	\$0	\$0			
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$15,138</b>	<b>\$6,881</b>	<b>\$0</b>	<b>\$8,257</b>	<b>\$0</b>



**SCHEDULE 8**  
**Common Policy Summary**

ADP	Total Funds	GF	CF	RA	FF
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$2,294	\$2,294			
Securities Fraud	\$2,294			\$2,294	
Insurance Fraud	\$2,294			\$2,294	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$6,882</b>	<b>\$2,294</b>	<b>\$0</b>	<b>\$4,588</b>	<b>\$0</b>
<b>Request FY 10-11</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>Information Technology</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Actual FY 07-08</b>					
Administration	\$0				
Legal Services to State Agencies	\$297,675			\$297,675	
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$9,048		\$9,048		
Special Prosecution	\$3,770		\$3,770		
Securities Fraud	\$5,429			\$5,429	
Insurance Fraud	\$11,461			\$11,461	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$8,293		\$2,261	\$6,032	
Collection Agency Board	\$6,786		\$6,786		
UCCC	\$15,834		\$15,834		
Reversions/Lapsed Appropriation					
<b>Department Total FY 07-08</b>	<b>\$358,296</b>	<b>\$0</b>	<b>\$37,699</b>	<b>\$320,597</b>	<b>\$0</b>
<b>Actual FY 08-09</b>					
Administration	\$5,697	\$5,697	\$0	\$0	\$0
Legal Services to State Agencies	\$330,598			\$330,598	
Appellate	\$7,587	\$7,587			
Capital Crimes	\$1,012	\$1,012			
Medicaid Fraud	\$2,956	\$885		\$0	\$2,071
POST Board	\$9,728		\$9,728		
Special Prosecution	\$6,658	\$2,605	\$4,053		
Securities Fraud	\$6,343	\$506		\$5,837	
Insurance Fraud	\$12,322			\$12,322	
Victims Assistance	\$252	\$252			
Federal & Interstate Water	\$1,041	\$1,041			
CERCLA	\$864	\$864			
RMA Litigation	\$3,204	\$356	\$2,848		
Colorado River Litigation	\$721	\$721			
Consumer Protection & Anti-Trust	\$15,190	\$1,409	\$8,918	\$4,863	
Collection Agency Board	\$8,430		\$8,430		
UCCC	\$19,745		\$19,745		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$432,348</b>	<b>\$22,935</b>	<b>\$53,722</b>	<b>\$353,620</b>	<b>\$2,071</b>

**SCHEDULE 8  
Comon Policy Summary**

<b>Information Technology</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Estimate FY 09-10</b>					
Administration	\$14,946	\$14,946			
Legal Services to State Agencies	\$321,177			\$321,177	
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$1,726	\$345			\$1,381
POST Board	\$8,550		\$8,550		
Special Prosecution	\$3,875		\$3,875		
Securities Fraud	\$5,580			\$5,580	
Insurance Fraud	\$12,290			\$12,290	
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$12,400		\$7,750	\$4,650	
Collection Agency Board	\$8,059		\$8,059		
UCCC	\$19,064		\$19,064		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$407,667</b>	<b>\$15,291</b>	<b>\$47,298</b>	<b>\$343,697</b>	<b>\$1,381</b>
<b>Request FY 10-11</b>					
Administration	\$407,667	\$15,291	\$47,298	\$343,697	\$1,381
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$407,667</b>	<b>\$15,291</b>	<b>\$47,298</b>	<b>\$343,697</b>	<b>\$1,381</b>

## SCHEDULE 8 Common Policy Summary

CLE Registration Fees	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation					
<b>ment Total FY 07-08</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual FY 08-09</b>					
Administration	\$1,874	\$1,874			
Legal Services to State Agencies	\$64,124			\$64,124	
Appellate	\$11,625	\$11,625			
Capital Crimes	\$750	\$750			
Medicaid Fraud	\$751	\$188		\$0	\$563
POST Board	\$0				
Special Prosecution	\$2,175	\$1,800	\$375		
Securities Fraud	\$788			\$788	
Insurance Fraud	\$788			\$788	
Victims Assistance	\$0				
Federal & Interstate Water	\$1,688	\$1,688			
CERCLA	\$938	\$938			
RMA Litigation	\$750		\$750		
Colorado River Litigation	\$1,125	\$1,125			
Consumer Protection & Anti-Trust	\$4,125	\$2,250	\$1,500	\$375	
Collection Agency Board	\$375		\$375		
UCCC	\$750		\$750		
Reversions/Lapsed Appropriation	\$0				
<b>ment Total FY 08-09</b>	<b>\$92,626</b>	<b>\$22,238</b>	<b>\$3,750</b>	<b>\$66,075</b>	<b>\$563</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>CLE Registration Fees</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>CFE</b>	<b>FF</b>
<b>Estimate FY 09-10</b>					
Administration	\$1,874	\$1,874			
Legal Services to State Agencies	\$64,124			\$64,124	
Appellate	\$11,625	\$11,625			
Medicaid Fraud	\$751	\$188		\$0	\$563
POST Board	\$0				
Special Prosecution	\$4,501	\$2,550	\$375	\$1,576	
Victims Assistance	\$0				
Federal & Interstate Water	\$1,688	\$1,688			
CERCLA	\$938	\$938			
RMA Litigation	\$750		\$750		
Colorado River Litigation	\$1,125	\$1,125			
Consumer Protection & Anti-Trust	\$4,125	\$2,250	\$1,500	\$375	
Collection Agency Board	\$375		\$375		
UCCC	\$750		\$750		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$92,626</b>	<b>\$22,238</b>	<b>\$3,750</b>	<b>\$66,075</b>	<b>\$563</b>
<b>Request FY 10-11</b>					
Administration	\$92,626	\$22,238	\$3,750	\$66,075	\$563
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$92,626</b>	<b>\$22,238</b>	<b>\$3,750</b>	<b>\$66,075</b>	<b>\$563</b>

**SCHEDULE 8**  
**Common Policy Summary**

Lease Space Storage	Total Funds	GF	CF	RA	FF
<b>Actual FY 07-08</b>					
Administration	\$473	\$473			
Legal Services to State Agencies	\$20,901			\$20,901	
Appellate	\$1,045	\$1,045			
Capital Crimes	\$0				
Medicaid Fraud	\$223	\$56			\$167
POST Board	\$0				
Special Prosecution	\$3,387	\$3,387			
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$1,218		\$1,218		
UCCC	\$2,439		\$2,439		
Reversions/Lapsed Appropriation					
<b>Department Total FY 07-08</b>	<b>\$29,686</b>	<b>\$4,961</b>	<b>\$3,657</b>	<b>\$20,901</b>	<b>\$167</b>
<b>Actual FY 08-09</b>					
Administration	\$723	\$723	\$0	\$0	\$0
Legal Services to State Agencies	\$21,576			\$21,576	
Appellate	\$1,022	\$1,022			
Capital Crimes	\$0	\$0			
Medicaid Fraud	\$247	\$62		\$0	\$185
POST Board	\$0				
Special Prosecution	\$3,138	\$3,138			
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$1,092		\$1,092		
UCCC	\$2,203		\$2,203		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$30,001</b>	<b>\$4,945</b>	<b>\$3,295</b>	<b>\$21,576</b>	<b>\$185</b>

## Common Policy Summary

Lease Space Storage	Total Funds	GF	CF	RA	FF
<b>Estimate FY 09-10</b>					
Administration	\$783	\$783			
Legal Services to State Agencies	\$23,374			\$23,374	
Appellate	\$1,108	\$1,108			
Medicaid Fraud	\$268	\$67			\$201
POST Board	\$0				
Special Prosecution	\$3,399	\$3,399			
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$1,183		\$1,183		
UCCC	\$2,387		\$2,387		
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$32,502</b>	<b>\$5,357</b>	<b>\$3,570</b>	<b>\$23,374</b>	<b>\$201</b>
<b>Request FY 10-11</b>					
Administration	\$26,220	\$4,321	\$2,880	\$18,857	\$162
Legal Services to State Agencies	\$0				
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$26,220</b>	<b>\$4,321</b>	<b>\$2,880</b>	<b>\$18,857</b>	<b>\$162</b>

**SCHEDULE 8**  
**Common Policy Summary**

<b>Administrative Law Judge Services</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Actual FY 07-08</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$1,282		\$1,282		
UCCC	\$0				
Reversions/Lapsed Appropriation	(\$1,282)		(\$1,282)		
<b>Department Total FY 07-08</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual FY 08-09</b>					
Administration	\$0				
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



## Common Policy Summary

Administrative Law Judge Services	Total Funds	GF	CF	RA	FF
<b>Estimate FY 09-10</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 10-11</b>					
Administration	\$0	\$0	\$0	\$0	\$0
Legal Services to State Agencies	\$0				
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

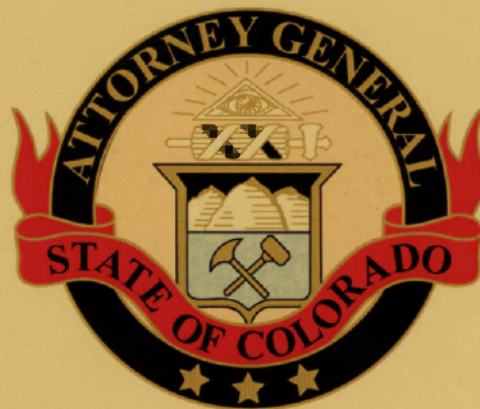
<b>Distribution of Special Bills to Line Item</b>	<b>Total Funds</b>	<b>GF</b>	<b>CF</b>	<b>RA</b>	<b>FF</b>
<b>Actual FY 07-08</b>					
Administration	\$0				
Legal Services to State Agencies	\$165,931			\$165,931	
Appellate	\$0				
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
<i>Special Purpose - DA's salary</i>	\$328,106	\$328,106			
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 07-08</b>	<b>\$494,037</b>	<b>\$328,106</b>	<b>\$0</b>	<b>\$165,931</b>	<b>\$0</b>
<b>Actual FY 08-09</b>					
Administration	\$0				
Legal Services to State Agencies	\$604,268			\$604,268	
Appellate	\$160,334	\$160,334			
Capital Crimes	\$0				
Medicaid Fraud	\$0				
POST Board	\$0				
Special Prosecution	\$0				
Securities Fraud	\$0				
Insurance Fraud	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$716,042	\$716,042			
Collection Agency Board	\$0				
UCCC	\$69,717			\$69,717	
<i>Special Purpose - DA's salary</i>	\$441,372	\$441,372			
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 08-09</b>	<b>\$1,991,733</b>	<b>\$1,317,748</b>	<b>\$69,717</b>	<b>\$604,268</b>	<b>\$0</b>

**SCHEDULE 8**  
**Common Policy Summary**

Distribution of Special Bills to Line Item	Total Funds	GF	CF	RA	FF
<b>Estimate FY 09-10</b>					
Medicaid Fraud	\$0				
POST Board	\$81,207	\$81,207			
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
<i>Special Purpose - DA's salary</i>	\$217,750	\$217,750			
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 09-10</b>	<b>\$298,957</b>	<b>\$298,957</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Request FY 10-11</b>					
Administration	\$0	GF	CF	RA	FF
Legal Services to State Agencies	\$155,794			\$155,794	
Appellate	\$0				
Medicaid Fraud	\$0				
POST Board	\$1,494,995		\$1,494,995		
Special Prosecution	\$0				
Victims Assistance	\$0				
Federal & Interstate Water	\$0				
CERCLA	\$0				
RMA Litigation	\$0				
Colorado River Litigation	\$0				
Consumer Protection & Anti-Trust	\$0				
Collection Agency Board	\$0				
UCCC	\$0				
<i>Special Purpose - DA's salary</i>	\$220,968	\$220,968			
Reversions/Lapsed Appropriation	\$0				
<b>Department Total FY 10-11</b>	<b>\$1,871,757</b>	<b>\$220,968</b>	<b>\$1,494,995</b>	<b>\$155,794</b>	<b>\$0</b>

# **FY 10-11 Schedule 8 Common Policy Summary**

## **OSPB Format**



**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Health/Dental/Life</b>					
<b>FY 2007-08</b>					
(1) Administration	\$154,111	\$154,111	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$800,567	\$0	\$0	\$800,567	\$0
(3) Criminal Justice and Appellate	\$298,628	\$207,106	\$34,417	\$32,963	\$24,142
(4) Water and Natural Resources	\$60,963	\$60,963	\$0	\$0	\$0
(5) Consumer Protection	\$109,410	\$39,423	\$56,139	\$13,848	\$0
Total Expenditures	\$1,423,679	\$461,603	\$90,556	\$847,378	\$24,142
Total Appropriated	\$1,423,679	\$461,603	\$90,556	\$847,378	\$24,142
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2008-09</b>					
(1) Administration	\$168,578	\$168,578	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$999,681	\$0	\$0	\$999,681	\$0
(3) Criminal Justice and Appellate	\$406,058	\$260,535	\$35,115	\$64,279	\$46,129
(4) Water and Natural Resources	\$57,405	\$48,506	\$8,899	\$0	\$0
(5) Consumer Protection	\$142,384	\$45,261	\$97,123	\$0	\$0
Total Expenditures	\$1,774,106	\$522,880	\$141,137	\$1,063,960	\$46,129
Total Appropriated	\$1,774,106	\$522,880	\$141,137	\$1,063,960	\$46,129
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$190,695	\$190,695	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$1,136,254	\$0	\$0	\$1,136,254	\$0
(3) Criminal Justice and Appellate	\$361,686	\$215,526	\$29,978	\$57,133	\$59,049
(4) Water and Natural Resources	\$54,532	\$54,532	\$0	\$0	\$0
(5) Consumer Protection	\$197,501	\$73,661	\$122,633	\$1,207	\$0
Total Expenditures	\$1,940,668	\$534,414	\$152,611	\$1,194,594	\$59,049
Total Appropriated	\$1,940,668	\$534,414	\$152,611	\$1,194,594	\$59,049
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$54,086	\$21,951	\$53,920	(\$9,222)	(\$12,563)
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$54,086	\$21,951	\$53,920	(\$9,222)	(\$12,563)
Total Appropriated	\$54,086	\$21,951	\$53,920	(\$9,222)	(\$12,563)
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

4-68

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Short-term Disability</b>					
FY 2007-08					
(1) Administration	\$2,938	\$2,938	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$18,244	\$0	\$0	\$18,244	\$0
(3) Criminal Justice and Appellate	\$6,791	\$4,282	\$636	\$972	\$901
(4) Water and Natural Resources	\$1,486	\$1,486	\$0	\$0	\$0
(5) Consumer Protection	\$2,476	\$865	\$1,196	\$415	\$0
Total Expenditures	\$31,935	\$9,571	\$1,832	\$19,631	\$901
Total Appropriated	\$31,935	\$9,571	\$1,832	\$19,631	\$901
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2008-09					
(1) Administration	\$3,156	\$3,156	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$20,339	\$0	\$0	\$20,339	\$0
(3) Criminal Justice and Appellate	\$8,190	\$5,290	\$696	\$1,070	\$1,134
(4) Water and Natural Resources	\$1,260	\$1,260	\$0	\$0	\$0
(5) Consumer Protection	\$3,395	\$966	\$2,178	\$251	\$0
Total Expenditures	\$36,340	\$10,672	\$2,874	\$21,660	\$1,134
Total Appropriated	\$36,340	\$10,672	\$2,874	\$21,660	\$1,134
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10 (if there is a change from the base request)					
(1) Administration	\$3,248	\$3,248	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$19,985	\$0	\$0	\$19,985	\$0
(3) Criminal Justice and Appellate	\$8,183	\$5,249	\$700	\$1,246	\$988
(4) Water and Natural Resources	\$1,456	\$1,456	\$0	\$0	\$0
(5) Consumer Protection	\$3,684	\$1,126	\$2,262	\$296	\$0
Total Expenditures	\$36,556	\$11,079	\$2,962	\$21,527	\$988
Total Appropriated	\$36,556	\$11,079	\$2,962	\$21,527	\$988
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 (if there is a change from the base request)					
(1) Administration	\$5,690	\$1,745	\$565	\$3,246	\$134
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$5,690	\$1,745	\$565	\$3,246	\$134
Total Appropriated	\$5,690	\$1,745	\$565	\$3,246	\$134
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>S.B. 04-257 Amortization Equalization Disbursement</b>					
<b>FY 2007-08</b>					
(1) Administration	\$27,641	\$27,641	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$172,668	\$0	\$0	\$172,668	\$0
(3) Criminal Justice and Appellate	\$65,410	\$41,695	\$6,003	\$9,200	\$8,512
(4) Water and Natural Resources	\$14,501	\$14,501	\$0	\$0	\$0
(5) Consumer Protection	\$23,585	\$8,435	\$11,226	\$3,924	\$0
Total Expenditures	\$303,805	\$92,272	\$17,229	\$185,792	\$8,512
Total Appropriated	\$303,805	\$92,272	\$17,229	\$185,792	\$8,512
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2008-09</b>					
(1) Administration	\$37,945	\$37,945	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$249,805	\$0	\$0	\$249,805	\$0
(3) Criminal Justice and Appellate	\$99,936	\$64,254	\$8,557	\$13,174	\$13,951
(4) Water and Natural Resources	\$14,881	\$12,193	\$2,688	\$0	\$0
(5) Consumer Protection	\$38,022	\$10,295	\$24,644	\$3,083	\$0
Total Expenditures	\$440,589	\$124,687	\$35,889	\$266,062	\$13,951
Total Appropriated	\$440,589	\$124,687	\$35,889	\$266,062	\$13,951
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$47,556	\$47,556	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$324,136	\$0	\$0	\$324,136	\$0
(3) Criminal Justice and Appellate	\$118,593	\$75,400	\$10,763	\$16,079	\$16,351
(4) Water and Natural Resources	\$20,574	\$20,574	\$0	\$0	\$0
(5) Consumer Protection	\$49,963	\$15,924	\$30,220	\$3,819	\$0
Total Expenditures	\$560,822	\$159,454	\$40,983	\$344,034	\$16,351
Total Appropriated	\$560,822	\$159,454	\$40,983	\$344,034	\$16,351
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$93,308	\$39,119	\$13,624	\$39,542	\$1,023
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$93,308	\$39,119	\$13,624	\$39,542	\$1,023
Total Appropriated	\$93,308	\$39,119	\$13,624	\$39,542	\$1,023
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

4-70

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
S.B. 06-235 Supplemental Amortization Equalization Disbursement					
FY 2007-08					
(1) Administration	\$5,906	\$5,906	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$37,001	\$0	\$0	\$37,001	\$0
(3) Criminal Justice and Appellate	\$13,190	\$8,109	\$1,286	\$1,971	\$1,824
(4) Water and Natural Resources	\$1,750	\$1,750	\$0	\$0	\$0
(5) Consumer Protection	\$4,711	\$1,464	\$2,406	\$841	\$0
Total Expenditures	\$62,558	\$17,229	\$3,692	\$39,813	\$1,824
Total Appropriated	\$62,558	\$17,229	\$3,692	\$39,813	\$1,824
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2008-09					
(1) Administration	\$17,808	\$17,808	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$117,341	\$0	\$0	\$117,341	\$0
(3) Criminal Justice and Appellate	\$43,598	\$26,872	\$4,011	\$6,176	\$6,539
(4) Water and Natural Resources	\$7,100	\$5,840	\$1,260	\$0	\$0
(5) Consumer Protection	\$18,461	\$5,709	\$11,307	\$1,445	\$0
Total Expenditures	\$204,308	\$56,229	\$16,578	\$124,962	\$6,539
Total Appropriated	\$204,308	\$56,229	\$16,578	\$124,962	\$6,539
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10 (if there is a change from the base request)					
(1) Administration	\$29,218	\$29,218	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$202,585	\$0	\$0	\$202,585	\$0
(3) Criminal Justice and Appellate	\$73,382	\$46,385	\$6,728	\$10,050	\$10,219
(4) Water and Natural Resources	\$12,647	\$12,647	\$0	\$0	\$0
(5) Consumer Protection	\$31,057	\$9,784	\$18,886	\$2,387	\$0
Total Expenditures	\$348,889	\$98,034	\$25,614	\$215,022	\$10,219
Total Appropriated	\$348,889	\$98,034	\$25,614	\$215,022	\$10,219
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 (if there is a change from the base request)					
(1) Administration	\$128,084	\$46,760	\$14,204	\$64,671	\$2,449
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$128,084	\$46,760	\$14,204	\$64,671	\$2,449
Total Appropriated	\$128,084	\$46,760	\$14,204	\$64,671	\$2,449
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0



Department of Law  
Schedule 8

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Salary Survey for Classified Employees</b>					
FY 2007-08					
(1) Administration	\$62,982	\$62,982	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$89,499	\$0	\$0	\$89,499	\$0
(3) Criminal Justice and Appellate	\$80,243	\$32,152	\$15,705	\$14,435	\$17,951
(4) Water and Natural Resources	\$10,571	\$10,571	\$0	\$0	\$0
(5) Consumer Protection	\$35,646	\$9,026	\$21,692	\$4,928	\$0
Total Expenditures	\$278,941	\$114,731	\$37,397	\$108,862	\$17,951
Total Appropriated	\$278,941	\$114,731	\$37,397	\$108,862	\$17,951
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2008-09					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$115,493	\$0	\$0	\$115,493	\$0
(3) Criminal Justice and Appellate	\$78,129	\$27,454	\$18,360	\$13,151	\$19,164
(4) Water and Natural Resources	\$10,740	\$10,740	\$0	\$0	\$0
(5) Consumer Protection	\$46,751	\$10,043	\$36,708	\$0	\$0
Total Expenditures	\$251,113	\$48,237	\$55,068	\$128,644	\$19,164
Total Appropriated	\$251,113	\$48,237	\$55,068	\$128,644	\$19,164
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10 (if there is a change from the base request)					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 (if there is a change from the base request)					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

4-72

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Salary Survey for Exempt Employees</b>					
FY 2007-08					
(1) Administration	\$17,838	\$17,838	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$515,288	\$0	\$0	\$515,288	\$0
(3) Criminal Justice and Appellate	\$145,920	\$115,469	\$3,750	\$17,113	\$9,588
(4) Water and Natural Resources	\$41,244	\$41,244	\$0	\$0	\$0
(5) Consumer Protection	\$39,544	\$21,534	\$8,555	\$9,455	\$0
Total Expenditures	\$759,834	\$196,085	\$12,305	\$541,856	\$9,588
Total Appropriated	\$759,834	\$196,085	\$12,305	\$541,856	\$9,588
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2008-09					
(1) Administration	\$16,034	\$16,034	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$445,619	\$0	\$0	\$445,619	\$0
(3) Criminal Justice and Appellate	\$116,518	\$96,242	\$2,759	\$12,736	\$4,781
(4) Water and Natural Resources	\$24,327	\$20,163	\$4,164	\$0	\$0
(5) Consumer Protection	\$46,818	\$22,820	\$20,771	\$3,227	\$0
Total Expenditures	\$649,316	\$155,259	\$27,694	\$461,582	\$4,781
Total Appropriated	\$649,316	\$155,259	\$27,694	\$461,582	\$4,781
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10 (if there is a change from the base request)					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 (if there is a change from the base request)					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Performance-based Pay Awards for Classified Employees</b>					
<b>FY 2007-08</b>					
(1) Administration	\$24,149	\$0	\$0	\$24,149	\$0
(2) Legal Services to State Agencies	\$42,822	\$0	\$0	\$42,822	\$0
(3) Criminal Justice and Appellate	\$29,701	\$14,946	\$2,547	\$4,473	\$7,735
(4) Water and Natural Resources	\$6,690	\$6,690	\$0	\$0	\$0
(5) Consumer Protection	\$18,848	\$3,907	\$14,941	\$0	\$0
Total Expenditures	\$122,210	\$25,543	\$17,488	\$71,444	\$7,735
Total Appropriated	\$122,210	\$25,543	\$17,488	\$71,444	\$7,735
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2008-09</b>					
(1) Administration	\$7,700	\$7,700	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$42,999	\$0	\$0	\$42,999	\$0
(3) Criminal Justice and Appellate	\$38,430	\$16,003	\$7,012	\$6,055	\$9,360
(4) Water and Natural Resources	\$3,823	\$3,823	\$0	\$0	\$0
(5) Consumer Protection	\$17,024	\$3,225	\$13,799	\$0	\$0
Total Expenditures	\$109,976	\$30,751	\$20,811	\$49,054	\$9,360
Total Appropriated	\$109,976	\$30,751	\$20,811	\$49,054	\$9,360
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Performance-based Pay Awards for Exempt Employees</b>					
<b>FY 2007-08</b>					
(1) Administration	\$1,364	\$1,364	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$174,656	\$0	\$0	\$174,656	\$0
(3) Criminal Justice and Appellate	\$56,758	\$45,875	\$1,864	\$5,750	\$3,269
(4) Water and Natural Resources	\$10,421	\$10,421	\$0	\$0	\$0
(5) Consumer Protection	\$13,154	\$8,922	\$2,269	\$1,963	\$0
Total Expenditures	\$256,353	\$66,582	\$4,133	\$182,369	\$3,269
Total Appropriated	\$256,353	\$66,582	\$4,133	\$182,369	\$3,269
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2008-09</b>					
(1) Administration	\$6,006	\$6,006	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$192,804	\$0	\$0	\$192,804	\$0
(3) Criminal Justice and Appellate	\$51,380	\$41,368	\$1,373	\$6,261	\$2,378
(4) Water and Natural Resources	\$11,498	\$8,899	\$2,599	\$0	\$0
(5) Consumer Protection	\$17,193	\$8,557	\$7,513	\$1,123	\$0
Total Expenditures	\$278,881	\$64,830	\$11,485	\$200,188	\$2,378
Total Appropriated	\$278,881	\$64,830	\$11,485	\$200,188	\$2,378
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Workers' Compensation</b>					
<b>FY 2007-08</b>					
(1) Administration	\$5,319	\$5,319	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$27,935	\$0	\$0	\$27,935	\$0
(3) Criminal Justice and Appellate	\$11,151	\$6,853	\$1,221	\$1,609	\$1,468
(4) Water and Natural Resources	\$2,283	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$4,718	\$1,660	\$2,483	\$575	\$0
Total Expenditures	\$51,406	\$16,115	\$3,704	\$30,119	\$1,468
Total Appropriated	\$51,406	\$16,115	\$3,704	\$30,119	\$1,468
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2008-09</b>					
(1) Administration	\$7,019	\$7,019	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$35,515	\$0	\$0	\$35,515	\$0
(3) Criminal Justice and Appellate	\$13,809	\$8,548	\$1,480	\$1,952	\$1,829
(4) Water and Natural Resources	\$2,082	\$1,734	\$348	\$0	\$0
(5) Consumer Protection	\$6,463	\$1,935	\$4,005	\$523	\$0
Total Expenditures	\$64,888	\$19,236	\$5,833	\$37,990	\$1,829
Total Appropriated	\$64,888	\$19,236	\$5,833	\$37,990	\$1,829
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$5,690	\$5,690	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$29,506	\$0	\$0	\$29,506	\$0
(3) Criminal Justice and Appellate	\$11,085	\$7,002	\$1,149	\$1,515	\$1,419
(4) Water and Natural Resources	\$1,757	\$1,757	\$0	\$0	\$0
(5) Consumer Protection	\$5,068	\$1,487	\$3,176	\$405	\$0
Total Expenditures	\$53,106	\$15,936	\$4,325	\$31,426	\$1,419
Total Appropriated	\$53,106	\$15,936	\$4,325	\$31,426	\$1,419
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$5,300	\$1,794	\$551	\$2,823	\$132
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$5,300	\$1,794	\$551	\$2,823	\$132
Total Appropriated	\$5,300	\$1,794	\$551	\$2,823	\$132
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

4-76

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Administrative Law Judge Services</b>					
FY 2007-08					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	(\$1,282)	\$0	(\$1,282)	\$0	\$0
Total Expenditures	(\$1,282)	\$0	(\$1,282)	\$0	\$0
Total Appropriated	(\$1,282)	\$0	(\$1,282)	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2008-09					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10 (if there is a change from the base request)					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 (if there is a change from the base request)					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Vehicle Lease Payments</b>					
<b>FY 2007-08</b>					
(1) Administration	\$3,623	\$3,623	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$10,280	\$0	\$0	\$10,280	\$0
(3) Criminal Justice and Appellate	\$22,110	\$5,106	\$570	\$7,853	\$8,581
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$12,162	\$1,995	\$10,167	\$0	\$0
Total Expenditures	\$48,175	\$10,724	\$10,737	\$18,133	\$8,581
Total Appropriated	\$48,175	\$10,724	\$10,737	\$18,133	\$8,581
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2008-09</b>					
(1) Administration	\$2,407	\$2,407	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$20,797	\$0	\$0	\$20,797	\$0
(3) Criminal Justice and Appellate	\$26,739	\$8,044	\$1,096	\$7,853	\$9,746
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$15,182	\$1,995	\$10,266	\$2,921	\$0
Total Expenditures	\$65,125	\$12,446	\$11,362	\$31,571	\$9,746
Total Appropriated	\$65,125	\$12,446	\$11,362	\$31,571	\$9,746
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$2,509	\$2,509	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$19,681	\$0	\$0	\$19,681	\$0
(3) Criminal Justice and Appellate	\$36,327	\$19,285	\$4,199	\$8,159	\$4,684
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$15,452	\$2,097	\$10,574	\$2,781	\$0
Total Expenditures	\$73,969	\$23,891	\$14,773	\$30,621	\$4,684
Total Appropriated	\$73,969	\$23,891	\$14,773	\$30,621	\$4,684
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	(\$915)	(\$102)	\$924	(\$1,737)	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	(\$915)	(\$102)	\$924	(\$1,737)	\$0
Total Appropriated	(\$915)	(\$102)	\$924	(\$1,737)	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Capitol Complex Leased Space</b>					
FY 2007-08					
(1) Administration	\$125,428	\$125,428	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$632,823	\$0	\$0	\$632,823	\$0
(3) Criminal Justice and Appellate	\$249,589	\$154,178	\$26,854	\$35,384	\$33,173
(4) Water and Natural Resources	\$51,498	\$51,498	\$0	\$0	\$0
(5) Consumer Protection	\$105,840	\$36,332	\$56,869	\$12,639	\$0
Total Expenditures	\$1,165,178	\$367,436	\$83,723	\$680,846	\$33,173
Total Appropriated	\$1,165,178	\$367,436	\$83,723	\$680,846	\$33,173
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2008-09					
(1) Administration	\$120,708	\$23,639	\$0	\$97,069	\$0
(2) Legal Services to State Agencies	\$627,964	\$0	\$0	\$627,964	\$0
(3) Criminal Justice and Appellate	\$244,980	\$151,971	\$26,178	\$34,493	\$32,338
(4) Water and Natural Resources	\$42,532	\$36,372	\$6,160	\$0	\$0
(5) Consumer Protection	\$113,343	\$33,270	\$70,834	\$9,239	\$0
Total Expenditures	\$1,149,527	\$245,252	\$103,172	\$768,765	\$32,338
Total Appropriated	\$1,149,527	\$245,252	\$103,172	\$768,765	\$32,338
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10 (if there is a change from the base request)					
(1) Administration	\$138,617	\$138,617	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$718,711	\$0	\$0	\$718,711	\$0
(3) Criminal Justice and Appellate	\$269,992	\$170,542	\$27,985	\$36,895	\$34,570
(4) Water and Natural Resources	\$42,800	\$42,800	\$0	\$0	\$0
(5) Consumer Protection	\$123,464	\$36,215	\$77,372	\$9,877	\$0
Total Expenditures	\$1,293,584	\$388,174	\$105,357	\$765,483	\$34,570
Total Appropriated	\$1,293,584	\$388,174	\$105,357	\$765,483	\$34,570
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 (if there is a change from the base request)					
(1) Administration	(\$40,827)	(\$7,878)	(\$776)	(\$30,879)	(\$1,294)
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	(\$40,827)	(\$7,878)	(\$776)	(\$30,879)	(\$1,294)
Total Appropriated	(\$40,827)	(\$7,878)	(\$776)	(\$30,879)	(\$1,294)
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0



Department of Law  
Schedule 8

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>ADP Capital Outlay</b>					
<b>FY 2007-08</b>					
(1) Administration	\$6,725	\$6,725	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$26,900	\$0	\$0	\$26,900	\$0
(3) Criminal Justice and Appellate	\$30,800	\$15,669	\$0	\$0	\$15,131
(4) Water and Natural Resources	\$6,725	\$6,725	\$0	\$0	\$0
(5) Consumer Protection	\$20,175	\$6,725	\$0	\$13,450	\$0
Total Expenditures	\$91,325	\$35,844	\$0	\$40,350	\$15,131
Total Appropriated	\$91,325	\$35,844	\$0	\$40,350	\$15,131
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2008-09</b>					
(1) Administration	\$6,881	\$6,881	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$8,257	\$0	\$0	\$8,257	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$15,138	\$6,881	\$0	\$8,257	\$0
Total Appropriated	\$15,138	\$6,881	\$0	\$8,257	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$13,764	\$9,176	\$0	\$4,588	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$13,764	\$9,176	\$0	\$4,588	\$0
Total Appropriated	\$13,764	\$9,176	\$0	\$4,588	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	(\$13,764)	(\$9,176)	\$0	(\$4,588)	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	(\$13,764)	(\$9,176)	\$0	(\$4,588)	\$0
Total Appropriated	(\$13,764)	(\$9,176)	\$0	(\$4,588)	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Information Technology</b>					
<b>FY 2007-08</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$297,675	\$0	\$0	\$297,675	\$0
(3) Criminal Justice and Appellate	\$29,708	\$0	\$12,818	\$16,890	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$30,913	\$0	\$24,881	\$6,032	\$0
Total Expenditures	\$358,296	\$0	\$37,699	\$320,597	\$0
Total Appropriated	\$358,296	\$0	\$37,699	\$320,597	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2008-09</b>					
(1) Administration	\$5,697	\$5,697	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$330,598	\$0	\$0	\$330,598	\$0
(3) Criminal Justice and Appellate	\$46,858	\$12,847	\$13,781	\$18,159	\$2,071
(4) Water and Natural Resources	\$5,830	\$2,982	\$2,848	\$0	\$0
(5) Consumer Protection	\$43,365	\$1,409	\$37,093	\$4,863	\$0
Total Expenditures	\$432,348	\$22,935	\$53,722	\$353,620	\$2,071
Total Appropriated	\$432,348	\$22,935	\$53,722	\$353,620	\$2,071
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$14,946	\$14,946	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$321,177	\$0	\$0	\$321,177	\$0
(3) Criminal Justice and Appellate	\$32,021	\$345	\$12,425	\$17,870	\$1,381
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$39,523	\$0	\$34,873	\$4,650	\$0
Total Expenditures	\$407,667	\$15,291	\$47,298	\$343,697	\$1,381
Total Appropriated	\$407,667	\$15,291	\$47,298	\$343,697	\$1,381
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Lease Space Storage					
FY 2007-08					
(1) Administration	\$473	\$473	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$20,901	\$0	\$0	\$20,901	\$0
(3) Criminal Justice and Appellate	\$4,655	\$4,488	\$0	\$0	\$167
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$3,657	\$0	\$3,657	\$0	\$0
Total Expenditures	\$29,686	\$4,961	\$3,657	\$20,901	\$167
Total Appropriated	\$29,686	\$4,961	\$3,657	\$20,901	\$167
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2008-09					
(1) Administration	\$723	\$723	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$21,576	\$0	\$0	\$21,576	\$0
(3) Criminal Justice and Appellate	\$4,407	\$4,222	\$0	\$0	\$185
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$3,295	\$0	\$3,295	\$0	\$0
Total Expenditures	\$30,001	\$4,945	\$3,295	\$21,576	\$185
Total Appropriated	\$30,001	\$4,945	\$3,295	\$21,576	\$185
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10 (if there is a change from the base request)					
(1) Administration	\$783	\$783	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$23,374	\$0	\$0	\$23,374	\$0
(3) Criminal Justice and Appellate	\$4,775	\$4,574	\$0	\$0	\$201
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$3,570	\$0	\$3,570	\$0	\$0
Total Expenditures	\$32,502	\$5,357	\$3,570	\$23,374	\$201
Total Appropriated	\$32,502	\$5,357	\$3,570	\$23,374	\$201
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 (if there is a change from the base request)					
(1) Administration	(\$6,282)	(\$1,036)	(\$690)	(\$4,517)	(\$39)
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	(\$6,282)	(\$1,036)	(\$690)	(\$4,517)	(\$39)
Total Appropriated	(\$6,282)	(\$1,036)	(\$690)	(\$4,517)	(\$39)
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

4-82

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Communication Service Payments</b>					
FY 2007-08					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$5,202	\$2,043	\$372	\$1,115	\$1,672
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$742	\$392	\$0	\$350	\$0
Total Expenditures	\$5,944	\$2,435	\$372	\$1,465	\$1,672
Total Appropriated	\$5,944	\$2,435	\$372	\$1,465	\$1,672
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2008-09					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$5,616	\$1,995	\$296	\$1,773	\$1,552
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$592	\$313	\$279	\$0	\$0
Total Expenditures	\$6,208	\$2,308	\$575	\$1,773	\$1,552
Total Appropriated	\$6,208	\$2,308	\$575	\$1,773	\$1,552
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10 (if there is a change from the base request)					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$5,616	\$1,995	\$296	\$1,773	\$1,552
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$592	\$313	\$279	\$0	\$0
Total Expenditures	\$6,208	\$2,308	\$575	\$1,773	\$1,552
Total Appropriated	\$6,208	\$2,308	\$575	\$1,773	\$1,552
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 (if there is a change from the base request)					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

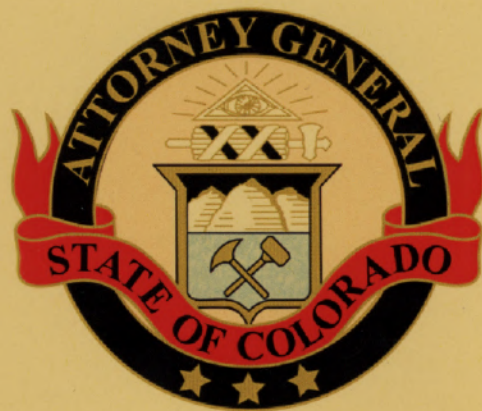
**Department of Law  
Schedule 8**

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>CLE Registration Fees</b>					
<b>FY 2007-08</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2008-09</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2009-10 (if there is a change from the base request)</b>					
(1) Administration	\$1,874	\$1,874	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$64,124	\$0	\$0	\$64,124	\$0
(3) Criminal Justice and Appellate	\$16,877	\$14,363	\$375	\$1,576	\$563
(4) Water and Natural Resources	\$4,501	\$3,751	\$750	\$0	\$0
(5) Consumer Protection	\$5,250	\$2,250	\$2,625	\$375	\$0
Total Expenditures	\$92,626	\$22,238	\$3,750	\$66,075	\$563
Total Appropriated	\$92,626	\$22,238	\$3,750	\$66,075	\$563
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
<b>FY 2010-11 (if there is a change from the base request)</b>					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

Department of Law  
Schedule 8

Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Building Security</b>					
FY 2007-08					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2008-09					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2009-10 (if there is a change from the base request)					
(1) Administration	\$21,066	\$21,066	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$108,832	\$14,329	\$0	\$94,503	\$0
(3) Criminal Justice and Appellate	\$41,525	\$26,084	\$4,253	\$5,934	\$5,254
(4) Water and Natural Resources	\$6,505	\$6,505	\$0	\$0	\$0
(5) Consumer Protection	\$18,765	\$6,005	\$11,259	\$1,501	\$0
Total Expenditures	\$196,693	\$73,989	\$15,512	\$101,938	\$5,254
Total Appropriated	\$196,693	\$73,989	\$15,512	\$101,938	\$5,254
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0
FY 2010-11 (if there is a change from the base request)					
(1) Administration	\$0	\$0	\$0	\$0	\$0
(2) Legal Services to State Agencies	\$0	\$0	\$0	\$0	\$0
(3) Criminal Justice and Appellate	\$0	\$0	\$0	\$0	\$0
(4) Water and Natural Resources	\$0	\$0	\$0	\$0	\$0
(5) Consumer Protection	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0
Total Appropriated	\$0	\$0	\$0	\$0	\$0
(Under)/Over Expenditures	\$0	\$0	\$0	\$0	\$0

# **FY 10-11 Schedule 9 Cash Fund Reports**



Schedule 9A: C. , Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 12W- Non-Profit Health Care Review  
 6-19-406(1)(b), C.R.S.

Available Liquid Cash Fund Balance	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Requested FY 2010-11	Projected FY 2011-12
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	\$2,801	\$2,801	\$2,801	\$2,801	\$2,801
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Actual Expenditure	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>	<b>\$2,801</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Request FY 2010-11	Projected FY 2011-12
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A



Schedule 9A: Cash Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 12W- Non-Profit Health Care Review  
6-19-406(1)(b), C.R.S.

	Actual	Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash Fund Reserve Balance<sup>1</sup></b>					
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	\$0	\$0	\$0	\$0	\$0
Assessment of Potential for Compliance (check all that apply)	Already in Compliance _____ Statute Change <sup>2</sup> _____ Planned Fee Reduction <sup>2</sup> _____ Planned One-time Expenditure(s) <sup>1</sup> _____ Planned Ongoing Expenditure(s) <sup>2</sup> _____ Waiver <sup>3</sup> _____				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Accepting grants for the implementation of article 6-19 C.R.S.
Fee Sources	N/A
Non-Fee Sources	Reimburse State legal costs associated with a change from non-profit to for-profit operation.
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Reviewing the transfer of non-profit hospital assets.
Revenue Drivers	None
Expenditure Drivers	None

Schedule 9A: Current Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 12W- Non-Profit Health Care Review  
 6-19-406(1)(b), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
---	-----

Fund Expenditures Line Item Detail						
Division Name: N/A	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Request FY 2010-11	Projected FY 2011-12	
Line Item Name	\$0	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Schedule 9A: Capital Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 13H - Attorney Fees & Cost

24-31-108, C.R.S.

Available Liquid Cash Fund Balance	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Requested FY 2010-11	Projected FY 2011-12
<b>Cash In Beginning Fund Balance <sup>1</sup></b>	<b>\$304,680</b>	<b>\$429,547</b>	<b>\$440,623</b>	<b>\$415,623</b>	<b>\$390,623</b>
Actual / anticipated revenue from court awards	\$267,118	\$105,671	\$25,000	\$25,000	\$25,000
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$267,118</b>	<b>\$105,671</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$25,000</b>
Actual Expenditure -	\$142,251	\$94,595	\$50,000	\$50,000	\$50,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$142,251</b>	<b>\$94,595</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$50,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$429,547</b>	<b>\$440,623</b>	<b>\$415,623</b>	<b>\$390,623</b>	<b>\$365,623</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$429,547</b>	<b>\$440,623</b>	<b>\$415,623</b>	<b>\$390,623</b>	<b>\$365,623</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Request FY 2010-11	Projected FY 2011-12
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2010-11 Budget Request**  
**Fund 13H - Attorney Fees & Cost**  
**24-31-108, C.R.S.**

	Actual	Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash Fund Reserve Balance<sup>1</sup></b>					
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	\$0	\$0	\$0	\$0	\$0
Assessment of Potential for Compliance (check all that apply)	___ Already in Compliance    Statute Change <sup>2</sup> ___ Planned Fee Reduction <sup>2</sup> ___ Planned One-time Expenditure(s) <sup>1</sup> ___ Planned Ongoing Expenditure(s) <sup>2</sup> ___ Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

**Cash Fund Narrative Information**

Purpose/Background of Fund	The 2000 session of the General Assembly established this account. Any award of attorneys fees and costs received by the Attorney General are to be deposited into this fund subject to appropriation.
Fee Sources	N/A
Non-Fee Sources	None
Long Bill Groups Supported by Fund	Litigation Management Fund; Consultant Expense Line;
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	These funds are to be used for legal services provided by the Attorney General's Office.
Revenue Drivers	Court awards of attorney fees and costs.
Expenditure Drivers	None

Schedule 9A: Capital Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 13H - Attorney Fees & Cost

24-31-108, C.R.S.

Explanation of any Long-term Liability Funding Requirements	None
---	------

Fund Expenditures Line Item Detail	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Request FY 2010-11	Projected FY 2011-12
<b>Division Name: Water &amp; Natural Resources</b>					
Defense of the Arkansas River Litigation	\$0	\$0	\$0	\$0	\$0
Consultant Expense	\$36,733	\$92,589	\$50,000	\$50,000	\$0
Division Subtotal	\$36,733	\$92,589	\$50,000	\$50,000	\$0
<b>Division Name: Special Purpose</b>					
Litigation Management Fund	\$105,518	\$2,006	\$0	\$0	\$0
Division Subtotal	\$105,518	\$2,006	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$142,251</b>	<b>\$94,595</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$0</b>



Schedule 9A: Capital Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 14P - POST Custodial

24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Requested FY 2010-11	Projected FY 2011-12
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	\$88,975	\$6,780	\$4,298	\$0	\$0
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$2,633	\$468	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$2,633</b>	<b>\$468</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Actual / appropriated / projected cash expenditures	\$84,828	\$2,950	\$4,298	\$0	\$0
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$84,828</b>	<b>\$2,950</b>	<b>\$4,298</b>	<b>\$0</b>	<b>\$0</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$6,780</b>	<b>\$4,298</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$6,780</b>	<b>\$4,298</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Request FY 2010-11	Projected FY 2011-12
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A



Schedule 9A: Cash Funds Reports

Department of Law  
 FY 2010-11 Budget Request  
 Fund 14P - POST Custodial  
 24-31-108(3), C.R.S.

Cash Fund Reserve Balance <sup>1</sup>	Actual	Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Assessment of Potential for Compliance (check all that apply)	Already in Compliance _____ Statute Change <sup>2</sup> _____ Planned Fee Reduction <sup>2</sup> _____ Planned One-time Expenditure(s) <sup>1</sup> _____ Planned Ongoing Expenditure(s) <sup>2</sup> _____ Waiver <sup>3</sup> _____				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Support regionalized training of Peace Officers
Fee Sources	N/A
Non-Fee Sources	Court award from US District Court
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	N/A
Statutory or Other Restriction on Use of Fund	N/A
Revenue Drivers	N/A
Expenditure Drivers	N/A

Schedule 9A: Court Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 14P - POST Custodial  
 24-31-108(3), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
---	-----

Fund Expenditures Line Item Detail		Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Request FY 2010-11	Projected FY 2011-12
Division Name: None						
Line Item Name		\$0	\$0	\$0	\$0	\$0
Line Item Name		\$0	\$0	\$0	\$0	\$0
Division Subtotal		\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Schedule 9A: Capital Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 16B - UCCC Custodial

24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Requested FY 2010-11	Projected FY 2011-12
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	<b>\$1,352,093</b>	<b>\$1,323,541</b>	<b>\$1,088,262</b>	<b>\$1,013,310</b>	<b>\$923,310</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$76,029	\$51,876	\$25,000	\$25,000	\$10,000
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$76,029</b>	<b>\$51,876</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$10,000</b>
Actual / appropriated / projected cash expenditures	\$104,581	\$287,155	\$99,952	\$115,000	\$120,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$104,581</b>	<b>\$287,155</b>	<b>\$99,952</b>	<b>\$115,000</b>	<b>\$120,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$1,323,541</b>	<b>\$1,088,262</b>	<b>\$1,013,310</b>	<b>\$923,310</b>	<b>\$813,310</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$1,323,541</b>	<b>\$1,088,262</b>	<b>\$1,013,310</b>	<b>\$923,310</b>	<b>\$813,310</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Request FY 2010-11	Projected FY 2011-12
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2010-11 Budget Request**  
Fund 16B - UCCC Custodial  
24-31-108(3), C.R.S.

	Actual		Estimated	Request	Projected
	FY 2007-08	FY 2008-09			
<b>Cash Fund Reserve Balance<sup>1</sup></b>					
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	\$0	\$0	\$0	\$0	\$0
Assessment of Potential for Compliance (check all that apply)	Already in Compliance		Statute Change <sup>2</sup>	Planned Fee Reduction <sup>2</sup>	
	Planned One-time Expenditure(s) <sup>1</sup>		Planned Ongoing Expenditure(s) <sup>2</sup>	Waiver <sup>3</sup>	

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

<b>Cash Fund Narrative Information</b>	
Purpose/Background of Fund	Providing moneys for educational purposes in the areas of consumer credit and lending and consumer protection enforcement efforts involving credit and lending.
Fee Sources	N/A
Non-Fee Sources	Custodial Awards
Long Bill Groups Supported by Fund	Consumer Protection & Anti-Trust
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	None
Revenue Drivers	Disciplinary and legal actions to correct UCCC violations discovered in compliance examinations or through consumer complaints.
Expenditure Drivers	None

Schedule 9A: Consumer Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 16B - UCCC Custodial

24-31-108(3), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
---	-----

Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Division Name: Consumer Protection</b>					
Consumer Protection & Anti-Trust	\$92,313	\$185,334	\$87,548	\$105,000	\$110,000
CP Indirect Costs	\$12,268	\$12,558	\$12,404	\$12,404	\$12,404
Division Subtotal	\$104,581	\$197,892	\$99,952	\$117,404	\$122,404
<b>Division Name: Special Purpose</b>					
State Services Building Security	\$0	\$688	\$0	\$0	\$0
Division Subtotal	\$0	\$688	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$104,581</b>	<b>\$198,580</b>	<b>\$99,952</b>	<b>\$117,404</b>	<b>\$122,404</b>



Schedule 9A: Capital Funds Reports  
 Department of Law  
 FY 2009-10 Budget Request  
 Fund 19A - CAB Custodial  
 24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual FY 2006-07	Actual FY 2007-08	Estimated FY 2008-09	Requested FY 2009-10	Projected FY 2010-11
<b>Cash in Beginning Fund Balance <sup>1</sup></b>	<b>\$35,346</b>	<b>\$64,571</b>	<b>\$105,711</b>	<b>\$107,711</b>	<b>\$109,711</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$42,298	\$43,031	\$2,000	\$2,000	\$2,000
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$42,298</b>	<b>\$43,031</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>\$2,000</b>
Actual / appropriated / projected cash expenditures	\$13,073	\$1,891	\$0	\$0	\$0
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$13,073</b>	<b>\$1,891</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$64,571</b>	<b>\$105,711</b>	<b>\$107,711</b>	<b>\$109,711</b>	<b>\$111,711</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$64,571</b>	<b>\$105,711</b>	<b>\$107,711</b>	<b>\$109,711</b>	<b>\$111,711</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual FY 2006-07	Actual FY 2007-08	Estimated FY 2008-09	Request FY 2009-10	Projected FY 2010-11
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A



**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2009-10 Budget Request**  
 Fund 19A - CAB Custodial  
 24-31-108(3), C.R.S.

4-102

	Actual	Actual	Estimated	Request	Projected
	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
<b>Cash Fund Reserve Balance<sup>1</sup></b>					
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	\$0	\$0	\$0	\$0	\$0
Assessment of Potential for Compliance (check all that apply)	___ Already in Compliance    ___ Statute Change <sup>2</sup> ___ Planned Fee Reduction <sup>2</sup> ___ Planned One-time Expenditure(s) <sup>1</sup> ___ Planned Ongoing Expenditure(s) <sup>2</sup> ___ Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

**Cash Fund Narrative Information**

Purpose/Background of Fund	Providing moneys for education purposes in the area of fair debt collection and consumer protection enforcement efforts involving the Colorado Fair Debt Collection Practices Act.
Fee Sources	N/A
Non-Fee Sources	Custodial Awards.
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	None
Revenue Drivers	Disciplinary and legal actions to remedy violations of the Colorado Fair Debt Collection Practices Act discovered in investigation consumer complaints.
Expenditure Drivers	None

Schedule 9A: C. , Funds Reports

Department of Law

FY 2009-10 Budget Request

Fund 19A - CAB Custodial

24-31-108(3), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
---	-----

Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Request	Projected
	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
Division Name: N/A					
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Schedule 9A: Capital Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 146 - Consumer Protection Custodial

24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	\$5,080,564	\$5,219,325	\$5,107,092	\$4,901,825	\$4,686,825
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$591,405	\$412,499	\$250,000	\$250,000	\$250,000
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$591,405</b>	<b>\$412,499</b>	<b>\$250,000</b>	<b>\$250,000</b>	<b>\$250,000</b>
Actual / appropriated / projected cash expenditures	\$452,644	\$524,731	\$455,267	\$465,000	\$465,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$452,644</b>	<b>\$524,731</b>	<b>\$455,267</b>	<b>\$465,000</b>	<b>\$465,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$5,219,325</b>	<b>\$5,107,092</b>	<b>\$4,901,825</b>	<b>\$4,686,825</b>	<b>\$4,471,825</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$5,219,325</b>	<b>\$5,107,092</b>	<b>\$4,901,825</b>	<b>\$4,686,825</b>	<b>\$4,471,825</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2010-11 Budget Request**  
 Fund 146 - Consumer Protection Custodial  
 24-31-108(3), C.R.S.

	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash Fund Reserve Balance<sup>1</sup></b>					
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	\$0	\$0	\$0	\$0	\$0
Assessment of Potential for Compliance (check all that apply)	___ Already in Compliance    ___ Statute Change <sup>2</sup> ___ Planned Fee Reduction <sup>2</sup> ___ Planned One-time Expenditure(s) <sup>1</sup> ___ Planned Ongoing Expenditure(s) <sup>2</sup> ___ Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

<b>Cash Fund Narrative Information</b>	
Purpose/Background of Fund	Consumer protection and Education Enforcement
Fee Sources	N/A
Non-Fee Sources	Consumer protection litigation court awards
Long Bill Groups Supported by Fund	Consumer Protection and Anti-Trust Appropriation
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Only used for consumer protection education and enforcement
Revenue Drivers	Depends on Consumer Protection Litigation
Expenditure Drivers	Depends on Consumer Protection Expenses

Schedule 9A: Consumer Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 146 - Consumer Protection Custodial

24-31-108(3), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
---	-----

Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Division Name: Consumer Protection</b>					
Consumer Protection & Anti-Trust	\$367,779	\$439,362	\$418,056	\$427,789	\$427,789
CP Indirect Costs	\$24,534	\$25,116	\$37,211	\$37,211	\$37,211
Division Subtotal	\$392,313	\$464,478	\$455,267	\$465,000	\$465,000
State Services Building Security	\$0	\$1,376	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$1,376	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$392,313</b>	<b>\$465,854</b>	<b>\$455,267</b>	<b>\$465,000</b>	<b>\$465,000</b>



Schedule 9A: C, Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 147 - Special Prosecution Custodial  
 18-17-106, C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	<b>\$14,982</b>	<b>\$7,226</b>	<b>\$24,703</b>	<b>\$14,953</b>	<b>\$5,203</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$250	\$250	\$250
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$566	\$34,746	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$566</b>	<b>\$34,746</b>	<b>\$250</b>	<b>\$250</b>	<b>\$250</b>
Actual / appropriated / projected cash expenditures	\$8,322	\$17,269	\$10,000	\$10,000	\$0
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$8,322</b>	<b>\$17,269</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$0</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$7,226</b>	<b>\$24,703</b>	<b>\$14,953</b>	<b>\$5,203</b>	<b>\$5,453</b>
Decision Item #1 - "Sample A"	N/A	N/A	0	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	0	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$7,226</b>	<b>\$24,703</b>	<b>\$7,726</b>	<b>\$7,976</b>	<b>\$5,453</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A



**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2010-11 Budget Request**  
**Fund 147 - Special Prosecution Custodial**  
**18-17-106, C.R.S.**

4-110

	Actual	Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash Fund Reserve Balance<sup>1</sup></b>					
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	\$0	\$0	\$0	\$0	\$0
Assessment of Potential for Compliance (check all that apply)	___ Already in Compliance    Statute Change <sup>2</sup> Planned Fee Reduction <sup>2</sup> ___ Planned One-time Expenditure(s) <sup>1</sup> Planned Ongoing Expenditure(s) <sup>2</sup> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

<b>Cash Fund Narrative Information</b>	
Purpose/Background of Fund	Forfeitures under the Colorado Organized Crime Act
Fee Sources	N/A
Non-Fee Sources	Interest on Fund Balance
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Reviewing the transfer of non-profit hospital assets.
Revenue Drivers	Court awards and interest
Expenditure Drivers	None

Schedule 9A: Capital Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 147 - Special Prosecution Custodial  
 18-17-106, C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
---	-----

Fund Expenditures Line Item Detail						
Division Name: Water & Natural Resources	Actual	Actual	Estimated	Request	Projected	
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	
Line Item Name	\$0	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Schedule 9A: Capital Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 148 - Natural Resources Custodial

24-31-108(3), C.R.S.

Available Liquid Cash Fund Balance	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Requested FY 2010-11	Projected FY 2011-12
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	\$286	\$144,525	\$135,285	\$114,285	\$17,285
Actual / Revenue	\$0	\$4,086	\$4,000	\$3,000	\$500
Actual / anticipated fees collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated cash transferred in	\$150,812	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$150,812</b>	<b>\$4,086</b>	<b>\$4,000</b>	<b>\$3,000</b>	<b>\$500</b>
Actual Expenditure	\$6,573	\$13,327	\$25,000	\$100,000	\$10,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$6,573</b>	<b>\$13,327</b>	<b>\$25,000</b>	<b>\$100,000</b>	<b>\$10,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$144,525</b>	<b>\$135,285</b>	<b>\$114,285</b>	<b>\$17,285</b>	<b>\$7,785</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$144,525</b>	<b>\$135,285</b>	<b>\$114,285</b>	<b>\$17,285</b>	<b>\$7,785</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Request FY 2010-11	Projected FY 2011-12
1. Fee Name	N/A	N/A	N/A	N/A	N/A
2. Fee Name	N/A	N/A	N/A	N/A	N/A
3. Fee Name	N/A	N/A	N/A	N/A	N/A

Schedule 9A: Cash Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 148 - Natural Resources Custodial

24-31-108(3), C.R.S.

	Actual	Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash Fund Reserve Balance<sup>1</sup></b>					
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$0	\$0	\$0	\$0	\$0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	N/A	N/A	N/A	N/A	N/A
<b>Excess Uncommitted Fee Reserve Balance</b>	\$0	\$0	\$0	\$0	\$0
Assessment of Potential for Compliance (check all that apply)	Already in Compliance _____ Statute Change <sup>2</sup> _____ Planned Fee Reduction <sup>2</sup> _____ Planned One-time Expenditure(s) <sup>1</sup> _____ Planned Ongoing Expenditure(s) <sup>2</sup> _____ Waiver <sup>3</sup> _____				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information

Purpose/Background of Fund	This fund was established approximately 12 years ago as a result of a court award. The award stipulated that these funds be used for legal services to the State Engineers office. Further additional dollars were deposited to pay for RMA NRDs assessment costs
Fee Sources	None
Non-Fee Sources	None
Long Bill Groups Supported by Fund	None
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	NRDs assessment costs and other NR related work
Revenue Drivers	None
Expenditure Drivers	CERCLA litigation or legal work by the State Engineer

Schedule 9A: Capital Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 148 - Natural Resources Custodial

24-31-108(3), C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A
---	-----

Fund Expenditures Line Item Detail						
Division Name: N/A	Actual FY 2007-08	Actual FY 2008-09	Estimated FY 2009-10	Request FY 2010-11	Projected FY 2011-12	
Line Item Name	\$0	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0	\$0
Line Item Name	\$0	\$0	\$0	\$0	\$0	\$0
Division Subtotal	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



Schedule 9A: C Funds Reports

Department of Law

FY 2009-10 Budget Request

Fund 150 - Collection Agency Board

12-14-101 to 12-14-137, C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	<b>\$153,306</b>	<b>\$141,638</b>	<b>\$154,949</b>	<b>\$75,514</b>	<b>\$50,514</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$385,873	\$459,493	\$375,000	\$450,000	\$485,000
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$385,873</b>	<b>\$459,493</b>	<b>\$375,000</b>	<b>\$450,000</b>	<b>\$485,000</b>
Actual Expenditure	\$397,541	\$446,182	\$454,435	\$475,000	\$495,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$397,541</b>	<b>\$446,182</b>	<b>\$454,435</b>	<b>\$475,000</b>	<b>\$495,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$141,638</b>	<b>\$154,949</b>	<b>\$75,514</b>	<b>\$50,514</b>	<b>\$40,514</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$141,638</b>	<b>\$154,949</b>	<b>\$75,514</b>	<b>\$50,514</b>	<b>\$40,514</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
1. Business Registration	\$374,695	\$450,545	\$370,000	\$447,000	\$483,500
2. Other Fines	\$0	N/A	N/A	N/A	N/A
3. Interest Income	\$11,178	\$8,948	\$5,000	\$3,000	\$1,500



Schedule 9A: Cash Funds Reports

Department of Law

FY 2009-10 Budget Request

Fund 150 - Collection Agency Board

12-14-101 to 12-14-137, C.R.S.

	Actual		Actual	Estimated	Request	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	
<b>Cash Fund Reserve Balance<sup>1</sup></b>						
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$130,460	\$146,001	\$70,514	\$47,514	\$39,014	
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	\$65,594	\$73,620	\$74,982	\$78,375	\$81,675	
<b>Excess Uncommitted Fee Reserve Balance</b>	<b>\$64,866</b>	<b>\$72,381</b>	<b>\$532</b>	<b>(\$27,861)</b>	<b>(\$41,161)</b>	
Assessment of Potential for Compliance (check all that apply)	<input type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input checked="" type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>					

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)

2. If plan is needed to meet compliance deadline, attach Form 9.B.

3. If pursuing a waiver, attach Form 9.C.

Cash Fund Narrative Information	
Purpose/Background of Fund	Fund regulation and the licensing of collection agencies to protect the public from illegal and oppressive collection practices.
Fee Sources	Investigation Fee \$300; Collection Manager Fee \$100; Licensing Fee \$725; Renewal Fee \$275.
Non-Fee Sources	Penalties
Long Bill Groups Supported by Fund	Collection Agency Board
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Only fund activities of the Collection Agency Board
Revenue Drivers	Economy - With a strong economy and relatively minimal entrance requirements, more individuals enter the collection business.
Expenditure Drivers	As the number of licensees grow, the number of complaints, investigation and disciplinary action grow. Expenditure should keep pace with this growth.

Schedule 9A: Capital Funds Reports

Department of Law

FY 2009-10 Budget Request

Fund 150 - Collection Agency Board

12-14-101 to 12-14-137, C.R.S.

Explanation of any Long-term Liability Funding Requirements	N/A					
---	-----	--	--	--	--	--

Fund Expenditures Line Item Detail	Actual		Estimated	Request	Projected
	FY 2007-08	FY 2008-09			
<b>Division Name: ADMINISTRATION</b>					
Administration ITA	\$5,645	\$0	\$0	\$0	\$0
Division Subtotal	\$5,645	\$0	\$0	\$0	\$0
<b>Division Name: CONSUMER PROTECTION &amp; ANTI-TRUST</b>					
Collection Agency Board	\$328,102	\$380,880	\$389,937	\$475,000	\$0
Indirect Costs	\$63,792	\$65,302	\$64,498	\$70,000	\$0
Division Subtotal	\$391,894	\$446,182	\$454,435	\$545,000	\$0
<b>Division Name: SPECIAL PURPOSE</b>					
State Services Building Security	\$0	\$3,579	\$0	\$0	\$0
Division Subtotal	\$0	\$3,579	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$397,539</b>	<b>\$449,761</b>	<b>\$454,435</b>	<b>\$475,000</b>	<b>\$0</b>



Schedule 9A: C i Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 151 - Uniform Consumer Credit Code  
 5-1-101 to 5-9-102.5, C.R.S.

Available Liquid Cash Fund Balance	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	<b>\$311,392</b>	<b>\$4,790</b>	<b>\$159,774</b>	<b>\$236,610</b>	<b>\$356,610</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$905,997	\$1,450,221	\$1,400,000	\$1,470,000	\$1,525,000
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$905,997</b>	<b>\$1,450,221</b>	<b>\$1,400,000</b>	<b>\$1,470,000</b>	<b>\$1,525,000</b>
Actual / appropriated / projected cash expenditures	\$1,212,599	\$1,295,237	\$1,323,164	\$1,350,000	\$1,425,000
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$1,212,599</b>	<b>\$1,295,237</b>	<b>\$1,323,164</b>	<b>\$1,350,000</b>	<b>\$1,425,000</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$4,790</b>	<b>\$159,774</b>	<b>\$236,610</b>	<b>\$356,610</b>	<b>\$456,610</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$4,790</b>	<b>\$159,774</b>	<b>\$236,610</b>	<b>\$356,610</b>	<b>\$456,610</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
1. Business Registration	\$783,110	\$936,026	\$1,400,000	\$1,470,000	\$1,525,000
2. Fee Name	\$0	\$0	N/A	N/A	N/A
3. Fee Name	\$0	\$0	N/A	N/A	N/A

**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2010-11 Budget Request**  
**Fund 151 - Uniform Consumer Credit Code**  
**5-1-101 to 5-9-102.5, C.R.S.**

	Actual		Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash Fund Reserve Balance<sup>1</sup></b>					
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$4,790	\$159,774	\$236,610	\$356,610	\$456,610
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses) 33% per HB09-1041	\$166,157	\$213,714	\$436,644	\$445,500	\$470,250
<b>Excess Uncommitted Fee Reserve Balance</b>	(\$161,367)	(\$53,940)	(\$200,034)	(\$88,890)	(\$13,640)
Assessment of Potential for Compliance (check all that apply)	<input checked="" type="checkbox"/> Already in Compliance     Statute Change <sup>2</sup> Planned Fee Reduction <sup>2</sup> <input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> Planned Ongoing Expenditure(s) <sup>2</sup> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

<b>Cash Fund Narrative Information</b>	
Purpose/Background of Fund	Fund regulating and licensing of lenders and creditors issuing consumer credit and engaging in debt management and credit repair to protect the public from illegal practices and ensure compliance with the law.
Fee Sources	Business Registrations
Non-Fee Sources	Fines and Forfeits
Long Bill Groups Supported by Fund	Department of Law - CP & Anti-Trust - Uniform Consumer Credit Code
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Only for UCCC
Revenue Drivers	Economy and legislation. The availability of credit on the commercial and investment markets impacts whether lenders offer consumer credit. Reductions in mortgage credit will reduce revenue as will consolidations. In addition, any legislation that limits payday lending can reduce revenue. However, lenders that extend their own funds may continue to grow.
Expenditure Drivers	More licensees and creditors operate online to try to avoid state regulation and the number of complaints, investigations and disciplinary actions grow. Expenditures should keep pace with growth.

Schedule 9A: C. Funds Reports  
 Department of Law  
 FY 2010-11 Budget Request  
 Fund 151 - Uniform Consumer Credit Code  
 5-1-101 to 5-9-102.5, C.R.S.

Explanation of any Long-term Liability Funding Requirements  
 Legislation was passed in 2009 (HB09-1041) that raised the statutory lid on fees and increase fund balance maximum to 33%.

Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Division Name: Administration</b>					
Administration ITA	\$13,132	\$0	\$0	\$0	\$0
<b>Division Name: Consumer Protection &amp; Anti-Trust</b>					
UCCC line	\$1,060,841	\$1,140,772	\$1,323,164	\$160,000	\$75,000
Indirect Costs	\$138,625	\$154,465	\$152,566	\$160,000	\$160,000
Division Subtotal	\$1,199,466	\$1,295,237	\$1,475,730	\$160,000	\$235,000
<b>Division Name: Consumer Protection &amp; Anti-Trust</b>					
State Service Building Security	\$0	\$8,465	\$0	\$0	\$0
Division Subtotal	\$0	\$8,465	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$1,212,598</b>	<b>\$1,303,702</b>	<b>\$1,475,730</b>	<b>\$160,000</b>	<b>\$235,000</b>



**Schedule 9A: Capital Funds Reports**  
**Department of Law**  
**FY 2010-11 Budget Request**  
Fund 296 - Peace Officer Standard & Training Board  
24-31-301 to 24-31-307, C.R.S.

Available Liquid Cash Fund Balance	Actual		Estimated	Requested	Projected
	FY 2007-08	FY 2008-09			
<b>Cash in Beginning Fund Balance<sup>1</sup></b>	<b>\$19,769</b>	<b>\$271</b>	<b>\$115,530</b>	<b>\$169,044</b>	<b>\$250,094</b>
Actual / anticipated accounts receivable collections	\$0	\$0	\$0	\$0	\$0
Actual / anticipated fees collections	\$1,232,232	\$1,280,059	\$2,881,659	\$2,909,195	\$2,936,502
Actual / anticipated cash transferred in	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other noncash assets converted to cash <sup>2</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Anticipated Cash Inflow During Fiscal Year</b>	<b>\$1,232,232</b>	<b>\$1,280,059</b>	<b>\$2,881,659</b>	<b>\$2,909,195</b>	<b>\$2,936,502</b>
Actual / appropriated / projected cash expenditures	\$1,251,730	\$1,164,800	\$2,828,145	\$2,828,145	\$2,828,145
Actual / anticipated cash used to pay short-term liabilities	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated debit service payments	\$0	\$0	\$0	\$0	\$0
Actual / anticipated nonappropriated loan issuances	\$0	\$0	\$0	\$0	\$0
Actual / anticipated other uses of cash <sup>3</sup>	\$0	\$0	\$0	\$0	\$0
<b>Actual / Appropriated Cash Outflow During Fiscal Year</b>	<b>\$1,251,730</b>	<b>\$1,164,800</b>	<b>\$2,828,145</b>	<b>\$2,828,145</b>	<b>\$2,828,145</b>
<b>Available Liquid Fund Balance Prior to New Requests</b>	<b>\$271</b>	<b>\$115,530</b>	<b>\$169,044</b>	<b>\$250,094</b>	<b>\$358,451</b>
Decision Item #1 - "Sample A"	N/A	N/A	N/A	\$0	\$0
Decision Item #2 - "Sample B"	N/A	N/A	N/A	\$0	\$0
<b>Change Requests Using Liquid Assets</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>\$0</b>	<b>\$0</b>
<b>Actual / Anticipated Liquid Fund Balance</b>	<b>\$271</b>	<b>\$115,530</b>	<b>\$169,044</b>	<b>\$250,094</b>	<b>\$358,451</b>

1 - Include only cash - exclude all other assets such as, receivables, investments, prepaids, capital assets, accumulated depreciation, and all short-term and long-term liabilities

2 - Includes sales of capital assets, sales of investments, collections of loans, etc.

3 - Includes nonappropriated purchases of capital assets and investments, new prepaid expense recorded, etc.

Fee Levels (if applicable)	Actual		Estimated	Requested	Projected
	FY 2007-08	FY 2008-09			
1. Additional Motor Vehicle Registration Fee	\$1,100,725	\$1,126,524	\$2,703,659	\$2,730,695	\$2,758,002
2. Professional/Occupational Licenses	\$165,250	\$140,925	\$169,500	\$170,000	\$170,000
3. Certification/Inspections fee	\$725	\$5,425	\$1,000	\$1,000	\$1,000
4. Sale of Publications & Maps	\$7,295	\$5,685	\$7,500	\$7,500	\$7,500



**Schedule 9A: Cash Funds Reports**  
**Department of Law**  
**FY 2010-11 Budget Request**  
 Fund 296 - Peace Officer Standard & Training Board  
 24-31-301 to 24-31-307, C.R.S.

	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Cash Fund Reserve Balance<sup>1</sup></b>					
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	\$19,769	\$115,530	\$169,044	\$250,094	\$358,451
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	\$206,535	\$192,192	\$466,644	\$466,644	\$466,644
<b>Excess Uncommitted Fee Reserve Balance</b>	\$0	\$0	\$0	\$0	\$0
Assessment of Potential for Compliance (check all that apply)	<input checked="" type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change <sup>2</sup> <input type="checkbox"/> Planned Fee Reduction <sup>2</sup> <input type="checkbox"/> Planned One-time Expenditure(s) <sup>1</sup> <input type="checkbox"/> Planned Ongoing Expenditure(s) <sup>2</sup> <input type="checkbox"/> Waiver <sup>3</sup>				

1. This section is not required for funds outlined in 24-75-402 (5), C.R.S. (2007)
2. If plan is needed to meet compliance deadline, attach Form 9.B.
3. If pursuing a waiver, attach Form 9.C.

<b>Cash Fund Narrative Information</b>	
Purpose/Background of Fund	Funding the Peace Offices Standards and Training Board (POST Board). This program line must supports certified all Peace Offices in the State of Colorado.
Fee Sources	Certification Exam fees \$125/test; VIN Inspection fees \$25; Publication fees \$20; Motor Vehicle Registration fee : (.60) (starting in FY04).
Non-Fee Sources	Sale of Publication regarding POST Certification including study guides, training manuals, etc.
Long Bill Groups Supported by Fund	(3) Criminal Justice and Appellate / (G) Peace Officers Standards and Training Board.
Non-appropriated Fund Obligations	None
Statutory or Other Restriction on Use of Fund	Funds can only be used to fund POST Board
Revenue Drivers	The number of examinations; number of motor vehicles registered.
Expenditure Drivers	Operational of the program line and money to fund the training grants

Schedule 9A: Capital Funds Reports

Department of Law

FY 2010-11 Budget Request

Fund 296 - Peace Officer Standard & Training Board  
24-31-301 to 24-31-307, C.R.S.

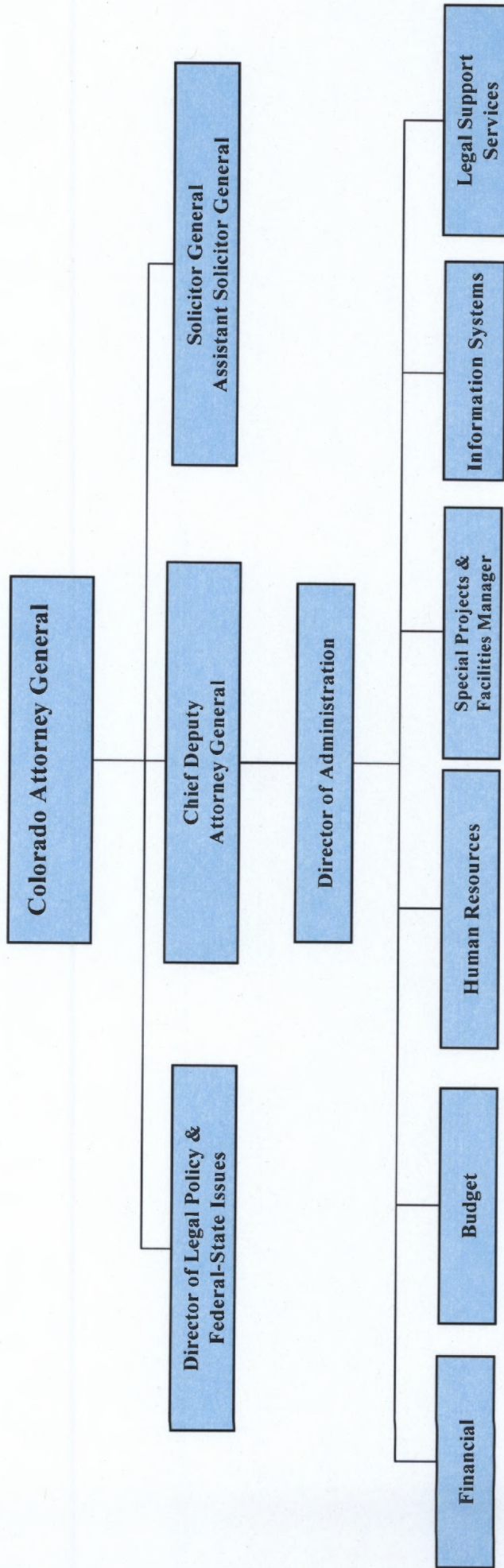
Explanation of any Long-term Liability Funding Requirements	N/A
---	-----

Fund Expenditures Line Item Detail	Actual	Actual	Estimated	Requested	Projected
	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12
<b>Division Name: POST Board</b>					
Administration ITA	\$7,652	\$0	\$0	\$0	\$0
Division Subtotal	\$7,652	\$0	\$0	\$0	\$0
POST line item	\$1,188,871	\$1,085,322	\$2,753,723	\$2,753,723	\$2,753,723
Indirect Cost	\$55,206	\$75,349	\$74,422	\$74,422	\$74,422
Division Subtotal	\$1,244,077	\$1,160,671	\$2,828,145	\$2,828,145	\$2,828,145
State Services Building Security	\$0	\$4,129	\$0	\$0	\$0
Division Subtotal	\$0	\$4,129	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$1,251,729</b>	<b>\$1,164,800</b>	<b>\$2,828,145</b>	<b>\$2,828,145</b>	<b>\$2,828,145</b>



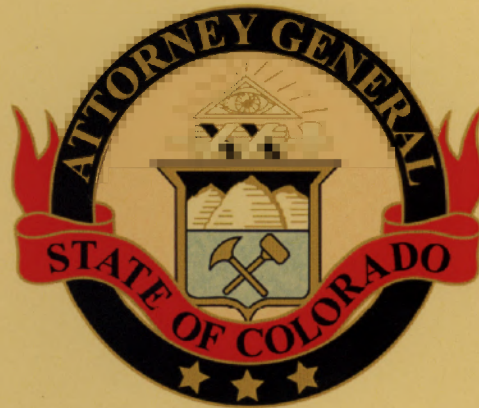
# **Administration**

**Administration Section**





# Narrative Administration



## D) BACKGROUND INFORMATION: ADMINISTRATION UNIT

The Administration Division includes the following sections:

- *Office of the Attorney General*, which includes the Attorney General, Chief Deputy Attorney General, Solicitor General, Director of Legal Policy and Federal-State Issues, and associated administrative staff;
- *Human Resources*, which hires new employees, manages employee benefits, and consults with employees and managers regarding applicable state and federal personnel laws and regulations;
- *Financial Services*, which includes accounting, financial reporting, and payroll.
- *Budgeting*: Prepares the Department's budget, monitors expenditures
- *Information Technology Services*, which handles the Department's computer needs including maintenance, computer training, and operation of the Attorney General's website;
- *Legal Support Services*, which produces a significant number of the Department's documents including legal briefs and other court-related manuscripts, distributes mail, oversees the Department's vehicle fleet, file materials with courts, and manages general office documents.
- *Special Projects & Facilities Manager Services*, which handles the Department's special projects and building facilities needs including building maintenance through the State Capital Complex, and building upgrades.

Administration Division appropriations fall into two categories:

- Appropriations that pay the actual cost of running the Division, such as salaries for the Attorney General and Division personnel, and
- Central appropriations or "Pots", such as Health, Life and Dental, that the Department allocates among its divisions.

The Administration is funded with departmental indirect cost assessments (from cash funded sources to replace the General Fund) that are collected from the Department's various divisions and transferred as reappropriated funds to the Administration appropriation. The largest source of indirect cost recoveries are assessments within the Department's largest appropriation: Legal Services to State Agencies. Any part of the actual cost of running Administration that cannot be covered by indirect cost assessments must be covered by the General Fund.

The central appropriations are allocated to the line item appropriations that use the "pots". As a consequence, the "potted" appropriations are a mixture of General Fund,





cash funds, reappropriated funds, and federal funds, reflecting the funding sources of the divisions to which the central appropriations will be distributed.

Staffing for the Administration appropriation is broken into the following sections:

Staffing Summary	FY 07-08 Actual	FY 08-09 Approp	FY 09-10 Request	FY 09-10 Recommend
Office of the Attorney General	8.0	8.0	9.0	9.0
Human Resources	2.5	2.5	2.5	2.5
Fiscal and Accounting	6.5	7.5	7.5	7.5
Information Technology Services	14.7	15.2	15.2	15.2
Legal Support Services	8.0	8.0	8.0	8.0
<b>Total</b>	<b>37.7</b>	<b>39.7</b>	<b>42.2</b>	<b>42.2</b>

The comparison of the Administrative staff (not including the Office of the Attorney General) to total Departmental FTE and annual appropriation is listed below.



	<u>Administration</u>	<u>Department</u>	
<u>FY</u>	<u>Section Staff</u>	<u>Staff</u>	<u>Appropriation</u>
89-90	29.0	259.1	\$17,846,627
90-91	29.0	269.5	\$20,172,939
91-92	29.0	284.0	\$22,681,389
92-93	29.0	284.4	\$20,694,260
93-94	29.0	284.4	\$20,645,836
94-95	29.7	290.3	\$23,442,187
95-96	29.7	313.7	\$24,769,094
96-97	29.7	313.7	\$25,542,993
97-98	29.7	320.3	\$26,817,570
98-99	29.7	337.4	\$29,807,946
99-00	29.7	340.8	\$31,317,974
00-01	30.7	344.6	\$32,667,757
01-02	30.7	352.0	\$33,748,107
02-03	30.7	345.9	\$33,672,032
03-04	29.7	335.7	\$33,410,398
04-05	30.7	337.3	\$34,623,907
05-06	30.7	338.7	\$35,465,384
06-07	30.7	359.4	\$39,524,819
07-08	31.7	384.9	\$46,891,223
08-09	33.2	391.2	\$47,996,493
09-10	33.2	395.2	\$47,688,779

These increases in staff and appropriation translate to increases in:

- a. additional personnel/payroll activities, transactions, and requirements;
- b. increase in the volume of accounts payable and accounts receivable transactions processed by the fiscal staff;
- c. increases in the demand for general administrative support services, such as word processing, copying, procurement, archive maintenance, travel management, etc.; and



- d. increases in the need for technical support services such as programming, hardware/software maintenance, LAN administration, training, document scanning, e-law and litigation support.

