

# FINAL CCI LEGISLATIVE REPORT

## June 18, 2020

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**[SB20-189, Local Government Pesticide Regulation](#)**

Current state law prohibits local governments from substantively regulating pesticides. This bill 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 become 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).

Position: Oppose

Sponsor: Reps. Cutter & Duran, Sen. Fenberg

Status: Postponed Indefinitely

Lobbyist: Daphne Gervais

## **General Government**

### **HB20-1029, Allow County Officers to Accept Lower Salary**

HB 1029 allows any county elected official in a Category III, IV, V or VI county to elect to reduce their salary by up to 50 percent. The bill allows the elected official to subsequently raise his or her salary following that decision, provided that the salary amount does not exceed what is set in statute.

Position: Support  
Sponsors: Rep. Pelton, Sen. Hisey  
Status: Awaiting Governor's Signature  
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 only been applicable to counties with populations greater than 70,000 that elect to move to a five-member commission or ones that have a home rule charter. Three counties would have been subject to this legislation: Arapahoe, El Paso and Weld.

Position: Oppose  
Sponsors: Reps. Kennedy & Larson  
Status: Deemed Lost  
Lobbyist: Eric Bergman

### **HB20-1077, Modifications of County Treasurer Duties**

HB 1077 makes a number of modifications to the duties of the county treasurer, including granting access to public utility and oil and gas schedules, giving the treasurer flexibility in the condemnation and disposal of mobile homes and allowing the treasurer to accept an estimated prepayment of property taxes.

Position: Support  
Sponsors: Reps. Rich and D. Valdez; Sen. Holbert  
Status: Governor Signed  
Lobbyist: Eric Bergman

### **HB20-1081, Multilingual Ballot Access**

HB 1081 would have required the Secretary of State (SOS) and certain counties to provide multilingual ballot access. The SOS would be required to have translators available by phone to help electors translate ballot language and to translate all state races and state ballot questions for the counties. Additionally, counties that have at least 2,000 citizens (or 2.5 percent of the total population) who speak a minority language would be required to prepare an in-person minority language ballot that would be available upon request at voting service centers without any state financial assistance.

Position: Oppose  
Sponsors: Rep. Caraveo, Sen. Gonzales  
Status: Postponed Indefinitely  
Lobbyist: Eric Bergman

### **HB20-1089, Employee Protection Lawful Off-duty Activities**

HB 1089 would have prohibited an employer from terminating an employee for off-duty activities that are lawful under state law, even if those activities are not lawful under federal law. The goal of the legislation was to basically allow employees to use marijuana during non-work hours without fear of termination. While well-meaning, the legislation was at odds with Article XVIII of the Colorado Constitution, which specifically allows employers to have drug-free workplace policies. Moreover, many county employees possess commercial driver's licenses (CDLs) which can be revoked for failing a drug test.

Position: Oppose  
Sponsor: Rep. Melton  
Status: Postponed Indefinitely  
Lobbyist: Eric Bergman

### **HB20-1093, County Authority to License Short-Term Rentals**

HB 1093 grants a board of county commissioners the authority to license and regulate short-term rentals in the unincorporated area of the county. This authority is virtually identical to the authority currently enjoyed by municipalities. HB 1093 was a CCI Legislative Priority for 2020.

Position: CCI Legislation - Support  
Sponsors: Reps. McCluskie & Wilson, Sens. Donovan & Rankin  
Status: Signed by Governor  
Lobbyist: Eric Bergman

### **HB20-1121, Retaliation Against an Elected Official**

Under current law, it is a felony to retaliate against a judge. HB 1121 would have made threats, harassment or harm against any elected official or their family a class 4 felony as well.

Position: Support  
Sponsors: Reps. Mullica & Soper  
Status: Postponed Indefinitely  
Lobbyist: Eric Bergman

### **HB20-1132, County Reimbursement for Local Election Supplies**

HB 1132 expanded the types of election equipment and supplies for which counties can be reimbursed from the Local Elections Cash Fund. It also allows counties to be reimbursed for incremental increases in costs to lease that equipment.

Position: Support  
Sponsors: Rep. Lontine, Sen. Feinberg  
Status: Signed by Governor  
Lobbyist: Eric Bergman

### **HB20-1281, Change Salary Categorizations for Certain Counties**

HB 1281 changes 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.

Position: Support  
Sponsors: Reps. Pelton & D. Valdez, Sen. Hisey  
Status: Awaiting Governor's Signature  
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 does **not** concern pending legislation or other public business were not subject to state Open Meetings Law requirements.

Position: Support  
Sponsors: Rep. Arndt, Sen. Ginal  
Status: Deemed Lost  
Lobbyist: Eric Bergman

### **HB20-1328, Outdoor Emergency Marijuana Contingency Plans**

HB 1328 would have allowed outdoor retail and medical marijuana growers to file contingency plans with the state that detail the measures that will be taken to preserve the marijuana grows in the event of adverse weather events. The bill also directed the Marijuana Enforcement Division to promulgate rules for the process and procedure for filing contingency plans. The bill also included local government review of contingency plans and clarified that local land use authority is protected.

