

**Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 14-0477.01 Esther van Mourik x4215

**HOUSE BILL 14-1096**

---

**HOUSE SPONSORSHIP**

**Vigil,** Garcia, Salazar

**SENATE SPONSORSHIP**

**Schwartz,**

---

**House Committees**

Judiciary  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING AN UNDERFUNDED COURTHOUSE FACILITIES GRANT**  
102              **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN**  
103              **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://www.leg.state.co.us/billsummaries>.)*

The bill creates the underfunded courthouse facility cash fund commission and the underfunded courthouse facility cash fund. The commission has 7 members, 2 representatives of an association that represents county commissioners, one member from the department 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.*

local affairs, 2 members from the judicial branch, one member from the court security cash fund commission, and one member who represents the historical society.

The commission reviews applications for grants from counties to obtain master planning services for construction or remodeling projects, seek matching funds or leveraging opportunities for construction or remodeling projects, or address emergency needs due to the imminent closure of a court facility. A county's grant application must first be reviewed and approved by the chief judge of the county and the board of county commissioners. The commission then makes recommendations as to which applicants should receive job grants to the state court administrator based on statutory criteria. The state court administrator makes the final grant award decisions, and such decisions are not subject to an appeals process.

Grants from the fund may only be awarded to a county with limited financial resources and only if the county has demonstrated good faith in attempting to resolve the issues before seeking a grant, the county has agreed to disclose pertinent financial statements to the commission or the state court administrator for review, and the state court administrator is satisfied that the county does not have significant uncommitted reserves.

The bill also appropriates \$1.5 million from the general fund to the underfunded courthouse facility cash fund for the 2014-15 state fiscal year.

---

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

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

4 **PART 3**

5 **UNDERFUNDED COURTHOUSE FACILITIES**

6 **13-1-301. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
7 HEREBY FINDS THAT:

8 (a) PROVIDING ACCESS TO STATE COURT FACILITIES AND ENSURING  
9 THE SAFETY OF EMPLOYEES AND OTHER USERS OF STATE COURT FACILITIES  
10 ARE FUNDAMENTAL COMPONENTS OF ENSURING ACCESS TO JUSTICE FOR  
11 THE PEOPLE OF THE STATE OF COLORADO;

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

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

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

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

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

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

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

27 **13-1-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

24 **13-1-303. Underfunded courthouse facility cash fund**  
25 **commission - creation - membership.** (1) THERE IS HEREBY CREATED  
26 IN THE JUDICIAL DEPARTMENT THE UNDERFUNDED COURTHOUSE FACILITY  
27 CASH FUND COMMISSION TO EVALUATE GRANT APPLICATIONS RECEIVED

1 PURSUANT TO THIS PART 3 AND MAKE RECOMMENDATIONS TO THE STATE  
2 COURT ADMINISTRATOR FOR AWARDED GRANTS FROM THE UNDERFUNDED  
3 COURTHOUSE FACILITY CASH FUND BASED ON THE STATUTORY CRITERIA  
4 SET FORTH IN SECTION 13-1-305. THE COMMISSION SHALL BE APPOINTED  
5 NO LATER THAN JULY 1, 2014.

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

7 (I) TWO REPRESENTATIVES OF AN ASSOCIATION THAT REPRESENTS  
8 COUNTY COMMISSIONERS, APPOINTED BY THE ASSOCIATION;

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

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

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

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

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

26 (3) EACH MEMBER OF THE COMMISSION SERVES A THREE-YEAR  
27 TERM; EXCEPT THAT, OF THOSE MEMBERS FIRST APPOINTED, ONE MEMBER

1 REPRESENTING EACH ENTITY THAT APPOINTS TWO MEMBERS IS APPOINTED  
2 FOR A ONE-YEAR TERM AND ONE MEMBER REPRESENTING EACH ENTITY  
3 THAT APPOINTS TWO MEMBERS IS APPOINTED FOR A TWO-YEAR TERM. A  
4 VACANCY MUST BE FILLED BY THE RESPECTIVE APPOINTING AUTHORITY NO  
5 LATER THAN THIRTY DAYS AFTER THE VACATING MEMBER'S LAST DAY FOR  
6 THE UNEXPIRED TERM ONLY.

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

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

13 (6) IN ACCORDANCE WITH THE PRINCIPLES SET OUT IN SECTION  
14 13-1-305, THE COMMISSION SHALL ADOPT GUIDELINES PRESCRIBING THE  
15 PROCEDURES TO BE FOLLOWED IN MAKING, FILING, AND EVALUATING  
16 GRANT APPLICATIONS, THE CRITERIA FOR EVALUATION, AND OTHER  
17 GUIDELINES NECESSARY FOR ADMINISTERING THE PROGRAM.

