

Summary of Bills Concerning County Governance, 2010 Session (As of May 5, 2010)

Signed into Law	
<p>Bill Number: House Bill 10-1007</p> <p>Sponsors: <i>Rep. Judd</i> <i>Sen. Brophy</i></p> <p>The act modifies the fees charged by a county clerk and recorders to file certain documents. Under current law, county clerk and recorders charge \$5 per page to file certain documents, with an additional \$5 per entry fee for documents that require multiple entries in the grantor or grantee index. House Bill 10-1007 increases the fee to \$10 for the first page of a document and \$5 for each additional page, and eliminates the additional fee charged for documents requiring multiple entries in the grantor or grantee index. The \$5 dollar per page fee is retained for specific filings received by the county clerk and recorder as an agent of the executive director of the Department of Revenue.</p>	<p>Short Title: County Clerk and Recorder Filing Fees</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p style="padding-left: 20px;">No new state appropriations are required in FY 2010-11. County governments will experience revenue increases beginning in FY 2010-11, when the county clerk is authorized to charge \$10 for the first page of a document and \$5 for each additional page. The new revenue will be potentially offset by the repeal of the \$15 per entry fee for documents that require multiple entries.</p>
<p>Bill Number: House Bill 10-1046</p> <p>Sponsors: <i>Rep. Tyler</i> <i>Sen. Hudak</i></p> <p>The act clarifies how county treasurers must record property tax payments that arrive after the due date. Currently, if a payment is received after the due date, the law instructs county treasurers to use the postmark date from the United States Postal Service (USPS) to determine if a property tax payment is delinquent, since private postage meters often do not imprint a date. Current law requires a USPS postmark when a postage meter is used and payments received without a USPS postmark must be returned. These requirements result in additional handling by the treasurer's office, imposition of charges for late payment, and sometimes confusion on the part of the taxpayer.</p> <p>The act eliminates the requirement that late payments sent via private post have a USPS postmark in addition to a private postage meter postmark. If a payment has no postmark and is received in the treasurer's office up to five days after the due date, a treasurer will record the due date as the date of payment. If payment is received six or more days after the due date, the treasurer must record the date of actual receipt as the date of payment.</p>	<p>Short Title: Receipt of Tax Payment by County Treasurer</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p style="padding-left: 20px;">No new state appropriations are required in FY 2010-11. However, county treasurers will be able to obtain funds in a more timely fashion by accepting some payments that would have previously been marked delinquent. Eliminating delays in payment processing will reduce operating costs associated with returning payments, correspondence with taxpayers, and reprocessing payments.</p>

Summary of Bills Concerning County Governance, 2010 Session (As of May 5, 2010) (Cont.)

Signed into Law (Cont.)	
<p>Bill Number: House Bill 10-1057</p> <p>Sponsors: <i>Rep. Ryden</i> <i>Sen. Spence</i></p> <p>The act addresses fees charged by county sheriffs for the service of processing in noncriminal actions. Specifically, the act provides county sheriffs the authority to:</p> <ul style="list-style-type: none"> • increases the amount charged by a county sheriff for making a return on a summons or subpoena from \$16 to \$20; • charge a flat mileage rate for any service of process within a specified zone or zip code; • charge the standard rate for the first service of process and \$10 for each additional service when servicing multiple papers on a single person, or on different persons at the same location; and • establish billing accounts for licensed attorneys and collection agencies with a principal office in the state and develop billing standards, which may include the ability to suspend the billing privileges of any entity for nonpayment of a fee. 	<p>Short Title: County Sheriff Service of Process Fees</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p style="padding-left: 40px;">No new state appropriations are required in FY 2010-11. County sheriffs retain revenue for the service of processing addressed in the act.</p>
<p>Bill Number: House Bill 10-1062</p> <p>Sponsors: <i>Rep. Schafer</i> <i>Sen. Hodge</i></p> <p>The act allows counties to purchase crime insurance coverage in lieu of surety bonds to protect against potential malfeasance by county officials, their deputies, and certain employees while in office. The county officers covered by the act include: county commissioners, clerk and recorders, sheriffs, coroners, treasurers, assessors, and surveyors. Under current law, county officials are individually responsible for meeting the bond requirements prior to taking office.</p>	<p>Short Title: Government Crime Insurance Coverage of County Officers</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p style="padding-left: 40px;">No new state appropriations are required in FY 2010-11. This act could have a fiscal impact for counties that choose to purchase criminal insurance on behalf of county officials.</p>