Position: Support as Amended  
Sponsors: Reps. A. Valdez & Esgar, Sens. Rodriguez & Bridges  
Status: Postponed Indefinitely  
Lobbyist: Eric Bergman

### **HB20-1415, Whistleblower Protection During Public Health Emergencies**

HB 1415 prohibits an employer from retaliating against an employee who raises concerns about workplace health and safety practices during a public health emergency. The bill allows for unlimited damages in a lawsuit against a county, contrary to the statutory cap set forth in the Governmental Immunity Act. The bill also permits a "qui tam" action, whereby an employee can bring a civil suit on the behalf of the state.

Position: Oppose  
Sponsors: Reps. Herod & Sullivan, Sens. Pettersen & Rodriguez  
Status: Awaiting Governor's Signature  
Lobbyist: Eric Bergman

### **HB20-1424, Social Equity Licenses for Regulated Marijuana**

HB 1424 better defines “accelerator” programs in state statute to address social equity issues and promote more minority involvement/ownership in marijuana businesses around the state. The bill also empowers the governor to grant pardons to individuals convicted of the possession of up to two ounces of marijuana.

Position: No Position  
Sponsors: Rep. Coleman, Sens. Gonzales & Marble  
Status: Awaiting Governor's Signature  
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 makes this cost-saving measure available to all county clerks' offices.

Position: Support  
Sponsors: Sens. Scott and Ginal, Reps. Gray & Carver  
Status: Awaiting Governor's Signature  
Lobbyist: Eric Bergman

### **SB20-78, Dogs on Restaurant Patios**

SB 78 authorizes retail food establishments to allow dogs on outdoor patios if certain conditions are met. The bill allows local governments to prohibit dogs on outdoor patios.

Position: Support  
Sponsors: Sen. Donovan, Rep. Garnett  
Status: Signed by Governor  
Lobbyist: Eric Bergman

### **SB20-092, Robotic Devices to Deliver Cargo**

SB 92 would have allowed the use of robotic delivery devices on roads and pedestrian areas with a number of statutory limitations. The bill prohibited local governments from regulating the hours of operation and where these robotic devices could operate.

Position: Oppose  
Sponsors: Sen. Bridges  
Status: Postponed indefinitely

Lobbyist: Eric Bergman

### **SB20-104, Powers of Bureau of Animal Protection Agents**

SB 104 grants agents of the state Bureau of Animal Protection the power to conduct investigations into reports of animal cruelty. This new ability is expected to benefit local law enforcement.

Position: Monitor

Sponsors: Sen. Cooke, Rep. Roberts

Status: Awaiting Governor's Signature

Lobbyist: Eric Bergman

### **SB20-197, Aligning State and Federal Hemp Laws**

SB 197 aligns 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

Status: Awaiting Governor's Signature

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. The bill also adds a number of reporting/leave tracking requirements and extends the sick leave requirements to seasonal and part-time workers.

Position: Oppose

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

Status: Awaiting Governor's Signature

Lobbyist: Eric Bergman

### **SB20-207, Changes to Unemployment Insurance Provisions in the Employment Security Act**

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; Reps. Gray & Sullivan  
Status: Awaiting Governor's Signature  
Lobbyist: Eric Bergman

### **SB20-213, Take-Out Alcohol at Restaurants for Two Years**

As part of the Governor's recent stay-at-home order, restaurants were allowed to provide alcoholic beverages on a to-go basis. SB 213 extends this ability through July of 2021. It directs the Department of Revenue to do rulemaking to implement this extension through a permitting process. The bill also allows for an optional local permitting process.

Position: Support  
Sponsors: Sens. Bridges & Priola; Reps. Larson & Roberts  
Status: Awaiting Governor's Signature  
Lobbyist: Eric Bergman

### **SB20-216, COVID Presumption for Workers' Compensation**

SB 216 would have established that if an essential worker contracts COVID-19, it is presumed that s/he contracted it in the course of his/her employment. The bill did not require that the employee have a positive COVID test result in order to qualify for workers' comp benefits.

Position: Monitor as Amended  
Sponsors: Sen. Rodriguez; Rep. Mullica  
Status: Deemed Lost  
Lobbyist: Eric Bergman

## **Health and Human Services**

### **HB20-1012 Child Welfare Program Children Developmental Disabilities**

HB 1012 would have modified 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 Children's Hospital, HB 1012's lead proponent, was trying to address situations whereby Medicaid eligible children with I/DD languish in hospital beds waiting for treatment *without having these children unnecessarily enter the child welfare system just to receive these services.*

In lieu of HB 1012, the bill proponents focused on increasing the reimbursement rates for children who qualify for what is known as the 'Children's Habilitation Residential Program (CHRP) waiver'.

Increased CHRP waiver reimbursement rates are expected lead to more providers who will serve these kids and families, without requiring these kids to access the child welfare system for services.

Position: Monitor  
Sponsors: Reps. Young & Landgraf, Sens. Todd & Gardner  
Status: Deemed Lost  
Lobbyist: Gini Pingenot

### **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.

HB 1100 to modifies 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 counites fund their child support programs and offer employment services, education and training to families in need.

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.

Position: Support  
Sponsors: Rep. Froelich, Sen. Crowder  
Status: Signed by Governor  
Lobbyist: Gini Pingenot

### **HB20-1138, Public Real Property Index**

HB 1138 would have required 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 would have included 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.

