

GRAND JUNCTION CITY COUNCIL  
WORKSHOP

MONDAY, FEBRUARY 3, 2014, 3:00 P.M.  
CITY AUDITORIUM  
CITY HALL, 250 N. 5<sup>TH</sup> STREET

*To become the most livable community west of the Rockies by 2025*

1. **Legislative Update – [Supplemental update provided at meeting](#)**
2. **Discussion Regarding Taxability of Food Items Sold Through Vending Machines:** A request was made of City Council to adopt an ordinance exempting food (including candy and soda) sold through vending machines. The request was discussed at the January 6<sup>th</sup> workshop. Following the workshop, Mayor Susuras requested further discussion and clarification regarding the available options. Staff has prepared the following information for Council's consideration at the work session on February 3, 2014. [Attachment](#)
3. **Discussion on Amending the Grand Junction Municipal Code to Prohibit Certain Activities Related to Panhandling:** Residents of Grand Junction are reporting increasing instances of aggressive panhandling and disturbances by individuals attempting to panhandle money. For consideration by the City Council, Staff has prepared an ordinance regulating certain panhandling activities through reasonable time, place and manner restrictions. [Attachment](#)
4. **Discussion on Amending Title 21 of the Grand Junction Municipal Code to Extend the Validity of the Minor and Major Site Plan Approval From One Year to Two Years:** The amendment to Section 21.02.070(a)(8)(i) will extend the validity of the minor and major site plan approval from one year to two years. [Attachment](#)
5. **Board Reports**
6. **Other Business**
  - CDBG Application Review Process
  - Adopting Previous Testimony



Date: 1/16/14  
 Author: Elizabeth Tice  
 Title/ Phone Ext: Revenue Supervisor  
 Proposed Meeting Date:  
February 3, 2014

**CITY COUNCIL STAFF REPORT  
 WORKSHOP SESSION**

Attachment

<b>Topic:</b> Discussion Regarding Taxability of Food Items Sold Through Vending Machines
<b>Staff (Name &amp; Title):</b> Elizabeth Tice, Revenue Supervisor Jodi Romero, Financial Operations Director John Shaver, City Attorney

**Summary:**

A request was made of City Council to adopt an ordinance exempting food (including candy and soda) sold through vending machines. The request was discussed at the January 6<sup>th</sup> workshop. Following the workshop, Mayor Susuras requested further discussion and clarification regarding the available options. Staff has prepared the following information for Council’s consideration at the work session on February 3, 2014.

**Background, Analysis and Options:**

Mr. Alden Savoca on behalf of the Colorado Vending Council has submitted a request for City Council to consider adopting an ordinance exempting the sales of all food products (including candy and soda) sold through vending machines.

The City exempts from tax the sale of food for home consumption. In order to qualify for the exemption, the product must first qualify as “food” and also must be for home consumption. The City’s ordinance defines food sold through vending machines as food for immediate consumption and therefore subject to tax. The State and Mesa County also exempt food for home consumption; however, they also specifically exempt the sale of food sold through vending machines, with the exception of candy and soda.

**Option 1: Status Quo**

The first option is to deny the request and do not change the existing ordinance: all food items (as defined by the City) sold through vending machines would remain subject to City tax. Food items other than candy and soda would be exempt from state and county sales tax. There is no fiscal or budget impact for this option.

**Current Tax Structure**

	City of Grand Junction	State of Colorado	Mesa County
<b>Food Sold Through Vending Machines</b>	TAXABLE	EXEMPT	EXEMPT
<b>Candy and Soda Sold Through Vending Machines</b>	TAXABLE	TAXABLE	TAXABLE

**Option 2: Exempt Food Products Sold Through Vending Machines but Tax Candy and Soda Sold Through Vending Machines**

**Draft Ordinance A**

This option would align the City, County and State tax treatment of food items sold through vending machines. Candy and soda would remain subject to tax by all three jurisdictions, but non candy and soda food items would be exempt from sales tax. This proposed ordinance includes the same definitions of candy and soda as the Colorado Revised Statutes.

The fiscal impact of this option is estimated at up to \$15,000 annually.

**Option 2**

	City of Grand Junction	State of Colorado	Mesa County
<b>Food Sold Through Vending Machines</b>	EXEMPT	EXEMPT	EXEMPT
<b>Candy and Soda Sold Through Vending Machines</b>	TAXABLE	TAXABLE	TAXABLE

**Option 3: Exempt All Food Items Sold Through Vending Machines**

**Draft Ordinance B**

This option would exempt all food items (including candy and soda) from City sales tax when sold through vending machines.

The fiscal impact of this option is estimated at up to \$50,000 annually.

**Option 3**

	City of Grand Junction	State of Colorado	Mesa County
<b>Food Sold Through Vending Machines</b>	EXEMPT	EXEMPT	EXEMPT
<b>Candy and Soda Sold Through Vending Machines</b>	EXEMPT	TAXABLE	TAXABLE

**Board or Committee Recommendation:**

There is no applicable board or committee to review and/or recommend. Consideration of the request is for the City Council.

**Financial Impact/Budget:**

See financial impact under each option.

**Legal issues:**

Ordinances reflecting the options described above have been drafted and are presented for Council's review. If either version is selected then the notice and hearing process, as established by the Charter will be commenced.

**Other issues:**

There are no other issues specific to the taxability of vended products at this time.

**Previously presented or discussed:**

Presented to City Council at a workshop on 1/6/2014.

**Attachments:**

Letter from Alden Savoca dated 12/12/13  
E-mail from Alden Savoca dated 1/8/14  
Proposed Ordinances – labeled as "A" and "B"

**To:** Grand Junction City Council

**From:** The vending operators of Grand Junction, the Colorado Vending Council, other local businesses owners and individuals.

**Date:** 12/12/13

**Subject:** Exempting vending food from sales tax.

Honorable City Council Members,

After reviewing the current structure of our City's sales tax code, we discovered a major discrepancy in how the sales taxes on food are applied to local businesses. Within the City tax codes lies an exemption for retail food establishments, such as grocery stores and convenience stores, but vending machines are not included in that exemption. This is very unfair to vending operators, because they sell the exact same products that convenience stores and grocery stores would sell. The application of the sales tax to vending machines severely handicaps vending companies from being able to effectively compete against those companies who are not required to collect the tax. Furthermore, it is not possible for vending operators to "collect" sales tax. There is no way to add on to each transaction through a vending machine the percentage of the sales tax due. The easy counter argument to that is, "why not raise your prices to compensate for the sales tax?" The simple answer is a stark reality for anyone in the vending business. In vending, there is a saying, "it's a nickel and dime business." This sums up shortly what anything else but 5 years of experience in the industry would fail to convey. Vendors lose accounts everyday across this country because their competitor sells soda for 5 cents less. There is very little margin in vending, and businesses don't like price increases. If you're higher on pricing than the other vendors in town, you'll lose accounts. So, vendors have to pay for sales tax out of their bottom line; there is no way to pass it on to the consumer. In a grocery store, people see the added sales tax on the receipt, and they know the additional cost is not the businesses' fault. In vending, we get blamed for higher prices if we raise them to pay for sales tax, because the customer can never see that extra charge when they buy.

The State of Colorado has already passed an exemption for vending food, and currently only taxes soda, candy, and gum sold through vending machines. The County does not tax food, soda, or candy. We would like to ask that the City follow suit and not only exempt food from sales tax, but also soda and candy. It makes no sense to tax "sugar", which is essentially what the soda and candy tax is. The tax only exists because politicians in Denver felt the need to discourage and create "guilt" for those that make what *they* deem irresponsible decisions by consuming sugary beverages or foods. We do not believe this is a responsible or ethical method of taxation, and we believe that vendors and other businesses should not be subject to it. It chips away at business sales and profit, and has no place in a business friendly town.

We understand that there may be concern on the part of some Council members about potentially lost tax revenue that could be caused by exempting vending food from sales tax. We have analyzed this concern already, and have arrived at the conclusive realization that this exemption would actually increase tax revenue in the long run, not decrease it. Vending companies pour tens of thousands of dollars into the local economy in the Grand Valley, buying all their gas, food, shop supplies, tools, parts, and equipment here in Grand Junction. Vending is an extremely localized industry. Besides business expenditures, operators also contribute to the local economy through their personal expenditures made possible through their vending income. Freeing up the money that would have otherwise gone towards sales tax revenue (which mostly comes out of the vendor's bottom line) would GREATLY increase the vendor's ability to spend more money locally, and grow and expand their businesses. This will generate more tax revenue through sales tax collected on other consumer goods. \$8000 of additional income in a vending company can easily translate into \$16000 of additional income within a

year when properly reinvested. Vendors will always grow their businesses or hire additional employees when extra revenue is available, and that is exactly what would happen if sales taxes on their food sales were dropped. Business growth and development ALWAYS translates into more tax income in one area or another. However, it is imperative that all the taxes be equal and equally applied. The sales tax on vending food is neither fair nor equally applied to vendors, giving our competitors an unfair advantage.

We therefore are earnestly requesting that the City Council address this issue at the earliest possible date. We applaud the City Council for considering our proposal, and for taking up an important issue that we know has, through no fault of your own, escaped your attention up to this point, and we hope this letter will significantly help in your decision on this matter.

We also have requested and expect to soon receive the endorsement and support of our effort from some of the Mesa County Commissioners, the National Automatic Merchandisers Association, the Chamber of Commerce, and other prominent pro-business groups. We also have an active petition endorsing our request circulating in the Grand Valley, and are gathering widespread support from small business owners for this common sense reform. Most if not all of the businesses in town who are served by the local vending operators will also be supporting us in our petition, as the result of our effort will directly affect the cost of the service we provide them. We hope the City Council will set a hearing for the purpose of changing the current City ordinance, and we look forward to speaking and meeting with you then.

Respectfully,

The vending operators of Grand Junction, the Colorado Vending Council, other local businesses owners and individuals.

**From:** "Alden Savoca

**Date:** January 8, 2014 11:15:53 PM MST

**To:** "Sam Susuras" <[sams@ci.grandjct.co.us](mailto:sams@ci.grandjct.co.us)>, "Alden Savoca" <[alden@vendorstech.com](mailto:alden@vendorstech.com)>

**Subject:** Vending machine sales tax

Dear Mr. Mayor,

I am writing to you on behalf of the vending operators of Grand Junction, the Colorado Vending Council, the Chamber of Commerce, and other local businesses, regarding your recent decision to change the sales tax structure for vending food sales.

First of all, I would like to thank you on behalf of myself and the collective parties I represent, for moving forward with our request to eliminate the sales tax on vending food. This was a good step in the right direction, and shows that you are committed to alleviating arbitrary tax burdens and promoting business development in the Valley. However, we have a serious concern about an issue that arose out of your meeting on the 6<sup>th</sup>. That is the issue of sales tax on soda and candy.

Our original request for the vending food sales tax to be repealed included a request for the tax on soda and candy to be done away with. I think that this is a very reasonable request and expectation, as a tax on soda and candy is absolutely pointless and somewhat absurd. The excuse used by our liberal legislature in Denver which is out of touch with the people of Colorado, was that it is not food used for home consumption, so it can be taxed. First off, who is to say candy and soda aren't used for home consumption? How can anyone possibly know where you intend to consume a case of soda when you buy it? I would venture to guess that a fairly large amount of the cases of soda or boxes of candy bars purchased at grocery retail establishments on a regular basis will be consumed at home. This is an undisputable point. So what other logical options are available to be used in defense of a soda and candy tax? None that I can think of, unless we drift into the illogical realm. In that realm, a colorful array of socialistic ideas would present themselves as defenders of this tax. One of those defensive options would be a sugar tax. A tax on sugar to discourage what the state government would define as "unhealthy eating habits". Regardless of soda and candy's health impacts, we do not believe that our government has the constitutional prerogative to conform or coerce our eating habits to their guidelines through taxation. This is what the state legislature is attempting to do. This is not what is right for our city, and we need our conservative leaders to see this for what it is, and instead of exploiting it to increase revenue, you should be fighting back as our elected leaders whom we have chosen to defend our rights and our ability to do business, not to damage them.

Furthermore, you proposed course of action actually raises taxes more than you would be decreasing them by dropping the tax on vending food. By taxing all soda and candy sales in all grocery retail establishments, you are effectively adding a new tax that everyone within your jurisdiction will have to pay. This is not what our intent or goal was by coming to you with a tax reduction request. We asked of you two things.

1. To apply the tax laws equally to vendors and grocery stores alike.
2. To reduce the tax burden on the vendors doing business in Grand Junction.

Dropping the tax on vending food reduced our tax burden, and dropping the tax on soda and candy would have also reduced our tax burden and made the tax laws equally applied to all. This would have been the most desirable route to take. But by applying a new tax to all other businesses, the soda and candy tax, you would make the tax laws equal, but you would end up raising taxes by hundreds of thousands of dollars beyond the amount you were going to decrease them by exempting vending food. As you can see, we have two routes to solving the first issue I listed of equally applying the tax laws, one makes the tax laws equal and lowers taxes at the same time, while the

other makes the tax laws equal, and greatly increases taxes. WE DO NOT NEED OR WANT ANY MORE TAX INCREASES! As businesses in this increasingly unfriendly business environment, we need incentives to grow and to hire. We need incentives to set up shop in cities like Grand Junction. We need havens from the heavy tax districts of our liberal neighbors who are taxing and spending themselves into bankruptcy.

Another part of our argument against tax on vending food/soda/candy was the difficulty in collecting the tax through vending machines. By adopting an exemption for vending food, while leaving out the exemption for candy and soda, it actually makes our job much harder than it was before. We now will have to record sales of individual items sold in our machines, instead of tallying the total machine sales to calculate our sales tax obligations. This is VERY difficult to do, and difficult to make accurate. This creates a level of uncertainty when vendors report sales tax earnings, because of a lack of a conventional method of collection, or of guidelines on acceptable collection techniques. All of these processes cut into our and any other business' most valuable asset, and that is time. Not only do these taxes cut into our profit, but the time it takes to collect or calculate them cuts into our profit as well.

While I realize that an ordinance expanding the soda and candy tax to all businesses has not yet been discussed or drafted, I felt a level of strong support among the council members for this idea at your recent meeting. This letter will hopefully serve as a strong sway against that ill-advised course of action. Under Colorado tax law, you have the option to not mirror the letter of Colorado sales tax law. While we continue to request that you mirror the *equal application* of Colorado's sales tax laws, we ask that you use sound judgment when it comes to mirroring the exact *letter* of Colorado's sales tax laws. We ask that you choose the course that would allow you to reduce taxes while you equally apply them to all businesses. A new tax, or a tax at all on soda and candy is not the right direction for Grand Junction.

We respectfully ask that the City Council drop consideration of applying the sales tax on soda and candy to any larger of a group of businesses or retail establishments, and that you also reconsider adding an exemption for soda and candy sales for vending operators as well.

Respectfully,

Alden Savoca

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE CONCERNING SECTION 3.12.020 OF CHAPTER 3 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING THE TAXABILITY OF FOOD PRODUCTS SOLD FROM MONEY OPERATED MACHINES**

**RECITALS:**

On December 12, 2013 the City Council received a written request from and on behalf of the vending machine association to eliminate the taxation of food, candy and soft drinks sold through vending machines in the City.

At a work session on January 6, 2014 the City Council considered the request and additionally discussed taxation of food products, vended and not, including but not limited to soft drinks, candy other food.

Because the State law provides that carbonated water, soft drinks, chewing gum, candy, prepared salads, packaged and unpackaged cold sandwiches and beverages vended from machines in unsealed containers or cups are not "food" and accordingly are taxed by the State but other food is tax exempt, the City Council discussed whether to align the City tax code with that of the State.

The City Council is committed to a fair and responsible tax code and as a fundamental aspect thereof finds that this ordinance is consistent with its policy and purposes and is protective of the City's health and general welfare by establishing a consist and uniform standard of the taxability of food and food products sold from vending machines.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:**

That Section 3.12.020 of the Grand Junction Municipal Code shall state as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, ~~deletions are shown in strikethrough~~)

CANDY MEANS A PREPARATION OF SUGAR, HONEY OR OTHER NATURAL OR ARTIFICIAL SWEETENERS IN COMBINATION WITH CHOCOLATE, FRUIT, NUTS OR OTHER INGREDIENTS OR FLAVORINGS IN THE FORM OF BARS, DROPS OR PIECES. CANDY SHALL NOT INCLUDE ANY PREPARATIONS CONTAINING FLOUR AND SHALL REQUIRE NO REFRIGERATION.

SOFT DRINKS MEANS NONALCOHOLIC BEVERAGES THAT CONTAIN NATURAL OR ARTIFICIAL SWEETENERS. SOFT DRINKS DO NOT INCLUDE BEVERAGES THAT CONTAIN MILK OR MILK PRODUCTS, SOY, RICE OR SIMILAR MILK SUBSTITUTES, OR GREATER THAN FIFTY PERCENT OF VEGETABLE OR FRUIT JUICE BY VOLUME.

Food means food for domestic home consumption as defined in 7 U.S.C. Section 2012(g), as amended, for purposes of the federal food stamp program as defined in 7 U.S.C. Section 2012(h), as amended, except that "food" does not include

carbonated water marketed in containers; chewing gum; seeds and plants to grow food; prepared salads and salad bars; cold sandwiches AND delicatessen trays and food or drink vended by or through machines or non-coin-operated coin collecting food and snack devices on behalf of a vendor.

That Section 3.12.050(k) be added to the Grand Junction Municipal Code as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, deletions are shown in strikethrough)

The sales tax levied by GJMC 3.12.030(a) shall apply to the purchase price of the following:

FOR A PERIOD OF THREE YEARS FROM THE EFFECTIVE DATE OF ORDINANCE NO. \_\_\_\_ (THIS ORDINANCE) ALL SALES AND PURCHASES OF CANDY AND SOFT DRINKS AS DEFINED IN 3.12.020 BY AND THROUGH COIN OR OTHER MONEY (BILLS OR CARDS) OPERATED MACHINES.

That Section 3.12.070(rr) be added to the Grand Junction Municipal Code as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, deletions are shown in strikethrough)

The tax levied by GJMC 3.12.030(a) shall not apply to the following:

(rr) FOR A PERIOD OF THREE YEARS FROM THE EFFECTIVE DATE OF ORDINANCE NO. \_\_\_\_ (THIS ORDINANCE) ALL SALES AND PURCHASES OF FOOD AS DEFINED IN 3.12.020 BY AND THROUGH COIN OR OTHER MONEY (BILLS OR CARDS) OPERATED MACHINES.

**Sunset Clause.** Within sixty days of the third anniversary of the adoption of this ordinance the City Council shall consider the effectiveness of the ordinance at achieving its stated purposes. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the third anniversary of the effective date hereof.

Introduced on first reading and ordered published in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2014.

