COLORADO COUNTIES, INC.
Educate · Advocate · Empower

Justice & Public Safety Steering Committee
Friday, April 28, 2023
Agenda updated 4/24/2023

Welcome/Introductions
Chair: Commissioner Tamara Pogue, Summit County
Vice Chair: Commissioner Longinos Gonzalez, El Paso County
CCI Staff: Katie First (kfirst@ccionline.org | 614-774-6261)

Legislation to Revisit

HB23-1237, Inclusive Language Emergency Situations			
H-Spon	Rep. E. Velasco	**S-Spon**	Sen. P. Will
Summary	As amended at the request of counties, the bill requires the University of Colorado's Natural Hazards Center to conduct a study regarding: 1. Agencies that need to be able to provide emergency alerts in a minority language by July 1, 2024; and 2. What local 911 agencies need to provide live interpretation during a 911 call by July 1, 2024. The study will review: • Essential components of a warning system without having to "opt in" to alerts & the ability to provide alerts in minority languages; • Identify agencies current capabilities & gaps requiring correction; • Identify funding resources for the creation of a grant program; • Determine best practices; and • Present research regarding effective emergency alerts for people with disabilities. The provision in the introduced bill requiring emergency alerts to be sent in minority languages has been struck. The amended version of the bill is available here. The bill has passed the House and next will be heard by the Senate State, Veterans & Military Affairs Committee.		
Status	In Progress		
Position	Amend		

HB23-1270, Creation of Urgent Incident Response Fund			
H-Spon	Rep. L. Garcia & Rep. M. Lindsay	**S-Spon**	
Summary	The bill creates the urgent incident response fund (fund). Money in the fund is continuously appropriated to the division of homeland security and emergency management in the department of public safety to reimburse state agencies and local governments for the costs of responding to urgent incidents that do not rise to the level of disasters or emergencies.		

	Two amendments were adopted on the House Floor to provide greater clarity and transparency for the fund: 1. Amendment L03 requires the division to publish information on their website regarding local governments that receive and utilized reimbursements [view amendment language] 2. Amendment L04 tasks the division to promulgate rules regarding the reimbursement, including applying for reimbursement, eligibility criteria for the amount of reimbursement, and the distribution and receipt of an approved reimbursement [view amendment language]
Status	Amend
Position	Pending

Legislation for Reference / No Anticipated Action

HB23-1075 – Wildfire Evacuation and Clearance Time Modeling			
H-Spon	Rep. M. Snyder	**S-Spon**	
Summary	Section 1 of the bill directs the office of emergency management (office) to provide resources and technical assistance to an eligible entity to conduct evacuation and clearance time modeling and to publish the results to an interactive website. An eligible entity includes a fire department, governing body of a political subdivision, local or interjurisdictional emergency management agency, or homeowners' association that is located in or provides services to a wildfire risk area. The office is required to conduct an outreach and education campaign to advise eligible agencies of the program. On and after July 1, 2026, each local and interjurisdictional emergency management agency that has jurisdiction in a wildfire risk area must perform evacuation and clearance time modeling and include the information in the emergency management plan for its area. Section 2 requires that, beginning on January 1, 2024, for proposed developments of a certain size, a developer must perform evacuation and clearance time modeling for the proposed development and submit the information to the local government that will consider the application for a development permit for approval. A local government cannot approve an application for a development permit submitted on or after that date unless the application includes the evacuation and clearance time modeling and the local government determines that it is adequate for the proposed development. ** Amended to study on 3/13**		
Status	In Progress		
Position	Monitor		

HB23-1096, Wildfire Resilient Homes			
H-Spon	Rep. M. Snyder	**S-Spon**	
Summary	The bill expands the wildfire mitigation resources and best practices grant program to allow grant recipients to expend grant money on programs, education, and resources for ways in which houses located in areas of the state at high risk of wildfires may be built, rebuilt, or improved to make such houses more resilient to the risks posed by wildfires and requires the Colorado state forest service to promote the benefits of adopting the ways in which houses can be made more wildfire resilient.		
Final Status	Postpone Indefinitely		
Position	Oppose		

HB23-1100, Restrict Government Involvement in Immigration Detention			
H-Spon	Rep. L. Garcia & Rep. N. Ricks	**S-Spon**	Sen. J. Gonzales & Sen. S. Jaquez Lewis
Summary	The United States immigration and customs enforcement, the federal agency responsible for overseeing and implementing policies related to immigration detention, contracts out a portion of its detention capacity to state and local governments. State and local governments may then subcontract with prisons or immigration detention facilities that are owned, managed, or operated by private entities to house or detain individuals for federal civil immigration purposes. Beginning on January 1, 2024, the bill prohibits the state and any local government in the state (governmental entity) from: • Entering into an agreement for the detention of individuals in an immigration detention facility that is owned, managed, or operated by a private entity; • Selling any government-owned property for the purpose of establishing an immigration detention facility that is or will be owned, managed, or operated by a private entity; • Paying any costs related to the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated by a private entity; • Receiving any payment related to the detention of individuals in an immigration detention facility that is owned, managed, or operated by a private entity; or • Giving financial incentives or benefits to a private entity in connection with the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated by a private entity. In addition, beginning on January 1, 2024, the bill prohibits a governmental entity from entering into or renewing an agreement for payment to house or detain individuals for federal civil immigration purposes (immigration detention agreement). The bill also requires a governmental entity with an existing immigration detention agreement to exercise the termination provision contained in the agreement by a specified date.		
Status	In Progress		
Position	Oppose		

HB23-1151, Clarifications to 48-hour Bond Hearing Requirement			
H-Spon	Rep. R. Bockenfeld & Rep. S. Woodrow	**S-Spon**	Sen. B. Gardner & Sen. R. Rodriguez
Summary	Current law requires an individual who is in jail to be brought before a judge for a bond hearing within 48 hours of arriving at the jail. The bill clarifies the circumstances when the 48-hour requirement does not apply when the individual is unable to attend court. The bill also clarifies that the 48-hour requirement applies regardless of 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.		
Status	Sent to Governor		
Position	Monitor		

HB23-1153, Pathways to Behavioral Health Care			
H-Spon	Rep. J. Amabile & Rep. R. Armagost	**S-Spon**	Sen. B. Pelton & Sen. R. Rodriguez

Summary	The bill requires the state department of human services (state department) to contract with an independent third party to conduct a feasibility study to determine the feasibility of creating a system to support individuals with serious mental illness through a collaboration between Colorado's behavioral health and judicial systems. The bill requires the state department to work with the behavioral health administration, department of local affairs, department of public safety, department of health care policy and financing, judicial department, and other state agencies to determine the eligibility requirements and application process for selecting the independent third party. The bill requires the state department to submit a report detailing the findings and recommendations from the feasibility study to the general assembly, the governor's office, and impacted state agencies by December 31, 2023.
Status	In Progress
Position	Support

HB23-1165, County Authority to Prohibit Firearms Discharge			
H-Spon	Rep. J. Amabile & Rep. K. McCormick	**S-Spon**	Sen. S. Jaquez Lewis
Summary	Under existing law, a board of county commissioners (board) may designate unincorporated areas of a county where it is unlawful to discharge firearms (designated area) , except the board may not prohibit discharge of firearms in shooting galleries, on private grounds, or in residences under circumstances that do not endanger persons or property. A designated area must have an average population density of 100 persons or more per square mile. The bill repeals the exception for private property, repeals the minimum population density requirement, and instead requires that the designated area have *35* dwellings or more per square mile. A board is not allowed to prohibit discharge of a firearm in a designated area by a peace officer, in an indoor shooting gallery located in a private residence, at a shooting range , pursuant to a wildlife management activity, or by a person engaged in a lawful hunting activity or livestock management. Under existing law, certain state laws concerning the state's liability for damages done to property by wild animals protected by the game laws of the state do not apply to a designated area. The bill repeals this exception.		
Status	In Progress		
Position	Oppose		

SB23-166, Establishment Of A Wildfire Resiliency Code Board			
H-Spon	Rep. M. Froelich & Rep. E. Velasco	**S-Spon**	Sen. L. Cutter & Sen. T. Exum
Summary	The bill establishes a wildfire resiliency code board (board) in the division of fire prevention and control (division) within the department of public safety (department) for the purposes of ensuring community safety from and more resiliency to wildfires by reducing the risk of wildfires to people and property through the adoption of statewide codes and standards. The board consists of 21 appointed voting members with specific government or industry qualifications and 3 non-voting members. The board is required to promulgate rules concerning the adoption and administration of codes and standards for the hardening of structures and parcels in the wildland-urban interface in Colorado, including rules that:		

	• Define the wildland-urban interface and identify areas of the state that are within it; • Adopt minimum codes and standards based on best practices to reduce the risk to life and property from the effects of wildfires; • Identify hazards and types of buildings, entities, and defensible space around structures to which the codes apply; and • Establish a process for a governing body to petition the board for a modification to the codes and establish the criteria and process for the board to grant or deny an appeal from a decision of the board on a petition for modification. The bill also creates the wildfire resiliency code board cash fund and continuously appropriates the money in the fund to the department to implement the provisions of the bill. The bill requires a governing body with jurisdiction in an area within the wildland-urban interface to adopt and enforce a code that meets or exceeds the minimum standards of the codes adopted by the board. Enforcement of the codes is done in accordance with the rules and regulations for code enforcement adopted by the governing body. If the governing body does not have rules and regulations for code enforcement, the governing body may request support from the division to enforce the code.
Status	In Progress
Position	No Position

SB23-277, Public Safety Programs Extended Uses			
H-Spon		**S-Spon**	Janet Buckner
Summary	The crime prevention through safer streets grant program (safer streets program) currently exists within the department of public safety (DPS). The safer streets program repeals on November 1, 2023. The bill extends the safer streets program, extends reporting requirements, and extends the authority for the DPS to use the appropriation received in the 2022-23 state fiscal year to pay for the safer streets program until the appropriation is fully expended. Two additional grant programs exist within DPS: A law enforcement workforce recruitment, retention, and tuition grant program (workforce program) to award grants to law enforcement agencies to address workforce shortages, improve training to P.O.S.T.-certified peace officers, and improve relationships between law enforcement and impacted communities; and A state's mission for assistance in recruitment and training policing grant program (SMART program) to award grants to law enforcement agencies to increase the number of P.O.S.T.-certified and non-certified officers who are representative of the communities they serve and to provide training for those additional law enforcement officers. The bill extends the workforce program and the SMART program and their reporting requirements, specifies additional permissible uses for the workforce program and SMART program grant awards, permits DPS to set workforce program and SMART program deadlines, and permits DPS to provide technical support to workforce program and SMART program applicants. The behavioral health information and data-sharing program (information program) currently exists within the DPS. The program repeals on June 30, 2024. The bill extends the information program, and the authority for the DPS to use the appropriation until December 30, 2024.		
Status	In Progress		
Position	Support		

In Case You Missed It

2023 Opioid Settlement Participation Forms
Click here to view a message that was sent on February 13th to the 312 local governments primary contacts. Since there is a new settlement with five additional companies, each local government must submit a new participation form to receive the additional funds.

The participation form must be completed by April 7th.

If you have questions, please reach out to Katie First.

Adjourn

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General Government Steering Committee
Friday, April 28, 2023
Agenda updated 4/24/2023

Welcome/Introductions
Chair: Commissioner Scott James, Weld County
Vice Chair: Commissioner Jody Shadduck-McNally, Larimer County
CCI Staff: Eric Bergman (ebergman@ccionline.org | 303-915-2909)

New Legislation

HB23-1296, Create Task Force Study Rights Persons Disabilities			
H-Spon	David Ortiz	**S-Spon**	Leslie Herod
Summary	The bill creates the task force on the rights of Coloradans with disabilities (task force) in the Colorado civil rights commission. The task force shall create a minimum of 4 subcommittees to study and make recommendations on specific issues related to persons with disabilities: • The rewrite subcommittee, which must study and make recommendations concerning the various issues related to the rewrite and modernization of the Colorado Revised Statutes concerning civil rights of persons with disabilities; • The outdoors subcommittee, which must study and make recommendations related to the basic accessibility of outdoor spaces for persons with disabilities; • The housing subcommittee, which must study and make recommendations related to the affordability, accessibility, and attainability of housing for persons with disabilities; and • The government subcommittee, which must focus on basic physical and programmatic accessibility within state and local government. Minimum mandatory membership and reporting requirements are outlined for the task force and each subcommittee. The task force shall produce a final report, including recommendations, to submit the governor and general assembly on or before January 30, 2025.		
Status	In Progress		
Position	Pending		

HB23-1302, Housing Accessibility P I D			
H-Spon	David Ortiz	**S-Spon**	Sheila Lieder
Summary	The bill modifies the accessible housing standards and specifications exception process for housing for which building plans are submitted to a governmental unit on or after July 1, 2023. A governmental unit may only grant exceptions to any particular accessible housing standard or specification when the governmental unit determines that the standard or specification is technically infeasible and would create an undue hardship. The determination must be in writing and must articulate the relevant undue hardship. Similarly, the bill requires that the alteration of walls or defining boundaries in housing that was under construction prior to July 1, 2023, must comply with certain minimum alteration requirements, unless there is a determination of undue hardship by the relevant governmental unit.		

	However, even if a governmental unit makes a determination of undue hardship, the alterations must still comply with the minimum alteration requirements to the maximum extent feasible. The bill establishes that failure to comply with certain standards for accessible housing constitutes discrimination on the basis of a disability jointly and severally by the owner of the relevant property and any construction professionals who participate in the noncompliant construction or alteration of the relevant property. The bill creates a civil action for an individual with a disability subject to a failure or the attorney general. The bill requires that certain new construction projects and alterations provide a certain number of type B dwelling units or type B multistory dwelling units, and in some cases at least one type A dwelling unit or type A multistory dwelling unit, based on the number of dwelling units in the construction project or alteration. The bill prohibits a landlord from refusing a request by an individual with a disability to make modifications, at the individual's own expense, necessary to afford the individual the full enjoyment of the property. The bill requires newly constructed housing to have: At least one building entrance on an accessible route, unless doing so would be an undue hardship; Fire alarms that are accessible to individuals with a disability, so long as the dwelling unit does not require individuals to purchase their own fire alarms; and Emergency exits that are accessible to individuals with a disability. The bill also states that a failure to ensure the following qualifies as discrimination against an individual with a disability: That all mailboxes assigned to dwelling units are fully accessible to any individual with a disability who lives in those dwelling units; and That all signage in dwelling units, including directories and elevator buttons, is accessible to individuals with disabilities. Lastly, the bill authorizes a court to extend: The answer date in an eviction proceeding if the defendant files a written request with the court for a reasonable accommodation pursuant to prohibited unfair housing practices; and The hearing date for a hearing required during a foreclosure proceeding if the borrower files a written request with the court for a reasonable accommodation pursuant to prohibited unfair housing practices.
Status	In Progress
Position	Pending

SB23-286, Access To Government Records			
H-Spon	Matt Soper & Marc Snyder	**S-Spon**	Chris Hansen
Summary	The bill makes changes to the "Colorado Open Records Act" (CORA) and to record retention requirements for state agencies.		

	Definitions. The bill modifies the definition of "public records" (records) in CORA to clarify that writings made, maintained, or kept by the state, including any office of the state, are records. The bill also changes the definition of "electronic mail" to "electronic communication" to encompass all forms of electronic communication. Format of records for inspection. Current law specifies how a custodian is required to provide a record for inspection if the record is available in a digital format that is sortable, searchable, or both. The bill specifies that if a record is available and can be transmitted in digital format, the custodian is required to transmit the record by electronic communication unless otherwise requested by the requester. In addition, the bill prohibits a custodian from converting a digital record into a non-searchable or non-sortable format prior to transmission. Records subject to inspection. CORA currently allows a custodian to deny a requester's right to inspect certain records on the ground that disclosure of the record would be contrary to the public interest. The bill includes in this category the telephone number or home address that a person provides to an elected official for the purpose of future communication with the elected official. The bill specifies that if an elected official is the subject of a government-authorized investigation into the elected official's alleged sexual harassment in the workplace, the final report of the investigation is a public record; except that the identity of any accuser and any potentially identifiable characteristics of any accuser must be redacted unless the identity of all accusers is already known to the public. Transmission and per-page fees for records. Currently, a custodian may transmit a record to a requester in one of several ways and may charge the requester for the costs associated with transmitting the record; except that the custodian may not charge a fee if the record is transmitted via electronic communication. In addition, a custodian may currently charge a per-page fee for providing copies of a record. The bill specifies that the custodian may not charge a per-page fee if the records are provided in a digital or electronic format. Electronic payments. The bill requires a custodian to allow records requesters to pay any fee or deposit associated with the request via a credit card or electronic payment if the custodian allows members of the public to pay for any other product or service provided by the custodian with a credit card or electronic payment. Records retention requirements. The bill requires all electronic communications sent to or received by an officer or employee of a state agency, the contents of which include any discussion of the public business of the state agency and are relevant to any proceeding in which the state agency is involved, to be retained for at least the length of the applicable proceeding. In addition, the bill requires each state agency to retain all electronic mail messages in its custody or control that may be responsive to a request for records pursuant to CORA until the request for records and any subsequent appeals are resolved.
Status	In Progress
Position	Pending

SB23-290, Natural Medicine Regulation And Legalization			
H-Spon		**S-Spon**	Steve Fenberg
Summary	The bill amends the regulatory framework for natural medicine and natural medicine product. The bill requires the director of the division of professions and occupations to: Regulate facilitators and the practice of regulation, including issuing licenses for facilitators; Promulgate rules necessary for the regulation of facilitators and the practice of facilitation; and		

	Perform duties necessary for the implementation and administration of the "Natural Medicine Health Act of 2022", including investigatory and disciplinary authority. The bill creates the natural medicine advisory board (board). The board's duties include examining issues related to natural medicine and natural medicine product, and making recommendations to the director of the division of professions and occupations and the executive director of the state licensing authority. The bill creates within the department of revenue the division of natural medicine for the purpose of regulating and licensing the cultivation, manufacturing, testing, storage, distribution, transport, transfer, and dispensation of natural medicine or natural medicine product between natural medicine licensees. The bill requires the division of natural medicine to: Regulate natural medicine, natural medicine product, and natural medicine businesses, including healing centers, cultivators, manufacturers, and testers, and issue licenses for such businesses; Promulgate rules necessary for the regulation of natural medicine, natural medicine product, and natural medicine businesses; and Perform duties necessary for the regulation of natural medicine, natural medicine product, and natural medicine businesses, including investigatory and disciplinary authority. The bill requires the department of revenue to coordinate with the department of public health and environment concerning testing standards of regulated natural medicine and natural medicine product. The bill requires a sunset review for the articles governing the department of regulatory affairs and the department of revenue in the regulation of natural medicine, natural medicine product, facilitators, and natural medicine businesses. The bill states that: A person who is under 21 years of age who knowingly possesses or consumes natural medicine or natural medicine product commits a drug petty offense and is subject to a fine of not more than $100 or not more than 4 hours of substance use education or counseling; except that a second or subsequent offense is subject to a fine of not more than $100, not more than 4 hours of substance use education or counseling, and not more than 24 hours of useful public service; A person who openly and publicly consumes natural medicine or natural medicine product commits a drug petty offense and is subject to a fine of not more than $100 and not more than 24 hours of useful public service; A person who cultivates natural medicine shall do so on the person's private property, subject to area and physical security requirements. A person who violates this provision commits a drug petty offense and is subject to a fine of not more than $1,000. A person who is not licensed to manufacture natural medicine product and who knowingly manufactures natural medicine product using an inherently hazardous substance commits a level 2 drug felony; Unless expressly limited, a person who for the purpose of personal use and without remuneration, possesses, consumes, shares, cultivates, or manufactures natural medicine or natural medicine product, does not violate state or local law, except that nothing permits a person to distribute natural medicine or natural medicine product to a person for certain unlawful purposes; A peace officer is prohibited from arresting, and a district attorney is prohibited from charging or prosecuting, a person for a criminal offense under part 4 of article 18 of title 18 involving natural medicine or natural medicine product, unless expressly provided by the bill;

