

CHAPTER 311

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**APPROPRIATIONS**

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**HOUSE BILL 96-1324**

BY REPRESENTATIVES Grampas, Owen, Romero, Piffner, and Swenson;  
also SENATORS Lacy, Blickensderfer, and Rizzuto.

**AN ACT**

**CONCERNING A SUPPLEMENTAL APPROPRIATION TO THE JUDICIAL DEPARTMENT.**

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

**SECTION 1.** Part IX of section 2 of chapter 283, Session Laws of Colorado 1995, is amended to read:

Section 2. **Appropriation.**

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

Appropriations

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM			
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT
	\$	\$	\$	\$	\$	\$
<b>PART IX</b>						
<b>JUDICIAL DEPARTMENT</b>						
<b>(1) SUPREME COURT</b>						
Personal Services	1,971,760		1,971,760			
			(38.0 FTE)			
Operating Expenses	<del>67,754</del> 75,576		30,576		37,178 <sup>a</sup>	
Grievance Committee	2,093,000 (27.9 FTE)				1,747,634 <sup>b</sup>	345,366 <sup>c</sup>
Continuing Legal Education	245,000 (3.8 FTE)				220,000 <sup>b</sup>	25,000 <sup>d</sup>
Law Examiner Board	630,000 (8.5 FTE)				500,000 <sup>e</sup>	130,000 <sup>f</sup>
Law Library	410,000				<del>410,000</del> <sup>g</sup> 345,000 <sup>g</sup> (1.0 FTE)	65,000 <sup>h</sup>
		<del>5,417,514</del> 5,425,336				

<sup>a</sup> This amount shall be from various fees and other cost recoveries.

<sup>b</sup> These amounts shall be from annual attorney registration fees and other fees. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

<sup>c</sup> This amount shall be from reserves in the Attorney Registration Fund.

<sup>d</sup> This amount shall be from reserves in the Continuing Legal Education Fund.

<sup>e</sup> This amount shall be from law examination application fees and other fees. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

<sup>f</sup> This amount shall be from reserves in the Law Examiner Board Fund.

<sup>g</sup> This amount shall be from new attorney registration fees and appellate court filing fees. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

<sup>h</sup> THIS AMOUNT SHALL BE FROM RESERVES IN THE SUPREME COURT LIBRARY FUND. FOR PURPOSES OF COMPLYING WITH THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY ARTICLE X, SECTION 20 OF THE STATE CONSTITUTION THESE MONEYS ARE INCLUDED FOR INFORMATIONAL PURPOSES AS THEY ARE CONTINUOUSLY APPROPRIATED BY A PERMANENT STATUTE OR CONSTITUTIONAL PROVISION.

**(2) COURT OF APPEALS**

Personal Services	4,153,612	4,153,612	
		(79.0 FTE)	
Operating Expenses	<del>73,264</del>	71,839	<del>1,425<sup>a</sup></del>
	<u>78,839</u>		7,000 <sup>a</sup>
		<del>4,226,876</del>	
		4,232,451	

<sup>a</sup> This amount shall be from copier machine receipts.

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
<b>(3) COURTS ADMINISTRATION<sup>78</sup></b>							
<b>(A) Administration</b>							
Personal Services	1,950,167		1,950,167				
			(37.7 FTE)				
Operating Expenses	219,700		219,700				
County Courthouse							
Furnishings <sup>79</sup>	<u>501,981</u>		501,981				
	2,671,848						
<b>(B) Administrative Special Purpose</b>							
Health, Life, and Dental	4,246,255		4,039,806		76,480 <sup>a</sup>	129,969(T) <sup>b</sup>	
Short-term Disability	125,587		118,127		3,460 <sup>a</sup>	4,000(T) <sup>b</sup>	
Salary Survey and							
Anniversary Increases	1,970,941		1,898,948		29,898 <sup>a</sup>	42,095(T) <sup>b</sup>	
Workers' Compensation	1,109,197		1,092,338		3,709 <sup>a</sup>	13,150(T) <sup>b</sup>	
Legal Services	122,874		122,874				
Payment to Risk							
Management and Property							
Funds	290,563		286,494		692 <sup>a</sup>	3,377(T) <sup>b</sup>	
Leased Space	170,000		170,000				
Lease Purchase	94,561		94,561				

