

CHAPTER 191

CORRECTIONS

HOUSE BILL 94-1340

BY REPRESENTATIVES Adkins, Foster, Reeves, Fleming, Tucker, Chlouber, Ratterree, Grampsas, Allen, Berry, Epps, George, Jerky, June, Kaufman, Kreutz, Lawrence, Martin, May, Morrison, Owen, Reeser, Shoemaker, and Sullivan;
also SENATORS Wham, Ament, Bird, Bishop, Cassidy, Johnson, Lacy, Mutzebaugh, Norton, Owens, L. Powers, R. Powers, Rizzuto, Roberts, Ruddick, Schroeder, Tebedo, Traylor, Wattenberg, and Wells.

AN ACT

**CONCERNING FACILITIES FOR THE HOUSING OF OFFENDERS WITHIN THE CRIMINAL JUSTICE SYSTEM,
AND, IN CONNECTION THEREWITH, PROVIDING FOR ADDITIONAL BEDS OVER THE NEXT FIVE YEARS
AND MAKING APPROPRIATIONS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 1 of title 17, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

17-1-104.4. Future correctional facility needs. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT CORRECTIONAL FACILITY POPULATION PROJECTIONS BY THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY INDICATE A SHORTAGE OF OVER TWO THOUSAND SEVEN HUNDRED CORRECTIONAL FACILITY BEDS OVER THE NEXT FIVE YEARS.

(2) TO MEET THE PROJECTED CORRECTIONAL FACILITY NEEDS FOR THE NEXT FIVE YEARS:

(a) SUBJECT TO THE PROVISIONS OF SECTION 17-1-104.8, THE DEPARTMENT IS DIRECTED TO COMMENCE PLANNING FOR THE CONSTRUCTION OF THE FOLLOWING NEW CORRECTIONAL FACILITIES OR ADDITIONS TO EXISTING CORRECTIONAL FACILITIES:

(I) TWO HUNDRED FIFTY CLOSE SECURITY BEDS AS AN ADDITION TO THE COLORADO STATE PENITENTIARY AT CANON CITY;

(II) ONE HUNDRED EIGHTY MINIMUM SECURITY BEDS AS AN ADDITION TO THE DELTA CORRECTIONAL CENTER AT DELTA;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(III) TWO HUNDRED FORTY-EIGHT BEDS AT A WOMEN'S CORRECTIONAL FACILITY AT THE DENVER RECEPTION AND DIAGNOSTIC CENTER AT DENVER;

(IV) THREE HUNDRED BEDS AT A YOUTH OFFENDER SYSTEM FACILITY ON THE GROUNDS OF THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO.

(b) SUBJECT TO THE PROVISIONS OF SECTION 17-1-104.8, THE DEPARTMENT IS DIRECTED TO COMMENCE PLANNING FOR THE CONSTRUCTION OF AN ADDITIONAL CORRECTIONAL FACILITY CONSISTING OF FIVE HUNDRED MEDIUM SECURITY BEDS.

(c) (I) TO THE EXTENT POSSIBLE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO MEET THE PROJECTED NEED IN MINIMUM AND MINIMUM RESTRICTED SECURITY BEDS THROUGH CONTRACTS FOR BEDS AT NONSTATE CONSTRUCTED AND OPERATED FACILITIES; EXCEPT THAT ANY CONTRACT FOR BEDS AT A NONSTATE CONSTRUCTED AND OPERATED FACILITY SHALL BE SUBJECT TO ANNUAL REVIEW AND ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY.

(II) THE DEPARTMENT IS DIRECTED TO CONSIDER PROPOSALS FOR THE PROVISION OF ADDITIONAL MINIMUM SECURITY BEDS THROUGH CONTRACTS FOR BEDS AT NONSTATE CONSTRUCTED AND OPERATED FACILITIES. THE DEPARTMENT SHALL EVALUATE SUCH PROPOSALS AND PRESENT A RECOMMENDATION TO THE CAPITAL DEVELOPMENT COMMITTEE AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY NO LATER THAN AUGUST 1, 1994, CONCERNING THE NUMBER OF BEDS TO BE PROVIDED THROUGH NONSTATE FACILITIES AND THE COST THEREOF. IN EVALUATING PROPOSALS, THE DEPARTMENT SHALL CONSULT WITH THE STATE PERSONNEL DIRECTOR AND THE OFFICE OF THE ATTORNEY GENERAL TO ENSURE THAT ANY CONTRACT ENTERED INTO AS A RESULT OF A PROPOSAL WOULD MEET THE REQUIREMENTS OF PART 5 OF ARTICLE 50 OF TITLE 24, C.R.S., CONCERNING THE USE OF PRIVATE CONTRACTORS FOR PERSONAL SERVICES.