	A lawful action related to natural medicine or natural medicine product must not be the sole reason to subject a person to a civil penalty, deny a right or privilege, or seize assets; A lawful action related to natural medicine or natural medicine product must not be used as the sole factor in a probable cause or reasonable suspicion determination of any criminal offense; except that an action may be used in such determination if the original stop or search was lawful and other factors are present to support a probable cause or reasonable suspicion determination of any criminal offense; The fact that a person is entitled to consume natural medicine or natural medicine product does not constitute a defense against any charge for violation of an offense related to operation of a vehicle, aircraft, boat, machinery, or other device; A local jurisdiction is prohibited from adopting, enacting, or enforcing a conflicting law; A person or entity who occupies, owns, or controls a property may prohibit or otherwise regulate the cultivation or manufacture of natural medicine or natural medicine product on or in that property. The bill states that an act involving natural medicine or natural medicine product that is performed by a person: Does not solely constitute child abuse or neglect, or grounds for restricting or prohibiting family time; Does not solely constitute grounds for denying health insurance coverage; Does not solely constitute grounds for discrimination for organ donation; and Must not be considered for public assistance benefits eligibility, unless required by federal law. The bill makes a person eligible to file a motion to have conviction records related to natural medicine or natural medicine product sealed immediately after the later date of final disposition or release from supervision. Under federal law, certain expenses are disallowed under section 280E of the internal revenue code. Under state law, the state income tax code permits taxpayers who are licensed under the "Colorado Marijuana Code" to subtract expenses that are disallowed by section 280E of the internal revenue code. The bill expands this permission to taxpayers who are licensed under the "Colorado Natural Medicine Code".
Status	In Progress
Position	Pending

Legislation to Revisit

HB23-1057, Amenities for All Genders in Public Buildings			
H-Spon	Rep. Karen McCormick & Rep. Stephanie Vigil	**S-Spon**	Sen. Sonya Jaquez Lewis

Summary	AS INTRODUCED, the bill requires each newly constructed public building and each public building in which restroom renovations are estimated to cost $10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to: Provide a non-gendered restroom facility or a multi-stall non-gendered facility on each floor where restrooms are available; Ensure that all single-stall restrooms are not designated for exclusive use by any specific gender; Allow for the use of multi-stall restrooms by any gender if certain facility features are met under the 2021 International Plumbing Code; and Provide at least one safe, sanitary, and convenient baby diaper changing station that is accessible to the public on each floor where there is a public restroom in each gender-specific restroom, non-gendered multi-stall restroom, and non-gendered single-stall restroom. The bill also requires each newly constructed public building and each public building in which restroom renovations are estimated to cost $10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to include signage indicating the presence of a baby diaper changing station with a pictogram that is void of gender in all restrooms with baby diaper changing stations, in all non-gendered restrooms, and in all single-stalled restrooms. The bill also requires each newly constructed public building and each public building in which restroom renovations are estimated to cost $10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to indicate in the central building directory, if such a directory exists, the location of any baby diaper changing station and of any non-gendered restroom. The bill exempts the requirements of including a baby diaper changing station in any restroom and any construction necessary to comply with providing an accessible non-gendered restroom if the requirement would result in failure to comply with applicable building standards governing the right of access for individuals with disabilities. The bill clarifies that an employee with a designated workplace in a public building may undertake the complaint process for alleged discriminatory or unfair practices including the failure to comply with providing the required amenities to all genders, as required, with the Colorado civil rights division charged with the enforcement of the Colorado anti-discrimination act. AS AMENDED IN COMMITTEE, the bill now exempts historic buildings and buildings that are leased by local governments. The $10,000 threshold for renovation has been removed and replaced by a renovation threshold where the footprint of the bathroom is altered or new plumbing/electrical is being installed or modified. Diaper changing stations can now be placed outside of a bathroom. Client-facing or public restrooms are prioritized and other restrooms do not have to be addressed until after 2025.
Status	In Progress
Position	Amend

SB23-276, Modifications To Laws Regarding Elections			
H-Spon	Emily Sirota	**S-Spon**	Steve Fenberg
Summary	The bill modifies the "Uniform Election Code of 1992" (code), the law regarding initiatives and referendums, and the "Fair Campaign Practices Act". Elections generally. The bill allows any form of identification currently specified in the code to be presented in digital format. Qualification and registration of electors. The bill repeals the authorization for a 17 year-old who is preregistered to vote as an 18 year-old in a general election from voting as a 17 year-old in a primary election or presidential primary election that precedes that general election; repeals certain criteria for determining residence; and facilitates voter registration for people who live on Indian reservations. Political party organization. The bill modifies the meeting dates on which a judicial district central committee holds its organizational meetings. Access to ballot by candidates. The bill eliminates the option for all active electors in a county who have not declared an affiliation to specify a party preference and specifies that all such electors will receive a mailing that contains the ballots of all of the major political parties; conforms		

provisions regarding presidential electors to federal law; makes the deadlines for a candidate to file a petition in a congressional vacancy election consistent with other deadlines; clarifies who can challenge a candidate's eligibility for office; modifies notice requirements for candidates for designation for nomination by assembly; aligns the minor political party candidate petition calendar with the major political party candidate petition calendar; repeals the ability of a preregistrant to sign a petition to nominate a candidate for a primary election; modifies the standards for a petition entity to operate in the state and the conditions under which the secretary of state (secretary) may deny or revoke a petition entity's license to operate; requires a candidate to submit a paid circulator report, if applicable, to the secretary; modifies the procedures for a candidate to cure a nominating petition signature deficiency; and creates a process for a candidate to protest when the secretary has determined that a petition is insufficient. Notice and preparation of elections. The bill requires voter service and polling centers (VSPC) and drop boxes to be located on campuses of private institutions of higher education and increases the number of VSPCs and drop boxes on campuses of private and state institutions of higher education; clarifies the number of in-person voting days at a VSPC on an Indian reservation; clarifies that a VSPC may be in a multi-use building where alcohol is served so long as it is in a separate part of the building; repeals obsolete language regarding voting equipment; increases the state's reimbursement to counties for the cost of conducting elections beginning in July, 2024; clarifies the secretary's authority to determine conditions of use for voting systems; updates provisions regarding the use of voting systems to align with current practice; clarifies that a clerk and recorder or designated election official (clerk) is required to submit a plan regarding voting to the secretary before every election; modifies the standards for accessible voting systems to align with federal standards; and repeals obsolete language regarding direct recording electronic voting systems. Election judges. The bill changes the deadline by which the county chairperson of each major political party in a county is required to certify to the clerk the names and addresses of registered electors recommended to serve as election judges in the county and allows counties with fewer than 15,000 active voters to have 2, rather than 3, election judges at each VSPC. Conduct of elections. The bill eliminates references to precincts; modifies the number of election judges in certain counties; clarifies the number of watchers allowed in certain locations for primary, general, and congressional vacancy elections; modifies who may appoint an election watcher and the circumstances under which a clerk is required to revoke the certificate of an election watcher; specifies the circumstances under which a clerk is required to revoke the certificate of a watcher for the use of a mobile phone in a polling location; specifies that an election watcher may use a phone to send or receive text messages while watching election activities so long as the watcher is not in view of personally identifiable information; specifies the conditions under which an elector may take a mobile phone into a VSPC; updates provisions regarding voting machines and the inspection of voting machines by election judges; repeals obsolete provisions regarding the manner of voting by eligible electors (electors), write-in ballots, and how voting system software is installed; specifies that if a ballot is damaged and cannot be counted by electronic vote-counting equipment, a team of bipartisan election judges is required to make a duplicate copy of the ballot ; specifies the manner in which the secretary is required to retain election setup records; and clarifies that the secretary will conduct a random audit of voting devices only if a risk-limiting audit is not possible after an election. Mail ballot elections. The bill specifies when a clerk must update the voter registration system after an elector has cured deficient identification or a missing or deficient signature; specifies how often a clerk must collect ballots from each drop box and when a clerk must begin counting ballots in counties with over 10,000 electors; and in counties that have issued electronic tablets to confined eligible electors, directs the clerk and the sheriff to determine and include in the mail ballot election plan the process by which they will facilitate voter registration, ballot delivery, and ballot return using electronic tablets issued to confined eligible electors. Recounts. The bill modifies deadlines and the process for testing voting systems in connection with a mandatory recount of votes cast; repeals obsolete provisions regarding recounts in nonpartisan local elections; modifies recount

	timelines and payment requirements; and clarifies who has standing to request a recount challenge. Certificates of election and election contests. The bill repeals obsolete language regarding the election of precinct officers and duplicative language regarding the resolution of tie votes and updates requirements regarding lists of presidential electors to conform with federal law. Recall elections. The bill clarifies how the date of a recall election is determined. Election offenses. The bill repeals obsolete provisions regarding voting in an incorrect polling location and specifies that it is not electioneering for a person to incidentally display apparel that supports political issues on the campus of any institution of higher education, rather than just a state institution of higher education, where a VSPC is located. Initiative and referendum. The bill repeals an obsolete provision regarding filing a paid circulator report with the secretary; prohibits a petition entity from circulating ballot petitions if the entity or a principal of the entity has been convicted of certain crimes; increases penalties for petition entities that violate state law regarding petition circulation; and repeals obsolete language regarding the effective date of bills enacted during the 2020 legislative session. Fair campaign practices. The bill clarifies the definition of "independent expenditure committee"; specifies that a candidate committee is prohibited from knowingly accepting contributions from certain entities and making contributions to certain entities; specifies the time frame for the termination of candidate committee accounts; limits the amount of unexpended campaign contributions that may be transferred from one candidate committee to another for a different office sought by the same candidate; clarifies that an elected official may use unexpended campaign contributions for child care costs; clarifies when a referred measure is submitted to the voters by the general assembly; requires the electronic filing of candidate disclosure statements; states that a candidate may be disqualified if the secretary of state finds that the candidate willfully filed a false or incomplete disclosure statement; and states that any candidate who willfully files a false or incomplete disclosure statement or other document required by law is guilty of a misdemeanor. Public official disclosure law. The bill specifies that the information included in the public disclosures filed by certain public officials must include information for the previous calendar year; and requires the person making the disclosure to include certain information about the sources of compensation the person received. Use of state money. The bill prohibits the department of state from using an appropriation of state money for marketing or advertising that features the name, photograph, or likeness of a federal, state, or local candidate for office.
Status	In Progress
Position	Pending

Legislation for Reference/ No Anticipated Action

HB23-1032, Remedies Persons with Disabilities			
H-Spon	Rep. David Ortiz	**S-Spon**	
Summary	The bill makes 3 primary clarifications about the remedies a person with a disability is entitled to under current Colorado law related to protections against discrimination on the basis of disability for persons with disabilities: • That a person with a disability is prohibited from being subject to discrimination by, excluded from participating in, or denied the benefits of services, programs, or activities of a place of public accommodation; • That the types of monetary damages to which a person with a disability is entitled include damages for emotional distress; and • That a person with a disability is entitled to both a court order requiring compliance and either monetary damages or a statutory penalty.		

	Lastly, the bill specifies that certain types of relief do not require exhaustion of potential administrative remedies.
Status	In Progress
Position	Monitor

HB23-1065, Local Government Independent Ethics Commission			
H-Spon	Rep. J. Parenti & Rep. T. Story	**S-Spon**	
Summary	Under current law, the independent ethics commission created in article XXIX of the state constitution does not have jurisdiction over officials or employees of special districts or school districts. The bill gives the independent ethics commission jurisdiction to hear complaints, issue findings, assess penalties, and issue advisory opinions on ethics issues concerning a local government official or local government employee. "Local government" is defined to include a county, municipality, special district, or school district. Existing ethical standards apply to a local government official and a local government employee. The bill applies those standards to a local government official or local government employee through the independent ethics commission.		
Status	In Progress		
Position	Monitor		

HB23-1076, Worker's Compensation			
H-Spon	Rep. L. Daugherty	**S-Spon**	
Summary	Section 1 of the bill increases the limit on medical impairment benefits based on mental impairment from 12 weeks to 36 weeks. Section 2 removes language authorizing an employee to petition the division of workers' compensation in the department of labor and employment (division) prior to receiving a replacement of any artificial member, glasses, hearing aid, brace, or other external prosthetic device, including dentures. Section 3 allows an employee to request a hearing when the employee's temporary total disability benefits end based on an attending physician's written release to return to regular employment. Section 4 specifies that when a physician recommends medical benefits after maximum medical improvement, the benefits admitted by the insurer or self-insured employer are not limited to any specific medical treatment. Current law requires an insurance carrier to provide an independent medical examiner and all other parties a complete copy of all medical records in its possession pertaining to an injury. Section 5 limits the medical records required to be provided to records relevant to the injury. Section 5 also specifies how the division is required to determine the amount and allocation of costs to be paid by the parties for an independent medical examination.Section 6 allows a prehearing administrative law judge to issue interlocutory orders resolving disputes regarding the content and format of the independent medical examiner's medical record packet, indigency status, and the allocation of independent medical examiner costs. Current law states that a contingent attorney fee exceeding 20% of the amount of contested benefits is presumed to be unreasonable. Section 7 increases the amount to 25%.		
Status	In Progress		
Position	Monitor		

HB23-1139, Modification of Rural Counties Officer Salary Categories

H-Spon	Rep. M. Martinez	S-Spon	Sen. C. Simpson
Summary	Current law categorizes each county for purposes of establishing the salaries of elected officials in the county. The statutory salary amounts are adjusted every 2 years for inflation and take effect for terms commencing after any change is made. The bill modifies the categories of 11 counties.		
Status	Signed by Governor		
Position	Support		

HB23-1149, Modify Conduct of Elections in Small Counties			
H-Spon	Rep. R. Holtorf	**S-Spon**	Sen. B. Pelton
Summary	Current law requires a county clerk and recorder to designate a minimum number of voter service and polling centers depending on the number of active electors. The bill allows a county clerk and recorder of a county with between 10,000 and 37,500 active electors to apply to the secretary of state for permission to reduce the number of required voter service and polling centers if the county clerk and recorder submits data showing how many registered electors voted at one or more of the county's required voter service and polling centers compared to the county's available resources and showing that the number of designated voter service and polling centers was not required for the number of registered electors. For partisan elections, current law requires a county clerk and recorder to appoint 3 election judges for each voter service and polling center. The bill allows a county clerk and recorder of a county with less than 37,500 active electors (small county) to appoint a member of the county clerk and recorder's staff to serve as one of the required election judges for each voter service and polling center.		
Position	Support		
Final Status	Postpone Infinitely		

HB23-1180, County Commissioner Elections			
H-Spon	Rep. B. Marshall	**S-Spon**	Sen. K. Priola
Summary	Currently, in a county with a population of 70,000 or more, the board of county commissioners (board) may consist of 3 commissioners from 3 districts, with one commissioner elected from each district by voters of the whole county. Alternatively, the board may consist of 5 commissioners, the county may be divided into 3 or 5 districts, and the commissioners may be elected pursuant to one of 10 alternative methods. The bill eliminates this discretionary system and instead requires that all counties with a population of 70,000 or more have 5 commissioners, with at least 3 commissioners elected only by voters resident in the district from which each commissioner runs for election. The bill allows the counties to choose between 3 election alternatives: • 3 commissioners resident in 3 districts elected by voters resident in those districts and 2 commissioners elected at large; • 4 commissioners resident in 4 districts elected by voters resident in those district and one commissioner elected at large; or • 5 commissioners resident in 5 districts elected only by voters resident in those districts. The bill makes conforming amendments to statutory provisions concerning commissioner districts and election petition statutes. The bill does not affect counties that have adopted home rule.		
Position	Oppose		
Final Status	Postpone Indefinitely		

HB23-1259, Open Meetings Law Executive Session Violations			
H-Spon	Rep. L. Daugherty & Rep. G. Evans	**S-Spon**	
Summary	The bill creates a right for a local public body to cure a violation of the open meetings law with respect to an executive session if the local public body takes the corrective action at its next meeting after the meeting at which the violation occurred or at the local public body's next meeting that is held at least 14 days after receiving notice by a person who intends to challenge the violation. The bill requires that, in order to have standing, a person who intends to challenge a violation of the open meetings law by a local public body in connection with an executive session must first provide notice to the secretary or clerk of the local public body and the parties must meet or communicate before the next meeting of the local public body to determine if the challenge can be resolved without filing with the court. If the local public body cures the violation, a person does not have standing to challenge the violation. Under current law, if the court finds a violation of the open meetings law, a prevailing citizen is entitled to costs and reasonable attorney fees. If the court does not find a violation, the prevailing party may recover costs and reasonable attorney fees if the court finds that the action was frivolous, vexatious, or groundless. The bill creates an additional allowance in connection with a challenge filed that concerns an action by a local public body for an executive session to allow a local public body to recover costs and reasonable attorney fees if the court determines the person filing the challenge has not complied with the notice requirements or that the local public body has cured the violation.		
Status	In Progress		
Position	Support		

HB23-1279, Allow Retail Marijuana Online Sales			
H-Spon	Rep. W. Lindstedt & Rep. S. Sharbini	**S-Spon**	Sen. R. Rodriguez
Summary	Current law prohibits a licensed retail marijuana store from selling retail marijuana or retail marijuana products over the internet or through delivery. The bill repeals the prohibition.		
Status	In Progress		
Position	Monitor		

HB23-1287, County Regulation Related to Short Term Rentals			
H-Spon	Rep. M. Lukens & Rep. J. McCluskie	**S-Spon**	Sen. D. Roberts & Sen. P. Will
Summary	A board of county commissioners is currently authorized to license and regulate an owner or owner's agent of a lodging unit that is rented or advertised for short-term stays, and "owner's agent" expressly excludes an internet hospitality service. The bill modifies this regulatory authority by clarifying that it applies to lodging units that are available for short-term rentals, which are rentals for less than 30 days, and by excluding a hotel unit from the scope of the authority. The bill also changes "internet hospitality service" to "vacation rental service" (service), defines the term, and provides separate authority for a board of county commissioners to regulate a service. This authority, however, is limited to requiring: An owner or owner's agent to include a rental license or permit number, if applicable, in any listing for a lodging unit on the service's website or other digital platform; and		