Adopted, passed, and ordered published in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
President of the City Council

ATTEST:

---

Stephanie Tuin  
City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CONCERNING SECTION 3.12.020 OF CHAPTER 3 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING THE TAXABILITY OF FOOD PRODUCTS SOLD FROM MONEY OPERATED MACHINES**

**RECITALS:**

On December 12, 2013 the City Council received a written request from and on behalf of the vending machine association to eliminate the taxation of food, candy and soft drinks sold through vending machines in the City.

At a work session on January 6, 2014 the City Council considered the request and additionally discussed taxation of food products, vended and not, including but not limited to soft drinks, candy and other food.

While State law provides that carbonated water, soft drinks, chewing gum, candy, prepared salads, packaged and unpackaged cold sandwiches and beverages vended from machines in unsealed containers or cups are not "food" and accordingly are taxed by the State but other food is tax exempt, the City Council discussed whether to align the City tax code with that of the State but determined that it would prefer to remain distinct from the State.

The City Council is committed to a fair and responsible tax code and in order to provide the same, the Council believes it necessary to exercise independent judgment when setting tax policy. The City Council having duly considered this ordinance does find and determine that it is protective of the City's health and general welfare by establishing a local rule concerning the taxability of food and food products sold from vending machines.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:**

That Section 3.12.020 of the Grand Junction Municipal Code shall state as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, ~~deletions are shown in strikethrough~~)

CANDY MEANS A PREPARATION OF SUGAR, HONEY OR OTHER NATURAL OR ARTIFICIAL SWEETENERS IN COMBINATION WITH CHOCOLATE, FRUIT, NUTS OR OTHER INGREDIENTS OR FLAVORINGS IN THE FORM OF BARS, DROPS OR PIECES. CANDY SHALL NOT INCLUDE ANY PREPARATIONS CONTAINING FLOUR AND SHALL REQUIRE NO REFRIGERATION.

SOFT DRINKS MEANS NONALCOHOLIC BEVERAGES THAT CONTAIN NATURAL OR ARTIFICIAL SWEETENERS. SOFT DRINKS DO NOT INCLUDE BEVERAGES THAT CONTAIN MILK OR MILK PRODUCTS, SOY, RICE OR SIMILAR MILK SUBSTITUTES, OR GREATER THAN FIFTY PERCENT OF VEGETABLE OR FRUIT JUICE BY VOLUME.

Food means food for domestic home consumption as defined in 7 U.S.C. Section 2012(g), as amended, for purposes of the federal food stamp program as defined in 7 U.S.C. Section 2012(h), as amended, except that "food" does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow food; prepared salads and salad bars; cold sandwiches AND delicatessen trays ~~and food or drink vended by or through machines or non-coin-operated coin collecting food and snack devices on behalf of a vendor.~~

That Section 3.12.070(rr) be added to the Grand Junction Municipal Code as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, ~~deletions are shown in strikethrough~~)

The tax levied by GJMC 3.12.030(a) shall not apply to the following:

(rr) FOR A PERIOD OF THREE YEARS FROM THE EFFECTIVE DATE OF ORDINANCE NO. \_\_\_ (THIS ORDINANCE) ALL SALES AND PURCHASES OF FOOD, CANDY AND SOFT DRINKS AS DEFINED IN 3.12.020 BY AND THROUGH COIN OR OTHER MONEY (BILLS OR CARDS) OPERATED MACHINES.

**Sunset Clause.** Within sixty days of the third anniversary of the adoption of this ordinance the City Council shall consider the effectiveness of the ordinance at achieving its stated purposes. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the third anniversary of the effective date hereof.

Introduced on first reading and ordered published in pamphlet form this \_\_\_ day of \_\_\_\_\_, 2014.

Adopted, passed, and ordered published in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
President of the City Council

ATTEST:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk



## CITY COUNCIL STAFF REPORT WORKSHOP SESSION

Attachment

Date: 1-28-14

Author: John Camper

Title/ Phone Ext: Police Chief, x.  
5100

Proposed Meeting Date:

2-3-14

**Topic:** Discussion on Amending the Grand Junction Municipal Code to Prohibit Certain Activities Related to Panhandling

**Staff (Name & Title):** John Camper, Police Chief  
John Shaver, City Attorney

### Summary:

Residents of Grand Junction are reporting increasing instances of aggressive panhandling and disturbances by individuals attempting to panhandle money. For consideration by the City Council, Staff has prepared an ordinance regulating certain panhandling activities through reasonable time, place and manner restrictions.

### Background, Analysis and Options:

Between January 1, 2013 and December 31, 2014, the Grand Junction Regional Communication Center received 439 calls complaining of panhandling activity within Mesa County, 377 of which were within the City. While panhandling has long been present within the city, anecdotal reports of more aggressive behavior are becoming commonplace. Particularly in the downtown area and along Main Street, citizens are reporting that panhandlers are becoming more persistent in their requests, and engaging in obscene and taunting language when they are refused.

The Police Department's Homeless Outreach Team has reported similar observations in recent months. Reports of women in particular being verbally taunted and intimidated after being panhandled on Main Street are increasing, as are reports of citizens being panhandled and taunted as they eat in outdoor dining areas. As a key economic driver for our City, it is critical that our residents and visitors continue to feel safe when walking, dining, and shopping in the downtown area.

Although panhandling complaints can occasionally be enforced through other ordinances such as Harassment, such enforcement is not preventative in nature, and is dependent on the filing of a report by a victim. An ordinance regulating certain panhandling activities would allow police to warn or enforce violations of that ordinance, thereby preventing further behavior of that nature. The only other city ordinance that addresses panhandling indirectly concerns prohibition of certain activities within roadway medians. After it was enacted, that ordinance was almost immediately helpful in reducing panhandling in medians, and as a result very few individuals were actually cited for the violation. In fact, since June, 2009, the Police Department has only had to issue six citations for Standing On/Occupying a Median. The Homeless Outreach Team

is of the opinion that a panhandling ordinance would be similarly effective in providing a deterrent to panhandling activity that is aggressive or dangerous.

**Board or Committee Recommendation:**

A newly-formed intra-departmental Vagrancy Committee has reviewed the issue and the proposed ordinance and is in favor of bringing it forward for the City Council’s formal consideration. Prior to the public hearing, Staff will advise the local service agencies and the Colorado ACLU of the ordinance and the hearing date and time.

**Financial Impact/Budget:**

Limited impact. As was the case after the adoption of the Standing On/Occupying a Median ordinance in 2009, it is expected that this ordinance will primarily serve as a deterrent, and that very few actual citations will need to be written. For those that are written, there will be a small increase in the expenditure of staffing and court time.

**Legal issues:**

**Due Process:**

Although the government can restrain and punish people for certain acts, it has long been deemed unconstitutional for the government to restrain or punish them for or because of their status.<sup>1</sup> Therefore, vagrancy and homelessness themselves cannot be outlawed; homeless people and beggars are entitled to sit, walk, rest, speak and occupy public places to the same extent as any person of means; and no law can be used to “give the police authority to arrest disfavored people for acts which others do all the time.”<sup>2</sup> The “only proper target for order maintenance activities is behavior, not status.”<sup>3</sup> The proliferation of homelessness and vagrancy by itself cannot legitimately be considered the basis for an ordinance. The status of those persons is not the legal issue; rather, the issue is the *behavior* of certain persons, some of whom are homeless, some of whom are not.

**First Amendment:**

The First Amendment of the U.S. Constitution provides:

Congress shall make no law . . . abridging the freedom of speech . . .<sup>4</sup>  
The protection of free speech applies to state and local governments through the Due Process Clause of the Fourteenth Amendment.<sup>5</sup> Communication that can be

---

<sup>1</sup> See for example *Robinson v. California*, 370 U.S. 660 (1962), striking down a statute making it a crime to be a drug addict, rather than prohibiting the use or possession of drugs, and *Papachristou v. Jacksonville*, 405 U.S. 156 (1972), striking down a law broadly defining who is “a vagrant.”

<sup>2</sup> Scheidegger, Kent S., Criminal Justice League Foundation, “Restoring Public Order: A Guide to Regulating Panhandling.” p.6.

<sup>3</sup> *Id* at p. 16.

<sup>4</sup> U.S. CONST, amend. I, §1

characterized as “pure speech,”<sup>6</sup> “expressive conduct,”<sup>7</sup> or “charitable solicitation”<sup>8</sup> is accorded the highest protection. Charitable solicitation includes asking for money for one’s own support (panhandling or begging).<sup>9</sup> Therefore it cannot be prohibited by the government. Any outright ban on panhandling would be an unconstitutional restriction. In addition, a street, sidewalk or public park is in constitutional doctrine known as a traditional public forum. Speech conducted in a traditional public forum is likewise accorded the highest level of First Amendment protection.

Constitutional jurisprudence does, however, permit restrictions on aspects of panhandling conduct that are “nonspeech,” so long as the limitations on the attendant speech are only slight.<sup>10</sup> Reasonable limitations on aggressive panhandling are constitutional, where they address a legitimate governmental interest that is unrelated to the suppression of free expression.<sup>11</sup> In no event may people without means (homes, jobs, assets) be banned from public places, however. Restrictions on the time, place and manner of their speech in public places are constitutional, so long as the restrictions are *reasonable, narrowly tailored to serve a significant government interest*, and leave open *adequate alternative channels* of communication.<sup>12</sup>

### **The significant government interest:**

The significant government interest forming the basis for a panhandling ordinance should be carefully considered and articulated in order to determine that the ordinance is reasonable and narrowly tailored. At present there are a variety of laws which outlaw aggressive and other undesirable acts that may be associated with panhandling and vagrancy. For example, the following aggressive behaviors are already unlawful: touching, following or directing obscene language or gesture at someone with the intent to harass or alarm;<sup>13</sup> molesting pedestrians upon the streets or in other public places by following them on foot;<sup>14</sup> stopping or forcibly hindering the operation of a vehicle;<sup>15</sup> obstructing a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway;<sup>16</sup> course or offensive utterances, gestures or displays in a public place tending to incite imminent breach of the peace;<sup>17</sup> placing or attempting to

---

<sup>5</sup> “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; .. .” U.S. CONST, amend XIV, §1.

<sup>6</sup> *Carey v. Brown*, 447 U.S. 455, 460 (1980) (“expressive conduct”); (“charitable solicitation”).

<sup>7</sup> *Spence v. Washington*, 418 U.S. 405, 409-10 (1974)

<sup>8</sup> *International Society for Krishna Consciousness v. Lee*, 505 U.S. 672, 676 (1992) and *Cornelius v. NAACP Legal Defense and Educ. Fund*, 473 U.S. 788, 797 (1985)

<sup>9</sup> *Loper v. New York City Police Department*, 999 F.2d 699 (2<sup>nd</sup> Cir. 1993).

<sup>10</sup> *United States v. O’Brien*, 391 U.S. 367, 376-77 (1968).

<sup>11</sup> *Texas v. Johnson*, 491 U.S. 397, 407 (1989).

<sup>12</sup> *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984); *Perry Educ. Ass’n v. Perry Local Educators Ass’n*, 460 U.S. 37, 45 (1983); *United States Postal Serv. V. Council of Greenburgh Civic Ass’ns*, 453 U.S. 114, 132 (1981); *Consolidated Edison Co. v. Public Serv. Comm’n*, 447 U.S. 530, 535-36 (1980).

<sup>13</sup> C.R.S. §18-9-111.

<sup>14</sup> Grand Junction Municipal Code §9.04.030(b)

<sup>15</sup> C.R.S. §18-9-114.

<sup>16</sup> C.R.S. §18-9-107.

<sup>17</sup> C.R.S. §18-9-106 and Grand Junction Municipal Code §9.04.040.

place a person in fear of imminent serious bodily injury by threat or physical action;<sup>18</sup> demanding money under threat of harm;<sup>19</sup> injuring, attempting to injure or threatening to injure someone.<sup>20</sup>

Other laws addressing safety concerns, social ills and behaviors that can sometimes be associated with vagrancy and homelessness include a prohibition against occupying or soliciting from street medians,<sup>21</sup> littering,<sup>22</sup> disturbing the peace,<sup>23</sup> theft,<sup>24</sup> trespass,<sup>25</sup> injuring or befouling trees, plants, structures or property,<sup>26</sup> fighting in public,<sup>27</sup> drinking alcohol in public,<sup>28</sup> dogs at large and dangerous dogs,<sup>29</sup> prostitution and soliciting,<sup>30</sup> indecent exposure,<sup>31</sup> urinating or defecating in public,<sup>32</sup> unnecessary and excessive noise,<sup>33</sup> and nuisances.<sup>34</sup>

The City Council may find that there are panhandling behaviors that could legitimately be considered threatening or offensive which are not already covered by existing criminal laws; or Council may find conversely. Whatever finding is made, the City Council must keep in mind that the mere presence of poor people in public places or their ordinary requests for money or work do not, by themselves, form a legitimate governmental interest sufficient to outweigh the protected rights.

### **Equal Protection**

The proposed ordinance contains several time, place and manner restrictions which apply to activities which routinely occur in the City. Girl Scouts cookie sales, student car washes or other fundraisers, holiday bell-ringing for the Salvation Army, and political campaign solicitations would also have to comply with the restrictions. It would be unconstitutional to enforce these restrictions only against the poor and destitute and not against other types of charitable solicitation.<sup>35</sup> The Equal Protection Clause is violated where someone is intentionally treated differently from others similarly situated and where there is no rational basis for the difference in treatment.<sup>36</sup> Vagrant status or poor appearance would not constitute a rational basis for disparate treatment. Also, treating

---

<sup>18</sup> C.R.S. §18-3-206.

<sup>19</sup> C.R.S. §18-3-207.

<sup>20</sup> C.R.S. §18-3-201.

<sup>21</sup> Grand Junction Municipal Code §9.04.250

<sup>22</sup> Grand Junction Municipal Code §8.12.010

<sup>23</sup> Grand Junction Municipal Code §9.04.030

<sup>24</sup> Grand Junction Municipal Code §9.04.070

<sup>25</sup> Grand Junction Municipal Code §9.04.080

<sup>26</sup> Grand Junction Municipal Code §9.04.040(c)

<sup>27</sup> Grand Junction Municipal Code §9.04.040(b)

<sup>28</sup> Grand Junction Municipal Code §12.16.100

<sup>29</sup> Grand Junction Municipal Code Title 6, Chapter 12.

<sup>30</sup> Grand Junction Municipal Code §9.04.170

<sup>31</sup> Grand Junction Municipal Code §9.04.180

<sup>32</sup> Id.

<sup>33</sup> Grand Junction Municipal Code §8.16.010

<sup>34</sup> Grand Junction Municipal Code, Title 8, Chapter 8.

<sup>35</sup> While poverty alone does not bring a person into a constitutionally protected class, the Equal Protection Clause of the Fourteenth Amendment affords protection an individual injured by intentional discrimination without regard to their inclusion in a protected class. See *Willowbrook v. Olech*, 528 U.S. 562 (2000).

<sup>36</sup> *Jennings v. City of Stillwater*, 383 F.3d 1199 (10<sup>th</sup> Cir. 2004).

these classes differently would undercut the legitimacy of the government interest purportedly at stake for purposes of the First Amendment analysis.<sup>37</sup>

**Other issues:**

None.

**Previously presented or discussed:**

As noted earlier, this issue has been discussed in several meetings of the newly-formed intra-departmental Vagrancy Committee. Additionally, the concept was presented to City Council during their Strategic Planning Session on November 4, 2013. The subject was also discussed during the City Council workshop on July 31, 2013. The proposal was discussed with the Downtown Development Authority Board on January 23, 2014.

**Attachments:**

The proposed ordinance is attached.

---

<sup>37</sup> [The New York] statute in no way advances substantial and important governmental interests. If it did, the State would not allow, as it does, the solicitation of contributions on city streets by individuals who represent charitable organizations . . ." *Loper, supra*, at p. 705.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE PROHIBITING ACTIVITIES RELATING TO PANHANDLING**

**RECITALS:**

The City of Grand Junction has the authority and power pursuant to C.R.S. §31-15-401 to restrain and punish loiterers and disorderly persons, to prevent and suppress disorderly conduct and disturbances, and to maintain order in public places.

The City likewise has the authority and power pursuant to C.R.S. §31-15-702 to regulate the use of sidewalks, streets and parks.

It has come to the attention of the City Council that some residents have experienced problems with aggressive panhandling, disturbances and vandalism associated with panhandling, and fraudulent practices by panhandlers to gain or obtain money. Between January 1, 2013 and December 31, 2013, the Grand Junction Regional Communication Center received 439 calls complaining of panhandling activity within Mesa County, 377 of which were within the City.

The City Council has been presented with information from the Grand Junction Police Department that panhandling may be creating a public safety risk on and along public roads.

The City Council hereby finds and determines that regulating panhandling through reasonable time, place and manner restrictions and prohibiting aggressive panhandling protects property, public safety and benefits the health, safety and welfare of the entire community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:**

Title 9 of the Grand Junction Municipal Code is amended to include a new Chapter 5, Prohibited Activities, as follows:

**9.05.010 Legislative Declaration.**

- (a) The City Council does find and declare that it is the right of every person to be secure and protected from intimidation and physical harm resulting from activities associated with panhandling.
- (b) This Ordinance is not intended to interfere with the exercise of constitutionally protected rights of freedom of expression, speech and association; and the City Council does recognize the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to lawfully associate with others.
- (c) Citizens of the City are concerned as a result of behaviors by individual persons and groups of persons who aggressively panhandle and who create safety risks

along and on public roads, which activities are not constitutionally protected and which present a clear and present danger to public order and safety.

- (d) This Ordinance is also intended to provide for safe and orderly panhandling during times and at places which protect the safety of the public while allowing for individual expression within the boundaries of the City.

#### **9.05.020 Definitions.**

As used in this Ordinance the following words are defined as follows:

*At-risk person* shall mean a natural person who is over seventy (70) or under sixteen (16) years of age, or who is a person with a disability. A *person with a disability* shall mean, for purposes of the definition of “at-risk” person, a natural person of any age who suffers from one or more substantial physical or mental impairment that renders the person significantly less able to defend against criminal acts directed toward such person than he or she would be without such physical or mental impairment(s). A *substantial physical or mental impairment* shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand, foot or limb; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person’s ability to function physically or that substantially impairs a person’s judgment or capacity to recognize reality or to control behavior.

*Knowingly* shall mean, with respect to the conduct or circumstances described in this Title 9, Chapter 5, that a person is aware that such person’s conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, *knowingly* means that a person is aware that such person’s conduct is practically certain to cause the result.

*Obscene* shall mean a blatantly offensive description of a sexual act or solicitation to commit a sexual act, whether or not such sexual act is normal or perverted, actual or simulated, including but not limited to masturbation, cunnilingus, fellatio, anilingus or human excretory functions.

*Obstruct* shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.

*Panhandle / panhandling* shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for money, employment or other thing of value.

#### **9.05.030 Applicability and effective date.**

This Ordinance shall apply to all places within the City of Grand Junction. This Ordinance shall take effect thirty (30) days following publication and the City Council further authorized publication of this Ordinance in book or pamphlet form.

