

HOUSE JOURNAL
SIXTY-FOURTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Third Legislative Day

Friday, January 10, 2003

1 Prayer by Representative Stafford.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 Pledge of Allegiance led by Representative Witwer.

6

7 The roll was called with the following result:

8

9 Present--61.

10 Excused--Representatives Boyd, Groff, Pommer, T. Williams--4.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Briggs, the reading of the journal of
16 January 9, 2003, was declared dispensed with and approved as corrected
17 by the Chief Clerk.

18

19

20

21

CONSIDERATION OF RESOLUTIONS

22

23 **SJR03-002** by Senator(s) Anderson, Andrews, Fitz-Gerald; also
24 Representative(s) Cloer, Johnson R., Garcia, Jahn--
25 Concerning employee salary ranges for the First Regular
26 Session of the Sixty-fourth General Assembly.

27

28 (Printed and placed in Member's file.)

29

30 Amendment No. 1, moved by Representative Cloer.

31

32 Amend engrossed joint resolution, page 2, line 45, strike "G50" and
33 substitute "G30".

34

35 Page 3, line 2, strike "H47" and substitute "H51";

36

37 line 3, strike "H31" and substitute "H45".

38

39 The amendment was declared **passed** by **viva voce** vote.

40

41 Amendment No. 2, moved by Representative Weissmann.

42

43 Amend engrossed joint resolution, page 2, strike line 25.

1 Page 3, strike line 7.

2

3 The amendment was declared **lost** by the following roll call vote:

4

	YES	11	NO	50	EXCUSED	04	ABSENT	00
6	Berry	N	Groff	E	McCluskey	N	Sinclair	N
7	Borodkin	Y	Hall	N	McFadyen	N	Smith	N
8	Boyd	E	Harvey	N	Merrifield	N	Spence	N
9	Briggs	N	Hefley	N	Miller	N	Stafford	N
10	Brophy	N	Hodge	Y	Mitchell	N	Stengel	N
11	Butcher	N	Hoppe	N	Paccione	N	Tochtrop	N
12	Cadman	N	Jahn	N	Plant	Y	Veiga	N
13	Clapp	N	Johnson	N	Pommer	E	Vigil	N
14	Cloer	N	Judd	Y	Ragsdale	Y	Weddig	Y
15	Coleman	N	King	N	Rhodes	N	Weissmann	Y
16	Crane	N	Larson	N	Rippy	N	White	N
17	Decker	N	Lee	N	Romanoff	Y	Wiens	N
18	Fairbank	N	Lundberg	N	Rose	N	Williams S.	N
19	Frangas	N	Madden	Y	Salazar	N	Williams T.	E
20	Fritz	N	Marshall	Y	Sanchez	Y	Witwer	N
21	Garcia	N	May	N	Schultheis	N	Young	N
22							Speaker	N

23

24 On motion of Representative Cloer, the resolution as amended was
25 **adopted** by the following roll call vote:

26

	YES	59	NO	02	EXCUSED	04	ABSENT	00
28	Berry	Y	Groff	E	McCluskey	Y	Sinclair	Y
29	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
30	Boyd	E	Harvey	Y	Merrifield	Y	Spence	Y
31	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
32	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
33	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
34	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
35	Clapp	Y	Johnson	Y	Pommer	E	Vigil	Y
36	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
37	Coleman	Y	King	Y	Rhodes	Y	Weissmann	N
38	Crane	Y	Larson	Y	Rippy	Y	White	Y
39	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
40	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
41	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	E
42	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
43	Garcia	Y	May	Y	Schultheis	Y	Young	Y
44							Speaker	Y

45

46

47 **HR03-1003** by Representative(s) Cloer, Johnson R., Garcia, Jahn--
48 Concerning the appointment of officers and employees for
49 the House of Representatives of the Sixty-Fourth General
50 Assembly.

51

52 (Printed and placed in Member's file; also printed in House journal,
53 January 8, pages 44-45.)