**Number of Accounting Transactions:**

<u>FY 06-07</u>	<u>FY 07-08</u>	<u>FY 08-09</u>	<u>FY09-10</u>
Actual	Actual	Actual	Estimate
5,254	4,348	4,053	

**Number of Personnel Transactions:**

<u>FY 06-07</u>	<u>FY 07-08</u>	<u>FY 08-09</u>	<u>FY08-09</u>
Actual	Actual	Actual	Estimate
1,613	2,131	1,811	

**ISU Statistics:**

	<u>FY 06-07</u>	<u>FY 07-08</u>	<u>FY 08-09</u>	<u>FY 09-10</u>
	Actual	Actual	Actual	Estimate Actual
Servers	21	21		
Desktop PC's	410	410		
Portable PC's	45	45		
Remote users	350/50(4)	350/50(4)	350/50(4)	
ISU Staff	13.7	13.7	13.7	13.7

(1) remote access is primarily limited to email or timekeeping access for most users. The total remote access user count is 360 with 275 email and or time keeping only users.

**II) PRIOR YEAR LEGISLATION**

N/A

**III) HOT ISSUES:**

- Implementation of a document management system to reduce paper and increase document handling efficiency.
- Funding for performance awards/achievement pay. For the most part, I believe that employees understand the need to make sacrifices when there are budgetary



constraints. However, when performance pay funding continues to be treated as an unnecessary expenditure, the message sent is that employee performance (or at least the recognition of) is not a priority. This lack of commitment and funding continues to make it very difficult to get supervisors and employees to take the state's mandated performance management requirements seriously. As you know, performance management activities take a great deal of time, particularly for supervisors and I'm continually asked whether or not this is really a good investment of time/money. While some level of performance management is necessary and important, the level at which we're required to function in the state personnel system is questionable when there is no money/reward attached.

- Electronic payments are becoming a critical issue within our electronic age. The Department must find opportunities to procure resources and capabilities to meet the needs of customers, clients and staff within this evolving technological era.
- Identify, procure and implement an automated leave-keeping system.
- External auditing requirements are squeezing existing resources as the Department meets the demands of the State Controller and State Auditor with existing staff.
- Continue Cyber Security efforts toward compliance with state rules and policies.
- Identify, procure and implement a Departmental Case Management System.

#### **IV) WORKLOAD MEASURE:**

**WORKLOAD INDICATORS: N/A**

#### **V): PERFORMANCE MEASURES FOR DEPARTMENT OF LAW – ADMINISTRATION SECTION.**

1. The goal of the Administration and Planning Section is to provide a high quality of service to the staff of the Department of Law, and to client agencies. This section will continue to analyze and adjust processes and services to meet the changing needs of the Department with existing staff levels for as long as it is feasible to do so.





Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Continue upgrades and improvement to the Attorney General Information System (AGIS), the billing, calendaring, docketing and case management system.		Work is, and will continue to be, on going on the case management system as this will be an ever changing system due to the innovations in technology in the practice of law.			

2. Obtain 1st floor office space to accommodate the growth in FTE these past 3 fiscal years.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Capital Complex allows the Department of Law to take over "swing" space on the first floor.		The Department will begin occupancy of space on the 1 <sup>st</sup> floor north side of the State Services Building in January 2009.			

3. Upgrade Building State Services Building Security

Performance Measure	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Obtain funding to implement the recommendations of the CDPS Rubicon critical infrastructure Protection Team including the Management of automated security entry system for DOL floors in the State Services Building	The Department has a full time State Patrol person assigned to the State Services Building. Further the Department has just signed a contract to upgrade building security in the current fiscal year. This includes securing stairwells, issuing new security badges			



*Strategy:*

Administrative will strive to provide excellent customer service to the Department. This includes leading the Department into the electronic age with document management, e-filing and other e-commerce activities.

*Evaluation of Prior Year Performance:*

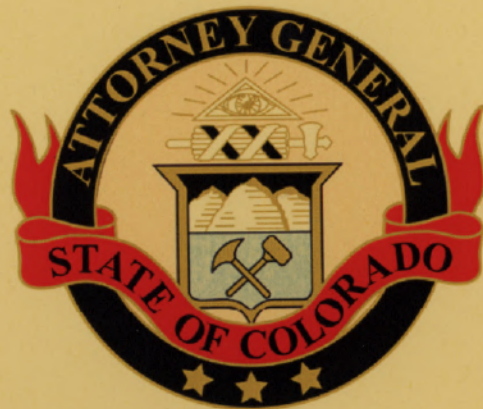
N/A

*Key Workload Indicators:*

N/A



**FY 10-11 Reconciliation of  
Request  
Administration  
(New Format)**



**DEPAI JENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

**(I) Administration**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(A) Administration</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (S 09-259)	\$2,960,059	42.2	\$0	\$0	\$2,960,059	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$2,960,059</b>	<b>42.2</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,960,059</b>	<b>\$0</b>
FY 2010-11	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 November 1st Request</b>	<b>\$2,960,059</b>	<b>42.2</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,960,059</b>	<b>\$0</b>
<b>(B) Health, Life and Dental</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$1,940,668	0.0	\$534,414	\$152,611	\$1,194,594	\$59,049
FY 2010-11 NP#1 - Common Policy Reduction	\$54,086	0.0	\$21,951	\$53,920	(\$9,222)	(\$12,563)
<b>FY 2010-11 November 1st Request</b>	<b>\$1,994,754</b>	<b>0.0</b>	<b>\$556,365</b>	<b>\$206,531</b>	<b>\$1,185,372</b>	<b>\$46,486</b>
<b>(C) Short-term Disability</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$36,556	0.0	\$11,079	\$2,962	\$21,527	\$988
FY 2010-11 NP#1 - Common Policy Reduction	\$5,690	0.0	\$1,745	\$565	\$3,246	\$134
<b>FY 2010-11 November 1st Request</b>	<b>\$42,246</b>	<b>0.0</b>	<b>\$12,824</b>	<b>\$3,527</b>	<b>\$24,773</b>	<b>\$1,122</b>
<b>(D) SB 04-257 Amortization Equalization Distribution</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$560,822	0.0	\$159,454	\$40,983	\$344,034	\$16,351
FY 2010-11 NP#1 - Common Policy Reduction	\$93,308	0.0	\$39,119	\$13,624	\$39,542	\$1,023
<b>FY 2010-11 November 1st Request</b>	<b>\$654,130</b>	<b>0.0</b>	<b>\$198,573</b>	<b>\$54,607</b>	<b>\$383,576</b>	<b>\$17,374</b>
<b>(E) SB 06-235 Supplemental Amortization Equalization Distribution</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$348,889	0.0	\$98,034	\$25,614	\$215,022	\$10,219
FY 2010-11 NP#1 - Common Policy Reduction	\$128,084	0.0	\$46,760	\$14,204	\$64,671	\$2,449
<b>FY 2010-11 November 1st Request</b>	<b>\$476,973</b>	<b>0.0</b>	<b>\$144,794</b>	<b>\$39,818</b>	<b>\$279,693</b>	<b>\$12,668</b>
<b>(F) Salary Survey for Classified Employees</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2010-11 November 1st Request	\$0	0.0	\$0	\$0	\$0	\$0
<b>(G) Salary Survey for Exempt Employees</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$0	0.0	\$0	\$0	\$0	\$0
FY 2010-11 November 1st Request	\$0	0.0	\$0	\$0	\$0	\$0

**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

(1) Administration	Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(H) Performance-based Pay Awards for Classified Employees</b>	FY 2009-10 Long Bill Appropriation (SB 09-259)	\$0	0.0	\$0	\$0	\$0	\$0
		\$0	0.0	\$0	\$0	\$0	\$0
	<b>FY 2010-11 November 1st Request</b>	\$0	0.0	\$0	\$0	\$0	\$0
<b>(I) Performance-based Pay Awards for Exempt Employees</b>	FY 2009-10 Long Bill Appropriation (SB 09-259)	\$0	0.0	\$0	\$0	\$0	\$0
		\$0	0.0	\$0	\$0	\$0	\$0
	<b>FY 2010-11 November 1st Request</b>	\$0	0.0	\$0	\$0	\$0	\$0
<b>(J) Continuing Legal Education</b>	FY 2009-10 Long Bill Appropriation (SB 09-259)	\$92,626	0.0	\$22,238	\$3,750	\$66,075	\$563
	FY 2010-11 NP#1 - Common Policy Reduction	\$0	0.0	\$0	\$0	\$0	\$0
	<b>FY 2010-11 November 1st Request</b>	\$92,626	0.0	\$22,238	\$3,750	\$66,075	\$563
<b>(K) Workers' Compensation</b>	FY 2009-10 Long Bill Appropriation (SB 09-259)	\$53,106	0.0	\$15,936	\$4,325	\$31,426	\$1,419
	FY 2010-11 NP#1 - Common Policy Reduction	\$5,300	0.0	\$1,794	\$551	\$2,823	\$132
	<b>FY 2010-11 November 1st Request</b>	\$58,406	0.0	\$17,730	\$4,876	\$34,249	\$1,551
<b>(L) Operating Expenses</b>	FY 2009-10 Long Bill Appropriation (SB 09-259)	\$194,679	0.0	\$0	\$0	\$194,679	\$0
	<b>FY 10-11 Base Request</b>	\$194,679	0.0	\$0	\$0	\$194,679	\$0
	FY 2010-11	\$0	0.0	\$0	\$0	\$0	\$0
	<b>FY 2010-11 November 1st Request</b>	\$194,679	0.0	\$0	\$0	\$194,679	\$0
<b>(M) Purchase of Services from Computer Center</b>	FY 2009-10 Long Bill Appropriation (SB 09-259)	\$71,185	0.0	\$71,185	\$0	\$0	\$0
	FY 2010-11 BR#1 - GF Base Reduction	\$0	0.0	\$0	\$0	\$0	\$0
	<b>FY 2010-11 November 1st Request</b>	\$71,185	0.0	\$71,185	\$0	\$0	\$0
<b>(N) Payment to Risk Management</b>	FY 2009-10 Long Bill Appropriation (SB 09-259)	\$98,646	0.0	\$0	\$0	\$98,646	\$0
	FY 2010-11 NP#1 - Common Policy Reduction	(\$48,472)	0.0	\$0	\$0	(\$48,472)	\$0
	<b>FY 2010-11 November 1st Request</b>	\$50,174	0.0	\$0	\$0	\$50,174	\$0
<b>(O) Vehicle Lease Payments</b>	FY 2009-10 Long Bill Appropriation (SB 09-259)	\$73,969	0.0	\$23,891	\$14,773	\$30,621	\$4,684
	FY 2010-11 NP#1 - Common Policy Reduction	(\$915)	0.0	(\$102)	\$924	(\$1,737)	\$0



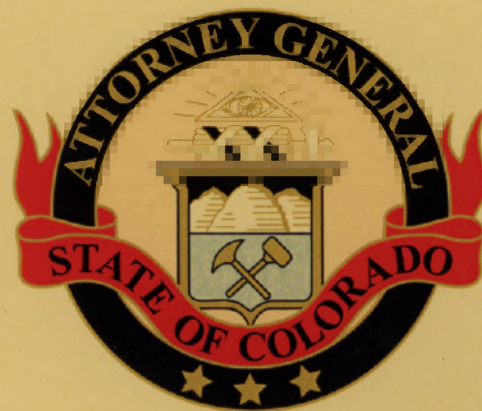
**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

**(1) Administration**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>FY 2010-11 November 1st Request</b>	<b>\$73,054</b>	<b>0.0</b>	<b>\$23,789</b>	<b>\$15,697</b>	<b>\$28,884</b>	<b>\$4,684</b>
<b>(P) ADP Capital Outlay</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$13,764	0.0	\$9,176	\$0	\$4,588	\$0
Annualization FY10 Decision Item	(\$13,764)	0.0	(\$9,176)	\$0	(\$4,588)	\$0
<b>FY 2010-11 November 1st Request</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>(Q) Information Technology Asset Maintenance</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$407,667	0.0	\$15,291	\$47,298	\$343,697	\$1,381
FY 2010-11 BR#1 - GF Base Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 November 1st Request</b>	<b>\$407,667</b>	<b>0.0</b>	<b>\$15,291</b>	<b>\$47,298</b>	<b>\$343,697</b>	<b>\$1,381</b>
<b>(R) Lease Space</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$32,502	0.0	\$5,357	\$3,570	\$23,374	\$201
FY 2010-11 BR#1 - GF Base Reduction	(\$6,282)	0.0	(\$1,036)	(\$690)	(\$4,517)	(\$39)
<b>FY 2010-11 November 1st Request</b>	<b>\$26,220</b>	<b>0.0</b>	<b>\$4,321</b>	<b>\$2,880</b>	<b>\$18,857</b>	<b>\$162</b>
<b>(S) Capitol Complex Leased Space</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$1,293,584	0.0	\$388,174	\$105,357	\$765,483	\$34,570
FY 2009-10 NP#1 - Common Policy	(\$40,827)	0.0	(\$7,878)	(\$776)	(\$30,879)	(\$1,294)
<b>FY 2010-11 November 1st Request</b>	<b>\$1,252,757</b>	<b>0.0</b>	<b>\$380,296</b>	<b>\$104,581</b>	<b>\$734,604</b>	<b>\$33,276</b>
<b>(T) Communication Services Payments</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$6,208	0.0	\$2,308	\$575	\$1,773	\$1,552
FY 2009-10 NP#1 - Common Policy	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 November 1st Request</b>	<b>\$6,208</b>	<b>0.0</b>	<b>\$2,308</b>	<b>\$575</b>	<b>\$1,773</b>	<b>\$1,552</b>
<b>(U) Building Security</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$196,693	0.0	\$73,989	\$15,512	\$101,938	\$5,254
FY 2009-10 NP#1 - Common Policy	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 2010-11 November 1st Request</b>	<b>\$196,693</b>	<b>0.0</b>	<b>\$73,989</b>	<b>\$15,512</b>	<b>\$101,938</b>	<b>\$5,254</b>
<b>(V) Attorney General Discretionary Fund</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$5,000	0.0	\$5,000	\$0	\$0	\$0
<b>FY 2010-11 November 1st Request</b>	<b>\$5,000</b>	<b>0.0</b>	<b>\$5,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>(1) Administration</b>						
<b>FY 2009-10 Total Appropriation (Long Bill plus Special Bills)</b>	<b>\$8,386,623</b>	<b>42.2</b>	<b>\$1,435,526</b>	<b>\$417,330</b>	<b>\$6,397,536</b>	<b>\$136,231</b>
<b>FY 2010-11 November 1st Request</b>	<b>\$8,562,831</b>	<b>42.2</b>	<b>\$1,528,703</b>	<b>\$499,652</b>	<b>\$6,408,403</b>	<b>\$126,073</b>



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**Administration**



**SCHEDULE 2 - PROGRAM SUMMARY**

**ADMINISTRATION**

Department of Law Item	APPROPRIATION		BUDGET		APPROPRIATION		BUDGET		REQUEST	
	09	10	09	10	09	10	09	10	09	10
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>PERSONAL SERVICES</b>										
General Fund	2,819,931	38.2	3,049,686	39.6	3,230,776	42.22	2,960,059	42.2	-	-
General Fund Exempt	238,144		257,218		270,717		-		-	-
Cash Fund	5,000		-		-		-		-	-
Reappropriated Funds	2,576,788		2,792,469		2,960,059		2,960,059		-	-
Federal Funds	-		-		-		-		-	-
<b>HEALTH/LIFE INSURANCE TOTAL</b>										
General Fund	-		-		-		1,994,754		-	-
Cash Fund	-		-		-		556,365		-	-
Reappropriated Funds	-		-		-		206,531		-	-
Federal Funds	-		-		-		1,185,372		-	-
							46,486		-	-
<b>SHORT TERM DISABILITY</b>										
General Fund	-		-		-		42,246		-	-
Cash Fund	-		-		-		12,824		-	-
Reappropriated Funds	-		-		-		3,527		-	-
Federal Funds	-		-		-		24,773		-	-
							1,122		-	-
<b>CLASSIFIED SALARY SURVEY</b>										
General Fund	-		-		-		-		-	-
Cash Fund	-		-		-		-		-	-
Reappropriated Funds	-		-		-		-		-	-
Federal Funds	-		-		-		-		-	-
<b>SALARY SURVEY - EXEMPT EMPLOYEES</b>										
General Fund	-		-		-		-		-	-
Cash Fund	-		-		-		-		-	-
Reappropriated Funds	-		-		-		-		-	-
Federal Funds	-		-		-		-		-	-
<b>PERFORMANCE PAY FOR CLASSIFIED EMPLOYEES</b>										
General Fund	-		-		-		-		-	-
Cash Fund	-		-		-		-		-	-
Reappropriated Funds	-		-		-		-		-	-
Federal Funds	-		-		-		-		-	-



**SCHEDULE 2 - PROGRAM SUMMARY**

**ADMINISTRATION**

Department of Law	Appropriation		Appropriation		Appropriation		Request	
	08	09	10	11	10	11	10	11
	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds
	Total	Total	Total	Total	Total	Total	Total	Total
<b>ATTORNEY REGISTRATION FEES TOTAL</b>								
General Fund	-	-	-	-	-	-	92,626	-
General Fund Exempt	-	-	-	-	-	-	22,238	-
Cash Fund	-	-	-	-	-	-	-	3,750
Reappropriated Funds	-	-	-	-	-	-	66,075	563
Federal Funds	-	-	-	-	-	-	-	-
<b>ALJ SERVICES TOTAL</b>								
General Fund	-	-	-	-	-	-	-	-
Cash Fund	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-
<b>GENERAL GOVT COMPUTING CENTER TOTAL</b>								
General Fund	48,499	-	60,456	-	71,185	-	71,185	-
Cash Funds	-	-	-	-	-	-	-	-
Reappropriated Funds	48,499	60,456	-	-	-	-	-	-
<b>RISK MANAGEMENT TOTAL</b>								
General Fund	71,197	-	86,286	-	98,646	-	50,174	-
Cash Funds	-	-	-	-	-	-	-	-
Reappropriated Funds	71,197	86,286	-	-	98,646	-	50,174	-
<b>VEHICLE LEASE PAYMENTS TOTAL</b>								
General Fund	-	-	-	-	-	-	73,054	-
Cash Funds	-	-	-	-	-	-	23,789	-
Reappropriated Funds	-	-	-	-	-	-	15,697	-
Federal Funds	-	-	-	-	-	-	28,884	4,684
<b>ADP CAPITAL OUTLAY TOTAL</b>								
General Fund	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-



**SCHEDULE 2 - PROGRAM SUMMARY**

**ADMINISTRATION**

Department of Law	Fiscal Year 09		Fiscal Year 10		Fiscal Year 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>GRAND TOTAL ADMINISTRATION</b>	3,309,929	38.2	3,539,035	39.6	8,386,623	42.2
General Fund	337,107		310,458		1,435,526	
General Fund Exempt	-		-		-	
Cash Funds	31,325		-		417,330	
Reappropriated Funds	2,941,497		3,228,577		6,397,536	
Federal Funds	-		-		136,231	
					3,792,653	42.2
					539,269	
					-	
					3,253,384	
					-	
					8,562,831	42.2
					1,528,703	
					-	
					499,652	
					6,408,403	
					126,073	





**SCHEDULE 3 - PERSONAL SERVICES PROGRAM DETAIL**

Department of Law (on)	ADMINISTRATION									
	2017 FUNDING	FTE	2018 FUNDING	FTE	2019 FUNDING	FTE	2020 FUNDING	FTE	2021 FUNDING	FTE
<b>I. POSITION DETAIL</b>										
Attorney General	80,004	1.0	80,004	1.0	80,004	1.0	80,004	1.0	80,004	1.0
Chief Deputy Attorney General	128,556	1.0	134,112	1.0	134,112	1.0	134,112	1.0	134,112	1.0
Solicitor General	125,184	1.0	130,620	1.0	130,620	1.0	130,620	1.0	130,620	1.0
Assistant Solicitor General	105,948	0.9	122,688	1.0	122,688	1.0	122,688	1.0	122,688	1.0
Deputy Attorney General	9,368	0.1								
Asst. Attorney General I	108,900	1.0	114,492	1.0	114,492	1.0	114,492	1.0	114,492	1.0
Management	92,322	1.1	90,828	1.0	90,828	1.0	90,828	1.0	90,828	1.0
General Professional V	47,772	1.0	51,872	1.0	50,220	1.0	50,220	1.0	50,220	1.0
General Profession III	45,677	1.0	50,771	1.0	50,771	1.0	50,771	1.0	50,771	1.0
General Profession II	93,852	1.0	98,604	1.0	98,604	1.0	98,604	1.0	98,604	1.0
Controller II										
Budget Analyst II	128,195	2.0	138,852	2.0	138,852	2.0	138,852	2.0	138,852	2.0
Accountant III	88,889	2.0	100,260	2.0	100,260	2.0	100,260	2.0	100,260	2.0
Accountant I										
Accounting Technician III	4,958	0.2	31,248	1.0	31,248	1.0	31,248	1.0	31,248	1.0
Accounting Technician I	29,462	0.7	47,304	1.0	47,304	1.0	47,304	1.0	47,304	1.0
Program Assistant I	94,980	2.0	100,596	2.0	99,396	2.0	99,396	2.0	99,396	2.0
Office Manager I	32,446	1.0	35,088	1.0	35,088	1.0	35,088	1.0	35,088	1.0
Administrative Assistant III	239,695	7.6	253,455	7.4	273,756	8.0	273,756	8.0	273,756	8.0
Administrative Assistant II	77,256	1.0	87,426	1.0	87,708	1.0	87,708	1.0	87,708	1.0
IT Professional V	160,358	1.9	128,142	1.5	125,988	1.5	125,988	1.5	125,988	1.5
IT Professional IV	70,627	1.0	77,964	1.0	77,964	1.0	77,964	1.0	77,964	1.0
IT Professional III	318,562	5.1	402,476	6.0	468,648	7.0	468,648	7.0	468,648	7.0
IT Professional II	136,441	2.7	146,262	2.7	146,413	2.7	146,413	2.7	146,413	2.7
IT Professional I	86,424	2.0	90,864	2.0	90,864	2.0	90,864	2.0	90,864	2.0
IT Technician II										
IT Technician III										
<b>TOTAL POSITION DETAIL</b>	<b>2,305,876</b>	<b>38.2</b>	<b>2,513,928</b>	<b>39.6</b>	<b>2,689,350</b>	<b>42.2</b>	<b>2,689,350</b>	<b>42.2</b>	<b>2,689,350</b>	<b>42.2</b>



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	AGENCY 08		AGENCY 09		AGENCY 10		AGENCY 11	
	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>	2,305,876	38.2	2,513,928	39.6	2,689,350	42.2	2,689,350	42.2
(Permanent FTE by position) Continuation Salary Subtotal								
<b>(I.B.) OTHER PERSONAL SERVICES</b>								
PERA on Continuation Subtotal	223,044		237,393		272,969		272,969	
Medicare on Continuation Subtotal	29,588		33,413		38,996		38,996	
Non-Base Performance Awards	[1,000]		1,852		-		-	
Part-Time/Temporary Salaries	0		600		-		-	
Contractual Services	34,954		1,074		-		-	
Overtime Pay								
Termination/Retirement Payouts	26,056		0					
Other	8,211		11,498					
Unemployment Insurance	10,996		455					
<b>SUBTOTAL</b>	<b>332,848</b>	<b>38.2</b>	<b>286,285</b>	<b>39.6</b>	<b>311,965</b>	<b>42.2</b>	<b>311,965</b>	<b>42.2</b>
<b>(I.C.) P.S. SUBTOTAL=A+B</b>	<b>2,638,725</b>	<b>38.2</b>	<b>2,800,213</b>	<b>39.6</b>	<b>3,001,315</b>	<b>42.2</b>	<b>3,001,315</b>	<b>42.2</b>
<b>(I.D.) POTS EXPENDITURES</b>								
Health/Life/Dental	140,972		183,051		190,695		190,695	
Salary Survey	[80,821]		[16,034]		-		-	
Performance Awards	[25,513]		[13,706]		-		-	
Short Term Disability	2,880		3,247		3,248		3,248	
SB 04.257 A.E.D.	27,384		39,182		47,556		47,556	
SB 06.235 S.A.E.D.	5,750		18,325		29,218		29,218	
Other:	4,221		5,669					
[ ] Indicates a Non-add								
<b>(I.E.) BASE PERSONAL SERVICES</b>	<b>2,819,931</b>	<b>38.2</b>	<b>3,049,686</b>	<b>39.6</b>	<b>3,272,032</b>	<b>42.2</b>	<b>3,001,315</b>	<b>42.2</b>
<b>TOTAL= C+D</b>								
General Fund	238,144		257,218		270,717		270,717	
Cash Funds	5,000				-		-	
Reappropriated Funds	2,576,788		2,792,469		3,001,315		3,001,315	
<b>(I.F.) DIFFERENCE= I-I.E.</b>					<b>(41,256)</b>		<b>(41,256)</b>	
<b>ROLLFORWARDS</b>								
General Funds Exempt								

**SCHEDULE 3 - PROGRAM DETAIL**

**ADMINISTRATION**

Department of Law

	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>(I.) PERSONAL SERVICES DETAIL TOTAL</b>	<b>2,819,931</b>	<b>38.2</b>	<b>3,049,686</b>	<b>39.6</b>	<b>2,960,059</b>	<b>42.2</b>	<b>3,272,032</b>	<b>42.2</b>	<b>3,001,315</b>	<b>42.2</b>
General Fund	238,144		257,218				270,717			
General Fund Exempt										
Cash Funds	5,000									
Reappropriated Funds	2,576,788		2,792,469		2,960,059		3,001,315		3,001,315	
Federal Funds										
<b>II. PERSONAL SERVICE REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)</b>										
Previous Year Long Bill										
Salary Survey-Classified										
PBP Classified										
Salary Survey Exempt										
PBP Exempt										
OSPB .2% Base Reduction										
Subtotal										
<b>(II.G) TOTAL BASE REQUEST</b>										
<b>(II.H) DECISION ITEMS</b>										
<b>Budget Reduction #1 GF Base Reduction</b>										
General Fund										
Cash Funds										
Reappropriated Funds										
<b>(II.I) REFINANCE THE LINE)</b>										
General Fund										
Reappropriated Funds										
<b>II.TOTAL PERSONAL SERVICES REQUEST</b>										
General Fund										
Cash Funds										
Reappropriated Funds										
<b>III. PERSONAL SERVICES RECONCILIATION</b>										
Long Bill Appropriation										
Roll Forward from Previous FY										
	2,630,408	39.7	2,795,308	41.2	2,960,059	42.2	2,960,059	42.2	2,960,059	42.2

**SCHEDULE 3 - PROGRAM DETAIL**

**ADMINISTRATION**

Department of Law	Actual FY 09		Appropriation		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Roll Forward to Subsequent FY	(107,405)	(1.6)	(2,849)	(1.6)				
Overexpenditures (Reversions) - General Fund								
Lapsed Appropriation Reappropriate Funds Exempt								
<b>(III.C.) ALLOCATED POTS</b>								
Health/Life/Dental	154,111		168,578		190,695			
Salary POTS	[80,821]		[16,034]		-			
Performance Awards	[25,513]		[13,706]		3,248			
Short Term Disability	2,938		3,156		47,556			
SB 04.257 A.E.D.	27,641		37,945		29,218			
SB 06.235 S.A.E.D.	5,906		17,808		270,717			
<b>III.C. SUBTOTAL ALLOCATED POTS</b>	190,596		227,487		3,230,776	42.2	2,960,059	42.2
<b>III. RECONCILIATION P.S. TOTAL</b>	2,819,931	38.2	3,049,686	39.6	2,960,059	42.2	2,960,059	42.2
General Fund	238,144		257,218		-		-	
General Fund Exempt	-		-		-		-	
Cash Funds	5,000		-		-		-	
Reappropriated Funds	2,576,788		2,792,469		2,960,059		2,960,059	
Federal Funds	-		-		-		-	
<b>IV. RECONCILIATION DIFFERENCE= III-I</b>								
<b>Health, Life and Dental</b>								
General Fund	-		-		1,940,668		1,940,668	
Cash Funds	-		-		534,414		534,414	
Reappropriated Funds	-		-		152,611		152,611	
Federal Funds	-		-		1,194,594		1,194,594	
Health/Life/Dental FY11 Adjustment	-		-		59,049		59,049	
General Fund							54,086	
Cash Funds							21,951	
Reappropriated Funds							53,920	
Federal Funds							(9,222)	
<b>TOTAL HEALTH/LIFE/DENTAL INSURANCE</b>							(12,563)	
General Fund	-		-		1,940,668		1,994,754	
Cash Funds	-		-		534,414		556,365	
	-		-		152,611		206,531	



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	Actual FY 09		Appropriation		Estimate FY 10		Request FY 11	
	Funds	FTE	Funds	FTE	Funds	FTE	Funds	FTE
<b>SB 04-257 Amortization Equalization Disburs</b>	-	-	560,822				560,822	
General Fund	-	-	159,454				159,454	
Cash Funds	-	-	40,983				40,983	
Reappropriated Funds	-	-	344,034				344,034	
Federal Funds	-	-	16,351				16,351	
<b>SB 04.257 A.E.D. FY10 Adjustment</b>								
General Fund							93,308	
Cash Funds							39,119	
Reappropriated Funds							13,624	
Federal Funds							39,542	
							1,023	
<b>SB 04.257 A.E.D. TOTAL</b>			<b>560,822</b>				<b>654,130</b>	
General Fund			<b>159,454</b>				<b>198,573</b>	
Cash Funds			<b>40,983</b>				<b>54,607</b>	
Reappropriated Funds			<b>344,034</b>				<b>383,576</b>	
Federal Funds			<b>16,351</b>				<b>17,374</b>	
<b>SB 04.257 A.E.D. Reconciliation</b>								
Long Bill Allocation				444,510	560,822			
Supplemental:				(3,921)	(560,822)			
Allocation to Divisions								
Overexpenditures (Reversions)				(440,589)				
TOTAL								
<b>SB 06-235 Supplemental Amortization</b>								
Equalization Disbursement								
General Fund							348,889	
Cash Funds							98,034	
Reappropriated Funds							25,614	
Federal Funds							215,022	
							10,219	
<b>SB 06.235 S.A.E.D. FY10 Adjustment</b>								
General Fund							128,084	
Cash Funds							46,760	
Reappropriated Funds							14,204	
Federal Funds							64,671	
							2,449	



SCHEDULE 3 - PROGRAM DETAIL

ADMINISTRATION

Department of Law

	ACQUITY 08	ACQUITY 09	APPROX FY 10	ESTIMATE FY 10	REQUEST FY 10
	TOTAL FUNDS	TOTAL FUNDS	TOTAL FUNDS	TOTAL FUNDS	TOTAL FUNDS
<b>SB 06.235 S.A.E.D. TOTAL</b>					
General Fund	-	-	348,889	348,889	476,973
Cash Funds	-	-	98,034	98,034	144,794
Reappropriated Funds	-	-	25,614	25,614	39,818
Federal Funds	-	-	215,022	215,022	279,693
	-	-	10,219	10,219	12,668
<b>SB 06-235 S.A.E.D. Reconciliation</b>					
Long Bill Allocation		206,226		348,889	
Supplemental:		(1,918)		(348,889)	
Allocation to Divisions		(204,308)			
Overexpenditures (Reversions)		-			
<b>TOTAL</b>					
Cash Funds					
Reappropriated Funds					
Federal Funds					
<b>TOTAL</b>					
<b>Classified Salary Survey</b>					
General Fund	-	-	-	-	-
Cash Funds	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-
Federal Funds	-	-	-	-	-
<b>Classified Salary Survey FY10 Adjustment</b>					
General Fund	-	-	-	-	-
Cash Funds	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-
Federal Funds	-	-	-	-	-
<b>TOTAL CLASSIFIED SALARY SURVEY</b>					
General Fund	-	-	-	-	-
Cash Funds	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-
Federal Funds	-	-	-	-	-
<b>Classified Salary Survey Reconciliation</b>					

**SCHEDULE 3 - PROGRAM DETAIL**

**ADMINISTRATION**

**Department of Law**

Item	Fiscal Year 08		Fiscal Year 09		Fiscal Year 10		Fiscal Year 11	
	Actual	Request	Actual	Request	Actual	Request	Actual	Request
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
Long Bill Allocation	278,941	341,175	-	-	-	-	-	-
Allocation to Divisions	(278,941)	(90,062)	-	-	-	-	-	-
Overexpenditures (Reversions) General Fund	-	(251,113)	-	-	-	-	-	-
Lapsed Appropriation Cash Fund	-	-	-	-	-	-	-	-
Lapsed Appropriation Cash Fund Exempt	-	-	-	-	-	-	-	-
Lapsed Appropriation Federal	-	-	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-	-	-
<b>Salary Survey - Exempt Employees</b>	-	-	-	-	-	-	-	-
General Fund	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-
<b>Exempt Salary Survey FY10 Adjustment</b>	-	-	-	-	-	-	-	-
General Fund	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-
<b>SALARY SURVEY EXEMPT TOTAL</b>	-	-	-	-	-	-	-	-
General Fund	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-
<b>Salary Survey Exempt Reconciliation</b>	-	-	-	-	-	-	-	-
Long Bill Allocation	759,834	658,444	-	-	-	-	-	-
Allocation to Divisions	(759,834)	(9,128)	-	-	-	-	-	-
Overexpenditures (Reversions) General Fund	-	(649,316)	-	-	-	-	-	-
Lapsed Appropriation Cash Fund	-	-	-	-	-	-	-	-
Lapsed Appropriation Cash Fund Exempt	-	-	-	-	-	-	-	-
Lapsed Appropriation Federal	-	-	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-	-	-
<b>PBP for Classified Employees</b>	-	-	-	-	-	-	-	-
General Fund	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-



**SCHEDULE 3 - PROGRAM DETAIL**

**ADMINISTRATION**

**Department of Law**

	ACQUITY 08		ACQUITY 09		ACQUITY 10		ACQUITY 11	
	Request	Funds	Request	Funds	Request	Funds	Request	Funds
Reappropriated Funds Federal Funds	-	-	-	-	-	-	-	-
<b>PBP for Exempt Reconciliation</b>								
Long Bill Allocation	256,353	-	282,048	-	-	-	-	-
Allocation to Divisions	(256,353)	-	(3,167)	-	-	-	-	-
Overexpenditures (Reversions) General Fund			(278,881)					
Lapsed Appropriation Cash Fund								
Lapsed Appropriation Cash Fund Exempt								
Lapsed Appropriation Federal								
<b>TOTAL</b>								
<b>Workers Compensation</b>								
General Fund	-	-	-	-	53,106	-	53,106	-
Cash Funds	-	-	-	-	15,936	-	15,936	-
Reappropriated Funds	-	-	-	-	4,325	-	4,325	-
Federal Funds	-	-	-	-	31,426	-	31,426	-
<b>TOTAL</b>					1,419		1,419	
<b>Workers Compensation FY10 Adjustment</b>								
General Fund	-	-	-	-	-	-	-	5,300
Cash Funds	-	-	-	-	-	-	-	1,794
Reappropriated Funds	-	-	-	-	-	-	-	551
Federal Funds	-	-	-	-	-	-	-	2,823
<b>TOTAL</b>								132
<b>WORKERS COMPENSATION TOTAL</b>								
General Fund	-	-	-	-	53,106	-	53,106	-
Cash Funds	-	-	-	-	15,936	-	15,936	-
Reappropriated Funds	-	-	-	-	4,325	-	4,876	-
Federal Funds	-	-	-	-	31,426	-	34,249	-
<b>TOTAL</b>					1,419		1,551	
<b>Workers Compensation Reconciliation</b>								
Long Bill Allocation	78,836	-	65,561	-	-	-	53,106	-
Supplemental: HB 08-1290	(27,430)	-	(673)	-	-	-	(53,106)	-
Supplemental: SB 09-192	(51,406)	-	(64,888)	-	-	-	-	-
Allocation to Divisions								
Overexpenditures (Reversions)								
<b>TOTAL</b>								

SCHEDULE 3 - PROGRAM DETAIL

ADMINISTRATION

Department of Law

Item	Actual FY 08		Actual FY 09		Appropriation		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Page Totals	2,819,931	38.2	3,049,686	39.6	5,900,100	42.2	3,230,776	42.2	6,186,568	42.2
General Fund	238,144		257,218		818,917		270,717		930,286	
General Fund Exempt										
Cash Funds	5,000		-		226,495		-		309,359	
Reappropriated Funds	2,576,788		2,792,469		4,766,662		2,960,059		4,867,722	
Federal Funds	-		-		88,026		-		79,201	



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**ADMINISTRATION**

	Agg'd FY 08		Agg'd FY 09		Approp'd FY 10		Estimate FY 10		Request FY 11	
	Total	FTE	Total	FTE	Total	FTE	Total	FTE	Total	FTE
3140 - Non-Capitalized IT - PC's	1,177		1,252							
3141 - Non-Capitalized IT - Servers			83							
3143 - Non-Capitalized IT - Other	5,813		172							
3146 - Non-Capitalized IT - PC SW			28							
4111 - Prizes and Awards	80									
4117 - Reportable Claims Against State	18,635		6,653				6,653		6,653	
4140 - Dues & Memberships	6,668		299				299		299	
4180 - Official Functions	1,001		8,509				8,509		8,509	
4220 - Registration Fees	5,414		857				857		857	
6212 - IT Servers - Direct Purchase			219				219		219	
6213 - IT PC SW - Direct Purchase										
<b>Operating Expense Subtotal</b>	338,977		337,606				194,679		194,679	
General Fund	93,963		48,240				-		-	
General Fund Exempt										
Cash Funds										
Reappropriated Funds	245,014		289,366				194,679		194,679	
Federal Funds										
<b>FY11 DECISION ITEMS</b>										
<b>Budget Reduction 1 GF Base Reduction</b>										
General Fund										
Reappropriated Funds										
<b>Potted Operating Expenses</b>										
Workers' Compensation			7,019				5,690		5,690	
Leased Vehicle Expense			2,407				2,509		2,509	
Capital Complex			120,708				138,617		138,617	
Leased Space Expense			723				783		783	
IT Asset Maintenance			6,881				14,946		14,946	
ADP Capital Outlay			5,697				6,882		6,882	
Communication Services Payments										
CLE Registration Fees			1,875				1,874		1,874	
Building Security							21,066		21,066	
<b>Total Potted Operating Expenses</b>			145,310				192,367		192,367	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	Fiscal Year 2008				Fiscal Year 2009				Fiscal Year 2010				Fiscal Year 2011			
	Actual	Appropriation	Encumbrance	Balance	Actual	Appropriation	Encumbrance	Balance	Actual	Appropriation	Encumbrance	Balance	Actual	Appropriation	Encumbrance	Balance
<b>OPERATING EXPENSE GRAND TOTAL:</b>	<b>338,977</b>	<b>337,606</b>	<b>48,240</b>	<b>194,679</b>	<b>93,963</b>	<b>48,240</b>	<b>-</b>	<b>194,679</b>	<b>387,046</b>	<b>192,367</b>	<b>-</b>	<b>194,679</b>	<b>194,679</b>	<b>-</b>	<b>-</b>	<b>194,679</b>
General Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	245,014	289,366	-	194,679	-	-	-	194,679	194,679	-	-	-	194,679	-	-	-
Federal Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>OPERATING EXPENSE RECONCILIATION</b>																
Long Bill Appropriation	190,643	192,543	-	-	-	-	-	-	5,690	2,509	-	-	5,690	-	-	-
Allocated POTS	5,319	7,019	-	-	-	-	-	-	2,509	138,617	-	-	2,509	-	-	-
Worker's Compensation	3,623	2,407	-	-	-	-	-	-	783	6,882	-	-	783	-	-	-
Vehicle Lease Payments	143,798	120,708	-	-	-	-	-	-	6,882	14,946	-	-	6,882	-	-	-
Capital Complex Lease Space	473	723	-	-	-	-	-	-	1,874	21,066	-	-	1,874	-	-	-
Leased Space	6,725	6,881	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ADP Capital Outlay	-	5,697	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IT Asset Maintenance	-	1,875	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Communication Services Payments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CLE Registration Fees	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Building Security	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Year-End Transfer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rollforward from previous FY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rollforward to subsequent FY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Overexpenditure/(Reversion)	(11,604)	(245)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lapsed Appropriation Reappropriated Funds	338,977	337,608	-	-	-	-	-	-	387,046	-	-	-	387,046	-	-	-
<b>TOTAL</b>	<b>338,977</b>	<b>337,608</b>	<b>(245)</b>	<b>194,679</b>	<b>93,963</b>	<b>48,240</b>	<b>-</b>	<b>194,679</b>	<b>387,046</b>	<b>192,367</b>	<b>-</b>	<b>194,679</b>	<b>194,679</b>	<b>-</b>	<b>-</b>	<b>194,679</b>
<b>Attorney Registration &amp; CLE's Costs</b>																
General Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Attorney Registration &amp; CLE's Adjustment</b>																
General Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	Activity 08		Activity 09		Activity 10		Activity 11		Activity 12	
	Total	FTE	Total	FTE	Total	FTE	Total	FTE	Total	FTE
<b>TOTAL ATTORNEY REGIS. &amp; CLE's</b>										
General Fund	-	-	92,626	-	92,626	-	-	-	-	92,626
Cash Funds	-	-	22,238	-	22,238	-	-	-	-	22,238
Reappropriated Funds	-	-	3,750	-	3,750	-	-	-	-	3,750
Federal Funds	-	-	66,075	-	66,075	-	-	-	-	66,075
			563		563					563
<b>Attorney Registration &amp; CLE's Reconciliation</b>										
Long Bill Appropriation	-	-	92,626	-	92,626	-	-	-	-	92,626
Special Bills:										
Allocation to Divisions	-	-	(92,626)	-	(92,626)	-	-	-	-	-
Overexpenditure/(Reversion)	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-	-	-	-	-
<b>ADMINISTRATION LAW JUDGE SERVICES</b>										
General Fund	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-	-	-
<b>ALJ FY Adjustment</b>										
Cash Funds	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-
<b>TOTAL ADMIN LAW JUDGE SERVICES</b>										
General Fund	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-	-	-
<b>ALJ Reconciliation</b>										
Long Bill Appropriation	-	-	-	-	-	-	-	-	-	-
Special Bills:										
Supplemental: HB08-1290	1,282	-	-	-	-	-	-	-	-	-
Allocation to Divisions	(1,282)	-	-	-	-	-	-	-	-	-
Overexpenditure/(Reversion)	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-	-	-	-	-
<b>General Gov Computing Center</b>										
General Fund	48,499	-	60,456	71,185	71,185	71,185	71,185	71,185	71,185	71,185
Cash Funds	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-
Federal Funds	48,499	-	60,456	-	-	-	-	-	-	-

ADMINISTRATION

Request FY 11

Estimate FY 10

Appropriation FY 09

Actual FY 08

Request FY 11

Estimate FY 10

Appropriation FY 09

Actual FY 08

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	Fiscal Year 2009						Fiscal Year 2010						Fiscal Year 2011						
	Actual	Actual	Actual	Actual	Actual	Actual	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Request	Request	Request	Request	Request	Request	
	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	
<b>GGCC FY Adjustment</b>																			
General Fund	48,499	-	60,456	-	48,499	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>GGCC TOTAL</b>	<b>48,499</b>	<b>-</b>	<b>60,456</b>	<b>-</b>	<b>48,499</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>	<b>71,185</b>
Cash Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	48,499	-	60,456	-	48,499	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185
<b>GGCC Reconciliation</b>																			
Long Bill Appropriation	43,802	-	71,185	-	43,802	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185
Special Bills:	4,697	-	-	-	4,697	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Supplemental: HB08-1290	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lapsed Reappropriated Funds	48,499	-	(10,729)	-	48,499	60,456	60,456	60,456	60,456	60,456	60,456	60,456	60,456	60,456	60,456	60,456	60,456	60,456	60,456
TOTAL	48,499	-	60,456	-	48,499	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185	71,185
<b>Risk Management</b>																			
General Fund	71,197	-	86,286	-	71,197	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Risk Management FY11 Adjustment</b>																			
General Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>RISK MANAGEMENT TOTAL</b>	<b>71,197</b>	<b>-</b>	<b>86,286</b>	<b>-</b>	<b>71,197</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>	<b>86,286</b>
General Fund	71,197	-	86,286	-	71,197	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Risk Management Reconciliation</b>																			
Long Bill Appropriation	79,868	-	87,652	-	79,868	87,652	87,652	87,652	87,652	87,652	87,652	87,652	87,652	87,652	87,652	87,652	87,652	87,652	87,652
Supplemental: HB06-1222	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Supplemental: HB08-1290	(8,671)	-	(1,366)	-	(8,671)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)	(1,366)
Lapsed Reappropriated Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	71,197	-	86,286	-	71,197	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286	86,286



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	2009				2010				2011				2012			
	Actual	Approved	Estimated	Actual	Actual	Approved	Estimated	Actual	Actual	Approved	Estimated	Actual	Actual	Approved	Estimated	
	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	
Reappropriated Funds																
Federal Funds																
<b>ADP CAPITAL OUTLAY TOTAL</b>																
General Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Cash Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Federal Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>ADP Capital Reconciliation</b>																
Long Bill Appropriation	91,325			15,138				13,764								
Supplemental	(91,325)			(15,138)				(13,764)								
Allocation to Divisions																
Overexpenditure/(Reversion) General Fund																
Lapsed Appropriation Cash Fund																
Lapsed Appropriation Cash Fund Exempt																
TOTAL																
<b>Information Technology Asset Maintenance</b>																
General Fund	26,325			-				407,667								
Cash Funds	26,325			-				15,291								
Reappropriated Funds	-			-				47,298								
Federal Funds	-			-				343,697								
								1,381								
<b>IT ASSET MAINTENANCE TOTAL</b>																
General Fund	26,325			-				407,667								
Cash Funds	26,325			-				15,291								
Reappropriated Funds	-			-				47,298								
Federal Funds	-			-				343,697								
								1,381								
<b>IT Asset Maintenance Reconciliation</b>																
Long Bill Appropriation	358,296			432,348				407,667								
Supplemental	(326,628)			(432,348)				(407,667)								
Allocation to Divisions																
Rollforward																
Overexpenditure/(Reversion) General Fund																
Lapsed Appropriation Cash Fund	(5,236)															



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	APPROPRIATION			ESTIMATE			REQUEST		
	APPROPRIATION	ESTIMATE	REQUEST	APPROPRIATION	ESTIMATE	REQUEST	APPROPRIATION	ESTIMATE	REQUEST
Reappropriated Funds	-	-	23,374	-	-	23,374	-	-	23,374
Federal Funds	-	-	201	-	-	201	-	-	201
<b>Budget Amendment - Lease Space</b>									
<b>FY11 Adjustment - Common Policy</b>									
General Fund	-	-		-	-		-	-	(6,282)
Cash Funds	-	-		-	-		-	-	(1,036)
Reappropriated Funds	-	-		-	-		-	-	(690)
Federal Funds	-	-		-	-		-	-	(4,517)
	-	-		-	-		-	-	(39)
<b>LEASE SPACE TOTAL</b>									
General Fund	-	-	32,502	-	-	32,502	-	-	26,220
Cash Funds	-	-	5,357	-	-	5,357	-	-	4,321
Reappropriated Funds	-	-	3,570	-	-	3,570	-	-	2,880
Federal Funds	-	-	23,374	-	-	23,374	-	-	18,857
	-	-	201	-	-	201	-	-	162
<b>Lease Space Reconciliation</b>									
Long Bill Appropriation	29,686	30,001		30,001					
<i>Supplemental: HB08-1290</i>									
Allocation to Divisions	(29,686)	(30,001)							
Overexpenditure/(Reversion) General Fund									
Lapsed Appropriation Cash Fund									
Lapsed Appropriation Cash Fund Exempt									
Lapsed Appropriation Federal									
TOTAL									
<b>Security for State Services Building</b>									
General Fund	-	-	196,693	-	-	196,693	-	-	196,693
Cash Funds	-	-	73,989	-	-	73,989	-	-	73,989
Reappropriated Funds	-	-	15,512	-	-	15,512	-	-	15,512
Federal Funds	-	-	101,938	-	-	101,938	-	-	101,938
	-	-	5,254	-	-	5,254	-	-	5,254
<b>SECURITY FOR STATE SER BLDG TOTAL</b>									
General Fund	-	-	196,693	-	-	196,693	-	-	196,693
Cash Funds	-	-	73,989	-	-	73,989	-	-	73,989
	-	-	15,512	-	-	15,512	-	-	15,512

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	APPROPRIATION		EXPENDITURE		RECONCILIATION		ADMINISTRATION
	APPROPRIATION	EXPENDITURE	APPROPRIATION	EXPENDITURE	RECONCILIATION	RECONCILIATION	
Reappropriated Funds	-	-	101,938	-	-	-	101,938
Federal Funds	-	-	5,254	-	-	-	5,254
<b>Security for State Srv Building Reconciliation</b>							
Long Bill Appropriation	-	-		196,693			
Supplemental: HB08-1290	-	-		(196,693)			
Allocation to Divisions	-	-					
Overexpenditure/(Reversion) General Fund	-	-					
Lapsed Appropriation Cash Fund	-	-					
Lapsed Appropriation Cash Fund Exempt	-	-					
Lapsed Appropriation Federal	-	-					
<b>TOTAL</b>							
			101,938				101,938
			5,254				5,254
<b>COMMUNICATION SERVICE PAYMENTS</b>							
General Fund	-	-	6,208				6,208
Cash Funds	-	-	2,308				2,308
Reappropriated Funds	-	-	575				575
Federal Funds	-	-	1,773				1,773
<b>TOTAL</b>							
			6,208				6,208
			2,308				2,308
			575				575
			1,773				1,773
			1,552				1,552
<b>Comm Ser Payments Reconciliation</b>							
Long Bill Appropriation	6,030	6,208					
Supplemental: SB07-168	(86)						
Supplemental: HB08-1290	(5,944)	(6,208)					
Allocation to Divisions							
Overexpenditure/(Reversion) General Fund							
Lapsed Appropriation Cash Fund							
Lapsed Appropriation Cash Fund Exempt							
Lapsed Appropriation Federal							
<b>TOTAL</b>							
	6,030	6,208					
	(86)	(6,208)					
	(5,944)						
<b>AG's DISCRETIONARY FUND</b>							
General Fund	5,000	5,000					
Cash Funds	5,000	5,000					
Reappropriated Funds							
Federal Funds							
<b>AG's Decret Reconciliation of Funds</b>							
	5,000	5,000					
	5,000	5,000					





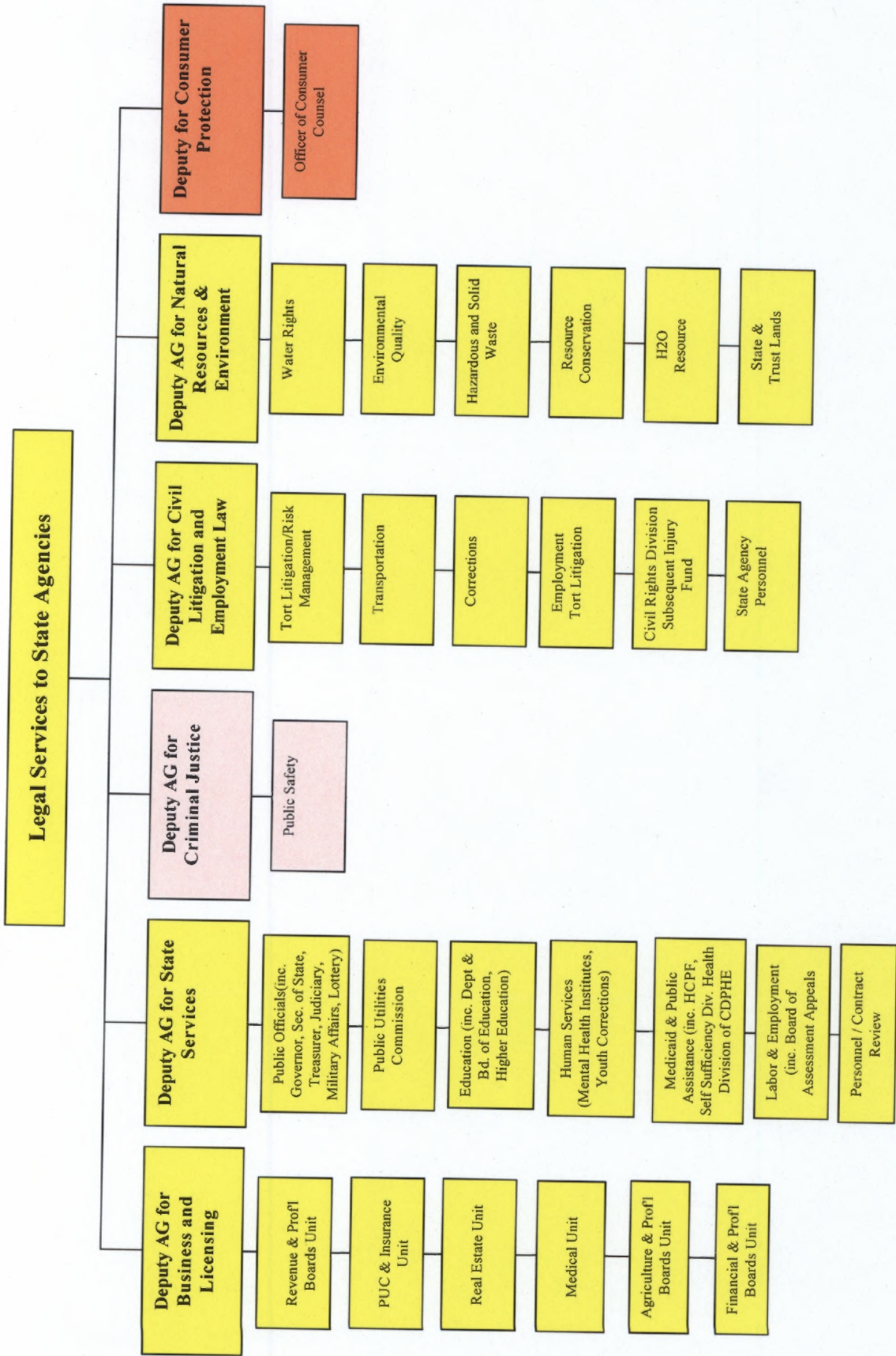


**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Revenue Item	Fund Number	Actual		Actual FY 2009	Approp FY 2010	Estimate FY 2010	ADMINISTRATION	
		FY 2008	FY 2009				Request FY 2011	Request FY 2011
<b>Schedule 3 Total</b>								
General Fund		3,309,929	3,539,035	8,386,623	3,792,653	8,562,831		
General Fund Exempt		337,107	310,458	1,435,526	539,269	1,528,703		
Cash Funds		31,325	-	417,330	-	499,652		
Reappropriated Funds		2,941,497	3,228,577	6,397,536	3,253,384	6,408,403		
Federal Funds		-	-	136,231	-	126,073		
<b>Cash Funds</b>								
Various Sources of Cash		26,325	-	417,330	-	499,652		
NO Call Cash Fund		5,000	-	-	-	-		
<b>SUBTOTAL CASH FUNDS:</b>		31,325	-	417,330	-	499,652		
<b>Reappropriated Funds</b>								
Various Sources of Cash Exempt		2,941,497	3,228,577	6,397,536	3,253,384	6,408,403		
<b>FEDERAL FUNDS</b>								
Medicaid Fraud		-	-	136,231	-	126,073		



**LSSA**

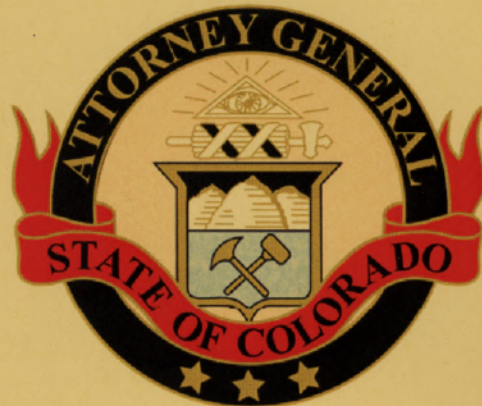




# **Narrative**

## **LSSA**

# **Business & Licensing**



## D) BACKGROUND INFORMATION: BUSINESS AND LICENSING SECTION.

**OBJECTIVE:** The Business and Licensing Section's mission is to provide the highest quality legal representation to regulatory boards, commissions, programs and other governmental agencies. Through Business and Licensing's ("B&L") representation, these clients are able to effectuate the shared goal of public protection. The Assistant Attorneys General ("AAGs") within B&L develop subject matter expertise depending on the clients they represent. Attorneys litigate enforcement actions most often in state District Court, initiate licensing actions in administrative court, assist in rulemaking, and provide general counsel advice to the client agencies. In most cases B&L utilizes a collaborative model to promote efficiency, consistency, and excellent legal services for our clients.

The Business & Licensing Section is headed by Deputy Attorney General Diana Black and has approximately fifty-five (55) attorneys, nine (9) legal assistants and eight (8) support staff organized into six units, each headed by a First Assistant Attorney General.

The Business and Licensing Section clients include:

- Department of Regulatory Agencies
- Department of Agriculture
- Department of Revenue
- Independent Ethics Commission
- State Personnel Board
- Unrelated clients in other Sections for whom we serve as conflicts counsel

### **The Department of Regulatory Agencies**

("DORA") houses several divisions represented by B&L AAGs. The AAGs enforce compliance with the law by prosecuting disciplinary actions against licensed professionals, by representing the programs in licensure denial actions, by litigating civil enforcement and subpoena enforcement actions, and by litigating injunctive actions. In addition to prosecuting individual cases, the attorneys provide general counsel advice regarding legislative and policy matters, rulemaking and case analysis. Examples include:

**Division of Registrations:** B&L AAGs provide legal representation to regulatory boards, committees and programs within the Division of Registrations, the largest Division within DORA. The professions regulated include accountants, acupuncturists, addictions counselors, architects, athletic agents, barbers, cosmetologists, chiropractors, dentists, electricians, engineers, land surveyors, landscape architects, hearing aid dealers, massage therapists, marriage and family therapists, midwives, nurses, nurse aides, nursing home administrators, occupational therapists, optometrists, outfitters, physicians, physical therapists, plumbers, podiatrists, pharmacists, professional counselors, psychologists, respiratory therapists, social workers, unlicensed psychotherapists, and veterinarians.



**Division of Real Estate:** The AAGs representing the Division of Real Estate provide legal counsel to the Colorado Real Estate Commission, the Board of Real Estate Appraisers, the Director of the Division of Real Estate ("Director") in her implementation of the Mortgage Loan Originator Program (formerly the Mortgage Broker Program), and the Colorado Conservation Easement Oversight Commission.

**Division of Insurance:** AAGs representing the Division of Insurance act as general and litigation counsel to the various divisions of the Division of Insurance ("DOI" or the "Division"). As part of its service, Unit attorneys assist and advise on a wide variety of subject areas in rulemaking related to the regulation of insurance companies and their agents, and provide legal advice regarding changes and amendments to the insurance laws. Litigation is conducted in administrative and district courts on behalf of the DOI against unauthorized companies and individuals and insurance companies and their agents. These entities offer numerous types of insurance including, but not limited to, health care insurance, health maintenance organizations, long-term care, Medicare supplement insurance, life insurance, property and casualty insurance, and preneed funeral contracts.

**Division of Securities:** AAGs representing the Division of Securities assist the client in the regulation of securities, broker-dealers, sales representatives, investment advisors, and investment advisor representatives and other related entities.

**Colorado State Banking Board:** AAGs assisting the Colorado State Banking Board provide legal representation and advice to the Board and the Division of Banking on such issues as involuntary liquidations and possession of banks and general legal advice including rulemaking associated with public deposits.

**Division of Financial Services** AAGs assisting the Colorado Financial Services Board provide legal representation and advice to the Board and the Division of Financial Services on such issues as involuntary liquidations and possession of credit unions.

**Public Utilities Commission Staff:** The Colorado Public Utilities Commission (PUC or Commission) regulates the rates, charges, services, and facilities of public utilities within the State of Colorado. Within B&L, the PUC AAGs primary responsibility is to represent Litigation Staff of the PUC in cases before the Commission itself.

Staff of the Commission consists of experts in fields including, but not limited to engineering, finance, and economics. When Staff enters an appearance and becomes a party to a proceeding, Staff is divided into Advisory Staff and Litigation Staff. Representation of Litigation Staff includes advising on a daily basis and representing them in cases before the PUC. Such cases include but are not limited to those in which public utilities seek to increase the rates charged to the public, including residential, commercial, and industrial customers as well as cases in which public utilities seek to either build new facilities or extend existing Colorado facilities.

The AAGs also represent the PUC and its Commissioners in judicial review actions; in civil actions commenced by or against the PUC in state and federal courts (except civil actions for damages against the PUC and/or PUC Commissioners, which are litigated by attorneys in the

Tort Litigation Unit); and in federal administrative proceedings before the Federal Communications Commission, Federal Energy Regulatory Commission, and the Surface Transportation Board.

## **Department of Revenue**

The attorneys on the Revenue team provide legal services to all divisions within the Colorado Department of Revenue. Department of Revenue divisions served by our attorneys include:

**Taxation divisions.** These include Audit and Compliance, Collections, Fair Share, Taxpayer Services, Tax Policy Analysis, and the Office of the Tax Conferee. Attorneys represent the Tax Conferee in administrative, district court and appellate proceedings in which all types of tax assessments are contested; attorneys defend the Department against multiple tax protester lawsuits in several different courts; attorneys also provided regular legal advice defending the state's interest in consumer bankruptcy cases; and attorneys represent the department in actions related to tax collection efforts. The Unit's attorneys represented the Department in appellate cases interpreting the law related to conservation easement credits, analyzing whether the generation of electricity constitutes the "manufacture" of "tangible personal property;" disputing appropriate taxation of the sales of materials used for well fracturing operations in the oil and gas production industry, and defending the Department's methodology for calculating the value of business personal property.

**Enforcement programs and divisions.** These include the Division of Gaming and the Colorado Limited Gaming Control Commission; the Auto Industry Division and the Colorado Motor Vehicle Dealer Board; the Division of Racing and the Racing Commission; and the Liquor and Tobacco Enforcement Division. Attorneys provide general counsel advice on matters including rulemaking, interpretations, policies, legislative matters and other questions presented. Attorneys also represent the clients in administrative hearings, during the exceptions process and on appeal.

**The Division of Motor Vehicles.** Attorneys review rules and records requests, represent the Division in appeals of driver's license revocation cases to the Colorado Court of Appeals and Supreme Court, and provide other legal assistance as requested.

**The Executive Director's Office.** Attorneys provide legal representation to the Executive Director's Office, which oversees all of the Department of Revenue.

## **Independent Ethics Commission**

The AAGs representing the Independent Ethics Commission assist the Commission in carrying out its constitutional and statutory duties through the Commission's issuance of Position Statements, Advisory Opinions and Letter Rulings relating to standards of conduct for government officials.

## **Department of Agriculture**

The Business and Licensing Section provides general and litigation counsel to the Colorado Department of Agriculture and the Commissioner of Agriculture. This representation is provided by two full-time AAGs who represent and provide legal advice to the various divisions within the department including: the Animals Division, the Colorado State Board of Livestock Inspection, the Conservation Services Division, the Inspection and Consumer Services Division, the Plants Division, the Markets Division. The AAGs also represent and advise the Colorado State Fair and several other marketing-related boards associated with the department. The AAGs assist the department in dealing with a myriad of complicated legal issues on a daily basis from livestock disease emergency quarantines, takings and destructions to regulation of pesticide use, licensing of commodity handlers, certification of organic producers, and prevention of plant diseases, many of which involve complex interactions between state and federal law. The AAGs also assist with rulemaking, drafting of proposed legislation and the sunset review process.

### **Mined Land Reclamation Board**

The Business and Licensing Section provides a .5 FTE General Counsel position that serves a permanent conflicts counsel to the Colorado Mined Land Reclamation Board ("MLRB"), a multi-interest citizen board that establishes the regulations, standards and policies that guide the Division of Reclamation, Mining and Safety ("DRMS"). The MLRB implements the Colorado Mined Land Reclamation Act and is actively involved in the decision-making process for controversial permit issuance and enforcement actions. Generally, the Board oversees the reclamation permitting activity for the hard rock mining and construction materials mining industries. The MLRB also has jurisdiction over reclamation permits issued for oil shale activities and for coal mines. The General Counsel position ensures the separation of the prosecutorial and decision making processes by advising the MLRB at its adjudicatory hearings in which it approves or denies permits and permit modifications when there are objections or public comment, issues violations, sets civil penalties and corrective actions, revokes permits and authorizes bond forfeitures. The MLRB's General Counsel provides guidance on procedural issues before, during and after the hearings. The General Counsel also provides guidance regarding substantive issues of law throughout the process, and drafts the Orders that result from the monthly enforcement hearings. The General Counsel also ensures MLRB compliance with open meetings requirements and provides guidance on rulemaking procedures.

### **The Department of Local Affairs**

Colorado's Department of Local Affairs ("DOLA") is an initial and primary point of contact where local communities work in partnership with the state. Approximately half of DOLA's legal services budget is allocated to attorneys within the Business and Licensing Section, who represent two of DOLA's key divisions: the Board of Assessment Appeals and the Property Tax Administrator. Because these two divisions have sometimes conflicting legal interests, the attorneys for the Board of Assessment Appeals and the attorneys for the Property Tax Administrator are in separate Units within the Business and Licensing Section, and report to separate supervisors.

DOLA's Property Tax Division coordinates and administers the implementation of property tax law throughout 64 counties in Colorado. The Property Tax Administrator, who is appointed by the state Board of Equalization, leads the Division. The Administrator's responsibilities include review of county government grants of property tax refunds exceeding \$1000, valuation of public utilities for property taxation, review of applications for property tax exemptions, and ruling on other property tax questions. The attorneys representing the Property Tax Administrator provide statutory interpretation and other general counsel services as needed and represent the Administrator in administrative hearings and negotiations before the Board of Assessment Appeals.

DOLA's Board of Assessment Appeals ("BAA") is a three-member board appointed by the Governor and confirmed by the state Senate. The Governor also may appoint up to six additional members to one-year terms. Currently there are eight members of the BAA. The BAA hears appeals filed by real and personal property owners regarding the valuation placed on their property. Taxpayers may appeal decisions of county boards of equalization or county boards of commissioners to the BAA. Decisions of the Property Tax Administrator regarding state assessed properties and exemptions may also be appealed to the BAA. Business and Licensing attorneys provide advice to the BAA in its adjudicatory role and represent the BAA when its decisions are appealed.

### **Other Conflicts Counsel Clients**

Business and Licensing also represents the Civil Rights Commission and the State Personnel Board.

## **II) PRIOR YEAR LEGISLATION**

### **Department of Regulatory Agencies:**

**Division of Registrations:** This year, five programs underwent sunset review. Those programs include, the Colorado State Board of Chiropractic Examiners (SB 09-167), the Colorado Board of Nursing (SB 09-239), the Nurse Aides Certification Program (SB 09-138), the Psychiatric Technicians Licensure Program (HB 09-1341), and the Board of Examiners of Nursing Home Administrators (SB 09-169). The attorneys representing those programs assisted their clients during the sunset review process, identifying areas within the current statutory scheme that presented a barrier to effective enforcement and regulation. Additionally, as a result of the sunset review of the State Board of Nursing, the Colorado General Assembly passed SB 09-239 which also established the Nurse-Physician Advisory Task Force for Colorado Health Care, referred to as "NPATCH." The NPATCH is a twelve member advisory committee whose purpose is to promote public safety and improve health care in Colorado by supporting collaboration and communication between the practices of nursing and medicine. The NPATCH committee will be represented by the Business and Licensing Section.

Other newly added programs that will also receive representation this fiscal year by the Business and Licensing Section include: Mortuary Science Registration (HB 09-1202) and Athletic Trainers Registration (SB 09-026).

**Division of Real Estate:** As a result of the federal legislation titled "Secure and Fair Enforcement for Mortgage Licensing Act of 2008", commonly known as the "S.A.F.E. Act", the Colorado General Assembly passed, and the Governor signed, HB 09-1085. The S.A.F.E. Act allowed states to continue to regulate mortgage brokers or, alternatively, to allow the Department of Housing and Urban Development to assume regulatory oversight. The Colorado General Assembly passed HB 09-1085 in order to continue Colorado's regulation of mortgage brokers (now "mortgage loan originators"). The new Mortgage Loan Originator Licensing Act, effective August 5, 2009, meets the uniform minimum national standard for mortgage loan originator qualifications and practice, and includes additional substantive standard-of-practice requirements for Colorado mortgage loan originators.

**Division of Banking:** This year, the General Assembly passed HB 09-1034 repealing the Foreign Capital Depository Act and providing for a money transmitter member of the Colorado Banking Board. The repeal of the Foreign Capital Depository Act will require rulemaking with assistance from AAGs.

**Division of Insurance:**

- House Bill 09-1012, regarding Wellness Programs (Concerning Incentives Provided by Health Insurance Carriers to Encourage Voluntary Participation in Programs to Promote Health), was sponsored by Representatives Rice & Stephens and Senators Mitchell & Newell and became effective on 7/1/2009. This bill required the following action by the Division:

DOI must determine and report to the Health Care Task Force (CRS 10-16-221) before 07/01/10 regarding:

- (1) which carriers are offering wellness and prevention programs in Colorado;
- (2) types of wellness and prevention programs offered;
- (3) types and nature of incentives or rewards offered for participation;
- (4) total number of small groups participating in programs offered by the carrier;
- (5) number of individuals with individual health coverage plans that are participating in programs offered by the carrier; and
- (6) percentage of carriers issuing individual health coverage plans or small group plans that offer wellness and prevention programs.

This matter was referred to the Office of the Attorney General for an Informal Attorney General Opinion.

- House Bill 09-1059, regarding Clinical Trials (Concerning the Continuation of Health Care Coverage While Participating in a Clinical Trial), was sponsored by Representative Primavera & Senator Carroll and became effective on: 8/5/2009. It required the client to revise Regulation 4-6-8. This occurred in August 2009 and will be effective in October 2009. This may require regulation to define "routine patient care costs."

- House Bill 09-1061, regarding Intermediary Disclosure (Concerning Required Health Care Disclosures Involving Insurance Carrier Business Relationships with Intermediary Entities), was sponsored by Representative McGihon & Senator Tochtrop and became effective on 8/5/2009. It requires the client to revise Regulation 4-2-15. This will occur in October, 2009 and be effective in December, 2009.
- House Bill 09-1102, regarding Health Insurance Portability (Concerning the Study of Health Insurance Portability After a Policyholder is Separated from Employment), was sponsored by Representative Acree & Senator Scheffel and became effective on 4/3/2009. DOI will monitor the Interim Committee and provide assistance as needed.
- House Bill 09-1143, regarding HMO Limited Benefit Plans (Concerning the Authority of a Health Maintenance Organization to Offer Basic Health Services through a Limited Benefit Plan), was sponsored by Representative Swalm & Senator Schwartz, and became effective on 8/5/2009. It required the client to revise Regulation 4-7-2. This occurred in August 2009 and will be effective in October, 2009.
- House Bill 09-1155, regarding Title Rate Justification (Concerning Title Insurance, and, in connection therewith, Requiring Justifications to be Filed with the Commissioner of Insurance), was sponsored by Representative Weissman & Senator Carroll, and became effective on 8/5/2009. It required the client to amend Bulletin B-5.18 which became effective in August 2009.
- House Bill -09-1202, regarding Preventive Service Mandate (Concerning Health Insurance coverage for Preventive Health Care Services, and, in connection therewith, Expanding Required Coverage for Certain Preventive Health Care Services That Receive High Recommendations from the United States Preventive Services Task Force and the National Commission on Prevention Priorities), was sponsored by Representative Massey & Senator Boyd and will become effective on 1/1/2010. It requires the following action by the client:

Revise Regulation 4-6-5 (Date To Be Determined);  
 Revise Regulation 4-6-8 August Hearing, Effective October, 2009;  
 Repeal Regulation 4-2-13 August Hearing, Effective October, 2009;  
 New regulation recommended to define "adult" and "primary care provider";  
 Revise Bulletin B-4.22 to match 4-6-5 changes; and  
 Revise Bulletin B-4.24 to capture all immunization requirements.

In addition, two new bulletins are needed:

- (1) mammography amounts to replace regulation, and
- (2) describe the US PSTF "A" and "B" recommendations for breast cancer, cervical cancer, colorectal screening, cholesterol screening and counseling for alcohol and tobacco.

- House Bill 09-122, regarding Gender Discrimination (Concerning a Prohibition on the Consideration of Gender in Setting Rates for Individual Health Insurance Policies), was sponsored by Representative Schafer & Senator Carroll, and became effective on 8/5/2009. DOI will monitor Interim Committee and provide assistance as needed.
- House Bill 09-1237, regarding Early Intervention (Concerning the Coordinated System of Payment for Early Intervention Services for Children Eligible for Benefits Under Part C of the Federal "Individuals with Disabilities Education Improvement Act" and Making an Appropriation Therefore), was sponsored by Representative Primavera and Senator Shaffer and became effective on 5/2/2009. It required the Division to draft an Emergency Regulation revising 4-2-28 in August, 2009. The Regulation will become effective in October, 2009.
- House Bill 09-1338, regarding Insurance Federal Compliance (Concerning Modifications to State Insurance Laws to Comply with Recently Enacted Federal Laws), was sponsored by Representative Casso & Senator Bacon and became effective on 7/1/2009. It requires the Division to draft Emergency Regulation 4-6-12 in October, 2009, which will become effective in December, 2009.
- Senate Bill 09-244, regarding Autism Mandate (Concerning Health Insurance Benefits for the Treatment of Autism Spectrum Disorders), was sponsored by Senator Shaffer & Representative Primavera, and became effective on 7/1/2010. It required the client to revise Regulation 4-6-5. This matter was referred to the Office of the Attorney General for an Informal Attorney General Opinion.
- Senate Bill 09-281, regarding Pinnacol - Interim Committee (Concerning Pinnacol Assurance, and, in Connection Therewith, Clarifying the Operation of Pinnacol Assurance as a Political Subdivision of the State, Requiring Pinnacol Assurance to Pay a Policyholder Dividend, and Putting in Place Measures for the General Assembly to Assess the Operation of Colorado Laws Governing Worker Safety and Injury Compensation), was sponsored by Senator Shaffer & Representative Weissmann, and became effective on 6/1/2009. The Commissioner of Insurance (or designee) will participate in Interim Committee to study, make recommendations and report findings on all matters relating to the operation of Pinnacol Assurance including but not limited to both the feasibility of the continued operation and the public policy implications of Pinnacol Assurance as a division of the state government or the feasibility and public policy implications of selling Pinnacol Assurance to a willing third-party buyer.

**Public Utilities Commission:**

- House Bill 09-1092, sponsored by Representatives Peniston and Gagliardi and Senators Kester and Williams concerns the risk of damage to underground facilities caused by excavation and provides for the exercise of reasonable care when disturbing the soil while performing routine maintenance and an underground facility

is discovered. The exercise of due caution and care includes notifying the notification association and immediate verification of the location of the underground facility. Failure to comply with the exercise of due care and caution by any person will result in the assessment of a civil penalty, except to the homeowner, rancher or farmer.

- House Bill 09-1094, sponsored by Representatives Levy and Senator Bacon, bans the use of wireless phones by operators of motor vehicles eighteen years or older for text messaging or other forms of manual data entry or transmission while operating a motor vehicle, except in an emergency or when using the wireless telephone to contact a public safety entity.
- House Bill 09-1118, sponsored by Representative Murray and Senator Kester, requires the PUC, Commissioners and Administrative Law Judges to electronically record all proceedings before them, including formal hearings and all testimony.
- House Bill 09-1124, sponsored by Liston and Veiga, states that when, in the opinion of an attorney who is representing a governing board of a state public body and is in attendance at an executive session that has been properly announced, that all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication and no record or electronic recording is required to be kept relative to the portion that constitutes privileged attorney-client communication.
- House Bill 09-1217, sponsored by Murray and Scheffel, provides for the creation of local improvement districts for the purpose of improving public utilities.
- House Bill 09-1244, sponsored by Kopp and Casso, exempts property carriers by motor vehicle from Commission regulation.
- House Bill 09-1279, sponsored by Pace and Kopp, provides that tow operators may tow or impound abandoned motor vehicles when contacted by law enforcement and within 10 days of towing notify the owner and lienholder. Such notice shall be sent within three days of receipt from the Department of Motor Vehicles of registration records. Tow operators may accrue daily storage fees under specified conditions.
- House Bill 09-1345, sponsored by Solano and Schwartz, concerns integrated planning for the construction of electric transmission facilities in Colorado, and in connection, directs the PUC to collect information from owners and operators of transmission infrastructure and report its findings to the General Assembly.
- Senate Bill 09-039, sponsored by Schwartz and Curry, provides Cooperative Electric Associations discretionary authority in establishing reasonable graduated rates for increased energy consumption by residential customers.
- Senate Bill 09-051, sponsored by Carroll and Levy, concerns the measures to facilitate the financing of energy-efficient structures (including rental property) by amendment to the Colorado Clean Energy Finance Program Act to (1) encourage



customers to investigate financing options for clean energy; (2) include installers of solar panels and other renewable energy generation manufacturers, dealers and contractors as certified under the Colorado clean energy finance program; and (3) add small businesses property as eligible for residential-scale clean energy loans. Additionally it authorizes the Governor's Energy Office to develop and license the logo and marketing materials for the program.

- Senate Bill 09-094, sponsored by Williams and Levy, create transit and rail divisions in CDOT.
- Senate Bill 09-144, sponsored by Kester and Gagliardi, concerns the Colorado Commission for the Deaf and hard of Hearing and programs administered in connection with the Commission, including the development and coordination of public and private agencies that provide assistance to deaf and hard of hearing citizens.
- Senate Bill 09-294, sponsored by Romer and McFadyen, requires that the fee for an application for a certificate of public convenience and necessity ("CPCN") to provide taxi service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso and Jefferson be set administratively by the PUC with approval by the Executive Director of the Department of Regulatory Agencies. It also provides that a person opposing an application to provide taxi service in Adams, Arapaho, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson counties will prevail if the person can prove that the public convenience and necessity does not require the issuance of the CPCN or its issuance would be detrimental to the public interest.
- Senate Bill 09-297, sponsored by Sandoval and Judd, provides funds received in accordance with the American Recovery and Reinvestment Act of 2009 be transferred into the Clean Energy Fund.

**Department of Revenue:** This year, Colorado's General Assembly adopted over sixty bills impacting the Department of Revenue. Business and Licensing Section attorneys representing Revenue will, as requested, assist the Department with rulemaking and modification of policies and procedures to implement these new laws effectively and efficiently. For example, attorneys assisted with developing rules to implement diverse legislative changes, including new laws regarding Colorado reportable transactions for income tax purposes, legislation from the prior year regarding corporate income tax apportionment, new laws regarding liquor licensing and new laws regarding permissible horse and greyhound racing. New legislation will impact attorneys' legal services as the bills become effective and new cases develop.

Additionally, during this fiscal year, Colorado's voters approved Amendment 50, which permitted residents of Black Hawk, Cripple Creek and Central City to significantly expand the scope of gaming in their communities. Revenue's attorneys provided extensive legal services to the Limited Gaming Control Commission and the Division of Gaming to assist with effective and proactive implementation of Amendment 50. New legislation this year provided further

clarification, and attorneys will work with the Commission to integrate all legal provisions into Commission and Division operations, policies and rules.

**Department of Agriculture:**

- Senate Bill 09-127, sunset review of egg regulation.
- Senate Bill 09-117, sunset review of meat processors and home food plans.
- Senate Bill 09-118, sunset review of the Pet Animal Care Facility Act.
- Senate Bill 09-113, sunset review of the Measurement Standards Act.
- Senate Bill 09-114, sunset review of the Farm Products and Commodity Handler Act.
- Senate Bill 09-151, sunset review of the licensing of livestock slaughterers

**III) HOT ISSUES:**

**Department of Regulatory Agencies:**

**Division of Registrations:** Some examples of cases the attorneys representing the various boards, committees and programs within the Division of Registrations handled include:

**Gerald M. Bradshaw, CPA.** The AAGs representing the Board of Accountancy resolved a case against Gerald Bradshaw, a licensed certified public accountant without the need of a formal hearing. Mr. Bradshaw began soliciting tax clients and other individuals to participate in an investment opportunity which, in actuality, was a Ponzi scheme. AAGs representing the Board were able to negotiate relinquishment of Mr. Bradshaw's certificate and his firm's registration along with an agreement that Mr. Bradshaw would not offer any investments in the future.

**In re DeSantis v. Simon.** AAGs representing the Board of Medical Examiners submitted a brief of amicus curie to the Colorado Supreme Court regarding whether confidential documents connected to a Board investigation are subsequently subject to discovery in civil litigation.

**Dr. Gary McKinney v. Board of Medical Examiners.** This case is an example of where assistant attorneys general represented the client board at all phases of the proceeding, from filing of charge through the appeals process. Formal disciplinary action was initiated by the AAGs against Dr. McKinney in connection with his care and treatment of two patients. After an administrative hearing, the Judge found that Dr. McKinney had deliberately violated accepted standards of medical practice by intentionally severing and removing a portion of a patient's bowel during a hysterectomy surgery and failing to ensure on-call coverage for another patient following surgery. Finding a violation of the Medical Practice Act, the Judge imposed a sanction of five years probation. Upon exceptions filed by the AAGs, the

Hearings Panel adopted the Judge's findings of fact but determined that the sanction of probation was inadequate to protect the public and instead restricted Dr. McKinney's practice and permanently barred him from surgical practice. Dr. McKinney appealed. In upholding the decision of the Hearings Panel, the Court of Appeals concluded that the Board of Medical Examiners considered appropriate factors and carefully tailored the sanction to serve its primary obligation of protecting the public.

**State Board of Psychologist Examiners v. Patricia Sokolof, Psy.D.** An AAG representing the Board was able to successfully obtain revocation of Sokolof's license through default proceedings. Allegations substantiated through the hearing process included that Ms. Sokolof fraudulently overbilled an insurance company for several individuals she treated. Additionally, Ms. Sokolof impeded a client's personal injury action by failing to turn over medical records to her client's attorney.