	The service to remove a listing from the service's website or other digital platform, if properly notified by a county that the owner of the listed lodging unit has had a local short-term rental license or permit suspended or revoked or has been issued a notice of violation or similar legal process for not possessing a valid local short-term rental license or permit or that the county has a prohibition on short-term rentals that applies to the lodging unit. The service has 7 days from receiving the county notification to remove the listing. To facilitate a service's ability to comply with a county ordinance, a county, upon request of the owner of a hotel unit or a vacation rental service on which the hotel unit is listed, is required to provide written verification that the hotel unit is exempt from the ordinance because it is not a lodging unit.
Status	In Progress
Position	Support

SB23-053, Restrict Governmental Nondisclosure Agreements			
H-Spon	Rep. G. Evans & Rep. S. Woodrow	**S-Spon**	Sen. B. Kirkmeyer & Sen. R. Rodriguez
Summary	As introduced, the bill prohibits the state, counties, cities and counties, municipalities, schools districts, and any of their departments, institutions, or agencies from making it a condition of employment that an employee or a prospective employee executes a contract or other form of agreement that prohibits, prevents, or otherwise restricts the employee or prospective employee from disclosing factual circumstances concerning the individual's employment with the government (nondisclosure agreement) unless the nondisclosure agreement is necessary to prevent disclosure of: Factual circumstances relating to the employment that reasonably implicate privacy interests held by the employee who is a party to the agreement; or Matters required to be kept confidential by federal law or rules, the state constitution, or state statute, or matters bearing on the specialized details of security arrangements or investigations. The bill prohibits nondisclosure agreements that prohibit employees of the state, counties, city and counties, municipalities, school districts, or any of their departments, institutions, or agencies from disclosing factual circumstances concerning their employment. To the extent that an employer includes any such provision in any employment contract or agreement, the provision is deemed to be against public policy and unenforceable against a current or former employee who is a party to the contract or agreement unless the provision is intended to prevent disclosure of factual circumstances implicating the employee's privacy interests, matters required to be kept confidential under federal law or rules, the state constitution, or state statute, or matters bearing on the specialized details of security arrangements or investigations. The bill prohibits the state, counties, city and counties, municipalities, or any of their departments, institutions, or agencies from taking any retaliatory action against an individual on the grounds that the individual does not enter into a contract or agreement deemed to be against public policy and unenforceable under the bill. Any person who enforces or attempts to enforce a provision deemed to be against public policy and unenforceable under the bill is liable for the employee's reasonable attorney fees and costs in defending against the action. As amended, the bill also does the following: - Exempts NDAs that prevent disclosure of trade secrets or confidential information made available to an employee by a vendor or contractor. - Protects the anonymity of an employee and maintains confidentiality for property sales negotiations, confidential labor relations information and vendor lists and preferences	
Status	In Progress		

Position	Amend

SB23-105, Ensure Equal Pay For Equal Work (CCI Priority)			
H-Spon	Rep. J. Bacon, & Rep. S. Gonzales-Gutierrez	**S-Spon**	Sen. J. Buckner & Sen. J. Danielson
Summary	Current law authorizes the director of the division of labor standards and statistics in the department of labor and employment (director) to create and administer a process to accept and mediate complaints, to provide legal resources concerning alleged wage inequity, and to promulgate rules as necessary for this purpose. The bill changes these authorizations to requirements. Additionally, the bill requires the director to: • Investigate complaints or other leads concerning wage inequity; • Upon finding of a violation, order compliance and relief; and • Promulgate rules to enforce the bill. The bill also requires an employer to: • For each job opportunity or promotional opportunity where the employer is considering more than one candidate, follow specific guidelines for posting the opportunity; • For all job opportunities and promotional opportunities, provide specific information to employees regarding the candidate selected for the opportunity; and • For all objectively defined career progressions, disclose the requirements for career progression and the terms of compensation, benefits, status, duties, and access to further advancement.		
Status	In Progress		
Position	Amend		

SB23-111, Public Employees' Workplace Protection			
H-Spon	Rep. S. Woodrow	**S-Spon**	Sen. R. Rodriguez
Summary	The "National Labor Relations Act" does not apply to federal, state, or local governments and the "Colorado Labor Peace Act" excludes governmental entities, with an exception for mass transportation systems, leaving public employees without the protection afforded by these labor laws. The bill grants certain public employees, including individuals employed by counties, municipalities, fire authorities, school districts, public colleges and universities, library districts, special districts, public defender's offices, the university of Colorado hospital authority, the Denver health and hospital authority, the general assembly, and a board of cooperative services, the right to: Discuss or express views regarding public employee representation or workplace issues; Engage in protected, concerted activity for the purpose of mutual aid or protection; Fully participate in the political process while off duty and not in uniform, including speaking with members of the public employer's governing body on terms and conditions of employment and any matter of public concern and engaging in other political activities in the same manner as other citizens of Colorado without discrimination, intimidation, or retaliation; and Organize, form, join, or assist an employee organization or refrain from organizing, forming, joining, or assisting an employee organization. The bill also prohibits certain public employers from discriminating against, coercing, intimidating, interfering with, or imposing reprisals against a public employee for engaging in any of the rights granted. The Colorado department of labor and employment (department) is charged with enforcing any alleged violation of these rights and is granted rule-making authority. A party may appeal the		

	department's final decision to the Colorado court of appeals. The bill requires the court of appeals to give deference to the department.
Status	In Progress
Position	Oppose

SB23-147, Regulation of Kratom			
H-Spon		**S-Spon**	Sen. J. Ginal, & Sen. T. Sullivan
Summary	Effective July 1, 2024, the bill: • Establishes the minimum standards and labeling requirements for kratom products; • Requires that, prior to selling or offering for sale any kratom product, the processor of the kratom product (processor) register the kratom product with the department of revenue (department) and provide a certificate of analysis for the kratom product to the department; • Requires a processor to notify the department if an adverse event report is submitted to the federal food and drug administration for any of the processor's kratom products; and • Allows the department, if there is a reasonable basis, to require a test for compliance of a processor's kratom product by a third-party laboratory, to coordinate with a third-party laboratory to conduct the test, and to require the processor to pay the department's cost for the test. The executive director of the department is required to promulgate rules to administer and enforce the bill and is authorized to impose fines on processors that violate the bill.		
Position	Amend		
Final Status	Postpone Indefinitely		

SB23-172, Protecting Opportunities and Workers' Rights Act			
H-Spon	Rep. J. Bacon & Rep. M. Weissman	**S-Spon**	Sen. J. Gonzales & Sen. F. Winter
Summary	For purposes of addressing discriminatory or unfair employment practices pursuant to Colorado's anti-discrimination laws, the bill enacts the "Protecting Opportunities and Workers' Rights (POWR) Act", which: • Directs the Colorado civil rights division (division) to include "harassment" as a basis or description of discrimination on any charge form or charge intake mechanism; • Adds a new definition of "harass" or "harassment" and repeals the current definition of "harass" that requires creation of a hostile work environment; • Adds protections from discriminatory or unfair employment practices for individuals based on their "marital status"; • Specifies that in harassment claims, the alleged conduct need not be severe or pervasive to constitute a discriminatory or unfair employment practice; • For purposes of the exception to otherwise discriminatory practices for an employer that is unable to accommodate an individual with a disability who is otherwise qualified for the job, eliminates the ability for the employer to assert that the individual's disability has a significant impact on the job as a rationale for the employment practice; • Specifies that it is a discriminatory or an unfair employment practice for an employer to fail to initiate an investigation of a complaint or to fail to take prompt, reasonable, and remedial action; • Specifies the requirements for an employer to assert an affirmative defense to an employee's proven claim of unlawful harassment by a supervisor; and		

	• Specifies the requirements that must be satisfied for a nondisclosure provision in an agreement between an employer and an employee or a prospective employee to be enforceable.
Status	In Progress
Position	Monitor

SB23-244, Technology Accessibility Cleanup			
H-Spon	Rep. S. Bird & Rep. E. Sirota	**S-Spon**	Sen. J. Bridges & Sen. R. Zenzinger
Summary	Joint Budget Committee. The bill clarifies statutory language to ensure the provision of reasonable accommodations for persons with disabilities. The bill adds a "reasonableness" standard for website access. The bill requires the office of information technology to promulgate rules regarding accessibility standards for an individual with a disability for information technology systems employed by state agencies. The bill clarifies language regarding sanctions for failing to comply with accessibility standards.		
Status	Governor's Desk		
Position	Support		

Other Business

Adjourn

COLORADO COUNTIES, INC.
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General Government Steering Committee
4/28/2023

Addendum as of 2/26/2023

Approval of Addendum

Bills

HB23-1308, Access To Government By Persons With Disabilities			
H-Spon	David Ortiz	**S-Spon**	Jessie Danielson
Summary	The bill requires state and local public bodies (public bodies), including the general assembly, and political parties to comply with certain accessibility requirements within specified periods. Access to ballot by candidates. The bill requires the general assembly, the secretary of state, and each political party to ensure that the caucus process or any future alternative process by which candidates may access the ballot that is accessible to persons with disabilities remains an option in the state. The bill specifies that the petition process is not a means of ballot access that is accessible to persons with disabilities. In addition, the bill requires that within 6 months of the effective date of the bill, any person, upon request, must be able to participate in a precinct caucus or a party assembly with the use of a video conferencing platform that is accessible to persons with disabilities unless the precinct caucus or party assembly is held in a geographic location that lacks broadband internet service. Auxiliary aids and services for members of the general assembly. The house of representatives and the senate are required to provide auxiliary aids and services to any member of the general assembly upon request of the member for use by the member while the member is in the capitol building or any other building in the capitol complex where legislative business regularly occurs. Video conferencing platforms in court proceedings. Within 5 years of the effective date of the bill, all courts in the state are required to allow a person to appear in court by the use of a video conferencing platform upon request of the person who is required to appear in court; except that the court may make a finding of fact that the person's physical presence in the courtroom is required. The supreme court is required to prescribe rules of procedure to implement the use of a video conferencing platform. The bill includes an exemption for courts that are in a geographic location that lacks broadband internet service. Accessibility of meetings of public bodies. Each public body is required to ensure that the following accessibility requirements are implemented: Within 6 months of the effective date of the bill, any public meeting at which public business is discussed, formal action may be taken, or recommendations to the governing body of the public body may be discussed (meeting) held by a public body is required to be accessible in real time by live streaming video or audio that is recorded and accessible to persons with disabilities; A public body is required to post on its website, within specified periods, any documents that will be distributed during a meeting; Within 6 months of the effective date of the bill, for any meeting of a public body during which public testimony will be heard, the public body is required to allow any person to participate in the meeting and offer public testimony by using a video conferencing platform unless the meeting occurs in a geographic location that lacks broadband internet service;

	A public body may require that a request for auxiliary aids or services to attend a meeting of the public body with the use of the video conferencing platform be made up to 7 days before the date of the meeting; A public body is required to provide any auxiliary aids or services requested in time for the meeting for which they were requested without an explanation of the need for the auxiliary aids and services. A public body is required to postpone a meeting if it is unable to provide the requested auxiliary aids or services in time for the meeting and is required to document the reason for the additional time required. State capitol building accessibility requirements. Within 4 years of the effective date of the bill, the legislative department, acting through the executive committee of the legislative council, is required to ensure that an audio and way-finding program that allows a person who is blind or visually impaired to independently navigate the state capitol building is implemented and available to any person who works in or visits the capitol building. The failure of any political party or public body to comply with the applicable requirements of the bill constitutes discrimination on the basis of disability. Any person who is subjected to a violation is entitled to seek relief as currently provided in law.
Status	In Progress
Position	Pending

COLORADO COUNTIES, INC.
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Tourism, Resorts & Economic Development Steering Committee
Friday, April 28, 2023

Agenda updated 4/24/2023

Welcome/Introductions
Chair: Commissioner Richard Cimino, Grand County
Vice Chair: Commissioner Jeanne McQueeney, Eagle County
CCI Staff: Reagan Shane (rshane@ccionline.org | 303-859-9288)

New Legislation

HB23-1304, Proposition 123 Affordable Housing Programs			
H-Spon	Julie McCluskie & Lisa Frizell	**S-Spon**	Dylan Roberts
Summary	At the general election in 2022, voters approved proposition 123, which created new affordable housing programs funded with income tax revenue that the state is permitted to retain and spend as a voter-approved revenue change. 60% of the dedicated revenue is allocated to the affordable housing financing fund (financing fund) for 3 new affordable housing programs. This money is continuously appropriated to the office of economic development (office), which is required to give the money to an administrator selected by the office to administer the programs. 40% of the dedicated revenue is allocated to the affordable housing support fund (support fund), which is continuously appropriated to the division of housing for 3 other affordable housing programs, including the land planning capacity development program. Local governments that seek additional affordable housing funding from these programs must commit to increasing the number of affordable housing units within the local government by 3% annually and expedite development approvals for affordable housing projects (conditions for funding). The funding for the new affordable housing programs is prohibited from supplanting existing state appropriations for affordable housing programs (maintenance of effort requirement). The bill modifies the affordable housing programs by: Allowing tribal governments to participate in the programs, subject to the same conditions for funding; Requiring the division of local government, rather than the division of housing, to administer the land planning capacity development program and continuously appropriating money in the support fund to the division of local government for that purpose; Allowing the office to use a portion of the money in the financing fund for its administrative expenses, without increasing the total amount of money from the fund that may be used for administrative expenses; Clarifying that, for the affordable housing programs administered by the administrator, the area median income and rent levels are designated for each rental unit instead of being recalculated on a		

	monthly basis and that the average area median income calculation does not apply to the modular and factory build manufacturer debt program; Clarifying the description of how money is transferred or allocated; For purposes of the 3% growth obligation that is a condition for funding, specifying that all units from projects funded through certain affordable housing programs are counted towards the obligation and allowing local governments and tribal governments to enter into a written agreement to divvy up the units that result from collaborative agreements; Establishing a process for rural resort communities to petition the division of housing to use different percentages of area median income than those percentages specified for eligibility for certain affordable housing programs funded through the financing fund; Exempting money originally from the federal coronavirus state fiscal recovery fund from the appropriations for fiscal year 2022-23 that are used to determine the state's maintenance of effort requirement; and Requiring the office and the division of housing to provide 3 annual reports to legislative committees about the affordable housing programs.
Status	In Progress
Position	Pending

Legislation to Revisit

HB23-1190, Affordable Housing Right of First Refusal			
H-Spon	Rep. A. Boesenecker & Rep. E. Sirota	**S-Spon**	Sen. F. Winter
Summary	The bill creates a right of first refusal for local governments to match an acceptable offer to purchase multifamily developments for the purpose of providing long-term affordable housing. The local government may assign its right of first refusal to the state, to any political subdivision, or to any housing authority so long as that entity makes the same commitment to using the property as long-term affordable housing. Long-term affordable housing is defined as housing for which the annual rent for any unit in the qualifying property does not exceed the rent for households of a given size at the applicable AMI (80% AMI for urban, 120% AMI for rural, 140% AMI for rural resort) for a minimum of 100 years, and where the local government agrees not to raise rent for any unit by more than the rent increase cap. A "qualifying property" is a multifamily residential or mixed-use rental property consisting of 15 or more units in urban counties and 5 or more units in rural or rural resort counties; mobile home parks are not qualifying properties. The bill requires the seller to give notice to local governments when they intend to sell a qualifying property. As amended, it requires the local government to give notice to the seller within 7 calendar days and to residents of the property if they use its right of first refusal. As amended, the local government must make an offer within 30 calendar days and close within 60 calendar days, "to the extent practicable," and not more than ninety calendar days (tolling periods not withstanding). The local government may waive its right of first refusal at any time or if a third-party buyer interested in purchasing the property with the same commitment to long-term affordable housing enters into an agreement with the local government concerning that commitment. The local government may also create a ROFR opportunity evaluation rubric based on local housing needs, though it is not required to do so.		

	A property acquired via this right of first refusal may be converted to another use after 50 years if the following are fulfilled: 1. Notice is given to residents prior to the conversion; 2. Any displaced residents are provided with compensation for relocation; and 3. The purchaser who committed to providing long-term affordable housing guarantees the development or conversion of an equal or greater number of units within the boundaries of the local government for long-term affordable housing and offers the units first to any residents displaced by the conversion of the property. The bill allows for the following sales or transfers of property to be exempt from the right of first refusal: to a family member or trust with family member as beneficiary (legally recognized – spouse, first cousin, child, etc.); to, if wholly owned by seller, a partnership, LLC, or corporation; pursuant to a will, descent, or interstate distribution; pursuant to an action in eminent domain; to the state or to a local government; pursuant to a court order; to a not-for-profit mission-driven affordable housing provider who has provided notice of intent to purchase, has a history of developing affordable housing, and commits to providing a majority of units below market rate; between joint tenants or tenants in common; qualifying properties for which a preexisting agreement giving a ROFR to a third party at the time the bill goes into effect. As amended, any qualifying properties for which the first Certificate of Occupancy was issued within thirty years prior to the date of a triggering event are also exempt. If a court finds that a residential seller has made a misrepresentation in its affidavit certifying that it has complied with relevant requirements, the sole remedy available is against the residential seller. Additionally, if a court finds that a residential seller or third-party buyer has entered into an agreement with the local government to provide long-term housing and violates that agreement, the court shall award a penalty of not less than $50,000 or an amount equal to 30% of the purchase of listing price, whichever is greater. As amended, this section (i.e., the right of first refusal) will be repealed after five years (on August 1, 2028). Click here for CCI's summary of the amendments passed in the House (to be updated with Senate amendments).
Status	In Progress
Position	Amend

Legislation for Reference / No Anticipated Action

SB22-006, Creation of the Rural Opportunity Office			
H-Spon	Rep. M. Catlin & Rep. B. McLachlan	**S-Spon**	Sen. J. Rich & Sen. D. Roberts
Summary	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.
Status	In Progress
Position	Support

Other Business

Adjourn

COLORADO COUNTIES, INC.
Educate · Advocate · Empower

Tax & Finance Steering Committee
Friday, April 28, 2023
Agenda updated 4/24/2023

Welcome/Introductions
Chair: Commissioner Dick Elsner, Park County
Vice Chair: Commissioner Bob Campbell, Teller County
CCI Staff: Gini Pingenot (gpingenot@ccionline.org | M: 720-255-8941)

Legislation to Revisit

SB23-175, Financing Of Downtown Development Authority Projects			
H-Spon	Rep. A. Boesenecker & Rep. R. Taggart	**S-Spon**	Sen. S. Jaquez Lewis & Sen. J. Rich
Summary	Currently, the governing body of any municipality in the state may, with voter approval, establish a downtown development authority (authority) to assist the municipality in the development and redevelopment of its central business district. An authority may, if approved by the voters, use tax increment financing (TIF) to generate capital by dedicating growth in property tax or sales tax revenue to finance projects within the boundaries of the authority. The tax increment is the amount of additional tax revenue represented by the difference between the actual amount of tax revenue collected after the TIF is established and the base year tax revenue within the boundaries of the authority. The revenue that is attributed to the growing tax base is the incremental revenue used to finance the redevelopment projects within the boundaries of the authority (incremental revenue). Currently, an authority may use a TIF arrangement for a period of 30 years with the option for one 20-year extension. For property tax revenue only, the bill creates automatic and recurring additional 20-year extension periods during which an authority may use a TIF arrangement, unless the governing body of the municipality opts out of the extensions. The first additional extension period begins upon the expiration of the original 50-year period. During the 20-year extension period allowed pursuant to current law, 50% of the incremental revenue is allocated to a special fund of the municipality that created the authority (special fund), to be used to finance projects within the boundaries of the authority. The other 50% of the incremental revenue is allocated to the other governmental entities that levy property taxes within the boundaries of the authority, unless the municipality and all of the other governmental entities reach an alternative agreement. For the automatic and recurring 20-year extension periods, the bill continues the default split of the incremental revenue unless the municipality and all of the other governmental entities reach an alternative agreement. During the last 10 years of a 20-year extension allowed pursuant to current law, the base year revenue for the TIF is recalculated every year. For an automatic and recurring 20-year extension period, the bill requires the base year revenue to be recalculated every year. CCI is seeking amendments to SB 175 that will:		

