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2001



HOUSE BILL 01-1191

BY REPRESENTATIVE(S) Lee, Johnson, Williams T., Bacon, Boyd, Jahn, Mace, Madden, Plant, Romanoff, Saliman, Stafford, and Williams S.; also SENATOR(S) Linkhart and Hanna.

CONCERNING MATCHING GRANTS TO COMMUNITY MEDIATION PROGRAMS, AND, IN CONNECTION THEREWITH, AUTHORIZING AN ADJUNCT COMMITTEE OF THE OFFICE OF DISPUTE RESOLUTION ADVISORY COMMITTEE TO PROVIDE GRANTS TO COMMUNITY MEDIATION PROGRAMS.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The resolution of certain disputes can be costly and time consuming in the context of a formal judicial proceeding.

(b) The mediation of disputes has a great potential for efficiently reducing the volume of matters that burden the court system in this state.

(c) Unresolved disputes of those who do not have the resources for the formal resolution of disputes may be of small social or economic

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

magnitude individually but collectively are of enormous social and economic consequence.

(d) There is a need in our society to reduce acrimony, improve relationships between people in conflict, and take advantage of the long-term benefits associated with living in a more peaceful community.

(e) There is a compelling need in a complex society for dispute resolution whereby people can participate in creating comprehensive, lasting, and realistic resolutions to conflicts.

(f) Many seemingly minor conflicts between individuals may escalate into major social problems unless resolved early in an atmosphere in which the disputants can discuss their differences through a private and informal, yet structured, process.

(2) The general assembly further finds and declares that it is in the public interest to encourage the establishment of community mediation services, also known as dispute or conflict resolution services, dispute or conflict management services, or dispute settlement services, to support the organizations providing such services in facilitating communication, understanding, reconciliation, prevention and settlement of disputes and conflicts in communities, courts, and schools, to promote restorative justice, and to promote the widest possible use of these services by the courts and law enforcement officials across the state.

(3) The general assembly further finds and declares that providing matching grants to counties and municipalities will promote the use of conciliation, mediation, and other forms of voluntary dispute resolution and will reduce both the public and private expense associated with the litigation process.

SECTION 2. 13-22-302, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-22-302. Definitions. As used in this part 3, unless the context otherwise requires:

(1.5) "COMMITTEE" MEANS AN ADJUNCT COMMITTEE OF THE OFFICE OF DISPUTE RESOLUTION ADVISORY COMMITTEE, WHICH SHALL CONSIST OF SUCH MEMBERS OF THE OFFICE OF DISPUTE RESOLUTION ADVISORY

COMMITTEE OR OTHER INDIVIDUALS AS THE CHIEF JUSTICE DESIGNATES.

SECTION 3. Part 3 of article 22 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-22-314. Community mediation programs - matching grants - repeal. (1) THE COMMITTEE SHALL ESTABLISH CRITERIA FOR PRIORITIZING AND AWARDING MATCHING GRANTS TO COMMUNITY MEDIATION PROGRAMS PURSUANT TO THIS SECTION. THE COMMITTEE SHALL ANNUALLY AWARD GRANTS FROM MONEYS IN THE COMMUNITY MEDIATION PROGRAM GRANT FUND CREATED IN SUBSECTION (10) OF THIS SECTION TO COMMUNITY MEDIATION PROGRAMS THAT MEET THE CRITERIA ESTABLISHED BY THE COMMITTEE. SUCH CRITERIA SHALL INCLUDE A PROVISION REQUIRING ONE OR MORE LOCAL GOVERNMENTAL OR NONPROFIT ENTITIES TO PROVIDE MATCHING MONEYS IN AN AMOUNT THAT IS EQUAL TO OR GREATER THAN THE AMOUNT OF EACH GRANT AWARDED PURSUANT TO THIS SECTION. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT PROGRAMS BE CREATED AND GRANTS DISTRIBUTED STATEWIDE.

(2) THE DIRECTOR AND EMPLOYEES OF THE OFFICE OF DISPUTE RESOLUTION SHALL:

(a) ASSIST THE COMMITTEE IN ESTABLISHING CRITERIA AND PROCESSING APPLICATIONS FOR COMMUNITY MEDIATION PROGRAMS TO RECEIVE GRANTS PURSUANT TO THIS SECTION;

(b) DEVELOP A UNIFORM SYSTEM OF REPORTING AND COLLECTING STATISTICAL DATA FROM COMMUNITY MEDIATION PROGRAMS THAT RECEIVE GRANTS PURSUANT TO THIS SECTION;

(c) MAKE INFORMATION ON COMMUNITY MEDIATION PROGRAMS AVAILABLE STATEWIDE AND ENCOURAGE THE CREATION AND SUPPORT OF SUCH PROGRAMS;

(d) PREPARE AN ANNUAL BUDGET FOR THE IMPLEMENTATION OF THIS SECTION AND DISTRIBUTE MONEYS TO APPROVED COMMUNITY MEDIATION PROGRAMS THAT HAVE RECEIVED GRANTS PURSUANT TO THIS SECTION; AND

(e) PROMOTE PUBLIC AWARENESS OF ALTERNATIVE DISPUTE RESOLUTION PROCESSES.

(3) THE OFFICE SHALL HAVE THE AUTHORITY, IN ITS DISCRETION AND AS ITS RESOURCES ALLOW, TO APPLY FOR AND RECEIVE MONEYS FROM PUBLIC AND PRIVATE SOURCES FOR CARRYING OUT THE PURPOSES AND DUTIES OF THIS SECTION.

