

Legislative Report for 2020 Legislative Session

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General Government

HB20-1029, Allow County Officers to Accept Lower Salary

HB 1029 allows any county elected official in a Category III, IV, V or VI county to elect to receive a lower salary than what is currently specified in state statute. The bill allows the elected official to further alter his or her salary following that first decision, provided that the salary amount does not exceed what is set in statute. The bill was amended in the Senate to place limits on how much an elected official can lower their salary. The House rejected this change, and a conference committee was appointed to negotiate an agreement between the House and the Senate. The bill will be amended and readopted to allow an elected official to lower their salary by up to fifty percent.

Position: Support

Sponsors: Rep. Pelton, Sen. Hisey

Lobbyist: Eric Bergman

HB20-1281, Change Salary Categorizations for Certain Counties

HB 1281 would change the salary subcategory designations for Alamosa and Yuma counties. Alamosa County would move to Category III-B and Yuma County would move to Category IV-C. The bill passed the Senate last week and is now on the Governor's desk awaiting signature.

Position: Support
Sponsors: Reps. Pelton & D. Valdez, Sen. Hisey
Lobbyist: Eric Bergman

[HB20-1415](#), Whistleblower Protection During Public Health Emergencies

HB 1415 would prohibit an employer from retaliating against an employee who raises concerns about workplace health and safety practices during a public health emergency. While CCI agrees that these protections against retaliation are appropriate, there are several aspects of the bill that have raised concerns. The bill allows for unlimited damages in a lawsuit against a county, contrary to the statutory cap set forth in the Governmental Immunity Act. The bill also permits a “qui tam” action, whereby an employee can bring a civil suit on the behalf of the state.

Position: Oppose
Sponsors: Reps. Herod & Sullivan, Sens. Pettersen & Rodriguez
Lobbyist: Eric Bergman

[SB20-035](#), Kiosk Program Provider Vehicle and Identity Services

There are currently a number of county pilot programs using automated kiosks to issue driver’s licenses, vehicle registrations and other services. SB 35 would make this cost-saving measure available to all county clerks’ offices. The bill passed the House Finance Committee last week and will be heard in the House Appropriations Committee this week.

Position: Support
Sponsors: Sens. Scott & Ginal, Reps. Gray and Carver
Lobbyist: Eric Bergman

[SB20-197](#), Aligning State and Federal Hemp Laws

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

Position: Support
Sponsors: Sens. Fenberg & Marble, Reps. McLachlan & Catlin
Lobbyist: Eric Bergman

[SB20-205](#), Sick Leave for Employees

SB 205 requires all employers to provide sick leave for their employees. This sick leave may be used for the employee’s healthcare issues or that of a family member, absences related to domestic abuse or sexual assault, and instances where a public official has closed the employee’s workplace (or the school/child care facility of their child) due to a public health emergency. During a public health

emergency, employers are required to provide an additional 80 hours of paid leave to their full-time employees. The bill also adds a number of reporting/leave tracking requirements and extends the sick leave requirements to seasonal and part-time workers. The bill was amended in committee in the Senate but these amendments are not expected to change the local fiscal impact.

Position: Oppose

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

Lobbyist: Eric Bergman

[SB20-207](#), Changes to Unemployment Insurance Provisions in the Employment Security Act

SB 207 makes a number of changes to the Colorado Employment Security Act, including expanding the conditions that warrant a full award of benefits. Under the bill, an individual will receive a full award if 1) an employer was forcing an employee to work in an environment not compliant with federal, state or local public health orders, 2) the employee's place of business was closed by an executive order, or 3) the employee is a primary caretaker of a child whose school was closed by public health order, a family member who has been quarantined or the employee is immunocompromised. The bill also shortens the timeframe for responding to a claim from 12 days to seven days. The bill would have defined independent contractors as employees, but that provision was amended out in committee. As amended, the bill passed on second reading and should be headed to the House this week.

Position: Oppose

Sponsors: Sens. Hansen & Winter;

Lobbyist: Eric Bergman

[SB20-213](#), Permit Alcohol To-Go for Restaurants for Two Years

As part of the Governor's recent stay-at-home order, restaurants were allowed to provide alcoholic beverages on a to-go basis. SB 213 would extend this ability for another two years. It directs the Department of Revenue to do rulemaking to implement this extension through a permitting process. CCI supports providing additional revenue opportunities for restaurants as they recover from pandemic-induced closures, but would like to see a local opt-out process for those counties that might not want all restaurants to have this ability.