(III) THE CAPITAL DEVELOPMENT COMMITTEE AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, ACTING AS A JOINT COMMITTEE, SHALL REVIEW THE RECOMMENDATION OF THE DEPARTMENT.

(IV) IF IT IS DETERMINED NOT TO USE NONSTATE FACILITIES OR IF NONSTATE FACILITIES ARE NOT AVAILABLE TO MEET THE PROJECTED ADDITIONAL MINIMUM SECURITY BEDS, THE DEPARTMENT IS DIRECTED TO COMMENCE PLANNING FOR THE CONSTRUCTION OF A NEW MINIMUM SECURITY CORRECTIONAL FACILITY OR ADDITIONS TO EXISTING CORRECTIONAL FACILITIES TO PROVIDE THE PROJECTED ADDITIONAL MINIMUM SECURITY BEDS. THE FACILITIES PROGRAM PLANS DEVELOPED BY THE DEPARTMENT AND THE DEPARTMENT'S RECOMMENDATION ON THE SITE FOR THE NEW FACILITY OR THE ADDITIONS TO EXISTING FACILITIES MUST BE PRESENTED TO THE JOINT COMMITTEE NO LATER THAN DECEMBER 1, 1994, AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 17-1-104.8.

(3) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT IT IS IN THE BEST INTERESTS OF THE STATE AND THE GOAL AND PURPOSE OF THIS SUBSECTION (3) TO INSURE ADEQUATE CONTRACT ADMINISTRATION FOR THE CORRECTIONAL FACILITY PROJECTS AUTHORIZED BY THIS SECTION AND THE JUVENILE DETENTION FACILITY PROJECTS AUTHORIZED IN SECTIONS 15 (2) AND 16 OF HOUSE BILL 94-1340, ENACTED

AT THE SECOND REGULAR SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY.

(b) PURSUANT TO THE PROVISIONS OF PART 14 OF ARTICLE 30 OF TITLE 24, C.R.S., THE DEPARTMENT OF ADMINISTRATION SHALL CONTRACT WITH ONE OR MORE PERSONS OR FIRMS TO PROVIDE CONTRACT ADMINISTRATION, OVERSIGHT OF THE VARIOUS CONTRACTORS, MANAGEMENT AND COORDINATION SERVICES BETWEEN THE VARIOUS CONTRACTORS AND THE DEPARTMENT OF CORRECTIONS OR BETWEEN THE VARIOUS CONTRACTORS AND THE DEPARTMENT OF INSTITUTIONS, AND SUCH OTHER PROJECT MANAGEMENT SERVICES AS MAY BE REQUIRED TO ACCOMPLISH THE CONSTRUCTION OF THE CORRECTIONAL FACILITY PROJECTS AUTHORIZED BY THIS SECTION AND THE JUVENILE DETENTION FACILITY PROJECTS AUTHORIZED IN SECTIONS 15 (2) AND 16 OF HOUSE BILL 94-1340, ENACTED AT THE SECOND REGULAR SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY. THE COST FOR CONTRACTING FOR SUCH PERSONS OR FIRMS SHALL BE PAID OUT OF THE APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY FOR THE CONSTRUCTION OF THE CORRECTIONAL FACILITY PROJECTS AUTHORIZED BY THIS SECTION AND THE JUVENILE DETENTION FACILITY PROJECTS AUTHORIZED IN SECTIONS 15 (2) AND 16 OF HOUSE BILL 94-1340, ENACTED AT THE SECOND REGULAR SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY.