**Board of Medical Examiners v. Michael E. Stoddard.** AAGs for the Board initiated formal disciplinary proceedings against Dr. Stoddard alleging numerous violations of the Medical Practice Act, including prescribing or distributing or giving to himself a schedule II controlled substance in a non-emergency situation; engaging in the practice of medicine while under the influence of opioid and benzodiazepines, 6 separate counts of substandard care involving the administration of extremely large doses of IV opioids, boundary violations with patients, failure to maintain liability insurance, failing to respond to the Board in an honest, materially responsive and timely manner; and violation of a valid board order. Following a 5 day hearing, the Judge found a violation of every count charged and determined that based on the "overwhelming evidence adduced at hearing" that Dr. Stoddard's license should be revoked.

**Division of Real Estate:** Due to the continuing mortgage crisis and the high rate of foreclosures occurring in Colorado, the AAGs representing the Real Estate Division are providing continuing assistance with the implementation of the evolving Mortgage Loan Originator Program (formerly "mortgage broker" program). Specifically, the Mortgage Loan Originator Licensing Act, found at § 12-61-901 *et seq.*, C.R.S., is a product of six bills signed into law in 2006, 2007, and 2009. Initially, in 2006, mortgage brokers were subject to a registration requirement without a distinct standard of practice. Subsequently, in 2007, four bills were signed into law (two effective in 2007, one in 2008), adding a broad swath of affirmative requirements as well as prohibitions for those engaging in the practice of mortgage brokering. With the addition of HB 09-1085, effective August 5, 2009, these requirements and prohibitions now fall loosely into three categories, including a standard of practice (e.g., the affirmative requirement of good faith and fair dealing), prohibitions covering fraud and like practices, and required disclosures designed to inform borrowers about the true cost and benefit of a residential mortgage. As mortgage loan originators have been practicing without regulatory oversight, in some instances for decades, the industry has continued to fight aggressively against the enforcement and implementation of the law, disputing decisions related to the denial of licensure or the imposition of discipline as well as initiating legal action to challenge subpoenas and the Director's regulatory authority. Moreover, many mortgage loan originators have continued to practice even upon license application denial, resulting in the need for administrative and state court litigation.

**The Conservation Easement Oversight Commission**, created by HB 08-1353, provides guidance to the Department of Revenue and to the Director of the Division of Real Estate concerning conservation easement appraisals and holders. The Commission's AAGs assisted the client with its statutory purpose of maintaining the integrity of the Conservation Easement Tax Credit Program. Consistent therewith, AAGs provided legal advice regarding rulemaking and implementation of the Conservation Easement Holder Certification Program.

The Director of the Division of Real Estate, through her AAGs, filed charges against the mortgage broker license of Steven A. Benaske, alleging failure to remit funds of another and check fraud. If proven at hearing such allegations constitute violations of the Mortgage Broker Licensing Act. As a result of the AAG's prosecution of the charges against Benaske's license in administrative court, Benaske agreed to permanently relinquish his mortgage broker license, to pay \$24,000 in restitution, and to a stayed \$3,000 fine.

**Division of Insurance:** Significant cases handled by the Insurance Unit include:

**Drinkwine Family Mortuary:** The Division summarily suspended the preneed contract seller license of Drinkwine Family Mortuary ("Drinkwine") on grounds that it had failed to properly trust monies for 23 preneed contracts and to timely trust monies for 7 preneed contracts that it had sold to consumers. Colorado law requires that for preneed contracts 75% of the preneed contract price for the future services are trusted within forty-five (45) days from the contract date. The Division and Drinkwine entered into a settlement agreement whereby Drinkwine would remain suspended until a random audit of its office is completed to determine if there exists any further preneed contracts not properly trusted, payment of a \$30,000 fine (plus \$4,500 surcharge), and proper trusting of the 23 preneed contracts, which amounts to approximately \$122,000. Upon reinstatement of licensure, Drinkwine must undergo annual comprehensive audits for two years and if the Division finds out that there are other preneed contracts that were not properly trusted that date back to the original audit conducted, then the Division has the discretion to revoke Drinkwine's preneed contract seller license.

**Neptune Management Corporation, d/b/a The Neptune Society ("Neptune"):** One of the primary charges against Neptune was that the company inflated charges for funeral urns and other "merchandise" products, in order to reduce the quoted price for pre-need funeral services. The Division and Neptune reached a settlement where Neptune agreed to pay a civil penalty of \$1.2 million for violating provisions of Colorado Insurance Law. However, \$600,000 of the civil penalty will be waived if Neptune complies with the provisions to place consumer money in trust as specified in the stipulated agreement.

The Division's investigation also showed that Neptune did not place the required minimum of each consumer's money into trust. As part of the stipulated agreement, Neptune must add an amount to each trust account to bring the amount in trust up to 75% of the total price paid for the preneed contract less the retail price of the urn to the contract buyer. The total amount of monies that must be trusted to comply with Colorado law is \$1,544,076.51. This will be placed in trust by Neptune with an initial amount of \$400,000 scheduled within 30 days of the date of the Final Agency Order; and additional amounts, as specified, placed in

trust on or before June 1, 2010. This amount to be trusted is in addition to the civil penalty assessed. Neptune shall deposit all future payments to the trust accounts within the time period as required by Colorado law. Finally, Neptune agreed to change its business model to allow consumer choices in which merchandise, if any, is purchased with the contract.

**Jan M. Siroky:** The Division summarily suspended the insurance producer license of Jan M. Siroky ("Siroky") on August 21, 2008, alleging violations of the Colorado Producer Licensing Model Act ("PLMA"). Siroky was a licensed insurance producer for over 30 years. The substance of the Division's allegations against Siroky was that he would instruct his insurance clients to make their insurance premium checks payable to him for health or long term care insurance and then divert the money to his own use. The Division previously disciplined Siroky for this same behavior in 2006.

The Initial Decision issued on February 19, 2009 and ordered the immediate and permanent revocation of Siroky's insurance producer license, given the predatory nature of his conduct and the fact that Siroky's insurance clients were either uninsured or risked cancellation of their insurance policies and the fact that he instructed his insurance clients to make their premium checks payable to him, personally, rather than to the insurer demonstrates his intention from the very beginning of the transaction to convert the money to his own use. The ALJ also imposed the maximum civil penalty possible of \$30,500.00 plus the surcharge of up to 15% of the fine pursuant to §24-34-108(2), C.R.S.

**William Allan Gay and Southern Financial Corporation:** The Division received a complaint alleging that this producer sold life insurance products to a widow with four children that were unsuitable to her needs and depleted her asset base. In addition, Gay failed to disclose disciplinary actions taken by the NASD and Colorado Division of Securities. The Office of the Attorney General filed an Order of Summary Suspension and a Notice of Charges filed with the OAC on August 28, 2008. The Hearing on the matter concluded on July 1, 2009 and the Initial Decision from the ALJ is pending.

A major area that may impact the Division is federal health care reform. While the discussions and details change daily, at this time it is difficult to predict how the Division will be affected by any federal health insurance reform efforts. The Division's role could change significantly or not at all. The Division is tracking the proposed plans.

The Insurance Unit has increased its collaboration with other units in the Business & Licensing Section, such as the Division of Securities and Real Estate Units, because of the increasing number of case referrals from the Division that involve multiple licenses.

**Division of Securities:** The AAGs representing the Division of Securities handled a significant number of complex civil matters. For example:

**Life Partners:** AAGs represented the Division of Securities in concluding an injunctive action in the Denver District Court against Life Partners, Inc., Life Partners Holdings, Inc and twelve sales representatives, by obtaining an Order of Summary Judgment finding that the viatical settlement investments offered are securities and violations of the Colorado

Securities Act occurred. The Order also ordered a permanent injunction against. After the issuance of the Order, the AAGs negotiated a settlement whereby the parties stipulated to the facts found in the Order, that LPI and LPHI would not appeal the Order and would accept a permanent injunction against both entities, and would offer full rescission to Colorado investors. The rescission resulted in over \$9,000,000.00 being returned to Colorado investors. With this action, the Colorado Division of Securities is the first national or state regulator to successfully argue that the viatical settlement investments offered by Life Partners are securities.

**Black Diamond Fund:** AAGs representing the Division of Securities also successfully argued, Joseph v. Black Diamond Fund, 211 P. 3d 727 (Colo. App. 2009), which holds that where the Securities Commissioner does not seek damages, such as in administrative cease and desist proceedings, he is not required to prove scienter with regard to allegations concerning fraud.

**Division of Banking:** As identified more specifically below, the AAGs representing the Division of Banking assisted with a high profile bank closure.

**New Frontier Bank:** AAGs assisted the Colorado State Banking Board with the involuntary dissolution and possession of New Frontier Bank in Greeley, New Frontier was a \$2 billion bank with an estimated \$4 million in uninsured deposits. AAGs worked with Banking Board staff as well as the FDIC.

**Public Utilities Commission:** Significant cases in which the PUC Unit was involved include:

**Adams County, Commerce City, & Landowners v. PUC & Tri-State Generation:** Adams County District Court, Case No. 09CV868, is an appeal of a PUC decision. This appeal relates to powers vested to the PUC under Senate Bill 00-197 and House Bill 01-1195 to preside over local land use decisions to the extent it impacts the provision of safe, reliable and economic utility service within the state. Adams County, Commerce City, and certain affected landowners challenge the PUC's authority under C.R.S. §§ 40-4-102(1) and 29-20-108(5), which statutes were enacted in 2001 as a result of SB 00-197 and HB 01-1195. This matter is presently pending.

**Public Service Company of Colorado and Black Hills' Electric Resource Plans:** The Commission is in the process of reviewing electric resource acquisition proposals for PSCo and Black Hills/Colorado Gas and Electric Utility Co., LP dba Black Hills Energy. The Commission will approve resource plans that provide for cost effective procurement of generation resources that balance costs, reliability and environmental concerns. The plans project resource acquisitions for the next six to 10 years and the planning period is between 20 and 40 years.

**Qwest Corporation's Application to Increase Rate Cap:** On September 8, 2008, Qwest filed an application to increase the rate cap for basic local exchange, measured and message residential telephone services. Rates for basic local service had been capped by statute at \$14.88 since May 1995. This application was the first filed under the new criteria created by

the revision to Section 40-15-502, C.R.S., pursuant to House Bill 08-1227. Qwest sought to increase the rate caps for basic local service to \$18.25 per month and for measured and message services to \$11.66 per month. These requested increases were opposed by Staff of the Commission and the Office of Consumer Counsel. Based primarily on the change in nationwide prices, the Commission granted staged increases to the rate cap for residential basic local exchange service that are lower than Qwest's request. The Commission established a new cap of \$16.52 on August 3, 2009, and permitted an increase to \$17.00 effective August 3, 2010. The Commission allowed the rates for measured and message services to increase consistent with the proportionate increases in basic residential service.

**Public Service Company of Colorado's Consecutive Rate Cases:** In 2008, PSCo filed an application with the PUC seeking to increase its electric rates. The PUC approved a \$112.2 million rate increase that went into effect July 1, 2009. In 2009, Xcel filed a second, consecutive application seeking an additional \$183 million increase in electric rates to become effective January 1, 2010. This matter is presently pending before the PUC.

The focus on and interest in renewable energy continues. Legislation passed in 2007 significantly increased the percentage of renewable energy Colorado utilities are required to generate or purchase, and also imposed requirements that gas and electric utilities develop and offer programs that encourage retail customers to participate in energy conservation. Based on the legislative directives, fiscal year 2008-2009 continued to see many filings and PUC decisions designed to carry out the legislative directives passed in 2007.

In addition, 2008 legislation (House Bill 08-1227) eliminated the statutory rate cap limiting the amount that could be charged for residential basic local exchange telecommunications service (that amount had been capped by statute since 1995). In 2009, the Commission heard Qwest's Corporation's request to increase the price of such service.

The PUC Unit received a total of 65 requests for counsel during the fiscal year. Forty one of these cases related to Fixed Utilities (natural gas, electric, or telecommunications) and 24 cases related to Transportation (motor vehicle carriers). A total of 134 cases were closed; 78 of the cases closed related to Fixed Utilities and 56 of the closed cases related to Transportation.

**Independent Ethics Commission:** This past fiscal year, the IEC was the subject of complex, adversarial litigation concerning the Commission's authority as well as compliance with the Open Meetings Law. AAGs representing the IEC defended the client and, where necessary, assisted the client's improved compliance with the law. The litigated matters included *Developmental Pathways v. Ritter*; *Center for Independent Media v. IEC*, and *Colorado Ethics Watch v. IEC*.

**Department of Revenue:** Significant cases handled on behalf of the Department of Revenue include:

**Huber v. Kenna:** This tax case involves the Conservation Easement Tax Credit Act, which created a \$100,000 state income tax credit for taxpayers who donate a property easement for conservation purposes. See § 39-22-522, C.R.S. Respondents are two married couples who

purchased property as tenants in common and subsequently donated the property as a conservation easement. The two couples split the value of the donated easement in half, with each couple claiming a tax credit on their tax returns for 2000 and 2001. The Department allowed only an aggregate \$100,000 credit per donation. In April 2009, the Colorado Supreme Court reversed the court of appeals, and held that the 1999 statute expressly limits the tax credit to \$100,000 per donation, rather than \$100,000 per taxpayer. This case impacts 42 similar cases pending in the Department with an estimated total of \$3 million in income taxes and \$2 million in associated interest.

Amendment 50, adopted by the voters in November 2008, went into effect on July 2, 2009. Prior to its effective date, Revenue's attorneys advised the Colorado Limited Gaming Control Commission and the Division of Gaming on issues ranging from new multiple rules regarding new games authorized and allocation of costs attributable to Amendment 50 and pre-Amendment 50 revenues. In conjunction with the Governor's Office, attorneys met with Native American tribes regarding implementation and jurisdictional issues.

**Cendant Corp v. Revenue:** In this case, Cendant Corp and its subsidiaries filed a lawful C-Corp tax return for 2001. After the due date for the return, Cendant sought to amend the return and make an election to file using a method called "consolidation," which would have allowed them to add other corporations to the return, with significant savings to the corporation. The deadline for making the election, however, is the deadline for the return. The Department of Revenue denied the request as untimely and a lawsuit followed. The Colorado Court of Appeals reversed the trial court and held for Revenue, finding that the law was sufficiently clear to place Cendant on notice of its filing options. This case is currently pending on a petition for writ of certiorari to the Colorado Supreme Court. If it stands, the Court of Appeals ruling will result in savings to the state of approximately \$14 million.

**Ritz Camera:** In this bankruptcy case, Colorado was the only state to file an objection concerning the treatment of sales tax claims, as a result of which the state was paid almost \$400,000 in delinquent taxes to resolve the objection. Payment occurred within a matter of days after the objection was filed.

**General Motors:** In this bankruptcy matter, the Department of Revenue joined with approximately 40 other states to object to the sale in the General Motors case, resulting in modifications to the sale order which clarified the state's jurisdiction over disputes between manufacturers and dealers and also protected the states' interest in other areas including motor vehicle warranties.

**Department of Agriculture:** AAGs successfully litigated the Department's position in the Keyah Grande case, involving claims for damages arising from euthanization of elk suspected of having Chronic Wasting Disease ("CWD"), through the Court of Appeals. They also assisted the department in bringing legal enforcement actions in several animal cruelty cases, most recently saving 24 horses threatened by their owner with public "execution." During FY 08, they handled fifteen cases enforcing the pesticide regulation laws. AAGs worked closely with the department staff to address the concerns raised in the course of six separate sunset reviews of



various regulatory programs, several of which resulted in significant legislative revisions and updates supported by the department.

**Mined Land Reclamation Board:** The MLRB is currently in the informal stage of rulemaking for rules implementing changes to the Mined Land Reclamation Act made by the legislature in 2008 to address uranium in-situ leach mining operations, including new provisions regarding the confidentiality of prospectors and the nature of prospecting activities. These proposed regulations are of significant interest to those communities potentially affected by uranium in-situ leach mining operations, water providers such as Denver Water, the mining and oil shale industries, and environmental groups. Also controversial is the Idaho Mill permit application from Wildcat Mining Corporation for a gold mine on property located in La Plata County, near the town of Mayday, to which there is significant community opposition. The MLRB heard approximately 50 matters during the '09 fiscal year, issued 46 Board Orders drafted by the General Counsel, and is currently defending one suit in Denver District Court.

#### **Department of Local Affairs:**

**Board of Assessment Appeals:** *Microsemi Corp. of Colorado v. Broomfield Board of Equalization*: Our attorneys represented the Board of Assessment Appeals ("BAA") in this case before the Court of Appeals. This unique decision provides guidance to the property tax appraisal community regarding the valuation of contaminated property. The Court adopted the BAA's briefing position, which differed from that of the other two parties in the case.

### **IV) WORKLOAD MEASURE:**

#### **WORKLOAD INDICATORS**

As a result of DORA's increased use of the Expedited Settlement Program within the Division of Registrations and Division of Real Estate, cases not requiring referral for legal services have been resolved within the agency. Consequently, the cases that have been referred to the Office of the Attorney General have been more complex and contentious. Consistent with the client's expectation, AAGs have continued to aggressively file or resolve most cases within a one-year period of time. AAGs have responded to this goal without compromising their commitment to prioritize the most egregious cases and promote public protection. Additionally, the AAGs for the Division of Registrations have reduced the total number of cases pending for longer than one year without filing or resolution by 75%. Furthermore, the ongoing mortgage crisis has resulted in increased litigation surrounding the regulation of mortgage loan originators (formerly "mortgage brokers") and the authority of the Director of the Division of Real Estate to exercise her authority under the Mortgage Loan Originator Licensing Act. Additionally, substantial statutory changes to the Mortgage Loan Originator Program have required a significant amount of legal time to be allocated to the drafting and review of newly promulgated rules.

**Department of Regulatory Agencies:**

Workload Measure	Division of Registrations	Division of Real Estate	Division of Securities	Division of Banking/ Division of Financial Services	Division of Insurance	Public Utilities Commission
New Cases Referred	567	84	37	1	72	65
Cases Closed	595	116	25	n/a	46	134
Cases Resolved Prior to Filing Cases	438	67	1	n/a	16	n/a
Appellate Cases	8	1	3	n/a	1	n/a
Federal Litigation	0	0	9	n/a	1	n/a
State District Court Litigation	11	8	15	n/a	3	2
Administrative Litigation	157	49	12	1	20	65
Formal Training	28	3	0	1	3	n/a
Board Meeting Representation	190	34	n/a	16	n/a	n/a
Rulemaking Hearings	32	16	1	2	12	n/a
Rule Opinions	24	44	1	1	44	n/a
Informal Opinions	13	2	0	1	10	n/a

Department of Local Affairs:

Workload Measure	Property Tax	BAA	Total
New Cases Referred	21		21
Cases Closed	6		6
Appellate Cases		6	6
Administrative Cases	23		23
Formal Training		1	1
Board Meeting Representation		6	6

**Department of Revenue:**

The Revenue Unit appeared in and filed objections in approximately 50 bankruptcy cases during the past year.

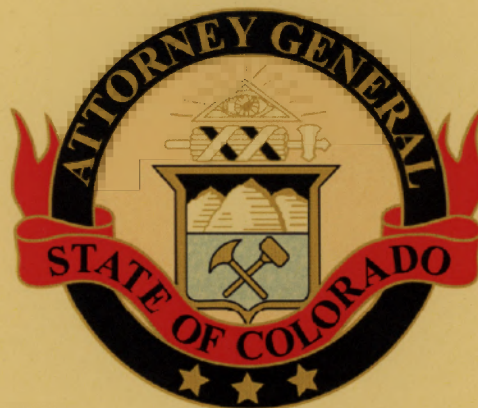
Workload Measure	Taxation (Audit and Compliance, Collections, Fair Share, Taxpayer Services, Tax Policy Analysis, and the Office of the Tax Conferee)	Enforcement (Division of Gaming and the Colorado Limited Gaming Control Commission; the Auto Industry Division and the Colorado Motor Vehicle Dealer Board; the Division of Racing and the Racing Commission; and Liquor and Tobacco Enforcement)	Division of Motor Vehicles	Executive Director's Office	Total
New Cases	26	109	22		146
Cases Closed	11	77	9		64
Appellate Cases	5	2	29		36
State District Court Cases	28	8	2	1	39
Federal District Court Cases	71	1			72
Administrative Cases	2	135			129
Board Meeting Representation		33			33
Rulemaking Hearings	3	12			15
Rule Opinions	12	23	21		56
Informal Opinions		4	1		5



# **Narrative**

# **LSSA**

# **State Services**



## **D) BACKGROUND INFORMATION: STATE SERVICES SECTION.**

The State Services Section consists of 35 attorneys, 8 legal assistants, four administrative assistants and one office manager. Collectively, the attorneys in the State Services section provide representation to nine of sixteen executive branch state agencies, as well as Colorado's five statewide elected public officials. The legal work of the Section is diverse, ranging from providing advice on transactions and general operations to defending the constitutionality of state laws in both state and federal court. In general, we protect children, people at risk, and represent the public at large. We also conserve the state's fiscal system by reviewing hundreds of state contracts and defending the State against claims typically involving the inadequacy of funding of various programs.

The Section is composed of the following units:

### **Human Services:**

This Unit represents the Department of Human Services. Much of our work seeks to maintain the confirmation of a report of child abuse as determined by a County. The State handles administrative appeals of these County reports. On behalf of the Division of Child Care, we also bring licensure actions to revoke or discipline child care providers who harm children or do not follow requirements. We have one attorney stationed in Pueblo representing the Colorado Institute for Mental Health at Pueblo. The Department's many other programs also require legal representation.

### **Medicaid and Public Assistance:**

The Unit represents the health programs of the Department of Public Health and Environment, including the divisions that licenses and surveys all health facilities in the state, sets standards and level of care for hospital emergency departments, and certifies EMTs and paramedics. We also represent the Registrar of Vital Statistics, including the Medical Marijuana Registry, and the State Laboratory. The Unit's primary client is the Department of Health Care Policy and Financing, which administers Medicaid, the Colorado Indigent Care Program and the Children's Basic Health Plan. Our representation includes eligibility issues, rate reimbursement appeals, collection of overpayments and amounts owed Medicaid by third-parties. The Unit also represents the self-sufficiency programs of the Department of Human Services, with specific support to the Division of Child Support Enforcement. We provide counsel to the Colorado Board of Health and the Colorado Medical Services.

### **Labor/Personnel and Administration:**

This unit represents the Department of Labor and Employment, which involves mainly workers compensation, unemployment and petroleum storage tank monitoring and cleanup. In addition, the Unit does the legal work for the Department of Personnel and Administration, which including the Personnel Director, employee benefit programs, state buildings and purchasing. We also advise the State Controller and review hundreds of contracts annually for legal sufficiency.

The unit also includes an attorney who is coordinating the legal issues involved with the State's compliance with the federal Health Insurance Portability and Accountability Act (HIPAA), which requires certain health care providers to standardize their transactions and to observe strict privacy policies.

### **Education:**

This Unit advises the State Board of Education and the Department of Education on a wide variety of issues, including charter school appeals, general policy questions, and teacher licensure cases. The Unit also provides general legal advice to the Department of Higher Education, the Commission on Higher Education and the state's public colleges and universities. The Unit regularly defends state education laws and the system of public school finance against constitutional challenges.

### **Public Officials/PUC.:**

This Unit represents the three Public Utilities Commissioners and the staff members of the PUC in an advisory capacity. Much of this representation consists of drafting the orders adopted by the PUC. The PUC Unit also represents the Commissioners and their Advisory Staff in hearings before the Commission and in cases appealed to state and federal courts. The other attorneys in the Unit provide legal advice to the Governor/Lt. Governor,, Secretary of State (election and campaign finance law), the Treasurer, the Attorney General, and the Judicial Department, as well as the Department of Local Affairs, the Department of Military Affairs, the State Auditor and the Colorado Lottery. The Unit handles constitutional challenges to some state laws and initiated measures adopted by the voters.

## **II) PRIOR YEAR LEGISLATION**

### **Human Services**

**SB 09-056 Concerning the Trinidad State Nursing Home**  
Sponsors: KESTER-RIESBERG

This bill allows the Department of Human Services to transfer title of the Trinidad State Nursing Home. This is the only non-veteran nursing home run by the State. The transfer will give preference for bids that will assure the continuity of care and have an employee retention plan.

**SB 09-068 Concerning Funding to Support Domestic Abuse Services, and Making an Appropriation Therefor**  
Sponsors: MORSE-MCCANN

This bill adds to docket fees for civil actions for marriage and divorce for the domestic abuse fund program. Seventy-five percent of this funding will be used to fund local domestic abuse programs.



**SB 09-164 Concerning Requiring Certain Persons Service in the State Child Welfare System to Demonstrate the Necessary Competencies to Perform Their Job Responsibilities**

Sponsors: NEWELL-MIKLOSI

This bill addresses some of the suggestions after the fatality reviews from 2008. The bill creates a child welfare training academy to ensure that persons hired to work within the child welfare system receive the necessary training to perform their job duties effectively. The Department is tasked with establishing minimum standards of competence that a person shall be required to demonstrate prior to receiving a certificate from the academy.

**Medicaid/Public Assistance**

HB 09-1293—COLORADO HEALTH CARE AFFORDABILITY ACT. This bill, which will be implemented in 2012, creates a hospital provider fee, which will fund provision of Medicaid services to certain expanded populations. The bill establishes an advisory board, which will recommend a mathematical model for calculating the hospital provider fee to the Medical Services Board.

**Education**

**HB 09-1319 - CONCERNING CONCURRENT ENROLLMENT OF PUBLIC HIGH SCHOOL STUDENTS IN COURSES OFFERED BY INSTITUTIONS OF HIGHER EDUCATION, AND MAKING AN APPROPRIATION THEREFOR.**

Sponsors – By Representatives Merrifield, Massey, Todd, Baumgardner, Benefield, Carroll T., Casso, Ferrandino, Fischer, Green, Kerr A., Levy, Middleton, Miklosi, Murray, Peniston, Primavera, Priola, Riesberg, Scanlan, Schafer S., Solano, Summers, Gerou, Kefalas, Labuda, May, Pace, Rice, Roberts, Ryden, Sonnenberg, Soper, Vigil, Weissmann, Acree, Frangas, Marostica, Stephens;  
also Senators Williams, King K., Hudak, Penry, Bacon, Boyd, Heath, Romer, Scheffel, Schwartz, Shaffer B., Tapia, Cadman, Gibbs, Groff, Hodge, Isgar, Kester, Kopp, Mitchell, Morse, Newell, Sandoval, Spence, White.

**HB 09-1319** created a new program for students to enroll concurrently in high school and college course. It also created a new board to administer the program, the concurrent Enrollment Advisory Board, in the Department of Education. The new Board and the additional responsibilities imposed on the State Board of Education and the Department will require a substantial amount of legal support in terms of developing rules and procedures, review of required agreements and providing on-going legal support and representation.

**SB 09-163 - CONCERNING THE EDUCATION ACCOUNTABILITY SYSTEM, AND MAKING AN APPROPRIATION THEREFOR.**

Sponsors- By Senators Hudak and King K., Bacon, Boyd, Gibbs, Groff, Heath, Hodge, Morse, Newell, Romer, Sandoval, Schwartz, Shaffer B., Spence, Tochtrop, Williams, Carroll M., Penry, White;  
also Representatives Middleton and Massey, Ferrandino, Fischer, Frangas, Gardner B., Labuda, Merrifield, Pace, Pommer, Ryden, Scanlan, Schafer S., Solano, Stephens, Summers, Todd, Vigil.

**SB 09-163** repealed the "Educational Accreditation Act of 1998" as well as several sections of the Colorado Revised Statute that pertain to school accountability reports and the measurement of academic achievement and growth. It created a new accreditation process to review the performance of the statewide public education system through new systems of performance indicators, performance plans, governance, and web based reporting. In essence, the bill's accreditation process will restructure the current process to align it with the Colorado growth model and its longitudinal academic growth data. Additionally, the bill will create two awards programs, one for schools that are high performing and one for schools that show high rates of improvement. The additional responsibilities imposed on the State Board of Education and the Department and the State Charter School Institute will require a substantial amount of legal support in terms of developing rules and procedures and providing on-going legal support and representation.

**HB 09-1039 – CONCERNING IN-STATE TUITION CLASSIFICATION FOR HONORABLY DISCHARGED MILITARY VETERANS, AND MAKING AN APPROPRIATION THEREFOR.**

Sponsors – By Representatives McNulty, Apuan, Baumgardner, Casso, Frangas, Gardner C., Gerou, Kefalas, Kerr J., King S., Lambert, Looper, Middleton, Murray, Nikkel, Priola, Ryden, Schafer S., Sonnenberg, Soper, Stephens, Summers, Tipton, Todd, Vaad, Waller, Labuda, Roberts;  
also Senators Kopp, Bacon, Boyd, Brophy, Carroll M., Foster, Gibbs, Groff, Harvey, Heath, Hodge, Isgar, Kester, King K., Lundberg, Mitchell, Morse, Newell, Penry, Renfroe, Romer, Scheffel, Schwartz, Schaffer B., Tochtrop, White, Williams.

**HB 09-1063 – CONCERNING GRANTING IN-STATE STUDENT STATUS TO A CHILD WHO MOVES TO COLORADO DURING THE CHILD'S SENIOR YEAR OF HIGH SCHOOL AS THE RESULT OF THE CHILD'S LEGAL GUARDIAN TAKING A JOB IN THE STATE.**

Sponsors – By Representatives Summers, Gardner B., Kerr J., Massey, Nikkel, Waller;  
also Senators Penry, Bacon, Boyd, Gibbs, Groff, Heath, Hudak, Isgar, Kester, Mitchell, Newell, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Williams.

**HB 09-1039 and HB 09-1063** grant in-state tuition to honorably discharged military veterans and high school seniors whose families relocate to Colorado for employment purposes, respectively. HB 09-1039 also allows the governing board of state institutions of higher education to grant in-state tuition to dependents of honorably discharged military veterans. These new statutory provisions add to the already complex nature of Colorado's tuition classification statute and will require a substantial amount of legal support in terms of interpreting and applying the new statutory provisions, providing guidance as to the interplay of the new requirements with the already established tuition classification statute, and developing appropriate rules and procedures for the unit's higher education clients.

**HB 09-1346 - CONCERNING AUTHORIZATION FOR PUBLIC ENTITIES IN THIS STATE TO FULLY UTILIZE THE FINANCING INSTRUMENTS AVAILABLE TO THEM UNDER THE FEDERAL ECONOMIC STIMULUS ACT KNOWN AS THE "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009"**

Sponsors – By Representatives Carroll T., Casso, Fischer, Frangas, Green, Kefalas, Kerr A., Labuda, Pace, Ryden, Scanlan, Schafer S., Todd, Vigil;  
also Senators Shaffer B., Bacon, Boyd, Foster, Gibbs, Groff, Hodge, Hudak, Morse, Schwartz, Tochtrop.

**HB 09-1346** allocated the State's Qualified School Construction Bonds (QSCBs) to the Public School Capital Construction Assistance Board to use in assisting the financing of projects under the BEST Act. Because QSCBs are newly created by the federal stimulus act, substantial legal support is needed to assist in their issuance. Additionally, the bill increased the amount of Qualified Zone Academy Bonds to be administered by the Board.

**Public Utilities Commission**

There was no significant 2009 legislation affecting the PUC, however, the PUC is still implementing several aspects of its 2008 sunset review legislation and therefore, it is listed for the second year in a row.

**HB08-1227 CONCERNING THE PUBLIC UTILITIES COMMISSION, AND, IN CONNECTION THEREWITH, CONTINUING THE PUBLIC UTILITIES COMMISSION UNDER THE SUNSET LAW, AND MAKING AN APPROPRIATION.**

BY REPRESENTATIVE(S) Madden, Fischer, Frangas, Green, Kerr A., Labuda, Levy, Marostica, McFadyen, McGihon, Merrifield, and Solano;  
also SENATOR(S) Tapia.

As part of the PUC's Sunset Bill, several changes were made to statutes under the PUC jurisdiction. The most important are as follows.

First and most high profile, the standards for the entrance of new taxi cab companies into the Denver Metro market were changed considerably. While the doctrine of regulated competition remains in force, the burdens of proof to justify a new entrant have been altered. For example, the applicant for a certificate of public convenience and necessity to operate a taxi cab has the initial burden to show that it is financially and operationally fit to provide the proposed service. If that burden is met, the intervenor(s) then has the burden

to show that the application is detrimental to the public interest and does not satisfy the public convenience and necessity. In addition, the amendment brought about by HB08-1227 were modified slightly as a result of SB09-294. Implementation of this standard has proven to be highly litigious and has drawn a lawsuit challenging the law's constitutionality.

The next change provides that the commissioners of the PUC may engage in ex parte communications in non-adjudicatory matter, which are defined as rule-making matters and discussions of pending legislation.

The third significant change from HB08-1227 is that the PUC now has the authority to issue civil penalties against telecommunication, electric, gas, water and steam utilities, as well as its existing authority to issue civil penalties against transportation providers. The PUC continues to work toward promulgating rules that effectuate this new authority.

### **Public Officials**

**HB09-1326- Initiative and Referendum CONCERNING THE INTEGRITY OF THE STATEWIDE CITIZEN-INITIATED PETITION PROCESS, AND MAKING AN APPROPRIATION THEREFOR.**

This bill amends the initiative process by requiring proponents to maintain lists of petition circulators and notaries; imposing certain training requirements on circulators, placing requirements on circulators to appear at hearings and imposing certain penalties for failure to meet requirements.

## **III) HOT ISSUES:**

### **Human Services**

- a. Colorado Benefits Management System ("CBMS") - Continued litigation and potential federal sanctions related to the timeliness of processing applications for Medicaid, food stamps, and other public assistance. This includes ongoing litigation that involves the Department of Human Services and Department of Health Care Policy and Financing.
- b. Child welfare - federal changes in foster care and adoption law require state implementation by 2010, and this is driving rule changes and legal interpretation questions. A Colorado Court of Appeals decision opening records to adoptees for over a twenty year period is requiring rule changes as well.
- c. Developmental disabilities - An attorney joined the Department to a civil commitment suit, and there are issues with courts ordering persons to State facilities through criminal cases. There are not enough spaces for the many persons who need services, and the waiting lists for services are potentially a subjects for litigation, though no suits have been filed to date.

d. Food Stamp Sanctions of \$10 million and over \$3 million were imposed by the federal government due to alleged over-issuances of food stamp benefits in the first two years of operation of CBMS. These matters have all been settled for the years of 2005 and 2006, but there is still the possibility we will see another letter imposing sanctions for 2007.

### **Medicaid and Public Assistance**

a. Continue working on the CBMS settlement and related issues to avoid resumption of active litigation. This is the same item as a) above under Human Services.

b. Defense of multi-million dollar claim for attorneys' fees in connection with social security disability income benefits ("SSI"). Attorneys representing successful SSI claimants have asserted that they are entitled to be reimbursed for attorneys' fees and costs from the State Aid to the Needy and Disabled program. Essence of the complaint is unjust enrichment. The case was tried in October, 2008, with judgment in favor of the State on all claims. Case is currently on appeal. Interesting side note is that the program which would be required to pay for the attorney fees if reversed on appeal has been suspended effective January 1, 2010 as a result of budget cutting.

c. As a result of legislation in the last session, the Department of Public Health and Environment now licenses Home Health Agencies. The unit will work with the Department of Health to promulgate rules and begin enforcement in this area.

d. Defense of action challenging the Department of Health's ability to regulate air ambulance services will continue.

e. Continue joint efforts with the U.S. Attorney's office to pursue Medicaid provider fraud.

f. Medical marijuana. The Department of Public Health and Environment maintains the medical marijuana registry that was established in the 2000 election as an amendment to the state constitution. The amendment establishes defines "patient" and "caregiver," both of which have created significant problems for CDPHE. The number of patients in the registry has recently gone from approximately 4,000 for most years to an estimated 15,000 by the end of 2009, primarily as a result of individuals in their twenties being diagnosed with "chronic pain," one of the eight debilitating conditions defined in the amendment. CDPHE has attempted, both by policy and by rule, to limit the number of patients a caregiver may have. The policy was overturned judicially and the rule was defeated by the Board of Health.

### **Labor/Personnel and Administration and HIPAA**

a. The unit is working on issues arising from the Governor's Executive order on employee partnerships. This will involve research, general advice to the client, and negotiation of agreements.

b. Defense of a lawsuit challenging the constitutionality of Amendment 42 which increases the minimum wage for Colorado with the Denver/Boulder/Greeley Consumer Price Index. Litigation will continue through 2010.

c. The unit is expecting that the Division of Labor will be challenged on immigration issues in connection with its enforcement efforts.

d. The unit will be working with the newly-constituted Office of Information Technology to streamline the State's contracting and administration process in connection with information technology.

e. The unit will be working with DPA and the Governor's Office and reform of the State procurement and State contracting policies and procedures.

### Education

a. Litigation. These cases have significant potential impact and have received coverage in the press.

- *Lobato v. State of Colorado*. The State prevailed in the trial court and the court of appeals against a challenge to the manner in which the state funds K-12 education. The Colorado Supreme Court heard argument and we are awaiting a decision.
- *Boulder Valley School District v. State Board of Education*. The District Court rejected a challenge to the Charter School Institute and its enabling legislation. The District Court's decision was upheld by the Court of Appeals and a petition for cert. is pending before the Colorado Supreme Court.

b. **HB 09-1346** allocated the State's Qualified School Construction Bonds (QSCBs) to the Public School Capital Construction Assistance Board to use in assisting the financing of projects under the BEST Act. Because QSCBs are newly created by the federal stimulus act, substantial legal support is needed to assist in their issuance. Additionally, the bill increased the amount of Qualified Zone Academy Bonds to be administered by the Board.

The unit is working to implement the provisions of the BEST bill (HB08-1355) and is advising the Public School Capital Construction Advisory Board, which is charged with recommending grant awards under the statute.

### Public Officials/PUC

a. Pending litigation—These lawsuits have potentially significant public impact and have been covered in the media:

- *Common Cause v. Buescher*. Plaintiffs are challenging Colorado's compliance with the National Voter Registration Act. The case is in the discovery stage. The parties are holding settlement discussions.

- *Sampson v. Coffman*. Plaintiffs challenged the constitutionality of reporting requirements imposed upon small issue committees by the Campaign and Political Finance Amendment in federal court. The trial court granted summary judgment for the Plaintiffs on the narrow ground that the requirements did not apply under the unique circumstances of this case. The State appealed to the 10<sup>th</sup> Circuit. Briefing has been completed.
- *Independence Institute v. Coffman*. The Independence Institute challenged reporting requirements imposed upon multi-purpose organizations by the Campaign and Political Finance Amendment. The Colorado Court of Appeals affirmed a trial court decision upholding the requirements. The Colorado Supreme Court denied Plaintiffs' petitions for certiorari, and Plaintiff has file a petition for writ of certiorari to the United States Supreme Court.
- *Denver Post v. Ritter*. The Denver Post file an Open Records Act request seeking access to the telephone billing records for the Governor's private cell phone. The state district court affirmed the denial of the request. The Post appealed to the Court of Appeals.
- *Dallman v. Ritter*. The Plaintiffs challenge Amendment 54 ("pay-to-play") on the ground that it violates their First Amendment rights. The district court issued a preliminary injunction against most of the Amendment. The case is pending in the Colorado Supreme Court.

b) The PUC is highly active in the current push regarding renewable energy and dealing with greenhouse gases. Through 2007, 2008 and 2009 legislative changes and amendments to the PUC's rules, the PUC has taken the lead in the state to ensure that renewable energy sources such as wind, solar, concentrated solar, biomass, compressed air and other renewable sources become a larger part of energy utility resource portfolios.

c) The PUC is also one of two agencies charged with implementing the Governor's Renewable Energy and Greenhouse Gas Initiative that has set a goal of reducing greenhouse gases to 50% of 2005 levels by the year 2050. The PUC, along with the Department of Health and Environment are directed to implement decisions to assist in meeting this goal.

d) The PUC is taking a lead role in encouraging public utilities to take advantage of the many opportunities that have arisen under the federal American Recovery and Reinvestment Act of 2009.

e) The PUC is also implementing legislative changes to require energy utilities to meet the 2020 requirement that 20% of their resource portfolios are to consist of renewable energy sources.

f) The PUC is also working to ensure energy savings from the demand side management perspective, requiring savings due to customer savings initiatives of approximately 800 megawatts by the year 2020.

g) The 2008 law related to the entrance of taxi cabs into the greater Denver market (comprising of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson counties) has garnered much attention during 2009. The legislation, tweaked again in 2009, has charged the PUC with opening the market through a shift in the burden of proof as described in the section above. A constitutional challenge to this law (codified at § 40-10-105, C.R.S.) was commenced by a lawsuit filed in August 2009.

h) Important PUC cases presently receiving media coverage are: (1) the finalizing of the electric generation resource portfolio of Public Service Company of Colorado related to its 2007 application for approval of same; (2) Public Service Company of Colorado's pending request to increase rates by \$180 million; and (3) the PUC's investigation concerning the scope of its regulatory authority of Tri-State Generation and Transmission Association, Inc., and specifically, the PUC's authority over Tri-State's generation resource planning.

#### **IV) WORKLOAD MEASURE:**

##### **MEDICAID AND PUBLIC ASSISTANCE**

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
<b>Department of Health Care Policy and Financing</b>					
Defense of the Department in litigation regarding the implementation of the Colorado Benefits Management System.		Obtaining a temporary order of settlement dependent upon the Department continuing to provide data regarding timely processing of claims.	Monitor provision of claims processing date. Respond to inquiries from plaintiffs' counsel.	Anticipate that this office will continue to monitor a very complex settlement.	
Defense of the Department in Administrative proceedings brought by		The passage of the Federal Deficit Reduction Act of 2005	Continue representation of HCPF in all administrative matters	Given the substantial increase in Medicaid populations,	



<p>recipients and providers claiming services or amounts due under Department of complex regulations in the Medicaid system. Many of the federal requirements have increased the issues programs -- primarily state Medicaid.</p>		<p>continues to require state implementation Of complex regulations in the Medicaid system. Many of the federal requirements have increased the issues requiring Department representation by the unit in the Office of Administrative Courts.</p>	<p>involving provider appeals or audits. Represent HCPF in certain recipient appeals, primarily at district court level.</p>	<p>which will likely continue to increase, we can anticipate increased appeals and utilization of resources.</p>	
<p>Recover funds expanded as a result of third parties' actions.</p>	<p>Amounts recovered</p>	<p>Total recoveries exceeded \$800,000.</p>	<p>Total recovery of \$762,133. Increased litigation and potential for litigation as a result of <i>State of Arkansas v. Ahlborn</i>.</p>	<p>Although HCPF handles more third party cases in house, it is likely that the increase in Medicaid recipients will increase work load in this area. Anticipate additional <i>Ahlborn litigation</i>.</p>	
<p>Working with the Department's Program Integrity Unit to uncover and eliminate provider overpayments and fraud in the Medicaid program.</p>		<p>The unit has been focusing on home health and durable medical equipment providers to insure that Medicaid reimbursement is for services</p>	<p>Prosecute provider overpayment appeals at civil level. Work with agency and health care fraud task force to identify fraud in the</p>	<p>Anticipate economy driven increase in provider overpayment appeals.</p>	

		actually rendered Medicaid clients.	Medicaid program.		
Advise HCPF in the rule-making and adoption process to keep the state in compliance with federal and state statutes in connection with the distribution of benefits.		The unit has actively worked on rule-making.	Continue to provide advice to Medical Services Board. This year we have added representation of the HB 09-1293 Oversight and Advisory Bd.	Continue representation of both MSB and 1293 Board.	
Provide advice and representation with regard to subpoenas and CORA requests.		HCPF has been subject to very substantive and time consuming CORA request, which require considerable assistance from this office.	Maintain advice and document review assistance.	There is no reason to believe that trend of significant involvement in CORA requests will slow down.	
<b>Colorado Department of Public Health and Environment</b>					
Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
Actions prosecuted to revoke, suspend, or place on probationary status licenses of Emergency Medical Technicians.	# of cases	18	22	28	
Prosecute licensing actions involving Home Health agencies		These agencies were not previously licensed. New	Regulatory process ongoing to develop	Anticipate that licensing process will be in place.	

licensed under the authority of the Department.		legislation in the 2008 session now requires licensing.	licensing criteria.	Assist Dept. in resolution of start up issues. Prepare to and prosecute enforcement actions.	
Prosecute licensing actions involving Health facilities licensed under the authority of the Department.	# of cases	7	13	15	
Provide rulemaking advice to Board of Health.		Review all rules and attend monthly Board meetings.	Same as FY 08	Same as FY 08	
<b>Colorado Department of Human Services</b>					
Represent the Department in various child support enforcement matters.		Child support obligors seek relief from state's administrative remedies improperly in district court, rather than through administrative processes. File motions frequently throughout the year challenging jurisdiction.	Continue to object to jurisdiction, where necessary while educating county attorneys on jurisdictional issues.	Maintain representation as in prior years.	
Defend the Department in a class action lawsuit challenging the		Aggressively defended the case and developed favorable	Favorable judgment at trial court. Case is on appeal. AND	Finalize appeal process. No additional work	

Department's decision not to reimburse Supplemental Security Income recipients for attorneys fees incurred in seeking the federal benefit.		expert testimony.	program suspended as of 1/1/2010 as a budget reduction measure.	anticipated since program is suspended.	
--	--	-------------------	---	---	--

## EDUCATION

### *Caseload trends:*

Teacher licensure cases referred for charges have increased significantly. The unit continues to average 2-3 major constitutional cases each year.

### *Legislative Measures*

The General Assembly enacted numerous laws affecting the State Board of Education's oversight responsibilities. Many will require additional rule-making, policy and procedure creation, and additional hearings and board meeting work. The legislature enacted bills authorizing capital construction funding for K-12 and higher education that will result in significant workload increases.

### *Ballot Initiatives*

The institutions of higher education and other education clients are attempting to prepare for the potential passage of a number of ballot initiatives that, if passed, will impact their operations.

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Estimate
Teacher licensure cases handled	# of cases	61	54	75	85
Settlements Obtained	# of settlements	10	13	15	17
Closed cases	# of closed cases	19	30	35	40
New Cases Filed	# of cases	19	24		
Cases carried over to next FY (open and pending cases)	# of cases	42	24		

*Objective:* The Education Unit intends to increase the number of teacher licensure cases closed and settled by at least 10% each year for the next two years.

*Strategy:* In order to achieve the objective of a 10% increase from FY08-FY09, the unit has assigned an additional attorney to the prosecution of these cases and two additional attorneys to provide research and case preparation support.

*Evaluation of Prior Year Performance;* The Education Unit increased its filings in the Office of Administrative Courts by 6 over FY 2008.

*Key Workload Indicators:* The number of cases opened continues to increase. This number is based on the number of charges referred by the Colorado Department of Education.

## HUMAN SERVICES

Workload Measure	Unit	FY 09 Actual	FY 10 Estimate	
<b>Department of Human Services</b>				
Defend the Department in litigation regarding the implementation of the Colorado Benefits Management System.		Review and submit monthly data regarding timely process per settlement agreement; communicate with plaintiffs' counsel to address concerns, CBMS upgrades and processing data	Work with the Department to address individual cases having problems with benefits and work with the department to improve systemic issues	
Defend County confirmations of child abuse/neglect in the State database system on behalf of the Department for use in employment/background checks		Ongoing litigation to prosecute child abuse/neglect in full evidentiary hearings before the OAC. The unit carries an average of 450 active cases at any given time.	Aggressively prosecute child abuse cases for background checks and to prevent persons who abuse children from working with children	
Prosecute licensing actions for the Division of Childcare		Actively litigate to revoke, suspend, and deny licenses where the facility fails to follow department rules, the licensee or employee commits child abuse, or otherwise fails to assure safe care for children.	Continue to actively prosecute child care licensing cases to assure safe childcare.	
Advise the Department in rule-making and adoption process.		The unit reviews rules and advises on authority and substantive content.	Continue advising on rule-making.	
Initiate actions to revoke, suspend or deny		Prosecute treatment agencies for failures	Continue to represent the	

substance abuse treatment licenses.		to comply with department regulations.	division and assist with a re-write of the rules.	
Workload	Unit	FY09 Actual	FY10 Estimate	
Defend the Department in administrative proceedings brought by recipients of Vocational Rehabilitation services or programs who were denied or reduced services.		Actively defend and where possible negotiate settlements for the Division of Vocational Rehabilitation.	Continue to defend the Department in these actions before the OAC. Assist the Division to improve the administrative hearing rules for these cases.	
File petitions in district courts on behalf of the Division of Youth Corrections for aggravated offenders, requesting extensions of commitments, release from mittimus or vacating illegal sentences.		Represent the DYC in all post-commitment juvenile proceedings, specifically those requiring a return to court for a change in placement or status or responding to subpoenas for records.	Continue representing the DYC in juvenile cases and providing legal advice.	
Assist the Department to respond to subpoenas and open records requests.		File motions to quash or redact records as needed when responding to records requests.	Provide ongoing legal advice and representation.	
Represent and advise the Division of Developmental Disabilities.		Provide legal advice and represent the Department when needed in court actions.	Continue to research and advise the Division in proceedings before OAC or in district court. Defend the Department in any court actions that result from closing 32 beds in Grand Junction.	
Represent the Department as needed.		Defend the Department in the Lyles case now on appeal in the	Continue to defend the Department in any court proceedings where	

		Colorado Court of Appeals, in Sims in federal district court, a Housing case before HUD, and a denial of a grant before OAC involving the Division of Aging.	they are named as a party.	
--	--	--	----------------------------	--

Caseload Trends:

This unit continues to see a greater variety of cases from more divisions within the Department of Human Services. Approximately three years ago, the Division of Behavioral Health began taking action against substance abuse licenses. The Division of Youth Corrections has increased the number of cases referred. There may be a need for representation in disability cases, either criminal courts incorrectly ordering individuals to the regional centers or imposition of legal disability cases where courts are issuing time limited orders.

Type of Case	Number of Cases 8 month period	
Estate/Collection Cases	5 - 4/5 involve estates	All are still pending
Informal Legal Opinions	12	Completed or in final draft stages
Developmental Disabilities	2	
Judicial Review of Child Abuse/Neglect	7	2 have decisions, with winning results
Child Abuse/Neglect	811 cases were received 7/1/08-6/30/09	90% settle, 8-10 cases are prepared for hearing per month, 472 active cases currently
Child Care Licensing	99 cases received 7/1/08-6/30/09	37 active currently
Behavioral Health/ADAD	5	2 still pending, two were withdrawn by the appellant, and one was dismissed.
Vocational Rehabilitation	6	3 still pending, 3 dismissed.
Youth Corrections/Hearings	11	All granted or pending.
Youth Corrections/Non-Hearing Petitions	16	All granted or pending.
Other: State Ombudsman, CBMS, Lyles, subpoenas/records	5 + records	



**PUBLIC UTILITIES COMMISSION**

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY10 Estimate
Prevail in appeals of PUC decisions in state and federal court	# of decisions.	Prevailed in 2 of 2 cases.	Prevailed in 2 of 2 cases.	There are six appeals or other court cases pending
Provide on-going, comprehensive, timely and accurate legal assistance to the PUC regarding the PSCo's Electric Resource Planning Docket		We have met all deadlines in this matter and continue to substantively assist the PUC in its decision in this matter.	Continue to meet all deadlines and provide substantive assistance in any appeals of the PUC's decision in this matter.	Continue to meet all deadlines and provide substantive assistance in any appeals of the PUC's decision in this matter.
Provide on-going, comprehensive, timely and accurate legal assistance to the PUC regarding the requirements and follow-on dockets regarding the taxi cab certificate dockets.			We have met all deadlines in this matter and continue to substantively assist the PUC in its decision in this matter.	Continue to meet all deadlines and provide substantive assistance in any appeals of the PUC's decision in this matter.
Provide comprehensive and timely legal assistance to the PUC regarding PSCo's Phase I electric rate case to be filed later this year, including legal research regarding use of test years to set rates, cross-exam of witnesses on behalf of Commissioners on legal issues regarding rate case, and preparation of PUC orders on the			This matter commenced at the very end of the FY09	We have met all deadlines in this matter and continue to substantively assist the PUC in its decision in this matter.

approved rates.				
Provide comprehensive and timely legal assistance to the PUC regarding the promulgation of rules regarding the renewable energy standard.			Began drafting new rules in FY09.	We have met all deadlines in this matter and continue to substantively assist the PUC in its decision in this matter.

**LABOR/PERSONNEL AND ADMINISTRATION**

**DEPARTMENT OF LABOR AND EMPLOYMENT,  
DIVISION OF WORKERS COMPENSATION**

**1. Worker's Compensation Enforcement**

Objective: Pursue statutory fines against employers that fail to have WC insurance for their employees.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Number of cases filed.	New cases	97	115	150	170
	Judgments	66	94	120	150

	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Number of cases settled.	settlements	27		30		35		40	
	Cases to close businesses	9		12		15		15	

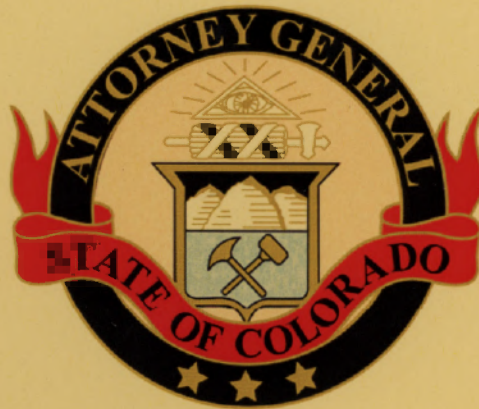
Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Total fines imposed and sent to collections.	Total fines sent to collections	\$651,165		\$1,029,700		\$1 M +		\$1.5Million	



**Narrative**

**LSSA**

**Department of Public Safety**



## **D) BACKGROUND INFORMATION: DEPARTMENT OF PUBLIC SAFETY UNIT**

One attorney is assigned to provide legal representation and advice to the Colorado Department of Public Safety (CDPS) and the Colorado Peace Officer Standards and Training Board (P.O.S.T. Board).

The CDPS includes the Executive Staff and four divisions: Colorado Bureau of Investigation (CBI), Colorado State Patrol (CSP), Division of Criminal Justice (DCJ), and the Division of Fire Safety (DFS). The Department is responsible for the provision of state law enforcement services and research, advice and oversight of the State of Colorado criminal justice system. Approximately 90 statutory and administrative boards and commissions fall under the auspices of CDPS. The CDPS has approximately 1300 employees statewide. CDPS headquarters is at 700 Kipling Street, Denver, CO.

The P.O.S.T. Board is responsible for overseeing the education, training, and certification of Colorado's peace officers. The Board meets quarterly and is composed of 20 members, of which three are statutory (Colorado Attorney General-chair, FBI Special Agent in Charge- Denver Division, and Executive Director of CDPS). Seventeen members are appointed by the Governor to 3-year terms and include one local government representative, one member of the general public, 6 active sheriffs, 6 active chiefs of police, and 3 line-level peace officers serving at the rank of sergeant and below.

### **Primary Duties:**

The provision of legal services to CDPS includes legal advice and representation covering a broad spectrum of issues arising from the responsibilities and functions of the Executive Director, staff, several divisions, and various boards and commissions. The intent of this legal representation is to review proposed agency actions to ensure legality and reduce the likelihood of future litigation.

Legal advice is provided to executive staff members on policy matters and personnel decisions. Examples of ongoing advice include policy development, legislative matters, intergovernmental agreements, asset forfeiture allocations, legal coordination, rulemaking hearings, and open records requests. Examples of litigation include representation and appearances in state district courts (civil and criminal), federal district court, the Colorado Court of Appeals, and the State Personnel Board.

Increasingly, the CDPS is involved in coordination and participation of law enforcement activities with other governmental entities. Oftentimes this requires drafting and approving a wide range of agreements including contracts, memoranda of understanding, and intergovernmental agreements with local, federal, and other state agencies.

**II) PRIOR YEAR LEGISLATION:** N/A

**III) HOT ISSUES:**

The most critical issue is the need for additional legal resources to meet the increasing functions and responsibilities of the CDPS as delegated by the Governor and the state legislature including the creation of task force commissions for policy development and the coordination of statewide law enforcement activities.

**IV) WORKLOAD MEASURES:**

This position is funded for one fulltime attorney position.

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
Trial Court Litigation	# of cases	2	6	6	10
Administrative Hearings	# of cases	6	12	20	30
EEOC Investigations	# of cases	2	3	2	5
Appellate Litigation.	# of cases	0	2	3	6
Court Interventions	# of appearances	10	25	40	50
Major Policy Issues	# of issues	3	15	30	50
Intergovernmental Agreements	# of agreements	4	10	10	20
Rulemaking Hearings	# of hearings	3	10	1	20
Major Client Meetings	# of meetings	30	100	150	200
General Requests for Legal Advice	# of requests	75	200	250	300

## **I) BACKGROUND INFORMATION: SECURITIES FRAUD UNIT**

The Securities Fraud Unit is comprised of 5.5 FTE positions, 3.5 of which are funded by an industry assessment through the Division of Securities of the Colorado Department of Regulatory Agencies. The Attorney General's Office has original jurisdiction to both investigate and prosecute crime relating to securities and the Securities Fraud Unit provides investigative and prosecutorial resources for combating securities fraud statewide. The general goals of the Securities Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential Securities fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and, (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators. The Unit also strives to assist and support other agencies in investigating and prosecuting securities fraud violations.

The cases handled by the Unit generally involve the prosecution of individuals who solicit and receive investor money for investment schemes that are not regulated. Often times these schemes target groups of people such as the elderly or church members who either know or know of the person soliciting their money. Many of these cases are "Ponzi" schemes, where earlier investors are paid returns with the contributions of later investors to maintain a façade of success and legitimacy.

## **II) PRIOR YEAR LEGISLATION**

The Securities Fraud Unit did not sponsor or promote any legislation in FY 2008-2009.

## **III) HOT ISSUES**

Major fraud cases: Alan Bird was indicted by the statewide grand jury in May 2006 on three counts of Securities Fraud, five counts of Theft, and two counts of Habitual Criminal. The charges stem from Bird's involvement as the principal in the "XL Capital Partners" hedge fund investment scheme and his personal use of funds obtained through that operation. Bird personally profited from his efforts to secure investor monies for XL Capital's "Vision Fund" by receiving fees on "margined" accounts; however, Bird never told investors that those fees were substantially more than what was agreed upon. Bird improperly used investor monies for such things as the purchase of a jet airplane, improvements for a personal residence, inflated referral fees, paying inflated returns to some investors, personal expenses, and foreign currency trading. Bird pled guilty to one count of Securities Fraud and one count of Theft (both Class-3 felonies) on March 14, 2008. He was sentenced in El Paso County on September 5, 2008 to 24 years in the Department of Corrections (12 years on each count to be served consecutively) and more than \$6.6 million in restitution to over 130 victims.

Gene Little collected over \$2 million dollars from approximately 40 investors from August 2005 through April 2006. Investors, who were promised 15% returns on their investment, believed their money was going into "factoring" accounts. Little, through his



company, Managed Cash Flow, Inc., claimed he was channeling investor funds to Nationwide Cash Flow Specialists, LLC, an entity that specialized in finding and buying factoring accounts. Little failed to either forward these funds to any entity or otherwise invest them; instead, he used this money to pay the promised returns to previous investors and to pay himself through another of his companies. Little was charged in October 2007 with thirty-four counts of Securities Fraud and one count of Theft (all Class-3 felonies) and was found guilty by a Larimer County jury of all 35 counts on August 12, 2008. He was sentenced on September 29, 2008 to six years in the Department of Corrections on each count (to be served concurrently) and restitution of almost \$1.9 million to 38 victims.

Steven Sumner, under the name The Loan Consultants, solicited individuals to invest in several fraudulent property loan investments from May 2003 through September 2004. Investors were given a promissory note to evidence their investment, and were promised varying rates of return. They were told that the funds would be deposited directly into client accounts; however, most of the funds went either to Sumner's personal expenses or to pay earlier investors. Sumner failed to disclose several material facts to investors, including: risks associated with the investments; that some earlier investors received only partial payment or no payment at all; that he had been permanently barred by the National Association of Securities Dealers; and that he had prior criminal convictions and numerous prior and pending civil lawsuits. Sumner was indicted by statewide grand jury in January 2007 on six counts of Class-3 felony Securities Fraud, two counts of Class-3 felony Theft, and three counts of Class-4 felony Theft. On September 17, 2008, Sumner pled guilty to all eleven counts after several days of trial. He was sentenced in Larimer County District Court on November 13, 2008 to seven years in the Department of Corrections on the 8 Class-3 felony counts and to five years for the 3 Class-4 felony counts (all terms to be served concurrently). Sumner owes just over \$57,000 in restitution, which is owed to 7 victims.

The statewide grand jury indicted Rick VanVleet on five counts of Securities Fraud and two counts of Theft (all Class-3 felonies) in March 2008. From February 2003 through November 2004, VanVleet took nearly \$3 million dollars from investors who believed they were investing in the financing of commercial multi-media equipment. These investors were provided promissory notes to evidence their investment. VanVleet represented that he was acting on behalf of Synergy Media Group (Synergy), of which he also claimed to be the majority owner. VanVleet never told investors of the risks involved. He also failed to inform investors: that he was not the majority owner of Synergy or that he did not have authority to offer promissory notes encumbering Synergy assets; that he was permanently enjoined by the Securities and Exchange Commission from engaging in fraudulent securities transactions; and that not all of their money made it to Synergy as represented. VanVleet pleaded guilty to one count of Securities Fraud, a Class-3 felony, on November 4, 2008. He was sentenced in Larimer County District Court on February 24, 2009 to ten years in the Department of Corrections. VanVleet owes more than \$2.9 million dollars in restitution to 35 victims.

With the current economic problems and volatility in the stock market, the Unit expects to see more fraud in the non-regulated investment world. When traditional investments fair poorly, both sophisticated and less sophisticated investors often seek investments outside of the traditional, regulated markets, which can easily lead to fraud due to a lack of oversight or regulation.

This Unit is especially in need of a financial auditor to aid in both the investigation and prosecution of securities fraud. Securities Fraud cases often arise out of millions of dollars being misappropriated and the addition of a financial auditor would aid the detection and prosecution of these cases. It is anticipated that one third of an auditor's time will be available to the unit in the coming year.

#### **IV) WORKLOAD MEASURE:**

##### **WORKLOAD INDICATORS**

<b>Workload Measures</b>		<b>Actual FY08</b>	<b>Actual FY09</b>	<b>Estimate FY10</b>	<b>Request FY11</b>
<b>Measure 1.1 Criminal Investigation Opened</b>	<b>Target</b>	18	18	12	12
	<b>Actual</b>	11	9		
<b>Measure 1.2. Criminal Cases Filed</b>	<b>Target</b>	12	12	12	12
	<b>Actual</b>	6	9		
<b>Measure 1.3 Jury trials</b>	<b>Target</b>	2	2	2	2
	<b>Actual</b>	2	2		
<b>Measure 14. Convictions Obtained</b>	<b>Target</b>	8	12	10	10
	<b>Actual</b>	10	8		
<b>Measure 1.5. Restitution Ordered</b>	<b>Target</b>	\$2,000,000	\$2,500,000	\$3,000,000	\$3,000,000
	<b>Actual</b>	\$12,664,705	\$12,921,409		
<b>Measure 1.6. Media items published</b>	<b>Target</b>	4	5	15	15
	<b>Actual</b>	31	41		

Statistics kept by the Unit indicate that the workload of the Unit is changing in some degree toward a trend of investigating and prosecuting fewer, but larger, or more significant cases. This trend is most obvious in the "Restitution Ordered" and "Media Items published" measures in the above table.

## PERFORMANCE MEASURES

### 1. Complex and/or multi-jurisdictional fraud investigations and prosecutions

*Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to securities fraud which local jurisdictions would be unable to effectively handle.*

Performance Measures		Actual FY08	Actual FY09	Estimate FY10	Request FY11
Measure 1.1 Investigate multi-jurisdictional Securities fraud cases in the grand jury, and obtain indictment where appropriate.	Target	8	8	8	8
	Actual	4	6		
Measure 1.2. Restitution actually collected pursuant to court order	Target	\$100,000	100,000	\$150,000	\$150,000
	Actual	\$165,952	\$171,549		

*Strategy:* The Unit receives referrals from numerous sources. The Division of Securities refers approximately 50% of the Unit's cases to our office. Private attorneys, law enforcement and private citizens also refer cases to the Unit. Fraud referrals often require substantial investigation, and most investigations take months or years. Some of the fraud referrals, once investigated, do not result in criminal charges. This is due to various reasons including lack of provable criminal intent, inconsistencies or uncooperative victims and witnesses or statute of limitations problems when cases are brought to our attention years after the criminal behavior.

*Evaluation of Prior Year Performance:* The Unit opened fewer investigations but filed more criminal cases in the past year. This indicates that the pre-screening process of the unit has improved. The unit had two jury trials during the year, both in Fort Collins, Colorado, which took a lot of both attorney and staff time. The unit had fewer convictions this past year. This fluctuation is in large part due to the cyclical nature of criminal prosecution. Investigations often take longer than the prosecution portion of a case; however, when cases get set for trial, it can take years to come to resolution. Many of the continuances and delays are outside of the prosecutors' control, but add to the workload of both attorneys and investigators and staff.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table. Indicators show that the Unit has the ability to handle both the more complex cases that are highly demanding of employee time.

## 2. Case openings, assignments, and processing

*Objective:* To quickly process referrals once they are received in Unit and, after initial review, continue the procedure of assigning the responsibility of each case to a team of at least one investigator and one prosecutor, and holding periodic status meetings and preparing reports on each case.

Performance Measures		Actual FY08	Actual FY09	Estimate FY10	Request FY11
Measure 2.1 Assign an investigator and attorney at the time of case opening	Target	18	20	12	12
	Actual	11	9		
Measure 2.2 Update case status reports monthly and provide reports to Division of Securities	Target	12	12	12	12
	Actual	12	12		

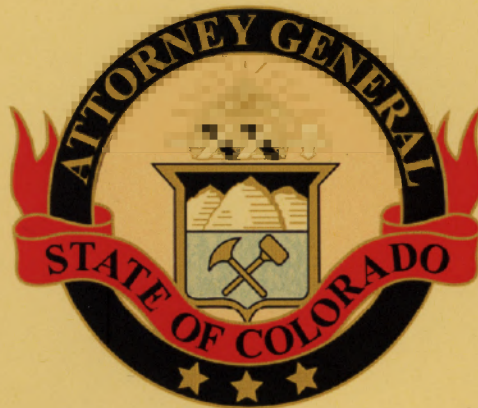
*Strategy:* As the Unit's case load and referrals is often fluctuating, monthly reports are created and sent to the Division of Securities and the Unit meets routinely to discuss ongoing investigations and cases to ensure cases keep moving forward.

*Evaluation of Prior Year Performance:* Assignments and monitoring have proceeded according to the standards set, and this has assisted the Unit in keeping its cases progressing satisfactorily.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table.



**Narrative**  
**LSSA**  
**Litigation &**  
**Employment Law**



## **I) BACKGROUND INFORMATION: CIVIL LITIGATION AND EMPLOYMENT LAW**

The Civil Litigation and Employment Law Section of the Colorado Attorney General's Office employs 35 attorneys, 10 legal assistants, 5 administrative assistants and 1 office manager. The employees of the section defend state agencies, officials, and employees in litigation in state and federal court, as well as administrative hearings. The section also acts as general counsel to the Division of Risk Management, the Colorado Dept. of Corrections (CDOC), the Parole Board, the Colorado Civil Rights Division (CCRD), the Colorado Transportation Commission, and the Colorado Dept. of Transportation (CDOT), providing quick and thorough legal advice regarding the many issues that arise on a daily basis. The section advises all state agencies regarding personnel matters. The Section is divided into five units: Corrections, Tort Litigation, Transportation, Employment Tort, and Employment Personnel and Civil Rights. A brief description of each unit follows.

### **Corrections:**

The members of this unit are responsible for the representation of the Department of Corrections, the Colorado State Board of Parole and all employees of those agencies in state and federal lawsuits including tort claims, claims of various constitutional violations, construction claims, requests for documents and appearances in court, challenges to sentences, appeals of internal discipline, environmental matters, religious practices, medical treatment claims, and prison conditions. The unit represents other agencies who are sued by inmates. The unit acts as a general service law firm to DOC except in the areas of personnel and contracts. The unit members give advice on a daily basis to representatives of DOC and the Parole Board on the many complicated issues that arise in a prison and parole context. The attorneys provide advice regarding proposed legislation as well.

### **Tort Litigation:**

The members of this unit defend the State of Colorado, its agencies, employees, entities, and officials in lawsuits seeking damages for personal injury and property damage and those brought pursuant to federal law (except for employment claims). The unit also provides day to day advice to the State Risk Management Division on questions of coverage, indemnity, settlements, and applicability of the Colorado Governmental Immunity Act. Members of this unit aggressively defend the state and seek to minimize the monetary liability of the state in a variety of law suits. The Risk Management cases handled by the Corrections Unit attorneys are included in the Workload Measures for the Corrections Unit.

### **Transportation:**

The Transportation Unit acts as a general service law firm to CDOT and the Colorado Transportation Commission with the exception of personnel and tort matters. The members of the unit advise CDOT regarding a myriad of legal issues. The unit prosecutes all condemnation actions, defends inverse condemnation actions, and handles administrative actions. The unit also

handles access control, highway beautification, billboard location disputes, and protests under the Procurement Code. The unit advises CDOT in construction matters and represents CDOT in construction arbitration and litigation. The unit also provides advice regarding environmental and real estate issues and defends and negotiates settlements in these areas. Members of the unit review, revise, and approve all CDOT contracts and assist in rulemaking and approval of regulations. The attorneys also review proposed legislation affecting CDOT.

### **Employment Tort:**

The Employment Tort unit defends state agencies and employees in state and federal court employment litigation. The attorneys handle the cases from inception through appeal. The cases involve claims arising under a myriad of federal and state statutes, including Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Fair Labor Standards Act, The Family Medical Leave Act, the Equal Pay Act, the Age Discrimination in Employment Act, the state whistleblower act and other employment laws as well as federal civil rights laws. The attorneys also provide advice and training to state agencies regarding employment law. The unit also provides day to day advice to the State Risk Management Division on questions of coverage, indemnity, settlements, and conflicts.

### **Employment Personnel and Civil Rights:**

The Employment Personnel and Civil Rights unit defends state agencies and employees in administrative hearings, hearings before the State Personnel Board, and before the appellate courts in matters involving employment grievances and appeals. The cases involve claims arising from the Colorado Constitution, the State Personnel System Act, the state Employee Protection (Whistleblower) Act, the Colorado Anti-Discrimination Act, and related federal and state statutes. The attorneys also provide advice and training to state agencies on issues such as hiring, managing, and disciplining employees. The unit also provides legal advice to the Colorado Civil Rights Division within the Dept. of Regulatory Agencies in connection with CCRD's investigation of charges of employment, housing and public accommodations discrimination and cases brought based as a result of those investigations. The unit prosecutes civil rights cases through all stages of appeal and defends challenges to the authority of the Commission. The unit also defends cases brought under the Subsequent Injury Fund and the Major Medical Insurance Fund by employees injured in the course and scope of their employment with the state. These funds cover very limited claims.



## **II) PRIOR YEAR LEGISLATION:**

**HB09-1351:** Concerning an increase in the amount of time an inmate may have deducted from the inmate's sentence (Rep. Pommer and others, Sen. M. Carroll and others).

This bill increases the amount of "earned time" credits the CDOC may award from 10 days per month to 12 days per month. It also increases the overall deduction from the inmate's sentence from 25% to 30%. Finally, the bill has been interpreted by the CDOC to permit the CDOC to award an additional 60 days of "earned release time" to certain Class 4 and Class 5 felons and an additional 30 days of "earned release time" to certain Class 6 felons.

**HB09-1122:** Concerning increasing the age of persons eligible for the Youthful Offender System (Rep. Roberts and others, Sen. Morse and others)

Increases the age of offenders eligible for placement in YOS from under 18 at the time of the offense and under 19 at the time of the sentence to under 20 at the time of the offense and under 21 at the time of the sentence.

**SB09-108:** Funding Advancement for Surface Transportation and Economic Recovery (FASTER) (Rep. Rice, Sen. Gibbs)

This bill created new vehicle registration fees to fund transportation improvements. The bulk of the estimated \$250 million in new funding (when fully implemented following a 3-year phase-in) is directed to safety projects and bridge projects. The bill creates two new TABOR-exempt enterprises: the Statewide Bridge Enterprise which is charged with repairing, replacing, and reconstructing structurally deficient bridges with a bridge safety surcharge; and the High-Performance Transportation Enterprise which is charged with seeking out innovative methods of financing and providing transportation infrastructure.

**SB 09-110:** Concerning the Continuation of the Regulation of Civil Rights Issues (Morse, Levy)

This was the Colorado Civil Rights Division/Commission Sunset bill. The bill added Commission-initiated complaints to the process; clarified language in the public accommodation and filing of charge sections; added "terms and conditions" to the employment section; and expanded the subpoena power of the Division.

**HB 09-1008:** Concerning the Expansion of the Ability to Transfer Annual Leave Between Employees in the State Personnel System (Micklosi, Williams).

This bill broadened the language permitting employees to transfer leave between state employees.

**SB 09-035:** Concerning a Penalty for a Violation of Certain Proscribed Acts for Governmental Officials (Renfroe, Sonnenberg).

This bill makes it a class I misdemeanor for a violation for violations of the standards of conduct under the State Code of Ethics, 24-18-101, et seq.

### **III) HOT ISSUES:**

#### 1) Montez case

The class action lawsuit, Montez et. al. v. Ritter et. al., is still pending in the U.S. District Court. This is a case against the CDOC brought pursuant to the Americans with Disabilities Act and the Rehabilitation Act. The case was settled in 2003. The settlement included two major components: 1) offenders who believed they had been injured by discrimination against them based on a disability were allowed to file individual claims for damages. These claims were handled by Special Masters appointed by the federal court. Over 1300 claims were filed which have now been resolved with the exception of fewer than 10 claims that still remain. The state paid less than \$50,000 overall on these claims. In addition, the Division of Risk Management paid plaintiffs' attorneys' fees and the Special Masters' fees. 2) The CDOC was given two years to come into compliance with the terms of the stipulation and then a two-year monitoring period will begin. The CDOC has come into compliance regarding physical architectural changes but has not completed compliance with respect to programmatic, training, and disability determination issues. The compliance period has been extended twice, and the new date for compliance is May 1, 2009. The Division of Risk Management continues to pay attorneys fees to class counsel during this time. A three-week hearing will commence on October 19, 2009 to determine whether the CDOC is in compliance and how to terminate this case.

#### 2) CDOT Affirmative Action Program

The Colorado Transportation Commission authorized an updated Disparity Study which is intended to provide the necessary "strong basis in evidence" to support CDOT's Disadvantaged Business Enterprises program. The Disparity Study should be released in September or October 2009. It analyzes data and anecdotal evidence of discrimination in the highway construction industry for purposes of maintaining a federally required and constitutionally supported affirmative action program.

#### 3) Electronically Stored Information

The Employment Tort Unit continues to spearhead the effort to train and advise state agencies, their human resource and information technology professionals, and their counsel within the AG's Office on the obligations to preserve and disclose electronically-stored information.

#### 4) Training

The Employment Tort and Employment Personnel Units continue to create and present training to state agencies on a myriad of employment and litigation issues. This past year, the employment tort lawyers conducted training sessions covering sexual harassment and retaliation issues. The Employment Tort Unit created a training program on employment issues for CDOT supervisors. In order to reach all of the supervisors, there were 8 separate presentations throughout the state. The Employment Tort Unit also made presentations to DPA's H.R. Directors' Forum on new Supreme Court and Tenth Circuit employment law decisions, medical

marijuana in the workplace, and, as identified more fully below, the whistleblower notice provisions of the American Reinvestment and Recovery Act and the potential liability for unemployment insurance payments to independent contractors.

#### 5) FLSA

The Employment Tort Unit continues to regularly consult with and advise state agencies on FLSA matters. One specific area of difficulty is coordinating certain agency's computer systems so that they accurately record time worked, comp time, overtime, etc. The Unit consults with those agencies so that they can program the computer systems to comply with FLSA requirements.

#### 6) Unemployment Insurance

The Employment Tort Unit became aware of the pitfalls of independent contractors being considered employees and receiving unemployment benefits from the state if an agency ends their contracts (which has been happening more and more because of the budget cuts). The Unit's lawyers have researched the issues, attended state working groups that deal with contracting issues, defended state agencies in the unemployment hearings, and made suggestions to DVR, CDPHE, and attorneys who draft or review contracts on how to avoid the pitfalls.

#### 7) American Reinvestment and Recovery Act (ARRA)

The Employment Tort Unit advised agencies on how to post the notice required by the whistleblower provisions in the ARRA. The Unit has reviewed contract amendments for all state contractors that insure compliance with the ARRA by having contractors and subcontractors to State agencies agree that they are aware of and pledge compliance with the law.

#### 8) Furloughs and Layoffs

The governor declared insufficient revenues for expenditures and ordered mandatory furloughs for certain state employees. He issued Executive Order D015 09 to implement this plan for four unpaid days of work. There may be additional furlough days in the next calendar year. In addition, State Agencies have put together business plans and matrices for use during any layoffs resulting from personal services budget reductions. The Employment Personnel Unit provides advice on a daily basis to state agencies on issues associated with the furloughs and the potential layoffs.

#### 9) Sexual Orientation and Transgender Rulemaking

The Colorado Civil Rights Commission is drafting and implementing regulations as a result of SB 08-200, the bill that added sexual orientation and transgender status as protected classes under the housing, public accommodation, and advertising statutes in the Colorado Anti-discrimination Act.

**IV) WORKLOAD MEASURES:**

**WORKLOAD INDICATORS**

**CORRECTIONS:**

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
Number of new cases handled	Corrections	483 (305 inmate, 50 advice, 94 Risk Management, 27 Montez, 7 assigned to outside counsel)	461 (321 inmate, 43 advice, 64 Risk Management, 27 Montez, 6 assigned to outside counsel)	460	
Billable Hours		17,783 (includes time spent by Montez attorneys which is billed to Risk)	15,886 (No Montez contract attorneys were retained)	16,000	

**TORT LITIGATION:**

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Number of cases opened	Tort Litigation	88 includes 6 monitoring cases plus one case filed to defend a statute from constitutional challenge	71 includes 4 monitoring cases	80	
Savings to State from total cases (including settled and dismissed cases)		\$5,576,655	\$23,501,387	\$5,500,000	
Billable hours		15,406	17,517	17,000	

**TRANSPORTATION:**

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
Number of New cases filed	Transportation	41	40	42	
Number of Pending cases		70	70	70	
Number of Trials		3	3	3	
Number of Contested Hearings		8	2	2	
Billable Hours		15,652.6	15,872	15,000	

**EMPLOYMENT TORT:**

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
New cases and claims filed	Employment Tort	16 new cases with 276 claims	18 new cases with 373 claims	17 new cases with 325 claims	
Cases and claims handled in-house		37 cases with 722 claims	37 cases with 692 claims	37 cases with 850 claims	
Cases and claims handled by outside counsel		4 cases with 13 claims	1 case with 1 claim	2 cases with 6 claims	
Billable hours		12,104	9,821	11,000	

**EMPLOYMENT PERSONNEL AND CIVIL RIGHTS:**

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY10 Estimate	FY 11 Request
Number of Employment Personnel cases opened and number of cases handled	Employment Personnel	182 cases opened 280 cases handled	165 cases opened 263 cases handled	180 cases opened 300 cases handled	
Number of SIF and MMIF cases opened and number handled during the year		1 case opened 2 cases handled	7 cases opened 9 cases handled	1 case opened 2 cases handled	
Number of Civil Rights matters opened (including hearing worthiness analysis and probable cause sufficiency analysis)		32 cases opened 45 cases handled	22 cases opened 33 cases handled	35 cases opened 50 cases handled	
Billable hours		16,802	18,732	18,500	

## CORE OBJECTIVES AND PERFORMANCE MEASURES

### CORRECTIONS:

Objective 1: Limit the number of inmate suits which actually proceed to discovery or trial by filing dispositive motions (dismissal or summary judgment) at the inception of the case, along with supporting briefs and affidavits.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Successful dispositive motions before discovery	Benchmark	80%	80%	80%	
	Actual	65% (130 granted in 199 new cases) (Montez and Rule 106 cases-which don't permit dispositive motions-excluded)	50.1% (164 granted in 327 new cases) (Montez and Rule 106 cases-which don't permit dispositive motions-excluded)		

Objective: 2. Prevail at hearing or trial on all suits brought against the CDOC, the Parole Board, or their employees. Prevail at hearing or trial on all suits brought by inmates against any state agency or state employee. [This objective excludes personnel and employment matters, which are handled by another unit. Settlements are also excluded].

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Successful trial and hearing outcome	Benchmark	80%	80%	80%	
	Actual	80% (12-3)	71% (17-7)		

Objective 3: Prevail on all appeals of cases from the trial court. This number includes appeals to district court. It also includes appellate rulings from the courts of appeals and supreme courts in the state and federal systems. [It does not include CRCP 106 judicial reviews that were not dismissed but were ruled upon after review of briefs and certified records. See objective 4].