54

55 On motion of Representative Cloer, the resolution was **adopted** by **viva**
56 **voce** vote.

1 **HR03-1004** by Representative(s) Cloer, Johnson R., Garcia, Jahn--
2 Concerning payment of employees for pre-session work
3 for the House of Representatives convened in the First
4 Regular Session of the Sixty-fourth General Assembly.
5

6 (Printed and placed in Member's file; also printed in House journal,
7 January 8, page 45.)
8

9 On motion of Representative Cloer, the resolution was **adopted** by **viva**
10 **voce** vote.
11

12
13 **HR03-1005** by Representative(s) Cloer, Johnson R., Garcia, Jahn--
14 Concerning the chaplain position in the House of
15 Representatives.
16

17 (Printed and placed in Member's file; also printed in House journal,
18 January 8, page 45.)
19

20 On motion of Representative Cloer, the resolution was **adopted** by **viva**
21 **voce** vote.
22

23
24 **HJR03-1004** by Representative(s) King, Spradley, Veiga; also
25 Senator(s) Anderson, Andrews, Fitz-Gerald--Concerning
26 a Joint Session of the House of Representatives and the
27 Senate for the purpose of hearing a message from His
28 Excellency, Governor Bill Owens, and appointing a
29 committee to escort the Governor.
30

31 (Printed and placed in Member's file; also printed in House journal,
32 January 9, page 50.)
33

34 On motion of Representative King, the resolution was **adopted** by **viva**
35 **voce** vote.
36

37 Pursuant to the resolution, the Speaker appointed Representative
38 T. Williams, Hoppe, Miller.
39

40
41 **HJR03-1005** by Representative(s) King; also Senator(s) Anderson--
42 Concerning changes to the oversight responsibilities of
43 committees of reference to correspond to changes to the
44 names of the committees of reference in the house of
45 representatives and the senate.
46

47 (Printed and placed in Member's file; also printed in House journal,
48 January 9, pages 50-52.)
49

50 On motion of Representative King, the resolution was **adopted** by **viva**
51 **voce** vote.
52

53
54 **SJR03-003** by Senator(s) Anderson, Andrews, Fitz-Gerald; also
55 Representative(s) King, Spradley, Veiga--Concerning a
56 joint session of the Senate and the House of

1 Representatives of the Sixty-fourth General Assembly for
2 the inauguration ceremonies.
3

4 (Printed and placed in Member's file.)
5

6 On motion of Representative King, the resolution was **adopted** by **viva**
7 **voce** vote.
8

9 Pursuant to the resolution, the Speaker appointed Representatives
10 Spradley, T. Williams, Veiga to escort the Governor, and Representatives
11 Sinclair, King, Jahn to escort the Lieutenant Governor.
12

15 PRINTING REPORT

16
17 The Chief Clerk reports the following bills have been correctly printed:
18 **HB03-1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101,**
19 **1102, 1103, 1104, 1105, 1106.**
20

23 INTRODUCTION OF BILLS

24 First Reading

25
26 The following bills were read by title and referred to the committees
27 indicated:
28

29 **HB03-1107** by Representative(s) Johnson R.; also Senator(s) Johnson
30 S.--Concerning modifications to the consumer-directed
31 attendant support program.

32 Committee on Health, Environment, Welfare, & Institutions
33

34 **HB03-1108** by Representative(s) Paccione--Concerning a standard
35 policy for accepting international baccalaureate diploma
36 students in Colorado institutions of higher education.

37 Committee on Education
38

39 **HB03-1109** by Representative(s) Marshall; also Senator(s) Dyer--
40 Concerning the creation of a definition for a juvenile
41 "status offender" for purposes of compliance with federal
42 law.

43 Committee on Judiciary
44

45 **HB03-1110** by Representative(s) Stengel--Concerning certain moneys
46 that the state owes taxpayers for overpayment of certain
47 taxes.

48 Committee on Finance

49 Committee on Appropriations
50

51 **HB03-1111** by Representative(s) Harvey--Concerning the authority of
52 county governments to prosecute violations of the county's
53 building code.

54 Committee on State, Veterans, & Military Affairs
55

- 1 **HB03-1112** by Representative(s) McFadyen; also Senator(s) Tapia--
 2 Concerning the inadmissability of certain confidential
 3 communications by juveniles.
 4 Committee on Judiciary
 5
- 6 **HB03-1113** by Representative(s) Salazar--Concerning the inclusion in
 7 a decree for a water right that diverts water from a water
 8 division of conditions to mitigate the effects of the
 9 diversion on the basin of origin.
 10 Committee on Agriculture, Livestock, & Natural Resources
 11
- 12 **HB03-1114** by Representative(s) Clapp; also Senator(s) Hillman--
 13 Concerning employees in public schools.
 14 Committee on Education
 15

17 INTRODUCTION OF RESOLUTIONS

18
 19
 20 The following resolutions were read by title and laid over one day under
 21 the rules:
 22

