



## Legislative Report 2021 Session | March 29, 2021

***Select Subject Area to Jump:***

[Agriculture, Wildlife & Rural Affairs](#)

[General Government](#)

[Health & Human Services](#)

[Justice & Public Safety](#)

[Land Use & Natural Resources](#)

[Taxation & Finance](#)

[Tourism, Resorts & Economic Development](#)

[Transportation & Telecommunications](#)

***Reference:***

[CCI Policy Statement](#)

[2021 Legislative Priorities](#)

[2021 Bill Table](#)



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

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

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

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

CCI originally took a "Support with Amendments" position on HB 1045 to track the amendments that the Colorado Weed Management Association (CWMA) was seeking. Two amendments were adopted from CWMA recommendations that (1) reaffirm county authority to declare pests, and (2) update definitions to be consistent with the Noxious Weed Act. At the request of the sponsor, the amendment also creates reporting requirements to the SMART Act on the cash fund established in the bill. CWMA and CCI have since moved to support the bill.

HB 1045 passed the House, and will be heard by the Senate Agriculture & Natural Resources Committee on Thursday, April 8<sup>th</sup>.

Position: Support

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

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

HB 1181 creates a voluntary, incentive-based soil health program in the Colorado Department of Agriculture (CDA), to be administered by the commissioner of agriculture, the state agricultural commission, and CDA. The program authorizes CDA to establish (1) a state soil health inventory, (2) a system to monitor the environmental or economic benefits of soil health practices, (3) a soil health testing program, and other programs as deemed necessary by CDA. In establishing any inventory or system, CDA must provide an opportunity for public input. The bill authorizes the use of money from public and private sources, as well as gifts, grants, or donations. Program funds can be used to provide grants, loans, or other resources to perform soil health activities. The bill also creates an advisory committee appointed by the commissioner, representing different geographic areas, the political and demographic diversity of the state, and a diverse representation of agricultural



producers. As amended, the bill requires the committee to meet with the State Conservation Board on an annual basis, and the State Conservation Board representative is designated as the Chair of the committee. The committee makes recommendations to CDA and assists in the development and evaluation of the program. Finally, the bill creates annual public reporting requirements for CDA on program activities.

During our steering committees on February 26<sup>th</sup>, CCI hosted Senator Simpson to learn more about this legislative proposal. Click [here](#) for part 1 of the recording (Senator Simpson's presentation starts at 4:16:15), and [here](#) for part 2 (just the first ~2 mins).

The bill passed the House Agriculture, Livestock & Water Committee, and will be heard by the House Appropriations on Monday, April 5<sup>th</sup>.

Position: Support

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



## **General Government**

Chair: Commissioner Hilary Cooper, San Miguel County

Vice Chair: Commissioner Scott James, Weld County

CCI Staff: Eric Bergman

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

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

According to the County Clerks Association, the new threshold in the bill would place this unfunded mandate on approximately 20 counties. The affected counties include Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Pueblo, Weld, Alamosa, Bent, Crowley, Eagle, Fremont, Garfield, Lincoln, Montrose, Morgan, Phillips and Rio Grande. The fiscal note on the bill estimates that annual compliance with the mandates in the bill will cost \$46,000 for a small sized county, \$61,000 for a medium sized county and \$360,000 for a large county. While CCI supports ensuring access to the ballot for all citizens, the unfunded mandates in the bill are problematic. The bill passed out of House Appropriations last week on a 6-4 vote. It was subsequently passed on Second Reading and is expected to be sent over to the Senate this week after a Third Reading vote.

Position: Oppose Unless Amended

Sponsors: Rep. Caravao, Sens. Gonzales and Moreno

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

HB 1025 would exempt 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. The bill passed the Senate last week and now heads to the Governor's desk for signature.

