

Legislative Report for 2020 Legislative Session

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[HB20-1029, Allow County Officers to Accept Lower Salary](#)

HB 1029 would allow any county elected official to elect to receive a lower salary than what is currently specified in state statute. The bill allows the elected official to further alter his or her salary following that first decision, provided that the salary amount does not exceed what is set in statute. The bill has been assigned to the House Transportation and Local Government Committee.

Position: Pending

Sponsors: Rep. Pelton

Lobbyist: Eric Bergman

[HB20-1073, Prevent Gerrymandering of County Commissioner Districts](#)

HB 1073 would take the political gerrymandering protections established in the state constitution by Amendments Y and Z and attempt to apply 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 only be applicable to counties with populations greater than 70,000 or ones that have a home rule charter. For those counties subject to the legislation, the creation of an independent commission to oversee the drawing of commissioner districts is required. Once formed, the commissioner districts must face judicial review. The bill has been assigned to the House State Affairs Committee.

Position: Pending
Sponsors: Rep. Kennedy
Lobbyist: Eric Bergman

HB20-1081, Multilingual Ballot Access

HB 1081 would require 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. Counties that have at least 2,000 citizens who speak a minority language would be required to prepare an in-person minority language ballot that would be available upon request.

Position: Pending
Sponsors: Rep. Caraveo, Sen. Gonzales
Lobbyist: Eric Bergman

Health & Human Services

HB20-1012 Child Welfare Program Children Developmental Disabilities

HB 1012, a bill initiated by Colorado's Children's Hospital, modifies provisions of a bill that passed in 2018 that addressed, in part, the needs of children with intellectual and developmental disabilities. At that time, the legislature established and funded a new ten-bed residential child care facility (RCCF) to support children and youth with co-occurring I/DD and mental health conditions who do not meet criteria for an inpatient hospitalization but are not yet safe to be in the community. Even with this investment, the demand for this service outpaces the availability of beds. At any given time, the state estimates that there are 8-10 children served in hospital emergency rooms or being placed in costly and disruptive out-of-state care. The Children's Hospital is 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*. HB 1012 requires the CO Department of Human Services (CDHS) to provide a report that highlights the average length of wait time for children and youth on the wait list, aggregated information about the child's or youth's expected placement following discharge and other key data points. This is intended to document the need for additional beds.

The bill also requires CDHS to develop criteria for managing the waitlist. Internally, CDHS staff already manages the waitlist by considering factors such as the likelihood that a child might be placed out of state for care, the severity of the child's treatment needs, and whether or not an alternative placement might exist. HB 1012 requires CDHS to work with counties and other interested parties in reviewing and modifying this criteria, if need be. Three (out of the 10) beds will continue to have prioritized access for children in the custody of the county/state.

HB 1012 will be heard on Wednesday, January 29th in the House Public Health Care & Human Services Committee.

Position: Pending
Sponsors: Reps. Young & Landgraf, Sens. Todd & Gardner
Lobbyist: Gini Pingnot

SB20-029 Cost of Living Adjustment for Colorado Works

SB 29 increases the basic cash assistance (BCA) grant that Temporary Aid to Needy Families (TANF) recipients receive. Currently, a family with one parent and two children receives \$508/month. TANF recipients use these dollars to cover their basic needs including diapers, clothes, toiletries, etc.

SB 29 relies on the *state's TANF reserve* for a 10% increase in the BCA amount beginning in July 2020. Starting in July 2021 and continuing into future fiscal years, a cost of living adjustment equal to 1.5 percent or the federal social security administration's COLA, whichever is greater, will be applied to the BCA. The bill requires the Joint Budget Committee (JBC) to review this commitment and its sustainability beginning in 2025 and each five years thereafter. Should the state's long-term reserve, which has a balance of about \$80 million, be determined to no longer be a sustainable source of revenue for the increases that have been made, the JBC must identify new sources of funding.

In December, CCI hosted a meeting with the bill proponents and sponsors, county commissioners and directors. Counties expressed concerns over the sustainability of this policy. Bill proponents asked counties to develop an alternative approach that would result in an increase in basic cash assistance (a goal counties share with the proponents) and help address our concerns about the sustainability of the proposal. CCI then hosted a meeting on Friday, January 3rd for counties to brainstorm ways in which SB 29 could be modified.