#### **9.05.040 General panhandling and solicitation.**

It shall be unlawful for any person to panhandle

- (a) One-half (1/2) hour after sunset to one-half (1/2) hour before sunrise;
- (b) If the person panhandling knowingly engages in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
- (c) If the person panhandling directs fighting words to the person solicited that are likely to create an imminent breach of the peace;
- (d) If the person panhandling knowingly touches or grabs the person solicited;
- (e) If the person panhandling knowingly continues to request the person solicited for money or other thing of value after the person solicited has refused the panhandler's initial request;
- (f) If the person panhandling knowingly solicits an at-risk person;
- (g) In such a manner that the person panhandling obstructs a sidewalk, doorway, entryway, or other passage way in a public place used by pedestrians or obstructs the passage of the person solicited or requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;
- (h) Within one hundred (100) feet of an automatic teller machine or of a bus stop;
- (i) On a public bus;
- (j) In a parking garage, parking lot or other parking facility;
- (k) When the person solicited is present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink, or waiting in line to enter a building, an event, a retail business establishment, or a theater;
- (l) On or within one hundred (100) feet of any school or school grounds.

#### **9.05.050 Panhandling and solicitation on or near public streets and highways.**

It shall be unlawful for any person to panhandle or to solicit employment, business contributions or sales of any kind, or to collect money for the same, directly from the occupant of any vehicle traveling upon any public street or highway when:

- (a) Such panhandling, solicitation or collection involves the person performing the activity to enter onto the traveled portion of a public street or highway to complete

the transaction, including, without limitation, entering onto bike lanes, street gutters or vehicle parking areas; or

- (b) [Such panhandling, solicitation or collection involves the person performing the activity being located upon any median area of the traveled portion of a public street or highway which separates traffic lanes for vehicular travel; or] *Note: This item needs further discussion, as it is substantially similar to, but narrower than, GJMC 9.04.250.*
- (c) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely complete the transaction.

Notwithstanding the foregoing in this Section 9.05.050, it shall be unlawful for any person to panhandle or to solicit or attempt to solicit employment, business, or contributions of any kind directly from the occupant of any vehicle on any highway included in the interstate or state highway system, including any entrance to or exit from such highway.

#### **9.05.060 Enforcement and penalties.**

Violation of any provision of this Chapter shall constitute a misdemeanor and shall be punishable in accordance with the penalties provided in GJMC 1.04.090.

#### **9.05.070 Severability.**

This Ordinance is necessary to protect the public health, safety and welfare of the residents of the City. If any provision of this Ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

All other provisions of Title 9 of the Grand Junction Municipal Code shall remain in full force and effect.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this \_\_\_ day of \_\_\_\_\_ 2014.

PASSED, ADOPTED, and ordered published in pamphlet form this \_\_\_ day of \_\_\_\_\_ 2014.

---

President of the Council

ATTEST:

---

Stephanie Tuin  
City Clerk



Date: January 21, 2014  
 Author: Lisa Cox, AICP  
 Title/ Phone Ext: Planning Manager/1448  
 Proposed Schedule:  
 1<sup>st</sup> Reading: January 15, 2014  
 2nd Reading : February 5, 2014  
 File #: ZCA-2013-469

**CITY COUNCIL AGENDA ITEM  
 WORKSHOP SESSION**

Attachment

<b>Subject:</b> Amending Title 21 of the Grand Junction Municipal Code to Extend the Validity of the Minor and Major Site Plan Approval From One Year to Two Years
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance
<b>Presenter(s) Name &amp; Title:</b> Lisa Cox, AICP, Planning Manager

**Executive Summary:**

The amendment to Section 21.02.070(a)(8)(i) will extend the validity of the minor and major site plan approval from one year to two years.

**Background, Analysis and Options:**

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code (GJMC). City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code.

The proposed amendment to Section 21.02.070(a)(8)(i) extends the validity of the minor and major site plan approval from one year to two years. This change will help accommodate the increasing demand for more flexibility for developers to secure financing on “spec” projects and/or to market approved projects.

Site plan approval for minor and major site plans is currently one year. The Director may extend the approval for another 180 days, effectively giving the applicant 1-1/2 years to obtain a planning clearance for construction of a building or structure. Even with the current flexibility of the Zoning Code, developers are still experiencing difficulties securing financing for their projects or buyers who can obtain financing.

The proposed amendment will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development community by providing more flexibility for the entitlement of site plans.

**How this item relates to the Comprehensive Plan Goals and Policies:**

The proposed amendment is consistent with the following goals and policies of the Comprehensive Plan:

Policy 5A: In making land use and development decisions, the City and County will balance the needs of the community.

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Policy 12A: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.

The proposed Code amendment supports the vision and goals of the Comprehensive Plan by providing more flexibility with the entitlement of site plans thereby providing a developer more time to secure financing or a buyer for a specific project. There is a greater likelihood that projects will be financed and constructed with a longer entitlement.

**Board or Committee Recommendation:**

The Planning Commission heard the matter on December 10, 2013 and forwards a recommendation to adopt the amendment as proposed with the following findings of fact and conclusions:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

**Financial Impact/Budget:**

There are no anticipated financial or budget impacts.

**Legal issues:**

The proposed amendment has been reviewed by the Legal Division and found to be compliant with applicable law.

**Other issues:**

Mesa County Planning Division reviewed the proposed amendment and had no issues.

**Previously presented or discussed:**

This amendment was brought forward for first reading on January 15, 2014 and is scheduled to be discussed in the City Council workshop on February 3, 2014.

**Attachments:**

Proposed Ordinance

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 21.02.070(a)(8)(i), VALIDITY, OF THE GRAND JUNCTION MUNICIPAL CODE TO EXTEND THE VALIDITY OF THE MINOR AND MAJOR SITE PLAN APPROVAL FROM ONE YEAR TO TWO YEARS**

**Recitals:**

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances. The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

The proposed amendment to Section 21.02.070(a)(8)(i) extends the validity of the minor and major site plan approval from one year to two years. This change will help accommodate the increasing demand for more flexibility for developers to secure financing on "spec" projects and/or to market approved projects.

Site plan approval for minor and major site plans is currently one year. The Director may extend the approval for another 180 days, effectively giving the applicant 1-1/2 years to obtain a planning clearance for construction of a building or structure. Even with the current flexibility of the Zoning Code, developers are still experiencing difficulties securing financing for their projects or buyers who can obtain financing.

The proposed amendment will enhance the responsiveness of the Zoning Code to the concerns of citizens and the development community by providing more flexibility for the entitlement of site plans.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendment for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendment will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the amendment to extend the validity of the minor and major site plan approval from one year to two years will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:**

Section 21.02.070(a)(8)(i) is amended as follows (deletions shown by strikethrough, additions are underlined):

(i) Administrative permits shall expire after the issue date according to the following table:

<b>Permit Type</b>	<b>Expiration</b>
Administrative Permits (except below)	One year
Planning Clearance and Building Permit	180 days
Fence Permit	180 days
Home Occupations	n/a
Preliminary Subdivision	Two years
Final Plat (unrecorded)	Two years
<b><u>Minor and Major Site Plans</u></b>	<b><u>Two years</u></b>

INTRODUCED on first reading the 15th day of January, 2014 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the \_\_\_\_ day of \_\_\_\_\_, 2014 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

## Legislative Update February 3, 2014



### City Council Legislative Update February 3, 2014

#### Federal Mineral Lease and Severance Tax Revenues

Senate Bill 14-106 was introduced by the Joint Budget Committee (page 27). This bill will allow transfers from the Local Government Permanent Fund to the Mineral Leasing fund (where the revenues will then be distributed to local governments) in the fiscal year after revenues decline by more than 10%. However, the bill did not include an appropriation. The Joint Budget Committee requested that the transfer be included in the Department of Local Affairs' Supplemental Appropriation. It was not included in DOLA's Supplemental and it is now past the deadline. The Joint Budget Committee remains committed to providing the funds during this calendar year if possible. Staff continues to work with DOLA and Associated Governments of Northwest Colorado to ensure these funds are distributed to local governments.

House Bill 14-1064 was killed in committee. This bill would have prevented any local government with a moratorium or a permanent prohibition on the extraction of oil and gas within its boundaries from receiving more in energy impact assistance or direct distributions than it received in the fiscal year that the moratorium or prohibition was enacted. This bill was opposed by the Colorado Municipal League.

Senate Bill 14-046 (page 27) would create a grant program for equipment and training for local government fire departments and fire districts statewide. The funding for the grant program comes out of the revenues that would otherwise go to local governments impacted by energy development (local government's share of severance and federal mineral lease revenues). The controversy for this bill is that funding comes from revenues statutorily set aside for local governments impacted by energy development but the grant would be available for any local government statewide. Amendments were suggested to either find an alternative source, take the funding from "off the top" (which would lessen the impact to local governments; or restrict the grant recipients to local governments impacted by energy development). The proposed amendments were not accepted. Associated Governments of Northwest Colorado opposes this bill; the Colorado Municipal League supports the bill.

<b>Bill Number</b>	<b>Title</b>	<b>Page</b>
HB 14- 1001	Tax Credit for Property Destroyed by a Natural Cause	28
HB 14- 1001	Tax Credit for Property Destroyed by a Natural Cause	34
HB 14- 1002	Water Infrastructure Natural Disaster Grant Program	34
HB 14- 1003	Nonresident Disaster Worker Exemption from Income Tax	28
HB 14- 1003	Nonresident Disaster Worker Exemption from Income Tax	34
HB 14- 1005	Relocate Headgate Without Change Case	32
HB 14- 1007	Prohibit Agriculture Burns and Restriction of Fireworks	34
HB 14- 1008	Forest Health Loans	34
HB 14- 1009	Change Wildfire Mitigation Tax Deduction to Credit	34
HB 14- 1010	Corrections to Prescribed Burning Program Laws	35
HB 14- 1011	Advanced Industries Economic Development	1
HB 14- 1012	Advanced Industries Income Tax Credit	1
HB 14- 1013	Advanced Industries Workforce Development Program	1
HB 14- 1014	Modification of the Job Growth Incentive	1
HB 14- 1015	Extend Transitional Jobs Program	1
HB 14- 1016	Procurement Technical Assistance Program	2
HB 14- 1017	Expand Availability of Affordable Housing	23
HB 14- 1018	Tax Profile and Expenditure Report	28
HB 14- 1020	Combine County Assessor Reports of Taxable Property	28
HB 14- 1021	Penalty for Violating Road Restrictions	31
HB 14- 1026	Water Flexible Markets	32
HB 14- 1028	Oppose Federal Special Use Permit Water Rights	32
HB 14- 1030	Hydroelectric Generation Incentives	32
HB 14- 1033	State agency Regulatory Requirements for Small Business	2
HB 14- 1034	Wine Packaging Permits	19
HB 14- 1036	Felony for Repeat DUI Offenders	20
HB 14- 1037	Enforcing Laws Against Designer Drugs	20
HB 14- 1040	Drug Testing Criminal Provisions	12
HB 14- 1041	Concealed Handgun Carry Without a Permit	15
HB 14- 1043	Create Voter Outreach through Enfranchisement Act	8
HB 14- 1044	Parolee Tampering with Electronic Monitoring Devices	20
HB 14- 1052	Ground Water Management District Enforcement Authority	33
HB 14- 1060	Allow Cities to Compensate Planning Commissioners	25
HB 14- 1061	Eliminate Prison Sentences for Persons Unable to Pay	17
HB 14- 1062	Optional Approval Voting in Nonpartisan Elections	8
HB 14- 1063	Deadly Force Against an Intruder at Place of Business	2
HB 14- 1065	Motor Carrier Transportation Self Indemnity Contracts Void	31
HB 14- 1068	Physician Report Driving Conditions to Department of Revenue	31
HB 14- 1071	Voter Approval for State Branding Program	25
HB 14- 1072	Income Tax Credit for Child Care Expense	28
HB 14- 1074	Allowable Expenses for Renting Tax Exempt Property	23
HB 14- 1075	Deferral of Unemployment Insurance Benefits	12
HB 14- 1077	Raising the Cap for COGCC Conservation Environmental Response Fund	10
HB 14- 1079	Increase Cap for Limited Security Offerings	2
HB 14- 1084	Chop Shop Activity	20
HB 14- 1086	Legal Notices Statewide Website	25
HB 14- 1087	Damage Fees for Rental Motor Vehicles	2
HB 14- 1088	Reapportionment Commission Appointees from Rural Areas	8

Legislation by Bill Number

HB 14- 1091	Accurate Experience Modification Worker's Compensation	12
HB 14- 1094	Sales Tax Holiday for Back to School Items	28
HB 14- 1095	CBI Authority to Investigate Computer Crime	20
HB 14- 1097	Sales and Use Tax Holiday for Firearms and Ammunition	28
HB 14- 1099	Consumer Goods Service Contract Regulations Changes	3
HB 14- 1101	Community Solar Garden Business Personal Property Exemption	29
HB 14- 1104	Revenge Internet Posting Intimate Photos	17
HB 14- 1105	Tax Exempt Gas Sales Between Governmental Entities	29
HB 14- 1106	Tax Deduction for Affordable Care Act Penalty	29
HB 14- 1107	Electronic Tax Notice	29
HB 14- 1110	School Board Executive Session	5
HB 14- 1114	Earned Time in Corrections	17
HB 14- 1116	Compensation for School District Board Members	5
HB 14- 1119	Tax Deduction for Food to a Charitable Organization	29
HB 14- 1120	Tax Increase Approval by 2014 Average Daily Membership	5
HB 14- 1122	Keep Marijuana from Those Under 21	20
HB 14- 1125	HOAs to Publish Member Information with Permission	23
HB 14- 1128	Reduce Voter Identity Theft	8
HB 14- 1129	State to Provide Utility Facility Information to Local Government	25
HB 14- 1130	Foreclosure Cure Remit Unpaid Fees to Borrower	23
HB 14- 1131	Crime of Cyber Bullying	21
HB 14- 1132	Hours of Alcohol Sales for On-Premise Locations	19
HB 14- 1134	Registration of Health Care Insurance Navigators	19
HB 14- 1135	Restrict General Fund Medicaid Expansion	25
HB 14- 1138	Add Hydro Power to Eligible Renewable Energy Standard Reduction	10
HB 14- 1139	Funding Based on Average Daily Membership	5
HB 14- 1143	Residential Storage Condo Unit as Real Property	23
HB 14- 1144	Deputy District Attorney Compensation and Training	17
HB 14- 1145	Disclosure of Financial Information	5
HB 14- 1150	Federal Land Coordination	25
HB 14- 1151	Repeal Ammunition Magazine Prohibition	15
HB 14- 1152	Passive Surveillance Records	17
HB 14- 1153	Attorney Fees for Dismissed Actions	17
HB 14- 1155	Prohibit State Aid to NDAA Investigations	26
HB 14- 1156	Eligibility Age School Age Lunch Program	5
HB 14- 1157	Concealed Carry in School	5
HB 14- 1158	Minimum Sentences for Vehicular Assault	21
HB 14- 1159	State Sales and Use Tax Exemption fro Biogas Equipment	29
HB 14- 1160	Concerning Overweight Vehicle Permits for Divisible Loads	31
HB 14- 1164	Nonpartisan Elections Not Coordinated by County Clerks	8
HB 14- 1165	Private Construction Contracts Retainage and Payment	23
HB 14- 1166	Renewal of Concealed Handgun Permits	15
HB 14- 1167	English Language Proficiency Programs	6
HB 14- 1177	Meetings of Boards of County Commissioners	26
HB 14- 1179	Veterans Workforce Accelerator Grant Program	12
HB 14- 1182	Public Education Accountability for 2015-2016 School Year	6
HB 14- 1183	Veterans Full Employment	12
HB 14- 1189	Ease Plumbing License Requirements Rural Areas	23
HB 14- 1191	Hit and Run Medina Alert Program	21

Legislation by Bill Number

HB 14- 1193	Research Retrieval Fees for Public Records Under COA	26
HB 14- 1196	Local Government Marijuana Impacts Task Force	26
HB 14- 1198	Military and Family Professional Licensing	19
HB 14- 1200	Creation of a Small Business Regulatory Review Commission	3
HB 14- 1201	Align PERA Highest Average Salary with Other State	12
HB 14- 1202	Local Accountability Requirements for School Districts	6
HB 14- 1203	Funding for Digital Trunked Radio System Maintenance	21
HB 14- 1204	Flexibility for Rural School Districts	6
HB 14- 1209	Marijuana Diversion Prevention Grant Fund	26
HB 14- 1210	County & Agency Agreement on Fire Cost on State Land	26
HB 14- 1212	Full-Day Kindergarten Funding for Districts	6
HB 14- 1214	Increased Penalties for Assault of Emergency Service Providers	21
HB 14- 1217	Clarification of Mineral Rights Property Owned by a County	10
HB 14- 1218	Replaces Groundwater Depletions with Surface Water	33
HB 14- 1220	Discovery Requirements for Criminal Law	17
HB 14- 1222	Clean Energy Private Activity Bonds	10
HB 14- 1224	Service-Disabled Veteran Owned Small Business Set Aside	3
HB 14- 1225	Required Hands Free Telephone When Driving	21
HB 14- 1226	Repealing the Restriction on Local Government Regulating Plastics	27
HB 14- 1230	Restoration of Firearm Carry Rights for Some Felons	15
HB 14- 1231	State Talent and Market Intelligence	3
SB 14- 001	College Affordability Act	7
SB 14- 002	Safe2Tell Program	22
SB 14- 005	Wage Protection Act	13
SB 14- 008	Create Wildfire Information & Resource Center	35
SB 14- 009	Disclose Separate Ownership for Mineral Estate	24
SB 14- 010	Manufactured Home Communities	24
SB 14- 011	Colorado Energy Research Authority	10
SB 14- 013	Old Age Pension- Allowing Gifts	13
SB 14- 014	Property Tax, Rent and Head Rebate Program for Low Income	29
SB 14- 016	CDPHE Regulations on Freestanding Emergency Centers	3
SB 14- 017	Limit Use of Agriculture Water for Land Irrigation	33
SB 14- 018	Prohibit Nicotine Product Distribution to Minors	22
SB 14- 019	Status of Taxpayers Who May File Joint Returns	30
SB 14- 021	Persons with Mental Illness and Criminal Justice	18
SB 14- 022	Community Development Financial Institutions	4
SB 14- 023	Transfer Water Efficiency Savings to Instream Use	33
SB 14- 025	Wastewater Treatment Small Communities Grant Program	27
SB 14- 028	Expand Electric Vehicle Charging Station Grants	31
SB 14- 031	Old Hire FPPA Plans	13
SB 14- 038	Prohibiting the Governor from Restricting Firearms During Emergencies	15
SB 14- 042	Local Government Discretion for Terms of Business Incentive	4
SB 14- 043	Greenhouses and Nurseries	30
SB 14- 046	Firefighter Safety Grant Program	27
SB 14- 047	Wildland Firefighters Death Benefit Payment	35
SB 14- 054	Payment in Lieu of License Suspension	19
SB 14- 057	Continuation of Enhanced Unemployment Insurance Benefits	13
SB 14- 059	Statute of Limitations Pertaining to Sex Crimes	22
SB 14- 060	CDOT Training for Flagpersons	31

Legislation by Bill Number

SB 14- 061	Refer Illegal Aliens to ICE After Conviction	18
SB 14- 063	Mandatory Review of State Agency Rules	27
SB 14- 065	Prohibition on Pledging Business Personal Property Tax Revenue	30
SB 14- 068	Retirement Age for PERA	13
SB 14- 072	Treat Preflood Groundwater Depletions as Replaced	35
SB 14- 073	Brownfield Contaminated Land Income Tax Credit	30
SB 14- 074	Remedies in Employment Discrimination Cases	14
SB 14- 075	Deployed Military Motor Vehicle Taxes and Fees	30
SB 14- 076	New Limited Impact Mineral Permit Category	10
SB 14- 080	Concerning Qualifications of Arbitrators for Property Tax Appeal	30
SB 14- 082	Renewable Energy Standard Adjustment for DG	11
SB 14- 084	Elect County Commissioners by District	8
SB 14- 085	One Percent Reduction in the State Budget	27
SB 14- 090	No Background Checks for Step-Relations	15
SB 14- 093	Pipeline Right of Way	11
SB 14- 094	Background Checks and Fees for Gun Transfers	15
SB 14- 097	Immunity for Public Agencies in Wildfire Mitigation	35
SB 14- 100	Repeal High Capacity Ammunition Ban	16
SB 14- 103	Phase In High Efficiency Water Fixtures	24
SB 14- 111	Interstate Sale of Small Employer Health Benefit Plan	4
SB 14- 115	State Water Plan: Public Review and GA Approval	33
SB 14- 116	Initiated Petitions Signature Line-by-Line Verification	9
SB 14- 117	Reauthorization of Real Estate Appraisers	24
SB 14- 119	Decriminalize Prohibited Practices of Lobbyists	18
SB 14- 121	Assistance to Local Government after a Disaster Emergency	36
SB 14- 125	Regulation of Transportation Network Companies	4
SB 14- 129	Marijuana Criminal Provision Clean Up	22
SB 14- 131	Motor Vehicle Registration Card Information	31
SB 14- 135	Repeal Firearm Purchase Regulations in Contiguous States	16
SB 14- 136	Delay Statewide Testing to Study Academic Standards	7
SB 14- 138	Civil Immunity for Volunteers at Emergencies	36
SB 14- 140	No HOA Lien without Full CCIOA Applicability	24

Legislation by Bill Number

---

**Advanced Industries Economic Development Funding****HB 14-1011***House: Young; Senate: Heath*

This bill increases the amount of funding for the Advanced Industries Economic Development Fund. The Advanced Industries Development Fund was established in 2013 to promote growth and sustainability in advanced industries.