Position: Support

Sponsors: Rep. Arndt, Sen. Ginal



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

As introduced, HB 1027 would allow restaurants to continue offering alcohol beverage takeout and delivery in perpetuity. While CCI is supportive of helping the restaurant and bar industry get back on its feet after the pandemic, there were concerns about continuing this practice in perpetuity. CCI voted to support the legislation but seek an amendment to sunset this practice after the state public health order is lifted. The bill has been amended to put a five-year sunset on alcoholic beverage takeout. The bill is awaiting a hearing in House Appropriations.

Position: Support if Amended

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

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

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

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

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

CCI has also been working with the bill sponsor to address anticipated problems with meeting the September 30 statutory deadline for county redistricting. The Census Bureau announced in January that the release of the new population numbers that counties depend on to do redistricting will be delayed by at least five months. The bill was amended on the House floor to move that statutory deadline to December 30. The deadline may have to be pushed further out, and CCI will work with the Senate sponsor on finalizing a date/time frame for redistricting. The bill was calendared to be



heard in the Senate State Affairs Committee this week but has been postponed so we can continue working with the sponsors on this issue.

Position: Monitor as Amended  
Sponsors: Rep. Kennedy, Sen. Lee

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

HB 1100 would require all governmental entities (including counties) to establish by 2022 an electronic filing option for each document capable of electronic delivery. The bill hopes to build on social distancing policies already enacted due to the COVID pandemic. This filing option can include the scanning and transmitting of a document by e-mail. The governmental entity must also protect personal identifying information in any submitted electronic filing.

While CCI supports the intent of the bill and greater efficiency in the provision of county services, there is a great deal of uncertainty about the ability to accept electronic signatures, whether some smaller counties would have the ability to accept extremely large files (such as land use plats) electronically and whether encryption software would be required to protect the transmission of sensitive personal data (such as social security numbers). CCI has talked to the sponsor about these concerns, and he is willing to turn the bill into a study so that county IT staff may work with the state agencies and the sponsors over the summer on these and other highlighted issues. CCI has also asked that the study include the viability of electronic/online publication of county financial information. CCI appreciates the sponsor's willingness to work with counties on these concerns. HB 1100 will be taken up for action only on April 8 in the House Finance Committee.

Position: Oppose Unless Amended  
Sponsors: Rep. Soper, Sen. Bridges

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

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

Position: Monitor as Amended  
Sponsors: Rep. Ortiz



### **SB21-070, County Authority to Register Businesses**

SB 70 would authorize counties to institute a registration program for all businesses in the unincorporated area of the county. As amended in the Senate, the bill limits the use of any data collected on businesses and there is no penalty or fine for failure to register with the county. The bill passed the House last week and now heads to the Governor's desk for signature.

Position: Support

Sponsors: Sen. Moreno, Rep. Bird

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

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

Position: Oppose Unless Amended

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

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

SB 176 is intended to modernize anti-discrimination laws and expand access to justice for Colorado workers. While the legislation is well-intended, county attorneys have raised concerns that certain provisions in the bill will make settling discrimination cases more difficult. The bill also allows a claimant to bypass administrative remedies and go straight to court, which could encourage more claims. The bill also expands the definition of a "hostile work environment" and allows employers to be sued for the conduct of independent contractors. These changes to current law will expand employer liability and could result in increased county insurance costs. CCI is part of a coalition that is working with the sponsors to make amendments to the bill to hopefully address these concerns. The bill will be heard in the Senate Judiciary Committee on Thursday, April 1.

Position: Oppose Unless Amended

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



## **Health & Human Services**

Chair: Commissioner Wendy Buxton-Andrade, Prowers County

Vice Chair: Commissioner Sue Hansen, Montrose County

CCI Staff: Gini Pingenot / Kyley Burress

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

HB 1018 allows foster parents to pay for services (that are covered by Medicaid) from providers that do not accept Medicaid. There are instances when a foster parent can financially pay out of pocket for services that a foster child/youth might need. An example might be sexual abuse treatment and/or a super specialized service that is offered at a local provider who does not accept Medicaid.

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

HB 1018 will be heard in the Senate Health and Human Services Committee on Monday, April 5<sup>th</sup>.

