

LOCAL GOVERNMENT

County Governance

SCR 14-001 (Postponed Indefinitely)
Counties to Establish County Officer
Salaries

SCR 14-003 (Deemed Lost)
Counties to Establish County Officer
Salaries

HB 14-1112 (Enacted) Authorize
Clerks To Redact Social
Security Numbers

HB 14-1193 (Enacted)
Research Retrieval Fees Public
Records Under CORA

HB 14-1223 (Enacted)
Reclassify Dolores County As
Category V County

HB 14-1307 (Enacted)
Recategorize Mineral County As
Category V County

Local Governance

SB 14-066 (Postponed Indefinitely)
Metro Districts Conservation Trust
Fund Allocations

SB 14-199 (Enacted)
Georgetown Charter Updates

HB 14-1060 (Enacted)
Allow Cities to Compensate Planning
Commissioners

HB 14-1226 (Postponed Indefinitely)
Local Government Authority
to Regulate Plastics

Property and Local Land Use

SB 14-083 (Enacted)
County Payment Of State Property
Reappraisal Costs

SB 14-093 (Deemed Lost)
Pipeline Right-of-Way

HB 14-1217 (Postponed Indefinitely)
Clarify Mineral Rights Property
Owned By County

Fire Control and Firefighter Benefits

SB 14-008 (Enacted)
Create Wildfire Information and
Resource Center

SB 14-045 (Postponed Indefinitely)
Responsibility Local Officials
Wildland Fire Management

SB 14-046 (Enacted) Local
Firefighter Safety Grant
Program

SB 14-047 (Enacted)
Wildland Firefighters Death Benefit
Payments

SB 14-097 (Enacted)
Immunity Public Agencies Insurance
Wildfire Mitigation

SB 14-164 (Enacted) Colorado
Aerial Firefighting Fleet
Aircraft Acquisition

HB 14-1007 (Deemed Lost)
Prohibit Agricultural Burning Fire
Danger & Restrict Fireworks

Flood Recovery and Emergency Assistance

SB 14-007 (Enacted)
County General Fund For Road &
Bridge Flood Damage

SB 14-121 (Enacted) Assistance
To Local Governments
After A Disaster Emergency

SB 14-179 (Enacted) Flood
Debris Cleanup Grants

HB 14-1002 (Enacted)
Water Infrastructure Natural Disaster
Grant Fund

HB 14-1004 (Enacted)
Colorado Department of Public
Safety Emergency Management
Entities and Disaster Assistance

County Governance

House Bill 14-1112 requires county clerk and recorders (clerks) to redact the first five digits of a social security number (SSN) from public documents recorded with the clerk, upon request of the person who is assigned the SSN or the person's representative. Clerks must redact the SSN if the document containing the SSN is in electronic form, the clerk has the equipment to make the redaction automatically, and the person requesting the redaction makes the request in writing and pays a fee.

House Bill 14-1193 places limits on custodians of public records under the Colorado Open Records Act (CORA) and requires custodians to post fees and policies concerning research and retrieval of documents on the custodian's website in order to charge fees to requesters. The act requires that the first hour of research and retrieval for a CORA request be provided at no cost to the requester, and limits the fee that custodians may charge for research and retrieval of records beyond the first hour to \$30 per hour, as adjusted for inflation every five years.

Current law establishes the salary for county officer positions of commissioner, sheriff, treasurer, assessor, clerk and recorder, coroner, and surveyor. For purposes of setting the salary for these positions, counties are categorized into one of six classifications. Both Dolores and Mineral Counties are currently categorized as a Category VI county. **House Bill 14-1223** reclassifies Dolores County as a Category V county. **House Bill 14-1307** reclassifies Mineral County as a Category V county.

Two measures concerning county governance were postponed indefinitely during the 2014 General Assembly. **Senate Concurrent Resolution 14-001** would have referred a constitutional amendment to voters at the 2014 general election that, if approved, would have authorized limited gaming in certain parts of Kiowa County in eastern Colorado. In addition, Kiowa County would have been added to the list of counties and municipalities receiving a constitutional distribution from the Limited Gaming Fund. **Senate Concurrent Resolution 14-003** would have referred a constitutional amendment to voters at the 2014 general election to give the authority to each board of county commissioners to establish the salaries paid to its county officers, and directed the General Assembly to enact legislation creating citizens' commissions on county officer compensation in each county of the state.

