

## CHAPTER 36

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**COURTS**

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**HOUSE BILL 96-1279**

BY REPRESENTATIVES Gordon, Foster, Chavez, Clarke, DeGette, Dyer, Kaufman, Keller, Lamm, and Schwarz;  
also SENATORS Wham, Ament, Blickensderfer, Hopper, Johnson, Norton, Pascoe, L. Powers, R. Powers, Rupert, Schroeder, and Weddig.

**AN ACT****CONCERNING THE USE OF INACTIVE JUDGES.**

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

**SECTION 1.** 13-3-111 (1), (2), (3), and (6), Colorado Revised Statutes, 1987 Repl. Vol., are amended to read:

**13-3-111. Appointment of retired or resigned justice or judge pursuant to agreement of parties - appointment discretionary.** (1) Upon agreement of all appearing parties to a civil action that a SPECIFIC retired OR RESIGNED justice of the supreme court or a retired OR RESIGNED judge of any other court be assigned to hear the action and upon agreement that one or more of the parties shall pay ~~the per diem~~ THE AGREED UPON salary of the assigned SELECTED justice or judge, together with all other salaries and expenses incurred, the chief justice may assign any retired OR RESIGNED justice or retired OR RESIGNED INTERMEDIATE APPELLATE, district, probate, or juvenile court judge who consents temporarily to perform judicial duties for such action.

(2) The decision as to whether a retired OR RESIGNED justice or judge shall be assigned to judicial duties, ~~and the decision as to which justice or judge shall be assigned to a civil action,~~ pursuant to subsection (1) of this section, shall be entirely within the discretion of the chief justice. The chief justice may require such undertakings as in his OR HER opinion may be necessary to insure that proceedings held pursuant to this section shall be without expense to the state.

(3) Such appointment ~~shall only~~ MAY be made AT ANY TIME after the action

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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.*

is at issue. ~~and all discovery has been completed.~~

(6) ~~Per diem~~ THE salaries and expenses paid to judges appointed pursuant to this section shall be at the ~~same rate as per diem salaries and expenses paid to retired judges temporarily appointed at state expense~~ RATE AGREED UPON BY THE PARTIES AND THE JUDGE.

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 25, 1996

**Editor's note:** This act was passed without a safety clause. See section 2 of this act for the possible effective dates.