Position: Support

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

Staff: Gini Pingenot

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

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

Counties are strong supporters of the co-responder model. These programs typically, but not always, pair peace officers with a behavioral health provider to respond to calls for services. Roughly 30 communities around the state have these programs and have found them to be successful at de-escalating calls that come in through the 911 system and keeping those with behavioral health and/or substance use issues out of the criminal justice system. A recent study by the Colorado



Health Institute provides a nice overview of these programs, their effectiveness and areas for continual growth and improvement (view [here](#)).

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

HB21-1030 now awaits a hearing before the House Appropriations Committee.

Position: Support

Sponsors: Rep. McCluskie & McKean, Sen. Buckner & Cooke

Staff: Gini Pingnot

### **HB21-1072, Equal Access Service for Out of Home Placements**

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

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

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

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



HB21-1072 will heard in the Senate State, Veterans and Military Affairs Committee on Tuesday, March 30<sup>th</sup>.

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

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

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

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

Position: Support  
Sponsors: Rep Exum and Van Winkle, Sen. Hisey  
Lobbyist: Kylene Burress

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

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

CCI proudly supported last year's bill (HB20-1284) that would have accomplished the same thing. Last year's bill was postponed indefinitely due to COVID-19. HB21-1085 was heard on Tuesday, March 23 and unanimously passed the Public & Behavioral Health & Human Services Committee. Summit County Commissioner Tamara Pogue shared CCI's support during witness testimony. Thank you, Tamara, for your advocacy.

Position: Support  
Sponsors: Reps. McCluskie & Larson, Sens. Bridges & Smallwood  
Lobbyist: Gini Pingnot



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

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

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

Position: Monitor with Amendments  
Sponsors: Reps. Van Beber  
Lobbyist: Gini Pingenot  
Final Status: Postponed Indefinitely

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

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

HB 1097 will be heard in the Senate Health and Human Services Committee on Monday, April 5<sup>th</sup>.

Position: Support  
Sponsors: Rep. Young & Pelton, Sen. Fields  
Staff: Gini Pingenot

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

As introduced, HB 1099, a CCI initiated bill, would have added the exposure to ‘domestic abuse’ to the definition of child abuse and neglect.

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



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

As amended, HB 1099:

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

CCI is striving to protect the safety of vulnerable children while ensuring that we are not creating a situation whereby the perpetrator of domestic abuse has another tool to use against their victim. HB 1099 was unanimously approved by the House Public & Behavioral Health & Human Services Committee on Tuesday, March 16<sup>th</sup>. It will be heard in the House Appropriations Committee on Monday, April 5.

Position: CCI Bill - Support

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

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.

This bill will be in Judiciary committee on Wednesday, March 31<sup>st</sup>.

Position: Oppose unless amended

Sponsors: Sen. Buckner, Rep. Ransom

Lobbyist: Kyley Burress



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

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

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

This bill has passed the House and has been assigned to Senate Judiciary Committee.

Position: Support

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

Lobbyist: Kyley Burress

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

As amended, HB 1115:

1. Requires annual training for all board of health members;
2. Tasks CDPHE to develop guidelines on how to recruit individuals who may be interested in serving on a board of health. These guidelines would be available upon request to commissioners and boards of health.

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

CCI appreciates Rep. Kipp and Mullica’s receptiveness to commissioner concerns. Their hard work led to a solution that will better equip all boards of health throughout the state. CCI’s will land on a modified bill position next week.

Position: Oppose (position applies to introduced version of the bill)

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

Staff: Gini Pingnot



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

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

The report, which can be found [here](#), also noted that, “local regulations can be very intentional to address health and safety issues that arise in a particular locality that are not always obvious. The better route would be through education and encouragement rather than blanket adoption” of a one-size-fits all approach. Specifically, the report noted that the Colorado Department of Early Childhood should educate local entities on the benefits of establishing regulatory landscapes that support the availability of family child care (i.e. Adopting Appendix M if they are using the International Building Code.)

