

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

Third Legislative Day

Friday, January 9, 2009

1 Prayer by Pastor Curtis Miller, Worship Center, Brighton.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Drew and Ashleigh Colosimo, Martinez
6 Elementary, Colorado Springs; Kallen and Payton Fitzpatrick, Southmoor
7 Elementary, Denver.

8

9 The roll was called with the following result:

10

11 Present--62.

12 Excused--Representatives Judd, McGihon, Pommer--3.

13 Present after roll call--Representatives McGihon, Pommer.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative McNulty, the reading of the journal of
19 January 8, 2009, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

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22

23

CONSIDERATION OF RESOLUTION

24

25 **HR09-1005** by Representative(s) Weissmann--Concerning amend-
26 ments to the rules of the House of Representatives.

27

28 Laid over until January 13, retaining place on Calendar.

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30

31

MESSAGE FROM THE SENATE

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33 The Senate has adopted and transmits herewith: SJR09-004.

34

35

INTRODUCTION AND CONSIDERATION OF RESOLUTION

36

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38 On motion of Representative Weissmann, the rules were suspended and
39 the following resolution was given immediate consideration.

40

41 **SJR09-004** by Senator(s) Shaffer B.; also Representative(s)
42 Weissmann--Concerning amendments to the Joint Rules
43 of the Senate and the House of Representatives.

1 (Printed and placed in member's file).

2

3 On motion of Representative Weissmann, the resolution was **adopted** by
4 **viva voce** vote.

5

6 Co-sponsors added: Representative(s) Benefield, Court, Curry, Hulinghorst,
7 Kerr A., Labuda, Miklosi, Ryden, Soper, Todd

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House in recess.

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JOINT SESSION

15

16 The Joint Session was called to order by the Speaker of the House,
17 Terrance D. Carroll.

18

19 On motion of Senator Shaffer, the morning roll call of the Senate was
20 made the roll call of the Joint Session.

21

22

Present--33.

23

Excused--Sandoval--1.

24

Vacancy--1.

25

26 On motion of Representative Weissmann, the morning roll call of the
27 House was made the roll call of the Joint Session.

28

29

Present--64.

30

Excused--Representative Judd--1.

31

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

34

35 President Groff requested the Joint Committee, composed of Senators
36 Foster and Brophy, and Representatives Levy, Miklosi, and Roberts to
37 escort the Chief Justice to the podium.

38

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

41

42 The Joint Committee escorted the Chief Justice to the rostrum where she
43 addressed the Joint Session.

44

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46

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ADDRESS BY THE HONORABLE Mary Mullarkey

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50 President Groff, Speaker Carroll, Members of the 67th General Assembly, honored
51 guests and friends.

52

53

Introduction

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55 It is an honor to be here with you today to discuss the state of Colorado's judiciary.

56 I was pleased to accept your invitation to continue a longstanding tradition of the

1 Chief Justice addressing members of the General Assembly at the beginning of the
2 new legislative session.

3
4 Thank you for your support over the past several years it is most appreciated. There
5 are many ways you have helped us, but I would like to focus on a few that will
6 undoubtedly have positive impacts in serving the people of Colorado for years to
7 come.

8
9 I want to focus on four of these accomplishments: the addition of new judges,
10 approval for the Ralph L. Carr Justice Center, courthouse security grants and
11 increasing the state's probation officers.

12
13 Before I discuss the specifics of these accomplishments, let me take a minute to
14 provide an overview of the judiciary.

15 16 **Overview of the Judiciary**

17
18 As Chief Justice, I proudly represent the state's 304 judges and justices and more than
19 3,200 additional full- and part-time employees of the Colorado Judicial Department.
20 These devoted professionals work in a variety of settings around the state--from the
21 trial courts and probation offices in each of the state's 64 counties to the appellate
22 courts here in Denver. I would like to take a moment to publicly thank the justices,
23 judges, and employees of the Colorado Judicial Department. I remain impressed with
24 their hard work and dedication to serving the citizens of Colorado.

25
26 Colorado's courts continue to face a daunting workload. Colorado is the fifth-fastest
27 growing state. Since the 2000 Census, our population has grown 15 percent. During
28 that same time period, we have seen court filings rise 25 percent. In Fiscal Year 2008,
29 nearly three-quarters of a million new cases were filed in Colorado. That is equivalent
30 to 300 cases filed every business hour. Our case loads historically track population
31 growth. But in these difficult economic times we've seen a dramatic growth in debt-
32 related actions. For example, foreclosure filings are up more than 400 percent since
33 the last Census, and debt-collection actions at the county court level alone have
34 increased more than 70 percent.

35 36 **New Judges**

37
38 That is why adding new judges has been so important. House Bill 1054 passed in
39 2007, addressed an historic shortage of judges by creating 43 new judgeships around
40 the state. The addition of these new judges enables us to enhance the quality of justice
41 delivered to the people of Colorado.

42
43 I want to thank the bill's sponsors, Speaker Carroll and Senator Shaffer for
44 shepherding this legislation.

45 46 **Ralph L. Carr Justice Center**

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48 Another very important accomplishment of last year was the passage of Senate Bill
49 206, which authorized the construction of the Ralph L. Carr Justice Center. I thank
50 you for your commitment to this project, particularly the bill sponsors--Senators
51 Shaffer and Penry and Representative Marostica and Speaker Carroll.

52
53 The Justice Center is expected to open in 2014, on the block now occupied by the
54 Judicial Building and the Colorado History Museum. The bill creates a new home for
55 the museum one block away from its current location. Naming the building after
56 Governor Carr is a fitting tribute and should prove to be an inspiration to all public

1 servants because he had the courage to do the right thing in the face of overwhelming
2 public opposition.

