

Legislative Report for 2020 Legislative Session

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Agriculture, Wildlife, & Rural Affairs

SB20-189, Local Government Pesticide No Preemption

SB 189 would have authorized counties and municipalities to regulate the use and application of pesticides by lifting the preemption and by explicitly authorizing counties to do so. Local governments would have been authorized to regulate all pesticides, excluding those used in connection with the cultivation of marijuana and the production of agricultural products (including growing feed for livestock, or the maintenance of agricultural water supply facilities like irrigation ditches or other water infrastructure). Local governments who would choose to take advantage of the new authority would be mandated to consider available science and meet the requirements of state and federal law. SB 189 was not prioritized to move forward in the abbreviated session and was postponed indefinitely by its sponsors in the Senate Agriculture & Natural Resources Committee last week.

Position: Oppose

Sponsor: Reps. Cutter & Duran, Sen. Fenberg

Lobbyist: Daphne Gervais

General Government

HB20-1029, Allow County Officers to Accept Lower Salary

HB 1029 would allow any county elected official to elect to receive a lower salary than what is currently specified in state statute. The bill allows the elected official to further alter his or her salary following that first decision, provided that the salary amount does not exceed what is set in statute. The bill was amended in the Senate to place limits on how much an elected official can lower their salary. The House voted to not concur with the Senate amendment to the bill, and a conference committee is scheduled to meet this week and hash out an agreement on the bill.

Position: Support

Sponsors: Rep. Pelton, Sen. Hisey

Lobbyist: Eric Bergman

HB20-1073, Prevent Gerrymandering of County Commissioner Districts

HB 1073 would have taken the political gerrymandering protections established in the state constitution by Amendments Y and Z and applied them to county commissioner districts in those counties where at least one commissioner is not elected by the voters of the whole county. The bill would have been applicable only in counties with populations greater than 70,000 that elected to move to a five-member commission or ones that have a home rule charter. There are three counties that would have been subject to this legislation: Arapahoe, El Paso and Weld. The bill was laid over until December 31 during floor action in the House last week, effectively killing the legislation.

Position: Oppose

Sponsors: Reps. Kennedy & Larson

Lobbyist: Eric Bergman

HB20-1081, Multilingual Ballot Access

HB 1081 would have required certain counties to provide multilingual ballot access. Counties that had at least 2,000 citizens (or 2.5 percent of the total population) who spoke a minority language would have been required to prepare an in-person minority language ballot that would be available upon request at voting service centers without any state financial assistance. The requirements in the bill would have applied to approximately 21 counties. The bill was postponed indefinitely last week by the sponsor as part of a larger streamlining effort by legislative leadership to allow the General Assembly to focus their limited time on critical pieces of legislation.

Position: Oppose

Sponsors: Rep. Caraveo, Sen. Gonzales

Lobbyist: Eric Bergman

HB20-1281, Change Salary Categorizations for Certain Counties

HB 1281 would change the salary subcategory designations for Alamosa and Yuma counties. Alamosa County would move to Category III-B and Yuma County would move to Category IV-C.

The bill passed on second reading on the Senate floor last week and is expected to be on the Governor's desk by the end of this week.

Position: Support

Sponsors: Reps. Pelton & D. Valdez, Sen. Hisey

Lobbyist: Eric Bergman

HB20-1308, Non-Substantive E-mails and Open Meetings Law

HB 1308 would have clarified that e-mail communications between two or more elected officials that do **not** concern pending legislation or other public business are not subject to state Open Meetings Law requirements. The bill was laid over until December 31 during floor action in the House last week, effectively killing the legislation.

Position: Support

Sponsors: Rep. Arndt, Sen. Ginal

Lobbyist: Eric Bergman

SB20-035, Kiosk Program Provider Vehicle and Identity Services

There are currently a number of county pilot programs using automated kiosks to issue driver's licenses, vehicle registrations and other services. SB 35 would make this cost-saving measure available to all county clerks' offices. The bill passed on second reading in the Senate last week and is expected to be sent to the House this coming week. The bill has been identified by legislative leadership as essential legislation as it will allow for faster processing of business in the county clerk's office, thereby enhancing COVID-related safety steps.

Position: Support

Sponsors: Sens. Scott & Ginal, Reps. Gray and Carver

Lobbyist: Eric Bergman

SB20-197, Aligning State and Federal Hemp Laws

SB 197 would align the state's laws around hemp cultivation with the recently-announced USDA rules on growing hemp. The bill changes a number of definitions in statute to match federal definitions, requires criminal background checks for all hemp growers, makes changes to the sampling and testing procedures for determining THC levels in hemp crops, and establishes civil penalties for violation of the state's hemp cultivation laws.

Position: Support

Sponsors: Sens. Fenberg & Marble, Reps. McLachlan & Catlin

Lobbyist: Eric Bergman

SB20-205, Sick Leave for Employees

SB 205 requires all employers to provide sick leave for their employees. This sick leave may be used for the employee's healthcare issues or that of a family member, absences related to domestic abuse

or sexual assault, and instances where a public official has closed the employee's workplace (or the school/child care facility of their child) due to a public health emergency. During a public health emergency, employers are required to provide an additional 80 hours of paid leave to their full-time employees.

Position: Oppose

Sponsors: Sens. Fenberg & Bridges, Reps. Becker & Caraveo

Lobbyist: Eric Bergman

SB20-207, Unemployment Insurance

SB 207 makes a number of changes to the Colorado Employment Security Act, including expanding the conditions that warrant a full award of benefits. Under the bill, an individual will receive a full award if 1) an employer was forcing an employee to work in an environment not compliant with federal, state or local public health orders, 2) the employee's place of business was closed by an executive order, or 3) the employee is a primary caretaker of a child whose school was closed by public health order, a family member who has been quarantined or the employee is immunocompromised. The bill also shortens the timeframe for responding to a claim from 12 days to seven days.

Position: Oppose

Sponsors: Sens. Hansen & Winter

Lobbyist: Eric Bergman

Health and Human Services

HB20-1012 Child Welfare Program Children Developmental Disabilities

HB 1012, a bill initiated by Colorado's Children's Hospital, modifies provisions of a bill that passed in 2018 that addressed, in part, the needs of children with intellectual and developmental disabilities. At that time, the legislature established and funded a new ten-bed residential child care facility (RCCF) to support children and youth with co-occurring I/DD and mental health conditions who do not meet criteria for an inpatient hospitalization but are not yet safe to be in the community.

The sponsors of HB 1012 intend to postpone their bill indefinitely. They will continue to focus on increasing the reimbursement rates for children who qualify for what is known as the 'Children's Habilitation Residential Program (CHRP) waiver'. Low CHRP rates is what is driving the pressure to access the few beds available for kids with disabilities in the child welfare system. Should CHRP waiver reimbursement rates increase, it is expected that more children will be served by the wavier, more providers will serve these kids and families will no longer have to be associated with the child welfare system- especially if there is no need to be – in order to access services.

