

Legislative Report for 2020 Legislative Session

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General Government

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

HB 1029 would allow any county elected official to elect to receive a lower salary than what is currently specified in state statute. The bill allows the elected official to further alter his or her salary following that first decision, provided that the salary amount does not exceed what is set in statute. The bill was heard last week in the House Transportation and Local Government Committee and passed on an 8-3 vote. It will be heard on second reading on the House floor this week.

Position: Support

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 that elect to move to a five-member commission or ones that have a home rule charter. For those counties subject to the legislation, the creation and staffing of an independent commission to oversee the drawing of commissioner districts is required. Once drawn, the commissioner districts must face judicial review. The fiscal note on the bill estimates it would cost counties up to \$135,000 each to comply. CCI has been meeting with the bill sponsors and representatives from the affected counties and

efforts are underway to draft amendments to address some of the counties' concerns. The bill is awaiting second reading on the House floor.

Position: Oppose
Sponsors: Reps. Kennedy & Larson
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 and to translate all state races and state ballot questions for the counties. Additionally, counties that have at least 2,000 citizens (or 2.5 percent of the total population) who speak a minority language would be required to prepare an in-person minority language ballot that would be available upon request at voting service centers without any state financial assistance. According to the fiscal note, the bill would place this unfunded mandate on approximately 20 counties. The bill was amended in committee to push out the SOS phone translator function to 2022 and clarify that counties do not have to hire translators in the clerks' offices (in other words, the services could be contracted out). This amendment will reduce, but not eliminate, the local fiscal impact of the legislation. The bill is awaiting a hearing in House Appropriations.

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

HB20-1089, Employee Protection Lawful Off-duty Activities

HB 1089 would prohibit an employer from terminating an employee for the employee's off-duty activities that are lawful under state law, even if those activities are not lawful under federal law. The goal of the legislation is to basically allow employees to use marijuana during non-work hours without fear of termination. While well-meaning, the legislation is at odds with Article XVIII of the Colorado Constitution, which specifically allows employers to have drug-free workplace policies. Moreover, many county employees possess commercial driver's licenses (CDLs) which can be revoked for failing a drug test. Until a scientific test is developed that can differentiate between actual impairment from THC and the mere presence of THC in the bloodstream from past use, it will be difficult for employers to allow afterwork use of marijuana. The bill will be heard in House Business Affairs and Labor on Wednesday, Feb. 19, at 1:30 p.m.

Position: Oppose
Sponsor: Rep. Melton
Lobbyist: Eric Bergman

HB20-1093, County Authority to License Businesses

As introduced, HB 1093 would grant a board of county commissioners the authority to license and regulate any business located or business activity occurring within the unincorporated area of the county, including short-term lodging rentals or advertising for such rentals. This authority is virtually identical to the authority currently enjoyed by every municipality in Colorado. Following a

number of discussions with the sponsors and opponents of the legislation, the sponsors agreed to amend the bill to narrow the licensing authority to **just** short-term rentals. As amended, the bill passed out of the House Transportation and Local Government Committee last week on a 9-2 vote. The bill will be heard this week on second reading on the House floor. CCI would like to thank Commissioners Thomas Davidson (Summit), Dick Elsner (Park) and Steve Child (Pitkin) and Summit County Attorney Jeff Huntley for their testimony in committee.

HB 1093 is a CCI Legislative Priority for 2020. CCI has drafted a fact sheet on the bill. [hyperlink]

Position: CCI Legislation - Support

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

Lobbyist: Eric Bergman

HB20-1281, Change Salary Categorizations for Certain Counties

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

Position: Pending

Sponsors: Reps. Pelton & Valdez

Lobbyist: Eric Bergman

SB20-035, Kiosk Program Provider Vehicle and Identity Services

There are currently a number of county pilot programs using automated kiosks to issue driver's licenses, vehicle registrations and other services. SB 35 would make this cost-saving measure available to all county clerks' offices.

Position: Pending

Sponsors: Sen. Scott

Lobbyist: Eric Bergman

Health and Human Services

HB20-1012 Child Welfare Program Children Developmental Disabilities

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

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 – not just for kids in the child welfare system but for all children on Medicaid who may need these services.

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 these 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 was amended and unanimously passed by the House Public Health Care & Human Services Committee. CCI's membership took a monitor position on HB 1012 because counties would like to see the state fund more beds for this vulnerable population. The bill is waiting to be heard – likely after the budget has passed (late March) – in the House Appropriations Committee.

