



Legislative Report 2021 Session | June 18, 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

HB21-1045 updates the Pest Control Act and establishes a new cash fund for emergency pest control measures. The bill authorizes the Colorado Department of Agriculture (CDA) to recover costs from local governments, citizens, and businesses for pest control services, contingent upon a voluntary agreement between both parties. Finally, HB21-1045 allows CDA to implement a federally recognized state-managed pest control program, to authorize federal inspectors at ports of entry that will help support the state's efforts in excluding pests.

CCI worked alongside the Colorado Weed Management Association (CWMA) to secure amendments that reaffirm county authority to declare pests and align definitions in the bill to be consistent with the Noxious Weed Act.

Position: Support

Sponsor: Rep. Young & Valdez. A., Sen. Fields

Status: Signed by Governor



HB21-1181, Agricultural Soil Health Program

HB21-1181 creates voluntary, incentive-based soil health programs in the Colorado Department of Agriculture (CDA). If financial resources are available, the bill authorizes CDA to establish:

- a grant program for 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
- other programs to promote soil health practices

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 bill creates an advisory committee appointed by the Commissioner of agriculture that represents the geographic, political, and demographic diversity of the state. The committee must have a diverse representation of agricultural producers and must meet and coordinate with the State Conservation Board (CSCB) at least four times a year. The committee makes recommendations to CDA to assist in developing and evaluating the various soil health programs.

Position: Support

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

Status: Awaiting Governor's Signature



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. HB21-1011 moves 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, although it was amended to say that the state shall 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 in 2022. The bill also requires the Secretary of State 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 could place this mandate on approximately 20 counties. The counties that are expected to be impacted include: Adams, Alamosa, Arapahoe, Bent, Boulder, Crowley, Douglas, Eagle, El Paso, Fremont, Garfield, Jefferson, Larimer, Lincoln, Montrose, Morgan, Phillips, Pueblo, Rio Grande and Weld. The state will notify those counties who meet the threshold once they receive the new Census population numbers later this year.

Position: Oppose

Sponsors: Rep. Caravao, Sens. Gonzales and Moreno

Status: Awaiting Governor's Signature

HB21-1025, Non-substantive Emails and Open Meetings Law

HB21-1025 exempts e-mails between county commissioners that concern scheduling and availability, forward information or concern responding to constituents from the requirements of Colorado's Open Meetings Law.

Position: Support

Sponsors: Rep. Arndt, Sen. Ginal

Status: Signed by Governor



HB21-1027, Alcohol Beverage Takeout and Delivery

HB21-1027 extends the statutory sunset allowing restaurants, taverns, and bars to offer alcohol beverage takeout and delivery until 2025. The bill also places limitations on the hours that license holders may allow beverage takeout and the amount of alcohol that may be taken out by customers. The current statute also allows local governments to institute a permitting program for this activity if they want to place additional restrictions on alcohol takeout.

Position: Support

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

Status: Awaiting Governor's Signature

HB21-1047, County Commissioner District Gerrymandering

HB21-1047 takes some of the political gerrymandering protections established in the state constitution by Amendments Y and Z and applies them to county commissioner districts in those counties where at least one commissioner is not elected by the voters of the whole county (currently only Arapahoe, El Paso and Weld counties meet this standard).

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. HB21-1047 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 also addresses anticipated problems with meeting the upcoming September 30 statutory deadline for county redistricting. Delays in the release of the new Census population numbers that counties depend on to do redistricting will make it virtually impossible for counties to meet the September 30 deadline for commissioner district map adoption. In light of this issue, the bill moves the required county redistricting date to September 30, 2023.

Position: Monitor as Amended

Sponsors: Rep. Kennedy, Sen. Lee

Status: Signed by Governor

HB21-1100, Electronic Filing of Documents with Governmental Entities

HB21-1100 directs the Governor's Office of Information Technology to study county and state practices regarding electronic filing of documents. The bill requires 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.

Position: Support

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

Status: Signed by Governor

HB21-1110, Colorado Laws for Persons with Disabilities

HB21-1110 codifies 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 supported the intent of the bill but worked with the sponsor to delay implementation of these website requirements in order to give smaller counties time to research and budget for any necessary website upgrades or software purchases. The bill was amended 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.

Position: Monitor as Amended

Sponsors: Rep. Ortiz, Sen. Danielson

Status: Awaiting Governor's Signature

HB21-1225, Electronic Recording Technology Board

HB21-1225 delays the scheduled sunset of the Electronic Recording Technology Board (and accompanying grant program) until 2026. This grant program currently provides funding to county clerks for updating electronic recording equipment. The bill expands the use of these grant funds to include cybersecurity efforts at the local level.

Position: Support

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

Status: Awaiting Governor's Signature



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

HB21-1244 was 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 were a number of potential unintended consequences for local governments – especially local law enforcement.

Position: Oppose

Sponsors: Rep. A. Valdez, Sen. Rodriguez

Status: Postponed Indefinitely

HB21-1301, Outdoor Cannabis Farming and Marketability Study

HB21-1301 allows outdoor cannabis growers to develop contingency plans to prevent crop loss due to adverse weather events like drought or frost. These plans must be submitted to the state and the local licensing authority for review and to check compliance with local building codes and zoning laws (if applicable). The bill also calls for a working group study by the state into existing rules and tax laws on the wholesale cultivation market that might affect marijuana marketability outside of Colorado if cannabis is legalized at the federal level.

Position: Monitor

Sponsors: Reps. Esgar and Holtorf, Sens. Coram and Moreno

Status: Awaiting Governor’s Signature

SB21-070, County Authority to Register Businesses

SB21-070 authorizes counties to institute a registration program for all businesses in the unincorporated area of the county. The bill limits the use of any data collected on businesses and there is no penalty or fine for a business that fails to register with the county.

