



## Legislative Report | February 13, 2023

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

Chair: Commissioner Terry Hofmeister, Phillips County  
Vice Chair: Commissioner Gordon Westhoff, Morgan County  
CCI Staff: Raegan Shane



## **General Government**

Chair: Commissioner Scott James, Weld County

Vice Chair: Commissioner Jody Shaddock-McNally, Larimer County

CCI Staff: Eric Bergman

### **HB23-1032, Civil Action Remedy Provisions**

HB 1032 would allow damages for emotional distress in discrimination cases where the plaintiff is a person with a disability. It would also allow the court to award attorneys' fees – but just to the prevailing plaintiff in a case. CCI believes that it would be more equitable to allow the court to award attorneys' fees to the prevailing *party* – either the plaintiff or the defendant. Doing so would help protect a county against frivolous lawsuits. CCI met with the sponsor and other stakeholders to discuss the bill and some proposed amendments. The bill will be heard in the House Judiciary Committee on Feb. 22.

Position: Amend

Sponsors: Rep. D. Ortiz

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

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

CCI had concerns about the unfunded mandate that the legislation presents – especially the \$10,000 renovation threshold - and met with the sponsors to discuss some possible amendments. A strike-below amendment (essentially a new bill that will replace the current one) was shared last week with stakeholders and the sponsors have incorporated a number of the proposed amendments that CCI suggested. There are still a couple of remaining issues that CCI would like to see addressed, but we are grateful for the sponsors' responsiveness and willingness to work with counties. The bill is scheduled to be heard on Monday, Feb. 13, in the House State Affairs Committee.

Position: Amend

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

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

As created in the state constitution, the Independent Ethics Commission has oversight for state and local elected officials (including counties). HB 1065 would expand the jurisdiction of the Commission to

include special districts and school districts. The bill was heard last week in the House Transportation, Housing and Local Government Committee where it passed on a 9-4 vote. The bill is now awaiting a hearing in the House Appropriations Committee.

Position: Monitor

Sponsors: Reps. Story and Parenti

### **HB23-1139, Modifications of County Salary Categorizations**

HB 1139 would modify either the category or subcategory of Archuleta, Delta, Saguache and Summit counties for purposes of increasing the salaries of county elected officials. As the state constitution prohibits an elected official from receiving a raise during his/her term, these salary increases would not go into effect until the elected official is reelected in either 2024 or 2026. An amendment is being prepared for committee to add additional counties to the legislation. The bill is scheduled to be heard on Feb 21 in House Transportation, Housing and Local Government Committee.

Position: Pending

Sponsors: Rep. Martinez, Sen. Simpson

### **HB23-1149, Conduct of Elections in Small Counties**

HB 1149 would allow smaller counties (with between 10,000 and 37,500 active electors) to apply to the Secretary of State's office to reduce the number of voter service and polling centers (VSPCs) that must be established during an election. The bill also allows a county to appoint staff from the county clerk's office to serve as election judges. The bill has been assigned to the House State Affairs Committee but has not yet been calendared for a hearing.

Position: Pending

Sponsors: Rep Holtorf, Sen. Pelton B.

### **HB23-1180, County Commissioner Elections**

HB 1180 requires that any county with a population greater than 70,000 must move to a five-commissioner set-up, and at least three of the five commissioners must be elected by **just** by the voters in their district. Colorado statute already allows for either a referred or initiated measure to accomplish this change at the county level. CCI has convened several conversations between the bill sponsor and commissioners from the potentially affected counties. Commissioners are concerned about the potential unfunded mandate this would place on larger counties as well as the fact that the legislation does not allow local voters the opportunity to decide for themselves how their county government should be structured. The bill has been assigned to the House State Affairs Committee but has not been calendared for a hearing yet.