Position: Monitor

Sponsors: Reps. Young & Landgraf, Sens. Todd & Gardner

Lobbyist: Gini Pingnot

HB20-1100, Pass-Through Child Support Payments

For the last several years, the state general fund has reimbursed counties and the federal government for child support payments that are passed directly to TANF clients. This policy has increased the monthly payments these families receive.

At the inception of this program in 2017, the state general fund obligation for this policy was \$3 million. It is now close to \$5 million in part because there are more pass-through eligible cases and the average payment size is greater.

The Colorado Department of Human Services initiated HB 1100 to modify the original bill (SB15-012) that put this policy into place. SB15-012 stated that if counties were not fully reimbursed for the pass-through, the policy would stop. This protection has helped counties fund their child support programs and offer employment services, education and training to families in need.

As amended, HB 1100 requires the state to appropriate an amount of money that is at least 90 percent of the county's total reimbursement amount that is passed through to custodial parents, after the full federal share has been paid. This amount will be determined based on a December 1 estimate. Given these amendments, CCI modified its position to one of support. The bill was signed by the Governor in March.

Position: Support
Sponsors: Rep. Froelich, Sen. Crowder
Lobbyist: Gini Pingnot

HB20-1138, Public Real Property Index

As amended, HB 1138 requires each state agency, state institution of higher education and local government to annually submit to the office of the state architect a list of all usable real property owned by or under the control of these public entities. The annual list must include the address of the property, contact information for the public owner of the property and a measurement, in square feet, of the total area of the usable real property that is vacant and unused.

CCI opposes HB 1138 because it is an unfunded mandate on counties. The proponents, however, were trying to address this concern by shifting the cost of compiling 'available' properties to the state. CCI staff understands that HB 1138 will be postponed indefinitely in part because the state has no funding to implement it.

Position: Oppose
Sponsors: Reps. Coleman & Larson, Sens. Bridges & Gardner
Lobbyist: Gini Pingnot

HB20-1147, Reasonable Independence for Children in Activities

HB 1147 would have clarified that activities like traveling to and from school and engaging in outdoor play – given the child's maturity, condition and abilities – are not considered neglect. The bill was postponed indefinitely last week.

Position: Monitor

Sponsors: Reps. Buckner & Ransom, Sens. Smallwood & Moreno

Lobbyist: Gini Pingenot

HB20-1197, 2-1-1 Statewide Human Services Referral System

HB 1197 expands 2-1-1 services across the state. 2-1-1 connects people in need with community services ranging from assistance in paying rental and utility bills to food and clothing banks. HB 1197 will be amended to replace the state general funds required under the bill with state CARES act funding. CCI staff understands \$500,000 in state CARES Act funding will be used to support United Ways activities through December 2020. The bill is awaiting a hearing in House Appropriations.

Position: Support

Sponsors: Reps. Snyder & Rich, Sen. Bridges

Lobbyist: Gini Pingenot

HB20-1237, Medicaid Managed Care Assignment for Child Welfare

HB 1237 codifies in statute the state's intended policy to keep children in child welfare and juvenile delinquency in the Regional Accountable Entity (RAE) in which they were originally enrolled. This will help address delays in service, breaks in service and unnecessary hardships for vulnerable children. This CCI initiated bill passed the House and is currently on the 'consent' calendar in the Senate. You can find CCI's factsheet on HB 1237 [here](#).

Position: CCI Bill - Support

Sponsors: Reps. Young & Saine, Sens. Moreno & Sonnenberg

Lobbyist: Gini Pingenot

HB20-1284 Secure Transportation Behavioral Health Crisis

HB 1284 creates a new type of secure transportation option, different than traditional ambulance services, for individuals experiencing a behavioral health crisis. The licensing and permitting authority for this new service will reside with the board of county commissioners. Commissioners can establish a fee to reflect the direct and indirect costs incurred by the county in licensing such service. Entities that wish to provide this service must meet – or exceed - the equipment and training and operating procedures established by the State Board of Health. CCI staff understands this bill will be postponed indefinitely.

Position: Support

Sponsors: Reps. Kraft-Tharp & McCluskie, Sens. Bridges & Smallwood

Lobbyist: Gini Pingenot

HB20-1071, Driving Instruction for Foster Children

HB 1071 establishes a children's driver education grant program under the Department of Human Services for the purposes of reimbursing counties for costs of driving school. Last session's HB19-1023 allowed foster children in counties between the ages of 15-18 to obtain a driver's license. Counties, however, had to pay for the cost associated with driving school and education. HB 1071

will reimburse those county costs. The bill also includes that a county that contracts with a private driving school will not be liable for injury or accident.

The bill requires that the Department of Human Services establish rules for the grant program by or before December 20, 2020. It is likely that all counties will be eligible for the grant. This bill will be postponed indefinitely by the sponsors.

Position: Support

Sponsors: Reps. Carver & Singer, Sens. Gardner & Lee

Lobbyist: Kiley Burress

HB20-1297, Immunization Status and Child Abuse Neglect

As amended, HB 1297 essentially 'copies and pastes' the existing protections in title 25 (Public Health Statutes) that states that a parent's decision to forgo immunizations for their child and to opt out of the immunization tracking system shall NOT constitute child abuse or neglect into title 19 (Child Welfare Statutes). The bill was laid over until December 31 last week, effectively killing it.

Position: Monitor

Sponsors: Rep. Baisley, Sen. Lundeen

Lobbyist: Gini Pingenot

HB20-1302, CAPS Check Program Changes

HB 1302 makes clarifying changes to the adult protection statutes related to the CAPS check program. Under current law, when an employer is going to hire a person to work in a position in which the person will be working with at-risk adults, the employer must conduct a CAP check on the person. HB17-1284 established the CAPS check program and since the program was created there are been over 300 hits on persons seeking work with at-risk adults. The bill will be heard during second reading in the Senate this week.

Position: Support with amendments

Sponsors: Rep. Lontine, Sen. Danielson

Lobbyist: Kiley Burress

SB20-206, Public Assistance Program Recipient Disqualification

Under current law a recipient who is found to have committed an intentional program violation (IPV) is disqualified from participation in any public assistance program for a specified amount of time. The bill clarifies that a recipient who is found to have committed an intentional violation is only disqualified from participating in the public assistance program in which the recipient is found to have committed the intentional violation. This bill was passed in the Senate State Affairs Committee last week and will be heard on the Senate floor this week.

Position: Support

Sponsors: Sens. Todd & Cooke, Reps. Landgraf & Singer

Lobbyist: Kiley Burress

HB20-1371, Delay Substance Use And Mental Health Services Grant Program

HB19-1263 passed last session established the Substance Use and Mental Health Services grant program, and also reclassified several drug felonies to misdemeanors, reduced fines, penalties, & jail terms for drug misdemeanors, among other things. The grant program was created in DOLA to provide funds to counties that provide substance use or mental health treatment services for legal diversion programs or strategies that reduce jail & prison populations. The bill text in HB19-1263 states that the General Assembly shall appropriate \$1.8 million from the General Fund to the program, beginning in FY20-21, and HB 1371 modifies this language to make the grant program subject to annual appropriations. The proposed bill would allow the General Assembly to appropriate funds in the future as appropriate. CCI moved to monitor this budget-related, orbital bill, balancing an understanding of the extreme and difficult cuts facing the JBC, but also being discouraged by the reduced source of funding that will impact counties' ability to mitigate potential adverse impacts of inmates being released early due to the COVID-19 pandemic. HB 1371 will be heard on the House floor this week.