3
4 The new justice center will be a complex of buildings. The heart of the justice center
5 will be the courtrooms and offices of the Supreme Court and Court of Appeals. The
6 complex will also bring together all of the state's legally related offices, the largest of
7 which is the Office of the Attorney General.

8
9 Your support for a new justice center will have long lasting benefits for all the state's
10 law-related agencies and the people who utilize these agencies. Not only will the new
11 facility improve operational efficiencies, it is projected to save the state approximately
12 \$60 million over 30 years in lease savings, along with reduced utility and maintenance
13 costs.

14 15 **Courthouse Security Grants**

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17 Another initiative you supported that will have long-lasting benefits for court users is
18 the courthouse security grant program. Through our partnerships with Colorado's 64
19 counties we are ensuring citizens have safe environments for resolving their disputes.
20 The sponsors of this bill were Senator Shaffer and Representative Steve King.

21 22 **Probation Services**

23
24 Over the last several years you authorized a 23 percent increase in the number of
25 probation officers. Probation is an integral part of the Judicial Branch. The
26 Department of Probation Services is the largest correctional system in the State of
27 Colorado. It is responsible for the supervision of approximately 60% of the juvenile
28 and adult cases that come through the courts. That represents 7,600 juvenile offenders
29 and 61,000 adult offenders.

30
31 With those additional probation officers we have reduced case loads, which has
32 resulted in better supervision. We have been effective in keeping offenders in the
33 community and out of the department of corrections at a significant cost savings. For
34 every dollar spent on probation you would spend 23 dollars for an adult offender in
35 the Department of Corrections and 37 dollars for a juvenile in the division of youth
36 corrections.

37 38 **Quality of Services**

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40 The support you have provided us through these initiatives, and many others is
41 important because it has enabled us to improve the quality of services we provide to
42 the public. There are three parts to our quality improvement efforts - feedback,
43 accountability and training.

44
45 Last year, we launched a project to obtain citizens' perspectives on the Colorado
46 courts' accessibility and how they were treated in terms of fairness, equality, and
47 respect. In this program judges, clerks and other court employees surveyed people as
48 they exited the courthouses. Overall, we received survey responses from
49 approximately 5,500 peoples in 11 of our 22 judicial districts.

50
51 These court users overwhelmingly indicated that they felt they were treated with
52 courtesy and respect in their dealings with the court. They also indicated that the court
53 processes and facilities were easy to navigate. The survey responses show some
54 evidence that litigants sometimes feel rushed through court hearings. I hope that your
55 recent infusion of new resources and judgeships will enable us to begin to address
56 these concerns.

1 We will continue conducting these surveys in 2009 to help ensure that the needs of the
2 public are properly considered when pursuing changes in our business practices.

3
4 We also receive feedback from a variety of other sources. For example, I was pleased
5 to learn that a 2008 U. S. Chamber of Commerce report ranks the fairness of the civil
6 litigation climate in Colorado 9th nationally with our judges' impartiality and
7 competence identified as the strongest elements of our system.

8
9 Last year we took our first comprehensive overhaul of time standards for processing
10 cases in Colorado courts. These standards establish how long it should take to resolve
11 different types of cases. Overall we are doing well, but the case type area showing the
12 most delay is in district court with civil cases and in DUI cases at the county court
13 level. Overall, I am pleased with our efforts to eliminate delay in resolving cases. We
14 work hard to balance the need to move cases through the process and the desire for all
15 litigants to receive ample time during hearings to present their case.

16
17 We know that ingoing training for judges is invaluable. Our annual new judge
18 orientation programs have been expanded to address more substantive areas of law,
19 as well as case management, the role of the judge, demeanor and access and fairness
20 issues. Providing all of our judges with the most technologically advanced tools is
21 also essential.

22
23 Our information technology continues to rival the best among the state court systems.
24 No other state courts can match our system's integrated case management and ability
25 to share data with other agencies. This is especially important for tracking criminal
26 cases and dependency and neglect cases because it provides judges with all of the
27 information they need to make the best decisions.

28 29 Looking Ahead

30
31 We have tried to present to you a budget that is as frugal as possible. There is one
32 significant item we are requesting. The counties have invested \$191 million in new
33 courthouses and courthouse additions. Now the state must meet its statutory
34 obligation to furnish and equip those facilities. We are asking for \$3.1 million to meet
35 this requirement.

36
37 We recognize that this is an especially difficult budget year. Since our budget is 88
38 percent personal services, our options for achieving savings are somewhat limited.
39 We are bound by common policies. Again, I thank you for your past and ongoing
40 support of the Judicial Department, it people and programs.

41
42 I leave you with my commitment to work with you as a partner in proactively
43 addressing any issues that may arise this year. I wish you well as you undertake the
44 important work of this session. Doing the work of the people is always challenging,
45 and that work will likely be compounded by this year's economic challenges.

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47
48 The Joint Committee escorted the Chief Justice from the Chambers.

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50 On motion of Representative Weissmann, the Chief Justice's message
51 was ordered printed in the House Journal.

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54 On motion of Senator Shaffer, the Joint Session was dissolved.

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56

1 House reconvened.
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4 **PRINTING REPORT**

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6 The Chief Clerk reports the following bills have been correctly printed:
7 **HB09-1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086.**
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11 On motion of Speaker Terrance D. Carroll, the House adjourned until
12 10:00 a.m., January 12, 2009.
13

14 Approved:
15 TERRANCE D. CARROLL,
16 Speaker

17 Attest:
18 MARILYN EDDINS,
19 Chief Clerk