



**Land Use & Natural Resources Steering Committee**  
**Friday, March 11, 2022 | 11:15am – 12:15pm (approx.)**

Agenda as of 3/7/2022

**Welcome/Introductions**

Chair: Commissioner Mike Freeman, Weld County  
 Vice Chair: Commissioner Matt Scherr, Eagle County  
 CCI Staff: Daphne Gervais ([dgervais@ccionline.org](mailto:dgervais@ccionline.org) | M: 720-635-4705)

**New Legislation for Discussion**

n/a

**Legislation with Updates (6 Bills)**

<b><u>HB22-1132, Regulation And Services For Wildfire Mitigation</u></b>			
<b>H-Spon</b>	R. Holtorf	<b>S-Spon</b>	L. Liston
<b>Summary</b>	The bill requires that a fire department (defined to include a fire protection district as well as a county or municipality) be notified prior to conducting a controlled burn on private property and prohibits a person from conducting a controlled burn under certain conditions. The bill also sets forth civil and criminal penalties for a person who does not provide notice prior to conducting a controlled burn or otherwise violates the bill's requirements.		
<b>Status</b>	Introduced In House - Assigned to Energy & Environment		
<b>Position</b>	Monitor		

<b><u>HB22-1242, Regulate Tiny Home Manufacture Sale &amp; Install</u></b>			
<b>H-Spon</b>	C. Kipp & T. Exum	<b>S-Spon</b>	J. Ginal & D. Hisey
<b>Summary</b>	<p>HB 1242 is being initiated by Larimer County and seeks to create a legal pathway for permanent occupancy of tiny homes by establishing a state regulatory regime in a manner that upholds structural, fire, electrical, and gas safety. The bill creates a class for tiny homes to be regulated in a similar way as factory-built structures and manufactured homes. It defines tiny homes for permanent residential use, and adds tiny homes to the scope of authority of the Division of Housing and State Housing Board.</p> <p>The bill adds two tiny home industry representative, and one energy conservation specialist, to the advisory committee that assists the State Housing Board in promulgating standards for tiny home manufacture and connection to utilities. The bill specifies that the Board can adopt a national or international standard once one is created and can modify that standard as needed. The Board is directed to regulate the foundation for manufactured homes and factory-built structures where no construction standards exist.</p> <p>The bill allows local governments to require inspection of a tiny home installed prior to a state standard, and allows local governments or the state electrical or plumbing inspector (where there is no such local inspection) to approve the connection to electrical and plumbing. The bill makes clear that local governments have the authority to approve connections of tiny homes that comply with the bill's provisions.</p>		

	<p>The bill declares the sale or installation of a tiny home out of compliance with the bill a deceptive trade practices, subject to damages in a lawsuit, a class 1 misdemeanor, and civil penalties up to \$50,000 per violation.</p> <p>Finally, the bill also folds tiny homes into the mobile home park regulatory regime related to notice requirements, lease termination limits and requirements, security deposit regulations, entry fee prohibitions, antitrust prohibitions, selling fee prohibitions, kickback prohibitions, retaliation prohibitions, regulation of how and if park rules are established, a right of first refusal when the owner wants to sell the mobile home park, a peaceful enjoyment right, and remedy provisions. Tiny homes are added to the current sales and use tax exemption that applies to manufactured homes.</p>
<b>Status</b>	House Committee on Transportation & Local Government Refer Amended to Finance
<b>Position</b>	Support