Position: Monitor

Sponsor: Reps. Esgar & McCluskie, Sens. Moreno & Zenzinger

Lobbyist: Daphne Gervais

SB20-029, Cost of Living Adjustment for Colorado Works

As amended in committee, SB 29 1) increases the BCA grant in SFY 2020-2021 by 5 percent; 2) sets the cost of living increase at 1.5 percent; 3) explicitly states that county TANF reserves are not to be used to meet this commitment; 4) requires that the JBC review the policy and its sustainability annually; and 5) defines a sustainable state TANF reserve at \$34 million. Given these amendments, commissioners modified their original position in March and are now in support of the bill.

Since then, there has been tremendous debate on how to use the State's TANF reserve. The JBC voted in mid-May to use roughly \$11 million to 'replace' state general funds of an equivalent amount that were going to the child welfare block. This action 'freed up' limited state general funds for other purposes. The JBC also appropriated \$1.5 million to help counties pay unmet utility and housing costs faced by TANF clients in their communities. As of this writing, it is unclear what will happen with SB 29 and how the priorities may have changed around the use of the funds.

Position: Support

Sponsors: Sens. Fields & Moreno, Reps. Coleman & Duran

Lobbyist: Gini Pingnot

SB20-162, Changes Related to Federal Family First Policy

SB 162 is this year's Federal Family First Prevention Services' Act implementation bill. As amended in committee, SB 162 tasks the Child Welfare Services Task Force – aka the SB18-254 task force' – to make a recommendation on the out-of-home placement state/county funding splits by July 31, 2020. Currently, out of home placements costs are split 80/20, with the state/federal government picking up 80 percent of the cost and counties picking up the remaining 20 percent. Since group home placements have poor performance outcomes, the new 2018 federal law is discouraging the use of these facilities by eliminating federal funding for these placements. There are a number of

factors, however, that make the discussion around funding splits tricky, including the fact that alternative placements do not always exist in all parts of Colorado and the fact that one of the new placement options – Qualified Residential Treatment Programs – may or may not be granted permission to pull down Medicaid funding. The ‘SB 254 task force’ must consider these factors when developing their recommendation by July 31, 2020.

While this amendment led CCI to change its position, the July 31, 2020 date is now unrealistic. COVID-19 has impacted the task force’s work and their ability to meet this deadline. CDHS gives this bill a 10 percent chance of moving forward during the abbreviated session.

Position: Support

Sponsors: Sens. Rankin & Moreno, Reps. Gonzales-Gutierrez & Ransom

Lobbyist: Gini Pingnot

Justice and Public Safety

SB20-070, Traffic Offenses Classification and Penalties

SB 70 is CCI legislation and has two purposes. The first is to raise the fines for traffic infractions (such as driving without a license) as traffic enforcement codes haven’t been updated since the 1970s. The bill would also decriminalize certain traffic offenses (such as driving without insurance) in order to lessen unnecessary court time. The money generated by the traffic fine increases would go back into the county where the violation occurred, where then this money can be used for the purposes of traffic safety, law enforcement, and road construction.

Secondly, under current statute, the surcharges on these fines go into VALE (victims assistance and law enforcement) grants as well as the CVC (crime victims’ compensation) Program. The increase in fines (as well as the surcharge) in the bill would generate additional funds for the purposes of serving more victims. This bill will be postponed indefinitely by sponsors.

Position: CCI Legislation - Support

Sponsors: Sens. Coram & Lee, Reps. Catlin & Gray

Lobbyist: Kyley Burress

SB20-130, Backcountry Search and Rescue

SB 130 would have established a rescue-study training and physical pilot program. The bill would also have created a search and rescue study to determine how the state can provide better resources to local governments. This bill was postponed indefinitely last week.

Position: Support

Sponsors: Sens. Donovan and Rankin, Reps. McCluskie and Wilson

Lobbyist: Kyley Burress

SB20-161, Pretrial Release

This bill requires that pretrial complete a risk assessment within 24 hours for all defendants that have been admitted to a detention facility. SB 161 also prohibits pretrial programs from charging defendants a supervision fee. Examples of supervisions required by a detention facility are GPS monitoring, electronic alcohol monitoring, and urine and drug analysis. The bill does establish a pretrial services fund but it is unclear how much would be available in the fund and whether the fund would cover the cost of an ongoing program or if it is only for the startup costs of implementing the policy. SB 161 passed the Senate Judiciary Committee back in March and is now awaiting a hearing in Senate Appropriations. It is unclear at this point whether this bill will move forward.

Position: Oppose unless amended

Sponsors: Sens. Lee and Gardener, Reps. Herod and Soper

Lobbyist: Kyley Burress

SB20-172, Bail Hearing within 48 Hours of Arrest

SB 172 requires that all 22 judicial districts in Colorado hold a bond-setting hearing within 48 hours of an arrestee's arrival at a detention facility. The concept behind this bill is that a person arrested on Friday commonly waits until Monday to get in front of a judge. This bill hopes to lessen the time someone waits to be seen. The bill requires a bond hearing officer be available on the weekends and holidays to conduct bond hearings throughout the state using audio-visual technology.

Last year SB19-191 required that the Judicial Department get a report from all judicial districts on the cost of implementing this policy. This year a \$5 million placeholder has been set in the Governor's budget request to provide costs for both this bill and SB20-161(Pre-Trial Release). The bill passed the Senate Judiciary Committee back in March and is awaiting a hearing in Senate Appropriations. It is unclear at this point whether the bill will move forward.

Position: Oppose unless amended

Sponsors: Sens. Lee and Marble, Reps. Herod and Soper

Lobbyist: Kyley Burress

HB 20-1017, Substance Use Disorder Treatment in Criminal Justice System

HB 1017 requires that municipal and county jails, multijurisdictional jails, the state Department of Human Services, and the state Department of Corrections have available one agonist and one antagonist for the purpose of treating an individual with a substance use disorder. These facilities are to provide treatment to an individual for the duration of their commitment or incarceration. A few examples of an agonist would include heroin, oxycodone, methadone, and morphine. An example of antagonists would include naltrexone and naloxone.

This bill also requires that a safe station be made available for an individual to dispose of a controlled substance. A "safe station" is defined in the bill as a municipal police station or county sheriff's office, but the term "controlled substance" is not defined in the bill. Under the legislation, a person who disposes of a controlled substance is not subject to arrest or prosecution. It is unclear at this point whether the bill will move forward.

