

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT
9.27.17

BILL 3

LLS NO. 18-0245.01 Esther van Mourik x4215

INTERIM COMMITTEE BILL

County Courthouse and County Jail Funding and Overcrowding Solutions
Interim Study Committee

BILL TOPIC: "State Fiscal Responsibility For Providing Courts"

A BILL FOR AN ACT

101 CONCERNING THE TRANSFER OF THE FISCAL RESPONSIBILITY FOR
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://leg.colorado.gov/>.)

County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. 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

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

time by requiring the state to pay a specified amount of rent to each county based on the fair market value of 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) Current law places the responsibility to provide for and
5 maintain adequate courtrooms and court facilities on the counties even
6 though the court system itself is a state function;

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

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

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

15 (2) Now, therefore, the general assembly further finds and
16 declares that county courtrooms and court facilities support state
17 functions and therefore should be financed by the state, and it is the
18 general assembly's intent in enacting _____ Bill 18-___ to relieve
19 counties of the financial burden of providing and maintaining adequate
20 courtrooms and court facilities by gradually shifting the cost
21 responsibility to the state.

22 **SECTION 2.** In Colorado Revised Statutes, 13-3-108, **add** (6) as

1 follows:

2 **13-3-108. Maintenance of court facilities - capital**

3 **improvements.** (6) (a) NO LATER THAN JUNE 1, 2019, AND NO LATER
4 THAN EACH JUNE 1 THEREAFTER, THE BOARD OF COUNTY COMMISSIONERS
5 IN EACH COUNTY SHALL ANNUALLY REPORT THE FAIR MARKET VALUE
6 RENT FOR THE COURTROOMS AND COURT FACILITIES OCCUPIED BY THE
7 JUDICIAL DEPARTMENT IN ITS COUNTY TO THE STATE CONTROLLER AND
8 THE STATE PROPERTY TAX ADMINISTRATOR. THE STATE PROPERTY TAX
9 ADMINISTRATOR SHALL CERTIFY EACH COUNTY'S FAIR MARKET VALUE
10 RENT CALCULATION TO THE STATE CONTROLLER. COMMENCING WITH THE
11 2019-20 STATE FISCAL YEAR, THE STATE CONTROLLER SHALL PAY TO EACH
12 COUNTY TREASURER A PERCENTAGE OF THE CERTIFIED FAIR MARKET
13 VALUE RENT AS SPECIFIED IN SUBSECTION (6)(b) OF THIS SECTION AS THE
14 STATE CONTRIBUTION TO THE COUNTY'S RESPONSIBILITY TO PROVIDE
15 ADEQUATE COURTROOMS AND OTHER COURT FACILITIES AS SPECIFIED IN
16 THIS SECTION.

17 (b) (I) COMMENCING WITH THE 2019-20 STATE FISCAL YEAR AND
18 EACH STATE FISCAL YEAR THEREAFTER, THE STATE CONTROLLER SHALL
19 PAY TO EACH COUNTY TREASURER THE PERCENTAGE SET FORTH IN
20 SUBSECTION (6)(b)(II) OF THIS SECTION OF THE CERTIFIED FAIR MARKET
21 VALUE RENT DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION.

22 (II) THE PERCENTAGES ARE AS FOLLOWS:

23	STATE FISCAL YEAR	PERCENTAGE OF CERTIFIED
24		FAIR MARKET VALUE RENT
25	2019-20	5%
26	2020-21	10%
27	2021-22	15%

1	2022-23	20%
2	2023-24	25%
3	2024-25	30%
4	2025-26	35%
5	2026-27	40%
6	2027-28	45%
7	2028-29	50%
8	2029-30	55%
9	2030-31	60%
10	2031-32	65%
11	2032-33	70%
12	2033-34	75%
13	2034-35	80%
14	2035-36	85%
15	2036-37	90%
16	2037-38	95%
17	2038-39 AND EACH STATE FISCAL	
18	YEAR THEREAFTER	100%

19 (c) AFTER THE STATE COMPLETELY ASSUMES THE RESPONSIBILITY
20 OF PROVIDING AND MAINTAINING ADEQUATE COURTROOMS AND OTHER
21 COURT FACILITIES IN A COUNTY AS SPECIFIED IN THIS SECTION, THE STATE
22 MAY NEGOTIATE WITH THE COUNTY TO ACQUIRE THE PROPERTY FROM THE
23 COUNTY IN LIEU OF CONTINUING TO PAY RENT.

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
28 referendum petition is filed pursuant to section 1 (3) of article V of the
29 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.