

NOTE: The governor signed this measure on 5/14/2014.

An Act

HOUSE BILL 14-1096

BY REPRESENTATIVE(S) Vigil, Garcia, Salazar, Becker, Buckner, Duran, Fischer, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Lebsock, May, Mitsch Bush, Moreno, Pabon, Pettersen, Rosenthal, Ryden, Schafer, Young, Fields;
also SENATOR(S) Schwartz, Aguilar, Crowder, Heath, King, Nicholson, Rivera, Steadman.

CONCERNING AN UNDERFUNDED COURTHOUSE FACILITIES GRANT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** part 3 to article 1 of title 13 as follows:

PART 3 UNDERFUNDED COURTHOUSE FACILITIES

13-1-301. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) PROVIDING ACCESS TO STATE COURT FACILITIES AND ENSURING

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

THE SAFETY OF EMPLOYEES AND OTHER USERS OF STATE COURT FACILITIES ARE FUNDAMENTAL COMPONENTS OF ENSURING ACCESS TO JUSTICE FOR THE PEOPLE OF THE STATE OF COLORADO;

(b) RECENT YEARS HAVE SEEN NUMEROUS OCCASIONS IN WHICH COURTHOUSE REPAIR, RENOVATION, IMPROVEMENT, AND EXPANSION NEEDS HAVE BECOME IMPORTANT PRIORITIES FOR JUDICIAL DISTRICTS AND THE COUNTIES THEY SERVE;

(c) IN SOME CASES THESE NEEDS RESULT FROM ANTICIPATED CAUSES, SUCH AS EXPANDING CASELOADS, THE ALLOCATIONS OF NEW JUDGES TO THE DISTRICT, OR THE AGING OF EXISTING COURTROOM FACILITIES AND THE ATTENDANT NEED TO BRING THEM UP TO CURRENT OPERATIONAL AND SAFETY STANDARDS;

(d) IN OTHER CASES THE NEEDS ARE DRIVEN BY UNEXPECTED EVENTS, SUCH AS NATURAL DISASTERS, ACCIDENTS, OR THE DISCOVERY OF PREVIOUSLY UNKNOWN THREATS TO HEALTH AND SAFETY; AND

(e) WHILE THE RESPONSIBILITY FOR PROVIDING ADEQUATE COURTROOMS AND OTHER COURT FACILITIES LIES WITH COUNTY GOVERNMENTS, THE GEOGRAPHICALLY, DEMOGRAPHICALLY, AND ECONOMICALLY DIVERSE NATURE OF OUR STATE AFFECTS THE LEVEL OF FUNDING AND SERVICES THAT EACH COUNTY CAN PROVIDE.

(2) THE GENERAL ASSEMBLY, THEREFORE, DETERMINES AND DECLARES THAT:

(a) THE CREATION OF THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION AND THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND IS BENEFICIAL TO AND IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF COLORADO; AND

(b) THE PURPOSE OF THE COMMISSION AND THE FUND IS TO PROVIDE SUPPLEMENTAL FUNDING FOR COURTHOUSE FACILITY PROJECTS IN THE COUNTIES WITH THE MOST LIMITED FINANCIAL RESOURCES.

13-1-302. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION CREATED IN SECTION 13-1-303.

(2) "COURT SECURITY CASH FUND COMMISSION" MEANS THE COURT SECURITY CASH FUND COMMISSION CREATED IN SECTION 13-1-203.

(3) "FUND" MEANS THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND CREATED IN SECTION 13-1-304.

(4) "IMMINENT CLOSURE OF A COURT FACILITY" MEANS A COURT FACILITY WITH HEALTH, LIFE, OR SAFETY ISSUES THAT IMPACT COURT EMPLOYEES OR OTHER COURT USERS AND THAT IS DESIGNATED FOR IMMINENT CLOSURE BY THE STATE COURT ADMINISTRATOR IN CONSULTATION WITH THE STATE'S RISK MANAGEMENT SYSTEM OR OTHER APPROPRIATE PROFESSIONALS. HEALTH, LIFE, OR SAFETY ISSUES INCLUDE AIR QUALITY ISSUES, WATER INTRUSION PROBLEMS, TEMPERATURE CONTROL ISSUES, STRUCTURAL CONDITIONS THAT CANNOT REASONABLY BE MITIGATED, FIRE HAZARDS, ELECTRICAL HAZARDS, AND UTILITY PROBLEMS. CERTAIN HEALTH, LIFE, OR SAFETY ISSUES MAY REQUIRE ADDITIONAL THIRD PARTY EVALUATIONS SUCH AS AN ENVIRONMENTAL OR STRUCTURAL ENGINEERING REVIEW.