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Number of appeals won	Benchmark	85%	85%	90%	
	Actual	96% (54-2)	98% (57-1)		

Objective: 4. Prevail on all appeals of prison disciplinary cases and other agency hearings from the agency to the district court.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Successful appellate outcome in prison disciplinary and administrative cases	Benchmark	85%	85%	85%	
	Actual	85% (46-8)	81.25% (52-12)		



Objective: 5. Settle cases for a reasonable amount when appropriate.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Successful settlements in appropriate cases	Benchmark	4 cases Savings \$100,000	4 cases Savings of \$100,000	4 cases Savings \$100,000	
	Actual	2 cases settled – savings: 1: multimillion demand. No money paid out. 2: \$495,000 demanded. Settled for \$250,000.	6 cases settled. Savings: 1) Demand: multimillions Settled for Placement in SOTMP. No money paid. 2) Demand: multimillions Settled for \$500. 3) Demand: 100,000; Settled for \$500. 4) Demand: \$150,000 Settled for \$2,500 5) Demand: \$292,500. Settled for \$30,000 including attorneys fees 6) Demand: \$500,000 Settled for \$200,000		

Objective: 6. Seek costs of care and attorneys fees from opposing party when appropriate; settle claims for attorney's fees against the state reasonably.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Amount of fees and costs ordered	Benchmark	Depends on cases	Depends on cases	Depends on cases	
	Actual	Obtained orders for attorneys fees of \$8962.50 in 3 cases. Paid \$107,580 in 1 case: Request was \$139,286.	Obtained orders for attorneys' fees of \$1125 in 2 cases; paid some attorneys fees as part of the lump sum settlement of \$30,000 listed above.		

Objective: 7. Provide answers to requests for advice within 10 days of request. Provide written responses, including informal Attorney General Opinions, when requested. [The target measure will be less than 100% because informal AGOs cannot and should not be given within 10 days.] Attend meetings at CDOC and Parole Board upon request. [Generally, at least once per week].

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Advice given within 10 days of request	Benchmark	90%	90%	90%	
	Actual	99% (383-1)	100% (492-0) (No informal AGOs given)		

Objective: 8. File motions for protective orders or motions to quash in every case in which a party seeks privileged or confidential records or files. Represent the agency in any hearings on motions. Either succeed in having the subpoenas quashed in full after in camera review or at a minimum obtain protective orders so that no inmate or other third party may view the confidential material.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		inmate	inmate	inmate	inmate
Motion for protective order filed and granted in whole or substantially in part	Benchmark	90%	90%	90%	
	Actual	100%	100%		

Objective: 9. Review proposed and pending legislation to determine effect on the CDOC and on the Parole Board within 3 days of request.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		inmate	inmate	inmate	inmate
Review proposed and pending legislation and provide input within 3 days	Benchmark	100%	100%	100%	
	Actual	100%	100%		

*Strategy:* The unit will continue to represent the Dept. of Corrections aggressively and successfully winning the vast majority of the cases through motions. The unit will continue to handle a high volume of cases and seek to resolve them early in the litigation. The First Assistant will continue to attend meetings at least weekly with the leadership team at CDOC to assist in the daily issues that arise in the prison setting. The attorneys will continue to provide training to CDOC representatives to help eliminate errors in administrative proceedings that could lead to litigation.

*Evaluation of Prior Year Performance:* The attorneys and support staff continue to provide excellent and thorough representation for the CDOC as reflected in the overwhelming positive results achieved in court. The need for additional prison space continues and CDOC continues to place prisoners out of state and in private prisons. The most recent statistics provided by the CDOC indicate that there are 22,887 inmates, 208 offenders in YOS, and 10,982 parolees as of June 30, 2008. That number reflects an annual growth of 5.8 % in

FY08. The growth figures were 7.4% for FY 03, 5.5% for FY04, 5.3% for FY05, 7.2 % for FY06, 7.9% for FY07. Continued annual growth of 5-7.5% can be expected. Nevertheless, the overall number of cases has shown a slight decline over the past two years. We believe that continued screening of cases, as required by the federal and state prison litigation reform acts, has helped. On the other hand, the complexity of the cases has increased. It is more difficult to resolve cases through early dispositive motions when those cases have survived judicial screening. Consequently, more time is spent in discovery. Almost all of the individual Montez claims have been resolved by the Special Masters, although the special masters have recently assigned a few more cases for hearings. The CDOC has achieved compliance with the physical/architectural requirements of the settlement agreement and believes it has come into compliance concerning programmatic and disability determinations. The compliance period has been extended twice – the latest deadline was May 1, 2009. A hearing will be held in October, 2009 to determine whether the Department is in compliance.

**TORT LITIGATION:**

Objective: Aggressively and efficiently defend the state in tort and federal court cases and successfully represent clients in hearings and trials.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		90%	90%	90%	
Number of motions to dismiss and motions for summary judgment filed and won.	Benchmark	90%	90%	90%	
	Actual	97% Won 34 out of 35	95% Won 40 out of 42		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Verdicts	Verdicts	Incidents
Number of cases going to trial and number of defense verdicts	Benchmark	3/2 67%	1/1 100 %	3/2 67%	
	Actual	0 trials	1 trial - verdict pending		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Verdicts	Incidents	Incidents
Amount of money saved by successful motions, appeals, court dismissal or voluntary dismissals by plaintiffs	Benchmark	\$2,000,000	\$2,000,000	\$2,000,000	
	Actual	\$3,806,702	\$23,501,387		

Objective: Obtain favorable rulings on appeal.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Number of favorable rulings on appeal	Benchmark	80%	80%	80%	
	Actual	86% Won 19 Lost 3	100% Won 5 Lost 0		

Objective: Settle cases favorably for the State.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Number of cases and claims settled and amount saved the State.	Benchmark	\$800,000	\$1,000,000	\$1,000,000	
	Actual	<p>\$1,769,953                      Settled 16 cases for \$1,306,300 from demands of \$3,076,253; average paid: \$81,643.75                      This includes settlements of attorneys fees (\$796,000) from cases from other units (without these the average paid: \$39,254)</p>	<p>\$5,694,907                      Settled 30 cases for \$3,278,500 from demands of \$8,973,407; average paid: \$109,283                      This includes attorney fees claims settled (without these the average paid: \$72,203)</p>		

Objective: Obtain voluntary dismissals from plaintiffs and court dismissals.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Number of voluntary dismissals and dismissals by the courts	Benchmark	15 cases	15 cases	15 cases	
	Actual	15 voluntary; 16 court dismissals	12 voluntary 30 court dismissals		

Objective: Obtain costs and attorneys' fees for the state in appropriate cases and resist requests for attorney fees in tort cases and monitoring cases.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Attorneys' fees ordered for the state in Risk Management cases and successful resistance to attorneys fees sought	Benchmark	\$15,000	\$15,000	\$15,000	
	Actual	Obtained orders for \$34,361.56 in 7 cases Lost 3 requests for attorneys fees Defeated 3 requests for attorneys fees	Obtained orders for \$7,385.50 in 3 cases. No requests for attorneys fees filed against us.		



Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Attorneys fees ordered to be paid by state in cases tort was monitoring for attorneys fees	Benchmark	Aggressively defend attorneys fees claims	Aggressively defend attorneys fees claims	Aggressively defend attorneys fees claims	
	Actual	8 monitoring cases resolved with no payment of fees; settled 3 requests Requesting: \$1,825,000 Settled for: \$796,000 Savings: \$1,029,000.	Resolved three petitions for attorney fees awards in §1983 cases, requesting \$2,135,000. Paid \$1,209,261. Savings: \$925,734		

Objective: Seek petitions for certiorari when appropriate and resist petitions by opposing parties.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Petitions for certiorari defeated successfully and petitions granted when the state requests	Benchmark	Depends on the types of cases handled	Defeat 5 Petitions for Certiorari		
	Actual	Defeated 10 petitions for certiorari in cases state had won.	Opposed 3 certiorari petitions, 2 were denied, 1 remains pending.		

*Strategy:* The tort litigation unit continues to win most of the cases on motions to dismiss and summary judgment motions. The number of cases remained constant but fewer cases are proceeding to hearings or trials. The unit continues to save the state substantial amounts of money by settling cases favorably and winning them.

*Evaluation of Prior Year Performance:* The Unit had a very successful year winning some very important cases such as Nicholas v. Boyd, et al. (Colorado School of Mines Police Dept.) by convincing the 10<sup>th</sup> Circuit Court of Appeals to uphold the trial court's summary judgment in favor of School of Mines employees on claims of conspiracy to deprive plaintiffs of their First Amendment right of access to the courts by allegedly covering up an alleged homicide on campus. The Unit also prevailed in lawsuits filed against the State Engineer alleging that orders to cease pumping irrigation wells in the South Platte watershed constituted unlawful takings without compensation. Unit members successfully limited attorney fee awards under 42 U.S.C. § 1988 through meticulous review of documentation submitted in support of the attorney fee petitions and aggressively negotiating settlement. The unit continues to win the majority of cases through motions to dismiss or motions for summary judgment. Some of the attorneys and staff participated in training sessions for state agencies.

**TRANSPORTATION:**

Objective: Aggressively and effectively represent the Colorado Department of Transportation in litigation.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		<i>Incidents</i>	<i>Incidents</i>	<i>Incidents</i>	<i>Incidents</i>
Resolve cases favorably for the State, including settlements	Benchmark	Save \$1,000,000	Save \$1,000,000	Save \$1,000,000	
	Actual	Resolved 16 condemnation cases. Saved over \$1,756,522.	Resolved 14 condemnation cases. Saved \$878,164.		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Measures	Measures	Measures	Measures
Represent CDOT successfully in the appellate courts	Benchmark	Win 3 appellate cases	Win 3 appellate cases	Win 3 appellate cases	
	Actual	Won 1 case in the 10 <sup>th</sup> Circuit saving the state over \$1,000,000 (with Tort Unit). Lost two cases in the appellate courts involving an issue of local control vs. state control.	Settled 2 cases following briefing. Lost 2 cases in Court of Appeals: - one involving mineral ownership under land acquired via condemnation; - one involving dismissal of contract claim.		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Measures	Measures	Measures	Measures
File motions to dismiss or for summary judgment	Benchmark	Win 5 motions to dismiss or for summary judgment	Win 5 motions to dismiss or for summary judgment	Win 5 motions to dismiss or for summary judgment	
	Actual	Won 3 motions for summary judgment.	Won 1 motion to dismiss but reversed on appeal.		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Proceed to hearing in appropriate cases	Benchmark	Win 80% of hearings	Win 80% of hearings	Win 80% of hearings	
	Actual	Won 2 court hearings; still waiting for decision in 1; won an agency hearing resulting in savings to CDOT of \$264,921.	100 % Prevailed in 3 district court hearings. Saved client nearly \$116,000 in condemnation value hearings.		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Pursue cases as plaintiff for defective workmanship	Benchmark	Seek payments for defective workmanship	Seek payments for defective workmanship	Seek payments for defective workmanship	
	Actual	Obtained \$314,000 for defective storm sewer pipe.	Settled claim on Red Cliff Arch Bridge for defects in paint undercoating. Value - \$150,000		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Aggressively represent CDOT in construction litigation; resolve cases favorably	Benchmark	Resolve claims successfully for the state	Resolve claims successfully for the state	Resolve claims successfully for the state	
	Actual	Several claims were resolved involving construction projects on SH24 near Divide and the 24 Road Interchange in Grand Junction resulting in savings of over \$2,000,000.	Construction claims totaling \$7,436,000 settled for \$788,000 resulting in approx \$6,648,000 savings to CDOT.		

Objective: Respond to all requests for legal advice from CDOT and the Transportation Commission in a concise, comprehensive and timely manner.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
All non-emergency requests are to be referred to an attorney within 5 days of receipt with a response date as established by the client	Benchmark	90%	90%	90%	
	Actual	95%	95%		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Emergency requests are to be handled immediately and a response given within the time frame established by the client	Benchmark	100%	100%	100%	
	Actual	100%	100%		

Objective: Review, revise and approve all contracts to meet CDOT requirements.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Review between 400-500 contracts	Benchmark	450 contracts	450 contracts	450 contracts	
	Actual	504 contracts	468 contracts		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Review, revise, and approve CDOT contracts in less than 4 days on average (statewide average is 4 days)	Benchmark	4 days	3 days or less	3 days or less	
	Actual	Average: 1 day	2.5 days		

Objective: Review proposed and pending legislation for CDOT.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Review legislation within 5 days of receipt of request and provide input based on client need	Benchmark	5 days	5 days	5 days	
	Actual	100%	100%		

Objective: Attend all Transportation Commission and Tolling Enterprise Board meetings.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Attend all meetings of the Commission and Enterprise and provide advice as requested	Benchmark	100%	100%	100%	
	Actual	100%	100%		

*Strategy:* The Transportation Unit continues to represent CDOT aggressively in condemnation, billboard, contract, access, relocation, and quiet title actions and in construction litigation. Construction claims continue to require a great deal of attorney time, and the unit will continue to defend the claims aggressively as well as seek compensation for defective work or contract violations. These are generally handled through an administrative resolution process so they are not typically reflected in the statistics for cases. A new administrative claims process is helping resolve some of these issues earlier in the dispute.

*Evaluation of Prior Year performance:* The attorneys and legal staff continue to successfully meet CDOT's legal service needs in litigation and non-litigation contexts. Construction claims and issues attendant to construction projects continue to grow as part of the practice of law for CDOT. Condemnation litigation continues to see a decline as CDOT and government in general strives to make fairness to landowners a priority. The FASTER legislation passed in 2009 (SB09-108) created two new enterprises within CDOT and is generating substantial new revenues for improvement of the state's transportation system. The new state law, together with federal stimulus funding, has provided additional opportunities for CDOT and this office to show tangible results for taxpayers in terms of improved transportation infrastructure.



## EMPLOYMENT TORT:

Objective: File early motions to dismiss and obtain dismissal of as many claims as possible at outset of litigation.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Number of motions to dismiss filed, number won and number of claims dismissed.	Benchmark	6 filed/4 win	5 filed/4 win	5 filed/4 win	
	Actual	5 filed. 2 decided - both granted in full. 2 claims dismissed.	4 filed. 3 decided - 2 granted in full, 1 granted in part. 192 claims dismissed.		

Objective: File motions for summary judgment if appropriate and obtain judgment on as many claims as possible short of trial.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Number of motions for summary judgment filed, number won and number of claims dismissed.	Benchmark	6 filed/5 won	6 filed/4 won	6 filed/4 win	
	Actual	5 filed. 7 decided - 5 granted in full, 2 granted in part. 33 claims dismissed.	3 filed. 1 decided, granted in full, dismissing 1 claim. 1 settled after filing MSJ, dismissing 10 claims		

Objective: Aggressively defend the state and its employees in trial.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Number of trials held, number won and number of claims won.	Benchmark	2 trials/2 wins	2 trials/2 wins	2 trials/2 wins	
	Actual	1 trial - won in full. 1 claim won.	1 trial - won in full. 1 claim won.		

Objective: Obtain favorable rulings on appeal.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Number of appeals handled, number won and number of claims won.	Benchmark	6 handled/4 won	6 handled/3 won	5 handled/3 won	
	Actual	11 handled. 2 decided - both won in full. 14 claims won.	2 handled. 2 decided - both won in full. 4 claims won.		

Objective: Settle cases favorably for the State.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Number of cases and claims settled and amount saved the State.	Benchmark	10 cases settled / save as much as possible	8 cases settled/ save as much as possible	8 cases settled/save as much as possible	
	Actual	4 cases settled – 12 claims settled. Requested amount was \$1,100,000 and paid amount was \$307,500. Saved: \$792,500	11 cases settled – 252 claims settled. Requested amount was \$7,865,000 and paid amount was \$437,712.92. Saved: \$7,427,287.08		

Objective: Save the State money by aggressively defending employment lawsuits.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Amount of money requested by plaintiffs compared to amount of money paid to plaintiffs.	Benchmark	\$5,000,000 saved	\$5,000,000 saved	\$5,000,000 saved	
	Actual	20 cases closed. Amount demanded in those cases was \$4,600,951. Amount paid was \$307,500. Saved: \$4,293,451	13 cases closed. Amount demanded in those cases was \$12,065,000. Amount paid was \$437,712.92. Saved: \$11,627,287.08		

Objective: Reduce litigation by developing and presenting training to state agencies on employment and litigation matters.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Number of training sessions held.	Benchmark	12 training sessions	12 training sessions	12 training sessions	
	Actual	10, including full-day investigators' training at CDOT.	16 training sessions		

*Strategy:*

Aggressively defend every employment lawsuit filed against the state, state agencies, or state employees in state or federal court. Create and present training to state agencies on how to manage employees and avoid litigation. Save the state as much money as possible by successfully defending cases and negotiating favorable settlements.

*Evaluation of Prior Year Performance:*

The Employment Tort Unit continues to be very successful in winning motions to dismiss, motions for summary judgment, trials and appeals. The Unit won every decision rendered last year, except for one motion to dismiss, which was granted in part and resulted in the dismissal of the agency Defendant and two claims. Eleven cases were settled and the amount paid was a significant savings compared to the amount sought. The number of new cases remained steady from the previous year but the number of new claims for relief increased because of one new case alleging 135 separate claims for relief against 13 separate defendants, including 9 individual defendants sued in their individual capacities. The Unit continues to regularly advise state agencies on FLSA issues and provide training on all issues in order to prevent future litigation.

**EMPLOYMENT PERSONNEL AND CIVIL RIGHTS:**

Objective: Aggressively defend the state and its employees in State Personnel Board (SPB) hearings in disciplinary actions in which state employees suffered a loss in current base pay, status, or tenure.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 09 Estimate	FY 11 Request
		Percent	Percent	Percent	Percent
Number of cases that went to mandatory hearing in front of State Personnel Board and results obtained	Benchmark	Win 70% of cases that go to hearing	Win 70% of cases that go to hearing	Win 70% of cases that go to hearing	
	Actual	88 % (Won 15, lost 2) 98 mandatory hearing cases opened by SPB	62 % (Won 13, lost 5) 78 mandatory hearing cases opened by SPB		

Objective: Oppose petitions for discretionary hearings in cases in which the employee does not have a right to a hearing, such as final agency grievance decisions.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Number of petitions that were briefed and number of cases won (hearing denied)	Benchmark	Win 85% of requests for discretionary hearings	Win 85% of requests for discretionary hearings	Win 85% of requests for discretionary hearings	
	Actual	76 % (42 cases briefed: won 32; of 10 petitions lost, 6 settled, 1 lost at hearing, 2 still pending and 1 voluntary dismissal)	78 % (36 cases briefed: won 28; of 8 petitions lost, 4 settled, 1 won at hearing, 3 still pending)		

Objective: Represent state agencies successfully in appeals to the State Personnel Board from decisions of Administrative Law Judges.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		<i>Measures</i>	<i>Measures</i>	<i>Measures</i>	<i>Measures</i>
Number of SPB personnel appeals; number of successful rulings	Benchmark	Win 75% of appeals to SPB	Win 67% of appeals to SPB	Win 67% of appeals to SPB	
	Actual	71 % (7 appeals: won 5, Board modified or reversed 2)	20 % (5 appeals: won 1, Board Modified or reversed 4)		

Objective: Represent state agencies successfully in appeals from decisions of State Personnel Board to Colorado Court of Appeals.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		<i>Measures</i>	<i>Measures</i>	<i>Measures</i>	<i>Measures</i>
Number of appeals to the Court of Appeals; number of successful appeals	Benchmark	Win 75% of appeals to Court of Appeals	Win 50% of appeals to Court of Appeals	Win 50% of appeals to Court of Appeals	
	Actual	50 % (4 appeals: won 2, lost 2)	25 % (4 appeals: won 1, 3 remanded)		

Objective: Dispose of personnel cases short of hearing through motions or settling cases that should be settled for a reasonable amount.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Number of cases dismissed on motion	Benchmark	Win motions in 20% of cases set for hearing	Win motions in 25% of cases set for hearing	Win motions in 25% of cases set for hearing	
	Actual	23 % (98 cases set for mandatory hearing: 23 dismissed on motion)	16 % (78 cases set for mandatory hearing: 13 dismissed on motion)		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Number of cases settled	Benchmark	Settle 50% of cases set for hearing	Settle 50 % of cases set for hearing	Settle 50% of cases set for hearing	
	Actual	59 % (98 cases set for hearing: 59 settled)	65 % (78 cases set for hearing: 51 settled)		



Objective: Provide training to state agency supervisors and managers to assist them in avoiding liability and providing more effective performance management.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Present training sessions to state agencies, managers, and supervisors	Benchmark	15 sessions	15 sessions	15 sessions	
	Actual	18 sessions to 14 agencies	27 sessions to 30 agencies		

Objective: Safeguard state money in the Subsequent Injury Fund (SIF) and Major Medical Insurance Fund (MMIF) and ensure the statutory and legal propriety of lost wage and medical benefits paid to injured workers from those Funds.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Aggressively pursue motions to dismiss or for summary judgment in appropriate cases and defend motions successfully	Benchmark	Win 80% of motions	Win 80% of motions	Win 80% of motions	
	Actual	0 motions filed	100% (2 motions filed: won 2)		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Aggressively represent the state in SIF and MMIF hearings and trials	Benchmark	Win 75% of hearings or trials	Win 75% of hearings or trials	Win 75% of hearings or trials	
	Actual	0 % (1 case went to hearing: lost)	100 % (1 case went to hearing: won)		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Represent SIF and MMIF successfully in appeals	Benchmark	Win 80% of appeals	Win 80% of appeals	Win 80% of appeals	
	Actual	0 appeals	0 appeals		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Settle SIF and MMIF cases as appropriate	Benchmark	Settle cases to save the state money	Settle cases to save the state money	Settle cases to save the state money	
	Actual	No cases settled	1 case settled		

Objective: Provide timely, current and complete legal advice to the Colorado Civil Rights Division of the Dept. of Regulatory Affairs.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		incidents	incidents	incidents	incidents
Research, prepare and submit legal memoranda on transactional questions and "cutting edge" legal issues to CCRD within 30 days of each request	Benchmark	100%	100%	100%	
	Actual	100%	100%		

Objective: Provide timely, current and complete legal analysis and opinions on the hearing worthiness of cases referred by the CCRD.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Analyze each investigative file, research the legal questions raised, prepare and submit memorandum to the CCRD and the Colorado Civil Rights Commission within 30 days of receipt of such request	Benchmark	100%	100%	100%	
	Actual	100% (15 files referred and reviewed for hearing worthiness)	100% (21 files referred and reviewed for hearing worthiness)		

Objective: Vigorously prosecute all cases of employment, housing, and public accommodation discrimination in administrative and court proceedings in which the Colorado Civil Rights Commission issues a formal complaint.

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Aggressively pursue and conclude all phases of litigation including discovery, hearings, trials and appellate briefs and arguments; incorporate ADR as appropriate	Benchmark	100%	100%	100%	
	Actual	100 % (9 complaints set for hearing: 5 settled; 1 withdrawn; 1 removed to federal court; 2 pending)	100 % (15 complaints set for hearing: 5 settled; 2 loss at hearing; 8 pending)		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		Incidents	Incidents	Incidents	Incidents
Successfully represent CCRD in appeals	Benchmark	Win 75% of appeals	Win 75% of appeals	Win 75% of appeals	
	Actual	0 appeals	2 appeals 1 pending, 1 withdrawn		

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
		5 cases	5 cases	5 cases	
Settle cases favorably for charging party when appropriate	Benchmark	5 cases	5 cases	5 cases	
	Actual	6 cases settled for a total of \$40,000 plus training	6 cases settled for a total of \$73,000 plus training		

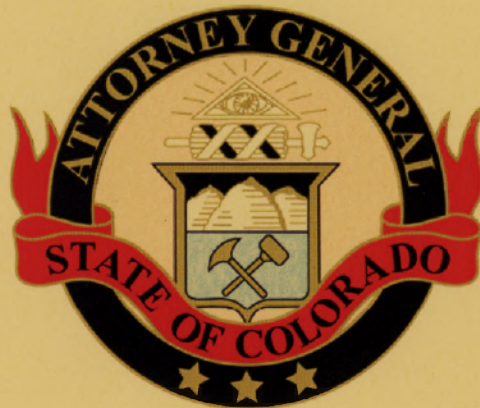
*Strategy:* Aggressively defend every employment personnel matter filed against the state. Advise and handle civil rights cases for the CCRD. Continue to train all attorneys in the unit to handle civil rights cases. Provide prompt and effective advice and assistance to state agencies on a daily basis. Create and present training to state agencies on how to manage employees and avoid litigation. Save the state as much money as possible by successfully defending cases and negotiating favorable settlements.

*Evaluation of Prior Year Performance:* The attorneys and support staff continue to represent the state aggressively and to achieve fair and just results for the state. There have been some contentious disciplinary matters which have required thorough preparation and careful analysis. Primary among these was the termination of a Nursing Home Administrator and the Director of Nursing at the Rifle Nursing Home which resulted in a 9-day personnel hearing, and a Whistleblower matter arising at the Dept. of Health Care Policy and Finance which resulted in an 8-day hearing.

The unit continues to provide training to agencies and state employees. This training is instrumental in helping to reduce litigation. Human Resources personnel are also calling for advice frequently which is helpful in reducing litigation.

The unit continues to be extremely busy in advising state agencies on matters related to the mandatory furloughs and potential layoffs.

**Narrative**  
**LSSA**  
**Natural Resources &**  
**Environment**



## **D) BACKGROUND INFORMATION: NATURAL RESOURCES AND ENVIRONMENT SECTION (LSSA).**

### **Introduction to the Natural Resources and Environment Section**

The Natural Resources and Environment Section currently has 37 lawyers, 9 legal assistants, and 4 support staff. These dedicated employees protect and defend the interests of the State and its citizens in all areas of natural resources law and environmental law. The Section is made up of seven units that represent and advise state agencies and boards that regulate and oversee the development, use and conservation of Colorado's natural resources and the quality of Colorado's environment.

### **Environmental Quality Unit**

The Environmental Quality Unit represents the divisions and commissions of the Colorado Department of Public Health and Environment (CDPHE) that are responsible for improving and protecting our state's air and water resources. The Unit also represents the divisions of CDPHE that are charged with radiation control and consumer protection. Specifically, the Unit provides legal counsel to the Executive Director's Office, the Air Quality Control Commission, the Air Pollution Control Division, the Consumer Protection Division, the Laboratory and Radiation Services Division, the Water Quality Control Commission, the Water Quality Control Division, the Water and Wastewater Facility Operators Certification Board, the Office of Administration, the Office of Policy and Public/Private Initiatives and Uranium Special Projects. The Unit also provides representation to the Governor's Office of Energy Conservation.

The attorneys in the Environmental Quality Unit provide general legal advice as well as representation in administrative and judicial proceedings, rule-making hearings, enforcement actions, and legislative proposals. They help to ensure that the State's businesses and citizens comply with applicable environmental requirements, and they bring enforcement actions against those who do not comply.

### **Water Conservation Unit**

The Water Conservation Unit provides legal counsel and representation in water rights and administration matters to the Department of Natural Resources, including the Executive Director's Office, the Colorado Water Conservation Board ("CWCB"), the Division of Wildlife ("Wildlife"), the Division of Parks and Outdoor Recreation ("Parks") and the State Land Board ("SLB"). The Unit also provides legal counsel and representation in water matters to the Department of Transportation ("DOT"), the Department of Corrections ("DOC") and any other state agency or official that requests water rights advice or representation.

The Unit files water rights applications or water rights diligence applications for these agencies and also files statements of opposition in water court to protect the existing water rights of the agencies. Water matters are appealed directly from Water Court to the



Supreme Court, and the Unit generally has several matters pending before the Supreme Court at any given time. The Unit represents and counsels various boards and commissions, and their staff under each agency. The Unit handles transactional work for each agency, including negotiating and drafting documents for acquisitions and protection of water rights for the CWCB, Wildlife and Parks. The Unit helps draft contracts for hundreds of millions of dollars in loans and grants from the CWCB to ditch companies, water conservation districts, municipalities and other water users.

In addition to general legal advice, the unit assists the CWCB with various hearings before the Board, trials and appeals, helps in drafting and promulgating of rules and regulations for the instream flow program and the floodplain program and establishing policies and guidelines for the loan program and the water conservation program, drafts and reviews CWCB loan and grant contracts, and negotiates and drafts documents for acquisitions and protection of water rights for the CWCB. The Unit helps the CWCB Water Supply Planning and Finance Program to: (1) arrange low-interest loans to enable the construction of water resource projects or the purchase of water rights; (2) finance other specialized water studies and projects; 3) aid in the construction of new reservoirs and rehabilitation of existing structures including dams, diversions, pipelines, pump stations and irrigation channels; and (4) fund feasibility studies for possible new construction projects, and processes. Specifically, the unit aids the client in drafting the contracts associated with such loans, grants and studies, and loan repayments.

### **Water Resources Unit**

The Water Resources Unit provides legal counsel and representation in water rights legal and administration matters to the Division of Water Resources of the Department of Natural Resources. The Unit represents the directors, board members, and staffs of the State and Division Engineers, the Colorado Groundwater Commission, and the Board of Examiners for Water Well Contractors. The Unit has an active caseload of approximately 600 proceedings, including water court litigation proceedings regarding applications for new water rights, changes to existing water rights, and plans for augmentation; administrative and water court proceedings concerning objections to well permit issuances and denials; water court and administrative enforcement actions to curtail illegal water uses; declaratory judgment actions challenging water rights administration decisions by the State Engineer; and other water rights related matters. Because Water Court decisions are appealed directly to the Colorado Supreme Court, the Unit also typically has several matters pending before the Supreme Court at any given time. In addition to assisting the Division of Water Resources with litigation enforcement matters, the Unit also provides general legal advice to the Division with respect to the Division's administrative decision and responsibilities so as to ensure efficient and effective water rights administration.

### **Resource Conservation Unit**

The attorneys and legal assistants in the Resource Conservation Unit provide legal assistance and representation to entities within the Department of Natural Resources ("DNR"), including the Oil and Gas Conservation Commission, the Mined Land

Reclamation Board, the Colorado Coal Mine Board of Examiners and the Division of Reclamation, Mining and Safety. These clients within DNR implement and enforce numerous statutorily created programs including regulation of reclamation of land that has been mined and regulation of oil and gas operations. The activities performed by attorneys in the Resource Conservation Unit include general legal advice to and representation of the Executive Director's Office and divisions, boards and commissions of DNR in administrative and judicial hearings, trials, and appeals; promulgation of rules and regulations; defense of litigation filed against the agencies (other than tort and personnel actions, in which case the Resource Conservation Unit attorneys may serve as "second chair" to attorneys in the Litigation Section or Employment Section, respectively); prosecution of enforcement actions; general advice and counsel in permitting; and advice on legislative proposals.

### **State and Trust Lands**

The attorneys and legal assistants in the State and Trust Lands Unit provide legal assistance and representation to state officials and agencies within the Department of Natural Resources ("DNR"), including the Wildlife Commission and the Division of Wildlife, the Parks Board and the Division of Parks and Outdoor Recreation, the Colorado Geological Survey, and the State Board of Land Commissioners and its administrative staff.

Unlike most agencies, Wildlife, Parks and the State Land Board are essentially cash funded agencies that generate their own revenues to support their statutorily mandated responsibilities and mandated activities. Representation of these agencies is similar in many respects to representation of corporate business entities and, as such, raises issues frequently not presented by other state agencies.

Wildlife is a TABOR enterprise funded entirely by the sale of hunting and fishing license fee revenues, federal fish and wildlife funds, and funds made available to it by the GOCO Trust Fund. Parks receives a minor amount of general funds (15%) and is otherwise funded by the sale of parks passes and permits, federal park and recreation funds and funds made available to it by the GOCO Trust Fund. The State Land Board serves as the trustee for the lands granted the state in public trust to support K-12 education and its trust management activities are supported by revenues generated by the trust assets.

### **Solid & Hazardous Waste & CERCLA Litigation Unit**

This Unit represents the Hazardous Materials & Waste Management Division of CDPHE ("HMWMD") regarding the storage, treatment and disposal of solid and hazardous waste. Advice includes civil law enforcement, regulatory, and transactional matters. The Unit ensures that contaminated sites are promptly and thoroughly cleaned up by those responsible for the contamination, and pursues enforcement actions when appropriate. The Unit also advises HMWMD regarding EPA-lead CERCLA or "Superfund" cases and ensures that the State's point of view on those CERCLA sites is taken into account. Finally, the Unit provides legal advice to the Petroleum Storage Tank Committee, which

oversees reimbursement of cleanup costs that are covered under the Petroleum Storage Tank Fund (essentially a state insurance program). The Unit also provides legal advice to the Director of the Department of Labor's Division of Oil and Public Safety in connection with Explosives Permit appeals hearings.

## **II) PRIOR YEAR LEGISLATION**

Most of these bills require the Section to provide legal assistance in promulgating new rules or amending existing rules to comply with the new statutory mandates. Several of the bills will require additional legal representation for appeals and new workload engendered by the increased regulation and enforcement.

HB 09 1056 expanded CDPHE's solid waste enforcement powers by setting a two-year statute of limitations, raising the maximum penalty for violations to \$10,000 per day, and provided administrative order penalty authority. This will probably lead to more administrative enforcement actions.

HB 09 289 provided that waste automotive tires must be shredded prior to disposal. Two large tire monofills will be especially affected by this bill and we are working with them and CDPHE to enforce this requirement.

SB 09 119 clarifies provisions of the Colorado Water Quality Control Act by making it clear that no part of the law impairs the state's ability to enforce penalties for companies discharging hazardous waste or hazardous materials into Colorado waters.

HB 09-1303 sets forth standards for permitting and regulating Coal Bed Methane ("CBM") and Oil and Gas wells that withdraw water in the course of production. The bill extends until April 1, 2010 the deadline date by which Oil and Gas wells that withdraw groundwater and place such water to beneficial use must obtain ground water well permits, and if necessary, submit substitute water supply plans. In addition, the bill extends until January 1, 2013 the deadline by which CBM wells must submit plans for augmentation. The bill also clarifies certain well spacing requirements. Finally, the bill grants the State Engineer specific rulemaking authority with respect to permitting of Oil and Gas wells that withdraw groundwater.

## **III) HOT ISSUES:**

### **Ozone State Implementation Plan**

On November 20, 2007, the United States Environmental Protection Agency (EPA) designated the Denver Metropolitan Area /North Front Range region (DMA/NFR) as nonattainment for the 1997 National Ambient Air Quality Standard (NAAQS) for ground-level ozone (.08 parts per million). The area in question includes Adams, Boulder, Broomfield, Denver, Douglas, and Jefferson Counties, as well as portions of Larimer and Weld Counties. Pursuant to the federal Clean Air Act, ground-level ozone is one of six air pollutants for which the EPA must adopt a NAAQS. Elevated ground-level

ozone can cause lung damage, aggravate breathing disorders, and cause chest pain, coughing, throat irritation and congestion.

On January 16, 2009, EPA proposed to classify the DMA/NFR as a marginal non-attainment area, which is the least severe classification afforded under the federal Clean Air Act. The classification affects the nature and degree of controls that Colorado must use to re-attain the standard. The DMA/NFR is considered "marginal" because monitoring results indicate that Colorado barely exceeded the ozone NAAQS. As of the Summer of 2009, EPA's proposed classification was pending.

As a consequence of violating the ozone NAAQS, Colorado faced a deadline of July 1, 2009 to submit a plan to re-attain the standard (referred to as a revision to the State Implementation Plan, or SIP) to EPA by November 2010 (based on monitoring data from 2008-2010 ozone seasons). The State submitted the plan to EPA on June 18, 2009. EPA now has until October 1, 2010 to act on Colorado's SIP revision.

On March 27, 2008, EPA also revised the primary and secondary NAAQS for ground-level ozone to 0.075 parts per million. This action means that Colorado had one year to submit to EPA a designation of all areas in the State as nonattainment, attainment or unclassifiable. This submission was due March 12, 2009. On March 11, 2009, Colorado timely submitted these new area designations to EPA. EPA now has up to 2 years to adopt designations of all areas for Colorado. Once EPA designates all areas of Colorado, Colorado will be obligated to prepare and submit a revised SIP to address the designations no later than three years from the designations.

The federal Clean Air Act thus does not require that Colorado adopt controls necessary to implement the 2008 revised ozone NAAQS until as late as 2014. Nevertheless, pursuant to Governor Ritter's directive, Colorado continues to work on program revisions necessary to attain the 2008 ozone NAAQS as soon as practicable.

#### **Four Corners Air Quality**

Attorney General Suthers joined Governor Ritter and representative Tipton in urging the U.S. Environmental Protection Agency to reconsider its decision to permit the proposed Desert Rock power plant in northwestern New Mexico. They also asked the EPA to require the installation of emissions controls at the existing Four Corners Power Plant located nearby. The Four Corners Power plant is the largest nitrogen oxides emission source in the United States, and its emissions impact the air quality of southwestern Colorado. The Attorney General's Office will work closely with the CDPHE to protect Colorado's air from excessive emissions in the four corners region.

#### **Suits against Department of Defense to Push For Chemical Weapons Destruction and Safe Storage Until Destruction is Complete**

The Department of Defense has stalled destruction of hundreds of thousands of mustard agent weapons stored at the Pueblo Chemical Depot. The weapons are hazardous wastes.

Storage of hazardous wastes is prohibited and HMWMD seeks an injunction requiring treatment of the weapons by 2017, a date also established by Congress. DoD has resisted on the grounds that it has insufficient money to comply, and questions Colorado's authority over the aging mustard agent weapons. The Pueblo Chemical Depot has resisted CDPHE's efforts to improve monitoring of the weapons and possible impacts from occasional leaks, leading to a lawsuit to enforce requirements of a 2006 administrative order regarding safe storage of the weapons pending treatment.

### **Hazardous Waste Disposal Facility Radiation Control Licensing and Hazardous Waste Permitting**

Adams County objects to CDPHE's Permit and License allowing low-activity radioactive materials to be disposed of at the Clean Harbors Deer Trail facility in far-eastern Adams County. The County's appeal is groundless in terms of technical merit or health risk, and turns on a county's right to question State decisions relegated to a State agency by statute. The recently-licensed radioactive materials are far less dangerous than the hazardous wastes the facility was built to safely manage. Nonetheless, a total of five lawsuits have spun out of the issue. Two more will be decided by the Colorado Supreme Court in 2009. Although a defendant in most of the actions, in mid-2008 HMWMD sued Adams County for misuse of a funds meant to off-set impacts from the CHDT facility. The trial court ruled that the funds were improperly spent by Adams County. Political efforts to resolve the various suits have failed and protracted litigation is likely.

### **Produced Water Rulemaking**

House Bill 9-1303 grants the State Engineer specific rulemaking authority with respect to permitting of Oil and Gas wells that withdraw groundwater. The State Engineer is exercising this authority by initiating rulemaking to establish procedures to determine whether water withdrawn by Oil and Gas wells is tributary or nontributary. Oil and Gas interests have expressed strong interest in participating in this rulemaking in the interest of ensuring that these determinations are made accurately and efficiently. Representatives of water users also have expressed a strong interest in participating in this rulemaking, in the interest of ensuring that such determinations are made in a manner that fully protects vested water rights.

## **IV) WORKLOAD MEASURES**

### **Environmental Quality Unit**

The attorneys in the Environmental Quality Unit provide general legal advice as well as representation in regulatory, administrative and judicial proceedings, enforcement actions, and legislative proposals. This includes representing clients in meetings, rule-making hearings, and adjudicatory hearings before (among other entities) the Air Pollution Control Division, Air Quality Control Commission, Water Quality Control Division, Water Quality Control Commission, the Water and Wastewater Facility Operators Certification Board, the Laboratory and Radiation Services Division, the Public Utilities Commission, the Board of

Health, and various state and federal courts. As just one example, the attorneys prepare for and attend approximately thirty-six meetings of various boards and commissions annually.

The attorneys assist the air and water divisions in obtaining and maintaining delegation from the EPA to administer the state counterparts of corresponding federal environmental programs. They ensure that adoption, implementation and enforcement of the state's environmental programs are consistent with state and federal requirements, and defend any challenges to such programs. The attorneys are regularly involved in prominent issues of statewide importance, including such matters as clean streams, rivers and lakes, safe drinking water and clean air (including addressing ozone and regional haze).

The Unit's attorneys have a regular caseload of enforcement actions. The attorneys seek to ensure compliance with environmental programs through creative, non-punitive means, as well as through traditional enforcement methods. In addition to traditional cash penalties, the attorneys help to negotiate supplemental environmental projects, which can be used to reduce cash penalties and improve the environment.

In the regulatory arena, the attorneys help to draft and to negotiate clear, effective and efficient regulations and legislation on behalf of their clients. They review proposed legislation to ensure that it is consistent with existing laws and regulations.

In recent years the CDPHE has experienced an increase in workload relating to many of the state's environmental programs, including air quality, water quality, and radiation control. Such workload increases have included large-scale rulemakings, such as oil and gas, ozone, regional haze and mercury regulations in the air arena, and new temperature and ammonia standards, permitting regulations and oil and gas issues in the water arena. There has also been an increase in litigation (both in court and administrative) concerning challenges to CDPHE decisions, such as with respect to air permits, radioactive materials licenses, construction stormwater enforcement and water treatment plant site approvals. This trend has required the DOL to spend additional time assisting the client to develop and defend its decision-making record. A recent increase in major federal environmental legislation and litigation, particularly in the air quality arena, will require additional legal resources as CDPHE makes changes to its corresponding state program. Due to the increased workload, the unit added an additional attorney in fiscal year 2007-08.

### **Water Conservation Unit**

The Water Conservation Unit assists the CWCB, Wildlife, Parks, State Land Board, Department of Transportation, Department of Corrections and Department of Education in acquiring, maintaining and protecting water rights. The CWCB has approximately 251 active cases, Parks has approximately 72 active cases, and Wildlife has approximately 98 active cases. The remaining clients combined have approximately 12 cases this year. This year, the unit resolved approximately 30 cases. The unit has 10 trials scheduled for 2009. In order to meet expectations of the above goal, Unit personnel undertake the following: evaluate water rights portfolio and recommend and assist in implementing advisable actions; identify and resolve problems concerning existing water rights through stipulated settlements or litigation; pursue changes of water rights or applications for new

water rights as directed by the client; protect clients water rights and access easements from 3<sup>rd</sup> parties; represent and assist client agencies in administrative proceedings and hearings and advise staff in preparing for such meetings; assist CWCB staff in developing and obtaining Controller approval of standard loan contract and revisions; assist CWCB staff in resolving issues related to loans and grants and in developing loan programs and procedures; provide comprehensive legislative history research for client agencies, and other complex legal research, including drafting legal memos and opinions; advise Parks staff regarding water and water rights acquisitions for new State parks; assess the quality and viability of prospective acquisitions, negotiate specific terms of purchase and negotiate and draft transactional documents; and advise Division of Wildlife staff regarding water and water rights acquisitions for Wildlife parks; and assess the quality and viability of prospective acquisitions, negotiate specific terms, negotiate and draft transactional documents, providing guidance through the due diligence process.

### **Water Resources Unit**

As population increases, water users continue to place additional demands on Colorado's water supply. This trend has resulted in and will continue to result in a steadily increasing number of water rights applications for new water rights, changes of water rights, and plans for augmentation. In addition, as the water supply grows tighter, an escalating number of water users concerned about the effects of new water rights applications on existing water supply are filing statements of opposition to these new water rights applications, resulting in an increased number of complicated, difficult, expensive and time consuming water court litigations.

As the administrative agency responsible for administering new water rights and preventing new water rights applications from injuring existing water users, the primary client of the Water Resources Unit, the State Engineer's Office, has been and increasingly will be required to spend additional resources in these water court related matters. Moreover, the State Engineer's Office's efforts to protect existing water rights from injury resulting from these applications continue to be met with more resistance from water rights applicants, requiring more complex and difficult negotiations. Accordingly, Assistant Attorneys General representing the State Engineer's Office will continue to be required to accept responsibility for a larger and more complex caseload.

There also has been over the past year an increased awareness of the affects of upon vested water rights of certain practices that historically have not been regulated by the State Engineer's Office. Specifically, the Supreme Court, in *Vance v. Wolfe*, recently ruled that produced water from Oil and Gas operations falls under the regulatory authority of the State Engineer. Moreover, the Supreme Court found that the State Engineer must permit Coal Bed Methane wells that produce water in the course of methane production. The result of this increased awareness, as evidenced by *Vance v. Wolfe*, is that the State Engineer's Office will be required to regulate additional activities. There are likely to be legal challenges requiring legal representation from the Attorney General's Office as the State Engineer's Office begins to exercise this additional authority. For example the State Engineer's Office has recently initiated a rulemaking

proceeding to develop procedural rules for making tributary and nontributary determinations for Oil and Gas wells. The State Engineer's Office has requested the Attorney General's Office provide extensive legal representation with respect to this rulemaking proceeding.

Attorneys are expected to demonstrate competency in all areas of water law sufficient to meet and exceed the demands of the State Engineer's Office. Each attorney will be required to participate in monthly meetings with the State Engineer's Office, at which meetings each Assistant Attorney General will be required to demonstrate mastery of the legal and technical issues raised by their respective assignments. In addition, each Assistant Attorney General will be required to develop specialized knowledge in one area of water law. Each Assistant Attorney General will demonstrate this mastery by preparing and presenting a Continuing Legal Education class regarding that area of law. The attorneys are responsible for supervising a caseload of at least 100 active matters and enforcing water rights matters for the seven Water Divisions.

### **Resource Conservation Unit**

Attorneys in the Resource Conservation Unit represent the Division of Reclamation, Mining and Safety in administrative hearings held monthly before the Mined Land Reclamation Board. Attorneys advise and assist the Division in preparing for administrative hearings and represent the Division at prehearing conferences and at the hearings. These administrative hearings can range from small hearings with a few people involved to time consuming hearings in which numerous parties (operator, objectors, etc) and complex issues (water quality, legal right to enter) are involved. In the upcoming fiscal year, we anticipate having complex hearings on applications concerning Battle Mountain Inc. (proposed land application of water affected by mining operation), Cripple Creek and Victor permit amendment (expansion of heap leach operation) and PowerTech (in situ uranium).

In addition, attorneys in this unit represent the Division in litigation such as the High Country Citizens' Alliance case and at times represent both the Division and the Board such as in the Asarco bankruptcy case and the *Colorado Mining Association and Summit County* case, now pending in the Colorado Supreme Court. The attorneys also assist the Division in drafting proposed regulations for rulemaking hearings. This year the Mined Land Reclamation Board intends to hold a rulemaking proceeding to implement House Bill 1161, Senate Bill 229 and Senate Bill 169. The attorneys will help the Division draft proposed regulations to present to the Board and will represent the Division in all the proceedings related to the rulemaking. Resource Conservation Unit attorneys also provide day-to-day verbal and written advice and representation to the Division on a variety of legal issues and matters. Cases range from simple legal questions to complex legal issues. In addition, attorneys in this unit act as legal advisor to the Oil and Gas Conservation Commission including in monthly administrative hearings. Such position includes the big rulemaking hearing the Commission has been holding on implementation of House Bill 1341 and House Bill 1298. The attorneys also represent the Commission in litigations which will include any lawsuits filed in connection with the rulemaking.



Further, as with the Division of Reclamation, Mining and Safety, the attorneys provide day-to-day verbal and written advice and representation to the Commission on a variety of legal issues and matters. Cases may range from simple legal questions to very complex issues.

Lastly the attorneys work with the Division and Commission to set priorities for legal services based on workload, need, and budget constraints. The average yearly number of matters for which legal services are provided by this Unit runs in the hundreds.

The Division of Reclamation, Mining and Safety continues to see a substantial increase in its need for legal advice especially concerning proposed molybdenum and uranium development. Such development will ultimately result in reclamation permit applications being filed with the Division and hearings being held on such applications before the Mined Land Reclamation Board.

The prospect of oil shale development has required advice and counsel on a number of legal issues, and attendance at numerous federal and state agency coordination meetings. Uranium development has so far been focused on the upcoming hearings concerning the reactivation of four Cotter mines and on a possible in situ uranium operation in Weld County. A number of regulatory issues have arisen, and will likely continue to arise, in regard to uranium development. These regulatory issues have required and will continue to require legal advice and counsel. Given the increase in demand for molybdenum, the Division will likely see increased activity in mining of this mineral in addition to oil shale and uranium. Accordingly, there will be a parallel increased need for legal services.

As to the Oil and Gas Conservation Commission, the trend of issuing record breaking numbers of applications for permits to drill will most likely continue this year. In addition, the General Assembly passed five bills affecting the constituency and charge of the OGCC. The Oil and Gas Conservation Act now specifically requires the Commission to consider the environment and wildlife in its decisions. The Commission has been holding and will continue to hold rulemaking hearings to implement these new laws. Based on these new laws, required rule-making and the record breaking business of the OGCC, there is likely to be a considerable increase in the Commission's need for legal services.

### **State and Trust Lands Unit**

The attorneys in the State and Trusts Lands Unit are assigned to and act as general counsel to and work directly with their client agencies – the Wildlife Commission, the Parks Board and the State Land Board – to appropriately plan and meet the demand for legal services based on workload and budget constraints. Case loads for all client agencies continue to increase and generally exceed legal service budgets and attorneys work directly with their client agencies to establish priorities within those budgets. Due to the specialized nature of their client agencies, all of which are primarily revenue generating entities and not primarily regulatory in nature, legal services are provided by attorneys on a daily and otherwise on-going basis and not generally on an individual

request basis. In many instances such services are provided informally in person or through telephone consultations. Assigned attorneys attend, represent and assist the Wildlife Commission, the Parks Board and the State Land Board in establishing policies and program direction during their monthly meetings and then assist the staff of the client agencies in their implementation of those policies and programs and general management of the revenue generating assets of the client agencies. The provision of legal services is given in a manner intended to avoid legal challenge to or litigation regarding the activities of the client agencies. However, any litigation that is filed is handled by the attorney assigned to representing the client agency in a timely and effective manner.

### **Hazardous & Solid Waste Unit**

This Unit represents the HMWMD in a wide variety of civil matters. The Unit's attorneys promptly review draft administrative orders to ensure that they are within the client's authority to issue and enforce. In addition, the Unit represents the related rule-making body, the Solid & Hazardous Waste Commission, to ensure that it complies with applicable statutory and regulatory procedural requirements, and gives precise legal advice to the Commission when needed. The Unit also handles civil and administrative litigation and assists the client in formulating litigation strategy, amassing evidence, preparing witnesses, and appearing in administrative, trial and appellate courts. The client leveled off from its recent trend of increasing litigation, especially relating to solid waste enforcement. Attorneys in the Unit assist in hazardous and solid waste rulemakings; the Solid Waste Regulations will be completely revised and re-promulgated over the next several years.

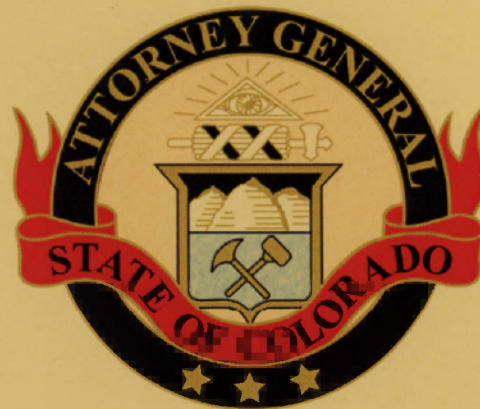
Over the last three years, an average of 51 new matters were assigned to Unit attorneys. Over the same time period the number of matters in litigation has grown significantly, but leveled off in FY 09. There are currently 15 matters in litigation.

Oil & gas drilling brine waste facilities accounted for a disproportionate share of resources, requiring three civil actions and several unilateral orders as well as promulgation of a new section of the Solid Waste Regulations. This new section has been appealed by two of the facilities. Violations over the last several years have included forged laboratory reports, direct release of solid wastes to surface water bodies, failure to characterize contaminant plumes, unauthorized expansion, and refusal to pay applicable tipping fees. Tire disposal and recycling facilities have also been problematic, accounting for two civil actions and appearance in a related bankruptcy matter. The waste tire facilities pose special risks from lightning-sparked fire; our efforts have focused on requiring financial assurance for closure and fire mitigation risk. The waste tire facility cases are complex in that the facilities are in bankruptcy, so negotiations are conducted between the State and groups of parties with conflicting interests. We have obtained preliminary injunctions at both sites, risks have been mitigated and new owners seem to be more compliant with applicable requirements.

In addition to these solid waste cases, the Unit currently represents HMWMD in two hazardous waste cleanup cases, both of which are being litigated on administrative and judicial fronts; one of them is a parallel criminal / civil proceeding. Although usually

prosecutorial, the HMWMD has found itself as a defendant in several matters. Three years ago, Adams County appealed a hazardous waste Permit and a radioactive materials License issued by HMWMD to Clean Harbors Dear Trail (CHDT); the five lawsuits stemming from the effort to allow CHDT to accept low-activity radioactive materials. The Unit also represents the Solid & Hazardous Waste Commission, which is a defendant in the suit against the new brine waste impoundment regulations noted above.

**Narrative**  
**LSSA**  
**Office of Consumer**  
**Counsel Section**



## **I) BACKGROUND INFORMATION: OFFICE OF CONSUMER COUNSEL SECTION.**

This Unit provides full legal services to the Office of Consumer Counsel (“OCC”), a type 1 agency within the Colorado Department of Regulatory Agencies, and the Utility Consumers’ Board. By statute, the OCC is charged with representing the public interest and specific interests of residential, small business, and agricultural consumers in proceedings before the Colorado Public Utilities Commission (“PUC”). Such advocacy most often involves matters relating to proposed changes in electric, gas, and telephone utility rates and services. In addition, the Unit represents the OCC in federal regulatory proceedings affecting Colorado consumers’ rates and services. See Legal Services to State Agencies for Program Summary.

## **II) PRIOR YEARS LEGISLATION**

The Colorado Legislature in 2006, 2007, 2008 and 2009 passed the following legislation affecting energy regulation in Colorado:

HB 06-1281, Concerning the Establishment of a Program to Demonstrate the Use of Breakthrough Advanced Coal Technology to Promote Low-Emitting Coal-Fueled Electricity Generation;

SB 07-022, Concerning the Authority of the Public Utilities Commission to Consider the Needs of Low-Income Households When Setting Utility Rates for Energy;

HB 07-100, Concerning Measures to Ensure the Adequacy of Colorado’s electric Transmission Infrastructure, and, in Connection Therewith, Requiring Utilities to Designate Energy Resource Zones and Authorizing Expedited Cost recovery for the Construction of Transmission Facilities;

HB 07-1037, Concerning Measures to Promote Energy Efficiency, and Making an Appropriation Therefore;

HB 07-1281, Concerning Increased Renewable Energy Standards; and

HB 08-1164, Concerning the Advancement of New Solar Energy Technologies.

HB08-1227, Concerning the Public Utilities Commission, and, in Connection therewith, Continuing the Public Utilities commission under the Sunset Law

HB09-1345, Concerning Integrated Planning for the Construction of Electric Transmission Facilities in Colorado

### **III) HOT ISSUES (for the OCC)**

Governor Ritter, in November 2007, issued his Colorado Climate Action Plan, A Strategy to Address Global Warming. As a result of the Governor's Climate Action Plan, the above referenced legislation, and the PUC's rulemaking dockets to implement the legislation, the OCC has been heavily involved in numerous proceedings involving these issues. The largest of these dockets was Public Service Company of Colorado's ("Public Service") 2007 Colorado Resource Plan which identifies its electric resource needs through the year 2015. This proceeding is currently in its Phase II stage. Utility resource need filings are made every 4 years but because of the rapid changes in the energy arena, Public Service is going to file another resource plan in 2009.

Public Service's electric resource needs for the 2007 Colorado Resource Plan were affected by the PUC's decisions in other dockets, which included Demand Side Management, Renewable Energy Resources, Interruptible Service Option Plan and various transmission plan applications. HB 07-1037 required the PUC to develop rules for natural gas and electric demand side management programs to develop natural gas and electric savings targets. Electric resource needs will be reduced by the implementation of these conservation measures. HB 07-1281 revised the electric resource standards by requiring electricity to be generated, for utilities under the PUC's jurisdiction, from eligible energy resources in the following amounts: 3% for the year 2007, 5% for the years 2008 through 2010, 10% for the years 2011 through 2014, 15% for the years 2015 through 2019 and 20% for the year 2020 and thereafter. (Municipal utilities and cooperative electric associations have smaller requirements.) The maximum retail rate impact to comply with these standards is 2% of the total electric bill annually for each customer. HB06-1281 (codified at 40-2-123) provides incentives for utilities to consider the use of "new clean energy and energy-efficient technologies" for its electric generation portfolio. For generation that qualifies as a 123 Resource, the utility is allowed to collect approved costs through a separate rate rider. SB09-051 encourages the installation of energy-efficient equipment such as solar panels. The proceedings involving all of the above referenced legislation will be ongoing for many years.

Because of the rising energy costs, SB 07-022 was passed to assist low-income households who are having problems paying their utility bills. The first proposed pilot project to implement this legislation was filed in Public Service's 2008 natural gas rate case and approved by the PUC. The program became operational in January 2009. A similar pilot program for electric customers was filed in Public Service's current 2009 electric rate case.

**IV) WORKLOAD MEASURE (for the OCC)**

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Request	FY11 Estimate
Achieve customer savings that at least equal the OCC's annual appropriation		2969% \$36,635,349	1690% \$23,452,241	3892% \$58,517,134	
Percent of rate proceedings in which the OCC participated on behalf of consumers		100%	100%	100%	100%

**OCC**

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Number of cases OCC participates	Benchmark	60	60	60	
	Actual	80	89	76	

*Strategy:* The Office of Consumer Counsel ("OCC") unit represents the Office of Consumer Counsel and therefore represents residential, small commercial and agricultural customers before the Public Utilities Commission.

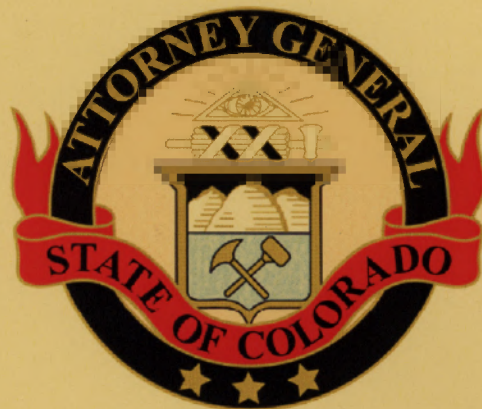
*Evaluation of Prior Year Performance:* Because the cases the OCC unit participates is based on the filings done by electric, natural gas and telephone utilities, the OCC has no control on the number of cases worked on. However, by reviewing the savings chart above, the OCC has saved utility customers millions of dollars.

*Key Workload Indicators:* The key workload factor is the amount of customer savings. The number can fluctuate each year because it depends on the number and type of cases filed by utilities. For example, there are potentially more savings in years that a utility or multiple utilities file rate case cases.





**FY 10-11 Reconciliation of  
Request  
LSSA  
(New Format)**



DEPARTMENT OF LAW  
 FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST

(2) Legal Services to State Agencies

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Legal Services to State Agencies</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$18,241,775	217.5	\$0	\$1,582,342	\$16,659,433	\$0
SB 09-026 Athletic Trainers	\$21,779	0.2	\$0	\$0	21,779	\$0
SB 09-123 Pilot prog to reduce dropout rate	\$751	-	\$0	\$0	751	\$0
SB 09-138 Certification of Nurse Aids	\$3,755	-	\$0	\$0	3,755	\$0
SB 09-163 Education Accountability	\$7,135	-	\$0	\$0	7,135	\$0
SB 09-167 Regulation of Chiropractors	\$4,882	-	\$0	\$0	4,882	\$0
SB 09-239 Regulation of Nurses	\$33,795	0.2	\$0	\$0	33,795	\$0
HB 09-1086 Renewal of lic. For Social Workers	\$30,000	0.2	\$0	\$0	30,000	\$0
HB 09-1136 Renewal of lic. of Electricians	\$11,265	0.1	\$0	\$0	11,265	\$0
HB 09-1173 Enforcement of Tobacco Laws	\$7,510	0.1	\$0	\$0	7,510	\$0
HB 09-1202 Regulation for funeral Est.	\$24,783	0.2	\$0	\$0	24,783	\$0
HB 09-1319 Repeals enrollment in Pub Sch	\$10,139	-	\$0	\$0	10,139	\$0
Adjustment: Remove FY 10 FTE approp in 09 LSSA special bills	(\$7,510)	(1.0)	\$0	\$0	(7,510)	\$0
SB 09-026 Annualization - Athletic Trainers	(\$751)		\$0	\$0	(751)	\$0
SB 09-123 Annualization - Pilot prog to reduce dropout rate	(\$3,755)		\$0	\$0	(3,755)	\$0
SB 09-138 Annualization - Certification of Nurse Aids	(\$7,135)		\$0	\$0	(7,135)	\$0
SB 09-163 Annualization - Education Accountability	(\$4,882)		\$0	\$0	(4,882)	\$0
SB 09-167 Annualization - Regulation of Chiropractors	(\$22,530)		\$0	\$0	(22,530)	\$0
SB 09-239 Annualization - Regulation of Nurses	(\$30,000)		\$0	\$0	(30,000)	\$0
HB 09-1086 Annualization - Renewal of lic. For Social Workers	(\$7,510)		\$0	\$0	(7,510)	\$0
HB 09-1136 Annualization - Renewal of lic. of Electricians	\$0		\$0	\$0	-	\$0
HB 09-1173 Annualization - Enforcement of Tobacco Laws	(\$12,016)		\$0	\$0	(12,016)	\$0
HB 09-1202 Annualization - Regulation for funeral Est.	(\$7,135)		\$0	\$0	(7,135)	\$0
HB 09-1319 Annualization - Repeals enrollment in Pub Sch		0.4	\$0	\$0		\$0
Adjustment: Add FY 11 FTE needed to implement 09 LSSA special bills		0.0	\$0	\$0		\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 November 1 Request</b>	<b>\$18,294,345</b>	<b>217.9</b>	<b>\$0</b>	<b>\$1,582,342</b>	<b>\$16,712,003</b>	<b>\$0</b>

**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

(2) Legal Services to State Agencies

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$1,354,987	0.0	\$0	\$0	\$1,354,987	\$0
SB 09-026 Athletic Trainers	\$0		\$0	\$0	-	\$0
SB 09-123 Pilot prog to reduce dropout rate	\$0		\$0	\$0	-	\$0
SB 09-138 Certification of Nurse Aids	\$0		\$0	\$0	-	\$0
SB 09-163 Education Accountability	\$0		\$0	\$0	-	\$0
SB 09-167 Regulation of Chiropractors	\$0		\$0	\$0	-	\$0
SB 09-239 Regulation of Nurses	\$0		\$0	\$0	-	\$0
HB 09-1086 Renewal of lic. For Social Workers	\$0		\$0	\$0	-	\$0
HB 09-1136 Renewal of lic. of Electricians	\$0		\$0	\$0	-	\$0
HB 09-1173 Enforcement of Tobacco Laws	\$0		\$0	\$0	-	\$0
HB 09-1202 Regulation for funeral Est.	\$0		\$0	\$0	-	\$0
HB 09-1319 Repeals enrollment in Pub Sch	\$0		\$0	\$0	-	\$0
SB 09-026 Annualization - Athletic Trainers	\$0		\$0	\$0	-	\$0
SB 09-123 Annualization - Pilot prog to reduce dropout rate	\$0		\$0	\$0	-	\$0
SB 09-138 Annualization - Certification of Nurse Aids	\$0		\$0	\$0	-	\$0
SB 09-163 Annualization - Education Accountability	\$0		\$0	\$0	-	\$0
SB 09-167 Annualization - Regulation of Chiropractors	\$0		\$0	\$0	-	\$0
SB 09-239 Annualization - Regulation of Nurses	\$0		\$0	\$0	-	\$0
HB 09-1086 Annualization - Renewal of lic. For Social Workers	\$0		\$0	\$0	-	\$0
HB 09-1136 Annualization - Renewal of lic. of Electricians	\$0		\$0	\$0	-	\$0
HB 09-1173 Annualization - Enforcement of Tobacco Laws	\$0		\$0	\$0	-	\$0
HB 09-1202 Annualization - Regulation for funeral Est.	\$0		\$0	\$0	-	\$0
HB 09-1319 Annualization - Repeals enrollment in Pub Sch	\$0		\$0	\$0	-	\$0
HB 08-1226 Annualization - CPA from another state	\$0		\$0	\$0	-	\$0
HB 08-1227 Annualization - PUC under the Sunset Law	\$0		\$0	\$0	-	\$0
HB 08-1257 Annualization - Veh. with an overweight divisible	\$0		\$0	\$0	-	\$0
HB 08-1314 Annualization - Gambling addiction counseling	\$0		\$0	\$0	-	\$0
HB 08-1325 Annualization - Non-immigrant Agricultural	\$0		\$0	\$0	-	\$0
HB 08-1335 Annualization - Finance Public School Facility	\$0		\$0	\$0	-	\$0
HB 08-1353 Annualization - Easement in the State	\$0		\$0	\$0	-	\$0
HB 08-1383 Annualization - Inactive Status for Nursing Lic.	\$0		\$0	\$0	-	\$0
<b>FY 10-11 Base Request</b>	<b>\$1,354,987</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,354,987</b>	<b>\$0</b>
<b>FY 10-11 November 1 Request</b>	<b>\$1,354,987</b>		<b>\$0</b>	<b>\$0</b>	<b>\$1,354,987</b>	<b>\$0</b>

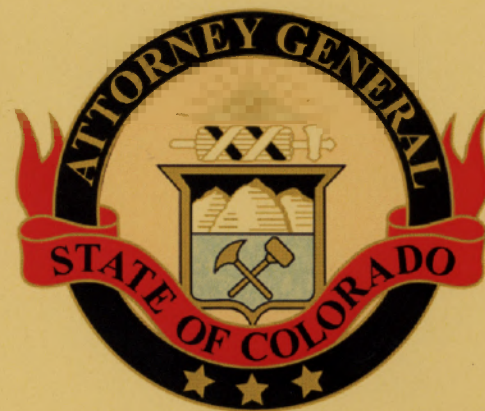
**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

**(2) Legal Services to State Agencies**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Indirect Costs</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$2,697,806	0.0	\$0	\$0	\$2,697,806	\$0
<b>FY 10-11 November 1 Request</b>	<b>\$2,697,806</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,697,806</b>	<b>\$0</b>
<b>(2) Legal Services to State Agencies</b>						
FY 2009-10 Total Appropriation (Long Bill plus Special Bills)	\$22,294,568	217.5	\$0	\$1,582,342	\$20,712,226	\$0
<b>FY 2010-11 November 1 Request</b>	<b>\$22,347,138</b>	<b>217.9</b>	<b>\$0</b>	<b>\$1,582,342</b>	<b>\$20,764,796</b>	<b>\$0</b>



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**LSSA**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law	LEGAL SERVICES TO STATE AGENCIES									
	195.3	203.5	218.5	218.5	218.5	218.5	218.5	218.5	218.5	217.9
	17,682,126	19,322,836	18,397,569	20,080,527	20,080,527	20,080,527	20,080,527	20,080,527	20,080,527	18,294,345
<b>PERSONAL SERVICES</b>										
General Fund	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	1,136,255	1,582,342	981,826	981,826	981,826	981,826	981,826	981,826	981,826	1,582,342
Cash Fund	16,545,871	17,740,494	17,415,743	19,098,701	19,098,701	19,098,701	19,098,701	19,098,701	19,098,701	16,712,003
Reappropriated Funds										
<b>OPERATING EXPENSES</b>										
General Fund	2,068,525	1,989,464	1,354,987	2,644,445	2,644,445	2,644,445	2,644,445	2,644,445	2,644,445	1,354,987
General Fund Exempt	-	-	-	-	-	-	-	-	-	-
Cash Fund	2,068,525	1,989,464	1,354,987	2,644,445	2,644,445	2,644,445	2,644,445	2,644,445	2,644,445	1,354,987
Reappropriated Funds										
<b>INDIRECT COST ASSESSMENT</b>										
General Fund	2,454,469	2,676,131	2,697,806	2,697,806	2,697,806	2,697,806	2,697,806	2,697,806	2,697,806	2,697,806
Cash Fund	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	2,454,469	2,676,131	2,697,806	2,697,806	2,697,806	2,697,806	2,697,806	2,697,806	2,697,806	2,697,806
<b>GRAND TOTAL</b>	<b>22,205,120</b>	<b>23,988,431</b>	<b>22,450,362</b>	<b>25,422,778</b>	<b>25,422,778</b>	<b>25,422,778</b>	<b>25,422,778</b>	<b>25,422,778</b>	<b>25,422,778</b>	<b>22,347,138</b>
General Fund	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	1,136,255	1,582,342	981,826	981,826	981,826	981,826	981,826	981,826	981,826	1,582,342
Cash Funds	21,068,865	22,406,089	21,468,536	24,440,952	24,440,952	24,440,952	24,440,952	24,440,952	24,440,952	20,764,796
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-	-	-





### SCHEDULE 3 - PERSONAL SERVICES PROGRAM DETAIL

#### Department of Law

#### LEGAL SERVICES TO STATE AGENCIES

I. POSITION DETAIL	AGENCY 08:		AGENCY 09:		AGENCY 10:		AGENCY 11:	
	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE
Deputy Attorney General	477,086	4.0	467,682	3.8	496,872	4.0	496,872	4.0
Assistant Deputy Attorney General	131,646	1.0	135,528	1.0	135,528	1.0	135,528	1.0
First Assistant Attorney General	2,334,003	22.8	2,419,912	23.6	2,459,352	24.0	2,459,352	24.0
Senior Assistant Attorney General	3,568,970	39.7	3,777,246	40.3	3,738,739	40.5	3,738,739	40.5
Assistant Attorney General	5,378,454	73.1	6,181,962	81.6	6,727,708	90.4	6,727,708	90.4
Assistant Attorney General II								
Assistant Attorney General I								
Attorney I	1,732,400	30.8	1,864,888	31.8	1,866,792	32.2	1,866,792	32.2
Legal Assistant II	122,550	3.0	85,338	1.8	97,476	2.0	97,476	2.0
Legal Assistant I	34,608	1.0						
Program Assistant I	196,739	4.0	207,804	4.0	207,804	4.0	207,804	4.0
Office Manager I			23,601	0.3	47,202	0.5	47,202	0.5
General Professional V					17,219	0.3	17,219	0.3
IT Professional I	15,167	0.3	17,154	0.3				
IT Technician I	208,635	5.4	226,488	5.8	310,608	8.0	310,608	8.0
Administrative Assistant III	318,438	10.1	310,840	9.3	360,934	10.6	360,934	10.6
Administrative Assistant II								
<b>TOTAL POSITION DETAIL</b>	<b>14,518,697</b>	<b>195.3</b>	<b>15,718,443</b>	<b>203.5</b>	<b>16,466,234</b>	<b>217.5</b>	<b>16,466,234</b>	<b>217.5</b>





SCHEDULE 3 - PROGRAM DETAIL

Department of Law LEGAL SERVICES TO STATE AGENCIES

Item	AGENCY 08		AGENCY 09		AGENCY 10		AGENCY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SB 09-138 Certification of Nurse Aids							(3,755)	-
SB 09-163 Education Accountability							(7,135)	-
SB 09-167 Regulation of Chiropractors							(4,882)	-
SB 09-239 Regulation of Nurses							(22,530)	-
HB 09-1086 Renewal of lic. For Social Workers							(30,000)	-
HB 09-1136 Renewal of lic. of Electricians							(7,510)	-
HB 09-1173 Enforcement of Tobacco Laws							(12,016)	-
HB 09-1202 Regulation for funeral Est.							(7,135)	-
HB 09-1319 Repeals enrollment in Pub Sch							(103,224)	(0.6)
<b>Annualization Special Bills Subtotal:</b>							(103,224)	
Reappropriated Funds	16,598,741	195.3	17,895,362	203.5	18,532,111	218.5	18,428,887	218.5
<b>Subtotal -</b>								
<b>(I.C.) PERSONAL SERVICES</b>								
<b>SUBTOTAL= A+B</b>								
<b>(I.D.) POTS EXPENDITURES</b>								
Health/Life/Dental	842,379		1,044,491		1,136,254			
Salary Survey	{604,749}		[561,112]					
Performance Awards	{217,748}		[235,803]					
Short Term Disability	18,658		20,382		19,985			
SB 04.257 A.E.D.	170,531		246,873		324,136			
SB 06.235 S.A.E.D.	35,761		115,729		202,585			
Other:	150		0					
[ ] Indicates a Non-add								
<b>(I.E.) BASE PERSONAL SERVICES= C+D</b>								
General Fund	17,666,220	195.3	19,322,836	203.5	20,215,071	218.5	18,294,345	218.5
General Fund Exempt								
Cash Funds	1,136,255		1,582,342		981,826		1,582,342	
Reappropriated Funds	16,529,965		17,740,494		19,233,245		16,712,003	
<b>(I.F.) DIFFERENCE= II-I.E.</b>								
<b>ROLLFORWARDS</b>								
General Fund Exempt	15,906		-		-		-	
Reappropriated Funds	15,906		-		-		-	

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	LEGAL SERVICES TO STATE AGENCIES					
	Actual 08 Total Funds	Actual 09 Total Funds	Approp 10 Total Funds	Estimate 10 Total Funds	Request 11 Total Funds	FTE
<b>Projected Spending Authority Shortfall</b> Reappropriated Funds	17,682,126	19,322,836	18,397,569	(134,544) (134,544)	18,294,345	218.5
<b>PERSONAL SERVICES TOTAL</b>						
General Fund						
General Fund Exempt	1,136,255	1,582,342	981,826	981,826	1,582,342	
Cash Funds	16,545,871	17,740,494	17,415,743	19,098,701	16,712,003	
Reappropriated Funds						
Federal Funds						
<b>II. PERSONAL SERVICES REQUEST</b> <b>(AGGREGATE ADJUSTMENTS TO</b> <b>THE BASE APPROPRIATION)</b>						
Previous Year Long Bill			203.5	218.5	18,241,775	217.5
<b>SPECIAL BILLS:</b>						
Salary Survey-Classified					-	-
PBP Classified					-	-
Salary Survey Exempt					-	-
PBP -Exempt					-	-
Annualization of Special Bills					-	-
OSPB .2% Base Reduction					52,570	0.4
Subtotal -					18,241,775	217.5
<b>PERSONAL SERVICES RECONCILIATION</b>						
Long Bill Appropriation	16,095,662	17,377,012	213.2	18,241,775		
Supplemental HB08-1290	127,237		1.5			
Supplemental SB09-192		237,425	2.0			
Special Bills -						
SB 07-025 Sexual Orient. Employment. Disc.	16,943		0.3			
SB 07-041 Public Sch Facilities Equity	1,695					
SB 07-083 Uniform Election Code	5,930					
SB 07-085 Protect Consumer Real Estate	27,108		0.3			
SB 07-107 License Landscape Architects	14,571					
SB 07-123 Reg. of Mechanical Convey.	4,880					
SB 07-137 Regulation of Plumbers	14,232		0.2			
SB 07-196 Health Information Tech	4,066					
SB 07-203 Mortgage Loan Transactions	39,533		0.5			
SB 07-210 Ethics Committee	81,324		0.9			
SB 07-215 Online Learning	15,249					
SB 07-216 Mortgage Loan Fraud	32,304		0.4			



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	LEGAL SERVICES TO STATE AGENCIES									
	Actual FY 08	Actual FY 09	Approp FY 10	Estimate FY 10	FY 10	FY 10	FY 10	FY 10	FY 10	FY 10
	Total Funds	Total Funds	Total Funds	Total Funds	FTE	Total Funds	Total Funds	Total Funds	Total Funds	FTE
Lapsed Appropriation Cash Funds Exempt	(797,248)	(85,286)								
Lapsed Appropriation Reappropriated Funds		(561,627)			(13.0)					
Other										
<b>Allocated POTS</b>										
Salary POTS	822,233	796,915								
Health/Life/Dental	800,567	999,681								
Short Term Disability	18,244	20,339								
SB 04.257 A.E.D.	172,668	249,805								
SB 06.235 S.A.E.D.	37,000	117,341								
<b>Pots Subtotal</b>	1,850,712	2,184,081								
<b>Reconciled Total</b>	17,682,126	19,322,838	195.3	19,322,836	203.5	20,080,527	20,080,527	18,294,345	217.9	
<b>II. PERSONAL SERVICES REQUEST</b>										
<b>TOTAL</b>										
General Fund	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-
Cash Funds	1,136,255	1,582,342	981,826	981,826		981,826	981,826	1,582,342		
Reappropriated Funds	16,545,871	17,740,494	17,415,743	17,415,743		19,098,701	19,098,701	16,712,003		
Federal Funds	-	-	-	-	-	-	-	-	-	-







**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	LEGAL SERVICES TO STATE AGENCIES					
	2008	2009	2010	2011	Request	FTE
	FTE	FTE	FTE	FTE	FTE	FTE
3140 - Non-Capitalized IT - PC's	4,651	52,882				
3141 - Non-Capitalized IT Servers	4,915	3,526				
3143 - Non-Capitalized IT Other	42,906	23,619				
3146 - Non-Cap. IT Purch. Server Software		1,162				
4110 - Losses	500					
4140 - Dues & Memberships	31,579	33,950		33,950		33,950
4151 - Interest - Late Payments	176	104		104		104
4180 - Official Functions	2,356	3,357		3,357		3,357
4220 - Registration Fees	22,492	60,772		60,772		60,772
6210 - ADP Equipment	23,425					
6212 - IT Servers - Direct Purchase		36,208		36,208		36,208
6213- IT PC SW- Direct Purchase		9,270		9,264		9,264
6224- Other Furn & Fixtures- Direct Purch.	10,998					
6480 - Other Cap. Equipment-Lease Furn	9,516					
6340 - Leasehold Improvements						
<b>OPERATING EXPENSE SUBTOTAL</b>	2,000,659	1,989,464		1,354,987		1,354,987
General Fund						
General Fund Exempt						
Cash Funds						
Reappropriated Funds						
<b>ROLLFORWARDS</b>						
General Funds Exempt	67,866					
Reappropriated Funds	67,866					
<b>SPECIAL BILLS</b>						
SB 09-026 Athletic Trainers						
SB 09-123 Pilot prog to reduce dropout rate						
SB 09-138 Certification of Nurse Aids						
SB 09-163 Education Accountability						
SB 09-167 Regulation of Chiropractors						
SB 09-239 Regulation of Nurses						
HB 09-1086 Renewal of lic. For Social Workers						
HB 09-1136 Renewal of lic. of Electricians						
HB 09-1173 Enforcement of Tobacco Laws						
HB 09-1202 Regulation for funeral Est.						
HB 09-1319 Repeals enrollment in Pub Sch						
<b>Subtotal:</b>	-	-				
Reappropriated Funds						

**SCHEDULE 3 - OPER. NG PROGRAM DETAIL**

Department of Law	LEGAL SERVICES TO STATE AGENCIES					
	ACTIVITY 08	ACTIVITY 09	ACTIVITY 10	ACTIVITY 11	Request FY 11	
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
<b>Potted Operating Expenses</b>						
Workers' Compensation				29,506		
Leased Vehicle Expense				19,681		
Capital Complex Lease Space				718,711		
Lease Space				23,374		
IT Asset Maintenance				321,177		
Postage Increase				4,052		
ADP Capital Outlay				-		
CLE Registration Fees				64,125		
Building Security				108,832		
<b>Total</b>				<b>1,289,458</b>		
Reappropriated Funds				1,289,458		
<b>Annualization of Legislation</b>						
SB 09-026 Athletic Trainers				-		
SB 09-123 Pilot prog to reduce dropout rate				-		
SB 09-138 Certification of Nurse Aids				-		
SB 09-163 Education Accountability				-		
SB 09-167 Regulation of Chiropractors				-		
SB 09-239 Regulation of Nurses				-		
HB 09-1086 Renewal of lic. For Social Workers				-		
HB 09-1136 Renewal of lic. of Electricians				-		
HB 09-1173 Enforcement of Tobacco Laws				-		
HB 09-1202 Regulation for funeral Est.				-		
HB 09-1319 Repeals enrollment in Pub Sch				-		
<b>Subtotal:</b>						
Reappropriated Funds				-		
				-		
<b>OPERATING EXPENSE TOTAL:</b>						
General Fund	2,068,525	1,989,464	1,354,987	2,644,445	1,354,987	
General Fund Exempt	-	-	-	-	-	
Cash Funds	-	-	-	-	-	
Reappropriated Funds	2,068,525	1,989,464	1,354,987	2,644,445	1,354,987	
<b>Operating Expense Reconciliation</b>						
Long Bill Appropriation	903,656					
Supplemental HB08-1290	63,619					

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

LEGAL SERVICES TO STATE AGENCIES

	APPROX. 09		APPROX. 10		APPROX. 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Supplemental SB09-192	49,236					
Special Bills -						
SB 07-025 Sexual Orient. Employment. Dis	16,943					
SB 07-041 Public Sch Facilities Equity	1,695					
SB 07-083 Uniform Election Code	5,930					
SB 07-085 Protect Consumer Real Estate	13,554					
SB 07-107 License Landscape Architects	14,571					
SB 07-123 Reg. of Mechanical Convey.	4,880					
SB 07-137 Regulation of Plumbers	14,232					
SB 07-196 Health Information Tech	4,066					
SB 07-203 Mortgage Loan Transactions	19,766					
SB 07-210 Ethics Committee	40,662					
SB 07-215 Online Learning	15,249					
SB 07-216 Mortgage Loan Fraud	16,152					
SB 07-261 Colo Econ Dev/Paying Staff	1,500					
HB 07-1037 Energy Efficiency	6,777					
HB 07-1065 Motor Carriers for Crim. Histor	2,169					
HB 07-1228 Fuel Corp	813					
HB 07-1322 Mortgage Fraud Prevention	39,533					
HB 07-1331 Medical Transparency	2,711					
HB 08-1335 Finance Public School Facility	-					
HB 08-1396 Impact of the Canterbury Turn	-					
SB 08-029 Architect Obtain Continuing Ed.					3,001	
SB 08-152 Occupational Therapy					3,601	
SB 08-153 Home Care Agencies by DPHE					960	
SB 08-200 Proh. Against Discrimination					20,024	
SB 08-219 Reg. of Massage Therapists					6,003	
HB 08-1058 Uniform Athlete Agents Act					2,521	
HB 08-1161 Mined Land Reclamation Brd					4,802	
HB 08-1226 CPA from another state					1,200	
HB 08-1227 PUC under the Sunset Law					14,406	
HB 08-1257 Veh. with an overweight divisible					3,630	
HB 08-1314 Gambling addiction counseling					955	
HB 08-1325 Non-immigrant Agricultural					1,441	
HB 08-1335 Finance Public School Facility					10,805	
HB 08-1353 Easement in the State					-	
HB 08-1383 Inactive Status for Nursing Lic.					240	
HB 08-1383 Inactive Status for Nursing Lic.					-	
HB09-1188 modified Skolnik Medical Transparency						

