

**GRAND JUNCTION CITY COUNCIL
MONDAY, MARCH 30, 2015**

**WORKSHOP, 5:00 P.M.
CITY AUDITORIUM
250 N. 5TH STREET**

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

1. **Grand Junction Housing Authority Request:** A request for consideration to have the City pay certain development fees for the Grand Junction Housing Authority's proposed 64 affordable senior living residential units to be located at 805 Bookcliff Avenue. [Attachment W-1
Supplemental Documents](#)
2. **Water Supply Forecast**
3. **Legislative Update** [Supplemental Documents](#)
4. **Other Business**
5. **Board Reports**



**CITY COUNCIL STAFF REPORT
WORKSHOP SESSION**

Date: March 23, 2015
Author: Lori V. Bowers
Title/ Phone Ext: Sr. Planner / ext.
4033
Proposed Meeting Date: March 30,
2015

Subject: Grand Junction Housing Authority Request
Action Requested/Recommendation: Consideration of a Request for the City to Pay/Defer Certain Development Fees for the Highlands Apartments Senior Living
Presenter(s) Name & Title: Tim Moore, Deputy City Manager Lori V. Bowers, Senior Planner

Executive Summary:

A request for consideration to have the City pay certain development fees for the Grand Junction Housing Authority’s proposed 64 affordable senior living residential units to be located at 805 Bookcliff Avenue.

Background, Analysis and Options:

Grand Junction Housing Authority is proposing to develop 64 apartments that will include 52 one-bedroom and 12 two-bedroom units for affordable senior living. Please see the attached letter, architectural elevations and site plans.

As outlined in the attached letter, the GJHA is seeking funding from several sources to pay for this project. One important criterion GJHA must establish in order to effectively compete for funding is financial support from the local community. GJHA is asking the City Council for a commitment for this financial support by May 1st, 2015 with the actual funding due in 2016.

If Council wishes to participate here are a couple of options to consider.

1. Council could agree to pay the development impact fees associated with this project, \$388,329, as requested by the GJHA (see calculations below)
2. Council could agree to budget \$388,329 in the 2016 budget and simply pay GJHA that amount in 2016. GJHA would pay the associated fees as part of the development costs.

Board or Committee Recommendation:

None.

Financial Impact/Budget:

The applicant is requesting the City defer the following development impact fees until 2016, at which time the City or GJHA would pay the fees as stated in the options previously mentioned.

Sewer Plant Investment Fee	\$195,563
City Water Tap	4,150
Parks Land Dedication Fee	14,400
Parks Open Space Fee	61,000
Transportation Capacity Payment	<u>113,216</u>
Total Fees Requested	\$388,329

The GJHA further asks that the City agree to defer the Utility Undergrounding Fee (\$14,107) until the development of the second phase. It is their intention to underground the utilities along Bookcliff Avenue fronting their property.

The funds to pay these development fees could come out of the City Council's Economic Development budget or from General Fund balance.

Legal issues:

No issues have been identified at this time.

Other issues:

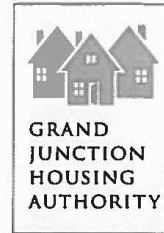
Not aware of any other issues at this time.

Previously presented or discussed:

This item has not been previously discussed.

Attachments:

Applicant's Request Letter
Site Plan and Architectural Elevations



March 23, 2015

Mayor Phyllis Norris and Members of the
Grand Junction City Council
250 North Fifth Street
Grand Junction, CO 81501

Request for Funding Assistance

Dear Mayor Norris and City Council Members:

Grand Junction Housing Authority is preparing to develop the first phase of The Highlands, a wellness-focused affordable senior housing community located at 805 Bookcliff Avenue. In January the City Council approved our rezoning request to accommodate this two-phase development which will ultimately bring Grand Junction an additional 128 affordable apartments for seniors. The subject of this request is the first phase, which includes 64 one- and two-bedroom apartments.

This will be a very attractive development, with brick and stucco exterior, and a large outdoor community gathering space on the south side of the site. Wellness-related services will be provided on-site by local organizations including Hilltop Community Resources, Hope West, Rocky Mountain Health Plans Foundation and others. We believe that these added wellness services will help residents remain healthier longer, improve their quality of life, and enable them to better age-in-place. This could significantly delay or eliminate the need for costly assisted living or nursing home care for many residents.

In 2014 a preliminary market analysis to assess the demand for age 62+ income-restricted housing in Mesa County, the primary market area for this development, found that there are currently 1,788 qualified 1 & 2 person renter households living in the market area. The proposed 64 units would serve 3.6% of that market, so demand for these units is likely to be high.

This development will have both short-term and long-term public benefits. In the short term, substantial work will be created in the construction and construction-related trades, as well as for various professional consultants who will take part in the development. Also, considerable materials sales typical of this type of development will be generated. In the long term, substantial public benefit

1011 North Tenth Street Grand Junction, Co 81501 (970) 245-0388
(TTY) Dial 711 or 1 (800) 842-9710



will be realized from the availability of 64 additional units of affordable senior housing in the first phase, for which GJHA will make a 50 year affordability commitment. Rents will be established to serve renters whose incomes range from 30% to 60% of the Area Median Family Income.

The location is especially desirable for senior housing due to its proximity to many of the types of services required by seniors, including public transportation, hospitals, medical office and services facilities, Colorado Mesa University, and various retail businesses. The public will also benefit from the expected future development of an additional 64 units of affordable senior housing in the second phase of the development.

We have completed the initial design work and are in the process of obtaining firm estimates for the construction, impact fees and other costs. We expect costs to be somewhat higher than our recently-completed Village Park development due to inflation in the construction industry in Colorado, and due to the challenging storm drainage requirements of this site.

Our proposed financing plan involves applying for grant funds from the State of Colorado, Division of Housing and the Federal Home Loan Bank of Topeka. We are on target to submit a May 1 application to the Colorado Housing and Finance Authority for an allocation of Low Income Housing Tax Credits (LIHTC), a federal tax incentive to encourage corporate investment in affordable housing. This has been the primary source of funding for our recent developments, including Crystal Brook, Linden Pointe, Arbor Vista and Village Park.

As an important criterion for its grant decision, each of these external funding sources looks at the local community's financial support for a development as evidence of a local commitment to affordable housing. Grand Junction Housing Authority will be committing funds to the development, although the exact dollar value has not yet been established by the GJHA Board. The property's Net Operating Income will also support a limited first mortgage, which will be yet another source of funding for the development.

We are seeking financial support from the City of Grand Junction to complete the financing package. Due to the long lead time necessary to bring such a large endeavor to completion, we seek a commitment of City support prior to the May 1, 2015 LIHTC Application deadline, but funding this grant commitment is not necessary until 2016.

Assuming the receipt of the tax credits and the grants we will request, construction may begin in late 2015 or the first quarter of 2016. The estimated City Development Impact Fees associated with the first 64 apartment phase of this development total \$388,329:

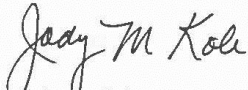
Open Space:	\$ 61,000
Parks Impact Fee:	\$ 14,400
Sewer Fees:	\$ 195,563
Transportation Capacity Payment:	\$ 113,216
Water meter	\$ 4,150

Mayor Norris and Grand Junction City Council Members
March 23, 2015
Page Three

We ask that the City agree to defer these development impact fees until 2016, at which time the City would pay the fees on behalf of Grand Junction Housing Authority and The Highlands development. Further, we ask that the City agree to defer the Utility Undergrounding Fee until the development of the second phase of The Highlands, at which time it is our intention to underground the utilities along the full Bookcliff Avenue frontage of the entire property.

Attached to this request you will find a site plan, building elevations, and floor plans. If you would like any additional information, we will be happy to provide it.

Thank you for your consideration,



Jody M. Kole
Jody M. Kole
CEO

MATERIALS PALETTE	
B1	RED BRICK
B2	TAN BRICK
B3	TAN STUCCO
C1	CEMENTITIOUS BOARD OR STUCCO
M1	CORRUGATED OR SMOOTH METAL PANEL
H1	BROWN STUCCO FINISH
R1	DARK BROWN OR BLACK METAL RAILING
W1	BRONZE ALUMINUM STOREFRONT
W2	VINYL WINDOW

OZ
ARCHITECTURE
3033 Larimer Street
Denver, Colorado 80205
phone 303.861.5704
www.ozarch.com



2 WEST ENTRY PERSPECTIVE
W15



1 NORTH ELEVATION AERIAL
W15

THE HIGHLANDS
GRAND JUNCTION, CO

PROJ NO: 11430100
OWNER:
CHECKED:
APPROVED:
DATE: 05/08/2015

© OZ ARCHITECTURE

THE HIGHLANDS
SHEET FOR:
SCHEMATIC DESIGN

SHEET TITLE:
BUILDING ELEVATIONS

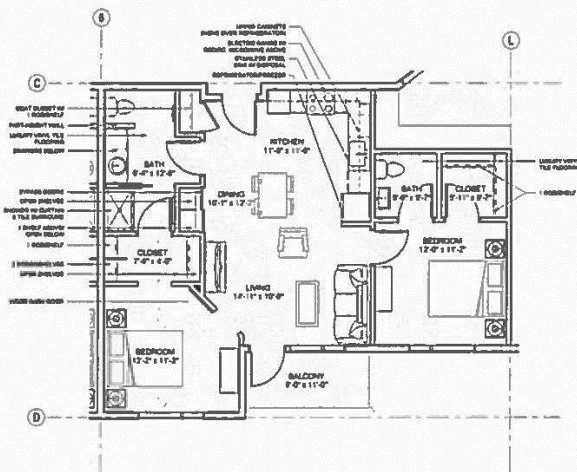
SCALE: 1" = 10'-0"
SHEET NUMBER:

A-201

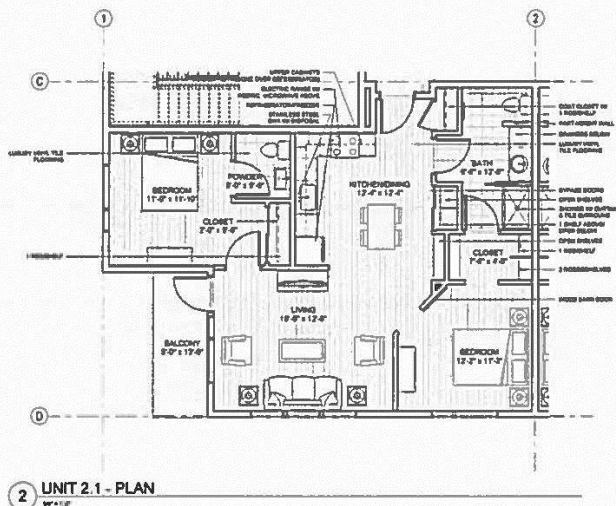


3000 Larimer Street
 Denver, Colorado 80205
 phone 303.861.5704
 www.ozarch.com

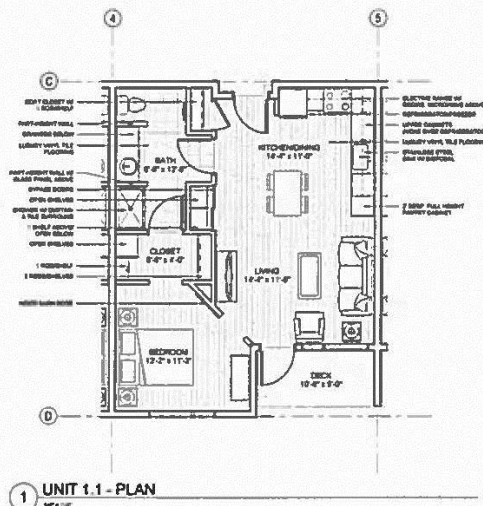
THE HIGHLANDS
 GRAND JUNCTION, CO



3 UNIT 2.2 - PLAN
 10'-11" x 17'-0"



2 UNIT 2.1 - PLAN
 10'-11" x 17'-0"



1 UNIT 1.1 - PLAN
 10'-11" x 17'-0"

PROJ. NO.
 DESIGN: Author
 CHECKED: Designer
 APPROVED: Approver
 DATE: 2015/02/22