18 **13-1-304. Underfunded courthouse facility cash fund -**  
19 **creation - grants - regulations.** (1) THERE IS HEREBY CREATED IN THE  
20 STATE TREASURY THE UNDERFUNDED COURTHOUSE FACILITY CASH FUND  
21 THAT CONSISTS OF ANY MONEYS APPROPRIATED BY THE GENERAL  
22 ASSEMBLY TO THE FUND. THE MONEYS IN THE FUND ARE SUBJECT TO  
23 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE  
24 IMPLEMENTATION OF THIS PART 3. THE STATE COURT ADMINISTRATOR  
25 MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR  
26 PUBLIC SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS PART 3. ALL  
27 PRIVATE AND PUBLIC MONEYS RECEIVED BY THE STATE COURT

1 ADMINISTRATOR FROM GIFTS, GRANTS, OR DONATIONS MUST BE  
2 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME  
3 TO THE FUND IN ADDITION TO ANY MONEYS THAT MAY BE APPROPRIATED  
4 TO THE FUND DIRECTLY BY THE GENERAL ASSEMBLY. ALL INVESTMENT  
5 EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN  
6 THE FUND REMAIN IN THE FUND AND MAY NOT BE TRANSFERRED OR  
7 REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR. ANY  
8 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT  
9 THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT  
10 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER  
11 FUND.

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

23 (3) ALL MONEYS CREDITED TO THE FUND SHALL BE AVAILABLE FOR  
24 GRANTS AWARDED BY THE STATE COURT ADMINISTRATOR, BASED ON  
25 RECOMMENDATIONS OF THE COMMISSION, TO COUNTIES FOR THE PURPOSES  
26 DESCRIBED IN THIS PART 3; EXCEPT THAT THE STATE COURT  
27 ADMINISTRATOR MAY USE UP TO TEN PERCENT OF THE MONEYS ANNUALLY

1 APPROPRIATED FROM THE FUND FOR ADMINISTRATIVE COSTS INCURRED  
2 THROUGH THE IMPLEMENTATION OF THIS PART 3. THE STATE COURT  
3 ADMINISTRATOR, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
4 ASSEMBLY, MAY EXPEND MONEYS APPROPRIATED FROM THE FUND  
5 PURSUANT TO THIS PART 3.

6 **13-1-305. Grant applications - duties of counties.** (1) TO BE  
7 ELIGIBLE FOR MONEYS FROM THE FUND, A COUNTY MUST APPLY TO THE  
8 COMMISSION THROUGH THE STATE COURT ADMINISTRATOR, USING THE  
9 APPLICATION FORM PROVIDED BY THE COMMISSION, IN ACCORDANCE WITH  
10 THE TIMELINES AND GUIDELINES ADOPTED BY THE COMMISSION. FOR THE  
11 COMMISSION TO CONSIDER A GRANT APPLICATION, THE APPLICATION MUST  
12 FIRST BE REVIEWED AND APPROVED BY THE CHIEF JUDGE OF THE COUNTY  
13 AND THE BOARD OF COUNTY COMMISSIONERS.

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

18 (I) COMMISSION MASTER PLANNING SERVICES;

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

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

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

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

27 (II) THE COUNTY HAS AGREED TO DISCLOSE PERTINENT FINANCIAL



1 STATEMENTS TO THE COMMISSION OR THE STATE COURT ADMINISTRATOR  
2 FOR REVIEW; AND

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

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

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

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

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

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

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

26 (a) COUNTIES IN WHICH THE TOTAL POPULATION IS BELOW THE  
27 STATE MEDIAN, AS DETERMINED BY THE MOST RECENT DATA PUBLISHED

1 BY THE DEPARTMENT OF LOCAL AFFAIRS;

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

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

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

12 **13-1-306. Legislative review - termination.** THE UNDERFUNDED  
13 COURTHOUSE FACILITY CASH FUND COMMISSION IS TERMINATED ON  
14 SEPTEMBER 1, 2024. PRIOR TO TERMINATION, THE UNDERFUNDED  
15 COURTHOUSE FACILITY CASH FUND COMMISSION MUST BE REVIEWED AS  
16 PROVIDED FOR IN SECTION 24-34-104 (55), C.R.S.

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

19 **24-34-104. General assembly review of regulatory agencies**  
20 **and functions for termination, continuation, or reestablishment.**

21 (55) The following agencies, functions, or both, terminate on September  
22 1, 2024:

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

25 **SECTION 3. Appropriation.** (1) In addition to any other  
26 appropriation, for the fiscal year beginning July 1, 2014, there is hereby  
27 appropriated, out of any moneys in the general fund not otherwise

1 appropriated, to the underfunded courthouse facility cash fund created in  
2 section 13-1-304, Colorado Revised Statutes, the sum of \$1.5 million, to  
3 be used for purposes consistent with the creation of the fund.

4 (2) In addition to any other appropriation, there is hereby  
5 appropriated, out of the underfunded courthouse facility cash fund, to the  
6 judicial department, for the fiscal year beginning July 1, 2014, the sum of  
7 \$1.5 million, or so much thereof as may be necessary, to be allocated as  
8 follows:

9 (a) \$150,000 and 1.0 FTE for administrative costs; and

10 (b) \$1,350,000 for grants.

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