Position: Monitor

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

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. HB 1052 extends protections under this statute to include all human services workers. An example of some of the protected professions under this expanded definition are employees of juvenile detention centers, county employees (including county attorneys) and human services contractors.

This legislation is necessary because human services employees are concerned about their personal information being available on the Internet and clients using it for malicious purposes. The immediate family (spouse, children and parents) of human services workers would also be protected under the bill. Human services workers may submit a written request to a state or local government official to request their information be protected if they feel they and/or their family are in danger.

The bill has passed out of the House on a unanimous third reading vote and has been introduced in the Senate, where it has been assigned to the Senate Judiciary Committee. The fact sheet for this bill can be found [by clicking here](#).

Position: Support

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 also includes that a county that contracts with a private driving school will not be liable to injury or accident.

The bill requires that the Department of Human Services establish rules for the grant program by or before December 20, 2020. It is likely that all counties will be eligible for the grant. The bill was passed unanimously last week by the House Transportation and Local Government Committee. It is now awaiting a hearing in House Appropriations.

Position: Support

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

Lobbyist: Kiley Burress

HB20-1100, Pass-Through Child Support Payments

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

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

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

As amended, HB 1100 requires the state to appropriate an amount of money that is at least 90 percent of the county's total reimbursement amount that is passed through to families. This amount will be determined based on a December 1 estimate. While some counties have moved to a 'support' position, others are still working through some additional points of clarification.

HB 1100 is on the calendar for second reading in the house.

Position: Oppose Unless Amended

Sponsors: Rep. Froelich, Sen. Crowder

Lobbyist: Gini Pingnot

HB20-1138, Public Real Property Index

HB 1138 requires each state agency, state institution of higher education and local governments to annually submit to the office of the state architect a list of all usable real property owned by or under

the control of these public entities. The annual list must include the address of the property, the size of the property, how the property is zoned, contact information for the public owner of the property, a plan, if available, for the use, development or sale of the property and a description that includes the condition of the property.

This bill was initiated by EPIC – Executives Partnering to Invest in Children. EPIC is seeking to identify properties that could be used as a potential childcare center. And while the desire for more childcare centers is the goal, the inventory of properties could serve other purposes too.

Counties are sympathetic to the high cost of childcare in Colorado. As the provider of safety net services to Coloradoans in need, counties understand the linkage between safe, quality childcare and economically thriving families. HB 1138, however, is unnecessary and an unfunded mandate. Many counties have easy-to-navigate GIS systems where much of this information is already housed making it easy for anyone in the public to access. While there are plenty of examples, two that come to mind are Summit County's and Montrose County's GIS websites:

<http://gis.summitcountycolorado.gov/Map/> and <https://www.montrosecolorado.net/103/GIS-Mapping>

Additionally, commissioners partner regularly with non-profits in their community and work with them to find solutions to their challenges – including addressing their property/facility needs.

HB 1138 will be heard in the Capital Development Committee on Tuesday, February 18 and then again in the House Transportation and Local Government Committee on Wednesday, February 19.

Position: Oppose

Sponsors: Reps. Coleman & Larson, Sens. Bridges & Gardner

Lobbyist: Gini Pingnot

HB20-1147, Reasonable Independence for Children in Activities

HB 1147 is being initiated by Let Grow, a national organization that supports “free-range parenting.” As introduced, HB 1147 modifies the definition of child abuse and neglect and states that activities like independent outdoor play and walking to and from school is not indicative of child neglect.

Counties flagged concerns with HB 1147 because it modifies the definition of ‘neglected or dependent child’. This is an area of law that is exceptionally nuanced due in part to years of case law. The sponsors have been receptive to this feedback and are equally cautious about unintended consequences. As such, they have been working diligently on an amendment to address concerns that have been raised by county human services attorneys.

HB 1147 was heard in the House Judiciary Committee on Thursday, February 6. It was ‘laid over’ for action at a later date to provide more time for amendments to be identified.

Position: Monitor

Sponsors: Reps. Buckner & Ransom

Lobbyist: Gini Pingnot

HB20-1237, Medicaid Managed Care Assignment for Child Welfare

HB 1237 codifies in statute the state's intended policy to keep children in child welfare and juvenile delinquency in the Regional Accountable Entity (RAE) in which they were originally enrolled. This will help address delays in service, breaks in service and unnecessary hardships for vulnerable children.

