



2025 Legislative Priority Process

Proposed Issues Discussion
Friday, July 19, 2024 | 9:00 AM – 4:00 PM

Agenda [7/18/2024]

Call to Order & Pledge of Allegiance

Meeting Overview

Review of 2025 Legislative Proposals

Agriculture, Wildlife & Rural Affairs

- Treatment of agriculture land in Urban Renewal Authorities [Larimer County] [Reagan Shane]

General Government

- Flexibility to decrease county salaries [Dolores County] [Reagan Shane]
- Eliminate fee on paper carryout bags [El Paso County] [Dylan Peper]

Health & Human Services

- Retail food establishment fees [Eagle County] [Katie First]

Justice & Public Safety

- Abilities of Peace Officers in “sensitive spaces” [Larimer County] [Katie First]
- Minimum sentencing for child prostitution offenses [Douglas County] [Katie First]
- Responsibilities of employer in civil judgements for civil rights violations [Fremont County] [Katie First]
- County courthouse funding [El Paso County] [Katie First]

Land Use & Natural Resources

- Improvements to water sampling for impaired stream segments [Mesa County] [Reagan Shane]

Taxation & Finance

- Increase cap of county lodging tax [La Plata County] [Dylan Peper]
- Electric vehicle charging station fee collection [Yuma County] [Dylan Peper]
- County revenue diversification [Clear Creek & Summit Counties] [Dylan Peper]
- Property Tax proceedings [Eagle County] [Dylan Peper]
- Ability for local governments to implement a Real Estate Transfer Tax with voter approval [Pitkin County] [Dylan Peper]

Tourism, Resorts & Economic Development

- Construction defect reform [El Paso County] [Reagan Shane]

- Tax credit incentives for Sustainable Aviation Fuel [Pitkin County]

Transportation & Telecommunications

- Permissive authority to collect roadway maintenance fee [Arapahoe County] [Reagan Shane]
- Create additional Transportation Planning Region [Las Animas County] [Katie First]
- Redistribute HUTF funding tiers [Yuma & Elbert Counties] [Dylan Peper]
- Responsibility for railroad maintenance projects [Logan County] [Reagan Shane]

Adjourn

Agriculture, Wildlife & Rural Affairs

Treatment of Agriculture land in Urban Renewal Authorities	
Reagan Shane	
Issue	<p>Currently, due to a perceived statutory loophole, agricultural land can be moved from an existing Tax Increment Financing (TIF) district, into a newly created TIF district, thus restarting the 25-year TIF clock. According to the original sponsors this is outside the stated intent of HB10-1107 which sought to narrowly define when Ag. Land could be included in a URA. We have determined that a legislative fix is necessary to close this loophole. Efforts were made in 2023 to do so with SB23-173, which passed both chambers and then was vetoed by Gov. Polis. The veto letter stated that he thought the bill was intended to target one developer. Said development has now already gone through the URA process and has been approved, so we are hoping to attempt closing the loophole so that this same problem does not occur in the future.</p>
Background	<p>Much of the background is covered above. In 2010, a bipartisan group of legislators passed HB10-1107 which regulated when Agricultural land could be included in a URA. There are 4 instances where Ag. Land could be part of a URA. 1.) Brownfield Sites; 2.) Significant blight within or surrounding the Ag. Land; 3.) Ag. Land in enclave of a municipality surrounded by urban development, 4.) if it is contiguous with an existing URA as of June 2010 and the land will be used solely for creating primary manufacturing jobs.</p> <p>It is clear that the legislature sought to significantly limit when ag. Land could be part of a URA. However, in the hold harmless clause for Ag. Land that was already a part of a URA has now been interpreted to allow Ag land that is in an existing URA to become part of a new URA thus restarting the clock. In theory, without the closing of this loophole, this could be done in perpetuity.</p> <p>This problem has renewed importance since expiring TIF revenue is now exempt from revenue caps established in 24-233.</p>
Proposed Solution	<p>Specify in statute that Ag land may be included in a URA if the urban renewal plan was originally approved or modified to include the ag. land prior to June 2010, but may not be included in any new plan area which would get the statute to reflect the original intent of HB10-1107 and close the loophole.</p> <p>The statute and HB10-1107 lay out the exemptions for when Ag. land can be included in a URA for TIF purposes. The issue is that a legal loophole exists and clarifying the statute is the only way to close that loophole.</p> <p>CRS Reference: 31-25-102; 31-25-103; 31-25-107. See language here (SB23-273)</p>
C.C. Role	<p>County Commissioners are required by state law to engage in agreements to create new TIP /URA districts since their creation diverts county property tax revenue. When TIFs expire counties expect to recoup tax revenue that had been diverted while the agreement was in place. If ag land can be moved to a new TIP, thus restarting the clock, that revenue would not be realized.</p>
Potential Proponents/ Opponents	<p>Special Districts and School districts would be allies in these efforts. We are setting up a discussion with the SDA in the coming weeks.</p> <p>Some developers see this loophole to navigate, or "get around" the conflicting requirements of taxing authorities in the approval processes. Developers lobbied hard against 23-273. However, the intent of HB10-1107 was not to make it easier for developers to get around requirements of taxing entities, but to limit when Ag. land can be included.</p>

Fiscal Impact	There would not be any costs to counties. If this loophole were closed, counties and other taxing authorities would see less property tax revenues diverted to TIP districts when those districts are expiring. No fiscal impact to the state or other stakeholders.
Priority Ranking	

General Government

Flexibility to decrease county salaries	
Dolores County	
Issue	Elected Officials Salaries for Rural Counties should not be set by Denver-Aurora-Lakewood consumer price index. The Dolores County budget cannot sustain this amount of increase. Legislation should allow smaller counties some flexibility in setting the salaries for elected officials according to individual county budgetary restraints.
Background	Section 30-2-102CRS sets forth an increase for the newly elected officials for 2025 and their 4-year term. The amount set forth is unfeasible for our county budget to sustain. The States regulations concerning Natural Resource development in our county has resulted in a decrease in revenues which accounts for 63% of our total revenue.
Proposed Solution	Drop down a tier, from V-C to V-D and allow counties some flexibility in elected officials salaries according to the respective budget. We would also like to have the elected officials make the same amount and not have staggered wages, except for the Sheriff and the Coroner.
C.C. Role	The County Commissioner's have the role of fiscal responsibility to the taxpayers, this kind of increase is not being fiscally responsible.
Potential Proponents/ Opponents	Proponents would be our Taxpayers.
Fiscal Impact	The fiscal impacts could result in loss of services to our constituents & laying off of employees.
Priority Ranking	n/a

Eliminate fee on paper carryout bags	
El Paso County	
Issue	The collection of fees related to the purchase of recycled paper carryout bags in El Paso County are extremely minimal for the work involved in the remittance process. In 2023, a little over \$33,000 was remitted back to the county. The time and effort on the county side for such a small amount of revenue doesn't make business sense. The county already has robust waste diversion/recycling programs and has chosen not to take an active approach in enforcement of the bill.
Background	House Bill 21-1162: Management of Plastic Products was signed into law by Governor Polis on July 6, 2021. The legislation phased out the provision of single-use plastic carryout bags and expanded polystyrene products; repealed the state preemption that prohibited local governments from regulating the use or sale of specific plastic materials or products; and authorized local governments to enforce violations and impose civil penalties. A big component of this legislation revolves around local control. Governments can choose