<b><u>SB22-002, Resources for Volunteer Firefighters</u></b>			
<b>H-Spon</b>	L. Cutter & P. Will	<b>S-Spon</b>	J. Ginal & T. Story
<b>Summary</b>	<p>The bill allows fire departments, including fire protection districts and volunteer fire departments, to be compensated from state funding sources for wildland fire suppression activities conducted in the fire department's jurisdiction if the fire department relies primarily or solely on volunteer firefighters, the fire exceeds the department's capacity to extinguish or control, and the period of mutual aid has ended. The fire department must use money received to compensate volunteer firefighters in accordance with guidelines adopted by the division of fire prevention and control (division) in the annual wildfire preparedness plan. Boards of county commissioners are authorized to reimburse fire departments from county funds for wildland fire suppression activities conducted within the fire department's jurisdiction in the same circumstances.</p> <p>The bill amends the existing local firefighter safety and disease prevention fund grant program (program) to allow grants to be spent to provide access to mental health services for seasonal and volunteer firefighters involved in wildland fire suppression in addition to purchasing equipment and providing training. The bill requires the program to give priority in awarding grants to governing bodies and volunteer fire departments that:</p> <ul style="list-style-type: none"> <li>• Have lost tax revenues as a result of decreased assessment values due to a wildland fire within their jurisdiction in the previous 5 years;</li> <li>• Rely solely or primarily on volunteer firefighters and serve communities affected by wildland fires; or</li> <li>• Demonstrate the greatest need for additional funding to ensure the safety of volunteer and seasonal firefighters.</li> </ul> <p>The general assembly is required to annually appropriate \$5 million to the program and may appropriate additional money as necessary to meet the needs of governing bodies and volunteer fire departments. On or before September 1, 2032, the staff of the joint budget committee is required to report on whether the amount of the annual appropriation should be adjusted based on current needs.</p> <p>In addition, the division may use money in the firefighter safety and disease prevention fund to reimburse mental and behavioral health-care specialists for services provided to firefighters who have served as volunteer or seasonal wildland firefighters, in accordance with rules adopted by the division.</p>		
<b>Status</b>	Senate Committee on Local Government Refer Amended to Appropriations		
<b>Position</b>	Support		

<b><u>SB22-110, Equip Wind Turbine Aircraft Detection Lighting System</u></b>			
<b>H-Spon</b>	R. Pelton	<b>S-Spon</b>	J. Sonnenberg
<b>Summary</b>	<p>The bill requires owners and operators of wind-powered energy generation facilities to install aircraft detection lighting systems on their facilities before September 2024. Detection systems must meet Federal Aviation Administration (FAA) standards, and be sensor-based to only deploy a warning light when an approaching aircraft is detected. The owner or operator of the facility is responsible for the cost of installing, operating, or maintaining the system.</p> <p>The bill gives local governments enforcement authority by allowing counties to revoke or deny land-use permit applications and renewals if an owner or operator fails to comply with the bill. The bill authorizes local governments to impose civil penalties for non-compliance.</p>		
<b>Status</b>	Introduced In Senate - Assigned to State, Veterans, & Military Affairs		
<b>Position</b>	Support		

<b><u>SB22-114, Fire Suppression Ponds Water Rights</u></b>			
<b>H-Spon</b>	M. Catlin & D. Roberts	<b>S-Spon</b>	T. Story & D. Hisey
<b>Summary</b>	<p>This is a CCI-priority bill that establishes a process for Boards of County Commissioners to apply to the State Engineer for the designation and preservation of fire suppression ponds.</p> <p>At a minimum, the bill requires that fire suppression ponds:</p> <ul style="list-style-type: none"> <li>- Be in existence as of 1972</li> <li>- Only have decreed storage rights if those rights are limited to use within the pond (like livestock or wildlife watering) or other non-consumptive uses</li> <li>- Not be included in a decreed plan for augmentation, an appropriate right of exchange, or a state-approved substitute water supply plan</li> <li>- Not exceed 6 surface acres</li> </ul> <p>Additional criteria for ponds will be developed through rule by the Division of Fire Prevention and Control to consider fire-fighting related factors, such as location, accessibility, and infrastructure requirements.</p> <p>The bill authorizes a Board of County Commissioners to apply for the designation of a fire suppression pond with the following steps:</p> <ol style="list-style-type: none"> <li>1. Consult with local fire district</li> <li>2. Provide notice through the Substitute Water Supply Plan list, and a 35-day comment period</li> <li>3. Conduct a local needs assessment that identifies critical and functional fire suppression ponds (based on criteria to be established through rule)</li> <li>4. Acquire landowner approval if the pond is located on private property; and</li> <li>5. Submit the assessment and proposed pond designations to the State Engineer's Office for review and approval</li> </ol> <p>Approved fire suppression pond designations are exempt from the administration of water rights and as such, are not subject to drainage orders by the State Engineer. Approved ponds carry an active designation for 20 years, require an annual inspection by the county and fire district, and can receive a renewed designation after the 20-year period if the county completes an updated needs assessment.</p>		

	As amended, the bill allows water rights holders to petition the State Engineer's designation of a pond to the Water Court with sufficient evidence of injury.
<b>Status</b>	Senate Committee on Agriculture & Natural Resources Witness Testimony and/or Committee Discussion Only
<b>Position</b>	Support (CCI Priority Bill)