- 23 **HR03-1006** by Representative(s) Spradley--Concerning the
 24 consideration of senate amendments to house bills.
 25

26 *Be It Resolved by the House of Representatives of the Sixty-fourth*
 27 *General Assembly of the State of Colorado:*
 28

29 That Rule 36 (d) of the Rules of the House of Representatives is
 30 amended to read:
 31

32 36. DISAGREEMENT

33
 34 (d) In the event the House shall vote to request a conference, the
 35 Speaker shall appoint a committee of three members to represent
 36 the House. No vote on concurring in any amendment made by the
 37 Senate to a House bill or on the adoption of a report of a
 38 conference committee shall be taken until such amendment or
 39 report shall have been placed on the desk of each member, and
 40 particularly referred to in the calendar, but this rule may be
 41 suspended during the last three days of session. IN ADDITION:
 42

43 (1) NO VOTE ON CONCURRING IN ANY AMENDMENT MADE BY
 44 THE SENATE TO A HOUSE BILL SHALL BE TAKEN UNLESS
 45 NOTICE OF SUCH ACTION SHALL HAVE BEEN REFERRED TO IN
 46 A CALENDAR THAT HAS BEEN PRINTED AND DISTRIBUTED AT
 47 LEAST TWENTY-FOUR HOURS BEFORE SUCH VOTE.
 48

49 (2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION
 50 (d) SHALL BE SUSPENDED DURING THE LAST THREE DAYS OF
 51 ANY REGULAR SESSION AND DURING ANY SPECIAL SESSION.
 52

53 (3) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION
 54 (d) SHALL BE SUSPENDED UPON THE NONDEBATABLE
 55 ANNOUNCEMENT OF THE MAJORITY LEADER THAT THE
 56 VOTE ON CONCURRING IN ANY AMENDMENT MADE TO A

1 HOUSE BILL BY THE SENATE SHOULD OCCUR IN LESS THAN
 2 TWENTY-FOUR HOURS BECAUSE OF AN EMERGENCY, AN
 3 IMPENDING DEADLINE, OR THE NEED TO COMPLY WITH ANY
 4 STATE OR FEDERAL REQUIREMENT, OR IN ORDER TO
 5 ADDRESS A STATED PUBLIC POLICY ISSUE.
 6

7
 8
 9 **HR03-1007** by Representative(s) Spradley--Concerning the protection
 10 of the deliberations of house committees.
 11

12 *Be It Resolved by the House of Representatives of the Sixty-fourth*
 13 *General Assembly of the State of Colorado:*
 14

15 That Rule 25 (j) (1) of the Rules of the House of Representatives
 16 is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to
 17 read:
 18

19 25. COMMITTEES

20
 21 (j) All committees of reference, as listed in (a) above, shall observe
 22 the following rules of procedure:
 23

24 (1) (H) ***Protection of committee deliberations -***
 25 ***disruptions.*** IN ACCORDANCE WITH SECTION
 26 2-2-404, COLORADO REVISED STATUTES, WHEN
 27 CONDUCTING A LEGISLATIVE HEARING OR MEETING,
 28 THE CHAIRMAN OF A COMMITTEE OF REFERENCE MAY
 29 REQUEST THAT A SERGEANT-AT-ARMS REMOVE ANY
 30 PERSON WHO IS VIOLATING THE PROVISIONS OF
 31 SECTION 18-9-110, COLORADO REVISED STATUTES,
 32 OR WHO OTHERWISE IMPEDES, DISRUPTS, OR HINDERS
 33 THE PROCEEDING OR ENDANGERS ANY MEMBER,
 34 OFFICER, OR EMPLOYEE OF THE GENERAL ASSEMBLY
 35 OR ANY MEMBER OF THE PUBLIC.
 36

37
 38
 39 On motion of Representative King, the House adjourned until 10:00 a.m.,
 40 January 13, 2003.
 41

42 JOINT SESSION

43
 44 The Joint Session was called to order by the Speaker of the House, Lola
 45 Spradley.
 46
 47
 48
 49

50 On motion of Senator Anderson, the morning roll call of the Senate was
 51 made the roll call of the Joint Session.
 52

53 Present--34.
 54 Excused--Senator Tate.
 55

1 On motion of Representative King, the morning roll call of the House was
2 made the roll call of the Joint Session.

3

4 Present--61.

5 Excused--Representatives Boyd, Groff, Pommer, Williams T.

6

7

8 The Speaker declared a quorum present and as is customary presented the
9 gavel to the President of the Senate to preside over the joint session.

