

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0390.01 Esther van Mourik x4215

SENATE BILL 16-060

SENATE SPONSORSHIP

Garcia, Cooke, Donovan, Guzman, Crowder, Kerr, Newell, Scott, Ulibarri

HOUSE SPONSORSHIP

Esgar,

Senate Committees

Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING THE TRANSFER 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) 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 state courtrooms and court facilities support state functions
17 and therefore should be financed by the state, and it is the general
18 assembly's intent in enacting Senate Bill 16-___ to relieve counties of the
19 financial burden of providing and maintaining adequate courtrooms and
20 court facilities by gradually shifting the cost responsibility to the state.

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

23 **13-3-108. Maintenance of court facilities - capital**

1 **improvements.** (6) (a) NO LATER THAN JUNE 1, 2017, AND NO LATER
2 THAN EACH JUNE 1 THEREAFTER, THE BOARD OF COUNTY COMMISSIONERS
3 IN EACH COUNTY SHALL ANNUALLY REPORT THE FAIR MARKET VALUE
4 RENT FOR THE COURTROOMS AND COURT FACILITIES OCCUPIED BY THE
5 JUDICIAL DEPARTMENT IN ITS COUNTY TO THE STATE CONTROLLER AND
6 THE STATE PROPERTY TAX ADMINISTRATOR. THE STATE PROPERTY TAX
7 ADMINISTRATOR SHALL CERTIFY EACH COUNTY'S FAIR MARKET VALUE
8 RENT CALCULATION TO THE STATE CONTROLLER. COMMENCING WITH THE
9 2017-18 STATE FISCAL YEAR, THE STATE CONTROLLER SHALL PAY TO EACH
10 COUNTY TREASURER AN AMOUNT AS SPECIFIED IN PARAGRAPH (b) OF THIS
11 SUBSECTION (6) AS THE STATE CONTRIBUTION TO THE COUNTY'S
12 RESPONSIBILITY TO PROVIDE ADEQUATE COURTROOMS AND OTHER COURT
13 FACILITIES AS SPECIFIED IN THIS SECTION.

14 (b) (I) COMMENCING WITH THE 2017-18 STATE FISCAL YEAR AND
15 EACH STATE FISCAL YEAR THEREAFTER, THE STATE CONTROLLER SHALL
16 PAY TO EACH COUNTY TREASURER THE PERCENTAGE SET FORTH IN
17 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) OF THE CERTIFIED FAIR
18 MARKET VALUE RENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION
19 (6).

20 (II) THE PERCENTAGES ARE AS FOLLOWS:

21	STATE FISCAL YEAR	PERCENTAGE OF CERTIFIED
22		FAIR MARKET VALUE RENT
23	2017-18	5%
24	2018-19	10%
25	2019-20	15%
26	2020-21	20%
27	2021-22	25%
28	2022-23	30%

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

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

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect
28 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.