

# CCI LEGISLATIVE REPORT

COLORADO COUNTIES, INC

MAY 19, 2011

## CCI Meeting Reminder

**June 6-8, 2011**

CCI Summer Conference

Eagle County, CO

To register and see a tentative agenda visit [www.ccionline.org](http://www.ccionline.org).

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## Legislative Session Comes to a Close

On Wednesday, May 11, the Colorado General Assembly adjourned Sine Die (a Latin phrase meaning “without day”) after 120 days of work on over 700 pieces of legislation. While state budget woes and redistricting fights garnered most of the attention, there were a wide number of other issues in play this session of interest to county governments.

Over the course of this session, CCI tracked 127 different bills that impacted local governments. These bills concerned things like transportation funding, licensing of medical marijuana, sales tax exemptions, county permitting authority for transmission line siting and business personal property tax – to name just a few.

With the help of our members, CCI had a successful session this year. A slew of bills that had a detrimental effect on county government were either defeated or amended as to minimize or eliminate their impact altogether. CCI also successfully passed all but one of the bills initiated by our members, as detailed in the table below.

CCI's 2011 Initiated Bills	Status
<b>HB11-1087, Pest Control Reimbursement (Vigil, Giron)</b> Requires private land owners to reimburse a county for rodent control when such services are provided pursuant to a cooperative agreement. HB11-1087 also removes the statutory caps on the amount of private reimbursement counties can collect for rodent control services and the annual expenditures counties can spend on rodent control.	Signed by Governor
<b>HB11-1146, Definition of Agricultural Land for Property Tax Purposes (Massey, Steadman)</b> HB11-1146 defines ‘integral to an agricultural operation’ as a residential improvement that is occupied by an individual who either regularly conducts, supervises or administers material aspects of the agricultural operation or is occupied by the spouse or a parent, grandparent, sibling or child of the individual. Those determined to be integral maintain their agricultural classification. Those determined not to be integral may have up to 2 acres classified and assessed as residential.	Signed by Governor

<p><b>HB11-1154, County Unincorporated Business Registration Program (Hammer, Morse)</b>          HB11-1154 would have granted counties the authority to require the registration of all local businesses operating in large unincorporated communities.</p>	Postponed Indefinitely
<p><b>HB11-1218, County Creation of Federal Mineral Lease Districts (Baumgardner, White)</b>          Allows a county to create a Federal Mineral Lease (FML) district for purposes of receiving and distributing FML dollars.</p>	Signed by Governor
<p><b>SB11-050, Value of Condemned Conservation Easements (Roberts, Gerou)</b>          Creates a 12 member task force to study how land that is subject to a conservation easement should be valued when it is condemned.</p>	Awaiting Governor's Signature
<p><b>SB11-124, Transfers of County TANF Reserves (Hodge, Gerou)</b>          Modifies the process by which TANF reserves are capped and shared with other counties and provides increasing flexibility for counties to use their TANF funds prior to the implementation of the cap process.</p>	Awaiting Governor's Signature

CCI would like to extend a sincere thank you to its members for their grassroots lobbying efforts. Your assistance in reaching out to legislators, testifying on bills and involvement in the policy development conversation makes all the difference.

In the pages that follow, there is additional information on the bills listed above and on other bills affecting counties. Please remember that not all the bills tracked by CCI are highlighted in this report. If you need additional information on a bill and/or are interested in a bill not profiled in these pages, please call CCI policy staff at 303.861.4076.

### **Agriculture, Wildlife & Rural Affairs (AWRA)**

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**HB11-1087, Pest Control Reimbursement (Vigil, Giron)**

**CCI Position: Support**

**Status: Signed by Governor**

This CCI initiated bill updates Colorado statutes to allow counties more flexibility in mitigating pests in agricultural areas around the state. The bill cleaned up obsolete language and removed the budget cap a county may spend on pest control.

**HB11-1294, Predatory Management Regulation (Brown, White)**

**CCI Position: Support**

**Status: Declared Lost**

HB11-1294 would have clarified that from the beginning of March to the end of May, there could not be any bear hunting in Colorado. The Division of Wildlife however, would have been able to extend the bear hunting season in the fall, if circumstances called for it.

**SB11-017, Anhydrous Ammonia Incident Reporting Requirements (Tochtrop, Miklosi)**  
**CCI Position: Monitor** **Status: Postponed Indefinitely**

SB11-017 was postponed indefinitely with a promise from stakeholders to continue discussing over the summer how best to report releases of less than 100 pounds of anhydrous ammonia to the Dept. of Agriculture.

*Questions or Comments? Contact Andy Karsian at 303.883.9381 or akarsian@ccionline.org.*

## **General Government (GG)**

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**HB11-1012, Unaffiliated Voters in a Primary Election (Casso)**  
**CCI Position: Oppose** **Status: Postponed Indefinitely**

This bill would have allowed unaffiliated voters to cast a vote in a primary election without declaring affiliation to a political party. Currently, unaffiliated voters are only allowed to cast a ballot in a primary election if they change their party affiliation with the county clerk and recorder in advance of the primary election.