Position: Support and Seek Amendment

Sponsors: Sens. Bridges & Priola; Reps. Larson & Roberts

Lobbyist: Eric Bergman

[SB20-216](#), COVID Presumption for Workers' Compensation

SB 216 establishes that if an essential worker contracts COVID-19, it is presumed that s/he contracted it in the course of his/her employment. The bill does not require that the employee have a positive COVID test result in order to qualify for benefits. Additionally, the bill changes the accepted legal standard for an employer to prove that an employee did not contract COVID on the job. The bill is expected to increase workers' compensation insurance rates.

Position: Oppose Unless Amended
Sponsors: Sen. Rodriguez; Rep. Mullica
Lobbyist: Eric Bergman

Health and Human Services

HB20-1012 Child Welfare Program Children Developmental Disabilities

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

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

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

HB20-1138, Public Real Property Index

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

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

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

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

HB 1197 expands 2-1-1 services across the state. 2-1-1 connects people in need with community services ranging from assistance in paying rental and utility bills to food and clothing banks. HB

1197 will be amended to replace the state general funds required under the bill with state CARES act funding. CCI staff understands \$500,000 in state CARES Act funding will be used to support United Ways activities through December 2020. The bill is awaiting a hearing in House Appropriations.

Position: Support

Sponsors: Reps. Snyder & Rich, Sen. Bridges

Lobbyist: Gini Pingenot

HB20-1237, Medicaid Managed Care Assignment for Child Welfare

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

Position: CCI Bill - Support

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

Lobbyist: Gini Pingenot

HB20-1284 Secure Transportation Behavioral Health Crisis

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

Position: Support

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

Lobbyist: Gini Pingenot

HB20-1302, CAPS Check Program Changes

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

Position: Support with amendments

Sponsors: Rep. Lontine, Sen. Danielson

Lobbyist: Kiley Burress

SB20-029, Cost of Living Adjustment for Colorado Works

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

Position: Support

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

Lobbyist: Gini Pingenot

SB20-162, Changes Related to Federal Family First Policy

SB 162 is this year's Federal Family First Prevention Services' Act implementation bill. As amended in committee, SB 162 tasks the Child Welfare Services Task Force – aka the SB18-254 task force' – to make a recommendation on the out-of-home placement state/county funding splits by July 31, 2020. Currently, out of home placements costs are split 80/20, with the state/federal government picking up 80 percent of the cost and counties picking up the remaining 20 percent. Since group home placements have poor performance outcomes, the new 2018 federal law is discouraging the use of these facilities by eliminating federal funding for these placements. There are a number of factors, however, that make the discussion around funding splits tricky, including the fact that alternative placements do not always exist in all parts of Colorado and the fact that one of the new placement options – Qualified Residential Treatment Programs – may or may not be granted permission to pull down Medicaid funding. The 'SB 254 task force' must consider these factors when developing their recommendation by July 31, 2020.

While this amendment led CCI to change its position, the July 31, 2020 date is now unrealistic. COVID-19 has impacted the task force's work and their ability to meet this deadline.

Position: Support

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

Lobbyist: Gini Pingenot

SB20-206, Public Assistance Program Recipient Disqualification

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

Position: Support

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

Lobbyist: Kiley Burress

Justice and Public Safety

SB20-217, Enhance Peace Officer Integrity

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

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

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

As currently written, the proposed legislation eliminates all limitations on Colorado governmental immunity and statutory limits on damages and attorney fees. This bill also removes qualified immunity for any peace officer employed by a law enforcement agency. Qualified immunity is basically the legal protection that shields government officials from being sued for discretionary actions performed within their official capacity. Removing qualified immunity opens local governments to additional risk and litigation.

Position: Oppose unless amended

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

Lobbyist: Kiley Burress

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

HB 1017 gives an opt-in option for 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. The bill was

amended his past week to say that counties only have to comply with the bill if the county can afford it. With this amendment CCI has removed its opposition and now supports the bill.

Position: Support as amended

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

Lobbyist: Kyley Burress

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

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

HB 1371 has passed both the House and Senate and now heads to the Governor's desk.