Position: Oppose  
Sponsors: Reps. Coleman & Larson, Sens. Bridges & Gardner  
Status: Deemed Lost  
Lobbyist: Gini Pingenot

### **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.

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

Status: Postponed Indefinitely  
Lobbyist: Gini Pingnot

### **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. These expanded services will be paid for with state CARES act funding through December 31, 2020.

Position: Support  
Sponsors: Reps. Snyder & Rich, Sen. Bridges  
Status: Awaiting Governor's Signature  
Lobbyist: Gini Pingnot

### **HB20-1237, Medicaid Managed Care Assignment for Child Welfare**

HB 1237 codifies in statute the state's intended policy to serve vulnerable children 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.

Position: CCI Bill - Support  
Sponsors: Reps. Young & Saine, Sens. Moreno & Sonnenberg  
Status: Awaiting Governor's Signature  
Lobbyist: Gini Pingnot

### **HB20-1284 Secure Transportation Behavioral Health Crisis**

HB 1284 would have created 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 would have resided with the board of county commissioners.

Position: Support  
Sponsors: Reps. Kraft-Tharp & McCluskie, Sens. Bridges & Smallwood  
Status: Deemed Lost  
Lobbyist: Gini Pingnot

### **SB20-029, Cost of Living Adjustment for Colorado Works**

SB 29 provides a one-time \$500 supplemental payment to families receiving TANF. CCI secured an amendment to cap the total amount of state TANF reserves that could be used for this purpose at \$10 million.

Position: Support  
Sponsors: Sens. Fields & Moreno, Reps. Coleman & Duran  
Status: Awaiting Governor's Signature  
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 'SB18-254 Task Force' – to make a recommendation on the out-of-home placement state/county funding splits by December 15, 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 December 15, 2020.

Position: Support

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

Status: Awaiting Governor's Signature

Lobbyist: Gini Pingnot

## **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).

Position: Monitor

Sponsors: Reps. Baisley & Singer, Sen. Lundeen

Status: Awaiting Governor's Signature

Lobbyist: Gini Pingnot

## **Justice and Public Safety**

### **SB20-070, Traffic Offenses Classification and Penalties**

SB 70 was CCI-initiated legislation. The bill would have raised 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 have decriminalized certain traffic offenses (such as driving without insurance) in order to lessen unnecessary court time. The money generated by the traffic fine increases would have gone back into the county where the violation occurred, where then this money could have been used for the purposes of traffic safety, law enforcement, and road construction. Lastly, the bill would have generated additional funds for VALE (victims assistance and law enforcement) grants as well as the CVC (crime victims' compensation) Program.

Position: CCI Legislation - Support

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

Status: Postponed Indefinitely  
Lobbyist: Kyley Burress

### **SB20-130, Backcountry Search and Rescue**

Backcountry search and rescue in Colorado started in the 1940s in response to the thousands of Coloradans and out-of-state visitors who take part in outdoor recreation in our state. 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.

Position: Support  
Sponsors: Sens. Donovan and Rankin, Reps. McCluskie and Wilson  
Status: Postponed Indefinitely  
Lobbyist: Kyley Burress

### **SB20-161, Pretrial Release**

This bill would have required that pretrial complete a risk assessment within 24 hours for all defendants that have been admitted to a detention facility. SB 161 also prohibited 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 would have established a pretrial services fund but it is unclear how much would have been available in the fund and whether the fund would have covered ongoing program costs or just startup costs.

Position: Oppose unless amended  
Sponsors: Sens. Lee and Gardener, Reps. Herod and Soper  
Status: Postponed Indefinitely  
Lobbyist: Kyley Burress

### **SB20-172, Bail Hearing within 48 Hours of Arrest**

SB 172 would have required 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 bill required a bond hearing officer be available on the weekends and holidays to conduct bond hearings throughout the state using audio-visual technology.

Position: Oppose unless amended  
Sponsors: Sens. Lee and Marble, Reps. Herod and Soper  
Status: Deemed Lost  
Lobbyist: Kyley 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. SB 206 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 committed the violation.

Position: Support

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

Status: Awaiting Governor's Signature

Lobbyist: Kyley Burress

### **SB20-217, Enhance Peace Officer Integrity**

SB 217 is a significant change in law enforcement policy and includes required body cameras, changes to reporting requirements and an elimination of qualified immunity for local law enforcement.

The body cam policy states that all peace officers are required to wear a body cam at all times and must switch on their cams when interacting with the public. If the officer fails to activate or tampers with their body cam, the officer can be charged with misconduct. Furthermore, the footage from the recording of the body cam is to be released to the public within seven days of an incident. The bill gives law enforcement agencies three years to equip their officers with body cams.

The bill also requires the Division of Criminal Justice in the Department of Public Safety and the Attorney General's office to collect data from all law enforcement agencies that employ peace officers. Reporting must include all use of force by a peace officer that resulted in death or serious bodily injury. All unannounced forced entry is to be reported as well as if the peace officer seized any property. If any law enforcement agency fails to meet the reporting requirements, they can be subject to suspension of their state funding.