Many children involved in the child welfare system are eligible for Medicaid which provides physical and behavioral health services. Once enrolled into Medicaid, a child is assigned to a Regional Accountability Entity (RAE) based on the physical location of the child's primary care physician. Many children are enrolled in Medicaid prior to their involvement with child welfare and juvenile delinquency.

However, if the child is placed in a different county, which is common for high need children, the child may change to a new primary care physician. If the primary care physician is in a different RAE, sometimes the child's RAE changes which can result in delays in getting services to the child that were already approved under the former RAE.

Given the relative infancy of the RAEs, there was confusion which led to counties being encouraged to switch RAEs. HB 1237 clears up this confusion for counties, RAEs and providers so that vulnerable children maintain services and do not risk delays in services.

You can find CCI's factsheet on HB 1237 [here](#).

Position: CCI Bill - Support

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

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.

The Children's Campaign has been very receptive to county feedback. There will be an amendment offered in committee this week that 1) reduces the 10 percent increase in BCA for SFY 2020-2021 to a five percent increase in BCA; 2) retains the cost of living increase but sets it at 1.5 percent (the reference to the federal social security administration's COLA will be removed); 3) explicitly states that county TANF reserves are not to be used to meet this commitment; 4) requires that the JBC review the policy and its sustainability annually; and 5) defines a sustainable state TANF reserve at \$34 million.

SB 29 will be heard in the Senate Finance Committee on Tuesday, February 11. The amendment that will be offered is an improvement from the introduced version of the bill and CCI staff will recognize that during witness testimony on the bill.

Position: Oppose Unless Amended

Sponsors: Sens. Fields & Moreno, Reps. Coleman & Duran
Lobbyist: Gini Pingenot

Justice and Public Safety

SB20-070, Traffic Offenses Classification and Penalties

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

Secondly, under current statute, the surcharges on these fines go into VALE (victims assistance and law enforcement) grants as well as the CVC (crime victims' compensation) Program. The increase in fines (as well as the surcharge) in the bill would generate additional funds for the purposes of serving more victims. The bill will be heard in the Senate Transportation and Energy Committee on Thursday, Feb. 13, upon adjournment. The fact sheet for this bill can be found [by clicking here](#).

Position: CCI Legislation - Support
Sponsors: Sen. Coram, Rep. Catlin
Lobbyist: Kyley Burress

SB20-130, Backcountry Search and Rescue

Backcountry search and rescue in Colorado started in the 1940s in response to the thousands of Coloradans and out-of-state visitors who take part in outdoor recreation in our state. SB 130 establishes a rescue-study training and physical pilot program. The Department of Natural Resources is directed to develop a recommendation on how to address the challenges around backcountry search and rescue. The bill will create a search and rescue study to determine how the state can provide better resources to local governments. The bill has been assigned to the Senate Agriculture and Natural Resources Committee.

Position: Pending
Sponsors: Sens. Donovan and Rankin, Reps. McCluskie and Wilson
Lobbyist: Kyley Burress

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

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

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

CCI is opposed to the legislation unless it is amended to include resources to counties to provide these services. The bill will be heard in the House Judiciary Committee on Wednesday, Feb. 12, upon adjournment.

Position: Oppose

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

Lobbyist: Kyley Burress

[HB20-1142](#), Hazard Mitigation Grant Program

Currently there is no long-term, consistent source of funds to mitigate hazards exposure in Colorado. HB 1142 has two purposes: to establish an enterprise under the Department of Public Safety and to create a grant program for hazard mitigation.

The enterprise is to function like a government-run business, where a fee is to be collected from insurers and used for the purpose of educating property owners in high-risk areas on the importance of having insurance and having a mitigation plan.

The grant program is to be established so federal requirements can be met in order to collect FEMA dollars for the purpose of hazard mitigation. Another purpose of the grant is to reduce impacts from future disasters and to decrease losses by encouraging building codes and land use policies that mitigate risk.

CCI is opposing this bill unless amendments are made around direct flow of money from the agency directly to the county, instead of an application program. Further clarifications are also needed in the bill around the definition of what a hazard is and what these mitigation programs might look like. The House Energy and Environment Committee took testimony on the bill last week and then laid it over for action so that amendments can be discussed and finalized.