CCI has partnered with proponents of HB 1222 for over two years to help elevate this issue among local governments. Local building and fire officials are coalescing around an approach that is similar to the ‘school model’. This model allows for one adopted code standard statewide but keeps local building and fire departments involved. There is also a recognition that retrofitting homes with sprinklers is not realistic – a regulatory burden many proponents of HB 1222 point to but not one that many communities are currently requiring.

HB 1222 will be heard on Tuesday, March 30<sup>th</sup> in the House Public & Behavioral Health & Human Services Committee.

Position: Pending

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

Staff: Gini Pingnot

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

SB 14 makes a couple of modifications to the Child Care Assistance Program (CCAP). Currently, the roughly \$130 million in available CCAP funding is distributed based on a formula that considers the number of children eligible to participate in CCAP multiplied by the provider reimbursement rate. CCI has worked with Sen. Kirkmeyer and human service directors on an amendment that allows the CCAP allocation committee to consider including a ‘utilization factor’. Doing so would help capture nuances around the state such as availability of quality child care, cultural factors that may encourage or discourage a parent’s decision to allow others to watch their children, the availability of employment or employment-related activities in the county which would necessitate reliance on child care assistance, etc.



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

The bill passed out of the Senate Health and Human Services Committee on Wednesday, March 24<sup>th</sup>. It now waits for a hearing before the Senate Appropriations Committee.

Position: Support  
Sponsors: Sen. Kirkmeyer  
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](#).

The bill was in committee on Thursday, March 11<sup>th</sup>, click [here](#) to see the written testimony CCI submitted.

Position: Support  
Sponsors: Sen. Buckner, Rep Daugherty  
Lobbyist: Kyley Burress

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

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



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

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

This bill has passed in the Senate and has been assigned to House Public and Behavioral Health and Human Services Committee

Position: Support

Sponsors: Sen Moreno, Rep Michaelson Jenet

Lobbyist: Kyley Burress

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

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

APS receives a wide variety of reports that span a spectrum of low to high risk cases. Examples of low risk cases include self-neglect, clients found wandering from home and clients with minor bruises or injuries. Examples of high risk cases include sexual abuse, severe injury and confinement. All cases, regardless of risk level, are handled in the same manner. They are:

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

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

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

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



SB 118 was unanimously approved in the Senate Health and Human Services Committee on Wednesday, March 17<sup>th</sup>.

Position: CCI Bill - Support

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

Staff: Gini Pingenot



## **Justice & Public Safety**

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

### **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](#).

This bill passed out of House Judiciary Committee on Tuesday, March 16<sup>th</sup>.

Position: Monitor with amendments

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



## **Land Use & Natural Resources**

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

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

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

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

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

The bill passed the House, and will be heard by the Senate Agriculture & Natural Resources Committee on Thursday, April 8<sup>th</sup>.

Position: Support  
Sponsor: Rep. Arndt & Catlin, Sen. Cooke & Hansen

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

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

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



CCI voted to support HB 1019 contingent upon an amendment being adopted that recognizes unique public safety requirements, like those related to wind shear and snow load or fire-resistant roofing, that some local jurisdictions impose on modular or factory-built residential structures.

HB 1019 passed the House Transportation & Local Government Committee on Tuesday, March 23<sup>rd</sup>, and was amended with a strike below that maintains local flexibility to impose measures related to geographical or climatological conditions.

Position: Support with Amendments  
Sponsor: Rep. Hooton, Sen. Ginal

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

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

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

Position: Monitor & Seek Amendments  
Sponsor: Rep. Hanks

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

HB21-1117 is a bill from the Colorado Municipal League that seeks to clarify local governments' ability to enact land use regulations that promote the development of new affordable housing units.

This is the return of HB20-1351 that was postponed indefinitely due to COVID-19 last session. HB 1117 clarifies that local governments have the authority to enact inclusionary zoning, and in doing so, 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, as long as the regulation provides options or alternatives to the property owner or land developer.