Position: Monitor

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

Lobbyist: Daphne Gervais

Land Use and Natural Resources

HB20-1410, COVID-19-related Housing Assistance

In Executive Order D-070, Governor Polis directed the expenditures of the state's share of CARES Act funds. In that order, he transferred \$70 million to the General Fund for eligible expenditures, based off of U.S. Treasury Guidance. In its guidance provided to states, the U.S. Treasury indicated that a program that assists individuals with payment of overdue rent or mortgage is an acceptable use of CARES dollars. With that, HB 1410 appropriates twenty of the \$70 million to assist renters and homeowners facing housing-related hardship as a result of the pandemic. \$350,000 would go to the Eviction Legal Defense Fund to provide legal assistance to individuals facing eviction related to the pandemic. This goes hand in hand with Executive Order D-12, which limited evictions, foreclosures, and public utility disconnections for 30 days. With the expiration of that order, compounded on the extensive unemployment and financial hardship throughout the state, a surge in the need for this kind of legal assistance is anticipated.

In addition to the \$350,000, the bill allocates \$19.6 million to the housing development grant fund administered by the Division of Housing in DOLA. These funds would provide rental and mortgage assistance, as well as guidance on other available housing assistance, and would be targeted at

households facing financial hardship due to the pandemic. The bill states that the following groups and demographics should be prioritized in the allocation of the funds:

- Homeless families with dependents or children enrolled in preschool, elementary school, or secondary school
- Medicaid clients in nursing homes
- Family unification and related services
- Homeless or disabled veterans
- Low-income households with an income at or below 100 percent of the area median income (AMI)
- Survivors of domestic violence
- People experiencing homelessness who are at higher risk of contracting COVID, and
- Entities that provide direct services to youth experiencing or at risk of homelessness

Lastly, the bill also allows a landlord to seek rental assistance on behalf of their tenants. Landlords that accept rental assistance on behalf of tenants must provide receipt of payment to tenants and cannot pursue eviction proceedings against the tenant during the month the assistance is provided. The bill specifies that any housing assistance provided through these funds is short-term, noncash, and in-kind emergency disaster relief.

The bill passed the State, Veterans, & Military Affairs Committee on a 6-3 vote on June 5th, and is headed to the Committee on Appropriations next. During the committee hearing, two amendments passed: the first specifies reporting requirements for DOLA, and extends the program an additional year, and the second amendment adopts guidance from the Office of Legislative Legal Services to add clarity and uniformity in describing the spending of CARES dollars.

Position: Monitor

Sponsor: Reps. Gonzales-Gutierrez & Exum, Sens. Gonzales & Zenzinger

Lobbyist: Daphne Gervais

[HB20-1413](#), Small Business Recovery Loan Program Premium Tax Credits

The Governor's Council on Economic Stabilization and Growth is made up of several subcommittees, and HB 1413 came out of the Financial Services subcommittee. While there has been significant federal capital devoted to small businesses via the Paycheck Protection Program, the Main Street Lending Program, and other programs, there is a likelihood that later in 2020 and into 2021, small businesses will need working capital that will be hard to provide if distributed at market rates, given the deteriorating financial condition that will discourage banks from providing loans. With that, the premise of HB 1413 is to create a tool for the state to provide up to \$250 million in capital for small business lending, under better terms than what would be available through a purely commercial lender. A new piece to the portfolio of the state's similar tools (including the Energize Colorado Gap Fund which targets the most vulnerable small businesses), the new fund established in HB 1413, called the Colorado Loans for Increasing Main Street Business Economic Recovery (CLIMBER) Act, targets slightly larger small businesses that were financially credit-worthy before the pandemic, but not thereafter. The intent is that, by using the state to provide first loss capital money, more private capital investment would be induced under terms that are advantageous to

small businesses. Under the terms of the bill, businesses would be eligible for the low-interest loans (which would be between \$30,000 and \$500,000), if they:

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

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

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

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

CCI landed on a “Support with amendments” position, due to reservations on the per-capita determinant of county shares (given that some tourism-driven counties have low residency and high business activity), as well as concerns on drawing from, or capping, the insurance premium tax fund, which funds several important programs within the Division of Fire Protection and Control (DFPC) and various state Departments. OEDIT has committed to amending the language related to the per-capita determination of allocation, to make it more reliant on business density and economic activity prior to the pandemic. CCI is also seeking an additional amendment to protect and reserve some of the insurance premium tax fund for forest health and fire suppression activities that DFPC had been working on.