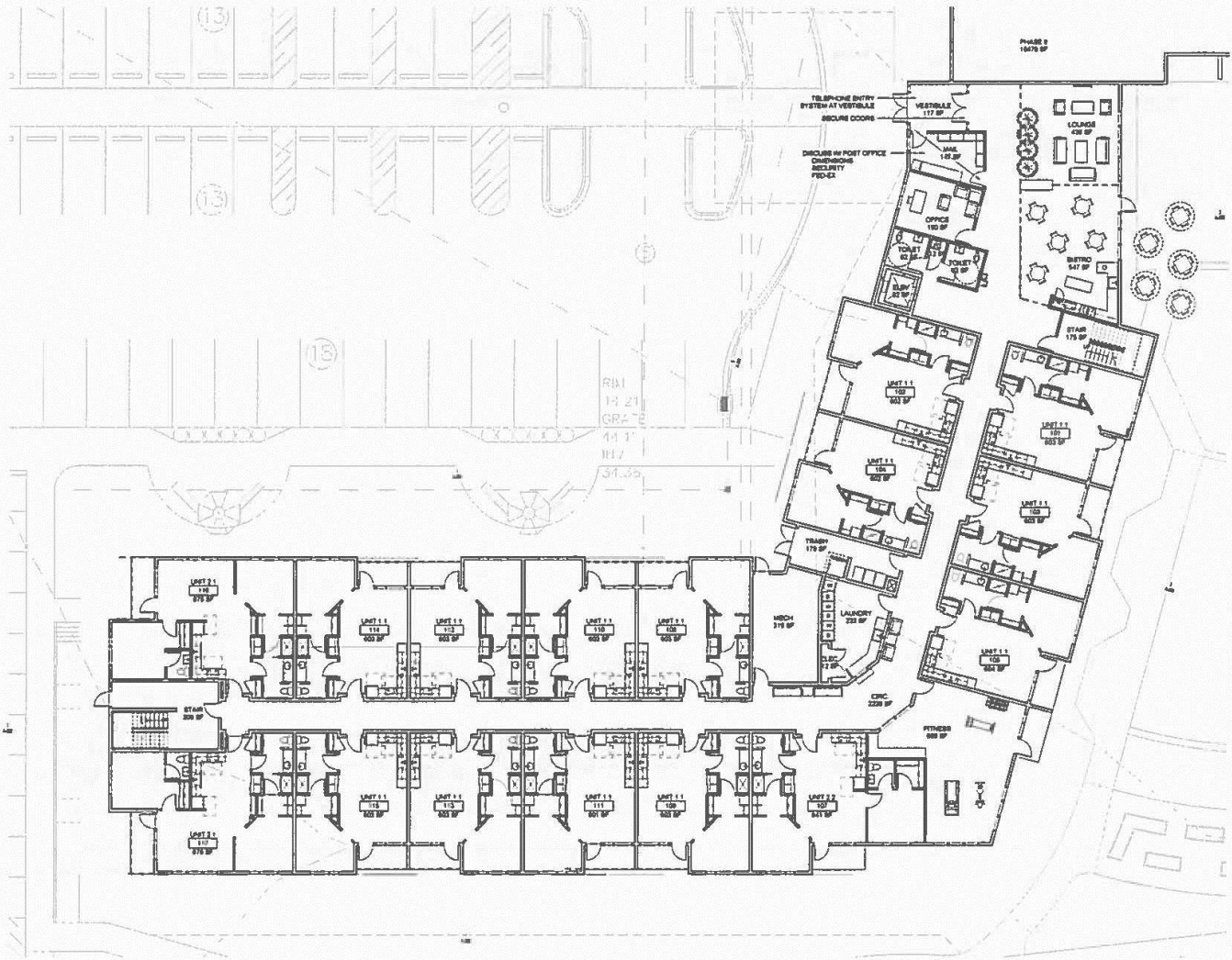
© OZ ARCHITECTURE

THE HIGHLANDS
 ISSUED FOR
 NOT FOR CONSTRUCTION

SHEET TITLE
 UNIT PLAN

SCALE: 1/4" = 1'-0"
 SHEET NUMBER

A-711



THE HIGHLANDS
GRAND JUNCTION, CO

PROJ NO: 114371-03
 DRAWN:
 CHECKED:
 APPROVED:
 DATE: 03/20/05

© OZ ARCHITECTURE

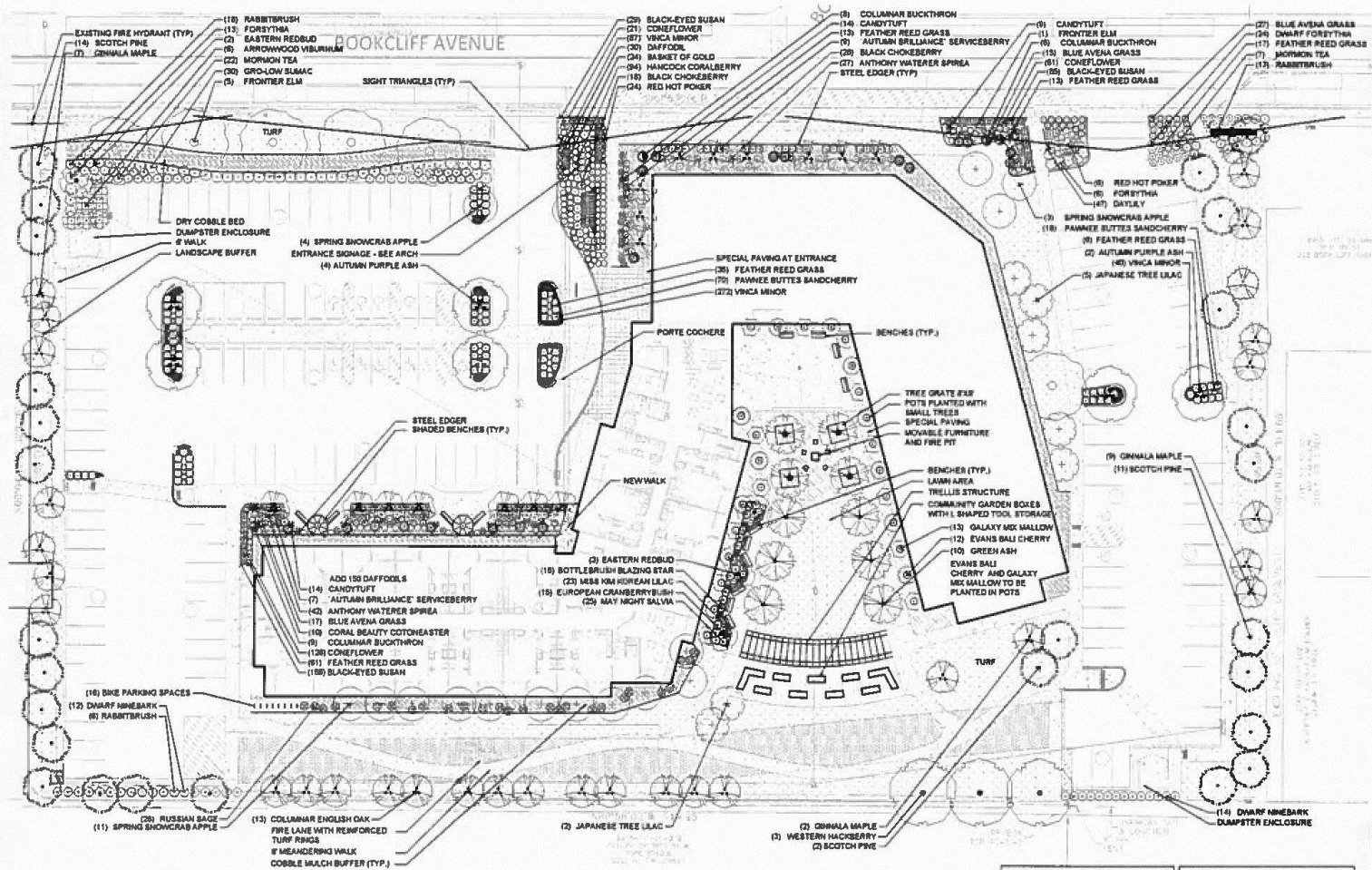
THE HIGHLANDS
 PREPARED FOR
 SCHEMATIC DESIGN

SHEET TITLE
 LEVEL 1 FLOOR PLAN

SCALE: 1/8" = 1'-0"
 SHEET NUMBER

A-101

© 2005 OZ ARCHITECTURE, INC. ALL RIGHTS RESERVED. THIS DOCUMENT IS THE PROPERTY OF OZ ARCHITECTURE, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF OZ ARCHITECTURE, INC.



APPROVED BY CITY OF GRAND JUNCTION		APPROVED BY CITY OF GRAND JUNCTION	
DEPARTMENT _____	DATE _____	DEPARTMENT _____	DATE _____
SIGNATURE _____		SIGNATURE _____	
NAME _____		NAME _____	

DESIGN

ARCHITECTURE INTERIORS
 LANDSCAPE ARCHITECTURE
 3500 W. 10TH
 GRAND JUNCTION, CO 81505
 PHONE: 970.243.4400
 FAX: 970.243.4401
 WWW: WWW.DESIGN.COM

THE HIGHLANDS
GRAND JUNCTION, CO
SITE PLAN REVIEW SUBMITTAL

PROJECT NUMBER: _____ DATE: 1/9/2015
 DESIGNER: _____
 CHECKED: _____
 REVISION: 1/12/2015
 DESCRIPTION: _____
 SHEET NO.: _____
PRELIMINARY
PLANTING PLAN
 SHEET NUMBER: _____
L1.0
 SHEET _____ OF _____



GRAND
JUNCTION
HOUSING
AUTHORITY

THE HIGHLANDS
805 BOOKCLIFF AVENUE







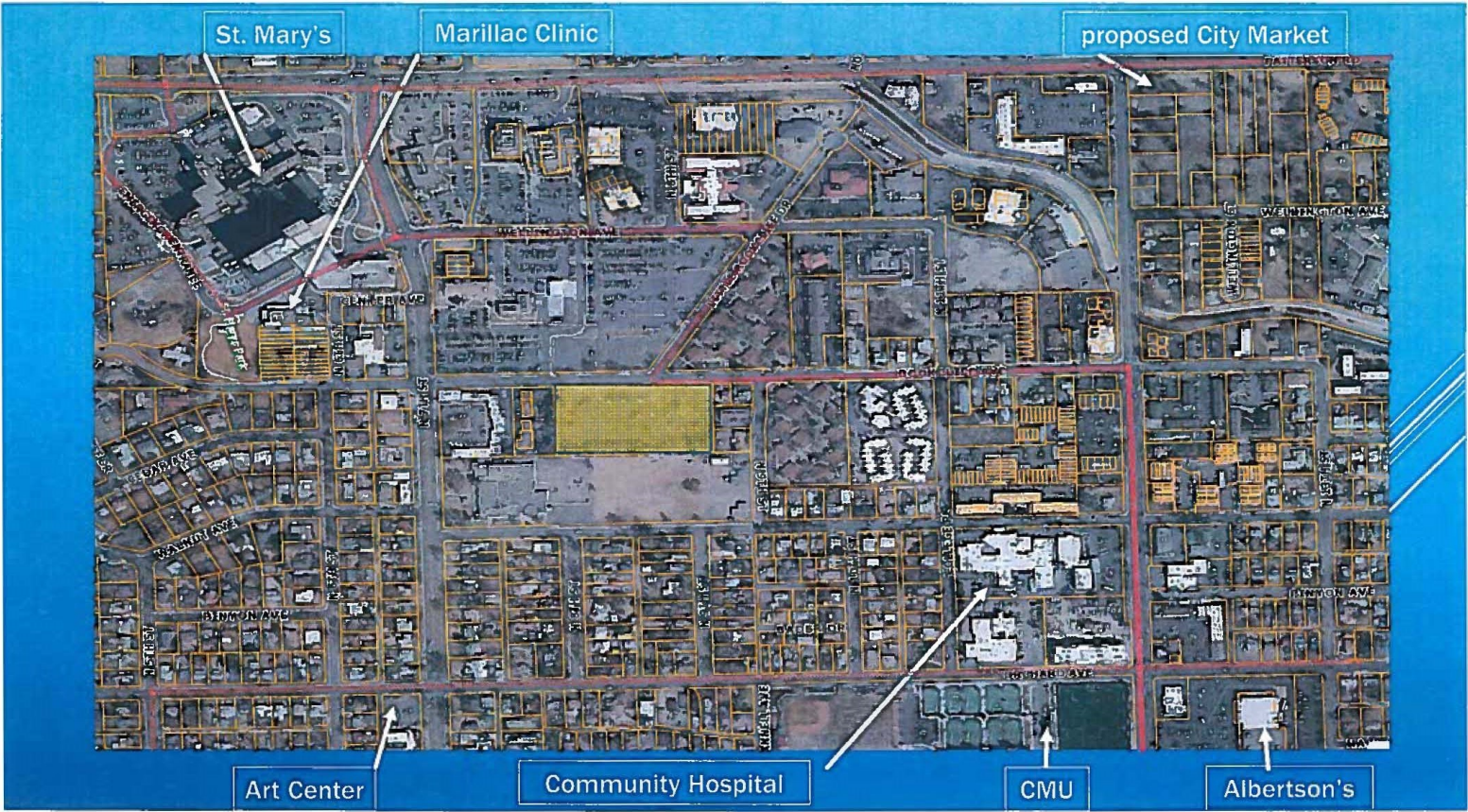
GJHA'S NEWEST TAX CREDIT FUNDED NEIGHBORHOOD:

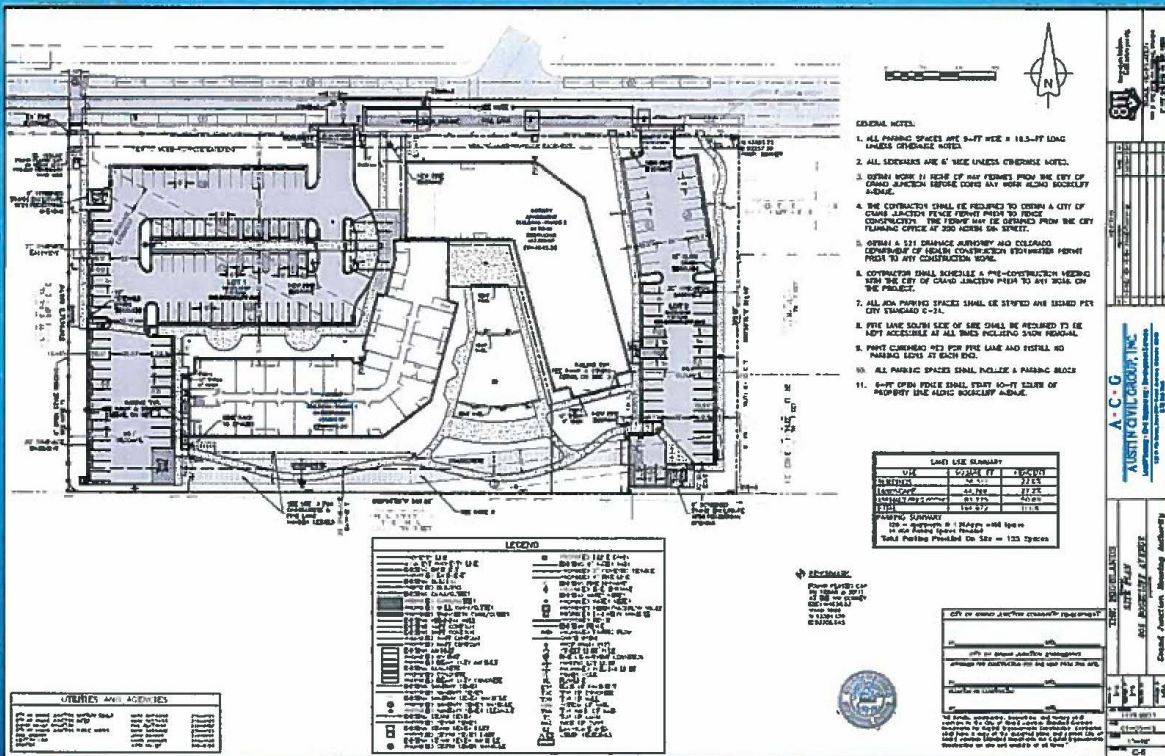
Village Park Apartments

Completed October 2013









- GENERAL NOTES:**
1. ALL PARKING SPACES ARE 8'-FT WIDE X 18.5'-FT LONG UNLESS OTHERWISE NOTED.
 2. ALL SIDEWAYS ARE 6' WIDE UNLESS OTHERWISE NOTED.
 3. OTHER WORK IS TO BE COMPLETED FROM THE CITY OF CHANDLER BEFORE COMMENCING ANY WORK ALONG BOGGSLEY AVENUE.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN A CITY OF CHANDLER PERMIT PRIOR TO ANY CONSTRUCTION WORK.
 5. OBTAIN A SITE DRAINAGE JURISDICTION AND COLLADO DEPARTMENT OF HEALTH CONSTRUCTION STANDARDS PERMIT PRIOR TO ANY CONSTRUCTION WORK.
 6. CONTRACTOR SHALL OBTAIN A PRE-CONSTRUCTION MEETING WITH THE CITY OF CHANDLER PRIOR TO ANY WORK ON THE PROJECT.
 7. ALL ADA PARKING SPACES SHALL BE SIGNED AND SIGNED PER CITY STANDARD C-21.
 8. FIRE LANE SOUTH SIDE OF SEE SHALL BE MAINTAINED TO BE ADPT ACCESSIBLE AT ALL TIMES INCLUDING SLOW FORWARD.
 9. PAINT CURBSIDE NET FOR FIRE LANE AND INSTALL NO PARKING SIGNS AT EACH END.
 10. ALL PUBLIC SPACES SHALL INCLUDE A PARKING SPACE.
 11. CONCEPT DRIVE SHALL BEAT 30'-FT CENTER OF PROPERTY LINE ALONG BOGGSLEY AVENUE.