Position: Oppose unless amended
Sponsors: Reps. Herod & Kennedy, Sens. Donovan & Priola.
Lobbyist: Kyley Burress

HB20-1142, Hazard Mitigation Grant Program

HB 1142 had two purposes: establish an enterprise under the Department of Public Safety and create a grant program for hazard mitigation. The grant program is to be established so federal requirements can be met in order to collect FEMA dollars for the purpose of hazard mitigation. Another purpose of the grant is to reduce impacts from future disasters and to decrease losses by encouraging building codes and land use policies that mitigate risk. This bill was postponed indefinitely last week.

Position: Support with amendments
Sponsors: Reps. Cutter & Soper
Lobbyist: Kyley Burress

HB 20-1150, Repeal HB19-1263 (Penalties for Drug Possession)

HB 1150 repeals language in last year's HB19-1263 which made changes relating to the offense level for the possession of certain controlled substances. HB 1263 (which was signed into law) decriminalized single-use drug possession for schedule I and II substances. Examples of substances that fall under schedule I and II are heroin, fentanyl, and cocaine. A person in possession of a small amount (one gram or less) of schedule I or II substance would be charged with a misdemeanor instead of a felony. This bill has been postponed indefinitely.

Position: Monitor
Sponsors: Rep. McKean
Lobbyist: Kyley Burress

Land Use and Natural Resources

HB20-1004, Assistance Landowner Wildfire Mitigation

HB 1004 was an interim committee bill from the Wildfire Matters Review Committee. The bill would have created the Wildfire Mitigation Resources and Best Practices Grant Program to be administered by the Colorado State Forest Service. Grant money (a general fund amount subject to available appropriations) would have been intended for outreach to landowners to inform them of available resources and best practices for wildfire mitigation. Eligible recipients would have included an agency of local government, a county, a municipality, a special district, a tribal agency or program, a faith-based organization, or a nonprofit/not-for-profit organization that is registered and in good standing with the Secretary of the State's Office. Grants would have only been awarded to applicants conducting outreach in high wildfire hazard areas, and applications would have been prioritized based on the potential impact of the proposed outreach. HB 1004 has not been prioritized to move forward in the abbreviated session and is set to be postponed indefinitely by its sponsors.

Position: Support

Sponsor: Reps. Cutter & Will, Sen. Lee
Lobbyist: Daphne Gervais

HB20-1057, Modify Wildfire Risk Mitigation Grant Program

HB 1057 came out of the Wildfire Matters Review Interim Committee and makes modifications to the grant program under the Forest Restoration and Wildfire Risk Mitigation Act. Currently, grant applicants are required to provide a 50 percent match on all grant-funded projects. The bill lessens this match requirement to 25 percent for projects in areas with fewer economic resources, for which the Colorado State Forest Service (CSFS) is directed to establish satisfying criteria. HB 1057 modifies this Forest Restoration and Wildfire Risk Mitigation grant program by allowing more grant funding to projects located in areas with fewer economic resources; by expanding the list of eligible recipients to include fire protection districts and nonprofit organizations; and by extending the program to 2029.

The bill passed the House Rural Affairs & Agriculture Committee (11-0) and the House floor (63-1) with three amendments. The first amendment modifies a requirement to an encouragement that grant-funded projects include stakeholders and “appropriate federal, state, county, and municipal government representatives in the design, implementation, and monitoring of the project”. The second amendment specifies what satisfies as “in-kind contribution,” and incorporates CCI’s feedback to encourage a modification to the grant funding timeline. The third amendment specifies that gifts, grants, and/or donations satisfy the criteria for match funds.

On March 4, HB 1057 passed the Senate with no amendments. The bill was signed into law by the Governor.

Position: Support
Sponsor: Reps. Carver & McCluskie, Sens. Coram & Fenberg
Lobbyist: Daphne Gervais

HB20-1094, Repeal Fee Cap On-site Wastewater Treatment Systems

HB 1094 is a CCI-initiated bill that repeals the fee cap to allow local boards of health to set fees for on-site wastewater treatment system (OWTS) permits. The bill strikes the existing \$1000 statutory cap on permit fees to allow local public health agencies to recover the actual costs of their OWTS services. CCI is partnering with the Colorado Association of Local Public Health Officials (CALPHO) to advocate for this bill. The bill passed and was signed by the Governor.

Position: CCI Bill – Support
Sponsor: Reps. Catlin & Arndt, Sens. Ginal & Coram
Lobbyist: Daphne Gervais

HB20-1095, Local Government Water Supply Elements in Master Plans

HB 1095 maintains the option for counties to include water supply elements in their master plans, but adds a requirement that this element include conservation policies determined by the county. The bill authorizes local governments to include goals specified in the state water plan, and to condition development approvals on the implementation of the county’s conservation policies.

Local governments may choose to include a water supply element (which would describe the general location and extent of a suitable supply of water), but if they do, additional requirements must be met: the planning commission must consult with entities that supply water to the county, and the element must identify water supplies and facilities that can meet the needs of the public and infrastructure that the planning process anticipates.

While CCI appreciates the cooperation and collaboration with the bill sponsors and the American Planning Association (APA) in maintaining the permissive nature of this year's version of the bill, CCI opposes HB 1095, largely because it does not allow counties to do anything they cannot already do with their master plans. Counties appreciate maintaining flexibility in what these advisory documents include, and water supply elements are among the components that can look very different across the state. The bill passed the Senate Agriculture & Natural Resources Committee on a 2-1 vote, and passed on a partisan line in the Senate Appropriations Committee on March 6, during which an amendment was adopted that appropriates \$26, 215 from the General Fund to DOLA's Division of Local Government for an additional 0.5 FTE. HB 1095 passed and has been signed into law.

Position: Oppose

Sponsor: Rep. Arndt, Sen. Bridges

Lobbyist: Daphne Gervais

HB20-1133, Land Use Entitlements and Municipal Disconnection

HB 1133 is being brought by Jefferson County, and it seeks to iron out the process by which a tract of land disconnects (or "de-annexes") from a municipality, becoming part of the unincorporated area of the county again. It amends the considerations for a landowner desiring to disconnect from a municipality in a few ways. First, the bill states that disconnected land would become subject to the applicable county's zoning resolution, map, and any other land development regulations within 90 days of the disconnection. Second, it would prohibit a landowner from disconnecting until vested property rights have been terminated or expire. Third, it voids any county zoning resolution that automatically and uniformly zones all future disconnected land. Fourth, it clarifies that once the county receives notice of the disconnection from the municipality and the ordinance has been filed, the county may – through its zoning resolution, zoning plan, or other land development regulations—allow the newly incorporated land to obtain necessary land entitlements. Fifth, it declares that the county may elect not to issue building or occupancy permits to the land before disconnection is filed and complete. Finally, it permits a county to subdivide the disconnected land once the ordinance has been filed with the county clerk and recorder, and relevant zoning has been enacted.