Administrative Purposes	317,503	292,503 (2.3 FTE)	25,000 <sup>e</sup>	
Judicial Conference	92,642	92,642		
Retired Judges	43,335	43,335		
Appellate Reports Publication	<del>68,040</del> 83,382	<del>68,040</del> 83,382		
Office of Dispute Resolution <sup>7, 78</sup>	385,515	15,515	<del>370,000</del> <sup>a</sup> 335,000 <sup>d</sup>	35,000 <sup>b</sup>
	(4.5 FTE)			
Alimony and Support	<del>265,578</del> 250,236	<del>139,771</del> 124,429	125,807 <sup>c</sup>	
Judicial Performance <sup>80</sup>	26,283	15,183		11,100 <sup>f</sup>
Child Support Enforcement	23,700	23,700		
Courthouse Security <sup>81</sup>	<u>40,000</u>			40,000 <sup>g</sup>
	9,392,574			

<sup>a</sup> These amounts shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), C.R.S., from the Drug Offender Surcharge Fund pursuant to Section 18-19-103, C.R.S. and from fees collected by the Office of Dispute Resolution pursuant to Section 13-22-305(3), C.R.S.

<sup>b</sup> These amounts shall be from the Department of Human Services, Alcohol and Drug Abuse Division.

<sup>c</sup> This amount shall be from fees for jury instruction committees.

<sup>d</sup> This amount shall be from fees collected by the Office of Dispute Resolution pursuant to Section 13-22-305(3), C.R.S.

<sup>e</sup> This amount shall be from fees available pursuant to Section 13-32-101 (1)(a.5)(I), C.R.S.

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
<b>(C) Judicial/Heritage Complex<sup>45</sup></b>							
Personal Services	338,806		338,806				
			(3.0 FTE)				
Operating Expenses	59,281		59,281				
Parking Lot							
Maintenance	4,110				4,110 <sup>a</sup>		
Capital Outlay	<u>80,000</u>		80,000				
	482,197						

<sup>a</sup> This amount shall be from parking receipts.

**(D) Integrated Information Services<sup>82,83</sup>**

(1) Administration

Personal Services	952,710		952,710				
	(16.0 FTE)						
Operating Expenses	166,780		151,780		15,000 <sup>a</sup>		
Purchase of Services							

<sup>f</sup> This amount shall be from donations collected by the Commission on Judicial Performance pursuant to Section 13-5.5-107, C.R.S.

<sup>g</sup> This amount shall be from donations.

<sup>h</sup> THIS AMOUNT SHALL BE FROM RESERVES IN THE OFFICE OF DISPUTE RESOLUTION FUND.

from Computer Center	971,649	971,649
Hardware/Software		
Maintenance	495,369	495,369
Computer Integrated		
Courtroom <sup>84</sup>	<u>30,000</u>	30,000
	2,616,508	

<sup>a</sup> This amount shall be from various fees and other cost recoveries.

(2) Court Automation Plan<sup>85</sup>

Personal Services	216,426	
	(5.0 FTE)	
Contract Services	392,626	
Lease Purchase		
Payments	1,309,429	
Installation/		
Maintenance Expenses	<u>520,798</u>	
	2,439,279	2,439,279

(3) Probation Automation Plan<sup>85</sup>

Contract Services	49,326	
Lease Purchase		
Payments	862,531	
Installation/		
Maintenance Expenses	<u>372,830</u>	
	1,284,687	1,284,687

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
		18,887,093					
<b>(4) TRIAL COURTS</b>							
Personal Services	54,853,042		54,826,114 (1337.2 FTE)			26,928(T) <sup>a</sup> (0.5 FTE)	
Operating Expenses	<del>3,858,489</del> 3,938,489		2,690,430		<del>1,168,059<sup>b</sup></del> 1,248,059 <sup>b</sup>		
Capital Outlay	126,750		126,750				
Purchase of Microfilm							
Services	86,400		86,400				
Mandated Costs	<del>14,899,185</del> 15,067,672		<del>14,899,185</del> 15,067,672 (1.0 FTE)				
Collections							
Investigators	<del>792,373</del> 1,133,940				792,373 <sup>c</sup> (21.3 FTE)	341,567(T) <sup>h</sup>	
Involuntary							
Commitments	8,344					8,344(T) <sup>d</sup>	
Sex Offender Surcharge	7,529				7,529 <sup>e</sup>		
Victim Compensation	<del>5,000,000</del>				<del>5,000,000<sup>f</sup></del>		