The legislation eliminates all limitations on Colorado governmental immunity and statutory limits on damages and attorney fees. This bill also removes qualified immunity for any peace officer employed by a law enforcement agency. Neither the Colorado Governmental Immunity Act nor any other statutory immunity or limitation on liability, damages, or attorney fees shall apply to these claims. If a peace officer employed by a local government personally causes or fails to intervene during an incident with another officer who causes an individual to be deprived of a right guaranteed under article II of the state constitution, the officer can be held liable for the deprivation of such rights. If the officer is found to not have acted in good faith or a reasonable belief in the lawfulness of their actions, they are personally liable for 5% of any judgment or settlement, up to \$25,000. If the officer doesn't have the means to pay that portion of the judgment or settlement, the officer's employer or insurance will be responsible for the full amount.

Position: Oppose unless amended

Sponsors: Sens. Garcia & Fields; Reps. Herod & Gonzales-Gutierrez

Status: Awaiting Governor's Signature

Lobbyist: Kyley Burress

### **HB20-1017, Substance Use Disorder Treatment in Criminal Justice System**

HB 1017 gives county jails, multijurisdictional jails, the state Department of Human Services, and the state Department of Corrections the option of making available agonists and antagonists for the

purpose of treating an individual with a substance use disorder. These facilities can provide treatment to an individual for the duration of their commitment or incarceration. Examples of agonists include heroin, oxycodone, methadone, and morphine. Examples of antagonists include naltrexone and naloxone.

Position: Support as amended

Sponsors: Reps. Herod & Kennedy, Sens. Donovan & Priola.

Status: Awaiting Governor's Signature

Lobbyist: Kyley Burress

### **HB20-1019, Prison Population Reduction and Management**

HB 1019 does two things: it opens up CSP II (South Centennial Prison II) in Fremont County and creates a private prison study under DOLA. The opening of the 650-bed facility in Southern Colorado comes as DOC has moved to close Cheyenne Rocky Mountain Reentry Center (CMRC), a private prison located in Colorado Springs. The study piece of the bill will create a report every year of each private prison and the study is to include the following:

- Evidence-based strategies to stop using private prisons and move individuals into alternative facilities or programs
- An analysis of the impacts on the affected communities, including the loss of local tax revenue
- An analysis of the impact that reducing private prison beds would have on local governments and community-based providers
- A utilization analysis of all state-operated facilities and all other facilities that can be used for housing inmates
- An analysis of the best practices and programs necessary for successful reintegration of offenders, alternatives to incarceration, and recidivism reduction strategies consistent with public safety
- An analysis of the feasibility of the department to obtain private facilities in Colorado
- An analysis of the resources necessary to accomplish the strategies required to transition the state away from private prisons if the decision is made to transition the state away from private prisons

Position: Support with amendments

Sponsors: Rep. Herod, Sen. Gonzales

Status: Governor Signed

Lobbyist: Kyley Burress

### **HB20-1052, Privacy Protections for Human Services Workers**

Under CRS 18-9-313, it is unlawful for information to be made available about caseworkers and law enforcement personnel. HB 1052 extends protections under this statute to include all human services workers. Protected professions under this expanded definition are employees of juvenile detention centers, county employees (including county attorneys) and human services contractors. The immediate family (spouse, children and parents) of human services workers would also be protected under the bill. Human services workers may submit a written request to a state or local government official to request their information be protected if they feel they and/or their family are in danger.

Position: Support  
Sponsors: Reps. Duran & Exum, Sens. Donovan & Hisey  
Status: Governor Signed  
Lobbyist: Kyley Burress

### **HB20-1071, Driving Instruction for Foster Children**

HB 1071 would have established 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 would have reimbursed those county costs.

Position: Support  
Sponsors: Reps. Carver & Singer, Sens. Gardner & Lee  
Status: Deemed Lost  
Lobbyist: Kyley Burress

### **HB20-1142, Hazard Mitigation Grant Program**

Currently there is no long-term, consistent source of funds to mitigate hazards exposure in Colorado. HB 1142 had two purposes: establish an enterprise under the Department of Public Safety and create a grant program for hazard mitigation. The enterprise was to function like a government-run business, where a fee is to be collected from insurers and used for the purpose of educating property owners in high-risk areas on the importance of having insurance and having a mitigation plan.

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.

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

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

HB 1150 would have repealed 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. The purpose of HB 1263 was to stop arresting and jailing individuals - thereby reducing overcrowding in our prisons and saving the taxpayers money. However, the change forced county taxpayers and county jails to take on the cost as misdemeanor offenses can be served in county jails.

Position: Monitor  
Sponsors: Rep. McKean

Status: Postponed Indefinitely  
Lobbyist: Kyley Burress

### **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 have been over 300 hits on persons seeking work with at-risk adults.

Position: Support with amendments  
Sponsors: Rep. Lontine, Sen. Danielson  
Status: Awaiting Governor's Signature  
Lobbyist: Kyley Burress

### **HB20-1371, Delay Substance Use and Mental Health Services Grant Program**

HB19-1263 established the Substance Use and Mental Health Services grant program and also reclassified several drug felonies to misdemeanors, reduced fines, penalties and 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. HB 1371 modifies this language to make the grant program subject to annual appropriations. The bill will 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.