While CCI does not have a position on SB 29, staff has shared ideas for a potential path forward based on the feedback received from our January 3rd meeting. Those suggestions include 1) removing the automatic cost of living adjustment that would begin in July 2021; 2) clarifying that state revenues and state TANF reserve must fund these increases; 3) explicitly stating that county TANF reserves are not to be used to meet this commitment; and 4) requiring the JBC to review the policy and its sustainability beginning in July 2021.

Position: Pending

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

Lobbyist: Gini Pingnot

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. HB20-1052 extends protections under this statute to include all human services workers. An example of some of the protected professions under this extended definition are employees of juvenile detention employees, county employees, county attorneys, and human services contractors.

The reason these added protections are necessary is human services employees have expressed concerns about their personal information being available on the internet and clients using it for malicious purposes. Under the bill, the immediate family (spouse, children and parents) of human services workers are also protected. 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: Pending

Sponsors: Reps. Duran & Exum, Sens. Donovan & Hisey

Lobbyist: Kyley Burress

HB20-1071, Driving Instruction for Foster Children

HB 1071 establishes a children's driver education grant program under the Department of Human Services for the purposes of reimbursing counties for costs of driving school. Last session's HB19-1023 allowed foster children in counties between the ages of 15-18 to obtain a driver's license. Counties, however, had to pay for the cost associated with driving school and education. HB 1071 will reimburse those county costs. The bill requires that the Department of Human Services establish rules for the grant program by or before December 20th, 2020. It is likely that all counties will be eligible for the grant.

Position: Pending

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

Lobbyist: Kyley Burress

Justice and Public Safety

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

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

This bill also requires that a safe station be made available for an individual to dispose of a controlled substance. A safe station is defined as a municipal police station or county sheriff's office, however a controlled substance is not defined in the bill. Under the legislation, a person who disposes of a controlled substance is not subject to arrest or prosecution.

CCI has heard feedback from some members concerning the sheriffs' having to dispose of the drugs and continuity of care once the person receiving this treatment leaves the facility.

Position: Pending

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

Lobbyist: Kyley Burress

SB20-070, Traffic Offenses Classification and Penalties

SB 70 is CCI legislation and has two purposes. The first is to raise traffic infractions (such as driving without a license) as traffic enforcement codes haven't been updated since the 1970s. This bill would

also decriminalize certain traffic offenses (such as driving without insurance) for the purpose of eliminating unnecessary court time. The money generated by the increase would go back into the county where the violation occurred where then this money can be used for the purposes of traffic safety, law enforcement, and road construction.

Secondly, under current statute, money from the surcharges on these fines go into VALE (victims assistance and law enforcement) grants as well as CVC (crime victims compensation). The increase in the fines (as well as the surcharge) would generate additional funds for the purposes of serving more victims.

Position: CCI Legislation - Support

Sponsors: Sen. Coram, Rep. Caitlin

Lobbyist: Kyley Burress

Land Use and Natural Resources

SB20-010, Repeal Ban on Local Government Regulation Of Plastics

SB 10 repeals language that prohibits local governments from (1 requiring or banning the use or sale of certain types of plastics, and (2 restricting or mandating packaging or labeling of consumer products. The bill is being brought forward by the Colorado Municipal League (CML). Removing the preemption would authorize home-rule and statutory municipalities to regulate plastics.

Because the bill simply removes the prohibition against these kinds of regulations, county attorneys confirmed that the repeal does not give counties any independent authority to regulate plastics. In order for counties to gain the same power as municipalities, the bill needs to explicitly grant county governments the authority to regulate plastics. If need be, this amendment could specify that any county regulations would only apply to the unincorporated part of the county. CCI has shared this caveat with CML, and they are open to discussing amendments that would include counties.

Position: Pending

Sponsor: Sen. Donovan, Reps. Froelich & Valdez A.

Lobbyist: Daphne Gervais

HB20-1070, Local Government Liable Fracking Ban Oil And Gas Moratorium

HB 1070 would hold 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 be 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.

This legislation is very similar to two bills that CCI opposed in 2018: HB18-1150 and SB18-192. HB 1070 has been assigned to the House Energy and Environment Committee.