Position: Pending

Sponsors: Rep. Marshall, Sen. Priola

### **SB23-053, Prohibition on Requiring Non-Disclosure Agreements**

SB 053 would prohibit all government employers (including counties) from making current or prospective employees sign a non-disclosure agreement (NDA). The bill exempts NDAs that would prevent disclosure of privacy interests of the employee or matters that are required to be kept confidential by federal or state law or matters bearing on the specialized details of security arrangements or investigations. The bill was laid over following a hearing in the Senate State Affairs Committee and will be up for a vote in that committee on Feb. 16.

Position: Amend  
Sponsors: Sen. Kirkmeyer

### **SB23-105, Implementation of Measures to Implement Equal Pay for Equal Work**

SB 105 addresses some issues with the Equal Pay for Equal Work legislation that was passed back in 2019. While no one argues with the intent of the original legislation, several problems have arisen as counties have attempted to implement the Act at the local level.

As enacted, the 2019 bill requires that an employer notify all employees and the public of job opportunities and allow them to apply. While this is appropriate for vacancies and newly created positions, there are a number of other job advancement situations that are not really “competitive” in nature that should not be advertised to the entire eligible workforce. One example is career progression jobs, where an employee moves up to a different title and salary based on predefined performance metrics. Another example is an instance where an employee has assumed additional duties and/or responsibilities over time and is now being given a raise and/or a revised job description to reflect these additional duties. Neither of these job advancement situations should warrant a “job posting,” but under the 2019 bill it was required.

Posting these job advancement notices was creating confusion among job hunters and creating administrative headaches for county human resource offices. At the behest of these county human resource professionals, CCI elevated a proposed policy fix of the Equal Pay for Equal Work Act as a legislative priority for 2023.

CCI has been working with the sponsors and proponents of the original 2019 bill since last fall on this issue. The introduced bill basically exempts “career progression” and “career development” opportunities from the job posting requirements in the original bill. CCI is grateful for the productive conversation with the sponsors and the agreed-to changes that are reflected in SB 105.

The introduced bill features several other policy changes that were **not** part of the CCI-initiated conversation, including an additional enforcement role for the Colorado Department of Labor and Employment and increasing the potential backpay from three years to six years for an employee in a prevailing lawsuit. The bill will be heard in the Senate Business, Labor and Technology Committee on Feb. 21.

Position: Pending  
Sponsors: Sens. Danielson and Buckner, Reps. Gonzales-Gutierrez and Bacon

### **SB23-111, Public Employees’ Workplace Protection**

SB 111 prohibits public employers from coercing, intimidating, or imposing reprisals against employees who exercise their right to organize, form or join an employee organization. The bill applies to municipalities, special districts, higher ed, the General Assembly and counties with populations less than

7,500 (those that were not included in last year's collective bargaining legislation). The bill does not compel a local government to recognize an employee organization or enter into negotiations with any employee organization. CCI met with the proponents and other stakeholders last week and is still assessing the legislation. The bill has been assigned to the Senate Local Government and Housing Committee but has not yet been scheduled for a hearing.

Position: Pending

Sponsors: Sen. Rodriguez, Rep. Woodrow



## **Health & Human Services**

Chair: Commissioner Janet Rowland, Mesa County  
Vice Chair: Commissioner Wendy Buxton-Andrade, Prowers County  
CCI Staff: Gini Pingenot / Katie First

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

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

Specifically, HB23-1043:

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

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

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

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

HB 1043 will be heard on Thursday, February 23<sup>rd</sup> in the Senate Health & Human Services Committee.

Position: Support (CCI Initiated Bill)

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

### **HB23-1142, Information of Person Reporting Child Abuse**

HB 1142 would remove the option for public reporters of potential abuse or neglect from being anonymous. Currently, all reports of abuse and neglect are confidential. A very small percentage are made anonymously. Proponents of the bill are concerned that the ability to make anonymous calls enables nefarious motives. Many in the child welfare community are concerned that, while not requested often, the inability to make anonymous reports will keep some people from reporting for fear of retaliation.

