

American Planning Association Weekly Update

Bill #	Sponsors	Short Title	Narrative	History	Position
House					
HB-1003	TYLER & MITSCH BUSH-TODD	Fund Safe Routes To School Program	Transportation Legislation Review Committee. For the 2015-16 fiscal year, the bill requires the department of transportation to award grants under the safe routes to school program using state moneys available to the department in a total amount of at least \$3 million. The required total amount is reduced by the amount of any federal moneys received by the department for the program. Under current law, the department must award at least 20% but not more than 30% of the state grant money for noninfrastructure programs.	01/07/2015 Introduced In House - Assigned to Transportation & Energy	Monitor
HB-1007	SINGER	Local Government Retail Marijuana Taxes	Marijuana Revenues Interim Committee. Currently, any county or municipality that allows the sale of retail marijuana is authorized to levy the standard county or municipal sales tax on the sale of retail marijuana in addition to the state retail marijuana sales tax and the state retail marijuana excise tax. The bill clarifies that counties and municipalities are authorized, subject to voter approval, to levy, collect, and enforce a sales tax on all sales of retail marijuana and retail marijuana products by retailer, in addition to any sales tax imposed by the state or by the county or municipality as applicable.	01/07/2015 Introduced In House - Assigned to Finance	Monitor
HB-1013	CORAM-SONNENBERG & HODGE	South Platte Aquifer Study Recommendations	Water Resources Review Committee. Section 1 requires the Colorado water conservation board, in consultation with the state engineer, to administer 2 pilot projects in the areas of Gilcrest, LaSalle and Sterling to evaluate 2 alternative methods of lowering the water table in areas that are experiencing damaging high groundwater levels. Section 2 of the bill authorizes the state engineer to review an augmentation plan submitted to a water court if it includes the construction of a recharge structure. The water court may approve the augmentation plan only if the state engineer either approves the operation and design of the proposed recharge structure after having determined that the application is not likely to cause injury or proposes changes to the operation and design of the proposed recharge structure as terms and conditions of the application.	01/07/2015 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources + Appropriations 01/26/2015 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Appropriations	Monitor
HB-1016	CORAM-SONNENBERG	Promote Precipitation Harvesting Pilot Projects	Water Resources Review Committee. In 2009, the general assembly authorized up to 10 precipitation harvesting pilot projects for new real estate developments of residential housing or mixed uses. Only one project has been approved. To encourage more projects, the bill: (See bill)	01/07/2015 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources + Finance	Monitor
HB-1038	ARNDT	Flexible Water Markets	Currently, water court proceedings governing an application to change the beneficial use of an irrigation water right require the applicant to designate a specific alternative beneficial use identified at the time of the application. The bill creates a more flexible change-in-use system by allowing an applicant who seeks to implement fallowing, regulated deficit irrigation, reduced consumptive use cropping, or other alternatives to the permanent dry-up of irrigated lands to apply for a change in use to any beneficial use, without designating the specific beneficial use to which it shall be used.	01/07/2015 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources	Monitor
HB-1046	MORENO-SCOTT	Highway Project Contract Amount Limit Waivers	Under current law, if there are fewer than 3 bidders for a highway project, the department of transportation (CDOT) may only award a contract if: (See bill)	01/07/2015 Introduced In House - Assigned to Transportation & Energy	Monitor
HB-1051	NEVILLE P-NEVILLE T.	Administration Local Gov Elections	Section 1 of the bill clarifies the powers and duties of the secretary of state (secretary) to supervise the conduct of municipal and local government elections in addition to the secretary's existing powers and duties under the "Uniform Election Code of 1992". To verify signatures of eligible electors in such elections, sections 2 and 5 of the bill require the secretary to provide to the designated election official (official) or municipal clerk (clerk), as applicable, for the use of election judges overseeing any elections, a copy of the 3 most recent signatures of each eligible elector that are stored in the statewide voter registration system. These sections of the bill further require that, in any election conducted under an election code incorporated into the Colorado revised statutes, 2 election judges are to compare the signature on the self-affirmation on each return envelope with the signature of the eligible elector that has been provided to the official or clerk by the secretary. If, upon comparing the signature of an eligible elector on the self-affirmation on the return envelope with the signature of the eligible elector stored in the statewide voter registration system, there is any disagreement between the 2 election judges as to whether there is a match, the discrepancy must be referred to the official or clerk. If the official or clerk determines the signatures match, and if the ballot is otherwise valid, the ballot must be counted in conformity with existing procedures under the "Uniform Election Code of 1992". If the official or clerk determines the signatures do not match, existing procedures for resolving a discrepancy caused by signatures that do not match must be followed. Sections 3 and 4 of the bill require the secretary to establish by rule a uniform administrative complaint procedure that is open to any individual who witnesses a violation of the election codes governing municipal or local government elections. The bill specifies the matters the rules must address.	01/07/2015 Introduced In House - Assigned to State, Veterans, & Military Affairs	Monitor
HB-1054	BROWN	Off-Highway Vehicle Roadway Registration	The bill authorizes a person to drive an off-highway vehicle on a county roadway if the person has a driver's license and obeys the rules of the road. Off-highway vehicles are subject to the law against careless driving and a speed limit of 40 miles per hour unless local authorities raise it.	01/07/2015 Introduced In House - Assigned to State, Veterans, & Military Affairs + Finance	Monitor
HB-1074	VIGIL	Board Of County Commissioners Member Liability	The bill prohibits a judgment against a board of county commissioners arising solely from an act of the board from being enforced against an individual member of the board.	01/12/2015 Introduced In House - Assigned to Local Government 01/28/2015 House Committee on Local Government Refer Unamended to House Committee of the Whole 02/02/2015 House Second Reading Passed - No Amendments	Monitor
HB-1092	LEBSOCK	Special District Transparency Requirements	Local governments are currently required to file copies of their annual budgets with the division of local government in the department of local affairs (division). The bill requires special districts to also file copies of resolutions adopting the budget, appropriating moneys, and fixing the rate of any mill levy. The division currently notifies the secretary of state of the election results for certain local government elections, and the secretary of state posts the results on the web site of the department of state. The bill requires the division to post the results on its web site and the secretary of state to provide a link to the division's post on the department of state's web site. The bill specifies that a name change for a special district is not effective until a court decree or order confirming the change is filed with the county clerk and recorder. Requirements for disclosing information about special districts to electors, affected local governments, and the division are consolidated. The bill clarifies that a board of a special district in a specific circumstance calls for nominations for a special election rather than calling for the election itself. The name of a special improvement district established by a special district is required to include the name of the special district.	01/14/2015 Introduced In House - Assigned to Local Government	Monitor
HB-1107	VAN WINKLE-HOLBERT	Annexation Large Communities Served By Metro Dists	Before a municipality may commence an annexation of a land area containing 70,000 or more residents and that is currently served by a metropolitan district (district), the bill requires the board of directors of the district to approve the potential annexation by a vote of not less than 2/3 of its members. The bill also requires the board to communicate the results of any such vote to the governing body of the municipality within 30 days of the vote.	01/15/2015 Introduced In House - Assigned to Local Government	Monitor
HB-1109	DELGROSSO	Additional SB09-228 Transfers To HUTF & Cap Constr	Under current law, the state treasurer is required to transfer a percentage of the total general fund revenues to the capital construction fund and the highway users tax fund once a trigger based on economic growth occurs (required transfers). The required transfers will be made for each state fiscal year in a 5-year period, but the amount of the transfers for a state fiscal year may be reduced or eliminated if the state has to refund excess state revenues under the taxpayer's bill of rights. In general, if the refund is greater than 1.5% but less than 3% of the total general fund revenues, then the required transfers are halved, and if it is greater than 3%, then the required transfers are eliminated altogether. For each state fiscal year that the required transfers are reduced or eliminated, the bill adds on another year of transfers to the capital construction fund and the highway users tax fund. Therefore, there will be 5 fiscal years with the full statutory transfers to the funds, regardless of the number of fiscal years that it takes to do so.	01/15/2015 Introduced In House - Assigned to Finance + Appropriations	Monitor
HB-1119	BUCK	Local Government Fracking Ban Liable Royalties	The bill specifies that a local government that bans hydraulic fracturing of an oil and gas well is liable to the royalty owner for the value of the lost royalties.	01/15/2015 Introduced In House - Assigned to State, Veterans, & Military Affairs + Appropriations	Monitor
HB-1148	BROWN	Transfer Gen Fund Surplus To State Highway Fund	The unrestricted balance that remains in the general fund at the end of a state fiscal year is called the general fund surplus. The bill requires the state treasurer to transfer the general fund surplus for the 2014-15 state fiscal year to the state highway fund. The department of transportation may expend the money transferred for the implementation of the strategic transportation investment program subject to a requirement that at least 10% of the money be expended for transit purposes or transit-related capital improvements.	01/28/2015 Introduced In House - Assigned to State, Veterans, & Military Affairs + Finance + Appropriations	Monitor
HB-1178	SAINÉ & HUMPHREY-MARBLE	Emergency Well Pumping Damaging High Groundwater	The bill authorizes the state engineer, for the purpose of lowering the water table in an area that the state engineer determines is experiencing damaging high groundwater levels, to rescind an order or to decline to order a well user in an area to discontinue an out-of-priority diversion or to replace an amount of water otherwise required by or to an augmentation plan or a substitute water supply plan.	01/29/2015 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources	Monitor
Senate					
SB-008	ROBERTS-VIGIL	Promote Water Conservation In Land Use Planning	Water Resources Review Committee. The bill directs the Colorado water conservation board (CWCB), in consultation with the division of planning in the department of local affairs (DOLA), to:	01/07/2015 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy 01/14/2015 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended to Appropriations	Monitor
SB-023	CROWDER	Off-highway Vehicle State Highway	Currently, off-highway vehicles may cross streets, roads, or highways if the driver complies with certain snowmobile statutory standards. The bill imports the snowmobile standards into the off-highway vehicle statutes. The bill also clarifies that a driver may cross a state highway if the driver complies with these standards.	01/07/2015 Introduced In Senate - Assigned to Transportation	Monitor
SB-024	SONNENBERG & JAHN-RYDEN	Local Government Audit Law Updates	Legislative Audit Committee. The governing body of each local government in the state is required to have an annual audit of its financial statements. Currently, a local government with fiscal year revenues or expenditures of \$500,000 or less may apply to the state auditor for an exemption from the audit requirement. To provide consistency with federal requirements, for fiscal years commencing on or after January 1, 2015, the bill increases the threshold for an exemption from the audit requirement to \$750,000 or less in annual local government revenues or expenditures. In addition, the bill updates terminology to be consistent with auditing standards.	01/07/2015 Introduced In Senate - Assigned to Local Government 01/20/2015 Senate Committee on Local Government Refer Unamended to Senate Committee of the Whole 01/23/2015 Senate Second Reading Laid Over Daily - No Amendments 01/26/2015 Senate Second Reading Passed - No Amendments 01/27/2015 Senate Third Reading Passed - No Amendments 01/27/2015 Senate Third Reading Passed - No Amendments 01/27/2015 Senate Third Reading Reconsidered - No Amendments 01/27/2015 Senate Third Reading Passed - No Amendments 01/27/2015 Senate Third Reading Passed - No Amendments 01/27/2015 Introduced In House - Assigned to Local Government	Monitor
SB-031	HILL	Reciprocity To Practice Occupation Or Profession	Current law allows a military spouse to practice an occupation or profession during the person's first year of residence in Colorado if the person is authorized to practice in another state, there is no basis to disqualify the person from practice, and the person consents to the jurisdiction of the disciplinary authority of the appropriate agency. The bill expands this practice to all persons during their first year of residence in Colorado.	01/07/2015 Introduced In Senate - Assigned to Business, Labor, & Technology 01/28/2015 Senate Committee on Business, Labor, & Technology Postpone Indefinitely	Monitor
SB-039	LAMBERT-HUMPHRY	Concurrent Jurisdiction Over Federal Land	Currently, the federal government holds exclusive legislative jurisdiction over land within the state owned and operated by the United States forest service (USFS) and the United States bureau of land management (BLM). This means the federal government possesses all of the authority of the state to legislate and to exercise executive and judicial powers in connection with a particular land area, and the state has not reserved to itself a general right to exercise any of its authority concurrently with the United States. Concurrent legislative jurisdiction is a term that is applied to circumstances where a particular state reserves to itself the right to exercise, concurrently with the United States government, all of the same authority possessed by the United States government with respect to a particular area.	01/07/2015 Introduced In Senate - Assigned to State, Veterans, & Military Affairs	Monitor
SB-064	SONNENBERG	Application Of State Water Law To Federal Agencies	The bill states basic tenets of Colorado water law concerning water as a transferable property right, acknowledges that the federal government has maintained deference to state law with respect to water rights, and prohibits the United States forest service (USFS) and the federal bureau of land management (bureau) from placing conditions on special use permits for, or rights-of-way on, federal land that: (See bill)	01/14/2015 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy	Monitor
SB-084	HODGE	Water Right Partial Historical Consumptive Use	A water right may be used on one or more parcels of land and may be changed with regard to only some of the parcels. When a water judge decrees a change of a previously unchanged portion of a water right, the bill prohibits the water judge from reducing the actual historical consumptive use of that portion of the water right based on previously decreed changes of use involving another portion of the same water right used on other parcels of land.	01/14/2015 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy	Monitor
SB-091	SCOTT	Reduce Statute Of Limitations Construction Defects	The bill reduces the maximum statutory limitation period for an action against an architect, contractor, builder or builder vendor, engineer, or inspector performing or furnishing the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property from 8 years to 4 years.	01/14/2015 Introduced In Senate - Assigned to State, Veterans, & Military Affairs	Monitor
SB-092	COOKE	Multi-agency Review Of State Carbon Emission Plan	The bill requires that, before the Colorado department of public health and environment (department) adopts a state plan for the reduction of carbon emissions by Colorado electric utilities in accordance with pending federal regulations, the proposed plan be: (See bill)	01/14/2015 Introduced In Senate - Assigned to State, Veterans, & Military Affairs	Monitor
SB-095	KEFALAS-TYLER	Manufactured Home Communities	In connection with the existing "Mobile Home Park Act" (act), sections 1 through 6 of the bill change the name of the act to the "Manufactured Home Community Act". These sections of the bill also change the names of the terms "mobile home" and "mobile home park" in the act to "manufactured home" and "manufactured home community", respectively. Sections 7 and 8 of the bill add certain functions to the division of housing within the department of local affairs for the purpose of preserving and promoting manufactured home communities and the manufactured home industry. The bill specifies the powers and duties of the division in connection with manufacturing home communities. The bill requires that will provide landlords, management, and home owners with a cost-effective and time-efficient process to resolve disputes concerning alleged violations of the "Manufactured Home Community Act". This section of the bill also creates in the state treasury the manufactured home community fund. The fund is administered by the division. The bill specifies, without being exclusive, certain permitted uses of moneys from the fund.	01/14/2015 Introduced In Senate - Assigned to Finance	Monitor
SB-112	STEADMAN-RANKIN	General Fund Transfers To Building Regulation Fund	Joint Budget Committee. The building regulation fund (fund) supports programs to inspect and regulate manufactured buildings. In 2009, the general assembly transferred \$1.1 million from the fund to the general fund to address statewide revenue shortfalls. The bill repays a portion of this amount by transferring \$300,000 on April 1, 2015, and \$200,000 on July 1, 2016, from the general fund to the fund. The bill also creates a temporary waiver from the statutory target reserve requirement to accommodate the inclusion of the additional revenues in the fund.	01/23/2015 Introduced In Senate - Assigned to Finance 01/29/2015 Senate Committee on Finance Refer Unamended to Appropriations	Monitor
SB-114	CROWDER	No County Eminent Domain Open Space	The bill prohibits a county government from either: ! Acquiring by condemnation property located within its territorial boundaries for the purpose of parks, recreation, open space, conservation, preservation of views or scenic vistas, or for similar purposes; or ! Providing funding, in whole or in part, to any other public or private party for the acquisition by condemnation of property located within its territorial boundaries for the purpose of parks, recreation, open space, conservation, preservation of views or scenic vistas, or for similar purposes.	01/26/2015 Introduced In Senate - Assigned to Local Government	Monitor
SB-135	MARTINEZ HUMENIK & JAHN	Public Bodies & Urban Renewal	The bill makes the following modifications to the "Urban Renewal Law"(URL): ! Section 1 of the bill increases the maximum number of allowable commissioners on an urban renewal authority from 11 to 13. The bill specifies that one commissioner on the authority may, at the authority's discretion, be appointed by the board of county commissioners of the county within the territorial boundaries of which the urban renewal area is located. The bill specifies additional procedures for the urban renewal area is located within the boundaries of more than one county. The bill specifies additional requirements governing the appointment of this commissioner position. ! In the case of the special fund established for the collection of taxes to implement tax increment financing by the authority, section 2 of the bill requires all moneys remaining in the fund that have not previously been rebated and that originated as property tax increment generated based on the mill levy of a taxing body within the boundaries of the urban renewal area to be repaid to each taxing body, other than the municipality, based on the pro rata share of the total mill levy attributable to each taxing body's mill levy in the last year in which property taxes were divided. Any funds remaining in the special fund not generated by property tax increment are excluded from any such repayment requirement. ! Section 3 of the bill allows a commissioner of the authority to be appointed by the board of county commissioners where the governing body of the municipality is the authority.	01/28/2015 Introduced In Senate - Assigned to Local Government	Monitor
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