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Signed into Law (Cont.)	
<p>Bill Number: House Bill 10-1117</p> <p>Sponsors: <i>Rep. Benefield</i> <i>Sen. Johnston</i></p> <p>Current law allows a board of county commissioners or a county assessor to issue an abatement or refund of up to \$1,000 to a taxpayer without approval of the property tax administrator from the Division of Property Taxation. The act raises this amount to \$10,000. The act also allows county treasurers to send tax statements for real and personal property to a taxpayer electronically if the taxpayer so requests or send electronic notice of the availability of an electronic statement to the taxpayer. The act also requires treasurers to comply with a taxpayer's request cease electronic transmission and receive future tax statements by mail. The act will allow counties to make payments to taxpayers on certain abatement actions in a more timely manner and save counties interest on abatement payments.</p>	<p>Short Title: Certain Tax Procedures of County Officers</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p>No new state appropriations are required in FY 2010-11. The act will cause a minimal reduction in workload for the Division of Property Taxation. County cost savings of interest paid on abatements has not been estimated. County cost savings resulting from electronic transmission of notices of valuation and tax statements will depend on the number of counties that choose to use electronic transmission and the number of taxpayers who request such notification.</p>
<p>Bill Number: Senate Bill 10-138</p> <p>Sponsors: <i>Sen. Heath</i> <i>Rep. Peniston</i></p> <p>Under current law, when a taxpayer obtains an adjustment to the valuation of property from the county board of equalization or a district court decision, the county must refund the taxpayer's costs and witness fees. Similarly, the county is entitled to recover its costs if the decision is made in its favor. The act makes the appellant and the county each responsible for their respective costs.</p>	<p>Short Title: Property Tax Appeal Fees and Costs</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p>No new state appropriations are required in FY 2010-11. The act is expected to have minimal impact on county expenditures, reducing county costs in some instances, and increasing costs in others.</p>
<p>Bill Number: Senate Bill 10-182</p> <p>Sponsors: <i>Sen. Schwartz</i> <i>Rep. Peniston</i></p> <p>The bill implements two recommendations made in the 2010 report to the General Assembly issued by the County Elected Officials' Salary Commission. The commission is charged to consider the salaries of county elected officials and to make salary recommendations to the General Assembly every four years. The bill changes the timing and frequency of when the commission will meet and submit its report to the General Assembly. The bill will require the commission to submit its next report by the first day of the 2011 legislative session, and every two years thereafter. The bill also clarifies language regarding payments to a county surveyor.</p>	<p>Short Title: Implementing County Salary Commission Recommendations</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p>No new state appropriations are required in FY 2010-11. Since the Department of Local Affairs provides about 10 hours of staff support to the commission every four years, this level of assistance should be accomplished within the existing resources of the department every two years.</p>

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<p>Bill Number: Senate Bill 10-209</p> <p>Sponsors: <i>Sen. Schwartz</i> <i>Rep. Vigil</i></p> <p>The federal government makes annual payments to 43 Colorado counties to compensate for the tax-exempt status of national forest lands. This compensation is provided through national forest payments from the U.S. Department of Agriculture and payments-in-lieu of taxes (PILT) from the Department of the Interior.</p> <p>House Bill 09-1250 established the current formula for national forest payments, which allocated a minimum of 25 percent of the national forest payments to a county's road and bridge fund; 25 percent to the public schools in the county; and the remaining 50 percent of the funds are allocated by county representatives with equal participation from representatives of the board of county commissioners and the public schools in the county.</p> <p>The General Assembly intended to create a methodology that benefitted both counties and schools through House Bill 09-1250. However, in some cases, the current statutory formula may reduce the amount of federal PILT funds based on the total amount of national forest payments that a county distributes to schools. Specifically, some counties may be penalized by the federal PILT formula if additional national forest payments are distributed to public schools over the current statutory minimum of 25 percent. The reengrossed bill permits waiving the 25 percent minimum allocations if it will increase a county's ability to maximize federal PILT payments.</p>	<p>Short Title: Allocation of National Forest Payments</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p>No new state appropriations are required in FY 2010-11. The bill will provide an opportunity to change the manner in which national forest payments are allocated to maximize the PILT payments for counties that may have reduced PILT payments in FY 2010-11. The amount of PILT revenue that counties may be eligible to receive under the bill is unknown, and the percentage of national forest moneys being distributed to public schools in these counties could be reduced.</p>

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Postponed Indefinitely	
<p>Bill Number: Senate Bill 10-097</p> <p>Sponsors: <i>Rep. Gagliardi</i> <i>Sen. Boyd</i></p> <p>The bill would have modified the method of appointing members to a home rule charter commission and removes the authority of a county to establish a mill levy to pay for the expenses of the commission. Currently, counties must hold a special election to decide if a home rule charter commission will be established and to elect its members.</p> <p>The bill would have required that county commissioners appoint charter commission members following a public hearing where the board determines whether a commission should be formed. The bill also sets requirements for the appointments by the board and for the development of a proposed charter by the commission. All qualified electors of the county are eligible to serve on the commission and are nominated by filing an application with the board of county commissioners.</p> <p>Finally, the bill would have altered the process for submission of a proposed charter to the registered electors of a county. Upon final acceptance of the charter by the board of county commissioners, the board would have been required to refer the charter to the registered electors at a coordinated election or general election with at least 100 days prior to such election.</p> <p>At least 60 days prior to the election, the board of county commissioners would have a public notice that the proposed charter was available to the public on the county's website and at a designated public office located within the county a notice containing a statement. The bill would have also addressed certain provisions relating to a revised charter, in the event that the first proposed charter was rejected by electors.</p>	<p>Short Title: County Home Rule Charter Commissions</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p>No new state appropriations were required in FY 2010-11. Since the bill would have removed the authority to establish a mill levy, counties that established a charter commission would have incurred the cost of a charter commission and expenses for making the charter available for public review without a specified source of revenue.</p>
<p>Bill Number: House Concurrent Resolution 10-1001</p> <p>Sponsors: <i>Rep. Weissmann</i> <i>None</i></p> <p>House Concurrent Resolution 10-1001 would have submitted to voters the question of whether to transfer the authority to set the salaries of elected county officers from the General Assembly to each county's board of county commissioners.</p>	<p>Short Title: County to Set Salaries of County Officers</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p>No new state appropriations were required in FY 2010-11. County governments would have had the authority to set the salaries of their elected officials, which could have reduced county costs in some instances, and increased county costs in others.</p>