(5) "MASTER PLANNING" MEANS ENTERING INTO CONTRACTS FOR PROFESSIONAL DESIGN SERVICES OR ENGINEERING CONSULTING TO DETERMINE CONSTRUCTION OR REMODELING OPTIONS, FEASIBILITY, OR COST ESTIMATES FOR A PROPOSED BUILDING PROJECT.

13-1-303. Underfunded courthouse facility cash fund commission - creation - membership. (1) THERE IS HEREBY CREATED IN THE JUDICIAL DEPARTMENT THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION TO EVALUATE GRANT APPLICATIONS RECEIVED PURSUANT TO THIS PART 3 AND MAKE RECOMMENDATIONS TO THE STATE COURT ADMINISTRATOR FOR AWARDING GRANTS FROM THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND BASED ON THE STATUTORY CRITERIA SET FORTH IN SECTION 13-1-305. THE COMMISSION SHALL BE APPOINTED NO LATER THAN JULY 1, 2014.

(2) (a) THE COMMISSION HAS SEVEN MEMBERS, AS FOLLOWS:

(I) TWO REPRESENTATIVES OF AN ASSOCIATION THAT REPRESENTS

COUNTY COMMISSIONERS, APPOINTED BY THE ASSOCIATION;

(II) ONE MEMBER FROM THE DEPARTMENT OF LOCAL AFFAIRS, APPOINTED BY THE DEPARTMENT OF LOCAL AFFAIRS;

(III) TWO MEMBERS FROM THE JUDICIAL BRANCH, APPOINTED BY THE CHIEF JUSTICE;

(IV) ONE MEMBER FROM THE COURT SECURITY CASH FUND COMMISSION, APPOINTED BY THE CHIEF JUSTICE; AND

(V) A REPRESENTATIVE OF THE STATE HISTORICAL SOCIETY, APPOINTED BY THE PRESIDENT OF THE STATE HISTORICAL SOCIETY.

(b) THE COMMISSION MEMBERSHIP DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) MUST INCLUDE, AT ALL TIMES, AT LEAST ONE REPRESENTATIVE FROM A COUNTY IN WHICH THE POPULATION IS ABOVE THE MEDIAN POPULATION FOR THE STATE, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS, AND AT LEAST ONE REPRESENTATIVE FROM A COUNTY IN WHICH THE POPULATION IS BELOW THE MEDIAN POPULATION FOR THE STATE, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS.

(3) EACH MEMBER OF THE COMMISSION SERVES A THREE-YEAR TERM; EXCEPT THAT, OF THOSE MEMBERS FIRST APPOINTED, ONE MEMBER REPRESENTING EACH ENTITY THAT APPOINTS TWO MEMBERS IS APPOINTED FOR A ONE-YEAR TERM AND ONE MEMBER REPRESENTING EACH ENTITY THAT APPOINTS TWO MEMBERS IS APPOINTED FOR A TWO-YEAR TERM. A VACANCY MUST BE FILLED BY THE RESPECTIVE APPOINTING AUTHORITY NO LATER THAN THIRTY DAYS AFTER THE VACATING MEMBER'S LAST DAY FOR THE UNEXPIRED TERM ONLY.

(4) MEMBERS OF THE COMMISSION SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(5) FOUR MEMBER VOTES ARE REQUIRED FOR ANY FINAL COMMISSION RECOMMENDATIONS. THE COMMISSION'S FINAL RECOMMENDATIONS ARE SUBJECT TO FINAL APPROVAL BY THE STATE COURT ADMINISTRATOR AND ARE NOT SUBJECT TO ANY FORM OF APPEAL.