Position: Monitor  
Sponsor: Reps. Esgar & McCluskie, Sens. Moreno & Zenzinger  
Status: Awaiting Governor's Signature  
Lobbyist: Daphne Gervais

## **Land Use and Natural Resources**

### **SB20-010, Repeal Ban on Local Government Regulation of Plastics**

SB 10 would have repealed language that currently prohibits local governments from requiring or banning the use or sale of specific types of plastics and restricting or mandating packaging or labeling of consumer products. The bill was brought forward by the Colorado Municipal League (CML). Removing the preemption would have authorized home-rule municipalities to regulate plastics, but amendments would have been necessary to allow counties to regulate plastics.

Position: Support if Amended

Sponsor: Sen. Donovan, Reps. A. Valdez & Froelich  
Status: Postponed Indefinitely  
Lobbyist: Daphne Gervais

### **SB20-147, County Impacts from Municipal Annexation**

SB 147 would have made a number of modifications to the Municipal Annexation Act of 1965 in an effort to give counties additional representation and influence on annexations. The bill featured several changes, including: 1) the requirement for a comprehensive annexation plan to be adopted two years in advance, 2) authorization to the BOCC to establish contiguity by resolution adopting an intergovernmental agreement (IGA), 3) authorization for the BOCC to file lawsuit if the municipality does not comply with terms of an IGA, and 4) changes to the conditions that establish contiguity.

Position: N/A  
Sponsor: Sen. Gardner  
Status: Postponed Indefinitely  
Lobbyist: Daphne Gervais

### **HB20-1004, Assistance Landowner Wildfire Mitigation**

HB 1004 would have created the Wildfire Mitigation Resources and Best Practices Grant Program to be administered by the Colorado State Forest Service. Grant money 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.

Position: Support  
Sponsor: Reps. Cutter & Will, Sen. Lee  
Status: Deemed Lost  
Lobbyist: Daphne Gervais

### **HB20-1057, Modify Wildfire Risk Mitigation Grant Program**

HB 1057 modifies the 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. Grant applicants were originally required to provide a 50 percent match on all grant-funded projects, and 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 also encourages CSFS to modify its policies to allow grant funding to become available in March, before prime wildfire season begins, and encourages grant-funded projects to include stakeholders and the “appropriate federal, state, county, and municipal government representatives in the design, implementation, and monitoring of the project.”

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

### **HB20-1070, Local Government Liable Fracking Ban Oil and Gas Moratorium**

HB 1070 would have held a local government that bans hydraulic fracturing of an oil and gas well liable to the mineral interest owner for the value of the mineral interest. A local government that enacts a moratorium on oil and gas activities would have been required to compensate persons damaged by the interference (including oil and gas operators, mineral lessees, and royalty owners) for all costs, damages, and losses of fair market value associated with the moratorium.

Position: Monitor  
Sponsor: Rep. Buck  
Status: Postponed Indefinitely  
Lobbyist: Daphne Gervais

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

HB 1094 is a CCI-initiated bill that repeals the statutory 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 partnered with the Colorado Association of Local Public Health Officials (CALPHO) to advocate for this bill.

Position: CCI Bill – Support  
Sponsor: Reps. Catlin & Arndt, Sens. Ginal & Coram  
Status: Signed by Governor  
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. The bill also appropriates \$26, 215 from the general fund to DOLA's Division of Local Government for an additional 0.5 FTE to assist local governments with these changes.

Position: Oppose  
Sponsor: Rep. Arndt, Sen. Bridges  
Status: Signed by Governor

Lobbyist: Daphne Gervais

### **HB20-1126, Local Control Approvals Oil & Gas Applications**

Current law grants the Director of the Colorado Oil and Gas Conservation Commission (COGCC) the authority to delay the final approval of an oil and gas drilling permit application by requiring additional consultation with the local government or analyses on the impacts to public health and environmental welfare. HB 1126 would have repealed this authority and specified that if a local government has local permitting authority and makes use of 1041 powers to approve an oil & gas application, the COGCC must approve the drilling permit application.

Position: Oppose

Sponsor: Reps. Saine & Buck, Sens. Marble & Cooke

Status: Postponed Indefinitely

Lobbyist: Daphne Gervais

### **HB20-1129, Battery-charged Electric Fences**

HB 1129 would have defined battery-charged fences and limited the extent to which a local government could impose requirements relating to the installation or use of these fences. The bill would have prohibited the setting of inspection fees and denied the local government authority to prohibit these fences in all but exclusively residential zones.

Position: Oppose

Sponsor: Reps. Froelich & Van Winkle

Status: Postponed Indefinitely

Lobbyist: Daphne Gervais

### **HB20-1133, Land Use Entitlements and Municipal Disconnection**

HB 1133 was brought forward by Jefferson County, and irons out the process by which a tract of land disconnects (or “de-annexes”) from a municipality to become 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. The bill makes disconnected land subject to the applicable county’s zoning resolution, map, and any other land development regulations within 90 days of the disconnection. Second, it prohibits 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.

Position: Support

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

Status: Signed by Governor

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 instead. 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.