CCI voted to support this legislation as it is seen as resolving potential conflicts that counties and municipalities encounter during disconnection processes, and as authorizing counties to manage the land in the same way as annexed land is treated by a municipality. The bill was passed by the House last week on a unanimous vote. The bill passed the Senate Local Government Committee unanimously on Tuesday, March 10th, and after an amendment specifying how vested rights are expired or relinquished prior to disconnection, it passed the Senate unanimously. The House concurred with this amendment, so HB 1133 passed and has been signed into law.

Position: Support

Sponsor: Reps. Kraft-Tharp & McKean, Sen. Tate

Lobbyist: Daphne Gervais

HB20-1161, Private Activity Bond Allocation

The private activity bond program funds privately developed projects. The bonds are tax exempt and the amount of the bonds issued are limited by the IRS. The statewide balance is allocated among all issuing authorities, and currently DOLA's executive director makes all of the allocations from the statewide balance with the advice of the private activity bond allocation committee. To streamline and coordinate this process, HB 1161 eliminates the bond allocation committee that currently reviews and makes recommendations to DOLA and requires the state housing board to conduct the review and make recommendations. In addition, the bill eliminates a cap on the amount of the direct allocation fee paid to DOLA by entities that issue private activity bonds or make a mortgage credit certificate election, and eliminates the DOLA Director's authority to promulgate rules that govern private activity bond allocation.

CCI raised a concern to the sponsor that since private activity bonds may be allocated to many different kinds of projects, transferring responsibility to the State Housing Board might mean that preference is given to housing projects. The bill passed the Senate Finance Committee unanimously on Thursday, March 5, passed the Senate with no amendments on March 11th, and has since been signed into law.

Position: Monitor
Sponsor: Rep. Bird, Sens. Winter & Tate
Lobbyist: Daphne Gervais

HB20-1163, Management Single-Use Plastic Products

HB 1163 would have prohibited stores and retail food establishments from providing single-use plastic carryout bags, single-use plastic stirrers, single-use plastic straws, and Styrofoam products ("single use products") to customers at the point of sale after July 2021. The bill was laid over until the end of the year last week in the House, effectively killing the bill.

Position: Oppose
Sponsor: Reps. Valdez A. and Sirota, Sen. Gonzales
Lobbyist: Daphne Gervais

HB20-1351, Local Government Authority Promote Affordable Housing Units

HB 1351 was a CML-initiated bill that would have clarified that the existing authority of cities and counties to plan for and regulate the use of land includes the authority to regulate development or redevelopment in order to promote the construction of new affordable housing units. The bill was postponed indefinitely last week due to the abbreviated session.

Position: Support
Sponsor: Rep. Lontine & Gonzales-Gutierrez, Sen. Gonzales & Rodriguez
Lobbyist: Daphne Gervais

HB20-1370, Transfers From Unclaimed Property Trust Fund to Housing

HB19-1322 passed last session set up a process such that the state would be required to transfer \$30 million from the Unclaimed Property Trust Fund (UPTF) to the Housing Development Grant Fund (HDGF, sometimes referred to as the workforce housing grant fund). However, this transfer would only occur if the state was at least \$30 million below the TABOR refund cap. Therefore, the transfers put in place through last year's bill are contingent upon (1) the balance in the Unclaimed Property Trust Fund as of June 1st, and (2) the Legislative Council Staff forecasts for 2021 through 2023.

In their budget balancing conversations, Joint Budget Committee staff recommended that the JBC introduce legislation that would divert or eliminate the transfer mechanism in HB19-1322, so that these funds could be transferred to the General Fund instead. The Department of Local Affairs (DOLA) was not anticipating receiving this funding in FY20-21, based on economic forecasts prior to the pandemic, and due to the projection that this would be another TABOR refund year. Taking this into consideration, the JBC approved the recommendation and introduced HB 1370, which would delay the starting date for the first transfer by two fiscal years. Though local governments are among the eligible entities to draw from the housing development grant fund (which could be used for new construction, property acquisition, rehabilitation of existing units, or housing services), CCI moved to support HB 1370, given that the JBC chose to delay the transfer as opposed to eliminating the mechanism entirely. There may be an additional bill coming out of the Treasury Department that will look at transferring funds from the Unclaimed Property Trust fund over to the General Fund, but HB 1370 simply addresses the start date of the original transfer from the UPTF to the HDGF.

HB 1370 will be heard on the House floor this week.

Position: Support

Sponsor: Reps. Esgar & McCluskie, Sens. Moreno & Rankin

Lobbyist: Daphne Gervais

Tax and Finance

HB20-1001, Nicotine Product Regulation

As amended. HB 1001 makes several changes to statutes covering cigarettes, tobacco products and nicotine products. Specifically, it:

- 1) Raises the statewide minimum age of sale from 18 to 21 (on 12/20/2019, President Trump signed a bill into law setting the age of sale for tobacco products– effective immediately – to 21);
- 2) Requires every retailer selling nicotine products to have a state license;
- 3) Requires the Colorado Department of Revenue (CDOR) to coordinate with counties and other local governments who are already licensing retailers pursuant to HB19-1033;
- 4) Prohibits new retail locations where these products are sold from being located within 500 feet of a school; and
- 5) Prohibits delivery of cigarettes, tobacco products or nicotine products to a consumer under 21 years of age and requires that the employee making the delivery is at least 21 years of age and is using a vehicle owned or leased by the licensee (cigars and pipe tobacco are not subject to this delivery prohibition).

Flavor bans are not included in this bill; they are addressed in HB20-1319 (Prohibit Sale of Flavored Nicotine Products).

HB 1001 is waiting to be heard in the Senate Appropriations Committee.

Position: Support

Sponsors: Reps. Mullica & Larson, Sens. Bridges & Priola

Lobbyist: Gini Pingenot

HB20-1022, Sales and Use Tax Simplification Task Force

HB 1022 extends the Sales and Use Tax Simplification Task Force for five years and modifies the task force's duties. Among other roles, the task force would receive updates on the development and implementation of the sales tax GIS database (which was funded via SB19-006) and examine the business impact of the destination sourcing rules.

HB 1022 is waiting to be heard in the Senate Appropriations Committee. It will be amended to require the Joint Technology Committee to oversee the sales tax GIS database in SFY 2020-21. Beginning in SFY 2021-22, the Sales and Use Tax Simplification Task Force will reconvene.

Position: Support

Sponsors: Reps. Kraft-Tharp & Van Winkle, Sens. Williams & Tate

Lobbyist: Gini Pingenot

HB20-1023, State Address Data for Sales and Use Tax Collection

HB 1023 is another bill stemming from the Sales and Use Tax Simplification Task Force. In anticipation of the sales tax GIS database going live later this year, HB 1023 states that vendors who use the database to determine the jurisdiction where sales tax is owed and how much sales tax applies to a purchase, will be held harmless for erroneous sales tax remittances if the data the vendor relied on was wrong in the GIS database itself. A similar 'hold harmless' provision has existed for years with the five 'address locator' sites that are currently available to vendors. The bill has been signed by the Governor.