	<p>whether to enforce the mandate, but not whether stores in their jurisdiction collect the fee. Under HB21-1162, stores are required to remit 60% of the bag fee revenue back to the local government that has jurisdiction. The goal of eliminating single use plastic bags from most stores was met. As of January 1st, of this year, stores and retail food establishments are prohibited from providing single-use plastic carryout bags and retail food establishments are prohibited from providing expanded polystyrene products for use as a container for ready-to-eat food.</p> <p>Stores should still be able to sell bags, if they choose, but the requirement to remit any fees</p>
Proposed Solution	<p>El Paso County is not proposing to reinstitute the use of plastic bags, but instead proposes to strike 25-17-205 from HB21-1162, which would eliminate the 10-cent fee levied on each recycled paper carryout bag used in qualifying stores.</p> <p>Section 25-17-505(3)(d), C.R.S., requires that stores remit the carryout bag fee to the finance department or division of equivalent agency of the municipality within which the store is located. If the store is not located within a municipality, the carryout bag fee must be remitted to the finance department or division or equivalent agency of the county in which the store is located.</p>
C.C. Role	<p>Through this legislation, the BoCC has the authority to set the fee above the 10-cent baseline, but not to eliminate the collection of the fee at stores within the boards jurisdiction. The El Paso County Board of Commissioners does not support either the levying or collection of a bag fee and would like to see the requirement repealed.</p>
Potential Proponents/ Opponents	<p>Proponents include the El Paso Board of County Commissioners, Rep. Rose Pugliese, other members of the El Paso County state delegation, and potential stores that are required to remit the bag fee.</p> <p>Opponents could include members of the El Paso County state delegation, other members of the General Assembly, certain State of Colorado departments and statewide office holders, pro-environmental groups.</p>
Fiscal Impact	<p>Repealing the bag fee could impact counties that used the revenue for waste diversion and/or recycling programs but would also save counties time and money to not have to go through the remittance process every quarter.</p>
Priority Ranking	

Health & Human Services

Retail food establishment fees

Lake County

Issue	Retail Food Establishment (restaurant inspection) fees need to be increase and/or process transitioned out of state legislature
Background	They have not been updated in several years. The process to get fees increased to keep up with cost of personnel is incredibly difficult with the authority being within the legislature. This results in all Counties subsidizing these inspections/businesses. This is fairly significant of a subsidy in Eagle County.
Proposed Solution	<ol style="list-style-type: none">1. Remove this from the state legislature and place authority at the local level (County) as we already set fees and have a better idea of recapturing these costs. Also resembles many other programs where we set the fees based on local costs.2. Remove this from the state legislature and place authority with the state Board of Health.3. If neither option above is palatable, advocate for an increase in the upcoming legislative cycle and set a process that regularly adjusts these fees based on cost of living increases.
C.C. Role	BoCC approves the budget and funding for PHE, as well as sits as the County Board of Health.
Potential Proponents/ Opponents	Colorado Association of Local Public Health Officials (CALPHO) - Proponent
Fiscal Impact	
Priority Ranking	2/2

Justice & Public Safety

Abilities of Peace Officers in “sensitive spaces”	
Larimer County	
Issue	SB 24-131 (Prohibiting Carrying Firearms in Sensitive Spaces) prohibits all carrying of firearms (both open and concealed) in buildings where “the chambers or galleries of a local government’s governing body are located” or where “a meeting of a local government’s governing body is being conducted” or within 100 feet of a polling location.” The statute contains an exception for peace officers, but does not exempt all peace officers; only those who are POST certified.. Larimer County has a number of peace officers who perform safety and/or code enforcement functions and have been or could be deputized by the Sheriff, but are not POST certified. Furthermore, federal law enforcement officials (such as FBI, ATF) are also not post certified, so this statutory change would exempt them from the new requirements as well.
Background	SB 24-131 was passed in the 2024 legislative session and was signed by Governor Polis. It became effective on July 1, 2024. We have some staff performing safety and/or code enforcement related functions who have previously carried weapons in our Administrative Services Offices, but these staff are not POST certified. We would like for these staff to be exempted from the statute so they can carry a firearm within our Administrative Services building.
Proposed Solution	We propose changing C.R.S. 18-12-105.3(2)(a) from “A peace officer carrying a firearm pursuant to the authority granted in section 16-2.5-101(2)” to “A peace officer carrying a firearm pursuant to the authority granted in section 16-2.5-101.” This would then include, "A non-certified deputy sheriff or detention officer is a peace officer employed by a county or city and county whose authority is limited to the duties assigned by and while working under the direction of the chief of police, sheriff, an official who has the duties of a sheriff in a city and county, or chief executive of the employing law enforcement agency." This would allow non-POST certified peace officers performing public safety and/or code enforcement functions to carry a firearm in the Administrative Services building.
C.C. Role	This impacts employees of the County.
Potential Proponents/ Opponents	The impacted employees would be proponents of this change-this would enable them to carry in our building and not have to lock their firearms in a vehicle. Potential opponents would be individuals who feel only POST certified peace officers should be exempted under this law.
Fiscal Impact	Not likely any fiscal impact of this proposed change; but there would be with the other solutions we have considered (gun lockers or safes in vehicles)
Priority Ranking	2/2

Minimum sentencing for child prostitution offenses

Douglas County

Issue	Sentencing guidelines do not require a mandatory period of imprisonment for persons convicted of an offense related to child prostitution. Instead, the guidelines permit a sentence to probation without incarceration. This proposal would require a mandatory-minimum period of imprisonment for such convictions.								
Background	A sentence to imprisonment would better satisfy the purposes of criminal sentencing in cases involving child prostitution. The possibility of a probation sentence rather than mandatory imprisonment fails to sufficiently deter sex crimes against children because a would-be offender is more likely to avoid such conduct if a sentence to prison is certain to follow. A sentence to imprisonment would serve the purpose of incapacitation by removing offenders from the community and limiting their ability to reoffend. The period of imprisonment would also ensure sufficient time for rehabilitation before the offender is released and guarantee a minimum degree of retribution for victims.								
Proposed Solution	<p>Amend sentencing guidelines to require that a person convicted of each crime related to child prostitution be sentenced to the Department of Corrections for a term of at least the minimum of the presumptive sentencing range for the offense of conviction.</p> <p>Amend sentencing provisions in the following statutes to require a mandatory period of imprisonment in the Colorado Department of Corrections for at least the minimum of the presumptive sentencing range (please see specific language in attached House Bill 24-1092):</p> <table data-bbox="298 884 1065 1035"> <tr> <td>C.R.S. § 18-7-402(2)</td> <td>C.R.S. § 18-7-405</td> </tr> <tr> <td>C.R.S. § 18-7-403(2)</td> <td>C.R.S. § 18-7-405.5(2)</td> </tr> <tr> <td>C.R.S. § 18-7-403.5</td> <td>C.R.S. § 18-7-406(2)</td> </tr> <tr> <td>C.R.S. § 18-7-404(2)</td> <td></td> </tr> </table>	C.R.S. § 18-7-402(2)	C.R.S. § 18-7-405	C.R.S. § 18-7-403(2)	C.R.S. § 18-7-405.5(2)	C.R.S. § 18-7-403.5	C.R.S. § 18-7-406(2)	C.R.S. § 18-7-404(2)	
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C.C. Role	Human trafficking involves the use of force, fraud, or coercion to obtain commercial sex acts. Children are particularly vulnerable to human traffickers and related sexual offenses. Human trafficking has been recognized as a matter of local concern in Colorado. The Douglas County Board of Commissioners has taken steps to eliminate human trafficking in Douglas County by passing an ordinance to regulate massage facilities and establishing a massage facility licensing authority. The Board of County Commissioners pursues this sentencing-related legislation to further enhance the deterrent factors and penalties associated with human trafficking and child prostitution in Douglas County and across Colorado.								
Potential Proponents/ Opponents	Proponents of this legislation would likely include law enforcement, members of the public, and interest groups that advocate on behalf human trafficking victims and victims of sexual offenses against children. Opponents of this legislation would likely include the criminal defense bar and persons generally opposed to incarceration. To date, no substantive discussion has occurred among these groups with respect to this legislation.								
Fiscal Impact	The fiscal impact of this legislation was assessed in June of 2024. The legislation would have decreased General Fund expenditures within the Judicial Department by approximately \$121,000 in fiscal year 2024-25 and each year thereafter. The legislation would have increased such expenditures within the Department of Corrections beginning in fiscal year 2025-26, resulting in a net increase of approximately \$414,000. The legislation was anticipated to cost \$5.3 million over the five-year period beginning in fiscal year 2024-25. Capital construction costs related to inmate housing were estimated at \$15.7 million. Please see the attached fiscal impact summary.								
Priority Ranking	This is Douglas County's only form and first priority.								