Local Governance

Prior to the passage of **House Bill 14-1060**, members of the planning commission in a Colorado city or town were required to serve without compensation. The bill authorizes, but does not require, the governing body of a city or town to pass an ordinance providing for the compensation of members of its planning commission.

The town of Georgetown, Colorado must get approval from the General Assembly to amend its town charter. **Senate Bill 14-199** updates the town's charter. Specifically, the amendments to the charter establish requirements for the election of local officials, the appointment and authority of town officials, the proceedings for eminent domain and special district cases, and public requirements for ordinances. The measure also codifies eight amendments to the town charter that were approved by the General Assembly in previous years.

Two bills concerning local control were postponed indefinitely during the 2014 General Assembly. **Senate Bill 14-066** would have allowed certain metropolitan districts that provide parks and recreation services the ability to receive a full share apportionment from the Conservation Trust

Fund. **House Bill 14-1226** would have removed the statutory restriction that a local government may not require or prohibit the use or sale of specific types of plastic materials or products, or restrict or mandate containers, packaging, or labeling for any consumer product.

Property and Local Land Use

Current law requires that if a county assessor fails to appraise property consistent with the property tax provisions of the state, a reappraisal of the property must be done at the county's expense. Any assistance provided by the state for a reappraisal must be reimbursed by the county. **Senate Bill 083** authorizes the State Board of Equalization (SBE) to waive the requirement that a county reimburse the state for costs incurred in assisting with the reappraisal, if the county implements a plan to use the money saved to improve the functioning of the county assessor's office. If the county does not implement the plan by an agreed upon date, the SBE must revoke the waiver and the county must reimburse the state for the reappraisal costs; however, the state may not be reimbursed for the salary and benefits of state employees.

Two bills concerning property rights were postponed indefinitely during the 2014 legislative session. **Senate Bill 14-093** would have clarified that pipeline companies that convey oil, gasoline, or other petroleum products may acquire rights-of-way by eminent domain and would have reiterated the applicability of state constitutional provisions concerning just compensation for property taken by eminent domain, as well as federal pipeline safety regulations. **House Bill 14-1217** would have clarified the legal rights of county governments in connection with property owned by the county. Specifically, the measure would have clarified a county's ownership rights of minerals and oil and gas, leasing rights of mineral development, and subsurface rights under county property including public highways.

Fire Control and Firefighter Benefits

Wildfire Matters Review Committee. Four bills concerning fire control and firefighter benefits were recommended by the Wildfire Matters Review Committee during the 2013 interim. **Senate Bill 14-046** creates a grant program for local fire departments to invest in equipment and training that increases firefighter safety. The grant program is administered by the Division of Fire Prevention and Control (DFPC) in the Department of Public Safety (DPS). In addition, the act creates the Local Firefighter Safety and Disease Prevention Fund consisting of gifts, grants, and donations and moneys appropriated by the General Assembly to be used for the reimbursement and training of firefighter safety equipment to prevent occupation-related diseases.

Senate Bill 14-047 provides a lump-sum death benefit of \$10,000 to the survivors of seasonal wildland firefighters killed in the line of duty. The act clarifies the definition of seasonal wildland firefighters as temporary employees of the state, a local government, or a non-governmental fire department, and includes members of the Colorado Correctional Industries' state wildland inmate fire team crew, also known as "SWIFT" crews. The Director of the DFPC is required to make the lump-sum payment and can make payments from any cash fund within the division. The division and the lump-sum death benefit payments will be reimbursed through future appropriations from the General Assembly.

Senate Bill 14-097 provides that public agencies are not liable for the actions of private insurance companies and their agents. The bill also clarifies that private insurance companies and their agents are not protected from liability related to wildfire mitigation activities under the Colorado Governmental Immunity Act. Under the bill, private insurance companies are still under the command of the local county sheriff, fire chief, or incident commander. However, in the event of an emergency, private insurance companies may engage in activities to protect the insurable private

property of policyholders, including access to evacuated areas. No public agency will be liable for the actions of private insurance companies.

