



Legislative Report | January 17, 2023

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General Government

Chair: Pending

Vice Chair: Pending

CCI Staff: Eric Bergman

HB23-1057, Restroom Amenities for All Genders in Public Buildings

Beginning in 2024, HB 1057 would require that all newly constructed public buildings provide a non-gendered restroom facility or a multi-stall non-gendered facility on each floor where restrooms are available. The bill also requires that if any restroom renovation exceeding \$10,000 takes place in an existing public building, the owner must comply with the non-gender restroom availability requirement. The bill also requires that at least one diaper changing station be made available in a non-gender restroom on each floor where there is a public restroom. Finally, the bill requires signage alerting the public to the presence of a diaper changing station using pictograms that are void of gender. The bill provides for legal recourse for employees in public buildings that do not comply with the non-gender restroom requirement. CCI has not taken a position on the legislation, but there are concerns about the unfunded mandate that the legislation presents.

Position: Pending

Sponsors: Reps. McCormick and Vigil, Sen. Jaquez Lewis

HB23-1065, Independent Ethics Commission Oversight of Local Government Officials

As created in the state constitution, the Independent Ethics Commission has oversight for state and local elected officials. HB 1065 would expand the jurisdiction of the Commission to include special districts and school districts.

Position: Pending

Sponsors: Reps. Story and Parenti

SB23-053, Prohibition on Requiring Non-Disclosure Agreements

SB 053 would prohibit all government employers (including counties) from making it a condition of employment that a perspective employee execute a non-disclosure agreement (NDA). The bill exempts NDAs that would prevent disclosure of privacy interests of the employee or matters that are required to be kept confidential by federal or state law or matters bearing on the specialized details of security arrangements or investigations.

Position: Pending

Sponsors: Sen. Kirkmeyer



Health & Human Services

Chair: Pending

Vice Chair: Pending

CCI Staff: Gini Pingnot / Katie First

HB23-1043, Emergency and Continued Placement with Relative or Kin

HB23-1043, a CCI initiated bill, makes several changes to the types of convictions that would limit relatives or kin from being considered as a possible emergency and/or long-term placement option for kids in the child welfare system.

Specifically, HB23-1043:

- 1.) Removes misdemeanor convictions
- 2.) Adds timeframes for certain felony convictions
- 3.) Continues to prohibit relatives or kin with sex abuse related convictions from being considered as an emergency and/or long-term placement option

Even with these changes to statute, a thorough assessment of the relative or kin's home and situation will occur before placement occurs to ensure a safe situation for children and youth. These changes to statute will ensure and increase safe placements of children with relatives or kin while reducing trauma for children, preserving safety, and sustaining familial ties that can increase positive outcomes for children involved in dependency and neglect cases.

Additionally, the Federal Family First Prevention Services Act (FFPSA) prioritizes these types of placements over foster and congregate care. HB 1043 will help Colorado meet the goals of FFPSA and provide safe care for children in need of out-of-home care in child abuse and neglect cases.

You can find CCI's Factsheet on HB 1043 [here](#).

HB 1043 will be heard on Wednesday, January 25 in the House Public & Behavioral Health & Human Services Committee.

Position: Support (CCI Initiated Bill)

Sponsors: Reps. Lindsay & Pugliese, Sens. Ginal & Rich

HB23-1024, Relative & Kin Placement of a Child

HB23-1024 addresses several provisions regarding relative and/or kin placements for a child who has been temporarily placed out of home. Most significantly, it adds to statute that the best practice/presumption is for children to be placed with a relative or kin (a family-like individual, such as a teacher), unless the child's health or safety would be jeopardized by that placement. If the county department cannot find a relative or kin and the child needs to go to foster care, the county department should continue to search for relatives or kin while the child is in foster care.

In addition, the bill gives relatives and kin increased legal rights in child welfare cases; including granting relatives and kin the right to appeal a decision to deny them placement. County departments are also required to make reasonable efforts to place and keep children with relative or kin placements; reasonable efforts include offering services and supports, within existing available resources.

Lastly, the bill limits foster parents and kin from intervening unless the child has been placed with them for twelve or more months. (For example, if a child has been placed with a foster parent for eight months and then the court decides to permanently place the child with an uncle; those foster parents may not intervene in that placement decision).

The bill has been assigned to the House Judiciary Committee, but its hearing has not been scheduled.