Responsibilities of employer in civil judgements for civil rights violations

Fremont County

Issue	The “Integrity in Law Enforcement” statute 13-21-131, C.R.S. appears to be internally conflicting. Under Section 4(a) of the statute: “Notwithstanding any provision of this section to the contrary, if the peace officer's portion of the judgment is uncollectible from the peace officer, the peace officer's employer or insurance shall satisfy the full amount of the judgment or settlement. A public entity does not have to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises unless the peace officer's employer was a causal factor in the violation, through its action or inaction.”
Background	<p>A former deputy sheriff committed criminal acts against two female inmates and was convicted for the conduct. The two inmates sued the deputy sheriff for violation of civil rights under 13-21-131, CRS and obtained judgments against the deputy. They then sought to have the employer, Fremont County, pay the judgment because it was uncollectible against the deputy. The district court judge granted the request and joined Fremont County as a party, holding that the County was responsible for payment of the judgment for the criminal conduct of the deputy.</p> <p>The House Finance Committee added the language: “A public entity does not have to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises unless the peace officer's employer was a causal factor in the violation, through its action or inaction” by amendment and stated that the criminal violation “exception” to indemnification would result in some victims being left without a remedy or compensation if the judgment is uncollectible from the deputy.</p>
Proposed Solution	<p>Clarify that no employer or insurance indemnification is required, nor does the employer or insurance company have to satisfy any judgment or settlement, for criminal conduct of the peace officer, regardless of whether a civil judgment for civil rights violation is collectible from the peace officer.</p> <p>13-21-131 (4)(a), C.R.S., should be amended as follows: “Notwithstanding any provision of this section to the contrary, if the peace officer's portion of the judgment is uncollectible from the peace officer, the peace officer's employer or insurance shall satisfy the full amount of the judgment or settlement. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A a public entity does not have to indemnify a peace officer, AND DOES NOT HAVE TO SATISFY ANY PORTION OF THE JUDGMENT OR SETTLEMENT if the peace officer was convicted of a criminal violation for the conduct from which the claim arises unless the peace officer's employer was a causal factor in the violation, through its action or inaction.”</p>
C.C. Role	The murky language of the statute, combined with the orders of the District Court imposes unlimited financial liability upon governmental employers and public funds for criminal acts of peace officers. Not only is this contrary to public policy, but is a contingency that cannot be anticipated in the budget. Most, if not all, liability insurers exclude coverage for criminal acts. When these cases were filed, the insurance carrier (CTSI/CAPP) denied coverage because it involved criminal conduct of an employee and the county had no obligation to indemnify or satisfy the judgment or settlement.

Potential Proponents/ Opponents	The County is in discussion with its insurance carrier (CTSI/CAPP) regarding the upcoming appeal.
Fiscal Impact	None known
Priority Ranking	

County courthouse funding	
El Paso County	
Issue	<p>The responsibility for providing a courthouse represents one of the largest capital obligations a county must fulfill, despite the fact it's primarily staffed with state employees. As the number of caseloads increases, so does the number of judges and support staff that are required to use a courthouse facility. An ever-increasing judicial footprint strains a county's ability to fulfill their obligation to construct new or expand existing facilities to house additional staff. Large, medium, and small counties alike struggle to pay or finance these costly construction projects. Together these issues contribute to operational and safety impacts to the performance of judicial activities, which can cause an erosion in the efficiency of the delivery of services that citizens expect from the court system.</p> <p>The State of Colorado plays a large role in the county court system, but counties alone bear the financial responsibility of constructing a large capital asset. However, the State of Colorado can provide relief in this area by leveraging its preexisting debt management skillset, solid credit rating, and experience issuing certificates of participation to partner with counties to fulfill the obligation to construct new or expand existing courthouses. A large batch of COPs will be paid off around 2027, which could be re-leveraged to provide hundreds of millions of dollars without directing money away from the general fund.</p>
Background	<p>The Colorado Constitution requires a county court building to be constructed in each county. State law also requires that each county court facility be provided, maintained, and secured at the expense of the county (C.R.S. Colorado Revised Statutes C.R.S 30-11-104 (1)(a). From time to time, the State has stepped in to help counties pay for courthouse repair, renovation, improvement, or expansion needs (H.B. 14-1096.) This relief is much appreciated.</p> <p>For counties facing constructing a new or expanding an existing courthouse, the cost could easily run into the hundreds of millions of dollars.</p>
Proposed Solution	<p>Luckily, a model already exists to address these needs. This legislation would establish a framework to help counties fund their courthouse new construction or expansion projects through a model like the Building Excellent Schools Today (BEST) program as found in C.R.S. 22-43.7. The BEST program provides "an annual amount of funding in the form of competitive grants to school districts" to construct or renovate new or existing schools.</p> <p>Counties would first be responsible for demonstrating their need for a new courthouse or</p>

	<p>an expansion through independent and third-party studies. Counties and the Judicial branch would be required to also demonstrate that all reasonable attempts have been made to gain space efficiency out of any pre-existing facilities.</p> <p>Once all demonstration requirements have been fulfilled, a county could apply to the State for assistance through a Courthouse Capital Construction Assistance fund funded through C.O.P. executed by the Colorado Treasurer’s Office. The General Assembly and counties in the program would be responsible for covering the debt service costs.</p> <p>The previous iteration of this proposal contemplated including county jails as part of the framework. Unlike jails, courthouses host primarily state employees, and for that reason it makes the most sense to keep this request to just courthouse rebuilding or expansion.</p> <p>This could either be accomplished by revising C.R.S. 22-43.7 to include counties (along with a separate funding stream, broad composition, etc.) and courthouses as eligible applicants and projects. However, a new section may be advisable.</p>
C.C. Role	<p>This has a direct impact on the County Commissioner’s roles and responsibilities. County Commissioners are required to provide a courthouse facility to house district court judges. Any assistance the State can provide funding the construction of new courthouses or the expansion of existing facilities alleviates one of the largest capital construction obligations a county faces.</p>
Potential Proponents/ Opponents	<p>The El Paso County Board of Commissioners, along with county administration, is supportive of this concept. El Paso County staff has held conversations with various entities to gauge their support, including most of the El Paso County delegation.</p>
Fiscal Impact	<p>Capital construction projects impact all counties, but courthouses are unique in that they’re mostly staffed by state employees. By having the state help with this expense without impacting the general fund, the state can help counties with this need. The state has helped Higher Education, K-12 Education, CDOIT, and the prison system with capital construction assistance, and it’s time for counties to get similar relief.</p>
Priority Ranking	<p>1/2</p>