**SB22-138, Reduce Greenhouse Gas Emissions in Colorado**

<b>H-Spon</b>	A. Valdez	<b>S-Spon</b>	C. Hansen
<b>Summary</b>	<p>SB 138 is an expansive greenhouse gas (GHG) emissions reduction measure.</p> <ol style="list-style-type: none"> <li>1. The bill updates the statewide GHG emission reduction goals to add a 40% reduction for 2028, and a 75% reduction goal for 2040 compared to 2005 GHG pollution levels.</li> <li>2. It phases out the use of gas-powered engines of 50 horsepower or less (like lawn mowers and leaf blowers) by prohibiting their sale in nonattainment areas of the state after 2030. The bill provides financial incentives to promote the replacement of small, off-road, gas-powered equipment with electric-powered equipment, and establishes a state income tax credit equal to 30% of the purchase price for new, electric-powered, small off-road equipment for purchases made in 2023 through 2029.</li> <li>3. The bill gives the Colorado Oil &amp; Gas Conservation Commission (COGCC) authority over class VI injection wells used for sequestration of GHG, including through the issuance and enforcement of permits.</li> <li>4. It requires the Commissioner of Agriculture, in consultation with the Colorado Energy Office and Air Quality Control Commission, to conduct a study on carbon reduction and sequestration opportunities in Colorado's agricultural sector, including the potential development of certified carbon offset programs or credit instruments. The Commissioner is required to submit a study report with any legislative recommendations by December 2022.</li> <li>5. To support the use of agrivoltaics (solar panels collocated on agricultural land), the bill authorizes the Colorado Agriculture Value-Added Development Board to provide grants or loans for agricultural research on agrivoltaics. For awarded research projects, the Director of the Division of Parks and Wildlife is required to provide consultation on agrivoltaic impacts to wildlife. The bill also updates the statutory definition of agrivoltaics to include additional agricultural land uses where solar panels can be collocated, including land used for animal husbandry, cover cropping for soil health, and carbon sequestration.</li> <li>6. The bill amends the definition of solar energy facility to include agrivoltaics in determining the valuation of public utilities for property tax purposes.</li> <li>7. Finally, the bill defines a climate-risk assessment as a determination of the economic and business risks that climate change poses to an investment. It requires insurance companies to prepare and file an annual report with the insurance commissioner providing a climate-risk assessment for the insurance company's investment portfolio from the previous 12 months, and requires the Board of Trustees of the Public Employees' Retirement Association (PERA Board) to prepare a similar annual report to be posted on their website.</li> </ol>		
<b>Status</b>	Introduced In Senate - Assigned to Transportation & Energy		
<b>Position</b>	Amend		

**Other Business**

- Extended Producer Responsibility
  - Speaker: Eliza Schultz, Recycle Colorado
  - [View Bill Draft](#)
  - [View Summary of Revisions](#)

**Past Legislation for Updates and/or Reference**

<b><u>HB22-1007, Assistance Landowner Wildfire Mitigation</u></b>			
<b>H-Spon</b>	D. Valdez & M. Lynch	<b>S-Spon</b>	P. Lee & C. Simpson
<b>Summary</b>	<p>This is a priority bill from the Wildfire Matters Interim Review Committee that establishes a new grant program administered by the Colorado State Forest Service (CSFS) available to local governments, tribal agencies or nonprofit organizations for outreach &amp; education projects to landowners in high wildfire hazard areas. Grant applications that CSFS evaluates as having a larger potential impact would be prioritized.</p> <p>Beginning in 2030, the bill repeals an existing income tax <i>deduction</i> available to offset a landowner's costs from wildfire mitigation measures, and creates a new state income tax <i>credit</i> available beginning in 2023 to landowners with a federal taxable income at or below \$120,000 to reimburse 25% of mitigation costs, up to \$625 in any taxable year. Wildfire mitigation measures include creating defensible space, establishing fuel breaks, thinning woody vegetation, prescribed burns, chipping, etc.</p>		
<b>Status</b>	House Committee on Energy & Environment Refer Amended to Finance		
<b>Position</b>	Support		

<b><u>HB22-1011, Wildfire Mitigation Incentives for Local Governments</u></b>			
<b>H-Spon</b>	L. Cutter & M. Snyder	<b>S-Spon</b>	P. Lee & T. Story
<b>Summary</b>	<p>This bill is being brought forward by Healthy Air and Water Colorado (HAWC) and establishes a new grant program administered by the Colorado State Forest Service to provide state match dollars to local government revenue sources (tax, mill levy, or voter approved permanent retention of excess revenue) or long-term programs and projects that are dedicated to wildfire mitigation (funding projects creating fuel breaks, forest thinning, fire fuel removal, landowner outreach and education, etc.). A local government can apply for and receive a grant before having a dedicated revenue stream if local voters approve a ballot issue creating the revenue source in the same year the grant is awarded.</p>		
<b>Status</b>	House Committee on Energy & Environment Refer Amended to Appropriations		
<b>Position</b>	Support (An amendment was adopted to specify that local governments without dedicated revenue can qualify for grants by demonstrating an existing local program, project, or other funding mechanism (such as recurring general fund contributions) dedicated to wildfire mitigation.)		