	1.) Require the qualified electors of the DDA to vote on the continuation of the DDA **OR** allow all taxing entities (except the city) within a DDA to opt-in to any extensions beyond the current 20-year extension 2.) Provide for better representation on the DDA board by allowing one individual from the county, the school(s) and the special district(s) to be included on the DDA board 3.) Remove the portion of SB 175 that gives the DDA bonding authority. This power should remain with the elected council members and mayor of the city. (*Accomplished via L 001 which was adopted on 3/23 in the Senate Finance Committee*)
Status	In Progress
Position	Amend

Legislation for Reference/ No Anticipated Action

HB23-1017, Electronic Sales and Use Tax Simplification			
H-Spon	Rep. R. Bockenfeld & Rep. C. Kipp	**S-Spon**	Sen. J. Bridges & Sen. K. Van Winkle
Summary	As part of an effort to simplify the sales and use tax system, the department of revenue (department) created the electronic sales and use tax simplification system (SUTS), which is a one-stop portal designed to facilitate the collection and remittance of sales and use tax. As soon as possible, but no later than January 1, 2025, the bill requires the department to modify SUTS to: Notify a local taxing jurisdiction when there has been a change in an account's attributes or when an account has been closed; Populate a local account number on all returns and summary reports, if the retailer filing the return has a number and provides the number in SUTS; Ensure that the missing license tool is working properly; Facilitate the automation of the filing process; Develop a simplified spreadsheet filing system or a filing option that does not use a spreadsheet; Provide taxpayers with a bulk testing option for address files; Create a simplified process for filing a zero return; and Include additional use taxes, additional information about deductions, filtering options, and certain tabs. The bill permits the department to modify SUTS to: Require retailers to register with a local taxing jurisdiction in which taxes are due before using SUTS; and Prohibit a retailer from filing a return in SUTS unless the retailer has the correct local number on the account. With the exception of charges for payments by credit cards, the bill prohibits the department from imposing a convenience fee or any other type of charge for a payment through SUTS and from passing those charges on to local taxing jurisdictions. The bill also requires the department to: Create a campaign to promote SUTS for the purpose of increasing the awareness, participation, and compliance by retailers and local taxing jurisdictions; and Solicit and consider feedback from interested stakeholders about enhancements to SUTS that lead to greater local taxing jurisdiction participation and greater compliance by retailers		
Status	In Progress		
Position	Support		

HB23-1054, Property Valuation			
H-Spon	Rep. L. Frizell & Rep. R. Pugliese	**S-Spon**	Sen. B. Pelton

Summary	Most real property is reassessed every odd-numbered year. The bill establishes a one-time exception by making the reassessment cycle beginning on January 1, 2021, a 4-year cycle so that the next reassessment cycle will begin in 2025 instead of 2023. Under current law, for the 2023 property tax year, the actual value used for purposes of valuation for assessment is reduced for commercial real property by $30,000 and for residential real property by $15,000. The bill eliminates these reductions. The bill also sets the assessment rates for nonresidential real property and multi-family residential real property for the 2024 property tax year, so that they are the same rates as for the 2023 property tax year. Lastly, the bill ensures that the actual value of property used for purposes of valuation for assessment does not increase by more than 5% between 2022 and 2025, for property that does not have an unusual condition which results in an increase or decrease in actual value. CCI has created a chart explaining how these changes would work given existing law. Click here to access that chart.
Final Status	Postpone Indefinitely
Position	Monitor

HB23-1091, Continuation of Child Care Contribution Tax Credit			
H-Spon	Rep. C. Kipp & Rep. R. Pugliese	**S-Spon**	Sen. J. Marchman & Sen. J. Rich
Summary	A taxpayer who makes a monetary contribution to promote child care in the state is allowed an income tax credit that is equal to 50% of the total value of the contribution. This exemption is currently available for income tax years that commence prior to January 1, 2025. The bill extends the credit for 3 years and increases the types of contributions that qualify for the tax credit to include in-kind donations of real property, which include the value of leasing real property below market value, to promote child care. The bill adds a statutory legislative declaration to comply with an existing statutory requirement that any bill that extends a tax expenditure include a statutory legislative declaration. The bill also requires the state auditor to prepare the tax expenditure evaluation report for the credit that is periodically required by current law in the income tax year commencing January 1, 2026. CCI understand that an amendment will be offered to REMOVE the in-kind donations from the bill. The state is concerned about this provision being subject to potential abuse.		
Status	In Progress		
Position	Support		

HB23-1113, County Impact Notes By Legislative Council			
H-Spon	Rep. L. Frizell & Rep. E. Hamrick	**S-Spon**	
Summary	The bill creates a new county impact note that analyzes the potential impact of a pending bill on a county or a city and county. The legislative council staff will draft county impact notes for up to 20 legislative measures per session, unless more are allowed by the director of research of the legislative council. A county, a city and county, a statewide organization or organizations representing counties or cities and counties, and the department of local affairs are required to cooperate with and provide information for the legislative council staff in preparing county impact notes.		
Final Status	Postpone Indefinitely		
Position	Amend		

HB23-1184, Low-income Housing Property Tax Exemptions			
H-Spon	Rep. L. Frizell & Rep. W. Lindstedt	**S-Spon**	Sen. D. Roberts
Summary	**Section 1** of the bill clarifies and expands the current property tax exemption for property acquired by nonprofit housing providers for low-income housing. The bill clarifies that property may qualify for the property tax exemption, through construction on the property, until the property is sold or transferred. The bill expands the definition of "low-income" applicants to include individuals or families who are at or below 100% of the area median income, rather than 80% of the area median income. **Section 2** deems certain property held by community land trusts and nonprofit affordable homeownership developers to be used for a strictly charitable purpose, and to consequently be exempt from property taxation in accordance with the state constitution. To qualify for the exemption, the property must be split into a separate taxable parcel from the improvements on the property and leased to the owner of the improvements as an affordable homeownership property. Amendments to safeguard the new exemption for land trusts from potential abuse were developed by Commissioners Elsner, Pogue, Niece and Campbell Swanson. These amendments 1.) require Community Land Trusts and Nonprofit Affordable Homeownership Developers to adhere to the same application requirements as all other charitable entities must follow; 2.) added a claw back provision in case the land is sold off and the affordable homeownership property no longer meets the criteria for an exemption and 3.) requires homes to be sold to those who make the house their primary residence (this will help to avoid short term rental activity).		
Status	In Progress		
Position	Support		

HB23-1240, Sales Use Tax Exemption Wildfire Disaster Construction			
H-Spon	Rep. J. Amabile & Rep. K. Brown	**S-Spon**	Sen. S. Fenberg
Summary	Section 1 of the bill creates a state sales and use tax exemption for construction and building materials purchased on or after January 1, 2020, but before July 1, 2025, to be used directly in rebuilding or repairing a residential structure damaged or destroyed by a declared wildfire disaster in calendar year 2020, 2021, or 2022 (wildfire rebuild exemption). A homeowner, or a contractor employed by a homeowner, may obtain a wildfire rebuild exemption certificate from the local government authorized to issue a building permit in the area in which the residential structure to be repaired or rebuilt is located. To be qualified, a homeowner must certify that: The homeowner was the owner of each residential structure to be repaired or rebuilt at the time the structure was damaged or destroyed by the declared wildfire disaster; and The replacement cost for each residential structure to be repaired or rebuilt exceeds the homeowner's coverage under any homeowner's insurance policy associated with the structure. To claim the exemption, the qualified homeowner, or contractor employed by such homeowner, must provide a copy of the wildfire rebuild exemption certificate to each retailer from which the homeowner or contractor purchases exempt construction or building materials. If a qualified homeowner, or contractor employed by such homeowner, has paid state sales or use tax on the purchase of exempt construction or building materials on or after January 1, 2020, but before July 1, 2025, then the person who made the purchase may apply to the department of revenue for a refund pursuant to existing sales and use tax refund procedures. Alternatively, if the purchaser-		

	contractor has not been granted a refund, the homeowner for whom the exempt materials were purchased may apply for a refund by establishing certain existing statutory requirements are met. Sections 2 and 3 include the wildfire rebuild exemption among other exemptions available to state-collected and administered local sales and use tax jurisdictions, including statutory cities and counties, for adoption at their discretion. CCI staff is visiting with the sponsors about a potential amendment to include homes damaged by prescribed fires.
Status	In Progress
Position	Oppose

HB23-1272, Tax Policy That Advances Decarbonization			
H-Spon	Rep. J. Joseph & Rep. M. Weissman	**S-Spon**	Sen. S. Fenberg
Summary	Section 2 of the bill **extends the innovative motor vehicles income tax credit** for the purchase or lease of electric motor vehicles and plug-in hybrid electric motor vehicles that weigh 8,500 pounds or less through tax year 2028 and adjusts the amount of the credit that may be claimed, including with certain allowances for additional credit amounts for vehicles purchased or leased at a location that allows the credit to be assigned and is assigned to a motor vehicle dealer or financing entity and for vehicles that have a manufacturer's suggested retail price below $30,000. However, the credit cannot be claimed for vans, sport utility vehicles, and pickup trucks that have a manufacturer's suggested retail price of $80,000 or more or for any other vehicle that has a manufacturer's suggested retail price of $55,000 or more. Additionally, if for any one of the state fiscal years 2025-26, 2026-27, or 2027-28, the state is not projected to exceed the state fiscal year spending limit imposed by section 20 of article X of the state constitution by 5% then for any income tax year commencing in the calendar year that begins in that fiscal year, the amount of the credit is reduced by 50%, and if the amount of the reduced credit is at or below $500, then no credit is allowed for such a tax year. Section 3 **extends the income tax credit for the purchase or lease of an innovative truck** through tax year 2028 and adjusts the amount of the credit that may be claimed. However, for light-duty trucks, if for any one of the state fiscal years 2025-26, 2026-27, or 2027-28, the state is not projected to exceed the state fiscal year spending limit imposed by section 20 of article X of the state constitution by 5% then for any income tax year commencing in the calendar year that begins in that fiscal year, the amount of the credit is reduced by 50%, and if the amount of the reduced credit is at or below $500, then no credit is allowed for such a tax year. Additionally, under current law, the innovative motor vehicles tax credit and the innovative trucks tax credit may be assigned by a purchaser to the entity that finances the purchase or lease of the vehicle. Sections 1 and 2 expand the purchaser's ability to assign the credits to a motor vehicle dealer in addition to a financing entity. For income tax years commencing on or after January 1, 2024, sections 1 and 2 also allow a tax exempt person or political subdivision of the state to claim or assign the tax credit. Section 4 **terminates an existing heat pump tax credit** so that it is allowed only for income tax years beginning on and after January 1, 2023, but before January 1, 2024. Section 5 **creates a refundable income tax credit** allowable in tax years commencing on or after January 1, 2024, but before January 1, 2033, **for the owner of an industrial facility that undertakes a industrial study (study) or puts greenhouse gas emissions reduction improvements** (improvements) into service. The credit is administered by the Colorado energy office (office). The amount of credit that can be claimed for an industrial study is 30% of the costs paid for completing the study up to $1 million. Section 6 creates a **refundable tax credit for an expenditure an eligible taxpayer makes in connection with a geothermal energy project**, which is a project in the state that is intended to

	evaluate and develop a geothermal resource for the purpose of electricity production. The office is required to approve geothermal energy projects that can receive a qualified expenditure made by an eligible taxpayer. Section 7 creates a refundable tax credit for income tax years beginning on or after January 1, 2024, but before January 1, 2033, that is administered by the office and is available to a person subject to income tax or a person or political subdivision of the state exempt from income tax that **produces geothermal electricity for sale** or for the person or political subdivision's own use. The credit amount is equal to $0.003 per kilowatt hour of geothermal electricity that is produced in the state in the tax year, up to a maximum amount of $1 million. Section 8 creates a **new refundable income tax credit for heat pump technology** for income tax years commencing on or after January 1, 2024, but before January 1, 2033. The calculation of the amount of allowable credit may be modified depending on whether the heat pump technology is installed at a multifamily property, at a nonresidential building, or for a thermal energy network. However, for heat pump technology that is installed in an existing residential building or nonresidential building, if for any one of the state fiscal years 2025-26 through 2032-33, the state is not projected to exceed the state fiscal year spending limit imposed by section 20 of article X of the state constitution by 5% then for any income tax year commencing in the calendar year that begins in that fiscal year, the amount of the credit is reduced by 50%, and if the amount of the reduced credit is at or below $250, then no credit is allowed for such a tax year. Section 9 creates a refundable income tax credit for income tax years commencing on or after January 1, 2024, but before January 1, 2033, for the **sale of new qualifying electric bicycles in the state.** The credit is allowed in the amount of $800 to a qualified retailer who sells a qualifying electric bicycle to a resident of the state and offers a discount equal to the lesser of $700 or the purchase price. However, if for any one of the state fiscal years 2025-26 through 2032-33, the state is not projected to exceed the state fiscal year spending limit imposed by section 20 of article X of the state constitution by 5% then for any income tax year commencing in the calendar year that begins in that fiscal year, the amount of the credit is reduced by 50%. Section 10 creates a refundable income tax credit for income tax years commencing on or after January 1, 2024, but before January 1, 2033, for a percentage of the actual costs incurred to construct, reconstruct, or erect a sustainable aviation fuel production facility in the state. Section 12 creates a sales and use tax exemption for a fleet vehicle that is a heavy-duty truck or a medium-duty truck. For tax years commencing on or after January 1, 2024, but before January 1, 2028, the exemption amount is equal to 50% of the purchase price of the vehicle, and for tax years commencing on or after January 1, 2028, but before January 1, 2033, the exemption amount is equal to 60% of the purchase price of the vehicle. Section 15 **reduces the severance tax credit allowed for oil and gas production.** Under current law, the amount of credit allowed is calculated by applying rate of 87.5% of all ad valorem taxes assessed during the taxable year for accrual basis taxpayers or paid during the taxable year by cash basis taxpayers upon oil and gas, oil and gas leaseholds and leasehold interests, and oil and gas royalties and royalty interests. The bill reduces the rate to 75% for 2024 and 2025. For tax years beginning on and after January 1, 2026, the bill modifies the calculation for the oil and gas tax that otherwise would have been implemented in tax year 2025 by making a parallel downward adjustment so that the amount of credit is derived by multiplying 65.625% of the gross income of the well by the mill levy fixed in the prior calendar year. Section 16 requires that for state fiscal years 2024-25 through 2032-33, the **revenue collected that is equal to the amount attributable to the decreased amount of severance tax credit allowed for oil and gas production is credited to the general fund;** except that on July 1, 2025, the revenue must first be credited **to the cash funds used for state fiscal years 2023-24 and 2024-25 by the office for the administration of the tax credits created by the bill** and the remaining money is credited to the state general fund. Additionally, the stakeholder group that was required to convene pursuant to HB22-1391 is required to additionally consider long-term changes for the severance tax credit for oil and gas production. Section 17 creates a partial, temporary, and **specific ownership tax exemption for new class A or class B**

	personal property that is a fleet vehicle and meets the definition of a category 7 truck for purposes of the innovative truck tax credit. Section 18 and section 19 **allow for cities and counties to opt out of the sales and use tax exemption created for sales of category 7 fleet vehicles that are heavy-duty trucks or medium-duty electric trucks, sales to an eligible taxpayer of heat pump technology and equipment necessary for a proper functioning of a thermal energy network, and for the storage and use of the same for income tax years commencing on or after January 1, 2024, but before January 1, 2033.**
Status	In Progress
Position	Monitor

HB23-1285, Store Use Of Carryout Bags And Sustainable Products			
H-Spon	Alex Valdez	**S-Spon**	Kevin Priola
Summary	Currently, a store is required to collect a fee for each carryout bag the store provides to a customer. The store must remit a portion of that fee to the municipality or county (local government) in which the store is located. When the local government has not established a process to accept the remitted fees, the bill requires the store to retain and use the portion of the fee that would otherwise be remitted to a local government to purchase recycled paper carryout bags, 100% recycled cups, or compostable food containers.		
Status	Support		
Position	Pending		

SB23-035, Middle-income Housing Authority Act			
H-Spon	Rep. Leslie Herod	**S-Spon**	Sen. Jeff Bridges & Sen. Dominick Moren0
Summary	Under current law, the middle-income housing authority (authority) has the power to make and enter into contracts or agreements with public or private entities to facilitate public-private partnerships. The bill clarifies this power of the authority 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; A public-private partnership may provide for the transfer of the interest in an affordable rental housing project to an entity other than the authority; The authority may issue bonds to finance the affordable rental housing component in a public-private partnership; and Bonds issued by the authority 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 the authority as current law requires. Additionally, the bill expands the board of directors of the authority from 14 to 16 by adding 2 nonvoting members. The senate majority leader and the house majority leader will each appoint a member of the general assembly from their respective chambers to serve as the 2 new nonvoting members, unless the senate majority leader and the house majority leader are from the same political party in which case the house minority leader will appoint the member to the board of directors from the house.		
Status	In Progress		
Position	Support		

SB23-055, Car Sharing Program Sales Use and Ownership Tax			
H-Spon		**S-Spon**	Sen. Bob Gardner
Summary	The bill addresses the payment of sales and use and specific ownership taxes owed on cars registered with peer-to-peer car sharing programs (car sharing program), which are programs or		

	applications that connect third-party car owners (shared car owner) with third-party drivers for the purpose of renting a motor vehicle (shared car). A car sharing program is required to verify that the shared car owner has: Either paid the state and local sales and use taxes due on the sale and purchase of the shared car or acquired the shared car tax free on the condition that the shared car owner agrees to collect sales and use tax on each rental of the shared car; and Either paid the specific ownership tax or elected to pay specific ownership tax based on each rental of the shared car. If the shared car owner has elected to pay specific ownership tax on each rental of the shared car, the car sharing program collects and remits the taxes on behalf of the shared car owner. If the shared car owner has received permission to collect and remit sales and use tax on each rental of the shared car, the car sharing program collects and remits the state tax and any state-administered local taxes on behalf of the shared car owner. Counties and municipalities are authorized to enforce the collection of any tax or fee imposed on the business of renting shared cars by requiring the car sharing program to collect the tax or fees for the rental of shared cars registered with the car sharing program.
Final Status	Postpone Indefinitely
Position	Amend

SB23-057, County Treasurer No Longer Ex Officio District Treasurer			
H-Spon	Rep. R. Taggart	**S-Spon**	Sen. J. Rich
Summary	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. As amended, the bill removes this provision and requires any drainage district utilizing the services of a county treasurer to pay .0025% of the total money received by the county treasurer for assessments levied by the drainage district beginning January 1, 2026. 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. 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.		
Status	Signed by Governor		
Position	Support		

SB23-108, Allowing Temporary Reductions in Property Tax Due			
H-Spon	Rep. L. Frizell & Rep. R. Pugliese	**S-Spon**	Sen. M. Baisley
Summary	The bill allows a local government to provide temporary property tax relief through temporary property tax credits or mill levy reductions and later eliminate the credits or restore the mill levy. The bill clarifies that a local government may temporarily reduce property taxes due by providing for tax credits or reducing the mill levy and later eliminate the tax credits or restore the mill levy. SB 108 was amended in the Senate State, Veterans and Military Affairs Committee to exclude a school district from lowering its total program mill levy below the minimum amount set in state statute.		
Status	In Progress		
Position	Support		

SB23-273, Agricultural Land In Urban Renewal Areas			
H-Spon	Andrew Boesenecker	**S-Spon**	Janice Marchman
Summary	Currently, an urban renewal area cannot contain agricultural land unless the land meets an exception. One exception for including agricultural land is that the land was included in an approved urban renewal plan prior to June 1, 2010. The bill updates the exception to specify that agricultural land may be included in an urban renewal area if the agricultural land is in an existing urban renewal plan, the urban renewal plan was originally approved or modified to include the agricultural land prior to June 1, 2010, and if the land still remains in the that same urban renewal plan.		
Status	In Progress		
Position	Pending		

Other Business

In Case You Missed It

Next CCI/CDOR Quarterly Sales Tax Meeting
Thursday, May 18th from 1:00-2:00pm

Mark your calendars for our next quarterly sales tax meeting with CDOR. We'll convene again on Thursday, May 18th from 1:00-2:00pm.