Land Use & Natural Resources

Improvements to water sampling for impaired stream segments	
Mesa County	
Issue	<p>There is a shortage of current, scientifically gathered, and reliable data to justify regulatory restrictions that impose significant costs on local governments with respect to Total Maximum Daily Loads (TMDL's). This legislation aims to ensure that the CDPHE is equipped with accurate and up-to-date scientific data to support the TMDL enforcement program, including providing site-specific data for impaired stream segments.</p>
Background	<p>Current law aims to improve water quality in Colorado but lacks adequate standards for data collection, cost-benefit analysis, and stakeholder notification and in-put. These gaps in the Act erode accountability in regulatory decision making, foster uncertainty by regulated parties that the actions they take are legally compliant, and undermine meaningful improvement of statewide water quality. The purpose of this proposed legislation is to amend the Clean Water Act to require that regulatory actions by the Department of Public Health & Environment (CDPHE), Water Quality Control Division (Division) use scientifically accurate data while:</p> <ul style="list-style-type: none"> ➤ Ensuring consistency in the regulatory and permitting processes by CDPHE ➤ Ensuring the use of current scientific data and processes by the Division in considering water quality standards; and <p>Periodic updates to water quality standards and discharge permits have enormous economic impact on Colorado water users, including permit holders, and significant potential to improve Colorado's water quality. However, without specific requirements to base updates on accurate data, thorough cost-benefit analyses, and meaningful public processes, the entities responsible for Colorado's water quality lack the guidance they need to achieve permanent statewide water quality improvement.</p> <p>This proposed legislation removes uncertainty and increases transparency to provide more and better data to the agencies responsible for improving Colorado's water quality, particularly when developing a total maximum daily load (TMDL), which term is defined in the Act to mean the daily maximum amount of a pollutant that can be discharged into a body of water without exceeding applicable water quality standards; and monitoring are typically out of date and TMDL's are assumed with outdated information. It would be good to get more sampling and data on these sites to support actual field conditions. The CDPHE should be supported with additional FTE's to conduct monitoring so TMDL enforcement actions can be written based upon good, reliable and recent scientific data.</p>
Proposed Solution	<p>Support the CDPHE by providing additional professionals to conduct water sampling for impaired stream segments in Colorado. Stream data should be collected by qualified professionals, and the CDPHE should be supported in conducting scientifically based monitoring when implementing TMDLs.</p> <p>The CDPHE's water quality decision-making processes should align with other regulatory regimes that require scientific accuracy, cost-benefit assessments, and meaningful stakeholder involvement. These requirements are already present in fields such as groundwater, drinking water, and hazardous waste management.</p> <p style="text-align: center;">Colorado Revised Statutes, 25-8-103, add (17.3) and (19.5)</p>

C.C. Role	Counties confronted with potential regulatory requirements through their MS4 programs will be forced to address the fiscal impacts of regulations driven by untimely or inaccurate science. Consequently, County Commissioners, who already face increasing unfunded mandates, will be compelled to find financial resources to conduct remedial programs that might not otherwise have been required if reliable science had been available.
Potential Proponents/ Opponents	Opponents: It is hard to imagine anyone opposing a bill requiring “good science”. Proponents: Local jurisdictions and Municipal Storm Sewer Programs. Colorado Stormwater Council, CCI, CML.
Fiscal Impact	The passing of this legislation will not have a negative fiscal impact on local governments and in fact, may save substantial sums if they avoid facing regulatory enforcement that isn’t based on good science and is therefore, arguably, arbitrary. It is anticipated that CDPHE will need one or two additional staff to support the collection of good scientific data.
Priority Ranking	

Taxation & Finance

Increase cap of county lodging tax

La Plata County

Issue	Provide counties the authority to implement a lodging tax up to 6% like municipalities rather than being limited to the 2%. There is currently a cap on county lodging taxes at 2%. Other states have shown that these can be higher without impacting tourism demand.
Background	<p>Allowing voters in their counties, the opportunity to increase their lodgers tax past the 2% cap. This will allow counties to be comparable to their municipal partners in the county. This could give counties the opportunity to increase revenue for advertising and marketing local tourism, housing, childcare services, and facilitating and enhancing visitor experiences benefiting their county residents. Additionally, expanding the permissible uses of the lodger's tax in Colorado is a strategic and forward-thinking move that will yield significant benefits for both tourists and residents. By investing in these additional areas listed below, we can create a more robust and attractive environment for tourists, thereby increasing tourism revenue. Furthermore, these investments will directly benefit local residents by improving quality of life, creating job opportunities, protecting natural resources, and fostering a vibrant, resilient community.</p> <p>Infrastructure: Allocating funds for the enhancement and maintenance of public infrastructure such as roads, bridges, public transportation, and public trails and trailheads that serve both tourists and residents. Improved infrastructure will facilitate easier access to tourist destinations and improve safety and convenience for all.</p> <p>Environmental Conservation and Sustainability: Investing in projects aimed at preserving natural landscapes, wildlife habitats, and promoting sustainable tourism practices. This includes the development of eco-friendly parks, trails, and outdoor recreational facilities that attract eco-conscious travelers and protect Colorado's natural beauty.</p> <p>Cultural and historical preservation: Supporting the restoration and maintenance of historical sites, museums, and cultural institutions. By preserving our rich cultural heritage, we create unique and educational attractions that draw tourists and enrich the community.</p> <p>Public safety and emergency services: Enhancing public safety measures by funding local law enforcement, fire departments, and emergency medical services. A safe environment is paramount for attracting tourists and ensuring their well-being during their stay.</p>
Proposed Solution	<p>The proposed legislative remedy involves amending the existing statute to grant counties the authority to put forth a ballot measure seeking voter approval for increasing a county lodger's tax rate. This amendment would enable counties to propose a tax rate increase up to a maximum of 6%, thereby providing greater flexibility to meet local needs. Counties would be required to go to vote even if they have an existing lodger's tax in place.</p> <p>The proposed legislative change emphasizes local control by allowing counties to tailor their tax rates to meet specific needs. Since TABOR would require voter approval for an increase in the tax, this approach ensures that any increase is democratically endorsed by the community, reflecting the will of the people.</p> <p style="text-align: center;">See Exhibit A for specific amendments and deletions.</p>
C.C. Role	By seeking legislative approval to increase the lodger's tax cap from 2% to 6%, County Commissioners can secure additional revenue streams that are vital for enhancing tourism infrastructure, marketing, and statutorily mandated services. The increased revenue would enable County Commissioners to better address the needs of their constituents by improving local

	amenities, supporting sustainable tourism, supporting expensive workforce needs such as housing and childcare, and promoting the county as a competitive tourist destination.
Potential Proponents/ Opponents	A legislative proposal to increase the county lodger's tax cap is likely to generate diverse opinions. Proponents, including local governments, tourism and hospitality industries, economic development organizations, conservation and other community groups, see the tax increase as a necessary measure to enhance infrastructure, promote sustainable tourism, boost local economies and preserve the environment. Conversely, opponents, such as hotel and lodging operators, business associations, taxpayer advocacy groups, and some tourists, might fear that higher taxes could deter visitors and burden businesses.
Fiscal Impact	C.R.S. § 30-11-107.5(2)(b) mandates that the Colorado Department of Revenue conduct an annual revenue analysis. According to the statute, the Department is permitted to keep only the amount justified by the cost analysis, not exceeding three and one-third percent of the total revenue collected. This retained amount is then transferred to the state treasurer for deposit into the general fund. The general assembly appropriates this fund for covering the net incremental costs of collection, administration, and enforcement. Since the allowed retention is a percentage of the revenue collected, the Department of Revenue's retained amount should naturally increase as the total revenue collected increases.
Priority Ranking	

Electric vehicle charging station fee collection	
Yuma County	
Issue	Lack of HUTF funds
Background	Gas tax has not been raised in many years and with the use of EV Gas Tax will dwindle.
Proposed Solution	A tax at the charging stations for EV added to the HUTF.
C.C. Role	HUTF if where our funding comes from for County maintenance of our roads.
Potential Proponents/ Opponents	EV Owners
Fiscal Impact	None we make money
Priority Ranking	1/2