HB 1142 is currently scheduled for a hearing in the House Public & Behavioral Health and Human Services Committee on Tuesday, February 14<sup>th</sup> but CCI staff understands that it will be rescheduled and heard later this month to grant the sponsors additional time to work through stakeholder concerns.

Position: Pending

Sponsors: Reps. Pugliese, Sens. Kirkmeyer

### **HB23-1160, Colorado Trails System Requirements**

HB 1160 makes several changes to child welfare practice BEFORE information regarding an alleged person responsible for child abuse or neglect (PRAN) is recorded in the state's child welfare data system, (aka Trails). Specifically, the bill is intended to provide more information to the PRAN about how and why their information will be listed in Trails and the available appeals process. HB 1160 also limits the release of reports of child abuse and neglect for employment purposes.

Currently, counties are required to include the alleged PRAN into Trails as part of the referral and assessment process. Counties are required to close an assessment within 60 days which includes entering a finding of either founded, inconclusive or unfounded. State level appeals processes are available to individuals alleged to be responsible for abuse and neglect but those appeals are typically not resolved within the 60 day timeframe. If a founded finding is overturned on appeal, the state modifies the entry in Trails and changes it at that point. Counties do send a letter to any person who has a substantiated finding but that occurs once the finding is complete in Trails.

As part of a background check, the state releases substantiated findings of abuse and neglect to very select employers (such as child care providers and other employers where adults are in a trusted position with children). It's also important to note that a referral to the child abuse and neglect hotline does not trigger the 'founded, unfounded or inconclusive' designation. This only occurs if an assessment/investigation occurs on a reported case.

HB 1160 will be heard in the House Public & Behavioral Health & Human Services Committee on Tuesday, February 21st.

Position: Pending

Sponsors: Rep. Evans

### **SB23-064, Continue the Office of Public Guardianship**

For almost a decade, Colorado has diligently worked on the issue of providing guardianship services to indigent and at-risk adults who lack sufficient capacity to make decisions on their own. To date, the Colorado Office of the Public Guardianship consists of a handful of people who are piloting guardianship services in the second Judicial District which cover the City and County of Denver. As of September 2022, the Office had received 288 referrals for services, 82 of which were outside of Denver.

SB 64 indefinitely extends the guardianship office (it is scheduled to end on June 30, 2024), extends the guardianship services to every judicial district in the state by December 31, 2027, creates a 7 members board to oversee the Office's work, and requires guardians to ultimately be certified to preform the work that is required.

Counties may, but are not required, to provide guardianship services to individuals in need. County Adult Protective Services are ill equipped to do this work and in some cases, the individual could benefit from being moved to a professional, certified guardian. CCI is seeking an amendment to ensure that this is an option under SB23-064.

SB 64 is waiting to be heard in the Senate Appropriations Committee.

Position: Amend

Sponsors: Sen. Gardner & Ginal, Rep. Snyder

### **HB23-1024, Relative & Kin Placement of a Child**

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



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

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

County Attorneys have proposed several amendments to the bill's proponents, the Office of Respondent Parents Counsel (the entity that provides legal advocacy for indigent parents in child welfare proceedings). The offered amendments will provide a focus on the child's mental, physical and emotional needs; limit legal rights of relatives and kin when a child has already been placed with a relative or kin (to prevent multiple relatives/kin coming forward and litigating over the child); ensure reunification of the family remains the focus of proceedings; remove the reasonable efforts standard for county departments, while ensuring departments work to identify and engage relatives and kin; and additional language for further clarifications and to maintain consistency.

The bill was re-assigned to the [House Public & Behavioral Health & Human Services Committee](#) with a hearing yet to be scheduled and CCI expects our amendments to be adopted during that committee hearing.

Position: Amend

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

Staff: Katie First

### **[HB23-1027](#), Parent & Child Family Time**

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

Under current law, visitation must occur when a child is taken into the custody of the county department of human services and is required to commence within 72-hours after a hearing.