Position: Support with Amendments
Sponsor: Reps. Gonzales-Gutierrez & Exum, Sens. Gonzales & Zenzinger
Lobbyist: Daphne Gervais

Tax and Finance

HB20-1001, Nicotine Product Regulation

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

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

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

HB 1001 was amended on the Senate floor and must now go back to the House for approval of Senate amendments.

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. Among other roles, the task force would receive updates on the development and implementation of the sales tax GIS database (which was funded via SB19-006) and examine the business impact of the destination sourcing rules.

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

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

Lobbyist: Gini Pingenot

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

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

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

Position: Monitor

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

Lobbyist: Gini Pingenot

SB20-139 County Loans for Public Infrastructure Projects

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

While some counties agreed that SB 139 would provide a new tool to do things like help Local Improvement Districts (LIDs) and Public Improvement Districts (PIDs) build roads, help schools replace old, energy inefficient boilers, and much more, others expressed concerns about counties acting like banks. The bill is expected to be heard on the House floor this week.

Position: Oppose

Sponsors: Sen. Foote, Rep. Gray

Lobbyist: Gini Pingenot

SB20-168, Sustainable Severance & Property Tax Policies

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

Commissioners recognize Sen. Hansen and Petersen’s efforts to backfill the tax loss communities will realize should the community solar garden exemption be extended for another five years. However, reinstating the severance tax on production of under 300,000 tons of coal will negatively

impact the families dependent on coal mines. Routt County Commissioners have been strong on this point and their advocacy at CCI led commissioners to formally oppose SB 168.

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

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

Position: Oppose

Sponsors: Sens. Hansen & Petersen, Rep. Valdez

Lobbyist: Gini Pingenot

SCR20-001 Repeal Property Tax Assessment Rates

SCR 1 would submit a question to voters this November about repealing several constitutional provisions regarding property taxes, commonly referred to as the Gallagher Amendment. Specifically, it repeals the 29 percent assessment rate in the constitution for most nonresidential property, the calculation of the target percentage, and the requirement that the General Assembly adjust the residential assessment rate to maintain the target percentage.

Commissioners unanimously agreed to oppose SCR 1. Without any safeguards, county commissioners expect the legislature to lower the assessment rates on non-residential and residential properties and to perhaps create new property tax categories beyond just residential and non-residential. This scenario is what led to the passage of the Gallagher Amendment in the 1980s.

Position: Oppose

Sponsors: Sens. Hansen & Tate, Reps. Esgar & Soper

Lobbyist: Gini Pingenot

Tourism, Recreation and Economic Development

HB20-1196, Mobile Home Park Act Updates

HB 1196 amends the Mobile Home Park Act to increase homeowners' rights, targeting common conflicts for which current law provides low to no homeowner protection: retaliation, random evictions, arbitrary rules, utility bill transparency, and inoperable utilities.

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

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

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

With the ongoing stakeholder work the bill sponsors committed to, HB 1196 passed the House on a bipartisan vote, and has no opposition since the Park Owners Association moved to a neutral position. The bill passed the Senate last week and has been sent to the Governor for his signature.

Position: Monitor

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

Lobbyist: Daphne Gervais

HB20-1201, Mobile Home Park Residents Opportunity to Purchase

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

CCI's members voted to support this legislation because several member counties have had difficulties in helping homeowners to purchase parks. The legislation would empower residents to collaborate with their local governments and to take ownership of their own community.

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

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

Position: Support

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

Lobbyist: Daphne Gervais

Transportation and Telecommunications

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 permits a local government entity (county, municipality, school district, etc.) to hold a public hearing, collect and review any relevant speed data, make a determination on the "unserved status" of a community and then submit a written certification of this unserved status as part of the application process for the state's Broadband Fund Program. The bill passed the Senate on third reading last week and now heads to the Governor's desk for signature.

Position: Support

Sponsors: Reps. McCluskie and Soper, Sen. Donovan

Lobbyist: Eric Bergman

HB20-1293, Emergency Telephone Service Charges

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

Position: Support

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

Lobbyist: Eric Bergman

HB20-1376, Modify Transportation Funding Mechanisms

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

Position: No Position

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

Lobbyist: Eric Bergman