



## Legislative Report 2021 Session | May 10, 2021

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## **Agriculture, Wildlife & Rural Affairs**

Chair: Commissioner Tony Hass, Las Animas County  
Vice Chair: Commissioner Terry Hofmeister, Phillips County  
CCI Staff: Daphne Gervais

### **HB21-1045, Invasive Pest Control Administration**

HB 1045 is a Colorado Department of Agriculture (CDA) bill that seeks to update the Pest Control Act to better align with legislation by the National Plant Board. The bill establishes a new cash fund for emergency pest control measures, funded by a portion of the unused funds from CDA's Plant Industry Division. The bill also authorizes CDA to recover costs from local governments, citizens, and businesses for services provided under the Act, contingent upon a local government voluntarily signing into agreement with CDA. Finally, HB 1045 allows CDA to implement a federally-recognized state-managed pest control program, to be able to have federal inspectors at ports of entry to support the state's efforts in excluding pests.

CCI originally took a "Support with Amendments" position on HB 1045 to track and support the amendments that the Colorado Weed Management Association (CWMA) was seeking. Three amendments were adopted from CWMA recommendations that reaffirm county authority to declare pests, and align definitions to be consistent with the Noxious Weed Act. At the request of the sponsor, the amendment also creates reporting requirements to the SMART Act on the cash fund established in the bill. CWMA and CCI have since moved to support positions.

HB 1045 passed both chambers, and now awaits the Governor's signature.

Position: Support  
Sponsor: Rep. Young & Valdez. A., Sen. Fields  
Status: Sent to Governor

### **HB21-1181, Agricultural Soil Health Program**

HB 1181 creates voluntary, incentive-based soil health programs in the Colorado Department of Agriculture (CDA), to be administered by the commissioner of agriculture, the state agricultural commission, and CDA.

In consultation with an advisory committee created in the bill, HB 1181 authorizes CDA to establish the following, if financial resources are available:

- a grant program for eligible entities to engage in soil health activities;
- a system for monitoring the environmental or economic benefits of soil health practices;
- a state soil health inventory and platform;
- a soil health testing program;



- and other programs to promote soil health practices

Programs are funded from public and private sources, including federal funds, as well as gifts, grants, or donations. Program funds can be used to provide grants, loans, or other resources to agricultural producers, local governments, conservation districts, and other eligible entities to support the adoption of soil health activities.

The advisory committee created in the bill is appointed by the commissioner, and represents different geographic areas, the political and demographic diversity of the state, and a diverse representation of agricultural producers. The committee makes recommendations to CDA and assists in developing and evaluating programs.

As amended, the bill requires the advisory committee to meet with the State Conservation Board (CSCB) at least quarterly, the CSCB appoints two representatives to the committee (one of whom serves as the Chair), and two committee members represent the Colorado Association of Conservation Districts (CACD).

The bill passed the House Agriculture, Livestock & Water Committee, and the House Appropriations with a sub-\$5,000 appropriation to cover expenses of the advisory committee. It was heard by the Senate Agriculture & Natural Resources Committee on Thursday, April 29<sup>th</sup>, but laid over to ensure the bill does not conflict with state stimulus bills currently under consideration.

HB 1181 now awaits its next hearing in the Senate Agriculture & Natural Resources Committee.

Position: Support

Sponsor: Rep. McCormick & Will, Sen. Simpson & Winter



## **General Government**

Chair: Commissioner Hilary Cooper, San Miguel County

Vice Chair: Commissioner Scott James, Weld County

CCI Staff: Eric Bergman

### **HB21-1011, Multilingual Ballot Access for Voters**

Currently under federal law, counties with 10,000 or more voting age citizens (or 5 percent of their total population) who do not speak English very well are required to prepare an in-person minority language ballot and make it available to those voters. There are currently four counties in Colorado that meet this federal standard: Conejos, Costilla, Denver and Saguache. HB 1011 would move this threshold down such that counties that have at least 2,000 citizens (or 2.5 percent of the total population) who speak a minority language would be required to prepare an in-person minority language ballot beginning in 2022 that would be available upon request at voting service centers. The bill does not provide any state financial assistance to counties to achieve this requirement. The bill would also require the Secretary of State (SOS) to 1) set-up a multilingual ballot hotline to help electors translate ballot language and 2) translate all state races and state ballot questions for the county clerks.

According to the County Clerks Association, the new threshold in the bill would place this unfunded mandate on approximately 20 counties. The affected counties include Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Pueblo, Weld, Alamosa, Bent, Crowley, Eagle, Fremont, Garfield, Lincoln, Montrose, Morgan, Phillips and Rio Grande. The fiscal note on the bill estimates that annual compliance with the mandates in the bill will cost \$46,000 for a small sized county, \$61,000 for a medium sized county and \$360,000 for a large county. While CCI supports ensuring access to the ballot for all citizens, the unfunded mandates in the bill are problematic.

After meeting with the sponsors, the bill was amended in committee to say that the General Assembly would endeavor to reimburse counties for the costs of complying with this requirement. While the amendment stops short of guaranteeing full funding for the bill, CCI appreciates the sponsors' commitment to working with counties to address this funding issue. The bill is now awaiting a hearing before Legislative Council.

Position: Oppose Unless Amended

Sponsors: Rep. Caravao, Sens. Gonzales and Moreno

### **HB21-1027, Alcohol Beverage Takeout and Delivery**

As introduced, HB 1027 would allow restaurants to continue offering alcohol beverage takeout and delivery in perpetuity. While CCI is supportive of helping the restaurant and bar industry get back on its feet after the pandemic, there were concerns about continuing this practice indefinitely. CCI voted to support the legislation but seek an amendment to sunset this practice after the state public



health order is lifted. The bill was subsequently amended to put a five-year sunset on alcoholic beverage takeout. The bill has now moved to the Senate, where it will be heard in the Senate Finance Committee on Wednesday, May 12.

Position: Support if Amended

Sponsors: Reps. Larson and Roberts, Sens. Bridges and Priola

### **HB21-1047, County Commissioner District Gerrymandering**

HB 1047 would take the political gerrymandering protections established in the state constitution by Amendments Y and Z and attempt to apply them to county commissioner districts in those counties where at least one commissioner is not elected by the voters of the whole county. The gerrymandering elements of the bill would only be applicable to counties with populations greater than 70,000 that move to a five-member commission or ones that have a home rule charter. Of the five counties that could be affected, only three counties have commissioner districts where only the residents of the district vote for a commissioner from that district: Arapahoe, El Paso and Weld.

The bill also contains language that applies to **all** county redistricting activities. Currently, state statute says that county commissioner districts shall be “as nearly equal in population as possible” (CRS 30-10-306). The phrase “nearly equal” is not defined in the statute. HB 1047 provides additional clarification, setting forth that the population of each commissioner district not deviate by more than five percent at the time the commissioner district boundaries are adopted.

The bill was amended significantly in a House committee at the request of the affected counties. A number of provisions, including required judicial review of commissioner districts, were removed from the bill. As amended, the legislation now provides a series of criteria that are to be followed as closely as practicable during redistricting. The criteria include preserving communities of interest and political subdivisions (such as cities and towns) and creating districts that are as compact and as politically competitive as possible. CCI thanks the sponsor, Rep. Chris Kennedy, for his willingness to listen to county concerns and working to address those concerns.

The bill was further amended in the Senate to address anticipated problems with meeting the upcoming September 30 statutory deadline for county redistricting. The Census Bureau announced in January that the release of the new population numbers that counties depend on to do redistricting will be delayed by at least five months – making it virtually impossible for counties to meet the September 30 deadline for commissioner district map adoption. Following numerous meetings with the affected counties, the bill sponsors, Secretary of State’s office and the county clerks’ association, the bill was amended to move the required county redistricting date to September 30, 2023. The bill was signed by the Governor last week.

Position: Monitor as Amended

Sponsors: Rep. Kennedy, Sen. Lee



### **HB21-1100, Electronic Filing of Documents with Governmental Entities**

HB 1100 would have required all governmental entities (including counties) to establish by 2022 an electronic filing option for each document capable of electronic delivery. The bill hoped to build on social distancing policies already enacted due to the COVID pandemic. This filing option could have included the scanning and transmitting of a document by e-mail. While CCI supported the intent of the bill and greater efficiency in the provision of county services, there was a great deal of uncertainty about the ability to accept electronic signatures, whether some smaller counties would have the ability to accept extremely large files (such as land use plats) electronically and whether encryption software would be required to protect the transmission of sensitive personal data (such as social security numbers).

After talking with the sponsors about these concerns, the bill was amended to instead conduct a study so that county IT staff may work with the state agencies and the sponsors over the summer and fall on these and other highlighted issues. This will require all counties to submit a short report to the Office of Information Technology that details what documents are already capable of being filed electronically and what roadblocks (technological or financial) are preventing additional electronic filing options at the local level. At CCI's request, the study will also include looking at the viability of electronic/online publication of county financial information. CCI appreciates the sponsor's willingness to work with counties on these concerns. The bill passed the Senate Finance Committee last week and will be heard on second reading this week on the Senate floor.

Position: Support as Amended

Sponsors: Reps. Soper and Gonzales-Gutierrez, Sens. Bridges and Lundeen

### **HB21-1110, Colorado Laws for Persons with Disabilities**

HB 1110 attempts to codify federal discrimination protections for persons with disabilities in Colorado state statute. The bill specifically requires that county websites comply with the most recent web content accessibility guidelines promulgated by international web accessibility initiatives. CCI supports the intent of the bill and has asked the sponsor for an amendment to delay implementation of these requirements to give smaller counties time to research and budget for any necessary website upgrades or software purchases. The sponsor agreed to amend the bill to push the implementation deadline out to 2024 and the Statewide Internet Portal Authority (SIPA) and Governor's Office of Information Technology (OIT) will be looked to for technical and financial assistance. The bill was passed out of House Appropriations last week and passed on second reading on the House floor. It is expected to move to the Senate this week.

Position: Monitor as Amended

Sponsors: Rep. Ortiz, Sen. Danielson



### **HB21-1225, Electronic Recording Technology Board**

HB 1225 would delay the scheduled sunset of the Electronic Recording Technology Board and the grant program that it administers. This grant program provides funding to county clerks for updating electronic recording equipment. The bill also expands the use of grant funds to include cybersecurity efforts at the local level. The bill will be heard in the Senate Local Government Committee on Tuesday, May 11.

Position: Support

Sponsors: Reps. Bird and Will, Sens. Bridges and Kirkmeyer

### **HB21-1244, Restrictions on Collection and Use of Biometric Information**

HB 1244 is an attempt to address privacy concerns and the proliferation of technologies that capture and record personal “biometric identifiers” (defined in the bill as retinal scans, voice prints, face prints and finger/palm prints). While well-intentioned, there are a number of potential unintended consequences for local governments – especially local law enforcement. Additionally, if a local government is found to be in violation of the restrictions in the bill it could be subject to civil litigation and forced to waive its governmental immunity. The bill will be taken up for action only in the House Business Affairs and Labor Committee on Wednesday, May 12.

Position: Oppose

Sponsors: Rep. A. Valdez, Sen. Rodriguez

### **SB21-088, Child Sexual Abuse Accountability Act**

SB 88 would create a new civil right allowing persons who were victims of sexual misconduct that occurred when they were minors to sue their abusers. If that sexual misconduct occurred at a youth organization, the victim may also bring a civil claim against the managing organization (such as a school, park and recreation district, municipality or county) if they can show the managing organization knew or should have known that the participants in the youth program in question were at risk from an employee. CCI and other local governmental associations have raised concerns over this language as it overrides the current legal standard in the Colorado Governmental Immunity Act (CGIA). Concerns have also been raised about local governments being held accountable for the actions of volunteers within these youth programs. CCI is part of a coalition working toward some amendments to address these concerns. The bill was amended in Senate Appropriations last week to clarify that the damage caps in the CGIA would remain in effect. The bill will be heard on second reading in the Senate this week

Position: Oppose Unless Amended

Sponsors: Sens. Danielson and Fields, Reps. Michaelson Jenet and Soper



## **SB21-176, Protecting Opportunities and Workers' Rights (POWR) Act**

SB 176 is intended to modernize anti-discrimination laws and expand access to justice for Colorado workers. While the legislation is well-intended, county attorneys have raised concerns that certain provisions in the bill will make settling discrimination cases more difficult. The bill also allows a claimant to bypass administrative remedies and go straight to court, which could encourage more claims. The bill also expands the definition of a hostile work environment and allows employers to be sued for the conduct of independent contractors. These changes to current law will expand employer liability and could result in increased county insurance costs.