Position: Oppose

Sponsors: Reps. Cutter & Soper

Lobbyist: Kyley Burress

[HB 20-1150](#), Repeal House Bill 19-1263 (Penalties for Drug Possession)

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

The purpose of HB 19-126 was to stop arresting and jailing individuals, thereby reducing overcrowding in our prisons and saving the taxpayers money. However, this forces county taxpayers and county jails to take on the cost as misdemeanor offenses can be served in county jails.

HB 1150 would change the possession of schedule I and II controlled substances from a misdemeanor back to a felony. The bill will be heard in House Judiciary on Thursday, Feb. 13, upon adjournment.

Position: Monitor

Sponsors: Rep. McKean

Lobbyist: Kyley Burress

Bill Update: Assigned to House Judiciary Committee

[HB20-1282](#), Radio Communication Policies of Governmental Entities

HB 1282 creates a mandate on all local governments to include an encryption policy on radio communications. The purpose of this policy is to allow members of the media to have access to broadcasting and free access to location for the purpose of accurate reporting.

This bill could cause issues for local governments because the encryption policy that is proposed would limit local control. The bill has been assigned to House Transportation and Local Government, but not scheduled for a hearing until March.

Position: Pending

Sponsors: Reps. Melton & Van Winkle

Lobbyist: Kyley Burress

Land Use and Natural Resources

[SB20-010](#), Repeal Ban on Local Government Regulation of Plastics

SB 10 would have repealed language that currently prohibits local governments from 1) requiring or banning the use or sale of specific types of plastics, and 2) restricting or mandating packaging or labeling of consumer products. The bill was brought forward by the Colorado Municipal League (CML). Removing the preemption would have authorized home-rule municipalities to regulate plastics, but amendments would have been necessary to allow counties to regulate plastics. The bill was postponed indefinitely last week in the Senate Local Government Committee.

Position: Support if Amended

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

Lobbyist: Daphne Gervais

[SB20-147](#), County Impacts from Municipal Annexation

SB 147 makes a number of modifications to the Municipal Annexation Act of 1965 in the hopes of reducing friction between counties and municipalities and minimizing the impact of municipal development on county infrastructure. These proposed changes include:

- Requiring that at least one-third (rather than one-sixth) of the perimeter of area to be annexed is contiguous with the annexing municipality
- Amending conditions of contiguity
 - o For example, contiguity would become affected by any land owned by the county, or infrastructure (including roads) owned or maintained by the county
- Specifying that a municipality cannot annex land unless the municipality adopts a comprehensive annexation plan at least two years before the proposed annexation that clearly shows land subject to annexation within the area plan
- Requiring that the municipality annually update and adopt by resolution the comprehensive annexation plan, but only after the board of county commissioners (BOCC) adopts the plan first
- Requiring the municipality to determine whether any land or infrastructure on land to be annexed is owned or maintained by the county, and specifying that the annexation is subject to the terms of any intergovernmental agreement (IGA) between the municipality and the county
- Increasing the time by which a municipality must receive an annexation petition before the annexation can proceed, and extending the time for required notices to be provided in advance of the hearing (from 90 to 120 days prior to the date of the hearing)
- Specifying that, if a portion of a platted street or alley is annexed, the entire width of the street or alley is included in the annexed area. The IGA would determine the length and extent of county roads to be annexed, as well as any monetary reimbursement paid to the county as a result of the annexation of the roadway
- Requiring that an annexation petition be accompanied by four copies of an annexation map

CCI's assessment is that the most significant changes in the bill would include 1) the requirement for a comprehensive annexation plan adopted two years in advance, 2) authorization to the BOCC to establish contiguity by resolution adopting an intergovernmental agreement (IGA), 3) authorization to the BOCC to file lawsuit if the municipality does not comply with terms of an IGA, and 4) changes to the conditions that establish contiguity.

This bill is coming from El Paso County in an effort to give counties additional influence on annexations. El Paso County Commissioner Mark Waller and CCI have discussed provisions of the bill with the Colorado Municipal League (CML), and CML has landed on an oppose position. The bill has been assigned to the Senate Local Government Committee but has not yet been calendared for a hearing.

