

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0790.01 Pierce Lively x2059

HOUSE BILL 21-1136

HOUSE SPONSORSHIP

Tipper and Carver,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE POLICIES GOVERNING JUDICIAL**
102 **DIVISION RETIREES RETURNING TO TEMPORARY JUDICIAL**
103 **DUTIES, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a retired member of the judicial division may perform assigned judicial duties without pay for not less than 60 or 90 days each year. Such a member of the judicial division will receive a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

benefit increase equal to not less than 20% or more than 30% of the current monthly salary of judges serving in the same position held by the retiree at the time of retirement.

The bill changes the amount of time that a retired member of the judicial division may perform assigned judicial duties without pay and the amount of a benefit increase such a judge will receive. The bill specifies that a retired member of the judicial division may perform assigned judicial duties without pay for 20, 30, 60, or 90 days each year and will receive a benefit increase equal to 6.7%, 10%, 20%, or no more than 30% respectively of the current monthly salary of judges serving in the same position held by the retiree at the time of retirement.

Additionally, under current law, within 5 years after retirement, a retired member of the judicial division who did not enter into an agreement prior to retirement to perform assigned judicial duties without pay during retirement may enter into such a written agreement within 30 days prior to each anniversary date of retirement. The bill removes this requirement.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds and declares that the COVID-19 pandemic has resulted in a
4 caseload backlog in the county, district, and appellate courts statewide. To
5 deal with this backlog, the courts need additional judicial officer
6 assistance. Therefore, it is the intent of the general assembly to modify
7 the statute authorizing the judicial department to contract with judicial
8 division retirees, expand the program to enable the department to process
9 this backlog more quickly, and to make an appropriation to allow for the
10 department to contract with more judicial division retirees.

11 **SECTION 2.** In Colorado Revised Statutes, 24-51-1105, **amend**
12 (1)(b); and **repeal** (2) as follows:

13 **24-51-1105. Retirees from the judicial division.**
14 (1) (b) Notwithstanding the provisions of section 24-51-1101, upon
15 written agreement with the chief justice of the Colorado supreme court,
16 ~~prior to retirement~~, a member of the judicial division may perform, during

1 retirement, assigned judicial duties without pay for ~~not less than~~ TWENTY,
2 THIRTY, sixty, or ~~more than~~ ninety days each year and ~~shall~~ MUST receive
3 a benefit increase equal to ~~not less than~~ SIX AND SEVEN-TENTHS PERCENT,
4 TEN PERCENT, twenty percent, or ~~more than~~ thirty percent, RESPECTIVELY,
5 of the current monthly salary of judges serving in the same position as
6 that held by the retiree at the time of retirement. Such agreement shall be
7 for a period of not more than three years. A retiree may enter into
8 subsequent agreements. The aggregate of these agreements shall not
9 exceed twelve years, except at the discretion of the Colorado supreme
10 court.

11 (2) ~~Within five years after retirement, a retiree from the judicial~~
12 ~~division who did not enter into an agreement as provided for in subsection~~
13 ~~(1) of this section prior to retirement may enter into such a written~~
14 ~~agreement within thirty days prior to each anniversary date of retirement.~~
15 ~~Upon entering into such agreement, the retirement benefit shall include~~
16 ~~such benefit increase as provided for in subsection (1) of this section.~~

17 **SECTION 3. Appropriation.** (1) For the 2021-22 state fiscal
18 year, \$723,564 is appropriated to the judicial department. This
19 appropriation is from the general fund. To implement this act, the
20 department may use this appropriation as follows:

21 (a) \$71,738 for general courts administration, which amount is
22 based on an assumption that the department will require an additional 0.9
23 FTE;

24 (b) \$51,825 for capital outlay; and

25 (c) \$600,001 for the senior judge program.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.