**SCHEDULE 3 - OPER NG PROGRAM DETAIL**

Department of Law	ACQUISITION				LEGAL SERVICES TO STATE AGENCIES			
	FY 03	FY 04	FY 05	FY 06	FY 10	FY 11	FY 12	FY 13
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
SB 09-026 Athletic Trainers								
SB 09-123 Pilot prog to reduce dropout rate								
SB 09-138 Certification of Nurse Aids								
SB 09-163 Education Accountability								
SB 09-167 Regulation of Chiropractors								
SB 09-239 Regulation of Nurses								
HB 09-1086 Renewal of lic. For Social Workers								
HB 09-1136 Renewal of lic. of Electricians								
HB 09-1173 Enforcement of Tobacco Laws								
HB 09-1202 Regulation for funeral Est.								
HB 09-1319 Repeals enrollment in Pub Sch								
<b>Allocated POTS:</b>								
Vehicle Lease Payments	10,281	20,797			19,681			
Capital Complex Lease Space	614,454	627,964			718,711			
Lease Space	20,901	21,576			23,374			
Worker's Compensation	27,935	35,515			29,506			
IT Asset Maintenance	297,675	330,598			321,177			
Building Security					108,832			
Postage Increase					4,052			
ADP Capital Outlay	26,900							
CLE Registration Fees		8,257						
Year-End Transfer		64,125			64,125			
Rollforward from previous FY								
Rollforward to Subsequent FY		78,325						
Overexpenditure/(Reversion)								
Lapsed Appropriation Cash Funds Exempt								
Lapsed Appropriation Reappropriated Fund								
Other	(196,415)	(535,761)						
<b>TOTAL</b>	2,068,534	1,989,465			2,644,445			
<b>INDIRECT COST ASSESSMENT</b>								
General Fund	2,454,469	2,676,131			2,697,806			2,697,806
Cash Funds								
Reappropriated Funds	2,454,469	2,676,131			2,697,806			2,697,806
<b>INDIRECT COST ASSESSMENT TOTAL</b>	<b>2,454,469</b>	<b>2,676,131</b>			<b>2,697,806</b>			<b>2,697,806</b>
General Fund								
Cash Funds								
Reappropriated Funds								



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**LEGAL SERVICES TO STATE AGENCIES**

Department of Law Item	Actual	Actual	Approp	Estimate	Request
	FY 2008	FY 2009	FY 2010	FY 2010	FY 2011
<b>Schedule 3 Total</b>	22,388,805	24,345,020	22,450,362	25,422,778	22,347,138
General Fund	-	-	-	-	-
General Fund Exempt	-	-	-	-	-
Cash Funds	1,136,255	1,582,342	981,826	981,826	1,582,342
Reappropriated Funds	21,252,551	22,762,678	21,468,536	24,440,952	20,764,796
Federal Funds	-	-	-	-	-
<b>CASH FUNDS</b>				981,826	1,582,342
Various Sources of Cash					
Fringe Benefits					
Estate Revenue	15	13,655			
Florence State Nursing Home		9,000			
Trinidad State Nursing Home	1,187	2,655			
Colo State VA Center-Homelake	187	40,831			
Rifle State Nursing Home		594			
Service Director of Nursing Homes		931			
PERA	387				
Colorado Student Loan Program	13,383	25,502			
Student Obligation Bond Authority	28,677	31,045			
Correctional Industries	11,655	34,158			
Auraria Higher Education Ctr-Tabor Enterp	522				
CU Health Sciences Center	4,314	1,628			
Revenue - Lottery	18,591	19,492			
Division of Wildlife-Enterprise	524,184	614,646			
Cumbres & Toltec RR	2,390	957			
Disability Insurance Trust	30,882	28,251			
SVC-State VA Center - Fitzsimons	13,726	32,651			
AHEC	56,328	65,168			
State Board of Agriculture	120,836	128,896			
DOAG/Brand BD	6,392	4,757			
School of Mines	43,193	166,066			
UNC	27,283	10,893			
Adams State College	78,980	98,468			
Metro State College	17,417	35,960			
Mesa State College	36,265	47,309			
Western State College	23,405	55,682			

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law	LEGAL SERVICES TO STATE AGENCIES			
	Actual FY 2008	Actual FY 2009	Approp. FY 2010	Estimate FY 2010 Request FY 2011
Ft. Lewis College	50,707	63,016		
CCCOES	44,724	73,440		
Private VOC School	28,802	28,914		
CU Boulder	7,965	5,479		
CU - Colorado Spring	97	540		
CSU-Global Campus		54		
DOLE Petroleum storage tank	90	11,557		
Reversion of Excess Earnings to G/F (CF)				
<b>Subtotal Cash Funds</b>	<b>1,192,584</b>	<b>1,652,191</b>	<b>981,826</b>	<b>1,582,342</b>
<b>REAPPROPRIATED FUNDS</b>				
Various Sources of Cash Exempt				
Administration	279,125	316,113		
Agriculture		216		
Colorado Horse Develop.emt Authority	834,889	1,062,189		
Corrections	346,726	426,701		
Education	54,142	150,372		
Governor's Office	1,351			
Governor's Office - OIT	37,690			
Energy Conservation	1,895,914	50,418		
Public Health and Environment	91,759	2,132,964		
Higher Education	1,008	45,837		
HE - Comp Resort Auth		278		
Arts and Humanities Council				
Historical Society-C&TS Railroad	39,347	110,436		
Health Care Policy and Financing	736,255	876,762		
Human Services	1,381,274	1,458,172		
Judicial	196,704	223,896		
Law - HIPAA	18,578	17,490		
Law - POST	9,818	2,469		
Law - Ref K.	9,326			
General Assembly (GA)	19,705	11,186		
Labor & Employment	567,361	610,778		
Local Affairs	198,647	74,871		
Military Affairs	1,082	3,303		
			24,440,952	20,764,796



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

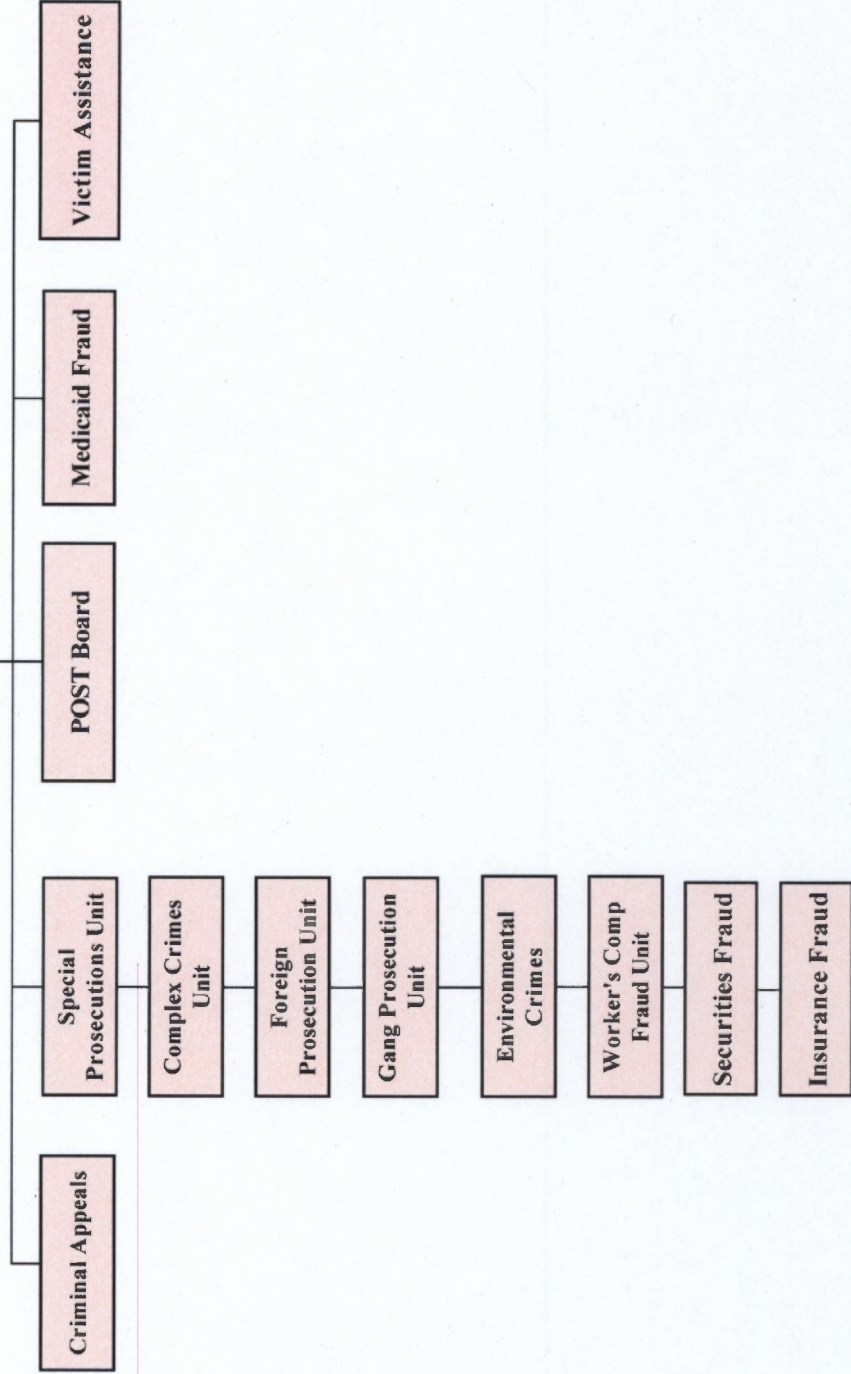
Department of Law Item	LEGAL SERVICES TO STATE AGENCIES				
	Actual FY 2008	Actual FY 2009	Approp FY 2010	Estimate FY 2010	Request FY 2011
Natural Resources	2,340,800	2,467,619			
Personnel	343,350	340,278			
Risk Management	2,608,625	2,239,031			
Public Safety	145,705	165,561			
Regulatory Agencies	6,544,589	7,396,817			
Revenue	761,570	805,927			
Revenue - Gaming	141,349	139,915			
Secretary of State	297,603	234,634			
State Fair					
Transportation	1,208,884	1,361,980			
Treasury	53,266	89,796			
State Fair Authority	29,785	17,064			
Rollforward					
Capital Construction Expenses					
Transfer to Fund Litigation Mgmt Fund in FY04					
Reversion of Excess Earnings to GF (CFE)					
Underearned Revenue					
<b>Subtotal Reappropriated Funds</b>	21,196,227	22,833,073		24,440,952	20,764,796
<b>Total Revenues - CF and RA</b>	<b>22,388,811</b>	<b>24,485,264</b>			



# **Criminal Justice and Appellate**

**Criminal Justice & Appellate Section**

**Criminal Justice  
Deputy Attorney General**



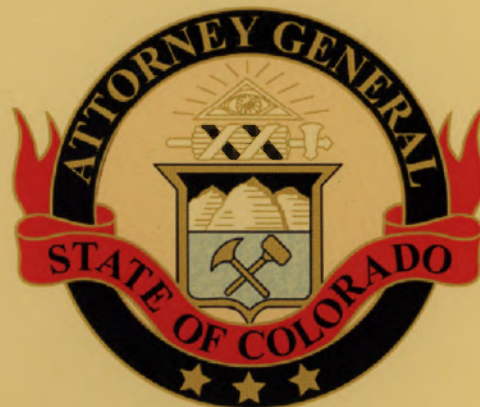


# **FY10-11 Reconciliation of Request**

## **Criminal Justice & Appellate**

### **(New Format)**

- A. SP Unit**
- B. Insurance Fraud Unit**
- C. Securities Fraud Unit**
- D. Appellate**
- E. Medicaid Fraud Grant**
- F. Capital Crimes Prosecutions**
- G. POST Board**
- H. Victim's Assistance**
- I. CJ&A Indirect**



**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

**(3) Special Justice and Appellate**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(A) Special Prosecution Unit</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$2,765,973	31.0	\$1,534,774	\$211,145	\$1,020,054	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$2,765,973</b>	<b>31.0</b>	<b>\$1,534,774</b>	<b>\$211,145</b>	<b>\$1,020,054</b>	<b>\$0</b>
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$139,641	0.0	\$77,483	\$10,660	\$51,498	\$0
<b>FY 10-11 Base Request</b>	<b>\$139,641</b>	<b>0.0</b>	<b>\$77,483</b>	<b>\$10,660</b>	<b>\$51,498</b>	<b>\$0</b>
<b>FY 2010-11 Base Request - Special Prosecution</b>	<b>\$2,905,614</b>	<b>31.0</b>	<b>\$1,612,257</b>	<b>\$221,805</b>	<b>\$1,071,552</b>	<b>\$0</b>
<b>Decision Item Requests</b>						
	\$0	0.0	\$0			
<b>FY 2010-11 November 1st Request - Special Prosecution</b>	<b>\$2,905,614</b>	<b>31.0</b>	<b>\$1,612,257</b>	<b>\$10,660</b>	<b>\$51,498</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - Special Prosecution</b>	<b>\$2,905,614</b>	<b>31.0</b>	<b>\$1,612,257</b>	<b>\$221,805</b>	<b>\$1,071,552</b>	<b>\$0</b>
<b>(B) Appellate Unit</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$2,465,578	31.0	\$2,465,578	\$0	\$0	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$2,465,578</b>	<b>31.0</b>	<b>\$2,465,578</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$118,405	0.0	\$118,405	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$118,405</b>	<b>0.0</b>	<b>\$118,405</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2010-11 Base Request - Appellate</b>	<b>\$2,583,983</b>	<b>31.0</b>	<b>\$2,583,983</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2010-11 November 1st Request - Appellate</b>	<b>\$2,583,983</b>	<b>31.0</b>	<b>\$2,583,983</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - Appellate</b>	<b>\$2,583,983</b>	<b>31.0</b>	<b>\$2,583,983</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

**(3) Special Justice and Appellate**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(C) Medicaid Fraud Unit</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$1,292,751	14.0	\$323,188	\$0	\$0	\$969,563
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$1,292,751</b>	<b>14.0</b>	<b>\$323,188</b>	<b>\$0</b>	<b>\$0</b>	<b>\$969,563</b>
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$76,115	0.0	\$19,029	\$0	\$0	\$57,086
<b>FY 10-11 Base Request</b>	<b>\$76,115</b>	<b>0.0</b>	<b>\$19,029</b>	<b>\$0</b>	<b>\$0</b>	<b>\$57,086</b>
<b>FY 2010-11 Base Request - Medicaid Fraud</b>	<b>\$1,368,866</b>	<b>14.0</b>	<b>\$342,217</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,026,649</b>
<b>FY 2010-11 November 1st Request - Medicaid Fraud</b>	<b>\$1,368,866</b>	<b>14.0</b>	<b>\$342,217</b>	<b>\$0</b>	<b>\$0</b>	<b>\$57,086</b>
<b>FY 2009-10 Previous Year Request - Medicaid Fraud</b>	<b>\$1,368,866</b>	<b>14.0</b>	<b>\$342,217</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,026,649</b>
<b>(D) Peace Officers Standard Training Board</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$456,022	6.0	\$0	\$456,022	\$0	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$456,022</b>	<b>6.0</b>	<b>\$0</b>	<b>\$456,022</b>	<b>\$0</b>	<b>\$0</b>
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$70,953	0.0	\$50,000	\$20,953	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$70,953</b>	<b>0.0</b>	<b>\$50,000</b>	<b>\$20,953</b>	<b>\$0</b>	<b>\$0</b>
<b>POST Training Grants</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$720,000	0.0	\$0	\$720,000	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$720,000</b>	<b>0.0</b>	<b>\$0</b>	<b>\$720,000</b>	<b>\$0</b>	<b>\$0</b>



DEPARTMENT OF LAW  
 FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST

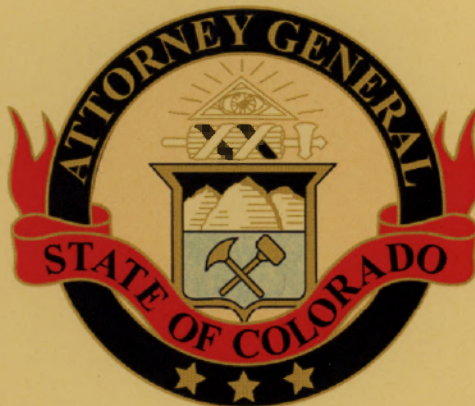
(3) Special Justice and Appellate

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>Decision Items and Special Bills</b>						
HB09-1036 Registration fee increase plus 35 cents bill	\$1,494,995	1.0	\$0	\$1,494,995	\$0	\$0
Budget Amend-BR1 GF Base Reduction	(\$50,000)	0.0	(\$50,000)	\$0	\$0	\$0
<b>FY 2010-11 November 1st Request - POST</b>	<b>\$2,691,970</b>	<b>7.0</b>	<b>\$0</b>	<b>\$2,691,970</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - POST</b>	<b>\$1,246,975</b>	<b>6.0</b>	<b>\$50,000</b>	<b>\$1,196,975</b>	<b>\$0</b>	<b>\$0</b>
<b>(E) Victim Assistance Unit</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$73,898	1.0	\$0	\$0	\$73,898	\$0
FY 10-11 Base Request	\$73,898	1.0	\$0	\$0	\$73,898	\$0
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$2,188	0.0	\$330	\$0	\$1,858	\$0
FY 10-11 Base Request	\$2,188	0.0	\$330	\$0	\$1,858	\$0
FY 2010-11 Base Request - Victim Assistance	\$76,086	1.0	\$330	\$0	\$75,756	\$0
FY 2010-11 November 1st Request - Victim Assistance	\$76,086	1.0	\$330	\$0	\$75,756	\$0
<b>FY 2009-10 Previous Year Request - Victim Assistance</b>	<b>\$76,086</b>	<b>1.0</b>	<b>\$330</b>	<b>\$0</b>	<b>\$75,756</b>	<b>\$0</b>
<b>(F) Indirect Cost Assessment</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$374,591	0.0	\$0	\$105,431	\$138,921	\$130,239
FY 2010-11 Base Request - Indirect Cost	\$374,591	0.0	\$0	\$105,431	\$138,921	\$130,239
FY 2010-11 November 1st Request - Indirect Cost	\$374,591	0.0	\$0	\$105,431	\$138,921	\$130,239
<b>FY 2009-10 Previous Year Request - Indirect Cost</b>	<b>\$374,591</b>	<b>0.0</b>	<b>\$0</b>	<b>\$105,431</b>	<b>\$138,921</b>	<b>\$130,239</b>
<b>(3) Special Justice and Appellate</b>						
FY 2009-10 Total Appropriation (Long Bill plus Special Bills)	\$8,556,115	83.0	\$4,588,787	\$1,524,211	\$1,286,229	\$1,156,888
FY 2010-11 Base Request	\$10,001,110	84.0	\$4,538,787	\$3,019,206	\$1,286,229	\$1,156,888



# Narrative

# Special Prosecutions



## **D) BACKGROUND INFORMATION: SPECIAL PROSECUTION SECTION.**

The Attorney General's trial prosecution efforts are focused in multiple areas: 1) Workers' Compensation Fraud, 2) Complex Crimes, 3) Environmental Crimes, 4) Gang Prosecution, 5) Foreign Prosecutions and 6) the Homicide Assistance Team(HAT). Of these duties, the "Special Prosecutions Unit" (hereinafter SPU) dealt with all six areas in FY 09. The SPU is also involved in several outreach programs associated with mitigating gang activity, preventing school violence and responding to child abductions.

In FY 09 the SPU consisted of 12.8 FTE: five full-time attorneys, five investigators and one legal assistant, one program assistant and .8 of the Deputy AG for Criminal Justice.

The best review of the Special Prosecutions Line Item is provided by an individual review of each of four subject areas:

### **1. Complex Crimes**

The Complex Crimes Unit prosecutes cases that: 1) Are referred to us because of our specialized knowledge or experience or 2) Are multi-jurisdictional cases investigated through the use of the state grand jury and local District Attorneys requested we continue to prosecute the cases.

This unit derives its authority to investigate and prosecute from three sources: a) statutory authority granted directly to the Attorney General; b) appointment by a local District Attorney to act as a Special Deputy District Attorney; and c) gubernatorial order.

Complex crimes matters required the efforts of four attorneys and three investigators. Several areas of expertise include racketeering cases, domestic terrorism, identity fraud, large check fraud schemes, methamphetamine rings, mortgage fraud and tax fraud.

One of the investigators and one of the prosecutors allocate a portion of their time to gang prosecutions as needed. The remaining complex crime prosecutors focused on the financial and narcotic crimes associated with the gang activities and organized criminal enterprises.

### **2. Environmental Crimes Unit**

The primary function of the Environmental Crimes Unit is to investigate and prosecute and assure remediation for environmental crimes occurring in the State of Colorado. The unit also provides investigative and prosecutorial expertise and support to statewide law enforcement efforts against entities committing environmental crimes in the state. The unit also coordinates a state/federal task force for the purpose of engendering an interrelated effort to contend with environmental crimes affecting Colorado. Members of the unit also work with the Colorado Department of Public Health and Environment and the United States Environmental Protection Agency to increase awareness and



recognition of environmental crimes through training programs directed at local regulators, law enforcement, and other agencies intimately related to the management of Colorado's resources.

The unit derives its authority from statutory authority granted directly to the Attorney General and special appointment by district attorneys. The Unit consists of one Attorney General Prosecutor, a Special Assistant Attorney General as needed on loan from the Environmental Protection Agency, an Attorney General Investigator, and a criminal investigator on loan from the Environmental Protection Agency's Criminal Investigations Division. All costs associated with the EPA Attorney and Investigator are borne by the EPA. The unit investigates and prosecutes environmental crimes regardless of media (i.e. hazardous waste, hazardous substances, water and air) using existing environmental statutes and other crimes enumerated in the criminal code when applicable.

### **3. Gang Prosecution Unit**

Gangs are a continuing problem in Colorado. The Gang Prosecutions Subunit ("GPU") began in 2000 with a mission to decrease the impact gangs have on the community. Since the inception of the unit, we have indicted over 61 gang members on over 100 felony charges. The majority gang members have been indicted on racketeering related charges. These prosecutions have all resulted in felony convictions and dozens of years in prison sentences. The GPU works to accomplish that goal through collaborative efforts with other agencies. The GPU prosecutes gang-related multi-jurisdictional crimes. Since the GPU started, many gang members have been successfully indicted and convicted under the Colorado Organized Crime Control Act ("COCCA").

The COCCA laws are similar to federal racketeering laws. Racketeering cases are complex, and demand a lot of resources to adequately investigate and prosecute. Investigations often requires months of collaborative work with numerous agencies before sufficient evidence exists to prosecute these cases. The complexity of these large, multi-jurisdictional cases demand prosecution by experienced attorneys.

In addition to investigation and prosecution, the GPU should be involved with community outreach. Until recently, an attorney from the GPU is a legal advisor to the Colorado Gang Advisory Board ("CoG"). Another attorney from the Attorney General's Criminal Justice Section is now the legal advisor to "CoG." The other COG board members are representatives from the Colorado Bureau of Investigations and Colorado law enforcement agencies. COG created and maintains a gang database that is used by law enforcement statewide. The GPU also provides educational outreach and training to prosecutors, police officers, school officials, mental health professionals, law enforcement commanders and corrections officials. Specifically, Investigator Gary Clyman continued to do law enforcement training and instruction teaching the Gang segment at two local POST training academies as well as the Terrorism block of instruction at three academies. Investigator Clyman teaches counter-terrorism courses for two federally funded (USDOJ) programs.



During most of a recent fiscal year a full time investigator was assigned to the Metro Gang Task Force (MGTF) to work a multi-agency investigation concerning a gang-motivated drug trafficking organization. This required a daily presence of the investigator at the MGTF off-site location in Aurora. The assignment included daily moving surveillance of targets in the metro Denver and Colorado Springs area, participation in planning and operation of undercover drug transactions, work in the listening post during the wiretap phase, interviewing subjects, search warrants, and informant development and management. While the specific investigation in the metro Denver and Colorado Springs area terminated, the relationship between the GPU and MGTF continues.

#### **4. Foreign Prosecutions**

Each year fugitives flee Colorado after committing homicides. There are presently 180 active arrest warrants for fugitives for Colorado murders. A number of these fugitives are reported to flee to Mexico every year. A review of CBI's database demonstrates that out of the 180 active murder warrants, 40 of the fugitives are believed to be Mexican citizens residing in Mexico.

There are two avenues available to states when attempting to prosecute fugitives that have fled to Mexico. First, the state may attempt to extradite the fugitive back to the United States for prosecution. Second, is the option to prosecute the fugitive in Mexico under Article IV of the Mexican Federal Penal Code. Extradition treaties exist between Mexico and the U.S. However, the Government of Mexico has been reluctant to extradite Mexican nationals back to the United States. There have been limited extraditions of Mexican nationals for serious drug offenses and certain aggravated murders.

The other option available in prosecuting fugitives in Mexico is prosecution in Mexico under Article IV of the Mexican Penal Code. This option, provided by the government of Mexico, is to try their citizens in Mexico for crimes committed in the U.S. If convicted, the offenders serve their sentence in a Mexican prison. In 2001, the General Assembly granted funding for a bilingual investigator at the Attorney General's Office to be the coordinator for Colorado Article IV prosecutions. Mexico's Article IV requires the case be submitted by either the State or Federal Attorney General. The FPU investigator works both with the Mexican Attorney General's Office (PGR), and Colorado law enforcement, to facilitate appropriate Article IV filings and prosecutions of Colorado cases.

#### **5. Worker's Compensation**

The primary function of the Workers' Compensation Fraud Unit is to provide investigative and prosecutorial expertise for statewide law enforcement efforts against employees and employers who perpetrate workers' compensation fraud on the Colorado Compensation Insurance Authority d/b/a Pinnacol Assurance. Cases are acted upon after the Special Investigation Unit at Pinnacol completes an initial investigation of possibly criminal behavior and refers the case to the Attorney General's Office for potential





prosecution. The Workers' Compensation Fraud Unit reviews the case, performs additional investigation where necessary, and files appropriate criminal charges if warranted.

There are various types of workers' compensation fraud, including individuals who falsely claim injuries, individuals who are actually working while collecting benefits, individuals who are malingering in their injuries, subcontractors who falsely document having the required workers' compensation insurance and businesses which misrepresent the scope and nature of their business operations to avoid higher insurance premiums.

## **6. Homicide Assistance Team**

The Homicide Assistance Team (HAT) is a two-attorney, one-investigator unit, which is assisted by an administrative assistant. HAT was created by the Legislature in fiscal year 1994-1995 to assist District Attorneys by providing additional investigative and prosecutorial resources in their active, cold-case, and death-penalty-eligible homicides and to more effectively analyze and prosecute these cases. In addition to providing legal assistance in the prosecution of cases, the Unit has provided investigator assistance as well. HAT's work load is dictated by the incidence of homicides, as well as District Attorney requests for assistance.

The team has handled capital appeals in both the state and federal appellate courts, and post-conviction proceedings involving death row inmates. HAT has performed a primary role in responding to legal and logistical needs during the execution process and is the only prosecutorial entity in Colorado, which provides expertise on capital cases from initial investigation through execution.

The HAT attorneys and investigator only become involved in a case upon the request of the local District Attorney and the approval of the Attorney General. As anticipated, requests by state prosecutors to HAT for consultation or other assistance was greater than the assistance that could be provided.

## **7. Insurance Fraud Unit**

The Insurance Fraud Unit is comprised of 7.5 FTE positions which are funded by an industry assessment through the Division of Insurance of the Colorado Department of Regulatory Agencies. The Insurance Fraud Unit provides investigative and prosecutorial resources for combating insurance fraud statewide. The general goals of the Insurance Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential insurance fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and, (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators.



The cases handled by the Unit embrace the entire spectrum of insurance fraud, including, but not limited to, insurance agent fraud; claimant fraud; bail bondsman violations; workers compensation fraud; and false claims of casualty and property loss.

## **8. Securities Fraud Unit**

The Securities Fraud Unit is comprised of 5.5 FTE positions, 3.5 of which are funded by an industry assessment through the Division of Securities of the Colorado Department of Regulatory Agencies. The Attorney General's Office has original jurisdiction to both investigate and prosecute crime relating to securities and the Securities Fraud Unit provides investigative and prosecutorial resources for combating securities fraud statewide. The general goals of the Securities Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential Securities fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and, (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators. The Unit also strives to assist and support other agencies in investigating and prosecuting securities fraud violations.

The cases handled by the Unit generally involve the prosecution of individuals who solicit and receive investor money for investment schemes that are not regulated. Often times these schemes target groups of people such as the elderly or church members who either know or know of the person soliciting their money. Many of these cases are "Ponzi" schemes, where earlier investors are paid returns with the contributions of later investors to maintain a façade of success and legitimacy.

## **II) PRIOR YEAR LEGISLATION**

1) Criminal Pollution Penalties- C.R.S. 25-8-609. Amended this statute to clarify and provide for ability to enforce all civil or criminal penalties related to discharging hazardous waste into the waters of Colorado. Prior to this amendment, discharging hazardous waste into the waters or waterways of Colorado was only punishable by a misdemeanor criminal conviction while the same act of dumping hazardous waste on the ground was punishable by a felony conviction. This amendment rectifies the prior disparity in the law and further protects the waters of Colorado in a manner more consistent with the original intent of the legislature.

## **III) HOT ISSUES:**

1) Investigation of the Peggy Hettrick homicide by Order of the Governor.

In early 2008, Governor Ritter ordered the Criminal Justice Section to undertake the investigation of the 1987 murder of Peggy Hettrick. This office is now tasked with a renewed investigation of that murder. Apart from the resources required to rework the entire investigation from the beginning in an effort to objectively consider all of the available evidence, the advent of modern DNA procedures and the costs associated with



prosecution. The Workers' Compensation Fraud Unit reviews the case, performs additional investigation where necessary, and files appropriate criminal charges if warranted.

There are various types of workers' compensation fraud, including individuals who falsely claim injuries, individuals who are actually working while collecting benefits, individuals who are malingering in their injuries, subcontractors who falsely document having the required workers' compensation insurance and businesses which misrepresent the scope and nature of their business operations to avoid higher insurance premiums.

## **6. Homicide Assistance Team**

The Homicide Assistance Team (HAT) is a two-attorney, one-investigator unit, which is assisted by an administrative assistant. HAT was created by the Legislature in fiscal year 1994-1995 to assist District Attorneys by providing additional investigative and prosecutorial resources in their active, cold-case, and death-penalty-eligible homicides and to more effectively analyze and prosecute these cases. In addition to providing legal assistance in the prosecution of cases, the Unit has provided investigator assistance as well. HAT's work load is dictated by the incidence of homicides, as well as District Attorney requests for assistance.

The team has handled capital appeals in both the state and federal appellate courts, and post-conviction proceedings involving death row inmates. HAT has performed a primary role in responding to legal and logistical needs during the execution process and is the only prosecutorial entity in Colorado, which provides expertise on capital cases from initial investigation through execution.

The HAT attorneys and investigator only become involved in a case upon the request of the local District Attorney and the approval of the Attorney General. As anticipated, requests by state prosecutors to HAT for consultation or other assistance was greater than the assistance that could be provided.

## **7. Insurance Fraud Unit**

The Insurance Fraud Unit is comprised of 7.5 FTE positions which are funded by an industry assessment through the Division of Insurance of the Colorado Department of Regulatory Agencies. The Insurance Fraud Unit provides investigative and prosecutorial resources for combating insurance fraud statewide. The general goals of the Insurance Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential insurance fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and, (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators.



The cases handled by the Unit embrace the entire spectrum of insurance fraud, including, but not limited to, insurance agent fraud; claimant fraud; bail bondsman violations; workers compensation fraud; and false claims of casualty and property loss.

## **8. Securities Fraud Unit**

The Securities Fraud Unit is comprised of 5.5 FTE positions, 3.5 of which are funded by an industry assessment through the Division of Securities of the Colorado Department of Regulatory Agencies. The Attorney General's Office has original jurisdiction to both investigate and prosecute crime relating to securities and the Securities Fraud Unit provides investigative and prosecutorial resources for combating securities fraud statewide. The general goals of the Securities Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential Securities fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and, (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators. The Unit also strives to assist and support other agencies in investigating and prosecuting securities fraud violations.

The cases handled by the Unit generally involve the prosecution of individuals who solicit and receive investor money for investment schemes that are not regulated. Often times these schemes target groups of people such as the elderly or church members who either know or know of the person soliciting their money. Many of these cases are "Ponzi" schemes, where earlier investors are paid returns with the contributions of later investors to maintain a façade of success and legitimacy.

## **II) PRIOR YEAR LEGISLATION**

1) Criminal Pollution Penalties- C.R.S. 25-8-609. Amended this statute to clarify and provide for ability to enforce all civil or criminal penalties related to discharging hazardous waste into the waters of Colorado. Prior to this amendment, discharging hazardous waste into the waters or waterways of Colorado was only punishable by a misdemeanor criminal conviction while the same act of dumping hazardous waste on the ground was punishable by a felony conviction. This amendment rectifies the prior disparity in the law and further protects the waters of Colorado in a manner more consistent with the original intent of the legislature.

## **III) HOT ISSUES:**

1) Investigation of the Peggy Hettrick homicide by Order of the Governor.

In early 2008, Governor Ritter ordered the Criminal Justice Section to undertake the investigation of the 1987 murder of Peggy Hettrick. This office is now tasked with a renewed investigation of that murder. Apart from the resources required to rework the entire investigation from the beginning in an effort to objectively consider all of the available evidence, the advent of modern DNA procedures and the costs associated with





client accounts; however, most of the funds went either to Sumner's personal expenses or to pay earlier investors. Sumner failed to disclose several material facts to investors, including: risks associated with the investments; that some earlier investors received only partial payment or no payment at all; that he had been permanently barred by the National Association of Securities Dealers; and that he had prior criminal convictions and numerous prior and pending civil lawsuits. Sumner was indicted by statewide grand jury in January 2007 on six counts of Class-3 felony Securities Fraud, two counts of Class-3 felony Theft, and three counts of Class-4 felony Theft. On September 17, 2008, Sumner pled guilty to all eleven counts after several days of trial. He was sentenced in Larimer County District Court on November 13, 2008 to seven years in the Department of Corrections on the 8 Class-3 felony counts and to five years for the 3 Class-4 felony counts (all terms to be served concurrently). Sumner owes just over \$57,000 in restitution, which is owed to 7 victims.

The statewide grand jury indicted Rick VanVleet on five counts of Securities Fraud and two counts of Theft (all Class-3 felonies) in March 2008. From February 2003 through November 2004, VanVleet took nearly \$3 million dollars from investors who believed they were investing in the financing of commercial multi-media equipment. These investors were provided promissory notes to evidence their investment. VanVleet represented that he was acting on behalf of Synergy Media Group (Synergy), of which he also claimed to be the majority owner. VanVleet never told investors of the risks involved. He also failed to inform investors: that he was not the majority owner of Synergy or that he did not have authority to offer promissory notes encumbering Synergy assets; that he was permanently enjoined by the Securities and Exchange Commission from engaging in fraudulent securities transactions; and that not all of their money made it to Synergy as represented. VanVleet pleaded guilty to one count of Securities Fraud, a Class-3 felony, on November 4, 2008. He was sentenced in Larimer County District Court on February 24, 2009 to ten years in the Department of Corrections. VanVleet owes more than \$2.9 million dollars in restitution to 35 victims.

With the current economic problems and volatility in the stock market, the Unit expects to see more fraud in the non-regulated investment world. When traditional investments fair poorly, both sophisticated and less sophisticated investors often seek investments outside of the traditional, regulated markets, which can easily lead to fraud due to a lack of oversight or regulation.

This Unit is especially in need of a financial auditor to aid in both the investigation and prosecution of securities fraud. Securities Fraud cases often arise out of millions of dollars being misappropriated and the addition of a financial auditor would aid the detection and prosecution of these cases. It is anticipated that one third of an auditor's time will be available to the unit in the coming year.



**IV) WORKLOAD MEASURE:**

**WORKLOAD INDICATORS**

**1. Complex Crimes**

Objective: To utilize the Statewide Grand Jury to a greater extent and obtain at least 10 felony indictments.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Grand Jury investigations initiated in FY. (individuals)		66*	45		
Indictments obtained in FY (individuals)		52*	37		

\* In FY 08 twenty-nine (29) individuals were investigated and then indicted by the Statewide Grand Jury in one (1) multi-jurisdictional case that was centered in Jefferson County and done in collaboration with the Jefferson County District Attorney.

Objective: To open 40 new investigation files, file 25 new cases in court and obtain at least 15 felony convictions.

Workload Measure		FY 08* Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Total new investigations opened (individual)		99	94		
Total new cases filed (individuals)		93	66		
Felony convictions obtained		57	48		
Misdemeanor convictions obtained		17	13		
Cases Closed		74	61		

\* In FY 08 the numbers in most of the categories were higher compared to FY 09 because of the twenty-nine (29) additional Defendant's who were Indicted by Statewide Grand Jury in support of the Jefferson County centered , multi-jurisdictional case that was referenced above



Objective: To obtain restitution, fines and cost recoveries in appropriate cases.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Fines, costs and restitution ordered.		\$587,000	\$606,129		

Objective: To participate in multi-jurisdictional case-driven task forces and information exchanging work groups.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Intergovernmental Cooperation		20	30		

Objective: To continue in multi-jurisdiction case-driven task forces and information exchanging work groups.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Training sessions given.		13	14		

## 2. Environmental Crimes Unit

Objective: Maintain the effort of the Environmental Crimes Prosecution Unit to work in collaborative effort with local law enforcement, local emergency response personnel, District Attorneys, the Colorado Department of Public Health and Environment and the US Environmental Protection Agency.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Draft proposal to secure federal funding or support of a cooperative criminal enforcement effort to combat environmental crimes within the borders of the State of Colorado		50%	50%		



Objective: To enforce compliance with existing environmental laws and regulations through investigation and prosecution of environmental crimes.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
New investigations opened		11	10		
New cases filed		6	2		
Felony convictions obtained		2	2		
Cases closed		5	6		
Jury trials		0	0		
Court trials		0	0		

Objective: To increase the State of Colorado's participation in cohesive state and federal effort to combat environmental crimes.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Increase membership participation in state/federal task forces and unified state environmental programs		2	3		

Objective: To increase awareness of environmental criminal activity within the State of Colorado by conducting statewide training.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Conduct local/state/federal awareness training to entities concerned with Colorado's environment		2	12		





### 3. Gang Prosecution Unit\*

Objective: To prosecute gang members, with the State Grand Jury, for multi-jurisdictional criminal activities.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Gang members investigated**		43	32		
Gang members indicted**		43	32		
Felony convictions obtained for gang members (In FY 08 29 of the 43 members cited above are exclusively JeffCo cases, and are not counted in this statistic)**		14	21		
Number of years Department of Corrections		82	159		
Trials		2	2		

\* A "Gang" means a group of three or more individuals with a common interest, bond and whose activity is characterized by criminal or delinquent conduct.

\*\* In FY 08 the Special Prosecutions Unit collaborated with the Jefferson County District Attorney to investigate and indict 29 Defendants in a large scale Jefferson County centered drug distribution organization. Following the indictments by the State Grand Jury, the case reverted back to the Jefferson County District Attorney for the subsequent trial prosecutions.

### 4. Foreign Prosecution

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Active Cases		11			
Article IV cases filed in Mexico		2			
Extraditions/assists		2			



## 5. Worker's Compensation

Objective: To utilize the state grand jury, search warrants, audits and other criminal investigative tools to investigate potential worker's compensation fraud cases including, but not limited to: false statement to obtain worker's compensation benefits, forgery, theft, perjury and offering a false instrument for recording.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Conduct investigations and increase the number of cases referred	Target	60			
	Actual	62	27		
To decrease the number of cases declined	Target	6			
	Actual	2	5		

Objective: To vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, jail sentences, restitution, fines and penalties.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
To increase the number of active filed cases	Target	25	25		
	Actual	19	12		
To obtain orders for restitution cost savings and fines	Target	20	20		
	Actual	15	15		
To obtain orders for restitution cost savings and fines	Target	\$300,000	\$300,000		
	Actual	\$263,612	\$146,238		
To bring at least one case to trial	Target	2	2		
	Actual	2	2		

Objective: To reduce the loss of revenues to the State Compensation Insurance Authority resulting from fraud by employers through the deterrent effect of prosecuting violators.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
To increase the number of cases of fraud by employers	Target	6	6		
	Actual	7	6		



Objective: To reduce the victimization of employees who may be injured while working for non-complying employers and who consequently do not receive benefits they would be entitled to through the deterrent effect of prosecuting violators.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
To increase the number of cases of intentional false representation of employers	Target	6	6		
	Actual	6	6		

Objectives: To create a more equitable business environment for law-abiding employers who are injured as a result of the unfair competition created by those employers whose business costs do not include the payment of premiums.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 09 Estimate	FY 10 Request
To increase the number of cases of false certificate of insurance cases	Target	6	6		
	Actual	6	6		

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Number of case referrals	Target	60/65			
	Actual	29*	27		
Number of active investigations increased	Target	52			
	Actual	62	27		
Number of filed cases increased	Target	22			
	Actual	19	12		

\*Instead of straight deferrals, cases are not staffed prior to referral to achieve better quality cases for prosecution and to reduce declinations. This has resulted in a significant reduction in the number of cases referred to us by Pinnacol Assurance.



**6. Homicide Assistance Team**

Objectives: The objective of the Unit is to assist local District Attorneys in the investigation, evaluation, and prosecution of homicides. If the death penalty is sought, the prompt and effective assistance to the local District Attorney in filing and arguing motions, and trying cases, as requested by the local jurisdiction.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
ColdCase/Active Homicide Assistance		22	21	30	40
Death Penalty Case Assistance		10	7	10	10

**7. Insurance Team**

Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to fraud relating to insurance which local jurisdictions would be unable to effectively handle.

Workload Measures		Actual FY08	Actual FY09	Estimate FY10	Request FY11
<b>Measure 1.1</b> Criminal Investigation Opened	<b>Target</b>	60	60	60	60
	<b>Actual</b>	51	37		
<b>Measure 1.2.</b> Criminal Cases Filed	<b>Target</b>	30	30	30	30
	<b>Actual</b>	14	16		
<b>Measure 1.3</b> Jury trials	<b>Target</b>	2	2	2	2
	<b>Actual</b>	1	1		
<b>Measure 1.4</b> Convictions Obtained	<b>Target</b>	25	22	22	22
	<b>Actual</b>	20	17		
<b>Measure 1.4</b> Restitution Ordered	<b>Target</b>	\$400,000	450,000	\$450,000	\$450,000
	<b>Actual</b>	\$836,649	\$274,905		
<b>Measure 1.6</b> Publicize convictions obtained	<b>Target</b>	5	5	5	5
	<b>Actual</b>	2	1		





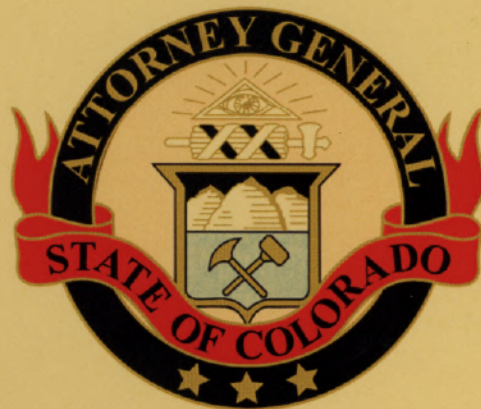
## 8. Securities Team

Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to securities fraud which local jurisdictions would be unable to effectively handle.

Workload Measures		Actual FY08	Actual FY09	Estimate FY10	Request FY11
Measure 1.1 Criminal Investigation Opened	Target	18	18	12	12
	Actual	11	9		
Measure 1.2. Criminal Cases Filed	Target	12	12	12	12
	Actual	6	9		
Measure 1.3 Jury trials	Target	2	2	2	2
	Actual	2	2		
Measure 14. Convictions Obtained	Target	8	12	10	10
	Actual	10	8		
Measure 1.5. Restitution Ordered	Target	\$2,000,000	\$2,500,000	\$3,000,000	\$3,000,000
	Actual	\$12,664,705	\$12,921,409		
Measure 1.6. Media items published	Target	4	5	15	15
	Actual	31	41		



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Special Prosecutions**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law Item	Actual FY 04		Actual FY 09		Approp FY 10		Estimate FY 11		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>SPECIAL PROSECUTIONS UNIT</b>	1,310,029	12.1	1,402,469	12.8	2,905,614	31.0	3,284,940	31.0	2,905,615	31.0
General Fund	1,114,357		1,161,153		1,612,257		1,791,665		1,612,257	
General Fund Exempt	-		-		-		-		-	
Cash Funds	195,672		241,316		221,805		258,904		221,805	
Reappropriated Funds	-		-		1,071,552		1,234,371		1,071,553	



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	SPECIAL PROSECUTIONS UNIT					
	Agency 01 Total FTE	Agency 02 Total FTE	Agency 03 Total FTE	Agency 04 Total FTE	Agency 05 Total FTE	Agency 06 Total FTE
<b>I. POSITION DETAIL</b>						
Deputy Attorney General	94,022	0.8	98,122	0.8	122,652	1.0
First Assistant Attorney General	74,961	0.8	466,951	5.0	211,164	2.0
Senior Assistant Attorney General	340,844	3.9	407,538	5.0	836,124	9.0
Assistant Attorney General II	287,858	3.7	43,104	1.0	908,112	12.0
Criminal Investigator II	75,936	1.0	47,616	1.0	88,200	1.0
Criminal Investigator III	34,998	0.9	47,616	1.0	87,264	2.0
Legal Assistant I					55,776	1.0
Legal Assistant II						
Program Assistant II	45,288	1.0			47,616	1.0
Program Assistant I					72,996	2.0
Administrative Assistant III						
Administrative Assistant II						
<b>TOTAL POSITION DETAIL</b>	953,907	12.1	1,063,331	12.8	2,429,904	31.0
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>	953,907	12.1	1,063,331	12.8	2,429,904	31.0
(Permanent FTE by Position) Continuation Salary Subtotal						
<b>(I.B.) OTHER PERSONAL SERVICES</b>						
PERA on Continuation Subtotal	85,857		90,745		246,635	
Medicare on Continuation Subtotal	11,989		13,842		35,234	
Non-Base Building Performance Awards			6,168		-	
Part-Time/Temporary Salaries						
Contractual Services	10,473		7,487		54,201	
Leave	16,323		-			
Overtime						
Unemployment Compensation	2,683					
Other	11,453		16,800			
<b>SUBTOTAL</b>	138,777	12.1	135,042	12.8	336,070	31.0
<b>(I.C.) PERSONAL SERVICES SUBTOTAL=A+B</b>	1,092,684		1,198,373		2,765,973	
<b>(I.D.) POTS EXPENDITURES</b>						
Health/Life Dental	41,979		48,021		125,270	
Salary Survey	[36,182]		[30,810]		-	

**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**SPECIAL PROSECUTIONS UNIT**

Item	Actual FY 08		Appropriation		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Performance Awards	[16,459]		[16,444]		3,161		2,765,973	31.0
Short Term Disability	1,202		1,375		43,377			
SB 04.257 A.E.D.	11,170		16,538		26,863			
SB 06.235 S.A.E.D.	2,123		7,532					
Other	1,177		-					
[ ] Indicates a Non-add								
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>	<b>1,150,335</b>	<b>12.1</b>	<b>1,271,840</b>	<b>12.8</b>	<b>2,964,644</b>	<b>31.0</b>	<b>2,765,973</b>	<b>31.0</b>
<b>C+D</b>								
General Fund	963,341		1,084,846		1,630,403		2,765,973	
Cash Funds	186,994		186,994		229,679			
Reappropriated Funds					1,104,562			
<b>(I.F.) DIFFERENCE= III.E.</b>								(0)
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>								
General Fund							2,765,973	
Cash Funds								
Reappropriated Funds								
<b>II. PERSONAL SERVICES REQUEST</b>								
<b>(AGGREGATE ADJUSTMENTS TO THE</b>								
<b>BASE APPROPRIATION</b>								
Previous Year Long Bill								
Salary Survey-Classified								
PBP - Classified								
Salary Survey Exempt								
PBP - Exempt								
OSPB .2% Base Reduction								
<b>SPECIAL BILLS:</b>								
Subtotal							2,765,973	
<b>II. PERSONAL SERVICE REQUEST</b>	<b>1,150,335</b>	<b>12.1</b>	<b>1,271,840</b>	<b>12.8</b>	<b>2,964,644</b>	<b>31.0</b>	<b>2,765,973</b>	<b>31.0</b>
<b>TOTAL</b>								
General Fund	963,341		1,084,846		1,630,403		1,534,774	
Cash Funds	186,994		186,994		229,679		211,145	
Reappropriated Funds					1,104,562		336,618	
Federal Funds								



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**SPECIAL PROSECUTIONS UNIT**

Department of Law	Operating Program	Request	Approved	Actual	Balance
<b>OPERATING EXPENSES</b>					
1930 - Litigation		1,423	5,732	63,169	63,169
2170 - Waste Disposal Services.			10	10	10
2230 - Equipment Contract Maintenance		23	18	18	18
2231 - ADP Equip Maint/Repair Services		278	620	620	620
2232 - Software Upgrades		2,919	2,301	2,301	2,301
2251 - Lease Motor Pool Vehicle		2,691	4,291	4,291	4,291
2252 - Motor Pool Mileage Charge		7,163	6,824	6,824	6,824
2253 - Equipment Rental		58	95	95	95
2254 - Rental of Motor Vehicles		136			
2255 - Rental of Buildings		46,645	45,637		
2258 - Parking Fees		4,560	5,630	5,630	5,630
2510 - In State Travel		511	261	261	261
2511 - In State Common Carrier Fares			1,821	1,821	1,821
2512 - IS Personal Travel Per Diem			9,427	9,427	9,427
2513 - IS Personal Vehicle Reimbursement		3,801	150	150	150
2530 - Out of State Travel		455	179	179	179
2531 - OS Common Carrier Fares		1,360	1,027	1,027	1,027
2532 - OS Personal Travel Per Diem		5,000	728	728	728
2550 - Out of Country Travel		6,435	23	23	23
2551 - Out of Country Common Carrier Fares		81	320	320	320
2552 - OC Pers Travel Reimbursement		895	561	561	561
2610 - Advertising		1,604	800	800	800
2630 - Telephone		11,365	11,541	11,541	11,541
2631 - Comm Svcs from Outside Sources		2,537	2,385	2,385	2,385
2641 - Other ADP Billings - Purchase Services		7,738	2,335	2,335	2,335
2660 - Insurance		1,532	2,168	2,168	2,168
2680 - Contract Printing		4,107	2,014	2,014	2,014
2710 - Purchase Medical Services		460	46	46	46
2820 - Other Purchased Services		1,131	20	20	20
3115 - DP Supplies		1,071	1,169	1,169	1,169
3116 - Purchase/Leased Software		1,238	242	242	242
3117 - Educational		509	532	532	532
3120 - Books & Subscriptions		2806.9	4,194	4,194	4,194
3121 - Office Supplies		3,152	2,995	2,995	2,995
3123 - Postage		3,260	2,912	2,912	2,912
3128 - Non-Capitalized Equipment		9,788	1,408		
3131 - Non-Capitalized Building Mat'l's		4,365			

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**SPECIAL PROSECUTIONS UNIT**

**Department of Law**

Account No.	Approved	Request	Request	Request	Request	Request	Request	Request	Request
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
Operating	Operating	Operating	Operating	Operating	Operating	Operating	Operating	Operating	Operating
Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds	Funds
1000	1000	1000	1000	1000	1000	1000	1000	1000	1000
3132 - Non-Cap Office Furn/Office Systems	3,365								
3140 - Non-Capitalized IT - PC's	1,177	1,226							
3141 - Non Capitalized IT Servers	62	65							
3143 - Non-Capitalized IT - Other	4,954	66							
3146 - Non Capitalized IT		21							
4140 - Dues & Memberships	3,242	5,353	5,353						5,353
4180 - Official Functions	254	134	134						134
4220 - Registration Fees	2,676	2,509	2,509						2,509
6212 - IT Servers - Direct Purchase	297	666	666						666
6213 - IT PC SW - Direct Purchase		170	170						170
<b>Operating Expense Subtotal:</b>	157,125	130,629	139,641						139,641
<b>OPERATING EXPENSE TOTAL:</b>	<b>157,125</b>	<b>130,629</b>	<b>139,641</b>						<b>139,641</b>
General Fund	151,016	76,307	77,483						77,483
General Funds Exempt									
Cash Funds	6,109	54,322							10,660
Reappropriated Funds			16,994						16,994
<b>Potted Operating Expenses</b>									
Workers' Compensation			3,786						
Vehicle Leased Expense			30,082						
Capital Complex Lease Space			92,206						
Lease Space			3,399						
IT Asset Maintenance			21,745						
ADP Capital Outlay			6,882						
Communication Service Payments			3,547						
Building Security			14,506						
CLE Registration Fees			4,501						
<b>Total</b>			<b>180,654</b>						
General Fund			83,779						
Cash Funds			18,565						
Reappropriated Funds			26,078						
<b>ROLLFORWARDS</b>									
General Fund	2,569								
Cash Funds	2,569								
Reappropriated Funds									

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	ACTUALS 08		APPROPRIATIONS		ESTIMATE 09		TOTAL FUNDS	
	12.1	12.8	12.1	12.8	12.1	12.8	12.1	12.8
<b>TOTAL SPECIAL PROSECUTIONS UNIT</b>	<b>1,310,029</b>	<b>1,194,091</b>	<b>1,402,469</b>	<b>1,243,416</b>	<b>3,284,940</b>	<b>31.0</b>	<b>2,905,615</b>	<b>31.0</b>
General Fund	1,114,357		1,161,153	(10,000)	1,791,665		1,612,257	
General Fund Exempt								
Cash Funds	195,672		241,316		258,904		221,805	
Reappropriated Funds	-		-		1,234,371		1,071,553	
<b>RECONCILIATION OF FUNDS</b>								
Long Bill Appropriation		1,194,091	1,243,416		2,905,614	31.0		
Supplemental SB09-192			(10,000)					
Salary POTS	52,642		47,254				125,270	
Health/Life/Dental	42,265		49,838				3,161	
Short Term Disability	1,185		1,209				43,377	
SB 04.257 A.E.D.	11,484		14,622				26,863	
SB 06.235 S.A.E.D.	2,075		7,653				3,786	
Worker's Compensation	1,854		2,168				92,206	
Capital Complex Lease Space	40,440		37,498				3,399	
Lease Space	3,387		3,138				30,082	
Vehicle Lease Allocation	2,690		5,543				21,745	
IT Asset Maintenance	3,770		6,658				6,882	
ADP Capital Outlay Allocation	10,624						3,547	
Communication Service Payments	1,486		1,478				14,506	
Building Security			2,175				4,501	
CLE Registration Fees	2,569						-	
Roll Forward from Previous FY								
Rollforward to Subsequent FY								
Overexpenditure/(Reversion) - GF	(18,559)		(9,931)					
Lapsed Appropriation Cash Fund	(41,975)		(249)					
Lapsed Appropriation Reappropriated Funds								
<b>TOTAL RECONCILIATION</b>	<b>1,310,028</b>	<b>1,402,470</b>	<b>1,402,469</b>	<b>1,402,470</b>	<b>3,284,939</b>	<b>31.0</b>	<b>2,905,615</b>	<b>31.0</b>
<b>GRAND TOTAL</b>	<b>1,310,029</b>	<b>1,194,091</b>	<b>1,402,469</b>	<b>1,402,470</b>	<b>3,284,940</b>	<b>31.0</b>	<b>2,905,615</b>	<b>31.0</b>
General Fund	1,114,357		1,161,153		1,791,665		1,612,257	
General Fund Exempt								
Cash Funds	195,672		241,316		258,904		221,805	
Reappropriated Funds	-		-		1,234,371		1,071,553	
Federal Funds								

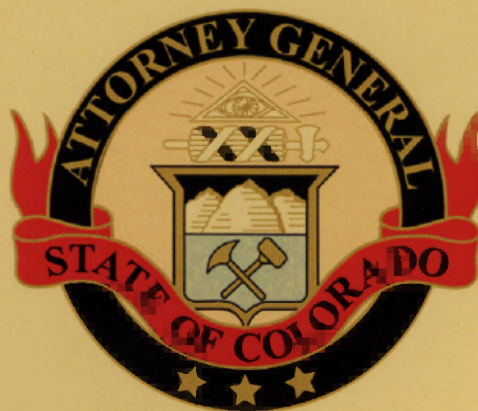


**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law Agency	Fund Number	Actual FY 2008	Actual FY 2009	Approp FY 2010	SPECIAL PROSECUTIONS UNIT	
					Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>		1,310,029	1,402,469	2,905,614	3,284,940	2,905,615
General Funds		1,114,357	1,161,153	1,612,257	1,791,665	1,612,257
General Funds Exempt		-	-	-	-	-
Cash Funds		195,672	241,316	221,805	258,904	221,805
Reappropriated Funds		-	-	1,071,552	1,234,371	1,071,552
<b>Cash Funds</b>		195,672	241,316	221,805	258,904	221,805
State Compensation Insurance Authority		-	-	-	-	-
DORA Division of Securities CF		-	-	-	-	-
DORA Division of Insurance CF		-	-	-	-	-
<b>Reappropriated Funds</b>		-	-	1,071,552	1,234,371	1,071,552
Special Prosecution Custodial		-	-	-	-	-
DORA Division of Insurance Cash Fund		-	-	401,937	407,342	353,612
DORA Division of Securities		-	-	669,614	827,028	717,940



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Insurance Fraud**



**SCHEDULE 2 - PROGRAM SUMMARY**

**INSURANCE FRAUD**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Insurance Fraud	675,468	7.3	718,670	7.6	-	-	-	-	-	-
General Fund	2,442	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	-	-	-	-	-	-	-	-
Reappropriated Funds	673,026	-	718,670	-	-	-	-	-	-	-





**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

INSURANCE FRAUD

I. POSITION DETAIL	Actual FY 08		Approved FY 09		Estimate FY 10		Request FY 11	
	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE
Deputy Attorney General	0.1	12,265	0.1	12,265	0.1	12,265	0.1	12,265
Senior Assistant Attorney General	2.0	179,676	2.0	179,676	2.0	179,676	2.0	179,676
Assistant Attorney General II	3.8	256,994	3.8	256,994	3.8	256,994	3.8	256,994
Criminal Investigator II	0.7	37,728	0.7	37,728	0.7	37,728	0.7	37,728
Administrative Assistant III	0.9	44,160	0.9	44,160	0.9	44,160	0.9	44,160
Legal Assistant I	7.3	530,823	7.3	530,823	7.6	530,823	7.6	530,823
<b>TOTAL POSITION DETAIL</b>								
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>								
(Permanent FTE by Position)								
Continuation Salary Subtotal	7.3	497,528	7.3	497,528	7.6	530,823	7.6	530,823
<b>(I.B.) OTHER PERSONAL SERVICES</b>								
PERA on Continuation Subtotal		36,931		36,931		40,894		40,894
Medicare on Continuation Subtotal		5,521		5,521		5,999		5,999
Non-Base building Performance Award		-		-		2,093		2,093
Part-Time/Temporary Salaries		5,133		5,133		4,616		4,616
Purchased Services- Professional		572		572		-		-
Termination/Retirement Payouts		11,745		11,745		11,469		11,469
Other:		59,903		59,903		65,072		65,072
<b>SUBTOTAL</b>								
<b>(I.C.) PERSONAL SERVICES SUBTOTAL=A+B</b>								
Reappropriated Funds	7.3	557,431	7.3	557,431	7.6	595,895	7.6	595,895
<b>(I.D.) POTS EXPENDITURES</b>								
Health/Life Dental		32,548		32,548		35,064		35,064
Salary Survey		[20,232]		[20,232]		[16,071]		[16,071]
Performance Awards		[6,475]		[6,475]		[7,862]		[7,862]
Short Term Disability		638		638		690		690
SB 04.257 A.E.D.		5,741		5,741		8,244		8,244
SB 06.235 S.A.E.D.		1,193		1,193		3,863		3,863
Other		1,497		1,497		613		613

[ ] Indicates a Non-add

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law Item	Actuals FY 08		Appropriations FY 10		Estimate FY 10		Request FY 11		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>									
C+D	599,049	7.3	644,369	7.6	-	0.0	-	-	
CFE	599,049		644,369						
<b>(I.F.) DIFFERENCE= II-I.E.</b>									
<b>II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)</b>									
Previous Year Long Bill									
SPECIAL BILLS:									
Salary Survey-Classified									
PBP - Classified									
Salary Survey Exempt									
PBP - Exempt									
OSP .2% Base Reduction									
Subtotal -									
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>599,049</b>	<b>7.3</b>	<b>644,369</b>	<b>7.6</b>	<b>-</b>	<b>0.0</b>	<b>-</b>	<b>-</b>	
General Fund									
Cash Funds									
Reappropriated Funds									
Federal Funds									



SCHEDULE 3 - OPERATING PROGRAM DETAIL

INSURANCE FRAUD

Department of Law (Item)	AGENCY 08		AGENCY 09		AGENCY 10		AGENCY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
3141 - Non-Capitalized IT Srv.	189		131					
3143 - Non-Capitalized IT Other	1,584		112					
3146 - Non-Cap IT Purch. Serv.			43					
4140 - Dues & Memberships	2,090		3,190					
4180 - Official Functions	47		49					
4220 - Registration Fees	363		1,212					
6212 - IT Servers - Direct Purchase	902		1,350					
6213 - IT PC SW - Direct Purchase			345					
Operating Expense Subtotal:	76,419		74,301					
<b>OPERATING EXPENSE TOTAL:</b>	<b>76,419</b>		<b>74,301</b>					
General Fund								
General Funds Exempt								
Cash Funds								
Reappropriated Funds	76,419		74,301					
<b>Potted Operating Expenses</b>								
Workers' Compensation								
Leased Vehicle Expense								
Capital Complex Lease Space								
IT Asset Maintenance								
Communication Service Payments								
ADP Capital Outlay								
CLE Registration Fees								
Building Security								
<b>Total</b>	<b>675,468</b>	<b>7.3</b>	<b>718,670</b>	<b>7.6</b>				
<b>TOTAL INSURANCE FRAUD</b>								
General Fund								
General Fund Exempt								
Cash Funds								
Reappropriated Funds	675,468		718,670					
Federal Funds								
<b>RECONCILIATION OF FUNDS</b>								
Long Bill Appropriation	594,563	7.6	619,975	7.6				
Salary POTS	26,707		23,933					

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**INSURANCE FRAUD**

Item	ASSETS		LIABILITIES		APPROPRIATIONS		ESTIMATED		REQUESTED	
	FY 08	FY 09	FY 08	FY 09	FY 10	FY 11	FY 10	FY 11	FY 10	FY 11
	TOTAL FUNDS	FEDERAL FUNDS	TOTAL FUNDS	FEDERAL FUNDS	TOTAL FUNDS	FEDERAL FUNDS	TOTAL FUNDS	FEDERAL FUNDS	TOTAL FUNDS	FEDERAL FUNDS
Health/Life/Dental	17,479		42,973							
Short Term Disability	642		696							
SB 04.257 A.E.D.	4,805		8,570							
SB 06.235 S.A.E.D.	2,067		4,018							
Worker's Compensation	1,092		1,325							
Capital Complex Leased Space Allocation	24,011		23,406							
Vehicle Lease Allocation	5,446		5,446							
IT Asset Maintenance	11,460		12,322							
Communication Service Payments	372		1,182							
ADP Capital Outlay Allocation			788							
CLE Registration Fees										
Building Security										
Rollforward to Subsequent FY										
Rollforward from Previous FY										
Overexpenditure/(Reversion) - GF										
Lapsed Appropriation Reappropriated Funds	(13,176)		(25,963)							
<b>TOTAL RECONCILIATION</b>	675,468		718,670	7.6						
<b>GRAND TOTAL</b>	<b>675,468</b>		<b>718,670</b>	<b>7.6</b>						
General Fund	2,442									
General Fund Exempt	-									
Cash Funds	-									
Reappropriated Funds	673,026		718,670							
Federal Funds										



SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

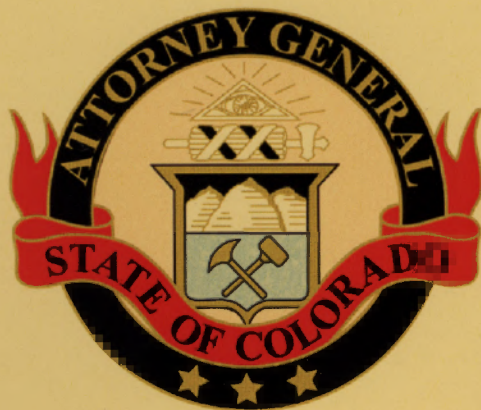
INSURANCE FRAUD

Department of Law	Fund Number	Actual FY 2008	Actual FY 2009	Approp FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>		675,468	718,670		-	-
General Funds		2,442	-		-	-
General Funds Exempt		-	-		-	-
Cash Funds		-	-		-	-
Reappropriated Funds		673,026	718,670		-	-
<b>Reappropriated Funds</b>		673,026	718,670		-	-
DORA, Division of Insurance CF						





**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Securities Fraud**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Fund	FTE	Total Funds	FTE	Total Funds	FTE
<b>SECURITIES FRAUD</b>										
General Fund	529,070	5.4	541,099	5.1	-	-	-	-	-	0.0
General Fund Exempt	131,440		134,001		-	-	-	-	-	
Cash Funds	-		-		-	-	-	-	-	
Reappropriated Funds	397,630		407,098		-	-	-	-	-	





**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	SECURITIES FRAUD					
	Actual Yr 08 Total Funds FTE	Actual Yr 09 Total Funds FTE	Approp Yr 10 Total Funds FTE	Estimate Yr 10 Total Funds FTE	Request Yr 11 Total Funds FTE	
<b>(I.E.) BASE PERSONAL SERVICES TOTAL= C+D C+D</b>	485,438	497,435	5.1	-	0.0	0.0
<b>(I.F.) DIFFERENCE= I-I.E.</b>						
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>						
General Fund						
Cash Funds						
Reappropriated Funds						
<b>(II.G) PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION</b>						
Previous Year Long Bill						
Salary Survey-Classified						
PBP - Classified						
Salary Survey Exempt						
PBP - Exempt						
OSPB .2% Base Reduction						
<b>SPECIAL BILLS:</b>						
Subtotal -						
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>485,438</b>	<b>497,435</b>	<b>5.1</b>	<b>-</b>	<b>-</b>	<b>-</b>
General Fund	111,855	114,416		-	-	-
Cash Funds						
Reappropriated Funds	373,583	383,019		-	-	-

SCHEDULE 3 - OPERATING PROGRAM DETAIL

SECURITIES FRAUD

Department of Law

Item	AGENCY 08		AGENCY 09		AGENCY 10		AGENCY 11		AGENCY 12	
	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate
<b>OPERATING EXPENSES</b>										
1930 - Litigation	896		641							
2170 - Waste Disposal Services	-		10							
2230 - Equipment Contract Maintenance	34		44							
2231 - IT Hardware Maint/Repairs Servs	221		225							
2232 - Software Upgrades	2,404		2,357							
2251 - Lease Motor Pool Vehicle	2,407		2,509							
2252 - Motor Pool Mileage Charge	2,643		2,395							
2253 - Equipment Rental	7		12							
2255 - Rental of Buildings	17,692		17,038							
2258 - Parking Fees	1,140		1,140							
2512 - IS Personal Travel Per Diem	884		1,168							
2513 - IS Personal Vehicle Reimbursement	118		-							
2630 - Telephone	2,675		2,977							
2631 - Comm Svcs from Outside Sources	1,645		1,536							
2641 - Other ADP Billings - Purchase Service	203		222							
2660 - Insurance	767		964							
2680 - Contract Printing	924		291							
2820 - Other Purchased Services	96		15							
3115 - DP Supplies	128		166							
3116 - Purchase/Leased Software	343		232							
3117 - Educational	245		227							
3120 - Books & Subscriptions	1,061		1,211							
3121 - Office Supplies	1,087		780							
3123 - Postage	499		433							
3128 - Non-Capitalized Equipment	75		1,279							
3131 - Noncapitalized Bldg Mat'l	1,293		-							
3132 - Noncapitalized Furn/Office Syst.	1,144		-							
3140 - Non-Capitalized IT - Servers	90		997							
3141 - Non-Capitalized IT - Servers	472		66							
3143 - Non-Capitalized IT - Other	45		45							
3146 - Non-Capitalized IT - Purch Server	22		22							
4140 - Dues and Memberships	1,400		2,173							
4220 - Registration Fees	613		1,634							
6140 - Buildings and Improves. to Bldg.										
6212 - IT Servers - Direct Purchase	427		683							
6213-IT PC SW- Direct Purchase			175							

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**SECURITIES FRAUD**

Department of Law Item	Actual FY 08		Actual FY 09		Appropriated FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Operating Expense Subtotal:</b>	43,633		43,665		-		-		-	
<b>OPERATING EXPENSE TOTAL:</b>	<b>43,633</b>		<b>43,665</b>		-		-		-	
General Fund	19,585		19,585		-		-		-	
General Funds Exempt										
Cash Funds										
Reappropriated Funds	24,048		24,080							
<b>Potted Operating Expenses</b>										
Workers' Compensation										
Leased Vehicle Expense										
Capital Complex Lease Space										
IT Asset Maintenance										
ADP Capital Outlay										
Communication Service Payments										
CLE Registration Fees										
Building Security										
<b>Total</b>										
General Fund										
Reappropriated Funds										
<b>FY 10 DECISION ITEMS</b>										
<b>NP #2 Operating Vehicle Increase</b>										
General Fund										
Cash Funds										
Reappropriated Funds										0.0
<b>Dec Item #1 - Consolidate SP Unit</b>										
General Fund										
Cash Funds										
Reappropriated Funds										
<b>TOTAL SECURITIES FRAUD</b>										
General Fund	529,070	5.4	541,099	5.1						
General Fund Exempt	131,440		134,001							
Cash Funds										
Reappropriated Funds	397,630		407,098							



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	Actual FY 08				Actual FY 09				Appropriation				Estimate FY 10				Request FY 11			
	Job Funds	FTE	Total Funds	FTE	Job Funds	FTE	Total Funds	FTE	Job Funds	FTE	Total Funds	FTE	Job Funds	FTE	Total Funds	FTE	Job Funds	FTE	Total Funds	
<b>RECONCILIATION OF FUNDS</b>																				
Long Bill Appropriation			463,762		5.6		484,293		5.6											
Supplemental SB 09-192							(10,000)													
Salary POTS			21,588				20,662													
Health/Life/Dental			16,542				26,432													
Short Term Disability			503				374													
SB 04.257 A.E.D.			6,071				6,418													
SB 06.235 S.A.E.D.			961				3,183													
Worker's Compensation			793				964													
Capital Complex Lease Space			17,692				16,873													
Vehicle Lease Allocation			2,407				2,407													
IT Asset Maintenance			5,429				6,343													
ADP Capital Outlay Allocation							591													
Communication Service Payments			743				788													
CLE Registration Fees																				
Building Security																				
Rollforward to Subsequent FY																				
Rollforward from Previous FY																				
Overexpenditure/(Reversion) - GF																				
Lapsed Appropriation Reappropriated Funds			(7,421)		(0.2)		(18,229)		(0.5)											
Lapsed Appropriation Cash Fund			529,070		5.4		541,099		5.1											
<b>TOTAL RECONCILIATION</b>																				
<b>GRAND TOTAL</b>			<b>529,070</b>		<b>5.4</b>		<b>541,099</b>		<b>5.1</b>											
General Fund			131,440				134,001													
General Fund Exempt			-				-													
Cash Funds			-				-													
Reappropriated Funds			397,630				407,098													
Federal Funds																				



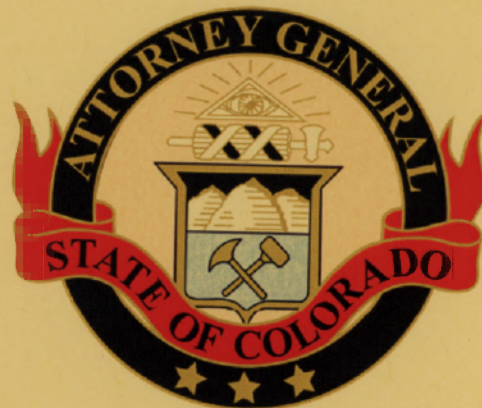
**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**SECURITIES FRAUD**

Department of Law	Fund Number	Actual FY 2008	Actual FY 2009	Appropriated FY 2010	Estimate FY 2010	Revised FY 2011
<b>Schedule 3 Total</b>		529,070	541,099		-	-
General Funds		131,440	134,001		-	-
General Funds Exempt		-	-		-	-
Cash Funds		-	-		-	-
Reappropriated Funds		397,630	407,098		-	-
<b>Reappropriated Funds</b>		397,630	407,098		-	-
Dept of Reg Agencies, Division of Securities						



# **Narrative Appellate**



## **D) BACKGROUND INFORMATION: APPELLATE DIVISION**

**Structure:** The Appellate Division consists of a total of 30 attorneys (28 attorney FTE), and 3 support staff. It is a general fund unit headed by an Assistant Solicitor General.

**Primary duties.** The Appellate Division represents the prosecution when defendants challenge their felony convictions before the state appellate courts or the federal courts.

A case is officially “activated” in the Appellate Division when the Division receives an opening brief from the defense, or an order to show cause from the federal district court. In FY 2009, the Division activated 1240 new appeals. These were filed by the State Public Defender (33%), private attorneys (including ADC) (37%), and pro se defendants (30%).

Most of the cases handled by the Appellate Division are in the Colorado Court of Appeals; the remainder are in the Colorado Supreme Court and the federal courts. For each case, an Appellate Division attorney must review the trial court record and the brief filed by the defense, do legal research into the defendant’s claims, and file a response. In some cases, the Appellate attorney will be filing the first (or opening) brief rather than a response. In FY 2009, Appellate Division attorneys filed 1029 briefs. On some appeals, the attorney must also argue the case before an appellate court; appellate attorneys did 138 such arguments in FY 2009.

In order to do the best job possible, appellate and trial prosecutors must keep current on ongoing developments in criminal law and procedure. Division attorneys condense the critical principles embodied in each published case, and classify and incorporate them into a digest that is transmitted weekly to the division’s attorneys and to the Offices of the State’s District Attorneys. This digest is available to state prosecutors through a web site posting that is updated monthly.

**Critical issues.** For the most part, the Division responds to appeals that are brought on behalf of convicted criminals and therefore cannot control the size of its caseload. It must provide effective and ethical representation in every case and handle whatever issues are presented in as timely a manner as possible. At times, however, it must take the offensive and seek certiorari review in the Supreme Court when (1) the court of appeals issues an opinion that appears to be contrary to established law and/or would have an adverse impact on law enforcement; or (2) conflicting decisions from the court of appeals emphasize the need for clarification in particular areas of the law.

The outcome of any given case may significantly affect how law enforcement authorities conduct searches and arrests; influence criminal trials and sentencing hearings throughout the state; or impact the state’s Department of Corrections, and probation, parole, and county Community Corrections programs. As such, each case must be given thorough and careful attention.

**II) PRIOR YEAR LEGISLATION:**

None

**III) HOT ISSUES:**

Appellate’s biggest challenge has always been how to keep pace with an unpredictable incoming caseload, while also trying to make inroads into the existing pending caseload. The state appellate courts (and particularly the Court of Appeals) have traditionally recognized the difficulties posed by our workload and have been generous in granting extra time to file our briefs. However, the Court of Appeals is catching up on its caseload thanks to the addition of more judges, and has indicated that it wants to reduce the amount of time it takes for cases to pass through the appellate system. As such, Appellate will be required to do an even more delicate balancing act between processing appeals quickly while giving those appeals the attention they deserve. It is expected that the case load will continue to increase: the many judges added by the legislature at the trial court level will likely generate more criminal trials, and in turn more appeals. We can expect to see continuing pressure by the Courts for a faster turnaround on our appeals.

**IV) WORKLOAD MEASURE:**

Work on these appeals involves additional activities that vary by case, including monitoring case files; writing and responding to motions; conducting legal research; filing supplemental pleadings such as petitions for rehearing and petitions for certiorari; and preparing for and orally arguing the merits of the appeal before an appellate court(s). Oral arguments involve significant prep time, so an increase in arguments will directly impact brief production.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
Incoming cases		979	1240	1350	1500
Oral arguments		112	138	150	160

**CORE OBJECTIVES AND PERFORMANCE MEASURES**

Objective: Produce quality briefs appropriately tailored to the seriousness of the offense/appellate challenge while maintaining or improving success rate. As a performance measure, the most quantifiable indicator may be “Cases Resolved,” which reflects the number of briefs filed plus the cases decided by the Court of Appeals via its

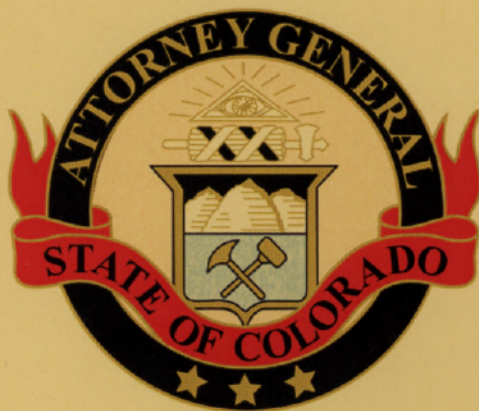
expedited docket (which issues opinions in simple cases without the need for an AG response) or otherwise resolved.

Performance Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
Briefs filed		865	1029	1060	1125
Cases resolved (i.e. total of briefs filed and cases decided via expedited docket or otherwise resolved)		964	1116	1175	1200
Percentage of cases with a successful outcome on appeal		90%	90%	90%	90%





**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Appellate**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**APPELLATE UNIT**

Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>APPELLATE UNIT</b>										
General Fund	2,523,613	26.4	2,727,798	28.3	2,583,983	31.0	2,919,198	31.0	2,583,983	31.0
General Fund Exempt	2,523,613		2,727,798		2,583,983		2,919,198		2,583,983	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

APPELLATE UNIT

(60)	Activity of		Source of		Appropriation		Estimate		Request	
	Funds	FTE	Funds	FTE	Funds	FTE	Funds	FTE	Funds	FTE
<b>I. POSITION DETAIL</b>										
Deputy Attorney General	113,004	1.0	122,016	1.0	122,016	1.0	122,016	1.0	122,016	1.0
First Assistant Attorney General	291,640	3.0	300,822	3.1	287,172	3.0	287,172	3.0	287,172	3.0
Senior Assistant Attorney General			316,957	4.0	321,516	4.0	321,516	4.0	321,516	4.0
Assistant Attorney General			1,222,437	17.3	1,349,751	20.0	1,349,751	20.0	1,349,751	20.0
Assistant Attorney General II	240,678	3.0								
Assistant Attorney General I	1,176,544	16.7								
Program Assistant I	47,860	1.0	49,260	1.0	49,260	1.0	49,260	1.0	49,260	1.0
Administrative Assistant II	50,479	1.6	67,506	2.0	68,244	2.0	68,244	2.0	68,244	2.0
Administrative Assistant I										
<b>TOTAL POSITION DETAIL</b>	1,920,206	26.4	2,078,997	28.3	2,197,959	31.0	2,197,959	31.0	2,197,959	31.0
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by Position)										
Continuation Salary Subtotal	1,920,206	26.4	2,078,997	28.3	2,197,959	31.0	2,197,959	31.0	2,197,959	31.0
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	188,879		198,011		223,093		223,093		223,093	
Medicare on Continuation Subtotal	25,677		32,876		31,870		31,870		31,870	
Non-Base building Performance Award			6,739		-		-		-	
Part-Time/Temporary Salaries										
Contractual Services	20,000		1,113		10,000		12,655		12,655	
Leave	3,050		9,245							
Overtime										
Other					7,675					
<b>SUBTOTAL</b>	237,607	26.4	255,658	28.3	264,963	31.0	267,618	31.0	267,618	31.0
<b>(I.C.) PERSONAL SERVICES</b>										
<b>SUBTOTAL= A+B</b>	2,157,813	26.4	2,334,655	28.3	2,462,923	31.0	2,465,578	31.0	2,465,578	31.0
Difference										
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	124,596		127,890		129,738					
Salary Survey	[86,896]		[80,097]		-					
Performance Awards	[39,102]		[31,660]		-					
Short Term Disability	2,466		2,673		2,883					



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**APPELLATE UNIT**

Item	Actual FY 08		Appropriated FY 09		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>OPERATING EXPENSES</b>								
1930 - Litigation	2,127		2,507		18,819		16,163	
2210 - Bldg Maintenance/Repair Svcs			317		400		400	
2230 - Bldg Maintenance/Repair Svcs			16		16		16	
2231 - ADP Equip Maint/Repair Services	1,150		550		550		550	
2232 - Software Upgrades			2,088		2,200		2,200	
2255 - Rental of Buildings	89,508		68,141		4,200		4,200	
2512 - IS Personal Travel Per Diem	3,055		3,927		303		303	
2513 - IS Personal Vehicle Reimbursement	691		303					
2530 - Out of State Travel	21							
2531 - OS Common Carrier Fares	143							
2532 - OS Personal Travel Per Diem	357		118		118		118	
2630 - Telephone	16,249		16,338		300		300	
2631 - Comm Svcs from Outside Sources	190		60		60		60	
2641 - Other ADP Billings - Purchase Services	25,083		39,794		43,000		43,000	
2660 - Insurance	3,910		5,048		5,100		5,100	
2680 - Contract Printing	13,575		12,631		14,000		14,000	
2820 - Other Purchased Services	3,190		2,226		2,300		2,300	
3115 - DP Supplies	1,999		193		193		193	
3116 - Purchase/Leased Software	205		20		20		20	
3117 - Educational								
3120 - Books & Subscriptions	1,748		2,553		2,700		2,700	
3121 - Office Supplies	4,004		3,958		4,100		4,100	
3123 - Postage	3,079		4,467		4,600		4,600	
3128 - Non-Capitalized Equipment	48							
3131 - Non-Capitalized Building Materials	21,249		29,950					
3132 - Non-Cap Office Furn/Office Systems	434		1,615					
3140 - Non-Capitalized IT - PC's			883					
3141 - Non-Capitalized IT - Servers			59					
3143 - Non-Capitalized IT Other	4,092		118					
3146 - Non-Capitalized Purchased Server SW			19					
4140 - Dues & Memberships	5,624		9,520		9,520		9,520	
4180 - Official Functions	36		90		90		90	
4220 - Registration Fees	1,789		7,713		7,713		7,713	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law Item	Actual FY 08		Appropriated FY 10		Estimate FY 10		Appellate Unit	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
6212 - IT PC SW - Direct Purchase		605			605		605	
6213 - IT Servers Direct Purchase		155			155		155	
Operating Expense Subtotal:	203,556	215,981			121,060		118,405	
<b>OPERATING EXPENSE TOTAL:</b>	<b>203,556</b>	<b>215,981</b>			<b>121,060</b>		<b>118,405</b>	
General Fund	203,556	215,981			121,060		118,405	
General Funds Exempt					-		-	
Reappropriated Funds					-		-	
<b>Rollforwards</b>								
General Fund Exempt								
<b>Special Bills</b>								
HB07-1054 Increasing Judges								
General Fund								
<b>Potted Operating Expenses</b>								
Workers' Compensation					4,190			
Leased Vehicle Expense					-			
Capital Complex Lease Space					102,062			
Lease Space					1,108			
IT Asset Maintenance					-			
ADP Capital Outlay								
CLE Registration Fees								
Building Security								
<b>Total</b>								
General Fund					11,625			
General Fund Exempt					15,512			
Cash Funds					<b>134,497</b>			
Reappropriated Funds					134,497			
<b>FY10 DECISION ITEMS</b>								
FY10 - NP #3 DPA Central Services Postage Inc								
General Fund								
Cash Funds								
Cash Funds Exempt								



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	Appropriation 06		Appropriation 09		Appropriation 10		Appropriation 11	
	Request	Estimate	Request	Estimate	Request	Estimate	Request	Estimate
<b>TOTAL APPELLATE UNIT</b>	<b>2,523,613</b>	<b>2,727,798</b>	<b>28.3</b>	<b>2,727,798</b>	<b>31.0</b>	<b>2,919,198</b>	<b>31.0</b>	<b>2,583,983</b>
General Fund	2,523,613	2,727,798		2,727,798		2,919,198		2,583,983
General Fund Exempt	-	-		-		-		-
Cash Funds	-	-		-		-		-
Reappropriated Funds	-	-		-		-		-
<b>RECONCILIATION OF FUNDS</b>								
Long Bill Appropriation	2,177,260	2,437,059	30.0	(120,000)	31.0	2,583,983		
Supplemental SB09-129		111,757						
Salary POTS	125,998	167,462				129,738		
Health/Life/Dental	140,684	2,598				2,883		
Short Term Disability	2,406	30,480				42,181		
SB 04.257 A.E.D.	23,515	14,601				25,916		
SB 06.235 S.A.E.D.	4,083	5,048				4,190		
Worker's Compensation	3,856	86,794				102,062		
Capital Complex Lease Space	88,462	1,022				1,108		
Lease Space	1,045							
Vehicle Lease Allocation		7,587						
IT Asset Maintenance		11,625				11,625		
CLE Registration Fees						15,512		
Building Security								
ADP Capital Outlay Allocation	(28,508)							
Rollforward from Previous FY year								
Rollforward to Subsequent FY								
Overexpenditure/(Reversions) - GF	(15,188)	(28,235)	(1.7)					
Lapsed Appropriation Cash Fund								
<b>TOTAL RECONCILIATION</b>								
	2,523,613	2,727,798	28.3	2,727,798	31.0	2,919,198	31.0	2,583,983
<b>GRAND TOTAL</b>	<b>2,523,613</b>	<b>2,727,798</b>	<b>28.3</b>	<b>2,727,798</b>	<b>31.0</b>	<b>2,919,198</b>	<b>31.0</b>	<b>2,583,983</b>
General Fund								
General Fund Exempt								
Cash Funds								
Reappropriated Funds								
Federal Funds								



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

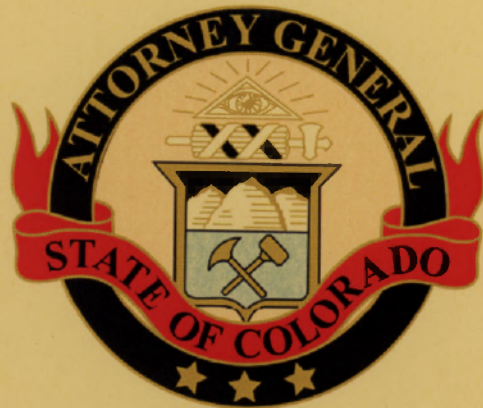
**APPELLATE UNIT**

Department of Law	Fund Number	Actual FY 2008	Actual FY 2009	Approp FY 2010	Estimate FY 2010	Request	
						FY 2009	FY 2010
<b>Schedule 3 Total</b>		2,523,613	2,727,798	2,583,983	2,919,198	2,583,983	2,583,983
General Funds		2,523,613	2,727,798	2,583,983	2,919,198	2,583,983	2,583,983
General Funds Exempt		-	-	-	-	-	-
Cash Funds		-	-	-	-	-	-
Reappropriated Funds		-	-	-	-	-	-



# Narrative

# Medicaid Fraud



## D) BACKGROUND INFORMATION: MEDICAID FRAUD UNIT

The Medicaid Fraud Control Unit ("MFCU"), comprised of 14 FTE positions, defends the financial integrity of the state's Medicaid program and the safety of patients in Medicaid-funded facilities. The MFCU investigates and prosecutes fraud by providers against the Medicaid program and patient abuse in Medicaid-funded facilities throughout the state. By law, the Unit is separate from and independent of the state agency (Colorado Department of Health Care Policy and Financing, HCPF) that administers Colorado's Medicaid program. By federal law and State Executive Order D1787, the Unit has statewide investigation and prosecution authority, which occurs with the cooperation and assistance of the 22 local District Attorneys across the state.

The Colorado Medical Assistance Program (Medicaid) provides medical assistance to low income, disabled individuals, and children and families in Colorado, paying over \$3 billion each fiscal year, with an estimated expenditure of over \$4 billion in FY 2009-2010<sup>1</sup> to over 10,000 participating Colorado Medicaid providers (such as nursing homes, doctors, psychiatrists, psychologists and mental health therapists, dentists, pharmacies, laboratories, hospitals, clinics and durable medical equipment companies) on behalf of almost 700,000 recipients. Of this number, the Early, Periodic, Screening, Diagnostic and Treatment (EPSDT) program confirmed enrollment at 391,962, while enrollment in the Child Health Plan Plus (CHP+) reached 59,365 clients, and the Colorado Indigent Care Program (CICP) reached 194,710 clients<sup>2</sup>. Accordingly, Medicaid is one of the two largest items in the current Colorado state budget.

Colorado Medicaid is jointly funded by the federal and state governments at a 50/50 split. The MFCU receives 75% of its funding from the federal government, but in most cases a full 50% of the monies recovered by the Unit are returned to the state. Over the last three years, the MFCU has returned **\$11,441,576.92** in restitution and other recoveries to the Medicaid program in Colorado (**\$2,600,599.00** in 2007; **\$3,528,936.52** in 2008, and **\$5,359,478.45** in 2009). Recoveries are accomplished through criminal restitution orders, repayment demands against providers, and participation with other state MFCU's in civil and criminal litigation, termed "global" cases, over alleged fraud against state Medicaid programs nationwide.

A large majority of health care providers deliver reasonable and honest services, and bill appropriately. Fraud, waste and abuse are estimated nationally at **3-10%**, although in 1999 it was estimated at **1.8%** in Colorado. Recognizing that any amount is too much, it is the goal of the MFCU to effectively investigate, prosecute and to recover overpayments. Modern Medicaid fraud is typically a complex, multi-party (and sometimes multistate) white-collar crime which requires sophisticated investigative and prosecution personnel, who are well-trained and experienced in the white-collar crime arena.

---

<sup>1</sup> Department of Health Care Policy and Financing FY 2009-2010 Budget Request

<sup>2</sup> Department of Health Care Policy and Financing 2008 Annual Report

## **II) PRIOR YEAR LEGISLATION**

The MFCU did not sponsor or promote any legislation in FY 2008-2009. Health care legislation that has been discussed recently that would likely affect the MFCU if passed in the future years would include any bills that would affect the submission of Medicaid claims and any bills that grant authority to “whistleblowers” to file lawsuits against entities allegedly submitting false claims to the State (*qui tam* statutes).

The implementation of recent federal programs has the potential to affect the operations of the MFCU. Such programs include the Deficit Reduction Act of 2005 (Publ. L. 109-171 (2006)), whose implementation will expand the federal and state analysis of Medicaid claims with the goal of identifying more fraud through a major initiative called the Medicaid Integrity Program (MIP). Another program being implemented is the Centers for Medicare and Medicaid Services (CMS) Medicare / Medicaid data sharing project (known as “Medi-Medi”) which recently expanded to Colorado. As federal funding is being distributed to these programs, the MFCU is likely to receive a greater number of referrals of criminal activity from the state Medicaid agency and from private contractors.

## **III) HOT ISSUES**

Major fraud cases: In the past fiscal year, the MFCU has continued to prosecute medical supply and equipment cases with significant losses, and more such cases are under investigation.

Growing funding for health care fraud investigation: The federal legislation noted above represents only some of the ways in which both the federal and the State governments are paying increasing attention to the problem of fraud against the government in the health care arena. As fraud-fighting programs grow, the MFCU expects to see further growth in the number of cases referred for criminal investigation. The CMS has predicted that the growth in Medicaid spending will outpace the growth of the economy in the United States in the next decade (CMS Press Release, October 17, 2008).

Global cases: Through their national association, the MFCU’s throughout the country have enjoyed considerable success participating in *qui tam* litigation against companies who are alleged to have participated in complex schemes to defraud the state and federal governments under the Medicaid programs. Allegations against the companies, typically pharmaceutical and medical device companies, center around off-label marketing, incorrect price reporting, and kickback practices.

Initiatives and directions: The MFCU has begun initiatives to combat certain types of frauds that are prominent in Colorado. These frauds include overbilling in home health and Home and Community Based Services (HCBS), upcoding of services by physicians and other professionals, and expense reporting in nursing home cost reports.

## IV) WORKLOAD MEASURE:

### WORKLOAD INDICATORS

Workload Measures		PY 08 Actual	PY 09 Actual	PY 10 Estimate	PY 11 Request
Measure 1.1 Criminal Investigation Opened	Target	45	45	45	45
	Actual	52	55		
Measure 1.2. Criminal Investigations Pending	Target	55	55	55	55
	Actual	67	71		
Measure 1.3. Criminal Cases Filed	Target	12	12	12	12
	Actual	3	5		
Measure 1.4. Convictions	Target	12	12	12	12
	Actual	2	5		
Measure 1.8. Total fines / Costs / Restitution Recovered	Target	450,000	450,000	450,000	450,000
	Actual	3,528,936	3,594,784		
Measure 1.9. Medicaid program exclusions (Providers / years)	Target	12/60	12/60	12/60	12/60
	Actual	13/180	9/122		
Measure 1.10. Cases closed	Target	45	45	45	45
	Actual	42	31		
Measure 1.11. Patient Incident Reviews	Target	1,000	1,000	1,000	1,000
	Actual	2,977	2,774		
Measure 1.12. Intergovernmental Cooperation (open non-global cases investigated jointly w/other agencies)	Target	22	22	22	22
	Actual	8	16		

Statistics kept by the MFCU indicate that the workload of the MFCU is increasing gradually but steadily over the fiscal years.



## PERFORMANCE MEASURES

### 1. Fraud investigations and prosecutions

*Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to fraud in the administration of the Medicaid program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid plan.*

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
1.1 Open fraud investigations with substantial potential for criminal prosecution.	Benchmark	35		35		35		35	
	Actual	45	10	73	28				
1.2 Identify, collect overpayments or refer the matter to appropriate state agency for collection.	Benchmark	\$450,000		\$450,000		\$450,000		\$450,000	
	Actual	\$3,528,936	928,337	\$5,359,478	1,830,542				
1.3 To prosecute and convict providers who violate the criminal law by defrauding the Medicaid program.	Benchmark	9		9		9		9	
	Actual	2	<7>	5	3				
*Probation sentences (years)	Benchmark	10		10		10		10	
	Actual	5	<12>	20.5	15.5				
*Jail / prison sentences(days)	Benchmark	180		180		180		180	
	Actual	3710	1817	0	<3710>				
*Useful public service (hours)	Benchmark	800		800		800		800	
	Actual	80	<520>	200	120				

*Strategy:* The Unit receives referrals from numerous sources. Fraud referrals often require substantial investigation, and some investigations take months or years. Many of the fraud referrals, once investigated, do not result in criminal charges. This is due to various reasons including lack of provable criminal intent, and inconsistencies or vagueness of applicable rules.

The Unit endeavors to be as quick and responsive as possible in receiving referrals, opening investigations, and bringing cases through the court system. When cases are not appropriate for investigation, the Unit refers them promptly to other agencies and/or delivers information or assistance to the referring entity or person to assure that their concerns may be addressed.

*Evaluation of Prior Year Performance:* The amount of financial recoveries increased again in the past fiscal year, and the money collected by the MFCU for the state has reached another high point. The number of open investigations is generally trending upward. The number of convictions increased and the Unit hopes to approach the benchmark this next year. More convictions were obtained this year but none resulted in jail or prison sentences.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing Unit caseload even during the pendency of the intensive fraud case referenced above. Indicators show that the Unit has the ability to handle both routine cases and those that are highly demanding of employee time.

## 2. Abuse Investigations and Prosecutions

*Objective:* To review complaints alleging abuse of patients in health care facilities receiving payments under the State Medicaid plan and in board and care facilities regardless of funding; and complaints of the misappropriation of patients' private funds in such facilities.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
2.1 Open abuse investigations with a substantial potential for criminal prosecution or refer to appropriate government agency	Benchmark	10		10		10		10	
	Actual	7	1	5	<2>				
2.2 Criminally prosecute and convict those who violate the criminal law, particularly the "Wrongs to At-risk Adults" statute.	Benchmark	3		3		3		3	
	Actual	0	<2>	0	0				

*Strategy:* The Unit investigates thousands of occurrences of injury, endangerment, and wrongdoing in nursing homes and other facilities. These cases can be investigated and prosecuted by the Unit, but a substantially greater number are tracked through the system as they are prosecuted by other agencies. As with fraud referrals, the Unit endeavors to be as quick and responsive as possible. Abuse cases

are coordinated with the local agency and assistance is given as needed. In rare cases, a local agency will not accept an abuse case but the Unit is able to prosecute it independently.

*Evaluation of Prior Year Performance:* The Unit did not independently gain any criminal convictions this year for physical or sexual abuse cases. As mentioned, these cases are typically prosecuted by the local agencies, with the MFCU providing assistance as needed. This year, the Unit reviewed 2,774 allegations of abuse and other incidents in long-term care facilities.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing overall Unit caseload. The indicators do not demonstrate the number of cases for which the Unit provided expert assistance or consultation.

### 3. Case openings, assignments, and processing

*Objective:* Process cases quickly in Unit and, where applicable, in court system by continuing the procedure of assigning the responsibility of each case to a team of at least one investigator and one prosecutor, and holding periodic status meetings and preparing reports on each case.

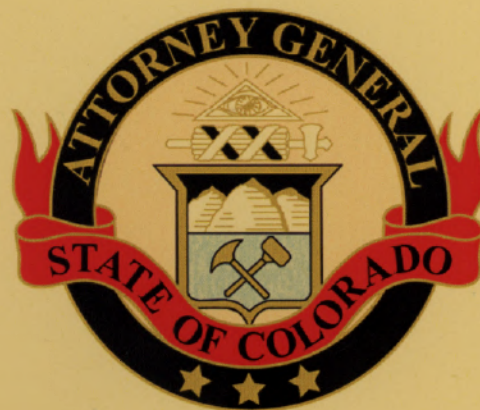
Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
3.1 Assign an investigator and attorney at the time of case opening.	Benchmark	45		35		45		45	
	Actual	52	11	35	<17>				
3.2 Update case status report monthly and do case review of each case at least quarterly.	Benchmark	12/4		12/4		12/4		12/4	
	Actual	12/4		12/4					

*Strategy:* As the Unit's case load has increased steadily, it has become increasingly important for the Unit to promptly assign cases to the respective investigators and attorneys, and to monitor and assess the progress of each case on at least a quarterly basis.

*Evaluation of Prior Year Performance:* Assignments and monitoring have proceeded according to the standards set, and this has assisted the Unit in keeping its cases progressing satisfactorily.

*Key Workload Indicators:* Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing overall Unit caseload.

**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Medicaid Fraud**



SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>MEDICAID FRAUD CONTROL GRANT</b>	1,295,108	12.4	1,439,143	13.7	1,368,866	14.0	1,550,472	14.0	1,368,866	14.0
General Fund	323,777		357,880		342,276		387,618		342,216	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	-		-		-		-		-	
Federal Funds	971,331		1,081,263		1,026,590		1,162,854		1,026,649	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**MEDICAID FRAUD GRANT**

Item	Account 08		Account 09		Account 10		Account 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>I. POSITION DETAIL</b>								
First Assistant Attorney General	95,964	0.9	106,452	1.0	106,453	1.0	106,453	1.0
Senior Assistant Attorney General			98,736	1.0	98,736	1.0	98,736	1.0
Assistant Attorney General II	94,031	1.0	99,036	1.0	99,036	1.0	99,036	1.0
Criminal Investigator III	95,508	1.0	548,481	7.0	550,764	7.0	550,764	7.0
Criminal Investigator II	501,638	6.5	71,856	1.0	71,856	1.0	71,856	1.0
Auditor IV	63,218	0.92	29,225	0.7	41,400	1.0	41,400	1.0
Program Assistant I	29,667	0.4	75,572	1.0	75,072	1.0	75,072	1.0
Health Professional IV	68,555	1.7	46,681	1.0	46,800	1.0	46,800	1.0
Legal Assistant I								
<b>TOTAL POSITION DETAIL</b>	948,581	12.4	1,076,039	13.7	1,090,117	14.0	1,090,117	14.0
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>	948,581	12.4	1,076,039	13.7	1,090,117	14.0	1,090,117	14.0
(Permanent FTE by position) Continuation Salary Subtotal								
<b>(I.B.) OTHER PERSONAL SERVICES</b>								
PERA on Continuation Subtotal	93,400		107,049		110,647		110,647	
Medicare on Continuation Subtotal	13,335		15,306		15,807		15,807	
Non-Base building Performance Award			7,086		-		-	
Part-Time/Temporary Salaries	4,954		4,736		73,724		76,180	
Professional Contractual Services	117		-		-		-	
Leave Payouts								
Overtime	579		6,906		-		-	
Other								
<b>SUBTOTAL</b>	112,385	12.4	141,083	13.7	200,178	14.0	202,634	14.0
<b>(I.C.) PERSONAL SERVICES SUBTOTAL = A+B</b>	1,060,966	12.4	1,217,122	13.7	1,290,295	14.0	1,292,751	14.0
<b>(I.D.) POTS EXPENDITURES</b>								
Health/Life Dental	52,786		69,909		-		-	
Salary Survey	[35,685]		[25,538]		-		-	

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law Item	Actual FY 06		Actual FY 09		Appropriated FY 10		MEDICAID FRAUD GRANT	
	Total Funds	FY 06	Total Funds	FY 09	Total Funds	FY 10	Total Funds	FY 10
Performance Awards	[15,121]		[15,651]		-		-	
Short Term Disability	1,215		1,396		1,397		1,397	
SB 04.257 A.E.D.	11,094		16,809		21,802		21,802	
SB 06.235 S.A.E.D.	2,397		1,479		13,626		13,626	
Other	1,002							
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>	<b>1,129,461</b>	<b>12.4</b>	<b>1,306,716</b>	<b>13.7</b>	<b>1,405,852</b>	<b>14.0</b>	<b>1,292,751</b>	<b>14.0</b>
<b>C+D</b>								
<b>(I.F.) DIFFERENCE- II.-I.E.</b>							0	
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>								
General Fund								
Cash Funds								
Reappropriated Funds								
<b>II. PERSONAL SERVICES REQUEST</b>								
<b>(AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)</b>								
Previous Year Long Bill							1,292,751	14.0
Salary Survey-Classified							-	
PBP - Classified							-	
Salary Survey Exempt							-	
PBP - Exempt							-	
OSPB .2% Base Reduction							-	
<b>SPECIAL BILLS:</b>								
Subtotal -							1,292,751	
<b>II. PERSONAL SERVICES REQUEST</b>								
<b>TOTAL</b>	<b>1,129,461</b>	<b>12.4</b>	<b>1,306,716</b>	<b>13.7</b>	<b>1,405,852</b>	<b>14.0</b>	<b>1,292,751</b>	<b>14.0</b>
General Fund								
Cash Funds	282,365		326,679		351,463		323,188	
Reappropriated Funds	-		-					
Federal Funds	847,095		980,037		1,054,389		969,563	



**SCHEDULE 3 - OPER. IG PROGRAM DETAIL**

**Department of Law**

**MEDICAID FRAUD GRANT**

OPERATING EXPENSES	Approp 08		Approp 09		Approp 10		Request 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
1930 - Litigation	1,665		1,600		6,879		4,438	
2170 - Waste Disposal Services			4		4		-	
2220 - Building Grounds Maintenance	1,067				1,000		1,000	
2230 - Equipment Contract Maintenance	56		46		46		46	
2231 - ADP Equip Maint/Repair Services	350		450		450		450	
2232 - Software Upgrades	3,060		1,464		1,464		1,464	
2240 - Motor Veh Maint/Repair Svcs	88		12,569		2,000		2,000	
2240 - Motor Veh Maint/Repair Svcs								
2251 - Lease Motor Pool Vehicle	11,147		2,612		2,612		2,612	
2252 - Motor Pool Mileage Charge	3,247		39,836					
2253 - Equipment Rental	105							
2254 - Rental of Motor Vehicles	44,288		4,740		4,740		4,740	
2255 - Rental of Buildings	3,640		4		4		-	
2258 - Parking Fees	11		7		7		-	
2559 - Parking Fee Reimbursement	1,278		3,588		3,500		3,500	
2510 - In State Travel	20		77		77		77	
2512 - IS Personal Travel Per Diem	153		499		500		500	
2513 - IS Personal Vehicle Reimbursement	558		1,409		1,200		1,200	
2530 - Out of State Travel	6,013		3,675		3,500		3,500	
2531 - OS Common Carrier Fares	9,698		9,644		10,000		10,000	
2532 - OS Personal Travel Per Diem	2,839		2,410		2,410		2,410	
2630 - Telephone	5,101		6,590		5,000		5,000	
2631 - Comm Svcs from Outside Sources	102		2,418		2,000		2,000	
2641 - Other ADP Billings - Purchase Service	2,434		2,208		2,208		2,208	
2660 - Insurance	1,285		1,242		1,242		1,242	
2680 - Contract Printing	5,223		96		96		96	
3115 - DP Supplies	1,481		827		827		827	
3116 - Purchase/Leased Software	4,539		5,050		5,050		5,050	
3117 - Educational	2,729		2,791		2,791		2,791	
3120 - Books & Subscriptions	1,480		895		895		895	
3121 - Office Supplies	60							
3123 - Postage	4,328		5,561		-		-	
3126 - Repair & Maintenance/Supplies	5,057							
3128 - Non-Capitalized Equipment	2,914							
3131 - Non-Capitalized Building Materials								
3132 - Non-Capitalized Furn/Office Systems								

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**MEDICAID FRAUD GRANT**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
3140 - Non-Capitalized IT - PC's	19,857		442		-		-		-	
3141 - Non-Capitalized IT - Servers	-		29		-		-		-	
3143 - Non-Capitalized IT Other	2,895		1,480		-		-		-	
3146 - Non-Capitalized IT Purch Servers SW	14,560		10		-		-		-	
4140 - Dues & Memberships	65		14,868		14,868		14,868		14,868	
4180 - Official Functions	2,255		2,905		3,200		3,200		3,200	
4220 - Registration Fees			302		-		-		-	
6212 - IT Servers Direct Purchase			77		-		-		-	
6213 - IT PC SW - Direct Purchase										
<b>Operating Expense Subtotal:</b>	165,647		132,427		78,571		76,115		76,115	
<b>OPERATING EXPENSE TOTAL:</b>	<b>165,647</b>		<b>132,427</b>		<b>78,571</b>		<b>76,115</b>		<b>76,115</b>	
General Fund	41,412		31,201		31,201		19,029		19,029	
Federal Funds	124,235		101,226		47,370		57,086		57,086	
<b>Potted Operating Expenses</b>										
Workers' Compensation					1,892		1,892		1,892	
Leased Vehicle Expense					6,245		6,245		6,245	
Capital Complex Lease Space					46,093		46,093		46,093	
Leased Space Allocation					268		268		268	
IT Asset Maintenance					1,726		1,726		1,726	
Communication Service Payments					2,069		2,069		2,069	
ADP Capital Outlay					751		751		751	
CLE Registration Fees					7,005		7,005		7,005	
Building Security					<b>66,049</b>		<b>66,049</b>		<b>66,049</b>	
<b>Total</b>	-		-		16,512		16,512		16,512	
General Fund					49,537		49,537		49,537	
Cash Funds										
Reappropriated Funds										
Federal Funds										
<b>TOTAL MEDICAID FRAUD</b>	<b>1,295,108</b>	<b>12.4</b>	<b>1,439,143</b>	<b>13.7</b>	<b>1,550,472</b>	<b>14.0</b>	<b>1,368,866</b>	<b>14.0</b>	<b>1,368,866</b>	<b>14.0</b>
General Fund	323,777		357,880		387,618		342,216		342,216	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	-		-		-		-		-	
Federal Funds	971,331		1,081,263		1,162,854		1,026,649		1,026,649	





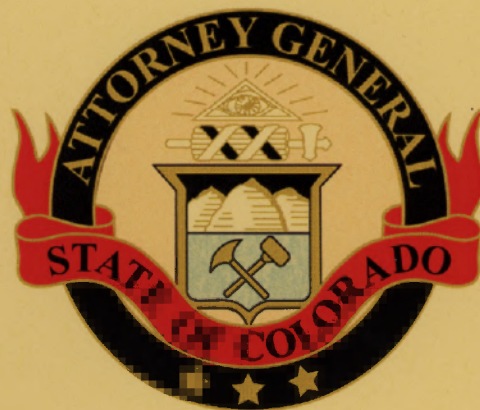
**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**MEDICAID FRAUD GRANT**

Department of Law	Fund Number	Actual FY 2006	Actual FY 2009	Approp FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>		1,295,108	1,439,143	1,368,866	1,550,472	1,368,866
General Funds		323,777	357,880	342,276	387,618	342,216
General Funds Exempt		-	-	-	-	-
Cash Funds		-	-	-	-	-
Reappropriated Funds		-	-	-	-	-
Federal Funds		971,331	1,081,263	1,026,590	1,162,854	1,026,649
<b>Reappropriated Funds</b>						
Medicaid Fraud Custodial	149	-	-	-	-	-
<b>Federal Funds</b>						
Medicaid Fraud Federal Funds		971,331	1,081,263	1,026,590	1,162,854	1,026,649



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Capital Crimes**



SCHEDULE 2 - PROGRAM SUMMARY

CAPITAL CRIMES PROSECUTION UNIT

Department of Law Item	Actual FY 06		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CAPITAL CRIMES PROSECUTION</b>										
General Fund	380,838	3.8	367,378	3.6	-	0.0	-	-	-	0.0
General Fund Exempt	380,838		367,378		-		-	-	-	
Cash Funds	-		-		-		-	-	-	
Cash Funds Exempt	-		-		-		-	-	-	
Federal Funds	-		-		-		-	-	-	





**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

**CAPITAL CRIMES PROSECUTION UNIT**

Item	Actual FY 05		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>I. POSITION DETAIL</b>										
First Assistant Attorney General	85,020	0.8	165,499	1.6	-	-	-	-	-	-
Senior Assistant Attorney General	97,946	1.0	79,648	1.0	-	-	-	-	-	-
Assistant Attorney General II	67,678	1.0	34,115	0.9	-	-	-	-	-	-
Criminal Investigator II	33,768	1	279,263	3.6	-	-	-	-	-	0.0
Administrative Assistant III	284,412	3.78	279,263	3.6	-	-	-	-	-	0.0
<b>TOTAL POSITION DETAIL</b>										
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by Position)	284,412	3.8	279,263	3.6	-	-	-	-	-	0.0
Continuation Salary Subtotal										
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	28,126		27,597		-	-	-	-	-	-
Medicare on Continuation Subtotal	3,992		3,942		-	-	-	-	-	-
Non-Base Building Performance Awards			2,243		-	-	-	-	-	-
Part-Time/Temporary Salaries			89		-	-	-	-	-	-
Contractual Services					-	-	-	-	-	-
Overtime Pay			519		-	-	-	-	-	-
Termination/Retirement Payouts			229		-	-	-	-	-	-
Other			34,619		-	-	-	-	-	-
<b>SUBTOTAL</b>	32,118		313,881	3.6	-	-	-	-	-	0.0
<b>(I.C.) PERSONAL SERVICES</b>	316,530	3.8	313,881	3.6	-	-	-	-	-	0.0
<b>SUBTOTAL= A+B</b>										
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life/Dental	16,229		17,755		-	-	-	-	-	-
Salary Survey	[9,803]		[9,883]		0	0	0	0	0	0
Performance Awards	[414]		[4,901]		0	0	0	0	0	0
Short Term Disability	364		357		-	-	-	-	-	-
SB 04.257 A.E.D.	3,157		4,295		-	-	-	-	-	-
SB 06.235 S.A.E.D.	512		1,970		-	-	-	-	-	-
Other	773		0		-	-	-	-	-	-

[ ] indicates a non-add

**SCHEDULE 3 - PROGRAM DETAIL**

**CAPITAL CRIMES PROSECUTION UNIT**

Department of Law

Item	Actual FY 08		Approp FY 09		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>(I.E.) BASE PERSONAL SERVICES</b>	337,564	3.8	338,257	3.6	-	0.0	-	0.0
<b>TOTAL = C+D</b>								
<b>(I.F.) DIFFERENCE = II.-I.E.</b>								
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>								
General Fund								
General Fund Exempt								
<b>II. PERSONAL SERVICES REQUEST</b> <b>(AGGREGATE ADJUSTMENTS TO THE</b> <b>BASE APPROPRIATION)</b>								
Previous Year Long Bill								
Salary Survey-Classified								
PBP - Classified								
Salary Survey Exempt								
PBP - Exempt								
OSPB .2% Base Reduction								
Subtotal								
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>337,564</b>	<b>3.8</b>	<b>338,257</b>	<b>3.6</b>	<b>-</b>	<b>0.0</b>	<b>-</b>	<b>0.0</b>
General Fund	337,564		338,257		-		-	
General Fund Exempt								
Cash Funds								
Reappropriated Funds								
Federal Funds								

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	Item	CAPITAL CRIMES PROSECUTION UNIT			
		Actual FY 08 Total Funds	Actual FY 09 Total Funds	Approp FY 10 Total Funds	Estimate FY 10 Total Funds
<b>OPERATING EXPENSES</b>					
	1930 - Litigation	420			
	2150 - Custodial Services				
	2160 - Janitorial Service				
	2170 - Waste Disposal Services		1		
	2210 - Bldg Maintenance/Repair Svcs		2		
	2220 - Building Grounds Maintenance		29		
	2230 - Equip Maint/Repair Svcs		298		
	2231 - ADP Equip Maint/Repair Services				
	2232 - Software Upgrades		552		
	2240 - Motor Veh Maint/Repair Svcs	348			
	2251 - Lease Motor Pool Vehicle	1,959	1,447		
	2252 - Motor Pool Mileage Charge				
	2253 - Equipment Rental				
	2254 - Rental of Motor Vehicles				
	2255 - Rental of Buildings	12,638	10,724		
	2258 - Parking Fees	2,280	2,280		
	2559 - Parking Fee Reimbursement				
	2510 - In State Travel				
	2511 - In State Common Carrier Fares				
	2512 - IS Personal Travel Per Diem	509	107		
	2513 - IS Personal Vehicle Reimbursement				
	2520 - IS Travel/Non Employee				
	2523 - IS/Non-Emp - Pers Veh Reimb				
	2513 - In State Personal vehicle Reimb.				
	2530 - Out of State Travel	12	28		
	2531 - OS Common Carrier Fares	1,189	255		
	2532 - OS Personal Travel Per Diem	1,107	1,004		
	2533 - OS Personal Vehicle Reimbursement				
	2550 - Out of Country Travel				
	2552 - OC Pers Travel Reimbursement	3,864	3,731		
	2630 - Telephone	168	191		
	2631 - Comm Svcs from Outside Sources	4,645	1,549		
	2641 - Other ADP Billings - Purchase Services	2,699	673		

SCHEDULE 3 - OPERATING PROGRAM DETAIL

CAPITAL CRIMES PROSECUTION UNIT

Department of Law

Item	Actual FY 08		Actual FY 09		Approp. FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
2680 - Contract Printing	1,586		700							
2681 - Photocopy Reimbursement										
2810 - Freight & Storage										
2820 - Other Purchased Services										
2830 - Office Moving/Purchased Services										
3110 - Other Supplies and Materials										
3112 - Automotive Supplies										
3113 - Clothing & Uniform Allowance										
3114 - Custodial										
3115 - DP Supplies	268		25							
3116 - Purchase/Leased Software	1,200		28							
3117 - Educational	123		105							
3120 - Books & Subscriptions	1,120		951							
3121 - Office Supplies	1,657		664							
3122 - Microfilming/Photo. Supplies										
3123 - Postage	172		154							
3124 - Printing										
3126 - Repair & Maintenance/Supplies										
3128 - Non-Capitalized Equipment	1,516									
3131 - Non-Capitalized Bldg Mat'l										
3132 - Non-Capitalized Furn/Office Syst.			822							
3140 - Non-Capitalized IT Purchases			126							
3141 - Non-Capitalized IT Servers			8							
3143 - Non-Capitalized IT Other			3							
3940 - Electricity	502									
3950 - Gasoline										
4100 - Other Operating Expenses	988									
4140 - Dues & Memberships										
4151 - Interest Late Payments										
4170 - Miscellaneous Fees										
4180 - Official Functions										
4220 - Registration Fees										
6140 - Buildings and Improves. to Bldg.										
6210 - Other Capital Equipment	2,305		985							
6212 - IT Servers Direct Purchase			86							

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	CAPITAL CRIMES PROSECUTION UNIT									
	Actual FY 08 Total Funds	FTE	Actual FY 09 Total Funds	FTE	Approp. FY 10 Total Funds	FTE	Estimate FY 10 Total Funds	FTE	Request FY 11 Total Funds	FTE
6213 - IT PC SW Direct Purchase			22							
6220 - Office Furn & Equip										
6224 - Other Furn & Fixtures - Direct Purchase										
<b>Operating Expense Subtotal:</b>										
<b>Puffed Operating Expenses</b>			29,117							
Workers' Compensation										
Leased Vehicle Expense										
Capital Complex Lease Space										
Lease Space										
Communication Services										
IT Asset Maintenance										
ADP Capital Outlay										
<b>Total</b>	43,273		29,117							
<b>OPERATING EXPENSE TOTAL:</b>										
General Fund	43,273		29,117							
General Funds Exempt	43,273		29,117							
Cash Funds										
Reappropriated Funds										
<b>DECISION ITEM REQUESTS</b>										
<b>NP #2 Operating Vehicle Increase</b>										
General Fund										0.0
<b>FY10 Dec Item #1 - Consolidate SP Unit</b>										
General Fund										
Cash Funds										
<b>Rollforward</b>										
General Funds Exempt									0.0	
<b>TOTAL CAPITAL CRIMES PROSECUTIONS</b>										
General Fund	380,838	3.8	367,378	3.6						0.0
General Fund Exempt	380,838		367,378							

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**CAPITAL CRIMES PROSECUTION UNIT**

**Department of Law**

Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	361,781	4.0	376,643	4.0						
Special Bills:	(20,000)		(70,000)							
Supplemental (1331)	15,290		14,784							
Supplemental SB09-192	16,420		19,122							
Salary POTS	378		411							
Health/Life/Dental	3,686		4,563							
Short Term Disability	640		2,242							
SB 04.257 A.E.D.	550		673							
SB 06.235 S.A.E.D.	12,638		16,573							
Worker's Compensation	348		348							
Capital Complex Leased Space										
Leased Space Allocation										
Vehicle Lease Allocation										
IT Asset Maintenance										
ADP Capital Outlay Allocation	372		1,012							
Communication Service Payments										
CLE Registration Fees										
Rollforward from Previous FY year										
Rollforward to Subsequent FY	(11,265)	(0.2)	(38)	(0.4)						
Overexpenditure/(Reversion) - GF	380,838	3.8	367,378	3.6						
<b>TOTAL RECONCILIATION</b>										
<b>GRAND TOTAL</b>	<b>380,838</b>	<b>3.8</b>	<b>367,378</b>	<b>3.6</b>						<b>0.0</b>
General Fund	380,838		367,378							
General Fund Exempt	-									
Cash Funds										
Reappropriated Funds										
Federal Funds										

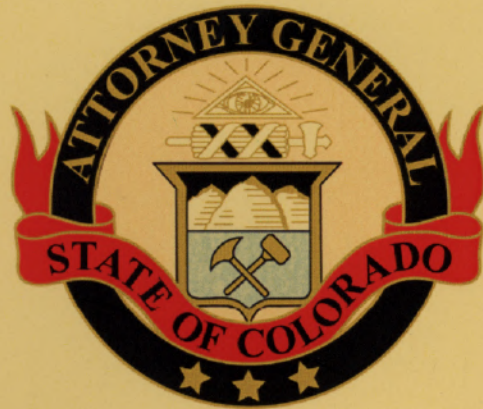
**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law		CAPITAL CRIMES PROSECUTION UNIT						
		Revenue Source	Fund Number	Actual FY 2008	Actual FY 2009	Approp FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>				380,838	367,378		-	-
General Fund				380,838	367,378		-	-
General Fund Exempt				-	-		-	-
Cash Funds				-	-		-	-
Reappropriated Funds				-	-		-	-
Federal Funds				-	-		-	-





# Narrative POST Board



## **D) BACKGROUND INFORMATION: P.O.S.T. UNIT**

**Structure:** The Colorado Peace Officer Standards and Training Board (P.O.S.T.) was established as a result of the enactment of federal legislation requiring equal protection by jurisdictions receiving federal funding (Title VII of the Rehabilitation Act of 1973).

The P.O.S.T. Board is composed of 20 members, of which three are statutory members: the Attorney General (Chairperson); the FBI Special Agent in Charge of the Denver Division of the Federal Bureau of Investigation; and the Executive Director of the Colorado Department of Public Safety. Seventeen members are appointed to 3-year terms by the Governor, and include one local government representative; one member of the general public; 6 active sheriffs; 6 active chiefs of police; and 3 line-level peace officers serving at the rank of sergeant and below.

The P.O.S.T. Staff consists of six (6) classified staff members, which will be increased to seven (7) classified staff members in October 2009 as a result of HB09-1036.

**Primary Duties:** The P.O.S.T. Board is statutorily responsible for the approval, inspection, and regulation of basic all basic and reserve peace officer training academy programs: to include the development of the basic and reserve peace officer program curriculums; instructor methodology training programs; skills training programs (arrest control tactics, firearms qualification, and law enforcement driving) and skills instructor programs. The Board's responsibilities also include enforcement of statutes and rules related to peace officer academy enrollment; ensuring peace officer applicants are not convicted criminals; reviewing variance applications; and taking timely revocation action against any certified peace officer convicted of a felony or certain misdemeanors. P.O.S.T. is required to establish the standards for the renewal of expired Colorado peace officer certificates.

P.O.S.T. Staff members work with the six (6) Subject Matter Expert (SME) Committees, which include the Curriculum SME Committee, Advanced Officer Training Committee, DNA Training and three skills disciplines (Firearms, Arrest Control Tactics, and Law Enforcement Driving), to improve training delivery, administer practical examinations to individuals seeking Colorado peace officer certification under reciprocity. Over the years, Colorado P.O.S.T. has joined with its counterparts from other states to develop a reciprocity process for the evaluation for out-of-state peace officer applicants.

P.O.S.T. also participates in the Peace Officer Certification Information System (POCIS), a service provided through the International Association of Law Enforcement Directors and Trainers (IADLEST) and enters revocation data into the National Decertification Index (NDI). P.O.S.T. enters the personal data of individuals whose peace officer authority and peace officer certificates have been revoked by the P.O.S.T. Board. NDI can be accessed by all states and serves as a national clearing house which maintains the names of individuals who have been revoked and/or prohibited to serve as peace officers in other states.

During the 2003 Legislative Session, Senate Bill 03-103 was passed. The legislative intent of SB03-103 was to re-establish a statewide peace officer training

program and to enable the P.O.S.T. Board to provide substantial training for certified peace officers. Since implementation, a twenty-five cent fee was collected on motor vehicle registrations and transferred to the P.O.S.T. Board Cash Fund pursuant to § 42-3-134(32), C.R.S.. These revenues are used to provide funding for peace officer training programs as determined by the P.O.S.T. Board. Early on, P.O.S.T. established 10 training regions, which are based upon the state's 22 judicial districts. Law enforcement agencies within each training region are encouraged to work collaboratively and each region is required to develop training programs through the use of regional law enforcement planning groups and multi-agency collaborative efforts. The regions then annually submit a grant application on behalf of their region to P.O.S.T. Applications are reviewed by the P.O.S.T. Peace Officer Training Project Sub-committee, which then makes grant award recommendations to the P.O.S.T. Board.

The first five years of the P.O.S.T. Peace Officer Training Project were an overwhelming success (over 600,000 hours of training), and the project is still growing in participation. Prior to its implementation, advanced officer training had been in many cases sporadic, inconsistent and driven by the available financial resources of the communities our officer's serve. Now thousands of officers have received training that was previously unavailable prior to the P.O.S.T. grant program. P.O.S.T. had incurred an increase in operating costs, indirect and personnel costs from FY 01 to FY 09. Conversely, the anticipated revenue growth (estimated at 5%/year) from the \$.25 vehicle registration fee has not materialized, thus resulting in a decrease in the availability of funds for training grants. In FY09, P.O.S.T. awarded grants totaled \$720,000. In FY10, without additional revenues, the grants would have decreased to approximately \$680,000.

As a result of the projected decrease in grant award funding, the Department of Law and the Peace Officer Standards and Training Board (P.O.S.T.) pursued legislation during the 2009 Legislative Session. HB09-1036, was offered in to increase the vehicle registration fee (from \$.25/vehicle to \$.60/vehicle) to provide additional training grant funds and pay program costs for the peace officer training board.

The mission and goals of the Board has always been to set priorities to ensure monies are awarded to *assist the smaller and rural agencies* to develop and receive training that they might not be able to afford, but need in order to maintain or improve the proficiencies of their peace officers. The successful passage of HB09-1036 ensures the services it will provide for will have a real and identifiable impact on every county, city, town and neighborhood in the state and is directly related to the public safety of the citizens of Colorado.

**Critical Issues:** Since 2001, *fourteen (14)* new academies have applied for and have received approval from P.O.S.T. to conduct basic and reserve peace officer training certification programs. This process requires the P.O.S.T. Investigator to accept, review and process the academy applications, course descriptions and schedules, lesson plans, site depiction, and instructor credentials. The investigator forwards all Skills training course and instructor information to each of the Subject Matter Expert (SME) Committees for review and approval. The P.O.S.T. investigator is also responsible for all

academy and program inspections, which requires travel to each of the 31 academy sites. The P.O.S.T. Investigator and SME Committee members are regularly and routinely required to travel to the numerous academies located in Alamosa, Buena Vista, Colorado Springs (3), Delta, Durango, Fort Collins, Glenwood Springs, Greeley (2), La Junta, Pueblo (2), Rangely and numerous Denver Metro area locations.

P.O.S.T. Staff electronically maintains the peace officer certification record and data for approximately 13,425+- active peace officers, and approximately 2100 reserve peace officers. P.O.S.T. is also responsible for the maintenance of the certification records of many thousands of individuals who were at one time appointed as active peace officers, but who no longer serve as peace officers.

In February 2001, the Colorado Peace Officer Standards and Training Board (P.O.S.T.) and Anti Defamation League (ADL) formed a partnership to develop a training program to specifically address 4<sup>th</sup> Amendment, Ethics and Anti-Bias Training for Colorado peace officers. The P.O.S.T./ADL partnership has produced the very successful "*Anti-Bias Training for Law Enforcement Officers*". This quality program was tailored to the unique culture of law enforcement and developed with input from both officers and citizens. The training has been well received by peace officers and law enforcement agencies throughout the State of Colorado and the communities they serve. Additionally, in 2005 the P.O.S.T. Board adopted an 8-hour Anti-Bias and Ethics Standard for every student attending a P.O.S.T. approved basic peace officer or reserve peace officer training program. The standard ensures that all new officers will receive anti-bias training. As a result, P.O.S.T. and ADL created an academy version of the "*Anti-Bias Training for Law Enforcement Officers*" curriculum and conducted several train-the-trainer sessions for law enforcement academy instructors. This new curriculum provides these instructors with the skills and materials needed to train their academy students in the required anti-bias and ethics standards.

In 2008, P.O.S.T./ADL received state and federal training grants allowing development of a multimedia (internet) training program and full implementation of our successful "*Anti-Bias Training for Law Enforcement Officers*" curriculum. This multimedia program addresses the same core competencies and student outcomes as the in-class program. The program is available in multimedia format to any officer, for use at their convenience and at any computer.

As previously noted, during the 2003 Legislative Session, the Colorado legislature passed Senate Bill 03-103, *The P.O.S.T. Peace Officer Training Bill*. The legislation added a twenty-five cent fee to all Colorado motor vehicle registrations. The fees are to be used to fund peace officer training grants for Colorado peace officers, particularly peace officers from small and rural law enforcement agencies. The fee is collected at the time each motor vehicle is licensed. The fees are forwarded to the Department of Revenue, and then on to the Colorado State Treasurer, who then credits the funds to the P.O.S.T. Board Cash Fund. It should be noted that P.O.S.T. has always had the authority to issue such grants, but the cash fund had never been funded. The fee is the primary funding source for the P.O.S.T. Peace Officer Training Project.

## II) PRIOR YEAR LEGISLATION

### HB 09-1036

**(Rep. King and Senator Morse): *Concerning Increasing the Amount Deposited into the Peace Officers Standards and Training Board Cash Fund by Increasing the Registration Fee for certain Classes of Personal Property, and Making an Appropriation Therein.***

The Department of Law and the Peace Officer Standards and Training Board (P.O.S.T.) is requesting legislation, in the form of HB09-1036, to increase the vehicle registration fee (currently \$.25/vehicle to \$.60/vehicle) to provide additional training grant funds and pay program costs for the peace officer training board.

The first five years of the P.O.S.T. Peace Officer Training Project were an overwhelming success (approaching over 700,000 hours of training), and the project is still growing in participation. Prior to its implementation, advanced officer training had been in many cases sporadic, inconsistent and driven by the available financial resources of the communities our officer's serve. Now thousands of officers have received training that was previously unavailable prior to the P.O.S.T. grant program.

The mission and goals of the Board has been to set priorities that ensure monies are awarded to *assist the smaller and rural agencies* to develop and receive training that they might not be able to afford, but need in order to maintain or improve the proficiencies of their peace officers. This bill and the services it will provide for, unlike many bills, will have a real and identifiable impact on every county, city, town and neighborhood in the state and is directly related to the public safety of the citizens of Colorado.

P.O.S.T.'s responsibility for the certification and training of Colorado Peace Officers is a critical between federal agencies, state agencies, and local government agencies. The motor vehicle registration fees used to fund peace officer training grants for Colorado peace officers, particularly peace officers from small and rural law enforcement agencies, have been depleted as a result of continuing operational costs. The grant funding had been steadily reduced over the past three years. The legislation to increase the fee *presented and passed* during the 2009 Legislative Session (HB09-1036) will provide additional training grant funding to Colorado law enforcement.

## III) HOT ISSUES:

P.O.S.T.'s responsibility for the certification and training of Colorado Peace Officers is a critical between federal agencies, state agencies, and local government agencies. P.O.S.T. will continue to review the educational requirements and certification needs of Colorado peace officers, including Continuing Law Enforcement Educational (CLEE) requirements and issues. A recent P.O.S.T. survey of Colorado law enforcement leaders established the need for P.O.S.T. supported *Continuing Law Enforcement*

***Education standards and reimplementation of a Stratified Peace Officer Certificate Program*** for Colorado peace officers.

The DNA Bill (HB08-1397) has generated additional training costs for the Peace Officer Standards and Training (POST) Board because the bill requires the board to certify the curriculum regarding the proper techniques, practices, and protocols for peace officers to collect and retain DNA and biological evidence from crime scenes. A contract employee needed in the first year was hired to develop, certify, and implement the training course and to provide training seminars for instructors at the 27 law enforcement training academies located throughout the state. Persons who enrolled in a training academy on or after March 1, 2009 receive the training required within HB08-1397. The statutory requirement of August 1, 2009, was accomplished on **December 5, 2008**.

1. The bill was expected to create temporary expenses for the department of \$81,207 in FY 2008-09 and \$97,500 in each of the next two years until existing peace officers in the field receive the training. That General Fund funding has now been cut from the P.O.S.T. Budget.
2. P.O.S.T. has developed a specialized a “*P.O.S.T. DNA Internet Training Course*” (similar to P.O.S.T.’s “*Anti-Bias Training for Law Enforcement Officers*” *Internet Program*) and certification program that concentrates on the proper techniques, practices, and protocols for evidence collection and retention with emphasis on evidence that may contain biological or DNA evidence. The program will allow access to Colorado Peace Officers certified by the P.O.S.T. Board, with a targeted launch date of September 1, 2009. Tuition costs for the peace officers accessing the internet training will be absorbed by P.O.S.T. from within the Peace Officer Training Project, beginning on September 1, 2009, ending June 30, 2011.

**IV) WORKLOAD MEASURE:**

At its periodic meetings, the P.O.S.T. Board considers appealed variance requests and may hold hearings of appealed suspension, revocation, or denial rulings made by the P.O.S.T. Director.

The Board also reviews applications for program approval. Additionally, the P.O.S.T. Board conducts Rule Making Hearings to modify or implement P.O.S.T. Rules as a result of changes made during the legislative session, at the request of Staff, or to coincide with case law.

Staff also reviews the certification records of peace officers from bordering states applying for Colorado peace officer certification or involved in temporary assignment to law enforcement agencies in Colorado (see § 29-1-206, C.R.S.).

The Staff conducts over 90 certification exams each year at the twenty-eight basic training academy sites. Within that testing process, the P.O.S.T. Staff members regularly travel to the academies in Alamosa, Buena Vista, Colorado Springs (3 academies), Craig, Delta, Durango, Glenwood Springs, Grand Junction, Greeley, La Junta, Pueblo, Rangely, and at numerous Denver Metro locations.

## Recent Legislative Actions Affecting P.O.S.T. Workload

- During the 1995 Legislative Session, the Colorado Legislature extended P.O.S.T. Board responsibilities for the development of training curriculum and the certification of all inspectors of vehicle identification numbers (VIN inspector training).
- In 1997, the legislature passed legislation extending the P.O.S.T. Board's responsibility for the office of elected county sheriff. The legislative requirements include basic peace officer certification and specific training requirements. Each newly elected sheriff must attend a P.O.S.T. approved 80-hour training academy, as approved by P.O.S.T., prior to entering the elected office and all active sheriffs must attend 20-hours of annual training.
- During the 1999 Legislative Session, the legislature passed requirements for the P.O.S.T. Board to develop training objectives and curriculum for Bail Recovery Training programs.
- In 2001, the Colorado Legislature passed **HB01-1114 Concerning Profiling in Connection with Traffic Stops**, legislation requiring P.O.S.T. Board certification of a statewide anti bias training curriculum for law enforcement officers and approval (certification) of agency conducted training programs that prevent racial profiling. Since the effective date of this legislation, certified Colorado peace officers have completed Anti Bias training facilitated or approved by P.O.S.T.
- In 2003, the Colorado Legislature enacted four Bills having a direct workload impact on the P.O.S.T. Board and Staff. **SB03-103 Concerning Peace Officer Training Programs**, created a cash fund in the state treasury for the awarding of peace officer training grants. The program provides training grant funding for peace officers, particularly for peace officers serving in rural and small law enforcement agencies. **SB03-242 Concerning P.O.S.T. Board Membership**, added the three (3) previously noted rank and file law enforcement members to the P.O.S.T. Board. **HB03-1266 Concerning the Recodification of Statutes Related to Peace Officers**, clarified the authority of peace officer groups/positions and causes P.O.S.T. Staff to provide more service and explanation to peace officer applicants and law enforcement agencies. P.O.S.T. Staff must now determine the statutory recognition and category status of all peace officer appointments. **HB03-1352 Concerning Fingerprint-Based Criminal History Record Checks**, requires the submittal of P.O.S.T. fingerprint cards for all peace officer applicants and requires P.O.S.T. to qualify each student prior to the student's first day of instruction at an approved basic or reserve peace officer academy.
- During the 2004 Legislative Session, **SB04-224 Concerning the Sunrise Review of Peace Officer Status**, was passed. The Bill requires P.O.S.T. to conduct a sub-committee review and hold a hearing with group/position applicants seeking statutory



peace officer authority, provide a report to the P.O.S.T. Board for action and present a final P.O.S.T. Board recommendation to the Senate and House Judiciary Committees.

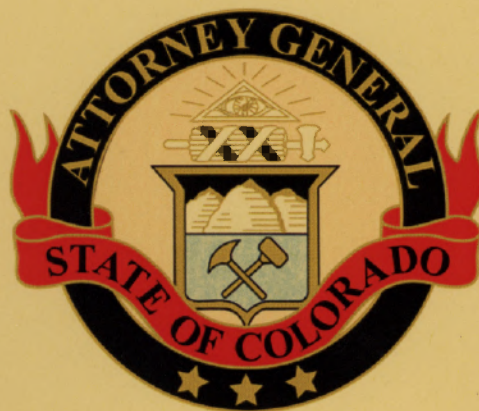
- During the 2005 Legislative Session, **HB05-1076**, *Concerning Peace Officer Certification Granted by the Peace Officer Standards and Training Board*, was passed. The Bill modifies the definitions of peace officers; adds two additional misdemeanors to the list of disqualifying misdemeanors; allows exclusion of individuals released or discharged from the armed forces of the United States under dishonorable conditions; authorizes P.O.S.T. to approve peace officer training programs; and authorizes P.O.S.T. to grant "Conditional Peace Officer Authority" to any person who successfully completes the required training program.
- During the 2006 Legislative Session, **HB06-1027**, *Concerning Persons Authorized as Peace Officers in Colorado*, was passed. The Bill modifies the definitions of peace officers, and added two additional peace officer positions/groups (Municipal Court Marshals and Public Transit Officer) to the statutes and authorizes P.O.S.T. to approve peace officer certification applicants and grant "Peace Officer Certification" to persons who successfully meet the required training requirements/standards.
- During the 2006 Legislative Session, **HB06-1179**, *Concerning Peace Officers Officer Authority in Colorado for Federal Law Enforcement Officers*, was passed. The Bill modifies the definitions of peace officers; adds Federal Agents from the Federal Bureau of Investigation and Bureau of Alcohol, Tobacco and Firearms to the peace officer statutes.
- During the 2006 Legislative Session, **HB06S-1023**, *Concerning the Immediate Implementation of Restrictions on Public Benefits as Defined in Article 8 of the United States Code for Persons Eighteen Years of Age or Older Effective August 1, 2006*, was passed. The Bill requires and authorizes P.O.S.T. to verify the lawful presence of all certification applicants before granting "Peace Officer Certification" to any person who successfully demonstrates meeting the required training requirements.
- During the 2008 Legislative Session, **HB08-1106**, *Concerning Persons Employed by Institutions of Higher Education*, was passed. The Bill modifies the definitions of peace officers; adds additional peace officer positions/groups (Police Officer or Reserve Peace Officers Employed by the institutions of higher education) to the statutes and authorizes P.O.S.T. to approve peace officer certification applicants and grant "Peace Officer Certification" to any person who successfully demonstrates meeting the required training requirements.
- During the 2008 Legislative Session, **HB08-1147** *Concerning a Report Regarding Witness Protection Training*, was passed. The bill requires that any Witness Protection Curriculum developed by the Witness Protection Board shall be provided to the P.O.S.T. Board and shall be distributed and made available to Colorado law enforcement agencies.

- During the 2008 Legislative Session, **HB08-1348**, *Concerning the Authorization of Officers of the Federal Protective Service to act as Peace Officers in Colorado*, was passed. The Bill modifies the definitions of the statute for federal agents/peace officers; adds Federal Protective Service Officers to the statute for Federal Agents from the Federal Bureau of Investigation and Bureau of Alcohol, Tobacco and Firearms to the peace officer statute(s).
- During the 2008 Legislative Session, **HB08-1397**, *Concerning the Disposition of Evidence Collected in Criminal Cases*, was passed. The bill requires the preservation of evidence collected during the investigation of a class 1 felony or a sex crime for indeterminate sentencing that resulted in a sentence for the life of the offender. Creates a process whereby all other evidence may be disposed of after notice to the district attorney and defendant or his or her counsel of record with an opportunity to file an objection with the court. Additionally, the Bill requires that P.O.S.T. create training for new peace officer cadets to receive training at the training academy and to develop a separate training program for existing certified peace officers on proper DNA evidence collection and preservation. P.O.S.T. is also authorized to develop other specialized certification programs that concentrate on the proper techniques, practices and protocols for evidence collection with emphasis on evidence that may contain biological or DNA evidence.

## WORKLOAD INDICATOR

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
Coordination and delivery of the peace officer certification examination and skills test-outs		1035	1139	1075	1075
Inspection of training programs		17	12	12	12
Peace officers certified under reciprocity		73	72	70	70
Annual documentation of training funded by POST and attended by peace officers (SB03-103 / HB09-1036)		111582	123500	165000 (with new legislation)	200000* (with new legislation)
Peace Officer Revocation Actions		37	23	25	40
DNA and Anti-Bias Internet Training Program(s)Documentation				5500	8000

**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - POST Board**



**SCHEDULE 2 - PROGRAM SUMMARY**

**Department of Law**

**PEACE OFFICERS STANDARDS & TRAINING BOARD**

Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
POST Board	1,233,323	6.0	1,146,558	4.6	1,246,975	6.0	2,803,722	7.0	2,691,970	7.0
General Fund	44,638		57,107		50,000		50,000		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	1,188,685		1,089,451		1,196,975		2,753,722		2,691,970	
Reappropriated Funds	-		-		-		-		-	
Federal Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

**PEACE OFFICERS STANDARDS & TRAINING BOARD**

Quantity of Positions	Appropriation	Estimate FY 10	Estimate FY 11	FTE	FTE	FTE	FTE
<b>I. POSITION DETAIL</b>							
93,936	1.0	98,760	98,760	1.0	98,760	1.0	98,760
75,624	1.0	6,625	66,000	1.0	66,000	1.0	66,000
63,612	1.0	66,876	66,876	1.0	66,876	1.0	66,876
		35,226	36,000	1.0	36,000	1.0	36,000
34,421	1.0	23,042	42,000	0.5	42,000	1.0	42,000
41,772	1.0	43,920	43,920	1.0	43,920	1.0	43,920
31,512	1.0						
340,877	6.0	274,449	353,556	4.6	353,556	6.0	353,556
<b>340,877</b>	<b>6.0</b>	<b>274,449</b>	<b>353,556</b>	<b>4.6</b>	<b>353,556</b>	<b>6.0</b>	<b>353,556</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>							
(Permanent FTE by Position)							
Continuation Salary Subtotal							
<b>(I.B.) OTHER PERSONAL SERVICES</b>							
PERA on Continuation Subtotal							
33,945		35,548	35,886		35,886		35,886
4,849		4,298	5,127		5,127		5,127
1,879		4,903	-		-		-
-		15,071	-		-		-
45,453		74,796	40,585		40,585		83,210
Overtime Payments							
Termination/Retirement Payouts							
Other							
		8,154	-		-		-
		1,273	-		-		-
		4,129	-		-		-
86,126		148,172	81,597		81,597		124,222
<b>427,003</b>	<b>6.0</b>	<b>422,621</b>	<b>435,153</b>	<b>4.6</b>	<b>435,153</b>	<b>6.0</b>	<b>477,778</b>
<b>(I.C.) PERSONAL SERVICES</b>							
<b>SUBTOTAL = A+B</b>							
<b>(I.D.) POTS EXPENDITURES</b>							
Health/Life Dental							
26,579		18,778	17,747		17,747		440
[12,387]		[15,320]					
[1,155]		[5,543]					
443		349					

SCHEDULE 3 - PROGRAM DETAIL

PEACE OFFICERS STANDARDS & TRAINING BOARD

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SB 04.257 A.E.D.	4,013		4,718				7,045			
SB 06.235 S.A.E.D.	836		2,192				4,403			
Other	682		543							
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>	<b>459,556</b>	<b>6.0</b>	<b>449,200</b>	<b>4.6</b>	<b>435,155</b>	<b>6.0</b>	<b>464,788</b>	<b>6.0</b>	<b>477,778</b>	<b>6.0</b>
C+D										
<b>(I.F.) DIFFERENCE=II- I.E.</b>									(21,756)	
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>										
General Fund										
Cash Funds										
Reappropriated Funds										
<b>II. PERSONAL SERVICES REQUEST</b>										
<b>(AGGREGATE ADJUSTMENTS TO THE BASE</b>										
<b>APPROPRIATION)</b>										
Previous Year Long Bill									456,022	
Salary Survey-Classified									-	
PBP - Classified									-	
OSPB .2% Base Reduction									-	
<b>SPECIAL BILLS:</b>										
									456,022	
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	<b>459,556</b>	<b>6.0</b>	<b>449,200</b>	<b>4.6</b>	<b>435,155</b>	<b>6.0</b>	<b>464,788</b>	<b>6.0</b>	<b>477,778</b>	<b>6.0</b>
General Fund	44,638		44,638		44,638		-		-	
General Fund Exempt										
Cash Funds	414,918		404,562		390,517		464,788		477,778	
Reappropriated Funds										
Federal Funds										

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**PEACE OFFICERS STANDARDS & TRAINING BOARD**

Item	AVAIL FY 08		ACQUIS 09		APPROX FY 10		ESTIMATE FY 11		REQUES FY 11	
	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE
<b>OPERATING EXPENSES</b>										
2170 - Waste Disposal Services	-		15							
2230 - Equipment Contract Maintenance	-		865				1,000			865
2231 - ADP Equip Maint/Repair Services	-		778				900			778
2232 - Software Upgrades	-		6,042				7,500			6,042
2255 - Rental of Buildings	19,881		18,479				20,000			
2258 - Parking Fees										
2259 - Parking Fee Reimbursement	462		367				400			400
2512 - IS Personal Travel Per Diem	2,956		2,213				3,000			3,000
2513 - IS Personal Vehicle Reimbursement	71		745				1,000			745
2630 - Telephone	2,756		3,040				3,200			3,040
2631 - Comm Svcs from Outside Sources	150		81				150			81
2641 - Other ADP Billings - Purchase Service	50		62				62			62
2660 - Insurance	815		1,045				1,000			1,045
2680 - Contract Printing	6,263		8,659				8,700			8,659
2681 - Photocopy Reimbursement										
2690 - Other Pur Services - Legal	9,818		2,469				11,532			2,469
3115 - DP Supplies	448		1,339				1,400			1,339
3116 - Purchase/Leased Software	732		754				750			754
3117 - Educational			35				35			35
3121 - Office Supplies	3,286		3,913				4,000			4,100
3122 - Microfilming/Photo. Supplies	23		39				39			39
3123 - Postage	4,950		5,382				5,500			6,200
3140 - Non-Capitalized IT PC's			1,556				-			-
3141 - Non-Capitalized IT - Servers			104				-			-
3143 - Non-Capitalized IT Other			35				-			-
3146 - Non-Capitalized IT Purchased Server			34				-			-
4140 - Dues & Memberships	1,459		1,496				-			1,496
4180 - Official Functions	953		1,220				-			1,220
5776 - State Grant - Interfund			5,500				-			5,500
5781 - Grants to NonGov/Organizations	718,696		629,754				720,000			720,000
6212 - IT PC SW Direct Purchase	-		1,065				1,500			1,055
6213 - IT Servers Direct Purchase			273				400			273
<b>Operating Expense Subtotal:</b>	<b>773,766</b>		<b>697,358</b>				<b>792,068</b>			<b>769,197</b>









**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

<b>PEACE OFFICERS STANDARDS &amp; TRAINING BOARD</b>							
<b>Department of Law</b>	<b>Item</b>	<b>Fund Number</b>	<b>Actual FY 2008</b>	<b>Actual FY 2009</b>	<b>Approp FY 2010</b>	<b>Estimate FY 2010</b>	<b>Request FY 2010</b>
<b>Schedule 3 Total</b>			1,233,323	1,146,558	1,246,975	2,803,722	2,691,970
General Funds			44,638	57,107	50,000	50,000	-
General Funds Exempt			-	-	-	-	-
Cash Funds			1,188,685	1,089,451	1,196,975	2,753,722	2,691,970
Reappropriated Funds			-	-	-	-	-
<b>Cash Funds</b>		296	1,188,685	1,089,451	1,196,975	2,753,722	2,691,970
POST Board Fund			-	-	-	-	-
<b>Reappropriated Funds</b>		296	-	-	-	-	-
POST Board Fund Reserve			-	-	-	-	-



## **I) BACKGROUND INFORMATION: VICTIM ASSISTANCE UNIT.**

Under Colo. Const. Art. II, § 16a and Colo. Rev. Stat. §§ 24-4.1-302, *et seq.*, victims of certain crime have the right to be informed of and present for each critical stage of the criminal justice process. To this end, law enforcement agencies are required to provide certain services to all victims of crime against persons. The Department of Law Victim Services is provided by 1 FTE, the Victim Services Coordinator. The Victim Services Coordinator carries out these duties for both the (Criminal) Appellate Division and the trial prosecutions within the Criminal Justice Section in the Attorney General's office. The Coordinator helps over 1200 victims each year. These duties entail providing status information, explanations, court accompaniment, referral, and liaison services to crime victims in Appellate, Special Prosecutions, Medicaid fraud, and, occasionally, capital cases. Also, under Sec. 18-3-417, when there is a disciplinary case involving a licensed professional who is accused of a sex offense, the Victim Services Coordinator advises the victim of the alleged offense of their right to pursue criminal and civil action and provides the victim with information about the Colorado Victim Rights Act.

The Coordinator provides status information, explanations, court accompaniment, referral, and liaison services to the victim as his or her case progresses through the "critical stages" of the criminal justice process. Depending on whether the case is an appellate or trial-level proceeding, the critical stages and nature of additional services vary. These services are non-duplicative of any other services in the state. The VSC enables crime victims and their families to know what is going on with their cases and why.

## **II) PRIOR YEAR LEGISLATION**

The Victim Assistance Unit did not sponsor or promote any legislation in FY 2008-2009.

## **III) HOT ISSUES**

### **People v. Michael Muniz**

This was a first degree murder case in Jefferson County. The defendant and the victim were strangers. The defendant followed the victim home and stabbed her repeatedly. The conviction was reversed on appeal because the trial court did not allow the defense to present their theory of alternate suspects. The Victim Services Coordinator was in close contact with the daughter and son-in-law of the victim throughout the appeal. When the conviction was vacated, the Coordinator established for the victim new contact with the victim advocate in Jefferson County and also with a victim advocate with a non-profit agency who was called out to the original crime scene and remained a support to the daughter throughout the trial. A new trial was ordered in Jefferson County. At re-trial, the defendant, confronted with new evidence against him, pled guilty to second degree murder and other charges.

### People v. Gilberto Cruz

This is a brutal crime of first degree murder in Jefferson County. The victim called the defendant and told him that she was breaking up with him. The defendant got his sawed-off shot gun, found three rounds and put them in his pocket, and drove to the victim's home. She opened her front door to him, he pulled out the shotgun and loaded a shell. The victim ran out the front door, and the defendant ran after her. The shell fell out of the gun, and he reloaded it. He tried to fire the gun but the safety was still on, and the shell fell out of the gun again. The victim ran to a neighbor's door, yelling for help. The defendant took another shell from his pocket, loaded the gun again, and shot the victim in the back of the head. The Victim Services Coordinator is in close communications with the victim's mother and father and with the victim advocate in Jefferson County who assisted the family during the murder trial. The appeal of the conviction is currently being prosecuted.

### People v. Allen Bergerud

This is a case involving the ambush and murders of two young people in Weld County. The defendant was angered when his girlfriend left him because of his abusive behavior, and she started a relationship with another young man. The defendant called his ex-girlfriend one April evening and told her that her horses had escaped from their pasture and were running loose. The defendant waited in the field for the couple, wearing dark clothing and carrying a loaded pistol, two extra loaded ammunition magazines, and two boxes of ammunition. He shot the unarmed male victim seven times, killing him. He gave his cellphone to the female victim and told her to call 911. She hid in the dark in the field until she thought the defendant had left, and then went to try to help her boyfriend. Over the cellphone, the emergency operator could hear the defendant curse at the victim. As the police arrived, the defendant shot the female victim four times, killing her. The conviction was overturned on direct appeal, In its decision, the Court of Appeals concluded that the defendant's constitutional right to counsel was violated by requiring him to choose between having counsel or an innocence defense. Based on this conclusion, the Court of Appeals has directed Weld County District Court to hold a new trial. At this time, the case is set to be heard in oral argument in the Colorado Supreme Court in October, 2009. The Victim Services Coordinator is in contact with family members of both of the murdered victims providing information and services through a lengthy and complicated appellate process.

**IV) WORKLOAD MEASURE:**

Objective: To provide statutorily mandated services to all crime victims whose cases will open on appeal in the Appellate Division or are litigated by the special prosecutions, Medicaid Fraud and as determined, the Capital Crimes Unit of the Criminal Justice Section.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
To provide service to all victims of violent crime whose cases will open on appeal or prosecuted within the Attorney General's Office this year.	Target	1250	1250	1250	1250
	Actual	1250	1250	1360	

Objective: To play an active role in the statewide coordination of victim services.

Workload Measure		FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Participate on a number of ongoing statewide victim services boards, task forces, and committees.	Target	6	6	6	6
	Actual	6	7	6	

**VICTIMS ASSISTANCE CORE OBJECTIVES AND PERFORMANCE MEASURES**

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Phone calls received, answered, or initiated to victims concerning events in cases	Target	600	600	700	700
	Actual	710	700	710	

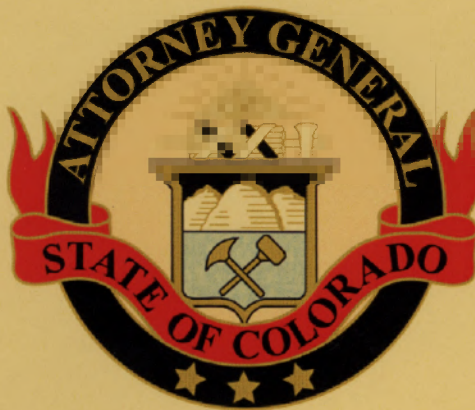


Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Mailed substantive notifications to victims concerning critical stages in their cases.	Target	1,250	1,250	1,500	1,400
	Actual	1,300	1,350	1,360	

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Accompany victims to oral arguments to the Court of Appeals and the Colorado Supreme Court	Target	24	24	24	24
	Actual	24	24	22	

**Similar or Cooperating Programs:** The Victim Services Coordinator works cooperatively with the Victim Assistance Coordinators in all of the District Courts in Colorado, with Victim Compensation, with the Victim Advocates in the Departments of Correction, Probation, Parole, and with community-based victim programs throughout the state.

**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Victims Assistance**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law Item	Actual FY 06		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>VICTIM'S ASSISTANCE</b>	80,271	1.0	85,016	1.0	76,086	1.0	86,942	1.0	76,086	1.0
General Fund	11,080		12,866		330		3,928		330	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	69,191		72,150		75,756		83,014		75,756	
Federal Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

**VICTIMS ASSISTANCE**

I.C.M.	ACQUIN 08		ACQUIN 09		ACQUIN 10		ACQUIN 11		ACQUIN 12	
	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE
<b>I. POSITION DETAIL</b>										
General Professional III	64,920	1.0	68,256	1.0	68,256	1.0	68,256	1.0	68,256	1.0
<b>TOTAL POSITION DETAIL</b>	64,920	1.0	68,256	1.0	68,256	1.0	68,256	1.0	68,256	1.0
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by position) Continuation Salary Subtotal	64,920	1.0	68,256	1.0	68,256	1.0	68,256	1.0	68,256	1.0
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	6,452		7,351		6,928		6,928		6,928	
Medicare on Continuation Subtotal	915		1,050		990		990		990	
Non-Base Building Performance Awards										
Contractual			20							
Other										
<b>SUBTOTAL</b>	7,367		8,421		7,918		7,918		7,918	
<b>(I.C.) PERSONAL SERVICES SUBTOTAL=</b>										
A+B	72,287	1.0	76,677	1.0	76,174	1.0	76,174	1.0	76,174	1.0
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	3,687		4,390		4,672		4,672		4,672	
Salary Survey	[2,384]		[2,960]		-		-		-	
Performance Awards	[718]		[1,056]		-		-		-	
Short Term Disability	83		96		89		89		89	
SB 04.257 A.E.D.	685		1,148		1,342		1,342		1,342	
SB 06.235 S.A.E.D.	132		530		825		825		825	
Other	-		92							
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>										
C+D	76,874	1.0	82,932	1.0	83,102	1.0	83,102	1.0	83,102	1.0
<b>(I.F.) DIFFERENCE= II- I.E.</b>										
									(88)	

[ ] Indicates a Non-add

**SCHEDULE 3 - PROGRAM DETAIL**

**VICTIMS ASSISTANCE**

Department of Law Item	Actual FY 08		Actual FY 09		Approp. FY 10		Estimate FY 11		Request FY 11	
	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>										
General Fund										
Cash Funds										
Reappropriated Funds										
<b>II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)</b>										
Previous Year Long Bill										
Salary Survey-Classified										
PBP - Classified										
Salary Survey Exempt										
PBP - Exempt										
OSPB .2% Base Reduction										
Subtotal		76,874	1.0	82,932	1.0	83,102	76,086	1.0	76,086	1.0
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>										
General Fund		76,874		82,932		83,102		76,086		76,086
Cash Funds				10,783				330		
Reappropriated Funds				72,149						
Federal Funds										
		76,874		72,149		83,102		75,756		75,756

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		VICTIMS ASSISTANCE	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>OPERATING EXPENSES</b>										
2230 - Equipment Maintenance/Repair Svcs			1							
2231 - ADP Equip Maint/Repair Services			7							
2232 - Software Upgrades			75							
2254 - Rental of Motor Vehicles	136									
2255 - Rental of Buildings	341									
2512 - IS Personal Travel Per Diem	135									
2532 - OS Personal Travel Per Diem			84							
2630 - Telephone	549		500							
2631 - Comm Svcs from Outside Sources			300							
2641 - Other ADP Billings - Purchase Service	8		10							
2660 - Insurance	163		168							
2680 - Contract Printing	119		296							
3115 - Data Processing Supplies			1							
3116 - Purchase/Leased Software			7							
3117 - Educational			1							
3120 - Books & Subscriptions	28									
3121 - Office Supplies	79		112							
3122 - Microfilming/Photo. Supplies										
3123 - Postage	1,332		138							
3140 - Non-Capitalized IT - PCs			32							
3141 - Non-Capitalized IT - Servers			2							
3143 - Non-Capitalized IT - Other			1							
3146 - Non-Capitalized IT Purchased Server SW			1							
4140 - Dues & Memberships	177		254							
4220 - Registration Fees	331		69							
6212 - IT Servers - Direct Purchase			22							
6213 - IT PC SW - Direct Purchase			6							
<b>Operating Expense Subtotal:</b>	3,398		2,083							
<b>OPERATING EXPENSE TOTAL:</b>	3,398		2,083							
General Fund			2,083							
Reappropriated Funds	3,398		0							

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law (Item)	Actual FY 08			Actual FY 09			Appropri FY 10			Estimate FY 10			Request FY 11		
	Total Funds	FTE	FTE	Total Funds	FTE	FTE	Total Funds	FTE	FTE	Total Funds	FTE	FTE	Total Funds	FTE	FTE
<b>Potted Operating Expenses</b>															
Workers' Compensation												136			
Leased Space Allocation												3,292			
IT Asset Maintenance												500			
ADP Capital Outlay												3,928			
Building Security												3,928			
<b>Total</b>															
General Fund															
General Fund															
Reappropriated Funds															
<b>Projected Shortfall</b>															
Reappropriated Funds												(88)			
												(88)			
<b>TOTAL VICTIMS ASSISTANCE</b>															
General Fund	80,271	1.0		85,016	1.0		76,086	1.0		86,942	1.0	76,086		76,086	1.0
Reappropriated Funds	11,080			12,866			330			3,928		330		330	
Federal Funds	69,191			72,150			75,756			83,014		75,756		75,756	
<b>RECONCILIATION OF FUNDS</b>															
Long Bill Appropriation	69,191	1.0		72,149	1.0					76,086	1.0				
Federal Grant															
Classified Salary POTS	3,102			4,016						4,672					
Health/Life/Dental	3,726			4,449						89					
Short Term Disability	81			1,090						1,342					
SB 04.257 A.E.D.	784									825					
SB 06.235 S.A.E.D.	136									3,292					
Capital Complex Lease Space	3,159			2,893						136					
Workers Compensation	137			168											
Vehicle Lease Allocation															
IT Asset Maintenance				252											
ADP Capital Outlay Allocation															
Building Security															
Rollforward from Previous FY year Restriction															
Overexpenditure/(Reversion) - GF															(44)



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**VICTIMS ASSISTANCE**

Department of Law Item	Actual FY 08		Actual FY 09		Appropriated FY 10		Estimated FY 10		Request FY 10	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Lapsed Appropriation Reappropriated Funds										
Lapsed Appropriation Federal Funds										
<b>TOTAL RECONCILIATION</b>	80,271	1.0	85,017	1.0			86,942	1.0		
<b>GRAND TOTAL</b>	80,271	1.0	85,016	1.0	76,086	1.0	86,942	1.0	76,086	1.0
General Fund	11,080		12,866		330		3,928		330	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	69,191		72,150		75,756		83,014		75,756	
Federal Funds	-		-		-		-		-	



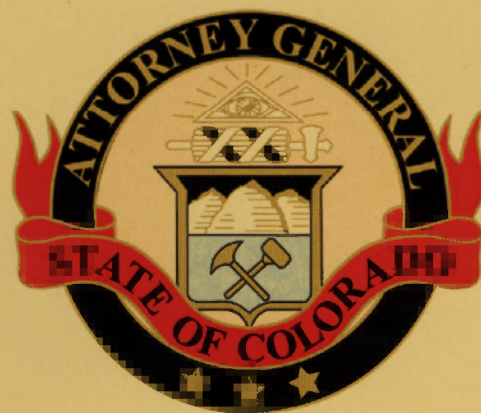
**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**VICTIMS ASSISTANCE**

Department of Law Item	Fund Number	Actual		Approp		Estimate		Request	
		FY 2008	FY 2009	FY 2010	FY 2010	FY 2010	FY 2011		
<b>Schedule 3 Total</b>									
General Funds		80,271	85,016	76,086	86,942	76,086			
General Funds Exempt		11,080	12,866	330	3,928	330			
Cash Funds		-	-	-	-	-			
Reappropriated Funds		69,191	72,150	75,756	83,014	75,756			
Federal Funds		-	-	-	-	-			
<b>Reappropriated Funds</b>									
Victim Assistance & Law Enforcement Fund		69,191	72,150	75,756	83,014	75,756			
<b>Federal Funds</b>									
Federal VOCA Grant		-	-	-	-	-			



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CJ & A - Indirect Cost Assessment**



SCHEDULE 2 - PROGRAM SUMMARY											
INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE											
Department of Law	Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Criminal Justice &amp; Appellate Indirect</b>		223,273		247,395				374,591		374,591	
General Fund		-		-				-		-	
General Fund Exempt		-		-				-		-	
Cash Funds		85,875		106,744				105,431		105,431	
Reappropriated Funds		137,398		140,651				138,921		138,921	
Federal Funds								130,239		130,239	

SCHEDULE 3 - PROGRAM DETAIL											
INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE											
Department of Law	Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Criminal Justice &amp; Appellate Indirect</b>		223,273		247,395		374,591		374,591		374,591	
General Fund											
General Fund Exempt											
Cash Funds		85,875		106,744		105,431		105,431		105,431	
Reappropriated Funds		137,398		140,651		138,921		138,921		138,921	
Federal Funds						130,239		130,239		130,239	
<b>RECONCILIATION OF FUNDS</b>											
Long Bill Appropriation Supplemental		241,673		247,395							
Rollforward from Previous FY											
Rollforward to Subsequent FY Reversion		(18,400)		0.0							
<b>TOTAL RECONCILIATION</b>		223,273		247,395							









**Natural Res.**  
**&**  
**Water Rights**

**Natural Resources & Environment**

**Natural Resources & Environment  
Deputy Attorney General**

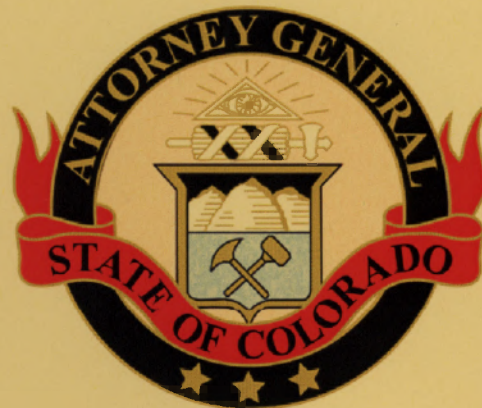




# **Narratives**

# **Natural Resources &**

# **Water Rights**



## **D) BACKGROUND INFORMATION: NATURAL RESOURCES AND ENVIRONMENT UNIT (Non-Legal Services to State Agencies).**

### **Introduction to the Natural Resources and Environment Section**

The Natural Resources and Environment Section currently has 37 lawyers, 9 legal assistants, and 4 support staff. These dedicated employees protect and defend the interests of the State and its citizens in all areas of natural resources law and environmental law. The Section is made up of seven units that represent and advise state agencies and boards that regulate and oversee the development, use and conservation of Colorado's natural resources and the quality of Colorado's environment.