HB 1117 passed the House, and was amended to clarify that the bill does not authorize local governments to enforce rent control on existing private housing. The bill now awaits a hearing in the Senate State, Veterans, & Military Affairs.

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



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

HB 1162 merges three measures from last session: [HB20-1163](#) (management of single-use products), [HB20-1162](#) (prohibit food establishments' use of polystyrene), and [SB20-010](#) (repeal ban on local gov. regulation of plastics).

HB 1162 repeals the ban on local government regulation of plastics and explicitly authorizes local governments to impose regulations on plastics that are more stringent than what is outlined in the bill beginning in July 2023. The bill outlines a timeline for phasing out single-use plastic bags and polystyrene (Styrofoam) take-out food containers. Between September 2021 and 2022, a store may supply a paper or plastic carryout bag for a 10-cent fee (or any fee adopted by a local government). Beginning in September 2022, stores and retail food establishments would be prohibited from providing single-use plastic carryout bags (with exemptions for existing inventory), but could continue supplying a paper carryout bag for a 10-cent fee (or any fee adopted by a local government). The bill clarifies that the bag fee does not apply to a customer that provides evidence of participating in a federal or state food assistance program.

After January 2022, the bill prohibits retail food establishments from using polystyrene take-out food container. The bill creates exemptions for food establishments within certain schools, and for existing inventory.

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

HB 1162 passed the House Energy & Environment Committee, and was amended to clarify that no regulation by the state or any local government applies to materials used for medical purposes and regulated by the U.S. Food & Drug Administration (FDA). The bill will be heard by the House Finance Committee today, March 29<sup>th</sup>.

Position: Monitor

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



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

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

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

HB 1208 passed the House Energy & Environment, and was amended to narrow the types of insurance premiums that would be subject to the fee. The bill will be heard by the House Finance Committee on Monday, April 5<sup>th</sup>.

Position: Support

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

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

SB21-054 transfers funds to be used to address wildland fires. The bill transfers \$6 million general fund to the Forest Restoration and Wildfire Risk Mitigation Grant Program, which is available to local governments. It transfers \$3 million general fund to the Wildfire Preparedness Fund for the Department of Public Safety to (1) use as the state match for federal hazard mitigation assistance grants to local governments used to mitigate fire hazards, and (2) to provide local governments eligible to receive a federal grant with strategic planning assistance for wildland fire hazard mitigation. Finally, the bill transfers \$4 million general fund to the Colorado Water Conservation Board Construction (CWCB) Fund for the Watershed Restoration Program to support post-fire recovery and mitigation efforts.

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

Position: Support

Sponsor: Sen. Hansen & Rankin, Rep. McCluskie



### **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 by 2030, and streamlines the Public Utilities Commission's (PUC) approval process for new transmission facilities.

CCI supports SB 72, contingent upon an amendment being adopted that clarifies that (1) CETA is not property-tax exempt, (2) CETA's condemnation authority does not apply to local government property, and that (3) CETA is subject to local land use and siting approval. CCI worked with subject matter experts and the bill sponsor to develop language that achieves these clarifications.

SB 72 passed the Senate Transportation & Energy Committee, and was amended to protect county land use authority, property tax bases, and property. The bill will be heard by the Senate Appropriations Committee on Thursday, April 1<sup>st</sup>.

Position: Support with Amendments  
Sponsor: Sen. Hansen & Coram, Rep. Valdez, A.

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

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

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

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

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



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

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

SB 114 passed the Senate Transportation & Energy Committee on Tuesday, March 23<sup>rd</sup>, and was amended to require that new public school building sites comply with local government setbacks no less than the COGCC setback distance (local setbacks can go further than those set by the COGCC). The amendment also clarifies that the requirement also applies to plugged and abandoned wells. The bill will be heard on second reading in the Senate on Tuesday, March 30<sup>th</sup>.