	5,755,404		5,755,404 <sup>f</sup>
Victim Assistance	<del>6,500,000</del>		<del>6,500,000<sup>e</sup></del>
	7,089,658		7,089,658 <sup>g</sup>
Family Preservation			
Matching Funds	101,447	20,289	81,158
DEPENDENCY AND NEGLECT			
PILOT PROJECTS	<u>123,857</u>		123,857(T) <sup>i</sup>
		<del>86,233,559</del>	
		88,292,532	

<sup>a</sup> This amount shall be from the Division of Youth Services.

<sup>b</sup> This amount shall be from various fees and other cost recoveries.

<sup>c</sup> This amount shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), C.R.S.

<sup>d</sup> This amount shall be from federal funds appropriated in the Department of Human Services, Alcohol and Drug Abuse Division, pursuant to Section 25-1-1112, C.R.S.

<sup>e</sup> This amount shall be from the Sex Offender Surcharge Fund.

<sup>f</sup> This amount shall be from the Crime Victim Compensation Fund. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated \*by a permanent statute or constitutional provision.

<sup>g</sup> This amount shall be from the Victims and Witnesses Assistance and Law Enforcement Fund. For purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution, these moneys are included for informational purposes as they are continuously appropriated by a permanent statute or constitutional provision.

<sup>h</sup> THIS AMOUNT SHALL BE FROM LOCAL VALE BOARDS.

<sup>i</sup> THIS AMOUNT SHALL BE FROM THE DEPARTMENT OF HUMAN SERVICES.

**(5) PROBATION AND RELATED SERVICES<sup>13</sup>**

Personal Services	23,420,571	23,420,571
		(529.5 FTE)

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Female Offender Program	200,850		200,850				
			(6.0 FTE)				
Operating Expenses	940,675		940,675				
Intensive Supervision							
Operating Expenses	123,742		123,742				
Offender Services <sup>86</sup>	702,000				552,000 <sup>a</sup>	150,000(T) <sup>b</sup>	
Electronic Monitoring/ Drug Testing	517,170		517,170				
Juvenile Residential and Aftercare Services	558,720		558,720				
Alcohol/Drug Driving Safety Contract	2,796,159					2,796,159(T) <sup>c</sup>	
Collections							
Investigators	<del>380,272</del>				380,272 <sup>d</sup>		
	380,272				380,272 <sup>d</sup>		
					(4.0 FTE)		
VALE GRANT	22,816					22,816(T) <sup>f</sup>	
Drug Offender Assessment	402,942				402,942 <sup>e</sup>		
					(8.0 FTE)		
		30,043,101					

<sup>a</sup> These amounts shall be from the Offender Services Fund pursuant to Section 16-11-214(1), C.R.S.

<sup>b</sup> This amount shall be from federal funds appropriated in the Department of Public Safety, Division of Criminal Justice.

<sup>c</sup> This amount shall be from the Department of Human Services, Alcohol and Drug Abuse Division, pursuant to Section 42-4-1202(5), C.R.S.

<sup>d</sup> This amount shall be from fines deposited into the Fines Collection Cash Fund pursuant to Section 18-1-105(1)(a)(III)(D), C.R.S.

<sup>e</sup> This amount shall be from the Drug Offender Surcharge Fund pursuant to Section 18-19-103, C.R.S.

<sup>f</sup> THIS AMOUNT SHALL BE FROM THE STATE VALE FUND.