Position: Support

Sponsors: Reps. Kraft-Tharp & Van Winkle, Sens. Williams & Tate

Lobbyist: Gini Pingenot

HB20-1059 Valuation of Energy Storage Equipment

HB 1059 would have granted a preferential property tax treatment to energy storage equipment. Specifically, the bill would have used the 'cost' approach to valuing energy storage batteries (that currently do not exist in Colorado).

Counties were concerned about HB 1059's impact to their property tax base. Currently, counties and cities can choose locally whether or not to exempt storage equipment from the business personal property tax. The bill was postponed indefinitely last week.

Position: Oppose
Sponsors: Reps. Jackson & Bird, Sens. Winter & Tate
Lobbyist: Gini Pingenot

HB20-1083 Nursing Home Definition for Residential Property Tax

HB 1083 would have defined nursing homes, for property tax purposes, as 'residential', regardless of the patient's length of stay.

Currently, facilities that provide short term convalescent care and rehabilitation services, where patrons visit the facility periodically or temporarily reside there for less than 30 days, are classified as non-residential (29 percent assessment rate). Facilities that offer long term nursing, rest and assisted living services, where patrons reside on a longer-term basis of more than 30 days are classified as residential (7.15 percent assessment rate). The bill was postponed indefinitely last week.

Position: Monitor
Sponsors: Reps. Kraft-Tharp & Van Winkle, Sen. Holbert
Lobbyist: Gini Pingenot

HB20-1115, Sales Tax Exemption for Farm Fencing Material

HB 1115 would have created a sales tax exemption for farm fencing material. This would include barbed wire, smooth wire, fencing staples, "T" posts and wire clips, prefabricated welded fence panels, electric fencing posts, solar panels for electric fences and much more. The bill was postponed indefinitely last week.

Position: Support if Amended
Sponsors: Reps. Catlin & McLachlan, Sen. Coram
Lobbyist: Gini Pingenot

HB20-1124, Disaster Emergency Transfers from County General Fund

HB 1124 extends the timeframe in which counties – for the sole purpose of addressing roads and bridges destroyed by natural disasters – can transfer county general funds into the road and bridge fund. This limited flexibility was first authorized following the 2013 floods. At that time, the General Assembly and local governments alike thought these recovery projects could be completed by 2021. The bill has been signed by the Governor.

Position: Support
Sponsors: Reps. McKean & Snyder, Sen. Gardner
Lobbyist: Gini Pingenot

HB20-1299, Enterprise Zone Investment Tax Credit for Renewable Energy Investments

HB 1299 would have extended – for another five years - an existing tax credit developers can claim for making renewable energy investments in an enterprise zone. The bill also would have added

investments in energy storage systems as a qualified renewable energy investment. The bill was postponed indefinitely last week.

Position: Support
Sponsors: Reps. Young & Pelton, Sens. Foote & Crowder
Lobbyist: Gini Pingenot

HB20-1342, Property Tax Valuation Appeals

HB 1342 would have created an expedited property tax appeals process, created a task force in the Division of Property Taxation to evaluate existing deadlines for appealing property values, and required property tax estimates be printed on the Notice of Valuation that is sent to taxpayers. Following the lead of the County Assessor's Association, CCI members voted to oppose HB 1342 unless it was amended to address assessor's concerns. The bill was postponed indefinitely last week.

Position: Oppose unless amended
Sponsors: Reps. Gray & Larson

HB20-1399, Suspend Limited Gaming Tax Transfers To Cash Funds

HB 1399 is part of the SFY 2020-2021 budget package. The bill reduces the funding in the Local Government Limited Gaming Impact Fund from \$5.4 m to \$1.9m for two years. Normally, the state shares a portion of its gaming revenue with a few key programs and initiatives. Given the closure of casinos, the state has less gaming funds available to share.

County commissioner advocacy helped protect the 'formula' in statute that yields the normal \$5.4 million for the Local Government Limited Gaming Impact Fund. This means that when things return to normal, that level of support will continue (subject, of course, to future legislative action). Additionally, commissioner advocacy successfully protected some funding for the Local Government Limited Gaming Impact Fund and kept it from being 'zeroed out'.

Position: Monitor
Sponsors: Reps. Esgar & McCluskie, Sen. Moreno & Rankin
Lobbyist: Gini Pingenot

SB20-139 County Loans for Public Infrastructure Projects

As amended, SB 139 allows a board of county commissioners, in consultation with the county treasurer, to authorize loans to governmental entities for infrastructure projects. This optional authority would allow boards of county commissioners to authorize county treasurers to make a loan to a governmental entity in the county that undertakes infrastructure projects in the county. The bill specifies limitations to this authority, including a requirement that the loan recipient pay interest on the loan equal to or greater than the rate of return earned on all county financial investments for the preceding 12 months.

While some counties agreed that SB 139 would provide a new tool to do things like help Local Improvement Districts (LIDs) and Public Improvement Districts (PIDs) build roads, help schools

replace old, energy inefficient boilers, and much more, others expressed concerns about counties acting like banks. The bill is expected to be heard on the House floor this week.

Position: Oppose

Sponsors: Sen. Foote, Rep. Gray

Lobbyist: Gini Pingenot

SB20-168, Sustainable Severance & Property Tax Policies

SB 168 extends and expands a property tax exemption for community solar gardens and increases coal severance tax collections to reimburse local governments for their reduction in local property tax revenue under the bill.

Commissioners recognize Sen. Hansen and Petersen's efforts to backfill the tax loss communities will realize should the community solar garden exemption be extended for another five years. However, reinstating the severance tax on production of under 300,000 tons of coal will negatively impact the families dependent on coal mines. Routt County Commissioners have been strong on this point and their advocacy at CCI led commissioners to formally oppose SB 168.

CCI is opposed to both the extension of the property tax exemption for community solar gardens and the reinstatement of the severance tax on production of under 300,000 tons of coal.

CCI understands Sen. Hansen plans to request his bill be postponed indefinitely this week.

Position: Oppose

Sponsors: Sens. Hansen & Petersen, Rep. Valdez

Lobbyist: Gini Pingenot

Tourism, Resorts and Economic Development

SB20-002, Rural Economic Development Initiative (REDI) Grant Program

SB 2 would bolster the existing Rural Economic Development Initiative (REDI) grant program. The purpose is to provide grants for projects that create new jobs through new or existing employers, or for projects that help foster diverse and resilient local economies in rural communities (applies to counties with a population of fewer than 50,000 residents). The Department of Local Affairs (DOLA), in collaboration with the Office of Economic Development & International Trade (OEDIT), currently administers the REDI grant program. Local governments, as well as organizations or individuals working in partnership with a local government, are eligible to receive REDI grants. Recipients would be required to provide matching funds, with the amount of the match to be decided by DOLA). A local government may partner with entities including intergovernmental agencies, councils of government, housing authorities, beginning farmers, the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, nonprofit economic development organizations, and private employers. In partnering, the local government would serve as the grant administrator.