### **Federal and Interstate Water Unit**

This Unit protects the State's interests in the waters of interstate rivers, with respect to both interstate water allocation and federal environmental requirements, including the Endangered Species Act. The Unit also works with state water users to protect the state's interests in the timely and reasonable resolution of federal claims for water rights, including reserved water rights and claims for instream flows.

### **Defense of the Colorado River Compact**

This Unit provides legal counsel and representation to the Department of Natural Resources ("DNR"), the Colorado Water Conservation Board, and the State Engineer on issues pertaining to the Colorado River and the Colorado River Compact. The Unit's major tasks include researching issues relevant to potential litigation, preparing a litigation database of the voluminous documents relevant to the Colorado River, and assisting the State Engineer in preparing rules for any in-state curtailment of water rights resulting from a Colorado River Compact call. These activities also prepare the State of Colorado to fully participate in ongoing negotiations with the other Colorado River basin states that are signatories to the Colorado River Compact. We are proposing that this Unit be combined with the Federal and Interstate Water Unit as the work of these two units is very interrelated and it will be more effective and efficient to have one unit.

### **CERCLA Litigation Unit**

This Unit handles the legal work for ten seriously contaminated sites – known as Superfund sites – most of which are being cleaned up under consent decrees by those who contaminated them. The Unit works to recover the state's costs for overseeing these cleanups from the responsible parties to the greatest extent possible. The Unit works with CDPHE to ensure cleanup work progresses at these sites as required.

In addition, the Unit recovers Natural Resources Damages (sometimes called NRDs) on behalf of the State's Natural Resource Trustees to compensate for injuries caused by hazardous substances to the State's natural resources. Once recovered, the Unit assists

the Trustees in determining how to allocate the NRDs funds to restore or replace the injured natural resources such as ground water, wildlife habitat, and fish populations.

## **II) PRIOR YEAR LEGISLATION**

None

## **III) HOT ISSUES**

### **Interstate Waters**

The Federal and Interstate Unit and Colorado River Unit continue to provide the necessary highly specialized consul to state agencies and leaders. During FY 2009, the Unit began work on promulgating rules and regulations to better administer the Rio Grande River, Republican River and Arkansas River Compacts, continued to work with the Republican River Water Conservation District to assure Compact compliance, continued to collect and code thousands of documents related to the Colorado River Compact and worked with State agencies and state and federal elected officials to protect Colorado's water and water users through negotiation, litigation and legislation.

### **California Gulch Settlement**

Over FY 2009, the CERCLA Litigation Unit will finalize settlement of the cleanup of various Operable Units at the Cal Gulch site. Once engineering and institutional controls are in place, much of the site will be eligible for delisting from the National Priorities List of hazardous sites. The settlement will also make \$10.5 million from Resurrection/Newmont and up to \$10 million from Asarco available for natural resources damages. Natural resource projects will need to be identified for funding by a committee that includes the State Natural Resource Trustees.

### **Rocky Mountain Arsenal Resources Damages Settlement**

The State settled its case against Shell Oil Company and the United States for natural resource damages for over \$34 million. These funds will be made available for natural resources restoration projects over the next several years. The natural resources damages Trustees, in cooperation with local entities, will solicit and select suitable projects.

### **Natural Resources Damages Claim at Lowry Landfill CERCLA Site**

The CERCLA Litigation Unit is investigating and preparing for litigation against the City and County of Denver and Waste Management, Inc. regarding a claim for damages to State groundwater at Lowry Landfill.

## **ASARCO Bankruptcy**

Asarco declared bankruptcy due to environmental liabilities in August 2005. The State filed a claim at 6 sites for approx \$127 million. The largest site, California Gulch, has been settled and has received court approval. The remaining sites are addressed in two settlement agreements being filed as part of Asarco's Reorganization Plan. Asarco's parent company is expected to challenge many of the settlement agreements. The Hazardous Waste Unit will assist in discovery, preparation of expert and fact witnesses, and presentation of such if necessary during the confirmation hearings in Corpus Christi, TX. The Unit is also assisting in drafting, negotiation, and lodging of consent decree for the sale of Asarco's Globe Plant property to a prospective brownfield developer.

## **Remediation of Idarado Mine Tailings on Telluride Valley Floor**

The Town of Telluride annexed and condemned the Valley Floor property with title transferring to the Town in 2008. The State is now working with the Town and Idarado to improve the remedy set forth in the Consent Decree. In addition, the State anticipates that an environmental covenant will be placed on the remediated portions of the Valley Floor to ensure the protection of human health and the environment.

## **IV) WORKLOAD MEASURES**

### **Federal and Interstate Water Unit**

The primary purpose of the Federal and Interstate Water Unit is to defend the rights and interests of the State of Colorado and its water users against claims made by federal agencies or other States. The Unit handles all matters regarding water right claims made by federal agencies, including federal reserved rights, as well as providing advice and planning related to Colorado's Compacts, interstate decrees and any other interstate agreements relating to the water resources of the State. Attorneys within the Unit have developed the very specific knowledge to provide legal assistance within this very specialized area of law and policy.

The major litigation currently within the Unit involves the Rio Grande Compact, the Arkansas Compact and the Republican River Compact. The Unit continues to provide counsel for the ongoing disputes between Kansas and Colorado involving the Arkansas River. The Unit provides legal advice regarding disputes under the Decree and how Colorado's water resources development can continue under the terms of that Decree. Specifically, Unit attorneys are involved in drafting rules to address the potential adverse affects of increased irrigation efficiency on Compact compliance and are involved in several cases in the Division 2 water court with compact implications.

In the Rio Grande, Unit attorneys continue to work with the State Engineer and affected water users to develop rules to address well impacts on surface water supplies and Colorado's Compact obligation. As part of that effort, Unit attorneys are defending the State Engineer's approval of Subdistrict No. 1 of the Rio Grande Water Conservation



District that addresses these issues as well as working with the State Engineer and a Special Advisory Committee to promulgate Rules and Regulations to address conjunctive management and establish criteria for the beginning and end of the irrigation season for water division no. 3. Unit attorneys continue to monitor developments related to both the Rio Grande Compact and the Costilla Creek Compact, not only with regards to actual water flow; but also other environmental or endangered species matters that may adversely impact Colorado's ability to meet its compact obligations.

Unit attorneys continue to work with state leaders to address Colorado's compliance with the Republican River Compact, including a proposed compact compliance pipeline, while providing counsel on disputes between Kansas and Nebraska to assure that any position taken by either of those states does not adversely impact Colorado's ability to meet its compact obligations, including continuing efforts to have the Republican River Compact Administration approve Colorado's proposed Compact Compliance Pipeline and successfully defending Colorado's interests against Kansas and Nebraska in the recently concluded arbitration.

Finally, Unit attorneys continue to provide legal counsel to the State Engineer and the CWCB in diverse matters with federal or interstate implications including the continuing development of the Animas-La Plata project, evaluation of potential federal reserved water right claims as part of new Wild and Scenic River designation as well as numerous smaller water court cases throughout the State.

Continually increasing demands for scarce water, both within and without the State, ensure that the Unit's workload remains heavy. As the Unit attorneys take over more of Arkansas Compact matters from outside counsel, that workload will also increase. Downstream states will continue to covet Colorado's compact entitlements and monitor Colorado's actions closely, seeking an advantage for their water users.

### **Colorado River Unit**

The Colorado River Unit focuses on interstate issues regarding the Colorado River, including actions by other states that may impact Colorado's rights under the Colorado River Compact and the Upper Basin Compact.

The Unit attorneys provide counsel on the operation of the Colorado River and its storage and other water projects under the Colorado River and Upper Colorado River Compacts. The Unit provides legal advice on interstate negotiations, agreements, legislation and litigation. These actions include monitoring implementation of interim surplus criteria for the lower Colorado River basin, including California's compliance with its 4.4 Plan, monitoring and joining proposals or litigation that may affect operation of Glen Canyon or Hoover Dam, assist in analyzing the effects of drought on Colorado River water supplies and assist Department of Natural Resources in evaluating Colorado's options to respond to Colorado River shortages, monitoring the effects of disputes within California on California's 4.4 Plan, continuing to participate in talks with the Department of Interior to finalize the Environmental Impact Statement and Record of Decision on implementing

Lower Basin shortages and coordinating Colorado River reservoir operations under low reservoir conditions, monitor implementation of interim surplus criteria for the lower Colorado River basin, and monitoring and providing advice to Department of Natural Resources regarding plans for developing Colorado's apportionment under the Compacts, including the Aaron Million project and other similar projects.

Additionally, the Unit is charged with the long term task of collecting documents and organizing an electronic database for those documents that relate to the development, implementation or interpretation of the Colorado River Compact or the Upper Basin Compact. This includes working with and monitoring outside vendors for the collection, scanning and organization of millions of documents. This work is in anticipation of litigation regarding these Compacts. Because this collection and organization is so time consuming, it must be accomplished well in advance of any actual litigation or disagreement and will have to be continually maintained so as to be an up to date and valuable tool for Colorado to protect its entitlement and its water users.

### **CERCLA Litigation Unit**

The CERCLA Litigation Unit provides legal advice to the three Natural Resources Trustees regarding damages claims, and coordinates HMWMD staff, consultants, expert witnesses, and stakeholders in a timely fashion. The Unit also prepares litigation plans and budgets promptly and accurately. Two recently-settled natural resources damages (NRDs) cases will require significant legal support as stakeholder groups in the north Metro area and in Lake County compete to have potential restoration projects funded from settlement monies. Similar NRDs restoration efforts are on-going at previously settled case sites. The HMWMD has begun a program to identify other possible NRDs claims at contaminant-release sites.

In FY 2009, \$1,062,337 for the State's Past Costs at the Rocky Mountain Arsenal for FY 2007 was deposited in the Hazardous Substance Response Fund ("HSRF"). In FY 2010, \$382,094 for the State's FY 2008 Past Costs for the Rocky Mountain Arsenal was deposited in the HSRF. An additional \$596,000 is also expected to be deposited in the HSRF in FY 2010, for a total Rocky Mountain Arsenal Past Costs recovery of approximately \$978,094.

In addition in FY 2009, approximately \$5.4 million from Newmont Mining for California Gulch Natural Resource Damages will be deposited as follows: General Fund \$427,926; HSRF \$518,195; and Natural Resources Damage Recovery Fund receives the remaining amount of approximately \$4.54 million. Finally, settlement of the Rocky Mountain Arsenal Natural Resource Damage case resulted in \$17.4 million being deposited in the Natural Resources Damage Recovery Fund in FY 09; over time, an additional \$10 million will be deposited in the Natural Resources Foundation Fund established pursuant to § 24-33-108, C.R.S. This money will fund natural resource restoration projects that are part of the Northeast Greenway Corridor Project.

## **I) BACKGROUND INFORMATION: OFFICE OF CONSUMER COUNSEL SECTION.**

This Unit provides full legal services to the Office of Consumer Counsel (“OCC”), a type 1 agency within the Colorado Department of Regulatory Agencies, and the Utility Consumers’ Board. By statute, the OCC is charged with representing the public interest and specific interests of residential, small business, and agricultural consumers in proceedings before the Colorado Public Utilities Commission (“PUC”). Such advocacy most often involves matters relating to proposed changes in electric, gas, and telephone utility rates and services. In addition, the Unit represents the OCC in federal regulatory proceedings affecting Colorado consumers’ rates and services. See Legal Services to State Agencies for Program Summary.

## **II) PRIOR YEARS LEGISLATION**

The Colorado Legislature in 2006, 2007, 2008 and 2009 passed the following legislation affecting energy regulation in Colorado:

HB 06-1281, Concerning the Establishment of a Program to Demonstrate the Use of Breakthrough Advanced Coal Technology to Promote Low-Emitting Coal-Fueled Electricity Generation;

SB 07-022, Concerning the Authority of the Public Utilities Commission to Consider the Needs of Low-Income Households When Setting Utility Rates for Energy;

HB 07-100, Concerning Measures to Ensure the Adequacy of Colorado’s electric Transmission Infrastructure, and, in Connection Therewith, Requiring Utilities to Designate Energy Resource Zones and Authorizing Expedited Cost recovery for the Construction of Transmission Facilities;

HB 07-1037, Concerning Measures to Promote Energy Efficiency, and Making an Appropriation Therefore;

HB 07-1281, Concerning Increased Renewable Energy Standards; and

HB 08-1164, Concerning the Advancement of New Solar Energy Technologies.

HB08-1227, Concerning the Public Utilities Commission, and, in Connection therewith, Continuing the Public Utilities commission under the Sunset Law

HB09-1345, Concerning Integrated Planning for the Construction of Electric Transmission Facilities in Colorado

### III) HOT ISSUES (for the OCC)

Governor Ritter, in November 2007, issued his Colorado Climate Action Plan, A Strategy to Address Global Warming. As a result of the Governor's Climate Action Plan, the above referenced legislation, and the PUC's rulemaking dockets to implement the legislation, the OCC has been heavily involved in numerous proceedings involving these issues. The largest of these dockets was Public Service Company of Colorado's ("Public Service") 2007 Colorado Resource Plan which identifies its electric resource needs through the year 2015. This proceeding is currently in its Phase II stage. Utility resource need filings are made every 4 years but because of the rapid changes in the energy arena, Public Service is going to file another resource plan in 2009.

Public Service's electric resource needs for the 2007 Colorado Resource Plan were affected by the PUC's decisions in other dockets, which included Demand Side Management, Renewable Energy Resources, Interruptible Service Option Plan and various transmission plan applications. HB 07-1037 required the PUC to develop rules for natural gas and electric demand side management programs to develop natural gas and electric savings targets. Electric resource needs will be reduced by the implementation of these conservation measures. HB 07-1281 revised the electric resource standards by requiring electricity to be generated, for utilities under the PUC's jurisdiction, from eligible energy resources in the following amounts: 3% for the year 2007, 5% for the years 2008 through 2010, 10% for the years 2011 through 2014, 15% for the years 2015 through 2019 and 20% for the year 2020 and thereafter. (Municipal utilities and cooperative electric associations have smaller requirements.) The maximum retail rate impact to comply with these standards is 2% of the total electric bill annually for each customer. HB06-1281 (codified at 40-2-123) provides incentives for utilities to consider the use of "new clean energy and energy-efficient technologies" for its electric generation portfolio. For generation that qualifies as a 123 Resource, the utility is allowed to collect approved costs through a separate rate rider. SB09-051 encourages the installation of energy-efficient equipment such as solar panels. The proceedings involving all of the above referenced legislation will be ongoing for many years.

Because of the rising energy costs, SB 07-022 was passed to assist low-income households who are having problems paying their utility bills. The first proposed pilot project to implement this legislation was filed in Public Service's 2008 natural gas rate case and approved by the PUC. The program became operational in January 2009. A similar pilot program for electric customers was filed in Public Service's current 2009 electric rate case.

**IV) WORKLOAD MEASURE (for the OCC)**

Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Request	FY11 Estimate
Achieve customer savings that at least equal the OCC's annual appropriation		2969% \$36,635,349	1690% \$23,452,241	3892% \$58,517,134	
Percent of rate proceedings in which the OCC participated on behalf of consumers		100%	100%	100%	100%

**OCC**

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Number of cases OCC participates	Benchmark	60		60		60			
	Actual	80		89		76			

*Strategy:* The Office of Consumer Counsel ("OCC") unit represents the Office of Consumer Counsel and therefore represents residential, small commercial and agricultural customers before the Public Utilities Commission.

*Evaluation of Prior Year Performance:* Because the cases the OCC unit participates is based on the filings done by electric, natural gas and telephone utilities, the OCC has no control on the number of cases worked on. However, by reviewing the savings chart above, the OCC has saved utility customers millions of dollars.

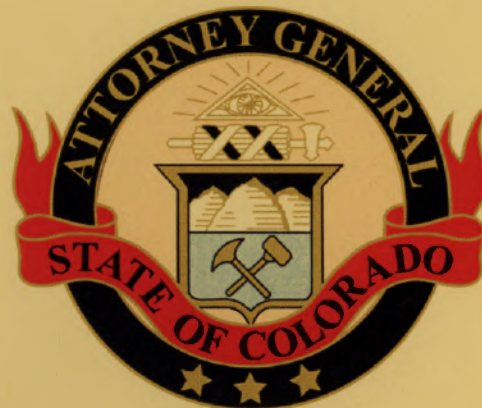
*Key Workload Indicators:* The key workload factor is the amount of customer savings. The number can fluctuate each year because it depends on the number and type of cases filed by utilities. For example, there are potentially more savings in years that a utility or multiple utilities file rate case cases.

# **FY10-11 Reconciliation of Request**

## **Water and Natural Resources**

**(New Format)**

- A. Fed & Interstate Water Unit**
- B. Def of Colorado River**
- C. Def of Republican River**
- D. Consultant Expense**
- E. CERCLA**
- F. CERCLA Contracts**
- G. NR Damage Claims at RMA**



DEPARTMENT OF LAW  
 RECONCILIATION OF DEPARTMENT REQUEST

(4) Water and Natural Resources

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(A) Federal and Interstate Water Unit</b>						
Personal Services						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$492,360	5.5	\$492,360	\$0	\$0	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$492,360</b>	<b>5.5</b>	<b>\$492,360</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Operating Expenses						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$34,512	0.0	\$34,512	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$34,512</b>	<b>0.0</b>	<b>\$34,512</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2010-11 Base Request - Federal and Interstate Water Unit</b>	<b>\$526,872</b>	<b>5.5</b>	<b>\$526,872</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Decision Item Requests						
	\$0	0.0	\$0			
<b>FY 2010-11 November 1st Request - Federal &amp; Interstate Water Unit</b>	<b>\$526,872</b>	<b>5.5</b>	<b>\$526,872</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - Federal and Interstate Water Unit</b>	<b>\$526,872</b>	<b>5.5</b>	<b>\$526,872</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

**(4) Water and Natural Resources**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(B) Defense of the Colorado River Basin Compact</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$458,251	4.0	\$0	\$458,251	\$0	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$458,251</b>	<b>4.0</b>	<b>\$0</b>	<b>\$458,251</b>	<b>\$0</b>	<b>\$0</b>
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$15,078	0.0	\$0	\$15,078	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$15,078</b>	<b>0.0</b>	<b>\$0</b>	<b>\$15,078</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2010-11 Base Request - Defense of the Colorado River</b>	<b>\$473,329</b>	<b>4.0</b>	<b>\$0</b>	<b>\$473,329</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2010-11 November 1st Request - Federal &amp; Interstate Water Unit</b>	<b>\$473,329</b>	<b>4.0</b>	<b>\$0</b>	<b>\$473,329</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - Defense of the Colorado River</b>	<b>\$473,329</b>	<b>4.0</b>	<b>\$0</b>	<b>\$473,329</b>	<b>\$0</b>	<b>\$0</b>



DEPARTMENT OF LAW  
 FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST

(4) Water and Natural Resources

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
(C) Defense of the Republican River Compact						
<u>FY 2009-10 Long Bill Appropriation (SB 09-259)</u>	\$110,000	0.0	\$0	\$110,000	\$0	\$0
FY 10-11 Base Request	\$110,000	0.0	\$0	\$110,000	\$0	\$0
<u>FY 2010-11 November 1st Request - Defense of the Republican River</u>	\$110,000	0.0	\$0	\$110,000	\$0	\$0
FY 2009-10 Previous Year Request - Defense of the Republican River	\$110,000	0.0	\$0	\$110,000	\$0	\$0
(D) Consultant Expenses						
<u>FY 2009-10 Long Bill Appropriation (SB 09-259)</u>	\$50,000	0.0	\$0	\$50,000	\$0	\$0
FY 10-11 Base Request	\$50,000	0.0	\$0	\$50,000	\$0	\$0
<u>FY 2010-11 November 1st Request - Consultant Expenses</u>	\$50,000	0.0	\$0	\$50,000	\$0	\$0
FY 2009-10 Previous Year Request - Consultant Expenses	\$50,000	0.0	\$0	\$50,000	\$0	\$0

**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

**(4) Water and Natural Resources**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(E) Comprehensive Environmental Response, Compensation and Liability Act</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$377,873	3.5	\$352,875	\$0	\$24,998	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$377,873</b>	<b>3.5</b>	<b>\$352,875</b>	<b>\$0</b>	<b>\$24,998</b>	<b>\$0</b>
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$13,305	0.0	\$12,425	\$0	\$880	\$0
<b>FY 10-11 Base Request</b>	<b>\$13,305</b>	<b>0.0</b>	<b>\$12,425</b>	<b>\$0</b>	<b>\$880</b>	<b>\$0</b>
<b>FY 2010-11 November 1st Request - CERLA</b>	<b>\$391,178</b>	<b>3.5</b>	<b>\$365,300</b>	<b>\$0</b>	<b>\$25,878</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - CERLA</b>	<b>\$391,178</b>	<b>3.5</b>	<b>\$365,300</b>	<b>\$0</b>	<b>\$25,878</b>	<b>\$0</b>
<b>(F) Comprehensive Environmental Response, Compensation and Liability Act Contracts</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$500,000	0.0	\$75,000	\$0	\$425,000	\$0
<b>FY 10-11 Base Request</b>	<b>\$500,000</b>	<b>0.0</b>	<b>\$75,000</b>	<b>\$0</b>	<b>\$425,000</b>	<b>\$0</b>
<b>FY 2010-11 November 1st Request - CERLA Contracts</b>	<b>\$500,000</b>	<b>0.0</b>	<b>\$75,000</b>	<b>\$0</b>	<b>\$425,000</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - CERLA Contracts</b>	<b>\$500,000</b>	<b>0.0</b>	<b>\$75,000</b>	<b>\$0</b>	<b>\$425,000</b>	<b>\$0</b>

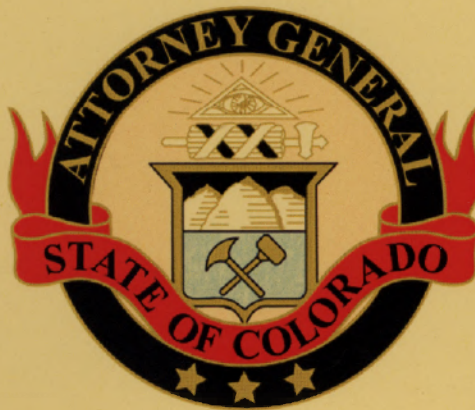
DEPARTMENT OF LAW  
 FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST

(4) Water and Natural Resources

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
(G) Natural Resource Damage Claims at Rocky Mountain Arsenal						
Personal Services						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$196,135	0.0	\$0	\$196,135	\$0	\$0
FY 10-11 Base Request	\$196,135	0.0	\$0	\$196,135	\$0	\$0
Operating Expenses						
FY 2009-10 Long Bill Appropriation (SB 09-259)	(\$1,135)	0.0	\$0	(\$1,135)	\$0	\$0
FY 10-11 Base Request	(\$1,135)	0.0	\$0	(\$1,135)	\$0	\$0
FY 2010-11 Base Request - RMA	\$195,000	0.0	\$0	\$195,000	\$0	\$0
FY 2010-11 November 1st Request - RMA	\$195,000	0.0	\$0	\$195,000	\$0	\$0
FY 2009-10 Previous Year Request - RMA	\$195,000	0.0	\$0	\$195,000	\$0	\$0
(4) Water and Natural Resources						
FY 2009-10 Total Appropriation (Long Bill plus Special Bills)	\$2,246,379	13.0	\$967,172	\$828,329	\$450,878	\$0
FY 2010-11 Base Request	\$2,246,379	13.0	\$967,172	\$828,329	\$450,878	\$0



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**NR & WR - Federal & Interstate Water**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>FEDERAL &amp; INTERSTATE WATER UNIT</b>	545,965	5.5	549,737	5.5	526,872	5.5	590,140	5.5	526,872	5.5
General Fund	545,965		549,737		526,872		590,140		526,872	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	-		-		-		-		-	

(

(

(

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

**FEDERAL & INTERSTATE WATER UNIT**

	Agency 08		Agency 09		Agency 10		Agency 11		Agency 12	
	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds
<b>I. POSITION DETAIL</b>										
First Assistant Attorney General	0.9	96,605	1.0	99,492	1.0	99,492	1.0	99,492	1.0	99,492
Assistant Attorney General	1.0	76,985	3.5	247,210	3.5	249,036	3.5	249,036	3.5	249,036
Assistant Attorney General II	2.0	134,691	-	-	-	-	-	-	-	-
Assistant Attorney General I	1.0	59,700	1.0	65,580	1.0	65,580	1.0	65,580	1.0	65,580
Legal Assistant II	4.9	367,981	5.5	412,282	5.5	414,108	5.5	414,108	5.5	414,108
<b>TOTAL POSITION DETAIL</b>										
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by position )										
Continuation Salary Subtotal	4.9	367,981	5.5	412,282	5.5	414,108	5.5	414,108	5.5	414,108
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal		35,639		41,519		42,032		42,032		42,032
Medicare on Continuation Subtotal		3,750		5,884		6,005		6,005		6,005
Non-Base Building Performance Awards				2,394		-		-		-
Part-Time/Temporary Salaries		244		2,954		20,000		30,215		30,215
Contractual Services										
Leave				388		-		-		-
Other		39,633	5.5	53,138	5.5	68,037	5.5	78,252	5.5	88,469
<b>SUBTOTAL</b>										
(I.C.) PERSONAL SERVICES SUBTOTAL=		407,614	5.5	465,420	5.5	482,145	5.5	492,360	5.5	500,684
A+B										
Difference										
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental		19,647		24,140		25,698		25,698		25,698
Salary Survey		[28,774]		[15,877]		-		-		-
Performance Award		426		[6,800]		587		587		587
Short Term Disability		2,493		6,355		8,144		8,144		8,144
SB 04.257 A.E.D.				2,873		5,004		5,004		5,004
SB 06.235 S.A.E.D.		495		-		-		-		-
Other										
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>		430,675	5.5	499,324	5.5	521,578	5.5	521,578	5.5	521,578
C+D										

[ ] Indicates a Non-add



SCHEDULE 3 - PROGRAM DETAIL

Department of Law	FEDERAL & INTERSTATE WATER UNIT					
	ASBUND 08 Total Funds	ASBUND 09 Total Funds	ASBUND 10 Total Funds	ASBUND 11 Total Funds	ASBUND 12 Total Funds	ASBUND 13 Total Funds
<b>(I.F) DIFFERENCE= II.-I.E</b>						0
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>						
General Fund						
Cash Funds						
Reappropriated Funds						
<b>II. PERSONAL SERVICE REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)</b>						
Previous Year Long Bill						
Salary Survey-Classified						
PBP - Classified						
Salary Survey Exempt						
PBP - Exempt						
OSP .2% Base Reduction						
Subtotal -	430,675	499,324	521,578	492,360	492,360	5.5
<b>II. PERSONAL SERVICES REQUEST TOTAL</b>	430,675	499,324	521,578	492,360	492,360	5.5
General Fund						
Cash Funds						
Reappropriated Funds						

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**FEDERAL & INTERSTATE WATER UNIT**

(obj)	Actual FY 08		Actual FY 09		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>OPERATING EXPENSES</b>								
1930 - Litigation	2,119		4,301		12,343		2,132	
2170 - Waste Disposal Services			2		2			
2230 - Equipment Contract Maintenance			3		3			
2220 - Building Grounds Maintenance								
2231 - ADP Equip Maint/Repair Services			39		39		39	
2232 - Software Upgrades			410		410		410	
2255 - Rental of Buildings	17,376		13,483					
2510 - In State Travel	72		9		9		9	
2511 - In State Common Carrier Fares	373		319		319		319	
2512 - IS Personal Travel Per Diem	1,863		3,306		3,306		3,306	
2513 - IS Personal Vehicle Reimbursement	936		196		196		196	
2514 - State Owned Aircraft	215							
2530 - Out of State Travel	214		15		15		15	
2531 - OS Common Carrier Fares	1,286		158		158		158	
2532 - OS Personal Travel Per Diem	2,551		163		163		163	
2630 - Telephone	3,426		3,845		3,845		3,845	
2631 - Comm Svcs from Outside Sources			1		1		1	
2641 - Other ADP Billings - Purchase Services	9,832		18,366		18,366		18,366	
2660 - Insurance	774		926		926		926	
2680 - Contract Printing	687		301		301		301	
3115 - DP Supplies	21		6		6		6	
3116 - Purchase/Leased Software	187		38		38		38	
3117 - Educational			4		4		4	
3120 - Books & Subscriptions	249		884		884		884	
3121 - Office Supplies	9		20		20		20	
3123 - Postage	1,441		311		311		311	
3132 - Non-Cap. Office/Furn.	252							
3140 - Non-Capitalized IT - PCs	1,177		174					
3141 - Non-Capitalized IT - Servers			12					
3143 - Non-Capitalized IT Other	241		55					
3144 - NonCap IT-Purchased Server SW			4					
4140 - Dues & Memberships	856		867		867		867	
4220 - Registration Fees	483		2,047		2,047		2,047	
6212 - IT Servers Direct Purchase			119		119		119	
6213 - IT PC SW Direct Purchase			30		30		30	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

FEDERAL & INTERSTATE WATER UNIT

Department of Law (cont)	ACQUILITY 08		ACQUILITY 09		APPROPRIATION		ESTIMATE Y 10		REQUEST Y 11	
	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE	TOTAL FUNDS	FTE
Operating Expense Subtotal:	46,641		50,413				44,728		34,512	
<b>OPERATING EXPENSE TOTAL:</b>	<b>46,641</b>		<b>50,413</b>				<b>44,728</b>		<b>34,512</b>	
General Fund	46,641		50,413				44,728		34,512	
General Funds Exempt							-		-	
<b>ROLLFORWARD</b>							-		-	
General Fund							-		-	
<b>Potted Operating Expenses</b>							1,284			
Workers' Compensation							-			
Leased Vehicle Expense							18,109			
Capital Complex Lease Space							-			
Lease Space							-			
IT Asset Maintenance							-			
ADP Capital Outlay							1,688			
CLE Registration Fees							2,754			
Building Security							<b>23,835</b>			
<b>Total</b>							<b>23,835</b>			
General Fund										
General Fund Exempt										
Cash Funds										
Reappropriated Funds										
<b>TOTAL FED &amp; INTERSTATE WATER UNIT</b>	<b>545,965</b>		<b>549,737</b>				<b>590,140</b>		<b>526,872</b>	
General Fund	545,965		549,737				590,140		526,872	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	482,426		505,555				526,872			
Supplemental HB08-1290	(45,000)		(30,000)							
Supplemental SB09-192			22,677							
Salary POTS	24,411		26,386							
Health/Life/Dental	23,438		493							
Short Term Disability	484		6,573							
SB 04.257 A.E.D.	4,731		3,131							
SB 06.235 S.A.E.D.	821		926							
Worker's Compensation	796									

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law	FEDERAL & INTERSTATE WATER UNIT					
	Actual FY 08 Total Funds	Actual FY 09 Total Funds	Appropriated FY 10 Total Funds	Estimated FY 10 Total Funds	Request FY 11 Total Funds	FTE
Capital Complex Lease Space	17,376	15,912		18,109		
Lease Space						
Vehicle Lease Allocation		1,041		-		
IT Asset Maintenance	6,725			-		
ADP Capital Outlay Allocation				2,754		
Building Wiring & Security Upgrade				1,688		
Insurance Reimbursement		1,688		-		
CLE Registration Fees						
Rollforward from Previous FY						
Rollforward to Subsequent FY	(1,066)	(4,644)				
Overexpenditures (Reversions) - GF						
Lapsed Appropriation Cash Fund	515,142	549,738	5.5	590,140	5.5	
<b>TOTAL RECONCILIATION</b>						
<b>GRAND TOTAL</b>	<b>545,965</b>	<b>549,737</b>	<b>5.5</b>	<b>590,140</b>	<b>5.5</b>	<b>5.5</b>
General Fund	545,965	549,737		590,140		
General Fund Exempt						
Cash Funds						
Reappropriated Funds						
Federal Funds						

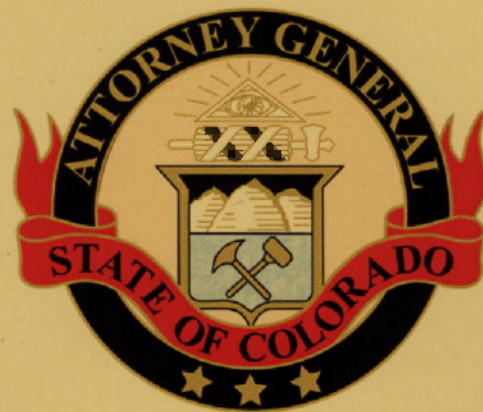


**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law (Item)	FEDERAL & INTERSTATE WATER UNIT					
	Fund Number	Actual FY 2008	Actual FY 2009	Approp. FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>		545,965	549,737	526,872	590,140	526,872
General Funds		545,965	549,737	526,872	590,140	526,872
General Funds Exempt		-	-	-	-	-
Cash Funds		-	-	-	-	-
Reappropriated Funds		-	-	-	-	-
<b>Cash Funds</b>		-	-	-	-	-
<b>Reappropriated Funds</b>		-	-	-	-	-



**FY 10-11 Budget  
Schedules 2,3 and 4  
Defense of the Colorado  
River Compact**





**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law		DEFENSE OF THE COLORADO RIVER COMPACT									
		Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
<b>DEFENSE OF THE COLORADO RIVER COMPACT</b>	376,116	3.8	426,699	4.0	473,329	4.0	508,493	4.0	473,229	4.0	
General Fund	-		2,073		-		35,164		-		
General Fund Exempt	-		-		-		-		-		
Cash Funds	-		424,626		473,329		473,329		473,329		
Reappropriated Funds	376,116		-		-		-		-		



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

**DEFENSE OF THE COLORADO RIVER COMPACT**

Item	Actual FTE	Actual Salary	Appropriation	Estimate FTE	Estimate Salary	Request FTE	Request Salary
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
<b>I. POSITION DETAIL</b>							
First Assistant Attorney General	584	209,904	3.0	209,904	209,904	3.0	209,904
Assistant Attorney General	-						
Assistant Attorney General II	178,609	72,827	1.0	69,432	69,432	1.0	69,432
Assistant Attorney General I	62,904	282,731	4.0	279,336	279,336	4.0	279,336
Legal Assistant II	242,097						
<b>TOTAL POSITION DETAIL</b>							
	<b>242,097</b>	<b>282,731</b>	<b>4.0</b>	<b>279,336</b>	<b>279,336</b>	<b>4.0</b>	<b>279,336</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>							
(Permanent FTE by Position Continuation Salary Subtotal							
<b>(I.B.) OTHER PERSONAL SERVICES</b>							
PERA on Continuation Subtotal	24,343	28,483		28,353	28,353		28,353
Medicare on Continuation Subtotal	2,593	3,032		4,050	4,050		4,050
Non-Base Building Performance Awards	-	-		-	-		-
Part-Time/Temporary Salaries	-	-		-	-		-
Contractual Services	67,131	27,100		80,000	146,412		146,412
Leave							
Overtime	584	827					
Other	94,651	59,441					178,815
<b>SUBTOTAL</b>							
	<b>336,748</b>	<b>342,172</b>	<b>4.0</b>	<b>391,739</b>	<b>458,151</b>	<b>4.0</b>	<b>458,151</b>
<b>(I.C.) PERSONAL SERVICES SUBTOTAL= A+B</b>							
<b>(I.D.) POTS EXPENDITURES</b>							
Health/Life Dental	6,411	10,922		9,615			
Salary Survey	[10,978]	[10,978]		-			
Performance Awards	[2,847]	[2,847]		-			
Short Term Disability	315	368		387			
SB 04.257 A.E.D.	2,907	4,483		5,494			
SB 06.235 S.A.E.D.	636	2,096		3,375			
Other	806	-					

[ ] Indicates a Non-add

**SCHEDULE 3 - PROGRAM DETAIL**

**DEFENSE OF THE COLORADO RIVER COMPACT**

Department of Law

Item	Actual FY08		Actual FY09		Estimate FY10		Request FY11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>	<b>347,823</b>	<b>3.8</b>	<b>360,041</b>	<b>4.0</b>	<b>410,610</b>	<b>4.0</b>	<b>458,151</b>	<b>4.0</b>
C+D								
<b>(I.F.) DIFFERENCE= III-I.E</b>							0	
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>								
General Fund								
Cash Funds								
Reappropriated Funds								
<b>II. PERSONAL SERVICES REQUEST</b>								
<b>(AGGREGATE ADJUSTMENTS TO THE</b>								
<b>BASE APPROPRIATION)</b>							458,151	4.0
Previous Year Long Bill							-	
Salary Survey-Classified							-	
PBP - Classified							-	
Salary Survey Exempt							-	
PBP - Exempt							-	
OSPB .2% Base Reduction							458,151	
<b>SPECIAL BILLS:</b>								
Subtotal -								
<b>II. PERSONAL SERVICES REQUEST</b>	<b>347,823</b>	<b>3.8</b>	<b>360,041</b>	<b>4.0</b>	<b>410,610</b>	<b>4.0</b>	<b>458,151</b>	<b>4.0</b>
<b>TOTAL</b>								
General Fund								
Cash Funds								
Reappropriated Funds								
	347,823		360,041		410,610		458,251	

SCHEDULE 3 - OPER NG PROGRAM DETAIL

DEFENSE OF THE COLORADO RIVER COMPACT

Department of Law

(a)	Actual FY 08		Actual FY 09		Appropriation FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>OPERATING EXPENSES</b>										
1930 - Litigation	535		1				65,046		4,914	
2170 - Waste Disposal Services										
2210 - Bldg Maintenance/Repair Svcs			2				2	2	2	
2220 - Building Grounds Maintenance			29				29	29	29	
2230 - Equipment Contract Maintenance			298				298	298	298	
2231 - ADP Equip Maint/Repair Services										
2232 - Software Upgrades										
2240 - Motor Veh Maint/Repair Svcs										
2251 - Lease Motor Pool Vehicle										
2252 - Motor Pool Mileage Charge										
2253 - Equipment Rental										
2254 - Rental of Motor Vehicles										
2255 - Rental of Buildings	12,638		8,569							
2258 - Parking Fees										
2559 - Parking Fee Reimbursement			15				15	15	15	
2510 - In State Travel			10				10	10	10	
2511 - In State Common Carrier Fares	1,437		369				369	369	369	
2512 - IS Personal Travel Per Diem	-		518				518	518	518	
2513 - IS Personal Vehicle Reimbursement	176		45				45	45	45	
2520 - IS Travel/Non Employee										
2522 - IS Non-Emp - Pers Per Diem										
2530 - Out of State Travel	71									
2530 - Out of State Travel										
2531 - OS Common Carrier Fares	2,326		441				441	441	441	
2532 - OS Personal Travel Per Diem	1,054		4,964				4,964	4,964	4,964	
2630 - Telephone	511		3,376				3,376	3,376	3,376	
2631 - Comm Svcs from Outside Sources			1,426				1,426	1,426	1,426	
2641 - Other ADP Billings - Purchase Service			1				1	1	1	
2660 - Insurance	2,479		715				715	715	715	
2680 - Contract Printing	570		673				673	673	673	
3115 - DP Supplies	3		3				3	3	3	
3116 - Purchase/Leased Software	30		26				26	26	26	
3117 - Educational	2,572		28				28	28	28	
3120 - Books & Subscriptions	83		3				3	3	3	
3121 - Office Supplies	77		908				908	908	908	
3140 - Noncapitalized IT - PCs	2,501		72				72	72	72	
			126							

SCHEDULE 3 - OPERATING PROGRAM DETAIL

DEFENSE OF THE COLORADO RIVER COMPACT

Department of Law

(exp)	Actual FY 08		Actual FY 09		Appropri FY 10		Estimate FY 11		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
3141 - Noncapitalized IT - Servers			8							
3143 - Non-Capitalized IT Other	240		3				690		690	
3146 - Non-Capitalized IT Purchased Server SW	990		3				1,825		1,825	
4140 - Dues & Memberships	-		690				86		86	
4220 - Registration Fees	-		1,825				22		22	
6212 - IT Servers - Direct Purchase			86							
6213 - IT PC SW - Direct Purchase			22							
<b>Operating Expense Subtotal:</b>	28,293		25,254				81,590		15,078	
<b>OPERATING EXPENSE TOTAL:</b>	28,293		25,254				81,590		15,078	
General Fund			2,073							
Cash Funds	28,293		23,181				81,590		15,078	
Reappropriated Funds	-						-		-	
<b>ROLLFORWARD</b>	-		41,402				-		-	
Cash Funds	-		41,402				-		-	
<b>Allocated Operating POTS</b>										
Workers' Compensation										
Leased Vehicle Expense										
Capital Complex Lease Space							13,168			
IT Asset Maintenance							-			
Communication Service Payments							-			
ADP Capital Outlay							1,125			
CLE Registration Fees							2,000			
Building Security										
<b>Total</b>							16,293		15,078	
Cash Funds							16,293		15,078	
Reappropriated Funds							-		-	
<b>TOTAL COLORADO RIVER LITIGATION</b>										
General Fund			426,699							
General Fund Exempt			2,073							
Cash Funds	376,116		424,626				508,493		473,329	
										4.0
										4.0

**SCHEDULE 3 - OPER. NG PROGRAM DETAIL**

**DEFENSE OF THE COLORADO RIVER COMPACT**

**Department of Law**

Item	Accty FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE
Reappropriated Funds	376,116	-	-	-	-	-	-	-	-	-
Federal Funds										
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	758,880	4.0	545,000	4.0			473,329	0.0		
Salary POTS	13,847		-				-			
Health/Life/Dental	11,275		-				9,615			
Short Term Disability	350		352				387			
SB 04.257 A.E.D	3,412		-				5,494			
SB 06.235 S.A.E.D.	592		-				3,375			
Worker's Compensation	550						-			
Capital Complex Lease Space	12,638		11,573				13,168			
Vehicle Lease Allocation							-			
IT Asset Maintenance			721				-			
Office Suite Upgrade							-			
Storage Lease Space							-			
ADP Capital Outlay Allocation							-			
Communication Service Payments							-			
ALJ Allocation							1,125			
CLE Registration Fees							2,000			
Building Security							-			
Rollforward to Subsequent FY	(50,011)		-				-			
Rollforward to Previous FY			50,011				-			
Overexpenditure/(Reversion)			(11,698)							
Lapsed Appropriation Cash Fund			(170,385)							
Lapsed Appropriation Reappropriated Funds	(375,417)	(0.2)								
<b>TOTAL RECONCILIATION</b>	376,116	3.8	426,699	4.0			508,493	0.0		
<b>GRAND TOTAL</b>	376,116	3.8	426,699	4.0			508,493	4.0		4.0
General Fund	-		2,073				35,164			-
Cash Funds	-		424,626				473,329			473,329
Reappropriated Funds	376,116		-				-			-





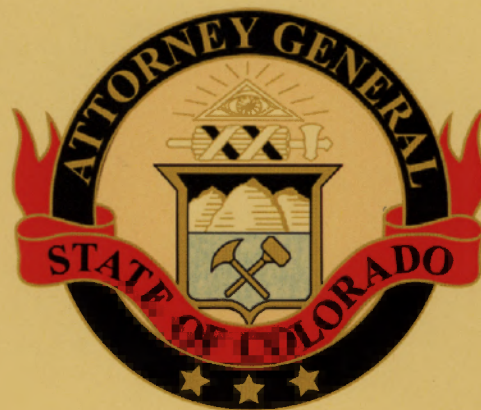
**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**DEFENSE OF THE COLORADO RIVER COMPACT**

Department of Law Item	Fund Number	Actual FY 2008	Actual FY 2009	Approp FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>		376,116	426,699	473,329	508,493	473,229
General Funds		-	2,073	-	35,164	-
General Funds Exempt		-	-	-	-	-
Cash Funds		-	424,626	473,329	473,329	473,329
Reappropriated Funds		376,116	-	-	-	-
<b>Cash Funds</b>		-	424,626	473,329	473,329	473,329
Water Conservation Board Litigation Fund		-	-	-	-	-
<b>Reappropriated Funds</b>		376,116	-	-	-	-
Water Conservation Board Litigation Fund		376,116	-	-	-	-



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**NR & WR - Defense of the Republican**  
**River Compact**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law Item	DEFENSE OF THE REPUBLICAN RIVER COMPACT											
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11			
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>DEFENSE OF THE REPUBLICAN RIVER COMPACT</b>	23,500	-	141,220	-	110,000	-	110,000	-	110,000	-	110,000	-
General Fund	-	-	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-	-	-
Cash Funds	-	-	141,218	-	110,000	-	110,000	-	110,000	-	110,000	-
Reappropriated Cash Funds	23,500	-	-	-	-	-	-	-	-	-	-	-



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	DEFENSE OF THE REPUBLICAN RIVER COMPACT											
	Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>Personal Services</b>												
Part-Time/Temporary Salaries	22,645		52,997				50,000				50,000	
Professional Contractual Services												
Purchased Services- Professional												
Termination/Retirement Payouts												
Overtime Wages												
Other:												
Vacancy Savings												
<b>Subtotal:</b>	22,645	-	52,997	-	50,000	-	50,000	-	50,000	-	50,000	-
<b>Total Personal Services Continuation</b>	22,645	-	52,997	-	50,000	-	50,000	-	50,000	-	50,000	-
<b>PERSONAL SERVICES TOTAL</b>	22,645	-	52,997	-	50,000	-	50,000	-	50,000	-	50,000	-
General Fund	-		-		-		-		-		-	
General Fund Exempt	-		-		-		-		-		-	
Cash Funds	-		52,997		-		-		-		-	
Reappropriated Cash Funds	22,645											



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law DEFENSE OF THE REPUBLICAN RIVER COMPACT**

Department of Law	APPROPRIATION	APPROPRIATION	APPROPRIATION	APPROPRIATION	APPROPRIATION	APPROPRIATION	APPROPRIATION
	08	09	10	11	12	13	14
	08	09	10	11	12	13	14
<b>OPERATING EXPENSES</b>							
1930 - Litigation	366		10,156			57,585	
2530 - Out of State Travel	12		44			44	
2531 - OS Common Carrier Fares	242		741			741	
2532 - OS Personal Travel Per Diem	230		1,347			1,347	
2630 - Telephone			31			31	
2681 - Photocopy Reimbursement			98			98	
3123 - Postage	5		156			156	
<b>Operating Expense Subtotal:</b>	<b>855</b>		<b>12,571</b>			<b>60,000</b>	
<b>OPERATING EXPENSE TOTAL:</b>	<b>855</b>		<b>12,571</b>			<b>60,000</b>	
General Fund	-		-			-	
General Funds Exempt	-		-			-	
Cash Funds	-		12,571			60,000	
Reappropriated Cash Funds	855		-			-	
<b>Potted Operating Expenses</b>							
Workers' Compensation							
Leased Vehicle Expense							
Capital Complex Lease Space							
IT Asset Maintenance							
ADP Capital Outlay							
<b>Total</b>							
General Fund							
<b>Rollforward</b>							
Cash Funds			75,650			-	
Reappropriated Cash Funds			75,650			-	
			-			-	
<b>TOTAL DEFENSE OF THE REPUBLICAN RIVER</b>	<b>23,500</b>		<b>141,218</b>			<b>110,000</b>	
General Fund	-		-			-	
General Fund Exempt	-		-			-	
Cash Funds	-		141,218			110,000	
Reappropriated Cash Funds	23,500		-			-	



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**DEFENSE OF THE REPUBLICAN RIVER COMPACT**

Department of Law	ACTIVITY OF	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE
	ACTIVITY OF	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE
	ACTIVITY OF	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE
	ACTIVITY OF	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE	APPROXIMATE
<b>RECONCILIATION OF FUNDS</b>									
Long Bill Appropriation		110,000							
Special Bills									
Supplemental HB 08-1290		130,000							
Supplemental SB09-192			19,144						
Salary POTS									
Health/Life/Dental									
Short Term Disability									
Worker's Compensation									
Capital Complex Leased Space Allocation									
Vehicle Lease Allocation									
IT Asset Maintenance									
ADP Capital Outlay Allocation		(87,356)							
Rollforward to Subsequent FY									
Rollforward from Previous FY									
Overexpenditure/(Reversion) - GF		(19,144)							
Lapsed Appropriation Reappropriate Funds		23,500							
Lapsed Appropriation Cash Funds									
Total		23,500	141,220	0.0	110,000	0.0	110,000	0.0	110,000
<b>GRAND TOTAL</b>									
General Fund									
General Fund Exempt									
Cash Funds									
Reappropriated Cash Funds									
Federal Funds									

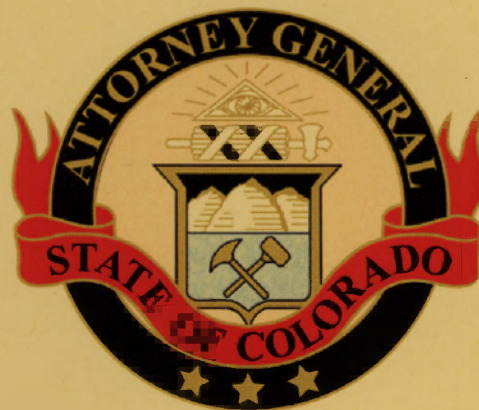
**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**DEFENSE OF THE REPUBLICAN RIVER COMPACT**

Department of Law	Fund Number	Actual FY 2008	Actual FY 2009	Approp FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>		23,500	141,220	110,000	110,000	110,000
General Funds		-	-	-	-	-
General Funds Exempt		-	141,218	110,000	110,000	110,000
Cash Funds		-	-	-	-	-
Reappropriated Cash Funds		23,500	-	-	-	-
<b>Cash Fund</b>			141,218	110,000	110,000	110,000
Colorado Water Conservation Board						
<b>Cash Funds Exempt</b>						
Colorado Water Conservation Board		23,500	-	-	-	-



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**NR & WR - Consultant Expense**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CONSULTANT EXPENSE</b>										
General Fund	36,733	-	92,589	-	50,000	-	50,000	-	50,000	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-
Cash Funds			92,589		50,000		50,000		50,000	
Reappropriated Funds	36,733		-		-		-		-	

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CONSULTANT EXPENSE TOTAL</b>										
General Fund	36,733		92,589		50,000		50,000		50,000	
General Fund Exempt	-		92,589		50,000		50,000		50,000	
Cash Funds	36,733		-		-		-		-	
Reappropriated Funds										
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	50,000		50,000		50,000		50,000		50,000	
<i>Supplemental</i>	20,000		70,000		-		-		-	
Rollforward from Previous FY										
Rollforward to Subsequent FY										
Overexpenditure/(Reversion)	(20,000)									
Lapsed Appropriation Reappropriated	(13,266)		(27,410)							
Lapsed Appropriation Cash Funds										
<b>TOTAL RECONCILIATION</b>	36,734		92,590		50,000		50,000		50,000	



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

**Department of Law**

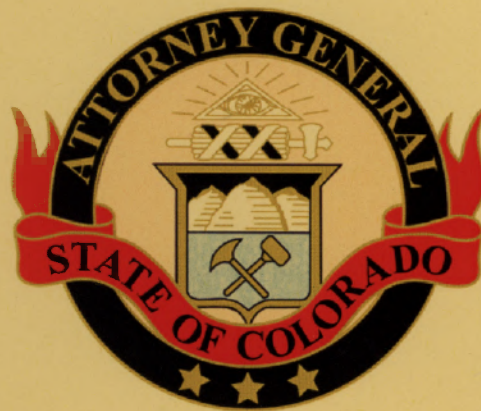
**CONSULTANT EXPENSE**

Item	Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
<b>Schedule 3 Total</b>	36,733	92,589	50,000	50,000	50,000	50,000	50,000	50,000
General Fund								
General Fund Exempt								
Cash Funds		92,589	50,000	50,000	50,000	50,000	50,000	50,000
Reappropriated Funds	36,733	-	-	-	-	-	-	-
<b>Cash Funds</b>								
Attorneys Fees and Costs		92,589	50,000	50,000	50,000	50,000	50,000	50,000
<b>Reappropriated Funds</b>								
Attorneys Fees and Costs	36,733	-	-	-	-	-	-	-





**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**NR & WR - CERCLA**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law	Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
CERCLA		483,107	4.8	460,946	3.9	391,178	3.5	436,768	3.5	391,178	3.5
	General Fund	437,951		439,435		365,300		410,890		365,300	
	General Fund Exempt	488		4,779		-		-		-	
	Cash Funds	-		-		-		-		-	
	Reappropriated Funds	44,667		16,732		25,878		25,878		25,878	
	Federal Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

**Department of Law**

		Actual FY08	Actual FY09	Appropriation	Estimate FY10	Request FY11
		FTE	FTE	FTE	FTE	FTE
		Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
<b>I. POSITION DETAIL</b>						
Senior Assistant Attorney General			0.2	23,124	23,124	0.2
Assistant Attorney General			2.4	189,401	194,489	2.7
Assistant Attorney General II	1.0	92,792				
Assistant Attorney General I	1.5	98,625				
General Professional V	1.0	89,796	0.8	70,803	47,202	0.5
Legal Assistant II	1.3	82,976	0.6	37,004	6,382	0.1
<b>TOTAL POSITION DETAIL</b>		364,189	3.9	320,333	271,197	3.5
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>						
(Permanent FTE by Position)						
Continuation Salary Subtotal	4.8	364,189	3.9	320,333	271,197	3.5
<b>(I.B.) OTHER PERSONAL SERVICES</b>						
PERA on Continuation Subtotal		36,661		34,069	27,526	
Medicare on Continuation Subtotal		3,214		3,134	3,932	
Non-Base Building Performance Awards		1,796		2,888	-	
Part-Time/Temporary Salaries						
Contractual Services		15,867		5,740	25,000	
Annual Leave Payout				18,145	-	
Sick Leave				21,930	-	
Other		424		391	-	
<b>SUBTOTAL</b>		57,963		86,298	56,459	
<b>(I.C.) PERSONAL SERVICES SUBTOTAL=</b>		<b>422,152</b>	<b>3.9</b>	<b>406,630</b>	<b>327,656</b>	<b>3.5</b>
<b>A+B</b>						
<b>(I.D.) POTS EXPENDITURES</b>						
Health/Life Dental		18,997		16,773	19,219	
Salary Survey		[15,164]		[15,026]		
Performance Awards		[6,070]		[5,922]		
Short Term Disability		469		413	482	
SB 04.257 A.E.D.		4,181		5,195	6,936	



SCHEDULE 3 - OPER. .NG PROGRAM DETAIL

Department of Law

Department of Law	COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT									
	Actual FY 08	Actual FY 09	Actual FY 10	Estimate FY 10	Request FY 11	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
<b>OPERATING EXPENSES</b>										
1930 - Litigation	2,177	1,713			56,107				6,140	
2170 - Waste Disposal Services		1			-				-	
2230 - IT Hardware Maint/Repair Svcs		3			-				-	
2231 - ADP Equip Maint/Repair Services	350	34			250				380	
2232 - IT Software Mntc/Upgrade Svcs		358			380					
2255 - Rental of Buildings	15,332	10,530								
2510 - In-State Travel		145								
2511 - In-State Common Carrier Fares		567								
2512 - IS Personal Travel Per Diem	374	472								
2513 - IS Personal Vehicle Reimbursement	69	18								
2530 - Out of State Travel	168	160								
2531 - OS Common Carrier Fares	1,093	553								
2532 - OS Personal Travel Per Diem	397	406								
2630 - Telephone	3,111	1,905			2,200				2,200	
2631 - Comm Svcs from Outside Sources	45	1								
2641 - Other ADP Billings - Purchase Services	5,061	972			972				972	
2660 - Insurance	668	808			808				808	
2680 - Contract Printing	477	578			200				200	
2820 - Other Purchased Svcs		150								
3115 - DP Supplies	2,170	759								
3116 - Purchase/Leased Software		33			33				33	
3117 - Educational		3								
3120 - Books & Subscriptions	2,572	2,442			1,000				1,000	
3121 - Office Supplies	136	345			345				345	
3123 - Postage	217	129			129				129	
3140 - Non-Capitalized IT PC's		151								
3141 - Non-Capitalized IT Servers		10								
3143 - Non-Capitalized IT - Other		3								
3146 - Non-Capitalized IT Purchased Server Software	397	3								
4140 - Dues & Memberships	747	756			250				250	
4220 - Registration Fees		718			718				718	
6212 - IT Servers Direct Purchase		104			104				104	
6213 - IT PC SW Direct Purchase		27			27				27	
<b>Operating Expense Subtotal:</b>	<b>35,562</b>	<b>24,859</b>			<b>63,522</b>				<b>13,305</b>	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

Department of Law (Item)	COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION & LIABILITY ACT											
	Actual FY 08 Total Funds	FTE	Actual FY 09 Total Funds	FTE	Approp. FY 10 Total Funds	FTE	Estimate FY 10 Total Funds	FTE	Request FY 11 Total Funds	FTE	Request FY 11 Total Funds	FTE
<b>OPERATING EXPENSE TOTAL:</b>												
General Fund	35,562		24,859				63,522				13,305	
Cash Funds	35,562		24,859				63,522				13,305	
Reappropriated Funds												
<b>ROLLFORWARD</b>												
General Fund	25,362		-									
Reappropriated Funds	4,819		-									
	20,543											
<b>Potted Operating Expenses</b>												
Workers' Compensation							473					
Leased Vehicle Expense												
Capital Complex Lease Space							11,523					
Lease Space							-					
IT Asset Maintenance							-					
ADP Capital Outlay												
CLE Registration Fees							938					
Building Security							1,751					
<b>Total</b>							14,685					
General Fund							14,685					
Reappropriated Funds							-					
<b>Rollforward - Previous Year</b>												
General Fund Exempt	488		4,779									
	488		4,779									
<b>TOTAL CERCLA</b>												
General Fund	483,107	4.8	460,946	3.9	391,178	3.5	436,768	3.5	391,178	3.5	391,178	3.5
General Fund Exempt	437,951		439,435		365,300		410,890		365,300		365,300	
Cash Funds	488		4,779									
Reappropriated Funds	44,667		16,732		25,878		25,878		25,878		25,878	
Federal Funds												
<b>RECONCILIATION OF FUNDS</b>												
Long Bill Appropriation	452,001	4.8	472,021	4.8			391,178	3.5				
Supplemental SB09-192			(70,000)	(0.5)								
Salary POTS	21,234		20,948									
Health/Life/Dental	18,798		22,120				19,219					





C

C

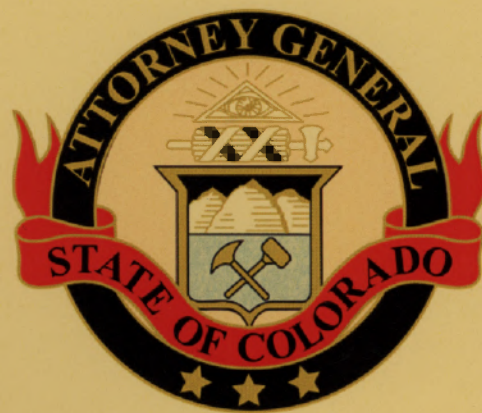
C

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law Item	Fund Number	Actual		Actual FY 2009	Approp FY 2010	Estimate FY 2010	Request FY 2011
		FY 2008	FY 2009				
<b>Schedule 3 Total</b>							
General Funds		483,107	460,946	391,178	436,768	391,178	
General Funds Exempt		437,951	439,435	365,300	410,890	365,300	
Cash Funds		488	4,779	-	-	-	
Reappropriated Funds		-	-	-	-	-	
Federal Funds		44,667	16,732	25,878	25,878	25,878	
<b>Reappropriated Funds</b>							
Hazardous Substance Response Fund		44,667	16,732	25,878	25,878	25,878	



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CERCLA Contracts**



**SCHEDULE 2 - PROGRAM SUMMARY**

**COMPREHENSIVE ENVIRON RESPONSE COMPEN & LIAB ACT CONTRACTS**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CERCLA CONTRACTS</b>	542,307	-	526,861	-	500,000	-	500,000	-	500,000	-
General Fund	115,822		17,682		75,000		75,000		75,000	
General Fund Exempt	1,485		59,179		-		-		-	
Reappropriated Funds	425,000		450,000		425,000		425,000		425,000	

**SCHEDULE 3 - PROGRAM DETAIL**

**COMPREHENSIVE ENVIRON RESPONSE COMPEN & LIAB ACT CONTRACTS**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CERCLA CONTRACTS</b>	540,823		467,682				500,000		500,000	
1920 - Purchased Services - Professional										
<b>Rollforward</b>	1,485		59,179		-		-		-	
General Fund Exempt	1,485		59,179		-		-		-	
Reappropriated Funds	-		59,179							
<b>CERCLA CONTRACTS TOTAL</b>	<b>542,307</b>		<b>526,861</b>		<b>500,000</b>		<b>500,000</b>		<b>500,000</b>	
General Fund	115,822		17,682		75,000		75,000		75,000	
General Fund Exempt	1,485		59,179		-		-		-	
Reappropriated Funds	425,000		450,000		425,000		425,000		425,000	
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	600,000		600,000				526,861			
Supplemental SB09-192	(130,000)		(130,000)							
Rollforward from previous FY	1,485		59,179							
Rollforward to Subsequent FY	(59,179)		-							
Reversion GF	(2)		(2,318)							
<b>TOTAL RECONCILIATION</b>	<b>542,304</b>		<b>526,861</b>				<b>526,861</b>			



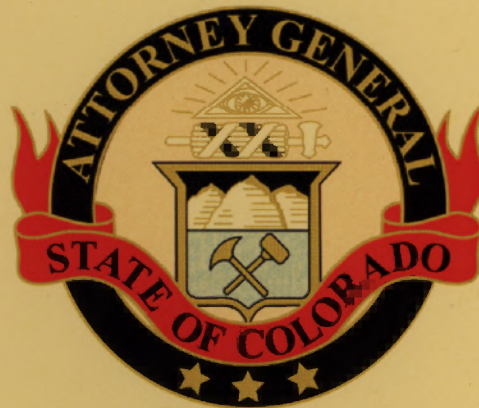
**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law Item	COMPREHENSIVE ENVIRON RESPONSE COMPEN & LIAB ACT CONTRACTS				
	Actual FY 08 Total Funds	Actual FY 09 Total Funds	Approp. FY 10 Total Funds	Estimate FY 10 Total Funds	Request FY 11 Total Funds
<b>Schedule 3 Total</b>	542,307	526,861	500,000	500,000	500,000
General Fund	115,822	17,682	75,000	75,000	75,000
General Fund Exempt	1,485	59,179	-	-	-
Reappropriated Funds	425,000	450,000	425,000	425,000	425,000
<b>Cash Funds</b>					
<b>Reappropriated Funds</b>					
Hazardous Substance Response Fund	425,000	450,000	425,000	425,000	425,000





**FY 10-11  
Budget  
Schedules 2,3 and 4  
Natural Resource  
Damage Claims at  
Rocky MTN Arsenal**



**SCHEDULE 2 - PROGRAM SUMMARY**

**ROCKY MOUNTAIN ARSENAL**

Department of Law Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>NATURAL RESOURCE DAMAGE CLAIMS AT ROCKY MOUNTAIN ARSENAL</b>	928,307	1.9	98,909	0.3	195,000	0.0	195,000	0.0	195,000	0.0
General Fund	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-
Cash Funds	928,307	-	98,909	-	195,000	-	195,000	-	195,000	-
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-
Federal Funds	-	-	-	-	-	-	-	-	-	-



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

ROCKY MOUNTAIN ARSENAL

(Item)	Actual FY 08		Actual FY 09		Appropriation		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>I. POSITION DETAIL</b>										
Senior Assistant Attorney General	61,832	1.0								
Assistant Attorney General I	99,504	0.9	26,114	0.3						
Assistant Attorney General II										
<b>TOTAL POSITION DETAIL</b>	161,336	1.9	26,114	0.3						0.0
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>										
(Permanent FTE by position)										
Continuation Salary Subtotal	161,336	1.9	26,114	0.3						0.0
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	18,362		2,636							
Medicare on Continuation Subtotal	2,611		377							
Non-Base Building Performance Awards	-		-							
Part-Time/Temporary Salaries	17,569		-							
Contractual	553,531		57,643				195,000			195,000
Other	227		112							
<b>SUBTOTAL</b>	592,300		60,768				195,000			195,000
<b>(I.C.) PERSONAL SERVICES SUBTOTAL=</b>										
<b>A+B</b>	753,636	1.9	86,882	0.3			195,000			195,000
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	7,994		1,483							
Salary Survey	-		-							
Performance Awards	-		-							
Short Term Disability	224		29							
SB 04.257 A.E.D.	2,143		364							
SB 06.235 S.A.E.D.	433		130							
Other	428		-							
[ ] Indicates a Non-add										
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b>	764,858	1.9	88,888	0.3			195,000			195,000
<b>C+D</b>										0.0



SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

ROCKY MOUNTAIN ARSENAL

Item	Actual FY 08		Actual FY 09		Appropriation		Estimate FY 10		Request FY 11	
	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds
<b>OPERATING EXPENSES</b>										
1930 - Litigation		2,491	523							
2170 - Waste Disposal Services			5							
2230 - Equipment Maintenance/Repair Svcs			10							
2231 - ADP Equip Maint/Repair Services			117							
2232 - Software Upgrades			1,226							
2255 - Rental of Buildings		6,319	6,160							
2631 - Comm Svcs from Outside Sources		3	2							
2641 - Other ADP Billings - Purchase Services		17	86							
2660 - Insurance		245	348							
2680 - Contract Printing		3	2							
3115 - Data Processing Supplies			17							
3116 - Purchase/Leased Software			113							
3117 - Educational			12							
3123 - Postage			23							
3140 - Non-Capitalized IT- PC's			519							
3141 - Non-Capitalized IT- Servers			35							
3143 - Non-Capitalized IT - Other			12							
3146 - Non-Capitalized IT - Purchased Server SW			11							
4140 - Dues & Memberships		245	378							
6212 - IT Servers Direct Purchase			355							
6213 - IT PC SW Direct Purchase			91							
<b>Operating Expense Subtotal:</b>		9,345	10,022							
<b>OPERATING EXPENSE TOTAL:</b>		9,345	10,022							
General Fund		-	-							
Cash Funds		9,345	10,022							
Reappropriated Funds										
<b>ROLL FORWARD</b>										
General Fund		154,104								
Cash Funds										
<b>Allocated Operating POTS</b>										
Workers' Compensation										
Leased Space Allocation										



**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**ROCKY MOUNTAIN ARSENAL**

	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Restriction										
Overexpenditure/(Reversion) - GF	-		(356)							
Lapsed Appropriation Cash Funds	(785,296)	(0.1)	(2,273,967)	(2.1)						
Lapsed Appropriation Federal Funds	-									
<b>TOTAL RECONCILIATION</b>	<b>928,307</b>	<b>1.9</b>	<b>98,909</b>	<b>0.3</b>			<b>195,000</b>	<b>0.0</b>		
<b>GRAND TOTAL</b>	<b>928,307</b>	<b>1.9</b>	<b>98,909</b>	<b>0.3</b>	<b>195,000</b>	<b>0.0</b>	<b>195,000</b>	<b>0.0</b>	<b>195,000</b>	<b>0.0</b>
General Fund	-		-				-		-	
General Fund Exempt	-		-				-		-	
Cash Funds	<b>928,307</b>		<b>98,909</b>		<b>195,000</b>		<b>195,000</b>		<b>195,000</b>	
Reappropriated Funds	-		-				-		-	
Federal Funds	-		-				-		-	





**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

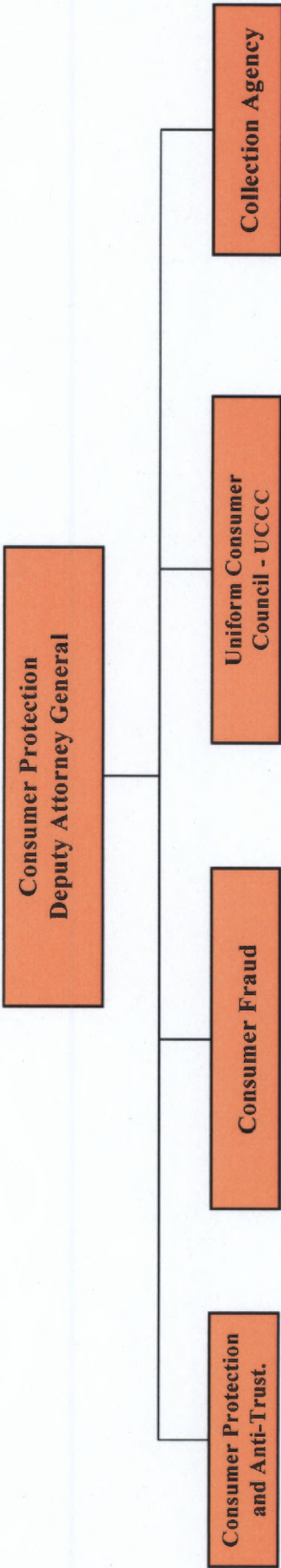
**ROCKY MOUNTAIN ARSENAL**

Department of Law Item	Fund Number	Actual		Approp		Estimate		Request	
		FY 2008	FY 2009	FY 2010	FY 2010	FY 2010	FY 2011	FY 2011	FY 2011
<b>Schedule 3 Total</b>		928,307	98,909	195,000	195,000	195,000	195,000	195,000	195,000
General Funds		-	-	-	-	-	-	-	-
General Funds Exempt		-	-	-	-	-	-	-	-
Cash Funds		928,307	98,909	195,000	195,000	195,000	195,000	195,000	195,000
Reappropriated Funds		-	-	-	-	-	-	-	-
Federal Funds		-	-	-	-	-	-	-	-
<b>Cash Funds</b>		928,307	98,909	195,000	195,000	195,000	195,000	195,000	195,000
CDPHE Hazardous Substance Response Fund		-	-	-	-	-	-	-	-
<b>Reappropriated Funds</b>		-	-	-	-	-	-	-	-
CDPHE Hazardous Substance Response Fund		-	-	-	-	-	-	-	-



# **Consumer Protection**

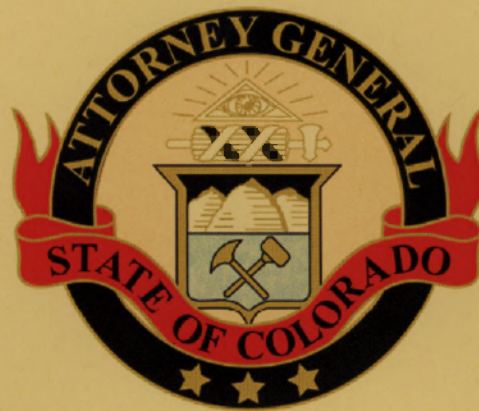
**Consumer Protection**





# Narrative

# Consumer Protection



## **D) BACKGROUND INFORMATION: CONSUMER PROTECTION UNIT**

There are two units that enforce the provisions of the Colorado Consumer Protection Act (“CCPA”) (§§ 6-1-101, *et seq.*, CRS). The Consumer Fraud Unit is composed of 8.5 FTE and handles traditional consumer protection matters such as false advertising, Internet marketing scams and charitable fraud cases.

The Antitrust, Tobacco and Consumer Protection Unit is composed of 9.5 FTE who enforce the Colorado Antitrust Act (“Antitrust Act”) (§§ 6-4-101, *et seq.*, CRS), several specialized consumer protection statutes, such as the No-Call List Act (§§ 6-1-901, *et seq.*, CRS) and all of the consumer protection laws designed to address mortgage and foreclosure rescue fraud. See, e.g., §§ 12-61-904.5, 12-61-911 and 38-40-105 (governing mortgage originator conduct), § 6-1-717, CRS (governing appraisal fraud) and § 6-1-1100, *et seq.*, CRS (Colorado Foreclosure Protection Act). This unit also enforces the tobacco Master Settlement Agreement and related tobacco laws (§§ 39-28-201, *et seq.*, CRS – Tobacco Escrow Funds Act; and §§ 39-28-301, *et seq.*, CRS – Certified Brands Directory Act). Below is a description of how these units handle their enforcement efforts under their statutory provisions.

### **Consumer Fraud**

Consumer fraud investigations and prosecutions are handled by a variety of attorneys, investigators, and support staff through both Units. While most cases are brought under the Colorado Consumer Protection Act, these Units also bring cases under the Charitable Solicitations Act and the Motor Vehicle Repair Act. In addition to purely local cases, attorneys and staff periodically participate in national or multi-state enforcement activities with their counterparts in the Attorney General Offices of other states and with the Federal Trade Commission.

### **Antitrust**

The Attorney General’s antitrust enforcement efforts are directed at protecting consumers and legitimate competitors from a whole range of anticompetitive conduct, including price fixing, conspiracies to suppress competition and mergers that will unreasonably restrain fair competition. The Antitrust, Tobacco and Consumer Protection Unit has one full-time lawyer who enforces the Colorado Antitrust Act and the federal antitrust laws. This position is funded from the general fund. The Attorney General has exclusive jurisdiction to enforce the civil and criminal provisions of the Colorado Antitrust Act. The Attorney General also participates in merger reviews in conjunction with the FTC where the industry at issue implicates statewide interests of concern in Colorado.



## **Tobacco Settlement Enforcement**

Since the State's settlement of the tobacco litigation against the major domestic tobacco companies in 1998, there has been a need for the Attorney General to monitor compliance with the numerous injunctive terms and payment obligations under the Master Settlement Agreement ("MSA") and the Smokeless Tobacco Master Settlement Agreement ("STMSA"). Under these agreements the companies have agreed to a host of marketing restrictions, including a prohibition on youth marketing. Also under these agreements, the companies pay anywhere from \$80.0 - \$100.0 Million to the State of Colorado. The fluctuations in payments depend on various complex adjustments provided for under the MSA which relate to sales volume by the participating companies and market share loss to manufacturers that are not part of the MSA (so called, "nonparticipating manufacturers" or "NPMs").

The Antitrust, Tobacco and Consumer Protection Unit monitors compliance with these injunctive terms and ensures that Colorado's interests are protected under the payment calculation provisions. Colorado is currently engaged in a protracted arbitration under the MSA regarding the amount that the State's payment can be reduced due to NPM sales in 2003. Resolution of this issue will likely influence payment adjustments for subsequent years. This unit also enforces the tobacco related statutes that have been enacted as a result of the MSA. Enforcement of these NPM escrow payment obligations requires this office to work closely with the Department of Revenue.

The Antitrust, Tobacco and Consumer Protection Unit has one full time lawyer who is funded out the tobacco settlement funds.

## **No-Call Enforcement**

The No-Call List Act was enacted in 2002. Since that time over 3.3 Million residential phone numbers have been registered on the no-call list. The no-call list and other procedural aspects of the no-call program are actually administered by the Public Utilities Commission ("PUC"). However, enforcement of violations are handled by one full-time legal assistant and one lawyer within the Antitrust, Tobacco and Consumer Protection Unit. The lawyer splits his time between this work and antitrust enforcement. The legal assistant position is funded through the fees generated by telemarketers who buy the no-call lists each quarter. The attorney position is funded through general funds.

The Attorney General investigates complaints that are reported to the PUC of suspected no-call violations. These investigations involve some detailed work to ensure that the jurisdictional elements of the No-Call List Act are satisfied. They also involve identifying the suspects or telemarketers involved in the violation.

## **Mortgage and Foreclosure Rescue Fraud**

To address the rise in mortgage and foreclosure rescue fraud, the General Assembly passed the Foreclosure Protection Act in 2006 and four mortgage fraud bills in 2007. Also, as part of the 2007 mortgage fraud bills the Antitrust, Tobacco and Consumer Protection Unit was given one lawyer FTE and two investigator FTEs to enforce these new laws and the Foreclosure Protection Act. These three new positions are funded through the licensing fees that are paid by mortgage brokers to get licensed with the Division of Real Estate's Mortgage Broker Program. Because addressing mortgage and foreclosure relief fraud are high priorities for the Attorney General, he has added another full-time lawyer and full-time investigator, both of whom are funded through the general fund, to assist in these enforcement efforts.

The mortgage fraud enforcement efforts are focused on ensuring that proper advertising and lending practices are used by mortgage brokers and lenders when offering loans to Colorado homeowners. These enforcement efforts are also focused on appraisers and other third parties who may be using deceptive trade practices to flip properties or obtain mortgage loans.

With the foreclosure crisis there has also been a rise in scams that prey on homeowners seeking to save their homes from foreclosure. The Foreclosure Protection Act affords homeowners certain protections when dealing with these rescue firms. Most notably the rescue firm cannot charge an upfront fee and cannot take a lien on the property unless certain disclosures are made.

## **II) PRIOR YEAR LEGISLATION**

### **Consumer Fraud**

SB 09-54: Amends the CCPA's civil penalty provision to increase the maximum civil penalty from \$100,000 to \$500,000.

### **Antitrust**

SB 09-54: This law also increased the maximum civil penalty for antitrust violations from \$100,000 to \$250,000.

### **Mortgage and Foreclosure Rescue Fraud**

HB 09-1109: Expands the protections of the Foreclosure Protection Act to borrowers who are not yet in foreclosure, but who are 30 days delinquent on their mortgage. This law was necessary because foreclosure rescue firms had targeted their efforts at homeowners who were not yet in foreclosure. These homeowners are just as much at risk of falling victim to rescue scams as are homeowners in foreclosure. As a result

of this change, the Attorney General has taken immediate action against loan modification companies who are charging homeowners upfront fees to try to modify their loans.

### **III) HOT ISSUES**

#### **Consumer Fraud**

We are seeing a staggering growth in the number of complaints involving Internet sales of consumer goods. Consumers complain about “free” or “trial” offers that actually involve the purchase of more costly goods and confusing or misrepresented refund and return policies.

Charitable fraud cases have increased as has our concentration on this problem. With the decline in the economy, “work from home,” “get rich quick schemes” and “job placement” scams have risen as well.

#### **Antitrust**

During FY09 the Attorney General has placed an emphasis on preventing State losses due to antitrust violations. The Antitrust, Tobacco and Consumer Protection Unit has developed a training program for state purchasing agents to detect signs of possible price fixing when evaluating bids on state contracts. On June 1<sup>st</sup> his staff made a presentation to state purchasing agents at their annual conference.

#### **Tobacco Enforcement**

During the past year, a significant amount of time continues to be expended on the “non-participating manufacturers” adjustment (“NPM Adjustment”) under the MSA. Under the MSA the tobacco companies who settled the tobacco litigation are able to reduce the amount owed under the MSA if they lost market share as a result of NPM sales and the States failed to diligently enforce their escrow laws against these NPMs. The issue as to whether Colorado and the other States diligently enforced their Tobacco Escrow Laws is currently the subject of arbitration proceedings under the MSA. Because application of this adjustment in Colorado could result in a future offset against Colorado’s settlement payments in excess of \$70 million, significant resources are being dedicated to the pursuit of a positive determination of Colorado’s diligent enforcement. Because members of the Attorney General’s staff will be material witnesses in any diligent enforcement proceedings, outside counsel has been retained to represent the State’s interests.

Without some other resolution of this NPM Adjustment issue, similar litigation can be expected to consume significant resources in the upcoming years as well. While these

proceedings deal with Colorado's diligent enforcement during 2003, a similar arbitration is likely with regard to 2004.

### **No-Call**

As discussed in last year's report, enforcement of the no-call list act has changed. In past years no-call enforcement generally involved a high volume of complaints. The suspects were generally located within the United States and could be discovered through traditional investigative techniques. Since 2007 some telemarketers have adopted calling technology and marketing strategies that make it difficult to identify the party that is placing the call. As a result, telemarketers who are intent on violating the law are difficult to track down. These new strategies have changed the dynamic of this enforcement work. While no-call complaints are down, there is a pervasive occurrence of no-call violations in the telemarketing of auto warranties and credit cards. The no-call staff has devoted most of its time to investigating and stopping these violators. As these new strategies become more common we anticipate that these larger, long-term investigations will typify the work of the no-call staff. To maximize the staff's limited resources, they are developing information sharing networks with other state and federal law enforcement agencies.