Position: Support

Sponsors: Sen. Moreno, Rep. Bird

Status: Signed by Governor



SB21-088, Child Sexual Abuse Accountability Act

SB21-088 creates a new civil right of action 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.

Position: Oppose

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

Status: Awaiting Governor’s Signature

SB21-176, Protecting Opportunities and Workers’ Rights (POWR) Act

SB21-176 intended to modernize anti-discrimination and workplace harassment laws and expand access to justice for Colorado workers. While the legislation was well-intended, county attorneys raised concerns that certain provisions in the bill could make settling discrimination cases more difficult, expand employer liability and result in increased county insurance costs.

Position: Oppose Unless Amended

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

Status: Postponed Indefinitely

SB21-197, Treating Physicians in Workers’ Compensation Cases

SB21-197 would have allowed an employee to select their treating physician following a workplace injury. Concerns were raised by insurers that this would lead to longer periods of medical care, increased wage replacement and potential for litigation, and higher claim costs.

Position: Monitor and Seek Amendments

Sponsors: Sen. Rodriguez, Reps. Woodrow and Boesenecker

Status: Postponed Indefinitely



Health & Human Services

Chair: Commissioner Wendy Buxton-Andrade, Prowers County

Vice Chair: Commissioner Sue Hansen, Montrose County

CCI Staff: Gini Pingenet / Kyley Burress

HB21-1018, Adoptive Parents Payments to Outside Providers

HB21-1018 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 visit 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 amendments clarified that if adoptive parents pay for these sorts of services out-of-pocket, they cannot request reimbursement from the county or cite it as a 'changed circumstance' to justify a higher monthly adoption subsidy.

Position: Support

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

Status: Signed by Governor

Staff: Gini Pingenet

HB21-1030, Expanding Peace Officers Mental Health Grant Program

HB21-1030 builds upon an existing \$2 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. HB21-1030 continues the original purpose of the grant program while also 1.) expanding the type of agencies that can apply – in partnership with a law enforcement agency - for the grant dollars; 2.) modifying the grant program's name to 'The Peace Officers Behavioral Health Support and Community Partnerships Grant Program' and 3.) removing the repeal date. Additionally, another \$1 million was secured for the grant program bringing the total to \$3 million for the 2021-2022 state fiscal year.

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](#)).

Position: CCI Priority Bill--Support
Sponsors: Rep. McCluskie & McKean, Sen. Buckner & Cooke
Status: Sent to Governor
Staff: Gini Pingnot

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

HB21-1072 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 is a good fit for the child.

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. CCI amendments also addressed this circumstance.

Position: Support
Sponsors: Rep. Froelich, Sen. Fields & Jaquez Lewis
Status: Signed by Governor
Staff: Gini Pingnot



HB21-1084 Drivers' License for Foster Children

HB21-1084 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.

Position: Support

Sponsors: Rep Exum and Van Winkle, Sen. Hisey

Status: Signed by Governor

Staff: Kiley Burress

HB21-1085, Secure Transportation Behavioral Health Crisis

HB21-1085 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.

Position: Support

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

Status: Sent to Governor

Staff: Gini Pingnot

HB21-1094 Foster Youth in Transition Program

HB21-1094 allows foster youth ages 18 to 21 to continue to receive services on a voluntary basis. Some of the services and supports that foster youth can request include assistance related to Medicaid enrollment, housing, employment, education, acquisition of health and education records, record expungement, etc. Many of these services are already provided by counties to youth in foster care. This bill will allow youth who have left foster care to return to county departments of human services to receive these supports.

Related: In 2018, CCI initiated HB18-1319 Former Foster Care Steering Committee. The committee's report can be found [here](#). That effort helped lead to HB21-1094.

Position: Monitor

Sponsors: Reps. Daugherty & Van Beber, Sen. Zenzinger & Rankin

Status: Sent to Governor

Staff: Gini Pingnot



HB21-1096, Foster Parents Bill of Rights

HB21-1096 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. 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

Status: Postponed Indefinitely

Staff: Gini Pingnot

HB21-1097, Establish Behavioral Health Administration

HB21-1097 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. Counties are encouraged to participate and help inform the creation of the BHA.

Position: Support

Sponsors: Rep. Young & Pelton, Sen. Fields & Gardner

Status: Signed by Governor

Staff: Gini Pingnot

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.

HB21-1099 tasks an existing stakeholder group to develop a definition of domestic violence to include in Title 19 (the Children's Code) no later than December 2022. Subsequently, a bill will need to be introduced to formally incorporate the definition into state statute. On/or before July 1, 2023, the Colorado Department of Human Services will develop training and practices to help child welfare workers and mandatory reporters identify this stressor in families.

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.

Position: CCI Priority Bill - Support

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

Status: Signed by Governor

Staff: Gini Pingenot

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 to study parenting time in neglect and abuse cases. Counties, county attorneys, and human service directors worked on this amendment, to view the amendment click [here](#).

Position: Support with amendments

Sponsors: Sen. Buckner, Rep. Ransom

Status: Awaiting Governor's Signature

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-19 pandemic 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: Signed by Governor

Staff: Kiley Burress

HB21-1115, Board of Health Member Requirements

In its final form, HB21-1115 requires the Colorado Department of Public Health and Environment (CDPHE) to provide two annual trainings that both local and state board of health members must attend. One training will focus primarily on public health and will be developed by CDPHE and the Colorado School of Public Health. The other will be focused on the role of boards of health as it relates to emergency disasters. This training will be developed by CDPHE and the Office of Emergency Management.

The bill also requires CDPHE to provide guidance on recruiting persons who are eligible and willing to serve on county and district boards of health. This guidance is available upon request.

Position: Monitor

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

Status: Signed by Governor

Staff: Gini Pingnot

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

HB21-1270 appropriates \$3 million 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. Additionally, the program reimburses counties for their expenses, and many cannot financially float the upfront expenditures.