Position: Pending

Sponsor(s): Reps. Gonzales-Gutierrez & Epps, Sen. Exum

Staff: Katie First

HB23-1027, Parent & Child Family Time

This bill is being brought forward in response to the work of the High-Quality Parenting Time Task Force, which was created by [HB21-1101](#); county human services directors, caseworkers, and attorneys participated in the task force ([view their membership here](#)).

The bill defines in statute family time as “any form of contact or engagement between parents, legal custodians, guardians, siblings, and children or youth for the purposes of preserving and strengthening family ties”. Much of the bill replaces the current standard of “visitation” with this new term “family time”.

Under the bill, county departments are to encourage the maximum amount of family time and must propose a family time plan to the court. The court shall order in-person family time at least once every seven days unless it is waived by the parties, for good cause, or if the court finds it necessary to protect the child’s health or safety. Informal resources and supports may be utilized to assist in transportation and supervision of family time. Withholding family time is prohibited as a sanction for both parents and children.

In addition, the High-Quality Parenting Time Task Force will continue to meet for an additional year and shall issue a report regarding current practices and opportunities to build additional capacity for family time.

The bill has been assigned to the House Judiciary Committee, but its hearing has not been scheduled.

Position: Pending

Sponsor(s): Rep. Joseph, Sen. Winter

Staff: Katie First

SB23-039, Reduce Child & Incarcerated Parent Separation

This bill addresses the involvement an incarcerated parent (in a Department of Corrections (DOC) facility, a private correctional facility under contract with DOC, or a county jail) whose child is subject to a dependency and neglect case with a county human services department. Includes:

- Creating a right for parents to attend and fully participate in all proceedings during a dependency and neglect case.
- Adding to statute that courts shall issue orders for incarcerated parents to attend all hearings related to their child's dependency and neglect case. If the facility cannot facilitate transport (to attend the hearing in person), the facility must notify the court 72 hours in advance and make every reasonable effort to allow for virtual participation. Should the parent refuse transportation to the hearing, the facility must notify the court as soon as practicable.
- During the dispositional hearing, the county human services caseworker must provide to the court a report of the services and treatment available to a parent at the facility and the opportunities for family time at the facility. The treatment plan for an incarcerated parent should include: how the parent will participate in all meetings and hearings with the court and county department; relevant services and treatment available in the facility that address parents issues affecting their child's health, safety or welfare; and opportunities for family time, either in person at the facility or virtually.
- Should a parent become incarcerated for more than 28 days following a dispositional hearing, the county department shall submit an amended treatment plan.
- Removing long-term confinement as a criteria to terminate parental rights and when the court considers compliance with the parents treatment plan, the court must consider any limitations to complying while the parent was incarcerated.

When a parent has been sentenced to a DOC facility, the individual must report (via the mittimus) if they are involved in an open dependency and neglect case, so that it can be considered for placing the individual. Further, DOC must develop opportunities to facilitate continued relationships between children and their parents who are incarcerated and be designed to mitigate trauma.

While this bill has implications for county human service departments, these implications also extend to county jails; CCI staff has already been communicating with the County Sheriffs of Colorado (CSOC) regarding initial concerns.

Position: Pending

Sponsor(s): Sen. Buckner, Rep. Amabile

Staff: Katie First



Justice & Public Safety

Chair: Pending

Vice Chair: Pending

CCI Staff: Katie First

HB23-1075, Wildfire Evacuation & Clearance Time Modeling

HB23-1075 allows entities, including counties, to request the Office of Emergency Management to provide resources and technical assistance to perform evacuation and clearance time modeling and publish the information on a publicly accessible website. By July 1, 2026, each local emergency management agency within a wildfire risk area, shall perform an evacuation and clearance time modeling report, to be included in its emergency management plan.

In addition, after January 1, 2024, the bill requires new developments to submit an evacuation and clearance time modeling report with its development permit; local governments shall not approve the development permit unless the report is adequate. Local governments may decide at what point in the permit approval process, the evacuation and clearance time modeling report is approved.

The bill has been assigned to the Agriculture, Water & Natural Resources committee, but a hearing has not been scheduled.

Position: Pending

Sponsor(s): Rep. Snyder



Land Use & Natural Resources

Chair: Pending

Vice Chair: Pending

CCI Staff: Raegan Shane

HB23-1085, Rural County and Municipality Energy Efficient Building Codes

Counties and municipalities are currently required to adopt and enforce certain energy efficient building codes concurrently with the updating of their existing building codes. The specified model energy codes that must be adopted concurrently during an update are determined by specific timeframes. However, a rural county, defined as a county with a population of less than 30,000 people, is permitted to adopt a less current model code than that specified if the county has applied for and not been awarded a grant that significantly assists with energy code adoption and enforcement training. There is not currently a corresponding provision for rural municipalities.