### **Mortgage and Foreclosure Rescue Fraud**

These cases continue to account for most of the work of the Antitrust, Tobacco and Consumer Protection Unit during FY09. In FY09 the Attorney General wrapped up his effort to stem the false advertising practices of mortgage brokers. He reached five more settlements with mortgage brokers that create truthful advertising standards for mortgage advertising. Three of these settlements prohibit the brokers from advertising "option ARM" loans and the low interest rate (e.g., 1.95%) and monthly payments that come with these loans. *See In re: Mortgage Toolbox*, Assurance of Discontinuance entered July 3, 2008, *In re: Colorado Executive Mortgage*, Assurance of Discontinuance entered December 29, 2008 and *In re: Green River Mortgage*, Assurance of Discontinuance entered April 30, 2009. These low interest rates and payments were advertised with many undisclosed risks that can actually cause the loan to become much more expensive over time. The settlements not only prohibit the advertising of these risky loans but they require greater disclosure of other material terms when advertising traditional 15 and 30-year fixed mortgages and traditional ARMs.

During the past year the Attorney General has also taken action to stop deceptive mortgage broker advertising that makes it look like the solicitation is from the borrower's lender or an official government program. These solicitations are designed to look like they are offering a special loan program. These solicitations are nothing more than a cleverly disguised pitch for refinancing of the borrower's current loan. Borrowers, however, think that they are being offered a special deal. The settlements reached by the Attorney General with these companies stop these

deceptive advertising techniques. See *In re: Assurity Financial, LLC*, Assurance of Discontinuance executed July 29, 2009 and *In re: Tri-Point Realty*, Assurance of Discontinuance executed November 19, 2008.

The Attorney General has also made foreclosure rescue fraud a priority for this staff during the past year. During FY09, there has been a proliferation of loan modification firms that are inundating defaulted borrowers with solicitations representing that the firm can negotiate down their mortgage payments. These firms usually take substantial up-front fees, ranging from \$2,000 - \$3,500. They generally fail to deliver a modification, but they do not refund the fees. The Attorney General has adopted a rapid response enforcement model to protect desperate borrowers from fraudulent modification firms. It has identified dozens of these companies that are taking upfront fees. These fees are now illegal under the Foreclosure Protection Act. See HB 09-1109 (listed above). The Attorney General has already reached agreements with eleven modification firms to prevent them from operating in Colorado. There are dozens more investigations pending against these loan modification firms.

The Attorney General also remains active in multistate groups that are seeking to stem the tide of foreclosures. The most significant result from this multistate effort resulted in a settlement with Countrywide in February 2009. Under this settlement Countrywide has agreed to consider borrowers who originated risky subprime ARMs and option ARMs with Countrywide. Countrywide has also agreed to pay Colorado approximately \$4.4 Million under this settlement. Most of these funds are being paid to borrowers who lost their homes to foreclosure as a result of being sold these risky loans. A portion of these funds are also available for foreclosure relief programs. The Attorney General gave \$500,000 from these funds to increase the outreach of the Foreclosure Hotline. The hotline is administered through the Colorado Department of Housing.

#### **IV) WORKLOAD MEASURES**

##### **Workload Indicators**

Workload measures that are quantifiable are difficult to formulate for the type of consumer protection work that is done by these two units. This office receives thousands of consumer complaints. As a result this office has always had far more cases than it could possibly handle. Therefore, the workload measures have been guided more by enforcement priorities than by quantifiable measures, such as complaints filed, population growth or economic conditions. For example, when foreclosures began to rise in Colorado, the Attorney General moved more resources towards addressing mortgage fraud and foreclosure relief fraud. The Attorney General also sought more resources in conjunction with the mortgage fraud bills that were enacted in order to combat these frauds.

Moreover, quantifiable measures such as consumer complaints filed and population growth have been poor predictors of the consumer protection caseload. For example no-call complaints are down, yet nearly 3.3 Million phone numbers are registered on the no-call list. However, the advent of new calling technology and more diffused telemarketing strategies have actually increased the investigative burden on the no-call enforcement staff. In a similar vein, homeowners who have been sold risky loans through deceptive trade practices, or lost their homes to fraudulent foreclosure rescue scams seldom file complaints with our office regarding these practices. However, mortgage fraud and foreclosure rescue fraud has accounted for the greatest portion of this unit's work during the past two fiscal years.

## CORE OBJECTIVES AND PERFORMANCE MEASURES

### CONSUMER FRAUD

*Objective: Identify and prevent deceptive trade practices in marketplaces affecting Colorado consumers and businesses*

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Investigate and either sue or settle with individuals or entities that are engaged in deceptive trade practices	Benchmark	N/A		N/A		N/A		N/A	
	Actual*	65		82	+21%	56		N/A	

\* FY07 and FY 08 include mortgage fraud investigations whereas these figures are excluded from FY09 figures.

**ANTITRUST**

*Objective: Preserve competition in marketplaces affecting Colorado consumers and businesses by investigating and resolving conduct that is anticompetitive and unreasonably restricts trade in Colorado.*

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Investigate and either sue or settle with individuals or entities that are engaged in anticompetitive conduct such as price fixing, agreeing to restrain trade or entering into mergers that unreasonably restrict competition	Benchmark	N/A <sup>1</sup>		N/A		N/A		N/A	
	Actual	15	+7%	9	-40%	13	+44%	N/A	

*Strategy:*

The figures reported above represent two separate types of enforcement approaches. First, it reports the number of cases investigated, litigated or brought to resolution through settlement or judgment. They include traditional investigations of anticompetitive conduct, such as price fixing and agreements to restrain competition. They also include reviews of mergers that threatened to reduce competition. Many of these cases and investigations were conducted jointly with other state and federal antitrust enforcement agencies.

Second, the figures represent educational efforts that the Attorney General has undertaken to train state purchasing agents to identify possible signs of bid rigging. This educational effort has already resulted in two investigations regarding possible bid rigging on state requests for proposal.

<sup>1</sup> For the reasons stated above, it would be inappropriate for a prosecutor to establish a benchmark for cases investigated and prosecuted. Circumstances beyond the control of the Attorney General dictate the cases that are actually investigated and prosecuted. In order to maintain the integrity of the Attorney General's prosecutorial discretion, quotas should not be placed on the number of cases brought by his consumer protection staff.

## TOBACCO

*Objective: Ensure that the Master Settlement Agreement continues to protect consumers and fair competition in the tobacco industry by enforcing the anti-youth marketing and honest advertising requirements contained in this agreement and protecting the payments owed to Colorado under this settlement.*

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Participate in MSA proceedings to ensure that proper payments are made under the settlement to Colorado.	Benchmark	N/A <sup>2</sup>	N/A	N/A		N/A		N/A	
	Actual	7	+40%	20	+200%	15	-25%	N/A	

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Diligently enforce the tobacco laws requiring escrow payments by NPMs and certification of compliant brands by all tobacco manufacturers	Benchmark	N/A <sup>3</sup>	N/A	N/A		N/A		N/A	
	Actual	75	+275%	69	-8%	70	+1.5%	N/A	

<sup>2</sup> For the reasons stated above, it would be inappropriate for a prosecutor to establish a benchmark for cases investigated and prosecuted. Circumstances beyond the control of the Attorney General dictate the cases that are actually investigated and prosecuted. In order to maintain the integrity of the Attorney General's prosecutorial discretion, quotas should not be placed on the number of cases brought by his consumer protection staff.

<sup>3</sup> For the reasons stated above, it would be inappropriate for a prosecutor to establish a benchmark for cases investigated and prosecuted. Circumstances beyond the control of the Attorney General dictate the cases that are actually investigated and prosecuted. In order to maintain the integrity of the Attorney General's prosecutorial discretion, quotas should not be placed on the number of cases brought by his consumer protection staff.



*Strategy:*

The strategy for tobacco enforcement is to leverage resources by developing coalitions and sharing information with other states in order to enforce the MSA and STMSA. In addition, this unit spends considerable time ensuring that Colorado's payment stream under the MSA is not reduced. Again, this unit coordinates efforts with other states to ensure that proper payments are made and that companies in violation are brought into compliance.

This unit also undertakes local efforts to ensure that tobacco products entering Colorado are sold in compliance with the Colorado Tobacco Escrow Laws and Certified Brands Directory. Through both these multistate and local enforcement efforts, this unit has been able to protect consumers from deceptive tobacco sales and protect the income stream Colorado receives from the tobacco settlements.

These figures represent the varying discreet multistate and local law enforcement efforts that this unit undertakes in order to achieve these goals.

**No-Call**

*Objective: Ensure that residential privacy is protected by actively enforcing the Colorado No-Call List Act.*

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Identify telemarketers who are responsible for the most number of violations and take immediate action to bring them into compliance the No-Call Act.	Benchmark	N/A <sup>4</sup>		N/A		N/A		N/A	
	Actual	73	Statistics not kept in 2006 in same way as FY07 figures calculated	30	-59%	12	-60%	N/A	

*Strategy:*

<sup>4</sup> For the reasons stated above, it would be inappropriate for a prosecutor to establish a benchmark for cases investigated and prosecuted. Circumstances beyond the control of the Attorney General dictate the cases that are actually investigated and prosecuted. In order to maintain the integrity of the Attorney General's prosecutorial discretion, quotas should not be placed on the number of cases brought by his consumer protection staff.

The last two fiscal years have seen dramatic change in no-call enforcement. As discussed above, the most pervasive violations are committed by telemarketers who use calling technology and marketing strategies that are designed to disguise the caller and make it difficult to find out who placed the calls. These investigations require the no-call enforcement staff to undertake the complicated task of tracing calls and identifying the violators. This is a time-consuming process, especially because some violators use foreign companies. Given the prevalence of these calls and the scope of the violations, the Attorney General as determined that resources should be devoted towards tracing and identifying these calls. For this reason the trend shows a significantly lower number of investigations. These investigations, however, are more complicated than those undertaken prior to FY08.

In order to leverage the unit's limited resources, the Attorney General is forging coalitions with other state and federal law enforcement agencies to investigate these violators.

## MORTGAGE AND FORECLOSURE RESCUE FRAUD

*Objective: Protect homeownership in Colorado by ensuring honesty in residential mortgage advertising, maintaining fairness in residential mortgage lending practices and preventing exploitation of homeowners in foreclosure.*

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Investigate individuals and entities that are committing mortgage foreclosure relief fraud.	Benchmark	New program in FY 08	N/A	N/A <sup>5</sup>	N/A	N/A	N/A		
	Actual	- same -	N/A	49 <sup>6</sup>	N/A	104 <sup>7</sup>	+112%		

### *Strategy:*

With the foreclosure crisis persisting, the Attorney General has shifted resources so that the mortgage fraud enforcement staff is combating foreclosure rescue and loan modification fraud. As explained above this staff has adopted a rapid response enforcement model. Under this model the staff is quickly trying to identify loan modification firms that are violating the Foreclosure Protection Act. Once these firms are identified the staff is taking quick action to ensure that these firms stop operating in Colorado.

<sup>5</sup> For the reasons stated above, it would be inappropriate for a prosecutor to establish a benchmark for cases investigated and prosecuted. Circumstances beyond the control of the Attorney General dictate the cases that are actually investigated and prosecuted. In order to maintain the integrity of the Attorney General's prosecutorial discretion, quotas should not be placed on the number of cases brought by his consumer protection staff.

<sup>6</sup> This figure represents investigations or cases that were commenced or resolved during FY 08 under the mortgage fraud and foreclosure protection act provisions of the CCPA. This figure represents the following actions:

- 17 investigations opened
- 11 settlements, assurances of discontinuance or stipulated final judgments reached in cases, regardless of when they were opened
- 2 lawsuits filed; and
- 19 investigations closed with no action

<sup>7</sup> This figure represents investigations or cases that were commenced or resolved during FY 09 under the mortgage fraud and foreclosure protection act provisions of the CCPA. This figure represents the following actions:

- 60 investigations opened
- 18 settlements, assurances of discontinuance or stipulated final judgments reached in cases, regardless of when they were opened; and
- 26 investigations closed with no action

This figure reflects this rapid response approach. The number of investigations has increased dramatically. In addition, the number of resolutions has also increased. The resolutions reflect agreements with these loan modification firms to cease operations in Colorado.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Investigate individuals and entities that are violating various specialized consumer protection provisions of the CCPA.	Benchmark	New program in FY 08	N/A						
	Actual	- same -	N/A	15 <sup>8</sup>	N/A	8 <sup>9</sup>	-46%		

*Strategy:*

Most of this enforcement activity was related to protection against security breaches and protection of personal private information. The strategy for this unit will focus more on these privacy protection and identity theft prevention efforts. Most of the other work of this unit, however, will be occupied with preventing mortgage and foreclosure relief fraud. This last year represented a shift towards these efforts. However, protection of personal private information and preventing identity theft will remain objectives of this unit.

<sup>8</sup> This figure represents investigations or cases that were commenced or resolved during FY 08 under the other specialized consumer protection statutes listed above, *supra* at 1 (with the exception of the tobacco related statutes which are addressed in the Tobacco section above). This figure represents the following actions:

- 4 investigations opened
- 5 settlements, assurances of discontinuance or stipulated final judgments reached in cases, regardless of when they were opened
- 6 cases close with no action

<sup>9</sup> This figure represents investigations or cases that were commenced or resolved during FY 09 under the other specialized consumer protection statutes listed above, *supra* at 1 (with the exception of the tobacco related statutes which are addressed in the Tobacco section above). This figure represents the following actions:

- 2 investigations opened
- 5 settlements, assurances of discontinuance or stipulated final judgments reached in cases, regardless of when they were opened
- 1 case closed with no action

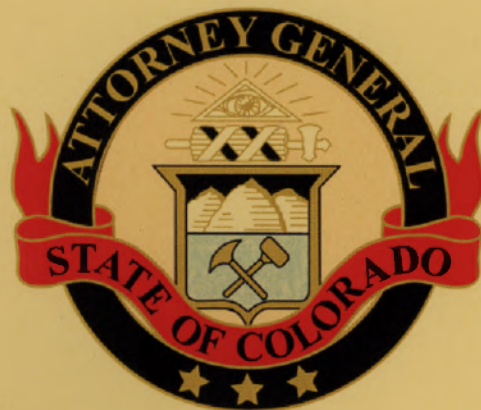


# **FY10-11 Reconciliation of Request**

## **Consumer Protection**

### **(New Format)**

- A. CP and Anti-Trust**
- B. Collection Agency Board**
- C. Uniform Consumer Credit Code**
- D. CP Indirect Cost Assessment**



DEPARTMENT OF LAW  
 FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST

(S) Consumer Protection

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(A) Consumer Protection and Anti-Trust</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$1,664,922	21.0	\$835,410	\$607,370	\$222,142	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$1,664,922</b>	<b>21.0</b>	<b>\$835,410</b>	<b>\$607,370</b>	<b>\$222,142</b>	<b>\$0</b>
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$154,398	0.0	\$77,472	\$56,325	\$20,601	\$0
<b>FY 10-11 Base Request</b>	<b>\$154,398</b>	<b>0.0</b>	<b>\$77,472</b>	<b>\$56,325</b>	<b>\$20,601</b>	<b>\$0</b>
<b>FY 2010-11 Base Request - Consumer Protection and Anti-Trust</b>	<b>\$1,819,320</b>	<b>21.0</b>	<b>\$912,882</b>	<b>\$663,695</b>	<b>\$242,743</b>	<b>\$0</b>
<b>FY 2010-11 November 1st Request - Consumer Protection and Anti-Trust</b>	<b>\$1,819,320</b>	<b>21.0</b>	<b>\$912,882</b>	<b>\$663,695</b>	<b>\$242,743</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - Consumer Protection and Anti-Trust</b>	<b>\$1,819,320</b>	<b>21.0</b>	<b>\$912,882</b>	<b>\$663,695</b>	<b>\$242,743</b>	<b>\$0</b>

**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

**(5) Consumer Protection**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(B) Collection Agency Board</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$282,034	5.2	\$0	\$282,034	\$0	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$282,034</b>	<b>5.2</b>	<b>\$0</b>	<b>\$282,034</b>	<b>\$0</b>	<b>\$0</b>
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$32,391	0.0	\$0	\$32,391	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$32,391</b>	<b>0.0</b>	<b>\$0</b>	<b>\$32,391</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2010-11 Base Request - Collection Agency Board</b>	<b>\$314,425</b>	<b>5.2</b>	<b>\$0</b>	<b>\$314,425</b>	<b>\$0</b>	<b>\$0</b>
<b>Decision Item Requests</b>						
FY10-11 DI - # 1 Increase .5 FTE Legal Assist I	\$30,842	0.3	\$0	\$30,842	\$0	\$0
FY10-11 DI - # 2 Combine CAB/UCCC unit	\$1,034,595	12.5	\$0	\$1,034,595	\$0	\$0
<b>FY 2010-11 November 1st Request - Consumer Protection and Anti-Trust</b>	<b>\$1,379,862</b>	<b>18.0</b>	<b>\$0</b>	<b>\$1,379,862</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - Collection Agency Board</b>	<b>\$314,425</b>	<b>5.2</b>	<b>\$0</b>	<b>\$314,425</b>	<b>\$0</b>	<b>\$0</b>



DEPARTMENT OF LAW  
 FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST

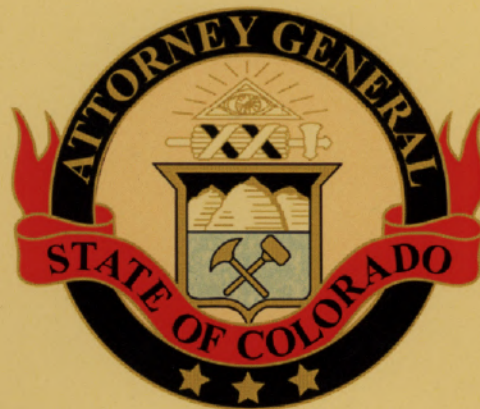
(5) Consumer Protection

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
<b>(C) Uniform Consumer Credit Code</b>						
<b>Personal Services</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$911,133	12.3	\$0	\$911,133	\$0	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Vacancy Savings Reduction	\$0	0.0	\$0	\$0	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$911,133</b>	<b>12.3</b>	<b>\$0</b>	<b>\$911,133</b>	<b>\$0</b>	<b>\$0</b>
<b>Operating Expenses</b>						
FY 2009-10 Long Bill Appropriation (SB 09-259)	\$102,900	0.0	\$0	\$102,900	\$0	\$0
<b>FY 10-11 Base Request</b>	<b>\$102,900</b>	<b>0.0</b>	<b>\$0</b>	<b>\$102,900</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2010-11 Base Request - Uniform Consumer Credit Code</b>	<b>\$1,014,033</b>	<b>12.3</b>	<b>\$0</b>	<b>\$1,014,033</b>	<b>\$0</b>	<b>\$0</b>
<b>Decision Item Requests</b>						
FY10-11 DI - # 1 Increase .5 FTE Legal Assist I	\$20,562	0.2	\$0	\$20,562	\$0	\$0
FY10-11 DI - # 2 Combine CAB/UCCC unit	(\$1,034,595)	(12.5)	\$0	(\$1,034,595)	\$0	\$0
<b>FY 2010-11 November 1st Request - Uniform Consumer Credit Code</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FY 2009-10 Previous Year Request - Uniform Consumer Credit Code</b>	<b>\$1,014,033</b>	<b>12.3</b>	<b>\$0</b>	<b>\$1,014,033</b>	<b>\$0</b>	<b>\$0</b>

**DEPARTMENT OF LAW**  
**FY 2010-11 RECONCILIATION OF DEPARTMENT REQUEST**

(5) Consumer Protection		Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
(D) Indirect Cost Assessment								
		FY 2009-10 Long Bill Appropriation (SB 09-259)	\$328,698	0.0	\$0	\$291,487	\$37,211	\$0
		FY 10-11 Base Request	\$328,698	0.0	\$0	\$291,487	\$37,211	\$0
		FY 2010-11 Base Request - Indirect Cost Assessment	\$328,698	0.0	\$0	\$291,487	\$37,211	\$0
		FY 2009-10 Previous Year Request - Indirect Cost Assessment	\$328,698	0.0	\$0	\$291,487	\$0	\$0
(5) Consumer Protection								
		FY 2009-10 Total Appropriation (Long Bill plus Special Bills)	\$3,476,476	38.5	\$912,882	\$2,283,640	\$242,743	\$0
		FY 2010-11 November 1st Request	\$3,527,880	39.0	\$912,882	\$2,335,044	\$279,954	\$0

**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CP - Consumer Protection/Anti-trust**



**SCHEDULE 2 - PROGRAM SUMMARY**

**CONSUMER PROTECTION & ANTI-TRUST**

Department of Law Item	Actual FY 08		Actual FY 09		Approp. FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>CONS. PROTECT. &amp; ANTI-TRUST</b>	1,721,339	18.0	1,938,547	19.1	1,819,320	21.0	2,081,014	21.0	1,819,320	21.0
General Fund	965,065		869,025		912,882		1,064,016		912,882	
General Fund Exempt	-		-		-		-		-	
Cash Fund	79,988		813,536		663,695		745,849		663,695	
Reappropriated Funds	676,286		255,985		242,743		271,149		242,743	
Federal Funds										



**SCHEDULE 3 - PERSONAL SERVICES PROGRAM DETAIL**  
**CONSUMER PROTECTION & ANTI-TRUST**

**Department of Law**

Item	Actual FY 08		Actual FY 09		Appropri FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>I. POSITION DETAIL</b>										
Deputy Attorney General	120,496	1.0	124,728	1.0	124,728	1.0	124,728	1.0	124,728	1.0
First Assistant Attorney General	189,744	2.0	198,573	2.0	200,520	2.0	200,520	2.0	200,520	2.0
Senior Assistant Attorney General			482,564	6.5	495,211	7.0	495,211	7.0	495,211	7.0
Assistant Attorney General										
Assistant Attorney General II	446,707	6.5								
Assistant Attorney General I										
Attorney I										
Criminal Investigator II	78,615	1.0	80,134	1.0	81,708	1.0	81,708	1.0	81,708	1.0
Criminal Investigator I	73,438	1.3	121,740	2.0	121,740	2.0	121,740	2.0	121,740	2.0
Comp Investigator I	17,868	0.3	56,352	1.0	56,352	1.0	56,352	1.0	56,352	1.0
Legal Assistant II	94,956	2.0	99,828	2.0	99,828	2.0	99,828	2.0	99,828	2.0
Legal Assistant I										
General Professional IV	57,456	1.0	38,007	0.6	69,996	1.0	69,996	1.0	69,996	1.0
General Professional III	49,268	1.0	55,360	1.0	55,524	1.0	55,524	1.0	55,524	1.0
Program Assistant II	40,886	1.0	42,864	1.0	42,864	1.0	42,864	1.0	42,864	1.0
Program Assistant I	46,776	1.0	49,176	1.0	49,176	1.0	49,176	1.0	49,176	1.0
Administrative Assistant II										
<b>TOTAL POSITION DETAIL</b>	<b>1,216,211</b>	<b>18.0</b>	<b>1,349,325</b>	<b>19.1</b>	<b>1,397,647</b>	<b>21.0</b>	<b>1,397,647</b>	<b>21.0</b>	<b>1,397,647</b>	<b>21.0</b>



**SCHEDULE 3 - PROGRAM DETAIL**

**CONSUMER PROTECTION & ANTI-TRUST**

Department of Law	Actual FY 00		WVLEY 00		Estimate FY 00		Request FY 00	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>(I.A.) CONTINUATION FTE SALARY COST</b>	1,216,211	18.0	1,349,325	19.1	1,397,647	21.0	1,397,647	21.0
(Permanent FTE by position)								
Continuation Salary Subtotal								
<b>(I.B.) OTHER PERSONAL SERVICES</b>								
PERA on Continuation Subtotal	110,300		20,588		141,861		141,861	
Medicare on Continuation Subtotal	16,464		19,293		20,266		20,266	
Non-Base building Performance Awards			7,103		-		-	
Part-Time/Temporary Salaries	31,379		79,895		-		-	
Contractual Services	29,563		7,620		106,214		105,148	
Overtime Pay								
Sick Leave Conversion			139					
Termination/Retirement Payouts	471		7,342					
Employment Security Payments								
Other	14,580		123,038					
Special Bills			265,018		268,341		267,275	
<b>SUBTOTAL</b>	202,757							
<b>(I.C.) PERSONAL SERVICE</b>								
<b>SUBTOTAL= A+B</b>	1,418,967	18.0	1,614,343	19.1	1,665,988	21.0	1,664,922	21.0
<b>(I.D.) POTS EXPENDITURES</b>								
Health/Life/Dental	70,476		99,053		114,750			
Salary Act/Merit	[46,730]		[54,451]		-			
Performance Awards	[15,514]		[19,118]		-			
Short Term Disability	1,543		1,753		1,996			
SB 04.257 A.E.D.	14,324		22,134		27,498			
SB 06.235 S.A.E.D.	2,857		10,142		17,016			
Other	2,411		1,865		2,200			
[ ] Indicates a Non-add								
<b>(I.E.) BASE PERSONAL SERVICES</b>								
<b>TOTAL = C+D</b>	1,510,578	18.0	1,749,290	19.1	1,810,232	21.0	1,664,922	21.0
General Fund					912,480		835,410	
General Funds Exempt					679,163		607,370	
Cash Funds					218,589		222,142	
Reappropriated Funds					-		-	
<b>(I.F.) DIFFERENCE= I-I.E.</b>								





**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**CONSUMER PROTECTION & ANTI-TRUST**

**Department of Law**

Item	Actual FY 08		Actual FY 09		Estimate FY 10		Estimate FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>OPERATING EXPENSES</b>								
1930 - Purchased Services - Litigation	24,727		22,249		45,000		29,050	
2170 - Waste Disposal Services	59		25		25		25	
2230 - Equipment Contract Maintenance	51		48		48		48	
2231 - ADP Equip Maint/Repair Services	1,203		2,160		2,160		2,160	
2232 - Software Upgrades	4,922		6,070		7,500		7,500	
2251 - Rental/Lease Motor Pool Veh	2,595		4,600		4,600		4,600	
2252 - Leased Vehicle - Variable	1,313		1,353		1,500		1,500	
2255 - Rental of Building	53,766		38,985		3,200		3,200	
2258 - Parking	1,360		2,460		50		50	
2510 - In State Travel	47		18		100		100	
2512 - IS Personal Travel Per Diem	21		49		700		700	
2513 - IS Pers Vehicle Reimbursement	136		469		550		550	
2530 - Out of State Travel	1,666		1,019		3,500		3,500	
2531 - OS Common Carrier Fares	3,826		2,925		4,500		4,500	
2532 - OS Personal Travel Per Diem	28,707		4,325		28,000		28,000	
2630 - Comm Service Div of Telecom	2,372		2,893		2,893		2,893	
2631 - Comm Svcs from Outside Sources	9,512		12,521		15,000		15,000	
2641 - Other ADP Billing	2,363		3,415		3,415		3,415	
2660 - Insurance	2,070		4,394		4,400		4,400	
2680 - Contract Printing	4,235		482		1,250		1,250	
2820 - Other Purchased Services	1,504		1,605		1,800		1,800	
3115 - DP Supplies	860		2,046		2,100		2,100	
3116 - Purchased/Leased Software	245		364		550		550	
3117 - Educational	6,156		16,165		17,000		17,000	
3120 - Books & Subscriptions	3,397		3,020		3,500		3,500	
3121 - Office Supplies	5,156		6,628		7,000		7,000	
3123 - Postage	1,665		1,220					
3128 - Non-Capitalized Equipment	26,023							
3131 - Noncapitalized Bldg Materials	6,069		2,558					
3132 - Non-Cap Office Furn-Off Systems	7,062		2,567					
3140 - Non-Capitalized IT - PC's	137		171					
3141 - Non-Capitalized IT Servers	2,879		6,008					
3143 - Non-Capitalized IT Other	3,021		56					
3146 - Non-Capital. IT Purchsd. Server Software	37		3,794		3,800		3,800	
4140 - Dues & Memberships								
4180 - Official Functions								

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law CONSUMER PROTECTION & ANTI-TRUST**

Item	Actual FY 08		Actual FY 09		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
4220 - Registration Fees	945		3,913		4,000		4,000	
6212 - IT Servers Direct Purchase	653		1,758		1,758		1,758	
6213 - IT PC SW- Direct Purchase			450		450		450	
<b>Operating Expense Subtotal:</b>	<b>210,761</b>		<b>189,256</b>		<b>170,348</b>		<b>154,398</b>	
<b>OPERATING EXPENSE SUBTOTAL:</b>	<b>210,761</b>		<b>189,256</b>		<b>170,348</b>		<b>154,398</b>	
General Fund	87,576		148,047		103,234		77,472	
General Fund Exempt	-		-		-		-	
Cash Funds	-		33,536		35,251		56,325	
Reappropriated Funds	123,185		7,673		31,863		20,601	
<b>Potted Operating Expenses</b>								
Workers' Compensation					2,583			
Vehicle Leased Expense					4,878			
Capital Complex Lease Space					65,848			
Leased Space					-			
IT Asset Maintenance					12,400			
Communication Service Payments					592			
ADP Capital Outlay					-			
CLE Registration Fees					4,125			
Building Security					10,008			
<b>Total</b>					<b>100,434</b>			
General Fund					48,302			
Cash Funds					31,435			
Reappropriated Funds					20,697			
<b>Rollforwards</b>								
Reappropriated Funds					-			
<b>TOTAL CONSUMER PROTECTION</b>	<b>1,721,339</b>	<b>18.0</b>	<b>1,938,547</b>	<b>19.1</b>	<b>2,081,014</b>	<b>21.0</b>	<b>1,819,320</b>	<b>21.0</b>
General Fund	965,065		869,025		1,064,016		912,882	
General Fund Exempt	-		-		-		-	
Cash Funds	79,988		813,536		745,849		663,695	
Reappropriated Funds	676,286		255,985		271,149		242,743	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**Department of Law**

**CONSUMER PROTECTION & ANTI-TRUST**

(Item)	Actual FY 08		Actual FY 09		Estimate FY 10		Estimate FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>RECONCILIATION OF FUNDS</b>								
Long Bill Appropriation	1,481,229	17.0	1,768,735	20.0	1,819,320	21.0	1,819,320	21.0
Special Bills	(450,957)	(5.3)						
HB08-1290 - Supplemental	186,349	2.3						
SB07-203 Mortgage Loan Transaction	265,085	3.0						
SB07-216 Mortgage Loan Fraud	264,608	3.0	(33,495)					
HB07-1322 Mortgage Fraud Prevention								
SB09-192								
Allocated POTS:								
Salary POTS	62,244		73,569					
Health/Life/Dental	56,997		77,623		114,750			
Short Term Disability	1,339		1,739		1,996			
SB 04.257 A.E.D.	12,917		20,323		27,498			
SB 06.235 S.A.E.D.	2,425		10,164		17,016			
Worker's Compensation	2,450		3,415		2,583			
Vehicle Lease Payments	1,995		4,916		4,878			
Capital Complex Lease Space	53,710		59,447		65,848			
Lease Space								
ADP Capital Outlay	6,725							
Communication Service Payments	745		592		592			
IT Asset Maintenance	8,293		15,190		12,400			
CLE Registration Fees			4,125		4,125			
Building Security					10,008			
Year-End Transfer								
Rollforward from previous FY								
Rollforward to subsequent FY								
Overexpenditure/(Reversion) - GF	(17,489)							
Lapsed Appropriation Reappropriated Fund	(217,324)	(2.0)	(13,770)	(0.2)				
Lapsed Appropriation Cash Fund			(54,026)	(0.7)				
<b>TOTAL RECONCILIATION</b>	1,721,338	18.0	1,938,547	19.1	2,081,014	21.0		
<b>TOTALS</b>	1,721,339	18.0	1,938,547	19.1	2,081,014	21.0	1,819,320	21.0
General Fund	965,065		869,025		1,064,016		912,882	
General Fund Exempt								
Cash Funds	79,988		813,536		745,849		663,695	
Reappropriated Funds	676,286		255,985		271,149		242,743	



**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

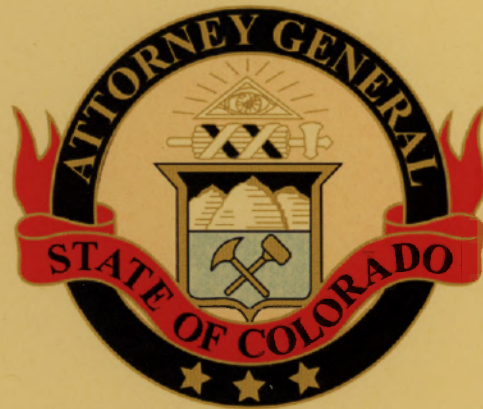
**Department of Law**

**CONSUMER PROTECTION & ANTI-TRUST**

Department of Law	Fund Number	Actual FY 2008	Actual FY 2009	Approp. FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>		1,721,339	1,938,547	1,819,320	2,081,014	1,819,320
General Fund		965,065	869,025	912,882	1,064,016	912,882
General Fund Exempt		-	-	-	-	-
Cash Funds		79,988	813,536	663,695	745,849	663,695
Reappropriated Funds		676,286	255,985	242,743	271,149	242,743
Federal Funds		-	-	-	-	-
<b>Cash Funds</b>		79,988	813,536	663,695	745,849	663,695
Dept of Local Affairs (Manufactured Home Fund)		20,784	20,784	20,784	20,784	20,784
No Call Fund Source		59,204	30,109	45,863	53,088	45,863
146 Custodial Fund Balance			612,383	362,392	384,035	362,392
Tobacco Litigation Defense Account			150,260	154,656	167,527	154,656
UCCC Custodial			-	80,000	120,415	80,000
<b>Reappropriated Funds</b>		676,285	255,985	242,743	271,149	242,743
Custodial Fund Balance		373,683	-	-	-	-
Tobacco Litigation Defense Account		85,015	-	-	-	-
UCCC Custodial		86,409	-	-	-	-
Division of Real Estate		131,178	255,985	242,743	271,149	242,743



**Narrative  
Collection  
Agency Board  
and  
Uniform Consumer  
Credit Code**





## **D) BACKGROUND INFORMATION: UNIFORM CONSUMER CREDIT CODE (UCCC)/COLLECTION AGENCY (CAB)**

This Unit enforces six state laws relating to consumer credit and debt collections. It has a combined FTE total of 17.5 with 12.25 in consumer credit and 5.25 in debt collection.

### **Consumer Credit:**

The Consumer Credit group enforces the Colorado Uniform Consumer Credit Code (UCCC) (consumer lending); Uniform Debt Management Services Act (credit counseling and debt settlement); Credit Services Organization Act (CSOA) (credit repair), and Rental Purchase Agreement Act (CROA) (rent-to-own).

**UCCC:** The UCCC protects the rights of consumers who borrow money, establishes reasonable limits on interest rates and fees, fosters fair competition among lenders, and promotes an adequate supply of credit. The UCCC also includes the Colorado Consumer Equity Protection Act (restricting certain terms in high-cost loans) and Deferred Deposit Loan Act (payday loans). The group licenses and examines lenders who make high-rate loans – defined as loans with an annual percentage rate of more than 12%, including deferred deposit or “payday” lenders. There is an advisory board – the Council of Advisors on Consumer Credit. The UCCC contains a licensing exemption for residential first mortgage acquisition and refinance loans.

**Debt Management:** As of January 1, 2008, the group regulates debt management companies, with registration required as of July 1, 2008. These entities act as an intermediary between an individual and his or her creditors to obtain concessions such as reduction of interest, waiver of fees, etc. The law includes both traditional credit counseling companies that distribute periodic payments to creditors, and debt settlement companies that attempt to negotiate with creditors to settle a debt for a lesser amount. Companies that enter into contracts with Colorado consumers are subject to strict regulation including registration, bonding, insurance requirements, fee limitations, and contract and disclosure requirements. The group conducts compliance examinations and investigates complaints.

**Credit Repair and Rent-To-Own:** Companies that engage in credit repair contract with consumers to remove old and inaccurate information from credit reports. The law requires written contracts and disclosures and prohibits advance fees. There is no licensing or registration. The group investigates complaints. Complaints typically increase during economic downturns. Rent-to-own companies rent goods to consumers with impaired credit and payments are due weekly or monthly. The consumer can continue to make payments and eventually own the items or stop payments and return the items at any time. Fees and costs are typically higher than with retail purchases. There is no licensing or registration. The group investigates complaints.

## **Debt Collection:**

**Colorado Fair Debt Collection Practices Act:** This group enforces the Colorado Fair Debt Collection Practices Act (CFDCPA) – the state’s law on consumer debt collection. The law protects businesses that place accounts for collection and protects consumers contacted by collection agencies. This ensures that all collection agencies act in compliance with the law and there is no unfair competition. The group licenses collection agencies, investigates complaints of unlawful activity, and takes administrative discipline against collection agencies that violate the law. There is an advisory Collection Agency Board.

**Colorado Child Support Collection Consumer Protection Act:** This law specifically governs collection of child support by private collection agencies contracting with custodial parents (not governmental agencies). In addition to incorporating most of the CFDCPA’s provisions, including licensing, the law provides additional provisions specifically applicable to child support collection.

## **II) PRIOR YEAR LEGISLATION**

**Consumer Credit:** HB 09-1141, Laws Enforced by the UCCC Administrator, Rep. Ferrandino, Sen. White, amended four statutes. Amendments to the UCCC limited the amounts of delinquency and insufficient funds fees on auto leases. Prior to the legislation, these fees were limited on credit sales of automobiles but not on leases. Other amendments changed the UCCC’s fee structure by: simplifying the fee structure for creditors; eliminating unnecessary fees; allowing fees to be set administratively rather than by statute, subject to permitted cash fund reserves; and increasing the permitted cash fund reserve. It also broadens examination authority over creditors offering consumer credit. The legislation removed a potential conflict in the debt management law by exempting entities subject to foreclosure rescue laws and closed a loophole in the credit repair law exempting non-profits from certain consumer protections such as advance fee prohibitions.

No bills on deferred deposit/payday lending were introduced.

**Debt Collection:** HB 09-1141, described above, also amended the collection laws by repealing unnecessary language remaining after the 2008 repeal of the collections manager testing requirement.

## **III) HOT ISSUES:**

### **Consumer Credit:**

- There may be legislation introduced in the 2010 General Assembly on payday lending. Depending on the particular bill, the state payday lending industry and numbers of licensees may change.
- During FY09, substantial consumer credit legislation was passed at the federal level on mortgage lending and credit cards. There are also pending federal bills to

reduce the legal annual percentage rates on payday loans and to revamp federal regulatory oversight with a Consumer Financial Protection Agency. Any federal legislation in these areas may preempt state laws and have a substantial impact on existing licensees. In addition, the Federal Trade Commission has proposed regulations that may prohibit “debt relief” companies from collecting advance fees. If adopted, this rule would effectively eliminate the model used by many of the current debt management registrants.

- Two major lawsuits from prior fiscal years are ongoing. The first one involves various unlicensed internet payday lenders and claims that loans are made by arms of Native American Indian tribes and immune from state regulation. The case is now at the Colorado Supreme Court. A decision is likely by the end of FY10. In addition, the unit filed a lawsuit against a licensed lender for making unconscionable loans without regard to borrowers’ repayment ability. That case is set for trial near the end of FY10.
- The continued slowdown in the economy will likely impact the consumer credit area. There may be more violations of the credit and collection laws involving repossession issues, debt purchasing, and collection practices. The number of licensed lenders is expected to be fairly flat as less new credit is extended. As a January 1, 2010, and pursuant to amendments in HB 09-1141, the group will conduct periodic compliance examinations of retailers that extend credit, and sales finance companies that collect credit contracts. Previously, staff could only examine licensed lenders and creditors that failed to file required annual notification documents.
- There will likely be continued enforcement activity under the debt management law with investigations of non-compliant companies. During FY09, the first year of this registration program, the group was responsible for almost \$1.2 million in consumer refunds for unlawful activity. In addition, the first compliance examinations of debt management registrants will occur in FY10.
- In FY09, the administrator adopted rules at two rulemaking hearings – one to set fees for calendar year 2009, and the other to implement changes from HB 09-1141, described above.

#### **Debt Collection:**

- The economic situation has also impacted collection agencies. The number of licenses has steadily increased, although the increase is small. However, agencies report collections are down as more consumers are unemployed. This can result in the filing of more collection lawsuits and possibly increased consumer complaints.
- As of July 1, 2010, the Colorado Fair Debt Collection Practices Act’s in-state office requirement will sunset unless it is continued by a bill in the 2010 General Assembly. Out-of-state collection agencies with a Colorado license must maintain

an office in the state to retain records of Colorado collection activity. The sunset review analysis commenced in late FY09 and the Department of Regulatory Agencies' sunset report is due October 1, 2009. During the 2008 sunset review of the entire program, the Department of Law recommended that this requirement be repealed as unnecessary regulation but it was continued for another two year.

- In February 2009, the Federal Trade Commission made recommendations to Congress for changes in the similar federal law for better consumer protection. If a bill is passed in Congress, it may require some conforming changes to Colorado law as federal law preempts state laws that provide fewer consumer protections.
- In FY09, the administrator adopted rules to implement changes in the law from HB 08-1240, the 2008 sunset review and continuation bill.

#### **IV) WORKLOAD MEASURE:**

##### **WORKLOAD INDICATORS**

<b>Consumer Credit</b>					
<b>Workload Measure</b>	<b>Unit</b>	<b>FY 08 Actual</b>	<b>FY 09 Actual</b>	<b>FY 10 Estimate</b>	<b>FY11 Request</b>
New Licenses Issued (UCCC)	Number	311	161	150	200
License Total on June 30	Number	1,381	1,091	1,100	1,500
New Registrations Issued (Debt Management) <sup>1</sup>	Number	0	42	60 <sup>2</sup>	60
Written Complaints Received (UCCC, CSOA, CROA)	Number	399	396	450	475
Written Complaints Received (Debt Management)	Number	5	45	60	75
Compliance Examinations (UCCC)	Number	450	610	500 <sup>3</sup>	550

<sup>1</sup> The debt management law took effect January 1, 2008 with registrations required as of July 1, 2008.

<sup>2</sup> This number may decrease if a proposed Federal Trade Commission rule impacting this industry is adopted.

<sup>3</sup> UCCC exams may decrease due to preparation time for a lengthy trial set for May 2010.

Debt Collection					
Workload Measure	Unit	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY11 Request
New Licenses Issued	Number	104	106	120	120
License Total on June 30	Number	661	665	700	700
Written Complaints Received	Number	775	715	800	900

## CORE OBJECTIVES AND PERFORMANCE MEASURES

### CONSUMER CREDIT

*Objective:* Ensure compliance with consumer credit laws.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Open investigations, file or defend legal or administrative actions, & settle cases	Benchmark	50		60		60		60	
	Actual	45		55					

*Strategy:* Investigations and cases are based upon the receipt of consumer or creditor complaints, violations discovered in compliance examinations, information obtained during an investigation of another business, and publicly available advertising and information on the Internet. This is the primary means to ensure compliance by unlicensed entities and those not subject to periodic statutory compliance examinations.

*Evaluation of Prior Year Performance:* The number of cases and investigations increased due to a focus on debt management and credit repair by staff hired in FY08. The number would likely be higher but for the two pending cases described above involving tribal payday lending and alleging unconscionable lending.

*Key Workload Indicators:* Because most cases and investigations arise from consumer complaints and information discovered in compliance examinations, it is difficult to predict these numbers. However, debt management cases and investigations should continue to be high as the statute is relatively new. The numbers may also increase due to increased UCCC compliance exam authority as of January 1, 2010.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Require businesses to refund overcharges to consumers	Benchmark	\$750,000		\$1,500,000		\$2,000,000		\$2,000,000	
	Actual	\$2,677,847		\$3,150,768					

*Strategy:* Overcharges, excess charges, and illegal charges are discovered via a number of methods. In the past, the great majority of refund dollars result from the periodic compliance investigations conducted by UCCC examiners on licensees. Refunds also arise from cases, often initiated by receipt of a single consumer complaint against a lender or creditor. Generally, the law permits lenders and creditors to either refund overcharges to consumers or credit the balance on open accounts.

*Evaluation of Prior Year Performance:* Refunds and credits were much higher than projected for FY09 due to the new debt management law and refunds required for unregistered activity. Refunds under that law totaled almost \$1.2 million dollars. UCCC refunds alone were over \$1.9 million dollars, exceeding the estimated benchmark. This was primarily due to refunds on payday loans with payment plan violations. UCCC refunds should decrease as lenders become more familiar with the 2007 law on payment plan requirements.

*Key Workload Indicators:* Refund and credit totals are dependent on industry compliance with state law. It generally takes several years for compliance to improve after new laws are adopted. In addition, compliance may be slower for the debt management program as this industry was unregulated prior to 2008.

*Objective:* Ensure efficient operations to benefit creditors and consumers.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Issue licenses within 15 days or less of approval (60-day maximum permitted by law)	Benchmark	13		6		6		6	
	Actual	6		3					

*Strategy:* UCCC supervised lender licenses must be issued within 60 days after an application is complete or the applicant is entitled to a hearing on its qualifications. The debt management law requires that registrations be approved or denied within 90 days after an application is filed. Regardless of statutory requirements, the goal is to issue a license within a short time period after the application is complete. UCCC applications may be filed in stages and the application is held until completed. Debt management applications must, by law, be complete when filed. Once an application is complete, the goal is to issue the license quickly to enable the business to begin operations.

*Evaluation of Prior Year Performance:* Unit performance has generally been excellent in this area. Issuance time decreased due to a decrease in application but even at higher application levels, issuance time has been efficient.

*Key Workload Indicators:* Issuance time is directly related to numbers of applications and other work projects. It is very difficult to predict application numbers in this economic environment. Credit will continue to be offered, but to fewer borrowers and to those with better credit. Debt management applications may depend upon potential changes in a federal regulation described above. Projections for FY11 are fairly conservative. However, the average days to issue a license will not change significantly as certain tasks take a fixed amount of time, regardless of application numbers.

### Uniform Consumer Credit Code, Credit Repair, Rent-to-Own

Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Investigate and resolve written consumer complaints within 60 days or less	Benchmark	50	45	45	55
	Actual	38	32		
Performance Measure	Outcome	FY 08 Actual	FY 09 Actual	FY 10 Estimate	FY 11 Request
Investigate and resolve 80% of written consumer complaints received during the FY	Benchmark	80%	80%	80%	75%
	Actual	96%	91%		

## Debt Management

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Investigate and resolve written consumer complaints within 60 days or less	Benchmark			50		50		55	
	Actual	43		42					
Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Investigate and resolve 80% of written consumer complaints received during the FY	Benchmark			80%		80%		75%	
	Actual	83%		80%					

*Strategy:* The Unit's goal is to resolve consumer complaints within an average of 60 days or less and resolve 80% of complaints received during a fiscal year period. The complaint resolution process includes complaint intake to determine jurisdiction, locating the business, obtaining a response and often additional information, business requests for extensions of time, and staff time to determine what action to take. The unit typically provides creditors 30 days to respond and a 60 day closure goal is reasonable to allow sufficient intake and review time.

*Evaluation of Prior Year Performance:* Unit performance has generally been good in this area. Debt management complaints have taken more time than UCCC complaints as, to date, they typically involve unregistered providers.

*Key Workload Indicators:* Completion time depends on the number and complexity of consumer complaints, and whether the business complies with state law. Complaint numbers usually increase during economic downturns with increased delinquencies, defaults, repossessions, foreclosures, and offers to reduce debt or remove bad credit. In addition, complaints against unlicensed lenders, particularly Internet payday lenders, continue to increase. These lenders often fail to voluntarily comply with state law, challenge our jurisdiction, and require legal action – increasing the time to resolve complaints. This may increase complaint resolution time and decrease the percentage of complaints resolved within the same fiscal year.



**TITLE – DEBT COLLECTION**

*Objective:* Ensure compliance with laws regulating collection agencies.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Open investigations, file or defend legal or administrative actions, & settle cases	Benchmark	75		75		50		50	
	Actual	69		48					

*Strategy:* Investigations and cases are based upon the receipt of consumer or client complaints, information from competitors, and from staff detection of violations in license renewal applications. Because the statute does not provide for periodic compliance examinations, complaints are the primary method to ensure compliance.

*Evaluation of Prior Year Performance:* This number has decreased as compliance has improved over time. In addition, two lawsuits required a substantial amount of investigator and attorney time. One lawsuit was filed in July 2008 against an out-of-state collections law firm and its principals, who filed motions to dismiss. These motions were denied but required expenditure of attorney time. The trial is set for two weeks in June 2010 and will require substantial preparation time. A second case involves a fairly simple failure to cease communications issued against a licensed collection agency. A letter of admonition (public censure letter) was issued. This is the lowest form of discipline but the agency appealed it. An administrative hearing will be held at the Office of Administrative Courts during FY10.

*Key Workload Indicators:* It is difficult to project these numbers as they are based on violations discovered from consumer complaints. In addition, it is difficult to project whether a seemingly-simple case will be contested.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Issue cease and desist notices to unlicensed collection agencies	Benchmark	65		65		65		65	
	Actual	61		64					

*Strategy:* Cease and desist advisory notices are issued based on information from consumer and competitor complaints and review of lawsuit filings in Colorado courts. This number has been fairly consistent over the last several years. Unlicensed collection agencies are generally offered an opportunity to become licensed if they cease collections during that time and pay a penalty for prior unlicensed collections.

*Evaluation of Prior Year Performance:* This number is consistent with past years.

*Key Workload Indicators:* Cease and desist numbers may increase due to the economic downturn and increases in the purchase of charged-off debt by new companies entering this market. It is difficult to project if this will result in an increase in unlicensed collection agencies or more accounts for existing, licensed collection agencies.

*Objective:* Ensure efficient operations to benefit collection agencies and consumers.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Issue licenses within 15 days or less of approval	Benchmark	10		10		6		8	
	Actual	2		2					

*Strategy:* There is no statutory time limit within which to issue collection agency licenses. However, the unit goal is to issue a license within a short time after the application is complete. Applications include information that may take time to obtain such as a surety bond, background information on officers, etc. Once the application is complete, the goal is to issue the license quickly to enable the collection agency to begin operations.

*Evaluation of Prior Year Performance:* Unit performance has generally been excellent in this area. Applications have been increasing over time, but remain constant around the 100 number.

*Key Workload Indicators:* Issuance time is directly related to numbers of applications. At current application numbers of approximately 100 per year, licenses should be issued within a few days after an application is complete. However, the number of licenses was at a record high at the end of FY09. If application numbers increase substantially due to the economic downturn, license issuance time may increase. The projections for future years assume continued growth as more accounts default and are assigned to third-party collection agencies.

Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Investigate and resolve written consumer complaints within 60 days or less	Benchmark	55		55		60		65	
	Actual	47		44					
Performance Measure	Outcome	FY 08 Actual		FY 09 Actual		FY 10 Estimate		FY 11 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
Investigate and resolve 80% of written consumer complaints received during the FY	Benchmark	85%		85%		80%		75%	
	Actual	96%		95%					

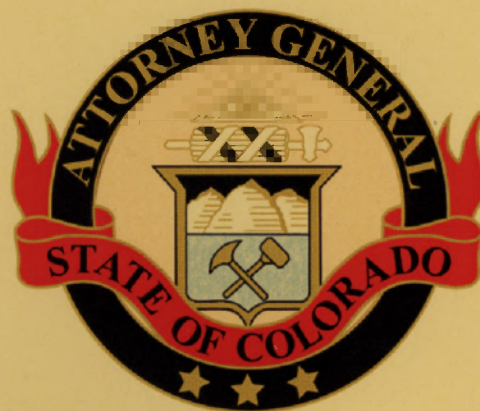
*Strategy:* The Unit's goals are to resolve consumer complaints within an average of 60 days or less, and resolve 80% of written complaints received during a fiscal year. These goals are based on receipt of 1,000 or fewer written complaints. The complaint resolution process includes complaint intake to determine jurisdiction, locating the collection agency, obtaining a response and often additional information, collection agency requests for extensions of time, and staff time to determine what action to take. Collection agencies are typically given 20 days to respond and 60 days is reasonable to allow sufficient time for intake and review.

*Evaluation of Prior Year Performance:* Unit performance was good in this area. The percent of complaints is stable. There are two reasons for this – consumers obtain more information about their rights from the Internet and a statutory change to Colorado law effective July 1, 2008 requires that initial collection notices include additional consumer rights information.

*Key Workload Indicators:* Resolution time depends on the number and complexity of consumer complaints, and whether the collection agency complies with state law. Staff reports that consumer complaint calls have increased in the first few month of FY10. This is not surprising in the current economic situation with increased delinquencies, defaults, repossessions, and foreclosures. If the increased calls result in increased written complaints and complaint totals approach one thousand, it may be necessary to adjust goals for complaint closure time and percent of complaints closed. Also, complaints against unlicensed collection agencies typically take more time to resolve as other issues, including licensure, must be addressed.



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CP - Collection Agency Board**



**SCHEDULE 2 - PROGRAM SUMMARY**

Department of Law		COLLECTION AGENCY BOARD									
		Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
<b>COLLECTION AGENCY BOARD</b>	328,102	5.0	380,881	5.2	314,425	5.2	389,937	5.2	1,379,862	18.0	
General Fund	-	-	-	-	-	-	-	-	-	-	
General Fund Exempt Cash Funds	328,102	-	380,881	-	314,425	-	389,937	-	1,379,862	-	
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-	



**SCHEDULE 3 - JGRAM DETAIL**

**COLLECTION AGENCY BOARD**

Department of Law

Item	Actual FY 08		Approp. FY 10		Estimate FY 10		Request FY 10	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>I. POSITION DETAIL</b>								
Senior Assistant Attorney General			41,868	0.5	41,868	0.5	41,868	0.5
Assistant Attorney General			36,444	0.5	36,444	0.5	36,444	0.5
Assistant Attorney General II	39,310	0.5						
Assistant Attorney General I	24,875	0.4						
Compliance Investigator I	80,727	2.0	94,944	2.0	94,944	2.0	94,944	2.0
Program Assistant I	47,064	1.0	51,060	1.0	51,060	1.0	51,060	1.0
Administrative Assistant II	31,182	1.0	33,348	1.0	33,348	1.0	33,348	1.0
Legal Assistant I	2,790	0.1	10,665	0.2	10,665	0.2	10,665	0.2
	225,948	5.0	268,329	5.2	268,329	5.2	268,329	5.2
<b>TOTAL POSITION DETAIL</b>								
	<b>225,948</b>	<b>5.0</b>	<b>268,329</b>	<b>5.2</b>	<b>268,329</b>	<b>5.2</b>	<b>268,329</b>	<b>5.2</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>								
(Permanent FTE by position)								
Continuation Salary Subtotal								
<b>(I.B.) OTHER PERSONAL SERVICES</b>								
PERA on Continuation Subtotal	17,580		21,202		27,235		27,235	
Medicare on Continuation Subtotal	3,092		3,615		3,891		3,891	
Non-Base building Performance Award			254		-		-	
Part-Time/Temporary Salaries			-		-		-	
Contractual Services			975		-		-	
Leave			-		-		-	
Overtime			-		-		-	
Other	904		777		-		-	
	21,575		26,823		31,126		31,126	
<b>SUBTOTAL</b>	<b>247,524</b>	<b>5.0</b>	<b>295,152</b>	<b>5.2</b>	<b>299,455</b>	<b>5.2</b>	<b>299,455</b>	<b>5.2</b>
<b>(I.C.) PERSONAL SERVICES</b>								
<b>SUBTOTAL = A+ B</b>								
<b>(I.D.) POTS EXPENDITURES</b>								
Health/Life Dental	25,340		32,153		36,439		36,439	
Salary Survey	[6,164]		[12,541]		-		-	
Performance Awards	[4,171]		[5,282]		-		-	
Short Term Disability	288		349		360		360	
SB 04.257 A.E.D.	2,551		3,989		5,335		5,335	
SB 06.235 S.A.E.D.	525		1,870		3,335		3,335	
Other	4,272		4,101					

[ ] Indicates a Non-add



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	COLLECTION AGENCY BOARD					
	Actual FY 08 Total Funds	Actual FY 09 Total Funds	Approp. FY 10 Total Funds	Estimate FY 10 Total Funds	Request FY 11 Total Funds	Request FY 11 Rate
<b>(I.E.) BASE PERSONAL SERVICES</b>						
<b>TOTAL = C+D</b>	280,499	337,614	5.2	344,924	5.2	299,455
General Fund						
Cash Funds				344,924		299,455
Reappropriated Funds						(17,421)
<b>(I.F.) DIFFERENCE- I-I.E.</b>						
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>						
General Fund						
Cash Funds						
Reappropriated Funds						
<b>II. PERSONAL SERVICES REQUEST</b>						
<b>(AGGREGATE ADJUSTMENTS TO THE</b>						
<b>BASE APPROPRIATION)</b>						
Previous Year Long Bill						
Salary Survey-Classified						
PBP - Classified						
Salary Survey Exempt						
PBP - Exempt						
OSPB .2% Base Reduction						
<b>SPECIAL BILLS:</b>						
Subtotal -						
	280,499	337,614	5.2	344,924	5.2	282,034
<b>III. PERSONAL SERVICES REQUEST TOTAL</b>						
General Fund						
Cash Funds	280,499	337,614		344,924		299,455
Reappropriated Funds						

**SCHEDULE 3 - OPER. NG PROGRAM DETAIL**

**COLLECTION AGENCY BOARD**

**Department of Law**

Item	Actual FY 08		Actual FY 09		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>OPERATING EXPENSES</b>								
EALA-Indirect Cost			3,579				1,340	
1930 - Litigation	1,480		1,712		-		15	
2170 - Waste Disposal Services			13		15		25	
2230 - Equipment Contract Maintenance			25		25		300	
2231 - ADP Equip Maint/Repair Services	93		677		500		500	
2232 - Software Upgrades	625		3,188		1,000			
2255 - Rental of Buildings	17,963		12,193					
2513 - IS Personal Vehicle Reimbursement	2							
2520 - IS Travel/Non Employee	110		10		10		10	
2522 - IS Non-Emp - Pers Per Diem			13		12		12	
2523 - IS/Non-Emp - Pers Veh Reimb	268		345		250		250	
2530 - Out of State Travel	51							
2531 - OS Common Carrier Fares	406							
2532 - OS Personal Travel Per Diem	1,112							
2630 - Telephone	2,647		2,230		2,230		2,230	
2631 - Comm Svcs from Outside Sources			554		554		554	
2641 - Other ADP Billings - Purchase Services	3,668		3,085		2,500		500	
2660 - Insurance	718		906		906		906	
2680 - Contract Printing	1,647		2,182		750		750	
2820 - Other Purchased Services	46							
2830 - Office Moving/Purchased Services								
3115 - DP Supplies	795		1,171		750		283	
3116 - Purchase/Leased Software	974		294		350		350	
3117 - Educational			31		25		25	
3120 - Books & Subscriptions	94		527		450		100	
3121 - Office Supplies	1,612		1,332		1,300		1,000	
3122 - Microfilming/Photo. Supplies								
3123 - Postage	7,625		4,789		4,700		4,700	
3128 - Non-Capitalized Equipment	2,364		90					
3132 - Non-Capitalized	161							
3140- Noncapitalized IT- PC's	1,177		1,348					
3141- Noncapitalized IT- Servers			90					
3143 - Non-Capitalized IT Other			54					
3146 - Non-Capitalized IT Purchased Servers			30					
4140 - Dues & Memberships	909		1,019		1,000		500	
4180 - Official Functions	555		389		389		389	
4220 - Registration Fees	501		230		230		230	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**COLLECTION AGENCY BOARD**

Department of Law Item	Actual FY 08		Actual FY 09		Approp. FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
6212 - IT Servers - Direct Purchase	-		923		-		-		-	
6213 - IT PC SW - Direct Purchase	47,602		236		-		-		-	
<b>Operating Expense Subtotal:</b>			43,267		17,947		14,970		14,970	
<b>OPERATING EXPENSE TOTAL:</b>										
General Fund	47,602		43,267		17,947		14,970		14,970	
Cash Funds										
Reappropriated Funds										
<b>Allocated Operating POTS</b>										
Workers' Compensation					703		-		-	
Leased Vehicle Expense							-		-	
Capital Complex Lease Space					18,304		-		-	
IT Asset Maintenance					8,059		-		-	
Communication Service Payments							-		-	
ADP Capital Outlay					375		-		-	
CLE Registration Fees							-		-	
Building Security							-		-	
<b>Total</b>					27,066		27,066		30,842	0.3
Cash Funds					27,066		-		30,842	
Reappropriated Funds										
<b>Refinancing the Line Item</b>										
General Fund										
Cash Funds										
Reappropriated Funds										
<b>FY11 DECISION ITEM REQUEST</b>										
DI-1 Increase .5 FTE Legal Asst II										
Cash Funds										
Cash Funds Exempt										
<b>DI-2 Combine CAB/UCCC unit</b>										
Cash Funds										
Cash Funds Exempt										
									1,034,595	12.5
									1,034,595	

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

**COLLECTION AGENCY BOARD**

Department of Law

Item	Actual FY 08		Actual FY 09		Appropri FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>TOTAL COLLECTION AGENCY BOARD</b>	<b>328,102</b>	<b>5.0</b>	<b>380,880</b>	<b>5.2</b>	<b>314,425</b>	<b>5.2</b>	<b>389,937</b>	<b>5.2</b>	<b>1,379,862</b>	<b>18.0</b>
General Fund	-		-				-		-	
General Fund Exempt										
Cash Funds	328,102		380,880		314,425		389,937		1,379,862	
Reappropriated Funds	-		-				-		-	
Federal Funds										
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	285,667	5.2	296,905	5.2	314,425	5.2	314,425	5.2	314,425	5.2
Special Bills										
Salary POTS	10,335		17,823				36,439			
Health/Life/Dental	18,766		32,724				360			
Short Term Disability	261		442				5,335			
SB 04.257 A.E.D.	2,438		4,214				3,335			
SB 06.235 S.A.E.D.	522		1,976				703			
Worker's Compensation	696		906				17,121			
Capital Complex Lease Space	16,744		16,015				8,059			
IT Asset Maintenance	1,218		8,430				1,183			
Storage Lease Space	6,725		1,092				-			
ADP Capital Outlay Allocation			375				375			
CLE Registration & Fees							2,602			
Building Security										
Rollforward to Subsequent FY										
Overexpenditure/(Reversion)										
Lapsed Appropriation Cash Fund	(15,270)	(0.2)	(21)	0.0						
Lapsed Appropriation Cash Fund Exempt										
<b>TOTAL RECONCILIATION</b>	<b>328,102</b>	<b>5.0</b>	<b>380,881</b>	<b>5.2</b>	<b>314,425</b>	<b>5.2</b>	<b>389,937</b>	<b>5.2</b>	<b>1,379,862</b>	<b>18.0</b>
<b>GRAND TOTAL</b>	<b>328,102</b>	<b>5.0</b>	<b>380,881</b>	<b>5.2</b>	<b>314,425</b>	<b>5.2</b>	<b>389,937</b>	<b>5.2</b>	<b>1,379,862</b>	<b>18.0</b>
General Fund	-		-				-		-	
General Fund Exempt										
Cash Funds	328,102		380,881		314,425		389,937		1,379,862	
Reappropriated Funds	-		-				-		-	
Federal Funds										

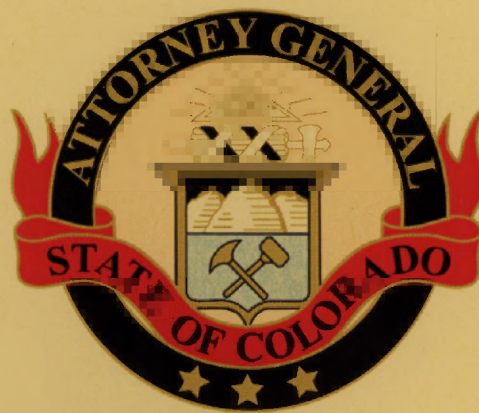


**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law		COLLECTION AGENCY BOARD						
		Item	Fund Number	Actual FY 2008	Actual FY 2009	Approp FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>			328,102	380,881	314,425	389,937	1,379,862	
General Funds			-	-	-	-	-	
General Funds Exempt			-	-	-	-	-	
Cash Funds			328,102	380,881	314,425	389,937	1,379,862	
Reappropriated Funds			-	-	-	-	-	
<b>Cash Funds</b>								
Collection Agency Board		150	328,102	380,881	314,425	389,937	345,267	
Uniform Consumer Credit Code Fund		151	-	-	-	-	1,034,595	
<b>Reappropriated Funds</b>								
Collection Agency Board Fund Balance		150	328,102	380,881	314,425	389,937	-	
Uniform Consumer Credit Code Fund		151	-	-	-	-	-	



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CP - UCCC**





**SCHEDULE 2 - PROGRAM SUMMARY**

**UNIFORM CONSUMER CREDIT CODE**

Department of Law Item	Actual FY 08		Actual FY 09		Appropriation FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>UNIFORM CONSUMER CREDIT CODE</b>										
General Fund	1,060,841	11.1	1,140,772	12.3	1,014,033	12.3	1,170,597	12.3	0	0.0
General Fund Exempt	-		-		-		-		-	
Cash Funds	1,060,841		1,140,772		1,014,033		1,170,597		0	
Reappropriated Funds	-		-		-		-		-	



**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law

UNIFORM CONSUMER CREDIT CODE

Item	Actuals 08		Actuals 09		Appropriation		Estimate 10		Request 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>I. POSITION DETAIL</b>										
First Assistant Attorney General	115,853	1.0	119,952	1.0	119,952	1.0	119,952	1.0	119,952	1.0
Senior Assistant Attorney General			41,868	0.5	41,868	0.5	41,868	0.5	41,868	0.5
Assistant Attorney General			36,444	0.5	36,444	0.5	36,444	0.5	36,444	0.5
Assistant Attorney General II	40,206	0.5								
Assistant Attorney General I	25,875	0.4								
Program Assistant I	88,529	2.0	95,136	2.0	95,136	2.0	95,136	2.0	95,136	2.0
Admin Assistant III										
Financial Credit Examiner IV	85,320	1.0	89,640	1.0	89,640	1.0	89,640	1.0	89,640	1.0
Financial Credit Examiner III	84,948	1.0	89,244	1.0	89,244	1.0	89,244	1.0	89,244	1.0
Financial Credit Examiner II	187,669	3.0	260,009	4.0	261,396	4.0	261,396	4.0	261,396	4.0
Financial Credit Examiner I	109,172	2.1	105,648	2.0	105,816	2.0	105,816	2.0	105,816	2.0
Legal Assistant I	3,140	0.1	10,665	0.3	10,665	0.3	10,665	0.3	10,665	0.3
<b>TOTAL POSITION DETAIL</b>	<b>740,702</b>	<b>11.1</b>	<b>848,606</b>	<b>12.3</b>	<b>850,161</b>	<b>12.3</b>	<b>850,161</b>	<b>12.3</b>	<b>850,161</b>	<b>12.3</b>
<b>(I.A.) CONTINUATION FTE SALARY COSTS</b>	<b>740,702</b>	<b>11.1</b>	<b>848,606</b>	<b>12.3</b>						
(Permanent FTE by position)										
Continuation Salary Subtotal										
<b>(I.B.) OTHER PERSONAL SERVICES</b>										
PERA on Continuation Subtotal	71,629		80,023				86,291			
Medicare on Continuation Subtotal	8,891		10,409				12,327			
Non-Base building Performance Awards			5,709							
Part-Time/Temporary Salaries	-		-				-			
Contractual Services	62,654		2,344				17,240			
Leave	2,332		-							
Other	3,187		5,913							
Subtotal	148,693		104,398				98,619			

**SCHEDULE 3 - PROGRAM DETAIL**

**UNIFORM CONSUMER CREDIT CODE**

Department of Law	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FIE	Total Funds	FIE	Total Funds	FIE	Total Funds	FIE	Total Funds	FIE
<b>Special Bills</b>	-	-	-	-	-	-	-	-	-	-
SB07-57 Debt Management Cash Funds	-	-	-	-	-	-	-	-	-	-
<b>(I.C.) PERSONAL SERVICES SUBTOTAL=</b> <b>A+B</b>	<b>889,395</b>	<b>11.1</b>	<b>953,004</b>	<b>12.3</b>	<b>966,020</b>	<b>12.3</b>	<b>948,780</b>	<b>12.3</b>	<b>948,780</b>	<b>12.3</b>
<b>(I.D.) POTS EXPENDITURES</b>										
Health/Life Dental	31,726		43,822		46,313					
Salary Act/Merit	[22,328]		[30,741]		-					
Performance Awards	[12,137]		[12,416]		-					
Short Term Disability	940		1,103		1,328					
SB 04.257 A.E.D.	8,746		13,376		17,130					
SB 06.235 S.A.E.D.	1,894		6,264		10,706					
Other	411		-		-					
[ ] Indicates a Non-add										
<b>(I.E.) BASE PERSONAL SERVICES TOTAL=</b> <b>C+D</b>	<b>933,112</b>	<b>11.1</b>	<b>1,017,570</b>	<b>12.3</b>	<b>1,041,497</b>	<b>12.3</b>	<b>948,780</b>	<b>12.3</b>	<b>948,780</b>	<b>12.3</b>
<b>(I.F.) DIFFERENCE= II-I.E.</b>							<b>(37,647)</b>			
<b>(I.G.) REQUEST YEAR DECISION ITEMS</b>										
General Fund										
Cash Funds										
Cash Funds Exempt										
<b>II. PERSONAL SERVICES REQUEST</b> <b>(AGGREGATE ADJUSTMENTS TO THE</b> <b>BASE APPROPRIATION)</b>										
Previous Year Long Bill										
Salary Survey-Classified										
									<b>911,133</b>	<b>12.3</b>

**SCHEDULE 3 - PROGRAM DETAIL**

Department of Law	UNIFORM CONSUMER CREDIT CODE											
	Activity 08	Activity 09	Activity 10	Activity 11	Activity 12	Activity 13	Activity 14	Activity 15	Activity 16	Activity 17	Activity 18	Activity 19
Item	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds	Total Funds
PBP - Classified												
Salary Survey Exempt												
PBP - Exempt												
Special Bills												
OSPB .2% Base Reduction												
Subtotal:											911,133	
<b>II. PERSONAL SERVICES REQUEST</b>												
<b>TOTAL</b>	<b>933,112</b>	<b>11.1</b>	<b>1,017,570</b>	<b>12.3</b>	<b>1,041,497</b>	<b>12.3</b>	<b>1,041,497</b>	<b>12.3</b>	<b>948,780</b>	<b>12.3</b>	<b>948,780</b>	<b>12.3</b>
General Fund	933,112		1,017,570		1,041,497		1,041,497		948,780		948,780	
Cash Funds												
Reappropriated Funds												



**SCHEDULE 3 - OPER NG PROGRAM DETAIL**

Department of Law Item	Actual FY 2008		Actual FY 2009		Appropriation		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>OPERATING EXPENSES</b>										
EALA-Indirect Cost			8,465						4,220	
1930 - Litigation	1,068		64					30		
2170 - Waste Disposal Services			31					250		
2230 - Equipment Contract Maintenance			234					800		
2231 - ADP Equip Maint/Repair Services	278		714					700		
2232 - Software Upgrades	635		7,467							
2240 - Motor Veh Maint/Repair Svcs			10,574					10,000		
2251 - Lease Motor Pool Vehicle	10,166		11,870							
2252 - Motor Pool Mileage Charge	12,652		31,619							
2255 - Rental of Buildings	37,824									
2510 - In State Travel	10									
2512 - IS Personal Travel Per Diem	8,852		3,152					3,152		
2513 - IS Personal Vehicle Reimbursement	514		100					100		
2520 - IS Travel/Non Employee	10		19					19		
2522 - IS Non-Emp - Pers Per Diem	62		137					137		
2523 - IS/Non-Emp - Pers Veh Reimb	210		261					261		
2530 - Out of State Travel	1,929		477					477		
2531 - OS Common Carrier Fares	2,114									
2532 - OS Personal Travel Per Diem	11,414									
2630 - Telephone	191		11,635					11,635		
2631 - Comm Svcs from Outside Sources	1,438		1,208					1,208		
2641 - Other ADP Billings - Purchase Services	1,525		1,545					1,545		
2660 - Insurance	3,159		2,142					2,142		
2680 - Contract Printing	720		4,616					4,616		
2820 - Other Purchased Services	871		160					160		
3115 - DP Supplies	3,648		912					912		
3116 - Purchase/Leased Software			688					688		
3117 - Educational			71					71		
3120 - Books & Subscriptions	3,335		3,718					3,718		
3121 - Office Supplies	2,654		2,702					2,702		
3123 - Postage	8,414		8,227					9,058		
3128 - Non-Capitalized Equipment	1,908									
3132 - Non-Capitalized	6,846									
3140 - Non-Capitalized IT - PC's	1,177									
3141 - Non-Capitalized IT - Servers			3,158							
3143 - Non-Capitalized IT - Other			211							
3146 - Non-Capitalized IT Purchased Servers	123		303							
			69							

SCHEDULE 3 - OPERATING PROGRAM DETAIL

UNIFORM CONSUMER CREDIT CODE

Department of Law Item	Actual FY 08		Actual FY 09		Approp BY 10		Estimate FY 11		Request FY 11
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
4140 - Dues & Memberships	2,884		2,338		2,338		2,338		2,338
4180 - Official Functions	154						1,598		1,598
4220 - Registration Fees	945		1,598		1,598		2,163		2,163
6212 - IT Servers Direct Purchase			2,163		2,163		553		553
6213 - IT PC SW Direct Purchase			553		553				
<b>Operating Expense Subtotal:</b>	127,729		123,202		54,168		65,253		65,253
<b>OPERATING EXPENSE TOTAL:</b>	127,729		123,202		54,168		65,253		65,253
General Fund									
General Funds Exempt									
Cash Funds	127,729		123,202		54,168		65,253		65,253
Reappropriated Funds									
<b>Potted Operating Expenses</b>									
Workers' Compensation					1,663				
Leased Vehicle Expense					10,574				
Capital Complex Lease Space					40,495				
Lease Space					2,387				
IT Asset Maintenance					19,064				
ADP Capital Outlay					-				
ALJ Allocation					-				
Communication Service Payments					-				
CLE Registration Fees					750				
Building Security									
<b>Total</b>					74,933				
Cash Funds					74,933				
Reappropriated Funds									
<b>FY11 DECISION ITEMS</b>									
DI-1 Increase Leg Asst .5 FTE									0.2
Cash Funds									20,562
Reappropriated Funds									20,562



**SCHEDULE 3 - OPER NG PROGRAM DETAIL**

Department of Law (cm)	UNIFORM CONSUMER CREDIT CODE									
	Actual FY 08		Actual FY 09		Appropri FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>DI-2 Combine CAB/UCCC unit</b>										
Cash Funds	1,060,841	11.1	1,140,772	12.3	1,014,033	12.3	1,170,597	12.3	(1,034,595)	(12.5)
Reappropriated Funds	1,060,841		1,140,772		1,014,033		1,170,597		(1,034,595)	
<b>TOTAL UCCC</b>										
General Fund									0	(0.0)
Cash Funds									0	
Reappropriated funds										
Federal Funds										
<b>RECONCILIATION OF FUNDS</b>										
Long Bill Appropriation	873,437	11.3	972,527	12.3			1,014,033	12.3		
<i>Special Bills SB07-057 Debt Management</i>	69,717	1.0								
<i>Supplemental - SB09-192</i>										
Salary POTS	34,645						46,313			
Health/Life/Dental	33,647						1,328			
Short Term Disability	876						17,130			
SB 04.257 A.E.D.	8,230						10,706			
SB 06.235 S.A.E.D.	1,764						1,663			
Worker's Compensation	1,572						40,495			
Capital Complex Lease Space	35,385						2,387			
Lease Space	2,439						10,574			
Vehicle Lease Allocation	10,166						19,064			
IT Asset Maintenance	6,725						6,155			
ADP Capital Outlay Allocation										
Building Security										
ALJ Allocation							750			
CLE Registration Fees										
Rollforward to Subsequent FY										
Overexpenditure/(Reverted Spending Authority)	(17,761)	(1.2)	(956)							
Lapsed Appropriation Cash Fund										
Lapsed Appropriation Cash Fund Exempt										
<b>TOTAL RECONCILIATION</b>	1,060,841	11.1	1,140,772	12.3			1,170,597	12.3		

**SCHEDULE 3 - OPERATING PROGRAM DETAIL**

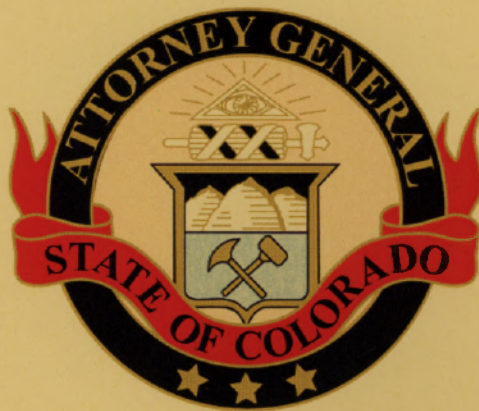
Department of Law Item	UNIFORM CONSUMER CREDIT CODE									
	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>GRAND TOTAL</b>	1,060,841	11.1	1,140,772	12.3	1,014,033	12.3	1,170,597	12.3	0	0.0
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	1,060,841		1,140,772		1,014,033		1,170,597		0	
Reappropriated Funds	-		-		-		-		-	
Federal Funds	-		-		-		-		-	

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law Item	Fund Number	UNIFORM CONSUMER CREDIT CODE				
		Actual FY 2008	Actual FY 2009	Approp. FY 2010	Estimate FY 2010	Request FY 2011
<b>Schedule 3 Total</b>		1,060,841	1,140,772	1,014,033	1,170,597	0
General Funds		-	-	-	-	-
General Funds Exempt		-	-	-	-	-
Cash Funds		1,060,841	1,140,772	1,014,033	1,170,597	0
Reappropriated Funds		-	-	-	-	-
<b>Cash Funds</b>		1,060,841	1,140,772	1,014,033	1,170,597	0
Uniform Consumer Credit Code Fund	151					
<b>Reappropriated Funds</b>		-	-	-	-	-
Uniform Consumer Credit Code Fund Balance	151					
DOL Custodial Funds						



**FY 10-11**  
**Budget**  
**Schedules 2, 3 and 4**  
**CP - Indirect Cost Assessment**



**SCHEDULE 2 - PROGRAM SUMMARY**

**INDIRECT COST ASSESSMENT - CONSUMER PROTECTION**

Department of Law	Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>INDIRECT COST ASSESSMENT</b>											
Cash Funds		263,756	-	313,952		328,698		328,698		328,698	-
Reappropriated Funds		214,685		276,278		291,487		291,487		291,487	
		49,071		37,674		37,211		37,211		37,211	

**SCHEDULE 3 - PROGRAM DETAIL**

**INDIRECT COST ASSESSMENT - CONSUMER PROTECTION**

Department of Law	Item	Actual FY 08		Actual FY 09		Approp FY 10		Estimate FY 10		Request FY 11	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<b>INDIRECT COST ASSESSMENT</b>											
Cash Funds		263,756		313,952		328,698		328,698		328,698	
Reappropriated Funds		214,685		276,278		291,487		291,487		291,487	
		49,071		37,674		37,211		37,211		37,211	
<b>INDIRECT COST ASSESSMENT</b>											
Cash Funds		263,756		313,952		328,698		328,698		328,698	
Reappropriated Funds		214,685		276,278		291,487		291,487		291,487	
		49,071		37,674		37,211		37,211		37,211	
<b>RECONCILIATION OF FUNDS</b>											
Long Bill Appropriation		263,756		320,232				328,698			
Supplemental Appropriation		(1)		(6,280)							
Lapsed Spending Authority CF											
<b>TOTAL RECONCILIATION</b>		263,755		313,952				328,698			

(

(

(

**SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES**

Department of Law Item	Fund Number	Actual	Actual	Approp	Estimate	Request
		FY 2008	FY 2009	FY 2010	FY 2010	FY 2011
<b>Schedule 3 Total</b>		263,756	313,952	328,698	328,698	328,698
General Funds						
General Funds Exempt		214,685	276,278	291,487	291,487	291,487
Cash Funds		49,071	37,674	37,211	37,211	37,211
Reappropriated Funds						
<b>Cash Funds</b>		<b>214,685</b>	<b>276,278</b>	<b>291,487</b>	<b>291,487</b>	<b>291,487</b>
146 Department Custodials Funds			25,115	37,211	37,211	37,211
DOLA-Manuf Housing Fund			-			-
No-Call Fund		12,268	6,279	12,404	12,404	12,404
Tobacco Litigation Defense Fund			12,558	12,404	12,404	12,404
Collection Agency Board Fund		63,792	65,302	64,498	64,498	64,498
UCCC Custodial Fund			12,558	12,404	12,404	12,404
Uniform Consumer Credit Code fund		138,625	154,466	152,566	152,566	152,566
<b>Reappropriated Funds</b>		<b>49,071</b>	<b>37,674</b>	<b>37,211</b>	<b>37,211</b>	<b>37,211</b>
Department Custodials Funds		24,535	-			
Collection Agency Board Fund		-	-			
Tobacco Litigation Defense Fund		12,268	-			
UCCC Custodial Fund		12,268	-			
UCCC Fund Balance		-	-			
Division of Real Estate Cash Fund		-	37,674	37,211	37,211	37,211
<b>Federal Funds</b>						