Position: Pending

Sponsor: Sen. Gardner

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 intended 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

county, a municipality, a special district, a tribal agency or program, a faith-based organization, or a nonprofit/not-for-profit organization that is registered and in good standing with the Secretary of the State's Office. Grants 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 originally extended 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. An amendment passed in committee that allows a 50 percent tax deduction claim until 2021, but creates a 25 percent income tax credit until 2025. This effort was pursued because the tax deduction was capped around ~\$100 per landowner, and would be lapsed for a year due to TABOR restrictions. The tax credit can take effect immediately, and has ~\$600 cap. The amendment also further defines landowners as individual homeowners. Another amendment is in the works that would move this grant program from DOLA to the Colorado State Forest Service.

The bill was heard in the House Rural Affairs and Agriculture Committee where these aforementioned amendments were added during action on the bill. As amended, the bill passed the committee unanimously and was referred to the House Finance Committee, where it was considered last week. The Finance Committee laid over the bill for additional amendments (including mean-testing to limit the eligibility of the most wealthy taxpayers and to address the overlap year during which applicants would be able to claim both the tax deduction and credit). The committee will take the bill up again on Monday, Feb. 24.

Position: Support

Sponsor: Reps. Cutter & Will, Sen. Lee

Lobbyist: Daphne Gervais

[HB20-1057](#), Modify Wildfire Risk Mitigation Grant Program

HB 1057 makes modifications to the grant program under the Forest Restoration and Wildfire Risk Mitigation Act. Currently, grant applicants are required to provide a 50 percent match on all grant-funded projects. The bill lessens this match requirement to 25 percent for projects in areas with fewer economic resources. Additionally, the Forest Service would be directed to establish a policy that specifies the criteria by which a project will satisfy match fund requirements. The bill also permits a grant project to support ongoing maintenance efforts to reduce the threat of large, high-intensity wildfires, expands program eligibility and extends the sunset date for the grant to 2029. The sponsors reached out to CCI for feedback on ways the grant program could be more useful and encourage more applications. We appreciate the opportunity to engage in this process and provide input on strengthening the grant program. The bill is scheduled for a committee hearing by the House Rural Affairs & Agriculture Committee on Monday, Feb. 10th.

Position: Pending

Sponsor: Reps. Carver & McCluskie, Sens. Coram & Fenberg

Lobbyist: Daphne Gervais

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

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

Position: Monitor

Sponsor: Rep. Buck

Lobbyist: Daphne Gervais

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

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

The bill was heard in the House Rural Affairs Committee last week, where an amendment was added at the request of Colorado Association of Homebuilders (CAHB) specifying that a county will provide information on how the permit fee was calculated, upon request. As amended, the bill passed out of the committee on a 9-1 vote. The bill is scheduled to be heard on second reading in the House on Monday, Feb. 10th.

Position: CCI Bill – Support

Sponsor: Reps. Catlin & Arndt, Sens. Ginal & Coram

Lobbyist: Daphne Gervais

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

HB 1095 maintains the option for counties to include water supply elements in their master plans but adds a requirement that this element include conservation policies determined by the county. The bill authorizes local governments to include goals specified in the state water plan, and to condition development approvals on the implementation of the county's conservation policies. Local governments may choose to include a water supply element (which would describe the general location and extent of a suitable supply of water), but if they do, additional requirements must be met: the planning commission must consult with entities that supply water to the county, and the element must identify water supplies and facilities that can meet the needs of the public and infrastructure that the planning process anticipates.

While CCI appreciates the cooperation and collaboration with the bill sponsor and the American Planning Association (APA) in maintaining permissive language in this year's version of the bill, CCI's membership opposed the bill at our recent steering committee meeting, largely because the bill does not allow counties to do anything they cannot already do with their master plans. Counties appreciate maintaining flexibility in what these advisory documents include, and water supply

elements are among the components that can look very different across the state. The bill passed the House Rural Affairs Committee on Monday, Feb 3, on a 7-4 vote. It is scheduled for a second reading vote on the House floor on Monday, Feb. 10.

Position: Oppose
Sponsor: Rep. Arndt, Sen. Bridges
Lobbyist: Daphne Gervais

HB20-1126, Local Control Approvals Oil and Gas Applications

Current law grants the director of the Colorado Oil and Gas Conservation Commission (COGCC) the authority to delay the final approval of an oil and gas drilling permit application by requiring additional consultation with the local government or analyses on the impacts to public health and environmental welfare. HB 1126 repeals this authority and specifies that if a local government has local permitting authority and makes use of 1041 powers to approve an oil & gas application, the COGCC must approve the drilling permit application. CCI landed on an oppose position, partly because energy-producing counties should be more involved in the development of this kind of legislation, but also because the bill is arguably both unconstitutional and a misinterpretation of 1041 powers. The bill is calendared for a hearing on Monday, Feb. 10, in the House Energy & Environment Committee, during which CCI Executive Director John Swartout will be joined by Adams County Commissioner Emma Pinter and Weld County Commissioner Scott James to testify in opposition.