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

Under the bill, county departments are to encourage the maximum amount of family time and must propose a family time plan to the court. Creates a presumption that supervised family time should be supervised by informal supports (such as relatives, kin, or other community based supports) in the least restrictive setting; and that these supports may also be utilized for transportation to family time. Limits the court from restricting or denying family time, unless it would risk the child's safety or mental, physical, or emotional health. Withholding family time is prohibited as a sanction for both parents and children.

In addition, the High-Quality Parenting Time Task Force will continue to meet for an additional year and shall issue a report regarding strengths and needs for providing family time; identify measures to assist in building capacity for supervised family time; and ‘best practices for funding’.

The bill has been amended in order to assist with some major fiscal impacts to counties. Including the removal of the once every seven-day standard for family time in the introduced bill; addition of a “best interest of the child” standard when considering family time; recognition of the child’s and parent’s preferences in considering a family time plan; and addition of a “volunteer” description of informal supports the bill encourages to supervise family time.

The bill passed out of the [House Judiciary Committee](#) and is awaiting a hearing in the House Appropriations Committee.

Position: Amend

Sponsor(s): Reps. Joseph & Weissman, Sen. Winter

Staff: Katie First

### **SB23-039, Reduce Child & Incarcerated Parent Separation**

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

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

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

This bill has many implications for both county human services and jails and the bill does not address the true barriers of the involvement of an incarcerated parent in their child's dependency and neglect case; county commissioners have requested to turn this bill into a funded pilot-program and study duo. To better understand the implications of these changes, how to address these barriers, review funding opportunities, and collect data on this population, before statewide adoption of these concepts.

This bill has been assigned to the [Senate Judiciary Committee](#); with a hearing scheduled for Monday, February 13.

Position: Amend

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

Staff: Katie First

### **[SB23-082](#), Colorado Fostering Success Voucher Program**

SB23-082 creates the Colorado Fostering Success Voucher Program for individuals between 18 and 26 who have prior foster care or kinship care involvement and are currently experiencing or at imminent risk of homelessness, to provide housing vouchers and case management services.

The program will be jointly implemented by the State Department of Human Services (CDHS) and Department of Local Affairs (DOLA). Availability, standards, and services for the program are described in the bill.

The bill will was heard by the [Senate Health & Human Services Committee](#) this week, but is now awaiting a hearing with the Appropriations committee.

Position: Pending

Sponsor(s): Sens. Zenzinger & Kirkmeyer and Reps. Amabile & Michaelson Jenet

Staff: Katie First



## **Justice & Public Safety**

Chair: Commissioner Tamara Pogue, Summit County  
Vice Chair: Commissioner Longinos Gonzalez, El Paso County  
CCI Staff: Katie First

### **HB23-1075, Wildfire Evacuation & Clearance Time Modeling**

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

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

Commissioners have outstanding questions regarding how their staffs will work with the state Office of Emergency Management to receive the models and concerns that making the models publicly available may lead to inadvertent unintended consequences for residents. CCI is working with the bill sponsors to ensure these concerns are addressed while maintaining public safety.

The bill has been assigned to the [House Agriculture, Water & Natural Resources Committee](#) and is scheduled for its hearing on Monday, February 27.

Position: Amend  
Sponsor(s): Rep. Snyder

### **HB23-1096, Wildfire Resilient Homes**

HB23-1096 expands the existing Wildfire Mitigation Resources and Best Practices grant program to allow grant recipients to expend funds on programs, education and resources that will assist homes be more resilient to wildfire, for homes located in high risk wildfire areas.

Commissioners are concerned about how homes built or rebuilt with these resources may become out of compliance with the potential creation of the Wildfire Resiliency Code Board and its building code requirements. In addition, they feel more private partnerships should be utilized to accomplish this mission.

The bill has been assigned to the [House Agriculture, Water & Natural Resources Committee](#), with a hearing re-scheduled for Monday, February 27.