Advanced industries include advanced manufacturing, aerospace, bioscience, electronics, energy and natural resources.

**Status:** 01/28/2014 House Committee on Business, Labor, Economic, & Workforce Development refer to Appropriations

---

**Advanced Industries Investment Income Tax Credit****HB 14-1012***House: Tyler; Senate: Keflas*

This bill repeals the Colorado Innovation Investment Tax Credit and replaces it with the Advanced Industries Tax Credit. The credit is available for qualified investors who make an equity investment in a qualified small business from the advanced industries. Advanced industries include advanced manufacturing, aerospace, bioscience, electronics, energy and natural resources.

**Status:** 01/08/2014 Introduced In House - Assigned to Finance & Appropriations

---

**Advanced Industries Workforce Development Program****HB 14-1013***House: Lee; Senate: Todd*

This bill creates the Advanced Industries Workforce Development Program. The program will reimburse businesses for one-half of its expenses related to a qualifying internship or apprenticeship.

Qualifying apprenticeships must be in an advanced industry; be for at least 160 hours and less than one year; and allows students to gain valuable work experience in at least 3 specified occupational areas. Apprentices must be paid; they must be provided a mentor or supervisor; they must be a high school or college student; and must not make up more than 50% of the business's workforce located in the state.

A business may be reimbursed for up to 5 interns and apprentices per location and up to 10 locations. The maximum amount that a business may be reimbursed for each internship is \$5,000. No more than \$2,500 of which may be a stipend paid to the apprentice. The bill would require the General Assembly to appropriate \$450,000 in the next 3 fiscal years for the program.

**Status:** 01/08/2014 Introduced In House - Assigned to Business, Labor, Economic, & Workforce Development

---

**Modification of the Job Growth Incentive Credit****HB 14-1014***House: DelGrosso; Senate: Heath*

This bill modifies the job growth incentive tax credit by extending the tax credit claims period from 60 months to 96 months, lowering the average wage match from 110% to 100% and changing the language that governs approval of the project to show that the credit is a substantial factor in the decision to locate or retain the project in Colorado. The existing credit is a state income tax credit for businesses that create at least 20 new jobs in Colorado (5 if located in rural Colorado) with an average yearly wage of 110% of the state and county average.

**Status:** 01/08/2014 Introduced In House - Assigned to Business, Labor, Economic, & Workforce Development

---

**Extend Transitional Jobs Program****HB 14-1015***House: Kraft-Tharp; Senate: Kerr*

The ReHire Colorado program was created under House Bill 13-1004 to provide unemployed and underemployed adults an opportunity to experientially learn, model, and practice successful workplace behaviors that help them to obtain long-term unsubsidized employment. Under the bill, the DHS was appropriated \$2.4 million and 2.0 FTE for this program in FY 2013-14. Moneys are used to reimburse employers for wage-related costs, make payments to local agency contractors, and for staff and administrative costs. This bill would appropriate funds and extend the program into 2016-2017.

**Status:** 01/21/2014 House Committee Business, Labor, Economic, & Workforce Development Refer to Appropriations

---

---

**Procurement Technical Assistance Program****HB 14-1016***House: Ryden; Senate: Todd*

This bill establishes the Procurement Technical Assistance Program (PTAP), allowing Colorado to participate in federal procurement technical assistance, with federal funds that match state contributions to a program that follows federal guidelines. The state participates by entering into a contractual partnership between the Office of Economic Development and International Trade and at least one nonprofit entity that is designated by the federal Defense Logistics Agency to provide technical assistance in Colorado.

**Status:** 01/21/2014 House Committee on Business, Labor, Economic, & Workforce Development Refer to Finance

---

**State Agency Regulatory Requirements for Small Business****HB 14-1033***House: Szabo; Senate: Tochtrop*

This bill enacts the Regulatory Reform Act of 2014. The Act requires that for the first minor violation of a new rule by a business of 100 or fewer employees, a state agency must first issue a written warning and engage a business in education outreach as to the methods of complying with a new rule. The bill also requires state agencies to make information on new rules available and available in electronic form. A "new rule" is defined as any regulatory requirement in existence for less than one year prior to its enforcement by a state agency, and "minor violation" as any violation of a new rule by a business of 100 or fewer employees where the violation is minor in nature, involving record-keeping and issues that do not affect the life safety of the public or workers.

**Status:** 01/08/2014 Introduced In House - Assigned to State, Veterans & Military Affairs

---

**Deadly Force against an Intruder at a Business****HB 14-1063***House: Everett, Wright; Senate: Grantham*

This bill extends the right to use deadly force against an intruder under certain conditions to owners, managers, and employees of businesses. The conditions require uninvited entry and when the person has a reasonable belief that the other person has committed a crime in the dwelling or is committing or intends to commit a crime against a person or property or when the occupant reasonably believes that the other person might use any physical force against any occupant of the dwelling.

**Status:** 01/08/2014 Introduced In House - Assigned to State, Veterans, & Military Affairs**AGNC- SUPPORT**

---

**Increase the Cap for Limited Security Offerings****HB 14-1079***House: Lee*

Limited offering registration is a type of small public offering for firms to issue stocks and debt instruments to raise business capital. Currently, the gross proceeds of such an offering are capped at \$1.0 million per year. The limited offering registration procedure is available to issuers that have a principal place of business and the majority of its full-time employees in Colorado. Eighty percent of the proceeds must be used for operations in the state. This bill would increase the cap from \$1 million to \$5 million.

**Status:** 01/28/2014 House Committee of Business, Labor, Economic, & Workforce Development refer to Committee of the Whole

---

**Damages for Rental Motor Vehicles****HB 14-1087***House: Lee*

The bill limits the damages that a vehicle rental company can recover from an authorized driver to amounts reasonably related to the loss incurred by the rental company.

**NEW!****Status:** 01/29/2014 Introduced in House- Assigned to Business, Labor, Economic, & Workforce Development

---

**Consumer Goods Service Contract Regulation Changes****HB 14-1099***House: Williams, Szabo; Senate: Jahn and Balmer*

The bill provides for changes to the regulation of consumer goods service contracts based on the model act of the National Association of Insurance Commissioners. Service contracts require the provider to perform repair, replacement, or maintenance on any consumer good covered by the service contract. This bill requires service contracts to be in writing and disclose the terms and conditions of the contract, the covered consumer goods, the identity of the provider and any administrator appointed by the provider, procedures for cancellation of the contract, and whether the service contract is protected by reimbursement insurance coverage. The bill also requires that the contract holder is allowed to void the contract within 20 days after the receipt of the contract. The contract provider must also demonstrate an ability to provide the services under contract and adhere to certain record-keeping requirements. The bill also allows the Commissioner of Insurance to assess civil penalties of up to \$500 per violation and up to \$10,000 for all violations of a similar nature.

**NEW!****Status:** 01/30/2014 Introduced in House- Assigned to Business, Labor, Economic, & Workforce Development

---

**Creation of a Small Business Regulatory Review Commission****HB 14-1200***House: Dore*

The bill creates the Small Business Regulatory Review Commission in the Department of Regulatory Agencies. The Commission is comprised of 7 members appointed by the Governor including 2 members representing Chambers of Commerce and 5 members who are small business owners in Colorado (of various sizes from up to 25 employees to 500 employees). The Commission is tasked with reviewing rules adopted by administrative agencies in the state. Rules that the Commission determine to unduly burdensome on small business are to be included in an annually report submitted to the Committee on Legal Services (COLS). COLS may, by majority vote, discontinue all or any of those rules by including them in the annual rule review bill.

**NEW!****Status:** 01/30/2014 Introduced in House- Assigned to State, Veterans & Military Affairs

---

**Service-Disabled Veteran Owned Small Business Set Aside****HB 14-1224***House: Gardner; Senate: Herpin*

The bill "establishes a goal" that each state agency will award at least 3% of contracts (per \$ amount) subject to the Procurement Code to service-disabled Veteran owned small businesses.

**NEW!****Status:** 01/30/2014 Introduced in House- Assigned to State, Veterans & Military Affairs

---

**State Talent and Market Intelligence****HB 14-1231***House: Buckner and Kagan*

This bill requires the Colorado Office of Economic Development to obtain a Talent Analytics Tool. The Office is required to use this tool to conduct a study and identify the state's talent base, assess the areas in which the state's talent base has gaps in skills, and gain a comprehensive understanding of the strength of its talent base compared to other states.

**NEW!****Status:** 01/30/2014 Introduced in House- Assigned to Business, Labor, Economic & Workforce Development

---

**CDPHE Regulations on Freestanding Emergency Centers****SB 14-016***Senate: Aguilar; House: Moreno*

This bill permits the Department of Public Health and Environment to issue Community Clinic Licenses only if the community clinic is located more than 25 miles from a hospital. On or after 2 years after the effective date of the bill, all other freestanding emergency rooms must be owned and operated by a licensed or certified hospital. There are currently four stand-alone emergency facilities in Colorado that are not affiliated with a hospital (Colorado Springs, Arvada, Telluride and Crested Butte- the Colorado Springs and Arvada locations would be impacted.)

**Status:** 01/08/2014 Introduced In Senate - Assigned to Finance

---

**Community Development Financial Institutions****SB 14-022***Senate: Keflas; House: Fields*

This bill authorizes public funds to be invested in general obligations of Community Development Financial Institutions so long as the CDFI is registered with the Secretary of State. Community Development Financial Institutions were authorized by the federal government in 1994 to promote economic revitalization in low-income communities that lack access to affordable financial products and services. CDFIs offer two awards. Grand Junction does not currently have a CDFI.

**Status:** 01/08/2014 Introduced In Senate - Assigned to Finance**CML-SUPPORT**

---

**Local Government Discretion for Terms of Business Incentives****SB 14-042***Senate: Scheffel*

Currently, local governments are authorized to negotiate an incentive payment or credit with a company that pays business personal property tax and that establishes a new business facility, expands an existing business facility, or is at risk of relocating. Under current law, the agreement must not extend past 10 years. This bill would eliminate the 10-year limit.

**Status:** 01/08/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs**CML- SUPPORT****AGNC- SUPPORT**

---

**Interstate Sale SMALL Employer Health Benefit Plan****SB 14-111***Senate: Brophy*

This bill would direct the Insurance Commissioner to approve for sale in Colorado small employer health benefit plans that are approved in other states if the following conditions apply:

- The insurer (or affiliate or subsidiary) is authorized to transact business in Colorado and meets the National Association of Insurance Commissioners actuarial standards;
- The insurer agrees that the commissioner and Colorado courts will have jurisdiction over any policy disputes;
- The insurer complies with marketing requirements applicable to small employer carriers;
- The commissioner ensures that the insurer's provider network is adequate; and
- The insurer informs the commissioner if the policy will be priced the same in Colorado as in the other state.

**Status:** 01/27/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs**NEW!**

---

**Regulation of Transportation Network Companies****SB 14-125***Senate: Jahn; House: Pabon and Szabo*

This bill allows the PUC to regulate transportation network companies. Transportation network companies are similar to taxi cabs (which are regulated by the PUC) and match individual consumers up with individuals with vehicles willing to transport via digital networks such as mobile phone applications. The bill exempts these companies from much of the PUC's oversight (including rates) but does subject these companies to the PUC oversight for safety conditions, insurance requirements and driver qualifications.

**Status:** 01/27/2014 Introduced In Senate - Assigned to Business, Labor, & Technology**NEW!**

---

**School Board Executive Session****HB 14-1110***House: Peniston; Senate: Hodge*

Under current law, privileged communications during executive sessions of School Boards do not have to be recorded. Other aspects of the executive session must be recorded. This bill would require the entire session to be recorded and also requires the board to keep a "privilege log" to identify the time and nature of the discussion.

**Status:** 01/15/2014 Introduced In House - Assigned to Education

---

**Compensation for School District Board Members****HB 14-1116***House: Rosenthal*

This bill removes the restriction prohibiting compensation for a President or Vice-President of a School District Board of Education.

**Status:** 01/15/2014 Introduced In House - Assigned to Local Government

---

**Tax Increase Approval by 2014 for School Finance****HB 14-1120***Senate: Brophy; House: Holbert*

Senate Bill 13-213 established a new School Finance Act for public education in Colorado with a deadline of November 2017 for voter approval to fund the Act. This bill moves the deadline up to November 2014.

**Status:** 01/15/2014 Introduced In House - Assigned to Local Government

---

**Funding Based on Average Daily Membership****HB 14-1139***House: Priola*

Under current law, funding for school districts and institute charter schools is based on the number of pupils enrolled on a specified count date each school year. This bill changes the calculation in 2017-2018 to instead be based upon the average daily membership, preschool program average daily membership, at-risk pupil average daily membership, on-line average daily membership, ASCENT program average daily membership, and funded membership (collectively referred to as "membership") for the funding averaging period. The funding averaging period is the 4 quarters of the preceding budget year plus the first quarter of the current budget year.

**Status:** 01/16/2014 Introduced In House - Assigned to Local Government

---

**Disclosure of Financial Information****HB 14-1145***House: Wilson*

This bill requires the Department of Education to create summary information of the revenue and primary expenditures of each school district, charter school, Board of Cooperative Services, and the State Charter School Institute, broken down by elementary, middle and secondary school levels. The information must also be posted online.

**Status:** 01/16/2014 Introduced In House - Assigned to Local Government

---

**Eligibility Age School Lunch Protection Program****HB 14-1156***House: Moreno; Senate: Ulibarri*

This bill would extend the eligibility of free lunches to school age children through 12<sup>th</sup> Grade. The current eligibility is from Kindergarten through 2<sup>nd</sup> Grade. The bill would also increase the annual appropriation to \$3.5 million (from \$1 million).

**Status:** 01/17/2014 Introduced In House - Assigned to Education + Appropriations

---

**Concealed Carry in Schools****HB 14-1157***House: Humphrey; Senate: Renfroe*

This bill authorizes a School District Board of Education and the Governing Board of a Charter School to adopt a written policy allowing employees to carry a concealed handgun on school grounds if the person holds a valid permit.

**Status:** 01/17/2014 Introduced In House - Assigned to Judiciary

---

**English Language Proficiency Programs****HB 14-1167***House: Navarro***NEW!**

This bill makes several changes to the English Language Proficiency Act. Under current law, funding for students with limited English proficiency is limited to 2 years. This bill expands the funding period to 5 years. Currently, funding is based upon proficiency level. This bill will make funding equal regardless of proficiency level. The bill also makes specific new requirements of the local education provider (school) and the Department of Education.

**Status:** 01/22/2014 Introduced in House- Assigned to Education

---

**Public Education Accountability for 2015-2016 School Year****HB 14-1182***House: Hamner***NEW!**

The Department of Education (DOE) must annually review the performance of every public school and school district and assign a rating. For the 2015-2016 school year, this bill would allow the DOE to assign the rating based upon the school's or district's:

- Accreditation rating or type of performance plan for the preceding school year;
- Compliance with the accreditation contract, for a school district or the institute;
- Participation in statewide testing; and
- Performance in meeting the Colorado academic standards and postsecondary and workforce readiness and statewide and local performance targets.

This bill also allows the DOE to recommend action plants that are not specified in statute but have "comparable significance and effect."

**Status:** 01/29/2014 Introduced In House - Assigned to Education

---

**Local Accountability Requirements for School Districts****HB 14-1202***House: Scott***NEW!**

Under current law, every School District is required to administer statewide assessments in grades 3 through 11 and the State Board of Education cannot waive this requirement. This bill would direct the State Board to waive most of the assessment requirements for a School District that submits a School District Assessment Plan that meets specified requirements. If a school district that receives a waiver fails to meet statewide targets for academic performance for 3 consecutive school years, the State Board must modify the school district's waiver to require the school district to administer the statewide assessments in the subjects in which it failed to meet the statewide targets.

**Status:** 01/30/2014 Introduced In House - Assigned to Education

---

**Flexibility for Rural School Districts****HB 14-1204***House: Wilson***NEW!**

This bill removes and modifies requirements of rural school districts (fewer than 1,000 students). The bill allows these districts to submit certain reports biennially instead of annually and removes other requirements.