The bill was rewritten in the Senate Judiciary Committee to restore the administrative remedy process under the Colorado Civil Rights Division (CCRD), remove changes to the Colorado Governmental Immunity Act, allow a longer timeframe for responding and investigating complaints and try to address the independent contractor issue. These changes go a long way toward addressing county concerns, but there are still some issues to be worked out in the legislation. The bill is now awaiting a hearing in Senate Appropriations.

Position: Oppose Unless Amended

Sponsors: Sens. Pettersen and Winter, Reps. Gray and Lontine



## **Health & Human Services**

Chair: Commissioner Wendy Buxton-Andrade, Prowers County

Vice Chair: Commissioner Sue Hansen, Montrose County

CCI Staff: Gini Pingenot / Kyley Burress

### **HB21-1018, Adoptive Parents Payments to Outside Providers**

HB 1018 allows foster parents to pay for services (that are covered by Medicaid) from providers that do not accept Medicaid.

There are instances when a foster parent can financially pay out of pocket for services that a foster child/youth might need and wish to go to a provider that is close to home or for which they have confidence in. An example might be sexual abuse treatment and/or a specialized service that is offered by a local provider who does not accept Medicaid.

CCI secured amendments needed to clarify that if adoptive parents do pay for these sorts of services out-of-pocket, they could not later request reimbursement from the county or cite it as a 'changed circumstance' to justify a higher monthly adoption subsidy.

HB 1018 has passed both chambers and is headed to the Governor's desk.

Position: Support

Sponsors: Rep. Burnett & Van Beber, Sen. Jaquez Lewis

Staff: Gini Pingenot

### **HB21-1030, Expanding Peace Officers Mental Health Grant Program**

With the support of 22 representatives and 11 senators, HB 1030 builds upon an existing \$2.0 million grant program administered by the Colorado Department of Local Affairs. The Peace Officers Mental Health Support And Community Partnerships Grant program was first formed in 2017 to provide direct services to peace officers (i.e. mental health counseling, training to prevent and treat mental trauma, etc.) and support what is commonly referred to as 'co-responder' programs. HB 1030 continues the original purpose of the grant program while also 1.) expanding the type of agencies that can apply for the grant dollars; 2.) modifying the grant program's name and 3.) removing the repeal date. In addition – but separately from this bill, CCI also understands that legislators will attempt to secure additional state general funds for this grant program through the budget process.

Counties are strong supporters of the co-responder model. These programs typically, but not always, pair peace officers with a behavioral health provider to respond to calls for services. Roughly 30 communities around the state have these programs and have found them to be successful at de-



escalating calls that come in through the 911 system and keeping those with behavioral health and/or substance use issues out of the criminal justice system. A recent study by the Colorado Health Institute provides a nice overview of these programs, their effectiveness and areas for continual growth and improvement (view [here](#)).

Working in close partnership with the Fraternal Order of Police, HB 1030 is one of CCI's 8 legislative priorities. After a lot of negotiation with interested parties, the bill unanimously passed out of committee. Key amendments included the addition of behavioral health entities, county or district public health agencies, community-based social service and behavioral health providers as eligible entities that can apply for the funding but still must work in partnership with a law enforcement or public safety agency.

HB21-1030 was heard in the House Appropriations Committee on Friday, May 7<sup>th</sup> where it received an additional \$1 million for the grant program. This additional funding brings the fund's total up to \$3 million for the SFY 21-22. It will be heard on third reading in the house on Monday, May 10.

Position: Support—CCI Priority Bill  
Sponsors: Rep. McCluskie & McKean, Sen. Buckner & Cooke  
Staff: Gini Pingnot

### **[HB21-1072](#), Equal Access Service for Out of Home Placements**

HB 1072 ensures that all children and youth in out of home placements (think foster homes, congregate care settings, etc.) are accommodated for their identity and that providers do not discriminate.

CCI secured amendments to ensure that the health and well-being of the child will always remain paramount. Originally, the bill stated that counties cannot delay or deny placement of a child or youth for adoption. County human service experts flagged that there could be instances when a placement with an eligible family is not in the best interest of the child. An example might be when a child expresses the desire to be placed in a home with a father and the only available home consists of a single mother. As written, the language suggested that if there was an open placement, counties had to place the child, regardless of whether or not it's a good fit for the child. This issue has been addressed.

Additionally, the bill originally stated that people who wish to be adoptive or foster parents cannot be denied the opportunity to do so. Again, there are instances – such as an individual with a disability that makes them incapable of safely parenting a specific child and/or individuals who may follow a religion that includes practices that are considered to be abusive in mainstream culture that would need to be handled on a case by case basis. This issue has also been addressed.



CCI appreciates Rep. Froelich and One Colorado's leadership on HB 1072. With the amendments that have been adopted the intent of HB 1072 - protecting children and youth from discrimination - has been honored while ensuring the child's safety.

Position: Support

Sponsors: Rep. Froelich, Sen. Fields & Jaquez Lewis

### **HB21-1084 Drivers' License for Foster Children**

HB 1084 will assist individuals in the foster care system acquire a driver's license. This bill also creates a grant program in the Department of Human Services to reimburse counties for the costs paid to a public or private driving school for foster children between the ages of 15-20.

This may sound familiar because it was around last session, HB20-1071, but because of COVID it did not make it across the finish line.

This bill passed second reading in the Senate on Friday, May 7<sup>th</sup>.

Position: Support

Sponsors: Rep Exum and Van Winkle, Sen. Hisey

Staff: Kiley Burress

### **HB21-1085, Secure Transportation Behavioral Health Crisis**

HB 1085 creates a new type of secure transportation option, different than traditional ambulance services, for individuals experiencing a behavioral health crisis. This is an optional, new business opportunity for ambulance agencies, law enforcement and emergency service providers. The licensing and permitting authority for this new service will reside with the board of county commissioners. Commissioners can establish a fee to reflect the direct and indirect costs incurred by the county in licensing such service. Entities that wish to provide this service must meet – or exceed - the equipment and training and operating procedures established by the State Board of Health.

CCI proudly supported last year's bill (HB20-1284) that would have accomplished the same thing. Last year's bill was postponed indefinitely due to COVID-19. HB21-1085 will be heard on third reading in the house on Monday, May 10.

Position: Support

Sponsors: Reps. McCluskie & Larson, Sens. Bridges & Smallwood

Staff: Gini Pingnot



### **HB21-1096, Foster Parents Bill of Rights**

HB 1096 would have created certain rights for foster parents. Rep. Van Beber, a former foster parent herself, was seeking to ensure that foster parents have the information and supports they need to meet the needs of children in their care.

Rep. Van Beber asked that her bill be postponed indefinitely on Tuesday, March 16<sup>th</sup>. She has expressed an interest in working with stakeholders over the interim and bringing a revised bill forward in 2022.

Position: Monitor with Amendments  
Sponsors: Reps. Van Beber  
Staff: Gini Pingnot  
Final Status: Postponed Indefinitely

### **HB21-1097, Establish Behavioral Health Administration**

HB 1097 addresses multiple recommendations from the Colorado Behavioral Health Task Force. Specifically, the bill requires the Colorado Department of Human Services to develop a plan for the creation of the Behavioral Health Administration (BHA) and to establish the BHA with specified duties by July 1, 2022.

Health Management Association (HMA) is hosting engagement opportunities to discuss potential solutions for the formation of the BHA. Those opportunities are being advertised in CCI's *eCountylines* publication (view details [here](#)). Counties are encouraged to participate and help inform the creation of the BHA.

Position: Support  
Sponsors: Rep. Young & Pelton, Sen. Fields & Gardner  
Staff: Gini Pingnot  
Final Status: Signed by Governor

### **HB21-1099, Policies and Procedures to Identify Domestic Abuse**

Over the years, the child welfare fatality review team (CFRT) has observed an increasing number of egregious, near fatal and fatal cases in which domestic abuse is present and the corresponding emotional and psychological impact this adult behavior has on children. Out of the 232 Incidents reviewed by CFRT in CYs 2014-2019, domestic abuse was a stressor identified 94 times (232/94: 40.5%).



Currently, child welfare caseworkers classify these situations under the catchall of ‘injurious environment’. In the absence of a specific definition for domestic abuse in the children’s code, mandatory reporters and case workers lack clear and intentional direction to watch for the effects of this adult behavior on a child’s wellbeing.

As amended, HB 1099:

- 1.) Recognizes the disproportionate number of low income families and children of color in the child welfare system and the need for continued improvement in diversity training and practices for our child welfare workers;
- 2.) Tasks an existing stakeholder group to develop a definition of domestic violence to include in Title 19 (the Children’s Code); and
- 3.) Emphasizes the need for diversity/cultural focus and the role of the non-abusive & abusive parent in training & practices

CCI is striving to protect the safety of vulnerable children while ensuring that we are not creating a situation whereby the perpetrator of domestic abuse has another tool to use against their victim.

HB 1099 has passed both chambers and is headed to the Governor’s desk for his signature.

Position: Support—CCI Priority Bill

Sponsors: Rep. Michaelson Jenet & Ransom, Sen. Zenzinger & Smallwood

Staff: Gini Pingnot

### **HB21-1101, Preserving Family Relationships in Child Placement**

With respect to a hearing in dependency and neglect cases, this bill gives authority to courts that may find good causes for granting a delay or continuance if there is evidence that in-person visitation or services were significantly delayed or interrupted by a public health emergency. Additionally, the bill would require child welfare provide additional reports to the court and would create a stricter timeline by the court around visitation. Counties have concern around the visitation piece. Counties would like to see a taskforce established to look at parenting time in dependency and neglect cases.

CCI secured an amendment that counties, county attorneys, and human service directors worked on to study parenting time in neglect and abuse cases can be found [here](#).

The bill is waiting to be heard in House Appropriations.

Position: Support with amendments

Sponsors: Sen. Buckner, Rep. Ransom

Staff: Kyley Burress



### **HB21-1107, Protections for Public Health Department workers**

This bill is a continuum of pieces of legislation that passed the last two years to increase protections for social workers and human service workers, HB19-1197 and HB20-1052. Under current law it is unlawful for personal information of human service workers, caseworkers, and law enforcement personnel to be made available on the internet. HB21-1107 extends these protections to public health workers. Examples of personal information include phone number, home address, name of children and/ or spouse etc.

This legislation is necessary because with COVID putting public health directors in the spotlight, employees are concerned about their personal information being available on the internet and clients using that information for malicious purpose.

Position: Support

Sponsors: Rep Caraveo and Carver, Sen. Bridges and Lundeen

Status: Sent to Governor

Staff: Kyley Burress

### **HB21-1115, Board of Health Member Requirements**

As amended in the senate, HB 1115:

1. Requires annual training for all local and state board of health members;
2. Charges the Colorado Department of Public Health and Environment (CDPHE) and the Office of Emergency Management to develop the annual training to focus on the role of health members in preparing for, responding to and recovering from an emergency disaster; and
3. Tasks CDPHE to develop guidelines on how to recruit individuals who may be interested in serving on a board of health. These guidelines would be available upon request to commissioners and boards of health.

The most concerning provision of HB 1115 – the prohibition of boards of county commissioners from serving as the board of health – was removed.

A conference committee met on Wednesday, May 5<sup>th</sup> to further discuss an amendment that was added in the senate which required the state board of health to receive the training too and the inclusion of the Office of Emergency Management in the development of the training.

Position: Monitor

Sponsors: Rep. Kipp & Mullica, Sen. Ginal & Priola

Staff: Gini Pingnot



## **HB21-1270, Appropriation To Department of Human Services For Supplemental Assistance Nutrition Program (SNAP)**

HB 1270 appropriates \$3m in state general funds to the Employment First Program. This \$3 million general fund appropriation would serve as the required 50% match to pull down an additional \$3 million in federal funds. No county match is necessary.

This program helps SNAP recipients find meaningful employment through training and other work-related education and supports. The program is administered in 21 counties and through third party partners. The program is optional, however, there are instances when the federal government can make it mandatory.

Currently, there is roughly \$12 million for the program statewide. While this may seem like a healthy amount, some counties get less than \$1,000 to operate the program. and, the state – due to insufficient funding - has struggled to operate the program effectively.

Currently, there are slightly less than 500,000 Coloradans on SNAP. Many SNAP recipients are children, elderly and/or differently disabled. In accordance with federal law, individuals ages 18-59 who have no dependents are required to work or they lose their benefits after three months.

