

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0481.01 Esther van Mourik x4215

SENATE BILL 15-089

SENATE SPONSORSHIP

Garcia, Kefalas

HOUSE SPONSORSHIP

Vigil, Esgar

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SHIFTING OF THE FISCAL RESPONSIBILITY OF**
102 **PROVIDING COURT FACILITIES IN EACH COUNTY AWAY FROM**
103 **THE COUNTIES TO THE STATE OVER TIME.**

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://www.leg.state.co.us/billsummaries>.)

Currently, the board of county commissioners in each county is fiscally responsible for providing and maintaining adequate courtrooms and other court facilities in their counties. The bill shifts that fiscal responsibility to the state over time by requiring the state to pay a specified amount of rent to each county based on the fair market value of

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

the courtrooms and other facilities used by the judicial department in that county. The bill also specifies that after the state completely assumes such fiscal responsibility, the state may negotiate with the county to acquire the property from the county in lieu of continuing to pay rent.

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

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

4 (a) The responsibility to provide for and maintain adequate
5 courtrooms and court facilities has traditionally been paid for by the
6 counties even though some would say that it is more appropriately a state
7 function;

8 (b) With the ever-increasing burdens for services and associated
9 costs placed on counties, it has become increasingly difficult for counties
10 across the state to continue to pay for this responsibility;

11 (c) The general assembly recognized this problem in 1969 and
12 indicated an intent to transfer these costs back to the state over a period
13 of time, but up until this point that transfer has not occurred; and

14 (d) The general assembly recognizes that it is time for the state to
15 begin to assume the cost for this function.

16 (2) Now, therefore, it is the general assembly's intent in enacting
17 Senate Bill 15-___ to relieve counties of the financial burden of providing
18 and maintaining adequate courtrooms and court facilities by gradually
19 shifting the cost responsibility to the state.

20 **SECTION 2.** In Colorado Revised Statutes, 13-3-108, **amend** (1);
21 and **add** (6) as follows:

22 **13-3-108. Maintenance of court facilities - capital**
23 **improvements.** (1) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS

1 SECTION, the board of county commissioners in each county shall
2 continue to have the responsibility of providing and maintaining adequate
3 courtrooms and other court facilities including janitorial service, except
4 as otherwise provided in this section.

5 (6) (a) NO LATER THAN JUNE 1, 2016, AND NO LATER THAN EACH
6 JUNE 1 THEREAFTER, THE BOARD OF COUNTY COMMISSIONERS IN EACH
7 COUNTY SHALL ANNUALLY REPORT THE FAIR MARKET VALUE RENT FOR
8 THE COURTROOMS AND COURT FACILITIES OCCUPIED BY THE JUDICIAL
9 DEPARTMENT IN ITS COUNTY TO THE STATE CONTROLLER AND THE STATE
10 PROPERTY TAX ADMINISTRATOR. THE STATE PROPERTY TAX
11 ADMINISTRATOR SHALL CERTIFY EACH COUNTY'S FAIR MARKET VALUE
12 RENT CALCULATION TO THE STATE CONTROLLER. COMMENCING WITH THE
13 2016-17 STATE FISCAL YEAR, THE STATE CONTROLLER SHALL PAY TO EACH
14 COUNTY TREASURER AN AMOUNT AS SPECIFIED IN PARAGRAPHS (b) AND (c)
15 OF THIS SUBSECTION (6) AS THE STATE CONTRIBUTION TO THE COUNTY'S
16 RESPONSIBILITY TO PROVIDE ADEQUATE COURTROOMS AND OTHER COURT
17 FACILITIES AS SPECIFIED IN THIS SECTION.

18 (b) (I) COMMENCING WITH THE 2016-17 STATE FISCAL YEAR AND
19 EACH STATE FISCAL YEAR THEREAFTER, THE STATE CONTROLLER SHALL
20 PAY TO THE COUNTY TREASURER OF THE COUNTIES OF ALAMOSA,
21 ARCHULETA, BACA, BENT, CHAFEE, CONEJOS, COSTILLA, CROWLEY,
22 CUSTER, DELTA, DOLORES, FREMONT, GUNNISON, HUERFANO, JACKSON,
23 KIOWA, KIT CARSON, LAKE, LAS ANIMAS, LINCOLN, LOGAN, MESA,
24 MONTEZUMA, MONTROSE, MORGAN, OTERO, PHILLIPS, PROWERS,
25 PUEBLO, RIO GRANDE, SAGUACHE, SAN JUAN, SEDGWICK, WASHINGTON,
26 AND YUMA THE PERCENTAGE SET FORTH IN SUBSECTION (II) OF THIS
27 PARAGRAPH (b) OF THE CERTIFIED FAIR MARKET VALUE RENT DESCRIBED

1 IN PARAGRAPH (a) OF THIS SUBSECTION (6).

2 (II) THE PERCENTAGES ARE AS FOLLOWS:

3	STATE FISCAL YEAR	PERCENTAGE OF CERTIFIED
4		FAIR MARKET VALUE RENT
5	2016-17	20%
6	2017-18	40%
7	2018-19	60%
8	2019-20	80%
9	2020-21 AND EACH STATE	
10	FISCAL YEAR THEREAFTER	100%

11 (c) (I) COMMENCING WITH THE 2017-18 STATE FISCAL YEAR AND
12 EACH STATE FISCAL YEAR THEREAFTER, THE STATE CONTROLLER SHALL
13 PAY TO THE COUNTY TREASURER OF THE COUNTIES OF ADAMS, ARAPAHOE,
14 BOULDER, BROOMFIELD, CHEYENNE, CLEAR CREEK, DENVER, DOUGLAS,
15 EAGLE, ELBERT, EL PASO, GARFIELD, GILPIN, GRAND, HINSDALE,
16 JEFFERSON, LA PLATA, LARIMER, MINERAL, MOFFAT, OURAY, PARK,
17 PITKIN, RIO BLANCO, ROUTT, SAN MIGUEL, SUMMIT, TELLER, AND WELD
18 THE PERCENTAGE SET FORTH IN SUBSECTION (II) OF THIS PARAGRAPH (c)
19 OF THE CERTIFIED FAIR MARKET VALUE RENT DESCRIBED IN PARAGRAPH
20 (a) OF THIS SUBSECTION (6).

21 (II) THE PERCENTAGES ARE AS FOLLOWS:

22	STATE FISCAL YEAR	PERCENTAGE OF CERTIFIED
23		FAIR MARKET VALUE RENT
24	2017-18	10%
25	2018-19	20%
26	2019-20	30%
27	2020-21	40%
28	2021-22	50%

1	2022-23	60%
2	2023-24	70%
3	2024-25	80%
4	2025-26	90%
5	2026-27 AND EACH STATE	
6	FISCAL YEAR THEREAFTER	100%

7 (d) AFTER THE STATE HAS COMPLETELY ASSUMED THE
8 RESPONSIBILITY OF PROVIDING AND MAINTAINING ADEQUATE
9 COURTROOMS AND OTHER COURT FACILITIES IN A COUNTY AS SPECIFIED IN
10 THIS SECTION, THE STATE MAY NEGOTIATE WITH THE COUNTY TO ACQUIRE
11 THE PROPERTY FROM THE COUNTY IN LIEU OF CONTINUING TO PAY RENT.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2016 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.