Position: Oppose  
Sponsor(s): Rep. Snyder

### **HB23-1100, Restrict Government Involvement in Immigration Detention**

Beginning January of 2024, the bill would prohibit various involvement between state or local governments with private entities for the detaining of immigrants, selling property to the private entity and defraying costs to build a facility.

In addition, government entities may not enter or renew immigration detention agreements; for entities with such an agreement, the entity will terminate the agreement by January 1, 2024.

The bill was passed out of the House Judiciary Committee on a 7-6 vote and is awaiting its vote on the House Floor.

Position: Pending  
Sponsor(s): Rep. Ricks & Garcia and Sens. Jaquez-Lewis & Gonzales

### **HB23-1151, Clarifications to 48-Hour Bond Hearing Requirement**

Under current law, bond hearings must occur within 48 hours for municipal and county court. The bill clarifies that drug or alcohol use and serious medical or behavioral health emergencies are not violations of the 48 hour hearing rule; however, when the emergency has been abated, the Sheriff shall bring the individual at the next scheduled bond hearing. When this occurs, the Sheriff shall provide the court with the details of the occurrence and document the circumstances. The bill maintains the usage of audiovisual or telephone conferencing for these purposes.

The bill also clarifies that the 48 hour requirement applies whether:

- The individual is held in custody in a jurisdiction other than the one that issues the arrest warrant;  
or
- Money bond was previously set ex parte.

The bill will be heard in the [House Judiciary Committee](#) on Wednesday, February 15.

Position: Pending  
Sponsor(s): Reps. Woodrow & Bockenfeld and Sens. Rodriguez & Gardner

### **HB23-1153, Pathways to Behavioral Health Care**

The bill requires the Colorado Department of Human Services (CDHS) to conduct a feasibility study regarding the intersection of Colorado's Behavioral Health Service Availability and the Judicial System and determine the feasibility of establishing a system to support individuals with serious mental illness' access to behavioral health care and housing support services. The study shall be submitted by December 31, 2023 to the General Assembly, the Governor and impacted state departments.

The bill will be heard in the [House Public & Behavioral Health & Human Services Committee](#) on Tuesday, February 14.

Position: Pending

Sponsor(s): Rep. Armagost & Amabile

### **[HB23-1165](#), County Authority to Prohibit Firearms Discharge**

Current law allows a Board of County Commissioners to adopt a resolution to prohibit the discharge of firearms in unincorporated areas with an average population density less than one hundred persons per square mile. As amended in committee, the bill changes that threshold to 35 or more dwellings per square mile. In addition, the provision in current law does not apply to private property; this bill removes that provision.

The bill maintains that firearms may still be discharged in these areas by: a peace officer, an indoor shooting gallery on a private residence or a licensed shooting range.

The bill was passed out of committee and will be heard on the House floor for second reading on Monday. CCI understands at that time an amendment will be added to exempt hunting and wildlife/livestock management.

Position: Pending

Sponsor(s): Rep. Amabile and Sens. Roberts & Jaquez Lewis



## **Land Use & Natural Resources**

Chair: Commissioner Mike Freeman, Ouray County  
Vice Chair: Commissioner Matt Scherr, Eagle County  
CCI Staff: Raegan Shane

### **HB23-1115, Repeal Prohibition Local Residential Rent Control**

[HB23-1115](#) repeals the statutory provisions from [HB21-1117](#) that currently prohibit counties and municipalities from enacting any ordinance or resolution that would control rent on private residential property or a private residential housing unit.

Counties and municipalities would have discretion to apply rent controls as they see fit, including with respect to mobile home parks and rentals. For example, they may include mobile homes, short-term rentals, and/or long-term rentals under rent controls they choose to implement. They may also choose to exempt mobile homes, short-term rentals, and/or long-term rentals from rent controls.

The bill has been assigned to the House Transportation, Housing & Local Government Committee and is scheduled for its hearing on Wednesday, February 15th.