**(6) PUBLIC DEFENDER<sup>87,88,88a</sup>**

Personal Services	15,012,481	15,012,481	
		(287.7 FTE)	
Group Health and Life	589,971	589,971	
Short-term Disability	28,226	28,226	
Salary Survey and			
Anniversary Increases	550,843	550,843	
Workers' Compensation	95,225	95,225	
Operating Expenses	908,308	900,308	8,000 <sup>a</sup>
Purchases of Services from			
Computer Center	3,978	3,978	
Vehicle Lease Payments	40,788	40,788	
Leased Space/Utilities	837,394	837,394	
Automation Plan	592,637	592,637	
Contract Services	20,000	20,000	
Conflict of			
Interest <sup>89</sup>	6,579,161	6,579,161	

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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				FEDERAL FUNDS
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	
	\$	\$	\$	\$	\$	\$	\$
Public Defender Overload	776,900		776,900 (8.0 FTE)				
		26,035,912					

<sup>a</sup> This amount shall be from training fees.

**TOTALS PART IX**

<del>(JUDICIAL)</del> <sup>10, 11, 11a</sup>	\$170,844,055	\$148,655,841	\$18,381,568	\$3,725,488 <sup>a</sup>	\$81,158
(JUDICIAL) <sup>10, 11, 11a, 89a</sup>	\$172,939,241	\$148,824,328	\$19,720,027	\$4,313,728 <sup>a</sup>	

<sup>a</sup> Of this amount, ~~\$3,174,022~~ \$3,662,262 contains a (T) notation.

**FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

- 7 Department of Administration, Division of Administrative Hearings; Judicial Department, Courts Administration, Administrative Special Purpose, Office of Dispute Resolution; and Department of Law, Legal Services to State Agencies -- The Departments and the Judicial Branch are requested to provide, by October 15, 1995, a report to the Joint Budget Committee on proposals to improve and expand the use and coordination of alternative dispute resolution programs. The report should include a discussion of the cost-effectiveness of alternative dispute resolution programs and a plan for expanded use of such programs in claims involving the state.
- 10 (Governor lined through this provision. See L. 95, p. 1945.)
- 11 All Departments, Totals -- The General Assembly requests that copies of all reports requested in other footnotes contained in this act be delivered to the Joint Budget Committee and the majority and minority leadership in each house of the General Assembly.

- 11a (Governor lined through this provision. See L. 95, p. 1945.)
- 13 Department of Corrections, Administration and Consolidated Services; Department of Human Services, Division of Youth Services and Alcohol and Drug Abuse Division; Judicial Department, Probation and Related Services; and Department of Public Safety, Division of Criminal Justice -- It is the intent of the General Assembly that state criminal justice agencies involved in multi-agency programs requiring separate appropriations to each agency designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee. Each agency must still submit its portion of such request with its own budget document.
- 45 Department of Higher Education, State Historical Society; and Judicial Department, Courts Administration, Judicial/Heritage Complex -- It is the intent of the General Assembly that any requests for increased funding for the Judicial Heritage Complex which are associated with the Colorado History Museum building should include an appropriate level of cash funds, federal funds, or both from sources available to the Colorado Historical Society.
- 78 Judicial Department, Courts Administration; and Courts Administration, Administrative Special Purpose, Office of Dispute Resolution -- The Judicial Branch is requested to provide, by February 1 of each fiscal year, a report to the Joint Budget Committee on any proposed fee increases.
- 79 Judicial Department, Courts Administration, Administration, County Courthouse Furnishings -- These funds shall be used to provide furnishings for those county projects involving remodeling and renovations of existing courthouses, and those projects involving the construction of new county courthouses. These funds shall not be used for the purposes of providing capital outlay for the regular replacement and modernization of Judicial Department equipment and furnishings. The Judicial Department is requested to submit to the Joint Budget Committee and the General Assembly a report detailing the Department's five-year plan for county courthouse furnishing projects, pursuant to Section 13-3-108(3), C.R.S., on or before each November 1.
- 80 Judicial Department, Courts Administration, Administrative Special Purpose, Judicial Performance -- In accordance with Section 13-5.5-108, C.R.S., it is the intent of the General Assembly that General Fund support for this line item cease after the completion of FY 1995-96. The Department is requested to develop a plan for obtaining adequate funding from grants and donations. A report on this plan should be provided to the Joint Budget Committee by October 15, 1995.
- 81 Judicial Department, Courts Administration, Administrative Special Purpose, Courthouse Security -- The Judicial Branch is requested to cooperate with local law enforcement agencies in the preparation of a report which provides recommendations on minimum security standards for state court facilities. The report should include estimates of the costs of establishing, operating, and maintaining the recommended standards in state court facilities. For purposes of this report, state court facilities do not include probation offices. A report to the Joint Budget Committee is requested by November 1, 1995.
- 82 (Governor lined through this provision. See L. 95, p. 1947.)
- 83 Judicial Department, Courts Administration, Integrated Information Services -- The Department is requested to provide, by October 15, 1995, a report to the Joint Budget Committee and the Information Management Commission detailing a plan for identifying and recovering \$7,530,690 in savings from personal services and other expenditures throughout the state court system. These savings represent the total benefits from automation of the state court system which were identified in reports to the Information Management Commission. Some portion of these savings could be attributed to increases in cash fund cost recoveries for the ongoing maintenance and support of the automated system.
- 84 Judicial Department, Courts Administration, Integrated Information Services, Computer Integrated Courtroom -- The Department is requested to provide, by January