HB 1270 passed the house and now awaits a hearing in the Senate Health and Human Services Committee.

Position: Support

Sponsors: Rep. Exum & Caraveo, Sen. Fields

Staff: Gini Pingnot

## **HB21-1272, Supporting the Child Protection Ombudsman**

This bill intends to put into statute that the Child Protection Ombudsman (CPO) and the materials from their investigation cannot be subpoenaed in law suits and gives the CPO the authority to request, access and review certain materials in their investigation. This is to align the Colorado CPO with nationwide best practices.

The CPO believes the protection from being subpoenaed will allow citizens and stakeholders (such as County Human Services Staff) to share information with the comfort that it will be kept confidential, so they can focus on improvements to the child protection system rather than protecting themselves from litigation. The CPO is also requesting the authority to request, access and review materials (i.e. case specific review reports and recommendations) from the Child Fatality Review Team and the Child Fatality Prevention Team. While the CPO is a member of each of these teams, the CPO recuses itself when they are investigating a case involving a death, but by doing so they lost access to materials surrounding the case. The CPO believes this authority will make them a better partner in studying these deaths and formulating recommendations for system improvement.



The bill was passed its third reading in the House and is headed to the Senate Health & Human Services Committee.

Position: Support  
Sponsors: Reps. Cutter & Bradfield and Sen. Danielson  
Staff: Katie First

### **HB21-1277 Eligible Recipients for Final Disposition Expenses**

HB 1277 defines ‘public assistance’ and ‘medical assistance’ as it relates to death reimbursements for funeral, cremation and burial expenses for deceased individuals on assistance at the time of death. HB 1277 does not change the amount of the reimbursement nor the circumstances for when it can be claimed.

HB 1277 will be heard on second reading in the House on Monday, May 10.

Position: Support  
Sponsors: Rep. D. Valdez & Will, Sen. Liston & Pettersen  
Staff: Gini Pingenot

### **HB21-1281 Community Behavioral Health Disaster Program**

HB 1281 formalizes an existing behavioral health disaster program that has been in place since 2003 at the CO Department of Public Health and Environment and positions the program to receive general fund dollars in the future.

Disaster behavioral health is intended to support the individual and the community at large. This is done by sharing the biology of trauma, how trauma impacts neighbors and businesses, etc. HB 1281 is being brought by the CO Behavioral Health Council.

The program provides training, exercises and planning supports to behavioral health disaster response coordinators which can be individuals from a mental health center or other behavioral health providers. The program has hobbled along – funded by federal dollars since its 2003 inception. At the height of the program in 2011, the program had 4 FTE and they were giving out up to \$25,000 in planning grants to providers. They have never been in a position to pay volunteers for their time. Today, the 4 FTE are still part of the program but they juggle multiple programs and are not singularly focused on disaster behavioral health.

It is worth noting that when there is an emergency declaration (for a flood/fire, etc), FEMA makes the determination as to whether or not they will cover behavioral health costs. This is where the actual costs of therapist end up being covered during a disaster.



CCI has requested, and the proponents have agreed, to two amendments that will encourage geographic and socio economically diverse providers to come to the table and receive training. The other amendment clarifies that available funding cannot be used on past expenses. It can only cover training and practice costs going forward.

Position: Monitor and seek amendments

Sponsors: Rep. Cutter & Will, Sen. Pettersen

Staff: Gini Pingnot

### **HB21-1304, Early Childhood System**

HB 1304 creates a new Department of Early Childhood by July 1, 2022. The goal of HB 1304 is to make it easier for parents and providers to navigate all the early childhood programs that are spread out among the Department of Education, the Department on Human Services, the Department of Public Health and Environment, etc. This effort coincides with the passage of Proposition EE which will result in additional funding for preschool beginning July 1, 2023.

HB 1304 is essentially an implementation plan. It outlines the engagement steps necessary to develop a phased transition plan that identifies and prioritizes transition activities. (page 6, lines 1-7). County voices will be included in the stakeholder process that is required for the development of the plan. By November 1, 2021, the transition plan must be completed and submitted to the Early Childhood Leadership Commission for approval. This timeline allows the Governor's Office to include potential general funds that may be necessary for the creation of the new Department in the Governor's budget request. It also allows the legislature to run a series of bills in 2022 to move various programs to the new Department.

On Friday, May 7<sup>th</sup>, CCI hosted a meeting with some of the champions of HB 1304. While counties appreciate the overarching goal of HB 1304, concerns have been raised about the ambitious timeline for this change. Additionally, the cost of transition is unknown and will remain unknown for some time. Others have expressed reservations around the creation of new silos, especially for the low income families counties serve. The child care assistance program has been woefully underfunded for years (Colorado is only serving 8% of eligible families through this program) and counties are concerned that the funding for this important program might be redirected elsewhere and/or the prominence of this program may suffer in a Department focused on helping all families access early childhood education. Finally, many of the prevention strategies Colorado is using to reduce out of home placements in child welfare touch on early childhood development. It is not known whether or not these programs might be transitioned to the new department. On this issue, CCI thanks the proponents for including language in the introduced version of the bill that speaks to 'aligning' these programs (p. 14, lines 1-6) with the new department's mission. While 'alignment' is not defined, it does not necessarily mean physically moving these programs to the new department.



HB 1304 has not yet been scheduled for a hearing.

Position: Pending

Sponsors: Rep. Sirota & Garnett, Sen. Fenberg & Buckner

Staff: Gini Pingnot

### **SB21-014, Allocation Formula Colorado Child Care Program**

SB 14 would have made a couple of modifications to the Child Care Assistance Program (CCAP). Currently, the roughly \$130 million in available CCAP funding is distributed based on a formula that considers the number of children eligible to participate in CCAP multiplied by the provider reimbursement rate. SB 14 would have allowed the CCAP allocation committee to consider including a 'utilization factor'. Doing so would have helped capture nuances around the state such as availability of quality child care, cultural factors that may encourage or discourage a parent's decision to allow others to watch their children, the availability of employment or employment-related activities in the county which would necessitate reliance on child care assistance, etc.

The bill would have also allowed counties to adjust their own minimum eligibility level above 185% of poverty. Currently, twenty-two counties have a minimum eligibility above 185% and the Colorado Department of Human Services must authorize that.

The bill was postponed indefinitely in the Senate Appropriations Committee.

Position: Support

Sponsors: Sen. Kirkmeyer

Staff: Gini Pingnot

Final Status: Postponed Indefinitely

### **SB 21-071, Limit the Detention of Juveniles**

This bill's main objective is to cap the number of juvenile detention beds being used in the State from 327 to 188. The reasoning behind the 188 cap is that is the number juvenile detention centers are currently sitting at. Division of Youth Services (DYS) will be tasked with capping beds by January 2022. The bill prohibits the use of money and property on a bond for charged juveniles.

Originally, we voted to oppose the bill unless amended. The two amendments counties wanted to see were an increase in the bed cap number from 188 and a study that looked at the services and placement options in each county and judicial district for this population. The bill sponsors and the ACLU were receptive to this request and adopted an amendment that capped beds at 215 and adopted an additional amendment that included the study. To see the 'study' amendment click [here](#) and to see the amendment on the bed cap number change click [here](#).



Click [here](#) to see the written testimony CCI submitted.

The bill passed third reading in the Senate on Wednesday, May 5<sup>th</sup>.

Position: Support with amendments  
Sponsors: Sen. Buckner and Rep Daugherty  
Staff: Kyley Burress

### **SB21-117, Foster Care Student Services Coordination**

This bill updates the foster care transportation law from 2018, which came from CDHS after a study showed that once a foster kid changes school district three or more times, only a small percentage graduate, while the majority drop out. A vast majority of this population moves between adjacent counties, for example Jefferson and Denver, so keeping them in the same school when placements switch is vital to their ongoing success.

In meetings with fostering Colorado, counties, and human service directors, there were complaints from counties over uniform billing practices and school districts covering multiple counties and how to allocate money to foster kids in our public-school systems. There is a fix in this bill from CDHS to more smoothly allocate the federal funds for this purpose.

This bill may sound familiar, because it was a bill, we supported last year, but did not make it to the finish line because of COVID.

Position: Support  
Sponsors: Sen Moreno, Rep Michaelson Jenet  
Status: Signed by Governor on 4.26.21  
Staff: Kyley Burress

### **SB21-118, Alternative Response Mistreatment At-risk Adults**

SB 118 is a CCI initiated bill. SB 118 creates a pilot program that allows some county APS programs to adopt an alternative approach to low risk cases, like reports of burnt pancakes and a client's home condition. APS can still revert to a traditional approach, if upon assessment, a finding of abuse and neglect and an unannounced appearance is warranted.

APS receives a wide variety of reports that span a spectrum of low to high risk cases. Examples of low risk cases include self-neglect, clients found wandering from home and clients with minor bruises or injuries. Examples of high risk cases include sexual abuse, severe injury and confinement.



All cases, regardless of risk level, are handled in the same manner. They are:

- 1.) reviewed by trained staff;
- 2.) tracked and logged into APS' computer system;
- 3.) investigated which includes an unannounced home visit; and
- 4.) determined with a finding (i.e. who is responsible for the alleged mistreatment).

In an **alternative response** approach steps 3 & 4 from above are different as follows:

- 1.) an unannounced visit is optional; and
- 2.) there is no finding of mistreatment

Many county departments of human services have successfully used a similar, tailored response in their child welfare programs for many years. This friendlier approach to low-risk child welfare cases engenders a sense of partnership between the family and county workers and has helped restore families that were in need of supports. The success counties have had in the child welfare arena informs and motivates the request for a tailored approach in APS.

SB 118 will be heard in the House Public & Behavioral Health & Human Services Committee on Tuesday, May 18<sup>th</sup>.

Position: Support—CCI Priority Bill  
Sponsors: Sen. Ginal & Gardner, Rep. Snyder & Pelton  
Staff: Gini Pingnot

### **SB21-140, Child Abuse Reporting Information Concerning Child**

SB 140 would have required public school officials to include information about whether a child has an individualized education program (IEP) if/when a suspected incident of child abuse and neglect had occurred. The bill also stated that in instances where it is determined that the child is not in imminent danger, the public school officials would have been required to hold an advisory meeting to address the IEP or safety plan with one of the primary teachers of the child, prior to reporting the suspected abuse or neglect.

County child welfare experts expressed concerns that SB 140 would result in delays in reports to county departments.

Sponsors: Sen. Sonnenberg, Rep. Holtorf  
Staff: Gini Pingnot  
Final Status: Postponed Indefinitely



## **SB21-154, 988 Suicide Prevention Lifeline Network**

In 2020, the U.S. Congress passed the “National Suicide Hotline Designation Act of 2020” which designated 988 as the national suicide prevention lifeline to provide 24/7 access to suicide prevention and mental health support services. SB21-154 implements this act into law in Colorado.

The bill was amended in Committee to create an enterprise within the Department of Human Services to receive the funding (titled 988-Crisis Hotline Enterprise), rather than direct to the Office of Behavioral Health (as the bill initially prescribed). This enterprise will be responsible for imposing the surcharge, contracting with vendors to service the hotline and adopt necessary policies to manage the hotline. It is intended that Rocky Mountain Crisis Partner (RMCP) will receive the contract for 988 calls, as they operate the existing 10-digit suicide prevention hotline for Colorado.

To fund the lifeline, the Public Utilities Commission (PUC) and the enterprise will determine the amounts for and collect either a surcharge on phone service users (max. rate of 30 cents per line) or a flat rate on retail transactions on prepaid wireless phones. These fees will be credited to the 988- surcharge cash fund to be expended by the 988-Crisis Hotline Enterprise.

The collection of the surcharge is similar to the 911 surcharge, except there are two surcharges on users for 911: one surcharge which is set by the local 911 governing authority and another set by the PUC, to meet the operational needs of the local governing bodies and is distributed based on the number of simultaneous calls the 911 dispatch receives. The PUC sets their 911 surcharge “to meet the needs of governing bodies to operate the 911 system” (29-11-102.3 (1)(b)); whereas the 988- surcharge is set by the PUC and the 988- enterprise based on the expected needs to fund the hotline.

State statute surrounding the 911 surcharge allows for a governing body to incur costs for the protection of public health, safety, and welfare and “may pay such costs by imposing an emergency telephone charge on service users” (29-11-102).