**Status:** 01/30/2014 Introduced In House - Assigned to Education

---

**Full-Day Kindergarten Funding for Districts****HB 14-1212***House: Wilson***NEW!**

Under current law, students who are enrolled in kindergarten are counted as half-day students and the school district receives only 50% of the per-pupil funding for each kindergarten student. If the district provides full-day kindergarten, the district received 58% of the per-pupil funding per student. This bill would change the funding so that districts receive 100% per-student enrolled in full-day kindergarten.

**Status:** 01/30/2014 Introduced In House - Assigned to Education

---

---

**College Affordability Act****SB 14-001***Senate: Jahn, Kerr; House: Garcia, McLachlan*

This bill reduces the cap on the annual increase in the rate of undergraduate resident tuition at state-supported institutions of higher education from 9.0% annually to 6.0% annually. Institutions may increase their rates by more than 6% with the approval of the Colorado Commission on Higher Education. The bill also appropriates \$60 million to the College Opportunity Fund and \$40 million to various financial aid programs.

**Status:** 01/08/2014 Introduced In Senate - Assigned to Education

---

**Delay Statewide Testing Study Academic Standards****SB 14-136***Senate: Marble; House: Saine*

This bill delays by one year the administration of the new statewide assessments in English, mathematics, science and social studies. The bill also creates the Colorado Academic Standards Task Force to study the implementation of the new Colorado academic standards adopted by the State Board of Education. The bill also requires a cost-benefit analysis as well as directs the Department of Education to ensure that the assessment can be completed using paper and pencil and that prior to administration of any assessment that is created by a consortia of states, the General Assembly must have an opportunity to act on the task force's recommendations.

**NEW!****Status:** 01/27/2014 Introduced In Senate - Assigned to Education

---

---

**Create Voter Outreach through Enfranchisement Act****HB 14-1043***House: Stephens*

HB 14-1043 makes several changes to statute enacted in 2013 under the Voter Access and Modernized Elections Act. The bill relieves election officials from the duty to tabulate individual write-in-votes for an office unless at least 10% of the ballots cast contain a write-in-vote. The bill also changes the formula for the number of voter service and polling centers required for elections. Changes enacted in 2013 required each registered voter to receive a mail-in ballot. This bill allows voters to opt-out of the mail-in ballot. Legislation in 2013 reduced the minimum number of days of residency required to vote from 30 to 22. This bill applies the 22 day minimum to local elections as well.

**Status:** 01/08/2014 Introduced In House- Assigned to State, Veterans & Military Affairs

---

**Optional Approval Voting in Nonpartisan Elections****HB 14-1062***House: Singer; Senate: Balmer*

“Approval Voting” is when electors cast a vote for as many of the candidates per office as the elector chooses. The winner of the office is the individual who received the most votes. This bill authorizes local governments and school districts to conduct nonpartisan elections using optional approval voting.

**Status:** 01/08/2014 Introduced in House- Assigned to State, Veterans and Military Affairs

---

**Reapportionment Commission Appointees from Rural Areas****HB 14-1088***House: Dore; Senate: Roberts*

The Colorado Reapportionment Commission convenes every ten years for the purpose of establishing the senatorial and representative districts. This bill requires that at least 7 of the 11 appointees reside in counties of 25,000 or less.

**Status:** 01/13/2014 Introduced in House- Assigned to State, Veterans and Military Affairs**AGNC- SUPPORT**

---

**Reduce Voter Identity Theft****HB 14-1128***House: Szabo, Scott, Wright; Senate: Harvey*

This bill removes the following items from the list of eligible items used to define “identification:” a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the individual.

**Status:** 01/15/2014 Introduced in House- Assigned to State, Veterans and Military Affairs

---

**Nonpartisan Elections Not Coordinated by County Clerks****HB 14-1164***House: Hulinghorst; Senate: Ulibarri and Roberts*

This bill primarily addresses the election processes for Special Districts by creating the Colorado Local Government Election Code to govern the conduct of nonpartisan elections by special districts that are not coordinated by a county clerk. The new election code does not impact municipalities. However, the bill does align the residency requirement for municipal elections with the requirements of HB 13-303 by removing minimum residency requirement for municipal elections (previously set at 30 days). The bill also allows for residency establishment through property owned by civil union partners.

**Status:** 01/30/2014 House Third Reading Passed**CML- SUPPORT**

---

**Elect County Commissioners by District****SB 14-084***Senate: Roberts; House: Coram*

In counties with populations of less than 70,000, the Board of County Commissioners currently consists of 3 members from 3 separate districts with 1 commissioner elected from each district by the voters of the whole county. This bill allows the voters of a county to change the method of election so that a commissioner is elected only by voters residing in the district they represent. The change can be made either by the Board of County Commissioners or by the electors filing a petition.

**Status:** 01/30/2014 Senate Second Reading Passed with Amendments

---

**Initiated Petitions Signature Line-by-Line Verification**

SB 14-116

*Senate: Steadman; House: May*

For a statewide ballot initiative to appear on the ballot, at least 5% of the registered electors must sign the petition. The Secretary of State then verifies the petition through random-sampling. This bill reduces the range that triggers the line-by-line verification from 90%-100% to 95%-105%. If the random sampling establishes that a petition has less than 90% of the total required to be on the ballot, it is deemed insufficient. If it has more than 110%, it is deemed sufficient. But if the random sampling establishes that the number of valid signatures is more than 90% but less than 110% of the required total, the Secretary of State examines and verifies each petition signature filed (line-by-line verification).

**NEW!****Status:** 01/27/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

---

---

**Raising the Cap for COGCC Conservation and Environmental Response Fund** **HB 14-1077**  
*House: Gerou; Senate: Hodge*  
This bill increases the statutory cap on the 2-year average of the unobligated portion of the Oil and Gas Conservation and Environmental Response Fund from \$4 million to \$6 million.  
**Status:** 01/29/2014 House Third Reading Passed

---

**Add Hydro Power to Eligible Renewable Energy Standard Reduction** **HB 14-1138**  
*House: Humphrey; Senate: Tochtrop*  
This bill adds hydroelectric to the list of eligible renewable energy sources for the renewable energy standard.  
**Status:** 01/16/2014 Introduced in House- Assigned to Transportation and Energy  
**AGNC- SUPPORT**

---

**Clarification of Mineral Rights Property Owned by a County** **HB 14-1217**  
*House: Rankin*  
This bill clarifies the legal rights of county governments in connection with real property owned by the county. Specifically, this bill clarifies that county ownership of property includes, oil, gas, mineral and other property interest for county revenue generation and other county government operations, projects and purposes. The bill also specifies that oil and gas reserved rights are included within the mineral rights that the BOCC may lease for exploration, production and development. The bill deletes a provision placing a time limit on a lease of mineral rights by the County. The bill clarifies that revenue generation is among the purposes for which the county may lease real estate or other interests and that the Board has authority to approve the terms and conditions of such leases. **NEW!**  
**Status:** 01/30/2014 Introduced in House- Assigned to Local Government

---

**Clean Energy Projects Private Activity Bonds** **HB 14-1222**  
*House: McLachlan*  
Under current law, local governments can issue Private Activity Bonds on behalf of a property owner or group of property owners (not including cooperative electric associations) for the purpose of constructing, expanding, or upgrading an eligible clean energy project on the eligible applicant's property. The bill reduces the minimum amount of private activity bonds that a local government may issue for an eligible applicant from \$1 million to \$500,000, extends the maximum repayment term for bonds from 10 years to 15 years, and allows the bonds to be correlated to the revenue stream of the project up to 75% so long as bond payments do not exceed 75% of project revenue. **NEW!**  
**Status:** 01/30/2014 Introduced in House- Assigned to Transportation and Energy

---

**Colorado Energy Research Authority** **SB 14-011**  
*Senate: Heath; House: Hullinghorst*  
This bill changes the Colorado Renewable Energy Research Authority to the Colorado Energy Research Authority and makes several changes to the Authority.  
**Status:** 01/30/2014 Senate Committee on Agriculture, Natural Resources & Energy refer to Finance

---

**New Limited Impact Mineral Permit Category** **SB 14-076**  
*Senate: Tochtrop; House: Becker*  
Mining statutes previously included 2 limited-impact permit categories. The smaller of the two was for operations that affected less than 2 acres and extracted less than 70,000 tons of mineral. In 1993, the smaller permit was revoked. This bill reestablishes the smaller permit class for operations 5 acres or less.  
**Status:** 01/30/2014 Introduced in House- Assigned to Agriculture, Livestock & Natural Resources

---

---

**Renewable Energy Standard Adjustment for Distributed Generation****SB 14-082***Senate: Grantham, King*

This bill modifies the statute that specifies the portion of electric generation capacity that cooperative electric associations must meet through distributed generation. Specifically, the bill eliminates the disparity between cooperative electric associations serving fewer than 10,000 meters and those serving more than 10,000 meters; establishes a uniform 0.5% total retail electricity sales as the target percentage for DG; and allows the 0.5% to be measured collectively among these associations as a group rather than individually.

**Status:** 01/14/2014 Introduced in Senate- Assigned to Senate Committee on Ag, Natural Resources & Energy**AGNC- SUPPORT**

---

**Pipeline Right-of-Way****SB 14-093***Senate: Jahn; House: May*

The bill specifies that companies that operate pipelines that convey oil, gasoline, or other petroleum or hydrocarbon products are pipeline companies granted the right of eminent domain subject to state constitutional and statutory provisions that require payment of just compensation and otherwise govern the exercise of the power of eminent domain. A pipeline company must also comply with all applicable laws and regulations including, but not limited to, federal pipeline safety regulations.

**Status:** 01/15/2014 Introduced in Senate- Assigned to Senate Committee on Ag, Natural Resources & Energy**AGNC- SUPPORT**

---

---

**Drug Testing Criminal Provisions****HB 14-1040***House: McNulty*

This bill establishes a Level 1 misdemeanor for an employee who is legally required to undergo drug testing as a condition of their employment if the person uses a controlled substance without a prescription or who knowingly defrauds the administration of the drug test. The bill establishes a Level 2 misdemeanor for anyone else who knowingly defrauds a drug test. The bill also establishes a misdemeanor offense for individuals who manufacture, sell or possess a device adapted or designed to defraud the administration of a drug test.

**Status:** 01/30/2014 House Committee on Business, Labor, Economic, & Workforce Development Refer Amended to Judiciary

---

**Deferral of Unemployment Insurance Benefits****HB 14-1075***House: Melton*

This bill would reduce the deferral of unemployment insurance benefits to claimants who, while on unemployment, accept work and then separate from that work because it is unsuitable within 30 days after accepting the work and then apply again for unemployment insurance benefits. The current deferral penalty is 10 weeks. This bill reduces the deferral period to the period of time that the claimant worked prior to separation.

**Status:** 01/08/2014 Introduced In House - Assigned to Business, Labor, Economic, & Workforce Development

---

**Accurate Experience Modification Workers' Compensation****HB 14-1091***House: Swalm; Senate: Jahn*

The bill requires each workers' compensation insurance carrier to notify the authorized rating organization to revise the experience modification factor of an employer to reflect the actual dollar amount paid for a closed claim instead of the amount reserved prior to the closure of the claim and the amount recovered through subrogation of a claim.

**Status:** 01/13/2014 Introduced In House - Assigned to Business, Labor, Economic, & Workforce Development

---

**Veterans Workforce Accelerator Grant Program****HB 14-1179***House: Landgraf*

This bill creates the Veteran's Workforce Accelerator Grant Program. The program awards grants to eligible recipients to match funding for an accelerated, hands-on skills training program for advanced industry jobs. The purpose of the program is to accelerate workforce training in advanced industries for veterans and others who have the capacity to work in high-demand, skilled positions in advanced industries by who lack the industry-specific skills or experience necessary to fill those positions.

**NEW!**

**Status:** 01/29/2014 Introduced In House - Assigned to Business, Labor, Economic, & Workforce Development

---

**Veterans Full Employment****HB 14-1183***House: Fields; Senate: Jones*

This bill would direct the Division of Registrations in the Department of Regulatory Affairs to reinstate the expired license, certificate or registration of any active military personnel.

**NEW!**

**Status:** 01/29/2014 Introduced In House - Assigned to Business, Labor, Economic, & Workforce Development

---

**Align PERA Highest Average Salary with Other State's Requirements****HB 14-1201***House: Priola, Wright; Senate: Lambert*

Under current law, the Public Employee's Retirement Association (PERA) is required to average the 3 highest annual salaries when calculating the employee's retirement benefit. Other state's average the top 5 highest average annual salaries. This bill requires PERA to use the highest 5 average annual salaries.

**NEW!**

**Status:** 01/30/2014 Introduced In House - Assigned to Finance

---

---

**Wage Protection Act**

SB 14-005

*House: Singer; Senate: Ulibarri*

For the purposes of duties, obligations and liabilities related to the payment of wages, this bill:

- Expands wage claims to include violations involving the state minimum wage;
- Requires an employer to maintain records reflecting information in an employee's pay statement for at least 3 years and make the records available to the Department of Labor (and creates a fine for violation);
- Requires an employer to mail a check for wages to the employees last-known address within 60-days after the check was due if the employer cannot deliver otherwise.

Under current law, to recover penalties in an action for unpaid wages, an employee is required to make a written demand on his or her employer to recover penalties, and the penalties are increased by 50% if the employer's failure to pay is willful. The bill:

- Provides that failure to respond to a written demand creates rebuttable presumption that the failure to pay was willful;
- Provides that service of a small claims court complaint serves as the written demand; and
- Reduces the penalties for failing to pay wages by 50% if the employer makes legal tender to the employee of the amount that the employer believes in good faith is due the employee.

**Status:** 01/22/2014 Senate Committee on Judiciary Refer Amended to Finance

---

**Old Age Pensioners- Allowing Gifts**

SB 14-013

*Senate: King*

This bill would allow persons eligible for an old age pension to receive up to \$300 per month in gifts, grants and donations without needing to report the gifts and without the gifts reducing the amount of pension received. Currently gifts, grants and donations reduce the amount of pension received.

**Status:** 01/28/2014 Senate Committee on Finance Refer to Appropriations

---

**Old Hire FPPA Plans**

SB 14-031

*House: Rosenthal; Senate: Tochtrop*

This bill makes several changes to the administration of an employer's Old Hire Police Officers' and Firefighters' Pension Plans including the following:

- Ends the state's funding assistance of the plans;
- Specifies that annual contributions are required to be made in at least the amount required to amortize the unfunded liability of the plan over 20 years or the number of years equal to the average remaining life expectancy of the plan's members plus the service cost attributable to active members, whichever is less;
- Modifies the requirements concerning the actuarial study of each old hire plan by requiring that such a study be conducted for each plan by July 1, 2014, and every 2 years thereafter.

**Status:** 01/08/2014 Introduced In Senate - Assigned to Business, Labor & Technology

**CML- OPPOSE**

---

**Continuation of Enhanced Unemployment Insurance Benefits**

SB 14-057

*Senate: Heath; House: Hullinghorst*

Under current law, enhanced unemployment insurance benefits for unemployed individuals participating in approved training programs are set to expire on June 30, 2014. The bill extends the availability of enhanced benefits through June 30, 2017.

**Status:** 01/08/2014 Introduced In Senate - Assigned to Business, Labor, & Technology

---

**Retirement Age for PERA**

SB 14-068

*Senate: Lambert; House: Priola*

This bill would increase the retirement age requirements for new members of the Public Employee Retirement Association. The current age requirement is 58 or 60 years of age (depending on division of employment) and 30 years of service. This bill would increase the age to 65 years of age and 30 years of service.

**Status:** 01/14/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

---

---

**Repeal Damages Employment Discrimination Cases**

SB 14-074

*Senate: Rivera; House: Szabo*

Under federal law (which applies to employers with 15 employees or more), a plaintiff who proves his or her employer has engaged in intentional discrimination may receive an award of compensatory and punitive damages. In 2013, Colorado enacted legislation that enabled plaintiffs in employment discrimination cases filed under state law, which apply to all employers regardless of size and permits certain employment discrimination claims not currently allowed under federal law, to seek an award of compensatory and punitive damages.

The bill eliminates the ability of a plaintiff filing an employment discrimination claim under state law to obtain a punitive damage award. Additionally, the bill prohibits an award of compensatory damages against an employer that employs fewer than 15 employees. Finally, the bill requires a court to award reasonable attorney fees and costs to a defendant who proves that an action was frivolous.

**Status:** 01/14/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

---

---

**Concealed Handgun Carry Without a Permit**

HB 14-1041

*House: Wright; Senate: Grantham*

This bill would allow any person who can legally possess a handgun under state and federal law to carry concealed without a concealed handgun permit. The same rights and limitations would apply to the non-permit holder as the permit holder.

**Status:** 01/08/2014 Introduced In House - Assigned to Judiciary

---

**Repeal Ammunition Magazine Prohibition**

HB 14-1151

*Senate: Marble; House: Holbert*

This bill repeals the prohibition of the prohibition upon the sale, transfer, and possession of large-capacity ammunition magazines. The bill also repeals the requirement that a large-capacity magazine made in Colorado must include a permanent stamp or marking indicating that the magazine was manufactured after July 1, 2013.

**Status:** 01/17/2014 Introduced In House - Assigned to State, Veterans, & Military Affairs

---

**Renewal of Concealed Handgun Permits**

HB 14-1166

*House: Vigil; Senate: Tochtrop*

Under current law, concealed handgun permits must be renewed by the Sheriff in the County that issued the permit. This bill would allow permit holders to renew the permit with the Sheriff of the County or City in which the applicant resides, maintains a secondary residence, or owns or leases real property used by the applicant in a business. This bill would also allow a person with a temporary, emergency permit to renew in the City or County of residency or in the county in which the emergency exists.

NEW!

**Status:** 01/21/2014 Introduced In House - Assigned to Local Government

---

**Restoration of Firearm Carry Rights for Some Felons**

HB 14-1230

*House: Buck, Scott; Senate: Steadman*

Under current law, a person who was convicted of a felony is prohibited from using, possessing, or carrying a firearm. The bill creates a process to allow a person convicted of certain nonviolent felonies to have his or her right to carry a firearm restored. To restore the right, the person must file their petition with the district court after a 5-year waiting period; must currently be employed, seeking employment or engaged in education, training or rehabilitative programs; and have not had any criminal convictions since the sentence.

NEW!

**Status:** 01/30/2014 Introduced In House - Assigned to Judiciary

---

**Prohibiting the Governor from Restricting Firearms During Emergencies**

SB 14-038

*Senate: Renfroe; House: Everett*

This bill eliminates the Governor's current authority to suspend or limit the sale, dispensing, or transportation of firearms during a state of disaster emergency.

**Status:** 01/08/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

---

**No Background Checks for Step-Relations**

SB 14-090

*Senate: Baumgardner*

During the 2013 legislative session, a bill was enacted which required universal background checks except in the case of gifts between family members and transfers of active members of the armed forces to their immediate family if they will be deployed. This bill expands the definition of family to include step-relations. The current definition of family is limited to spouses, parents, children, siblings, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles.

**Status:** 01/15/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

---

**Background Checks and Fees for Gun Transfers**

SB 14-094

*Senate: Wright; House: Rivera*

This bill repeals the universal background check requirement that was enacted in 2013 and repeals the requirement that the Colorado Bureau of Investigations charge a fee for background checks.