(c) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE SERVICES PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (3) ARE URGENT AND TEMPORARY IN NATURE, ARE NECESSARY ONLY TO COMPLETE THE SPECIFIED CORRECTIONAL FACILITY PROJECTS AND JUVENILE DETENTION FACILITY PROJECTS, ARE HIGHLY SPECIALIZED, CANNOT ADEQUATELY BE MET WITH EXISTING PERSONNEL SYSTEM RESOURCES, AND SHALL BE DISCONTINUED ONCE THE PROJECTS ARE COMPLETE. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THESE LEGISLATIVE, ADMINISTRATIVE, AND LEGAL GOALS AND PURPOSES CANNOT BE ACCOMPLISHED THROUGH THE UTILIZATION OF PERSONS SELECTED PURSUANT TO THE STATE PERSONNEL SYSTEM. ACCORDINGLY, THE GENERAL ASSEMBLY HEREBY SPECIFICALLY AUTHORIZES THE USE OF INDEPENDENT CONTRACTORS UNDER SECTION 24-50-504, C.R.S., TO ACHIEVE THE GOALS AND PURPOSES OF THIS SUBSECTION (3).

17-1-104.8. Legislative review of facilities program plans for correctional facilities. WHEN MONEYS ARE APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE CONSTRUCTION OF A NEW CORRECTIONAL FACILITY OR FOR THE CONSTRUCTION OF AN ADDITION TO AN EXISTING CORRECTIONAL FACILITY, THE DEPARTMENT MAY NOT BEGIN THE ACTUAL CONSTRUCTION OF ANY FACILITY UNTIL THE FACILITIES PROGRAM PLANS HAVE BEEN REVIEWED BY THE CAPITAL DEVELOPMENT COMMITTEE AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, ACTING AS A JOINT COMMITTEE. THE GENERAL ASSEMBLY MAY CONTRACT WITH A CONSULTANT TO PROVIDE ASSISTANCE TO THE JOINT COMMITTEE IN THE REVIEW OF FACILITIES PROGRAM PLANS SUBMITTED BY THE DEPARTMENT. THE JOINT COMMITTEE'S REVIEW OF FACILITIES PROGRAM PLANS FOR A NEW CORRECTIONAL FACILITY SHALL INCLUDE, BUT NOT BE LIMITED TO, WHETHER THE FACILITIES PROGRAM PLANS ALLOW FOR A SUBSEQUENT ADDITION TO THE FACILITY AND WHETHER THE PLANS MEET THE SECURITY LEVEL DESIGNATION. WITHIN THIRTY DAYS AFTER THE DATE OF RECEIPT OF THE FACILITIES PROGRAM PLANS FROM THE DEPARTMENT, THE JOINT COMMITTEE SHALL PROVIDE THE DEPARTMENT WITH COMMENTS AND SUGGESTIONS CONCERNING THE PLANS. IF THE JOINT COMMITTEE DOES NOT PROVIDE THE DEPARTMENT WITH COMMENTS AND SUGGESTIONS WITHIN SUCH THIRTY-DAY PERIOD, THE DEPARTMENT MAY PROCEED WITH THE ACTUAL CONSTRUCTION OF THE CORRECTIONAL FACILITY.

THE DEPARTMENT SHALL SUBMIT MONTHLY REPORTS CONCERNING EACH CONSTRUCTION PROJECT UNTIL THE PROJECT IS COMPLETED. THE INFORMATION TO BE INCLUDED IN THE REPORT SHALL BE DETERMINED BY THE DEPARTMENT AND THE JOINT COMMITTEE.

SECTION 2. Part 1 of article 1 of title 27, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

27-1-104.5. Legislative review of facilities program plans for youth detention facilities. WHEN MONEYS ARE APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE CONSTRUCTION OF A NEW YOUTH DETENTION FACILITY OR THE CONSTRUCTION OF AN ADDITION TO AN EXISTING DETENTION FACILITY, THE DEPARTMENT MAY NOT BEGIN THE ACTUAL CONSTRUCTION OF ANY FACILITY UNTIL THE FACILITIES PROGRAM PLANS HAVE BEEN REVIEWED BY THE CAPITAL DEVELOPMENT COMMITTEE AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, ACTING AS A JOINT COMMITTEE. THE GENERAL ASSEMBLY MAY CONTRACT WITH A CONSULTANT TO PROVIDE ASSISTANCE TO THE JOINT COMMITTEE IN THE REVIEW OF FACILITIES PROGRAM PLANS SUBMITTED BY THE DEPARTMENT. THE JOINT COMMITTEE'S REVIEW OF FACILITIES PROGRAM PLANS FOR A NEW DETENTION FACILITY SHALL INCLUDE, BUT NOT BE LIMITED TO, WHETHER THE FACILITIES PROGRAM PLANS ALLOW FOR A SUBSEQUENT ADDITION TO THE FACILITY. WITHIN THIRTY DAYS AFTER THE DATE OF RECEIPT OF THE FACILITIES PROGRAM PLANS FROM THE DEPARTMENT, THE JOINT COMMITTEE SHALL PROVIDE THE DEPARTMENT WITH COMMENTS AND SUGGESTIONS CONCERNING THE PLANS. IF THE JOINT COMMITTEE DOES NOT PROVIDE THE DEPARTMENT WITH COMMENTS AND SUGGESTIONS WITHIN SUCH THIRTY-DAY PERIOD, THE DEPARTMENT MAY PROCEED WITH THE ACTUAL CONSTRUCTION OF THE DETENTION FACILITY. THE DEPARTMENT SHALL SUBMIT MONTHLY REPORTS CONCERNING EACH CONSTRUCTION PROJECT UNTIL THE PROJECT IS COMPLETED. THE INFORMATION TO BE INCLUDED IN THE REPORT SHALL BE DETERMINED BY THE DEPARTMENT AND THE JOINT COMMITTEE.