To learn more about the bill click [here](#). CCI is excited to have a memorable phone number to provide services to those experiencing a mental health crisis. A special thanks to Douglas County Commissioner Abe Laydon who has been integral in this designation and testifying on CCI’s behalf. The bill has passed second reading in the Senate.

Position: Support

Sponsors: Sen. Kolker & Simpson and Rep. Cutter & Soper

Staff: Katie First

## **SB21-201, Stricter Transparency & Enforcement in Child Care**

SB 201 is intended to address unlicensed home child care operations. A very [tragic situation](#) happened last fall when 3 month old Elle Matthews died in the care of a provider who had received three cease and desist orders from the state and continued to operate.



As amended, the bill requires CDHS to post, on their website, information on providers that have received one or more cease and desist orders. The bill also makes it clear that those providing child care without the appropriate license are doing so illegally and increases the penalties for such operations. The issuance of cease and desist orders and injunctions are the responsibility of the state.

CCI thanks Sen. Danielson & Pettersen for fixing existing statute that granted counties the ability to file an injunction. This optional authority created liability for counties in instances when the state did not act. CCI will revisit our position at our next steering committee meetings.

SB 201 will be heard in the House Public & Behavioral Health & Human Services Committee on Tuesday, May 11.

Position: Support  
Sponsors: Sen. Danielson & Pettersen  
Staff: Gini Pingnot

### **SB21-243 Colorado Department of Public Health and Environment Appropriation Public Health Infrastructure**

SB 243 appropriates – for the next three fiscal years - \$21,090,149 to the department of public health and environment as follows:

- \$10,000,000 for distributions to local public health agencies; and
- \$11,090,149 for disease control and public health response.

SB 243 passed the Senate Health and Human Services Committee and is waiting to be heard in the Senate Appropriations Committee.

Position: Support  
Sponsors: Sen. Moreno, Rep. McCluskie  
Staff: Gini Pingnot



## **Justice & Public Safety**

Chair: Commissioner Nancy Jackson, Arapahoe County  
Vice Chair: Commissioner Tamara Pogue, Summit County  
CCI Staff: Kyley Burress

### **Law Enforcement Bills (2):**

When SB20- 217, the landmark police reform bill, was signed into law last year there was a lot of hopefulness accompanied by concern. Profound policy changes – regardless of the topic – typically result in many years of refinements and adjustments to ensure that the policy changes hit the mark as desired.

From the county perspective, CCI has focused on two primary concerns as it pertains to SB20-217: 1.) the waiver of governmental immunity and the lack of caps on damages and 2.) the unfunded mandate for body worn cameras and the associated data collection and personnel costs incurred for storing, retrieving, and redacting video footage.

Following many stakeholder meetings during the interim between counties, law enforcement and the bill sponsors, two bills have been introduced this session to either address some of the concerns or further build upon last year’s bill.

Below is a look at this year’s two bill - SB21-183 and HB21-1250 specifically from the narrow focus CCI has taken on this topic (i.e waiver of local governmental immunity and the unfunded mandate of body worn cameras). For a complete analysis of the differences between this year’s bill and SB20-217, please click [here](#).

We will be keeping our eye on both and will keep you updated. If you wish to work alongside CCI’s Justice and Public Safety leadership – Arapahoe County Commissioner Nancy Jackson and Summit County Tamara Pogue – on CCI’s engagement on these two bills, please contact Kyley Burress ([kburress@ccionline.org](mailto:kburress@ccionline.org)).

### **SB21-183 Law Enforcement Support and Accountability**

1. Civil liability (Section 1):
  - a. Includes civil action for deprivation of rights for ALL peace officers, not just those employed by local government. This includes the following individuals, all of whom must be P.O.S.T certified:

“A chief of police; a police officer; a sheriff; an undersheriff; a deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy town marshal; a reserve police officer; a reserve deputy sheriff; a reserve deputy town marshal; a police officer or reserve police officer employed by a state institution of higher education; a Colorado wildlife officer; a



- Colorado parks and recreation officer; a Colorado police administrator or police officer employed by the Colorado mental health institute at Pueblo; an attorney general criminal investigator; a community parole officer; a public transit officer; a municipal court martial; and the department of corrections inspector general.” (CRS 16-2.5- 102)
2. Body worn camera (Section 8):
    - a. Adds a provision permitting officers to turn off their body worn cameras if requested by a person whom the officer believes is a victim or witness.
    - b. Would narrow the penalty to an officer who intentionally fails to turn their body cam on.
    - c. Penalties would not apply to an officer who did not activate their body camera because of an unforeseeable emergency.
  3. Reporting/ Data Collection (Section 9):
    - a. Expands the reporting requirement on ‘contacts’ (i.e. interactions between an individual and a peace officer) that is mandated under SB20-217 to ALL peace officers, not just those employed by local government.
    - b. Clarifies “contact” does not include non-investigatory and consensual interactions with the public.
    - c. Reports will be collected by Division of Criminal Justice (DCJ) housed in the Department of Public Safety (DPS) beginning on January 1, 2023.

Position: Monitor

Sponsors: Sen Lundeen, Cooke, and Gardner

### **HB21-1250 Measures to Address Law Enforcement Accountability**

1. Civil liability (Section 5):
  - d. Just like SB21-183, this bill will include civil action for deprivation of rights for ALL peace officers, not just those employed by local government. This includes the following individuals, all of whom must be P.O.S.T certified:  
  
“A chief of police; a police officer; a sheriff; an undersheriff; a deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy town marshal; a reserve police officer; a reserve deputy sheriff; a reserve deputy town marshal; a police officer or reserve police officer employed by a state institution of higher education; a Colorado wildlife officer; a Colorado parks and recreation officer; a Colorado police administrator or police officer employed by the Colorado mental health institute at Pueblo; an attorney general criminal investigator; a community parole officer; a public transit officer; a municipal court martial; and the department of corrections inspector general.” (CRS 16-2.5- 102)
2. Body worn camera (Section 2):
  - a. Preserves the July 1, 2023 date for the purchase of body cams for all peace officers,



- b. Expands requirement to turn on body camera whenever an officer enters a premise.
  - c. Expands punishment for an officer who fails to turn on their body camera.
  - d. Makes changes to privacy provisions for a person who may not wish to be recorded.
  - e. Adds that if a video camera is present in the jail the only time an officer needs to turn on their camera is when entering and leaving an inmate's jail cell or when there is an anticipated use of force (including cell extractions or restraint chairs).
  - f. States that data recording and release provisions from SB20-217 are applicable as soon as HB21-1250 is signed into law for those who have already purchased body cams.
3. Reporting/ Data Collection (Section 3):
- a. Changes and expands the reporting requirement that was in SB20-217 from January 1, 2023, to January 1, 2022. This reporting requirement captures data such as use of force resulting in death, whether a peace officer unholstered their weapon, perceived demographic information of the person contacted, etc.)
  - b. Adds welfare checks to the definition of 'contact' thus triggering data collection activities in these instances.
  - c. Like SB 183, reports are to be collected by Division of Criminal Justice (DCJ) housed in the Department of Public Safety (DPS).

This bill was heard in House Judiciary on Wednesday, April 28<sup>th</sup>.

Position: Monitor

Sponsors: Rep. Herod, Gonzales-Gutierrez

### **Other Justice & Public Safety Bills:**

#### **[HB21-1201](#) Transparency Telecommunications Correctional Facilities**

This bill will require telecommunication service providers to in depth reporting and data around the telephone services they provide in jails and prisons. The reporting and data will be submitted to the Public Utilities Commission (PUC). The goal of this data and reporting requirement is to create more transparency around the telephone provider systems in the state. Additionally, the bill will require telecommunication service providers to establish a maximum (cap) for per-minute rates for all telephone services.

CCI secured amendments that changed the entity that set rates from PUC to FCC. To see the amendment, click [here](#).

Position: Support with Amendments

Sponsors: Rep Gonzalez- Gutierrez, Rep Tipper, Sen. Gonzales



## **HB21-1280 Pre-trial Detention Reform**

This bill requires that people arrested for a crime to be brought before a judge within 48 hours for bond setting. This might sound familiar because this bill has been trying to make its way through the process since 2019. The bill in 2019 was SB19-191 and required that all judicial districts submit their costs associated with the policy to the Judiciary committee. Those costs were then considered the following year when SB20-172 was introduced. This version of the policy did not make it through because of COVID. This year, the ACLU and bill sponsors have been working with us to make sure they get it right. When we took a position of monitor with amendments on the bill draft, the amendments you all had requested (1) was a delayed implementation start date for the bond commissioner and (2) the removal of civil liability for a sheriff delayed a bond hearing. Both items have changed in the bill, the effective date for the bond commissioner has been extended until April 1, 2022 and civil liability will be completely removed. A lingering issue with the bill is the cost, last year the bill had funding. This year it does not have funding and district attorneys are reporting an associated cost of \$20,000-\$150,000 per judicial district.

This bill was in House Judiciary on Wednesday, May 5<sup>th</sup>.

Position: Neutral

Sponsors: Rep Gonzalez- Gutierrez, Rep Woodrow, Sen. Lee, and Sen. Rodriguez

## **SB21-062 Jail Population Management Tools**

This bill adopts COVID era policies aimed at reducing jail populations across the state. The bill changes how an officer can charge an individual with a misdemeanor and felony. After the first hearing in Senate Judiciary a few weeks ago, the bill changed substantially. Below is a list of the amendments adopted and how they changed the bill:

1. Clarify that an officer may exercise discretion to arrest a person accused of any felony, Victim Rights Act crime, sex offenses, failure to register, and firearms offense whenever there is a safety risk or risk of continued criminal conduct.
2. Clarify that the arrest limitation does not apply to arrests on warrants and, instead, apply only to on-site, probable cause arrests.
3. Clarify that this bill does not impact ability of police to temporarily take someone into custody for chemical testing of any kind.
4. Clarify that this bill does not prohibit a jurisdiction from using a money bond schedule to facilitate release before a person sees a judge.
5. Ensure anyone charged with driving under the influence can be arrested whenever there is a safety risk or a history of driving under the influence.
6. Failure to Appear (FTA) – under introduce bill, a warrant could be issued, and a person arrested on the very first failure to appear, but then – once the person saw a judge – that person needed to be released without the payment of money. Sought to protect victims and witness time, and to ensure that FTAs were not used to harass or intimidate victims. As a



result, amendments were made allowing a court to set money bond for failure to appear whenever victim or witness time was wasted, or the FTA served to interfere with or deter witness or victim participation in the case. Also, the amendment clarifies that money bond may always be set whenever there is a risk the defendant will flee prosecution.

7. Allow money bond for technical probation violations related to DV and sex crimes.
8. Define “flee prosecution”.

This bill is waiting to be heard in Senate Appropriations.

Position: No Position

Sponsors: Sen. Lee and Rep. Benavidez

### **SB21-256 Local Regulation of Firearms**

This bill permits a local government, special district, or institution of higher education to enact local laws and regulations related to the sale, purchase, transfer, or possession of a firearm, ammunition, accessory, or component. It also allows these entities to enact regulations regarding concealed carry.

This bill is in response to a judge ruling, when earlier this year a judge blocked Boulder from using their ban on assault weapons. This ruling was made two weeks before the horrific shooting in Boulder county. To read more about the ruling and Boulder’s assault ban, click [here](#).

This is one of three bills that the legislature rolled out on Thursday, April 30th. If you wish to watch the press conference on these bills, Click here: [livestream of press conference](#).

Position: Pending

Sponsors: Sen. Fenberg, Sen. Moreno, Rep. Hooton, Rep. Daugherty



## **Land Use & Natural Resources**

Chair: Commissioner Ben Tisdell, Ouray County  
Vice Chair: Commissioner Matt Scherr, Eagle County  
CCI Staff: Daphne Gervais

### **HB21-1008, Forest Health Project Financing**

HB 1008 is a proposal developed by the Southwest Colorado Wildfire Impact Fund that adds an additional option for financing forest health projects and wildfire mitigation treatments. The bill enables any combination of local governments, contingent upon voter approval, to establish a special or local improvement district with the power to assess property taxes to conduct forest health projects, defined as any management action that improves the ecological health of a forest.

The bill also extends the Colorado Water Resources Power and Development Authority's power to issue bonds to fund watershed protection and forest health projects through July 2033.

While existing law allows local governments to assess and collect sales tax for similar purposes, assessing property taxes may be more appropriate in some communities, and CCI supports giving counties the option to choose what works best for them locally.