Zoom info is below. Please send any topics you'd like us to cover during our time together to Gini Pingenot at gpingenot@ccionline.org Thanks!

Join Zoom Meeting
https://us02web.zoom.us/j/87592800931?pwd=clZ6YXRlWjFYdUIrMzZNVENRazRtQT09

Meeting ID: 875 9280 0931
Passcode: 500970

Adjourn

COLORADO COUNTIES, INC.
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Transportation & Telecommunications Steering Committee
Friday, April 28, 2023
Agenda updated 4/24/2023

Welcome/Introductions
Chair: Commissioner Jim Candelaria, Montezuma County
Vice Chair: Commissioner Chris Richardson, Elbert County
CCI Staff: Eric Bergman (ebergman@ccionline.org | 303-915-2909)

Legislation for Reference/ No Anticipated Action

HB23-1051, Support for Rural Telecommunications Providers			
H-Spon	Rep. R. Holtorf, Rep. M. Lukens, & Rep. R. Bockenfeld	**S-Spon**	Sen. R. Pelton & Sen. D. Roberts
Summary	The high cost support mechanism provides high cost support funding to telecommunications and broadband service providers that provide service in high-cost areas of the state. The bill continues support funding from the high cost support mechanism to 11 rural telecommunications providers in Colorado. The bill continues support funding to the 11 rural telecommunications providers until September 1, 2024. The date aligns with the department of regulatory agencies' 2023 sunset review of the high cost support mechanism and the final determination of the high cost support mechanism by the general assembly in 2024.		
Status	Governor's Desk		
Position	Support		

HB23-1101, Ozone Season Transit Grant Program Flexibility			
H-Spon	Rep. J. Bacon & Rep. S. Vigil	**S-Spon**	Sen. N. Hinrichsen, & Sen. F. Winter
Summary	**Section 1** ***2*** of the bill increases the flexibility of the ozone season transit grant program by: • Allowing an eligible transit agency that operates in an area in which ozone levels are typically highest during a different period than June 1 to August 31 of a calendar year to designate a different period of the calendar year for its "ozone season"; • Allowing a grant recipient to retain any grant money that it does not spend in the year in which it is received for use in a subsequent year. • Clarifying that a grant recipient may use grant money for reasonable marketing expenses incurred to raise awareness of free service and increase ridership; • Clarifying that an eligible transit agency may use grant money to expand free services or free routes or increase the frequency of service on routes for which free service is already offered; and • Allowing the regional transportation district to use grant money to cover the full costs, rather than up to 80% of the costs, of providing at least 30 days of free transit on all services that it offers. On and after September 1, 2023, **section 3** ***4*** requires the governing body of the transportation planning organization for each transportation planning region to include at least one voting representative of a transit agency that provides transit service in the transportation planning region. The representative must be appointed by the transit agency or, if multiple transit agencies provide service in the transportation planning region, by agreement of the transit agencies. **Section 2** ***3*** defines the term "transportation planning organization" as used in section **3** ***4***. ***Section 5*** increases the maximum rate of sales or use tax, or both, that a regional transportation authority (RTA) may impose, with voter approval, from one percent to 2%.		

	Section 5 also makes permanent the existing power of a RTA to impose, with voter approval, a uniform mill levy of up to 5 mills, which power would otherwise expire at the end of the 2028 property tax year. The bill also includes a study by CDOT into the boundaries of the transportation planning regions, mandating that there will not be fewer rural planning regions than there are currently. The Transportation Commission may act on the findings in the study.
Status	In Progress
Position	Monitor

SB23-183, Local Government Provision Of Communications Services			
H-Spon	Rep. B. Titone & Rep. R. Weinberg	**S-Spon**	Sen. M. Baisley & Sen. K. Priola
Summary	**Joint Technology Committee.** Current law regulates competition in local governments' provision of cable television service, telecommunications service, and high speed internet service, which is defined as "advanced service". As part of this regulation, a local government is prohibited from providing or operating a facility to provide cable television, telecommunications, or advanced service to subscribers unless the local government obtains voter approval for the local government's provision of such services. The bill: • Replaces the term "advanced service" with "broadband internet service", which, as currently defined, does not reference the speed at which internet services are provided; • Eliminates the requirement that a local government hold an election before providing or before operating a facility to provide cable television, telecommunications, or broadband internet services to subscribers; • Eliminates the requirement that a local government hold an election to enter into a private partnership to allow a private provider to use local government facilities in connection with the private provider offering cable television service, telecommunications service, broadband internet service, or middle mile infrastructure. • Specifies that a local government may provide middle mile infrastructure, which is broadband infrastructure that does not connect directly to an end-user location; and • Modifies the definition of "broadband internet service" as currently defined in the law concerning intrastate telecommunications services		
Status	In Progress		
Position	Support		

SB23-268, Ten-year Transportation Plan Information			
H-Spon		**S-Spon**	Sen. K. Mullica
Summary	For each transportation project identified in the 10-year transportation plan (plan) prepared by the department of transportation (department) under the direction of the transportation commission (commission), section 1 of the bill requires the following information to be specified and regularly updated as circumstances change: The time frame for project completion; The total estimated amount of funding required to complete the project; and Accounting for the total estimated amount of funding for the project, and the amount of funding from each funding source that has been allocated for the project or is anticipated to be allocated for the project. The plan must always identify specific funding sources and amounts that taken together account for full funding for each project identified in the plan but may indicate, both with respect to the plan generally and with respect to any specific project, the extent to which and reasons why the source and amounts of funding listed are uncertain and subject to change.		

	Section 1 also requires the department to provide to state and local government elected officials, without creating a new position or hiring additional personnel, a designated and readily available department contact to receive and respond to their questions about the status and funding of specific transportation projects and to inform such elected officials of the existence of the designated contact and the means by which the designated contact may be reached. Section 2 requires the department to annually report to the transportation legislation review committee (TLRC) on the status of project delivery for the projects identified in the plan and requires the commission to include an update on the plan in its annual proposed budget allocation plan presented to the joint budget committee. As part of its reporting to the TLRC, the department is required to provide guidance to the TLRC as to how to access and understand the plan, and the TLRC may, if it determines that the plan does not include all the information required by section 1, instruct the department to ensure that any missing required information is promptly added to the plan.
Status	In Progress
Position	Monitor

Other Business

Adjourn

COLORADO COUNTIES, INC.
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Health & Human Services Steering Committee
Friday, April 28, 2023
Agenda updated 4/24/2023

Welcome/Introductions
Chair: Commissioner Janet Rowland, Mesa County
Vice Chair: Commissioner Wendy Buxton-Andrade, Prowers County
CCI Staff: Gini Pingenot (gpingenot@ccionline.org | 720-255-8941)
Katie First (kfirst@ccionline.org | 614-774-6261)

New Legislation for Discussion

HB23-1300, Continuous Eligibility Medical Coverage			
H-Spon	Shannon Bird & Emily Sirota	**S-Spon**	Rachel Zenzinger & Barbara Kirkmeyer
Summary	Joint Budget Committee. The bill requires the department of health care policy and financing (state department) to conduct a study to determine the feasibility of extending continuous eligibility medical coverage for eligible children and adults. The state department is required to submit a report detailing its findings and recommendations from the feasibility study to the joint budget committee of the senate and house of representatives, the governor, and to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, or any successor committees, by January 1, 2026. The state department is required to prepare documents seeking federal authorization to provide continuous eligibility medical coverage to eligible adults and children and include the completed federal authorization documents with its report submitted to the joint budget committee of the senate and house of representatives, the governor, and to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, or any successor committees. No later than April 1, 2024, the state department is required to seek federal authorization to extend continuous eligibility coverage for children less than 3 years of age, including children who would be eligible for medical assistance coverage but are not because of their immigration status, and to extend eligibility coverage for 12 months for adults who have been released from a Colorado department of corrections facility, regardless of a change in income.		
Status	In Progress		
Position	Pending		

Legislation for Updates/Discussion Only

HB23-1249, Reduce Justice-involvement For Young Children			
H-Spon	Rep. R. Armagost & Rep. S. Gonzales-Gutierrez	**S-Spon**	Sen. J. Coleman & Sen. C. Simpson

Summary

Under current law, counties are permitted to form a local collaborative management program to provide services to youth. The bill requires every county to participate in a local collaborative management program and requires the local collaborative management program to serve children 10 to 12 years of age and to form a service and support team to create service and support plans for children 10 to 12 years of age.

The bill provides an appropriation for local collaborative management programs and requires the department of human services to provide technical assistance to the programs.

The bill changes the minimum age of a child who is subject to the juvenile court's jurisdiction. Under current law, children who are 10 years of age or older can be prosecuted in juvenile court. The bill removes children who are 10 to 12 years of age from the juvenile court's jurisdiction and increases the age for prosecution in juvenile court to 13 years of age; except in the case of a homicide, then the juvenile court's jurisdiction extends to children who are 10 to 12 years of age. The bill clarifies that children who are 10 to12 years of age may be taken into temporary custody by law enforcement for safety.

The bill provides that when children who are 10 to 12 years of age have contact with law enforcement, law enforcement will complete a form to refer the child to the local collaborative management program. The local collaborative management program's individualized service and support team is required to complete an initial plan for every child who is referred, which may find that no services are needed, that one or more specific services are needed and can be provided without an individualized service and support team meeting, or that an individualized service and support team meeting is required to develop a service and support plan for the child and family. Victims have the right to be informed and provide input to the plan.

The individualized service and support team is required to hold a meeting and develop an individualized service and support plan for every child who is 10 to 12 years of age who allegedly engaged in behavior that would constitute a crime of violence or felony sex offense. The county department of human or social services is required to attend the meeting if the behavior would constitute a felony sex offense. The county department of human or social services is required to make a determination as to whether the department of human services will provide prevention and intervention services or conduct a formal assessment, investigate, provide services, or open a case.

The bill clarifies that victims of actions by children who are 10 to 12 years of age are still able to access existing victim services and compensation. The bill provides that victims shall receive a free copy of the form completed by law enforcement, which can be used to request victim's compensation.

The bill provides that a minor child, or a parent or guardian seeking relief on behalf of a minor child, shall not pay a fee to seek a protection order. Courts that issue protection orders shall provide assistance to individuals in completing judicial forms to obtain a protection order. The bill changes the minimum age that a person can be held in custody for contempt of court for failing to comply with a protection order to a person who is 13 years of age. A child who is 10 to 12 years of age who fails to comply with a protection order may be court ordered to participate in a collaborative management program.

	The bill changes the minimum age of a county court's concurrent original jurisdiction with the district court in criminal actions that constitute misdemeanors or petty offenses to 13 years of age. The bill changes the minimum age to be charged by a municipal court for a municipal offense to 13 years of age. Under current law, a juvenile court may transfer a child to district court for adult criminal proceedings under certain conditions. The bill eliminates the ability for the juvenile court to transfer children who are 12 or 13 years of age to the district court. For a child who is 14 years of age or older, the bill changes the current authority of the juvenile court to transfer the child's case for any delinquent act that constitutes any felony to only any delinquent act that constitutes a class 1 or class 2 felony or a crime of violence. The bill extends certain sentencing protections that are currently provided to children who are 10 or 11 years of age to children who are 13 or 14 years of age. *View CCI's 4-3-2023 Legislative Report Lead Article for additional information*
Status	In Progress
Position	Oppose
Staff	Katie First

- **Juvenile Detention Services & Funding**
  - View Bill Draft here.
  - View CCI Letter here.

Legislation for Reference / No Anticipated Action

HB23-1024, Relative and Kin Placement of a Child			
H-Spon	Rep. E. Epps & Rep. S. Gonzales-Gutierrez	**S-Spon**	Sen. T. Exum & Sen. VanWinkle
Summary	The bill establishes several measures that protect the best interests of a child or youth and that will not hinder reunification with the child's or youth's family when the child or youth has been temporarily placed outside the family home with a relative or kin (relative), including: Permitting a relative to appeal when denied placement of the child or youth with the relative; Requiring the department of human services (department), to use efforts to help a relative whose barrier to caring for the child or youth is a lack of resources; Amending the court's advisement to the parent so it is consistent with changes to statute; Specifying what information should be included in a notice to relatives when the child or youth has been removed from the child's or youth home; Requiring that courts give preference to a relative unless placement with that relative would negatively affect the child's or youth's health, safety, or welfare or hinder reunification with the child's or youth's family; Providing options for a relative to be allowed to participate in a child's or youth's care and planning; Creating a rebuttable presumption that placement with a relative is in the child's or youth's best interest as long as the child's or youth's health or safety is not jeopardized by the placement; and Requiring that caseworkers inform the court of efforts to identify and place a child or youth with a relative.		
Status	In Progress		
Position	Monitor		
Staff	Katie First		

HB23-1027, Parent and Child Family Time			
H-Spon	Rep. J. Joseph & Rep. Weissman	**S-Spon**	Sen. F. Winter
Summary	The bill defines "family time", changes the term "visitation" to "family time" in various places in statute, creates new requirements for determinations in dependency and neglect court proceedings, and requires the task force on high-quality family time (task force) to commission and evaluate a state study, including on best practices for funding of "family time". Specifically during a dependency and neglect proceeding, the bill: Requires county departments of human or social services (county departments) to encourage maximum family time; Allows the court and the state department of human services (department) to rely on community resources or relatives to provide transportation or supervision for family time; Creates a presumption that supervised family time is supervised by relatives, kin, or other supports (supports) and occurs in the community. This presumption can be rebutted if the health or safety of the child is at risk or if these supports are unavailable or unwilling to provide supervision. Limits the court's ability to restrict or deny family time to situations in which the child's safety or mental, physical, or emotional health is at risk; Requires the court to order family time in the least restrictive setting; Requires county departments to provide information to the court about proposed family time and participation in family time; Prohibits the court or department from limiting family time as a sanction for the parent's failure to comply with court-ordered treatment plans so long as the child's safety or mental, physical, or emotional health is not at risk; Prohibits the court, department, parent, or support from limiting family time as a sanction for the child's behavior or as an incentive to improve the child's behavior; and Gives the department the authority to promulgate rules to implement the provisions. The bill also: Extends the task force by one year; Requires the task force to commission and evaluate a statewide study to identify the strengths and needs for family time; identify growth areas; inventory funding sources; and make recommendations; and requires a permanency hearing be held within 12 months after a child enters foster care.		
Status	In Progress		
Position	Monitor		
Staff	Katie First		

HB23-1043, Emergency and Continued Placement with Relative or Kin (CCI Priority)			
H-Spon	Rep. M. Lindsay & Rep. R. Pugliese	**S-Spon**	Sen. J. Ginal & Sen. J. Rich
Summary	The bill clarifies the procedures for emergency and nonemergency continuing placement of a child or youth that a county department of human or social services (county department) or a local law enforcement agency (law enforcement) with custody of the child or youth shall follow before making the emergency or nonemergency continuing placement of a child or youth with a relative or kin. For emergency placements, the county department or law enforcement shall perform an initial criminal history record check (initial check) on the relative or kin and any adult who resides at the home (adults) using Colorado and federal databases. If the initial check reveals certain criminal convictions, the county department or law enforcement shall not place the child or youth in that home on an emergency basis. If the initial check does not reflect certain criminal convictions on the part of the adults, the child or youth may be placed in the home on an emergency basis. The bill modifies the criminal offenses or other matters that qualify for the denial of placement of a child or youth with the relative or kin. A county department may make a placement with a relative or kin who would otherwise be disqualified if such placement conforms		

	with rules promulgated by the state board of human services or if a court affirms the placement. The state board of human services is granted authority to promulgate rules concerning emergency and nonemergency, continuing placement of children and youth with relatives or kin.
Status	Governor Signed
Position	CCI Initiated Bill - Support
Staff	Gini Pingenot

HB23-1142, Information of Persons Reporting Child Abuse			
H-Spon	Rep. R. Pugliese	**S-Spon**	Sen. B. Kirkmeyer
Summary	As introduced, HB 1142 would have removed the option for 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. As amended, HB 1142 requires notification to those calling to report potential abuse and neglect that their call is being recorded. Additionally, the Colorado Department of Human Services will convene a workgroup to develop recommendations to standardize the questions asked of callers as much as practicable.		
Status	In Progress		
Position	Monitor		
Staff	Gini Pingenot		

HB23-1160, Colorado TRAILS System Requirements			
H-Spon	Rep. G. Evans	**S-Spon**	
Summary	As introduced, HB 1160 made 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 would have limited the release of reports of child abuse and neglect for employment purposes until after the appeals process has been exhausted. As amended, HB 1160 will allow for more in-depth conversations to occur in a task force setting through December 2024. The task force, convened by the Child Protection Ombudsman, will examine best practices for ensuring due process, identify processes that will help facilitate communication between the county and persons found responsible for abuse and neglect and explore whether certain findings – based on their severity – should be reportable to the narrow group of employers who receive this information now when they run a background check. Additionally, the amended bill ensures the notification to a person with a founded finding that they: 1.) have such a finding in TRAILS and what their appeal options are (this happens currently pursuant to rule); and 2.) that those with current counsel via the Office of Respondent Parent Counsel and the Office of the Child's Representative can use that counsel for an appeal.		
Status	In Progress		
Position	Monitor		
Staff	Gini Pingenot		