Position: Monitor

Sponsors: Reps. Mabrey & Velasco, Sen. Rodriguez

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

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

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

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

- An energy code that achieves equivalent or better energy performance than one of the three most recent editions of the international energy conservation code is not required concurrently with a code update until July 1, 2025. Previously, such an energy code was required concurrently with any county/municipal code building code adoption or update occurring before July 1, 2023.

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

To see how many counties and municipalities this would affect under the latest state demographer’s population estimates and projections, click [here](#).

This bill has been assigned to the House Energy & Environment Committee and is scheduled for its hearing on Thursday, February 23<sup>rd</sup>.

Position: Support

Sponsors: Rep. Martinez & Sen. Simpson

### **SB23-016, Greenhouse Gas Emission Reduction Measures**

[SB23-016](#) is composed of 14 sections that take various measures to reduce greenhouse gas emissions in the state. These sections include requiring the public employees’ retirement association’s board to adopt proxy voting procedures to ensure voting decisions align with and support the statewide greenhouse gas (GHG) emission reduction goals, adding wastewater thermal energy into definitions around clean resources, updating statewide GFG emission reduction goals, giving the oil and gas conservation commission authority over class VI injection wells, and more.

Of the 14 sections, there are four sections on which counties are most focused:

- Section 6: Updates the statewide GHG emission reduction goals and increases the 2050 GHG emission reduction goal from 90% of 2005 GHG pollution levels to 100%.
- Section 7: Gives the Oil and Gas Conservation Commission (COGCC) authority over class VI injection wells for GHG sequestration, subject to sufficiency of state resources. The COGCC may issue and enforce permits accordingly. There are currently no requirements for the issuing of permits to go through local government site approval.
- Sections 10 through 12: Requires the Colorado electric transmission authority to prioritize, “if practicable,” project contracts that renovate or recondition existing utility transmission lines. Current law prioritizes contracts that will transmit or store electricity to be sold and consumed in Colorado and prioritizes electric utilities or entities that demonstrate an interest in continuing an existing powerline trail.
- Section 13: Requires a local government to expedite its review of a land use application that proposes a project to renovate, rebuild, or recondition existing transmission lines. “Expedite” is not defined to provide flexibility for local governments.

CCI is supportive of amendments discussed between Senator Hansen and Weld County to incorporate the local government land use application process into the renovation, rebuilding, and reconditioning of existing transmission lines, ensuring local authorities have an opportunity to weigh in. CCI is also requesting amendments to incorporate local siting approval into section 7 and to add “as practicable”



language into section 13. Additionally, CCI is requesting a commitment by the state to help local governments deal with the byproducts of the technology that would be used to achieve higher GHG reduction targets sooner.

SB23-016 passed the Senate Transportation & Energy Committee and now in the Senate Finance Committee, where its hearing has been scheduled for Tuesday, February 21<sup>st</sup>.

Position: Amend

Sponsors: Sen. Hansen, Reps. McCormick & Sirota



## **Public Lands**

Chair: Commissioner Jonathan Houck, Gunnison County  
Vice Chair: Commissioner Dwayne McFall, Fremont County  
CCI Staff: Gini Pingenot

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

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

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

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

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

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

#### 1.) State Park and Wildlife Area Access Grant Program

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

A grant program supported by KCW funding:

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

#### 2.) Local Government Fee Option on Daily Vehicle Passes

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

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

SB 59 was heard in the Senate Agriculture and Natural Resources Committee on Thursday, February 9. It will be voted on at a later date.

Position: Support (CCI Initiated Bill)

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



## **Taxation & Finance**

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

### **SB23-035, Middle-Income Housing Authority Act**

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

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

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

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

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

SB23-035 passed the Senate Local Government & Housing Committee and is now headed to the Senate Appropriations Committee.

Position: Support

Sponsors: Sens. Bridges & Moreno, Rep. Herod

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

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

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

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

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

CCI will be seeking amendments to align the contents of SB23-055 with the direction outlined in CDOR’s PLR. SB23-055 will be heard in the Senate Transportation & Energy Committee on Monday, February 13<sup>th</sup>.