HB23-1085 creates a corresponding provision by allowing a rural municipality, defined as a municipality with a population of less than 10,000 people, to adopt a less current model code if it has applied for and not been awarded a grant that significantly assists with energy code adoption and enforcement training. Population is determined by the most recently published population estimates from the state demographer.

HB23-1085 also extends the compliance periods for adopting and enforcement of the model energy codes by both a rural county and a rural municipality as follows:

- An energy code that achieves equivalent or better energy performance than one of the 3 most recent editions of the international energy conservation code is not required until July 1, 2025. Previously, such an energy code was required concurrently with any county/municipal code building code adoption or update occurring before July 1, 2023.
- An energy code that achieves equivalent or better energy performance than the 2021 international energy conservation code and the model electric ready and solar ready code language developed by the energy board is not required until July 1, 2030. Previously, such an energy code and language was required concurrently with any county/municipal code building code update occurring on or after July 1, 2023, and before July 1, 2026.
- An energy code that achieves equivalent or better energy and carbon emissions performance than the model low energy and carbon code developed by the energy board is not required until July 1, 2032. Previously, such an energy code was required concurrently with any county/municipal code building code update occurring on or after July 1, 2026.

Position: Pending

Sponsors: Rep. Martinez & Sen. Simpson

SB23-016, Greenhouse Gas Emission Reduction Measures

[SB23-016](#) is composed of 14 sections that take various measures to reduce greenhouse gas emissions in the state. These sections include requiring certain insurance companies to complete a survey, requiring the

public employees' retirement association's board to adopt proxy voting procedures to ensure voting decisions align with and support the statewide greenhouse gas (GHG) emission reduction goals, adding wastewater thermal energy into definitions around clean resources, updating statewide GFG emission reduction goals, giving the oil and gas conservation commission authority over class VI injection wells, and establishing a state income tax credit for new, electric-powered lawn equipment.

There are two sections that may have implications for county land use. Current law prioritizes contracts that will transmit or store electricity to be sold and consumed in Colorado and prioritizes electric utilities or entities that demonstrate an interest in continuing an existing powerline trail. The bill requires the Colorado electric transmission authority to, "if practicable," prioritize project contracts that renovate or recondition existing utility transmission lines and better incorporate distributed generation and renewable energy facilities into the electric grid.

Section 13 requires a local government to expedite its review of a land use application that proposes a project to renovate, rebuild, or recondition existing transmission lines. "Expedite" is not currently defined.

SB23-016 will be heard in the Senate Transportation & Energy Committee on Wednesday, January 25th.

Position: Pending

Sponsors: Sen. Hansen, Reps. McCormick & Sirota



Taxation & Finance

Chair: Pending

Vice Chair: Pending

CCI Staff: Gini Pingnot

SB23-035, Middle-Income Housing Authority Act

The Middle Income Housing Authority (MIHA) is an independent, special-purpose authority for promoting affordable rental housing projects for middle-income workforce housing. It was created by [SB22-232](#), which gave it the power to make and enter into agreements with public or private entities to facilitate public-private partnerships.

SB23-035 clarifies this power to enter into public-private partnerships by specifying that the *affordable rental housing component* of a public-private partnership is exempt from state and local taxation, including local government property tax and sales and use tax. *Affordable rental housing components*, a new term introduced in SB23-035, would include property and activities that are a part of an affordable rental housing project. This could include a commercial element to a project (which must receive approval by the MIHA and be incidental to the housing component of the project).

It is important to note that local governments must be notified and can object to a proposed project for any reason CRS 29-4-1107 (4). Cities and counties have the ultimate say in whether or not a project can proceed. Some of the reasons why a local government might object to a project include insufficient water and waste water infrastructure, impacts to wildlife, potential wildfire safety concerns (ie located in the Wildland Urban Interface), traffic concerns, etc. MIHA may agree to make payments to a local government in lieu of property or sales and use taxes but is not required to do so. Property that is not part of the affordable rental housing component in a public-private partnership remains subject to all taxation.