**Status:** 01/15/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

---

**Repeal High Capacity Ammunition Ban**

SB 14-100

*Senate: Baumgardner, King*

This bill would repeal the prohibition on the sale, transfer, and possession of large-capacity ammunition magazines in Colorado. The bill would also repeal the requirement that a large-capacity ammunition magazine made in Colorado must include a permanent stamp or marking indicating that the magazine was manufactured after 7/1/2013.

NEW!

**Status:** 01/24/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

---

**Repeal Firearm Purchases in Contiguous States**

SB 14-135

*Senate: Brophy, King; House: Wright, Scott*

This bill repeals certain provisions concerning the purchase of firearms in states that are contiguous to Colorado. Under current law, gun manufacturers, licensed dealers and licensed collectors located in Colorado can sell or deliver a rifle or shotgun to a resident of a state contiguous to this state subject to certain restrictions. The restrictions are that the resident's state must permit the sale; the seller must fully comply with the legal provisions of both states; and the purchasers and licensee must have complied with all of the requirements of the federal Gun Control Act of 1968. The same restrictions apply to gun manufacturers, dealers and collectors located in contiguous states that sell or deliver to a resident of Colorado. This bill eliminates those restrictions for both types of transactions.

NEW!

**Status:** 01/27/2014 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

---

---

**Eliminating Prison Sentences for Persons who are Unable to Pay****HB 14-1061***House: Salazar; Senate: Guzman*

This bill is in response to research conducted by the ACLU. Current law provides that criminal sentences must include a sentence to prison if the defendant fails to pay a fine. This bill changes this requirement so that the sentence must include a notice that if the defendant willfully fails to pay a fine, cost, restitution or other monetary payment, the court may hold the person in contempt of court and sentence the person to prison.

The bill provides that when the court imposes a monetary payment as part of the sentence, the court must notify the defendant that if he or she is unable to pay the amount ordered, the defendant may ask the court for a waiver or change in the payment. The bill establishes procedures for when a criminal defendant may be held in contempt of court for willful failure to make a monetary payment. The procedure requires the defendant to be served.

**Status:** 01/08/2014 Introduced In House - Assigned to Judiciary**CML-OPPOSE UNLESS AMENDED** (service clause and Municipal Court determining financial hardship)

---

**Revenge Internet Posting Intimate Photos****HB 14-1104***House: Stephens*

This bill makes it a crime for a person: to post or publish a photograph of a person who was under 18 years of age under certain circumstances; or to obtain the photograph during a relationship and then intend to embarrass, coerce, bully, annoy, hard, or cause emotional distress to the victim.

**Status:** 01/15/2014 Introduced In House - Assigned to Judiciary

---

**Earned Time in Corrections****HB 14-1114***House: Waller*

Under current law, certain earned time that is awarded to an inmate or a parolee vests and may not be later revoked or withdrawn. On and after the effective date of the bill, any such earned time that is awarded does not vest and may be withdrawn.

**Status:** 01/15/2014 Introduced In House - Assigned to Judiciary

---

**Deputy District Attorney Compensation and Training****HB 14-1144***House: Gardner*

This bill suggests the minimum payment for Deputy District Attorneys (\$55,608 for entry level Deputy District Attorneys). The state will reimburse Judicial Districts that pay at least the suggested minimum 20% for counties with fewer than 225,000 residents and 10% for counties with more than 225,000 residents.

**Status:** 01/16/2014 Introduced In House - Assigned to Judiciary + Appropriations

---

**Passive Surveillance Records****HB 14-1152***House: Lawrence, Scott; Senate: Scheffel*

This bill requires video or still images obtained by passive surveillance by governmental entities, such as images from monitoring cameras, must be destroyed within 6 months after the recording of the images.

**Status:** 01/17/2014 Introduced in House- Assigned to Judiciary**CML- Oppose**

---

**Attorney Fees for Dismissed Actions****HB 14-1153***House: Priola; Senate: Tochtrop*

Under current law, in any tort action filed as a result of death or injury to a person or property, current law requires a court to award a defendant attorney fees if the case is dismissed on a motion to dismiss. This bill extends the requirement to pay attorney fees to all civil actions.

**Status:** 01/17/2014 Introduced in House- Assigned to Judiciary

---

**Discovery Requirements in Criminal Law****HB 14-1220***House: Lawrence*

This bill requires defense attorneys to make certain information available to the prosecutor prior to trial.

**NEW!****Status:** 01/30/2014 Introduced In House - Assigned to Judiciary

---

**Persons with Mental Illness and Criminal Justice**

SB 14-021

*Senate: Tochtrop, King; House: Wright*

This bill extends the repeal date for the legislative oversight committee for the continuing examination of the treatment of persons with mental illness who are involved in the criminal justice systems from 7/1/2015 to 7/1/2020.

**Status:** 01/21/2014 Senate Committee on Judiciary Refer to Appropriations**Colorado Association of Chiefs of Police- SUPPORT**

---

**Refer Illegal Aliens to ICE After Conviction**

SB 14-061

*Senate: Hill*

This bill requires the court to determine the immigration status of a defendant after a felony conviction and refer the person to the US Bureau of Immigration and Customs Enforcement before the defendant begins serving his or her conviction and request that ICE take custody of the conviction.

**Status:** 01/10/2014 Introduced in Senate- Assigned to Judiciary

---

**Decriminalize Prohibited Practices of Lobbyists**

SB 14-119

*Senate: Heath and Cadman; House: Hullinghorst and DelGrosso*

There are certain practices and actions of lobbyists that are prohibited and also carry criminal fines and potential imprisonment. This bill removes the criminal fines and potential imprisonment.

**NEW!****Status:** 01/27/2014 Introduced in Senate- Assigned to State, Veterans and Military Affairs

---

---

**Wine Packaging Permits****HB 14-1034***House: Williams; Senate: Jahn*

Under current law, only licensed wineries are permitted to bottle the wine they produce. This bill creates the wine packaging permit to be issued by the Department of Revenue (DOR) that allows a licensed winery to package wine manufactured by another winery. The permit also allows a wine wholesaler to package wine. After packaging, the wine must be returned to the original winery, or to the original winery's licensed wholesaler. The packaging winery cannot sell or distribute the packaged wine to a licensed retailer or directly to a consumer.

**Status:** 01/21/2014 House Committee on Business, Labor, Economic & Workforce Development Refer to Finance

---

**Hours of Alcohol Sales for On-Premise Locations****HB 14-1132***Senate: Stedman; House: Duran*

Under current law, on-premise locations cannot serve alcohol between 2 am and 7 am. This bill would allow local governments to establish the hours during which alcohol may be sold for on-premise consumption at locations within the local government's jurisdiction.

**Status:** 01/30/2014 House Second Reading Laid Over to 02/10/2014**CML- SUPPORT**

---

**Registration of Health Care Insurance Navigators****HB 14-1134***House: Joshi, Scott, Wright; Senate: Baumgardner*

This bill creates the Health Care Insurance Navigator Registration Act that requires persons acting as a health care insurance navigator to be registered with the Department of Regulatory Affairs. The bill requires navigators to complete an application and pay a fee; have a high school diploma or equivalent; complete federally required training; and not been previously convicted of a felony offense or a misdemeanor offense involving fraud or dishonesty. The bill also requires a background check by the CBI.

**Status:** 01/16/2014 Introduced In House- Assigned to Health, Insurance & Environment

---

**Military and Family Professional Licensing****HB 14-1198***House: Everett, Scott; Senate: Grantham*

Current law allows the spouse of an active-duty service member stationed in Colorado to practice a profession regulated by Colorado law without first seeking Colorado credentials for up to one year, so long as that spouse is licensed in another state. The bill increases the one-year period to 3 years and makes the reciprocity policy applicable to all professions regulated by Colorado law. The bill also extends the authority to children of an active-duty service member.

**NEW!****Status:** 01/16/2014 Introduced In House- Assigned to Health, Insurance & Environment

---

**Payment in Lieu of License Suspension****SB 14-054***House: Pabon; Senate: Balmer*

Under current law, an alcoholic beverage licensee or permit holder can petition the state or local licensing authority for permission to pay a fine in lieu of suspension of 14 days or less. This option is allowed no more than 1 time every 2 years. This bill would allow local authorities and the state to accept payment of a fine in lieu of a suspension for any amount of time so long as the license has not been revoked during the previous two years.

**Status:** 01/10/2014 Introduced in Senate- Assigned to Business, Labor and Technology**CML- SUPPORT**

---

**Felony for Repeat DUI Offenders****HB 14-1036***House: Waller and Saine*

Under current law, a DUI, DUI per se, or a DWAI is a misdemeanor offense. This bill would make it a class 4 felony if: the violation occurred not more than 7 years after the first of two prior convictions of DUI, DUI per se, DWAI, vehicular assault, or vehicular homicide; or the violation occurred after 3 prior convictions of DUI, DUI per se, DWAI, vehicular assault, or vehicular homicide

**Status:** 01/08/2014 Introduced In House - Assigned to Judiciary  
Colorado Association of Chiefs of Police- SUPPORT

---

**Enforcing Laws against Designer Drugs****HB 14-1037***House: Landgraf; Senate: Baumgardner*

This bill would make it unlawful to distribute, dispense, manufacture or sell any product that is labeled as incense or any other trademark if the product contains any amount of any synthetic cannabinoid. This bill establishes penalties for violations: between \$10,000 and \$500,000 for each violation and between \$25,000 and \$500,000 for each violation when the product is sold, dispensed or distributed to a minor.

**Status:** 01/08/2014 Introduced In House - Assigned to Judiciary

---

**Parolee Tampering with Electronic Monitoring Devices****HB 14-1044***House: Gerou; Senate: Nicholson & Roberts*

This bill would subject a parolee who violates the conditions of his or her parole by removing or tampering with an electronic monitoring to an immediate warrantless arrest. If a Parole Officer has probable cause to believe a parolee has removed or tampered with the device, the officer shall immediately make a warrantless arrest or no later than 12 hours, or notify a law enforcement agency. If the state board of parole determines that a parolee has violated the conditions of his or her parole by removing or tampering with an electronic monitoring device, the board shall revoke the parolee's parole and reinstate the remainder of the parolee's sentence.

**Status:** 01/08/2014 Introduced In House - Assigned to Judiciary

---

**Chop Shop Activity****HB 14-1084***House: Murray; Senate: Johnston*

This bill creates a Class 3 felony for ownership or operation of a chop shop. A person is defined as owning or operating a chop shop if he or she knowingly:

- Owns, operates, or conducts a chop shop as defined in the bill;
- Transports an unlawfully obtained motor vehicle or major component motor vehicle part to or from a chop shop; or
- Sells or transfers to, or purchases or receives from, a chop shop an unlawfully obtained motor vehicle or major component motor vehicle part.

**Status:** 01/10/2014 Introduced In House - Assigned to Judiciary

---

**CBI Authority to Investigate Computer Crime****HB 14-1095***House: Kagan and Gardner; Senate: Newell*

This bill requires the CBI to conduct criminal investigations and develop and collect information regarding computer crime in order to identify, charge and prosecute criminal offenders and enterprises that unlawfully access and exploit computer systems and networks. CBI must also provide awareness training and information concerning cyber-security and security risks to the IT Critical Infrastructure Industry.

**Status:** 01/25/2014 House Committee on Judiciary refer to Appropriations

---

**Keep Marijuana from Those Under 21****HB 14-1122***House: Kagan*

Under current law, marijuana infused products must either be sold in child proof containers or in a package that is labeled "Medicinal Product- Keep Out of Reach of Children." The bill allows for an exemption if the purchaser has a doctor's note explaining that he or she has a condition that makes opening the child proof container difficult.

**Status:** 01/15/2014 Introduced In House - Assigned to Judiciary

---

---

**Crime of Cyber Bullying****HB 14-1131***House: Fields*

The bill adds to the crime of harassment the use of interactive computer service to engage in a course of conduct that inflicts serious emotional distress on a minor or places the minor in reasonable fear of death or serious bodily injury with intent to cause the fear of death or serious bodily injury or with the intent to cause death or serious bodily injury. The crime is a class 2 misdemeanor unless the intent was to harass the person because of the person's race, color, religion, ancestry, or national origin, then it is a class 1 misdemeanor.

**Status:** 01/16/2014 Introduced In House - Assigned to Education

---

**Minimum Sentences for Vehicular Assault****HB 14-1158***House: Lawrence; Senate: King*

The bill requires the court to sentence a person convicted of vehicular homicide or vehicular assault who was under the influence of drugs or alcohol at the time of the accident to at least the minimum term of imprisonment in the department of corrections for the offense, except when a longer sentence is required by law. Additionally, the defendant is not eligible for probation or a suspended sentence.

**Status:** 01/17/2014 Introduced In House - Assigned to Judiciary

---

**Hit and Run Medina Alert Program****HB 14-1191***House: Conti, Coram, Scott*

The bill creates a Medina Alert Program to alert the public when a hit-and-run accident involving a serious bodily injury or death occurs and the law enforcement agency has additional information concerning the suspect or the suspect's vehicle.

**NEW!****Status:** 01/29/2014 Introduced In House - Assigned to Judiciary

---

**Funding for Digital Trunked Radio System Maintenance****HB 14-1203***House: Duran; Senate: Lambert*

The Statewide Digital Trunked Radio System provides interoperable radio communications that allow personnel from multiple agencies in different levels of government to rapidly share information and coordinate efforts in emergency situations. This bill directs the general assembly to appropriate a total of \$3.5 million from the General Fund and from the Highway Users Tax Fund for maintenance of the system.

**NEW!****Status:** 01/30/2014 Introduced In House - Assigned to Finance

---

**Increased Penalties for Assault of Emergency Service Providers****HB 14-1214***House: Gerou*

Under current law, there are increased penalties for assault in the first degree, assault in the second degree, and murder in the first degree against police officers and firefighters if the victim was engaged in the performance of his or her official duties and the offender could reasonably have known that the victim was a police officer or a firefighter. This bill would expand current law to include emergency service providers.

**NEW!****Status:** 01/30/2014 Introduced In House - Assigned to Judiciary

---

**Required Hands Free Telephones When Driving****HB 14-1225***House: Melton*

This bill prohibits an adult from using a wireless telephone while driving for a phone call unless the person uses a hands-free device. The bill also adds "application" to the current prohibition from texting while driving.

**NEW!****Status:** 01/30/2014 Introduced In House - Transportation and Energy

---

---

**Safe2Tell Program**

SB 14-002

*Senate: Carroll, King; House: Ferrandino*

Safe2Tell, a program created in statute to allow the anonymous reporting of dangerous and criminal activities in schools, is currently administered by a nonprofit organization (Safe2Tell, Inc.). This bill repeals the existing program and recreates it in the Department of Law (DOL).

**Status:** 01/23/2014 Senate Committee on Education Refer to Finance**Colorado Association of Chiefs of Police- SUPPORT**

---

**Prohibit Nicotine Product Distribution to Minors**

SB 14-018

*Senate: Nicholson; House: Hamner*

Under current law, it is illegal to provide or sell cigarettes or tobacco products to persons under the age of 18. This bill expands that prohibition to include all nicotine products, including electronic cigarettes and products that allow nicotine to be ingested, inhaled, or applied to the skin.

**Status:** 01/08/2014 Introduced In Senate - Assigned to Health & Human Services

---

**Statute of Limitations Pertaining to Sex Crimes**

SB 14-059

*Senate: Lawrence; House: Guzman*

Under current law, certain sex offenses (offenses against children) are not subject to the statute of limitations but accompanying crimes may be. This law makes the accompanying crimes also not subject to the statute of limitations.

**Status:** 01/30/2014 Senate Second Reading Passed with Amendments

---

**Marijuana Criminal Provision Clean Up**

SB 14-129

*Senate: Steadman; House: May*

The bill adds consumption and possession of marijuana and possession of marijuana paraphernalia to the crime of underage possession or consumption of alcohol.

**Status:** 01/27/2014 Introduced in Senate- Assigned to JudiciaryA blue rectangular button with rounded corners containing the text "NEW!" in white capital letters.

<b>Expand Availability of Affordable Housing</b>	<b>HB 14-1017</b>
<i>Senate: Ulibarri; House: Duran</i>	
This bill makes several changes to the Housing Investment Trust Fund (formerly Home Investment Trust Fund). The bill expands the sources of money that may be used to support the trust fund to include any funding source available to the general fund. The bill also clarifies that the Division of Housing can, in addition to loaning money, also make loan guarantees. The bill also eliminates the requirement that borrowers are required to seek replacement loans within 180 days of the loan.	
<b>Status:</b> 01/22/2014 Committee on Local Government Refer to Appropriations	
<b>CML- SUPPORT</b>	
<b>Allowable Expenses for Renting Tax Exempt Property</b>	<b>HB 14-1074</b>
<i>House: Court</i>	
Under current law, when a nonprofit organization owns real property and leases the property to another nonprofit organization, the landlord organization is limited to the collection of certain "reasonable expenses." This bill expands the list to include depreciation, long-term maintenance, capital for refurbishing the property and expenses incurred for conservation measures.	
<b>Status:</b> 01/29/2014 Introduced in Senate - Assigned to Finance	
<b>HOAs To Publish Member Information with Permission</b>	<b>HB 14-1125</b>
<i>House: Mitsch Bush</i>	
This bill specifies that, notwithstanding the general prohibition against sharing information about members, the unit owner's association may publish members' and residents' contact information with prior written consent.	
<b>Status:</b> 01/08/2014 Introduced in House- Assigned to Business, Labor, Economic & Workforce Development	
<b>Foreclosure Cure Remit Unpaid Fees to Borrower</b>	<b>HB 14-1130</b>
<i>House: McCann; Senate: Ulibarri</i>	
Current law is silent on when and how fees for court filings, published notices, and other costs of foreclosure are to be calculated and paid, and if overpaid, refunded. This bill requires that all costs and fees charged to a borrower must be accurately accounted for and promptly refunded if overpaid.	
<b>Status:</b> 01/16/2014 Introduced in House- Assigned to Local Government	
<b>Residential Storage Condo Unit as Real Property</b>	<b>HB 14-1143</b>
<i>House: Saine; Senate: Hodge</i>	
This bill would establish residential storage condominium units as a residential improvement. This would require the unit to be assessed as residential real property as opposed to nonresidential real property (assessed at 7.96% instead of 29%).	
<b>Status:</b> 01/16/2014 Introduced in House- Assigned to Local Government	
<b>Private Construction Contracts Retainage and Payment</b>	<b>HB 14-1165</b>
<i>House: Fischer; Senate: Tochtrop</i>	
This bill requires property owners who contract for improvements to real property to pay 95% of the amount due (therefore limiting retainage to 5%) and remit the retainage after the work is finally accepted by the homeowner. If the person fails to make the required payments, the person must pay interest and is liable for attorney fees.	<b>NEW!</b>
<b>Status:</b> 01/21/2014 Introduced in House- Assigned to Business, Labor, and Workforce Development	
<b>Ease Plumbing License Requirements in Rural Areas</b>	<b>HB 14-1189</b>
<i>House: Sonnenberg; Senate: Brophy</i>	
Under current law, all plumbing work must be performed under the supervision of a licensed plumber. This bill eases the licensure requirements in counties with populations under 30,000.	<b>NEW!</b>
<b>Status:</b> 01/29/2014 Introduced in House- Assigned to State, Veterans and Military Affairs	

---

**Disclose Separate Ownership for Mineral Estates**

SB 14-009

*Senate: Hodge; House: Moreno*

This bill requires a seller to disclose in the sale of real property that a separate mineral estate may subject the property to oil, gas or mineral extraction. The requirement does not include a duty to investigate. The disclosure is a standard, pre-written statement that must be included in every listing contract, contract of sale, or seller's property disclosure.