<b><u>HB22-1012, Wildfire Mitigation &amp; Recovery</u></b>			
<b>H-Spon</b>	D. Valdez & L. Cutter	<b>S-Spon</b>	P. Lee & J. Ginal
<b>Summary</b>	<p>This bill is being brought forward by Healthy Air and Water Colorado (HAWC) and establishes a new grant program administered by the Colorado State Forest Service to provide state match dollars to local government revenue sources (tax, mill levy, or voter approved permanent retention of excess revenue) or long-term programs and projects that are dedicated to wildfire mitigation (funding projects creating fuel breaks, forest thinning, fire fuel removal, landowner outreach and</p>		

	education, etc.). A local government can apply for and receive a grant before having a dedicated revenue stream if local voters approve a ballot issue creating the revenue source in the same year the grant is awarded
<b>Status</b>	House Committee on Energy & Environment Refer Amended to Appropriations
<b>Position</b>	Support (An amendment was adopted to fold the initial grant concept into the existing Forest Restoration and Wildfire Risk Mitigation (FRWRM) Grant Program. As such, language requiring grant recipients to ensure projects are performed in a manner that minimizes the amount of carbon released into the atmosphere was removed.)

<b>HB22-1104, Powerline Trails</b>			
<b>H-Spon</b>	A.Boesenecker	<b>S-Spon</b>	K. Priola
<b>Summary</b>	<p>The bill seeks to promote the development of recreational trails in electric transmission corridors (powerline trails) throughout the state by requiring transmission providers to notify public entities (the state and local governments) when there is an opportunity to build a powerline trail. Notices would include informational resources on powerline trails (design options, safety requirements, and examples of existing powerline trails in the state). The construction of any powerline trail is up to the local government– the bill does not require any county to build, allow or consider a powerline trail.</p> <p>The bill authorizes transmission providers to enter into contract with public entities (the state, local governments, and special districts) and private landowners for the construction of powerline trails.</p> <p>As amended, the bill makes clear that transmission operators are not required to allow a trail or other facility in their rights-of-way, and that landowners with property adjacent to or inclusive of a transmission line right-of-way are not required to allow access to any portion of their property, including the transmission right-of-way, for the construction of a trail.</p> <p>Requires the public utilities commission to amend its rules to also require electric public utilities in the state to consider plans for the construction of new powerline trails and with the requirement to develop and maintain informational resources on powerline trails;</p> <p>Requires the Colorado electric transmission authority (CETA) to arrange for the continuation of any existing powerline trail contracts before entering into a project or divesting a facility; and requires the CETA to give priority for project solicitations to electric utilities and other entities that demonstrate an interest in continuing or creating a powerline trail.</p>		
<b>Status</b>	Introduced In Senate - Assigned to Transportation & Energy		
<b>Position</b>	Monitor		

<b>HB22-1151, Turf Replacement Program</b>			
<b>H-Spon</b>	M. Catlin & D. Roberts	<b>S-Spon</b>	J. Bridges & C. Simpson
<b>Summary</b>	<p>The bill requires the Colorado water conservation board (board) to develop a statewide program to provide financial incentives for the voluntary replacement of irrigated turf with water-wise landscaping (turf replacement program). The bill defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs. The board will contract with one or more third parties to administer one or more turf replacement programs in areas where local turf replacement programs do not exist.</p>		

<b>Status</b>	House Committee on Agriculture, Livestock, & Water Refer Amended to Appropriations
<b>Position</b>	Support

<b><u>SB22-015, Douglas County On Urban Drainage Flood Control District</u></b>			
<b>H-Spon</b>	B. Titone	<b>S-Spon</b>	C. Holbert
<b>Summary</b>	The bill adds to the board of directors of the urban drainage and flood control district one director from Douglas county to be appointed by the governor as with existing director appointments representing various counties.		
<b>Status</b>	House Third Reading Passed - No Amendments		
<b>Position</b>	Support		

**Adjourn**