The bill also clarifies that a public-private partnership may provide for the transfer of the interest in an affordable rental housing project to an entity other than MIHA; that MIHA may issue bonds to finance the affordable rental housing component in a public-private partnership; and that bonds issued by MIHA may be payable from the revenue and assets of the affordable rental housing component of a public-private partnership or solely from the revenue or assets of MIHA as current law requires.

Additionally, the MIHA board of directors is expanded from 14 to 16 by the addition of two nonvoting members. The senate majority leader and the house majority leader will each appoint a member of the general assembly from their respective chambers, unless the senate majority leader and house majority leader are from the same political party, in which case the house minority leader will appoint the member from the house.

SB23-035 will be heard in the Senate Local Government & Housing Committee on Thursday, January 26th.

Position: Pending

Sponsors: Sens. Bridges & Moreno, Rep. Herod

SB23-055, Car Sharing Program Sales Use and Ownership Tax

The Enterprise rental care company is the proponent behind SB 55. The bill is intended to level the playing field – from a tax collection and remittance standpoint – between traditional rental care companies and peer-to-peer car rental platforms like [Turo](#), [Get Around](#), and [Drift](#).

HB 55 gives the owner of a peer-to-peer vehicle the option to either pay sales or use tax at the time of purchase (current status) or collect and remit the sales/rental taxes on the rental transaction of the vehicle. The Colorado Department of Revenue issued a private letter ruling on this matter two years ago. That ruling, however, applied to a specific taxpayer who inquired about how their peer-to-peer rental business would be treated from a tax standpoint. You can find that private letter ruling [here](#).

In essence, CDOR provides a detailed distinction between the vehicle owner and the company that facilitates the peer to peer rentals. “Company, not the owner, will be regarded as the lessor with respect to vehicles leased through its platform. Company is the party with whom a driver will enter into a contract for the possession and use of the vehicle” (p.3). From here, CDOR concludes that the Company is the lessor of vehicles rented through its platform and the Company must collect and remit all taxes on the rental transaction (short term lease) of a vehicle.

While it appears that Enterprise’s legislative intentions might align with CDOR’s private letter ruling on this matter, the contents of SB23-055 do not necessarily capture that approach. As written, if the vehicle owner chooses to collect and remit sales/rental taxes on the rental of their vehicle, a vehicle owner could claim that they plan to engage in peer-to-peer rental activities and avoid the sales tax on their initial purchase. Additionally, since rentals may be in or out of the jurisdiction where the vehicle is registered, taxes would be collected at the location where the customer picks up the car. As a result, the jurisdictions where the vehicle is registered may be missing out on revenue to support the impact of the car.

Position: Pending

Sponsors: Sen. Gardner

[HB23-1017](#), Electronic Sales and Use Tax Simplification System

The Sales and Use Tax Simplification System (SUTS) was launched in the spring of 2020 with two primary goals: 1.) ease sales tax filings and remittance for retailers and 2.) appeal to home rule municipalities to voluntarily join which in turn would ease the sales tax compliance expectations of retailers.

HB 1017 originates from the Sales and Use Tax Simplification Task Force, an interim committee that met last fall to develop this bill. The bill creates a ‘to do’ list of system upgrades that the Colorado Department of Revenue must onboard no later than January 1, 2025.

Some of these upgrades include:

- Notification to a local taxing jurisdiction when a change has been made to an account or when the account has been closed;
- Creating a simplified process for filing a zero return (occurs when a retailer has little to no retail activity during a filing period);
- Inclusion of use taxes;
- Requirements that a retailer register with a local taxing jurisdiction in which taxes are due before using SUTS; and

- Prohibiting a retailer from filing a return in SUTS unless the retailer has the correct local number on the account.

The bill also prohibits CDOR from charging a fee for payments made through SUTS, creates a campaign to promote the use of SUTS among retailers and local taxing jurisdictions, and tasks CDOR with soliciting feedback from stakeholders about needed SUTS enhancements (an activity the department has already been doing for several years.).

Position: Pending

Sponsors: Rep. Kipp & Bockenfeld, Sen. Bridges & Van Winkle

HB23-1054, Property Valuation

HB 1054 proposes a series of property valuation changes and limits the increase in local growth (and thus property tax revenues) in the 2023 property tax year (payable in 2024), creates a one-time change impacting which assessment cycle will be used for the notice of valuations that will be sent to property owners this spring and revises the multi-family assessment rate for the 2024 property tax year (payable in 2025).

