

CHAPTER 438

APPROPRIATIONS

HOUSE BILL 10-1303

BY REPRESENTATIVE(S) Pommer, Ferrandino, Lambert, Hullinghorst;
also SENATOR(S) Keller, Tapia, White.

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 VIII of section 2 of chapter 464, Session Laws of Colorado 2009, is amended to read:

Section 2. **Appropriation.**

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

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

**PART VIII
JUDICIAL DEPARTMENT**

(1) SUPREME COURT/COURT OF APPEALS

Appellate Court Programs ³¹	11,848,560	10,762,173		1,086,387 ^a		
	11,833,524	10,747,137				
		(132.5 FTE)		(13.5 FTE)		
Attorney Regulation Committees	4,700,000			4,700,000^b		
	6,000,000			6,000,000 ^b		
				(40.5 FTE)		
Continuing Legal Education	325,000			325,000^c		
	370,000			370,000 ^c		
				(4.0 FTE)		
Law Examiner Board	850,000			850,000^d		
	900,000			900,000 ^d		
				(8.2 FTE)		
Law Library	<u>500,000</u>			500,000 ^e		
	18,223,560					

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Office of Judicial Performance Evaluation	920,955				920,955 ^f (2.0 FTE)		
Courthouse Capital/ Infrastructure Maintenance	4,100,000 3,100,000		1,000,000		3,100,000 ^e		
Courthouse Security	3,194,622 3,670,622				3,194,622^e 3,670,622 ^b (1.0 FTE)		
Family Violence Justice Grants	750,000		750,000				
Statewide Indirect Cost Assessment	83,252				77,832 ^a		5,420
Departmental Indirect Cost Assessment	<u>1,242,659</u>				1,242,659 ^a		
	17,222,523 16,687,898						

^a These amounts shall be from various sources of cash funds.

^b This amount shall be from statewide and departmental indirect cost recoveries.

^c This amount shall be from various fees and cost recoveries.

^d This amount shall be transferred from the Department of Higher Education, State Historical Society.

^c This amount shall be from the Family-friendly Court Program Cash Fund created in Section 13-3-113 (6), C.R.S.

^f This amount shall be from the State Commission on Judicial Performance Cash Fund created in Section 13-5.5-107, C.R.S.

^g This amount shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S.

^h This amount shall be from the Court Security Cash Fund created in Section 13-1-204 (1) (a), C.R.S.

(B) Administrative Special Purpose

Health, Life, and Dental	18,141,821	16,302,590	1,839,231 ^a
	17,916,821	16,077,590	
Short-term Disability	308,097	272,515	35,582 ^a
	228,097	192,515	
S.B. 04-257 Amortization Equalization Disbursement	3,917,429	3,458,308	459,121 ^a
S.B. 06-235 Supplemental Amortization Equalization Disbursement	2,411,398	2,124,448	286,950 ^a
Workers' Compensation	1,719,774	1,719,774	
	1,623,687	1,623,687	
Legal Services for 3,000 hours	226,140	226,140	
Payment to Risk Management and Property Funds	228,335	228,335	
	214,188	214,188	
Vehicle Lease Payments	55,967	55,967	
	55,012	55,012	
Leased Space	828,175	788,935	39,240 ^b
	1,139,515	968,035	171,480 ^b

Ch. 438

Appropriations

2441

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Lease Purchase	119,878		119,878				
Administrative Purposes	195,554		130,554		65,000 ^e		
Retired Judges	1,894,006		1,894,006				
Appellate Reports Publication	37,100		37,100				
Child Support Enforcement	90,900		30,904			59,996 ^d	
						(1.0 FTE)	
Collections Investigators	5,069,351				4,281,810 ^e	787,541^f	
	5,179,351					897,541 ^f	
					(83.2 FTE)		
	<u>35,243,925</u>						
	35,249,076						

^a These amounts shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (6), C.R.S., the State Commission on Judicial Performance Cash Fund created in Section 13-5.5-107, C.R.S., the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., the Fines Collection Cash Fund created in Section 18-1.3-401 (1) (a) (III) (D), C.R.S., the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S., and the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301.3 (4) (a), C.R.S.

^b This amount shall be from employee payments for parking fees.

^c This amount shall be from royalties from the sale of pattern jury instructions.

^d This amount shall be from federal funds transferred from the Department of Human Services.

^e Of this amount, an estimated \$2,700,000 shall be from the Judicial Collection Enhancement Fund created in Section 16-11-101.6 (2), C.R.S., an estimated \$1,531,810 shall be from the Fines Collection Cash Fund created in Section 18-1.3-401 (1) (a) (III) (D), C.R.S., and an estimated \$50,000 shall be from various fees and cost recoveries.