The bill passed both chambers, and now awaits the Governor's signature.

Position: Support  
Sponsor: Rep. Arndt & Catlin, Sen. Cooke & Hansen  
Status: Sent to Governor

### **HB21-1019, Modification to Regulations Of Factory-built Structures**

HB 1019 is a Colorado Department of Local Affairs (DOLA) bill that seeks to make it easier and more affordable to deploy modular homes, a type of affordable housing, in our state. The bill clarifies the jurisdictional authority of the Division of Housing in the Department of Local Affairs (DOLA) to regulate the manufacture and installation of factory-built structures. A local government may not duplicate efforts to review or approve a factory-built structure that is under review or approved by the division, nor may it charge separate building permit fees for plan reviews or inspections performed by the division.

The bill also allows a local government to require onsite mitigation addressing public safety requirements that comply with the federal manufactured home construction and safety standard.



CCI voted to support HB 1019 conditional on local governments retaining the authority to impose unique public safety requirements, like those related to wind shear and snow load or fire-resistant roofing, that some local jurisdictions impose on modular or factory-built residential structures.

HB 1019 passed the House and was amended with a strike below that maintains local flexibility to impose measures related to geographical or climatological conditions. The bill passed the Senate on April 16<sup>th</sup>, and is expected to be signed into law by the Governor this week.

Position: Support

Sponsor: Rep. Hooton, Sen. Ginal & Woodward

Status: Sent to Governor

### **HB21-1042, Water Storage Tanks Grant Program**

HB 1042 would have created the Water Storage Tank Wildfire Mitigation Grant Program within the Colorado State Forest Service to make grants available to local governments, tribal agencies, and non-profits for the purchase of water storage tanks for wildfire fighting efforts.

At the request of the sponsor, the bill was postponed indefinitely in the House Agriculture, Livestock & Water Committee, to allow the sponsor to consider questions raised by stakeholders and the Committee and return with a more developed proposal.

Position: Monitor & Seek Amendments

Sponsor: Rep. Hanks

Status: Postponed Indefinitely

### **HB21-1117, Local Government Authority Promote Affordable Housing Units**

HB 1117 is a bill from the Colorado Municipal League that clarifies local government authority to enact inclusionary zoning. The Telluride decision in 2002 ruled that inclusionary zoning violated the rent control statute, but the court left room for the legislature to clarify the '02 decision, and this bill provides that clarity. In doing so, it specifies that the provisions of the state's rent control statute do not apply to any land use regulation that restricts rent on *newly* constructed or redeveloped housing units, so long as the regulation provides options or alternatives to the property owner and/or land developer.

HB 1117 passed the House, and was amended to clarify that the bill does not authorize local governments to enforce rent control on existing private housing. The bill passed the Senate State, Veterans, & Military Affairs Committee, and was amended to resolve concerns from the Governor's Office by creating pre-requisites to local governments' adoption of inclusionary zoning policies. As amended, a local government cannot exercise the authority specified in the bill unless it



demonstrates its commitments to increasing the density of housing and creates incentives to affordable housing development by taking one of the following actions:

- Changing zoning and land use policies to increase density (with examples specified in the bill)
- Reducing or eliminating utility charges, regulatory fees, or taxes on affordable housing units
- Granting affordable housing developments regulatory relief from zoning or other land development regulations that restrict density
- Adopting policies to make surplus local government property available to housing development
- Adopting any other regulatory measures designed to increase the supply of housing

The bill directs DOLA to offer assistance to local governments implementing these measures.

HB1117 passed the Senate and the House concurred with Senate amendments. The bill has been sent to the Governor

Position: Support

Sponsor: Rep. Lontine & Gonzales-Gutierrez, Sen. Gonzales & Rodriguez

Status: Sent to Governor

### **HB21-1162, Management of Plastic Products**

HB 1162 sets a timeline to phase out single-use plastic bags and polystyrene (Styrofoam) take-out food containers. Starting in September of this year, a store must charge a 10-cent fee for each paper or plastic carryout bag provided to customers. Beginning in September of next year, stores and retail food establishments would be prohibited from providing single-use plastic carryout bags (with exemptions for existing inventory), but could continue supplying paper carryout bags for a 10-cent fee. The bag fee does not apply to a customer that provides evidence of participating in a federal or state food assistance program.

After January 2022, retail food establishments would be prohibited from using polystyrene take-out food container, with timeline exemptions for schools.

Beginning in 2022, a store would be required to remit 60% of the carryout bag fee revenues to the local government where the store is located, and the store is permitted to retain 40% of the fee revenues. A local government may use its portion of the fee revenue to cover administrative or enforcement costs, or to fund any recycling, composting, or other waste diversion programs and related outreach activities. While the bill authorizes local governments to enforce against a violation of the bill, any enforcement by a local government is voluntary.



In the House Energy & Environment Committee, the bill was amended to clarify that no regulation in the bill applies to medical materials regulated by the U.S. Food & Drug Administration (FDA). In the House Finance Committee, the bill was amended to remove the preemption repeal that would have authorized local governments to regulate plastics above the state floor beginning in 2023. In the House Appropriations Committee, the bill was amended to appropriate approximately \$50,000 general fund for the operational expenses to implement this policy.

HB 1162 passed the House with amendments to extend exemptions to additional establishments and products, like farm stands and farmers markets. The bill now awaits committee assignment in the Senate.

Position: Monitor

Sponsor: Rep. Valdez, A. & Cutter, Sen. Gonzales

### **HB21-1208, Natural Disaster Mitigation Enterprise**

HB 1208 creates the natural disaster mitigation enterprise that collects a fee from insurance companies offering certain hazard-related policies (\$1.25 of every \$1,000 in insurance premiums collected on policies like fire, flood, earthquake, etc.). Fee revenue is used to finance a grant program established in the bill, and to provide local governments with technical assistance on natural disaster mitigation. Grants are available to local governments to assist in implementing resilience and natural disaster mitigation measures, and to help provide matching funds for entities applying for federal FEMA grants dedicated to implementing pre-disaster mitigation measures.

The bill establishes a board of directors that reports to the General Assembly annually. The board consists of representatives from the Colorado Department of Public Safety, the Colorado Department of Public Health and Environment, the Colorado Resiliency Office, and also includes four representatives of local governments from around the state, two scientists with expertise in weather hazards, resilience planning or disaster mitigation, and an expert on environmental justice issues.

HB 1208 passed the House Energy & Environment, and was amended to narrow the types of insurance premiums that would be subject to the fee. The bill passed the House Finance Committee, and was amended to remove the inflation adjustment to the fee, to add two new insurance industry representatives to the board, to add a 5 year sunset review, and to have the enterprise impose the fee, to be collected by the Colorado Division of Insurance.

The bill will be heard in the House Appropriations Committee on Tuesday, May 11<sup>th</sup>.

Position: Support

Sponsor: Rep. Cutter & Gray, Sen. Priola & Winter



### **HB21-1222, Regulation of Family Child Care Homes**

HB 1222 requires family child care homes to be classified as residences for purposes of licensure and local regulations. Some communities view child care homes as small businesses from a land use and building code standpoint. This bill stems from a [report](#) that looked at infant and family child care home shortages in Colorado.

CCI has partnered with proponents of HB 1222 for over two years to help elevate this issue among local governments. HB 1222 was amended to explicitly require the Colorado Department of Human Services to work with fire marshals and building code officials when promulgating their rules for the regulation of family child care homes. According to CDHS rules, small FCCH serve 6 or fewer kids and large FCCH serve 12 or fewer kids. CDHS reviews their licensure rules every five years.

HB 1222 was also amended to maintain local authority to prohibit two or more large family child care homes from operating adjacent to one another. Local authority to manage the flow of traffic and parking related to adjacent large family child care homes is also preserved.

HB 1222 has passed both chambers and now heads to the Governor's desk.

Position: Support

Sponsors: Rep. A. Valdez & Van Winkle, Sen. Smallwood & Winter

Staff: Gini Pingnot

### **HB21-1286, Energy Performance for Buildings**

HB 1286 creates energy benchmarking and performance requirements for buildings in the state over 50,000 sq.ft. (with some exceptions for agricultural, manufacturing, industrial, or historic buildings). The Colorado Energy Office (CEO) would create a database of buildings required to comply with the program, and would develop publicly available digital maps showing energy use and performance standards reported from buildings. County assessor records would be used to create the database, and must be supplied upon CEO's request when feasible using existing resources.

The benchmarking program requires building owners to collect and report building energy use to CEO on an annual basis, with the first report due in December 2022. Utility companies would provide energy-use data to building owners. Benchmarking data includes data generated by a benchmarking tool, which the bill identifies as the Energy Star Portfolio Manager that tracks and assesses the performance of properties relative to similar properties.

The energy performance program requires building owners to meet performance standards outlined in the bill by 2026, and every 5 years thereafter. Performance standards are set by scores determined by the Energy Star benchmarking tool, or by energy-use intensity. Standards are relaxed if at least 50% of a building's electricity is generated from renewable energy.



The bill establishes an annual fee for building owners (\$100 per building), and civil penalties for violations of the benchmarking and performance programs, to be credited to the climate change mitigation and adaptation fund created in the bill. The fund consists of these civil penalties and fees, as well as gifts, grants, donations, and any money the General Assembly appropriates or transfers to the fund.

Through stakeholder work with the bill sponsors and proponents, local government buildings are exempt from the annual fees and from any civil penalties. The bill prevents the Air Quality Control Commission (AQCC) from modifying these exemptions in the future.

HB 1286 was heard by the House Energy & Environment Committee on Thursday, May 6<sup>th</sup>, and was amended to add local jails to the definition of correctional facility, and to extend flexibility granted to state-owned buildings to local government buildings. As amended, local government buildings only need to comply with performance standards if the building owner begins construction or renovation on their building that costs more than \$500,000. An additional amendment will limit the civil penalties imposed on building owners from which local governments are exempted.

Position: Monitor & Seek Amendments

Sponsor: Rep. Kipp & Valdez, A., Sen. Priola & Pettersen

### **SB21-054, Transfers For Wildfire Mitigation And Response**

SB 054 transfers \$6 million general fund to the Forest Restoration and Wildfire Risk Mitigation Grant Program, which is available to local governments. It transfers \$3 million general fund to the Wildfire Preparedness Fund for the Department of Public Safety to (1) use as the state match for federal hazard mitigation assistance grants to local governments used to mitigate fire hazards, and (2) to provide local governments eligible to receive a federal grant with strategic planning assistance for wildland fire hazard mitigation. Finally, the bill transfers \$4 million general fund to the Colorado Water Conservation Board Construction (CWCB) Fund for the Watershed Restoration Program to support post-fire recovery and mitigation efforts.

The bill passed both chambers and has been signed into law by the Governor.

Position: Support

Sponsor: Sen. Hansen & Rankin, Rep. McCluskie

Status: Signed into law



### **SB21-072, Public Utilities Commission Modernize Electric Transmission Infrastructure**

SB 72 seeks to expand electric transmission facilities in the state by creating the Colorado Electric Transmission Authority (CETA). CETA is granted various powers in the bill, including the power to exercise eminent domain, and to establish intra- and interstate electric transmission corridors. CETA is governed by a board of directors, and is authorized to select a transmission operator that finances, operates and maintains transmission and related facilities. The bill requires transmission utilities to join an organized wholesale market by 2030, and streamlines the Public Utilities Commission's (PUC) approval process for new transmission facilities.

As amended, the bill makes clear that CETA is not property-tax exempt, that CETA's condemnation authority does not apply to local government property, and that CETA is subject to local land use and siting approval. CCI worked with subject matter experts and the bill sponsor to develop language that achieves these clarifications.

SB 72 passed the Senate Transportation & Energy and Appropriations Committees, and passed the Senate on April 14<sup>th</sup>. The bill was amended to clarify and narrow the definition of electric utilities (to exclude investor-owned utilities), to require consultation with the Department of Natural Resources on potential wildlife and land impacts from transmission projects, and to extend the labor standards in the bill to maintenance of facilities in addition to construction and expansion.

The bill passed the House Energy & Environment Committee, and was amended to clarify exemptions for municipally-owned utilities, and to extend the PUC's approval period from 180 to 240 days. It now awaits a hearing in the House Appropriations Committee.

Position: Support

Sponsor: Sen. Hansen & Coram, Rep. Valdez, A.