Position: No Position

Sponsor: Sen. Kirkmeyer

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

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

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

SB 136 passed the Senate Agriculture & Natural Resources Committee unanimously, and will be heard by the Senate Appropriations Committee on Thursday, April 1<sup>st</sup>.

Position: Support

Sponsor: Sen. Ginal & Coram

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

SB 166 implements the recommendations of the 2020 Colorado Fire Commission Annual Report. The bill updates mutual aid statutes. Under current law, all resources from an agency assisting in fire prevention are under the control of the requesting agency and liability is placed with the requesting agency. The bill changes these statutory provisions so that the assisting agency, under the direction of the incident commander, retains operational control of its resources and the associated liability for the actions of its crews. The bill also adds the public emergency medical services (EMS) agencies to allow for better coordination of EMS mutual aid resources.



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

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

SB 166 passed the Senate Agriculture & Natural Resources Committee on Thursday, March 25<sup>th</sup>, and was amended to remove the state responsibility and large wildland fire fund created in the bill. The state budget would not be able to support the creation of this new fund this fiscal year, but the Joint Budget Committee may consider a state emergency fund as a feasible alternative to make funding available for various disasters the state may encounter in the future. The bill now awaits a hearing in the Senate Appropriations Committee.

Position: Support

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

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

SB 170 is being brought forward by the Colorado Rural Electric Association (CREA), and requires electric cooperatives (coops) to file wildfire mitigation plans with the Public Utilities Commission (PUC) every three years. The bill specifies what needs to be included in the plan, and requires coops to annually report on the implementation of that plan in exchange for liability protection.

The bill also gives co-ops more authority to manage vegetation, by allowing them to remove vegetation outside of their right-of-way that they determine to be a hazard, or as they determine to be necessary to continue the safe operation of their facilities following a major weather or emergency event. The bill releases coops from liability if a landowner prevents a coop from removing hazard vegetation outside of the right-of-way, or if a coop is denied access to their right-of-way on land owned by a local government for the purpose of managing vegetation. The bill requires the coop to provide notice to the landowner if it is removing hazard vegetation outside of its right-of-way, unless the removal of the hazard vegetation is necessary to continue the safe operation of the coop's facilities.



CCI is seeking amendments on the bill to specify and clarify the liability releases, to add parameters regarding a coop's access to land outside of their easement, and to add protections for a landowner if land is damaged due to a coop's vegetative management.

SB 170 will be heard in the Senate Transportation & Energy Committee on Tuesday, April 6<sup>th</sup>.

Position: Monitor & Seek Amendments

Sponsor: Sen. Hisey & Ginal, Rep. Arndt & Lynch



## **Taxation & Finance**

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

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

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

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

Moffat County Commissioner Melody Villard shared CCI’s support on HB21-1023.

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

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

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

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

HB 1061 will be heard in the Senate Local Government Committee on Tuesday, March 30<sup>th</sup>.

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



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

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

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

HB 1083 has passed both chambers and is waiting the Governor's signature. CCI congratulates the County Assessor's Association on their strong work to get this policy change across the finish line.

Position: Support

Sponsors: Rep. Benavidez, Sen. Zenzinger & Priola

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

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

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

The Colorado Municipal League is spear heading a helpful amendment that will 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 and is an amendment supported by Rep. Amabile and the Department of Local Affairs. HB 1132 will be heard in the House Finance Committee on Monday, April 5<sup>th</sup> where this amendment will be offered.

Position: Monitor with Amendments

Sponsors: Rep. Amabile & Baisley, Sen. Story



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

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

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

SB 20 is waiting to be heard on second reading in the House.

Position: Monitor

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

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

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

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

SB 130 unanimously passed the senate and is waiting to be heard in the House Transportation & Local Government Committee.

Position: Monitor

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



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

HB21-1009 passed the House and now awaits a hearing in the Senate Local Government Committee.