HB23-1201, Prescription Drug Benefits Contract Term Requirements			
H-Spon	Rep. L. Daugherty & Rep. M. Soper	**S-Spon**	
Summary	For group benefit plan contracts between a pharmacy benefit manager (PBM) or a health insurance carrier (carrier) and an employer, certificate holder, or policyholder, the bill requires that the amount charged by the PBM or carrier to the employer, certificate holder, or policyholder for a prescription drug be equal to or less than the amount paid by the PBM or carrier to the contracted pharmacy for the drug. In other words, HB 1201 eliminates a practice known as spread pricing. The bill grants audit authority to the division of insurance to ensure compliance with the requirements on HB 1201. A violation of the requirements of the bill is a deceptive trade practice under the "Colorado Consumer Protection Act", with regard to self-funded plans, and a deceptive trade practice in the business of insurance, with regard to fully insured plans.		
Status	In Progress		
Position	Support		
Staff	Gini Pingenot		

HB23-1236, Implementation Updates to Behavioral Health Administration			
H-Spon	Rep. J. Amabile & Rep. M. Young	**S-Spon**	
Summary	HB 1236 delineates certain administrative responsibilities between the recently created Behavioral Health Administration and the Department of Human Services, and makes clarifications and modifications to the administration's statute. Of specific note to counites is the modifications to current law which requires the BHA to create **one** regional subcommittee of the advisory council **for each behavioral health administrative services organization region.** As amended in the House Public and Behavioral Health Committee, HB 1236 does the following: **1.) The BHASO "shall staff all the subcommittee meetings,** which shall meet a minimum of six times a year and allow for public comment during each meeting." (p. 19, lines 4-7 of the 3/30 preamended version). This addition addresses the resources concerns commissioners raised around who/how will the regional subcommittees be staffed. 2.) **All regional subcommittees will consist of 9 members. Five of the nine** members will be appointed by local public health/human service agencies in the regional subcommittee area. These five members will represent individuals with expertise in/from: i.) behavioral health needs of children and youth; ii.) behavioral health safety net providers; iii.) local school district; iv.) criminal justice system; and v.) someone with lived experience. The **other four** members will be appointed as follows – 2 by the BHA commissioner: 1.) a county commissioner and 2.) someone with lived experience and 2 by the BHASO: both of whom must be individuals with lived experience. (p. 17-18 of the 3/30 preamended version) 3.) **When drawing the geographic lines for the regional subcommittee**, HB 1236 states that: "the BHA shall, to the best of the BHA's ability, align geographically with judicial districts whenever feasible, **taking into consideration community feedback on where and how individuals receive services in their communities.**" Rep. Amabile recognizes that the geographic boundaries of the judicial districts might not make sense in all cases but she has strongly pushed to have them be the starting point for the discussion regarding regional		

	subcommittee boundaries. Her intent is two-fold: 1.) she is thinking about the promise of drug courts and the potential for this approach to gain momentum in the future and 2.) the shear number of judicial districts appeals to her and she wants to be sure that the BHA remains open to as many regional subcommittees as local communities believe are needed. (p. 17, lines 15-19). FINALLY, HB 1236 was also amended to require entities wishing to serve as a BHASO (think, for example Magellan Health and/or Signal Behavioral Health…both of whom have been **rumored** to be interested in serving in such role) to include letters of support in their application from stakeholders in the BHASO region from "county commissioners and advocacy or community-based organizations". (p. 15, lines 4-11). CCI's March 5th Letter to Dr. Medlock
Status	In Progress
Position	Support
Staff	Gini Pingenot

HB23-1269, Extended Stay and Boarding Patients			
H-Spon	Rep. D. Michaelson Jenet	**S-Spon**	Sen. J. Bridges & Sen. B. Gardner
Summary	The bill requires the department of health care policy and financing to analyze how directed payment authority can be used as part of a comprehensive plan to facilitate an adequate network of services for children and youth by requiring each managed care entity **to pay no less than state department-established fee schedule rates** for services needed to promote clinical stabilization. No later than July 1, 2023, the bill requires the department of human services (CDHS) to form a working group to make recommendations about developing an **incentive funding pool pilot program** to incentivize residential treatment providers to accept and treat children and youth who have high-acuity behavioral health needs to appropriate treatment and placement. The bill requires the behavioral health administration (BHA) to develop a framework to measure and assess how the behavioral health system for children and youth is functioning, which framework must include measures of accountability for children and youth who are boarding or in extended stay. Beginning September 1, 2023, and each quarter thereafter until October 1, 2024, the bill requires each hospital to **report de-identified information to the BHA** on the total number of children and youth patients who were boarding or had extended stay in the previous quarter; if known, how many children and youth who were boarding or had extended stay and were in county custody at the time; and, for patients who were discharged during the quarter, where the patients were discharged to. Beginning September 1, 2023, and each quarter thereafter until October 1, 2024, the bill requires CDHS to **report de-identified information to the BHA** on the total number of children and youth in the custody of, or who had involvement with, a county department of human or social services who spent time at least overnight in a hotel or a county department office as a stopgap setting or remained in detention when the child or youth could have been released but no placement was available. No later than September 1, 2023, and each quarter thereafter until October 1, 2024, the bill requires the BHA to report aggregated and de-identified information submitted to the BHA to the BHA advisory council and to the child and youth mental health service standards advisory board. The bill requires CDHS to develop a plan for whenever a residential treatment facility for children and youth closes or has a substantial change in operation to support children and youth treatment capacity elsewhere in a manner that most appropriately serves the behavioral health needs of the child or youth.		

	**For SFY 2022-23 and SFY 2023-24, HB 1269 uses underspent general fund dollars available via the child welfare block grant to pay for residential treatment beds for children and youth with high-acuity behavioral health needs.
Status	In Progress
Position	Support
Staff	Gini Pingenot

SB23-039, Reduce Child and Incarcerated Parent Separation			
H-Spon	Rep. J. Amabile	**S-Spon**	Sen. J. Buckner
Summary	The bill requires the department of human services to promulgate rules that facilitate communication and family time between children and their parents who are incarcerated. The bill requires the court and the prison or jail where the parent is incarcerated to facilitate the parent's attendance and participation in proceedings for the parent's dependency and neglect case. Under current law, after an order of adjudication in a dependency and neglect case, the court holds a dispositional hearing. The bill requires, except in instances when the proposed disposition is termination of the parent-child legal relationship, if a child's parent is incarcerated, that the court approve a treatment plan for the parent that specifies how the parent may participate in future meetings and hearings, including services and treatments available to the parent at the prison or jail, and opportunities for meaningful, in-person family time at the prison unless the family time does not serve the best interests of the child. Under current law, the court may terminate the parent-child legal relationship based on statutorily created circumstances. The bill eliminates the parent's incarceration and related conditions as a basis for terminating the parent-child relationship. Under current law, if the court finds that there is not a substantial probability that the child will be returned to a parent or legal guardian within 6 months and the child satisfies criteria for adoption, the court may require the county department of human services to show cause why it should not file a motion to terminate the parent-child legal relationship. The bill states that such cause may exist if the parent is incarcerated, detained by the United States department of homeland security, or deported, and if the parent has maintained a meaningful and safe relationship with the child while incarcerated, detained, or deported. The bill requires the department of corrections to create and submit an annual report to the judiciary committees of the senate and house of representatives concerning parents who are incarcerated, and make the report publicly available. The bill requires the department of corrections to develop opportunities and promulgate policies to facilitate continued relationships between children and their parents who are incarcerated. The bill requires the department of corrections to designate a family services coordinator, who is responsible for duties related to children and their parents who are incarcerated.		
Status	In Progress		
Position	Monitor		
Staff	Katie First		

SB23-064, Continue Office Of Public Guardianship			
H-Spon	Rep. M. Snyder	**S-Spon**	Sen. B. Gardner& Sen. J. Ginal
Summary	Under existing law, the office of public guardianship (OPG/office) is authorized to serve indigent and incapacitated adults (incapacitated adults) in need of guardianship in 3 judicial districts and is scheduled to repeal on June 30, 2024. The bill extends the office indefinitely and requires the office to operate in every judicial district in the state by December 31, 2027.		

	The bill establishes a board of directors (board) to oversee the office. The board consists of 7 members: 3 members who are attorneys appointed by the chief justice of the Colorado supreme court and 4 non-attorney members appointed by the governor. The existing public guardianship commission that oversees the office is repealed, effective August 31, 2023. The bill clarifies the office's duties. The office's director administers the office pursuant to a memorandum of understanding with the judicial department. The bill clarifies what must be included in the memorandum of understanding. The office is required to employ guardians to provide guardianship services to the office's clients. A guardian must be certified as a guardian or become certified within 2 years after being hired by the office. The office shall provide training to guardians in specified subjects. The bill requires a court to waive filing fees for petitions for guardianship filed by the office in cases that involve an incapacitated adult who is eligible for guardianship services from the office. A court is prohibited from requiring the office or a guardian employed by the office to post a bond as a condition for appointment as a guardian. CCI is seeking clarification to **an existing provision of statute** that states that the Office of Public Guardianship will serve indigent and incapacitated adults who "are not subject to a petition for appointment of guardian filled by a county adult protective services unit or otherwise authorized by section 26-3.1-104." CCI staff has hosted – alongside county APS experts – multiple meetings with the OPG leadership. Changes to this statute are perceived as shifting costs from the counties to OPG. Meetings with the OPG has revealed a strong working relationship between Denver and OPG resulting in suggestions that the two develop a sample MOU for other counties to use – in the event that the Office expands beyond Denver to serve other parts of the state.
Status	In Progress
Position	Support
Staff	Gini Pingenot

SB23-082, Colorado Fostering Success Voucher Program			
H-Spon	Rep. Amabile & Rep. Michaelson-Jenet	**S-Spon**	Sen. Zenzinger & Sen. Kirkmeyer
Summary	The bill establishes the Colorado fostering success voucher program (program) in the department of human services (DHS). The purpose of the program is to provide housing vouchers and case management services to eligible youth. Case management service agencies are eligible to participate in the program if they are currently participating in a certain type of foster youth program. Eligibility criteria for youth include: • Being at least 18 years of age but less than 26 years of age; • Having had prior experience in one of several ways with the foster care or kinship care system; • Experiencing homelessness or being at imminent risk of homelessness and agreeing to receive case management services; • Being a Colorado resident; and • Having an income level below that determined by the state department of local affairs (DOLA).		

	DHS and DOLA shall develop a joint administration and implementation plan for the program. Availability, standards, and services for the program are listed in the bill.
Status	In Progress
Position	Support
Staff	Katie First

SB23-210, Update Administration of Certain Human Services			
H-Spon		**S-Spon**	Sen. T. Exum
Summary	SB 210 makes a number of changes to the administration of human services at the state and county levels. The bill clarifies that board or commission members may be reimbursed for certain meeting expenses incurred while serving on certain boards and commissions in the human services field. Current law establishes a community board in each region of the Division of Youth Services in the Department of Human Services (CDHS). CDHS staff may not join any such board, but are required to attend board meetings and provide quarterly updates. The bill repeals these community boards. Current law establishes county citizen review panels to address grievances against counties regarding child welfare. The bill repeals the panels and reassigns grievance review responsibilities to the Office of the Child Protection Ombudsman. It also specifies notice requirements for final decisions by counties and requires counties to post information about the grievance process on their websites. Finally, the bill modifies the existing Law Enforcement Community Services Grant Program in the Department of Local Affairs (DOLA) which is advised by a 17-member committee. Under the bill, if not all of the appointments are filled, the department may determine the number of members of the committee in FY 2023-24, as long as there are no fewer than nine members.		
Status	In Progress		
Position	Support		
Staff	Gini Pingenot		

In Case You Missed It

CCI and DEC Quarterly Meetings
CCI/DEC Quarterly Check in on June 16 at 3:00-4:00PM
CCI/DEC Quarterly Check in on September 28 at 11:00AM- 12:00PM
CCI/DEC Quarterly Check in on December 8 at 2:00-3:00PM

CCI and BHA Quarterly Meetings
CCI/BHA Quarterly Check in on June 22 at 1:00-2:00PM
CCI/BHA Quarterly Check in on December 7 at 2:00-3:00PM

Adjourn

COLORADO COUNTIES, INC.
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Health & Human Services Steering Committee
4/28/2023
Addendum as of 4/25/2023

Approval of Addendum

HB23-1307, Juvenile Detention Services And Funding			
H-Spon	Rep. L. Daugherty & Rep. M. Soper	**S-Spon**	
Summary	The bill requires the general assembly to appropriate $3,340,119 to the department of human services (department) in each fiscal year for services for youth who can be placed in lieu of detention. Of the money, the department shall: Allocate $200,000 to judicial districts for services for detained youth and supports for youth moving from detention to treatment or other placements; Use $1,780,137 to incentivize and remove barriers for licensed providers to serve youth who may be placed in community residential facilities or family-like settings in lieu of detention; and Use $1,359,982 of the money for temporary emergency detention beds for juveniles. Existing law limits the number of juvenile detention beds available for juveniles statewide, which are allocated to catchment areas established by the department together with the state court administrator in the judicial department. The beds in each catchment area are allocated to each judicial district in the catchment area. The bill establishes 22 temporary emergency detention beds that may be used, pursuant to a court order, when there are no available judicial detention beds in a catchment area. The department allocates temporary emergency detention beds to each catchment area. The bill sets forth the process for a court to issue an order permitting the use of a temporary emergency detention bed. Temporary emergency detention beds do not count toward the statewide juvenile detention bed limit. The court is required to immediately appoint a guardian ad litem for each detained juvenile. Under existing law, the working group for criteria for placement of juvenile offenders, known as the CYDC working group, is required to review data collected by the division of youth services every 2 years. The bill requires the CDYC working group to conduct the review annually. The department is required to collect statewide data about: Youth eligible for release from a detention facility without an additional court order if services or placements are available for the youth; The use of temporary emergency detention beds; and Youth released from detention solely because the number of youth detained statewide exceeds the statewide detention bed cap. The department shall annually report the statewide data to the CYDC working group, the house of representatives and senate judiciary committees, the house of representatives public and behavioral health and human services committee, and the senate health and human services committee, or any successor committees.		
Status	In Progress		
Position	Pending		
Staff	Katie First		

COLORADO COUNTIES, INC.
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Health & Human Services Steering Committee
4/28/2023

Addendum as of 4/27/2023

Approval of Addendum

A vote will be sought from commissioners on whether or not they approve of its contents of the following letter and the request to forward it on to the state.

CHSDA
Colorado Human Services Directors Association
Counties Working Together

April 26, 2023

To: Colorado Counties, Inc. (CCI)
From: Colorado Human Services Directors Association (CHSDA)
Regarding: SFY 2024-2025 Budget Recommendations

We appreciate the opportunity to share the areas of need and recommended program funding priorities to best inform and guide the discussion you, as Commissioners, will be having with the Colorado Department of Human Services (CDHS), the Behavioral Health Administration (BHA), Colorado Department of Health Care Policy and Financing (HCPF), Colorado Department of Early Childhood CDEC), the Governor's office, including its Office of Information Technology (OIT), Joint Budget Committee (JBC), and State legislators.

Through the ongoing committee work of CHSDA, strategic planning conversations, and a review of year- to-date allocation spending, the following budget priorities were identified that best represent the challenges, issues, and priorities of Colorado human services directors.

1. Close monitoring and support for many County Human Services Programs:

Consistent with our priorities last year, we continue to learn more about the fiscal needs in several key program areas as workload studies have been completed or are still underway, and as many significant changes are implemented in several program areas. We appreciate the recognition that many of our funding streams are inadequate to support our programs, and now ask CDHS, HCPF, CDEC and the JBC to advocate for and realize the needs identified in those studies. Those include a County Administration Workload Study, an Adult Protective Services Workload Study, and a Child Welfare Workload Study. At the same time, the implementation of enormous changes to the Colorado Works Program and Universal Preschool (and its impact on the Colorado Child Care Assistance Program) leave the fiscal landscape of these programs in a state of flux.

First, we are immensely grateful that the JBC provided the counties an increase of $16.67 million total funds -- approximately $5 million General Fund, $8.34 million federal funds, and $3.33 million county match funds – in the CDHS County Administration line for the current fiscal year SFY22-23 and for the upcoming fiscal year SFY23-24. Counties request that CDHS prioritize making this critical increase permanent. County Administration funding, which supports access to the essential direct assistance that helps Colorado's most vulnerable children, families, and individuals obtain health, food, and financial self-sufficiency benefits, has historically been underfunded. While we do not yet have the results of the County Administration workload study, we fully anticipate it will support this important investment. We also anticipate that the funding model developed through SB22-235 will establish a funding model that will support future adjustment to the appropriation.

Similarly, while CDHS is still reviewing and finetuning the Child Welfare Workload Study and drawing conclusions from the Adult Protection Workload Study, some obvious conclusions can be drawn now that should inform budget requests in the coming year. The Child Welfare Workload Study found that across the entire State, Colorado continues to be significantly understaffed in the caseworkers, supervisors, and case aide and support staff needed to do foundational child welfare casework. We ask CDHS to prioritize implementation and full funding of the child welfare funding

model for SFY24-25 developed pursuant to SB21-277 and informed by the most recent child welfare workload study. The child welfare funding model will determine the appropriate level of funding required to fully meet all state and federal requirements concerning the comprehensive delivery of child welfare services. In addition, while we recognize that there continue to be vacancy savings in the Child Welfare Block in the most recent year, we anticipate that trend to shift as counties continue to hire and invest in retaining staff. At the same time, we continue to see significant overspending in the 242 staffing line item and ask CDHS and the JBC to consider the insufficiency of this appropriation. We also know that our Collaborative Management Programs (CMPs) are underfunded to meet the demand on these critical programs that serve multisystem-involved youth. As new counties establish CMPs, funding does not expand but instead is spread more thinly across all programs. At a time when we know Colorado's youth are facing profound crises post-pandemic, we ask the State to prioritize this important funding stream.

The Adult Protection Workload Study did not present funding needs in the way we have come to expect from a workload study. It did, however, clearly establish that workload exceeds resources, both at the county and state level. It pointed to increased referral and caseload volumes and increased case complexities, in addition to insufficient supports and services, as reasons why the APS program needs significantly more financial investments. While we are thankful for CDHS's budget request and the JBC's approval of an additional $1,609,266 total funds to support Adult Protective Services, we anticipate that the ongoing work from this study will indicate even greater need.

Counties also ask CDHS to closely monitor the spending and financial trends in the Colorado Works Program. Colorado Works spending has increased throughout the State, and we anticipate that trend to continue as HB22-1259 is fully implemented. We ask you to dedicate attention and resources to tracking that spending and be prepared to ask for additional state resources when those become necessary under the expectations of the law. In fact, projections shared by CDHS at the most recent Works Allocation Committee indicate the need for nearly $11 million in General Funds in SFY 2024-25, as well as $2 million in General Funds in SFY 2023-24.

There is also an incredible amount of change occurring in the Colorado Child Care Assistance Program (CCCAP). As the CDEC explores how to align the Universal Preschool Program (UPK) with CCCAP, UPK gets underway, and the ARPA dollars that have helped expand CCCAP come to an end, Counties ask the CDEC to carefully monitor the need for additional CCCAP dollars to shore up existing enrollment and expand the number of families who can participate. Additionally, while it may appear that CCCAP funding is underspent, we believe this is merely a reflection of CDEC's ability to code expenditures to the ARPA funding and not a true indication of need. This uncertainty makes it difficult for counties to plan, but we hope that as the landscape of child care programs begins to stabilize, the CDEC will prioritize the CCCAP program.