County revenue diversification	
Clear Creek & Summit Counties	

<p>Issue</p>	<p>Counties revenue streams are unstable and subject to statewide decision making that cannot account for the different circumstances and goals of counties across the state. Our two major revenue options, property taxes and sales taxes, are both limiting in several ways.</p> <p>Property taxes are subject to constant tinkering via statewide ballot initiatives and legislation. Assessment rates have been lowered almost every year, which provides important tax relief, but also creates a situation where counties lose important local control and may also struggle to deliver services residents rely on. The most immediate threat to property taxes are initiatives 50 and 108. If either passes counties could be faced with cuts to services or limited tax proposal options as well as uncertainty due to unclear and confusing ballot language.</p> <p>Compounding this problem is the diversity among counties around the state. Counties across the state face very different challenges and expectations from our constituents.</p> <p>An element of this dynamic that may exist in every county is the disconnect between who is creating impacts to the public and who is paying for those impacts or living with the consequences of inaction to address them. This may be the largest difference between the flexible tools that municipalities have and the blunt instruments that counties are left with. Counties lack permission to propose solutions that can work for their specific needs whether they base their economies on agriculture, tourism or industry.</p>
<p>Background</p>	<p>The last two legislative sessions showed how far down the line counties find themselves with the legislature when it comes to prioritizing recipients of property taxes. The backfill established in 2023 was inadequate while schools and fire districts were prioritized. In the signing ceremony, in which the governor and legislators extolled the crucial services that property taxes fund, counties were not even mentioned.</p> <p>The legislature split county assessment rates from school assessment rates in 2024 which creates the opportunity for future assessment rate reductions that do not impact the state budget. Counties once again found themselves at the back of the line and the bottom of the ladder, in spite of the crucial services that we deliver to the people of Colorado on the state's behalf.</p> <p>If either Initiative 50 or 108 pass, the state will face a fiscal crisis that would reduce our local revenues and likely result in cuts to the state share of county administered state programs as well as county share of formula funding such as HUTF.</p> <p>The state also granted fire departments sales tax proposal authority in 2023 that was not in their original service plans approved by counties, further compromising our access to sales tax revenue.</p>
<p>Proposed Solution</p>	<p>Counties need opportunities to diversify our revenues in ways that are appropriate to our individual economies. We lack tools that are flexible enough work for different counties with different economies across the state. Some of these tools exist at the municipal level and there are tools that no one has access to that may help us. A good tool is one that works in an agriculture economy as well as a tourism economy or an urban economy.</p> <p>The options that municipalities have which the state has not granted to counties are listed below. A bill that puts counties into parity with municipalities could include all of them, but the goal is to identify strategies that will benefit all counties. The proponents of this proposal are committed to modifying it as we explore the best solutions that will work for all counties.</p> <ul style="list-style-type: none"> • Occupational tax

- Occupational taxes are taxes on businesses. They can either be general, charging a head tax on every employee in the jurisdiction or they can be specific, identifying industries whose impacts are greater than general commercial activity and proposing special taxes on them. Examples are bars law enforcement demand and lodging driving tourism management related expenses.
- Sales tax in unincorporated counties
 - Municipalities can propose sales taxes within their jurisdiction only, which greatly simplifies their ability to establish a voter approved tax rate that is adequate for their communities needs. Currently counties can only impose sales taxes county-wide, meaning that we have to increase the rates within incorporated areas to increase rates in unincorporated areas. Rates in unincorporated areas are generally low in spite of growing service demand in those areas related to emergency services, wildfire mitigation, etc.
- Business licensing authority
 - Business licensing authority bring authority to impose fees where there is a nexus between a business's activity and service demand. County business registration authority does not allow for fee collection.

Legislative language will be crafted that is specific to concepts identified that are truly useful to counties around the state. Below is legislative language specific to two of the items referenced above.

Occupational tax:

Insert the following language from CRS 31-15-501(1)(C) into a new section 308 of CRS 30-11: County Authority to license, regulate and tax businesses. It has been modified from what we find in the municipal section to remove licensing and regulate authority. Counties only need to be able to register businesses to be able to enforce a tax that is approved by the voters. Not asking for regulatory authority will go some way towards making the bill narrower to address revenue needs.

(c) To tax, subject to any law of this state, any lawful occupation, business place, amusement, or place of amusements and to fix the amount, terms, and manner of issuing and revoking licenses issued therefor; except that, for purposes of the application of any occupational privilege tax, oil and gas wells and their associated production facilities have not been, are not, and shall not be considered an occupation or business place subject to such tax;

Unincorporated sales tax:

We would need to modify the following section of statute by striking language and adding the language in capital letters.

29-2-103:

(1) Each county in this state is authorized to levy a county sales tax, use tax, or both in accordance with the provisions of this article. No proposal for a county sales tax, use tax, or both shall become effective until approved by a majority of the registered electors of the county voting on such proposal pursuant to section 29-2-104 . Such a proposal for a sales tax, use tax, or both, upon approval by a majority of the registered electors voting thereon, MAY be effective throughout the incorporated and unincorporated portions of the county OR IN THE ENTIRE UNINCORPORATED PORTION OF THE COUNTY ONLY. ~~except when less than countywide application is authorized pursuant to subsection (2) of this section.~~

~~(2) A county may levy a sales tax, use tax, or both, in whole or in part, in less than the entire county when the following conditions are met:~~

	<p>(a) Deleted by Laws 2008, Ch. 264, § 4, eff. Aug. 5, 2008.</p> <p>(b) The area to be excluded from the tax levy is comprised solely of a portion of a municipality whose boundaries are located in more than one county; and</p> <p>(c) All other counties in which a portion of the municipality described in paragraph (b) of this subsection (2) is located have agreed to provide fair compensation to the county for any services extended to such municipality as a result of revenues derived from the county tax levy from which the municipality is excluded.</p> <p>(3) The approval provisions of subsection (1) of this section, the restrictions on contents of sales or use tax proposals set forth in section 29-2-105 , and the collection procedures of section 29-2-106 shall apply to county sales or use taxes or both levied pursuant to subsection (2) of this section.</p>
C.C. Role	A key part of our role is to secure funding to address the needs expressed by our constituents. Commissioners around the state hear two conflicting messages: Why are you not doing something about (insert the issue here) and why are my property tax payments going up. The answer is that they are going up and the majority of those increases are going to other entities. The solution is for us to be able to propose taxes that are unique to counties and not tied into the revenue streams of other entities.
Potential Proponents/ Opponents	<p>Chambers of commerce and other businesses interests will be mixed on proposals related to occupational tax or a removal of the prohibition on fee authority attached to our licensing authority. We could see a broad pro-business coalition take umbrage with some of these options, and a stakeholder conversation about appropriate guardrails is needed.</p> <p>Allowing Counties to propose taxes on the entire unincorporated area only is likely to receive support from CML and opposition from DNR, which has been focused on reducing the number of sales tax districts in the state.</p> <p>Many are starting to see the need for more robust county services as their workforce dwindles, wildfire risk threatens their properties while increasing their insurance rates, and locally provided infrastructure continues to degrade.</p> <p>Counties would need to be the chief proponents, but advocates for services that rely on robust county revenues may become interested as well. There are also many in the legislature that recognize the value that counties can bring to their communities if we have the revenues to support the effort.</p>
Fiscal Impact	This bill will have no fiscal impact on counties that choose not to use it and a positive impact on those who do when their proposals pass.
Priority Ranking	1/1

Property Tax Proceedings

Eagle County

Issue	This proposal is for legislative action to improve property tax proceedings in Colorado.
Background	Colorado county assessors, county boards of equalization (BOE), and boards of county commissioners (BOCC) are involved at various levels of the valuation of property for assessment purposes. Counties bear the cost of the process for valuation and resolution of protests by the