SECTION 3. 2-3-203 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-203. Powers and duties of the joint budget committee. (1) The committee has the following powers and duties:

(e) ACTING AS A JOINT COMMITTEE WITH THE CAPITAL DEVELOPMENT COMMITTEE OF THE GENERAL ASSEMBLY, TO REVIEW FACILITIES PROGRAM PLANS OF THE DEPARTMENT OF CORRECTIONS FOR CORRECTIONAL FACILITIES PURSUANT TO SECTION 17-1-104.8, C.R.S., AND FACILITIES PROGRAM PLANS OF THE DEPARTMENT OF INSTITUTIONS FOR YOUTH DETENTION FACILITIES PURSUANT TO SECTION 27-1-104.5, C.R.S.

SECTION 4. 2-3-1304 (1), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1304. Powers and duties of capital development committee. (1) The capital development committee shall have the following powers and duties:

(e) ACTING AS A JOINT COMMITTEE WITH THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, TO REVIEW FACILITIES PROGRAM PLANS OF THE DEPARTMENT OF

CORRECTIONS FOR CORRECTIONAL FACILITIES PURSUANT TO SECTION 17-1-104.8, C.R.S., AND FACILITIES PROGRAM PLANS OF THE DEPARTMENT OF INSTITUTIONS FOR YOUTH DETENTION FACILITIES PURSUANT TO SECTION 27-1-104.5, C.R.S.

SECTION 5. The introductory portion to 24-75-302 (2) and 24-75-302 (2) (f), (2) (g), and (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(2) As of July 1, 1988, and July 1 of each year thereafter through ~~July 1, 1995~~ JULY 1, 1998, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(f) On July 1, 1993, twenty-five million dollars plus twenty-one million six hundred forty-one thousand dollars pursuant to H.B. 93S-1001, plus eight million five hundred forty-eight thousand dollars pursuant to S.B. 93S-009, plus six hundred twenty-seven thousand eight hundred dollars pursuant to H.B. 93S-1005, enacted at the first extraordinary session of the fifty-ninth general assembly, PLUS FORTY-SIX MILLION NINE HUNDRED FIFTY THOUSAND FIVE HUNDRED TEN DOLLARS PURSUANT TO H.B. 94-1340, ENACTED AT THE SECOND REGULAR SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY;

(g) On July 1, 1994, ~~fifty million dollars~~ ONE HUNDRED NINE MILLION SIX HUNDRED SEVENTY-SEVEN THOUSAND EIGHT HUNDRED FIFTY DOLLARS;

~~(4) Notwithstanding any provision of subsection (2) of this section to the contrary, on July 1, 1994, and July 1, 1995, the state treasurer and the controller shall transfer twenty-five million dollars of the sums specified in paragraphs (g) and (h) of subsection (2) of this section into the capital construction fund from general fund reserves.~~ NOTWITHSTANDING ANY PROVISION OF SUBSECTION (2) OF THIS SECTION TO THE CONTRARY, SEVENTY-FIVE MILLION DOLLARS OF THE AMOUNT TO BE TRANSFERRED ON JULY 1, 1994, PURSUANT TO PARAGRAPH (g) OF SAID SUBSECTION (2) AND TWENTY-FIVE MILLION DOLLARS OF THE AMOUNT TO BE TRANSFERRED ON JULY 1, 1995, PURSUANT TO PARAGRAPH (h) OF SAID SUBSECTION (2) SHALL BE TRANSFERRED BY THE STATE TREASURER AND THE CONTROLLER FROM GENERAL FUND RESERVES INTO THE CAPITAL CONSTRUCTION FUND AND, AS RESERVE TRANSFERS, SHALL BE EXCLUDED FROM STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 20 (2) (e) OF ARTICLE X OF THE STATE CONSTITUTION, FOR THE 1994-95 AND 1995-96 FISCAL YEARS, RESPECTIVELY.