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

15, 1996, a report to the Joint Budget Committee detailing the progress on the implementation of a computer integrated courtroom pilot project, including locations in five to eight judicial districts. The report should include a discussion of the objectives and performance measures for the project as well as a detailed discussion of how the project will be integrated with other information services projects, including the Trial Courts and Probation automated systems. Implementation of this pilot project is prohibited until the Trial Court and Probation automated systems are completed.

85 Judicial Department, Courts Administration, Integrated Information Services, Court Automation Plan; and Probation Automation Plan -- The Judicial Department may transfer up to a maximum of ten percent of the installation/maintenance expenses appropriations into the contract services appropriations for both the court and probation automation plans.

86 Judicial Department, Probation and Related Services, Offender Services -- These funds shall be used for the purposes of offender services such as: Domestic violence evaluation and monitoring, literacy programs, sex offender treatment, and specialized female offender programs. These funds shall not be used for the purposes of satisfying obligations incurred in the normal operations of the Division.

87 Judicial Department, Public Defender -- ~~Up~~ IN ADDITION TO THE TRANSFER AUTHORITY PROVIDED IN SECTION 24-75-110, C.R.S., up to 5 percent of the total Public Defender appropriation may be transferred between budgetary line items in the Public Defender's Office.

88 Judicial Department, Public Defender -- It is the intent of the General Assembly that any requests for additional funding for caseload increases of up to two percent will not be approved. The need for such requests should be offset by productivity gains associated with the Public Defender automation project. In addition, the Public Defender is expected to identify additional savings totaling \$256,411 to be achieved over the course of the next four fiscal years. Caseload increases will be evaluated in comparison to the Public Defender's FY 1994-95 caseload. The Public Defender shall itemize anticipated savings in the annual budget request.

88a Judicial Department, Public Defender -- The Public Defender is required to provide a report to the General Assembly on both the dollars and the FTE utilized by the office in death penalty cases in FY 1994-95. Such report is requested no later than October 15, 1995.

89 Judicial Department, Public Defender, Conflict of Interest -- These funds may be used for court appointed counsel only when there is a genuine conflict of interest precluding representation by the Public Defender's Office. If a court appoints private counsel for other reasons, such costs shall be paid for from the Trial Courts' Other Appointments appropriation. The Public Defender may not use these funds to provide counsel to address caseload increases, but this restriction shall not apply to caseload increases arising from leave mandated by the federal Family and Medical Leave Act and from staffing problems related to death penalty litigation for the non-Denver metropolitan area offices.

89a JUDICIAL DEPARTMENT, TOTALS -- IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO FUNDS RECEIVED BY THE JUDICIAL DEPARTMENT, OTHER THAN FEDERAL

FUNDS, SHALL BE EXPENDED UNLESS SUCH FUNDS ARE CONTINUOUSLY APPROPRIATED BY PERMANENT STATUTE OR CONSTITUTIONAL PROVISION OR APPROPRIATED IN THE LONG BILL. THE STATE CONTROLLER SHALL NOT ALLOW EXPENDITURES UNLESS THESE REQUIREMENTS ARE MET.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 7, 1996

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