Senate Bill 14-008 creates the Wildfire Information and Resource Center (WIRC) in the DPS. The DFPC is charged with providing information as a resource for homeowners, fire professionals, the media, and educators. Specifically, the information provided must relate to wildfire conditions and prescribed burns, prevention and preparation, and funding and training for wildfire mitigation. The DFPC is authorized to engage in a public-private partnership and to utilize grants and donations for the WIRC.

Fire Control and Prevention. Three additional bills concerning fire control were considered during the 2014 legislative session. **Senate Bill 14-164** directs the DFPC to maximize its aerial firefighting and analytical capacity, within the DFPC's available budget and consistent with the recommendations of the DFPC's director. In addition, the measure makes changes concerning the Colorado Firefighting Aerial Corps (CFAC) and other responsibilities, including to enlarge revenue sources, establish standards for the acquisition of artifacts, and the creation of an advisory commission. In addition, the DFPC is directed to operate the Center of Excellence for Advanced Technology Aerial Firefighting based on technology, tactics, and economics for aerial firefighting resources employed by CFAC.

Two bills concerning fire control were lost during the 2014 legislative session. **Senate Bill 14-045**, which was postponed indefinitely, would have specified that when a fire exceeds the capabilities of a local fire protection district, the chief of the district is responsible for seeking assistance from the sheriff. The bill clarified that the sheriff would have been the principal coordinator of responding agencies and may have assumed responsibility for any fire protection functions in the affected unincorporated area. **House Bill 14-1007**, which was lost in the Senate, would have expanded the authority of county governments to restrict agricultural burning on "red flag" days, when a red flag warning or high wind warning was issued by the National Weather Service, or other evidence supported a finding of high fire risk.

Flood Recovery and Emergency Assistance

Flood Recovery. Three bills were passed during the 2014 legislative session concerning the September 2013 floods. **Senate Bill 14-179** creates the Stream Restoration Grant Account in the Flood and Drought Response Fund and transfers \$2.5 million from the Disaster Emergency Fund to the account. The act gives authority to the Colorado Water Conservation Board (CWCB) in the Department of Natural Resources (DNR) to make grants to help pay the costs of watershed cleanup and stream restoration in areas affected by the September 2013 flood. The act requires the CWCB to adopt criteria and procedures for awarding grants and requires that private entities and individuals be able to apply for grants. The account is repealed July 1, 2015, when the unexpended funds revert to the response fund.

House Bill 14-1002 creates the Natural Disaster Grant Fund to be administered by the Department of Public Health and Environment (DPHE) and appropriates \$12 million General Fund for deposit into the fund. The fund is used to award grants to local governments to recover from the September 2013 floods. Priority will given to applicants that have the lowest financial ability to pay for the necessary construction, improvements, renovation, or reconstruction of water infrastructure.

House Bill 14-1004 reorganizes certain functions within the Department of Public Safety (DPS) related to emergency management. The measure eliminates the Governor's Disaster Emergency Council and authorizes the Governor to provide financial assistance to individuals and families upon

a gubernatorial declaration. In addition, the measure eliminates the Colorado Emergency Planning Commission within DPS and transfers the portion of its functions that relate to training personnel and local emergency planning to the emergency planning subcommittee, which is established as a permanent body under the existing Homeland Security and All-Hazards Senior Advisory Committee. The subcommittee is scheduled for sunset review and repeal on September 1, 2019.

Emergency Assistance. Two bills were passed during the 2014 legislative session concerning emergency assistance for local governments.

Under current law, if a disaster emergency is declared by the federal government, federal aid is provided by the Federal Emergency Management Agency (FEMA) and other federal agencies. In order to receive moneys from federal agencies, the federal government typically requires that the affected unit of local government provide a certain percentage of matching funds. **Senate Bill 14-121** allows the Governor to determine a percentage of state aid that can be made available to a local government to assist it in meeting the federal match requirement. The Governor is required to notify the Joint Budget Committee of the source and the amount of state moneys that will be contributed to match the federal funds.

Senate Bill 14-007 authorizes a board of county commissioners to transfer money from the county general fund to the county road and bridge fund for up to four years after an emergency is declared in the county by the Governor. The fund must be used exclusively for disaster response and recovery related to roads and bridges. In determining the tax rate to be levied, the act directs county commissioners to exclude from the estimated balance of the fund any transferred money. The bill applies to transfers occurring on or after September 10, 2013.