Position: Oppose
Sponsor: Reps. Saine & Buck, Sens. Marble & Cooke
Lobbyist: Daphne Gervais

HB20-1129, Battery-charged Electric Fences

HB 1129 defines battery-charged fences, allows the county to deem whether inspection of these fences is necessary, prohibits the setting of inspection fees, and denies local governments the authority to prohibit these fences in all but exclusively residential zones. To classify as a battery-charged fence, the fence must be: connected to an alarm system, have an energizer that delivers a maximum twelve-volt current, be located on property not zoned exclusively for residential use, surrounded by a nonelectric perimeter fence or wall (that must be at least five feet high), no more than ten feet or two feet above the perimeter, and marked with warning signs.

CCI and the Colorado Municipal League (CML) met with the bill sponsor to share concerns about limitations on land use and zoning authority. The sponsor agreed to eliminate the local government preemptions in the bill and is also considering the concerns CCI shared about the statutory definition it would create. CCI has reached out to Fire Rescue representatives who hold concerns about limitations to first responders that could pose a safety risk through the legislation. This limitation has been shared with the bill sponsor and some committee members, all of whom have been receptive to these concerns. The bill was originally calendared for a hearing on Feb. 5 before the House Transportation & Local Government Committee, but the hearing has been delayed until Tuesday, Feb. 25, while the sponsors work on some amendments.

Position: Oppose

Sponsor: Reps. Froelich & Van Winkle
Lobbyist: Daphne Gervais

HB20-1133, Land Use Entitlements and Municipal Disconnection

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

CCI voted to support this legislation as it is seen as resolving potential conflicts that counties and municipalities encounter during disconnection processes, and as authorizing counties to manage the land in the same way as annexed land is treated by a municipality. The bill was considered by the House Transportation and Local Government Committee last week and was referred to the House floor on a unanimous vote. It is scheduled for a second reading vote on Monday, Feb 10.

Position: Support
Sponsor: Reps. Kraft-Tharp & McKean, Sen. Tate
Lobbyist: Daphne Gervais

HB20-1161, Private Activity Bond Allocation

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

CCI raised a concern to the sponsor that since private activity bonds may be allocated to many different kinds of projects, transferring responsibility to the State Housing Board might mean that preference is given only to housing projects. The sponsor was receptive to this concern and is

looking further into it. The bill is calendared for a hearing on Monday, Feb. 10, in the House Finance Committee.

Position: Monitor

Sponsor: Rep. Bird, Sens. Winter & Tate

Lobbyist: Daphne Gervais

HB20-1163, Management Single-Use Plastic Products

HB 1163 would prohibit stores and retail food establishments from providing single-use plastic carryout bags, single-use plastic stirrers, single-use plastic straws, and Styrofoam products ("single-use products") to customers at the point of sale after July 2021. The Colorado Department of Health and Environment (CDPHE) would enforce the prohibition. The prohibition would not apply to inventory purchased before July 1, 2021, and used on or before December 31, 2021. The store or retail food establishment could provide recyclable paper carryout bags at a charge of at least 10 cents per customer, which the store or establishment can retain in full unless a local government's ordinance or resolution says otherwise. A local government is preempted from enacting an ordinance, resolution, rule, or charter provision that is less stringent than the statewide prohibition. CCI landed on an oppose position because the membership prefers the model in SB20-010 that allows any local government to opt into regulating plastics, as opposed to a statewide ban. The bill is calendared for a hearing on Monday, Feb. 24, by the House Energy & Environment Committee.

Position: Oppose

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

Lobbyist: Daphne Gervais

HB20-1233, Basic Life Functions in Public Spaces

HB 1233 prohibits the state and local governments from restricting any person from 1) conducting basic life functions in a public space, or (2) occupying a motor vehicle. This prohibition is invalid if the government entity can offer alternative adequate shelter and the person denies it, and only stands if the vehicle being occupied is legally parked on public property or private property with permission. Adequate shelter is any indoor place where a person can conduct basic life functions without restricted hours of operation or lack of storage for personal belongings. Basic life functions include sitting, standing, leaning, kneeling, sleeping, lying down, eating, and sheltering oneself in a nonobstructive manner. A motor vehicle would include camper trailers, commercial vehicles, and motor homes.