	<p>county assessor, the adjustment/appeal process through the BOE, and the abatement/refund process through the BOCC. Counties are also solely responsible for the cost of appeals from the BOE or BOCC, the majority of which are filed at the Colorado Board of Assessment Appeals (BAA). The BAA is statutory agency, created to be a relatively simple and cost-effective means for property owners to have a property tax valuation appeal heard and resolved at the state level. However, the BAA is often tasked with hearing appeals that have significant monetary implications for taxpayers and local governments, and which involve increasingly complex legal arguments and litigation tactics. Yet BAA members have no formal legal training or publicly-available selection or evaluation standards. Meanwhile, there are very limited consequences for a taxpayer or their agent’s failure to provide accurate information in these proceedings, and there is a potential perverse incentive to game the system and avoid judicious resolution due to the penalty interest provisions of current law.</p> <p>From counties’ perspective, there are several areas for improvement within the overall property-tax protest and adjustment and abatement and refund system that could increase transparency and fairness in the proceedings, and which would bring the system more in line with the intent of the constitutional and statutory framework that serve as the foundation for these proceedings.</p>
Proposed Solution	The attached white paper presents four distinct but related areas for improvement in property tax proceedings. See attached.
C.C. Role	See answer to Question 3 above.
Potential Proponents/ Opponents	<p>Potential proponents: counties, as well as all local government districts that rely upon property taxes.</p> <p>Potential opponents: Tax agent industry</p>
Fiscal Impact	A more fair and balanced system for the resolution of property taxes would have a positive fiscal impact on counties by potentially eliminating frivolous tax appeal litigation and furthering the goal of just and uniform taxation in accordance with Article 10, Section 3 of the Colorado Constitution (Uniform Taxation). Implementation of a formalized system for appointment and performance evaluation of the BAA may have some initial fiscal impact, but it is not anticipated to unreasonable.
Priority Ranking	1/2

Ability for local governments to implement a Real Estate Transfer Tax with voter approval	
County	
Issue	Ability for Local Governments to Implement a Real Estate Transfer Tax with voter approval
Background	The passage of the Taxpayers’ Bill of Rights in 1992 prohibited the creation of new Real Estate Transfer Taxes (RETTs) or increased rates for existing RETTs. This provision in TABOR removed the ability of voters statewide, and in local jurisdictions, to consider RETTs even with voter approval. While RETTs may not be an appropriate revenue source for all communities, counties and municipalities should be allowed to request approval of RETTs from their voters. RETTs (also known as “real property transfer taxes”) are sales taxes most often used as general revenue. However, RETTs, can be devoted to specific uses such as affordable housing, preserving open

	<p>space, marketing resort amenities, etc. When RETTs are used in a community receiving an influx of investment, they can be a powerful form of value recapture, raising additional revenue as investment bolsters land value. RETTs are an especially important tool for Colorado's resort communities, which typically have high levels of second homes, high property values and high service needs. Resort communities require a broad base of service workers who often require additional services and affordable housing to remain in the community. RETTs provide a potential revenue source to local governments to provide necessary infrastructure and services that protect the vibrancy of service based economies, especially in resort communities with high numbers of second homes. This change would enable local entities to enact a RETT with voter approval, and provide another financial tool for local jurisdictions to provide critical community services. Such language could be drafted so as to exempt a certain value or percentage of real estate value in order to maintain affordability for primary homebuyers and small businesses.</p>
Proposed Solution	Lobby Legislature to refer a statewide ballot measure to the 2025 ballot to amend TABOR to remove language in TABOR prohibiting new or increased RETTs
C.C. Role	Authority to raise revenues for county services
Potential Proponents/ Opponents	Real estate transfer taxes can be an important tool for land conservation, affordable housing development and community marketing/economic development. Supporters are advocates for those issues listed above; counties, and municipalities; and proponents of local control. Opponents are likely to be: pro-TABOR advocates, those in the real estate and lending business including realtors and real estate associations, and mortgage brokers.
Fiscal Impact	None to local jurisdictions. Localities that wish to pursue a campaign to support the ballot measure or to subsequently campaign for a local RETT may choose to expend funding in support of these efforts.
Priority Ranking	1/2

Tourism, Resorts & Economic Development

Construction defect reform

El Paso County

Issue	<p>Per a Denver Post article from March of this year, Colorado faces a shortfall of 100,000 homes and apartments, which is the second worst deficit in the country – behind only California. With the average cost of buying a single-family home along the Front Range rising to roughly \$625,000, the need for more housing has hit a crisis point.</p> <p>During the 2024 General Assembly session, lawmakers introduced Senate Bill 24-106: Right to Remedy Construction Defects which would have modified the Construction Defect Action Reform Act and requirements for HOAs to bring a construction defect action. This bill was bitterly fought by both parties and in the end was both heavily amended and postponed indefinitely due to lack of support in the House.</p> <p>Addressing construction defect reform during the 2025 General Assembly Session is critical to jumpstarting condo construction, which has been outpaced by single family home and apartment construction since 2008. Condominiums are often a more affordable option for entry into home ownership, but currently they account for a staggeringly low number of new builds. The Common Sense Institute reported that since 2018 there have been 14 new apartments for every 1 new condo built in Colorado, while just six years earlier that ratio was 1.25 new apartments for every 1 new condo. If the state does not take up reforming construction defect policy in Colorado, it will continue to widen the affordability gap and price young families and workers out of the state.</p>
Background	<p>Since 2001, there have been five bills signed into law addressing construction defect policy. The most recent – HB17-1279: Construction Defect Actions Notice Vote Approval required that before the executive board of an Home-owners Association (HOA) in a common interest community brings suit against a developer for a defect, the board must notify all unit owners, provide an opportunity for the developer to offer to remedy the defect, and the HOA must obtain the approval of a majority of unit owners to proceed.</p> <p>While HB17-1279 was a hard-fought compromise, existing regulations have brought condo construction to a halt. Construction litigation laws and insurance and liability costs have been cited by developers as the main reason for the significant reductions seen in new condo construction. Strict liability standards open developers up to expensive and lengthy litigation that is just not worth the time and effort based off a “perceived defect.”</p> <p>If construction defect policy is not reformed in a meaningful way, housing prices will continue to rise as inventory drops and the state’s economy will take a hit as families and individuals leave Colorado for other states with more affordable housing. Colorado based businesses will look elsewhere to expand operations and businesses looking to expand into other states will bypass Colorado.</p>
Proposed Solution	<p>With Senate Bill 24-106: Right to Remedy Construction Defects ultimately being postponed toward the end of the 2024 General Assembly Session, our proposed solution/legislative remedy is to reintroduce legislation that will jumpstart condo construction. The main goal of the legislation would be to cut down on litigation while giving homeowners an avenue to have issues fixed in a prompt manner.</p> <p>Some policy solutions could include:</p> <ul style="list-style-type: none">• Ensuring liability is more targeted toward subcontractors who do the defective work.