^f This amount shall be from local Victims and Witnesses Assistance and Law Enforcement (VALE) funds created in Section 24-4.2-103 (1), C.R.S., and transferred from the Trial Courts section.

(C) Integrated Information Services

Personal Services	3,488,481	3,270,771		217,710 ^b
	3,531,926		43,445 ^a	
		(44.9 FTE)		
			(1.0 FTE)	
Operating Expenses	227,604	177,604	50,000^a	
	232,140	154,844	77,296 ^a	
Purchase of Services from Computer Center	268,774	268,774		
	256,998	256,998		
Multiuse Network Payments	334,800	334,800		
Communication Services Payments	10,938	10,938		
Information Technology Infrastructure	3,961,486	1,353,094	2,608,392 ^a	
	<u>2,961,486</u>	353,094		
	8,292,083			
	7,328,288			

^a These amounts shall be from the Judicial Department Information Technology Cash Fund created in Section 13-32-114 (1), C.R.S.

^b This amount shall be from federal funds transferred from the Department of Public Safety, Division of Criminal Justice, and other state agencies.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
		60,758,531					
		59,265,262					
(3) TRIAL COURTS							
Trial Court Programs ³¹	126,801,115		101,923,098		23,913,017 ^a	965,000 ^b	
	122,777,437		97,899,420				
			(1,637.1 FTE)		(263.5 FTE)		
			(1,528.3 FTE)				
Capital Outlay	1,353,895		62,724		1,291,171 ^c		
	1,291,171						
Court Costs, Jury Costs, and Court-appointed Counsel	15,594,352		15,109,352		485,000 ^d		
Language Interpreters	3,396,568		3,346,568		50,000 ^d		
			(20.0 FTE)				
			(25.0 FTE)				
District Attorney Mandated Costs	2,226,052		2,101,052		125,000 ^d		
Victim Compensation	12,120,121				12,120,121 ^e		
Victim Assistance	15,095,039				15,095,039 ^f		
Federal Funds and Other Grants	2,400,000				475,000^g	300,000 ^g	1,625,000

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Day Reporting Services	393,078		393,078				
Victims Grants	650,000					650,000 ^e	(6.0 FTE)
S.B. 91-94 Juvenile Services	1,906,837					1,906,837 ^f	(25.0 FTE)
S.B. 03-318 Community Treatment Funding	2,200,000		2,200,000				
Federal Funds and Other Grants	4,850,000 5,600,000				1,200,000^e 1,950,000 ^e	850,000 ^b	2,800,000
					(2.0 FTE)	(18.0 FTE)	(13.0 FTE)
		95,894,558 93,153,215					

^a Of this amount, an estimated \$4,927,693 shall be from the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301.3 (4) (a), C.R.S., an estimated \$3,969,414 shall be from the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., and an estimated \$741,520 shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S.

^b Of this amount, an estimated \$394,500 shall be from the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., an estimated \$224,349 shall be from the Alcohol and Drug Driving Safety Program Fund created in Section 42-4-1301.3 (4) (a), C.R.S., an estimated \$120,000 shall be from the Offender Identification Fund created in Section 24-33.5-415.6 (1), C.R.S., and an estimated \$80,000 shall be from various fees and cost recoveries.

^c Of this amount, an estimated \$9,011,833 shall be from the Offender Services Fund created in Section 16-11-214 (1) (a), C.R.S., an estimated \$1,095,428 shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S., an estimated \$302,029 shall be from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S., and an estimated \$210,000 shall be from various fees and cost recoveries.

^d This amount shall be from funds transferred from the Department of Human Services, Alcohol and Drug Abuse Division.

^e Of this amount, an estimated \$425,000 shall be from grants from local Victims and Witnesses Assistance and Law Enforcement (VALE) Boards pursuant to Section 24-4.2-105 (2.5) (a) (II), C.R.S., transferred from the Trial Courts section, and an estimated \$225,000 shall be from state Victims Assistance and Law Enforcement grant funds transferred from the Department of Public Safety, Division of Criminal Justice.

^f This amount shall be transferred from the Department of Human Services, Division of Youth Corrections.

^g This amount shall be from various fees, cost recoveries, and grants.

^h This amount shall be from federal funds transferred from the Department of Public Safety, the Department of Human Services, and the Department of Education.