LAND USE SUMMARY			
USE	FOOTPRINT	PERCENT	REMARKS
PARKING	12,500	27.1%	
LANDSCAPE	42,700	92.9%	
LANDSCAPE (PROP)	41,500	89.9%	
TOTAL			
TOTAL	132,200	100%	

PARKING SUMMARY	
TYPE	NO. OF SPACES
STANDARD	112
ADA	2
TOTAL	114

Total Parking Provided On Site = 114 Spaces

UTILITIES AND SERVICES

WATER	6" WATER	30" WATER
SEWER	18" SEWER	36" SEWER
GAS	10" GAS	24" GAS
TELEPHONE	4" TELEPHONE	6" TELEPHONE
ELECTRIC	4" ELECTRIC	6" ELECTRIC
STORM	18" STORM	36" STORM
FIRE	10" FIRE	24" FIRE
REAR	18" REAR	36" REAR
STREET	18" STREET	36" STREET
OTHER	18" OTHER	36" OTHER

LEGEND

CONCRETE	ASPHALT	PAVING
GRAVEL	LANDSCAPE	PLANTING
UTILITY	STRUCTURE	WALL
DRIVE	DRIVE	DRIVE
...

A-C-G
 AUSTIN CIVIL GROUP, INC.
 LICENSED PROFESSIONAL ENGINEER
 LICENSE NO. 123456789
 1111 SOUTH ST. AUSTIN, TEXAS 78701
 TEL: 512-555-1234 FAX: 512-555-5678
 WWW.ACGENGINEERS.COM

THE REGULATED PROFESSIONAL SEAL OF AUSTIN CIVIL GROUP, INC.
 STATE OF TEXAS
 CIVIL ENGINEER
 LICENSE NO. 123456789
 EXPIRES: 12/31/2023

DATE: 11/15/2023
 PROJECT: 240448-01
 SHEET: 1 OF 1
 C-6





2. SOUTH ELEVATION



1. NORTH ELEVATION

0' 20'
1" = 20'-0"

THE HIGHLANDS OPTION D
3/09/15 OZ ARCHITECTURE



2. WEST ENTRY ELEVATION



1. EAST ELEVATION

0' 20'
1" = 20'-0"

THE HIGHLANDS OPTION D
3/09/15 OZ ARCHITECTURE



MAIN ENTRY 3D

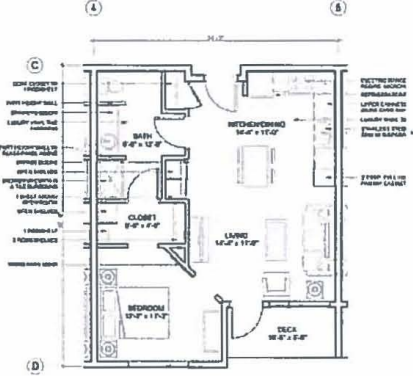


BIRDSEYE VIEW

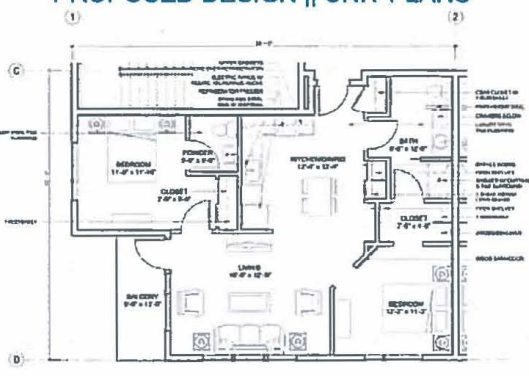
0' 20'
1" = 20'-0"

THE HIGHLANDS OPTION D
3/09/15 OZ ARCHITECTURE

PROPOSED DESIGN || UNIT PLANS



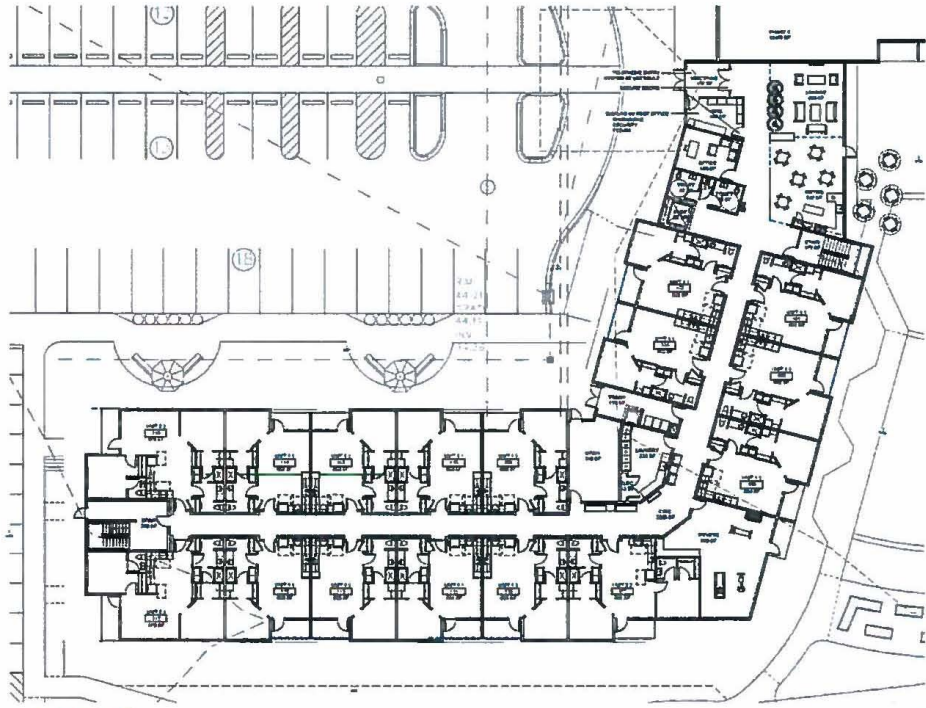
1 Bedroom/1 Bath
600 NSF/647 GSF



2 Bedroom/1.5 Bath
878 NSF/947 GSF

HIGHLANDS APARTMENTS Grand Junction, CO





① LEVEL 1 FLOOR PLAN



OZ ARCHITECTURE
 2000 Larkspur Street
 Grand Junction, Colorado 81505
 Phone: 970.243.2300
 Fax: 970.243.2301

THE HIGHLANDS
 GRAND JUNCTION, CO

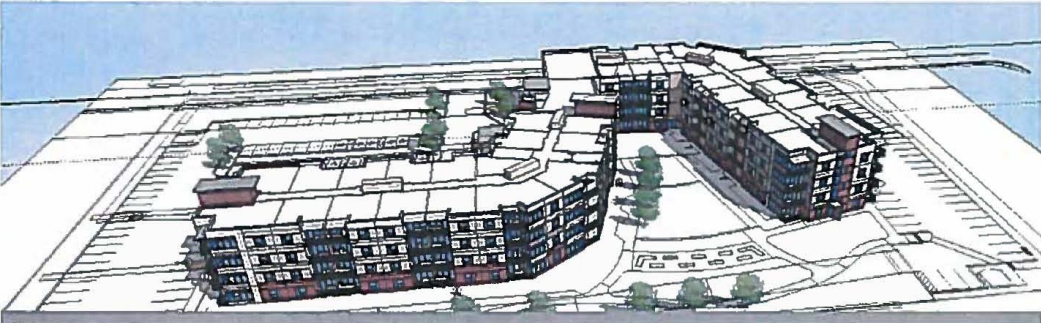
DATE: 08/11/09
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

SCALE: 1/8" = 1'-0"

A-101



MAIN ENTRY 3D



BIRDSEYE VIEW

0' 20' 1" = 20'-0"

THE HIGHLANDS OPTION D
3/09/15 OZ ARCHITECTURE



March 24 2015

Jody Kole, CEO
Grand Junction Housing Authority
1011 N. 10th Street
Grand Junction, CO 81501

Dear Jody,

The significance of the collaboration between HopeWest and the Grand Junction Housing Authority is profound. We see so much potential for improving the lives of low income seniors in our community through our work together.

We are excited about the vision and design plans for the new Highlands Senior community. We appreciate being involved in that process and see how helpful it will be to your residents to not only be able to experience special areas designed for social support and life enrichment but also basic health care and counseling services in their own environment.

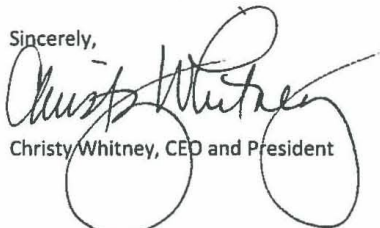
As you know HopeWest hopes to launch a Program of All Inclusive Care of the Elderly (PACE) program within the next 18 months. We believe the program will be highly utilized and we will share many joint clients. Our work together will provide those clients with greater ease of accessing services without being transported frequently to other locations.

As we have spoken, our vision is to share common space that would be eventually centered between phase 1 and 2 buildings of the Highlands project. This space would include 2 small offices as well as one large multi-functional area that would serve as space for social support, life enrichment, counseling and some primary health care services.

This shared space will be shared in collaboration by our two organizations to assure the best results for all the residents as well as our joint clients.

Mesa County is well known for its collaborative work between agencies—both in breadth and in success. This collaborative effort between Grand Junction Housing Authority and HopeWest will be no less successful! Thank you for your hard work and dedication to this project.

Sincerely,



Christy Whitney, CEO and President

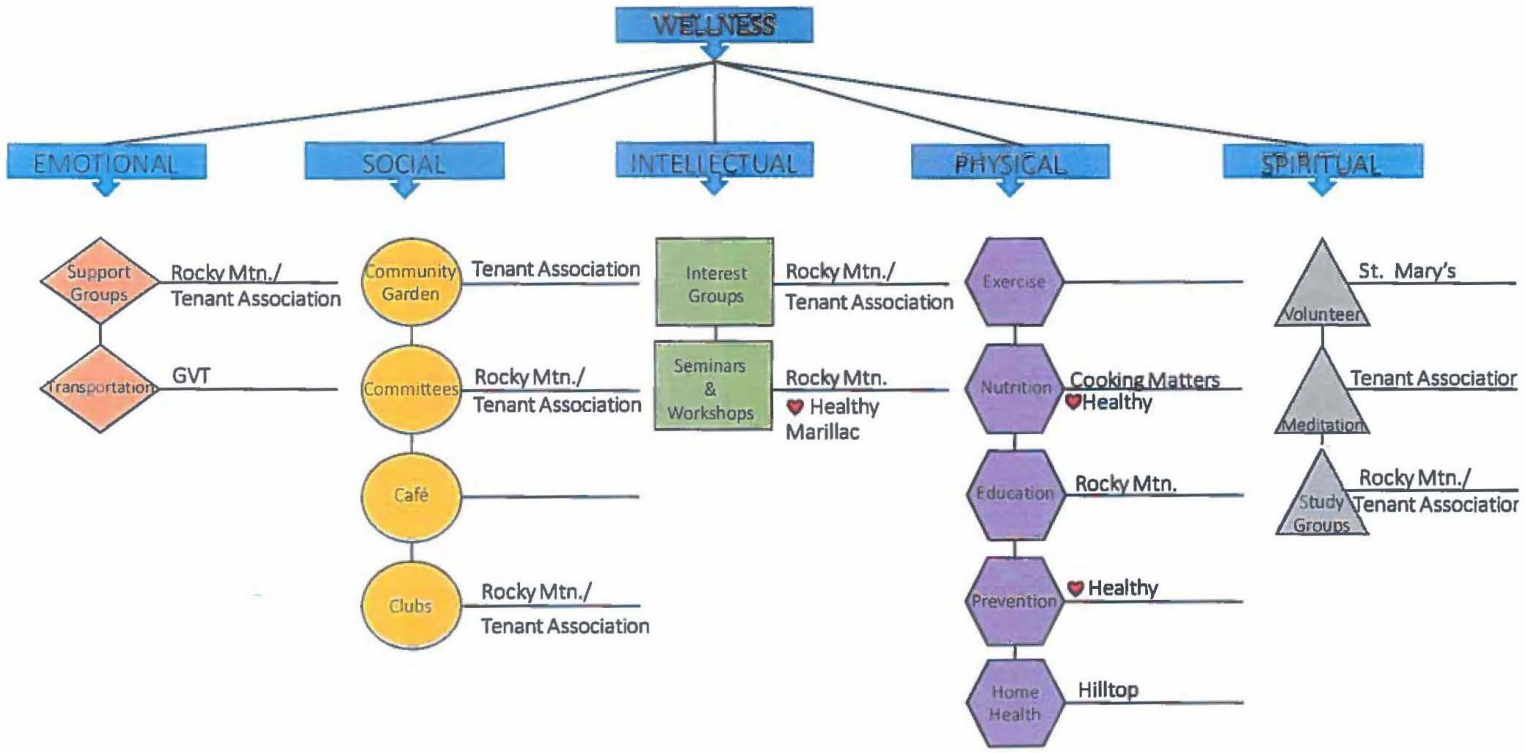
**Administrative Offices
Hospice Care Center**
3090 North 12th Street
Grand Junction, CO 81506
(970) 241-2212
HopeWestCO.org

Delta County
195 Stafford Lane
P.O. Box 24
Delta, CO 81416
(970) 874-6823

Meeker
345 Cleveland Street
Meeker, CO 81641
(970) 878-9383

**Montrose/Ouray
Counties**
645 South 5th Street
P.O. Box 1804
Montrose, CO 81402
(970) 240-7734

**Plateau Valley
& DeBeque**
P.O. Box 294
Collbran, CO 81624
(970) 487-3844



Economic Gardening Pilot Project

HB 15-1002

Modifies the Economic Gardening Pilot Project and extends its termination date to June 30, 2018. The bill repeals statutory deadlines and time limits and allows each company to negotiate terms of engagement with the Office of Economic Development and International Trade. A participating company is allowed to use between 40 and 100 hours of pilot project services before renegotiating its terms of engagement. The bill increases the one-time participation fee from \$750 to \$1,500 and appropriates \$200,000 for the additional fiscal years of 16-17 and 17-18.



ED

EDCC- SUPPORT

Status: 03/05/2015 House Committee on Business Affairs and Labor Refer Amended to Appropriations

Regulatory Reform Act of 2015

HB 15-1065

Sponsors: Szabo; Neville

This bill requires state agencies to issue a written warning and engage in educational outreach when businesses with 100 or fewer employees commit minor violations of new rules.

Chamber, EDCC- SUPPORT

Status: 01/09/2015 Introduced In House - Assigned to State, Veterans, & Military Affairs + Appropriations

Cottage Food Act Expansion

HB 15-1102

Sponsors: Hamner; Donovan

The "Colorado Cottage Foods Act" exempts sellers of certain foods from state inspection standards. The bill expands the permitted foods to include fruit empanadas, tortillas, and pickled vegetables that have an equilibrium pH value of 4.6 or lower. In addition to the disclaimer required on the products sold, a producer must also display a placard, sign, or card at the point of sale indicating that the product was produced in a home kitchen that is not subject to state licensure or inspection. The bill deletes language limiting a "producer" to natural persons. The Colorado Cottage Foods Act allows producers of non-potentially hazardous foods to use their home, commercial, or public kitchens to produce foods to sell directly to the ultimate consumers without a retail food license.



ED

Status: 03/10/2015 House Committee on Public Health Care & Human Services Refer to Appropriations

Working Group for Economic Development in Distressed Regions

HB 15-1157

Sponsors: Willett and Pabon; Heath and Merrifield

This bill creates the Economic Development Working Group for highly distressed rural and urban regions of the state. The bill requires the group to establish regions; discuss and evaluate economic development efforts in the region and their best practices; discuss and evaluate the possibility of creating tax-free zones or other economic development tools for their regions; and make detailed legislative recommendations to the general assembly in order to quickly improve the economic vitality of those regions. The group consists of 4 members of the general assembly, the Executive Director of the Office of Economic Development and International Trade and four non-voting members appointed by the legislative members.



ED

Chamber, CML, Associated Governments of Northwest Colorado- SUPPORT

Status: 03/17/2015 House Third Reading Passed

Rural Economic Development Initiative Grant Program

HB 15-117

Sponsors: Willett and Becker; Donovan

This bill creates the Rural Economic Development Initiative (REDI) Grant Program for the purpose of creating resiliency in and growing the economies of highly distressed rural counties and appropriates \$3 million from the general fund. Counties with populations of less than 175,000 are considered distressed if they meet two of the following three criteria: annual percent change in employment less than the statewide change; annual percent change in assessed value of all property less than the statewide change; county-wide percentage of pupils eligible for free lunch higher than the state's average.



The bill allows 30 distressed rural counties to be classified as Highly Distressed rural counties based upon population, employment, weekly wage and the number of businesses. **Mesa County would qualify as distressed under this bill and would therefore be eligible for REDI Grants.** The REDI program would provide grants for projects that attract new jobs or encourage private capital investment in any of the highly distressed rural counties. Applications are approved based upon ability to create diversity and resiliency in the economy; create new jobs, benefits a key industry in the region by encouraging capital investment; increases average wages; encourages growth that benefits more than one community; shows compatibility with relevant communities and economic development plans; or evidences strong support from local governments. Grants may be awarded to local government for infrastructure or facility investments that are needed to attract new jobs or will encourage private investment; local governments for training grants for affected workers; private employers to support business expansion projects; private employers for employee training programs.

Chamber, City of Grand Junction, CML, AGNC- SUPPORT

Status: 02/17/2015 House Committee on Business Affairs and Labor Refer Amended to Appropriations

Retail Food Establishment Fees

HB 15-1226

Sponsors: Lee and Foote; Heath

Under current law, the annual license fees for retail food establishments are set in statute. This bill removes the fees from statute and requires the State Board of Health (board) in the Department of Public Health and Environment (DPHE) to set the fees in rule. State and local public health agency food safety programs are funded by license fees for retail food establishments. Forty-three dollars of each fee collected is applied to the Food Protection Cash Fund in the DPHE; the remainder of the fee is retained by the county or district public health agency where the retail food establishment is located. When shortages in funding occur, counties make up the deficit with general funds. The General Assembly last increased fees in 2009.

Status: 02/17/2015 Introduced In House - Assigned to Public Health Care & Human Services + Finance

Crowdfunding Interstate Securities On-Line**HB 15-1246****Sponsors: Lee, Rankin, Willett; Scheffel, Hill**

Current securities law restricts businesses' ability to raise capital through crowdfunding, which is the raising of money on-line through small contributions from a large number of investors. The bill enacts the "Colorado Crowdfunding Act" to facilitate crowdfunding by authorizing on-line intermediaries to match a Colorado investor with a Colorado business that wishes to sell securities.

The specified requirements include:

- the issuer must obtain documentation from a purchaser verifying Colorado residency;
- the sum of investments received by an issuer must not exceed \$1 million during a 12-month period; \$2 million if the issuer submits audited financial statements to the Securities Commissioner;
- non-accredited investors are limited to \$5,000 in investments in a 12-month period;
- the issuer must make filings and provide fees and documentation to the Securities Commissioner;
- the issuer must inform all prospective purchasers of the risks involved in the investment;
- purchasers must certify their understanding of the risks; and
- the issuer must comply with rules promulgated by the Securities Commissioner.

Status: 03/16/2015 Senate Second Reading Passed

Regulatory Reform Act of 2015**SB 15-180****Sponsors: Neville; Neville**

This bill would require a state agency to first issue a written warning for a first-time minor violation and perform outreach that informs the offending business how to comply with the new rule. Minor violations are defined as minor infractions of new administrative rules (in place less than one year) that are committed by businesses with less than 150 employees.

Status: 03/20/2015 Introduced in House- Assigned to State, Veterans and Military Affairs

The Statewide Initiative Process

HB 15-1057

Sponsors: Court, DelGrosso, Rankin; Sonnenberg, Hodge

This bill requires the Legislative Council of the General Assembly to prepare an initial fiscal impact statement for each initiative submitted to the title board. The abstract must be printed at the beginning of each page of an initiative petition section that is circulated for signatures. The impact statement will also be included in the Blue Book.

Chamber, CML, EDCC- SUPPORT

Status: 01/07/2015 Introduced In House - Assigned to State, Veterans, & Military Affairs

Overseas Citizens Municipal Election Voting Access

HB 15-1130

Sponsors: Nordberg; Garcia

The bill extends certain deadlines that govern the conduct of municipal elections to ensure that such military personnel and civilians have similar ability to vote in municipal elections as they do in federal, state, and county elections.

CML, AGNC- SUPPORT

Status: 03/25/2015 Senate Third Reading Laid Over Daily

Preventing Multiple Voter Registrations

SB 15-060

Sponsors: Holbert, Everett

The bill allows the Secretary of State (SOS) to forward any information obtained from the Division of Motor Vehicles in the Department of Revenue (DOR) to the appropriate county clerk for the purpose of updating an elector's voter registration.

Status: 03/27/2015 House Second Reading Passed No Amendments

Invasive Phreatophyte Grant Program**HB 15-1006****Sponsors:** Coram; Sonnenberg

HB 14-1006 creates an Invasive Phreatophyte Management Grant Program. The program is to be funded with annual transfers of \$5 million for 5 years beginning in the next fiscal year. The grant program will fund projects that manage and remove invasive phreatophytes, including Russian-olive, within riparian areas of the state (river fronts and flood plains). Grants are to be made available to public entities, private entities and private individuals that can demonstrate best practices for management of invasive phreatophytes to decrease water consumption. The bill is a Water Resource Review Committee sponsored bill and has bipartisan support.

Chamber; AGNC- SUPPORT**Status:** 02/02/2015 House Committee on Agriculture, Livestock, & Natural Resources Refer to Appropriations

Expand Scope of Shared Photovoltaic Facilities**HB 15-1284****Sponsors:** Winter and Roupe; Grantham and Hodge

Existing statutes requires Community Solar Garden subscribers to live in the same county unless the subscriber lives in a county with less than 20,000, in which case the subscriber may live in an adjacent county. This bill removes the population standards (resulting in subscribers being able to purchase into facilities either in their county of residence or a neighboring county). The bill also increases the minimum number of subscribers from 10 to 25 for installations larger than 500 kilowatts.

AGNC- OPPOSE**Status:** 03/25/2015 Introduced in Senate- Assigned to Agriculture, Natural Resources and Energy

Renewable Energy Standards for Distributed Generation**SB 15-046****Sponsors:** Grantham

The bill allows utility companies to count each kilowatt-hour of electricity obtained through retail distributed generation as 3 kilowatt-hours for purposes of meeting the 2020 standard. In addition, the bill allows cooperative electric associations to use purchases from community solar gardens to meet the retail distributed generation component of the renewable energy standard.

Status: 03/27/2014 House Second Reading Passed

Dispose of Cathode Ray Tubes at Hazardous Waste Sites**SB 15-076****Sponsors:** Grantham

Current law generally prohibits the land disposal of electronic devices, including those that contain cathode ray tubes. The bill allows the disposal of cathode ray tubes, including electronic devices that contain them, at hazardous waste disposal sites.

Status: 01/14/2015 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

Employment Services for Veterans Pilot Program
Sponsors: Landgraf

HB 15-1030

This bill creates the Employment Services for Veterans Pilot Program (program) in the Colorado Department of Labor and Employment (CDLE). The program includes veterans services related to job retention, mediation with employers, mentoring, and career counseling. The program is available for up to 20 veterans who have not been dishonorably discharged.

Status: 01/26/2015 House Committee on State, Veterans, & Military Affairs Refer to Appropriations

Continue Colorado Pay Equity Commission
Sponsors: Danielson

HB 15-1133

House Bill 10-1417 created the Pay Equity Commission, set to repeal on July 1, 2015. This bill continues the 11-member Pay Equity Commission in the Colorado Department of Labor and Employment (CDLE). Under the bill, the commission is:

- authorized to solicit gifts, grants, or donations directly;
- allowed to employ or contract up to 1.0 FTE employee or contractor for purposes of performing its duties if it receives sufficient funds through gifts, grants or donations; and
- required to monitor the status of pay inequity in Colorado and provide updates in its annual reports.

Status: 03/18/2015 Introduced in Senate- Assigned to State, Military and Veterans Affairs

Increasing Postsecondary and Workforce Readiness
Sponsors: Kraft-Tharp and Wilson; Hill and Heath

HB 15-1170

The bill creates the position of Postsecondary and Workforce Readiness Statewide Coordinator (PWR coordinator) to work under the State Work Force Development Council in the Colorado Department of Labor and Employment (CDLE). The PWR coordinator will work with local education providers, businesses, industry, area vocational schools, community colleges, the CDE, the Department of Higher Education (DHE), and the career and technical education division within the community college system to raise the level of PWR achieved by high school graduates.

Under current law, the Colorado Department of Education (CDE) annually determines the level of attainment for public schools, school districts, and the state based on specific indicators of performance. One of the performance indicators used is the degree to which students graduate from high school postsecondary and workforce ready (PWR). The CDE calculates PWR based on the achievement level of eleventh grade students taking the statewide college entrance test, the percent of graduates who receive an endorsed diploma (pending), and graduation and dropout rates. Beginning in 2016-17, this bill requires the CDE to also calculate PWR by including the percent of high school graduates who enroll in a postsecondary education program in the school year immediately following graduation. Consistent with the other measures of performance, the CDE must disaggregate the additional data collected by student group.

Status: 02/25/2015 House Committee on Education Refer Amended to Appropriations

Innovative Industry Workforce Development Program**HB 15-1230****Sponsors:** Lee and Foote; HeathED

This bill creates the Innovative Industries Workforce Development Program within the Department of Labor and Employment to reimburse businesses for ½ of its expenses related to qualifying internships. In order to qualify, the internship must be in an innovative industry; lasts for at least 130 hours and lasts up to 6 months; allow students to gain valuable work experience in at least 2 specified occupational areas; pay the intern at least \$10 per hour; provide a mentor or supervisor that will work closely with the intern; not be for the purpose of meeting required residency or clinical hours for the intern; be with an innovative-industry business that has a physical operation facility in the state; be for a high school or college student, a resident who is a student at an out-of-state college, or a recent graduate of either; and along with all other internships, constitute less than 50% of the business's workforce located in the state. A business may be reimbursed for up to 5 interns per location and up to 10 at all locations, but the maximum amount that a business may be reimbursed for each internship is \$5,000.

Status: 03/27/2015 House Committee on Business Affairs and Labor Refer to Appropriations

Enhanced Unemployment Compensation Benefits**HB 15-1231****Sponsors:** Esgar and Kraft-Tharp

The bill reenacts the implementation of enhanced unemployment insurance compensation benefits for eligible unemployment insurance claimants that expired in 2014. Enhanced unemployment insurance compensation benefits are available to claimants who are enrolled and making satisfactory progress in an approved training program that will train them for a high-demand occupation, a more stable occupation, or a long-term occupation. Up to \$4 million may be expended for the program, including benefit payments, in any fiscal year, with no more than \$12 million in expenditures obligated by the division over the three fiscal years affected by the bill. The state General Fund pays for program costs.

GJ Chamber- SUPPORT**Status:** 03/19/2015 House Committee on Business Affairs and Labor refer to Appropriations

Colorado Retirement Security Task Force**HB 15-1235****Sponsors:** Buckner and Pettersen; Steadman and Todd

The bill creates the Colorado Retirement Security Task Force to study, assess, and report on the factors that affect Coloradans' ability to save for a financially secure retirement and on the feasibility of creating a retirement savings plan for private sector employees. The task force is required to submit 2 reports to the general assembly regarding the factors that affect Coloradans' ability to save for a financially secure retirement and on the feasibility of creating a retirement savings plan for private sector employees.

Status: 03/24/2015 House Committee on Business Affairs and Labor refer to Appropriations

FAMLI Insurance Program Wage Replacement
Sponsors: Winter and Salazar; Ulibarri

HB 15-1258

This bill creates the Family and Medical Leave Insurance program to provide partial wage-replacement benefits to an eligible individual who takes leave from work to care for a new child or a family member with a serious health condition or who is unable to work due to the individual's serious health condition. Prior to implementing the program, the Department of Labor and Employment must conduct an actuarial analysis to determine the appropriate level of premiums and solvency surcharges, if necessary, to ensure the soundness of the program. Each employee in the state will pay a premium determined by the Director of the Division by rule, which premium is based on a percentage of the employee's yearly wages. The premiums are deposited into the family and medical leave insurance fund from which family and medical leave benefits are paid to eligible individuals. The director may also impose a solvency surcharge by rule if determined necessary to ensure the soundness of the fund.

GJ CHAMBER- OPPOSE

Status: 03/19/2015 House Committee on Health, Insurance, & Environment Refer to Finance

Pathways into Technology
Sponsors: Duran; Todd

HB 15-1270

This bill authorizes the operation of Pathways in Technology Early College High Schools (P-Tech schools). These schools enroll students in grades 9 through 14 in programs that focus on science, technology and mathematics. The schools combine high school and college-level course work with workplace educational experiences. Upon graduation, students will have a high school diploma and an associate's degree in applied sciences.



Status: 03/27/2015 House Committee on Appropriations Refer to House Committee of the Whole

Mobile Learning Labs Workforce Development
Sponsors: Lontine and Hamner; Marble and Donovan

HB 15-1271

The bill allows moneys in the Colorado Existing Industry Training Program to be used to fund mobile learning labs, which provide employers with a flexible delivery option for on-site training.



Status: 03/06/2015 Introduced In House - Assigned to Finance

Creation of Career Pathways for Students
Sponsors: Garnett; Kerr

HB 15-1274

Following the model developed for creating the Manufacturing Career Pathway, the bill directs the state Workforce Development Council to coordinate multiple agencies and industries in the design of industry-driven career pathways for critical occupations in growing industries.



Status: 03/19/2015 House Committee on Business Affairs and Labor refer to Appropriations

Career and Tech Ed in Concurrent Enrollment
Sponsors: Winter; Heath and Marble

HB 15-1275

This bill clarifies that apprenticeships and internships are suitable course work for concurrent enrollment options of local education providers. In addition, the bill directs the Concurrent Enrollment Advisory Board to create recommendations to assist local education providers in creating cooperative agreements to include apprenticeship programs and internship programs in the available concurrent enrollment programs.



Status: 03/24/2015 House Committee on Business Affairs and Labor refer to Appropriations

Skilled Worker Training Grant Program
Sponsors: Pabon, Williams; Cooke and Heath

HB 15-1276

The bill creates the "Skilled Worker Outreach, Recruitment, and Key Training Act", also referred to as the "WORK Act," which establishes a grant program in the Department of Labor and Employment to award matching grants to entities and organizations that offer skilled worker training programs to assist in their outreach, recruiting, and training efforts. The program is to fund applicants that demonstrate partnerships with industry and have the best potential to reach broad audiences, significantly increase enrollment in and completion of their training programs and fill existing market needs for skilled workers. The bill appropriates \$10 million over three years.



Status: 03/19/2015 House Committee on Business Affairs and Labor refer to Appropriations

Local Government Minimum Wage
Sponsors: Moreno; Merrifeld

HB 15-1300

This bill repeals state statute that prohibits local governments from enacting minimum wages; therefore allows local governments to establish minimum wages in their jurisdictions.



AGNC- OPPOSE

Status: 03/23/2015 House Committee on State, Veterans and Military Affairs refer to Whole

Colorado Constitutional Minimum Wage
Sponsors: Pabon, Williams; Cooke and Heath

HCR15-1001

This Concurrent Resolution would refer a Constitutional amendment to increase the minimum wage to \$9.50 in 2017; \$10.50 in 2018; \$11.50 in 2019; and \$12.50 in 2020. Current minimum wage in Colorado is \$8.23 and is adjusted annually for inflation per Colorado Constitution.



Status: 03/23/2015 House Committee on State, Veterans and Military Affairs refer to Whole

Repeal Job Protection Civil Rights Enforcement Act**SB 15-069**Sponsors: Woods; Szabo, **Thurlow, Willett**

In 2013, the general assembly enacted HB13-1136, the "Job Protection and Civil Rights Enforcement Act of 2013" (act), which established compensatory and punitive damage remedies, as well as front pay, for a person who proves that an employer engaged in a discriminatory or unfair employment practice under state law. With the exception of the expansion of age-based discrimination claims to individuals who are 70 years of age or older, the bill repeals all components of the act and restores the equitable relief remedies that were available to employment discrimination victims making claims under state law prior to the passage of the act.

Chamber- SUPPORT**Status:** 03/27/2015 Introduced in House- Assigned to State, Veterans and Military Affairs

Classification of Independent Contractors**SB 15-107**

Sponsors: Heath

Pursuant to the "Colorado Employment Security Act", service performed by an individual for another is deemed to be employment unless it is shown to the satisfaction of the Division of Labor that the individual is free from control and direction in the performance of the service. The bill removes the requirement that freedom from control and direction must be shown "to the satisfaction of the division".

Status: 01/23/2015 Introduced In Senate - Assigned to Business, Labor, & Technology

Local Government Input Liquor Sales Room Applications**HB 15-1217****Sponsors:** Singer

This bill gives a local alcohol licensing authority (local authority) the ability to provide input to the Liquor Enforcement Division (division) in the Department of Revenue (DOR) concerning the establishment of sales rooms for licensed wineries, limited wineries, distilleries, and malt liquor wholesalers (licensees) in the local authority's jurisdiction. Under current law, only distilleries must seek input from the local licensing authority where they operate in order to open a sales room.

CML- SUPPORT**Status:** 03/17/2015 Senate Committee on Business, Labor, & Technology Refer to Appropriations

Coordination in Federal Land Management Response**HB 15-1225**

Sponsors: Rankin; Roberts

The bill authorizes the use of the Local Government Mineral Impact Fund for planning, analysis, public engagement, collaboration with federal land managers, and other local government activity related to federal land management. For five years, grant funding of \$1 million per year will be available to counties for these activities or for similar or related activities by local governments. This bill requires certain officers and agencies of the executive branch in Colorado to provide technical and financial support to local governments that are affected by federal land management.

Status: 03/24/2015 Senate Committee on Local Government Refer to Appropriations

Homeless Persons Bill of Rights**HB 15-1264**

Sponsors: Salazar and Melton; Keflas

The bill creates the "Colorado Right to Rest Act", which establishes basic rights for persons experiencing homelessness, including, but not limited to, the right to use and move freely in public spaces without discrimination, to rest in public spaces without discrimination, to eat or accept food in any public space where food is not prohibited, to occupy a legally parked vehicle, and to have a reasonable expectation of privacy of one's property. A person whose rights have been violated may seek enforcement in a civil action, and a court may award relief and damages as appropriate.

CML, AGNC- OPPOSE**Status:** 03/04/2015 Introduced In House - Assigned to State, Veterans, & Military Affairs

Shifting Fiscal Responsibility of County Courts to State**SB 15-089**

Sponsors: Garcia; Vigil

Currently, the board of county commissioners in each county is fiscally responsible for providing and maintaining adequate courtrooms and other court facilities in their counties. The bill shifts that fiscal responsibility to the state over time by requiring the state to pay a specified amount of rent to each county based on the fair market value of the courtrooms and other facilities used by the judicial department in that county.

AGNC- SUPPORT**Status:** 02/09/2015 Senate Committee on State, Veterans, & Military Affairs Refer U to Appropriations

Modifications to Urban Renewal**SB 15-135**

Sponsors: Martinez Humenik and Jahn, Hodge, Holbert, Todd

This bill increases the maximum number of Urban Renewal Commissioners on an Urban Renewal Authority from 11 to 13 and specifies that one County Commissioner may be appointed to the Authority. The bill also requires all funds remaining from TIF not otherwise used for the project to be refunded to the tax bodies based upon percentage contribution.

CML- SUPPORT**Status:** 02/27/2015 Senate Second Reading Laid Over Daily

Creation of the Federal Land Management Commission

SB 15-232

Sponsors: Baumgardner and Sonnenberg; Coram

This bill creates the Colorado Federal Land Management Commission to study the transfer of public lands in Colorado from the federal government of the state.

Status: 03/24/2015 Introduced in Senate- Assigned to Agriculture, Natural Resources & Energy

FML Revenue Transfer

SB 15-244

Sponsors: Grantham; Rankin

As part of the November 2014 settlement of a federal lawsuit related to mineral leases on the Roan Plateau in western Colorado, the BLM cancelled a number of active oil and gas leases. These leases had yielded a total of \$23,366,598 in FML revenue to the state of Colorado from bonus payments and annual rental (nonbonus) payments. To recoup these funds, which must be repaid to the leaseholders, the federal government is withholding \$7.8 per year from total FML payments to Colorado. This bill directs the general fund to transfer \$7.8 million to backfill reductions in non-bonus revenue.

NEW**CML- SUPPORT**

Status: 03/24/2015 Introduced in Senate- Assigned to Agriculture, Natural Resources & Energy

Severance Tax Transfer to General Fund

SB 15-255

Sponsors: Lambert; Hamner

This bill transfers \$20 million in severance tax revenues to the state's General Fund. The \$20 million transfer will reduce amounts available for local governments by \$10 million and to the Department of Natural Resources by \$10 million. The local government share of the transfer will reduce direct distribution payments to local governments by \$3 million and Energy Impact Grant funding by \$7 million.

NEW**CML, AGNC, City of Grand Junction- OPPOSE**

Status: 03/24/2015 Introduced in Senate- Assigned to Agriculture, Natural Resources & Energy

Interstate Compact EMS Providers**HB 15-1015**

Sponsors: Winter

The bill authorizes the Governor to enter into an interstate compact with other states or jurisdictions to recognize and allow emergency medical services (EMS) providers licensed in a compact member state to provide EMS in Colorado. EMS providers include emergency medical technicians, advanced emergency medical technicians, and paramedics.

Status: 03/11/2015 Senate Committee on State, Veterans, & Military Affairs Refer to Appropriations

Driver May Challenge Initial Police Contact**HB 15-1073**

Sponsors: Salazar

A provision of current law allows a driver to challenge the validity of a law enforcement officer's initial contact with the driver and the driver's subsequent arrest for a DUI offense. The bill states that this provision applies retroactively to administrative hearings performed before the provision's enactment.

County Sheriffs of Colorado- OPPOSE**Status:** 03/25/2015 House Committee on Judiciary Refer Amended to House Committee of the Whole

Red Light Camera**HB 15-1098**Sponsors: Humphrey, **Thurlow**; Neville

This bill prohibits the use of an automated vehicle identification system, including photo radar and red light cameras, by state and local governments for the purposes of enforcing traffic laws or issuing citations for the violation of traffic laws. Governmental entities may still use automated vehicle identification systems to assess tolls and civil penalties and to issue violations related to high occupancy vehicle lanes.

Colorado Municipal League, County Sheriffs of Colorado-OPPOSE**Status:** 02/25/2015 House Committee on Transportation & Energy Refer Amended to Appropriations

Use of Unmanned Aerial Vehicles**HB 15-1115**

Sponsors: Lawrence

This bill expands the definition of first degree criminal trespass to include the intentional use of an unmanned aerial vehicle (drone) to observe, record, transmit, or capture images of another person when that person has a reasonable expectation of privacy. The definition of harassment is also expanded to include using a drone to track a person's movements with the intent to harass, annoy, or alarm that person.

Status: 02/25/2015 House Committee on Transportation & Energy Refer Amended to Appropriations

Disaster Prediction**HB 15-1129**

Sponsors: Kraft-Tharp; Roberts

The bill requires the Division of Fire Prevention and Control to establish, support, customize, and maintain a Colorado Wildland Fire Prediction and Decision Support System. The bill also requires the Division of Homeland Security and Emergency Management to establish, support, customize, and maintain a Colorado flood prediction and decision support system.

AGNC- SUPPORT**Status:** 02/09/2015 House Committee on Agriculture, Livestock, & Natural Resources Refer to Appropriations

Retaliation against a Prosecutor**HB 15-1229**

Sponsors: McCann; Martinez Humenik

This bill creates a new crime of retaliation against a prosecutor for an individual who makes a credible threat or commits an act of harassment or an act of harm or injury upon a person or property when the threat or act is retaliation or retribution for a prosecutor's role in the prosecution of any individual or a prosecutor's performance of any duty within the scope of the prosecutor's employment.

CML- SUPPORT**Status:** 02/09/2015 House Committee on Agriculture, Livestock, & Natural Resources Refer to Appropriations

Reduce Student Contacts with Law Enforcement**HB 15-1240**

Sponsors: Fields; Balmer

This bill encourages school districts to negotiate and enter into a memorandum of understanding with each municipal law enforcement agency, and each sheriff's department with jurisdiction over at least one school of the school district, to establish procedures to minimize unnecessary student contact with law enforcement agencies and courts as disciplinary responses to school incidents.

Status: 03/24/2015 Introduced in Senate- Assigned to State, Veterans and Military Affairs

Use of Medical Marijuana during Probation**HB 15-1267**

Sponsors: Salazar; Guzman

This bill allows people on probation to use medical marijuana, unless the person is convicted of an offense related to medical marijuana.

County Sheriffs of Colorado- OPPOSE**Status:** 03/05/2015 Introduced in House- Assigned to Judiciary

Law Enforcement Use of Body-Worn Cameras**HB 15-1285**

Sponsors: Kagan; Cooke

This bill creates the Body-Worn Camera Grant Program in the Division of Criminal Justice (DCJ) in the Department of Public Safety (DPS). The grants are to fund the purchase of body-worn cameras and training for law enforcement officers in their use. The bill **does not** appropriate funding for the grant program. The bill also establishes a study group within the DPS to identify policies and best practices concerning body-worn cameras and make recommendations to the General Assembly.

A yellow rectangular label with the word "NEW" in black capital letters.**CML- SUPPORT****Status:** 03/17/2015 Introduced in House- Assigned to Judiciary and Appropriations

Police Misconduct Require Prosecution

HB 15-1286

Sponsors: Kagan; Salazar

For an alleged offense involving police misconduct resulting in serious bodily injury or death, the bill allows a judge to require prosecution if the court finds that the decision not to prosecute was an abuse of discretion by the prosecuting attorney.

NEW**County Sheriffs of Colorado, AGNC- OPPOSE****Status:** 03/17/2015 Introduced in House- Assigned to Judiciary

Police Officer Training Improvements

HB 15-1287

Sponsors: Williams, Cooke

This bill expands the membership of the Police Officers Standards and Training board from 20 and 24 members. The four new members are to be non-certified civilians and the Governor is required to consider applicants' age, race, professional experience, and geographic location in ensuring that the board is "diverse." The bill also changes the scope and responsibilities of the POST board by adding the following duties:

NEW

- review and evaluate the basic academy curriculum by January 1, 2016, and every five years thereafter;
- establish at least four new subject matter expertise committees, including arrest control, curriculum, driving, and firearms (committees must also be composed of diverse membership);
- develop a community outreach program that explains the role of the board; and
- develop a recruitment program to create a diverse pool of applicants for the board and the four new subject matter expertise committees.

The bill also requires the board to include a two hour anti-bias course and, in alternating years, either a two-hour community policing course or a situation de-escalation training in the annual in-service training curriculum. Any peace officer who fails to comply with the training requirements is subject to revocation of his or her peace officer status.