SECTION 6. 2-3-304, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

2-3-304. Director of research - assistants. (1) The council shall interview persons applying for the position of director of research as to qualifications and ability and shall make recommendations thereon to the executive committee, which

shall appoint the director of research as provided in section ~~2-3-303(2)~~ 2-3-303 (3) (d). The director of research shall be responsible to the council for the collection and assembling of all data and for the preparation of reports, recommendations, and bills. The director shall, subject to the general policies of the council, have administrative direction over the activities of the council. The director shall be paid a salary determined by the executive committee in accordance with section ~~2-3-303(2)~~ 2-3-303 (3) (a). The director shall be an employee of the general assembly and shall not be subject to the state personnel system laws. The director shall be appointed without reference to party affiliation and solely on the basis of such director's ability to perform the duties of the position.

(2) The director of research, with approval of the council, may appoint such additional professional, technical, clerical, or other employees necessary to perform the functions assigned to the director of research by the council.

(3) Effective January 1, 1983, the director of research shall contract, pursuant to section 39-1-104 (16), C.R.S., for the property tax study to be conducted as required in said subsection (16).

(4) EFFECTIVE JULY 1, 1994, THE DIRECTOR OF RESEARCH SHALL BE RESPONSIBLE FOR THE FORECASTING OF ADULT AND JUVENILE OFFENDER POPULATIONS WITHIN THE CRIMINAL JUSTICE SYSTEM FOR THE GENERAL ASSEMBLY. THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL PROVIDE INFORMATION TO THE DIRECTOR CONCERNING POPULATION PROJECTIONS, RESEARCH DATA, MODELLING INFORMATION, AND ANY OTHER RELATED DATA REQUESTED BY THE DIRECTOR. THE EXECUTIVE DIRECTORS OF THE DEPARTMENTS OF CORRECTIONS AND INSTITUTIONS AND THE STATE COURT ADMINISTRATOR SHALL PROVIDE INFORMATION TO THE DIRECTOR CONCERNING POPULATION PROJECTIONS, RESEARCH DATA, AND THE PROJECTED LONG-RANGE NEEDS OF THE INSTITUTIONS UNDER THE CONTROL OF THE EXECUTIVE DIRECTORS AND ANY OTHER RELATED DATA REQUESTED BY THE DIRECTOR.

(5) EFFECTIVE JULY 1, 1994, THE DIRECTOR OF RESEARCH SHALL BE RESPONSIBLE FOR REVIEWING ANY BILL WHICH IS INTRODUCED BY THE GENERAL ASSEMBLY WHICH AFFECTS CRIMINAL SENTENCING AND WHICH MAY RESULT IN A NET INCREASE OR A NET DECREASE IN PERIODS OF IMPRISONMENT IN STATE CORRECTIONAL FACILITIES FOR THE PURPOSE OF PROVIDING INFORMATION TO THE GENERAL ASSEMBLY ON THE LONG-TERM FISCAL IMPACT WHICH MAY RESULT FROM THE PASSAGE OF THE BILL, INCLUDING THE INCREASED CAPITAL CONSTRUCTION COSTS AND INCREASED OPERATING COSTS FOR THE FIRST FIVE FISCAL YEARS FOLLOWING PASSAGE.

SECTION 7. 2-2-701, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

2-2-701. General assembly - bills regarding the sentencing of criminal offenders - legislative intent. (3) ON AND AFTER JULY 1, 1994, ANY BILL WHICH IS INTRODUCED AT ANY SESSION OF THE GENERAL ASSEMBLY WHICH AFFECTS CRIMINAL SENTENCING AND WHICH MAY RESULT IN A NET INCREASE OR A NET DECREASE IN PERIODS OF IMPRISONMENT IN STATE CORRECTIONAL FACILITIES SHALL BE REVIEWED BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL FOR THE PURPOSE OF PROVIDING INFORMATION TO THE GENERAL ASSEMBLY ON THE LONG-TERM FISCAL

IMPACT WHICH MAY RESULT FROM THE PASSAGE OF THE BILL, INCLUDING THE INCREASED CAPITAL CONSTRUCTION COSTS AND INCREASED OPERATING COSTS FOR THE FIRST FIVE FISCAL YEARS FOLLOWING PASSAGE.