The bill is calendared for a hearing on Wednesday, Feb 26, in the House Transportation and Local Government Committee.

Position: Pending

Sponsor: Reps. Melton & Benavidez

Lobbyist: Daphne Gervais

Tax and Finance

HB20-1001, Nicotine Product Regulation

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

- 1.) Raises the statewide minimum age of sale from 18 to 21 (on 12/20/2019, President Trump signed a bill into law setting the age of sale for tobacco products– effective immediately – to 21);
- 2.) Requires every retailer selling nicotine products to have a state license;
- 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).

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 CDOR and have been included in the drafting of the bill (Thank you Rep. Mullica!).

HB 1001 will be heard in the House Health and Insurance Committee on Wednesday, February 12.

Position: Support

Sponsors: Reps. Mullica & Larson, Sens. 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 1023 has cleared the Business Affairs & Labor Committee and is waiting to be heard in the House Appropriations Committee

Position: Support

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

Lobbyist: Gini Pingenot

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

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

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.

HB 1023 has cleared the House and is waiting to be assigned to a Senate committee.

Position: Support

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

Lobbyist: Gini Pingenot

HB20-1059 Valuation of Energy Storage Equipment

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

Counties are concerned about HB 1059's impact to their property tax base. Counties and cities can choose locally whether or not to exempt storage equipment from the business personal property tax. Many renewable energy developers know this and work collaboratively with communities on win-win solutions that fiscally help the community and the developer.

CCI is opposed to HB 1059 because locally elected officials are best equipped to weigh the service needs of their community vs. developer requests for property tax breaks. Additionally, local governments have many successful examples of working with renewable energy developers in their communities and these models hold promise for other areas of the state.

HB 1059 will be heard on Monday, February 24, in the House Energy & Environment Committee.

Position: Oppose

Sponsors: Rep. Jackson, Sens. Winter & Tate

Lobbyist: Gini Pingnot

HB20-1083 Nursing Home Definition for Residential Property Tax

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

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

The Division of Property Taxation has identified 15 properties that are currently classified as commercial (29 percent) or mixed use (7.15 percent/29 percent). These properties exist in Adams, Boulder, Delta, Denver, El Paso, Jefferson, Rio Blanco and Weld Counties. These counties – and their associated local governments - would be directly impacted by HB 1083.

CCI is aware that an amendment will be forthcoming that removes broad language that would impact facilities that provide convalescent care or rehabilitation services such as physical and occupational therapy that operate without a license from CDPHE. Removing this language would limit the impact of HB 1083 to the few counties identified above.

HB 1083 was scheduled to be heard on Wednesday, February 5, in the House Transportation and Local Government Committee but was pulled from the calendar. The sponsors are working to address a \$1 million school finance backfill cost that stems from the bill.

Position: Monitor

Sponsors: Reps. Kraft-Tharp & Van Winkle, Sen. Holbert

Lobbyist: Gini Pingnot

HB20-1115, Sales Tax Exemption for Farm Fencing Material

HB 1115 creates a sales tax exemption for farm fencing material. This would include barbed wire, smooth wire, fencing staples, "T" posts and wire clips, prefabricated welded fence panels, electric fencing posts, solar panels for electric fences and much more.

As introduced, HB 1115 would impact the local sales tax base. The bill sponsors, however, have agreed to include the local option language CCI has requested. Currently, there are 16 optional sales tax exemptions that boards of county commissioners can chose to adopt or not.

HB 1115 will be heard on Monday, February 24 in the House Finance Committee.

Position: Support if amended

Sponsors: Reps. Catlin & McLachlan, Sen. Coram

Lobbyist: Gini Pingnot

HB20-1124, Disaster Emergency Transfers from County General Fund

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

While the vast majority of 2013 flood projects have been completed, there are a few outstanding projects that are either under construction, waiting for FEMA review or are in the close-out process. HB 1124 states that this limited transfer authority begins eight years after the date of the Governor's Final Declaration of an Emergency for the Disaster, including all extensions to the Declaration.

HB 1124 unanimously passed the Transportation and Local Government Committee and is now waiting to be heard on second reading in the house.