Position: Amend

Sponsors: Sen. Gardner

### **SB23-057, County Treasurer No Longer Ex Officio District Treasurer**

Under current law which passed in 1905, irrigation and drainage districts pay a fee ranging between \$25 to \$100 per year to a county treasurer for financial services. The bill removes this provision and requires any district utilizing the services of a county treasurer to pay a certain percentage of taxes received ranging from 1 to 5 percent depending on the county, or counties, in which a district resides.

On average, county treasurers are receiving about \$160 collectively from irrigation and drainage districts within the county. The bill increases the amount a county treasurer will receive to provide financial services. Districts that use a county treasurer will incur additional costs, ranging from \$500 to \$50,000,

which reflects a percentage of the taxes collected for the districts. A district that performs its financial services internally, without the assistance from the county treasurer, will not incur these increased costs; rather, the district will take on the workload performed formerly by the county.

The majority of irrigation and drainage districts are in Mesa and Weld Counties. SB23-057 is a Colorado Treasurer's Association initiated bill. CCI understands the Treasurers are working on amendments and thus took an 'amend' position to support the Treasurer's work on SB23-057.

SB 57 will be heard in the Senate Local Government Committee on Tuesday, February 14<sup>th</sup>.

Position: Amend

Sponsors: Sen. Rich, Rep. Taggart

### **SB23-108 Allowing Temporary Reductions in Property Tax**

SB 108 allows local governments to provide temporary property tax relief through temporary property tax credits or mill levy reductions. The bill also makes it clear that credits can be eliminated and the original mill levy can be restored.

Existing statute is clear that temporary mill levy credits can be used to refund TABOR surpluses. And, while there are some local governments that have also issued mill levy credits for property tax relief purposes, some local governments seek clarity and assurance that this is an allowable move under TABOR. SB 108 provides this clarity.

SB 108 was approved by the Senate State, Veterans and Military Affairs Committee and now heads to the Senate Finance Committee.

Position: Pending

Sponsors: Sen. Baisley, Reps. Pugliese & Frizell

### **HB23-1017, Electronic Sales and Use Tax Simplification System**

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

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

Some of these upgrades include:

- Notification to a local taxing jurisdiction when a change has been made to an account or when the account has been closed;
- Creating a simplified process for filing a zero return (occurs when a retailer has little to no retail activity during a filing period);
- Inclusion of use taxes;

- Requirements that a retailer register with a local taxing jurisdiction in which taxes are due before using SUTS; and
- Prohibiting a retailer from filing a return in SUTS unless the retailer has the correct local number on the account.

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

HB23-1017 passed the House Finance Committee and is waiting to be heard in the House Appropriations Committee.

Position: Support

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

### **HB23-1054, Property Valuation**

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

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

Position: Monitor

Sponsors: Reps. Frizell, Sen. B Pelton

### **HB23-1091, Continuation of Child Care Contribution Tax Credit**

HB 1091 continues the availability of the child care contribution tax credit (CCTC) for 3 more years. This income tax credit is currently set to expire after the 2024 income tax year. HB 1091 will allow donors to claim it for the 2025, 2026 and 2027 income tax years. It also expands the credit to cover in-kind real property donations.

The CCTC is a 50% tax credit up to \$100,000 for donations made to child care, early childhood grant programs, foster care, youth shelters, residential treatment centers, before and after school programming and grant programs to help families afford child care.

In income tax year 2020, taxpayers claimed 16,850 child care contributions credits worth an aggregate \$28.4 million. Given the value of the credit is limited to \$100,000, the fiscal note does not anticipate that many real property contributions will occur. Because the state is anticipated to generate revenue above its TABOR cap through FY 2024-25 (\$1.37 billion projected in revenue above the TABOR Cap in SFY 2024-25 – refunded in SFY 25-26), the CCTC will reduce the amount of revenue available to refund through other mechanisms.