SECTION 8. 17-1-103 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17-1-103. Duties of the executive director. (1) The duties of the executive director shall be:

(m) TO PROVIDE INFORMATION TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL CONCERNING POPULATION PROJECTIONS, RESEARCH DATA, AND THE PROJECTED LONG-RANGE NEEDS OF THE INSTITUTIONS UNDER THE CONTROL OF THE EXECUTIVE DIRECTOR AND ANY OTHER RELATED DATA REQUESTED BY THE DIRECTOR.

SECTION 9. 24-33.5-503 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-33.5-503. Duties of division. (1) The division has the following duties:

(m) TO PROVIDE INFORMATION TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL CONCERNING POPULATION PROJECTIONS, RESEARCH DATA, AND OTHER INFORMATION RELATING TO THE PROJECTED LONG-RANGE NEEDS OF CORRECTIONAL FACILITIES AND JUVENILE DETENTION FACILITIES AND ANY OTHER RELATED DATA REQUESTED BY THE DIRECTOR.

SECTION 10. 27-1-103 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27-1-103. Duties of executive director - governor acquire water rights. (1) The duties of the executive director of the department of institutions shall be:

(m) TO PROVIDE INFORMATION TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL CONCERNING POPULATION PROJECTIONS, RESEARCH DATA, AND THE PROJECTED LONG-RANGE NEEDS OF THE INSTITUTIONS UNDER THE CONTROL OF THE EXECUTIVE DIRECTOR AND ANY OTHER RELATED DATA REQUESTED BY THE DIRECTOR.

SECTION 11. 13-3-101, Colorado Revised Statutes, 1987 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-3-101. State court administrator. (5) THE STATE COURT ADMINISTRATOR SHALL PROVIDE TO THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL CRIMINAL JUSTICE INFORMATION AND STATISTICS AND ANY OTHER RELATED DATA REQUESTED BY THE DIRECTOR.

SECTION 12. Section 10 of chapter 120, Session Laws of Colorado 1990, is repealed as follows:

Section 10. **Authorization to contract for preparole beds.** ~~The executive~~

~~director of the department of corrections is hereby authorized to enter into a contract or contracts, after a competitive process, and after an approved request for proposal process pursuant to section 17-2-402, Colorado Revised Statutes, for up to three hundred beds in parole facilities or programs at not more than forty-four dollars per day per bed. Such facilities and programs shall be contracted for and utilized as soon as possible after the effective date of this act.~~

SECTION 13. 17-2-402, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-2-402. Authority of the department to operate or to contract for parole facilities and programs. (3) THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO ENTER INTO A CONTRACT OR CONTRACTS, AFTER A COMPETITIVE PROCESS PURSUANT TO SUBSECTION (1) OF THIS SECTION, FOR UP TO THREE HUNDRED EIGHTY-SIX BEDS IN PAROLE FACILITIES OR PROGRAMS AT NOT MORE THAN AN AMOUNT PER DAY PER BED ESTABLISHED ANNUALLY BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATION ACT. SUCH FACILITIES AND PROGRAMS SHALL BE CONTRACTED FOR AND UTILIZED AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS ACT.

SECTION 14. Appropriation for the 1993-94 fiscal year. (1) In addition to any other appropriation made for the current fiscal year, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the capital construction fund created in section 24-75-302, Colorado Revised Statutes, the sum of thirty-six million one hundred forty-nine thousand four hundred ninety dollars (\$36,149,490). Of the total amount appropriated, the sum of sixteen million five hundred thousand dollars (\$16,500,000) is a transfer from general fund reserves to the capital construction fund and, as a reserve transfer, is excluded from state fiscal year spending, as defined in section 20 (2) (e) of article X of the state constitution, for the 1993-94 fiscal year.

(2) In addition to any other appropriation made for the current fiscal year, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, the following amounts:

(a) Eight hundred seventy thousand one hundred dollars (\$870,100), or so much thereof as may be necessary, for the provision or replacement of fire alarm and smoke detection systems at the Colorado territorial correctional facility and the Rifle correctional center and for the addition of required exits at the Fremont correctional facility.