Among other provisions, SB 2 creates criteria that DOLA is required to consider when evaluating grant applications. Projects under consideration must do one or more of the following:

1. Encourage capital investment in a key regional industry
2. Increase the average wages in the project area
3. Evidence strong support from local governments or the local workforce agencies and boards
4. Encourage growth that benefits more than one rural community through collaboration
5. Show compatibility with relevant communities and existing economic development plans

Additionally, if DOLA determines that a rural community needs resources or assistance because it has been impacted by a significant economic event, the department may choose to use all or part of the REDI grant program appropriation for the Rural Economic Advancement of Colorado Towns (REACT) Act. The REACT act authorizes DOLA to coordinate the provision of nonmonetary state resources to assist with job creation or retention in a rural community experiencing a significant economic event, such as a plant closure or layoffs, that has a significant impact on jobs within that community.

While the REDI program is already administered by DOLA, Sen. Donovan is pursuing these changes to statute with the goal of rendering the program and its annual appropriations more robust. Recent budget amendments have been approved (this year, DOLA has requested an ongoing increase of \$257, 248 General Fund for REDI since grant requests have exceeded available funds for several cycles), but Senator Donovan believed the program strayed too far from its original intent. DOLA is concerned that the statutory changes could be too restrictive, but a recent amendment removed the most restrictive criteria that DOLA brought up.

The House Rural Affairs and Agriculture Committee unanimously referred the bill to the Committee on Appropriations, where it has yet to be calendared. The sponsor has confirmed that it has been prioritized to move forward, despite the abbreviated session.

Position: Support

Sponsor: Sens. Donovan & Coram, Rep. McLachlan

Lobbyist: Daphne Gervais

[HB20-1035](#), Programs to Develop Housing Support Services

HB1035 was developed over the interim period by the Treatment of Persons with Mental Health Disorders in the Criminal Justice System Committee (a joint, year-round committee). The next step forward following SB17-021 – which established re-entry services to released offenders with substance use disorders and/or mental health challenges – HB 1035 aimed to increase capacity for supportive housing services to reduce recidivism. Supportive housing programs provide services intended to allow a person with behavioral, mental health, or substance use disorders secure and retain stable housing. These programs combine affordable housing with access to supportive services tailored to an individual's needs (including in-reach and outreach, housing search and counseling support, vocational or occupational training, clinical services, support with daily living activities, etc.).

HB1035 proposed to do four things. First, it would have created a pre-development grant program to assist entities developing supportive housing interventions. Funded by the Housing Assistance for

Persons Transitioning from the Criminal or Juvenile Justice System Cash Fund, grants could have been used to cover costs associated with the development and implementation of these programs (i.e. building new or additional staff capacity). Grants would have been targeted to communities that have a shortage of behavioral and mental health care providers and services, or to communities that are currently unable to access federal and state housing and supportive service funds through training, technical assistance, and grant funding. Eligible recipients would have included agencies of local government, special districts, tribal agencies or programs, faith-based organizations, and non-profits. Administered by DOLA's Division of Housing, the Department would have been required to prioritize applicants that would use the grant to serve rural or frontier communities, or those that plan to provide services to persons with severe and persistent mental illness. The legislation would also have required DOLA to provide hands-on technical assistance to grant recipients.

Additional provisions would have created a second grant program: the supportive housing grant program. Intended to help fund homelessness prevention projects and to cover costs of supportive housing services currently ineligible for reimbursement under Medicaid, these grant dollars would have also aimed to develop programs intended to prevent homelessness among mentally-ill individuals who have contact with the criminal justice system. Administered by the Department of Health Care Policy and Financing (HCPF), the bill would have required DHCP to identify additional providers and services that may be eligible for reimbursement under Medicaid and request waivers. The fiscal note estimated that \$3.0 million would have been needed for both grant programs (\$750,000 to the predevelopment grant program, and \$2.25 million to the supportive housing services and homelessness prevention grant program). The actual amount appropriated would have been at the discretion of the General Assembly.

In addition to the two grant programs, HB1035 would have required DOLA to expand statewide training and technical assistance to communities that develop supportive housing interventions (such as homeless service providers, law enforcement agencies, first responders, reentry programs, municipal court programs, etc.). Finally, the bill would have required DOLA to develop a plan to increase participation in regional homeless data systems, to improve data reporting and housing-related needs assessments. To increase participation in regional homeless data systems, DOLA would have needed to hire contractors and consultants at a cost of \$212,750 to work directly with providers and local governments.

Prior to the pause in the legislature, HB 1035 passed the House Transportation and Local Government committee on a partisan line, 6-4 vote, and would have been headed to the Committee on Appropriations next. Concerns at the committee were related to costs, the limited target of individuals (must have contact to the criminal justice system), and the effectiveness of the proposed programs. While HB 1035 is set to be postponed indefinitely due to the abbreviated session, it is possible that the contents and aims of the proposed legislation will be woven into a newly-introduced bill. CCI will be keeping close eye out for this.

Position: Monitor & Seek Amendments

Sponsor: Rep. Singer, Sen. Fields

Lobbyist: Daphne Gervais

[HB20-1196](#), Mobile Home Park Act Updates

A 2015 analysis of Colorado's Manufactured Home Community (MHC) laws revealed the varying level of protection MHC homeowners have in different circumstances and scenarios. HB1196 amends the Mobile Home Park Act to increase homeowners' rights, targeting common conflicts for which current law provides low to no homeowner protection: retaliation, random evictions, arbitrary rules, utility bill transparency, and inoperable utilities.

HB1196 defines incidents of retaliation and consequences for engaging in it (for example, if a park owner increases rent or decreases services in a selective, non-uniform, or excessive manner). The bill would ensure that homeowners are not evicted for minor rule violations, and that they are not made subject to unreasonable rules. Additional provisions would require equity and transparency in billing. For example, the bill would require park management to provide each home owner a monthly water bill and how it is calculated. The bill would ensure that, in circumstances where residents are denied necessary water or other critical utilities due to park owner negligence, the park owner provides reimbursement for alternative lodging to residents. It also specifies that any local ordinance can trump bill provisions to set an alternate timeline for notice requirements. In addition, it specifies that a landlord must receive approval from the local government before enacting any change of use of his/her mobile home community.

Some additional examples of what this bill touches on include (1) permissible reasons for which the management can terminate a homeowner's tenancy, (2) notice requirements associated with a termination, (3) management duties concerning maintenance and repair of a park.