**Status:** 01/24/2014 Introduced in the House- Assigned to Transportation and Energy

---

**Manufactured Home Communities**

SB 14-010

*Senate: Keflas; House: Fischer*

This bill makes several changes to the "Mobile Home Park Act." The bill changes the Act to the Manufactured Home Act and replaces all references with mobile home with manufactured home. The bill requires service of a notice to quit be personally served upon the owner of the home. If personal service is unsuccessful, the notice may be posted and mailed. The bill also requires the service of a summons for an action to terminate. The bill prohibits owners and managers from increasing the rent more than one times a year and requires 90 days written notice. In the case of an eviction, the bill extends the period for the homeowner to remove the home and vacate the premise from 48 hours after the time of ruling to 5 days after the time of ruling. The bill also reinstates the home owner's tenancy if the home owner pays to the owner the total amount of rent due.

**Status:** 01/10/2014 Senate Committee on Judiciary- Witness Testimony Only

---

**Phase In High Efficiency Water Fixtures**

SB 14-103

*Senate: Guzman; House: Fischer*

This bill prohibits the sale of lavatory faucets, shower heads, flushing urinals, tank-type toilets and tank-type water closets on and after 9/1/2016 unless they are "watersense-licensed" plumbing fixtures. The Watersense program is administered by the EPA and certifies fixtures to be meeting a certain level of efficiency.

NEW!

**Status:** 01/24/2014 Introduced in Senate- Assigned to Agriculture, Natural Resources and Energy

---

**Reauthorization of Real Estate Appraisers**

SB 14-117

*Senate: Jahn; House: Fischer*

Senate Bill 13-154 should have reauthorized the continuation of the Board of Real Estate Appraisers and its functions through September 2022. However, there was a mistake in the bill and the repeals date was 7/1/2013. This bill corrects the oversight by replacing the repeal date.

NEW!

**Status:** 01/27/2014 Introduced in Senate- Assigned to Business, Labor and Technology

---

**No HOA Lien without Full CCIOA Applicability**

SB 14-140

*Senate: Hill*

This bill requires that the Homeowner's Association must be subject to the entire "Colorado Common Interest Ownership Act" in order to establish or foreclose a lien.

NEW!

**Status:** 01/27/2014 Introduced in Senate- Assigned to State, Veterans and Military Affairs.

---

**Allow Cities to Compensate Planning Commissioners****HB 14-1060***House: Mitsch Bush; Senate: Schwartz*

This bill authorizes, but does not require, cities and towns to pass an ordinance allowing for compensation of planning commission members.

**Status:** 01/08/2014 Introduced in House- Assigned to Local Government**CML- SUPPORT**

---

**Voter Approval for State Branding Program****HB 14-1071***House: Rankin, Scott, Wright; Senate: Baumgardner*

In 2013, the state unveiled the “brandCOLORADO Initiative” to create a new brand to help market the state. The branding program includes a new triangular green and white logo to promote the state as well as the catch phrase- “It’s Our Nature.” The logo would be used for many aspects of state government including signs, letterheads, promotion, vehicle emblems, business cards, etc. This bill would suspend the program pending the submission of a question to the voters of the state. The bill further requires that new brands be based upon Colorado and elements contain in the state flag or other symbols that are readily associated with the state. The existing logo is on the left; the proposed logo is on the right.

**Status:** 01/08/2014 Introduced in House- Assigned to Business, Labor, Economic & Workforce Development

---

**Legal Notices Statewide Website****HB 14-1086***House: Murray; Senate: Jones*

Current law requires that all legal notices be published in a newspaper of wide circulation within the county in which the notice is required to be published. This bill requires that any newspaper that publishes legal notices also place each legal notice on a statewide web site, maintained by an organization representing the majority of Colorado newspapers. Notices are to be published on the website at no additional cost to the entity placing the legal notice.

**Status:** 01/29/2014 House Third Reading Passed

---

**State to Provide Utilities Facility Information to Local Government****HB 14-1129***House: Lebsock, Wright*

This bill requires final local government action on any application of a public utility or a power authority providing electric or natural gas service that relates to the location, construction or improvement of major electrical or natural gas facilities within 120 after the submission of the preliminary application or 90 days after the submission of the final application. If the local government does not take final action, the application is deemed approved. This bill also requires the state to provide information requested by the local government within 28 days.

**Status:** 01/15/2014 Introduced In House - Assigned to Local Government**AGNC- SUPPORT**

---

**Restrict General Fund Medicaid Expansion****HB 14-1135***House: Joshi, Wright; Senate: Lundberg*

This bill prohibits the use of the general fund for the Medicaid expansion that includes adults who are childless or without dependent children with incomes up to 133% of the federal poverty line. If there are insufficient moneys to fund this eligibility group without using general fund money, the state department shall amend the state plan to decrease income eligibility or to eliminate the eligibility group.

**Status:** 01/08/2014 Introduced in House- Assigned to Healthcare and Human Services

---

**Federal Land Coordination****HB 14-1150***House: Rankin, Scott, Wright; Senate: Roberts, King*

This bill creates the Division of Federal Land Coordination in the Department of Local Affairs to address federal land decisions in Colorado that affect the state and local governments.

**Status:** 01/16/2014 Introduced in House- Assigned to Agriculture, Livestock & Natural Resources & Approp.**AGNC- SUPPORT**

---

---

**Prohibit State Aid to NDAA Investigations****HB 14-1155***House: Wright, Scott; Senate: Ulibarri*

This bill prohibits a state agency, a political subdivision of the state, or an employee of a state agency or subdivision from aiding an agency of the armed forces of the United States in any investigation, prosecution, or detention of any person pursuant to the National Defense Authorization Act.

**Status:** 01/17/2014 Introduced in House- Assigned to State, Veterans and Military Affairs

---

**Meetings of Boards of County Commissioners****HB 14-1177***House: Jahn; Senate: Fisher*

Under current law, each Board of County Commissioners of a county containing more than 100,000 is required to hold at least 2 meetings in each week of the year, with the exception of July and August. Under this bill, these counties may hold fewer than 2 meetings per week if there is a lack of a quorum caused by illness, scheduling conflicts, inclement weather, natural disasters, special events, or any other circumstance that a majority of the Board deems reasonable.

**NEW!****Status:** 01/28/2014 Introduced in House- Assigned to Local Government

---

**Research Retrieval Fees for Public Records Under CORA****HB 14-1193***House: Salazar; Senate: Kefalas*

Current Law allows a custodian of public records under the Colorado Open Records Act to impose a fee in response to a request for the research and retrieval of such records only if the custodian has, prior to the date of receiving the request, either posted on the custodian's website or other publishes a written policy that specifies the CORA policy of the jurisdiction. This bill would prohibit the custodian under any circumstances from charging an hourly research fee that exceeds 3-times the minimum wage.

**NEW!****Status:** 01/30/2014 Introduced in House- Assigned to Local Government

---

**Local Government Marijuana Impacts Task Force****HB 14-1196***House: Gerou; Senate: Jahn*

This bill creates the Marijuana Impacts Task Force in the Department of Local Affairs to study the local governments impact related to the cultivation, testing, sale, consumption, and regulation of retail marijuana. The task force is required to evaluate the impacts that retail marijuana has on local government services and budgets.

**NEW!****Status:** 01/30/2014 Introduced in House- Assigned to Local Government

---

**Marijuana Diversion Prevention Grant Program****HB 14-1209***House: Stephens; Senate: Coram*

This bill creates the Marijuana Diversion Prevention Grant program that the General Assembly may fund using surplus funds in the marijuana cash fund. The Grant program will award grants to the state patrol and local law enforcement agencies that share a boarder with Colorado to prevent the diversion of retail marijuana from Colorado.

**NEW!****Status:** 01/30/2014 Introduced in House- Assigned to Health, Insurance and Environment

---

**County & Agency Agreement on Fire Cost on State Land****HB 14-1210***House: Gerou*

This bill requires counties and any state agency that owns forest land, rangeland or wildland areas within the county to enter into an intergovernmental agreement to address the harm caused by wildfires.

**NEW!****Status:** 01/30/2014 Introduced in House- Assigned to Local Government

---

**Repealing the Restriction on Local Governments Regulating Plastics**

HB 14-1226

*House: Labuda*

A local government is currently not allowed to require or prohibit the use or sale of specified types of plastic material or products or to restrict or mandate containers, packaging and labeling. This bill repeals that restrictions.

NEW!

**Status:** 01/30/2014 Introduced in House- Assigned to Local Government

---

**Wastewater Treatment Small Communities Grant Program**

SB 14-025

*House: Fischer; Senate: Hodge*

The Drinking Water Grant Program is currently authorized for public drinking water supply projects. This bill clarifies that the grants are available for projects assisting domestic wastewater treatment works. The bill creates a new "project categorization system and limits eligible projects to water and wastewater projects that serve a population of less than 5,000 people.

**Status:** 01/24/2014 Introduced in House- Assigned to Agriculture, Livestock and Natural Resources**CML- SUPPORT****Colorado River District- SUPPORT**

---

**Firefighter Safety Grant Program**

SB 14-046

*House: Exum; Senate: Nicholson*

Until 2013, the Wildfire Preparation Fund received an annual transfer of \$3.25 million from the mineral leasing fund. In 2013, the funding was substituted with a portion of insurance premium taxes. This bill creates a new fund and requires the \$3.25 million to be transferred annually for the next 5 years from the mineral impact fund. The new fund is the Local Firefighter Safety fund and provides grants to local governments for equipment and training designed to increase firefighter safety and prevent occupation-related diseases. The grant will be administered by the Division of Fire Safety and Control and allows the division to expend up to 3% per year from the fund.

**Status:** 01/28/2014 Senate Government on Local Government refer to Finance**CML- SUPPORT****Colorado State Fire Chiefs- SUPPORT****AGNC- OPPOSE**

---

**Mandatory Review of State Agency Rules**

SB 14-063

*Senate: Marble, King; House: Saine*

This bill codifies an Executive Order of the Governor on the review of Executive Branch Agency Rules. No later than January 2015, each department is required to review its existing rules and determine if the rule should be continued, modified or repealed.

**Status:** 01/30/2014 Senate Second Reading Laid Over Daily

---

**One Percent Reduction in the State Budget**

SB 14-085

*Senate: Hill*

For the fiscal year 2014-2015, this bill requires at least a 1% reduction in:

- The appropriation to the legislative branch, the judicial branch, and each executive department;
- A state agency's use of continuously appropriate moneys; and
- A state agency's use of federal funds.

The bill requires an amount equal to the reduction be refunded to the taxpayers through a sales tax refund mechanism.

**Status:** 01/14/2014 Introduced in the House- Assigned to Appropriations

---

**Appropriations from Local Government Permanent Fund**

SB 14-106

*Senate: Lambert; House: Gerou*

This bill allows appropriations to be made out of the Local Government Permanent Fund in the fiscal year after revenues decline by more than 10%. The funds will be distributed to local governments as direct distributions.

**Status:** 01/27/2014 Introduced in the House- Assigned to Appropriations

---

---

**Tax Credit for Property Destroyed by a Natural Cause****HB 14-1001***House: Singer; Senate: Nicholson*

This bill establishes an income tax credit for a taxpayer that owns real or business personal property that was destroyed by a natural cause. The credit is equal to the property tax paid, and the credit is only valid for the year it was destroyed.

**Status:** 01/08/2014 Introduced in House - Assigned to Finance

---

**Nonresident Disaster Workers Exemption from Income Tax****HB 14-1003***House: Nordberg; Senate: Keflas*

Individuals from other states are liable to pay Colorado income tax on income derived from all sources within Colorado. This bill exempts nonresident individuals who perform disaster emergency in the state.

**Status:** 01/29/2014 House Committee on Finance Refer to Appropriations.

---

**Tax Profile and Expenditure Report****HB 14-1018***House: Hamner; Senate: Stedman*

This bill eliminates the option for the Department of Revenue to opt-out of preparing a biennial tax profile and expenditure report required by current law. The first report will be due on January 1, 2017. The report provides information on policies that result in reduced tax revenue, including deductions, exemptions, credits, and special rates.

**Status:** 01/08/2014 Introduced in House - Assigned to Finance

---

**Combine County Assessor Reports on Taxable Property****HB 14-1020***House: Lebsack; Senate: Balmer*

County assessors annually submit 2 separate reports (real property and business personal property) on different dates. This bill requires both reports to be made on a single report on or before July 15<sup>th</sup> of each year.

**Status:** 01/29/2014 Introduced in Senate- Assigned to Local Government

---

**Income Tax Credit for Child Care Expenses****HB 14-1072***House: Pettersen; Senate: Keflas*

Under current law, if resident individuals are allowed a federal income tax credit for childcare expenses, they are also able to claim a state income tax credit for the same expense. The state credit is a percentage of the federal credit claimed. Because the federal credit is not refundable, the amount of the individual's federal tax liability may limit the state tax credit. This bill creates a new state tax credit for a resident with an AGI of \$25,000 or less. The amount of the credit is equal to 25% of the child care expense.

**Status:** 01/08/2014 Introduced in House - Assigned to Local Government

---

**Sales Tax Holiday for Back to School Items****HB 14-1094***House: Pabon; Senate: Jahn*

This bill creates a sales and use tax exemption for back-to-school items. The exemption applies for 3 days in August and covers clothes, shoes, and school supplies.

**Status:** 01/14/2014 Introduced in House - Assigned to Finance

---

**Sales and Use Tax Holiday for Firearms and Ammunition****HB 14-1097***House: Navarro; Senate: Rivera*

This bill creates a sales tax holiday for firearms, ammunition and firearm accessories. The exemption applies for the first Friday and Saturday in August.

**Status:** 01/14/2014 Introduced in House - Assigned to Finance

---

---

**Community Solar Garden Business Personal Property Tax Exemption****HB 14-1101***House: Tyler; Senate: Schwartz*

Business owners of community solar gardens are subject to personal property tax on the personal property used to generate electricity. The assessor determines the value based upon the alternating current electricity generating capacity of the personal property multiplied by the cost per kW of electricity. This bill would exempt that percentage of electricity that is attributable to residential or governmental subscribers. Therefore the business owner will only be assessed tax on the electricity generating capacity used by business.

**Status:** 01/29/2014 Committee on Transportation and Energy refer to Appropriations

---

**Tax Exempt Gas Sales Between Government Entities****HB 14-1105***House: Mitch Bush; Senate: Todd*

The sale of gasoline and other special fuels used by motor vehicles are subject to the state gasoline and special fuels tax. Sales from retailers to government entities are exempt from the tax. This bill specifies that sales between government entities are also exempt.

**Status:** 01/15/2014 Introduced in House – Assigned to State, Veterans and Military Affairs**CML- SUPPORT; AGNC- SUPPORT**

---

**Tax Deduction for Affordable Care Act Penalty****HB 14-1106***House: Nordberg, Wright, Scott*

This bill allows a taxpayer who pays a federal penalty for a failing to maintain minimum essential coverage to claim a state income tax deduction for an amount equal to the penalty.

**Status:** 01/15/2014 Introduced in House – Assigned to State, Veterans and Military Affairs

---

**Electronic Tax Notice****HB 14-1107***House: Tyler; Senate: Newell*

Current law requires first-class mailing for any notices that must be given to any taxpayer. The bill allows the Department of Revenue the flexibility to offer taxpayers the option to receive electronic communications rather than requiring the department to send notices by first-class mail.

**Status:** 01/15/2014 Introduced in House – Assigned to Finance

---

**Tax Deduction for Donating Food to a Charitable Organization****HB 14-1119***House: McLachlan; Senate: Hodge*

This bill creates an income tax credit for taxpayers who make food contributions to a hunger-relief charitable organization. The amount of the credit will be equal to 25% of the wholesale market price or 25% of the most recent sale price, not to exceed \$5,000.

**Status:** 01/15/2014 Introduced in House – Assigned to Agriculture, Livestock & Natural Resources

---

**State Sales and Use Tax Exemption for Biogas Equipment****HB 14-1159***House: Young & Dore; Senate: Schwartz and Crowder*

This bill would create a sales and use tax exemption for component parts used in biogas production systems.

**Status:** 01/27/2014 Committee on Agriculture, Livestock & Natural Resources Amended to Finance

---

**Property Tax, Rent, and Heat Rebate Program for Low Income****SB 14-014***Senate: Keflas; House: Pettersen*

Under current law, the Property Tax, Rent, and Heat Rebate Program administered by the Colorado Department of Revenue provides individuals, married couples at least 65 years old (or a surviving spouse aged 58 or over), and disabled claimants grants for certain property tax or rent expenses and an additional rebate for heat expenses. This bill makes certain changes to the program including:

- increasing the maximum property tax and rent rebate for income-eligible claimants from \$600 to \$700;
- establishing a minimum rebate for both property tax and rent rebate and heat rebate (\$227 for the real property tax expense assistance grant and \$73 for the heat or fuel expenses assistance grant); and
- Expands the range of income eligibility from approximately \$12,639 to \$14,937 for individuals and from approximately \$16,935 to \$20,163 for married couples; and

**Status:** 01/08/2014 Introduced In Senate - Assigned to Health & Human Services

---

---

**Status of Taxpayers Who May File Joint Returns****SB 14-019***Senate: Steadman; House: Moreno & Ginal*

This bill requires partners in a civil union to file their Colorado taxes using the same filing status on their federal tax return. In addition, SB14-019 replaces "husband or wife, or both" with "two taxpayers" and "spouse" with "taxpayer" under several Colorado income tax statutes. Under current law, all Colorado taxpayers must file their state income tax returns with the same filing status as their federal income tax return. Thus, tax filing statuses recognized under federal tax law are recognized under Colorado law.

**Status:** 01/17/2014 Senate Second Reading Laid Over Daily

---

**Greenhouses and Nurseries****SB 14-043***Senate: Grantham*

This bill changes the way greenhouses, nurseries, or other horticultural or agricultural production are used to grow good products of horticultural stock that originates above the ground are assessed for property tax purposes from commercial to agriculture.