(b) Nineteen million five hundred forty-six thousand two hundred fifty dollars (\$19,546,250), or so much thereof as may be necessary, for two hundred fifty close security beds as authorized by section 17-1-104.4 (2) (a) (I), Colorado Revised Statutes.

(c) Seven million four hundred eighty-two thousand two hundred dollars (\$7,482,200), or so much thereof as may be necessary, for the construction of one hundred eighty minimum security beds as authorized by section 17-1-104.4 (2) (a) (II), Colorado Revised Statutes.

(d) Seventeen million five hundred ninety-nine thousand eight hundred sixteen dollars (\$17,599,816), or so much thereof as may be necessary, for the construction of two hundred forty-eight beds at a women's correctional facility as authorized by section 17-1-104.4 (2) (a) (III), Colorado Revised Statutes.

(e) Twenty-five million two hundred forty-nine thousand five hundred dollars (\$25,249,500), or so much thereof as may be necessary, for the construction of three hundred beds at a youth offender facility as authorized by section 17-1-104.4 (2) (a) (IV), Colorado Revised Statutes.

(3) The appropriations made in subsection (2) of this section shall become available upon passage of this act, and, if any appropriated project is initiated within the fiscal year, the appropriation for the project shall remain available until completion of the project or for a period of three years, whichever comes first, at which time unexpended and unencumbered balances shall revert to the capital construction fund.

SECTION 15. Appropriation for the 1994-95 fiscal year - adjustment in 1994 long bill. (1) For the fiscal year beginning July 1, 1994, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of corrections, the following amounts:

(a) Thirty-seven million five hundred thousand dollars (\$37,500,000), or so much thereof as may be necessary, for the construction of five hundred medium security beds as authorized by section 17-1-104.4 (2) (b), Colorado Revised Statutes;

(b) Twenty-four million dollars (\$24,000,000), or so much thereof as may be necessary, for the construction of additional minimum security beds as authorized by section 17-1-104.4 (2) (c) (IV), Colorado Revised Statutes.

(2) (a) For the fiscal year beginning July 1, 1994, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of institutions, for allocation to the division of youth services, seven million nine hundred eighty-seven thousand nine hundred eighty-four dollars (\$7,987,984) to be allocated as follows:

(I) Five million nine hundred sixty-seven thousand nine hundred eighty-four dollars (\$5,967,984), or so much thereof as may be necessary, for the construction of forty-eight juvenile detention beds at a facility to be located in El Paso county.

(II) One million dollars (\$1,000,000), or so much thereof as may be necessary, for the construction of ten juvenile detention beds as an addition to the Grand Mesa Youth Services Center in Grand Junction.

(III) One million twenty thousand dollars (\$1,020,000), or so much thereof as may be necessary, for the construction of twelve juvenile detention beds as an addition to the Pueblo Youth Services Center in Pueblo.

(b) Notwithstanding the dollar amounts allocated in paragraph (a) of this subsection (2) for specified juvenile detention facilities, it is the intent of the general

assembly that the cost per juvenile detention bed allowed by such dollar amounts is to be considered an estimate of the cost per bed and that the department should contract for the construction of beds at a cost per bed which is as much below this estimate as reasonably possible. If the dollar amount allocated for a specified detention facility exceeds the actual construction cost for such facility, the department of institutions, with the approval of the capital development committee, may use the excess dollars to pay for the construction costs at one or both of the other juvenile detention facilities so long as the dollars are used only for the construction of the beds authorized by this subsection (2) and the total construction cost of the three facilities remains within the total appropriation made pursuant to this subsection (2). Any dollars not expended pursuant to this subsection (2) shall revert to the capital construction fund.

(3) (a) For the fiscal year beginning July 1, 1994, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of administration, the sum of sixty-eight thousand five hundred seventy dollars (\$68,570), or so much thereof as may be necessary, and 1.0 FTE for the implementation of section 17-1-104.4 (3), Colorado Revised Statutes.

(b) For the fiscal year beginning July 1, 1994, appropriations made in the annual general appropriation act shall be adjusted as follows:

(I) The appropriation made to the department of corrections for administration and consolidated services, construction management is reduced by the sum of twenty-seven thousand four hundred twenty-eight dollars (\$27,428), and the FTE for the department is reduced by 0.4 FTE.

(II) The appropriation made to the department of human services for the executive director's office, personal services is reduced by the sum of twenty-seven thousand four hundred twenty-eight dollars (\$27,428), and the FTE for the department is reduced by 0.4 FTE.