### **SB21-113, Firefight Aircraft Wildfire Mgmt and Response**

SB 113 transfers \$30.8 million from federal stimulus funds flowing through the General Fund for the purchase and operation of a Firehawk helicopter, and for the lease and operation of other appropriate aviation resources equipped for wildfire mitigation.

The bill expands the uses of the Wildfire Emergency Preparedness Fund (WERF) to authorize DPS to use these funds to provide wildfire suppression assistance to county sheriffs, municipal fire departments, or fire protection districts at no cost to these entities. This aligns with the annual guidelines in the DPS Wildfire Preparedness Plan, and bolsters initial response capabilities to maximize the use of the Firehawk.



The bill passed both chambers and has been signed into law by the Governor.

Position: Support

Sponsor: Sen. Fenberg & Rankin, Rep. McCluskie & Lynch

Status: Signed into law

### **[SB21-114](#), Minimum Setback New Schools From Existing Oil & Gas**

SB 114 would have required that proposed public school building sites be set back from existing oil and gas facilities by the setback distance required by the local government having land use jurisdiction over the site for locating new oil and gas facilities from public school properties. In the case where there is no local government setback requirements, the setback distance is set by the Colorado Oil & Gas Conservation Commission (COGCC). As amended, no local government setback distance could have been less than that set by the COGCC.

During second reading in the Senate, the bill was laid over until September of this year, so the bill has been lost.

Position: No Position

Sponsor: Sen. Kirkmeyer

Status: Postponed Indefinitely (Laid Over to 9/15)

### **[SB21-136](#), Sunset Forest Health Advisory Council**

The Forest Health Advisory Council (FHAC) is scheduled to repeal on September 1, 2021. SB 136 continues the committee until September 1, 2026, following a sunset review.

FHAC was created by [HB16-1255](#) to provide a collaborative forum to advise the State Forester on a range of issues, opportunities, and threats with regard to Colorado's forests.

SB 136 passed the Senate and the House Agriculture, Livestock & Water Committee unanimously, and is headed to the House Appropriations Committee on Tuesday, May 11<sup>th</sup>.

Position: Support

Sponsor: Sen. Ginal & Coram, Rep. Cutter & Carver

### **[SB21-166](#), Colorado Fire Commission Recommendations**

SB 166 implements the recommendations of the 2020 Colorado Fire Commission Annual Report. The bill updates mutual aid statutes. Under current law, all resources from an agency assisting in fire prevention are under the control of the requesting agency and liability is placed with the requesting agency. The bill changes these statutory provisions so that the assisting agency, under the direction



of the incident commander, retains operational control of its resources and the associated liability for the actions of its crews. The bill also adds the public emergency medical services (EMS) agencies to allow for better coordination of EMS mutual aid resources.

The bill also establishes the regional and statewide mutual aid system (RSMAS) to bolster the coordinated initial response of emergency responders to emergency incidents. DFPC establishes and maintains the RSMAS, including implementing the Colorado coordinated regional mutual aid system (CCRMAS) with various geographical districts that help establish regional coordination. Each DFPC district has a regional mutual aid coordinator who serves as a point of contact within the district and coordinates mutual aid requests for fire and EMS resources. All emergency responders are part of the RSMAS and CCRMAS unless they opt-out, but any responder who opts out is only eligible for reimbursement to the extent that DFPC authorizes.

SB 166 requires the state to transfer any money in the aviation resources line that would otherwise revert to the general fund into the wildfire preparedness fund (WPF), for the purpose of traditional mitigation efforts. DFPC is required to report to the JBC every three years beginning in 2025 on its expenditures from the transfers made into the WPF under the bill.

SB 166 passed the Senate Agriculture & Natural Resources Committee, and was amended to remove the state responsibility and large wildland fire fund created in the bill. The state budget would not be able to support the creation of this new fund this fiscal year, but the Joint Budget Committee has introduced alternative funding through SB 227 - a state emergency reserve fund with \$201 million available for various declared emergencies (including fire) that the state may encounter in the future.

The bill was amended in the Senate Appropriations committee to clarify the definition of emergency responders participating in the RSMAS as governmental responder entities, and to make a ~\$1 million general fund appropriation, primarily for additional staff to perform wildland fire management services.

SB 166 passed the Senate and the House Energy & Environment Committee unanimously, and now awaits a hearing in the House Appropriations Committee.

Position: Support

Sponsor: Sen. Rankin & Fenberg, Rep. McCluskie & Will

### **[SB21-170](#), Wildland Fire Mitigation Cooperative Electric Association**

SB 170 would have required electric cooperatives (coops) to file wildfire mitigation plans with the Public Utilities Commission (PUC) every three years in exchange for some liability protection. The bill would have given coops more authority to remove hazard vegetation, and would have released them from liability if they are denied access to their right-of-way to remove vegetation, or if a



landowner prevents them from removing what the coop determines to be hazard vegetation surrounding the right-of-way.

At the request of the sponsors, SB 170 was postponed indefinitely in the Senate Transportation & Energy Committee due to opposition from the Colorado Trial Lawyers Association, American Property Casualty Insurance Association, Denver Water and others.

Position: Support with Amendments  
Sponsor: Sen. Hisey & Ginal, Rep. Arndt & Lynch  
Status: Postponed Indefinitely

### **SB21-221, Projects Under Wildfire Risk Mitigation Grant Program**

SB 221 is a Joint Budget Committee (JBC) bill that modifies the Forest Restoration and Wildfire Risk Mitigation (FRWRM) Grant Program administered by the Colorado State Forest Service. The bill removes the \$1 million limit on grants, and adds a requirement that the technical advisory panel that evaluates grant applications show preference to applicants that are adopting local measures that reduce wildfire risk.

On second reading in the House, the bill was amended to advise the technical advisory panel to consider geographic differences and needs for mitigation in their evaluation of grant applicants.

The bill passed and has been signed into law.

Position: No Position  
Sponsors: Sen. Hansen & Rankin, Rep. McCluskie  
Status: Signed into law

### **SB21-237, Create Forest Health Council in Department of Natural Resources**

SB 237 restructures the Forest Health Advisory Council in the Colorado State Forest Service to be administered within the Department of Natural Resources' Division of Forestry. The new Colorado Forest Health Council within DNR advises the General Assembly and the Governor on a range of issues, opportunities, and threats related to Colorado's forests. The bill sets a sunset review date for the council in 2026.

The council consists of the following members appointed by the Governor:

- A representative from the Office of Economic Development and Information Technology (OEDIT) with expertise in outdoor recreation
- A registered tribal member



- Two county commissioners, one representing a county west of the continental divide, and one from the east
- A forest scientist or researcher
- Two representatives of water suppliers, including municipal and irrigation water suppliers, one of whom represents a water supplier west of the continental divide
- A representative of the timber industry
- A representative of a research institution with forest policy expertise
- A representative of a forest collaborative organization
- A representative of the insurance industry
- A representative of a conservation organization
- A representative of a public utility that operates transmission facilities
- A ranch owner or representative with grazing rights on public lands
- A representative of a wildlife organization
- Two members of the General Assembly from the Wildfire Matters Review Committee, representing the majority and minority and appointed by the Speaker of the House and Senate President.

The council also consists of the following ex officio members:

- A representative of the Department of Natural Resources (DNR), who is the Chair of the council
- The State Forester
- A representative of the Division of Fire Prevention and Control (DFPC)
- A Regional Forester from the United States Forest Service (USFS)
- A Forestry Program Lead for the U.S. Bureau of Land Management (BLM)
- A State Conservationist from the Natural Resources Conservation Service in the U.S. Department of Agriculture (USDA)

The bill passed the Senate Agriculture & Natural Resources Committee, and was amended to modify the effective date to work in tandem with SB 136 that extends the existing Forest Health Advisory Council. The bill passed the Senate and was amended to add a representative to the council that represents motorized recreation. The bill will be heard by Legislative Council today, May 10<sup>th</sup>.

Position: Support

Sponsors: Sen. Donovan, Rep. McCluskie



### **SB21-245, Backcountry Search and Rescue in Colorado**

SB 245 is the return of SB20-130. The bill defines backcountry search and rescue, and directs the Department of Natural Resources (DNR) to conduct a study and develop recommendations on how to address several challenges related to backcountry search and rescue, including:

- Improving inter-agency coordination efforts
- Availability and adequacy of workers compensation and other benefits for SAR workers
- Availability and adequacy of retirement benefits for SAR workers
- Compensation and reimbursement expenses
- Availability and maintenance of equipment
- Adequacy of physical and psychological support services for SAR workers
- Training needs
- Public education

The bill also directs DNR to conduct outreach and training related to the physical and psychological support needs of backcountry search and rescue volunteers, which could include working with consultants, providing programs, including grant programs to local governments and nonprofit organizations that provide search and rescue services.

SB 245 will be heard in the Senate Agriculture & Natural Resources Committee on Wednesday, May 12<sup>th</sup>.

Position: Support

Sponsors: Sen. Donovan & Rankin, Rep. McCluskie & Will

### **SB21-258, Wildfire Risk Mitigation**

SB 258 is a state stimulus bill that creates two new funds – the Wildfire Mitigation Capacity Development (WMCD) Fund and the Hazard Mitigation (HM) Fund. The WMCD fund is used to (1) initiate a comprehensive risk analysis by a federal national incident management organization to identify highest risk landscapes in the state, (2) engage Conservation Corps and Department of Corrections Fire Crews, (3) hire staff to coordinate cross boundary mitigation efforts, including consultation with local governments, and to support various wildfire mitigation projects. The HM fund is used to assist local government with match funds for federal hazard mitigation grants.

The bill expands the allowable uses of Forest Restoration and Wildfire Risk Mitigation (FRWRM) grant program funds to include projects on federal lands, and capacity-building efforts to provide local governments, community groups, and collaborative forestry groups with resources and staffing



for community and partner outreach and engagement, identifying priority project areas, prescription planning, and acquiring community equipment for use by landowners.

The bill grants the Colorado State Forest Service the ability to hire additional permanent field staff to help monitor and implement FRWRM grant projects, and to develop and revise community wildfire protection plans (CWPPs) and landscape-level prioritization plans.

The bill appropriates:

- \$5 million state general fund to the Healthy Forests and Vibrant Communities Fund
- \$2.5 million state general fund to the Wildfire Risk Mitigation Revolving Fund
- \$17.5 million state general fund to the WMCD Fund
  - o Earmarks:
    - \$200,000 for the comprehensive risk analysis
    - \$550,000 for the cross-boundary coordination efforts
    - \$500,000 for organization planning
- \$3 million from the Wildfire Preparedness Fund to the HM Fund
- \$600,000 from the Wildfire Preparedness Fund and \$1.2 million from the Colorado Firefighting Air Corps Fund to the Wildfire Emergency Response Fund

The bill will be heard in the Senate Local Government Committee on Tuesday, May 18<sup>th</sup>.

Position: Support

Sponsors: Sen. Ginal & Rankin, Rep. Snyder & Hanks



## **Taxation & Finance**

Chair: Commissioner Richard Elsner, Park County  
Vice Chair: Commissioner Bob Campbell, Teller County  
CCI Staff: Gini Pingenot

### **HB21-1023, Energy Facility Real Property Classification**

HB 1023 would have allowed the county assessor to change the classification of real property where a solar garden (over 2 MWs) or wind farm exists. For the most part, these renewable energy installations operate on land that is classified as ‘agricultural’. As such, it is valued using a ‘productive capacity’ consideration which usually results in a low valuation. The 29% assessment rate is then applied.

Under HB 1023, a county assessor could have classified the real property as something other than ‘agricultural’. It could be classified as ‘industrial’ or ‘vacant’ land. In both cases, the 29% assessment rate would still be applied but the starting value would be a market value which is generally higher resulting in increased property taxes.

Position: Support  
Sponsors: Rep. Will, Sen. Coram  
Final Status: Postponed Indefinitely

### **HB21-1061, Residential Land Property Tax Classification**

HB 1061 is the culmination of a long standing legal debate around the application of the term ‘residential land’. For many years, hundreds of land owners have argued that their vacant parcels that might be near – or touching – the parcel with their home on it should receive the 7.15% residential assessment rate rather than the 29% assessment rate. The debate has centered around these currently undefined terms in state statute: 1.) contiguous and 2.) residential improvement.

HB 1061 defines these terms and clarifies that only parcels that meet all three of the following criteria can be considered residential and assessed at the 7.15%: 1.) identical ownership based on the record title; 2.) physically touching except that contiguity is not interrupted by an intervening local street, alley or common element in a common-interest community and 3.) consists of a related improvement like a driveway or a parking space.