	<ul style="list-style-type: none"> • Creating a right-to-remedy for builders that would allow them to pay a third-party contractor to fix any defects as another way to prevent court cases. • Statewide minimum warranty standard to ensure reasonable timeliness for repairing defects.
C.C. Role	<p>The issue has a direct correlation to the role of a County Commissioner. Over the last few years, Governor Polis and the General Assembly have introduced and passed legislation that addresses housing affordability. Requirements of some of these policies hold local governments responsible for planning and ensuring affordability, however, without the state also making changes to state policies that are affecting our communities, we are working with one hand tied behind our back. It's essential that the state removes the roadblocks that only it has the power to deal with to give counties the opportunity to make meaningful impact.</p> <p>Housing is critical not only to the health, safety, and welfare of residents, but also determines economic growth and prosperity. If there is not adequate/available housing in a community, it impacts cost of living and can have a negative impact on job growth and business expansion.</p> <p>As Colorado continues to gain residents, especially along the Front Range, available housing continues to shrink. Families are being priced out of their communities and are either continuing to rent or choosing to move to a state with cheaper home prices. Lack of available/affordable housing increases commute times and puts stress on budgets as a majority of income goes to pay rent or mortgage each month.</p>
Potential Proponents/ Opponents	Proponents include the Board of County Commissioners, the Colorado Springs HBA, members of the El Paso County delegation, including House Minority Leader Rose Pugliese.
Fiscal Impact	No anticipated fiscal impact, other than potential workload increases.
Priority Ranking	

Tax credit incentives for Sustainable Aviation Fuel	
Pitkin County	
Issue	Address the need to incentivize rural economic development, increase resilience in fuel supply, reduce carbon emissions, and reduce aviation impacts on communities through incentivizing the production and consumption of sustainable aviation fuel (SAF).
Background	According to the Federal Aviation Administration (FAA): “The production of sustainable aviation fuels (SAF) enable rural economic development, support domestic energy security, and may significantly reduce carbon emissions within aviation. These fuels will play a critical role, alongside new aviation technologies and more efficient operations, in meeting the industry supported goal of net-zero emissions for the aviation sector by 2050. Drop-in SAF can be used in today’s aircraft fleet without any changes or modifications to the fuel-handling infrastructure and are produced from a variety of feedstocks including biomass, residues, wastes, and gaseous sources of carbon.”

	<p>Colorado has an opportunity to be a leader in SAF production contributing to local economic development and reducing greenhouse gas emissions. Currently, Colorado lags behind other states such as Illinois in providing incentives for SAF production and consumption. Illinois provides a \$1.50 per gallon tax credit for SAF that achieves a 50 percent lifecycle greenhouse gas (GHG) reduction when compared to petroleum-based jet fuel using either the lifecycle methodology for SAF developed by the International Civil Aviation Organization or the most recent version of Argonne National Laboratory’s GREET model. This has placed Illinois in a greater competitive position to attract investment in SAF refining and distribution. Colorado should consider a similar program, providing a tax credit for either the production of or consumption of SAF.</p> <p>Furthermore, this proposal could easily build on HB24-1235 to further incentivize the reduction of aviation impacts on communities. SAF is an alternative to leaded aviation fuel, and by reducing fuel delivery impacts, lowering the end-user cost of SAF, and by creating environmentally cleaner production facilities, an impact reduction to communities could be achieved.</p>
Proposed Solution	Support new legislation, or amendments to existing legislation, which would provide tax credit incentives for the production/consumption of SAF designed to be competitive with other states.
C.C. Role	Further reduce the impacts of aviation on the local community, lower costs to residents/visitors, increase local resiliency, encourage responsible economic development, and further align existing industry with community values.
Potential Proponents/ Opponents	We believe there would be broad based industry support from airlines and fixed based operators. It is likely there would be some pushback from fossil fuel based producers. We also believe there would be resounding community support.
Fiscal Impact	Minimal impact. Would bring down the cost of SAF while economics of scale are achieved in production. Would benefit potential sites of production facilities, and potentially lower the cost of SAF to consumers.
Priority Ranking	2/2

Transportation & Telecommunications

Permissive authority to collect roadway maintenance fee	
Arapahoe County	
Issue	<p>Roadway maintenance funding is a challenge for many communities with their overall condition of their roadway network deteriorating. This legislation would give counties another funding mechanism tool to be considered to solve the problem of roadway maintenance funding and deteriorating roadway condition. This legislation would develop a reoccurring, sustainable revenue source to focus on street maintenance.</p>
Background	<p>Tax increases are required to go to voters who have historically been opposed to an increase. Furthermore, even if funding meets the needs currently, historically, funding has not kept pace with inflation, and substantial increase in labor and materials. The County’s current roadway condition is 41% poor or very poor condition, which means we are not meeting our goal of 85% excellent, good, fair condition roadways. Therefore, this issue is sustainable funding to maintain the County’s aging and deteriorating infrastructure.</p> <p>A roadway maintenance fee (RMF) is a periodic/annual fee paid to a governmental entity by property users or owners within a local jurisdiction to fund the operations and maintenance costs of transportation facilities, primarily roads. Residents and businesses are charged a fee based on their use of the transportation system rather than being charged taxes based on the value of the property that they occupy. Because the use of the transportation system is not metered like electricity or water, the amount that is charged for a RMF is based on estimates of the number of trips generated by different land uses (e.g., single family residence, multi-family residence, school, gas station, shopping center). Those estimates are typically informed by trip-generation rates prepared by the Institute of Transportation Engineers.</p> <p>RMFs may also be referred to as: transportation maintenance fees, street maintenance fees, road or street user fees, pavement maintenance utility fees, transportation utility fees, street restoration and maintenance fees, or street utility fees.</p> <p>This is not a transportation impact fee. Transportation impact fees, another value capture technique authorized under State and local law, are one-time payments to cover the cost of new infrastructure (including roads and streets) that is needed as a result of new real estate development. Impact fees can only cover capital costs and cannot cover maintenance. In contrast, RMFs are used to pay for the ongoing costs of maintenance of that infrastructure and typically charged on a monthly or yearly basis.</p>
Proposed Solution	<p>The legislation would allow for counties to have the same ability to implement a RMF as cities are allowed. It is not a mandated piece of legislation if passed, but a tool to consider for funding roadway maintenance.</p> <p>The County is exploring the possibility of tax initiatives. In addition, barring any increase in revenue, the County is on an unsustainable path of deteriorating infrastructure, which means either additional funding will be needed or policy changes are needed. Such items as limiting what infrastructure is accepted for maintenance, no longer providing certain maintenance services within neighborhoods (i.e., no longer performing roadway maintenance within subdivisions and they will need to fund such themselves or only providing certain maintenance, such as pothole repair buy no overlays). These and other policies issues are what will need to be discussed moving forward.</p> <p>Please note that this is our initial guess as to where the change would need to be made</p>

	<p>statutorily and we will continue to research and vet this section and let you know of any changes needed. We believe Title 42 or 43 would be where the legislation could be included. In particular, where SB-260, which the state-imposed fees on various purposes and activities (Section 43-4-217), could be where this fee might exist.</p>
C.C. Role	<p>The County is responsible for roadway maintenance and the BOCC role is to allocate funding for such. A use of a RMF would allow for another funding source to accomplish that role.</p>
Potential Proponents/ Opponents	<p>Opponents would certainly be those that believe a fee is a tax and ideology opposed to such concepts and believe that anything placed on properties should be voted upon. In addition, there would likely be opponents that ultimate could have to pay the fee if it would be implemented.</p>
Fiscal Impact	<p>If chosen by a County to use this funding mechanism, it can create a sustainable funding mechanism for roadways by potentially generating millions of dollars annually (obviously depends on the fee amount). This would not affect the state. There would be an impact to property owners as the fee would be applied to land uses that general traffic and thus pay for maintenance of the roadways in which are being used.</p> <p>Advantages of RMFs - Some of the advantages that have been cited for RMFs include the following:</p> <ul style="list-style-type: none"> • According to some researchers, RMFs are fairer and more economically efficient than other funding mechanisms (e.g., property taxes) because they adhere more closely to the “user pays” principle. • Because RMFs are not taxes, a locality may be able to be implement a RMF without a public referendum, although this depends on the city and state in question. • The clear relationship between a RMF and the defined purposes for which it was created may make the RMF more acceptable to the public than new or increased taxes. • A locality may be able to collect a RMF with other public utility charges such as electricity, sewer, or water. <p>Challenges with using RMFs - Some of the challenges that jurisdictions may encounter when implementing a RMF include:</p> <ul style="list-style-type: none"> • Successful implementation of a RMF depends on public acceptance of the methodology for setting and assessing the fee. Therefore, localities seeking acceptance for a RMF usually need to conduct extensive outreach to local business groups and the general public. • Jurisdictions may face an administrative burden up front to cover the cost of traffic and fee-calculation studies, depending on the methodology that is used. • Other levels of government or non-profit institutions that are exempt from property taxes but subject to a RMF may resist implementation of a RMF, arguing that it is a disguised tax or that they should be exempt from paying it. <p>To avoid a double taxation argument/claim (i.e., HUTF and R&B Funds plus a fee all for roadway maintenance) we would propose as part of implementation (again if allowed and chosen), to apply HUTF and Property Taxes to certain roadways and core maintenance activities only (i.e. arterials/Major Collectors, storm water, snow plow, etc.) and the fee would be for roadway maintenance only on residential and possibly other collector roadways not funded with other sources. With this concept existing funding plus potential new fee generated funding could be used for infrastructure maintenance.</p>