(III) The appropriation made to the department of higher education, Colorado commission on higher education, administration is reduced by the sum of thirteen thousand seven hundred fourteen dollars (\$13,714).

(4) For the fiscal year beginning July 1, 1994, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the general assembly, for allocation to the legislative council, the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, and 1.0 FTE for the implementation of section 2-3-304 (4) and (5), Colorado Revised Statutes.

(5) For the fiscal year beginning July 1, 1994, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the general assembly, for allocation to the legislative council, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, to pay the costs of contracting for the services of a consultant to assist the capital development committee and the joint budget committee in the performance of their functions pursuant to sections 17-1-104.8 and 27-1-104.5, Colorado Revised Statutes.

(6) The appropriations made in subsections (1) and (2) of this section shall become available upon passage of this act, and, if any appropriated project is initiated within the fiscal year, the appropriation for the project shall remain available until completion of the project or for a period of three years, whichever comes first, at which time unexpended and unencumbered balances shall revert to the capital construction fund.

SECTION 16. Authorization for construction of detention facilities by division of youth services in the department of institutions - additional appropriation for 1993-94 fiscal year. (1) (a) As required by section 13 of chapter 1, Session Laws of Colorado 1993, First Extraordinary Session, the general assembly hereby approves the construction by the division of youth services in the department of institutions of one hundred eight juvenile detention beds at a facility to be located in Arapahoe county at a cost of ten million four hundred seventy-six thousand dollars (\$10,476,000), sixty juvenile detention beds at a facility to be located in the city and county of Denver at a cost of six million seven hundred forty-three thousand dollars (\$6,743,000), and sixty juvenile detention beds at one or more facilities to be located in the northeast area of the state at a cost of six million seven hundred forty-three thousand dollars (\$6,743,000). If a suitable site cannot be found in the city and county of Denver for the sixty-bed facility, the department of institutions shall recommend an alternate site for the facility in the Denver metropolitan area, and such recommendation shall be reviewed and approved by the capital development committee prior to a final decision on the site for such facility. The department of institutions shall recommend the site for the facility or facilities to be located in the northeast area of the state, and such recommendation shall be reviewed and approved by the capital development committee prior to a final decision on the site for such facility or facilities. The facilities provided for in this section shall be constructed from moneys appropriated to the department of institutions and allocated to the division of youth services by section 12 (1) of said chapter 1 and subsection (2) of this section.

(b) Notwithstanding the dollar amounts allocated in paragraph (a) of this subsection (1) for specified juvenile detention facilities, it is the intent of the general assembly that the cost per juvenile detention bed allowed by such dollar amounts is to be considered an estimate of the cost per bed and that the department should contract for the construction of beds at a cost per bed which is as much below this estimate as reasonably possible. If the dollar amount allocated for a specified detention facility exceeds the actual construction cost for such facility, the department of institutions, with the approval of the capital development committee, may use the excess dollars to pay for the construction costs at one or more of the other juvenile detention facilities so long as the dollars are used only for the construction of the beds authorized by this subsection (1) and the total construction cost of the facilities remains within the total appropriation made pursuant to section 12 (1) of chapter 1, Session Laws of Colorado 1993, First Extraordinary Session, and subsection (2) of this section. Any dollars not expended pursuant to this subsection (1) shall revert to the capital construction fund.

(2) In addition to any other appropriation made for the current fiscal year, there is hereby appropriated, out of any moneys in the capital construction fund created in section 24-75-302, Colorado Revised Statutes, not otherwise appropriated, to the department of institutions, for allocation to the division of youth services, the sum of

two million four hundred ninety-two thousand dollars (\$2,492,000), to pay the costs which are in excess of the appropriation from the capital construction fund made in section 12 (1) of chapter 1, Session Laws of Colorado 1993, First Extraordinary Session, for the purpose of constructing additional juvenile detention beds.

(3) The appropriation made in subsection (2) of this section shall become available upon passage of this act, and, if any appropriated project is initiated within the fiscal year, the appropriation for the project made in subsection (2) of this section, as well as the appropriation for the project made in section 12 (1) of chapter 1, Session Laws of Colorado 1993, First Extraordinary Session, shall remain available until completion of the project or for a period of three years, whichever comes first, at which time unexpended and unencumbered balances shall revert to the capital construction fund.

SECTION 17. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 9, 1994