As of May 2021, there are slightly less than 500,000 Coloradoans 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.

Position: Support

Sponsors: Rep. Exum & Caraveo, Sen. Fields & Kirkmeyer

Status: Sent to Governor

Staff: Gini Pingnot

[HB21-1272](#), Supporting the Child Protection Ombudsman

This bill puts 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 lose 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.

Position: Support

Sponsors: Reps. Cutter & Bradfield and Sen. Danielson

Status: Sent to Governor

Staff: Katie First



HB21-1277 Eligible Recipients for Final Disposition Expenses

HB21-1277 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. HB21-1277 does not change the amount of the reimbursement nor the circumstances for when it can be claimed.

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

HB21-1281 Community Behavioral Health Disaster Program

HB21-1281 formalizes an existing behavioral health disaster program that has been in place since 2003 at the Colorado Department of Public Health and Environment (CDPHE) 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. 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. The program has 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 ends up being covered during a disaster.

CCI secured amendments to encourage geographic and socio economically diverse providers to come to the table and receive training and to clarify that available funding cannot be used on past expenses. It can only cover training and practice costs going forward.

Position: Monitor
Sponsors: Rep. Cutter & Will, Sen. Pettersen
Status: Sent to Governor
Staff: Gini Pingenot



HB21-1304, Early Childhood System

HB21-1304 creates a new Department of Early Childhood by July 1, 2022. The goal of HB21-1304 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. HB21-1304 is essentially an implementation plan. It outlines the engagement steps necessary to develop a phased transition plan that identifies and prioritizes transition activities. 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 potentially include a funding request in his November 2021 budget request to support the new Department. It also allows the legislature to run a series of bills in 2022 to move various programs to the new Department.

CCI worked with the Governor's office and the bill proponents on two main amendments. The first amendment states that the transition work group and advisory group can continue to meet to identify programs and services that can be moved to the new department – or aligned with the new department - at a future date. This amendment helps to clarify that the work will occur in phases and be more iterative in nature. The other amendment clarifies that the funding streams that touch on early childhood could be both blended or braided. 'Braided' funding allows funding to keep its designation with a specific program (such as funding for the Child Care Assistance Program).

CCI also expressed concerns around the fate of the prevention strategies our state uses to reduce out of home placements in child welfare. Many of these touch on early childhood development. It is not known whether or not these programs might be transitioned to the new department. Counties will continue to engage in this discussion and have asked the Governor to appoint a human service director to the Early Childhood Leadership Council.

Position: Support

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

Status: Sent to Governor

Staff: Gini Pingnot

SB21-014, Allocation Formula Colorado Child Care Program

SB21-014 would have made some 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. SB21-014 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 childcare, 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 childcare 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.

Position: Support
Sponsors: Sen. Kirkmeyer
Status: Postponed Indefinitely
Staff: Gini Pingnot

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](#).

Position: Support with amendments
Sponsors: Sen. Buckner and Rep Daugherty
Status: Awaiting Governor's Signature
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.

Position: Support

Sponsors: Sen Moreno, Rep Michaelson Jenet

Status: Signed by Governor

Staff: Kyley Burress

SB21-118, Alternative Response Mistreatment At-risk Adults

SB21-118 is a CCI initiated bill. It creates a pilot program that allows up to 15 county Adult Protective Services (APS) programs to adopt an alternative approach to low-risk cases. APS can still revert to a traditional investigative 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. An example of a low-risk case might include an at-risk adult with dementia who inadvertently locks herself out of her home and is found wandering in the neighborhood. 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.

Position: CCI Priority Bill - Support

Sponsors: Sen. Ginal & Gardner, Rep. Snyder & Pelton

Status: Signed by Governor

Staff: Gini Pingnot



SB21-137 Behavioral Health Recovery Act

SB21-137 extends, modifies, and funds behavioral health programs throughout state government. It increases state expenditures on an ongoing basis.

You can view a comprehensive list of programs that will benefit from SB21-137 – through both state general funds and American Rescue Plan funding - [here](#).

CCI supported an amendment that will create a grant program for counties who wish to improve or expand behavioral health disorder treatment programs in their communities.

Position: Support

Sponsors: Sen. Pettersen & Winter, Rep. Michaelson Jenet & Kennedy

Status: Sent to Governor

Staff: Gini Pingnot

SB21-140, Child Abuse Reporting Information Concerning Child

SB21-140 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 SB21-140 would result in delays in reports to county departments.

Position: Oppose

Sponsors: Sen. Sonnenberg, Rep. Holtorf

Status: Postponed Indefinitely

Staff: Gini Pingnot

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 hotlines in 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 like 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).

Position: Support

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

Status: Sent to Governor

Staff: Katie First



SB21-201, Stricter Transparency & Enforcement in Child Care

SB21-201 is intended to address unlicensed home childcare operations. A very [tragic situation](#) happened in the fall of 2019 when three 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 the Colorado Department of Human Services 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 childcare 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 secured an amendment that fixed existing statute granting counties the ability to file an injunction. This optional authority created liability for counties in instances when the state did not act.

Position: Support

Sponsors: Sen. Danielson & Pettersen, Rep. Young & Boesenecker

Status: Signed by Governor

Staff: Gini Pingnot

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

SB21-243 appropriates – for the next three fiscal years - \$21,090,149/year to the department of public health and environment as follows:

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

Position: Support

Sponsors: Sen. Moreno, Rep. McCluskie

Status: Sent to Governor

Staff: Gini Pingnot

SB21-276 Children's Habilitation Residential Program Enrollment

SB21-276 is part of a package of child welfare bills initiated by the Joint Budget Committee. Counties did extensive work on these bills before they were introduced.



SB21-276 requires counties to apply for Medicaid coverage (known as a CHRP waiver or Children's Habilitation Residential Program Waiver) for children with intellectual and developmental disability who are referred for placement in a treatment center that can provide around-the-clock care.