Priority Ranking	n/a
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Create additional Transportation Planning Region	
Las Animas County	
Issue	<p>The Colorado Transportation Commission (TC) is considering a proposal to reallocate the Transportation Planning Region (TPR) seats on the Statewide Transportation Advisory (STAC.) CDOT has recommended to the TC that a TPR seat on the STAC be removed from southern Colorado and Given to the Intermountain Region. If this happens, southern Colorado will lose a precious voice in the statewide transportation planning process. It is therefore our recommendation to increase the number of seats on the STAC by one to enable southern Colorado to keep its voice while at the same time allowing the intermountain region to have more of a transportation planning voice in Colorado. As currently written, Statue 43-1-1102 (8) (a) defines “Transportation planning region” as a region of the state as defined by the rule or regulation process required by section 43-1-1103(5). The maximum number of such regions shall be fifteen unless such number is increased pursuant to paragraph (b) of this subsection (8). Legislation is sought to increase the number of TPRs by one.</p>
Background	<p>TPRs were formed to assist in the statewide transportation planning process. Each TPR is responsible for preparing a long-range Regional Transportation Plan (RTP) to identify goals and future needs for their communities. They were established in 1992 after the Colorado General Assembly enacted legislation in 1991 that directed CDOT to provide strategic statewide transportation planning. The term TPR is inclusive of these types: non-MPO TPRs, MPO TPRs, and TPRs with both MPO and non-MPO areas. The 10 rural TPRs in Colorado include the Central Front Range, Eastern, Gunnison Valley, Intermountain, Northwest, San Luis Valley, South Central, Southeast, Southwest, and Upper Front Range. The 5 urban MPOs in Colorado include the Denver Regional Council of Governments, Grand Valley MPO, North Front Range MPO, Pikes Peak Area Council of Governments, and the Pueblo Area Council of Governments.</p> <p>On April 28, 2023, Governor Polis signed House Bill 23-1101, the Ozone Season Transit Grant Program Flexibility bill, into law. The bill’s focus was to allow state transportation agencies to have more flexibility when using ozone season transit grants. Section 3 of the bill requires the Colorado Department of Transportation (CDOT or Department) to analyze the consistency and transparency of the transportation planning process across Transportation Planning Regions (TPRs) in a study and provide recommendations for possible changes to the Transportation Commission (Commission or TC) on or before November 30, 2023.</p> <p>The study was concluded by CDOT staff having two related recommendations for boundary changes, and they are focused primarily on representation at STAC. Staff analyzed statewide and regional data covering the various statutory requirements and solicited and received public comments as part of the effort. Formal support or opposition to proposed boundary changes has been recorded by CDOT and are included in this study.</p> <ol style="list-style-type: none"> a. Combine SETPR and SCTPR into one new TPR. b. Divide the Intermountain TPR into two TPRs thus reducing Colorado’s statewide transportation voice. The West IMTPR would include Garfield, Pitkin, and the SW portion of Eagle County. The East IMTPR would include Summit, Lake, and the bulk of Eagle County. Eagle County would be divided along the shared Eagle County RTA/ RFTA boundaries.

<p>Proposed Solution</p>	<p>The proposed solution is to pass legislation to amend the original 1991 legislation by adding an additional rural Transportation Planning Region. This would allow Intermountain to separate while preserving the South Central and Southeast TPRs and their existing TPR and STAC representation.</p> <p>During CDOT's South Central public comment meeting, opposition to their proposal to combine the SC and SE TPRs was made clear. CDOT's recommendation may have some statical rationale for the suggested merger, but these statistics ignore the fact that the citizens in our areas have been historically underserved, disproportionately impacted, marginalized, and excluded. Case in point, in CDOT's conducting this HB23-1101 study an advisory committee was assembled to gather data and receive feedback. Although it was clear this committee was not intended to represent the entire State, it's interesting to note that there was no representation from either the SC or SE TPRs (to be merged) while there were three members from the Intermountain region (to be divided). Additionally, the CDOT slide showing this advisory committee member makeup was not included in CDOT's SC presentation, along with other pertinent slides, that were included in the Region 3/Intermountain slide deck.</p> <p>A majority of the potentially negatively impacted Counties have testified at the Transportation Commission meeting while others have written letters of opposition to this proposed forced merger. The TC has tabled the action until their November meeting.</p> <p>Amend 43-2-1102 (8) to allow for one additional Rural Transportation Region.</p>
<p>C.C. Role</p>	<p>County Commissioners sit on the Transportation Planning Region board and are voting members. In this role County Commissioners are responsible for ensuring effective transportation planning and service delivery within their jurisdictions. This proposal directly impacts their roles by altering the regional framework through which planning, and resource allocation are managed. It affects their authority to advocate for regional needs and participate in transportation planning processes.</p> <p>Furthermore, the proposed consolidation of the South Central and Southeastern TPRs appears to benefit another area of the state by granting them an additional vote on the Statewide Transportation Advisory Committee thus diluting SC and SE representation all the while providing no tangible benefits for these regions.</p>
<p>Potential Proponents/ Opponents</p>	<p>Proponents: Huerfano County, Las Animas County, Baca County, Bent County, Crowley County, Kiowa County, Otero County, Prowers County Potential Opponents: Colorado Department of Transportation</p>
<p>Fiscal Impact</p>	<p>Minimal.</p>
<p>Priority Ranking</p>	<p>n/a</p>

<p>Redistribute HUTF funding tiers</p>	
<p>Yuma & Elbert County</p>	
<p>Issue</p>	<p>HUTF seems lopsided in the distribution of tier 2 with funds only going to certain county's when all counties need it.</p>

Background	Working on history
Proposed Solution	Remove tier 2 and put the funds in the current Tier 3 to be distributed to all counties.
C.C. Role	Funding for county roads
Potential Proponents/ Opponents	Possibly 17 counties
Fiscal Impact	Leveling of funds will positively impact some counties and negatively impact others.
Priority Ranking	2/2

Responsibility for railroad maintenance projects	
Logan County	
Issue	Local governments are being required to help railroads pay for their maintenance and upgrades without any discussion or suggestions from the local government because of a rule from the PUC.
Background	Logan County is having to pay over \$100,000 for a crossing upgrade for a road that the railroad blocks regularly for days that serves a three families and a business.
Proposed Solution	<p>Still looking at all the options but would like the railroads to pay for their own upgrades that only benefit them.</p> <p>Have tried to have discussions with the railroads but they are not very good at having conversations unless they want something.</p> <p>Still working through this while addressing the PUC rule in place.</p>
C.C. Role	This is a huge impact to counties budgets, especially smaller counties.
Potential Proponents/ Opponents	Proponents would include local governments at every level Opponents would include the railroads as they would have to pay for their upgrades themselves.
Fiscal Impact	This will save local governments money and shift that burden back to the railroads.
Priority Ranking	1/1