Position: Support  
Sponsors: Rep. Gray, Sen. Hansen  
Final Status: Signed by Governor



### **HB21-1083, State Board Assessment Appeals Valuation Adjustment**

Under current law, when a property owner appeals the valuation of property set by a county board of equalization, the State Board of Assessment Appeals may not increase the valuation. This bill removes this restriction.

Often times, property owners who appeal their property valuations, bypass the first two appeal steps and go straight to the State Board of Assessment Appeals (BAA). Since the BAA cannot **increase** values – they can only decrease values or keep them the same – this creates an incentive to bypass the earlier steps (where all three options exist – increase, decrease or maintain property values). HB21-1083 remedies this situation and may help reduce the backlog of cases that have plagued the BAA for years.

Position: Support

Sponsors: Rep. Benavidez, Sen. Zenzinger & Priola

Final Status: Signed by Governor

### **HB21-1132, Local Government Limited Gaming Impact Fund**

HB 1132 makes three changes to the Local Government Limited Gaming Impact Fund: 1.) prioritizes local governmental entities with lower property values as eligible applicants; 2.) defines the type of negative impacts that may be considered for a grant and 3.) allows nonprofit community mental health centers or clinics to receive the small carve out of funds that is available for gambling addiction counseling services.

The Local Government Limited Gaming Impact Fund currently has \$1.9 million appropriated to it. Eligible local governments that may apply to the fund are Boulder, Clear Creek, Grand, Jefferson, El Paso, Fremont, Park, Douglas, Gilpin, Teller, La Plata, Montezuma and Archuleta (and any municipalities within these 13 counties except for Central City, Black Hawk, Cripple Creek, Woodland Park and Victor).

HB 1132 was amended to ensure that the Limited Gaming Advisory Committee can continue to use a weighted decision matrix that includes – not just property values – but other variables as well. This aligns with the current, wholistic work of the advisory committee.

HB 1132 has passed both chambers and heads now to the Governor's desk.

Position: Monitor with Amendments

Sponsors: Rep. Amabile & Baisley, Sen. Story



### **HB21-1163, Allow Retailers To Absorb Sales or Use Tax**

Current law makes it illegal for a retailer to assume or absorb sales or use tax in the price of goods and services. The bill removes this restriction and allows retailers to advertise that they will assume, absorb, or refund the tax. In instances where retailers assume or absorb sales or use tax, retailers are required to separately state the purchase price and amount of tax to the consumer or user. Additionally, retailers are required to remit the full amount of tax to the Department of Revenue. The bill applies to filing periods beginning on or after January 1, 2022.

Grand County Commissioner Rich Cimino testified with CCI's support on HB 1163 in the House Business Committee. At that hearing, it was mentioned that over 30 other states currently allow retailers to pay the sales tax themselves. It should also be noted that HB 1163 is optional for all retailers - both brick and mortar and remote retailers.

HB 1162 is waiting to be heard in the House Finance Committee.

Position: Support

Sponsors: Rep. Neville & Snyder

### **HB21-1253, Renewable and Clean Energy Project Grants**

HB 1253 transfers \$5 million in state general funds to the Mineral Energy Impact Fund. These dollars will provide financial support for renewable and clean energy infrastructure (think solar arrays on court houses, etc.). The bill specifically encourages the Department of Local Affairs to “prioritize communities in which renewable and clean energy infrastructure is sparse and consider geographical diversity when making grants”.

This bill is one of many bills constituting the \$800 million state stimulus package. The funds must be awarded by August 15, 2021. HB 1253 will be heard in the Senate Transportation & Energy Committee on Tuesday, May 18th.

Position: Monitor

Sponsors: Rep. Froelich & Gray, Sen. Winter and Rankin

### **HB21-1267, County Authority To Delegate Mill Levy Certification**

HB 1267 is CCI-initiated legislation that grants counties the authority to delegate the administrative duty of certifying mill levies. Current law requires county commissioners to certify mill levies adopted by schools, special districts, and all other taxing authorities in the county by formal resolution, which requires a public hearing within tight statutory deadlines.



County commissioners have no discretionary authority over mill levies: they cannot deny or modify them, and they must certify them as submitted. Given the administrative nature of this process, HB 1267 provides counties with the option to delegate the certification and in doing so, lifts the requirement for a public hearing.

The bill passed the House Transportation & Local Government Committee unanimously, and passed the House on a 50-13 vote. The bill is headed to the Senate Local Government Committee on Tuesday, May 18<sup>th</sup>.

Position: Support—CCI Priority Bill  
Sponsor: Rep. Lontine & Larson, Sen. Hisey

### **HB21-1284, Limit Fee Install Active Solar Energy System**

Since 2008 (SB08-117), the fees local governments are allowed to assess for installation costs on residential and commercial solar permits (less than 2MW) has been set at \$500 and \$1,000 respectively. Hb 1284 does not change these fee caps that.

HB 1284 does make the following changes to this policy:

1. Extends the repeal date of the existing law to 12/31/29 (it is currently set to repeal on 7/1/25).
2. Limits the annual increase of the permit fees to no more than 5% (until the \$500 for residential solar permits is reached)
3. For commercial applications, if the county incurs actual costs that are greater than \$1,000, the county can recover its actual costs but has to submit in writing to the applicant proof of the county's actual costs.
4. Modified definition of active solar energy system that includes the generation side (existing) and STORAGE (NEW) side of a solar installation that is less than 2 MW.

These policies only apply to the installation cost of solar energy. It does not apply to general building permit fees. Finally, this policy only applies to solar installations less than 2 MW. For solar installations equal to or above 2 MW, the aggregate charges are capped at actual costs of issuing the permit.

HB 1284 will be heard on third reading in the House on Monday, May 10.

Position: Monitor  
Sponsors: Rep. A. Valdez & Van Winkle, Sen. Hansen & Priola



### **SB21-020, Energy Equipment and Facility Property Tax Valuations**

SB 20 does primarily two things: 1.) values battery storage using a ‘cost approach’ and 2.) extends the existing 20-year valuation tax factor for solar gardens of 2 MW or less to 30-years and applies the income approach to valuing these renewable energy installations.

According to the fiscal note, changing the valuation methodology for community solar gardens to the income approach will result in reduced local property tax revenue of \$3.1m in tax year 2022 and \$3.5 million in tax year 2023. As it relates to battery storage and the reduced rate at which it is assessed, the fiscal note reads: “the bill will reduce the amount of property taxes collected by local government by an indeterminate amount”.

Position: Monitor

Sponsors: Sen. Hansen & Hisey, Rep. A. Valdez & Soper

Final Status: Signed by Governor

### **SB21-130, Local Authority for Business Personal Property**

SB 130 states that counties, municipalities, and special districts may exempt business personal property from the property taxes they levy for the 2021 tax year, and includes a legislative declaration encouraging them to do so.

The Colorado Constitution’s TABOR Amendment empowers local governments to “enact cumulative uniform exemptions and credits to reduce or end business personal property taxes.” The bill is assumed not to grant authority beyond what is already included in the constitution.

SB 130 has passed both chambers and heads to the Governor’s desk for his signature.

Position: Monitor

Sponsors: Sen. Holbert & Pettersen, Rep. Van Winkle & Bird

Final Status: Signed by Governor



## **Tourism, Resorts & Economic Development**

Chair: Commissioner Richard Cimino, Grand County  
Vice Chair: Commissioner Elisabeth Lawrence, Summit County  
CCI Staff: Daphne Gervais

### **HB21-1009, Update Division of Housing Function & Local Development**

HB 1009 is a bill from the Department of Local Affairs that seeks to update the statutory functions of the Division of Housing to promote the state's goals related to local development, affordable housing, and energy performance. Currently, the statutory functions of the Division include conducting research on new approaches to housing; the bill expands the Division's functions to include both researching and incentivizing (1) transit-oriented development, (2) increased housing density near employment, education, and town centers, and (3) advanced energy performance standards that minimize total building operational costs. The bill also expands the Division's functions to include collaboration with other state agencies to develop these incentives and to identify state-owned assets that can be used for low- and moderate-income housing.

HB 1009 passed both chambers and now awaits the Governor's signature

Position: Monitor  
Sponsor: Rep. Bennett, Sen. Bridges & Coram  
Status: Sent to Governor

### **HB21-1028, Annual Public Report Affordable Housing**

HB 1028 is being brought forward by Habitat for Humanity Colorado and the Colorado Realtors Association, and creates an annual public reporting requirement for the State Division of Housing within the Department of Local Affairs (DOLA). The report would look at how state and federal housing funds are distributed across the state, by including information on the types of projects being funded (home ownership, permanent supportive housing, homelessness assistance, rental housing assistance, housing rehabilitation, preservation, etc.), the purpose of awards (constructing new housing stock, rehabilitating existing stock, down payment assistance, etc.), the number of housing units being preserved or produced, the location of projects, and the source of funding.

As amended, the bill aligns the timing of the report with DOLA's SMART Act Hearing to minimize the fiscal note on the bill (now around \$23,000), and appropriates ~\$18,000 for additional staff to create the report.



HB 1028 passed the House, and will be heard in the Senate Local Government Committee on Tuesday, May 11<sup>th</sup>.

Position: Support

Sponsor: Rep. Bird & Rich, Sen. Story & Woodward

### **HB21-1271, Department Of Local Affairs Innovative Affordable Housing Strategies**

HB 1271 is a Department of Local Affairs bill initiated by Habitat for Humanity Colorado and the Colorado Association of Realtors. The bill creates 3 different programs administered by DOLA that offer grant money or other forms of state assistance to local governments to promote the development of affordable housing.

The first program created in the bill is the Local Government Affordable Housing Development Incentives Grant Program, which is available to local governments that adopt 3 or more policies or regulatory tools from a menu of options outlined in the bill geared towards incentivizing the development of affordable housing. Grant funds are available for affordable housing developments. DOLA is authorized to adopt policies, procedures and guidelines to modify or refine the menu of options. The bill appropriates \$9.3 million for the administration of this program.

The second program created in the bill is the Local Government Planning Grant Program. This program is available to local governments that lack one or more of the policy or regulatory tools to be eligible for the Incentives Grant Program funds. The Planning Grant Programs are intended to help local governments become eligible for the Incentives Grant Program. Grant funds are used to enable local governments to hire consultants or a professional service to perform a housing needs assessment, or to make changes to policies, programs, development review processes, land use codes, and related rules that will make the local government eligible for a grant through the Incentives Program. In administering this program, the bill directs DLG to advise local governments on best land use practices and publish model land use codes for local governments across the state. The bill appropriates \$2.1 million for the administration of this program.

The third program created in the bill is the Affordable Housing Guided Toolkit and Local Officials Guide Program. This program directs DOLA's Division of Housing (DOH) to develop a housing toolkit program to award competitive funding to local governments who commit to the adoption of best land use practices. The program will offer technical assistance to local governments that demonstrate commitment to understanding housing needs in their communities by engaging the community in the process, making changes to land use codes or reducing barriers to the development of housing, obtaining sites for development of housing, and attracting developers committed to making affordable housing investments. The bill appropriates \$1.6 million for the administration of this program.

Finally, the bill authorizes the Office of Smart Growth to provide grants or other forms of assistance to local governments to address critical planning issues.



HB 1271 passed the House Transportation & Local Government Committee, and was amended to broaden the menu of options. It passed the House Appropriations Committee, and was amended to reduce the amount of additional staff to implement the policy. The bill passed the House, and will be heard in the Senate Local Government Committee on Tuesday, May 11<sup>th</sup>.

Position: Support

Sponsor: Rep. McCluskie & Jodeh, Sen. Gonzales

### **HB21-1290, Additional Funding for Just Transition**

HB 1290 is a state stimulus bill that deposits \$8 million to the Just Transition Cash Fund, and \$7 million to the newly created Coal Transition Worker Assistance Program Fund. 70% of the funds need to be spent in FY2021-2022, and any money left over in the Cash Fund is used to implement the [Final Just Transition Plan](#), and to provide supplemental funding to existing state programs that invest in coal transition communities. Money left over in the Program Fund is used to create and implement a pilot program to test innovative coal transition work support programs. Tier one communities, those most impacted by coal transitions, are prioritized for funding available through the bill.

The bill passed the House Business Affairs & Labor Committee, and now awaits a hearing in the House Appropriations Committee.