Sometimes these children are in the custody of county departments of human services, other times they are not – it is just a family in the community with a child with a developmental disability or intellectual disability. Getting these kids approved for services can take MANY months and requires 2 steps: 1.) applying for placement in a facility that can meet the child's needs and 2.) referring the case to the Community Center Board so they can be authorized for services. These two steps should be occurring simultaneously

SB21-276 accomplishes three goals: 1.) it secures services for children faster by ensuring the two steps mentioned above are happening simultaneously; 2.) it encourages new providers to enter the field (as more eligible kids enroll in CHRP, the more likely new providers will step forward); and 3.) the more providers in Colorado, the less likely counties will have to place kids out of state (which is better for kids and less expensive).

Position: Support

Sponsors: Sen. Moreno, Rep. Herod & Ransom

Status: Sent to Governor

Staff: Gini Pingnot

SB21-277 Child Welfare Services Allocation Formula

SB21-277 replaces the child welfare allocation formula with a funding model. What that means is that rather than getting a block sum of roughly \$450 million and dividing it among all 64 counties to run child welfare in the state, Colorado will instead be using a model that will tell the state how much we ACTUALLY need to provide services. A recently developed, third party model indicated that Colorado needed roughly \$520 million to meet state and federal child welfare requirements and provide services that are best suited for children and their families.

SB21-277 essentially sets up a continual loop process that requires the funding model to be run (starting in 2024-2025), evaluated and modified on a regular basis.

Position: Support

Sponsors: Sen. Moreno, Rep. Herod

Status: Sent to Governor

Staff: Gini Pingnot



SB21-278 Reimbursement for Out-of-home Placement Service

The bill makes several changes to the current child welfare system, including:

- Ensuring that out-of-home placements in the division of youth services align with the requirements of the federal "Family First Prevention Services Act" to qualify for Title IV-E reimbursement for such placements.
- Ensuring appropriate capacity for out-of-home placements in Colorado.
- Authorizing a county to negotiate rates above the base anchor rates established by Colorado Department of Human Services (CDHS) with licensed out-of-home placement providers serving children in higher acuity cases.
- Requiring CDHS to contract with a vendor to update the existing actuarial analysis to include division of youth services out-of-home placement providers and new out-of-home placement provider options under federal law, and to update and fully implement the existing rate methodology with the updated provider rates by September 30, 2021.
- Commencing with the 2022-23 fiscal year, requiring CDHS to contract with an independent vendor every 3 years to conduct a new actuarial analysis of all provider rates for licensed out-of-home placement providers, including the division of youth services providers, to update the rate-setting methodology to reflect the new actuarial analysis, and to implement any adjusted provider rates by July 1, 2024, and by July 1 of each fiscal year immediately following the fiscal year in which a new actuarial analysis results in adjusted rates; and
- Requiring the use of a portion of the federal "Family First Transition and Support Act" funding to be used to support the transition of current providers to a placement option that meets the needs of the child or youth and maximizes federal Title IV-E and Medicaid reimbursements.
- The bill appropriates \$250,000 to CDHS for use by the child welfare division for provider rate actuarial services.

The purpose of this bill is to move the state away from group homes and to build out the foster care continuum. The bill ensures that rates support both the provider and the individual needs of a child or youth.

Position: Monitor with amendments
Sponsors: Sen. Moreno, Rep. Herod
Status: Awaiting Governor's Signature
Staff: Kiley Burress



Justice & Public Safety

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

Law Enforcement Bills

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](#).

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 camera 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

Status: Postponed Indefinitely

HB21-1250 Measures to Address Law Enforcement Accountability

1. Civil liability (Section 5):
 - a. 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 SB21-183, reports are to be collected by Division of Criminal Justice (DCJ) housed in the Department of Public Safety (DPS).

Position: Monitor

Sponsors: Rep. Herod, Gonzales-Gutierrez, Sen. Fields, Sen. Gardner

Status: Awaiting Governor's Signature

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

Status: Awaiting Governor's Signature



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.

Position: Neutral

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

Status: Awaiting Governor's Signature

SB21-062 Jail Population Management Tools

This bill adopts COVID-19 pandemic 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”.

Position: No Position

Sponsors: Sen. Lee and Rep. Benavidez

Status: Postponed Indefinitely (PI'd)

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.

Position: Oppose

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

Status: Awaiting Governor's Signature

SB21-273 Pre-trial Reform

Objective of SB21-273 is to keep some COVID-19 pandemic policies in place that limit who can be arrested. Three things to highlight from SB21-273:

- Unlike SB21-062, SB21-273 has a narrower limitation on arrests, specifically a carve out and requirement to make an arrest associated with domestic violence, victim crimes, sex offenses, and driving under the influence.
- Community Response Working group (*new provision*). SB 21-273 creates a community response working group to study and recommend safe and effective alternatives to law enforcement responses to low-level offenses, mental health crises, homelessness, etc., such as through community response models relying on mental health professionals and social workers, such as Denver STAR, and diversion programs for assessment and treatment.
- The bill authorizes sheriffs to actively manage their jail population by using risk assessment tools before making an arrest specifically not making an arrest for low level offenses, examples of low-level offenses are shoplifting, trespassing, disorderly conduct, and petty theft.

Position: Oppose unless amended

Sponsors: Sen. Lee, Sen. Moreno, Rep. Benavidez, Rep. Bacon

Status: Postponed Indefinitely



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

HB21-1008 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 (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.

Position: Support
Sponsor: Rep. Arndt & Catlin, Sen. Cooke & Hansen
Status: Signed by Governor

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

HB21-1019 is a Colorado Department of Local Affairs (DOLA) bill that aims to facilitate the deployment of modular homes, a type of affordable housing in our state.