Position: Monitor

Sponsor: Rep. Barnett, Sen. Bridges & Coram

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

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

The bill passed the House Transportation & Local Government Committee, and was amended to clarify the focus of the report, and to align the timing of the report with DOLA's SMART Act Hearing to minimize the fiscal note on the bill. The bill now awaits a hearing in the House Appropriations Committee.

Position: Support

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



## **Transportation & Telecommunications**

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

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

As introduced, HB 1056 would raise the statutory cap for CDOT highway maintenance from the current \$150,000 up to \$500,000. The bill is an efficiency measure that should allow CDOT to more expeditiously make highway maintenance repairs – especially on the state’s rural highways – without having to go out to bid so frequently. The bill was amended in committee to lower the new cap from \$500,000 down to \$250,000 and was then laid over to work on some additional issues. The bill will be taken up for action only in the House Transportation and Local Government Committee on March 30.

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

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

HB 1095 would allow county road and bridge departments to conduct basic maintenance on unpaved county roads without having to call Colorado 811 for utility locates, provided that the maintenance activity doesn’t lower the grade of the road or disturb more than six inches of soil. The bill is a CCI legislative priority and reflects a compromise that was reached between CCI, Colorado 811, PUC – Division of Pipeline Safety, the Colorado Contractors Association, Xcel Energy and the Colorado Association of Road Supervisors and Engineers (CARSE) in 2019. Twenty-nine other states have a similar exemption for road maintenance. The bill will be heard in the House Transportation and Local Government Committee on Tuesday, March 30, where it will be amended to address concerns brought forward by the PUC – Division of Pipeline Safety.

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

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

HB 1109 makes a number of changes to the Broadband Deployment Board and to the processes for granting funds to improve broadband service around the state. The bill reduces the number of members on the board from 16 down to 11 - but mandates that two of the members must be county commissioners (one from the Eastern Plains and one from the West Slope). As amended, up to 60 percent of the program funds are to be prioritized to the most critically underserved areas of the



state, which are defined as areas not currently receiving service at speeds of 10 megabits down and 1 megabit up. The bill also provides for better mapping and speed testing in order to determine where these critically underserved areas are around the state. The bill passed out of the House last week and has been introduced in the Senate.

Position: Support

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

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

County commissioners may currently designate any county road for recreational use of off-highway vehicles (OHVs). OHVs registered in Colorado are not considered motor vehicles under statute and are therefore not normally permitted to travel on county roads and highways unless those roads have been designated by the county commissioners as allowing OHVs. HB 1138 clarifies that roads closed to recreational OHV use are closed to **all** OHVs, regardless of what state the OHV is registered in. The agricultural use of OHVs is permitted on any and all county roads and this bill does nothing to change that exemption. It also does not apply to the off-road and trail use of OHVs, as these are the purview of state and federal agencies. The bill passed the House last week and should be introduced in the Senate this week. CCI has prepared a fact sheet on HB 1138 (view [here](#)).

Position: CCI Bill - Support

Sponsors: Reps. Catlin and McLachlan, Sen. Hisey

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

SB 60 is another piece of legislation that makes changes to the Broadband Deployment Board and some of the grant program processes. Like HB 1109, it reduces the number of members on the Board – in this case from 16 members down to nine. Three of the nine members must be representatives of local government. The bill would direct 50% of the program funding to areas that are critically underserved and also directs a portion of the program funding to households that qualify for free school lunches to aid in providing Internet service to school-aged children. Finally, the bill requires better coordination between the Middle-Mile Grant Program in the Department of Local Affairs and the Broadband Deployment Program. The bill will be heard in the Senate Business, Labor and Technology Committee on March 31.

Position: Support

Sponsors: Sen. Donovan, Rep. Roberts



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

SB 84 clarifies that counties have the authority to prohibit motor vehicles from travelling on roughed-in roads. The bill defines “roughed-in roads” as areas of ground that have been cut with the intention of making a roadway but have not been improved enough to qualify as a roadway. The bill will be heard in the House Transportation and Local Government Committee on April 6.

Position: Support

Sponsors: Sen. Smallwood, Rep. Gray