(5) PUBLIC DEFENDER³¹

Personal Services ³¹	38,468,649	38,468,649
	37,890,338	37,890,338
		(576.3 FTE)
		(537.6 FTE)
Health, Life, and Dental	3,683,543	3,683,543
	3,056,218	3,056,218
Short-term Disability	54,015	54,015
	50,852	50,852
S.B. 04-257 Amortization		
Equalization Disbursement	690,464	690,464
	650,696	650,696
S.B. 06-235 Supplemental		
Amortization Equalization		
Disbursement	424,572	424,572
	371,880	371,880

Ch. 438

Appropriations

2447

Appropriations

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Operating Expenses	1,240,001 1,004,468		1,210,001 974,468		30,000 ^a		
Purchase of Services from Computer Center	19,579		19,579				
Vehicle Lease Payments	61,392 51,053		61,392 51,053				
Capital Outlay	219,576 100,000		219,576 100,000				
Leased Space/Utilities	5,177,879 4,615,715		5,177,879 4,615,715				
Automation Plan	894,768 683,170		894,768 683,170				
Contract Services	18,000		18,000				
Mandated Costs	3,567,671 3,340,586		3,567,671 3,340,586				
Grants	63,745 103,745				56,245 ^b 96,245 ^b	7,500 ^c	
					(1.0 FTE) (2.0 FTE)		
	<hr/>	54,583,854					
		51,956,300					

^a This amount shall be from training fees.

^b This amount shall be from funding provided by Boulder County for professional services provided by the State Public Defender to Boulder's Juvenile Integrated Treatment Court. TO THE 20TH JUDICIAL DISTRICT.

^c This amount shall be from federal funds transferred from the Department of Public Safety, Division of Criminal Justice.

(6) ALTERNATE DEFENSE COUNSEL³³

Personal Services ³¹	706,089	706,089	
		(7.5 FTE)	
Health, Life, and Dental	62,947	62,947	
Short-term Disability	951	951	
S.B. 04-257 Amortization Equalization Disbursement	12,063	12,063	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	7,412	7,412	
Operating Expenses	67,030	67,030	
Purchase of Services from Computer Center	1,203	1,203	
Leased Space	38,140	38,140	
Training and Conferences	40,000	20,000	20,000 ^a
Conflict of Interest Contracts	21,092,467	21,092,467	
Mandated Costs	<u>1,663,839</u>	1,663,839	
	23,692,141		

^a This amount shall be from training fees.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
(7) OFFICE OF THE CHILD'S REPRESENTATIVE³⁴							
Personal Services ³¹	1,866,763		1,866,763				
			(26.8 FTE)				
Health, Life, and Dental	163,296		163,296				
Short-term Disability	2,636		2,636				
S.B. 04-257 Amortization Equalization Disbursement	33,624		33,624				
S.B. 06-235 Supplemental Amortization Equalization Disbursement	20,669		20,669				
Operating Expenses	151,042		151,042				
Capital Outlay	3,998		3,998				
Purchase of Services from Computer Center	1,553		1,553				
Leased Space	142,738		142,738				
CASA Contracts	520,000		520,000				
Training	38,000		38,000				
Court Appointed Counsel ^{34a}	15,506,893		15,506,893				
Mandated Costs	26,228		26,228				
		18,477,440					

TOTALS PART VIII

(JUDICIAL)	\$450,617,226	\$336,454,516		\$102,123,414	\$7,608,876	\$4,430,420
	<u>\$441,548,622</u>	<u>\$323,911,931</u>		<u>\$105,487,395</u>	<u>\$7,718,876</u>	

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

1 Department of Corrections, Management, Executive Director's Office Subprogram; Department of Human Services, Mental Health and Alcohol and Drug Abuse Services, Alcohol and Drug Abuse Division; and Division of Youth Corrections; Judicial Department, Probation and Related Services; and Department of Public Safety, Division of Criminal Justice; and Colorado Bureau of Investigation -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from the Drug Offender Surcharge Fund, the Offender Identification Fund, the Sex Offender Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the Alcohol and Drug Driving Safety Program Fund, among other programs.

31 Judicial Department, Supreme Court/Court of Appeals, Appellate Court Programs; Trial Courts, Trial Court Programs; Public Defender, Personal Services; Alternate Defense Counsel, Personal Services; Office of the Child's Representative, Personal Services -- In accordance with Section 13-30-104 (3), C.R.S., funding is provided for judicial compensation, as follows:

	<u>FY 2009-10 Salary</u>
Chief Justice, Supreme Court	\$142,708
Associate Justice, Supreme Court	139,660
Chief Judge, Court of Appeals	137,201
Associate Judge, Court of Appeals	134,128
District Court Judge	128,598
County Court Judge	123,067

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

Funding is also provided in the Long Bill to maintain the salary of the Public Defender at the level of an associate judge of the Court Appeals, and to maintain the salaries of the Alternate Defense Counsel and the Executive Director of the Office of the Child's Representative at the level of a district court judge.