The bill clarifies the jurisdictional authority of the Division of Housing in 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 state, nor may it charge separate building permit fees for plan reviews or inspections performed by the state. The bill 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 HB21-1019 contingent on local governments retaining the authority to impose unique public safety requirements on modular homes, like those related to wind shear and snow load or fire-resistant roofing. The bill was amended with a strike below that maintains local flexibility to impose measures related to geographical or climatological conditions.

Position: Support
Sponsor: Rep. Hooton, Sen. Ginal & Woodward
Status: Signed by Governor



HB21-1042, Water Storage Tanks Grant Program

HB21-1042 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.

Position: Monitor & Seek Amendments

Sponsor: Rep. Hanks

Status: Postponed Indefinitely

HB21-1117, Local Government Authority Promote Affordable Housing Units

HB21-1117 is a bill from the Colorado Municipal League that clarifies local government authority to enact inclusionary zoning. The 2002 Telluride decision ruled that inclusionary zoning violated the rent control statute, but the court noted that the legislature could clarify the '02 decision, and this bill provides that clarity. In doing so, the bill 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.

HB21-1117 faced a potential veto from the Governor, and was subsequently amended to create prerequisites to local governments' adoption of inclusionary zoning policies. As amended, a local government cannot adopt inclusionary zoning policies unless it demonstrates its commitment to increasing housing density, and creates incentives to affordable housing development by taking one of the following actions:

- Changing zoning and land use policies to increase density
- 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 Department of Local Affairs to assist local governments implementing these measures.

Position: Support

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

Status: Signed by Governor



[HB21-1162](#), Management of Plastic Products

HB21-1162 sets a timeline to phase out single-use plastic bags and polystyrene (Styrofoam) take-out food containers:

Implementation Timeline

Effective Date	Provision
January 1, 2023	carryout bag fee enacted in stores; local governments may enforce and assess civil penalties
January 1, 2024	single-use plastic carryout bags prohibited in stores and retail food establishments, excluding current inventory
January 1, 2024	expanded polystyrene prohibited in retail food establishments, excluding current inventory
July 1, 2024	Local governments may enact, implement, or enforce more stringent regulations

Source: Colorado Legislative Council, [Fiscal Note](#)

Beginning in April 2024, 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. Local governments cannot enforce provisions on schools. The bill specifies that fees do not apply to a customer that provides evidence of participating in a federal or state food assistance program.

As amended, the bill repeals the preemption and explicitly authorizes local governments to adopt regulations above the state floor beginning in July 2024.

Position: Monitor

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

Status: Awaiting Governor's Signature



HB21-1208, Natural Disaster Mitigation Enterprise

HB21-1208 creates the natural disaster mitigation enterprise that collects a fee from insurance companies offering certain hazard-related policies (\$2.00 flat fee assessed on insurance premiums collected on policies like fire, flood, earthquake, etc.). The fees are imposed beginning in 2023, and fee revenue (expected to be around \$5 million) 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 (CDPS), the Colorado Department of Public Health and Environment (CDPHE), the Colorado Resiliency Office (CRO), 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.

Position: Support

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

Status: Awaiting Governor's Signature

HB21-1222, Regulation of Family Child Care Homes

HB21-1222 requires family childcare homes (FCCH) to be classified as residences for purposes of licensure and local regulations. Some communities view childcare 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 HB21-1222 for over two years to help elevate this issue among local governments. HB21-1222 was amended to explicitly require the Colorado Department of Human Services (CDHS) to work with fire marshals and building code officials when promulgating their rules for the regulation of family childcare 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.

HB21-1222 was also amended to maintain local authority to prohibit two or more large family childcare homes from operating adjacent to one another. Local authority to manage the flow of traffic and parking related to adjacent large family childcare homes is also preserved.

Position: Support

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

Status: Signed by Governor

Staff: Gini Pingnot



HB21-1286, Energy Performance for Buildings

HB21-1286 requires the Colorado Energy Office (CEO) to develop energy benchmarking and performance programs for covered buildings in the state over 50,000 sq. ft. (with some exceptions for agricultural, manufacturing, industrial, or historic buildings). CEO must create a database of buildings that are required to comply, as well as publicly available digital maps showing energy use and performance standards reported from buildings. County assessor records would be used to populate the database and must be supplied upon CEO's request *when feasible using existing resources*.

The benchmarking program created in the bill 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 (to be set by rule) by 2026, and every 5 years thereafter. Performance standards are set by scores generated 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.

As amended, local government buildings are classified as public buildings and only need to comply with performance standards if the building undergoes construction or renovation that costs more than \$500,000. Public building owners are not subject to the annual fee or civil penalties, and the bill prevents the Air Quality Control Commission (AQCC) from modifying these exemptions in the future. Additionally, local jails were added to the definition of correctional facility to allow these buildings to meet performance standards campus-wide, instead of building-by-building.

The bill sets up a task force (which includes 2 local government representatives) that will develop implementation recommendations for performance standards. The AQCC is tasked with finalizing rules based on these recommendations by 2023.

Position: Monitor

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

Status: Awaiting Governor's Signature



SB21-054, Transfers For Wildfire Mitigation And Response

SB21-54 transfers \$6 million general fund to the Forest Restoration and Wildfire Risk Mitigation (FRWRM) 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. The bill transfers an additional \$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.

Position: Support

Sponsor: Sen. Hansen & Rankin, Rep. McCluskie

Status: Signed by Governor

SB21-072, Public Utilities Commission Modernize Electric Transmission Infrastructure

SB21-072 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 (OWM) by 2030 and streamlines the Public Utilities Commission's (PUC) approval process for new transmission facilities.

The bill also expands the authority to install broadband facilities on electric utility easements by broadening the definition of "electric utility".

The bill requires CETA to consult with the Department of Natural Resources (DNR) 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

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.