CCI originally voted to monitor and seek amendments, and since then, four amendments have been adopted in the House upon second reading. The first clarifies the types of actions that could be considered retaliatory by ensuring that legitimate business activities are not included. It also simplifies the language and reduces the time originally outlined in the bill relating to quitting and curing in the case of a rule violation that could lead to eviction (120 to 90 days total before an eviction notice). The second amendment (1) adds language around rule violations that can be cause for evictions, including violations that cause material damage to real or personal property, (2) reduces the time period regarding the rebuttable presumption of retaliation from 6 months to 4 months, (3) amends language dealing with enforcement of rules and when rules can be cause for an investigation by the Dept. of Local Affairs, and (4) allows for entry onto a lot without notice to a home owner excluding posting notices required by law or a rental agreement. The third amendment changes the time period a homeowner has after notice to quit or cure violations, originally changed in committee from 30 to 60 days, and with this amendment to 90 days. Lastly, a fourth amendment clarifies that during the right to quit and cure period, the obligation to pay rent remains in effect. This simply puts into statute what is already done in practice to ensure there is no lack of clarity during these processes.

With the ongoing stakeholder work the bill sponsors committed to, HB 1196 passed the House on a bipartisan vote, and has no opposition since the Park Owners Association moved to a neutral position. Because of this, HB 1196 has been prioritized to continue in the abbreviated session. It passed the Senate Judiciary committee last week on a 3-2 vote and will be headed to the Committee on Appropriations next.

Position: Monitor

Sponsor: Reps. Hooton & McCluskie, Sens. Fenberg & Lee

Lobbyist: Daphne Gervais

HB20-1201, Mobile Home Park Residents Opportunity to Purchase

HB 1201 facilitates resident purchase and ownership of mobile home communities. Inspired by evidence showing that resident-owned communities receive fewer complaints and have more stability, the bill would increase the opportunity for residents to purchase their mobile home park by (1) requiring notice to residents when a park owner prepares to sell, (2) providing time for residents to determine if they wish to make an offer and to prepare said offer, and (3) requiring that the park owner consider the offer. The bill gives homeowners 90 days to make an offer to purchase and arrange financing, and specifies that a purchase can be made by an association representing at least 51% of the homeowners. Additionally, the bill specifies that a group of homeowners may assign their purchase right to a local or state government, tribal government, housing authority, or nonprofit with expertise related to housing, or to an agency of the state. Provisions would prevent the landlord from making a final, unconditional acceptance of any offer for the sale or transfer of the park without first having either considered an offer made by homeowners.

CCI's members voted to support this legislation because several member counties have had difficulties in helping homeowners to purchase parks. The legislation would empower residents to collaborate with their local governments and to take ownership of their own community. Even so, HB1201 would require a landlord to give at least 12 months written notice of a change of use or pending sale to home owners, the county or municipality, the division of housing in DOLA, and to each home owners' association, residents' association, or other body that represents residents of the park. Commissioners expressed some concern over the 12-month time period and its potential implications on financially-burdened park owners, so we will be gauging the possibility of shortening that time frame throughout our conversations on this bill.

During the committee hearing and second reading of HB 1201 on the House floor, three amendments passed which have moved the Park Owner's Association to a neutral position. Like HB 1196, HB 1201 has no opposition, and has been prioritized to move forward in the abbreviated session. The first amendment that passed removes language on separate time limits for offers, adds language that allows for mobile home park owners to conduct sales of the park to family members, and removes modifications and definitions to the Mobile Home Park Act. The second amendment specifies that, during the 90-day time period where residents can consider making an offer, it creates a 30-day quiet period when a park owner cannot solicit a response from a homeowner. It allows a park owner 30 days to post information on how a homeowner can respond to or deny an opportunity to purchase, but prohibits a landlord from attempting to coerce or offer any financial or in-kind incentive to homeowners in exchange for a decision. Finally, the third amendment adds language creating confidentiality around the specifics of an offer regarding the price, terms and conditions and parameters on who owners can share that information with when considering the offer. It defines an affiliate and their relationship to the owners for whether a notice of sale is triggered.

HB 1201 passed out of the Senate Local Government Committee on a unanimous vote last week. On second reading in the Senate, an amendment passed that specifies that at least 30 days after notice of intent to sale is provided to homeowners, the opportunity to purchase is terminated if at least 50% of homeowners in the park provide signed writings to the park owner expressing no interest in purchasing. The amendment also clarifies that DOLA does not have the authority to issue injunctive relief in response to a complaint alleging a violation of the new criteria for homeowner

purchase of the park. As amended, HB 1201 passed second reading on the Senate floor last week with a bipartisan vote.

Position: Support

Sponsor: Rep. Hooton & Gonzales-Gutierrez, Sen. Moreno & Ginal

Lobbyist: Daphne Gervais

Transportation and Telecommunications

HB20-1151, Expand Authority for Regional Transportation Improvements

HB 1151 would automatically grant any transportation planning organization (defined in the bill as metropolitan planning organizations and rural transportation planning organizations) the powers of a regional transportation authority (RTA) without making them first form an RTA through a formal vote of the citizens. These RTA powers include the ability to place a transportation funding question on the ballot for the voters within the region. The sponsor has indicated that he will postpone the bill indefinitely when it is heard in House Appropriations.

Position: Oppose

Sponsors: Rep. Gray, Sen. Winter

Lobbyist: Eric Bergman

HB20-1173, 811 Locate Exemption for County Road Maintenance

HB 1173 was a CCI legislative priority that would have allowed county road and bridge departments to conduct basic maintenance on unpaved county roads without having to call Colorado 811 for utility locates, provided that the maintenance doesn't lower the grade of the road or disturb more than six inches of soil. The bill was postponed indefinitely by the sponsors on May 26 as part of a larger streamlining effort by legislative leadership to allow the General Assembly to focus their limited time on critical pieces of legislation.

Position: CCI Legislation - Support

Sponsors: Reps. Saine & Baisley, Sens. Winter & Smallwood

Lobbyist: Eric Bergman

HB20-1293, Emergency Telephone Service Charges

HB 1293 is a comprehensive overhaul of the state's 911 fee system. The bill does two things that will help local 911 authorities and public safety answering points (also known as PSAPs). First, it directs the state Public Utilities Commission (PUC) to raise the current \$ 0.70 cap on local 911 fees, allowing local agencies to more easily recap their costs on providing 911 call support. Secondly, it establishes a new **statewide** 911 fee that will be collected and then remitted by the PUC to all local agencies through a formula based on the current call capacity of the local agencies. This new statewide fee should help offset expected tariff increases in the coming year. This legislation is awaiting a hearing in House Appropriations and is expected to be passed.

Position: Support

Sponsors: Reps. McCluskie & Pelton, Sens. Coram & Gonzales

Lobbyist: Eric Bergman

[HB20-1376](#), **Modify Transportation Funding Mechanisms**

HB 1376 is a budget-related “orbital bill” that is being run by the Joint Budget Committee to help balance next year’s budget. The bill postpones the \$1.3B bonding ballot question scheduled to be on this fall’s ballot until 2021. The bill also cancels the scheduled transfers of \$50M this year and next from the state general fund to CDOT to make the debt payments on the certificates of participation issued under SB17- 267 for transportation projects around the state. CDOT will now have to make those debt payments out of its maintenance fund.

Position: No Position

Sponsors: Reps. Esgar & McCluskie, Sens. Zenzinger & Rankin

Lobbyist: Eric Bergman