Position: Pending

Sponsor: Rep. Buck

Lobbyist: Daphne Gervais

HB20-1004, Assistance Landowner Wildfire Mitigation

HB 1004 is an interim committee bill from the Wildfire Matters Review Committee. The bill creates the Wildfire Mitigation Resources and Best Practices Grant Program to be administered by DOLA's Division of Local Government. Grant money (a general fund amount subject to available appropriations) is used for outreach to landowners to inform them of available resources and best practices for wildfire mitigation. Eligible recipients include an agency of local government, a special district, a tribal agency or program, a faith-based organization, or a nonprofit/not-for-profit organization that is registered and in good standing with the Secretary of the State's Office. Grants are only awarded to applicants conducting outreach in high wildfire hazard areas, and applications are prioritized based on the potential impact of the proposed outreach. The bill also extends the increased wildfire mitigation income tax deduction that allows a landowner to claim 100 percent (rather than the current 50 percent) of the costs they incur in performing wildfire mitigation measures.

CCI confirmed directly with Representative Cutter that counties are eligible to apply for this new grant. The bill language describing eligible entities classifies counties as "agencies of local government." Counties are generally categorized as "political subdivisions of the state," or more simply, local governments. CCI has asked the bill drafter to flag this phrase in hopes that it can be amended.

Position: Pending

Sponsor: Reps. Cutter & Will, Sen. Lee

Lobbyist: Daphne Gervais

Tax & 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;
- 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 (cigars are not subject to this delivery prohibition).

Note that flavor bans are not included in this bill and it is not clear whether or not a bill will be introduced this session on that matter.

In December, CCI hosted a call with Rep. Mullica and the three counties (Eagle, Pitkin and Summit) who received voter approval in 2019 to regulate the possession and purchasing of these products and assess a special tax on them. Counties flagged the importance of coordinating compliance

checks and investigations with the Department of Revenue and have been included in the drafting of the bill (thank you, Rep. Mullica!).

Position: Pending

Sponsors: Rep. Mullica & Larson, Sen. Bridges & Priola

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 and modifies the task force's duties. Counties will continue to have a seat on the Task Force and have been ably served by Larimer and Adams Counties over the years (Thank you Tracy Hines and Ben Dahlman for sharing your time and expertise with the task force over the years!!).

Some of the new responsibilities of the task force will include considering whether or not audits of retailers could be made more uniform between the state and home rule municipalities, whether state and local tax licenses and business licenses could be streamlined, and the impact of the reduced vendor fee which was implemented in HB19-1245. The task force would also receive updates on the development and implementation of the sales tax GIS database (which was funded via SB19-006) and examine the business impact of the destination sourcing rules.

HB 1022 will be heard on Tuesday, January 21st in the House Business, Affairs and Labor Committee.

Position: Pending

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

Lobbyist: Gini Pingnot

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.

Given county experience with state IT systems in the past, HB 1023 sponsors modified their bill in the fall to specify that the hold harmless provision would not be effective until the sales tax GIS database was online, tested and verified by the CO Department of Revenue to be operational, supported and available for use. This wording is intended to avoid the roll out of a system that is not fully ready for use.

Position: Pending

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

Lobbyist: Gini Pingnot

Transportation & Telecommunications

SB20-044, 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. The bill has been assigned to the Senate State Affairs Committee.

Position: Pending

Sponsors: Sen. Lundeen, Rep. Carver

Lobbyist: Eric Bergman

Tourism, Resorts, & Economic Development

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

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

DOLA must prioritize projects that create new jobs and consider whether the project would create unfair competition among existing establishments. Among other provisions, SB 2 creates criteria that DOLA is required to consider when evaluating grant applications. Projects under consideration must do one or more of the following:

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

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

The REDI program is already administered by DOLA, but Senator Donovan is pursuing these changes to statute with the goal of rendering the program and its annual appropriations more robust. Recent budget amendments have been approved (this year, DOLA has requested an ongoing increase of \$257, 248 General Fund for REDI since grant requests have exceeded available funds for several cycles), but Senator Donovan believed the program strayed too far from its original intent. DOLA is concerned that the statutory changes could be too restrictive, but they could be on board with some tweaking of these finer details.

Position: Pending

Sponsor: Sen. Donovan

Lobbyist: Daphne Gervais