Position: Support

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

Status: Awaiting Governor's Signature



SB21-113, Firefight Aircraft Wildfire Mgmt. and Response

SB21-113 transfers \$30.8 million from federal stimulus funds flowing through the state 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 the Department of Public Safety (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.

Position: Support

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

Status: Signed by Governor

SB21-114, Minimum Setback New Schools from Existing Oil & Gas

SB21-114 would have required that proposed public school buildings 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. In the case where there are no local government setback requirements, the setback distance would have been 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.

Position: No Position

Sponsor: Sen. Kirkmeyer

Status: Deemed Lost

SB21-136, Sunset Forest Health Advisory Council

The Forest Health Advisory Council (FHAC) is scheduled to repeal on September 1, 2021. SB21-136 extends the repeal date for FHAC to 2026, following a sunset review.

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

Position: Support

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

Status: Signed by Governor



SB21-166, Colorado Fire Commission Recommendations

SB21-166 implements the recommendations of the 2020 Colorado Fire Commission Annual Report.

First, 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.

Second, the bill 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 to provide for the coordinated initial response of emergency responders to emergency incidents. 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.

Third, SB21-166 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), to be used for traditional mitigation efforts, staffing, equipment, and other purposes. 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.

Finally, the bill makes a ~\$1.1 million general fund appropriation, primarily for additional staff to perform wildland fire management services.

Position: Support

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

Status: Awaiting Governor's Signature



SB21-170, Wildland Fire Mitigation Cooperative Electric Association

SB21-170 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 their electric easement.

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

SB21-221, Projects Under Wildfire Risk Mitigation Grant Program

SB21-221 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.

As amended, the bill directs the technical advisory panel to consider geographic differences and needs for mitigation in their evaluation of grant applicants.

Position: No Position
Sponsors: Sen. Hansen & Rankin, Rep. McCluskie
Status: Signed by Governor

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

SB21-237 restructures the Forest Health Advisory Council (FHAC) in the Colorado State Forest Service to be administered by the Department of Natural Resources' (DNR) 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



- Four county commissioners, two representing counties west of the continental divide, and two 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
- A representative of motorized recreation
- 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)

Position: Support

Sponsors: Sen. Donovan, Rep. McCluskie & Lynch

Status: Awaiting Governor's Signature

[SB21-245](#), Backcountry Search and Rescue in Colorado

SB21-245 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 and providing programs, including grant programs, to local governments and nonprofit organizations that provide search and rescue services.

Position: Support

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

Status: Awaiting Governor's Signature

SB21-258, Wildfire Risk Mitigation

SB21-258 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 (4) 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.

In the current fiscal year 2020-2021, 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

In the next fiscal year 2021-2022, the bill appropriates:

- \$1.2 million from the Colorado Firefighting Air Corps Fund to the Wildfire Emergency Response Fund
- \$600,000 from the Wildfire Preparedness Fund to the Wildfire Emergency Response Fund in the DPS.

Position: Support

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

Status: Awaiting Governor's Signature



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

HB21-1023 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 HB21-1023, 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
Status: Postponed Indefinitely

HB21-1061, Residential Land Property Tax Classification

HB21-1061 is the culmination of a long-standing legal debate around the application of the term 'residential land'. For many years, hundreds of landowners 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.

HB21-1061 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
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 – there is 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

Status: Signed by Governor

HB21-1132, Local Government Limited Gaming Impact Fund

HB21-1132 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 portion of available gambling addiction counseling services funding.

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).

HB21-1132 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.

Position: Monitor

Sponsors: Rep. Amabile & Baisley, Sen. Story

Status: Signed by Governor



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. HB21-1163 would have removed this restriction and allowed retailers to advertise that they will assume, absorb, or refund the tax. In instances where retailers assumed or absorbed sales or use tax, retailers would have been required to separately state the purchase price and amount of tax to the consumer or user. Additionally, retailers would have been required to remit the full amount of tax to the Department of Revenue. HB21-1163 was optional for all retailers - both brick and mortar and remote retailers.

Given the complexities of Colorado's sales tax, the relatively new taxation of remote sales and the new Sales and Use Tax System, legislators ultimately decided to not move this bill forward.

Position: Support
Sponsors: Rep. Neville & Snyder
Status: Postponed Indefinitely

HB21-1253, Renewable and Clean Energy Project Grants

HB21-1253 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 in the state stimulus package. The funds must be awarded by August 15, 2021.

Position: Monitor
Sponsors: Rep. Froelich & Gray, Sen. Winter and Rankin
Status: Signed by Governor

HB21-1267, County Authority To Delegate Mill Levy Certification

HB21-1267 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, HB21-



1267 provides counties with the option to delegate the certification and in doing so, lifts the requirement for a public hearing.

Position: CCI Priority Bill--Support
Sponsor: Rep. Lontine & Larson, Sen. Hisey
Status: Awaiting Governor's Signature
Staff: Daphne Gervais

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. HB21-1284 does not change these fee caps that.

HB21-1284 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.

Position: Monitor
Sponsors: Rep. A. Valdez & Van Winkle, Sen. Hansen & Priola
Status: Sent to Governor



HB21-1308 Property Tax Administrative Procedures

HB21-1308 would have made a number of changes to the administration of property taxes. Of note, the bill would have required an estimate of taxes owed to be included on the notice of valuation, required systemic errors (a term that was not defined) to be addressed, and extended the protest period for valuations by a month – which compressed the time for assessors to actually resolve protests.

Position: Pending

Sponsors: Rep. Gray & Larson, Sen. Moreno & Priola

Status: Postponed Indefinitely

HB21-1312 Insurance Premium Property Sales Severance Tax

HB21-1312 makes changes to the state insurance premium tax, sales and use tax, and the severance tax, and makes changes to the administration of property tax.