(4) AN ENTITY WITH AN EXISTING COMMUNITY MEDIATION PROGRAM OR PROPOSING A NEW COMMUNITY MEDIATION PROGRAM MAY APPLY TO THE COMMITTEE FOR A GRANT TO ASSIST THE PROGRAM BY SUBMITTING AN APPLICATION THAT INCLUDES:

- (a) AN OUTLINE DETAILING THE PROVISIONS OF THE PROGRAM;
- (b) THE OBJECTIVES OF THE PROGRAM;
- (c) THE AREAS OF POPULATION TO BE SERVED;
- (d) THE ADMINISTRATIVE ORGANIZATION TO BE USED TO IMPLEMENT THE PROGRAM;
- (e) RECORD-KEEPING PROCEDURES REQUIRED BY THE PROGRAM;
- (f) PROCEDURES FOR INTAKE, SCHEDULING, CONDUCTING, AND TERMINATING DISPUTE RESOLUTION SESSIONS;
- (g) QUALIFICATIONS FOR MEDIATORS FOR THE PROGRAM;
- (h) INFORMATION DEMONSTRATING THAT THE DISPUTE RESOLUTION SERVICES TO BE PROVIDED BY THE PROGRAM ARE NOT APPROPRIATE FOR OR ARE UNLIKELY TO BE ADDRESSED BY PRIVATE-SECTOR MEDIATION AND THAT THE SERVICES TO BE PROVIDED BY THE PROGRAM WILL NOT COMPETE WITH PRIVATE-SECTOR MEDIATION;
- (i) EVIDENCE OF A FINANCIAL COMMITMENT BY ONE OR MORE LOCAL GOVERNMENTAL OR NONPROFIT ENTITIES TO PROVIDE MATCHING MONEYS IN AN AMOUNT THAT IS AT LEAST EQUAL TO THE AMOUNT OF ANY GRANT THAT IS AWARDED;
- (j) AN ANNUAL BUDGET FOR THE PROGRAM; AND
- (k) PROOF THAT THE PROGRAM IS ADMINISTERED BY A LOCAL GOVERNMENTAL OR NONPROFIT ENTITY.

(5) A COMMUNITY MEDIATION PROGRAM THAT RECEIVES A GRANT PURSUANT TO THIS SECTION SHALL PROVIDE DISPUTE RESOLUTION SERVICES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(a) DISPUTE OR CONFLICT RESOLUTION SERVICES FOR DISPUTES OR CONFLICTS ARISING WITHIN AND AFFECTING THE COMMUNITY SERVED BY THE PROGRAM;

(b) MEDIATION THAT IS REFERRED BY A STATE, MUNICIPAL, OR CITY AND COUNTY COURT;

(c) SUPPORT FOR CONFLICT RESOLUTION PROGRAMS IN PUBLIC SCHOOLS;

(d) DISPUTE RESOLUTION SERVICES FOR DISPUTES RELATING TO CRIMINAL ACTS CONSISTENT WITH THE PRINCIPLES OF RESTORATIVE JUSTICE;

(e) PARENT-ADOLESCENT MEDIATION; OR

(f) LOW-COST, ACCESSIBLE TRAINING FOR CITIZENS IN CONFLICT RESOLUTION PROCESSES AND SKILLS.

(6) THE COMMITTEE MAY SPECIFY ADDITIONAL CRITERIA FOR APPROVAL FOR GRANTS AS IT DEEMS NECESSARY.

(7) EACH PROGRAM THAT RECEIVES A GRANT PURSUANT TO THIS SECTION SHALL PROVIDE AN ANNUAL REPORT TO THE COMMITTEE. THE REPORT SHALL INCLUDE EVIDENCE OF THE PROGRAM'S SUCCESS, WHICH MAY INCLUDE SUCH INFORMATION AS CASE RESOLUTION RATES AND THE LEVEL OF SATISFACTION OF THE PARTIES SERVED BY THE PROGRAM.

(8) AN APPROVED COMMUNITY MEDIATION PROGRAM MAY USE SOURCES OF MONEYS, BOTH PUBLIC AND PRIVATE, IN ADDITION TO GRANTS PROVIDED PURSUANT TO THIS SECTION. AN APPROVED PROGRAM MAY REQUIRE EACH PARTY TO PAY A FEE TO HELP DEFRAY COSTS.

(9) A COMMUNITY MEDIATION PROGRAM THAT RECEIVES A GRANT PURSUANT TO THIS SECTION MAY PROVIDE FOR THE COMPENSATION OF MEDIATORS OR USE THE SERVICES OF VOLUNTEER MEDIATORS OR BOTH.

(10) THERE IS HEREBY CREATED IN THE STATE TREASURY THE

COMMUNITY MEDIATION PROGRAM GRANT FUND, WHICH SHALL BE ADMINISTERED BY THE COMMITTEE AND SHALL CONSIST OF:

(a) ANY MONEYS APPROPRIATED THERETO BY THE GENERAL ASSEMBLY;

(b) ANY GRANTS, DONATIONS, GIFTS, OR OTHER MONEYS PROVIDED TO THE FUND FOR THE PROMOTION OF COMMUNITY MEDIATION PROGRAMS; AND

(c) ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE TO THE FUND.

(11) THE MONEYS IN THE FUND SHALL BE ANNUALLY APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PURPOSE OF AWARDED GRANTS TO APPROVED COMMUNITY MEDIATION PROGRAMS IN ACCORDANCE WITH THIS SECTION. ALL MONEYS NOT APPROPRIATED, INCLUDING INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND, SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR. ANY MONEYS REMAINING IN THE FUND UPON THE REPEAL OF THIS SECTION SHALL REVERT TO THE GENERAL FUND.

(12) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005.

SECTION 4. Effective date. This act shall take effect July 1, 2002, unless a referendum petition is filed during 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. If such 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.

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Stan Matsunaka
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO