***Bill Tracking: http://www.coloradocapitolwatch.com/bill-tracker-votes/0/391/2013/0/***



May 14, 2013

***2013 END OF SESSION REPORT***

***Compiled by Axiom Strategies Staff***

*Micki Hackenberger Tonya Benegas*

*Erin Goff Melissa Nelson-Osse*

*Tyler Henson Kara Wheeler*

**“Action is a great restorer and builder of confidence. Inaction is not only the result, but the cause, of fear. Perhaps the action you take will be successful; perhaps different action or adjustments will have to follow. But any action is better than no action at all.”**

**-Norman Vincent Peale**

The 2013 legislative session adjourned mid-afternoon on May 8th.  A surprising seven hours early, considering predictions made last week that the volume of bills remaining in the system would bog down the calendar. At the beginning of the year “legislative leadership” promised to focus on “jobs and the economy.” What dominated the discussion was truly guns, civil unions, and lots of marijuana. Many in the business community consider the results of the 2013 General Assembly to be passage of the most liberal agenda in Colorado history.

Highlights of the session include:

***Civil Unions.*** With the passage of SB 13-011 the legislature voted to give all families, regardless of sexual orientation, the same basic legal rights.

***Sex Ed.*** The approach to teaching sexual education was one issue that on which both parties were unable to agree and as a result, debate went on for hours. HB 13-1081 establishes the creation of an oversight and grant program in regards to the implementation of human sexual education.  Parents will not be given the choice to opt-in and can only opt-out if they so choose.  
  
***Special Drivers Licenses for Undocumented Citizens.*** There was also extensive debate over SB 13-251 which creates driver's licenses for undocumented residents.

***Voter Reform.*** The integrity of HB 13-1303 came into question as hours of debate occurred over the bill, which was referred to by the democrats as the “Voter Modernization Act” and by the republicans as the “Same Day Voter Registration Will Destroy the Integrity of Elections Act.”

***Bad for Business Issues Dominated.*** While many bills incurred the wrath of the business community, such as SB 13-18, prohibiting employers from using credit information for hiring purposes and HB 13-1222, Colorado’s own version of the Federal & Family Medical Leave Act, none cause the outcry that HB 13-1136 created. Virtually every major business association in the state opposed this bill, charging that the legislation would discourage job creation in Colorado. Despite claims that employers would seek to locate in other states, Governor Hickenlooper signed the bill during the last week of the session. HB 1136 allows for the award of compensatory damages, punitive damages and attorney’s fees and costs to be brought against employers in State court for discrimination claims.  Federal law provides that employers with 15 or more workers are subject to all of the remedies provided in the bill. Although HB 1136 extends those remedies to small businesses with 14 or fewer employees, it also allows discrimination cases to be brought against all employers in State court.

***Future School Finance Requires Voter Approval of a Nearly One Billion Dollar Tax Package.*** The legislature moved forward a rewrite of the school finance policy that would entirely reform K through 12 education in Colorado; however it is conditioned upon the passage of a nearly one billion tax increase, which will appear on November’s ballot.   The revamped funding formula in SB 13-213 has three goals: (1) improve the adequacy of our education system; (2) equitably distribute state funding; and (3) achieve financial stability for K-12 education in Colorado.  The sponsors of the measure say it will foster economic development through proven education programs and reforms.  Notably, it allows for full-day kindergarten for all kids in Colorado, and early childhood education for at-risk three and four year olds.

***State Tuition for Undocumented Kids.*** Governor John Hickenlooper on Monday signed into law SB 13-33.  The measure would allow undocumented students to pay in-state tuition rates at Colorado’s institutions of higher education. The bill received support from several business groups despite republican opposition.

***Medicaid Expansion SB 13-200*.** This bill expands Medicaid eligibility from 100 percent of the federal poverty level (FPL) to 133 percent for parents and caretaker relatives with dependent children (parents) and adults without dependent children (AWDC). It also allows the state's share of costs for these eligibility groups, up to 133 percent of FPL, to be paid with Hospital Provider Fee Cash Fund moneys. The bill also repeals provisions of current law that allow the state to reduce, by rule, eligibility or benefits for optional groups in the Medicaid or Children's Health Plan Plus (CHP+) programs if there are insufficient hospital provider fee cash funds and matching federal funds.

***Unions Suffer a Surprising Loss.*** HB 13-1304 died suddenly when the bill’s Senate sponsor moved to have the bill laid over until after the legislature adjourned.  The measure, opposed by the business community, would have provided UI benefits to unionized workers who were defensively locked-out during a labor dispute by an employer who is part of a multi-employer bargaining unit with the union.  Opponents of the bill said it could have cost employers across the state millions of dollars in increased unemployment insurance (UI) premiums if locked-out union workers were awarded UI benefits.  The bill also would have endangered the UI Trust Fund that only two years ago was put on a path to recovery after it became insolvent because of the Great Recession. Unions are hoping the Governor signs SB 13-23 which gives professional firefighters the ability to form a union designated as the exclusive representative for purposes of collective bargaining. The bill applies to public employers, including municipalities, counties, and special districts, but not to volunteer firefighters.

***Rural Colorado Under Attack.*** SB 13-252, tagged as a “war on rural Colorado,” was one of the most controversial bills as it raises solar & wind requirements for rural Coloradans.  If signed by the Governor, this bill will raise solar and wind energy mandates for rural Coloradans from 10% to 20%, who must comply with the bill's specifics by the year 2020.  Rural electric companies have indicated they cannot comply with the mandate of the bill even with massive rate increases on rural Coloradans. Additionally, SB 13-287 was killed after a very heated and controversial debate over funding for broadband and codifying the regulatory status of VoIP. Telecommunications companies strongly opposed the bill.

This End of Session Report summarizes the bills that were passed by the General Assembly. There were a number of bills that were defeated or lost but the volume prevents describing each and everyone. Please refer to our bill tracker for information on those.

http://www.coloradocapitolwatch.com/bill-tracker-votes/0/391/2013/0/

**Economic Development:**

**HB 13-1001 – *(Young, Gerou/ Steadman, Heath)* Advanced Industries Acceleration Act**

This bill creates the Advanced Industries Acceleration (AIA) grant program, to be administered by the Office of Economic Development and International Trade (OEDIT). The program distributes grants to seven specified industries: advanced manufacturing, aerospace, bioscience, electronics, energy and natural resources, infrastructure engineering, and information technology. This program is funded using limited gaming funds that are currently credited to the

Bioscience Discovery Evaluation Fund (Bioscience Fund) and the Income Tax Withholding Fund created under Senate Bill 11-047. Bioscience Discovery and Clean Technology Discovery grants will be awarded as part of the AIA grant program created under this bill. Thus, this bill essentially expands two existing grant programs by adding five new industries to receive grants, and new types of grants offered. This bill sets forth three types of grants. These are (i) a technology transfer proof-of-concept grant, which has a maximum of $150,000 per grant, (ii) an early stage capital and retention grant, which has a maximum of $250,000 per grant, and (iii) an infrastructure funding grant, with a maximum of $500,000 per grant. Subject to available funds, there is no limit to the number of grants OEDIT may annually award. The AIA Fund, used to fund these grants, is continuously appropriated. In addition, this bill adds two members to the Economic Development Commission, which currently has eight members. The bill also requires that OEDIT annually report, on or before November 1, 2014, all of the grants awarded in the previous year. This bill is repealed January 1, 2025.

**Position: Monitor Outcome: Sent to Governor**

**HB 13-1003 – *(Lee, Garcia/ Heath)* Economic Gardening Pilot Project Office Econ Dev**

This bill creates an economic gardening pilot program within the Governor's Office of Economic Development and International Trade (OEDIT). Economic gardening provides strategic technical assistance to stage-two emerging companies using advanced software and science concepts. Under this bill, OEDIT will certify staff at Small Business Development Centers (SBDC) in Economic Gardening concepts. The SBDCs will then select companies to participate in the pilot program, and manage the program throughout its implementation. On or before September 1, 2013 OEDIT will establish selection criteria for participating companies, including minimum requirements such as job growth and export potential. On or before March 1, 2014, OEDIT will select at least 20 companies to participate in the pilot program. The program ends on June 30, 2016. Under this bill, each company selected may receive:

• High-level business consulting;

• Database research and analysis; or

• Support from OEDIT's staff, which includes market research and strategy, business modeling, identification of sales leads and other business-related resources.

On or before November 1, 2014, and each year throughout the existence of the program,

OEDIT will report to the legislature describing the pilot program's status.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**HB 13-1193– *(Kraft-Tharp, McLachlan/ Jahn, Roberts)*** **Advanced Industries Program**

This bill creates the Advanced Industries Export Acceleration program (AIEA) to be administered by the Office of Economic Development and International Trade (OEDIT). The program provides training, access to consulting services, and expense reimbursements for eligible companies for the purpose of increasing international exports from Advanced Industries (AI) in Colorado. The Advanced Industry Export Acceleration (AIEA) Cash Fund is created, subject to annual appropriation for OEDIT's expenses. If HB 13-1142 becomes law, this bill requires that $300,000 be transferred from the General Fund to the AIEA Cash Fund on January 1, 2014, and January 1 of the next four years. HB 13-1142 concerns reforms to enterprise zones.

On or by November 1, 2014, OEDIT must annually report to the General Assembly, summarizing the preceding year's program activities. The bill is repealed January 1, 2019.

**Position: Monitor Outcome: Sent to Governor**

**SB 13-212– *(Tyler/ Jones, Schwartz)* Energy District Private Financing Commercial**

This bill makes several modifications to the operation of the Colorado New Energy Improvement District. *Program Expansion.* The district currently allows for the financing of new energy improvements for residential real estate. This bill expands the scope of the program to include commercial property. In addition, the bill repeals the maximum 95 percent loan-to-value requirement for qualified applicants as well as the percentage of value and dollar caps on allowable new energy improvements. The bill also includes fuel cells within the definition of renewable energy improvement. *District board*. The bill directs the Governor to appoint all five voting members to the district board by September 1, 2013, and specifies qualifications. The bill directs the district to develop a program for financing new energy improvements by private third-party financing in addition to district bonds. *District assessments*. Current law includes increased market value and decreased energy bills as factors to be used in the calculation of district assessments. This bill repeals these factors from this calculation and eliminates the requirement that assessments be prepaid. The bill also specifies that if district special assessments are attributable to new energy improvements financed by a private third party, the proceeds from the assessments will be credited to the third party. *Mortgage Holder Consent*. The bill directs the district to develop the processes for ensuring in all cases that consent of existing mortgage holders is obtained to subordinate the priority of their mortgages to the priority of the district's lien. *Property Assessment.* The bill prohibits county assessors, when assessing the value of real property, from including any increase in market value resulting from a new energy improvement in the market value of that property.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

***Education:***

**HB 13-1004 – *(Duran, Melton, Kerr)* Colorado Careers Act of 2013**

This bill requires that the Department of Human Services (DHS) administer a transitional jobs program from July 1, 2013 through December 30, 2014. The purpose of the jobs program is to provide unemployed and underemployed adults an opportunity to experientially learn, model, and practice successful workplace behaviors that help them to obtain long-term unsubsidized employment. The bill requires that the DHS:

* identify organizations and employers able to provide employer services (employer of record) and organizations able to hire adults into transitional jobs (host site employers);
* define eligibility requirements for participation in the program;
* implement the program throughout the state, potentially with a gradual phase-in through

2014;

* initiate a request for proposal (RFP) process to select local agency contractors to be responsible for administering the transitional jobs program at the local level;
* define allowable uses of funding from the program; and
* collect data on performance outcomes and evaluate the data in order to present the results of the program in a timely and structured manner.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**HB 13-1165– *(Wilson/Heath)* Creation of a Manufacturing Career Pathway**

This bill requires that the State Board for Community Colleges and Occupational Education

(SBCCOE) collaborate with the Department of Higher Education (DHE), the Colorado Department of Education (CDE), and the Colorado Department of Labor and Employment (CDLE), to design a career pathway for students seeking employment in the manufacturing sector. The career pathway must be available for students beginning with the 2014-15 academic year. The manufacturing career pathway must include multiple opportunities for obtaining cumulative skills and certifications, allowing individuals to seek employment opportunities in the manufacturing sector. The pathway designed by the SBCCOE must:

• align with skills and requirements identified by manufacturing employers as necessary for career progression in high-demand occupations;

• include a full range of secondary and post-secondary education options and clearly articulated course progressions; and

• provide technical skill assessment, academic and career counseling, and other support services.

Following design and implementation of the manufacturing career pathway, the DHE and the CDLE must make information concerning the program, and provide online student support services, via the state's college assistance website: *collegeincolorado.org*.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**SB 13-033– *(Williams, Duran/ Johnston, Giron)* In-State Classification CO High School Completion**

This bill has been supported by the Chamber for the last two years. Finally passing it establishes that any student meeting the following criteria shall be charged resident tuition rates at institutions of higher education: the student attended high school in the state for at least 3 years immediately preceding graduation or attaining a general education equivalent degree (GED); and

the student is admitted to a school of higher education within 1 academic year following graduation, or the attainment of a GED. A high school graduate who has not been admitted to college within 1 year following graduation, but who otherwise satisfies the requirements in the bill, may be classified as an in-state student for tuition purposes so long as the student has been physically present in Colorado for at least 18 months prior to enrolling. Once classified as an in-state student for tuition purposes, each student is also eligible for College Opportunity Fund (COF) stipends. The institutions may also consider these students eligible for institutional or other private financial aid programs. A student classified as an in-state student for tuition purposes, but lacking lawful immigration status, must submit an affidavit to the admitting institution stating that the student has applied for lawful presence, or will apply as soon as he or she is eligible to do so.

**Position: Support Outcome: Governor Action - Signed**

**SB 13-213– *(Hamner/ Heath, Johnston)* Future School Finance Act**

This bill creates a new school finance act, contingent on voter approval of a statewide ballot measure to increase state tax revenue for public education by a specific amount. The new act will commence in the second budget year following approval of the ballot measure. The earliest the new funding formula could start is therefore FY 2015-16. Under current law, funding for school districts is set by a statewide base per pupil amount, which is modified to provide additional funding for each district according to various factors, such as a district's cost of living, enrollment, or percentage of at-risk students. The number of pupils eligible for funding is generally set by a single student count date, on October 1 of each year, although districts with declining enrollments are allowed to use the greater of the October 1 count or an average enrollment count over a period of up to five years. This bill provides a new funding formula for school districts and Charter School Institute (CSI) schools and it changes how pupils are counted for funding purposes. Appendix A provides a detailed side-by-side comparison of SB13-213 with current law for specific school finance elements.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

***Elections:***

***HB 13-1147– (Melton/ Newell)* Voter Registration at Public Higher Ed Institution**

The bill requires institutions of higher education to provide students who are electronically registering for classes with a link to the online voter registration website operated by the Secretary of State. Institutions of higher education that do not use electronic course registration are required to provide information on voter registration to students, including prominently posting information about voter registration in the registrar's office.

**Position: Monitor Outcome: Governor Action – Signed**

**HB 13-1303– *(Pabon, Hullinghorst/ Giron)* Create the Voter Access & Modernized Elections Act**

The bill makes numerous changes in election and voter registration processes in Colorado. Key changes under the bill are highlighted below. Under the bill, all general, primary, odd-year, coordinated, presidential, special legislative, recall, and congressional vacancy elections are to be conducted as mail ballot elections. In these elections, county clerks are required to mail a ballot to all active registered voters. Voters have the option of returning the ballot by mail, dropping the mail ballot off at a voter service and polling center (voter service centers), or casting a ballot in person at the voter service center. Permanent mail-in ballot status is removed from statute, as it is no longer required because all active voters receive a mail ballot in elections under the bill.

**Position: Support Outcome: Sent to Governor**

***General Business:***

**HB 13-1046 – *(Williams/ Ulibarri)* Employee User Name Password Privacy Protection**

This bill prohibits an employer from requesting or requiring an employee or applicant to disclose any user name, password, or other means for accessing his or her personal account or service through the employee's or applicant's electronic communication device. State and local law enforcement agencies are excluded from the bill. The bill also establishes a complaint and review function within the Colorado Department of Labor and Employment (CDLE). CDLE is tasked with investigating complaints and issuing findings within 30 days after a hearing, and is authorized to promulgate rules regarding penalties. Penalties may include a fine of up to $1,000 for the first violation and up to $5,000 for each subsequent violation.

**Position: Monitor Outcome: Sent to Governor**

**HB 13-1060– *(McCann/ Newell)* Raise Maximum Municipal Court Fine**

Under current law, fines imposed by a municipal court are capped at $1,000 unless a home rule city or town has superceded statute in its charter or by ordinance. This bill raises the statutory limit on municipal court fines to $2,650, and adjusts the limit for inflation on January 1 of each year, starting January 1, 2014.

**Position: Monitor Outcome: Governor Action - Signed**

**HB 13-1123– *(Exum/ Kerr)* Waive Confidentiality Unemployment Benefits**

This bill allows the Department of Labor and Employment to offer anyone seeking employment, including veterans, the opportunity to waive confidentiality for contact information so that the department may make the information available to bona fide employers seeking employees. Confidentiality is waived for name, address, telephone number, and e-mail address.

**Position: Monitor Outcome: Governor Action - Signed**

**HB 13-1124– *(Pabon, Stephens/ Jahn)* Reduce Unempl Ins Overpayments**

This bill conforms Colorado unemployment insurance (UI) law to the federal "Trade Adjustment Assistance Extension Act of 2011." When an employer repeatedly fails to provide timely information that result in an overpayment of benefits to an individual, the employer's account will be charged for the overpayment. The penalty on a fraudulent overpayment is increased from 50 percent to 65 percent of the overpayment charged to the person who receives the overpayment. The penalty is split with 23 percent going to the Unemployment Compensation Fund and 77 percent to the Unemployment Revenue Fund in the Colorado Department of Labor and Employment (CDLE).

**Position: Monitor Outcome: Governor Action - Signed**

**HB 13-1136– *(Salazar, Levy/ Carroll, Guzman)* Job Protection Civil Rights Enforcement Act 2013**

This bill establishes the Job Protection and Civil Rights Enforcement Act of 2013. It creates a process for a complaining party to pursue a claim for damages in state court after pursuing administrative options through the Civil Rights Commission (commission) or the State Personnel Board (board). The bill allows for the remedies of compensatory and punitive damages and attorney fees to be awarded in employment discrimination cases brought under state law. Compensatory and punitive damages may be awarded in addition to the remedies allowed under current law, including front pay, back pay, interest on back pay, reinstatement or hiring, and other equitable relief. The bill extends remedies that are currently allowed at the federal level for employers with 15 or more employees to include employers with less than 15 employees and to employment discrimination on the basis of sexual orientation. The bill also allows for claims of age discrimination by persons 70 years of age and older. Total damage awards are capped at $10,000 for employers with 1 to 4 employees and at $25,000 for employers with 5 to 14 employees. State and local government and school district employees may not recover punitive damages under the bill but are allowed compensatory damages. Punitive damages cannot be charged against an employer who demonstrates good-faith efforts to prevent discriminatory and unfair employment practices or to provide reasonable workplace accommodations for an employee with a disability. Any party in a civil action where the plaintiff is seeking compensatory or punitive damages may demand a trial by jury. Despite numerous veto requests from the business community, the Governor signed this bill into law on Monday, May 6.

**Position: Oppose Outcome: Signed by Governor**

**HB 13-1222– *(Peniston/ Ulibarri)* Colorado Family & Medical Leave Act**

Thisbill creates a Colorado-specific expansion of leave available to employees under the Family and Medical Leave Act (FMLA). An employee may use expanded FMLA leave to care for a person with a serious health condition if the person is the employee's partner in a civil union or domestic partnership. An employer can require an employee seeking to take expanded FMLA leave to provide the same certification as the employer can require under the federal FMLA. An employee who uses 12 weeks of leave under the federal FMLA cannot also take expanded leave within the same 12-month period. Employees may recover damages and equitable relief in court should an employer deny leave to care for the employee's partner in a civil union or domestic partnership.

**Position: Oppose unless amended. Outcome: Amended and Signed by Governor**

**HB 13-1292– *(Pabon, Lee/ Kerr, Nicholson)* Keep Jobs in Colorado Act**

This bill makes changes to contracting requirements for state and local governmentagencies, including changes to the enforcement of the 80 percent labor law, the preference forresident bidders, the addition of competitive sealed best value bidding, and the modification ofdisclosure requirements related to outsourcing services, labor, and manufactured goods. It alsorequires the Public Utilities Commission to consider best value employment metrics in connectionwith the construction or expansion of generating facilities. *Colorado 80 percent labor law.*Current law requires that construction projects financed in whole or part by state funds employ a workforce of at least 80 percent Colorado residents for certain classifications of skilled and common labor. The bill eliminates the application of the 80 percent labor law to certain classifications of skilled and common labor and requires that the 80 percent labor law be applied to the composition of the entire workforce employed on a construction project. The bill further directs the Colorado Department of Labor and Employment (CDLE) to enforce this requirement. The agency financing a project may waive the 80 percent requirement if there is reasonable evidence to demonstrate there is not sufficient Colorado labor available to perform the work and if compliance with the requirement would create an undue burden that would substantially prevent a project from proceeding. *Resident bidder preference****.*** States with reciprocity laws grant preference to resident bidders by inflating bids from out-of-state vendors by a percent equal to the discount allowed by the home state. Under current law, if a state provides a preference to its resident bidders, Colorado increases bids received from vendors of that state by an equal percentage. The bill requires the Department of Personnel and Administration (DPA) to assemble and report a list of states with reciprocity laws. It also requires that notice of Colorado's nonresident bidder reciprocity law be included in any request for proposals issued by state or local entities. *Competitive sealed best value bidding.* For construction contracts paid in whole or part from state funds, the bill adds another type of allowable bid: competitive sealed best value bidding (best value bids). Best value bids allow the entity soliciting bids to consider factors other than cost, such as a vendor's employment practices or reliability when awarding a bid. The bill lists the information that must be included in the invitation for best value bids. The bill also adds a requirement that a state agency, including an institution of higher education, must disclose its rationale for selecting a particular bidding process after it enters into a contract for a construction project. *Disclosure requirements.*Current law requires prospective vendors for state service contracts to disclose where such services will be performed and whether any services are anticipated to be performed outside the state, including outside the United States. If a vendor anticipates that work will be performed outside the state, current law directs the vendor to provide information about why it is necessary or advantageous to go outside the state to perform the contract. The bill modifies this requirement to require prospective vendors to disclose in writing whether any subcontracted services are anticipated to be performed outside the state. Also, a vendor is required to provide written notice if, after a contract is signed, it decides to subcontract duties to a subcontractor that will perform work outside the state. In turn, agencies are required to notify the DPA of this information. The bill also requires a governmental body to submit an annual report to the General Assembly if the governmental body entered into any contracts with a vendor during the previous fiscal year and received written notice from a vendor that any services would be performed outside the United States. Finally, the bill requires contractors for projects costing more than $500,000 to disclose to the DPA the cost and country of origin of the five most costly goods used on a project. This bill was amended significantly.

**Position: Amend then Monitor Outcome: Amended & Transmittal to Governor**

**HB 13-1299– *(Ferrandino/ Steadman)* Changes to the SMART Government Act of 2010**

Originally this bill allowed for interim committees to meet beginning in July. With amendments this bill modifies the SMART Act and the legislative interim committee process. SMART Act hearings with state agencies will be held between November 1 and the start of the session, instead of the first weeks of the legislative session. Each agency will be assigned to a committee of reference and joint committees of reference must conduct annual hearings. The joint committees must meet at least once in even-numbered years and twice in odd-numbered years, starting in 2013. Interim committees will be designated by the Legislative Council prior to the end of the legislative session, following requests made by individual legislators to study particular issues. Bills and resolutions to create interim committees will no longer be allowed. The bill requires that the Director of the Legislative Council Staff inform the Executive Committee each year how many interim committee meetings may be held within the legislative budget. If approved by the Legislative Council, each committee may appoint up to 2 task forces, with each task force including 2 members of the committee. Task force members serve without compensation of any kind, but legislators serving on a task force are eligible for reimbursement of travel expenses. Finally, the bill changes the strategic planning requirements to require that departments prepare performance plans and performance evaluations that the JBC may use to prioritize requests for new funding that enhance productivity, improve efficiency, reduce costs, and eliminate waste. Amendments adopted in the House of Representatives clarify how the requirements apply to the Department of Higher Education and state institutions of higher education.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**HB 13-1301– *(Gardner, Ryden/ Grantham, Todd)* Procurement Technical Assistance Centers**

Procurement technical assistance offers education, counseling, and technical assistance to entrepreneurs to compete for government contracts. This bill creates the Procurement Technical

Assistance task force, to:

• discuss management practices and create a management strategy for the future of procurement technical assistance centers;

• develop a plan for the long-term funding and sustainability of procurement technical assistance centers;

• formulate a framework for procurement technical assistance centers;

• evaluate procurement technical assistance strategies in other states;

• develop a public-private partnership to enhance the procurement technical assistance program; and make recommendations as necessary.

The task force consists of 8 uncompensated members; 4 are members of the General

Assembly, 2 are from the Office of Economic Development and International Trade (OEDIT); and 2 are from non-profit organizations. It is dissolved on January 1, 2014.

This bill also requires OEDIT to provide administrative support to the task force. OEDIT must also assist one of its FY 2012-13 grant recipients that offer procurement technical assistance in satisfying its financial obligations to receive matching moneys from the federal government, for the purpose of providing procurement technical assistance.

**Position: Support Outcome: Awaiting Transmittal to Governor**

**SB 13-018*– (Fischer/ Ulibarri)* Permissible Use of Credit Information by Employer**

Thisbill restricts the use of consumer credit information by employers. Employers may not request a prospective or current employee's credit information or use such consumer credit information to evaluate the employee unless the person being evaluated is currently, or will be, in a management position related to financial information or a contract involving national security. An employer using consumer credit information to evaluate a prospective or current employee must offer the employee an opportunity to explain adverse credit information, and the employer that takes adverse action on the basis of such information must disclose this use. The bill assigns enforcement duties for its provisions to the Division of Labor in the Colorado Department of Labor and Employment. The CDLE must investigate complaints, hold a hearing on each complaint, and issue findings within 30 days of the hearing. Civil penalties up to $2,500 may be awarded to aggrieved employees. Many Chambers joined the business community in opposing this bill as introduced and worked with the business coalition to amend the bill primarily to delete the provision for a private right of action and replace it with a complaint process within the CDLE.

**Position: Monitor as amended Outcome: Governor Action - Signed**

**SB 13-023– *(Levy, Gardner/ Cadman, Morse)* Increase Damages Caps Under CGIA**

Thisbill increases the damages limitation cap under the Colorado Governmental Immunity Act to $350,000 for the claim on an individual party and a total recovery of $990,000 for any single occurrence. Current law caps damage recoveries at $150,000 for the claim on any individual party and a total recovery of $600,000 for any single occurrence. The proposed caps represent an inflation adjustment from the last times that the amounts were adjusted in 1979 and 1992. Beginning January 1, 2018, and every four years thereafter, the Secretary of State (SOS) is required to adjust the caps by an amount reflecting the percentage change in the Consumer Price Index for Denver-Boulder-Greeley.

**Position: Oppose unless amended Outcome: Amended & Governor Action - Signed**

**SB 13-025– *(Williams/ Tochtrop)* Collective Bargaining Firefighters**

This bill gives professional firefighters the ability to form a union designated as the exclusive representative for purposes of collective bargaining. The bill applies to public employers, including municipalities, counties, and special districts, but not to volunteer firefighters.

If 30 percent of firefighters in a bargaining unit petition the American Arbitration Association

(AAA), or another agreed-upon arbiter, the arbiter will conduct an election by secret ballot and certify an employee organization as the exclusive representative of the bargaining unit for collective bargaining. Firefighters may also request a vote to decertify an existing employee organization. A *bargaining unit* is comprised of firefighters employed by the same public employer, excluding management; an *employee organization* is a group that admits firefighters and represents firefighters in collective bargaining, usually a labor union.

If a public employer and its union are unable to reach an agreement concerning the terms of an employment contract, the parties must hire a fact finder and permit fact finder hearings. Any cost for fact finders must be shared between the parties. If either party rejects the fact finder's recommendations, unresolved issues will be decided by a special election. The cost of the special election must be borne by whichever party refused to accept the recommendation. If both parties refused, the costs must be shared between them. Finally, the bill prohibits firefighters from striking, and sets out procedures and timing for negotiations and resolving conflicts.

**Position: Oppose Outcome: Awaiting Transmittal to Governor**

**SB 13-147– *(Gardner/ Jahn)* Workers’ Compensation Liability Statutory Employer**

This bill clarifies the presumption that a buyer of goods is not liable for a workers' compensation claim if a leased or subcontracted employee who is delivering goods to the buyer is injured while not on the buyer's premises. This presumption may be overcome by a showing that the leased or subcontracted employee was performing a job function that would normally be performed by an employee of the buyer of the goods being delivered. This bill does not create a presumption of a statutory (direct) employer-employee relationship when an injury occurs on the buyer's premises.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**SB 13-158– *(*Ryden/ Balmer) Sunset Cost-Benefit Analysis of State Rules**

This bill continues the cost benefit provisions of the State Administrative Procedures Act and implements the recommendations of the sunset review on the preparation of a cost benefit analysis of proposed rules at state agencies. Under current law, agencies must conduct cost benefit analyses (CBAs) of rule changes at the direction of the Department of Regulatory Agencies (DORA). This bill requires the agency implementing the rule to conduct a CBA if it determines that the rule may have a significant impact on state economic conditions. The implementing agency must review each rule to determine those that require CBAs. After a CBA has been conducted, the implementing agency must submit the results of the CBA with the Secretary of State. This bill does not apply to rules required by state legislation or federal mandates.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**SB 13-251– *(Melton/ Morse, Ulibarri)* Driver’s License & Identification Documentation**

This bill, allows the state to issue a driver's license, minor's driver's license, instruction permit or state-issued identification card (state-issued documents) to a noncitizen resident of Colorado who cannot provide proof of lawful presence in the United States. In order to be eligible for a state-issued document, an applicant must present proof of Colorado residency, Colorado income tax returns, and a federal individual taxpayer identification number (ITIN), and proof of identity issued by the applicant's county of origin. The document will have the words "Not Valid for Federal Identification, Voting, or Public Benefit Purposes" printed on the face. This bill allows the Department of Revenue (DOR) to share the applicant's ITIN in cases concerning state child support enforcement, the courts, and within the DOR. A peace officer is not authorized to arrest an individual merely for possessing these documents. The bill prohibits the presentation of these documents for the use of public services.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**SB 13-285– *(Williams/ Tochtrop)* Workers’ Compensation**

The bill makes the following changes to workers' compensation law regarding the resolution of disputes:

* requires a claimant to be reimbursed if an employer, after notice of an injury, fails to provide medical treatment;
* requires the employer, carrier, or third-party workers' compensation administrator to recalculate the average weekly wage, and begin payment of the wages based on the recalculated amount, after notice of termination of a fringe benefit;
* requires temporary partial disability to be paid at least once every 2 weeks and requires an employer, carrier, or third-party administrator to provide a claimant a complete copy of the claim file within 15 days after the mailing of a written request;
* clarifies when attorney fees and related costs may be awarded when unripe issues (issues brought prior to the exhaustion of available administrative remedies) are listed for hearing by an opposing attorney; and
* extends from 18 to 24 months the amount of time that must lapse before an employer or insurer may request that an independent medical examiner determine maximum medical improvement (MMI) if the treating physician has not made such determination. This provision is referred to as the Division Independent Medical Exam (DIME).

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

***Energy, Water & Environment:***

**HB 13-1044 – *(Fischer/ Schwartz)* Authorize Gray water Use**

This bill authorizes the Water Quality Control Commission (WQCC) under the Colorado Department of Public Health and Environment (CDPHE) to promulgate a regulation with standards for the use of gray water. Gray water is defined by the bill as wastewater collected within a building from sources other than toilets and urinals, kitchen sinks, dishwashers, and non-laundry utility sinks. Following WQCC promulgation of a rule governing gray water use, counties and municipalities may adopt local legislation to allow gray water use. Where local gray water use is allowed, the governing body of the county or municipality must consult with the local board of health, local public health agencies, and any water and sanitation service providers serving the county, and must also provide for local enforcement of the WQCC regulation. Gray water treatment works, as defined in the bill, are added to the rulemaking purview of groundwater management districts. Gray water use is limited to applications that are within the uses allowed under the well permit or water right of the original source or sources of the water.

**Position: Monitor Outcome: Sent to Governor**

**HB 13-1130 – *(Sonnenberg, Fischer/ Baumgadner, Todd)* Reapprove Interruptible Water Supply Agreements**

Current law allows the state engineer to approve the operation of an interruptible water supply agreement (IWSA) for 3 years out of a single 10-year period. This bill allows the state engineer to reapprove an IWSA agreement up to 2 additional times by following the process outlined in the bill.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**HB 13-1267– *(Foote/ Jones)* Increase Maximum Penalty Oil gas Violations**

This bill increases the penalties for violations of the Oil and Gas Conservation Act. The maximum daily fine is increased from $1,000 to $15,000 for each act of violation per day that the violation continues. The minimum penalty for a violation that results in a significant adverse impact on public health, safety, or welfare, including the environment and wildlife resources, is $5,000 for each act of violation per day that such violation continues. The $10,000 maximum cap on violations that do not result in a significant adverse impact is repealed.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**SB 13-202– *(Singer/ Jones)* Additional Inspections at Oil & Gas Facilities**

This bill requires the Colorado Oil and Gas Conservation Commission (COGCC) in the Department of Natural Resources (DNR) to report to the Joint Budget Committee and House and Senate committees of reference with jurisdiction over energy by February 1, 2014, on utilizing a risk-based strategy for inspecting oil and gas locations that targets operational phases that are most likely to experience spills, excess emissions, and other types of violations. The report is to include findings, recommendations, and a plan, including staffing and equipment needs for implementing the strategy. The bill requires implementation of a strategy by July 1, 2014, which may include a pilot project to test the strategy. The reporting requirement is repealed September 1, 2014.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**SB 13-252– *(Duran, Ferrandino/ Morse, Schwartz)* Renewable Energy Standard Retail Wholesale Methane**

Thisbill makes several changes to Colorado's renewable electricity standard (RES).

***Expansion of Eligible Energy Resources***. Specifically, the bill expands the definition of eligible energy resources that may be used to comply with the standard to include coal mine methane and synthetic gas produced by pyrolysis of municipal solid waste. This expansion is subject to a determination by the Colorado Public Utilities Commission (PUC) that the production and use of these gases to generate electricity will not result in a net increase in greenhouse gas emissions.

***Increasing the RES for Cooperative Electric Associations***. The bill also increases from

10 to 20 percent the share of retail electricity sales that must be achieved from eligible energy resources by cooperative electric associations (CEAs) serving more than 100,000 meters, beginning in the year 2020. In addition, the allowable retail rate impact for CEAs is raised from 1 percent to a maximum of 2 percent. Generation and transmission CEAs providing wholesale electricity to CEAs in Colorado are defined in the bill as wholesale CEA's and are also subject to this increased RES and retail rate impact rule, beginning in 2020. Wholesale CEAs may take credit for energy generated from eligible resources by its Colorado members. The bill specifies that if the purchase of energy generated from eligible resources by a Colorado member CEA would cause an increase in rates exceeding the 2 percent retail rate impact rule, the obligation of the wholesale CEA is reduced by the energy necessary to allow compliance by the member with the rule. Wholesale CEAs are required to use a system of renewable energy credits to comply with the new RES. In addition, wholesale CEAs must report annually to the PUC on standard compliance. For CEAs serving fewer than 100,000 meters, the bill adds a distributed generation requirement of 1 percent of total electricity sales. For purposes of compliance with the 25 percent standard, the bill authorizes a 3 kilowatt-hour multiplier for solar generation. The bill eliminates:

• in-state preferences for wholesale distributed generation;

• the in-state requirement for the "community-based project" 1.5 kilowatt-hour multiplier; and

• the 1.25 kilowatt-hour multiplier for eligible energy resources beginning operation on or after January 1, 2015.

**Position: Oppose Outcome: Sent to Governor**

***Health Care:***

***HB 13-1078 – (Joshi/ Harvey)* Repeal Colorado Health Benefit Exchange**

This bill would have repealed the Colorado Health Benefit Exchange Act. The Colorado Health Benefit Exchange Act, enacted under Senate Bill 11-200, established a non-profit organization to oversee the establishment and operation of a competitive insurance marketplace (exchange) in Colorado. The exchange, which is currently developing its operational and financial plans, is governed by a board of directors consisting of 12 members, who serve without compensation. No General Fund may be used to implement the exchange, and all expenses of the exchange and the board are required to be paid with gifts, grants, and donations. The exchange is expected to be fully operational by January 2014.

**Position: Monitor Outcome: Postpone Indefinitely**

**HB 13-1245– *(McCann/ Steadman)* Funding Colorado Health Benefit Exchange**

This bill creates 2 funding mechanisms to support the operations of the Colorado Health Benefit Exchange (health exchange). The health exchange board of directors may assess a fee on health plans in the small group and individual markets, as well as on dental plans, during the period from January 1, 2014, through December 31, 2016. The fee is limited to $1.80 per member for month for health insurance carriers and up to $0.18 per member per month for dental plans. The Commissioner of Insurance is required to promulgate rules for the collection and assessment of the fee on carriers. The bill creates a tax credit against the premium tax owed by insurance carriers for donations to the health exchange. The tax credit is capped at $5.0 million per year statewide and may be claimed by a carrier against its quarterly premium tax payment beginning in the 2013 tax year. To claim the credit, a carrier must follow the rules promulgated by the

Commissioner of Insurance and complete the specified process for becoming a qualified taxpayer. In addition, the bill specifies that any funds received from the reserves of CoverColorado under House Bill 13-1115 or from a transfer from the Unclaimed Property Trust

Fund must be used to reduce the assessment charged to health plans. The bill also clarifies that the board of the health exchange is required to submit its operational and financial plans to the

Legislative Health Benefit Exchange Implementation Review Committee and that the committee is required to meet at least 2 times per year. Also, the exchange board is authorized to create a separate program to offer ancillary products that shares resources and infrastructure with the exchange. Lastly, the board is authorized to enter into an agreement with the Office of Administrative Courts in the Department of Personnel and Administration (DPA) to use administrative law judges (ALJs) to hear matters resulting from the exchange.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**HB 13-1271– *(Singer, May/ Nicholson, Newell)* Child Abuse Reporting Hotline & Child Welfare Rules**

The bill requires the Department of Human Services (DHS) to establish a steering committee to develop an implementation plan for a statewide child abuse reporting hotline. The steering committee must include state, local, and stakeholder representatives, and is required to submit its recommendations to the executive director of the DHS and the State Board of Human Services (state board) by July 1, 2014. **The hotline is required to be operational and** **publicized statewide no later than January 1, 2015.** The bill specifies that the hotline is required to operate 24 hours a day, 7 days a week. The state board is required to create a formal process for county departments of human services to opt to have the state department receive reports and inquiries on behalf of the county after hours or for another county to receive reports after hours or on a short-term basis. The bill also conforms existing law regarding mandatory reporting requirements to allow reporting through the hotline.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**SB 13-200– *(Ferrandino/ Aguilar)* Expand Medicaid Eligibility**

This bill expands Medicaid eligibility from 100 percent of the federal poverty level (FPL) to 133 percent for parents and caretaker relatives with dependent children (parents) and adults without dependent children (AWDC). It also allows the state's share of costs for these eligibility groups, up to 133 percent of FPL, to be paid with Hospital Provider Fee Cash Fund moneys. The bill also repeals provisions of current law that allow the state to reduce, by rule, eligibility or benefits for optional groups in the Medicaid or Children's Health Plan Plus (CHP+) programs if there are insufficient hospital provider fee cash funds and matching federal funds. Under current law, for parents, reductions are permitted for those with incomes of between 61 percent and

100 percent of FPL, and for AWDC, the state may reduce or eliminate the eligibility group entirely.

**Position: Support Outcome: Sent to Governor**

**SB 13-219– *(Peniston/ Tochtrop)* Methamphetamine Laboratory Remediation**

This bill creates a process to certify and monitor the activities of professionals involved in the remediation of property contaminated by illegal drug labs. It directs the State Board of Health (board) within the Department of Public Health and Environment (DPHE) to promulgate rules to:

* create procedures for testing contaminated property;
* establish acceptable standards for remediation of illegal drug labs involving methamphetamine;
* establish procedures for a training and certification program for contractors and consultants (remediation professionals) who remediate drug-contaminated property;
* approve persons to provide training to remediation professionals;
* allow remediation professionals to issue certificates of compliance to property owners upon completion of remediation;
* implement a fee structure for the certification and monitoring of remediation professionals and the approval of persons who provide training; and
* determine and assess administrative penalties for violations.

Revenue from training fees is deposited to the newly created Illegal Drug Laboratory Fund. The bill clarifies that interest earnings and other moneys are to remain in the fund and will be appropriated by the General Assembly each year.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**SB 13-220– *(Fields/ Nicholson)* Emergency Medical Providers to Report Child Abuse**

This bill adds emergency medical service providers to the list of mandatory reporters of child abuse and neglect. The bill applies to all certified emergency medical service providers, including volunteer providers. Mandatory reporters are required to report child abuse or neglect if they have a reasonable cause to know or suspect that a child has been or is being subjected to abuse or neglect.

**Position: Monitor Outcome: Sent to Governor**

***Land Use/ Development***:

**HB 13-1036 – *(Singer/ Heath, Nicholson)* Authority of Local Improvement District**

This bill allows local improvement districts (LIDs) to include noncontiguous territory in unincorporated areas of the county, provided that noncontiguous areas in certain LIDs are included in the district based on a property owner petition. LIDs are authorized to use sales tax revenue to conduct public events. The bill establishes a procedure for property owners to petition the county government for inclusion in, or exclusion from, an LID, including published notice, public hearings, and specific findings to be made by the board of county commissioners in their decision on the petition. The bill also clarifies that noncontiguous areas of an LID may not be in different counties.

**Position: Monitor Outcome: Sent to Governor**

**HB 13-1302– *(Moreno/ Ulibarri)* Special District Consolidation**

Under current law, multiple special districts that seek to consolidate as a single special district must amend their service plan and obtain approval from affected cities and towns whenever consolidation occurs within the boundaries of an existing municipality, or within a 3 mile radius of the municipality. This bill requires that districts obtain approval only when the consolidation will provide new or different services entirely within the boundaries of a municipality, compared to the services currently provided by one or more of the consolidating districts.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**SB 13-258– *(Moreno/ Hodge)* Stage In Dev Permit Approval Process**

Under current law, a local government may not approve an application for a development permit unless it determines that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate. The term "adequate" is defined to mean a water supply that will be sufficient for build-out of the proposed development in terms of quality, quantity, dependability and availability to provide a supply of water for the type of proposed development. A local government is permitted to make the adequacy determination only once during the development permit approval process. The bill modifies the definition of the term "development permit" to clarify that the local government may determine the adequacy of water supply at the time of zoning, subdivision, site plan review, or other land use approval, but still only once.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

***Military:***

***HB 13-1008 – (Ryden/Todd)* Preference in Hiring For Disabled Veteran's Spouse**

Under current law, an eligible veteran or the surviving spouse of an eligible veteran may receive a hiring preference when applying for most state jobs. This bill extends that preference to the spouse of an eligible veteran that is unable to work due to a documented, service-connected disability.

**Position: Monitor Outcome: Governor Action - Signed**

**HB 13-1011 – *(Young, Hamner/ Schwartz, Hudak)* Repeal Fee Veteran's Identifier Driver's License**

This bill, recommended by the Transportation Legislation Review Committee, eliminates the $15 fee to add a military identifier on an applicant's driver's license or state identification card.

**Position: Monitor Outcome: Governor Action - Signed**

***HB 13-1024– (Nordberg/Melton)* IncomeTax Mod for Mil Family Relief Fund Grants**

This bill establishes a deduction from taxable income for military families receiving a grant from the Military Family Relief Fund. The total amount of the grant received by a family is deductible from the taxable income reported on and transferred from the taxpayer's federal form, assuming the grant was reported as income. The deduction takes effect for tax year 2014 and subsequent tax years.

**Position: Monitor Outcome: Governor Action - Signed**

**HB 13-1119 – *(Exum, Kerr)* Veteran’s Identification Card and Driver’s License**

This bill allows a U.S. military veteran to obtain a driver's license or identification (ID) card that has a veteran's identifier. The identifier can be acquired after presenting documentation demonstrating the applicant is an U.S. military veteran. The applicant must not have been dishonorably discharged. This documentation is only required for the initial license issuance. There is no cost to the veteran to add this identifier.

**Position: Monitor Outcome: Sent to Governor**

***HB 13-1145– (Court/ Johnson)* Admin of Senior & Veterans Property Tax Exemptions**

Under current law, county assessors send notice of senior property tax exemptions to all residential addresses in the county. Applicants for these exemptions who receive a waiver from the initial filing deadline at the discretion of the reviewing agency may file after the late filing deadline for good cause.

This bill authorizes county treasurers to notify taxpayers of the senior property tax exemptions in a mailing or electronic distribution that coincides with the annual mailing of tax bills.

House Bill 13-1145 also eliminates the discretion of assessors to reject late applications prior to the late filing deadline or to accept late applications after that date.

The bill affects property tax years commencing on January 1, 2013, and tax notifications commencing with January 1, 2014.

**Position: Monitor Outcome: Governor Action - Signed**

**HB 13-1194– *(Everett/ Marble*) In-State Tuition for Military Dependents**

Under current law, a member of the armed forces is eligible to obtain in-state tuition notwithstanding his or her length of residency upon moving to Colorado on a permanent change-of-station basis or temporary assignment to duty in Colorado. This bill grants that same eligibility to any dependent of a member of the armed forces with certain limitations. To qualify as a dependent, a spouse must have been the member's spouse both at the time the member was stationed in Colorado and when the spouse is requesting in-state tuition. For a child of a member to qualify, he or she must be under 22 years of age and enroll in a public institution of higher education within 10 years after the member was stationed in Colorado. This bill also eliminates the requirement under current law that the student be a graduate of a high school in Colorado. A student who qualifies for resident tuition pursuant to this bill is eligible to receive stipends from the College Opportunity Fund (COF).

**Position: Monitor Outcome: Sent to Governor**

***Tax:***

***HB 13-1009– (DelGrosso/Jahn*) Refund Deadline for Overpaid Sales & Use Tax**

This bill clarifies the statute of limitations for claiming a refund of overpaid sales and use taxes to allow three years for all refunds.

**Position: Monitor Outcome: Governor Action - Signed**

**HB 13-1080– *(Kraft-Tharp, Holbert/ Harvey, Jahn)* Aircraft Manufacturer Employee Income Tax Credit**

This bill expands the type of industries that can claim the Aircraft Manufacturer New

Employee Tax Credit on or after January 1, 2013. Specifically, this bill includes companies involved with the maintenance and repair, completion, or modification of aircraft. Under current law, the tax credit is limited to new employees of aircraft manufacturing companies, and excludes those involved in aircraft maintenance. This bill applies to tax years through 2023.

**Position: Monitor Outcome: Sent to Governor**

**HB 13-1142– *(Hullinghorst/ Heath)* Urban and Rural Enterprise Zone Act Reforms**

This bill modifies four tax credit programs under the Urban and Rural Enterprise Zone Act, beginning with tax year 2014. Specifically, the bill:

* limits the amount of the Enterprise Zone (EZ) Investment Tax Credit that may be claimed during any tax year to $750,000, allows credits above the limit to be carried forward for fourteen years, and allows the Economic Development Commission to waive the limit;
* increases the New Business Facility Employee Credit from $500 to $1,100 for each new qualified business employee;
* increases the Employer Sponsored Health Insurance Credit from $200 to $1,000 for each new qualified business employee; and
* increases the Enterprise Zone Qualified Job Training Program Investment Credit from 10 percent of the total investment to 12 percent.

In addition, the bill requires the director of the Colorado Office of Economic Development and the Colorado Economic Development Commission to review the enterprise zone designations at least once every 10 years, rather than once every five years, to ensure that the existing zones continue to meet statutory criteria to qualify as an enterprise zone. Finally, the bill also requires the Colorado Economic Development Commission to annually post information regarding certified enterprise zone investment tax credits on the web.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**HB 13-1190– *(Moreno/ Heath)* Contrib to Intermediary Org for Ener Zone Project**

Under current law, the Enterprise Zone (EZ) Contribution Tax Credit allows a taxpayer to claim a credit for monetary or in-kind donations that help implement the economic development plan for an enterprise zone. The donation may be made to an enterprise zone administrator or directly to a certified program, project, or organization that meets statutory criteria. Beginning January 1, 2013, this bill allows a taxpayer to make an EZ donation via a qualified intermediary nonprofit organization. The organization is required to distribute 100 percent of the donations as directed by the taxpayer to a recipient nonprofit organization, program, or project that is certified by the EZ Administrator. Both intermediary and recipient organizations must be classified as charitable organizations under federal code.

**Position: Monitor Outcome: Governor Action - Signed**

**HB 13-1206– *(DelGrosso/ Scheffel)* Expand Authority for Business Incentive Agreements**

This bill modifies the cap for statutory business incentive agreements (BIAs) applicable to counties, municipalities, and special districts. Under current law, where a taxpayer has established a new or expanded business facility, local governments may, for a term of up to 10 years, enter a BIA that provides a taxpayer an incentive payment or credit up to the amount of the taxpayer's personal property tax liability. The bill adds authority for such BIAs to be formed with any taxpayer that the local government determines, based on verifiable documentation, is at risk of relocating a business facility within the local jurisdiction to a location outside of Colorado.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

***HB 13-1208– (Duran/ Newell)* Incentives Offered By Creative Districts**

This bill gives the Creative Industries (CI) division of the Office of Economic Development and International Trade (OEDIT) the authority to expend moneys in the CI Cash Fund for need-based funding for infrastructure development in state-certified creative districts.

**Position: Monitor Outcome: Governor Action – Signed**

**HB 13-1265– *(Hullinghorst/ Heath)* Enter Zone Bus Facility Employee Tax Credit**

This this bill allows any business within an enterprise zone to be eligible for the new employee income tax credit beginning in tax year 2014. Under current law, businesses that exist in a distressed area prior to the enterprise zone program can qualify as a "new business facility" if they expand at their existing location in the enterprise zone or by expanding at a replacement facility in the enterprise zone and meeting certain criteria. HB13-1265 eliminates the "new business facility" criteria, and allows any business facility located in an enterprise zone to be eligible for the new employee enterprise zone credit.

**Position: Monitor Outcome: Governor Action – Signed**

**HB 13-1288– *(Conti, Kagan)* Establish Statewide Uniform Sales & Use Tax Base**

This bill requires the Department of Revenue (DOR), with collaboration from organizations that represent counties and municipalities, to prepare a report by December 31, 2013 that:

* identifies the sales tax exemptions for each jurisdiction across the state,
* estimates the revenue associated with each exemption,
* determines how a uniform sales tax base can be revenue neutral for the state and local taxing jurisdictions, and
* makes recommendations to the General Assembly to establish a uniform sales tax base.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

**HB 13-1295– *(Ferrandino/ Steadman)* SimplifySales Tax for Marketplace Fairness Act**

This bill simplifies the collection of sales taxes from out-of-state retailers to meet the requirements of (yet to be adopted) federal legislation known as the "Marketplace Fairness Act." The Department of Revenue would be responsible for collecting and auditing sales taxes from out-of-state retailers, and distributing this revenue to the appropriate local taxing jurisdiction. Home-rule jurisdictions are not allowed to administer sales taxes from out-of-state retailers under the federal act. Sales taxes would be calculated based on the location of where the order was shipped to or the billing address. The bill will reduce the state vendor fee by 0.105 percentage points for 12 months. The revenue and the expenditures in this fiscal note are conditional on passage of the Marketplace Fairness Act, or a similar bill, at the federal level. The Marketplace Fairness Act would not allow Colorado to collect sales taxes from out-of-state retailers until the first day of the calendar quarter six months after the passage of the federal legislation. \*\*The July 1, 2014 effective date is only applicable if the Marketplace Fairness Act passes before December 31, 2013.

**Position: Monitor Outcome: Awaiting Transmittal to Governor**

***Transportation:***

***HB 13-1103 – (Scott/ Schwartz)* PUC Oversight of Rail Fixed Guideway System**

The bill conforms Colorado law to new federal requirements that prohibit the Public Utilities Commission (PUC), in the Department of Regulatory Agencies (DORA), from assessing administrative fees on any rail fixed guideway system that it regulates. This provision takes effect after the PUC director notifies the revisor of statutes that federal grant moneys available under the "Moving Ahead for Progress in the 21st Century Act" have been awarded to the state. The only rail fixed guideway system in Colorado is the Regional Transportation District (RTD) rail system. Under federal law, the PUC oversees system safety by auditing the system and relevant records including vehicle, signal, and track maintenance. The PUC is authorized to continue to assess RTD and pay its administrative expenses from the Fixed Utilities Fund (FUF) for regulation of the RTD rail system until federal grant moneys are awarded. The bill also exempts the PUC from annual reporting on the RTD rail system to the Department of Revenue.

**Position: Monitor Outcome: Governor Action - Signed**

***SB 13-027– (Priola/ Todd)* RTD Mass Transit Station Parking Facilities**

Current law prevents the Regional Transportation District (RTD) from charging parking fees, unless vehicles are parked for more than 24 hours, vehicles are registered from outside the district, or if spaces are reserved. This bill allows public or private entities to lease, own or operate a parking lot at or near a RTD station and clarifies that the restriction on parking fees only applies when the lot is operated under a contract with RTD and provides RTD with a share of revenue.

**Position: Support Outcome: Governor Action – Signed**

***SB 13-048– (Tyler, Labuda/ Todd)* Authorize Local Government Use of HUTF for Transit**

The bill authorizes counties and municipalities to spend revenue that they receive from the Highway Users Tax Fund (HUTF) on transit-related projects. Current law authorizes the Colorado Department of Transportation (CDOT) to spend a portion of its HUTF revenue on transit-related projects, and specifies that the funding of these projects constitutes maintenance and supervision of public highways to reduce traffic and wear-and-tear on state highways and bridges.

**Position: Monitor Outcome: Governor Action – Signed**