Position: Monitor

Sponsor: Rep. Bird, Sens. Winter & Tate

Status: Signed by Governor

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, and single-use plastic straws ("single use products") to customers at the point of sale after July 2021, to be enforced by the Colorado Department of Health and Environment (CDPHE). The store or retail food establishment would have been authorized to provide recyclable paper carryout bags at a charge of at least 10 cents per customer, of which 60 percent would be remitted to the local government where the store or retail food establishment presides.

Position: Oppose

Sponsor: Reps. Valdez A. & Sirota, Sen. Gonzales

Status: Deemed Lost

Lobbyist: Daphne Gervais

### **HB20-1233, Basic Life Functions in Public Spaces**

HB 1233 would have prohibited state and local governments from restricting any person from 1) conducting basic life functions in a public space, or (2) occupying a motor vehicle. This prohibition is invalid if the government entity can offer alternative adequate shelter and the person denies it, and only stands if the vehicle being occupied is legally parked on public property or private property with permission.

Position: Oppose

Sponsor: Reps. Melton & Benavidez

Status: Postponed Indefinitely

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. In other words, HB 1351 would have clarified the existing authority of local governments to enact inclusionary zoning. In doing so, HB 1351 would have specified that the provisions of the state's rent control statute do not apply to any land use regulation that restricts rents on newly constructed or redeveloped housing units as long as the regulation provides a choice of options to the property owner or land developer and creates one or more alternatives.

Position: Support

Sponsor: Reps. Lontine & Gonzales-Gutierrez, Sens. Gonzales & Rodriguez

Status: Postponed Indefinitely

Lobbyist: Daphne Gervais

### **HB20-1370, Transfers from Unclaimed Property Trust Fund to Housing**

Last session's HB19-1322 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 1<sup>st</sup>, and (2) the Legislative Council Staff forecasts for 2021 through 2023. HB 1370 is a budget-related, orbital bill that delays the starting date for the first transfer by two years. CCI moved to support the bill, given that the JBC chose to delay the transfer as opposed to eliminating the funding mechanism entirely.

Position: Support

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

Status: Awaiting Governor's Signature

Lobbyist: Daphne Gervais

### **HB20-1410, COVID-related Housing Assistance**

HB 1410 appropriates \$20 million of the state's share of CARES Act funds to assist renters and homeowners facing housing-related hardship as a result of the pandemic. \$350,000 would go to the Eviction Legal Defense Fund to provide legal assistance to individuals facing eviction related to the pandemic. The bill also allocates \$19.6 million to the housing development grant fund administered by the Division of Housing in DOLA. These funds would provide rental and mortgage assistance, as well as guidance on other available housing assistance, and would be targeted at households facing financial hardship due to the pandemic. The bill prioritizes underprivileged groups and demographics, and those especially susceptible to hardships resulting from the pandemic. Lastly, the bill allows a landlord to seek rental assistance on behalf of their tenants. The bill specifies that any housing assistance provided through these funds is short-term, noncash, and in-kind emergency disaster relief.

Position: Monitor

Sponsor: Reps. Gonzales-Gutierrez & Exum, Sens. Gonzales & Zenzinger  
Status: Awaiting Governor's Signature  
Lobbyist: Daphne Gervais

### **HB20-1413, Small Business Recovery Loan Program Premium Tax Credits**

HB 1413 creates a mechanism for the state to provide up to \$250 million in capital for small business lending, under better terms than what would be available through a purely commercial lender. The new fund established in HB 1413, called the Colorado Loans for Increasing Main Street Business Economic Recovery (CLIMBER) Act, targets small businesses that were financially credit-worthy before the pandemic, but not thereafter. Under the terms of the bill, businesses would be eligible for the low-interest loans (between \$30,000 and \$500,000), if they:

- Have between 5 and 100 employees
- Have their principal place of business in the state
- Demonstrate at least two consecutive years of positive cash flow prior to February 2020
- Demonstrate that they had a debt-service coverage ratio of at least one-to-one, or a higher level as of February 2020.

The \$250 million would be divided such that up to \$50 million would come from the state and would be conditional on a match from private sector capital at a 4-to-1 ratio (\$4 private to every \$1 state). This fund would leverage loan participations with community banks, community development financial institutions (CDFIs), nonprofit lenders, and credit unions. These lenders would work with their communities to originate loans according to the terms of the bill, and the \$250 million loan fund would purchase 80 percent of those loans from the banks to “de-risk” the process, and could also do loan guarantees and provide additional credit loss reserves to banks. The state would fund its share through the sale of discounted tax credits to insurance companies over the next two fiscal years that would become redeemable in 2025, 2026, and 2027. With this mechanism, the tax credits would not become redeemable until the state budget is anticipated to have recovered, so this creates a process to gather upfront capital without impacting the state General Fund until future years.

The program would be overseen by an oversight board, consisting of the state treasurer, the director of the Office of Economic Development and International Trade (OEDIT), a member appointed by the Speaker of the House, the Senate President, and the Governor. The board would provide oversight and guidance to the loan program, and would consult with the treasurer on loan criteria, and selection of a loan program manager. The Department of Treasury would contract with either the Colorado Housing and Finance Authority (CHFA), or alternatively, a competitive request for proposal (RFP) process would select a private entity, such as a bank, nonprofit, non-depository CDFI, certified public accountant firm, or fund manager, to establish and administer the program.