HB 1091 unanimously passed the House Finance Committee and is waiting to be heard in the House Appropriation Committee. This hearing will likely happen sometime after the state's budget for SFY 23-24 has been approved (late March/early April).

Position: Pending

Sponsors: Reps. Pugliese & Kipp, Sen. Marchman & Rich

### **HB23-1113, County Impact Notes by Legislative Council**

HB 1113 creates a new county impact note product that would be produced by Colorado Legislative Council if requested by the Legislature. This product would be in addition to the current practice Legislative Council employs now through their routine solicitation of local government feedback on bills that impact counties. Under HB 1113, up to 20 county impact notes could be requested each year by the Legislature. This concept is similar to the demographic notes and the greenhouse gas notes that passed in 2019. This bill is partly in response to two bills that passed last year impacting the Colorado Temporary Assistance to Needy Families program (HB22-1259) and collective bargaining for counties (SB22-230). Proponents see the benefit of having a ‘deep dive’ analysis into county operational impacts as a helpful way to create greater understanding among legislators of county resource challenges. CCI is seeking amendments to ensure that Legislative Council includes feedback representing the vast geographic/demographic/size diversity of the state when developing a county impact note. CCI will also explore ways to enhance the Department of Local Affairs (DOLA) role in the development of the county impact note and require all the feedback Legislative Council received from counties in the development of the county impact note to be made available to the legislature.

HB 1113 will be heard in the Transportation, Housing and Local Government Committee on Tuesday, February 14<sup>th</sup>.

Position: Amend

Sponsors: Reps. Hamrick & Frizell

### **HB23-1184, Low Income Housing Property Tax Exemptions**

HB 1184 makes several modifications to what has been known for years as the ‘Habitat for Humanity’ statute. Originally adopted in 2011, this provision of statute allows non-profit housing providers (a term narrowly defined to really only mean Habitat for Humanity) to acquire real property and maintain its property tax exempt status for 5 years. This has allowed Habitat for Humanity the ability to plan and execute developments without triggering a property tax liability. There is a ‘claw back’ provision in the event that the land is sold to an entity/person who doesn’t meet the strict definition of a non-profit housing provider.

HB 1184 extends the amount of time Habitat can hold on to real property without any construction activities occurring from 5 to 10 years. Additionally, the bill changes the definition of low-income applicant from [80% AMI](#) to 100% AMI beginning in January 2024.

Additionally, HB 1184 creates a new property tax exemption for land trusts and non-profit homeownership developers. This new exemption would apply to the land and NOT the improvement/dwelling. In order to qualify for the exemption, the dwelling on the land must have a deed restriction or some other price control in place, is sold to a household who at the time of purchase is at or below 100% AMI and is intended by the purchaser to be used as a primary residence. Currently land trusts can secure a property tax exemption but they MUST work with a housing authority. Since housing authorities are governmental entities (and thus exempt from property taxation), land trusts have partnered with them in order to secure an exemption. This provision of HB 1184 will allow land trusts and non-profit homeownership developers to secure the exemption on their own.

To access a Q&A on this policy between CCI and Habitat for Humanity, click [here](#).

HB 1184 has been assigned to the House Transportation, Housing and Local Government Committee but has not been calendared yet for a hearing.

Position: Pending



Sponsors: Reps. Lindstedt & Frizell, Sen. Roberts



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

Chair: Commissioner Richard Cimino, Grand County  
Vice Chair: Commissioner Jeanne McQueeney, Eagle County  
CCI Staff: Raegan Shane

### **SB23-006, Creation of the Rural Opportunity Office**

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

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

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

SB23-006 passed the Senate Business, Labor, & Technology Committee unanimously and is now headed to the Senate Appropriations Committee.

Position: Support

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



## **Transportation & Telecommunications**

Chair: Commissioner Jim Candelaria, Montezuma County

Vice Chair: Commissioner Chris Richardson, Elbert County

CCI Staff: Eric Bergman

### **HB23-1051, Support for Rural Telecommunications Providers**

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

Position: Support

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