10

11 President Andrews requested the Joint Committee, composed of Senators
12 Dyer, Gordon, and Representatives Mitchell, Smith, Garcia to escort the
13 Chief Justice to the rostrum.

14

15 Chief Sergeant-at-Arms Suman announced the arrival of the Honorable
16 Mary Mullarkey, Chief Justice of the State of Colorado.

17

18 The Joint Committee escorted the Chief Justice to the rostrum where she
19 addressed the Joint Session.

20

21 The Joint Committee escorted the Chief Justice from the Chambers.

22

23 On motion of Representative King, the message from the Chief Justice
24 was ordered printed in the House Journal.

25

26

27

**ADDRESS BY THE HONORABLE
Mary Mullarkey**

28

29

30 President Andrews, Speaker Spradley, Members of the 64th General Assembly,
31 honored guests and friends:

32

33 It is my pleasure to be here today to discuss with you the current State of the
34 Judiciary and to outline some of our accomplishments as well as some of the
35 challenges we face.

36

37 Since I last addressed you in 2001, the terrorist attacks on our country have
38 brought home one of the fundamental differences between the United States and
39 many parts of the world. We are committed to the rule of law. We reject the
40 idea that might makes right. We have divided the powers of government among
41 three co-equal branches. Our courts are places where disputes are peacefully
42 and openly resolved.

43

44 Colorado's legislative, executive and judicial branches have a long history of
45 partnerships that has empowered each of us to achieve far more than we could
46 individually. Together we have created strong, effective court and probation
47 systems that have been recognized across the nation for their excellence and
48 innovation.

49

50 Here are a few recent examples:

- 51 • In 2002, the United States Chamber of Commerce ranked Colorado's civil
52 justice system as one of the top seven in the nation. Our judges were
53 ranked second in the nation for impartiality and sixth for competence.
- 54 • Probation officer Meri Miyasaki of Mesa County was recognized by the
55 American Probation and Parole Association as the *2002 Officer of the Year*.
- 56 • Colorado has become the first state in the nation to automate arrest

1 warrants, turning a two to three day turnaround into real time entry.
2 • Colorado was recognized in both 2001 and 2002 as the number one state for
3 technology in the area of courts and law enforcement.
4

5 Some of our successful projects like the Court Improvement Project will never
6 show up on an opinion survey because its beneficiaries are our youngest and
7 most vulnerable court users – dependent and neglected children. But the
8 Supreme Court’s Court Improvement Project, Jury Reform Committee and
9 Commission on Families in the Colorado Courts are setting the standard in
10 developing and implementing effective and efficient court procedures.
11

12 Our successes are due, in no small part, to the cooperation and assistance we
13 have received from the Colorado General Assembly and the Governor. The
14 Governor’s Civil Justice Reform Committee, which included Justice Bender,
15 Justice Kourlis and Justice Rice along with judges, members of the business and
16 legal communities, and legislators, identified a serious deficiency in the number
17 of judges available to hear cases. With the Governor’s strong backing, the
18 General Assembly created 24 new district judgeships over a four-year period.
19 We now have filled 12 new judge positions, with 12 more authorized if funding
20 is available.
21

22 Our technological accomplishments have been achieved in partnership with the
23 General Assembly and the various executive branch criminal justice and human
24 service agencies. We have been able to make giant strides in helping Colorado’s
25 dependent and neglected children, and families in crisis come to permanency
26 more quickly, less contentiously and more effectively through the court system
27 with the help of legislators who have served on our Court Improvement Project
28 and on the Commission on Families in the Colorado Courts.
29

30 Our successes are also due to the dedicated people who staff our courts and
31 probation officers who manage offenders throughout the state. They work hard,
32 sometimes keep impossible hours, and continuously come up with new and
33 better ways of doing business.
34

35 Since I last reported to you, we have pilot tested some promising new ways to
36 handle cases that resolve the cases more quickly, cost the parties less, and result
37 in an outcome that is more satisfying to the parties.
38

39 Our projects involved both divorce cases and smaller civil cases in which less
40 than \$100,000 is at stake. The key is that the judge or magistrate takes the lead
41 in resolving cases and takes action early in the life of the case before the parties
42 have spent a lot of money and their positions have hardened.
43

44 This faster, “hands on” process produces much better results. Cases are
45 resolved more quickly and at less cost. The parties are more satisfied with the
46 outcome, and the animosity and emotional harm that may be caused by the
47 adversarial process are greatly reduced. In fact, an unexpected good
48 consequence of the simplified divorce process is that more couples reconciled
49 and withdrew their divorce petitions in those cases than in the usual divorce
50 cases.
51

52 Today the simplified divorce process is widely used throughout the state.
53 Similarly, we are expanding the use of the expedited procedure for smaller civil
54 cases beyond the borders of the two districts that pioneered it. We are applying
55 some of the lessons we learned from these two pilot projects to the other major
56 area of the courts’ responsibility: criminal law.