Position: Support

Sponsor: Rep. Esgar & Will, Sen. Fenberg & Rankin

### **SB21-204, Rural Economic Development Initiative Grant Program Funding**

The Rural Economic Development Initiative (REDI) program is designed to help rural communities diversify and strengthen their local economies. Last year, REDI was expanded through [legislation](#) to create a grant program available to local governments and employers in counties with 50,000 residents or less for projects that create or retain jobs, build economic resilience and capacity, and/or support entrepreneurs. Grant funds are also available for use through the Rural Economic Advancement of Colorado Towns (REACT Act) if communities need resources or assistance due to significant economic events.

SB 204 appropriates \$5 million from state stimulus funds to the REDI grant program.

The bill passed the Senate unanimously, and now awaits a hearing in the House Agriculture, Livestock & Water Committee.

Position: Support

Sponsor: Sen. Donovan & Rankin, Rep. Young & Van Beber



### **SB21-229, Rural Jump-start Zone Grant Program**

The Rural Jump-Start Program helps economically distressed communities attract new businesses and jobs. Currently, when a community is designated as a Rural Jump-Start Zone, new businesses in that community can receive incentive payments, tax credits, exemptions, and refunds. SB 229 creates the Rural Jump-Start Zone Grant Program to create grants in addition to those tax incentives. Grants are issued by the Colorado Economic Development Commission, and are available to new businesses to establish operations and hire employees in Jump-Start Zones. Grant award maximums are doubled in tier one transition communities identified in the state's Final Just Transition Plan. The grant program is subject to available appropriations.

SB 229 passed the Senate Local Government Committee, and was amended to align the definition of a Tier One Just Transition Community with the definition in HB 1290, and to extend the grant funds in the program to state institutions of higher education and economic development organizations that partner with new businesses receiving jump start program benefits.

The bill passed the Senate Finance Committee on a 6-1 vote, and now awaits a hearing in the Senate Appropriations Committee.

Position: Support

Sponsor: Sen. Danielson & Story, Rep. Amabile & McKean

### **SB21-249, Keep Colorado Wild Annual Pass**

SB 249 is a bill from the Department of Natural Resources (DNR) that creates an opt-out pass (the Keep Colorado Wild Pass) on vehicle registrations for entry into all state parks and participating public lands.

Beginning in between 2023 and 2024, owners of passenger vehicles, light-weight trucks, motorcycles, and recreational vehicles will be charged the Wild Pass fee when registering their motor vehicles, with exceptions for commercial vehicles. The Wild Pass fee must cost 50% or less than existing annual state park passes. DNR is authorized to adopt rules establishing separate fees for nonresidents or residents without the Wild Pass, and a reduced Wild Pass fee is available for income-eligible households. Residents may decline to pay the fee without affecting their ability to register their vehicles.

Revenue from pass sales will be used to help maintain state parks and public lands, to support search and rescue and avalanche safety efforts, to conserve vulnerable species and habitats, to fund equity, diversity and inclusion programs, and to finance regional outdoor partnerships for community-driven planning and projects.



DNR is required to present and report on fee revenue expenditures to the respective Agriculture & Natural Resources Committees in the House and Senate on an annual basis.

The bill passed the Senate Agriculture & Natural Resources Committee, and now awaits a hearing in the Senate Appropriations Committee.

Position: Monitor

Sponsor: Sen. Fenberg & Donovan, Rep. Will & Tipper

### **SB21-252, Community Revitalization Grant Program**

SB 252 creates the Community Revitalization Grant Program, to be administered by OEDIT's Division of Creative Industries and DOLA's Division of Local Government. The bill requires a \$65 million general fund transfer for the grant program, available to local governments, for-profit and non-profit organizations to finance various projects intended to create or revitalize mixed-use commercial centers. Grants awards must be encumbered by December 2022, and are geared towards creative projects in commercial centers, such as those that create

- Live-work or vendor spaces for entrepreneurs, artists, artisan manufacturers, or other creative industry employees
- Performance spaces
- Mixed-use retail and workforce housing partnerships
- Meeting spaces for community events
- Childcare centers

The bill will be heard by the Senate Local Government Committee on Thursday, May 13<sup>th</sup>.

Position: Pending

Sponsor: Sen. Fenberg & Holbert, Rep. Titone & Lontine

### **SB21-263, Outdoor Advertising Act**

SB 263 modifies the Outdoor Advertising Act by removing distinctions between different types of advertising devices, and limiting placement of these devices to at least 1,000 feet of each other on the same side of a highway. The bill allows property owners to continue to have advertising on their property without a permit, but the property owner would need to execute an affidavit attesting that the advertising is not an advertising device as defined in the bill. The bill prohibits new advertising devices along scenic byways as identified by the transportation commission, and prohibits on-premise advertising devices on state highway right-of-ways.

The bill now awaits a hearing in the Senate Local Government Committee.

Position: Pending

Sponsor: Sen. Zenzinger & Smallwood



## **Transportation & Telecommunications**

Chair: Commissioner Holly Williams, El Paso County  
Vice Chair: Commissioner Jim Candelaria, Montezuma County  
CCI Staff: Eric Bergman

### **HB21-1056, CDOT Cost Thresholds for Public Project Bidding Requirements**

As introduced, HB 1056 would raise the statutory cap for CDOT highway maintenance from the current \$150,000 up to \$500,000. The bill is an efficiency measure that should allow CDOT to more expeditiously make highway maintenance repairs – especially on the state’s rural highways – without having to go out to bid so frequently. The bill was amended in the House to lower the new cap from \$500,000 down to \$250,000. The bill passed out of the Senate last week and now heads to the Governor’s desk for signature.

Position: Support  
Sponsors: Rep. Pelton, Sen. Hansen

### **HB21-1095, Exempt County Road Maintenance from 811 Locate Requirement**

HB 1095 would allow county road and bridge departments to conduct basic maintenance on unpaved county roads without having to call Colorado 811 for utility locates, provided that the maintenance activity doesn’t lower the grade of the road or adjacent ditches or disturb more than six inches of soil. The bill is a CCI legislative priority and reflects a compromise that was reached between CCI, Colorado 811, PUC – Division of Pipeline Safety, the Colorado Contractors Association, Xcel Energy and the Colorado Association of Road Supervisors and Engineers (CARSE) in 2019.

The bill was amended in the Senate last week to delay the effective date until June of 2022. This was done to give the counties, the state Division of Pipeline Safety and utility owners additional time to work on the issue of shallowly buried pipelines and how to compel compliance with county depth requirements. The bill is now awaiting the Governor’s signature. CCI has prepared a fact sheet on the bill (view [here](#)).

Position: Support--CCI Priority Bill  
Sponsors: Reps. Baisley and Kipp, Sens. Ginal and Woodward

### **HB21-1109, Broadband Board Changes to Expand Broadband Service**

HB 1109 makes a number of changes to the Broadband Deployment Board and to the processes for granting funds to improve broadband service around the state. The bill reduces the number of



members on the board from 16 down to 11 - but mandates that two of the members must be county commissioners (one from the Eastern Plains and one from the West Slope). As amended, up to 60 percent of the program funds are to be prioritized to the most critically underserved areas of the state, which are defined as areas not currently receiving service at speeds of 10 megabits down and 1 megabit up. The bill also provides for better mapping and speed testing in order to determine where these critically underserved areas are around the state. The bill will be taken up for action only in the Senate Business, Labor and Technology Committee on Monday, May 10.

Position: Support

Sponsors: Reps. Titone and Soper, Sens. Bridges and Coram

### **HB21-1138, OHV Use on County Roads**

County commissioners may currently designate any county road for recreational use of off-highway vehicles (OHVs). OHVs registered in Colorado are not considered motor vehicles under statute and are therefore not normally permitted to travel on county roads and highways unless those roads have been designated by the county commissioners as allowing OHVs. HB 1138 clarifies that roads closed to recreational OHV use are closed to **all** OHVs, regardless of what state the OHV is registered in. The agricultural use of OHVs is permitted on any and all county roads and this bill does nothing to change that exemption. It also does not apply to the off-road and trail use of OHVs, as these are the purview of state and federal agencies. The bill was signed by the Governor last week.

Position: Support—CCI Priority Bill

Sponsors: Reps. Catlin and McLachlan, Sen. Hisey

### **HB21-1289, Broadband Stimulus Dollars**

HB 1289 is one of several bipartisan bills that has been introduced to provide stimulus dollars for a number of state priorities. This bill will push \$75 million into a number of broadband programs at the state and local level. The funding is scheduled to be allocated as follows: \$15 million for a statewide telehealth initiative, \$20 million for broadband deployment by the Southern Ute and Ute Mountain Ute tribes, \$35 million for the Broadband Deployment Program and \$5 million for the Interconnectivity Grant Program at DOLA to provide grants to local governments for middle mile projects. The bill will also codify the Colorado Broadband Office in statute. HB 1289 was heard in the House Transportation and Local Government Committee last week and passed on a 9-1 vote. The bill is now awaiting a hearing in House Appropriations.

Position: Support and Seek Amendments

Sponsors: Reps. Kennedy and Baisley, Sens. Bridges and Priola



### **SB21-060, Expand Broadband Service**

SB 60 is another piece of legislation that makes changes to the Broadband Deployment Board and some of the grant program processes. As introduced, the bill was very similar to HB 1109, as it reduced the number of members on the Board – in this case from 16 members down to nine. Three of the nine members must be representatives of local government. The bill would also have directed 50% of the program funding to areas that are critically underserved and also directed a portion of the program funding to households that qualify for free school lunches to aid in providing Internet service to school-aged children.

Acknowledging that SB 60 was set to accomplish many of the same policy goals as HB 1109, the sponsor amended the bill in committee to focus on three issues: directing money to households with school-aged children to enable Internet connectivity, requiring CDOT to share information on excess dark fiber that could be leased and enabling the Broadband Deployment Fund to receive federal funding from the American Rescue Plan Act for broadband deployment. The bill is still awaiting a hearing in Senate Appropriations.

Position: Support

Sponsors: Sen. Donovan, Rep. Roberts

### **SB21-084, County Authority on Roughed-In Roads**

SB 84 clarifies that counties have the authority to prohibit motor vehicles from travelling on roughed-in roads. The bill defines “roughed-in roads” as areas of ground that have been cut with the intention of making a roadway but have not been improved enough to qualify as a roadway. The bill has been signed by the Governor.

Position: Support

Sponsors: Sen. Smallwood, Rep. Gray

### **SB21-238, Front Range Passenger Rail District**

SB 238 would create a new passenger rail district that stretches the length of the Front Range, from the Wyoming border in the north to the New Mexico border in the south. The purpose of the district is to research, develop, construct, operate and maintain a passenger rail system within the Front Range. The district would be governed by a board of directors who would be either appointed by the Governor or appointed by the various metropolitan planning organizations or rural transportation planning organizations within the district boundaries. The district would have the authority to levy a sales or use tax – subject to voter approval in the rail district. The bill was passed by the Senate Appropriations Committee last week and should be heard on the Senate floor this week.



Position: Monitor and Seek Amendments

Sponsors: Sens. Garcia and Zenzinger, Reps. Esgar and Gray

### **SB21-260, Sustainability of the Transportation System**

SB 260 is a landmark transportation funding bill that is the result of six months of stakeholder meetings. The bill features a package of fees and dedicated state general fund and stimulus funds that will begin to address the backlog of infrastructure maintenance at the state and local level and the need for transportation improvements like electric charging stations and multi-modal options to address climate change concerns. The bill will generate more than \$5 billion in new transportation revenue over the next ten years, including almost a billion dollars in additional Highway Users Tax Fund (HUTF) revenue for local governments.

The legislation will include fees on gas (unleaded and diesel), electric vehicles, rental cars, ride-sharing services (like Uber and Lyft), Amazon deliveries and food delivery services (like GrubHub and DoorDash). These fees will be allocated to number of existing and new enterprises and to the HUTF. The fees will not go into effect until the middle of 2022 in order to give citizens a chance to fully recover from the economic hardships brought on by the pandemic. The bill also includes a temporary reduction in FASTER fees to give Coloradans an additional fiscal break during the recovery. The bill also calls for a CDOT study on road mileage usage charges to eventually replace the gas tax. Lastly, the bill gives transportation planning organizations (such as DRCOG) the ability to exercise the powers of an Authority (including putting tax questions on the ballot).

The accompanying slide deck provides more details on the various fees and their uses (view [here](#)).

Position: Pending

Sponsors: Sens. Fenberg and Winter; Reps. Garnett and Gray