County Sheriffs of Colorado, AGNC- OPPOSE**Status:** 03/17/2015 Introduced in House- Assigned to Judiciary

Updates to Profiling Prohibition

HB 15-1288

Sponsors: Williams, Cooke

Under current law, there is a prohibition against profiling by a peace officer. This bill changes the definition of profiling from "the practice of detaining a suspect based on race, ethnicity, age, or gender without the existence of any individualized suspicion of the particular person being stopped" to "the practice of relying, to any degree, on race, ethnicity, color, national origin, nationality, language, sex, gender identify, sexual orientation, socioeconomic status, age or disability in: selecting a person to be subject to routine or spontaneous investigatory activities including interviews, detentions, traffic stops, pedestrian stops, frisks and other types of bodily searches or searches of real or personal property; or determining the scope, substance or duration of investigation or law enforcement activity to which a person will be subjected".

NEW**County Sheriffs of Colorado Oppose, Colorado Municipal League- OPPOSE****Status:** 03/17/2015 Introduced in House- Assigned to Judiciary

Criminal Charges Based Upon Unlawful Order**HB 15-1289**

Sponsors: Salazar and Everett

This bill would require law enforcement agencies to reimburse defendants for any attorneys' fees and other costs incurred if a person is charged with a crime in which the underlying factual basis involves violating an unlawful order as found by a judge. An unlawful order means an order that violates a person's constitutional or statutory rights

NEW**County Sheriffs of Colorado, AGNC, CML- OPPOSE****Status:** 03/17/2015 Introduced in House- Assigned to Judiciary

Stop Police Interference Incident Recordings**HB 15-1290**

Sponsors: Salazar; Gunzman

This bill will allow individuals to file a civil suit against the employer of a peace officer who interferes with, destroys, or retaliates against a person who is lawfully recording an incident involving the peace officer, or when the peace officer intentionally seizes or otherwise obtains the recording without permission. The bill establishes a civil right of action and sets forth that the person who lawfully recorded the incident is entitled to actual damages, a civil penalty of \$15,000, and attorneys' fees and costs. The bill defines retaliation as a threat, act of harassment, or any act of harm or injury upon any person or property, when that action is directed to or committed against the person making the recording.

NEW**County Sheriffs of Colorado, AGNC, CML - OPPOSE****Status:** 03/17/2015 Introduced in House- Assigned to Judiciary

Prohibit Police Office Use of Chokehold**HB 15-1291**

Sponsors: Melton

This bill prohibits and criminalizes the use of chokeholds by peace officers. Choke holds are defined as wrapping an arm around or gripping the neck in a manner that limits or cuts off either the flow of air by compressing the windpipe or the flow of blood through the carotid arteries.

NEW**County Sheriffs of Colorado, AGNC, ~~CML~~ - OPPOSE****Status:** 03/17/2015 Introduced in House- Assigned to Judiciary

Unlawful Manufacture of Marijuana Concentrate**HB 15-1305**

Sponsors: Salazar; Guzman

This bill creates a class 2 felony for an unlicensed person to manufacture marijuana concentrate or permit marijuana concentrate manufacture on any premise using an inherently hazardous substance. Inherently hazardous substance is defined as any liquid chemical, compressed gas, or commercial product that has a flash point at or lower than 38 degrees Fahrenheit, including butane, propane and diethyl ether.

NEW**CML- SUPPORT****Status:** 03/25/2015 Introduced in House- Assigned to Judiciary

Wildfire Risk Reduction Grant Program
Sponsors: Roberts

SB 15-022

Senate Bill 13-169 created the Wildfire Risk Reduction Grant Program funded through the Wildfire Risk Reduction Cash Fund which included an initial \$9,800,000 in funding. A portion of the grants are available for capacity-building efforts to provide local governments, community groups, and collaborative forestry groups with the resources necessary to provide site-based hazardous fuel reduction treatments. This bill transfers an additional \$9.8 million and expands the definitions of hazardous fuels.

CML, AGNC- SUPPORT

Status: 01/15/2015 Senate Committee on Agriculture, Natural Resources, & Energy Refer to Appropriations

Second Degree Assault for Injury to Emergency Responders
Sponsors: Cooke; Joshi

SB 15-067

This bill raises the classification from assault in the third degree to assault in the second degree for the following criminal actions:

- Intentionally causing bodily injury (assault) to an emergency medical care provider in order to prevent that provider from performing a lawful duty; or
- Causing a peace officer, firefighter, emergency medical care or service provider, while engaged in his or her professional duties, to come into contact with bodily fluids with the intent to infect, injure, harm, harass, annoy, threaten or cause alarm.

CML, County Sheriffs of Colorado- SUPPORT

Status: 01/28/2015 Senate Committee on Judiciary Refer Unamended to Appropriations

Data Collections and Community Policing Best Practices
Sponsors: Cooke, Johnston; Foote

SB 15-185

This bill requires local law enforcement agencies and the Department of Corrections to report specific data to the Division of Criminal Justice. Each agency must report the number of stops and arrests, including race, ethnicity, gender, and incident report number. After officer involved shootings, the agency is required to report demographic information on the officer and individual involved. The bill also requires the Colorado Commission on Criminal and Juvenile Justice to create an advisory committee to study community policing practices and report on best practices.

CML, County Sheriffs of Colorado - OPPOSE

Status: 02/04/2015 Introduced In House - Assigned to Judiciary

Police Shooting Data Collection
Sponsors: Roberts, Cooke; Williams

SB 15-217

The bill requires each law enforcement agency to develop protocols for participating in a multi-agency team or involving another law enforcement agency in the investigation of a peace officer-involved shooting and post the protocols online. The bill also requires District Attorneys that decline to file criminal charges against a peace officer for officer-involved shootings to make a public report disclosing the basis for not charging the officer.

NEW

County Sheriffs of Colorado, Colorado Municipal League- SUPPORT
Status: 03/25/2015 Senate Committee on Judiciary Refer Amended to Appropriations

Disclose Misrepresentations by Police Officers
Sponsors: Roberts, Cooke; Salazar

SB 15-218

This bill requires that a state or local law enforcement agency in Colorado report any incidence of knowing misrepresentation in any affidavits, testimony, or internal investigations by a peace officer within its employ to the district attorney within seven days. This information must also be provided within seven days to a named Colorado law enforcement agency when the applicant officer provides a signed waiver specifically authorizing the disclosure.

NEW

County Sheriffs of Colorado, Colorado Municipal League- SUPPORT
Status: 03/30/2015 Senate Second Reading Passed with Amendments

Peace Officer Shootings Transparency Measures
Sponsors: Cooke; Salazar

SB 15-219

This bill requires each Colorado law enforcement agency to develop and electronically post or make available upon request its protocols concerning the involvement of other law enforcement agencies when investigating a peace officer-involved shooting. If a district attorney declines to prosecute an officer-involved shooting, it is required to make a report outlining the findings of the case and the basis for the decision not to file charges. The district attorney must post this information electronically or make it available upon request.

NEW

County Sheriffs of Colorado, Colorado Municipal League- SUPPORT
Associated Governments of Northwest Colorado- OPPOSE
Status: 03/25/2015 Senate Committee on Judiciary Refer to Committee of the Whole

Ban Regulatory Agency Firearms and Special Operations
Sponsors: Marble; Salazar

SB 15-231

This bill requires that federal agencies provide at least 24-hour notice to county and local law enforcement agencies prior to deploying a specialized unit within that government's jurisdiction. It also prohibits a state regulatory agency from purchasing firearms, or an employee of that agency from using a firearm, for the purposes of enforcement actions.

NEW

Status: 03/20/2015 Introduced in Senate- Assigned to State, Veterans and Military Affairs

Common Interest Exempt Small Limited Expense Community**HB 15-1095**

Sponsors: Carver

The bill allows a common interest community (commonly referred to as a homeowners' association, or HOA) created before the 1992 enactment of the Colorado Common Interest Ownership Act (CCIOA) to be exempt from certain provisions of CCIOA if the HOA's annual assessments do not exceed a statutory threshold of \$300. To qualify for the new exemption, the \$300 limit must be established in the HOA's recorded declaration or bylaws.

Status: 03/24/2015 Senate Second Reading Laid Over Daily

Public Trustee Conduct Electronic Foreclosure Sale**HB 15-1142**Sponsors: McCann, **Coram**; Guzman

The bill authorizes the public trustee of a county to conduct foreclosure sales through the internet or another electronic means, and allows for the collection of a specific fee for sales that are conducted electronically.

Status: 03/22/2015 House Committee on Business Labor and Technology Refer Amended to House Committee of the Whole

Statute of Limitations for Rent Counterclaim**HB 15-1293**

Sponsors: McCann; Aguilar

NEW

This bill repeals the current six-year statute of limitations for legal actions to collect unpaid rent and creates a three-year statute of limitations for all actions, including counterclaims and offsets, relating to unpaid rent.

Status: 03/19/2015 Introduced in House- Assigned to Business, Labor and Technology

Public Trustee Send Information on Foreclosures**HB 15-1311**

Sponsors: McCann; Uilbarri

Public Trustees to send specified notices to all persons identified as having an interest in property subject to foreclosure. Current state requires copies of the statutes to be sent. The bill replaces the requirement to send copies of the statutes with a requirement to send an information sheet outlining the key provisions of the statutes with instructions on how to access statute.

Status: 03/25/2015 Introduced in House- Assigned to Local Government

Reduce Statute Of Limitations Construction Defects**SB 15-091**Sponsors: **Scott**

The bill reduces from 8 years to 4 years the statute of repose for construction professionals in Colorado. The statute of repose is the maximum period for a legal action against any construction professional (architect, contractor, builder, builder vendor, engineer, or inspector) performing or furnishing the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property.

Status: 03/30/2015 Senate Second Reading Laid Over Daily

Construction Defects Lawsuits
Sponsors: Scheffel; DelGrosso

SB 15-177

This bill makes several changes to existing construction defect statutes. The bill would require a home owners association to submit to mediation prior to filing a construction defects claim. The bill also requires the association to give notice to all home or unit owners regarding the costs, duration and financial impact of filing a claim and receive written consent from a majority.

Chamber, Colorado Municipal League, **City of Grand Junction**- SUPPORT
Status: 03/30/2015 Senate Second Reading Laid Over Daily

Residential Storage Condo Unit as Real Property
Sponsors: Grantham; Melton

SB 15-227

This bill establishes that residential storage condominium unit is a residential improvement and therefore should be taxed based upon an assessment rate of 7.96% as opposed to 29%.



Chamber, **City of Grand Junction**- SUPPORT
Status: 03/20/2015 Introduced In Senate - Assigned to Finance

Allowing Counties to Implement Specified Taxes on Retail Marijuana
Sponsors: Singer

HB 15-1007

This bill, recommended by the Marijuana Revenues Interim Committee clarifies that counties and statutory cities have the authority to levy a voter approved special sales tax on retail marijuana and gives them authority to levy a voter approved excise tax. In 2013, voters passed Proposition AA, which allowed the state to levy a 10 percent sales tax and a 15 percent excise tax on retail marijuana. Home-rule cities also have the authority to levy voter approved taxes on retail and medical marijuana. Proposition AA was silent on the authority of counties and statutory cities to levy sales or excise taxes on retail marijuana.

Voters have approved taxes on marijuana in four counties:

- 3% sales tax on retail marijuana in Adams County;
- 3.5% tax on retail marijuana in Pueblo County;
- 5% excise tax on retail marijuana in Huerfano County; and
- 4% sales tax on medical marijuana and medical marijuana paraphernalia in Park County.

In addition, several statutory cities collect taxes on retail marijuana.

AGNC- SUPPORT

CML-OPPOSE

Status: 03/16/2015 House Second Reading Laid Over Daily

Agricultural Land Destroyed by Natural Causes
Sponsors: Hamner, Roberts

HB 15-1008

This bill, allows agricultural land destroyed by a natural cause on or after January 1, 2012 to retain its agricultural classification for a rehabilitation period consisting of the year of destruction and the next four property tax years. During the rehabilitation period, the bill specifies that the owner must make progress toward restoring agricultural use or, in the case of forest land, must comply with an approved forest management plan. Undeveloped land that is not suitable for agricultural production is generally classified as vacant. Colorado's method for valuing agricultural land is based on agricultural production, whereas vacant land is valued based on the property as a whole and bears a relatively greater tax burden for a property otherwise similar to an agricultural parcel.

Status: 03/30/2015 Senate Third Reading Passed

State Income Tax Deduction for Educator Expense
Sponsors: Navarro

HB 15-1104

This bill creates a Colorado educator expense deduction, which would allow educators to deduct unreimbursed education expenses from Colorado income beginning in tax year 2016 through tax year 2018. Each eligible educator would be allowed to deduct up to \$250 per taxpayer, per tax year 2016 through tax year 2018.

Status: 03/24/2015 Senate Committee on Finance Refer Unamended to Appropriations

Residential Energy Efficient Tax Credit**HB 15-1132****Sponsors:** Coram

The bill creates a residential energy reduction income tax credit for the income tax years commencing on or after January 1, 2015, but prior to January 1, 2020, for any resident individual who makes qualified improvements to their home that result in improved energy efficiency, measured in millions of British thermal units (MMBTU). The Governor's Energy Office must certify the improvements and the homeowner must obtain a pre-improvement residential energy efficiency audit from a certified home energy rater. A post-improvement inspection must be conducted after improvements are made. The tax credit is equal to:

- \$1,000 for a residential energy reduction of 30 or more but less than 45 MMBTU;
- \$1,500 for a residential energy reduction of 45 or more but less than 60 MMBTU; or
- \$2,000 for a residential energy reduction of 60 or more MMBTU.

Status: 02/26/2015 House Committee on Finance Refer Amended to Appropriations

Sales and Use Tax Refund for Data Centers**HB 15-1158****Sponsors:** DelGrosso; Holbert

Beginning January 1, 2016, the bill allows a sales and use tax refund to the owner, operator, or tenant of a facility that is a qualified data center or a qualified refurbished data center for the state sales or use tax paid on information technology equipment (IT equipment) that is used and maintained in the qualified data center or qualified refurbished data center for at least one year. The refund also applies to IT equipment that is purchased to replace or upgrade IT equipment and IT equipment that is relocated to the state. The refund must be claimed between January 1 and April 1 in the year following the year when the sales taxes were paid. The maximum refund is \$3 million per year, per taxpayer.

**Chamber, EDCC- SUPPORT****Status:** 03/19/2015 House Committee on Finance Refer Amended to Appropriations

Instream Flow Incentive Tax Credit**HB 15-1159****Sponsors:** Arndt, Donovan

In 2009, the general assembly enacted the instream flow incentive tax credit for water rights holders for 6 years. When enacted, the tax credit included a trigger that made the credit unavailable if total general fund revenues for a particular fiscal year would not be sufficient to grow the total state general fund appropriations by 6% over the previous fiscal year's appropriations. The bill extends the instream flow incentive tax credit for water rights holders for an additional 5 income tax years.

Status: 03/30/2015 House Second Reading Laid Over Daily

Sales and Use Tax Refund for Medical and Clean Technology**HB 15-1180****Sponsors:** Kraft-Tharp; Heath

The bill recreates and reenacts, with amendments, a refund for state sales and use tax paid by a qualified medical technology or clean technology taxpayer (qualified taxpayer). A qualified taxpayer is a business entity that:

- Employs 35 or fewer full-time employees in Colorado;
- Is headquartered in Colorado or has more than 50% of its employees in Colorado; and
- Conducts research and development of medical technology or clean technology.

From 2015 through 2019, a qualified taxpayer may claim a refund for state sales and use tax paid on tangible personal property used in Colorado directly and predominately in research and development of medical technology or clean technology. The maximum annual refund is \$50,000.

EDCC- SUPPORT**Status:** 02/26/2015 House Committee on Finance Refer Amended to Appropriations

Colorado is Honoring our Military Tax Exemption**HB 15-1181****Sponsors:** Keyser; Crowder

The bill exempts all military income of a resident service person from Colorado state income tax for 5 tax years commencing with the 2016 income tax year.

Status: 02/25/2015 House Committee on State, Veterans, & Military Affairs Refer to Finance

Creation of a Tax Expenditure Evaluation Committee**HB 15-1205****Sponsors:** Becker

This bill creates the Tax Expenditure Evaluation Committee (committee), a year-round joint committee of the General Assembly. The committee is responsible for reviewing evaluations of state tax expenditures to be prepared by the Office of the State Auditor (OSA) or its contractor, and for making recommendations or authoring legislation regarding improvements to the state's administration of tax expenditures.

EDCC- OPPOSE**Status:** 03/11/2015 House Committee on Finance Refer Amended to Appropriations

EZ Investment Tax Credit for Renewable Energy
Sponsors: McCann and Becker; Hodge and Sonnenberg

HB 15-1219

Current law allows for an investment tax credit if a taxpayer makes a qualified investment in an enterprise zone. The tax credit can be carried forward by a taxpayer and it is not refundable. The credit is allowed to the extent of the first \$5,000 in tax liability plus 50% of the liability in excess of \$5,000. The bill allows a taxpayer who places a new renewable energy investment in service on or after January 1, 2015, that results in an investment tax credit to elect to receive a refund of 80% of the amount of the credit and forego the remaining 20% as a cost of the election. If 80% of the credit is \$750,000 or less, the taxpayer receives the full refund in the first year. If 80% of the credit is more than \$750,000, the taxpayer annually receives a refund not to exceed \$750,000 per income tax year until 80% of the credit is completely refunded to the taxpayer.



EDCC- SUPPORT

Status: 03/25/2015 House Committee on Finance Refer Amended to Appropriations

Tax Credits for Employers that Pay Student Loans
Sponsors: Becker; Heath

HB 15-1227

This bill creates an income tax credit for employers doing business in Colorado who hire and retain new employees for a 12-month period and make payments directly to a lender on behalf of each new employee for the new employee's student loan that he or she incurred while earning an approved degree. The bill requires the approved degree to be an associate or bachelor's degree that represents the completion of a course of study in science, technology, engineering, or mathematics, or a vocational certificate related to industry, manufacturing, or information technology from a Colorado institution of higher education. Each employee must be a Colorado resident, work full-time and have a base salary or hourly wage of less than \$60,000 per year. The amount of credit is 50% of direct payments. The credit applies for years 2016 through 2020 and each employer's maximum annual credit is \$200,000. Credits must be pre-certified through the OEDIT.



Status: 03/11/2015 House Committee on Finance Refer Amended to Appropriations

Income Tax Deduction for Leasing Ag Asset
Sponsors: Mitch Bush

HB 15-1234

This bill creates an income tax deduction for taxpayers equal to 20% of the leave revenue received from an eligible farmer or rancher. The tax credit is authorized for years 2016-2014. Eligible farmers and ranchers are residents with less than \$1 million in net worth who provide the majority of the daily physical labor and management of agricultural asset.

Status: 03/09/2015 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Finance

Tax Credit for Improving Energy Efficiency
Sponsors: Winter

HB 15-1236

This bill creates income tax credits for existing multi-family home owners who make energy efficiency improvements to the multi-family home that result in at least 20% reduction in energy consumption; owners of new and renovated multi-family homes and commercial buildings that reach LEED certification; and owners affordable housing projects.

Status: 03/05/2015 House Committee on Transportation & Energy Refer Amended to Finance

Tax Credit Health Professional Shortage Areas
Sponsors: Buck, Cooke

HB 15-1238

The bill creates a state income tax credit for a physician volunteer, also known as a preceptor, who provides personal instruction, training, and supervision to a graduate medical student enrolled at a Colorado Higher Education institution. To qualify, the preceptorship must be undertaken in a health shortage area, as designated by the United States Department of Health and Human Services. The preceptor may earn \$1,000 for each preceptorship provided during the tax year. Preceptors with at least 10 percent of their patients receiving Medicaid may receive \$1,500 for each preceptorship. The credit is capped at \$5,000 per tax year and any unused credits may be carried forward for five income tax years.

Status: 03/12/2015 House Committee on Health, Insurance, & Environment Refer Amended to Finance

Gift Tax Credit for Endowments or Institutional Funding
Sponsors: Moreno

HB 15-1314

This bill creates an income tax credit for contributions made to an endowment of a Colorado charitable organization. Eligible endowment funds do not include donor advised funds or funds for a private foundation. The credit is equal to 25 percent of the contribution and the maximum credit allowed is \$25,000 per taxpayer per year. The credit is non-refundable, but can be carried forward for five years, and is available starting in tax year 2015.



Status: 03/25/2015 Introduced In House - Assigned to Finance

Tax Credits for Nonpublic Education
Sponsors: Lundberg

SB 15-045

This bill creates an income tax credit for individuals who enroll their dependent child in a home-based or private school offer a scholarship to a child who enrolls in a private school. In order to qualify, the child must have attended a public school full-time the year before enrolling in a private school and must have attended public school as of the enactment date of the bill and prior to enrolling in a home-based school. Taxpayers continue to qualify for the credit each year until their child graduates or returns to public school. For fulltime, home-based students, the credit is \$1,000; \$500 for half-time students. For parents enrolling their children in private school, the credit is ½ of the prior years' per pupil funding for full time-students; ¼ per pupil funding for half-time students.

Status: 03/25/2015 Senate Third Reading Passed - No Amendments

Tax Incentives for Agritourism-Related Activities

SB 15-127

Sponsors Garcia; Dore

This bill creates a state income tax credit for private advertising or marketing agencies that donate advertising or marketing services of a local government with fewer than 120,000 residents for the purpose of marketing or promoting an Agritourism activity. The agency may deduct 50% of the costs that were donated, up to \$10,000 in any year. The bill also creates an income tax credit for taxpayers who purchase equipment to be used for Agritourism purposes. The credit is equal to the purchase price of the equipment and capped at \$500 annually with a 5-year carry forward.



CML, AGNC- Support

~~Status: 02/19/2015 Senate Committee on Finance Refer Unamended to Appropriations~~

Income Tax Credit for Property Taxes Paid Eligibility

SB 15-141

Sponsors Sheffel; **Thurlow**

Last year, legislation passed that created an income tax credit to reimburse taxpayers for personal property taxes paid. In order to qualify, the person must have less than \$15,000 in personal property subject to business personal property tax. This bill increases the property cap from \$15,000 to \$25,000 for 2015 and grows the cap for the next 4 years by an amount equal to inflation.



CML, Chamber- SUPPORT

~~Status: 02/12/2015 Senate Committee on Finance Refer Unamended to Appropriations~~

Implement Conservation Easement Audit Requirements

SB 15-206

Sponsors Roberts and Hodge; Garnett and Keysey

The state currently allows an income tax credit for a portion of the value of a conservation easement donated by a taxpayer. The amount of the credit is equal to 50% of the fair market value of the donated portion of the easement, with a cap of \$375,000 for each easement donated. Starting January 1, 2015, the bill increases the amount of the credit to 75% of the first \$100,000 of the fair market value of the easement, and 50% of the fair market value above that amount. The cap is increased to \$1.5 million.

Status: 03/11/2015 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

Income Tax Credit for Property Taxes Paid Eligibility

SB 15-222

Sponsors Sheffel; Williams

In current law, broadband internet providers can claim a state sales and use tax refund for equipment used to provide broadband service to areas of the state with a population of less than 30,000; the total refund that can be claimed by all taxpayers is limited to \$1 million per year. The refund must be claimed between January 1 and April 1 in the year after the taxes are paid. If more than \$1.0 million is claimed, the department prorates the refund claims so the total amount of refunds issued does not exceed \$1.0 million. This bill increases the limit to \$10 million per year.



~~Status: 02/12/2015 Senate Committee on Finance Refer Unamended to Appropriations~~

Fund Safe Routes to School Program
Sponsors: Tyler; Todd

HB 15-1003

This bill directs the Colorado Department of Transportation to make at least \$3 million in state money available for Safe Routes to School grants for fiscal year 2015-2016. Safe Routes to School initiated as a federally funded program but funding has since decreased.

CML, AGNC, **City of Grand Junction**- SUPPORT

Status: 01/07/2015 Introduced In House - Assigned to Transportation & Energy

Additional SB 09-228 Transfers to HUTF and CCF
Sponsors: DelGrosso

HB 15-1109

This bill lengthens the five-year block of statutory transfers from the General Fund to the Highway Users Tax Fund (HUTF) and the Capital Construction Fund (CCF), in the event that one or more year(s) of transfers are reduced or not made because of a revenue surplus under Article X, Section 20 of the state constitution, the Taxpayer's Bill of Rights (TABOR). For each year in which transfers are reduced or not made, an additional year of transfers is required, in which 2 percent of General Fund revenue must be transferred to the HUTF and 1 percent of General Fund revenue must be transferred to the CCF. As in current law, transfers created in the bill may be reduced or not made because of the size of the TABOR surplus. The schedule of transfers is extended until five years of full transfers have taken place.

Status: 01/07/2015 Introduced In House - Assigned to Transportation & Energy

New Diesel Motor Vehicle Emissions Testing
Sponsors: DelGrosso

HB 15-1134

Senate Bill 09-228 requires a five-year block of transfers from the General Fund to the HUTF and the CCF beginning after state personal income grows 5.0 percent or more during a single calendar year. Current estimates in state personal income growth indicate that the transfers will begin in FY 2015-16 and continue through FY 2019-20. Under current state statute, these transfers are decreased in the event of a TABOR refund. This bill would extend the transfers until 5 full years (may not be consecutive) of transfers have taken place.

Status: 03/17/2015 Senate Second Reading Referred to Appropriations - No Amendments

Winter Driving I-70 Tread Depth and Tire Chains
Sponsors: Mitch Bush; Rankin

HB 15-1173

This bill would require noncommercial motor vehicles driving on I-70 between Dotsero and Morrison between November 1 through May 15th to have tires with any form of the mountain-snowflake symbol and a tread depth of 1/8 of an inch or carry tire chains or an equivalent traction control device.

Status: 03/24/2015 Introduced In Senate - Assigned to Transportation

Special Fuel Tax on Liquefied Petroleum Gas**HB 15-1228****Sponsors:** Mitch Bush, Coram, Rankin; **Scott**

This bill makes several changes to the collection, imposition and administration of fuel excise tax on LPG including the following:

- Adds a private commercial fleet operator that uses LPG to the definition of "distributor";
- Changes the definition of "gallons" for LPG from a gross gallon to a net gallon, which accounts for temperature differences that affect LPG measurements;
- Limits the imposition of the tax so that in most instances it is only levied when LPG is placed in a motor vehicle's fuel tank, which is currently defined as a "use", instead of when the fuel is acquired, sold, offered for sale, or used for any purpose whatsoever;
- Requires a distributor that uses LPG from a cargo tank to propel a cargo tank motor vehicle to pay the tax on the gallons of LPG used to propel the motor vehicle, based on the vehicle's miles traveled;
- Requires a distributor that places the LPG in a fuel tank to pay the tax or, if none, for a non-distributor user to pay it;
- Eliminates the 2% allowance for LPG lost in transit or in handling;
- Prohibits the department of revenue from collecting any penalties or interest related to the LPG excise tax that is due from January 1, 2014, until January 1, 2016;
- Eliminates the minimum \$25,000 bond amount for LPG distributors;
- Eliminates the requirement that a LPG distributor preprint the serially numbered invoices for each sale or transfer of LPG.

Status: 03/25/2015 House Committee on Finance Refer Amended to Appropriations

Promote Precipitation Harvesting Pilot Projects**HB 15-1016****Sponsor:** Coram; Sonnenberg

House Bill 09-1129 established a 10-year pilot program for the collection of precipitation from rooftops for non-potable uses. The program can include up to 10 new residential or mixed-use developments. This bill, recommended by the Water Resources Review Committee, changes the requirements for the program to encourage more applicants.

Status: 03/19/2015 House Committee on Finance Refer Amended to Appropriations

Use Ag Water Rights to Cultivate Marijuana**HB 15-1278****Sponsor:** Vigil

The bill specifies that using a water right that has been decreed for agricultural irrigation purposes for the cultivation of marijuana at a retail or medical marijuana cultivation facility is not a change of a water right if the use of the water is required for the cultivation of marijuana as contemplated or required by the facility's license.

Status: 03/09/2015 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

Promote Water Conservation in Land Use Planning**SB 15-008****Sponsor:** Roberts; Vigil, Coram

The bill requires the Colorado Water Conservation Board (CWCB) in the Department of Natural Resources (DNR), in consultation with the Division of Planning in the Department of Local Affairs (DOLA), to develop training programs for local government water and land use planners on best management practices for water demand management and conservation. The CWCB will provide the training on a recurring basis free of charge and make recommendations on how to better integrate water demand management and conservation into land use planning.

Status: 03/30/2015 House Second Reading Passed - No Amendments

Quantify Water Rights Historical Consumptive Use**SB 15-183****Sponsor:** Hodge

When a water judge decrees a change in water right, this bill requires that the measurement of the historical use of the water be based on the actual historical use of the water right for its designated purpose, over a representative study period. Under the bill, the study period:

- includes wet years, dry years, and average years;
- excludes years when the water right was not used for its decreed purposes; and
- need not include every historical year of the use of the subject water, or periods of nonuse of the water right.

A water judge cannot reconsider or re-quantify the historical consumptive use of a water right if it has been quantified in a previous change decree. However, to limit future consumptive use to the previously quantified historical consumptive use, the water judge may impose terms and conditions on the future use of the portion of the water right that is subject to the change.

Status: 03/20/2015 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

Storm Water Facilities Not Injure Water Rights**SB 15-212**

Sponsors: Sonnenberg; Winter

The bill specifies that storm water detention and infiltration facilities and post-wildland fire facilities do not injure water rights and therefore do not require augmentation plans. A "storm water detention and infiltration facility" is defined as a facility that is owned or operated by a governmental entity or is subject to oversight by a governmental entity, designed and operated to continuously release or infiltrate at least 97% of all of the water from rainfall events that are equal to or less than a 5-year storm within 72 hours after the end of the rainfall event, and continuously release or infiltrate the water from rainfall events greater than a 5-year storm as quickly as practicable, but in no event over a period in excess of 120 hours. The facility must operate passively and cannot actively treat the storm water.

CML, AGNC-SUPPORT**Status:** 03/12/2015 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy



Colorado Chiefs, Sheriffs Release Position Statements on Proposed Law Enforcement Reform Bills

Denver – Today, the Colorado Association of Chiefs of Police and the County Sheriffs of Colorado jointly released to Colorado this set of position statements on the proposed law enforcement reform bills to be introduced in the Colorado General Assembly.

Quotes from law enforcement and policy statements are attached. Media contacts for specific policy sections are also included.

Statements from law enforcement about the overall package of bills and the release of the position paper:

"As an association, we see the need to review policies and analyze potential legislation keeping in mind both our obligation to serve the community and the responsibility to get our folks home safe at night. Though the legislature is proposing several thoughtful policy solutions that seek to build trust of law enforcement, which will be supported by our organization, anything that unnecessarily puts officers in harms' way or overly burdens departments already working in the margins, will be opposed by the Chiefs of Police of Colorado."

-John Jackson, Chief of Greenwood Village Police and President of the Colorado Association of Chiefs of Police

"A lot of thought and effort has gone into seeking compromise on some of these bills. The positions reflected in this document are a reflection of that hard work. We hope that people realize the proactive steps that we are taking to improve our profession and help to rebuild the public trust."

-Melissa Zak, CU Boulder Chief of Police

"We share concern with our communities in light of any instance where our citizens feel like law enforcement has overstepped their bounds. As an association, we are actively working with the legislature and in our towns and cities to find solutions that balance rights and protections with the ability to safely and adequately serve the public trust and ensure public safety for all."

-Kevin Paletta, Lakewood Chief of Police

"The heart of most of the issues facing law enforcement and communities of color, or communities who feel disenfranchised, comes down to relationship and trust. Despite all the well intentioned efforts, you cannot legislate either. Local law enforcement leaders need to be attune to community needs and respond. More rules and more training painted with a broad, "one size fits all" brush will not solve the problems that exist in some of our communities and will be onerous for communities that do not require it."

-Joe Pelle, Boulder County Sheriff

Policy Positions “Police Reform” Legislation

Police Training Reform

The CACP and CSOC would be in favor of limited additional at-large citizen positions on the Peace Officer Standards and Training (POST) Board. Such positions should be appointed by the Governor, in the same manner that all current positions are appointed, and in the case of at-large citizen positions they should be reflective of the cultural, professional, and geographic diversity of our State.

That said, individuals appointed to such positions should be knowledgeable about police issues, requirements, and limitations, and should ideally have attended a Citizens Police Academy or other such familiarization course.

The CACP and CSOC are supportive of reasonable and periodic community policing and anti-bias training presented to incumbent police officers, and we would note that such training is already a requirement of the current basic academy curriculum. The CACP and CSOC, however, are not in favor of mandating citizen positions on Subject Matter Expert (SME) committees (Firearms, Arrest Control, Curriculum, and Emergency Driving) of POST.

Body Cameras

The Colorado Association of Chiefs of Police and the County Sheriffs of Colorado support the implementation of body-worn cameras by those agencies that have prepared themselves for the budgetary and technical challenges associated with this technology. Furthermore, we generally support a grant program that would help agencies without the financial capacity to implement body cam systems. CACP and CSOC believe that if the legislature deems body cameras to be an issue of statewide concern, funding should be continuous and we would support the legislature providing alternatives to grant funding for agencies that use Body Cameras. However, agencies should be given the autonomy to adopt policies and practices that reflect their community needs and policies that are supported by best practices.

Evidence gathered by body-worn cameras has been highly effective in numerous court cases. Furthermore, body-worn cameras serve as an independent unbiased account of an interaction capturing what an officer sees and hears from his or her point of view often containing a more thorough understanding of the encounter and, not just an edited clip showing only a portion of the activity.

Citizens Right to Record

As codified in case law, it is the opinion of the Colorado Association of Chiefs of Police and the County Sheriffs of Colorado that, recording law enforcement actions in any location generally regarded as accessible to the public is within the legal rights of an individual so long as making the recording does not negatively impact the safety of officers or citizens, or infringe upon an officer’s ability to conduct an investigation, control a crime scene, or generally restrict their ability to conduct official police business. Finally, in certain exigent circumstances, in any case where video taken by a citizen may be evidence in a criminal investigation, law enforcement reserves the right to seize said evidence subject to judicial review of the legality of the seizure.

Choke Holds

CACP and CSOC support limits on chokeholds with exceptions. A law enforcement officer's actions regarding use of force are guided by Colorado Revised Statutes and U.S. Constitutional law in determining the reasonableness and appropriateness of the force used. An officer's actions or tactics should be examined in the context of the urgency of the situation, the totality of the circumstances, and the presence or absence of other acceptable alternatives to take a person into custody. Further, many police agencies in Colorado have written use of force policies only allowing the use of certain choke hold as a last resort in situations that would justify deadly force.

Finally, CACP and CSOC cannot support any legislation that would provide for criminalization, or an absolute prohibition, of a tactic that could potentially be an officer's 'last resort' in the case that he or she may become overpowered by a criminal suspect. In a deadly force encounter such as that, we expect our officers to avail themselves of any lawful tactic that will save their life.

Mandated collection and analysis of police-citizen contact data

The Colorado Association of Chiefs of Police have previously written that we have and "will continue to support fully funded and well-researched legislation that truly serves to enhance the effectiveness and professionalism of policing and our responsiveness to the needs of our citizens and our communities." CACP and CSOC apply this philosophy to its position on bills that require additional police-citizen contact data collection and analysis of that data. We can support certain funded efforts to conduct research that could improve policing policies so long as the research questions are clearly defined, the analysis used can actually answer the research questions using acceptable social science standards, and the data collection required of police is directly tied to a research plan.

Truthfulness

CACP and CSOC support efforts to allow us to continually improve the quality of our officers. Thus, we support the general concept of a bill that would require that any sustained finding of untruthfulness in the performance of official duties follow an officer throughout their career across agencies. We believe it is important to give law enforcement leaders the tools they need to improve their departments and ensure that hiring of officers is done with full knowledge of previous performance.

Officer Involved Shootings

We believe it is important for the public to understand that law enforcement should be held to all appropriate legal standards for use of force. Therefore, we support efforts to create critical response teams to provide an impartial mechanism for investigation all officer involved shootings. These teams will be from agencies separate from that which first responded to the incident. We believe these teams will give the public the more confidence that all such incidents are appropriately and objectively investigated. Additionally, we support efforts to create a reporting and data gathering vehicle officer involved shootings so that trends and systemic problems will be identified.

Endangered Species Act Overreach Legal Update

BLM and U.S. Fish and Wildlife Service's Unilateral
Authorization to Transplant Plants Listed as Endangered onto
Valid Existing Lease Rights and Rights-of-Way
on the West Slope of Colorado



Dudley Bluffs Bladderpod and Twinpod

- Federally threatened species pursuant to the Endangered Species Act since 1990
- Found exclusively in the northern Piceance Basin in Rio Blanco County
- They grow “only in a very restricted range on specific and highly fragmented substrates” and do not naturally expand their range.
- Colorado State University research project
 - Determine if new populations of the two species could be created.
 - Plant both seed and greenhouse-grown transplants of the species in selected plots.



Dudley Bluffs bladderpod
Physaria congesta



Dudley Bluffs twinpod
Physaria obcordata

Source: BLM

Timeline	
Early 2012	CSU first proposed the project to BLM
March to January 2013	CSU, BLM, and FWS consulted on project
February 12, 2013	CSU formally proposed the project
March 12, 2013	BLM published notice of project on its online NEPA Register
March 20, 2013	WRFO presentation at WSCOGA Rio Blanco County task force meeting
July 18, 2013	Notice provided that Draft EA would be released on July 23, 2013
July 23, 2013	Draft EA released providing 15 day comment period
August 7, 2013	WSCOGA provided comments on Draft EA
September 11, 2013	WRFO Q&A at WSCOGA Rio Blanco County task force meeting
September 23, 2013	Final EA/DR approved by WRFO and Helen Hankins
October 22, 2013	WSCOGA filed its Notice of Appeal and Petition for Stay Pending Appeal
August 21, 2014	IBLA affirmed the Final EA/DR and denied the petition for stay as moot
October 9, 2014	WSCOGA filed its Complaint In U.S. District Court

3

Final EA/DR

- Largely unchanged from the Draft EA/DR
 - Insufficiently addressed WSCOGA comments
- Eleven of the twelve plots are located within current oil and gas leases
- The leases and thirteen rights of way owned by WSCOGA members will be impacted by the buffer zones around the research plots and will be burdened with NSO stipulations if the project succeeds.
- Consultation buffer zones
 - First 10 years of research project:
 - Formal consultation: 30 meters
 - Informal consultation: 50 meters
 - After 10 years, established populations will result in increased buffer zones:
 - Formal consultation: 100 meters
 - Informal consultation: 300 meters

4

Final EA/DR Challenge

- BLM failed to comply with its ESA duties and BLM Manual 6840
 - Research populations versus experimental population designation
- BLM violated NEPA
 - Irretrievable commitment of resources
 - Seeds gathered starting in June 2012 but CSU's Section 10 permit was not issued until July 26, 2012
 - Transplants grown prior to BLM starting the NEPA process
 - Failed to consider alternatives
 - Internal scoping started before the research proposal was formally submitted and the WSCOGA meeting was incorrectly deemed external scoping
- BLM violated the White River ROD/RMP
- BLM failed to honor valid existing rights

5

Final EA/DR Challenge (cont.)

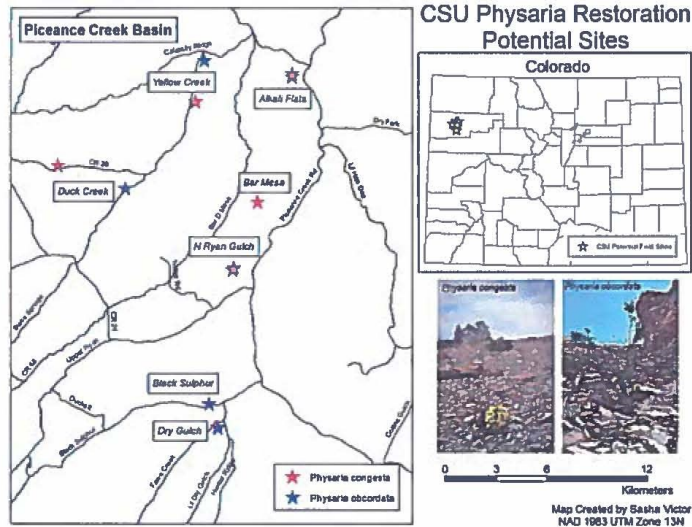
- BLM failed to address concerns in WSCOGA comment letter:
 - Ambiguous project, requested more time for collaboration
 - Objected to characterization of the March 20, 2013 meeting as a scoping meeting
 - BLM was not addressing the likelihood or impact of new conditions of approval on future applications for permit to drill on existing leases
 - Not addressing industry's ability to pursue or expand development on existing leases and rights of way
 - Prudence of locating plots so close to county roads
 - Valid existing rights issues
 - Failure to explain the categorization of "research populations" rather than pursuing designation as "nonessential experimental populations."

6

US District Court Appeal

- Filed October 9, 2014
- Appeal IBLA decision
- Includes US Fish & Wildlife claims
 - Section 10j Experimental Population Designation
- Preliminary Injunction?
- Getting involved

Upcoming Deadlines	
March 13, 2015	Confer on record disputes
April 15, 2015	Deadline to file motions concerning the record
April 15, 2015	Petitioner's opening brief due; Amicus Brief is also filed
May 15, 2015 (30 days)	Respondent's response brief due
June 1, 2015 (15 days)	Petitioner's reply brief due
TBD	Oral arguments
TBD	Final decision



UTM	BLM Test Site #	Site Name	Species	Genetics	Near/Far	# Seeds	# Transplants
12N732839435145	T107	Alkali Flats (AF)	PHCO	F	F	224	12
12N7312804427605	T180	Bar Mesa / Pando (BSQ)	PHCO	F	F	224	12
12N7297464414170	T39	Dry Gulch (DG)	PHCO	F	F	224	12
12N7193204428972	T19	Duck Creek (DC)	PHCO	N	N	151	6
12N7300324423509	T437	North Ryan Gulch (NRG)	PHCO	S	N	86	6
12N7271664433292	T1036	Yellow Creek (YC)	PHCO	N	N	151	6
12N7301084423640	T1	Alkali Flats (AF)	PHOB	N	N	75	6
12N7291084415487	T14	Black Sulphur (BS)	PHOB	F	F	261	15
12N7298144414087	T31	Dry Gulch (DG)	PHOB	F	F	261	15
12N7301034423642	T443	North Ryan Gulch (NRG)	PHOB	S	N	145	6
12N7234114427883	T181	Duck Creek / Snake Springs (DC)	PHOB	F	F	261	15
12N7275144434766	T1035	Yellow Creek (YC)	PHOB	N	N	75	6

Western Energy Alliance

- Western Energy Alliance will be filing an amicus brief with the court in support of West Slope COGA.
- This “friend of the court” brief will focus on the broader policy ramifications of BLM and FWS’s actions and valid existing lease rights issues.
- Provide legal and policy perspectives on legal and agency precedents set by BLM’s actions.
- Emphasize protection of property rights.

9

Western Energy Alliance

- Focus on how this action creates precedent for other listed plant species found within oil and gas producing areas of the West (e.g., hookless cactus)
- Focus on impact on leases and BLM’s breach of leases by unilateral amendment through imposition of de facto lease stipulations and restrictions
- Focus on process violations under Endangered Species Act and Administrative Procedures Act

10

What's at Stake?

- Federal actions at issue make valid existing lease rights permissive and subservient to other uses
- Agency precedent allows imposition of research projects for listed species onto existing property rights
- Agency precedent allows for unilateral amendment of federal oil and gas lease terms without meaningful notice or due process
- Opens the door for takings of lease rights in violation of the Takings Clause of the U.S. Constitution

11

How can others join in or help?

- Filing an amicus brief with the court
- Write to your elected officials at the county, state, and federal levels
- Write to BLM to voice displeasure and request advance notice of future BLM and Fish and Wildlife Service efforts

12

Questions?