Position: Support
Sponsors: Reps. McKean & Snyder
Lobbyist: Gini Pingnot

SB20-067, Vehicle Specific Ownership Tax Actual Price

SB 67 would have allowed the actual sale price to be used to calculate the Specific Ownership Tax rather than a percentage of the MSRP. This bill would have reduced SOT revenue that supports local government services. Specifically, counties, cities and special districts would have seen a collective revenue decline of \$18.3 million in FY 2020-21, \$49.6 million in FY 2021-22 and \$73.2 million in FY 2022-23. Schools would also have seen a big hit - which would have had to be backfilled by the state general fund. SB 67 was postponed indefinitely on Tuesday, February 4.

Position: Oppose
Sponsors: Sen. Crowder
Lobbyist: Gini Pingnot

SB20-109, Short-term Rental Property Tax

SB 109 defines short-term rental units for property taxes, reclassifies certain properties from residential to non-residential property and increase their assessment value starting in 2022. Specifically, a short-term rental unit that is rented for less than 30 consecutive days and is occupied by the owners for less than 30 days per year, would be subject to the non-residential assessment rate of 29%.

According to the fiscal note, the bill could result in \$101 million in additional local funding. This includes \$25 million for schools and \$76 million for counties, cities, special districts and junior colleges. Additionally, reclassifying short term rental units as non-residential will put upward pressure on the residential assessment rate (7.15%). The RAR cannot be increased without voter approval and it is impossible to speculate how this change would impact the 2023 and 2024 RAR.

SB 109 will be heard in the Senate Finance Committee on Tuesday, Feb. 11.

Position: Monitor
Sponsors: Sen. Gardner
Lobbyist: Gini Pingnot

Tourism, Resorts and Economic Development

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

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

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 a recent amendment removed the most restrictive criteria that DOLA had brought up.

The bill passed third reading in the Senate on a 27-6 vote and has been assigned to both the House Rural Affairs and Agriculture Committee and House Appropriations. It is not yet calendared for a hearing.

Position: Support

Sponsor: Sens. Donovan & Coram, Rep. McLachlan

Lobbyist: Daphne Gervais

Transportation and Telecommunications

SB20-128, Generation and Transmission Cooperative Easement Broadband

SB 128 would amend last year's SB19-107 by expanding the definition of what kinds of entities may lease "dark fiber" to providers to assist in broadband service provision in rural areas of the state. The bill expands the definition to include electric generation and transmission cooperative associations (such as Tri-State) in order to make additional unused fiber available around the state. The inclusion of Tri-State is critically important to broadband efforts in Southwest Colorado. The bill was supposed to be heard this week in the Senate Local Government Committee, but the hearing has been rescheduled for Tuesday, Feb. 18.

Position: Pending

Sponsors: Sen. Coram, Reps. Arndt & Catlin

Lobbyist: Eric Bergman

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

HB 1137 would guarantee more local input on the need for broadband funding in areas of the state that lack high-speed Internet. The bill requires a local government entity (county, municipality, school district, etc.) to collect and review any relevant speed data, make a determination on the "unserved status" of a community and then submit a written certification of this unserved status as part of the application process for the state's Broadband Fund Program. CCI is seeking an amendment to the bill to make these local government submittals permissive instead of mandatory – and the sponsors have agreed to the amendment. The bill will be heard in the House Business Affairs and Labor Committee on Wednesday, Feb. 12, at 1:30 p.m.

Position: Support if Amended

Sponsors: Reps. McCluskie and Soper, Sen. Donovan

Lobbyist: Eric Bergman

HB20-1173, 811 Locate Exemption for County Road Maintenance

HB 1173 would allow county road and bridge departments to conduct basic maintenance on unpaved county roads without having to call Colorado 811 for utility locates, provided that the maintenance doesn't lower the grade of the road or disturb more than six inches of soil. The bill is a

CCI legislative priority and reflects a compromise that was reached between CCI, Colorado 811, Colorado Contractors Association, Xcel Energy and the Colorado Association of Road Supervisors and Engineers (CARSE). Twenty-nine other states have a similar exemption for road maintenance. The bill has been calendared for a hearing on Wednesday, Feb. 12, in the House Transportation and Local Government Committee. CCI has prepared a fact sheet on HB 1173 and it can be found [by clicking here](#).

Position: CCI Legislation - Support

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

Lobbyist: Eric Bergman