32 Judicial Department, Public Defender -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Public Defender appropriation may be transferred between line items in the Public Defender's Office.

33 Judicial Department, Alternate Defense Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Alternate Defense Counsel appropriation may be transferred between line items in the Alternate Defense Counsel's Office.

34 Judicial Department, Office of the Child's Representative -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 2.5 percent of the total Office of the Child's Representative's appropriation may be transferred between line items in the Office of Child's Representative.

34a Judicial Department, Office of the Child's Representative, Court Appointed Counsel -- It is the intent of the General Assembly that the Office of the Child's Representative be authorized to utilize up to \$25,000 of this appropriation to fund a pilot program as authorized pursuant to Section 13-91-105 (1) (e), C.R.S., for the purpose of evaluating alternatives to the appointment of child and family investigators and child's legal representatives in domestic relations cases.

SECTION 2. Part VIII (3), (7), and the affected totals of section 2 of chapter 474, Session Laws of Colorado 2008, as amended by section 1 of chapter 449, Session Laws of Colorado 2009, are amended to read:

Section 2. **Appropriation.**

**PART VIII
JUDICIAL DEPARTMENT**

(3) TRIAL COURTS

Trial Court Programs ⁴²	116,344,858	94,436,905 (1,628.1 FTE)	21,907,953 ^a (238.9 FTE)		
Capital Outlay	1,380,798		1,380,798 ^b		
Court Costs, Jury Costs, and Court-appointed Counsel	15,594,352 15,294,352	15,109,352 14,809,352	485,000 ^c		
Language Interpreters	3,393,469	3,343,469 (25.0 FTE)	50,000 ^c		
District Attorney Mandated Costs	2,226,052	2,101,052	125,000 ^c		
Victim Compensation	12,120,121		12,120,121 ^d		
Victim Assistance	15,095,039		15,095,039 ^e		
Federal Funds and Other Grants	2,296,627		989,579 ^e	256,890 ^f (6.0 FTE)	1,050,158 (2.5 FTE)
	<hr style="width: 100px; margin-left: 0;"/> 168,451,316				
	168,151,316				

^a Of this amount, an estimated \$19,297,953 shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (1.5), C.R.S., an estimated \$2,600,000 shall be from various fees and other cost recoveries, and an estimated \$10,000 shall be from the Water Adjudication Cash Fund created in Section 37-92-309 (4) (a), C.R.S.

^b This amount shall be from the Judicial Stabilization Cash Fund created in Section 13-32-101 (1.5), C.R.S.

^c These amounts shall be from various fees, cost recoveries, and grants.

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

^d This amount shall be from the Crime Victim Compensation Fund established in the office of the court administrator of each judicial district pursuant to Section 24-4.1-117 (1), C.R.S. These moneys are included for informational purposes as they are continuously appropriated by constitutional provision.

^e This amount shall be from the Victims and Witnesses Assistance and Law Enforcement Fund (VALE) established in the office of the court administrator of each judicial district pursuant to Section 24-4.2-103 (1), C.R.S. These moneys are included for informational purposes as they are continuously appropriated under the Judicial Branch's Constitutional authority.

^f This amount shall be from federal funds appropriated to the Department of Public Safety and the Department of Human Services.

(7) OFFICE OF THE CHILD'S REPRESENTATIVE⁴⁵

Personal Services ⁴²	1,736,920	1,736,920 (26.8 FTE)
Health, Life, and Dental	129,401	129,401
Short-term Disability	2,086	2,086
S.B. 04-257 Amortization Equalization Disbursement	25,136	25,136
S.B. 06-235 Supplemental Amortization Equalization Disbursement	11,365	11,365
Salary Survey	87,642	87,642
Anniversary Increases	26,554	26,554
Operating Expenses	148,162	148,162
Capital Outlay	3,455	3,455

Purchase of Services from		
Computer Center	1,553	1,553
Leased Space	137,880	137,880
CASA Contracts	520,000	520,000
Training	38,000	38,000 ^a
Court Appointed Counsel	14,293,982	14,293,982
	15,731,211	15,731,211 ^a
Mandated Costs	<u>26,228</u>	26,228
	17,188,364	
	18,625,593	

^a Of these amounts, \$241,158 is exempt from the statutory limit on state General Fund appropriations pursuant to Section 24-75-201.1, C.R.S.

TOTALS PART VIII

(JUDICIAL)	\$431,850,067	\$325,908,729		\$97,684,967	\$5,966,106	\$2,290,265
	<u>\$432,987,296</u>	<u>\$327,045,958^a</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

^a Of this amount, \$241,158 shall be exempt from the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

SECTION 3. 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 10, 2010