One of the provisions that will interest counties the most pertains to the business personal property tax. Under current law, businesses are not required to pay tax on their personal property if the actual value of their personal property is worth less than a certain amount. For tax years 2021 and 2022, the exemption threshold is \$7,900 under current law. HB21-1312 increases the threshold amount to \$50,000, adjusted every two years for inflation thereafter. The state is required to reimburse local governments for their lost revenue as a result of the increased exemption.

In partnership with the bill sponsors, the Governor's office, County Assessors and Treasurers, the Colorado Special District Association, and the Colorado Municipal League, CCI developed an amendment to 'turn off' the \$50,000 exemption level when the state is unable to backfill local governments. This amendment has been adopted. It will ensure local governments remain 'whole' and creates 'skin in the game' with the business community to partner with locals to maintain the backfill (otherwise, it is just schools, counties, cities, special districts and junior colleges advocating for the backfill).

It is important to note that businesses with an actual value of personal property of \$50,000 or less will no longer have to file a declaration (an annual document that lists a business' personal property and its depreciated value). This means the 'value' of these small business' personal property will not be captured and therefore not certified. This will make the backfill imprecise and could result in a local government getting more or less than what it actually should receive. CCI originally asked that businesses continue to file but that was a non-starter with the bill's proponents.

Position: Monitor

Sponsors: Rep. Weissman & Sirota, Sen. Hansen & Moreno

Status: Sent to Governor



SB21-020, Energy Equipment and Facility Property Tax Valuations

SB21-020 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 \$3.1 million 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

Status: Signed by Governor

SB21-130, Local Authority for Business Personal Property

SB21-130 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.

Position: Monitor

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

Status: Signed by Governor

SB21-257 Special Mobile Machinery Registration Exemption

SB21-257 eliminates the registration requirement some special mobile machinery companies will have to pay. Special mobile machinery (or SMM) includes construction equipment like portable cranes and light stands, back hoes, trailers, etc. The owners of these companies pay specific ownership taxes (SOT) (in lieu of property taxes) on their equipment which is divvied up among all local governments.

County clerks administer this program. Their biggest challenge is compliance. On its face, SB21-257 is intended to make this program more administratively easy by removing the requirement for some of the big rental companies to secure license plates for their equipment. County Clerks, however, are



concerned that the provisions in SB21-257 will make it easier for some to NOT comply, continue underpaying the SOT and create additional complexity in DRIVES system (the Driver License, Record, Identification and Vehicle Enterprise Solutions)

Position: Monitor

Sponsors: Sen. Zenzinger & Scott, Rep. Benavidez & Van Winkle

Status: Sent to Governor

SB21-279, Delinquent Interest Payments

SB21-279 continues – for another year – the ability for the county treasurer to reduce, waive or suspend interest payments for late property tax payments. This is completely optional.

SB21-279 is similar to HB20-1420 with the following minor changes:

- The ability to SUSPEND interest payments has been added to the list of options a treasurer has;
- The ‘safeguard’ requiring counties to advance payments to local jurisdictions who cannot weather a delay applies only to those local governments who NOTIFY the county when they are deciding whether or not to adopt this policy. So, a school district that anticipates financial hardship as it relates to delayed property taxes will have to notify the county of that WHEN the county is discussing whether or not to adopt the policy or the school will not be eligible for ‘advance payments’; and
- Start period is June 16th (June 15th is the last day property taxes are due – before interest starts to accrue) and September 30th (is the end date – rather than October 1 to cleanly end the month of potential delinquent interest waiver)

Position: Monitor

Sponsors: Sen. Story & Simpson, Rep. Roberts

Status: Sent to Governor

SB21-293, Property Tax Classification And Assessment Rates

For 2022 and 2023, the bill reduces property tax assessment rates for residential property, multi-family housing, agricultural property, and property used for renewable energy production. It also expands the state property tax deferral program to all homeowners whose property taxes increase by at least a certain rate each year, and requires a study of the program.

A table summarizing the changes to property tax rates and classes can be found [here](#). This document also reflects the impact of Initiative 27 should it be approved by voters in the fall of 2021.

Position: No Position

Sponsors: Sen. Hansen & Rankin, Rep. Esgar & Gray

Status: Sent to 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

HB21-1009 is a bill from the Department of Local Affairs (DOLA) that updates the statutory functions of the Division of Housing (DOH) to promote the state's goals related to local development, affordable housing, and energy performance.

Currently, the statutory functions of DOH include conducting research on new approaches to housing; the bill expands DOH'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 DOH'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.

Position: Monitor
Sponsor: Rep. Bernett, Sen. Bridges & Coram
Status: Signed by Governor

HB21-1028, Annual Public Report Affordable Housing

HB21-1028 is a bill developed by Habitat for Humanity Colorado and the Colorado Realtors Association. It 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 modifies the timeline for the annual report to align with DOLA's SMART Act Hearing to minimize the fiscal note on the bill (now around \$23,000).

Position: Support
Sponsor: Rep. Bird & Rich, Sen. Story & Woodward
Status: Awaiting Governor's Signature



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

HB21-1271 is a Department of Local Affairs (DOLA) 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 that are geared towards incentivizing the development of affordable housing. The bill appropriates \$9.3 million general fund and \$30.0 million from the Affordable Housing and Home Ownership Cash Fund to the Colorado Heritage Communities fund to support and administer this grant 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. The Planning Program is intended to provide grants to local governments to assess housing needs or to make changes to local policies to become eligible for a Housing Development Incentives Grant. The DLG is required to update model land use codes for local governments. The bill appropriates \$2.1 million general fund and \$5.0 million from the Affordable Housing and Home Ownership Cash Fund to the Colorado Heritage Communities fund to support and administer this grant 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 that commit to the adoption of best land use practices. The program will provide funding and technical assistance to local governments that make changes to provide incentives and reduce barriers to the development of affordable housing. 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.

