

Judicial Department - Courts and Probation FY 2025-26 Supplemental Comeback Request

January 26, 2025

Department:	Judicial Department (Courts and Probation)		
Title:	S01 Courthouse Furnishings and Infrastructure Maintenance		

	FY26 Appropriation	FY25 Supplemental Request	FY25 JBC Staff Recommendation	Jan 23 rd JBC Action	Comeback Request	Difference Between Comeback Request and JBC Action
Total	\$402,200	\$1,400,000	\$1,215,700	\$0	\$1,215,700	\$1,215,700
FTE	0.0	0.0	0.0	0.0	0.0	0.0
GF	\$402,200	\$1,400,000	\$1,215,700	\$0	\$1,215,700	\$1,215,700
CF	\$0	\$0	\$0	\$0	\$0	\$0
RF	\$0	\$0	\$0	\$0	\$0	\$0
FF	\$0	\$0	\$0	\$0	\$0	\$0

Summary of Initial Request:

The Department requested a FY 2025-26 supplemental appropriation of \$1,400,000 General Fund with two-year spending authority for furniture, fixtures, and equipment/capital outlay costs specifically associated new judge positions created in S.B 25-024 (Judicial Officers). Capital outlay funding was provided in the bill for only 10 of the 15 newly created judge positions.

Committee Action:

Joint Budget Committee (JBC) staff recommended a FY 2025-26 appropriation of \$1,215,700 General Fund. The JBC denied the Department's request and JBC staff recommendation.

Judicial Department Comeback:

During the JBC staff supplemental presentation, the JBC asked the following questions:

WHY WERE THE FULL CAPITAL OUTLAY COSTS FOR ALL 15 JUDGES NOT INCLUDED IN THE FISCAL NOTE FOR S.B. 25-024 (JUDICIAL OFFICERS)?

The timeline for installing audio visual/technology and purchasing furniture for judges' chambers and conferences rooms is dependent upon a given county's construction needs and timeline. The Department believed it in the best interest of the State to only request funding for capital outlay items when the need and actual cost for those items was determined. The full cost of furniture and information technology infrastructure for 15 judges would have been \$3.0 million over two years had the full amount been funded in S.B. 25-024. The \$1.2 million identified in the Department's request for new judges, added to the bill's appropriation, results in a total cost for the 15 new judges of only \$2.2 million over two years. This approach was communicated to Fiscal Notes Staff and included in early fiscal notes, however, as JBC staff indicated, it was not included in the final fiscal note of the bill.

WHY IS THE DEPARTMENT PAYING FOR FURNISHINGS AND EQUIPMENT WHEN IT IS THE COUNTY'S RESPONSIBILITY TO DO SO?

The State/county partnership resembles that of a tenant and landlord relationship in which the tenant is responsible for providing furnishings for its own employees. The Department believes it is the responsibility of the State to provide the appropriate furniture, fixtures, and equipment for its employees to best support them in performing their statutorily mandated responsibilities. Pursuant to Sections 13-3-104 and 108, C.R.S., Colorado counties provide and maintain adequate courtrooms and other court and probation facilities, while the State provides the furniture, fixtures, audio visual infrastructure, and staffing that allow those facilities to function.

Section 13-3-104, C.R.S, specifically states that the “State shall fund [the] courts” and identifies the State’s responsibility to include the provision of annual appropriation for the operations, salaries, and other expenses:

(1) The state of Colorado shall provide funds by annual appropriation for the operations, salaries, and other expenses of all courts of record within the state, except for county courts in the city and county of Denver and municipal courts.

Additionally, Section 13-3-108, (4), C.R.S., provides that:

- (a) The chief justice is authorized to approve payment of state funds for the construction of any capital improvement facilities to be used for judicial purposes authorized and approved by the general assembly.*
- (b) The court administrator, with the approval of the chief justice, shall enter into leasing agreements with the governing body of the appropriate local unit of government when joint construction is authorized, or when the approved facilities are also to be used for nonjudicial purposes. The leasing agreement shall provide for the payment of state funds for that portion of the construction costs related to the operation of the courts.*

With the enactment of S.B. 25-024 (Judicial Officers), the General Assembly authorized and approved the creation of new judges, associated space, and costs in 15 judicial districts. The payment of State funds for these purposes and those related to the operation of the courts is generally interpreted to mean furnishings and information technology infrastructure. More specifically, furnishings refer to furniture, fixtures, and equipment (FF&E) that are movable, non-structural (non-fixed) products specified in an interior project that are vital for operations. These are not part of the facility’s permanent construction or its utilities (which are covered by the county) and include: desks, chairs, tables, lamps, shelving, whiteboards, cubicles, servers, and audiovisual equipment. Excluded from these costs are the judge’s bench, jury box, lighting, window coverings, and plumbing fixtures as they are a part of the facility itself.

The Department is aware of the differing interpretations of current statute and is committed to working with the Joint Budget Committee (JBC) and other key stakeholders to clarify roles and responsibilities related to FF&E for State employees, including but not limited to amending current law, should the JBC wish to sponsor legislation for this purpose.

Given that additional time is required to make statutory changes clarifying State and county responsibilities, the Department respectfully requests that the JBC reconsider JBC staff recommendation to appropriate \$1.2 million General Fund in FY 2025-26 to fully fund the necessary capital outlay for the newly created judge positions.