2. Funding for Statewide Services

Our second priority is one not meant to provide funding for counties directly, but to provide critical supports that children, families, and individuals desperately need in our communities. Counties find it unacceptable that members of our communities regularly enter our systems—the child welfare system or the adult protection system—because of an inability to access quality services locally and affordably. Colorado must continue to increase our investments in behavioral health—both mental health and substance abuse—and prevention services in all parts of the state.

In the child welfare space, we know far too many children and youth end up engaged in child welfare not due to caregiver abuse or neglect, but because families cannot access the services their

children need. This reality holds true for intensive and specialized community-based and in-home services, as well as therapeutic residential treatment facilities. Families in these scenarios by and large are unable to navigate access to services for their children. Devoted and loving caregivers feel unsafe bringing a child home from the hospital without any additional supports in place. Families are unable to access residential treatment on their own through Medicaid or private insurance. Clinical assessments are not conducted early to identify the best treatment services that could have been offered in the community and prevented an escalation of need. In addition to community-based in-home services, we are lacking outpatient substance use services, and out-of-home behavioral health and substance use services. It is critical that the following service array is available for all Colorado children and families in need and especially the child welfare population, regardless of insurance-type: biopsychosocial assessments, crisis services, comprehensive care coordination, and peer support services. Similarly, we also know that far too many children enter the child welfare system due to the substance abuse or behavioral health needs of their parents. A lack of access to services should not lead to children being removed from their families. The Delivery of Child Welfare Task Force, Medicaid subcommittee continues to explore these issues and as recommendations move forward, resources will be needed to implement solutions.

Counties are proud of the progress we have made in Colorado so that fewer children and youth than ever are placed out of the home. We also know, however, that despite our declining numbers of children in out of home settings, Colorado's continuum of care is unable to adequately and safely serve children and youth with the most complex medical and behavioral health needs due to workforce and economic challenges. Counties continue to elevate the fact that children are temporarily staying in county offices and hotels or placed out of state or held in detention and hospitals longer than necessary because we have too few providers who are willing to serve children in the greatest need. This crisis is not unique to children in the child welfare system. While Colorado has been incredibly fortunate to utilize Federal ARPA stimulus dollars to begin trying out different strategies to address the crisis, we have a long road ahead of us to reform the way our behavioral health system serves children and youth, especially equitably in all communities. We still need to expand access to a variety of clinicians and child maltreatment prevention services, and to increase our capacity to serve those children and youth who truly need child welfare intervention and therapeutic treatment services in residential settings. We cannot continue to fail our most vulnerable citizens.

Additionally, the recent Adult Protection Workload Study also highlighted the need to invest in and increase the capacity of services through the state of Colorado for our vulnerable and aging adult populations. The Study noted that a lack of available services may lead to clients developing increasingly severe issues with isolation, mental illness, physical disability, or substance use. It also recognized that staff consistently note a lack of medical services, housing services, financial services, in-home and community resources, legal services, case management and evaluation services.

While counties do not have all the answers to the question of how to grow service capacity, we would encourage you to look at successful models in other states, including the New Jersey System of Care for children and youth and even consider establishing state-run services where they otherwise do not exist.

<u>Ongoing County Priorities:</u>

Counties continue to ask all state agencies, including the Governor's Office of Information Technology, to invest in vital improvements in our technology systems. We are at the point where we consider the growing list of necessary changes, in addition to the tenuous state of the Mainframe, to be serious vulnerabilities in all our systems. For instance, when we bring forth

requests for improvements to the Colorado Benefits Management System (CBMS), we are informed that the backlog of changes is so long, we cannot expect our requests to be prioritized for a considerable amount of time. This is particularly concerning as HCPF is likely to be directed by the General Assembly to pursue a waiver to offer continuous Medicaid eligibility for specific populations. Counties will not be able to implement these policies without the necessary CBMS changes being made first and we ask HCPF to prioritize funding to implement these changes. Similarly, it is unacceptable that child welfare caseworkers continue to have to toggle between two systems (Trails MOD and Trails Legacy). And a recent study by the Joint Agency Interoperability project of the Child Care Automated Tracking System (CHATS) produced dozens of pain points in the system that need to be resolved.

We also continue to ask the State to invest in recruitment and retention strategies for all county human services employees. Human services position are highly complex, emotionally taxing, and absolutely critical to our communities. Many counties have implemented strategies, including hiring bonuses and increased salaries, but several others do not have the allocation or county general fund match to do so. We ask you to consider increased funding across all county allocations (without the imposition of additional expectations or workload) or other creative approaches that will help counties sustain their current staffing levels and fill vacant positions.

In addition to our top funding priorities listed above, it is our assumption that full funding for all three tiers of the County Tax Base Relief Fund will continue to be a statewide priority in SFY 2023-2024. This critical funding helps assure that counties that are most economically disadvantaged are better able to match the state and federal funding to provide services to their constituents.

X Mary C. Berg

Mary C. Berg

CHSDA President
Executive Director, Jefferson County Human Services

COLORADO COUNTIES, INC.
Educate · Advocate · Empower

Land Use & Natural Resources Steering Committee
Friday, April 28, 2023

Agenda updated 4/24/2023

Welcome/Introductions
Chair: Commissioner Mike Freeman, Weld County
Vice Chair: Commissioner Matt Scherr, Eagle County
CCI Staff: Reagan Shane (rshane@ccionline.org | 303-859-9288)

New Legislation for Discussion

SB23-274, Water Quality Control Fee-setting By Rule			
H-Spon	Ruby Dickson	**S-Spon**	Faith Winter
Summary	Section 1 of the bill increases the percent of appropriated funds that the department of public health and environment (department) may use for the administration and management of the public water systems and domestic wastewater treatment works grant program from 5% to 10%.Section 3 modifies the composition of the water quality control commission (commission) by requiring that: No more than 5 members of the commission be affiliated with the same political party; and The commission include members with specific types of expertise, including expertise in areas of science and environmental law or policy or areas such as municipal water or wastewater treatment, industry, or labor. Section 4 requires the commission, on or before October 31, 2025, and after engaging in stakeholder outreach, to set the following fees by rule: Drinking water fees assessed on public water systems; Commerce and industry sector permitting fees; Construction sector permitting fees; Pesticide sector permitting fees; Public and private utilities sector permitting fees; Municipal separate storm sewer systems sector permit fees; Review fees for requests for certification under section 401 of the federal "Clean Water Act"; Preliminary effluent limitation determination fees; Wastewater site application and design review fees; On-site wastewater treatment system fees; and Biosolids management program fees. The commission's fee-setting rules must become effective on or before January 1, 2026, and the commission may by rule authorize the division to phase in the fee-setting rules.		

	Section 4 also creates the clean water cash fund into which the fees collected under the commission's rules, other than the drinking water fees assessed on public water systems, are credited. The statutory fee provisions in sections 2, 5, 6, and 8 repeal on July 1, 2026. Before the repeal, the state treasurer is required to transfer any money remaining in the various funds into which the statutory fees are credited to the clean water cash fund; except that section 2 specifies that drinking water fees will continue to be credited to the drinking water cash fund and that any money in the drinking water cash fund will remain in that cash fund. Section 7 repeals the division's regulatory authority concerning nuclear and radioactive wastes. Section 9 requires the division to include, in its annual reporting to the commission and the general assembly, information on: The division's implementation and enforcement of the discharge permitting program (program); For reports submitted before October 1, 2025, the division's fee revenue and direct and indirect costs associated with the program; and For the report submitted in 2025, the fee structure set forth in the commission's proposed or adopted fee-setting rules.
Status	In Progress
Position	Pending
Staff	Reagan Shane

SB23-285, Energy And Carbon Management Regulation In Colorado			
H-Spon	Karen McCormick	**S-Spon**	Kevin Priola & Chris Hansen
Summary	Effective July 1, 2023, the bill changes the name of the oil and gas conservation commission to the energy and carbon management commission (commission) and expands the commission's regulatory authority to include the authority to regulate a broader scope of energy and carbon management areas beyond oil and gas (section 1 of the bill). The bill also changes the name of the oil and gas conservation and environmental response fund to the energy and carbon management cash fund (fund) and allows the fund to also be used by the commission for the purposes of administering the expanded regulatory areas (section 2). Current law states that the property right to the natural heat of the earth (geothermal resource) that lacks sufficient fluid associated with the geothermal resource (geothermal fluid) to transport commercial amounts of energy to the surface is an incident of ownership of the overlying surface unless expressly severed. Section 6 states that, as to property rights acquired on or after July 1, 2023, the property right to a geothermal resource associated with nontributary groundwater (allocated geothermal resource) is also an incident of ownership of the overlying surface unless expressly severed. Current law requires, prior to constructing a well to explore for or produce geothermal resources, the operator of the well to obtain a permit from the state engineer. Section 7 defines different types of geothermal operations and bifurcates regulation of the different operations between the commission and the state engineer. Specifically, the commission is granted the exclusive authority to regulate operations (deep geothermal operations) for the exploration for or production of: An allocated geothermal resource; or A geothermal resource that is deeper than 2,500 feet below the surface.		

	The state engineer retains the exclusive authority to regulate operations that are not deep geothermal operations (shallow geothermal operations). Prior to obtaining a permit from the commission to construct a well for deep geothermal operations, the applicant must provide evidence of any applicable siting application to the local government with jurisdiction over the deep geothermal operations, unless the local government does not regulate the siting of such operations. The commission and the state engineer may adopt rules for the assessment of fees for the processing and granting of a permit to construct a well for deep geothermal operations or shallow geothermal operations, as applicable. Any fees collected by the commission will be deposited by the state treasurer into the fund. Current law requires, prior to the production of geothermal fluid from a well, the operator of the well to obtain a permit from the state engineer. Section 8 instead requires: A permit from the state engineer prior to the use of a geothermal resource that is not an allocated geothermal resource (distributed geothermal resource); The state engineer to issue the permit for the use of a distributed geothermal resource after a determination that the proposed use is in accordance with applicable requirements for groundwater wells; A permit from the state engineer prior to the use of an allocated geothermal resource; and The state engineer to issue a permit for the use of an allocated geothermal resource after a finding that any associated geothermal fluid is nontributary. Current law allows the state engineer to adopt procedures that establish geothermal management districts for the management of geothermal operations within the district. Section 9 limits the scope of geothermal management districts to distributed geothermal resources. The state engineer is also required to notify the commission of any application for a geothermal management district that is anticipated to affect deep geothermal operations.Section 10 allows the commission to adopt procedures by rule to establish geothermal resource units for allocated geothermal resources.Section 12 grants the commission the exclusive authority to regulate any intrastate facility that stores natural gas in an underground facility that is not a pipeline facility subject to regulation by the public utilities commission (UNGS facility). If the commission submits a certification to, or enters into an agreement with, the federal secretary of transportation pursuant to applicable federal law, any rules regulating UNGS facilities must be at least as stringent as the applicable federal requirements. Before commencing construction of a new UNGS facility, the operator of the facility must provide evidence of any applicable siting application to a local government with jurisdiction over the UNGS facility, if applicable. The commission may assess and collect fees from operators of UNGS facilities in an amount and frequency determined by the commission by rule. Any fees collected will be deposited into the fund. The bill directs the commission to conduct the following studies, prepare reports summarizing the findings of the studies, and submit the reports to the general assembly: A technical study of the state's geothermal resources (section 10); A study, in collaboration with the state engineer, that evaluates the state regulatory structure for geothermal resources and whether any changes to law or rules are necessary (section 10); A study concerning the regulation and permitting of hydrogen (section 18); and A study, in coordination with the public utilities commission, examining the siting and regulation of interstate pipelines (section 18).

Status	In Progress
Position	Pending
Staff:	Reagan Shane

Legislation to Revisit

HB23-1255, Regulating Local Housing Growth Restrictions			
H-Spon	Rep. R. Dickson, & Rep. W. Lindstedt	**S-Spon**	Sen. J. Gonzales
Summary	Currently, several local governments have laws restricting the growth of housing. This includes one county, which has limitations on 35-acre subdivisions. HB23-1255 creates a state preemption and prohibition on local laws that limit the number of building permits issued for development (i.e., local housing growth restrictions), both existing and future. There is an exception if the local government has experienced a declared disaster emergency, in which case the local government may enact a temporary anti-growth law effective for no more than one year after the declaration of the emergency.		
Status	In Progress		
Position	Oppose		
Staff	Reagan Shane		

Legislation for Update Only

SB23-016, Greenhouse Gas Emission Reduction Measures			
H-Spon	Rep. E. Sirota & Rep. K. McCormick	**S-Spon**	Sen. C. Hansen
Summary	SB23-016 is composed of 14 sections that take various measures to reduce greenhouse gas emissions in the state. These sections include requiring certain insurance companies to complete a survey, requiring the public employees' retirement association's board to adopt proxy voting procedures to ensure voting decisions align with and support the statewide greenhouse gas (GHG) emission reduction goals, updating statewide GFG emission reduction goals, and giving the oil and gas conservation commission authority over class VI injection wells. Section 7 gives the state primacy for class VI injection wells and requires the commission to conduct a study to determine it has the necessary resources. The commission may issue and enforce permits once this determination has been made. CCI has obtained an amendment to explicitly require that the permitting of such wells complies with a local government's siting of the proposed class VI injection well location. An anticipated amendment from the Department of Natural Resources will make permitting subject to state approval as well. 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. Sections 10-12 require the Colorado electric transmission authority to, "if practicable," prioritize project contracts that renovate or recondition existing utility transmission lines and better incorporate distributed generation and renewable energy facilities into the electric grid. Under planned amendments, this section will explicitly state that such facilities must be approved through a local government's land use application process.		

	Section 13 requires a local government to expedite its review of a land use application that proposes a project to renovate, rebuild, or recondition existing transmission lines. "Expedite" is not currently defined. CCI obtained an amendment to change this language to "expedite, as practicable."
Status	Senate Committee on Transportation & Energy Refer Amended to Appropriations
Position	Support
Staff	Reagan Shane

Legislation for Reference / No Anticipated Action

HB23-1085, Rural County and Municipality Energy Efficient Building Codes			
H-Spon	Rep. M. Martinez	**S-Spon**	Sen. C. Simpson
Summary	Counties and municipalities are currently required to adopt and enforce certain energy efficient building codes concurrently with the updating of their existing building codes. The specified model energy codes that must be adopted concurrently during an update are determined by specific timeframes. However, a rural county, defined as a county with a population of less than 30,000 people, is permitted to adopt a less current model code than that specified if the county has applied for and not been awarded a grant that significantly assists with energy code adoption and enforcement training. There is not currently a corresponding provision for rural municipalities. HB23-1085 would have created 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. HB23-1085 also would have extended the compliance periods for adopting and enforcement of the model energy codes by both a rural county and a rural municipality. This bill was postponed indefinitely by the bill sponsor in committee on Thursday, February 23rd.		
Final Status	Postponed Indefinitely		
Position	Support		
Staff	Reagan Shane		

HB23-1115, Repeal Prohibition Local Residential Rent Control			
H-Spon	Rep. J. Mabrey & Rep. E. Velasco	**S-Spon**	Sen. R. Rodriguez
Summary	The bill repeals statutory provisions prohibiting counties and municipalities from enacting any ordinance or resolution that would control rent on private residential property or a private residential housing unit (rent control) and sets the following guidelines for the enactment of rent control: • Rent control must be uniformly applied among all renters that are similarly situated; • Rent control must be uniformly applied among all private residential properties and private residential housing units that are similarly situated; except that: • For 15 years from the date on which the first certificate of occupancy was issued, no rent control may be applied;		

	• Rent control may be applied to a mobile home or mobile home park regardless of the date the mobile home or mobile home park was built or the date a certificate of occupancy was issued; and • No rent control may be applied to housing units provided by nonprofit organizations and regulated by fair market rents published by the United States department of housing and urban development or any other similar federal or state program; and • Rent control that limits the amount of an annual rent increase must not impose a limit less than the percentage increase in the consumer price index plus three percentage points plus reasonable increases reflective of the actual costs of substantial renovations. Regardless of the first two of these guidelines, the bill permits a local government to have or adopt an ordinance or regulation that is expressly intended and designed to increase the supply of affordable housing. The bill also makes a conforming amendment.
Status	In Progress
Position	Monitor
Staff	Reagan Shane

HB23-1194, Closed Landfills Remediation Local Government Grants (CCI Priority)			
H-Spon	Rep. B. McLachlan & Rep. R. Pugliese	**S-Spon**	Sen. J. Ginal & Sen. C. Simpson
Summary	This CCI-initiated bill creates a grant program to fund remediation of closed local-government-owned landfills. The grant program will be administered by the Colorado Department of Public Health and Environment (CDPHE) in accordance with rules promulgated by the Solid and Hazardous Waste Commission. Grant applications will be reviewed by an advisory committee made up of two members representing local governments, two members representing CDPHE, and one member with technical expertise not affiliated with a local government or with the department. Funding priority will be given to the following applications: • Applications that concern remediation efforts that address the greatest actual risk to public health and environment. • Applications from local government landfills subject to existing compliance orders. • Applications from eligible local governments based on expenses occurred to date by the eligible local government in attempting to implement remediation. As amended, before any decision to award or deny a grant is finalized, the grant committee must interview an official of the applicant eligible local government who is familiar with the closed landfill site in question. This will provide a clear avenue for the local government's perspective to be heard. The bill also acknowledges in statute the joint responsibility of the state and of local governments to address environmental and public health risks that may result from local-government-owned landfills. Further amendments to the bill included the removal of dispute resolution and a few changes to facilitate administration of the grant program (e.g., pushing back the dates for promulgating rules and beginning to award grants, allowing CDPHE to include the grant report in its annual report).		
Status	In Progress		

Position	Support
Staff	Reagan Shane

HB23-1232, Extend Housing Toolkit Time Frame			
H-Spon	Rep. I. Jodeh & Rep. J. McCluskie	**S-Spon**	Sen. D. Roberts
Summary	Sections 1 and 4 of the bill clarify that money that was transferred from the general fund or the affordable housing and home ownership cash fund to the Colorado heritage communities fund on June 27, 2021, or as soon as was practicable thereafter, must be expended before July 1, 2025. Section 2 clarifies that money that was transferred from the general fund to the housing development grant fund on June 27, 2021, must be expended before July 1, 2025. Section 3 clarifies that the division of housing may award multiple grants to multiple grant recipients for multiple regional navigation campuses in the Denver metropolitan area to respond to and prevent homelessness. Section 5 makes a conforming amendment.		
Status	Introduced in House – Assigned to Energy & Environment		
Position	Support		
Staff	Reagan Shane		