1 In two of our largest judicial districts, the 18th (Arapahoe, Douglas, Lincoln and
2 Elbert counties) and the 4th (El Paso and Teller counties), we are concentrating
3 on improving our processing of criminal cases. Our judges are working closely
4 with all of the players including district attorneys, public defenders, and law
5 enforcement agencies.

6
7 There are limits, however, on how much we can do, given the resources we have
8 available. Because of the economic hard times, some offenders on probation
9 may not be adequately supervised in the community, we are flooded with new
10 cases, and we have fewer people to handle them. The lines in the courthouses
11 are growing longer, hours of public access are being reduced, and services are
12 slower. I worry that mistakes will be made, that delays will be unconscionably
13 long, and that ultimately public safety will be compromised.

14
15 The Colorado Judicial Branch has two main parts: the court system and
16 probation services. We are authorized for about 2,400 full time employees and
17 257 judges. About two-thirds of our employees work on the court side of our
18 business and one-third in probation. The state court system includes county and
19 district courts, the court of appeals and the supreme court. Our 257 judges
20 collectively handle about 12,000 cases every week.

21
22 When I last reported to you, we had about 600,000 cases filed in the trial courts
23 every year. In the fiscal year 2002, that number grew by slightly less than six
24 percent or more than 34,000 cases. We are continuing to see caseloads increase
25 at a comparable rate in the current fiscal year. The caseload growth reflects two
26 facts: Caseloads tend to increase as our population increases and people tend to
27 file more cases during hard economic times.

28
29 The increasing caseload levels and demands upon the courts compounded with
30 declining resources are placing constant strains on our personnel. We have long
31 since passed the point at which the problem can be solved by simply working
32 harder.

33
34 When I became the chief justice in 1998, I also became the administrative head
35 of the largest component of the Colorado corrections system – the Judicial
36 Branch’s probation unit. Currently, approximately 78,000 people in Colorado
37 convicted of criminal offenses are serving sentences in a variety of different
38 settings including prison, community corrections, youth services, probation or
39 parole. Two-thirds, or more than 52,000, of the 78,000 convicted adults and
40 juveniles have been sentenced to probation and are supervised by probation
41 officers within the Judicial Branch.

42
43 Probation provides a viable, effective alternative to incarceration. Persons who
44 are sentenced to probation continue to live, work, or attend school in their
45 communities. They make restitution to their victims, and are given the chance
46 to get their lives back on track and modify their behavior to avoid further
47 criminal conduct. In addition, offenders on probation help pay for part of the
48 cost of their supervision. Three-quarters of adult offenders and two-thirds of
49 juvenile offenders successfully complete their probation sentences.

50
51 Probation is clearly the lowest cost sentencing option available. We supervise
52 two-thirds of the corrections population with only six percent of the state’s total
53 corrections budget. Regular probation for one adult costs \$562 per year. All
54 other sentencing alternatives such as parole, community corrections and prison
55 incarceration are significantly more expensive, costing from 10 to 50 times as
56 much as probation. Probation’s specialized diversion programs alone saved the

1 state 576 prison beds or \$19.6 million in the last fiscal year.

2
3 Despite its many advantages, probation is in trouble. There are not enough
4 treatment programs available for substance abusers. The number of cases
5 assigned to each probation officer has increased at the rate of five to eight
6 percent per year. The average caseload for regular probation is now 215 cases
7 per officer, far exceeding the national average of 130 cases. A case level of 215
8 means an officer can spend only 9.5 hours per year with each offender. Our
9 probation officers are very dedicated and hardworking but we cannot expect
10 them to work miracles. The public needs to have the confidence to know that
11 an offender sentenced to probation will be properly supervised in the
12 community.

13
14 Let me now update you on the measures the Judicial Branch has taken to
15 address the current fiscal crisis. Last summer, I ordered a 4 percent reduction
16 in our authorized expenditures. The Judicial Branch's general fund budget is
17 approximately \$177 million, 25 percent of which cannot be touched because of
18 constitutional and statutory restrictions. The cuts must come out of the
19 remaining 75 percent of the budget which mostly funds our employees' salaries.
20 We are now on track to hit a four percent reduction of \$7.1 million by June 30,
21 2003.