When the fund launches, it would be deployed in \$50 million tranches (or portions), spread out over time. When each tranche launches, the statute would require that capital be made available to all 64 counties in the state. For a period of time to be determined by the oversight board, small businesses in every county would have a pro-rata share of access to capital. After the period of time expires, unexpended funds would become available statewide.

CCI landed on a “Support with amendments” position, due to reservations on the per-capita determinant of county shares (given that some tourism-driven counties have low residency and high business activity). The membership also held concerns on drawing from, or potentially capping, the insurance premium tax fund, which funds several important programs across various state Departments, including projects in the Division of Fire Prevention and Control. One amendment passed that strikes the per capita basis for determining county shares, and instead, substitutes with a formula that is proportional to the county’s share of small businesses, small business employees, and small business personal property relative to the state. Language was also added stating that the oversight board may establish an alternative formula for the allocation of funds to counties that accounts for how badly impacted each county has been by the pandemic.

Position: Support with Amendments  
Sponsor: Reps. Gonzales-Gutierrez & Exum, Sens. Gonzales & Zenzinger  
Status: Awaiting Governor’s Signature  
Lobbyist: Daphne Gervais

## **Tax and Finance**

### **HB20-1001, Nicotine Product Regulation**

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 by July 1, 2021;
- 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).

Position: Support  
Sponsors: Reps. Mullica & Larson, Sens. Bridges & Priola  
Status: Awaiting Governor’s Signature  
Lobbyist: Gini Pingnot

### **HB20-1022, Sales and Use Tax Simplification Task Force**

HB 1022 extends the Sales and Use Tax Simplification Task Force for five years (excluding 2020) 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.

Position: Support  
Sponsors: Reps. Kraft-Tharp & Van Winkle, Sens. Williams & Tate  
Status: Awaiting Governor's Signature  
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.

Position: Support  
Sponsors: Reps. Kraft-Tharp & Van Winkle, Sens. Williams & Tate  
Status: Signed by Governor  
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.

Position: Oppose  
Sponsors: Reps. Jackson & Bird, Sens. Winter & Tate  
Status: Postponed Indefinitely  
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).

Position: Monitor  
Sponsors: Reps. Kraft-Tharp & Van Winkle, Sen. Holbert  
Status: Postponed Indefinitely  
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.

Position: Support if Amended

Sponsors: Reps. Catlin & McLachlan, Sen. Coram

Status: Postponed Indefinitely

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.

Position: Support

Sponsors: Reps. McKean & Snyder, Sen. Gardner

Status: Signed by Governor

Lobbyist: Gini Pingenot

### **HB20-1287, Colorado Rights Act**

HB 1287 would have changed a US Supreme Court doctrine known as ‘qualified immunity’ which helps shield government employees from liability when they are acting within clearly established law. The doctrine does not protect government officials who are plainly incompetent or knowingly violate someone’s rights.

Position: Oppose

Sponsors: Rep. Soper, Sens. Marble & Lee

Status: Postponed Indefinitely

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.

Position: Support

Sponsors: Reps. Young & Pelton, Sens. Foote & Crowder

Status: Postponed Indefinitely

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.

Position: Oppose unless amended  
Sponsors: Reps. Gray & Larson  
Status: Postponed Indefinitely  
Lobbyist: Gini Pingent

### **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.

Position: Monitor  
Sponsors: Reps. Esgar & McCluskie, Sens. Moreno & Rankin  
Status: Awaiting Governor's Signature  
Lobbyist: Gini Pingent

### **SB20-067 Vehicle Specific Ownership Tax Actual Price**

SB20-067 would have allowed the actual sales price to be used to calculate the Specific Ownership Tax rather than a percentage of the MSRP or another estimate of the price of a vehicle.

Position: Oppose  
Sponsors: Sen. Crowder  
Status: Postponed Indefinitely  
Lobbyist: Gini Pingent

### **SB20-109 Short-Term Rentals Property Tax**

SB 109 would have defined short-term rental units for property taxes starting in 2022.

Position: Monitor  
Sponsors: Sen. Gardner  
Status: Postponed Indefinitely  
Lobbyist: Gini Pingent

### **SB20-139, County Loans for Public Infrastructure Projects**

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 allows 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.

Position: Oppose  
Sponsors: Sen. Foote, Rep. Gray  
Status: Awaiting Governor's Signature  
Lobbyist: Gini Pingenot

### **SB20-168, Sustainable Severance & Property Tax Policies**

SB 168 would have extended and expanded a property tax exemption for community solar gardens and increased coal severance tax collections to reimburse local governments for their reduction in local property tax revenue under the bill.

Position: Oppose  
Sponsors: Sens. Hansen & Petersen, Rep. Valdez  
Status: Postponed Indefinitely  
Lobbyist: Gini Pingenot

### **SCR20-001 Repeal Property Tax Assessment Rates**

SCR20-001 submits a question to voters in November 2020 repealing several constitutional provisions regarding property taxes, commonly referred to as the Gallagher Amendment. Specifically, it repeals the 29 percent assessment rate in the constitution for most nonresidential property, the calculation of the target percentage, and the requirement that the General Assembly adjust the residential assessment rate to maintain the target percentage.