**HB11-1043, Medical Marijuana (Massey, Steadman)**  
**CCI Position: Support** **Status: Awaiting Governor's Signature**

HB11-1043 is the omnibus clean-up bill that resolves some issues that arose following passage of last year's HB10-1284 and the subsequent rule-making by the Medical Marijuana Enforcement Division at the Department of Revenue. The bill achieves two CCI policy goals; 1) it removes the requirement that grow operation locations must be kept confidential – something that was virtually unworkable for most county land use and licensing processes; and 2) it allows local governments to know and share the location of licensed caregivers with code enforcement officers and establishes a requirement that caregiver grow operations must comply with local zoning and building codes – something that was not explicitly spelled out in last year's act. The bill also codifies previous guidance received from the Division of Property Taxation stating that property used solely for the cultivation of medical marijuana shall not be classified as agricultural land. As amended in the House, the bill also establishes a moratorium on new licensing applications until July 1, 2012. The legislation also allows MMJ facilities that are currently operating in a jurisdiction that has enacted a ban to move their operation to a jurisdiction that is allowing MMJ facilities and apply for a license there. There is no requirement that the new jurisdiction grant the license application. Finally, the bill was amended to clarify that a county with a ban in place may subject existing MMJ operations to the ban.

**HB11-1061, Graffiti Clean-Up on CDOT Property (Ferrandino, J. Kerr)**  
**CCI Position: Support** **Status: Postponed Indefinitely**

This bill would have allowed counties to enter into a memorandum of understanding (MOU) with the Colorado Department of Transportation (CDOT) in order to remove graffiti from CDOT facilities (including overpasses and sound walls along state highways). The bill would have also allowed for multiple instances of defacing property to be classified as a felony.

**HB11-1063, Animal Welfare and Control (McKinley)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1063 would have made a variety of adverse changes to the animal welfare laws concerning animal control officers, the bonding requirements for animals seized during a neglect case and reporting requirements. The bill would have also required local animal control agents to obtain additional training.

**HB11-1064, Establish a Pilot Program for Parole Presumption (Waller, Steadman)**

**CCI Position: Support**

**Status: Awaiting Governor's Signature**

This bill creates a pilot program establishing a presumption in favor of granting parole for inmates who are serving sentences for drug use or drug possession offenses prior to August 2011. The parole board must provide an annual report to the House Judiciary Committee each year on how the program is performing. The legislation presents a potential cost savings for local and state incarceration facilities.

**HB11-1065, Public Officials in Communications Paid for with State Money (Balmer, Cadman)**

**CCI Position: Monitor**

**Status: Postponed Indefinitely**

HB11-1065 would have prohibited the use of state funds to pay for any advertisement or other form of communication that contained the proper name or visual or audio likeness of any public official – including county commissioners. The sponsor subsequently introduced a strike-below amendment that removed county elected officials from the bill.

**HB11-1090, Ballot Language Clarification (Court)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1090 would have established a uniform ballot title format for initiated and referred measures by adding bulleted points and additional spaces to make ballot language more readable. It would also have clarified the language on the ballot such that a “yes” vote was a vote *for* a measure, and a “no” vote was a vote *against* a measure.

**HB11-1098, County Publication Requirements (Scott, Lambert)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

HB11-1098 would have allowed counties to post their monthly expenditure reports and financial statements on a county website (if one exists) instead of having to pay to publish the information in the local paper.

**HB11-1108, County Coroner Review Commission (Fields, M. Carroll)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This legislation would have created a 13-member commission to examine the duties and responsibilities of the office of county coroner and make recommendations on whether the position should be appointed rather than elected and on whether a medical examiner position would be more appropriate.

**HB11-1115, Public Entity Construction Retainage (Priola, Tochtrop)**

**CCI Position: Oppose**

**Status: Awaiting Governor's Signature**

As drafted, HB11-1115 would have lowered the amount of retainage that a local government could withhold on a construction contract greater than \$150,000 and mandated that the local government pay on any phase of the contract if it finds that satisfactory progress is being made. Following a meeting of public entity stakeholders and the bill sponsor, the bill was amended to remove the mandatory payment language and re-establish a local option to pay out on any portion of the contract.

**HB11-1135, Regulation of Bail Bonding Agents (Casso)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This legislation would have moved regulation of bail bonding agents away from the Division of Insurance within the Department of Regulatory Agencies and placed it under a newly-created board. The bill would have also set a \$15 fee for bail bond processing but only allowed the local law enforcement authority to retain \$5 of that fee to cover processing costs. The remainder would have gone to the local school district.

**HB11-1140, Secure Communities Compliance (Balmer, Harvey)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1140 would have penalized those counties not complying with the federal Secure Communities Initiative by prohibiting them from receiving cigarette and severance tax revenues from the state.

**HB11-1154, County Registration of Businesses (Hamner, Morse)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

HB11-1154 was enabling legislation expanding county powers by allowing counties to conduct general business registration in large unincorporated communities (such as the unincorporated town of Edwards in Eagle County). This permissive authority could have helped counties plan for workforce housing, conduct economic development and better forecast sales tax collections.