22
23 To do so, we instituted a hiring freeze on September 1, 2002, required our
24 employees to take three days off without pay, and delayed the start dates of
25 newly appointed judges by up to six weeks. Our employees have also had to
26 absorb the increased workload created by the freeze and furloughs, and yet they
27 continue to show their dedication to serve the public. Ultimately, we expect the
28 hiring freeze to leave 10 percent (250) of our authorized positions vacant by
29 June 2003.

30
31 Further cuts in our budget will require even more drastic steps. To go from the
32 present 4 percent to a 10 percent reduction at this point in the fiscal year would
33 require laying off a minimum of 700 employees. Alternatively, we would be
34 required to close the courts one week per month for the remainder of the fiscal
35 year. The courts would handle only the highest priority cases, we would lose
36 valuable employees, and probation could not adequately protect public safety.

37
38 As Chief Justice it is my responsibility to do all I can to keep our courts open
39 and functioning. Rather than further reducing our budget, I believe the public
40 would be better served if court filing fees were raised. Currently, our fees, on
41 average, are lower than those in 45 other states. A 50 percent increase would
42 generate \$7 – 8 million per year and still keep us in the mid-range of filing fees
43 nationwide. This computes to raising filing fees for a district civil case to \$135,
44 county court filings to \$46 and appeals at the supreme court to \$225. The
45 indigent and government agencies would continue to be exempt from paying
46 fees. While I am reluctant to impact court users, I believe the public would be
47 better served by this option than by closing courts.

48
49 My staff and I have talked with many of you to explain my fee increase proposal
50 and I would be happy to meet with any of you at your request. Several of you
51 have been receptive to the idea and understand the critical nature of this fee
52 increase proposal to maintain the integrity of the courts. I hope that you will act
53 quickly to raise the fees.

54
55 For fiscal year 2004, we have requested a continuation budget. That budget
56 would fund us at the level the General Assembly approved last year with

1 whatever legislative adjustments are made for salaries and benefits. Frankly, this
2 budget request does not adequately address our needs. However, given the
3 continuing poor financial picture, I think this budget request is appropriate.
4

5 One issue for your consideration this session is whether to fund the third
6 installment of six new district court judges. When this legislation was passed,
7 the General Assembly unanimously recognized the need for all 24 of the judges.
8 That need has only increased with passage of time. I recognize, however, that
9 you may need to defer these judges to another fiscal year. We will work with
10 you on that issue.
11

12 Finally, as you look at the state's overall financial picture, I suggest that you
13 to pay close attention to Colorado's sentencing structure. Some of this work
14 was started in interim committee over the past two summers. While criminal
15 sentencing is a very important issue to communities and the courts, we have
16 learned that minor changes to sentencing laws can have dramatic impacts on the
17 need for additional bed space. Increasing sentences by mere months can create
18 the need for hundreds of new beds, conversely small decreases in length of stay
19 may help alleviate some of the need to build new prisons. I know that this is a
20 highly controversial issue. However, I believe that by working together, we can
21 develop approaches that will simultaneously protect the public, respect the rights
22 of victims, and alleviate some of the pressure on the state budget. I offer you
23 the expertise of our judges who work with the sentencing laws every day, should
24 you choose to focus on sentencing.
25

26 In addition, I urge you to consider probation as a viable sentencing alternative.
27 Colorado's probation system is considered among the best in the nation and I
28 believe we can find solutions given the proper resources.
29

30 We in the Judicial Branch face the looming fiscal challenges and escalating case
31 demands with a commitment to the rule of law and in a cooperative spirit with
32 the legislative and executive branches. The courts are critical to our way of life.
33 We cannot make do without them. Adequate funding for courts and the
34 probation system is not a political issue, but rather an issue of access to justice
35 and public safety.
36

37 Let us continue the long and honorable tradition of the legislative, executive and
38 judicial branches of Colorado working together to face challenges head-on,
39 developing viable alternatives, and implementing solutions that strengthen the
40 ability of the three branches to serve all Coloradans.
41

42
43
44 On motion of Senator Anderson, the Joint Session was dissolved.
45

46
47
48 Approved:

49
50
51 LOLA SPRADLEY,
52 Speaker

53 Attest:

54
55 JUDITH RODRIGUE,
56 Chief Clerk