To see a visual of all of the proposed changes in HB 1054 and how those would interact with legislation that passed in the last two years, click [here](#).

Position: Pending

Sponsors: Reps. Frizell, Sen. B Pelton



Tourism, Resorts & Economic Development

Chair: Pending

Vice Chair: Pending

CCI Staff: Raegan Shane

SB23-006, Creation of the Rural Opportunity Office

The [Rural Opportunity Office](#) in the Office of Economic Development and International Trade (OEDIT) was created in 2019 to support Colorado's rural partners and communities by connecting them to relevant programs within OEDIT, in that way facilitating cross-division collaboration with OEDIT. The office also supports Colorado's rural partners and communities by connecting them to other state, federal, nonprofit, and private partner agencies and organizations.

[SB23-006](#) codifies the Rural Opportunity Office in OEDIT, making it more permanent in law. The bill outlines the responsibilities of the office as follows:

- The office will serve as Colorado's central coordinator of rural economic development matters and will provide support and coordination with other state agencies and programs dealing with rural economic development matters.
- It will work with coal transitioning communities to explore unique business and economic development opportunities.
- It will make recommendations that inform the governor's policy on rural economic development matters.
- It will measure the success of program outreach and conduct research to determine whether rural communities receive more statewide funding as a result.

SB23-006 will be heard in the Senate Business, Labor, & Technology Committee on Thursday, January 26th.

Position: Pending

Sponsors: Sens. Roberts & Rich, Reps. McLachlan & Catlin



Transportation & Telecommunications

Chair: Pending

Vice Chair: Pending

CCI Staff: Eric Bergman

HB23-1051, Support for Rural Telecommunications Providers

HB 1051 would extend for one year a direct distribution of High Cost Fund dollars to a number of rural telecommunications providers around the state. The bill would align the sunset date for this direct distribution with the larger programmatic sunset review of the High Cost Fund Support Mechanism and Broadband Deployment Board that will occur in 2024.

Position: Pending

Sponsors: Reps. Lukens and Holtorf, Sens. Roberts and Pelton R.



Public Land

Chair: Pending

Vice Chair: Pending

CCI Staff: Gini Pingnot

SB23-059, State Parks and Wildlife Area Local Access Funding

SB23-059 will aid the state in helping Coloradoans access over 43 state parks and 350 wildlife areas.

This CCI initiated bill creates a grant program and an optional fee for local governments to help them meet growing visitation demands. In the absence of investing in local roads, bicycle lanes, shuttle operations and other transportation methods local governments support, Coloradoans and visitors alike will be deterred from enjoying the state's treasured resources.

Earlier this year, Colorado debuted its new Keep Colorado Wild (KCW) Pass. At a price point of \$29, the KCW is expected to generate as much as **\$22 -\$55 million** in the first year in revenue, increase visitation and fuel future recreation. Colorado Parks and Wildlife expects **visitation increases between 6 million to 11 million visits per year**, or between 31% and 57% from FY 2020-21 visitation counts.

SB 59 recognizes the important 'value proposition' that consumers make when purchasing a KCW pass. A visitor's entire experience – including the journey to a treasured park or wildlife area – factors into Coloradoan's decisions to purchase a pass. Given the importance of the KCW pass and the promise it holds for the state's ability to keep up with park and wildlife visitor impacts and demand, counties believe that an investment in the infrastructure that helps people arrive at these destinations will help ensure the long-term viability of the pass and the perceived value of it among the public.

The two tools in SB 59 that will help local governments address the operational impacts of helping people physically get to parks and wildlife areas are:

1.) State Park and Wildlife Area Access Grant Program

Once CPW meets its \$36m financial goals, 50% of the overflow will flow into a grant program to support access infrastructure leading into parks and wildlife areas.

A grant program supported by KCW funding:

- a.) Recognizes the state/local government partnership in supporting the increased access demands that will result from the KCW pass;
- b.) Enhances the perceived value of the KCW pass and will encourage continued pass purchases in the future; and
- c.) Provide support to state wildlife area access needs.

2.) Local Government Fee Option on Daily Vehicle Passes

Modeled after an existing statute, local governments, in coordination with the Colorado Parks and Wildlife Commission, may request an additional \$2 per daily vehicle pass. Funding will be remitted directly to the local government to help them support access routes serving state parks.

CCI's factsheet can be found [here](#).

Position: Support (CCI Initiated Bill)

Sponsors: Sens. Baisley & Roberts, Reps. Catlin & McLachlan