(6) IN ACCORDANCE WITH THE PRINCIPLES SET OUT IN SECTION 13-1-305, THE COMMISSION SHALL ADOPT GUIDELINES PRESCRIBING THE PROCEDURES TO BE FOLLOWED IN MAKING, FILING, AND EVALUATING GRANT APPLICATIONS, THE CRITERIA FOR EVALUATION, AND OTHER GUIDELINES NECESSARY FOR ADMINISTERING THE PROGRAM.

13-1-304. Underfunded courthouse facility cash fund - creation - grants - regulations. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND THAT CONSISTS OF ANY MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE IMPLEMENTATION OF THIS PART 3. THE STATE COURT ADMINISTRATOR MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS PART 3. ALL PRIVATE AND PUBLIC MONEYS RECEIVED BY THE STATE COURT ADMINISTRATOR FROM GIFTS, GRANTS, OR DONATIONS MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND IN ADDITION TO ANY MONEYS THAT MAY BE APPROPRIATED TO THE FUND DIRECTLY BY THE GENERAL ASSEMBLY. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND REMAIN IN THE FUND AND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) MONEYS FROM THE FUND THAT ARE DISTRIBUTED TO COUNTIES PURSUANT TO THIS PART 3 MAY ONLY BE USED FOR COMMISSIONING MASTER PLANNING SERVICES, MATCHING FUNDS OR LEVERAGING GRANT FUNDING OPPORTUNITIES FOR CONSTRUCTION OR REMODELING PROJECTS, OR ADDRESSING EMERGENCY NEEDS DUE TO THE IMMINENT CLOSURE OF A COURT FACILITY. MONEYS FROM THE FUND MAY NOT BE ALLOCATED FOR THE PURCHASE OF FURNITURE, FIXTURES, OR EQUIPMENT, OR AS THE SOLE SOURCE OF FUNDING FOR NEW CONSTRUCTION. MONEYS FROM THE FUND MAY NOT BE ALLOCATED AS THE SOLE SOURCE OF FUNDING FOR REMODELING, UNLESS THE NEED FOR FUNDING IS ASSOCIATED WITH THE IMMINENT CLOSURE OF A COURT FACILITY.

(3) ALL MONEYS CREDITED TO THE FUND SHALL BE AVAILABLE FOR

GRANTS AWARDED BY THE STATE COURT ADMINISTRATOR, BASED ON RECOMMENDATIONS OF THE COMMISSION, TO COUNTIES FOR THE PURPOSES DESCRIBED IN THIS PART 3; EXCEPT THAT THE STATE COURT ADMINISTRATOR MAY USE A PORTION OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND FOR ADMINISTRATIVE COSTS INCURRED THROUGH THE IMPLEMENTATION OF THIS PART 3. THE STATE COURT ADMINISTRATOR, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, MAY EXPEND MONEYS APPROPRIATED FROM THE FUND PURSUANT TO THIS PART 3.

13-1-305. Grant applications - duties of counties. (1) TO BE ELIGIBLE FOR MONEYS FROM THE FUND, A COUNTY MUST APPLY TO THE COMMISSION THROUGH THE STATE COURT ADMINISTRATOR, USING THE APPLICATION FORM PROVIDED BY THE COMMISSION, IN ACCORDANCE WITH THE TIMELINES AND GUIDELINES ADOPTED BY THE COMMISSION. FOR THE COMMISSION TO CONSIDER A GRANT APPLICATION, THE APPLICATION MUST FIRST BE REVIEWED AND APPROVED BY THE CHIEF JUDGE OF THE COUNTY AND THE BOARD OF COUNTY COMMISSIONERS.

(2) (a) GRANTS FROM THE FUND MAY ONLY BE USED TO FUND COUNTIES THAT MEET THE REQUIREMENTS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2) AND THE CRITERIA SPECIFIED IN SUBSECTION (4) OF THIS SECTION TO:

(I) COMMISSION MASTER PLANNING SERVICES;

(II) SERVE AS MATCHING FUNDS OR LEVERAGE GRANT FUNDING OPPORTUNITIES; OR

(III) ADDRESS EMERGENCY NEEDS DUE TO THE IMMINENT CLOSURE OF A COURT FACILITY.