HB23-1233, Electric Vehicle Charging And Parking Requirements			
H-Spon	Rep. T. Mauro & Rep. A. Valdez	**S-Spon**	Sen. K. Priola & Sen. F. Winter
Summary	Section 2 of the bill requires the state electrical board (board) to adopt rules requiring compliance, starting January 1, 2024, with the provisions of the model electric ready and solar ready code that require multifamily buildings to be electric vehicle (EV) capable and EV ready and to have EV supply equipment installed. The board is precluded from adopting rules that prohibit the installation or use of EV charging stations unless the rules address a bona fide safety concern. **The Energy Code Board has shared the final public draft of the Electric Ready and Solar Ready Code, available here.** Current law prohibits a landlord from unreasonably prohibiting the installation of EV charging equipment in the leased premises. This prohibition applies only to residential rental property. Section 3 broadens this prohibition to apply to an assigned or a deeded parking space for the leased premises, to parking spaces accessible to both the tenant and other tenants, and to commercial rental property. Section 3 also requires a landlord to allow an EV or a plug-in hybrid vehicle to park on the premises. Current law prohibits, when a person owns a unit in a common interest community, such as a condominium, the association that manages the community (association) from unreasonably prohibiting the installation of EV charging equipment in the unit. Section 4 broadens this prohibition to apply to assigned or deeded parking spaces for the unit or parking spaces accessible to both the unit owner and other unit owners. Section 4 also requires a common interest community to allow an EV or a plug-in hybrid vehicle to park at the premises. Current law grants a local government the ability to regulate parking, and this regulation includes requiring that buildings meet minimum parking standards. Sections 5, 6, and 7 require the local government, when counting minimum parking spaces, to count:		

	• Any parking space that is served by an EV charging station as at least one standard automobile parking space; and • Any van-accessible parking space that is wheelchair accessible and served by an EV charging station as at least 2 standard automobile parking spaces. Sections 8 and 9 prohibit local governments from adopting an ordinance or a resolution that prohibits the installation or use of EV charging stations unless the ordinance or resolution addresses a bona fide safety concern. Section 10 exempts, until 2030, EV charging systems from the levy and collection of property tax. Federal law prohibits the construction of automotive service stations or other commercial establishments for serving motor vehicle users along interstate highway rights-of-way, including rest areas. Section 11 specifies that, when the federal law no longer prohibits the construction of EV charging systems along interstate highway rights-of-way, the department of transportation may collaborate with public or private entities to develop projects for the construction of EV charging systems along interstate highway rights-of-way.
Status	In Progress
Position	Monitor
Staff	Reagan Shane

HB23-1234, Streamlined Solar Permitting And Inspection Grants			
H-Spon	Rep. K. Brown & Rep. M. Soper	**S-Spon**	Sen. D. Roberts
Summary	creates the Streamlined Solar Permitting and Inspection Grant Program to grant money to local governments to implement free automated permitting and inspection software. This software consists of a web-based portal that implements automated plan review, verifies local code compliance, and issues permits for electric power systems. The state treasurer will transfer $1 million from the General Fund to the program in fiscal year 2022-23, and the money is continuously appropriated. The bill requires the Colorado Energy Office (CEO) to administer the program and require applicants to demonstrate expected costs to implement automated permitting and inspection software. The CEO must begin to approve applicants no later than June 30, 2024. As amended, a grantee is encouraged to implement the software within 180 days of receipt of grant money. Grantees must also report the implementation status to the CEO one year after being granted the money and are encouraged to continue to do so each year thereafter for four years. The office is required to report to the House Energy and Environment Committee, the Senate Transportation Committee, and the Joint Budget Committee the progress of the grant program yearly beginning on January 1, 2025, and continuing until the repeal of the program on July 1, 2034.		
Status	In Progress		
Position	Support		
Staff	Reagan Shane		

HB23-1257, Mobile Home Park Water Quality			
H-Spon	Rep. A. Boesenecker & Rep. E. Velasco	**S-Spon**	Sen. L. Cutter

Summary

The bill creates a water testing program for mobile home parks (parks). The testing program is developed and administered by the water quality control division (division) in the department of public health and environment (department). The bill also sets testing prioritization criteria and testing standards. If the testing reveals a water quality issue, the division will notify the following and include information about the test results, recommended actions, remediation, and the grant program established in the bill:

- The park owner;
- The county department of health or municipality where the park is located;
- The water supplier; and
- The environmental justice ombudsperson (ombudsperson).

Upon receiving the notice, the park owner must:

- Notify the park residents;
- Comply with orders of the division;
- Not impose the cost of compliance on park residents;
- Within 90 days after receiving the notice, prepare and submit to the division a remediation plan;
- Complete the remediation plan based on a schedule approved by the division; and
- Consult with the division and provide an alternative water supply or department-approved filters.

The division will coordinate with the division of housing in the department of local affairs to identify potential money, including grant money from the grant program created in the bill, to support park water quality remediation. The division will also develop an action plan to address and improve water quality in parks. Standards are established for the action plan, including environmental justice principles, and the development of the action plan.

The bill creates a grant program to help park owners and local governments address water quality issues. The division will implement and administer the grant program. The general assembly will annually appropriate money to the department to fund the grant program.

The bill is enforced by the division, which may issue cease-and-desist orders. A violation of the bill is a violation of the "Colorado Consumer Protection Act", and the bill further establishes that:

- If a park owner fails to develop a remediation plan or implement the remediation plan, the park will be declared a class 3 public nuisance, and the park owner must forfeit the park;
- A park owner that fails to register under the "Mobile Home Park Act Dispute Resolution and Enforcement Program" violates the "Colorado Consumer Protection Act"; and
- A person may bring a civil action under the "Mobile Home Park Act".
- A park that has been forfeited because it is a class 3 public nuisance becomes the property of the county where the park is located, and the county will continue to operate the park to provide affordable housing for no fewer than 100 years. Penalties imposed under the "Colorado Consumer Protection Act" are deposited in a fund to be used to provide grants through the grant program and for the division to administer and enforce the bill.
- The ombudsperson is given the duty to represent park residents in matters of water quality.

	The bill adds water quality issues to the database created by the "Mobile Home Park Act Dispute Resolution and Enforcement Program", which tracks complaints filed against parks.
Status	In Progress
Position	Monitor
Staff	Katie First

SB23-213, Land Use			
H-Spon	Rep. I. Jodeh & Rep. S. Woodrow	**S-Spon**	Sen. D. Moreno
Summary	**Housing needs planning**. The executive director of the department of local affairs (director) shall, no later than December 31, 2024, and every 5 years thereafter, issue methodology for developing statewide, regional, and local housing needs assessments. The statewide housing needs assessment must determine existing statewide housing stock and current and future housing needs. The regional housing needs assessments must allocate the addressing of housing needs identified in the statewide housing needs assessment to regions of the state. Similarly, the local housing needs assessments must allocate the addressing of the housing needs allocated in the regional housing needs assessment to localities in the relevant region. The director shall, no later than December 31, 2024, issue guidance on creating a housing needs plan for both a rural resort job center municipality and an urban municipality. Following this guidance, no later than December 31, 2026, and every 5 years thereafter, a rural resort job center municipality and an urban municipality shall develop a housing needs plan and submit that plan to the department of local affairs (department). A housing needs plan must include, among other things, descriptions of how the plan was created, how the municipality will address the housing needs it was assigned in the local housing needs assessment, affordability strategies the municipality has selected to address its local housing needs assessment, an assessment of displacement risk and any strategies selected to address identified risks, and how the locality will comply with other housing requirements in this bill. The director shall, no later than December 31, 2024, develop and publish a menu of affordability strategies to address housing production, preservation, and affordability. Rural resort job center municipalities and urban municipalities shall identify at least 2 of these strategies that they intend to implement in their housing plan, and urban municipalities with a transit-oriented area must identify at least 3. The director shall, no later than December 31, 2024, develop and publish a menu of displacement mitigation measures. This menu must, among other things, provide guidance for how to identify areas at the highest risk for displacement and identify displacement mitigation measures that a locality may adopt. An urban municipality must identify which of these measures it intends to implement in its housing plan to address any areas it identifies as at an elevated risk for displacement. The director shall, no later than March 31, 2024, publish a report that identifies strategic growth objectives that will incentivize growth in transit-oriented areas and infill areas and guide growth at the edges of urban areas. The multi-agency advisory committee shall, no later than March 31, 2024, submit a report to the general assembly concerning the strategic growth objectives. The bill establishes a multi-agency advisory committee and requires that committee to conduct a public comment and hearing process on and provide recommendations to the director on:		

- Methodologies for developing statewide, regional, and local housing needs assessments;
- Guidance for creating housing needs plans;
- Developing a menu of affordability strategies;
- Developing a menu of displacement mitigation measures;
- Identifying strategic growth objectives; and
- Developing reporting guidance and templates.

A county or municipality within a rural resort region shall participate in a regional housing needs planning process. This process must encourage participating counties and municipalities to identify strategies that, either individually or through intergovernmental agreements, address the housing needs assigned to them. A report on this process must be submitted to the department. Further, within 6 months of completing this process, a rural resort job center municipality shall submit a local housing needs plan to the department. Once a year, both rural resort job centers and urban municipalities shall report to the department on certain housing data.

A multi-agency group created in the bill and the division of local government within the department shall provide assistance to localities in complying with the requirements of this bill. This assistance must include technical assistance and a grant program.

Accessory dwelling units. The director shall promulgate an accessory dwelling unit model code that, among other things, requires accessory dwelling units to be allowed as a use by right in any part of a municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a municipality does not adopt the accessory dwelling unit model code, the municipality shall adhere to accessory dwelling unit minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow accessory dwelling units as a use by right in any part of the municipality where the municipality allows single-unit detached dwellings as a use by right;
- Only adopt or enforce local laws concerning accessory dwelling units that use objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning accessory dwelling units that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of accessory dwelling units infeasible.

Middle housing. The director shall promulgate a middle housing model code that, among other things, requires middle housing to be allowed as a use by right in any part of a rural resort job center municipality or a tier one urban municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the middle housing model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow middle housing as a use by right in certain areas;
- Only adopt or enforce local laws concerning middle housing that use objective standards and procedures;
- Allow properties on which middle housing is allowed to be split by right using objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning middle housing that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of middle housing infeasible.

Transit-oriented areas. The director shall promulgate a transit-oriented area model code that, among other things, imposes minimum residential density limits for multifamily residential housing and mixed-income multifamily residential housing and allows these developments as a use by right in the transit-oriented areas of tier one urban municipalities. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a tier one urban municipality does not adopt the transit-oriented model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Create a zoning district within a transit-oriented area in which multifamily housing meets a minimum residential density limit and is allowed as a use by right; and
- Not apply standards that make the permitting, siting, or construction of multifamily housing in transit-oriented areas infeasible.

Key corridors. The director shall promulgate a key corridor model code that applies to key corridors in rural resort job center municipalities and tier one urban municipalities. The model code must, among other things, include requirements for:

- The percentage of units in mixed-income multifamily residential housing that must be reserved for low- and moderate-income households;
- Minimum residential density limits for multifamily residential housing; and
- Mixed-income multifamily residential housing that must be allowed as a use by right in key corridors.

The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the key corridor model code, the municipality shall adhere to key corridor minimum standards promulgated by the director and developed by the department. These minimum standards, among other things, must identify a net residential zoning capacity for a municipality and must require a municipality to:

- Allow multifamily residential housing within key corridors that meets the net residential zoning capacity as a use by right;
- Not apply standards that make the permitting, siting, or construction of multifamily housing in certain areas infeasible; and
- Not adopt, enact, or enforce local laws that make satisfying the required minimum residential density limits infeasible.

The committee shall provide recommendations to the director on promulgating these minimum standards. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Adoption of model codes and minimum standards. A relevant municipality shall adopt either the model code or local laws that satisfy the minimum standards concerning accessory dwelling units, middle housing, transit-oriented areas, and key corridors. Furthermore, a municipality shall submit a report to the department demonstrating that it has done so. If a municipality fails to adopt either the model code or local laws that satisfy the minimum standards by a specified deadline, the relevant model code immediately goes into effect, and municipalities shall then approve any proposed projects that meet the standards in the model code using objective procedures. However, a municipality may apply to the department for a deadline extension for a deficiency in water or wastewater infrastructure or supply. Additional provisions. The bill also:

- Requires the advisory committee on factory-built structures and tiny homes to produce a report on the opportunities and barriers in state law concerning the building of manufactured homes, mobile homes, and tiny homes;
- Removes the requirements that manufacturers of factory-built structures comply with escrow requirements of down payments and provide a letter of credit, certificate of deposit issued by a licensed financial institution, or surety bond issued by an authorized insurer;
- Prohibits a planned unit development resolution or ordinance for a planned unit with a residential use from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors in a way not allowed by this bill;
- Prohibits a local government from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling;
- Modifies the content requirements for a county and municipal master plan, requires counties and municipalities to adopt or amend master plans as part of an inclusive process, and requires counties and municipalities to submit master plans to the department;
- Allows a municipality to sell and dispose of real property and public buildings for the purpose of providing property to be used as affordable housing, without requiring the sale to be submitted to the voters of the municipality;
- Requires the approval process for manufactured and modular homes to be based on objective standards and administrative review equivalent to the approval process for site-built homes;
- Prohibits a municipality from imposing more restrictive standards on manufactured and modular homes than the municipality imposes on site-built homes;
- Prohibits certain municipalities from imposing minimum square footage requirements for residential units in the approval of residential dwelling unit construction permits;
- Requires certain entities to submit to the Colorado water conservation board (board) a completed and validated water loss audit report pursuant to guidelines that the board shall adopt;
- Allows the board to make grants from the water efficiency grant program cash fund to provide water loss audit report validation assistance to covered entities;
- Allows the board and the Colorado water resources and power development authority to consider whether an entity has submitted a required audit report in deciding whether to release financial assistance to the entity for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility;
- Prohibits a unit owners' association from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors;

	• Requires the department of transportation to ensure that the prioritization criteria for any grant program administered by the department are consistent with state strategic growth objectives, so long as doing so does not violate federal law; • Requires any regional transportation plan that is created or updated to address and ensure consistency with state strategic growth objectives; • Requires that expenditures for local and state multimodal projects from the multimodal transportation options fund are only to be made for multimodal projects that the department determines are consistent with state strategic growth objectives; and • For state fiscal year 2023-24, appropriates $15,000,000 from the general fund to the housing plans assistance fund and makes the department responsible for the accounting related to the appropriation
Status	In Progress
Position	Oppose
Staff	Eric Bergman

Other Business

In Case you Missed It

Comment on New Model Land Use Codes

DOLA is updating the model land use codes, the most recent versions of which are available here.

DOLA has now shared a 30%-complete draft of the updated model codes for initial comment. Please contact Reagan Shane for a copy of the draft to review and to share comments. In particular, if you have used or intend to use the Model Land Use Codes, we would LOVE your feedback.

Adjourn

COLORADO COUNTIES, INC.
Educate · Advocate · Empower

Agriculture, Wildlife & Rural Affairs Steering Committee
Friday, April 28, 2023

Agenda as of 4/24/2023

Welcome/Introductions
Chair: Commissioner Terry Hofmeister, Phillips County
Vice Chair: Commissioner Gordon Westhoff, Morgan County
CCI Staff: Reagan Shane (rshane@ccionline.org | 303-859-9288)

Legislation for Discussion

No Legislation to discuss.

In case you Missed It

Next Week: Monthly Check-In with Kate Greenberg, Commissioner of Agriculture
Thursday, April 27th, 4:00-5:00 PM | Zoom

CCI's monthly check-in with Commissioner of Agriculture Kate Greenberg is next Thursday from 4:00 – 5:00 pm. We hope you can join us for an opportunity to receive updates from the Commissioner and the Department of Agriculture, and to share questions or updates from your county.

Join Zoom Meeting
https://us02web.zoom.us/j/83726889778?pwd=a2pFMU9HOTdqYTBWK252c251enBUZz09

Meeting ID: 837 2688 9778
Passcode: 581903

Adjourn

COLORADO COUNTIES, INC.
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Public Lands Steering Committee
Friday, April 28, 2023

Agenda as of 4/24/2023

Welcome/Introductions
Chair: Commissioner Jonathan Houck, Gunnison County
Vice Chair: Commissioner Dwayne McFall, Fremont County
CCI Staff: Gini Pingenot (gpingenot@ccionline.org | 720-255-8941)

Legislation for Reference/ No Anticipated Action

HB23-1066, Public Access Landlocked Publicly Owned Land			
H-Spon	Rep. B. Bradley	**S-Spon**	
Summary	HB 1066 was amended – in its entirety – to change the bill into a task force. The task force will consist of 8 members whose recommendations must be completed by November 15, 2023. The task force shall consider: 1.) the right of the public to have access to and use public land; 2.) the rights of landowners to their privately owned land; 3.) the relative cost and difficulty of compliance with any legislative recommendations made by the task force and 4.) the legal framework relevant to any legislative recommendations made by the task force.		
Status	In Progress		
Position	Oppose		

SB23-059 - State Parks and Wildlife Area Local Access Funding (CCI Priority)			
H-Spon	Rep. M. Catlin & Rep. B. McLachlan	**S-Spon**	Sen. M. Baisley & Sen. D. Roberts
Summary	As amended in the Senate, SB 59 will help local governments address the operational impacts of helping people physically get to parks by: 1.) 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. These new, optional fees can begin starting January 1, 2025. 2.) Commission a Study to Further Examine How Local Access Needs Can be Addressed The Colorado Department of Natural Resources, in partnership with local governments, will study existing local government budgets for infrastructure and their ability to meet the increased		

	visitation demands seen at state parks, what resources exist now that can help with this challenge, and make policy and funding recommendations. This study will be complete by the fall of 2024.
Status	In Progress
Position	CCI initiated bill - Support

SB23-201, Mineral Resources Property Owners' Rights			
H-Spon	Rep. A. Boesenecker & Rep. M. Weissman	**S-Spon**	Sen. S. Jaquez Lewis
Summary	The Colorado oil and gas conservation commission (commission) may enter an order combining the ownership interests of 2 or more owners of mineral interests located on separate tracts (drilling unit) to authorize the drilling of an oil and gas well on the drilling unit (pooling order). Under certain circumstances and after notice and a hearing, the commission may enter a pooling order for a drilling unit, which order includes an owner of mineral interests that does not consent to the drilling for oil and gas on the mineral owner's tract (forced pooling order). The bill changes the commission's process for entering a forced pooling order by: • Requiring an applicant for a forced pooling order to prove that owners of more than 45% of the mineral interests to be pooled consent to pooling by submitting to the commission a third-party expert's title report or title opinion; • Requiring the commission to determine if the minerals in the drilling unit may be extracted without disturbing a nonconsenting mineral interest owner's mineral rights and, if so, requiring the commission to include in the forced pooling order a condition that the nonconsenting mineral interest owner's mineral rights not be disturbed. Alternatively, if the commission determines that the minerals cannot be extracted without disturbing the nonconsenting mineral interest owner's mineral rights, the commission is required to make explicit findings of that determination. • Requiring that a forced pooling order be issued in a manner that protects and minimizes adverse impacts on public health, safety, and welfare; the environment; and wildlife resources and that protects against adverse environmental impacts on any air, water, soil, or biological resources resulting from oil and gas operations; • Reducing the amount of production costs that consenting mineral interest owners in a drilling unit may recover from a nonconsenting mineral interest owner in the drilling unit; and • Prohibiting the commission from entering a forced pooling order that includes an unleased, nonconsenting mineral owner that is a local government or a school district, including a charter school or an institute charter school. Additionally, the bill requires that the commission issue a pooling order before any minerals that are subject to the pooling order are extracted or any well is drilled to access the minerals. The bill also authorizes a nonconsenting owner to audit or cause to be audited certain records of the oil and gas operator no more frequently than every 3 years but before any costs are recovered from the drilling unit.		
Final Status	Postpone Indefinitely		
Position	Pending		

Other Business

Adjourn