Without any safeguards, county commissioners expect the legislature to lower the assessment rates on non-residential and residential properties and to perhaps create new property tax categories beyond just residential and non-residential. This scenario is what led to the passage of the Gallagher Amendment in the 1980s.

Position: Oppose  
Sponsors: Sens. Hansen & Tate, Reps. Esgar & Soper  
Status: Sent to Voters  
Lobbyist: Gini Pingenot

## **Tourism, Recreation 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, which provides grants for projects that create new jobs, or help foster diverse and resilient local economies in rural communities (applies to counties with a population of fewer than 50,000 residents). Local governments, as well as organizations or individuals working in partnership with a local government, are eligible to receive REDI grants. A local government may also 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

If DOLA determines that a rural community needs resources or assistance because it has been impacted by a significant economic event, the bill specifies that DOLA may choose to use all or part of the REDI grant program appropriation for the Rural Economic Advancement of Colorado Towns (REACT) Act, which coordinates 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).

Position: Support

Sponsor: Sens. Donovan & Coram, Rep. McLachlan

Status: Awaiting Governor's Signature

Lobbyist: Daphne Gervais

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

HB1035 proposed to do four things. First, it would have created a pre-development grant program to assist entities developing supportive housing interventions. Second, it would have created 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. 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). 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.

Position: Monitor & Seek Amendments

Sponsor: Rep. Singer, Sen. Fields

Status: Deemed Lost

Lobbyist: Daphne Gervais

## **HB20-1196, Mobile Home Park Act Updates**

HB 1196 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). It also ensures 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, and ensures that, in circumstances where residents are denied critical utilities due to park owner negligence, the park owner provides reimbursement for alternative lodging to residents. The bill also specifies that any local ordinance can trump bill provisions to set an alternate timeline for notice requirements, and 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.

Position: Monitor

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

Status: Awaiting Governor's Signature

Lobbyist: Daphne Gervais

## **HB20-1201, Mobile Home Park Residents Opportunity to Purchase**

HB 1201 facilitates resident purchase and ownership of mobile home communities. 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 percent of the homeowners. The bill specifies that a group of homeowners may assign their purchase right to a local or state government, tribal government, housing authority, nonprofit with housing-related expertise, 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.

Position: Support

Sponsor: Reps. Hooton & Gonzales-Gutierrez, Sens. Moreno & Ginal

Status: Awaiting Governor's Signature

Lobbyist: Daphne Gervais

## **Transportation and Telecommunications**

### **HB20-1137, Local Government Determination of Unserved Status on Broadband Grants**

HB 1137 provides for more local input on establishing broadband funding needs in areas of the state that lack high-speed Internet. The bill permits a local government entity (county, municipality, school district, etc.) to hold a public hearing, collect and review any relevant speed data, make a determination on the “unserved status” of a community and then submit a written certification of this unserved status as part of the application process for the state’s Broadband Fund Program.

Position: Support

Sponsors: Reps. McCluskie and Soper, Sen. Donovan

Status: Awaiting Governor’s Signature

Lobbyist: Eric Bergman

### **HB20-1151, Expand Authority for Regional Transportation Improvements**

HB 1151 would have automatically granted 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 included the ability to place a transportation funding question on the ballot for the voters within the region.

Position: Oppose

Sponsors: Rep. Gray, Sen. Winter

Status: Postponed Indefinitely

Lobbyist: Eric Bergman

### **HB20-1173, 811 Locate Exemption for County Road Maintenance**

HB 1173 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 a CCI legislative priority for 2020 and reflected a compromise between CCI, Colorado 811, the Colorado Contractors Association, Xcel Energy and the Colorado Association of Road Supervisors and Engineers (CARSE).

Position: CCI Legislation - Support

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

Status: Postponed Indefinitely

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 recoup 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.

Position: Support

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

Status: Awaiting Governor's Signature

Lobbyist: Eric Bergman

### **HB20-1376, Modify Transportation Funding Mechanisms**

HB 1376 is a budget-related "orbital bill" 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

Status: Awaiting Governor's Signature

Lobbyist: Eric Bergman

### **SB20-44, Sales and Use Tax Revenue for Transportation**

SB 44 would direct a portion of the state's sales and use tax proceeds to the Highway Users Tax Fund (HUTF) for use by the state, counties and municipalities on transportation projects.

Position: Monitor

Sponsors: Sen. Lundeen, Rep. Carver

Status: Postponed Indefinitely

Lobbyist: Eric Bergman

### **SB20-128, Generation and Transmission Cooperative Easement Broadband**

SB 128 would have amended last year's SB19-107 by expanding the definition of what kinds of entities may lease "dark fiber" to providers to assist in broadband service provision in rural areas of the state. The bill expands the definition to include electric generation and transmission cooperative associations (such as Tri-State) in order to make additional unused fiber available around the state. The inclusion of Tri-State is critically important to broadband efforts in Southwest Colorado.

Position: Support

Sponsors: Sen. Coram, Reps. Arndt & Catlin

Status: Postponed Indefinitely

Lobbyist: Eric Bergman