**Status:** 01/08/2014 Introduced In Senate - Assigned to Finance**CML- OPPOSE**

---

**Prohibition on Pledging Business Personal Property Tax Revenue****SB 14-065***Senate: Harvey; House: Holbert*

This bill prohibits political subdivisions of the state from pledging any business personal property tax revenue for the payment of interest or principal owed on any type of bond or for the repayment of any other multiple-fiscal year debt or other obligation that requires voter approval.

**Status:** 01/14/2014 Introduced in Senate- Assigned to State, Veterans & Military Affairs**CML- OPPOSE****AGNC- OPPOSE**

---

**Brownfield Contaminated Land Income Tax Credit****SB 14-073***Senate: Jahn; House: Gerou*

From 2000-2010, there was a state income tax credit for taxpayers who conducted certain environmental remediation activities on property that was proposed for redevelopment. This bill reauthorizes the credit for 9 years. The property can be anywhere in the state and the remediation does not have to be for property that will be redeveloped. The credit may also be transferred to a transferee who may then claim the credit (local governments and nonprofits).

**Status:** 01/14/2014 Introduced In Senate - Assigned to Business, Labor & Technology**CML-SUPPORT**

---

**Deployed Military Motor Vehicle Taxes and Fees****SB 14-075***Senate: Baumgardner; House: Sonnenberg*

This bill exempts a member of the US Armed Forces from paying the basic motor vehicle registration fees and authorizes payment of an alternate specific ownership tax of \$1 if the person is deployed outside the United States for a full year. The vehicle may not be driven during this time.

**Status:** 01/14/2014 Introduced In Senate - Assigned to Transportation

---

**Concerning Qualification of Arbitrators for Property Tax Appeal****SB 14-080***Senate: Grantham; House: Fields*

One option for appeal of property valuation available to taxpayers is the arbitration process. In addition to criteria set by the Board of County Commissioners, current law stipulates that arbitrators are required to:

- Possess experience in property taxation;
- Be licensed or certificated as an appraiser by the state board of real estate appraisers in the division of real estate in the department of regulatory agencies; and
- Be either an attorney licensed to practice law in the state, an appraiser who is a member of the institute of real estate appraisers, a former county assessor, a retired judge, or a licensed real estate broker.

The bill repeals the third category.

**Status:** 01/14/2014 Introduced In Senate - Assigned to Transportation**AGNC- SUPPORT**

---

**Penalty for Violating Road Restrictions****HB 14-1021***House: Mitsch Bush*

The bill raises the fine for the operator of a commercial vehicle who violates a road closure or road restriction from \$500 to \$2,000, and, when the violation of a restriction (i.e., chains required) results in the closure of a travel lane, the fine is increased to \$2,500. In addition, 2 license suspension points are imposed for each of these violations.

**Status:** 01/23/2014 Committee on Transportation& Energy Refer to Appropriations

---

**Motor Carrier Transp Self-indemnity Contracts Void****HB 14-1065***House: Moreno; Senate: Hodge*

The bill prohibits a party to a contract for the transportation of property, including provisions relating to the loading or unloading of cargo or the entry to premises for the purpose of loading or unloading cargo, from requiring indemnity for any liability resulting from the party's own negligent or intentional acts.

**Status:** 01/30/2014 House Committee on Transportation & Energy Refer to Committee of the Whole

---

**Physician Report Driving Condition to the Department of Revenue****HB 14-1068***House: Coram*

The bill requires persons licensed under the medical practices act to report the diagnosis of a patient that is afflicted with a loss, interruption or lapse of consciousness or motor function to the Department of Revenue. Failure to notify the Department of Revenue is punishable by a fine of up to \$300 or by jail for up to 90 days.

**Status:** 01/08/2014 Introduced in House- Assigned to Committee of Health, Insurance and Environment

---

**Concerning Overweight Vehicle Permits for Divisible Loads****HB 14-1160***House: Mitsch Bush and Coram; Senate: Tyler*

The bill exempts sludge waste vehicles operated by a city, county, municipal utility, or special district from wheel and axle load restrictions. The bill also authorizes issuing an annual fleet permit for 2- or 3-axle group vehicles with divisible loads. The fee for the permit is \$2,000 plus \$35 per vehicle.

**Status:** 01/17/2014 Introduced In House - Assigned to Transportation & Energy**CML- SUPPORT**

---

**Expand Electric Vehicle Charging Station Grants****SB 14-028***Senate: Jones; House: Duran*

The bill expands the list of eligible entities that may receive grants from the Electric Vehicle Grant fund to include private nonprofits and for-profit corporations. Under current law, the grants are limited to local governments, landlords of multi-family apartment building and unit owners' associations of common interest communities.

**Status:** 01/28/2014 Introduced In House - Assigned to Transportation and Energy

---

**CDOT Training for Flagpersons****SB 14-060***Senate: Todd, King; House: Coram*

Under current law, state and local road authorities can train their on flagpersons to work on projects within their jurisdiction. This bill changes the process so that CDOT has to authorize each jurisdiction to provide training. The bill requires flagpersons to wear high-visibility clothing, use a prescribed device while directing traffic, and abide by Colorado's manuals for traffic control.

**Status:** 01/29/2014 Introduced In Senate - Assigned to Transportation & Energy**CML- SUPPORT**

---

**Motor Vehicle Registration Card Information****SB 14-131***Senate: King*

This bill removes the requirement that a motor vehicle registration card contain a person's address and a signed statement swearing that the person has motor vehicle insurance. The signed statement requirement is moved to the application for registration.

A blue rectangular button with rounded corners containing the text "NEW!" in white capital letters.**Status:** 01/27/2014 Introduced In Senate - Assigned to Transportation & Energy

---

**Relocate Ditch Headgate Without Change Case****HB 14-1005***House: Sonnenberg; Senate: Lundberg*

A statute enacted in 1881 allows the owner of a ditch to relocate the ditch's head gate if changes to the stream prevent the head gate from effectuating the diversion. The "Water Right Determination and Administration Act of 1969" requires changes of water rights, including changes of points of diversion, to be adjudicated. The 1969 act does not exempt changes authorized by the 1881 act. The bill clarifies that a water right owner may relocate a ditch head gate pursuant to the 1881 act without filing for a change of water right under the 1969 act if the relocation does not physically interfere with the complete use or enjoyment of other water rights.

**Status:** 01/30/2014 House Third Reading Passed**CML- SUPPORT**

---

**Water Flexible Markets****HB 14-1026***House: Fischer; Senate: Schwartz*

Colorado water law prohibits speculation in water rights. Under the anti-speculation doctrine, an applicant who wishes to change the beneficial use of an irrigation water right must identify for the water court the specific use for which the water will actually be used. This bill excludes flex use from the anti-speculation doctrine and describes the procedures for approval of a flex use change-in-use decree and a flex use substitute water supply plan. It allows a holder of an irrigation water right to change the beneficial use to any beneficial use. This holder can then implement fallowing, regulated deficit irrigation, reduced consumptive use cropping, or other alternative cessation of agricultural irrigation on the property that is served by the water right.

**Status:** 01/30/2014 House Second Reading Passed**Colorado Water Congress- SUPPORT****Colorado River District- OPPOSE Unless Amended**

---

**Oppose Federal Special Use Permit Water Rights****HB 14-1028***House: Sonnenberg; Senate: Roberts*

This bill deems as speculative the acquisition of a water right by the United States government as a result of a transfer or conveyance required as a condition of a special use permit for entering or using federally owned land. Such a water right is forfeited by the United States and reverts to the prior owner. Colorado water law prohibits speculation in water rights.

**Status:** 01/08/2014 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources**Colorado Water Congress- SUPPORT**

---

**Hydroelectric Generation Incentive****HB 14-1030***House: Coram; Senate: Schwartz*

This bill facilitates the development of hydroelectric energy systems. It requires the State Electrical Board in the Department of Regulatory Agencies (DORA) to allow a motor to be installed as a generator if the installation would be approved but for the fact that the motor is not being used in a manner corresponding to its nameplate. In addition, it designates the Department of Natural Resources (DNR) to coordinate the state review of proposed hydroelectric energy projects as part of the federal licensing process. Finally, the bill adds community hydroelectric energy facilities with a capacity of 10 megawatts or less as a source of distributed renewable energy for local communities and requires the Public Utilities Commission (PUC) to promulgate corresponding rules by October 1, 2014.

**Status:** 01/08/2014 Introduced In House - Assigned to Transportation and Energy

---

---

**Ground Water Management District Enforcement Authority****HB 14-1052***House: Fischer; Senate: Jones*

Ground Water Management Districts are local districts whose boards are authorized by law to enforce the terms of permits issued for small-capacity wells as well as their own rules and regulations. Currently, there are 13 GWMDs in Colorado, all in the eastern plains.

This bill increases the authority of Ground Water Management Districts (GWMDs) to:

- Enforce permits and district rules for all wells in a district;
- Issue orders requiring compliance with permits and rules;
- Collect fines of up to \$500 per day from a well owner who fails to follow a compliance order; and
- Collect court costs and attorney fees.

**Status:** 01/30/2014 House Second Reading Passed

---

**Replaces Groundwater Depletions with Surface Water****HB 14-1218***House: Fischer***NEW!**

The bill allows for the use of surface water to replace or augment out-of-priority groundwater depletions without the necessity of filing an application for a change of water right if both the surface water and the well have been decreed or permitted for use on the same parcel of the land, the use of the surface water does not result in any enlargement in the use of water, and the use complies with a rule adopted by the state engineer.

**Status:** 01/30/2014 Introduced in House- Assigned to Agriculture, Livestock & Natural Resources

---

**Limit Use of Agriculture Water for Lawn Irrigation****SB 14-017***Senate: Roberts; House: Vigil, Coram*

The bill prohibits a local government from approving an application for a development permit unless the local government has adopted an enforceable resolution or ordinance that limits, as a prerequisite for approval of the development permit, the amount of irrigated grass on residential lots in the development to no more than 15% of the total aggregate area of all residential lots in the development.

"Irrigated" means supplied with water for lawn grass and does not include the use of raw water for irrigation. The 15% limit applies only if any part of the water supply for the development is changed from agricultural irrigation purposes to municipal or domestic use on or after January 1, 2016.

**Status:** 01/08/2014 Introduced In Senate- Assigned to Agriculture, Natural Resources & Energy

**CML-OPPOSE**

---

**Transfer Water Efficiency Savings to Instream Use****SB 14-023***Senate: Schwartz*

This bill defines "water efficiency savings" and allows water efficiency savings to be changed or loaned only to the Colorado Water Conservation Board for instream use. Water Efficiency Savings is defined as the portion of a water right used solely for agricultural irrigation or stock watering purposes in water division 4, 5, 6, or 7 that is non-consumptive under existing practices and that results from efficiency measures. The bill also allows water efficiency savings to be changed or loaned, pursuant to existing water court and water loan statutes, only to the Colorado water conservation board, only for instream use, and only if:

- The application was filed within 2 years after the diversions were decreased due to efficiency measures;
- The change or loan will not materially injure decreed water rights; and
- The change or loan will not adversely affect Colorado's interstate compact entitlements or obligations.

**Status:** 01/08/2014 Introduced In Senate- Assigned to Agriculture, Natural Resources & Energy

---

**State Water Plan: Public Review and GA Approval****SB 14-115***Senate: Roberts and Schwartz; House: Fischer and Coram***NEW!**

The bill requires the Colorado Water Conservation Board to hold a hearing on a draft state water plan within each basin roundtable, update the plan based on public comments, and present the draft plan to the water resources review committee. The committee must vote on whether to introduce legislation that would approve the plan. The plan would not be incorporated into official state water policy unless the General Assembly approves the legislation.

**Status:** 01/27/2014 Introduced In Senate- Assigned to Agriculture, Natural Resources & Energy

---

---

**Tax Credit for Property Destroyed by a Natural Cause****HB 14-1001***House: Singer; Senate: Nicholson*

This bill establishes an income tax credit for a taxpayer that owns real or business personal property that was destroyed by a natural cause. The credit is equal to the property tax paid, and the credit is only valid for the year it was destroyed.

**Status:** 01/08/2014 Introduced in House - Assigned to Finance

---

**Water Infrastructure Natural Disaster Grant Fund****HB 14-1002***House: Young; Senate: Jones*

This bill creates the Natural Disaster Grant Fund and directs the Colorado Department of Public Health and Environment to award grants from the fund to local governments, including local governments who accept on behalf of not-for-profit public water systems, for the planning, design, construction, improvement, renovation or reconstruction of domestic wastewater treatment works and public drinking water systems that have been impacted, damaged, or destroyed in connection with a natural disaster. The bill appropriates \$12 million to the fund and the unappropriated balance of the Nutrients Grant fund.

**Status:** 01/08/2014 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources**CML- SUPPORT****AGNC- SUPPORT****Colorado Water Congress- SUPPORT****Colorado River District- SUPPORT**

---

**Nonresident Disaster Workers Exemption from Income Tax****HB 14-1003***House: Nordberg; Senate: Keflas*

Individuals from other states are liable to pay Colorado income tax on income derived from all sources within Colorado. This bill exempts nonresident individuals who perform disaster emergency in the state.

**Status:** 01/29/2014 House Committee on Finance refer to Appropriations

---

**Prohibit Agricultural Burns & Restriction of Fireworks****HB 14-1007***House: Hamner*

This bill expands the authority of county governments to regulate fires. Under the bill, counties may ban or restrict agricultural burning on "red flag" days, when red flag warning or fire weather watches have been issued by the National Weather Service. The bill also authorizes counties to regulate fireworks at all times of year, amending existing statute that generally prohibits counties from enforcing regulations concerning the sale, use, and possession of fireworks between May 31 and July 5 of each year.

**Status:** 01/08/2014 Introduced In House - Assigned to Local Government**Colorado State Fire Chiefs- SUPPORT**

---

**Forest Health Loans****HB 14-1008***House: Hamner*

Under current law, the Colorado Water Resources and Power Development Authority (CWRPDA) is authorized to make loans to governmental agencies for the planning, design, acquisition, and construction of hydroelectric, water management, watershed protection, and forest health projects. This bill allows CWRPDA to make loans to private entities for forest health projects.

**Status:** 01/08/2014 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

---

**Change Wildfire Mitigation Tax Deduction to Credit****HB 14-1009***House: Exum; Senate: Nicholson*

The bill changes the wildfire mitigation income tax deduction to the wildfire mitigation income tax credit. An income tax deduction reduces a taxpayer's taxable income, the amount to which the tax rate is applied. A tax credit reduces a taxpayer's tax liability by taking a dollar-for-dollar reduction in what is owed by what the credit allows. The bill authorizes the credit of up to 50% of the costs incurred (capped at \$2,500) in performing wildfire mitigation measures. Credits may be carried forward 5 years.

**Status:** 01/29/2014 House Committee on Finance refer to Appropriations**Colorado State Fire Chiefs- SUPPORT**

---

**Corrections to Prescribed Burning Program Laws****HB 14-1010***House: Hammer*

Senate Bill 13-083 created the Prescribed Burning Program in the DFPC (Division of Fire Prevention and Control). The Division is responsible for training persons conducting prescribed burns in the state. In addition, the legislation required that a specially qualified or a certified individual attend each prescribed burn (other than a landowner conducting a prescribed burn on their own land).

Under current law, prescribed burns on non-federal land in Colorado must generally be attended by a person qualified as a burn boss by the National Wildfire Coordinating Group or certified as a prescribed burn manager by the Division of Fire Prevention and Control (DFPC) in the Department of Public Safety. Landowners conducting a prescribed burn on their own land are exempt from this requirement. The bill renames "prescribed burn manager" as "certified burner" and removes persons with this credential from the list of persons who may attend a prescribed burn in a supervisory role. The bill also clarifies that suppression actions will be taken to control an escaped prescribed fire.

**Status:** 01/29/2014 House Committee on Agriculture, Livestock, & Natural Resources refer to Committee of the Whole  
**Colorado State Fire Chiefs- SUPPORT**

---

**Create Wildfire Information & Resource Center****SB 14-008***Senate: Roberts*

This bill creates the Wildfire Information and Resource Center (WIRC). The Center is charged with collecting wildfire-related information and links in an on-line resource for homeowners, fire professionals, the media, and educators. The WIRC must present information related to:

- current wildfires and prescribed burns;
- wildfire prevention and preparation;
- statewide fire conditions;
- fire training;
- funding for wildfire mitigation; and other research and information at the discretion of the director of the DFPC.

**Status:** 01/14/2014 Senate Committee on Local Government Refer Unamended to Appropriations

**Colorado State Fire Chiefs- SUPPORT**

---

**Wildland Firefighters Death Benefit Payment****SB 14-047***Senate: Tochtrop, Roberts*

Currently, seasonal wildland firefighters employed by the state or local governments generally do not receive any health or insurance benefits. This bill would provide a lump-sum death benefit of \$10,000 to the survivors of seasonal wildland firefighters killed in the line of duty. The Director of Fire Prevention and Control in the Department of Public Safety (DPS) is required to make lump-sum payments, as specified in the bill.

**Status:** 01/28/2014 Senate Committee on Local Government refer to Committee of the Whole

**Colorado State Fire Chiefs- SUPPORT**

---

**Treat Preflood Groundwater Depletions as Replaced****SB 14-072***Senate: Brophy, Fischer*

Due to the September 2013 flooding, the bill specifies that the state engineer and water judges must treat all out-of-priority groundwater depletions occurring in water district 1 through 7 or 64 in water division 1 that accrued on or before September 12, 2013, as having been fully replaced.

**Status:** 01/09/2014 Introduced In Senate - Assigned to Agriculture, Natural Resources & Energy

---

**Immunity for Public Agencies in Wildfire Mitigation****SB 14-097***Senate: Tochtrop*

This bill provides that public agencies are not liable for the actions of private insurance companies and their agents. The bill also clarifies that private insurance companies and their agents are not protected from liability under the Colorado Governmental Immunity Act. Under the bill, private insurance companies are still under the command of the local county sheriff, fire chief, or incident commander. However, private insurance companies may engage in activities, including access to evacuated areas, intended to protect the insurable private property of policyholders, without incurring liability on a public agency.

**Status:** 01/24/2014 Introduced in Senate- Assigned to Local Government

---

**NEW!**

---

**Assistance to Local Government after a Disaster Emergency**

SB 14-121

*Senate: Lambert; House: Young*

In the event of a declared disaster emergency, the bill authorizes the Governor to determine the percentage at which the state and a local government will contribute moneys to cover the nonfederal cost share required by federal law when the disaster emergency triggers federal assistance to the local government through the federal emergency management agency. As soon as practicable after making such a determination, the governor is required to notify the joint budget committee of the source and amount of state moneys that will be contributed to cover the nonfederal cost share.

**NEW!****Status:** 01/27/2014 Introduced in Senate- Assigned to Local Government

---

**Civil Immunity for Volunteers at Emergencies**

SB 14-138

*Senate: Kefalas; House: Sonnenberg*

Current law provides limited immunity for volunteer firefighters who provide services at the scene of an emergency. The bill extends the immunity to community volunteers and their organizations.

**NEW!****Status:** 01/27/2014 Introduced in Senate- Assigned to State, Veterans and Military Affairs