**HB11-1211, Restrictions on Travel Expenses (Pace, Tochtrop)**

**CCI Position: Monitor**

**Status: Awaiting Governor's Signature**

HB11-1211 places restrictions on travel expenditures for various special purpose authorities like Pinnacol Assurance, PERA, and the Colorado Housing and Finance Authority. As introduced, the legislation would have applied to all local governments and public corporations like CCI. The bill was amended in the Senate to remove public corporations and local governments from the travel expenditure restrictions.

**HB11-1219, Uniform Military and Overseas Voters Act (Levy, Newell)**

**CCI Position: Support**

**Status: Awaiting Governor's Signature**

HB11-1219 implements the recommendations of the national Uniform Law Commission on updating election policies to ensure that military personnel and other overseas voters have the opportunity to participate in elections.

**HB11-1258, Forensic Autopsies (Baumgardner, Newell)**

**CCI Position: Support**

**Status: Signed by Governor**

HB11-1258 requires county coroners to have a forensic autopsy performed by a forensic pathologist in the event of a suspicious death (including suspected alcohol or drug use, unexplained infant or child deaths, police action or suspected drowning).

**SB11-107, Damages in a Civil Action Resulting from a DUI (Morse, Barker)**

**CCI Position: Monitor**

**Status: Postponed Indefinitely**

SB11-107 would have removed the cap on noneconomic damages for civil actions resulting from an alcohol or drug-related driving incident. The bill was amended to waive the Governmental Immunity Act for public employees in cases of alcohol or drug-related driving incidents. CCI and CML were successful in getting the bill amended to restore the governmental immunity protections for local governments.

**SB11-117, Limiting Local Governments (Mitchell)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This legislation would have placed restrictions on local governments in a number of areas, including the use of automated vehicle identification systems. The bill would also have prohibited local governments from acquiring private property and then transferring it to another private party.

**SB11-186, Alternative Bonding Programs (Morse/Waller)**

**CCI Position: Support**

**Status: Declared Lost**

SB11-186 was enabling legislation to allow judicial districts to enact an alternative bonding program that could help fund pretrial services programs. The bill would have provided a viable alternative to defendants who do not have access to money or collateral to post bond through existing options. The bill was supported by the Commission on Criminal and Juvenile Justice.

**SB11-256, Graffiti Clean-Up on CDOT Property (Guzman, J. Kerr)**

**CCI Position: Support**

**Status: Awaiting Governor's Signature**

This bill (virtually identical to HB11-1061, which is discussed on page 3) allows counties to enter into a memorandum of understanding (MOU) with the Colorado Department of Transportation (CDOT) in order to remove graffiti from CDOT facilities (including overpasses and sound walls along state highways). The bill also allows an offender to be charged with defacing property based upon the aggregate cost of the damage that he or she causes over multiple criminal episodes.

**SCR11-001, Ballot Measures (Shaffer, Spence)**

**CCI Position: Support**

**Status: Declared Lost**

This concurrent resolution would have placed a measure on the 2012 statewide ballot, asking voters to change the requirement that amendments to the state's constitution receive 60% of the vote, as opposed to a simple majority, in order to be adopted the vote threshold necessary for amending the state constitution in subsequent elections. As drafted, the measure would have also changed the signature-gathering standards for getting a question on the ballot and requires that legislators seeking to undo a

statutory change brought about by a ballot measure would need a two-thirds vote instead of a simple majority to amend the statutes in question.

**SJR11-005, Prohibition on Unfunded Mandates (Roberts, Gerou)**

**CCI Position: Support**

**Status: Declared Lost**

This joint resolution called on the federal government to refrain from creating any new unfunded mandates that would be passed down to state or local governments. It also called upon the Colorado General Assembly to not create new mandates on local governments without providing adequate funding to carry out those mandates.

*Questions or Comments? Contact Eric Bergman at 303.861.4076 or [ebergman@ccionline.org](mailto:ebergman@ccionline.org) or Pat Ratliff at 303.668.0264 or [patratliff.associates@gmail.com](mailto:patratliff.associates@gmail.com).*

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**Health & Human Services (HHS)**

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**HB11-1025, Repealing the Hospital Provider Fee (Joshi, Lundberg)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1025 would have repealed the hospital provider fee created in the “Healthcare Availability Act of 2009”. Under the “Healthcare Availability Act of 2009” hospitals raise funds which are deposited in a state account that is then matched, dollar for dollar, by Medicaid. HB11-1025 also would have reduced the Medicaid and CHP+ eligibility levels for children, pregnant women and other recipients.

**HB11-1027, Department of Defense Child Care Pilot Program (Looper, Newell)**

**CCI Position: Support with Amendments**

**Status: Signed by Governor**

HB11-1027 creates a pilot program in the Department of Human Services (DHS) for licensing child care facilities using federal Department of Defense (DOD) quality standards. Facilities may apply to participate in the pilot program and sites are selected by the DHS with input from local agencies. The pilot facilities will serve military families.

**HB11-1079, Reduce Youth Homelessness (Casso, Jahn)**

**CCI Position: Monitor**

**Status: Signed by Governor**

Among other provisions, HB11-1079 makes state statute compliant with the federal "Runaway and Homeless Youth Act" by expanding the age range for “homeless youth” to 11 – 21 years old as opposed to 15 – 18 years old. The bill also increases to three weeks the period of time a homeless youth can be in a placement facility.

**HB11-1181, Human Service Child Fatality Review Team (Kefalas, Newell)**

**CCI Position: Support**

**Status: Signed by Governor**

HB11-1181 codifies and makes modifications to the existing child fatality review process in the Department of Human Services (DHS). The bill establishes a child fatality review team in DHS and specifies its membership, duties and reporting requirements. Additionally, the bill creates much clearer and more appropriate definitions to better assess a child’s involvement with a county department prior to death.

**HB11-1196, Flexibility in Funding Family Services (Summers, Foster)**

**CCI Position: Support**

**Status: Signed by Governor**

HB11-1196 allows counties to provide family preservation services to families who, without appropriate intervention services, may become involved in the child welfare, mental health and juvenile justice systems. The bill also allows counties to certify eligible activities offered by community non-profits in order to draw down additional federal funding.

**HB11-1285, Managed Care for Long-term Care Services (Stephens, Boyd)**

**CCI Position: Monitor**

**Status: Postponed Indefinitely**

Current law restricts the Department of Health Care Policy & Financing (CDHCPF) from adopting rules to implement a managed care system for Medicaid clients who receive long-term care services. HB11-1285 would have directed CDHCPF to gather stakeholder input on achieving cost savings, quality of patient care and efficiencies through coordination of long-term care services.

**SB11-006, Alternative Medicaid Program for Elderly (Lundberg)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

SB11-006 would have created an Alternative Medical Assistance Program for the Elderly in the Department of Health Care Policy and Financing (DHCPF), subject to receiving federal authorization to implement it. The program would have allowed a Medicaid eligible person, age 55 or older, to accept an amount equivalent to 70% of the medical assistance benefits the person would have received in the traditional Medicaid program.

**SB11-008, Aligning Children's Medicaid Eligibility (Boyd, Gerou)**

**CCI Position: Support**

**Status: Signed by Governor**

SB11-008 specifies that the income eligibility criteria for Medicaid that applies to children aged 5 and under and pregnant women also applies to children between the ages of 6 and 19. On or after September 1, 2011, children under the age of 19 and pregnant women will now be eligible for Medicaid if their family income is less than 133 percent of the federal poverty level (FPL).

**SB11-034, Required Reporting of Abuse and Neglect (Nicholson, Summers)**

**CCI Position: Support**

**Status: Signed by Governor**

SB11-034 adds educators providing services through the federal Women, Infants and Children (WIC) Supplemental Nutrition Program to the list of mandatory reporters of child abuse and neglect.

**SB11-120, Protections for Youth in Foster Care (Newell, Kefalas)**

**CCI Position: Monitor**

**Status: Signed by Governor**

SB11-120 sets forth a legislative declaration on the rights of youth in foster care. The bill also requires the Department of Human Services, in consultation with county departments of social services, to establish a list of government and nonprofit organizations that may assist youth in foster care who may be victims of identity theft. Finally, SB11-120 directs the DHS to promulgate rules to ensure that youth have access to extracurricular activities that build independent living and life skills.

**SB11-124, Transfers of County Temporary Assistance for Needy Families (TANF) Reserves (Hodge, Gerou)**

**CCI Position: Support**

**Status: Awaiting Governor's Signature**

SB11-124, a CCI initiated bill, modifies the process by which TANF reserves are capped and shared with other counties and provides increasing flexibility for counties to use their TANF funds prior to the implementation of the cap process.

**SB11-171, Caretaker Mistreatment of At-risk Adults (Aguilar)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

SB11-171 would have created a centralized database in the Department of Human Services (DHS) to track caretakers found to have mistreated at-risk adults. Law enforcement agencies and county departments of human services would have been required to forward information on substantiated allegations of abuse to the DHS.

**SB11-200, Health Benefit Exchange (Boyd, Stephens)**

**CCI Position: Monitor**

**Status: Awaiting Governor's Signature**

SB11-200 creates the Colorado Health Benefit Exchange Act in connection with federal health care laws enacted in 2010. It establishes a non-profit organization that is an instrumentality of the state to oversee the establishment and operation of a competitive insurance marketplace (exchange) in Colorado. Additionally, the bill creates a 10-member Legislative Health Benefit Exchange Implementation Review Committee to guide implementation of the exchange, make recommendations and carry legislation.

*Questions or Comments? Contact Gini Pingnot at 720.255.8941, [gpingnot@ccionline.org](mailto:gpingnot@ccionline.org) or Pat Ratliff at 303.668.0264 or [plr45@aol.com](mailto:plr45@aol.com).*

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**Land Use & Natural Resources (LUNR)**

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**HB11-1026, Storm Water Management System Administrators (Gerou, Jahn)**

**CCI: Monitor**

**Status: Signed by Governor**

HB-1026 allows a nonprofit entity to educate and facilitate storm water management within certain municipalities and counties in Colorado. Participation in the nonprofit's programs is entirely voluntary for local governments.

**HB11-1116, Required Elections on Waste Services (Szabo, Brophy)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1116 would have required a vote of the people if a county or municipality chooses to contract waste services for their constituents.

**HB11-1174, Manufactured Home Certificate of Destruction (Vaad, Renfroe)**

**CCI Position: Support**

**Status: Signed by Governor**

HB11-1174 allows a local government to waive the requirement of having a recorded title and a certificate of taxes due in order to obtain a certificate of destruction for mobile homes that are “materially dangerous or materially hazardous” to the community.

**HB11-1179, Onsite Wastewater Treatment Systems (Gerou, Nicholson)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1179 would have allowed the state to establish minimum standards for seven new regulatory provisions through rulemaking, more than doubling the number of areas the Department would regulate. The bill also mandated a phase out of cesspools throughout the state, which creates a burden on old farms and some agricultural businesses.

**HB11-1199, Limiting Local Solar Permit Fees, (B. Gardner, Bacon)**

**CCI Position: Oppose**

**Status: Awaiting Governor’s Signature**

HB-1199 extends the cap for another seven years on the amount a local government can charge for permitting solar installations. The bill also expands the services covered under the cap to include plan and site review. The cap is \$500 for installation 2MW and below and actual costs for installations over 2MW.

**HB11-1223, Composition of Colorado Conservation Oil and Gas Commission (COGCC) (Scott, King, S.)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This bill would have reversed HB07-1341, which changed the composition of the Colorado Conversation Oil and Gas Commission (Commission).

**HB11-1286, Clarification of State Engineer Nontributary Rule Authority (Sonnenberg, Schwartz)**

**CCI Position: Support**

**Status: Signed by Governor**

HB11-1286 allows the State Engineer to adopt rules specifying when produced water from an oil or gas well is classified non-tributary. This bill allows non-tributary waters pumped from these deep wells to be used for a beneficial use, rather than having to be treated and re-injected into the ground.

**SB11-045, Concerning Streamlining Electric Power line Siting, (Johnston, Levy)**

**CCI Position: Oppose**

**Status: Awaiting Governor’s Signature**

As introduced, SB11-045 created a new entity responsible for siting future transmission lines in Colorado. The bill was ultimately amended to create a taskforce to study the feasibility of a siting committee and ways of streamlining local government land use permitting. Two county commissioners will be appointed to the task force.

**SB11-063, Healthcare in Local Government Master Plans (Newell, Giron)**  
**CCI Position: Monitor** **Status: Declared Lost**

This bill would have authorized counties to examine and plan for, in their master plans, demographic changes and how those changes would affect health care services and public health and safety.

**SB11-110, County Open Burning Slash Permit Programs (Nicholson, Coran)**  
**CCI Position: Support** **Status: Signed by Governor**

SB11-110 directs counties that do not already have slash pile burn permits for private lands to create a permitting system. The bill allows counties flexibility for creating a slash permit and allows those permits already in place to remain.

**SB11-208, Merging the Division of Wildlife and the Division of Parks and Recreation (Hodge, Schwartz, Gerou, Sonnenberg)**  
**CCI Position: Oppose** **Status: Awaiting Governor's Signature**

This bill establishes a process and timeline for merging the Division of Wildlife (DOW) and the Division of Parks and Outdoor Recreation (Parks).

*Questions or Comments? Contact Andy Karsian at 303.883.9381 or akarsian@ccionline.org.*

### **Public Lands (PL)**

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**HB11-1218, Federal Mineral Lease District, (Baumgardner, White)**  
**CCI Position: Support** **Status: Signed by Governor**

HB11-1218 allows counties to create a district to allocate county federal mineral lease funds. CCI is waiting for the Department of Interior to issue an opinion ensuring that Colorado and the counties are using federal mineral lease funding properly and that sanctions or repayment will not occur in the future.

**SB11-238, Extending Wildfire Preparedness Funding (Nicholson, Coram, Wilson)**  
**CCI Position: Support** **Status: Awaiting Governor's Signature**

SB11-238 continues to divert federal mineral lease dollars to the Colorado State Forest Service (CSFS) for the purposes of providing early intervention for wildfire suppression in counties. The bill allocates \$3.25 million annually for the next two years.

*Questions or Comments? Contact Andy Karsian at 303.883.9381 or akarsian@ccionline.org.*

### **Taxation & Finance (TF)**

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**HB11-1010, Incidental Use of Tax-exempt Property (Acree, Brophy)**  
**CCI Position: Support** **Status: Awaiting Governor's Signature**

HB11-1010 implicates fourteen properties statewide that are owned by fraternal or veterans' organizations. The bill clarifies that if these property tax exempt facilities engage in non-exempt activities (i.e. wedding receptions, dance lessons, etc.) they must file an annual report with the Division

of Property Taxation if \$25,000 or more in gross rental income is generated from these non-exempt activities.

**HB11-1059, Restrict Local Government Accident Fees (Swalm, Spence, Tochtrop)**  
**CCI Position: Oppose** **Status: Postponed Indefinitely**

As amended, HB11-1059 would have prohibited ‘urban municipalities’ from charging nonresidents for emergency service costs that are provided to them in response to a car accident.

**HB11-1091, Sales Tax Exemption for Medical Equipment (Liston, Morse)**  
**CCI Position: Oppose** **Status: Awaiting Governor’s Signature**

HB11-1091 provides for a state and local sales and use tax exemption for all medical equipment (hospital beds, toileting aids, etc.) that is dispensed with a prescription.

**HB11-1093, Special Mobile Machinery Ownership Tax (Bradford, Cadman)**  
**CCI Position: Oppose** **Status: Awaiting Governor’s Signature**

HB11-1093 allows farm tractors to be used in non-agricultural activities for 72 hours as opposed to 24 hours before they must be registered as special mobile machinery. HB11-1093 also reduces the penalty on owners of special mobile machinery that have failed to pay the specific ownership tax to the lesser of \$500 or double the amount of specific ownership tax.

**HB11-1103, Incentivize Certain Wind Turbine Systems (Kerr, A.)**  
**CCI Position: Oppose** **Status: Postponed Indefinitely**

HB11-1103 would have created a series of state and local tax incentives for ‘distributed electrical generation wind turbine systems’. These systems were defined in the bill as those that are installed behind the meter of a residential or commercial building, do not require large tower installations and have a capacity of between 100 and 700 kilowatts per hour.

**HB11-1109, Telecommunication Equipment Local Sales Tax Exemption (Liston, Giron)**  
**CCI Position: Oppose** **Status: Awaiting Governor’s Signature**

HB11-1109 allows local governments to exempt sales of telecommunication equipment to a telecommunication provider from the local government’s sales tax base.

**HB11-1113, Impact Fees Transparency (Holbert, Foster)**  
**CCI Position: Oppose** **Status: Signed by Governor**

HB11-1113 requires local governments who collect impact fees to post on their website at least once a year the total amount of impact fees collected, the average annual interest rate collected on the fees and the total amount disbursed from each account.

**HB11-1123, Prohibit Severance Related Revenue to General Fund (Coram, Roberts)**  
**CCI Position: Support** **Status: Postponed Indefinitely**

HB11-1123 would have prohibited the transfer of severance tax and federal mineral lease revenues to the state general fund on and after July 1, 2013.

**HB11-1136, Fund Foreclosure Prevention Counseling (Williams A.)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1136 would have established a foreclosure counseling and outreach program within the Division of Housing. Funding for the program would have been generated by a \$240 surcharge to be paid for by those filing ‘notices of election and demand’ with the Public Trustee.

**HB11-1141, Economic Stimulus Business Personal Property Tax Exemption (Holbert, Scheffel)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1141 would have exempted all personal property purchased in 2012 and 2013 from business property taxes for the life of the property.

**HB11-1146, Definition of Agriculture Land for Property Taxation (Massey, Steadman)**

**CCI Position: Support**

**Status: Signed by Governor**

As amended HB11-1146 defines ‘integral to an agricultural operation’ as a residential improvement that is occupied by an individual who either regularly conducts, supervises or administers material aspects of the agricultural operation or is occupied by the spouse or a parent, grandparent, sibling or child of the individual. Farms and ranches determined to be integral to an agricultural operation will maintain their agricultural classification. Those determined not to be integral to an agricultural operation may have up to two acres classified and assessed as residential. The bill also allows local governments that have not sufficiently ‘de-bruced’ to either seek voter approval to retain any additional revenue or adjust its mill levy to eliminate any net property tax revenue gain that might result from the implementation of HB11-1146.

**HB11-1158, Colorado Wood Products Incentives (Bradford, Schwartz)**

**CCI Position: Oppose unless amended**

**Status: Deemed Lost**

As introduced, HB11-1158 would have provided both a state and local sales and use tax exemption for the sales, storage and use of wood from any tree harvested in Colorado from July 1, 2011 through July 1, 2020.

**HB11-1241, Charitable Use Property Tax Exemption (DelGrosso, Lundberg)**

**CCI Position: Support**

**Status: Awaiting Governor’s Signature**

HB11-1241 provides a nonprofit housing provider (like Habitat for Humanity) a property tax exemption for a maximum of five consecutive property tax years for property 1.) that is used for charitable purposes; and 2.) upon which the provider intends to construct or rehabilitate housing to be sold to low-income applicants. The bill specifies that a provider that is allowed an exemption and subsequently sells, donates or leases the exempt property to someone other than a low-income applicant is liable for all unpaid property taxes due to the exemption.

**HB11-1255, Colorado Alternative Energy Park Act (DelGrosso, Schwartz)**

**CCI Position: Monitor**

**Status: Deemed Lost**

HB11-1255 would have allowed counties and cities to create Alternative Energy Business Parks within their communities. As amended, the bill would have allowed local governments to ‘opt in’ and decide, at the application phase, whether or not they wanted to financially contribute to the park’s vitality.

**HB11-1263, Business Personal Property Tax Exemption (Priola, Scheffel)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1263 would have increased the property tax exemption for business personal property to \$14,000 in tax years 2013 and 2014. This exemption would have increased by an inflation adjustment in future years. HB11-1263 would have also provided a business personal property tax break to state assessed public utilities like Xcel and Qwest for ten years.

**SB11-026, New Business Personal Property Tax Exemption (Scheffel, Holbert)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

SB11-026 would have phased in the elimination of the business personal property tax for all personal property and immediately eliminated the business personal property tax on personal property owned by public utilities (railroads, airlines, Qwest, etc.).

**SB11-035, Prohibit Transfers of Severance Related Revenues to the General Fund (Roberts, Coram)**

**CCI Position: Support**

**Status: Postponed Indefinitely**

SB11-035 would have prohibited transfers to the state general fund from grant funds receiving severance tax or federal mineral lease (FML) revenues.

**SB11-050, Value of Condemned Conservation Easements (Roberts, Gerou)**

**CCI Position: Support**

**Status: Awaiting Governor's Signature**

As amended, SB11-050, a CCI initiated bill, creates a 12 member task force to study how land that is subject to a conservation easement should be valued when it is condemned. The task force will meet over the interim and must submit its findings and recommendations to specific legislative committees by Monday, October 17, 2011.

**SB11-056, Use Tax Exemption Out-of-State Retailers (Lundberg, Balmer)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

SB11-056 would have exempted from use tax the storage, use, or consumption of any tangible personal property purchased by Colorado purchasers from an out-of-state retailer that does not collect Colorado sales tax.

**SB11-098, Phase-out Business Personal Property Tax (King S.)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

SB11-098 would have gradually phased out the business personal property tax beginning the first year that the total statewide assessed value of business personal property increases by at least 12%.

**SB11-119, Appeal Valuation Commercial Real Property (Guzman, Pabon)**

**CCI Position: Support**

**Status: Signed by Governor**

SB11-119 requires commercial property owners appealing the valuation of their properties before the Board of Assessment Appeals (BAA) to provide documentation showing the income from the property at issue, rent roll data and any recent appraisals within 90 days of filing an appeal.

**SB11-159, Distribution of State Share of Limited Gaming Revenue (Steadman, Ferrandino)**  
**CCI Position: Oppose** **Status: Became law without Governor's Signature**

SB11-159 reduces the amount of funding available for eligible local governments through the Local Government Limited Gaming Impact Fund. In the absence of this bill, roughly \$6.3 million would have been available to eligible local governments this fiscal year. Under SB11-159, no more than \$4.4 million will be available to eligible local governments from the fund in the current and future fiscal years.

**SB11-164, Cash Fund Transfers for FY 2010-2011 (Hodge, Gerou)**  
**CCI Position: Oppose** **Status: Signed by Governor**

In an effort to balance the State's FY 2010-2011 budget, SB11-164 diverts \$15 million from the Local Government Mineral Impact Fund, \$60 million from the Local Government Severance Tax Fund and \$4.8 million from the Local Government Permanent Fund.

**SB11-226, General Fund Transfers (Hodge, Gerou)**  
**CCI Position: Oppose** **Status: Awaiting Governor's Signature**

In an effort to balance the State's FY 2011-2012 budget, SB11-226 diverts \$30 million from the Local Government Mineral Impact Fund and \$41 million from the Local Government Severance Tax Fund.

*Questions or Comments? Contact Gini Pingnot at 720-255-8941, [gpingnot@ccionline.org](mailto:gpingnot@ccionline.org) or Bill Clayton at 303.884.7618, [bill@lombardclayton.com](mailto:bill@lombardclayton.com).*

## **Tourism, Resorts & Economic Development (TRED)**

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**HB11-1006, Regional Tourism Authority Boards (Coram, Schwartz)**  
**CCI Position: Monitor** **Status: Signed by Governor**

For Regional Tourism Act projects, this bill allows for the same representation from local governments, businesses and others to be on the project board, but reduces the number of governing board members from each jurisdiction to a more manageable number when multiple counties are included in the project.

**HB11-1031, Concerning Creative Districts (Miklosi)**  
**CCI Position: Monitor** **Status: Signed by Governor**

This bill allows local governments to designate specific areas of the county or municipality as creative districts. The district does not have taxing authority, but is designed to encourage and focus creative industries and artists into an area that could recognize, and in some cases revitalize, the unique character of that district.

**HB11-1228, Studying Economic Development through the Use of Distributed Renewable Energy Generation (Solano, Schwartz)**  
**CCI Position: Support** **Status: Postponed Indefinitely**

HB11-1228 sought to study economic development opportunities derived from distributive renewable energy generation. This bill authorized a study, performed and paid for by third parties and overseen

by the Office of Economic Development, to assess how Colorado can capture renewable resources and develop those resources on a local level.

**HB11-1311, Increase Number of Projects under the Regional Tourism Act (Giron, Swerdfeger, Kerr, A.)**

**CCI Position: No Position**

**Status: Awaiting Governor's Signature**

This bill increases the number of programs offered under the Regional Tourism Act to allow the number of regional tourism projects to increase to six potential projects over three years.

*Questions or Comments? Contact Andy Karsian at 303.883.9381 or akarsian@ccionline.org.*

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### **Transportation & Telecommunications (TT)**

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**HB11-1004, Farm Truck Registration Requirements (Baumgardner, Harvey)**

**CCI Position: Monitor**

**Status: Signed by Governor**

HB11-1004 precludes a county clerk and recorder from requesting documentation (usually a schedule 1040F) from those seeking a farm truck or truck tractor registration.

**HB11-1046, Transportation Planning by CDOT in Rural Areas (Vaad)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1046 would have eliminated the State Transportation Advisory Committee (STAC) and required CDOT to conduct all transportation planning for areas outside of the Metropolitan Planning Organization regions.

**HB11-1075, Limiting Uses of FASTER Funding (Becker)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

HB11-1075 would have redirected FASTER dollars earmarked for local transit projects back into the larger HUTF pot for distribution to counties and cities. It would also have narrowed the definition of "road safety project" to exclude bikeways and bicycle lanes and redirected funds away from the new Division of Transit and Rail at CDOT.

**HB11-1084, Modify Late Vehicle Registration Fee (Baumgardner, Grantham)**

**CCI Position: Monitor**

**Status: Postponed Indefinitely**

HB11-1084 would have repealed the late vehicle registration fees enacted under FASTER in 2009, and reinstated the \$10 waivable late fee that was previously in effect.

**HB11-1161, Authorize HUTF Use for Division of Motor Vehicles (Gerou, Hodge)**

**CCI Position: Oppose**

**Status: Signed by Governor**

HB11-1161 extends for one year the diversion of HUTF dollars to fund the Division of Motor Vehicles in the Department of Revenue.

**HB11-1192, Truck Trailer Combinations (Coram, Brophy)**

**CCI Position: Monitor**

**Status: Signed by Governor**

As originally drafted, this legislation would have allowed larger truck trailer combinations on a wide number of additional state highways. The bill was ultimately amended to require CDOT to study additional state highway routes for larger truck trailer combinations **only** if Congress lifts the current freeze imposed by the 1991 Intermodal Surface Transportation Efficiency Act.

**HB11-1210, CDOT Recommendations on I-70 Corridor (Hamner, Nicholson)**

**CCI Position: Support**

**Status: Signed by Governor**

HB11-1210 would require that by December 20, 2011, the Colorado Department of Transportation (CDOT) make prioritized recommendations to the General Assembly on ways to improve mobility in the I-70 mountain corridor. The recommendations should include cost estimates and be prepared in consultation with local governments and the business community. Recommendations must also take into account safety concerns.

**HB11-1220, Accelerated Urban Transportation Projects (Beezley, S. Williams)**

**CCI Position: Monitor**

**Status: Postponed Indefinitely**

This measure would have established a mechanism to allow local governments to recoup their investment in state transportation projects by allowing them to take half of the new state sales tax generated by new economic development that would not have occurred but for the transportation improvement in question.

**HB11-1264, OHV Licensing and Access (Priola, White)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This measure would have set up a process for the titling, licensing, registering and insuring of off-highway vehicles (OHVs) in the state. More importantly, the bill would have allowed licensed and registered OHV riders to operate their vehicles on **any** unpaved road in the county. It would also have allowed operation of OHVs on any paved road with a speed limit under 45 mph, unless a county specifically prohibits such access.

**HB11-1275, Engine Idling Standards for Commercial Vehicles (Priola, S. Williams)**

**CCI Position: Oppose**

**Status: Awaiting Governor's Signature**

This legislation establishes a statewide idling standard for commercial diesel vehicles. As drafted, the bill prohibited local governments from enacting idling standards that were more stringent than these statewide standards. The bill was amended in the Senate such that it will not supersede local ordinances already in existence in counties with an average elevation of 6,000 feet or higher. This amendment addressed concerns that the distance standards may not work in high elevation communities that are prone to temperature inversion.

**HB11-1279, Permits for Excess Size/Weight Vehicles (Sonnenberg, Hodge)**

**CCI Position: Monitor**

**Status: Awaiting Governor's Signature**

This CDOT-initiated bill allows for the issuance of overweight vehicle permits for vehicles that are operating with a trailer that has two or three axles.

**SB11-064, CDOT Access Permits (Grantham)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

This bill would have prohibited CDOT from requiring a property owner to pay for the construction or relocation of a driveway that provides vehicular access to or from any state highway unless the appropriate local government concurred in writing.

**SB11-095, Repeal of FASTER (Grantham, Conti)**

**CCI Position: Oppose**

**Status: Postponed Indefinitely**

SB11-095 would have repealed the “Funding Advancements for Surface Transportation and Economic Recovery” (FASTER) Act, except for the portion dedicated to bridge construction, and replaced it with a tolling authority.

**SB11-227, Child Car Seat Restraint Systems (Hudak, Vaad)**

**CCI Position: Support**

**Status: Awaiting Governor’s Signature**

This bill brings state statutes regarding child car seat restraints into compliance with national safety standards. By meeting the national standard, the state will be able to receive \$605,000 in federal safety funds that it would otherwise lose out on. These funds will be granted to RETACs (Regional Emergency Medical & Trauma Council), Colorado State Patrol and other groups to conduct safety training and provide technical assistance on proper car seat installment.

*Questions or Comments? Contact Eric Bergman at 303.861.4076 or [ebergman@ccionline.org](mailto:ebergman@ccionline.org) or Tony Lombard at 303.884.9113 or [tony@lombardclayton.com](mailto:tony@lombardclayton.com).*