As amended, the menu of options was made more flexible to recognize various local considerations in the adoption of policies that promote affordable housing. For example, one option on the menu is to allow accessory dwelling units (ADUs) on all parcels in single family zones. CCI worked with the bill sponsors to allow for safety and infrastructure capacity considerations of local governments in allowing ADUs. Additionally, the bill had been amended in the Senate to give preference to grant applicants with racial equity assessments in place. CCI worked with the bill sponsors to remove the pre-requisite, but to allow grant funds to be used for equity considerations in the implementation of housing needs assessments.

Position: Support

Sponsor: Rep. McCluskie & Jodeh, Sen. Gonzales

Status: Awaiting Governor's Signature



HB21-1290, Additional Funding for Just Transition

HB21-1290 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. The Program Fund is for assistance programs that directly assist coal transition workers and, if money remains after FY 21-22, to support family and other household members of coal transition workers and 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.

Position: Support

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

Status: Awaiting Governor's Signature

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.

SB21-204 appropriates \$5 million from state stimulus funds to the REDI grant program.

Position: Support

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

Status: Awaiting Governor's Signature

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. SB21-229 creates the Rural Jump-Start Zone Grant Program to create grants in addition to those existing tax incentives. Grants are issued by the Colorado Economic Development Commission, and are



available to new businesses to establish or expand 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 bill extends 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.

For FY 2021-22, the bill appropriates \$3 million from the General Fund to the Rural-Jump Start Grant Fund account and a corresponding appropriation in the same amount from the Rural-Jump Start Grant Fund account to the OEDIT for administration and grants.

Position: Support

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

Status: Awaiting Governor's Signature

SB21-249, Keep Colorado Wild Annual Pass

SB21-249 is a bill from the Department of Natural Resources (DNR) that creates an opt-out park 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.

The first \$36.0 million from pass fee revenue is allocated as follows, adjusted annually for inflation:

- \$32.5 million to the Parks and Outdoor Recreation Cash Fund to ensure sufficient staffing and resources at Colorado's 42 existing state parks
- \$2.5 million to the Search and Rescue Fund to support search and rescue work and promote backcountry safety
- \$1.0 million to the Colorado Avalanche Information Center Fund to conduct backcountry avalanche safety and awareness work.

Additional revenue is split evenly between the Parks and Outdoor Recreation Cash Fund and the Wildlife Cash Fund to finance the general mission of the division.

County Clerk and Recorders are authorized to retain a portion of the fee revenue sufficient to cover costs associated with collecting and transmitting the fee.



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.

Position: Monitor

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

Status: Awaiting Governor's Signature

SB21-252, Community Revitalization Grant Program

SB21-252 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

By June 30, 2021, the bill transfers up to \$7 million of unencumbered or unexpended funds for the Small Business Relief Program in the Department of Local Affairs for administering the Colorado Main Street Program.

Position: Support

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

Status: Awaiting Governor's Signature



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

HB21-1056 raises the statutory cap for Colorado Department of Transportation (CDOT) highway maintenance from the current \$150,000 up to \$250,000. The bill is an efficiency measure that will 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.

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

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

Beginning in June of 2022, HB21-1095 will 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 does not lower the grade of the road or adjacent ditches or disturb more than six inches of soil. The bill reflects a compromise that was reached between CCI, Colorado 811, Public Utilities Commission (PUC) – Division of Pipeline Safety, the Colorado Contractors Association, Xcel Energy and the Colorado Association of Road Supervisors and Engineers (CARSE) back in 2019.

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



HB21-1109, Broadband Board Changes to Expand Broadband Service

HB21-1109 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.

Position: Support

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

Status: Awaiting Governor's Signature

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.

HB21-1138 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.

Position: CCI Priority Bill--Support

Sponsors: Reps. Catlin and McLachlan, Sen. Hisey

Status: Signed by Governor



HB21-1289, Broadband Stimulus Dollars

HB21-1289 will push \$75 million from the American Rescue Plan Act 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 Department of Local Affairs (DOLA) to provide grants to local governments for middle mile projects. The bill will also codify the Colorado Broadband Office in statute.

Position: Support

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

Status: Awaiting Governor's Signature

SB21-060, Expand Broadband Service

SB21-060 will direct American Rescue Plan Act (ARPA) dollars to help low-income households procure Internet service. The bill directs the Colorado Broadband Office to contract with a non-profit to do the income determinations and actual granting of ARPA monies to defray the cost of Internet service for eligible households.

Position: Support

Sponsors: Sen. Donovan, Rep. Roberts

Status: Awaiting Governor's Signature

SB21-084, County Authority on Roughed-In Roads

SB21-084 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.

Position: Support

Sponsors: Sen. Smallwood, Rep. Gray

Status: Signed by Governor

SB21-238, Front Range Passenger Rail District

SB21-238 creates 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 is governed by a board of directors who will be appointed by the Governor or appointed by the various metropolitan planning organizations, rural transportation planning organizations or local governments 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. Putting a tax measure on the ballot requires two-thirds support of the governing board.

Position: Monitor and Seek Amendments

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

Status: Awaiting Governor's Signature

SB21-260, Sustainability of the Transportation System

SB21-260 is a landmark transportation funding bill that 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 institutes 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. The bill also temporarily reduces FASTER fees to give Coloradans a fiscal break during the recovery.

The bill requires Colorado Department of Transportation (CDOT) to conduct a study on road mileage usage charges to eventually replace the gas tax. The bill also gives transportation planning organizations (such as DRCOG) the ability to exercise the powers of an Authority (including putting tax questions on the ballot). Lastly, the bill calls for additional oversight of local transportation and land use planning by the state and metropolitan planning organizations to ensure that regionally significant transportation capacity projects do not contribute to climate change or adversely impact adjacent communities – especially ones that are low income.

Position: Monitor

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

Status: Signed by Governor