(b) GRANTS FROM THE FUND MAY ONLY BE AWARDED TO A COUNTY WHEN:

(I) THE COUNTY HAS DEMONSTRATED GOOD FAITH IN ATTEMPTING TO RESOLVE THE ISSUES BEFORE SEEKING A GRANT FROM THE FUND;

(II) THE COUNTY HAS AGREED TO DISCLOSE PERTINENT FINANCIAL STATEMENTS TO THE COMMISSION OR THE STATE COURT ADMINISTRATOR

FOR REVIEW; AND

(III) THE STATE COURT ADMINISTRATOR IS SATISFIED THAT THE COUNTY DOES NOT HAVE SIGNIFICANT UNCOMMITTED RESERVES.

(c) GRANTS FROM THE FUND MAY NOT SUPPLANT ANY COUNTY FUNDING FOR A COUNTY THAT HAS THE MEANS TO SUPPORT ITS COURT FACILITY.

(d) THE APPROVAL OF A GRANT SHALL NOT RESULT IN THE STATE OR COMMISSION ASSUMING OWNERSHIP OR LIABILITY FOR A COUNTY COURTHOUSE OR OTHER COUNTY FACILITY THAT HOUSES COUNTY OFFICES AND EMPLOYEES. THE COUNTY SHALL CONTINUE TO HAVE OWNERSHIP AND LIABILITY FOR ALL SUCH FACILITIES.

(e) ONCE A COUNTY IS AWARDED A GRANT, THE COUNTY SHALL COMPLETE THE PROJECT AS DESIGNATED AND DESCRIBED IN THE GRANT AWARD.

(f) THE COMMISSION SHALL DEVELOP A COMPLIANCE REVIEW PROCESS TO ENSURE THAT COUNTIES ARE USING EACH GRANT AS SPECIFIED IN THE GRANT AWARD.

(3) COUNTIES THAT MEET ALL FOUR OF THE CRITERIA SPECIFIED IN SUBSECTION (4) OF THIS SECTION MUST BE GIVEN THE HIGHEST PRIORITY FOR NEED-BASED GRANTS FOR UNDERFUNDED COURTHOUSE FACILITIES PURSUANT TO THIS PART 3.

(4) COUNTIES THAT MEET AT LEAST TWO OF THE FOLLOWING CRITERIA QUALIFY FOR NEED-BASED GRANTS FOR UNDERFUNDED COURTHOUSE FACILITIES PURSUANT TO THIS PART 3:

(a) COUNTIES IN WHICH THE TOTAL POPULATION IS BELOW THE STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS;

(b) COUNTIES IN WHICH THE PER CAPITA INCOME IS BELOW THE STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS;

(c) COUNTIES IN WHICH PROPERTY TAX REVENUES ARE BELOW THE STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS; OR

(d) COUNTIES IN WHICH THE TOTAL COUNTY POPULATION LIVING BELOW THE FEDERAL POVERTY LINE IS GREATER THAN THE STATE MEDIAN, AS DETERMINED BY THE MOST RECENT CENSUS PUBLISHED BY THE UNITED STATES BUREAU OF THE CENSUS.

13-1-306. Legislative review - termination. THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION IS TERMINATED ON SEPTEMBER 1, 2024. PRIOR TO TERMINATION, THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION MUST BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104 (55), C.R.S.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **add** (55) (i) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (55) The following agencies, functions, or both, terminate on September 1, 2024:

(i) THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND COMMISSION, CREATED BY PART 3 OF ARTICLE 1 OF TITLE 13, C.R.S.

SECTION 3. Appropriation - adjustments to 2014 long bill.

(1) For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$700,000.

(2) In addition to any other appropriation, for the fiscal year beginning July 1, 2014, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the underfunded courthouse facility cash fund created in section 13-1-304 (1), Colorado Revised Statutes, the sum of \$700,000, to be used for purposes consistent with the creation of the fund.

(3) In addition to any other appropriation, there is hereby appropriated, out of the underfunded courthouse facility cash fund, to the

judicial department, for the fiscal year beginning July 1, 2014, the sum of \$700,000 and 1.0 FTE, or so much thereof as may be necessary, for allocation to courts administration, centrally-administered programs, for the implementation of the underfunded courthouse facility grant program created in this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO