



CCI 2023 Legislative Priority Process

Proposed Issues Discussion

Friday, July 15, 2022 | 8:30 AM—12:00 PM | Zoom

Agenda as of 7/11/2022

No votes will be taken; discussion/feedback only

Call to Order & Announcements (Felix Lopez, CCI Board President)

Meeting Overview (Gini Pingent, CCI) & **Staff Reminders**

Barriers to Kin Placements in Child Welfare – 2022 Proposal in process for 2023 Legislation

Review of 2023 Legislative Proposals

Agriculture, Wildlife & Rural Affairs (Daphne Gervais)

1. [Motivating participation in Voluntary Agricultural Districts \(VADs\) \(Larimer County\)](#)

General Government (Eric Bergman)

1. [Update CORA to protect all attorney/client privilege communications \(Larimer County\)](#)
2. [Allow auctioneering service to conduct foreclosure sales \(Larimer County\)](#)
3. [Limit legislature from convening for legislative changes \(Montrose County\)](#)
4. [County Treasurer accountability \(Adams County\)](#)
5. [Equal Pay Act exemption \(El Paso County\)](#)

Health & Human Services (Gini Pingent & Katie First)

1. [Allow juvenile courts to include sexual offender treatment \(Larimer County\)](#)
2. [Include “poisoning” in the definition of child abuse \(Montrose County\)](#)

Justice & Public Safety (Katie First)

1. [Declaring a District Attorney vacancy \(Fremont County\)](#)
2. [Allow midwives to serve as trained Sexual Assault Nurse Examiners \(SANE\) \(Ouray County\)](#)
3. [Repeal HB19-1263, Offense Level for Controlled Substance Possession \(Montrose County\)](#)
4. [Extend medical coverage for county jail incarcerated persons \(Gilpin County\)](#)

Land Use & Natural Resources (Daphne Gervais)

1. [Treatment of closed county landfills \(La Plata County\)](#)

Public Lands (Gini Pingent)

1. [Maintenance of county roads accessing state parks \(Park County\)](#)

Taxation & Finance (Gini Pingent)

1. [Designate long term rentals \(LTRs\) as residential property \(Grand County\)](#)
2. [Designate short term rentals \(STRs\) as commercial property \(Grand County\)](#)
3. [Allow counties to form urban renewal authorities \(Adams County\)](#)
4. [Subject campgrounds to lodging tax \(not sales tax\) \(Gunnison County\)](#)
5. [Secure statewide voter approval to remove TABORs prohibition on new or increased Real Estate Transfer Tax \(RETT\) \(Pitkin County\)](#)
6. [Levy sales tax in unincorporated areas \(Clear Creek County\)](#)
7. [Levy sales tax of outdoor services and experiences \(Clear Creek County\)](#)

8. [Alternatives to issuing local TABOR refunds \(El Paso County\)](#)
9. [Secure statewide voter approval to extend homestead exemption to spouses of fallen peace officers and fire fighters \(El Paso County\)](#)

Transportation & Telecommunications (Eric Bergman)

1. [Register & plate off-highway vehicles and allow use on certain low traffic, low speed state highways \(Montrose County\)](#)
2. [Require utility owners to cooperate with road improvement projects \(Arapahoe County\)](#)
3. [Formation and governance of Rail Districts \(Huerfano County\)](#)

Adjourn

Announcements/Reminders

- 2023 Legislative Priority Process ([please review this memo for details](#))
 - Next Step—District Meetings:
 - Front Range – Friday, August 5 (please note revised date)
 - Mountain – Thursday, August 18
 - Western – Friday, August 19
 - Southern – Friday, September 9
 - Eastern – Friday, September 16
- CCI Bylaws Committee Meeting – Friday, July 29, 9:00am, hybrid meeting
 - Additional meeting details in eCL or [posted online here](#)
- Propose Changes to the CCI Policy Statement – due Friday, September 16
 - Submit/discuss with Eric Bergman (ebergman@ccionline.org) or [details posted online here](#)
- Many Commissioner service opportunities currently open/available
 - [Underfunded Courthouse Commission](#)
 - [Energy Code Advisory Board](#)
 - [Middle Income Housing Authority Board of Directors](#)
 - [Emergency Management Services System Sustainability Task Force](#)

Agriculture, Wildlife & Rural Affairs (1/1)

**Larimer County | Zach Thode, George Wallace, Frank Garry – Agricultural Advisory Board
Matt Lafferty, Principle Planner**

Issue/Background	<p>Voluntary Agricultural Districts (VADs). The 2019 Larimer County Comprehensive Plan section Watershed and Natural Resources, section 2.1 Agricultural Lands Conservation and Stewardship) states: the county shall effectively sustain ranchlands and farmlands in prime agricultural areas through a combination of land use planning tools that meet ag land conservation goals, and specifies in section C.10 develop an Agricultural District to support perpetual farming and agricultural uses in specific rural areas where prime soils, irrigated agriculture and supportive infrastructure exist.</p> <p>A Voluntary Agricultural District (VAD) is an overlay district that includes important agricultural lands where landowners could voluntarily agree to maintain those lands in agriculture production for some agreed upon period in return for a package of incentives that benefit the participating farms and ranches. Such districts are in use in 21 states and have enrolled over 30 million acres of farm and ranch land. Most states have utilized a limited number of incentives having to do with tax relief, right to farm protection, protection from eminent domain and priority status for the purchase or transfer of development rights. We have the potential in Larimer County to provide a more complete package of incentives over time. Although local government can develop and offer part of those incentives, State and Federally enabled incentives will be equally important if a VAD is to be successfully developed and implemented in Larimer County and the concept supported at the State level in Colorado.</p>
Proposed Solution	<p>State legislation is needed to enable official support and some of the incentives that would be key for motivating participation in a VAD. Things that might be included in what is likely to be an omnibus bill type of legislation are: tax incentives (property tax, assessed valuation on farm and ranch residences), licensing requirements for farm and ranch vehicles, the Great Outdoors Colorado (GOCO) process for prioritization for the purchase of development rights and conservation easements; the cap on State conservation tax credits (i.e. priorities when funds are nearing the cap), the Homestead property tax exemption, and other actions that must be initiated at the State level in order to incentivize VAD participation.</p>
Alt. Solutions Considered	<p>Larimer County has the ability to create part of the solution (design and incentivize VADs) at the local government level and the AAB has put a good deal of thought into how and where a VAD might work in Larimer County (and elsewhere in Colorado). Local incentives include priorities for the use of Open Space tax monies, reducing right to farm conflicts, application of eminent domain, priorities for the rental of irrigation water by utilities, the creation of a Commercial Agricultural Zone that supports all agriculture and other steps. State incentives, however, will greatly strengthen the probable participation of producers.</p>
Statutory Citation /proposed edit	<p>We will be researching and discussing with our State representatives, specific statutes pertaining to property taxes; the Homestead Exemption; License plate costs; Conservation Tax Credits and other items mentioned in the Legislative Remedy section.</p>
C.C. Role	<p>The Larimer County Agricultural Advisory Board (AAB) is appointed by the BCC and one of the BCC Board Members is a liaison to our board who has attended all of our meetings and we have discussed this issue with him. He has recently sent us this form and encouraged us to do the preparation necessary for BCC to take this issue to CCI. At the behest of our commissioner liaison, the legislative agenda work will be added to our annual work plan starting in July.</p>
Proponents/ Opponents	<p>The creation of an Agricultural District is part of the County Comprehensive Plan. There is a placeholder in the Plan while the VAD concept is developed and work is done with the likely</p>

	extra-jurisdictional partners (City of Fort Collins, the State of Colorado, Federal Natural Resources Conservation Service NGOs). This proposal is a part of that work. The Adopted County Open Space Plan and the County Strategic Plan both include the preservation of ag land and water as goals. The extension of the County Open Space tax passed with 86% support from voters. So far, we know of no opposition to the creation of a VAD.
Fiscal Impact	We are not at the point where it would be easy to do fiscal analysis. Given that we do not anticipate a large population of participants in a VAD or VADs elsewhere in the future, one could assume that impacts would be limited and not difficult to estimate. Like tax credits for conservation, expenditures for State incentives could be capped and that is likely to be part of the draft legislation.
Priority Ranking	2/4

General Government (1/5)

Larimer County | David Ayraud, Deputy County Attorney

Issue	A recent ruling found that a person who is the topic of discussion between a government attorney and their government client, has a right under CORA to get a copy of the attorney/client communication.
Background	The issue originated from a CORA lawsuit that a Colorado municipality is currently involved in. A former employee of the municipality made CORA requests asking for copies of emails and other records that discussed them. The attorney/client emails between staff and the Attorney's Office about the former employee were not disclosed because they were deemed protected by the attorney/client privilege. However, the judge presiding over the case issued an order finding that, under CORA, even attorney/client privilege documents must be disclosed to a "person in interest" which is defined as the subject matter of the communication.
Proposed Solution	Update the CORA legislation to protect all attorney/client privilege communications in these types of situations
Alt. Solutions Considered	The issue is on appeal to the Court of Appeals, where it is currently pending. If the finding is rejected, a legislative fix will not be needed.
Statutory Citation /proposed edit	
C.C. Role	
Proponents/ Opponents	
Fiscal Impact	
Priority Ranking	4/4

General Government (2/5)

Larimer County | Andrew Lewis, Asst. County Attorney

Issue	<p>The Sheriff (or Public Trustee) is directed to conduct foreclosure sales pursuant to CRS 38-38-100.3 et seq. The issue is whether they can use an auctioneering service (often web-based) to conduct the sales. The statute does not appear to allow the Sheriff to discharge his duties and allow an auctioneering service to conduct the sale by charging a fee for the service. See CRS 30-10-521. The fees which are allowed to be deducted from a sale are enumerated under 38-38-107(3), but these do not include mention of auctioneering costs or authorization to use an auctioneering company.</p> <p>Compare this to 39-10-111(6)(b) which specifically authorizes a treasurer to enter into a contract with an auctioneer service and to collect the fees for the auctioneer service from the proceeds of the sale.</p> <p>If the legislature would add language similar to 39-10-111(6)(b) to 38-38-107, I believe it would allow the Sheriff to use auctioneering services for such sales. This would greatly expand the area and advertising of these auctions, increase the number of individuals involved in the bidding, and benefit the person under foreclosure by potentially getting better value for their property. It would also help relieve the burden of local sheriff departments by allowing them to use companies that do this on a regular basis and advertise to a larger audience.</p>
Background	Request by Larimer County Sheriff through Lt. Brooks concerning the legality of using a professional auctioneering service similar to what some other states allow, and, if it was not a viable option, how to address the issue.
Proposed Solution	
Alt. Solutions Considered	We have researched the issue and believe a legislative amendment is needed so as to not violate CRS 30-10-521 and the case law that has interpreted that particular statute.
Statutory Citation /proposed edit	<p>Note: This is basically taking 39-10-111(6)(b) and replacing the word treasurer with officer. An officer is defined in 38-38-100.3 as the public trustee or sheriff conducting a foreclosure under this article.)</p> <hr/> <p>CRS 38-38-107(3)(d) The officer may enter into a contract to employ the services of any professional auctioneer or auction company to conduct such sale, collect the proceeds thereof, and pay the same over to the treasurer, when the officer deems such services to be appropriate and to be in the best interests of the public. Such contract shall be awarded by competitive bid, but the officer may reject any or all bids or parts of bids. The auctioneer or auction company conducting such sale shall provide the officer with an itemized list of all property sold, the amount paid for such property sold, and each purchaser's name and address. The fees of the auctioneer or auction company shall be paid by the officer from the proceeds of the sale.</p> <hr/> <p>Or, for more continuity, make the above proposed language be CRS 38-38-107(3)(c) and move the current 3(c) to 3(d).</p>
C.C. Role	The County Commissioner's work with the Sheriff as part of the County functions.
Proponents/ Opponents	
Fiscal Impact	
Priority Ranking	3/4

General Government (3/5)**Montrose County**

Issue	Limit legislature from convening for lawmaking on an annual basis. Legislature would meet annually to adopt a budget, but would only convene for consideration of legislative changes every other year.
Background	The annual legislative session requires a substantial amount of time commitment from county commissioners that diverts attention from local matters.
Proposed Solution	Enact change requiring legislature to meet only every other year.
Alt. Solutions Considered	Not applicable
Statutory Citation /proposed edit	We respectfully ask that CCI staff research and recommend the required citation(s)
C.C. Role	Commissioners are elected to work on local issues. Diverting attention on an annual basis distracts from working on more pressing local issues.
Proponents/ Opponents	Commissioners would be proponents
Fiscal Impact	Greater efficiency in addressing local matters by reducing time spent responding to legislative issues.
Priority Ranking	2/4

General Government (4/5)**Adams County | Julie George, Legislative Affairs Senior Advisor**

Issue	<p>Although rare, there are times when an elected county treasurer does not carry out the duties of his/her position. When this happens, counties and the public have no recourse to hold the treasurer accountable. Short of a recall election or suing the treasurer, there are no other mechanisms to compel performance.</p> <p>The independently elected treasurers have an important responsibility within counties. They collect all revenues paid in, disburse all payments and reconcile records of the same, as well as manage counties' investment portfolios. If a county treasurer's office does not perform these duties competently, it can lead to incomplete or inaccurate reporting of counties' financial positions, lack of ability for counties to pay bills and operate county services, impacts to bond ratings and more expensive or impossible borrowing for public projects, inability to gain insurance coverage or significant increases in insurance expenses, and impacts to counties' abilities to perform required financial audits.</p>
Background	<p>In 2020, an audit of the Adams County treasurer's office indicated significant concerns with a lack of proper accounting and controls of funds entering the county. The County's Budget & Finance Department had also alerted County leadership to slow disbursement of sales and property taxes to taxing districts, as well as reconciling of books and payments of invoices. Please see attached report from Eide Bailly.</p>
Proposed Solution	The proposed solution is to amend the current state statutes related to the county treasurers' function, to allow for some mechanism to which counties or the public could appeal in order

	to raise major concerns or compel competent performance. This could include setting of a receiver or some other solution.
Alt. Solutions Considered	Yes, the County has explored all solutions available to us, including appealing to the County Treasurer to offer assistance for catching up reconciliation and other lagging work. The County has offered contract labor to assist in catching up the backlog, as well as technical assistance from our Finance team. We have explored current state statute for any possible recourse and found that there was none. We felt we had no remaining recourse than to appeal to the courts. Given this issue has rarely been raised in the courts, there is little caselaw to guide this review and the courts have been unable to provide relief.
Statutory Citation /proposed edit	Section 30-10-709, C.R.S. is the likely section language would be added to.
C.C. Role	County commissions are ultimately charged with the public health, welfare, and safety of counties. Included in this is stewardship and accounting of county tax dollars and operational expenditures. Please see attached Eide Bailly report for clarification.
Proponents/ Opponents	We plan to speak with the Colorado County Treasurers Association to work in concert on a solution that they feel is workable for them, to maintain their authority, while also providing a mechanism of relief when necessary. We have had a discussion with the state treasurer.
Fiscal Impact	None known.
Priority Ranking	2/2

General Government (5/5)

El Paso County | Carrie Geitner, Commissioner

Issue	The current consensus regarding the Equal Pay Act is that it requires an employer to post a job notification on their website for an employee getting a promotion in an existing role or class of job. We suggest removing this requirement so employees can receive incremental promotions from one tier of their existing job to another without requiring the notification.
Background	Senate Bill 19-085: Equal Pay for Equal Work Act was passed during the 2019 General Assembly session and created new provisions regarding transparency in wages and promotions. El Paso County feels that the notification requirement for promotions places extra administrative burden on HR and is unnecessary for those who are moving to a different role in same class.
Proposed Solution	The legislative remedy for this issue would be the elimination of the need for an employer to announce, post, or make known promotion opportunities for employees moving up in a job class. New positions or vacated positions would still be subject to notification requirements.
Alt. Solutions Considered	A legislative fix is the only way to address this issue.
Statutory Citation /proposed edit	8-5-201. Employment opportunities - opportunities for promotion or advancement - pay rates in job listings.

	AN EMPLOYER SHALL MAKE REASONABLE EFFORTS TO ANNOUNCE, POST, OR OTHERWISE MAKE KNOWN ALL OPPORTUNITIES FOR PROMOTION TO ALL CURRENT EMPLOYEES ON THE SAME CALENDAR DAY AND PRIOR TO MAKING A PROMOTION DECISION.
C.C. Role	County Commissioners appoint a County Administrator, who is responsible to administer
Proponents/ Opponents	Proponents include the Board of County Commissioners, the county's Human Resources Executive Director, as well as the County Attorney's Office Opponents -Unknown
Fiscal Impact	Cost savings to counties for the effort of having to post the notification online.
Priority Ranking	High [county submitted 3 issues]

Health & Human Services (1/2)

Larimer County | Heather O'Hayre, Director & Thaddeus Paul, Division Manager

Issue	Currently, persons involved with child welfare dependency and neglect civil actions in the jurisdiction of juvenile courts cannot be required or ordered to undergo sexual offense treatment or services overseen by the Sex Offender Management Board (SOMB) as part of the juvenile court's orders.
Background	Currently, in order for a person to be ordered to undergo sexual offender treatment or services provided by entities who adhere to practices and regulations issued by the SOMB, the individual must be involved in a criminal action (and not a civil child welfare dependency and neglect action). If this legislation is presented and passes, dependency and neglect proceedings involving sexual offenses could result in an order for SOMB-approved sexual offender treatment and services without requiring the individual to be engaged with the criminal justice system.
Proposed Solution	Modify relevant sections of the Colorado Revised Statutes (C.R.S.) to specifically allow for juvenile courts having jurisdiction over dependency and neglect civil proceedings to be authorized to include sexual offender treatment through SOMB-overseen providers as part of their treatment orders and court findings.
Alt. Solutions Considered	Not to this county's knowledge.
Statutory Citation /proposed edit	<p>Statute to Be Modified: C.R.S. 19-3-505(7)(a)</p> <p>Proposed Language (all caps indicate proposed addition to existing statute): (7) (a) When the court finds that the allegations of the petition are supported by a preponderance of the evidence, except when the case is continued as provided in the introductory portion to subsection (5) of this section, the court shall sustain the petition and shall make an order of adjudication setting forth whether the child is neglected or dependent. Evidence that child abuse or nonaccidental injury has occurred shall constitute prima facie evidence that such child is neglected or dependent, and such evidence shall be sufficient to support an adjudication under this section. (I) IN MAKING ITS FINDING, THE COURT MAY IMPOSE AN ORDER FOR SEXUAL OFFENDER TREATMENT OR SERVICES UPON THE APPROPRIATE PARTY(IES).</p>

	(II) SUCH SEXUAL OFFENDER TREATMENT WILL BE ADMINISTERED BY A TREATMENT PROVIDER WHO FOLLOWS THE STANDARDS AND GUIDELINES ESTABLISHED BY THE SEXUAL OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION 16-11.7-103.
C.C. Role	This potential legislation is in alignment with Larimer County’s Guiding Principles and Legislative Position Guide, in that this legislation could advance our community’s health by requiring sexual offenders to obtain SOMB-approved treatment and accept their accountability for their actions, while not requiring the sexual offender treatment to be ordered through the only currently-available avenue of criminal action.
Proponents/ Opponents	<p>Potential Opponent: The Office of Respondent Parents’ Council may oppose this proposed legislation, because, if passed, it could affect their clientele (i.e., indigent parents in child welfare proceedings) and require additional involvement or a heightened caseload.</p> <p>Potential Proponent:</p> <ul style="list-style-type: none"> • The Colorado District Attorneys’ Council may support this legislation because, if passed, it could reduce the number of criminal cases they would have to prosecute to put sexual offenders in contact with treatment oriented for the sexual nature of their crime • The Colorado Office of Child Protection Ombudsman, the Colorado Commission on Criminal and Juvenile Justice, the Office of Child Representatives, other County Department of Human Services and Colorado’s Children’s Alliance may support this legislation because, if passed, it could provide a non-criminal avenue to require sexual offenders to receive treatment from a provider who adheres to SOMB standards
Fiscal Impact	There is a potential fiscal impact to counties, in that counties may be required to support payment for services provided by an SOMB provider for individuals that do not have the means to do so. In Larimer County, it is the responsibility of the person responsible for abuse to pay for SOMB treatment, although avenues may be explored to provide other fiscal supports. Based on the nature of this treatment, Medicaid and other insurances will not cover the cost of this type of treatment, resulting in the majority of treatment being private pay.
Priority Ranking	1/4

Health & Human Services (2/2)

Montrose County | Sue Hansen, Commissioner & Julie Andress, Deputy County Attorney

Issue	Revise CRS 19-1-103(1)(a)(I) to include “poisoning” in the definition of abuse
Background	Montrose County has seen an increase in children being exposed to illicit substances to the point where drugs are detectable in the child’s system. This is a form of poisoning and should be considered as such.
Proposed Solution	Revise the definition of child abuse to include poisoning
Alt. Solutions Considered	Not applicable
Statutory Citation /proposed edit	See “Issue”
C.C. Role	Provide for the health, safety and welfare of county citizens

Proponents/ Opponents	County Attorney's that handle dependency and neglect cases
Fiscal Impact	Not applicable
Priority Ranking	3/4

Justice & Public Safety (1/4)

Fremont County | Debbie Bell, Commissioner

Issue	Current statute is silent on a process on how and when the Office of the District Attorney is declared vacant. Other than a recall, there is no clear-cut means to remove a seated District Attorney from office, even if that attorney loses their license to practice law and can no longer perform the duties of the office.
Background	The current 11th District Attorney already has had her licenses suspended for lack of continuing education credits. The state appointed an Acting DA until her license was reinstated. During that time, her pay also continued, which is an egregious misuse of public funds. That issue led to a larger conversation of how and when the office is declared vacant if a sitting District Attorney loses their license to practice law and can no longer perform their duties. Statute appears to be silent.
Proposed Solution	<ol style="list-style-type: none"> 1. Definition of what constitutes a vacancy. The simplest definition would be to include at least those items that made one qualified to begin with to run for DA; i.e., if no longer licensed then the office is vacant, etc. This can be structured similar to current statute in regard to many other offices and how those are determined. 2. Define who actually declares the vacancy. Would this be a majority, maybe a super-majority of the sitting county commissioners in the JD? Or perhaps the Colorado Supreme Court? The majority of boards of commissioners in the counties in that particular JD seem to make the most sense. The vacancy should NOT be declared by the executive branch (i.e., the Governor) since that branch then would appoint to fill the vacancy. 3. Under §30-10-105, C.R.S., events that result in a vacancy in a county elected office are clearly established. <ul style="list-style-type: none"> §13-6-206, C.R.S., addresses vacancies in a county court judgeship. §1-12-203, C.R.S., addresses vacancies for members of the general assembly. §22-31-129, C.R.S., addresses vacancies for school board members. There are numerous other similar statutes for special district directors, municipal councils, and other appointed and elected officials. The Colorado Constitution addresses vacancies for state elected officers under Article XIV.
Alt. Solutions Considered	Yes. There appear to be none.
Statutory Citation /proposed edit	Title 20, C.R.S. It would be a new provision under Article 1, general provisions.
C.C. Role	In Colorado, County Commissioners are responsible to provide the District Attorney budget. In that role, we must be good stewards of taxpayer funds. Continuing to pay salary to an elected official who is no longer qualified to serve in that capacity is not good stewardship and, in fact, seems fraudulent. It is important to clarify the events that cause a vacancy for any elected official. The District Attorney should be no exception.
Proponents/ Opponents	Unknown at this time.

Fiscal Impact	DA salary being spent on unqualified personnel who may be banned from the office but are still receiving a salary.
Priority Ranking	1/1

Justice & Public Safety (2/4)

Ouray County | Jake Niece, Commissioner

Issue	<p>Sexual assault is a significant problem that unfortunately impacts all communities. One barrier in responding to sexual assaults is a lack of health care professionals who are trained and certified as a Sexual Assault Nurse Examiner (SANE) to perform trauma-informed examination of victims (rape kits). An exam performed by a SANE provider is required for any physical evidence collected to be legally admissible for prosecution.</p> <p>In Colorado, UHealth interprets state statute to exclude midwives from being trained as SANE providers despite midwives’ training and experience in the relevant, anatomy, physiology and client-interface skills. UHealth is responsible for Colorado’ SANE project.</p> <p>The nurse shortage on top of pre-existing lack of access in some counties, results in long waiting times and lengthy travel before a sexual assault victim can be examined by a SANE provider, which too often prevents a person from seeking an exam, and ultimately results in a lack of prosecution for a rapist and a lack of justice for the victim.</p>
Background	<p>Midwives have always been recognized as a legitimate health care providers and were licensed in early Colorado history.^{1,2,3,4} However, beginning in the 1920s, a cultural shift medicalized pregnancy, and delegitimized midwives with the goal of replacing midwifery with obstetrics. Midwives reemerged in the 1970s with nurse-midwives practicing under doctors, first being licensed in 1976. Midwives were re-regulated in 1993 to create two classes of midwives: licensed nurse-midwives, and registered midwives. Initially, registered midwives were excluded from health infrastructure like health and malpractice insurance and tort reform.⁵ However, those exclusions were removed from statute in 2011,⁶ and now both nurse-midwives and registered midwives are independent providers.</p> <p>Furthermore, DORA, acknowledged in a 2000 Sunset Report⁷ that the regulatory scheme for registered midwives was a licensing program and not a simple registry. DORA recommended this language be changed in statute⁸, but that change has not yet been made. The American Congress of Obstetricians and Gynecologists have acknowledged internationally recognized standards with regard to the licensure of midwives.⁹ A 2020 National Academics of Science, Engineering and Medicine report on Birth Settings also makes that point.¹⁰ Colorado’s midwife program satisfies these requirements in all but name.</p> <p>C.R.S. 12-20-102(9): “License” means a grant of authority issued by the director or a board or commission pursuant to a part or article of this title 12 that authorizes a person to engage in a profession or occupation regulated by that part or article.</p> <p>C.R.S. 12-20-102(11): “Register” means to record the information required by a part or article of this title 12 in the form and manner determined by the regulator that regulates the practice of a profession or occupation pursuant to that part or article. “Registered” and “registration” have corresponding meanings.</p>

	<p>The Direct-Entry Midwives Practice Act in Title 12, Article 225, is a licensing act by this definition. UCHealth’s Memorial Hospital assumed responsibility for the Colorado State SANE/SAFE Project in 2013 through a competitive grant offered through the Division of Criminal Justice. See the attached statement from UCHealth in response to a Ouray County midwife seeking SANE training that states in part, “Unfortunately, this has nothing to do with refusal to provide the training but everything to do with the licensure.”</p> <p>(For references, please view the submitted issue here)</p>
Proposed Solution	<p>In Colorado Revised Statutes Title 12, Article 225 (§12-225-101 -- §12-225-114), replace the words “register” and “registration” with “license”, “licensure”, or “licensing”.</p> <p>This change will grant all midwives unambiguous access to SANE training so that they may perform sexual assault exams, can collect physical evidence that is admissible in court for prosecution, and provide better support for sexual assault survivors.</p>
Alt. Solutions Considered	<p>Yes. An advocacy organization, Elephant Circle, has been working on this for many years. They are considering filing for a declaratory judgment to get a court order recognizing the direct-entry midwife program as a licensing program based on the definition in Colorado law and the facts of the program. However they are confident that even if such an order were issued a statutory change would still be needed to reinforce it.</p>
Statutory Citation /proposed edit	<p>In Colorado Revised Statutes Title 12 Article 225 (§12-225-101 -- §12-225-114), replace the words “register” and “registration” with “license”, “licensure”, or “licensing”.</p>
C.C. Role	<p>Ouray County, including the Sheriff’s Office, partners with our municipalities to furnish a Sexual Assault Response Team. The Ouray County Board of County Commissioners also acts as the Board of Social Services and Board of Health, whose duties encompass support for sexual assault survivors, and enabling tools for prosecution.</p>
Proponents/ Opponents	<p>Proponents: Elephant Circle, Soul 2 Soul Sisters, the Colorado Organization for Latina Opportunity and Reproductive Rights, the Colorado Consumer Health Initiative, ProgressNow, the American Association of Birth Centers, the National Association of Certified Professional Midwives, the Birth Rights Bar Association, Men Ending Rape Culture (MEND), Victim Advocate Support Alliance (VASA), Ouray County Sheriff’s Office</p> <p>Potential Opponents: UCHealth, Colorado American College of Obstetricians and Gynecologists (ACOG), American Academy of Pediatrics, Colorado Chapter (AAP-CO)</p>
Fiscal Impact	<p>No fiscal impact. The request makes a simple language change that would unambiguously include midwives in an already existing DORA licensing program for health care professionals.</p>
Priority Ranking	<p>1/1</p>

Justice & Public Safety (3/4)

Montrose County | Keith Caddy, Commissioner

Issue	<p>Repeal HB19-1263 (Offense Level for Controlled Substance Possession)</p>
Background	<p>Passage of this law exacerbated issues relating to drug use and associated crime in the State of Colorado</p>
Proposed Solution	<p>Full repeal of all changes made by HB19-1263.</p>

Alt. Solutions Considered	Not applicable
Statutory Citation /proposed edit	See HB19-1263
C.C. Role	Provide for the health, safety and welfare of county citizens
Proponents/ Opponents	Sheriff and DA would be proponents
Fiscal Impact	Savings realized through the reduction of property crime related to drug use and distribution
Priority Ranking	1/4

Justice & Public Safety (4/4)

Gilpin County | Sandy Hollingsworth, Commissioner

Issue	Medical Coverage for County Jail Incarcerated Persons
Background	<p>Counties in Colorado are required by State Statute to construct or obtain and operate a jail. Many incarcerated people are jailed who have private insurance. Currently, county jails are required to provide medical care for incarcerated persons but are not allowed to bill state aid or in some cases a detainee’s own private insurance already in place with that individual. Counties must cover the cost of a medical provider plan, providers, or other method to provide care to a person in jail who had committed a jailable offense. Transport to a care facility or hospital emergency room costs are also paid under a county funded plan. Some counties have a cap on the amount of care under the purchased services plan paid for from the county budget and are responsible for the full cost incurred over this cap. This is a burden to county budgets and difficult to budget for annually. The ability to always bill to an incarcerated person’s existing private insurance or Colorado Option would insure provision of care while easing the strain on county budgets. This would help during short-term detentions while insurance is in place. A provision could require that a caseworker assist in keeping the monthly premium paid from the person’s own income source, assuming that there is one. Once incarcerated, the person loses Medicaid State Aid and becomes uninsured unless they have a second insurance source such as Medicare. This also transfers the cost of medical care to the county jail, further squeezing county budgets.</p>
Proposed Solution	<p>a) Any medical treatment charge that remains unpaid shall constitute a cost of care that the person shall be ordered to pay pursuant to section 18-1.3-701, C.R.S., and that may be collected by the county pursuant to the provisions of section 16-11-101.6, C.R.S. Add: Private or Colorado Option insurance in good standing at the time of the person’s medical treatment while incarcerated or in custody must reimburse the care provider directly in lieu of a county paying or reimburse the county if payment for care has already been rendered.</p> <p>b) A county may seek payment or reimbursement for any medical treatment costs from a person being held in custody and receiving such services, except as otherwise provided in subsection (1) of this section. Add: Private or Colorado Option insurance in good standing at the time of the person’s medical treatment must reimburse the care provider directly in lieu of a county paying, or reimburse the county if payment for care has already been rendered.</p>

	c) A statewide medical coverage plan which counties can opt to enroll in for standardized care and costs.
Alt. Solutions Considered	Yes, we have done cost comparisons for medical coverage over the years prior to selecting a plan and have negotiated a coverage tier for fewer inmates up to a set cap, then increase it when needed. This helped during the Covid pandemic when the jail population was less due to closure of local businesses and Covid jail and arrest parameters set by the state. Our detentions staff work with the medical contractor to ensure any private insurer who can be billed is.
Statutory Citation /proposed edit	CRS 17-26-104.5, section 18-1.3-701, C.R.S., section 16-11-101.6, C.R.S.
C.C. Role	County Commissioners are tasked with the overall management of the county budget to meet both funded and unfunded statutory requirements to ensure public safety and services to the residents of the county. They meet with department heads, finance directors and elected officials to create an annual budget for each county department including the Sheriff and Detention Chief, if any, regarding the jail staff budget and operating expenses. As extra medical expenses are paid from the annual budget, funds must be reduced in other areas to cover the expenses. County Commissioners are the body which approves and adopts the annual budget and any supplemental expenses in the event of unfunded unanticipated expenses
Proponents/ Opponents	The Gilpin County BOCC, Sheriff, Detentions Chief, and County Attorney are proponents. I have contacted our county Sheriff, Undersheriff, and Detentions Chief to obtain support of this proposed legislation to both provide medical care and manage the detentions budget. A version of this proposal received over 90% support of the CCI members in attendance at the legislative proposals discussion in 2021. No opponents.
Fiscal Impact	It has the potential to reduce county budget costs. Our healthcare premium is \$250,000 for up to 35 inmates and increases exponentially after the average daily population increases. We have had out of pocket expensed when the coverage cap is exceeded ranging from a few hundred dollars for medications to \$65,000 for a hospitalization for one inmate near the end of a budget year.
Priority Ranking	n/a

Land Use & Natural Resources (1/1)

La Plata County | Matt Salka, Commissioner

Issue	<p>There are 187 closed landfills in the State of Colorado. Many of these landfills ceased receiving waste decades ago and were closed in compliance with the closure provisions of the Colorado law applicable to solid waste landfills in effect at the time of their closure.</p> <p>Most of these landfills were opened and collected solid waste before laws and regulations required landfills be environmentally engineered. EPA regulations recognized the need to shut down non-environmentally engineered landfills and incentivized the closure of such landfills by exempting landfills that received waste after 1991, but stopped receiving waste before April 9, 1994, from complying with certain RCRA regulations. Many of the current closed landfills were deliberately closed to meet the April 9, 1994, deadline.</p>
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	<p>Rather than recognizing the unique challenge non-environmentally engineered closed landfills can pose to state and county interests, CDPHE is using its police powers under the Solid Waste Act to impose on county owned landfills requirements that were not part of the law when the landfills were closed.</p>
<p>Background</p>	<p>In 1994, La Plata County closed a landfill that had been receiving solid waste since the 1950's. La Plata County monitored groundwater at the site. In 2004, vinyl chloride above state standards were detected. La Plata County contracted with expert consultants and began mitigation. Since the first detection of vinyl chloride in the groundwater, La Plata County has engaged in multiple mitigation efforts, including the installation of sixteen (16) air sparge wells, twenty-four (24) passive gas extraction wells, four (4) plume definition wells, eight (8) groundwater monitoring wells, two (2) soil gas/leachate points, seven (7) soil gas point wells, five (5) leachate point wells, and four (4) perimeter soil gas monitoring probes. This is a total of 66 installations on a parcel approximately 15 acres in size.</p> <p>In addition to monitoring wells at the landfill site, La Plata has also monitored nearby wells on adjacent properties. Based in whole or in part to La Plata's aggressive mitigation efforts, no vinyl chloride has ever been detected in any nearby residential water wells.</p> <p>La Plata County has spent in excess of five hundred thousand dollars (\$500,000) in mitigation efforts to reduce vinyl chloride in groundwater that no one is drinking and many thousands more dollars litigating CDPHE's unilateral consent order.</p> <p>La Plata County is not alone. In recent years, a handful of CCI counties have engaged in contentious disagreements with CDPHE regarding closed county-owned landfills. CDPHE consistently uses one sided enforcement orders that threaten counties with exorbitant costs and potential penalties of \$10,000 per day per violation, if the county does not comply with the orders. . In some instances, the orders contain a "blank check" provision where a county is required to take the actions unilaterally determined by CDPHE to be necessary, regardless of cost. CDPHE's enforcement actions against public entities is a relatively recent tactic. Prior to 2008, CDPHE did not enter any enforcement orders against a public entity. Since 2008, CDPHE has issued multiple compliance orders to public and private entities concerning closed landfills.</p> <p>La Plata County understands that protection of the natural environment is important to the welfare of the citizens of Colorado and we (along with other counties) are profoundly invested in ensuring our own air and water are clean. La Plata's goal with the legislation is not to escape a duty, but rather to propose a solution that takes into consideration a multitude of criteria and then establishes a statewide funding mechanism to address the collective duty of counties and the state to the environment. The state, La Plata and all counties have a shared goal of addressing environmental issues. The challenge is how to pay for it, particularly when it involves legacy issues.</p> <p>CDPHE has taken the stance that ". . .the State's public interest to preserve and protect water quality for beneficial uses and the protection of public health and the environment outweighs any potential fiscal interest of local government." (CDPHE Opening Brief, Case No. 2018CA1551, p. 14.). CDPHE's statement is demonstrative of the myopic view enjoyed only by those who are focused on a singular issue. Furthermore, this stance allows CDPHE to ignore any county crafted solutions to environmental impacts of a closed landfill, disregard the role of the Boards of County Commissioners to establish fiscal priorities of a county, disregard the restraints imposed by TABOR and a county's ability to generate revenue, and places the quality of water (even water no one is drinking) above other necessities of county</p>

	<p>government, such as public safety, emergency management, law enforcement, human services, etc.</p>
<p>Proposed Solution</p>	<p>La Plata County proposes legislation that would specifically address old, closed landfills.</p>
<p>Alt. Solutions Considered</p>	<p>Yes, for several years now La Plata, Arapahoe, CCI and other counties have extended diplomacy to CDPHE in search of a solution, including jointly sponsored legislation. Furthermore, La Plata County and other counties have engaged in lengthy and costly legal battles with CDPHE. La Plata County continues to litigate the legality of a compliance order CDPHE issued related to one of its closed landfills regarding groundwater. (The compliance order was issued even though La Plata County is actively and successfully mitigating the presence of vinyl chloride in water no one is drinking). Notwithstanding the litigation, we are presently seeking a negotiated solution.</p>
<p>Statutory Citation /proposed edit</p>	<p>La Plata County would propose a new Part 15 to Title 30, Article 20 that would address old landfills. A fundamental condition of the newly proposed Part 15 is the creation of a state insurance pool to fund and fix, like the state pool used to remediate leaking groundwater storage tanks. The creation of state funding is a recognition of the statewide nature of the problem, and the limited funding local governments have to deal with the problem. This legislation would also recognize the long-held public policy of grandfathering properly closed landfills from new requirements. Additionally, it would recognize the historical role of both counties and the State.</p> <p>A conceptual outline of a new Part 15 is as follows:</p> <p>Part 15 - Landfills Closed Before 1995. Part 15 would apply to both private and publicly owned closed landfills. The effective date of the federal regulations was 1994. Specifically, landfills that received waste after 1991 but stopped receiving waste before April 9, 1994, are exempt from all requirements of Part 258, except for the final cover requirement. 40 C.R.R. §258.1(d)(1)). The purpose of Part 15 would be to address landfills closed before the Subtitle D regulations went into effect. In addition, the purpose would be to address landfills closed before March 17, 1993, when emergency regulations were promulgated. (There were no valid regulations applicable to landfills from 1967 to March 17, 1993).</p> <p>30-20-1501: Legislative Declaration and Applicability. State that this Part applies to old, closed landfills. Summarize the problem and the need for additional tools and mechanisms to address the challenge. State that Part 1 does not apply.</p> <p>30-20-1502: Definitions: Add counties in the definition of person for this part only; define closed landfills.</p> <p>30-20-1503: Authorization to create regulations.</p> <p>30-20-1504: State Funding. Create insurance pool.</p> <p>30-20-1505: Criteria for using money. Remediation takes priority over investigation. Cost-benefit analysis to be performed. Define and establish risk criteria. Recognition of realistic timeline of decades to remediate.</p> <p>30-20-1506: Applicability of regulations. Clarify status of various regulations. Address historical flaw in regulations. Clarify that no new requirements since 1994 closure will apply to old landfills. Address the issue of emerging contaminants. If the State wants to clean up to new water quality groundwater protection standards for emerging contaminants, such as 1,4-</p>

	<p>dioxane, this needs to be clarified. Landfills that opened before 1971 did not have and still do not have engineering design standards. Landfills that closed before 1989 did not have any groundwater quality standards applicable to them at closure.</p> <p>30-20-1507: Existing Plans. Clarify status of existing closure plans, MMPs and other plans and what remains binding.</p> <p>30-20-1508: Emerging Issues/Nuisance Conditions. Address a collaborative process for assessing and responding to emerging issues and potential nuisance conditions, including the discovery of contamination leaking from the landfill. Process should include the key factors which should be taken into account in assessing criticality of issue and level of appropriate response. Process also should include a dispute resolution mechanism to resolve disagreements between CDPHE and a county.</p> <p>30-20-1509: Enforcement provisions. No penalties or fines shall be used for legacy issues that were not understood or required by either the State or counties in the past. Determine if and when orders are allowed. If yes, no “blank check” provisions. Address statute of limitation and continuing violations.</p> <p>30-20-1510: Fees: Address CDPHE review fees. Counties believe they should not be charged and the State, like counties, needs to find a way to pay for its program and oversight role. Determine who pays for work of the consultant or third-party vendor, if any.</p>
C.C. Role	<p>County Commissioners are responsible for the fiscal management of the county resources. They also respond to health, safety, and welfare issues within unincorporated portions of their respective counties. Finally, many counties own closed landfills and have responsibility as a landowner.</p>
Proponents/ Opponents	<p>There was an attempt in 2019 and 2020 to negotiate with CDPHE to jointly propose legislation that would address closed landfills. In 2020, CDPHE proposed legislation that was not consistent with the attempted negotiated legislation and was not supported by CCI. The 2020 CDPHE legislative proposal was not successful, in part because of CCI’s opposition to that legislation.</p> <p>The main opponent of this legislation may be CDPHE. Some environmental groups may also oppose legislation that would exempt closed landfills from current regulations. However, if the counties could negotiate with CDPHE for a joint proposed resolution for closed landfills, it would likely not be opposed by as many environmental groups.</p> <p>Other counties have or are litigating issues related to compliance orders issued by CDPHE concerning closed landfills or have been issued compliance orders and would likely support this type of legislation.</p>
Fiscal Impact	<p>The fiscal impact would be largely addressed within the legislation and the creation of the insurance pool. Also, by exempting properly closed landfills as defined within the statute from certain regulatory criteria, it would allow counties to mitigate damages instead of face uncertain demands by CDPHE and penalties for non-compliance with compliance orders.</p>
Priority Ranking	<p>1/1</p>

Public Lands (1/1)

Park County | Amy Mitchell, Commissioner

Issue	Maintenance of county roads that provide access to state parks. 29 counties have 42 state parks within their boundaries.
Background	<p>With increased state park usage, the impact on county roads that provide access to state parks is exponentially higher than normal county traffic. These access roads quickly deteriorate with extreme use of trucks towing campers, trailers, boats and recreational vehicles. The residents living on and the visitors to the state parks are negatively impacted. This financial burden to maintain the county roads is severely impacting county budgets. In 2019 14.8 million people visited Colorado State parks. In 2020 the number increased to 18.3 million visitors (January-October with partial November and December data included). Lake Pueblo recorded 2.7 million visitors January through October 2020. Eleven Mile Reservoir visitor estimated increase from 300,000 to 400,000 2019 to in 2020. The use of county roads to access state parks is an unfunded mandate for the 29 counties containing state parks based on the current use and the intended increase attendance to state parks with the Keep Colorado Wild State Park Pass program, SB21-449. See attached State Parks list.</p> <p>Additionally, State Wildlife Areas (SWA's) offer wildlife-related recreation to the public and cause additional use of county roads by visitors. Colorado Parks and Wildlife manages about 350 SWA lands around the State.</p>
Proposed Solution	<p>Until the Keep Colorado Wild pass is part of Colorado Motor Vehicle registration, add a road maintenance fee onto the standard annual park pass fee and disperse the fees per the proposed formula. Also add a fee to the daily state park pass. The fee collected at the entrance is distributed to that specific county for road maintenance.</p> <p>After the Keep Colorado Wild pass is initiated, allocate a portion of the Keep Colorado Wild pass fee and a portion of the separate annual pass fee, to counties containing state parks using an allocation formula. Suggested formula: number of miles of roads providing access to the park from a state road, factoring type of road, (paved, chip seal, dirt) plus number of visitors accessing the park.</p> <p>Though access is not tracked like state parks, the Keep Colorado wild fund should allocate road maintenances resources to the counties with SWA's. See attached map.</p>
Alt. Solutions Considered	Yes. Previous Park County Commissioners contacted Colorado Parks and Wildlife multiple times, beginning about 15 years ago asking for a road maintenance fee be added to the park entrance fee at Eleven Mile Reservoir for road maintenance. The requests were denied.
Statutory Citation /proposed edit	TBD
C.C. Role	Specific to maintenance of county roads.
Proponents/ Opponents	
Fiscal Impact	To be determined.
Priority Ranking	1/1

Tax & Finance (1/9)

Grand County | Richard Cimino, Commissioner

<p>Issue</p>	<p>The STR/LTR Imbalance. In Colorado resort counties, and some other counties, there is an abundance of short-term rentals (STR, rentals for a period of less than a month) and a shortage of long-term rentals (LTR, rentals of a month or longer).</p>
<p>Background</p>	<p>The STR/LTR imbalance in some Colorado counties is pretty well understood by CCI membership and staff. STRs have been a fixture of Colorado resort counties for decades, but prior to 2008 (The year Air BnB was founded) STRs were largely managed by local property management companies. Internet platforms have significantly increased the number of people who rent STRs, and the number of people who wish to own STRs. There has not been a corresponding increase of LTRs.</p>
<p>Proposed Solution</p>	<p>I seek new public policy that will motivate people to invest in LTRs. This could solve (partially at least) the STR/LTR imbalance by growing the number of LTRs.</p> <p>Pass a State Law that starting in 2024, all STRs will be categorized as commercial property for property tax purposes. This law allows Counties to opt in or not. It is permissive. This will be a new power granted to Counties (not municipalities, sorry CML) who wish to impose it. Local Control. If your County does not like this law, don't adopt it, the STR situation in your county remains the same. Properties become commercial immediately with the slightest of action indicating it will be used as an STR. Forget 30 days or 60 days rented as an STR before you become commercial, one single day as an STR rental, you're commercial. If you get an STR permit, your property is commercial. If you simply list it on a platform, your property is commercial.</p> <p>However, there will be two exceptions to appeal to the County to get your STR taxed as residential, one exception will be designed to motivate people to invest in LTRs, the second exception will be designed to allow people to rent the house they live in, or a portion of the house they live in as an STR for a limited time, to let the locals make some extra money so they can afford their house.</p> <p>Exception 1: If an STR owner can demonstrate they own and rent (proof of lease and rent payments) an LTR within 20 miles of their STR, then the County will categorize the STR as residential. The LTR must provide at least half of the occupancy of what they list their STR as providing. If their STR listing says "sleeps 20" then their LTR must provide reasonable lodging for 10, defined as no more than 2 people per bedroom. LTRs are sometimes vacant, for example in between renters. We want a policy that motivates people to get their LTR occupied. Therefore, the LTR must be occupied (proof of lease and rent payments) for the same number of days the STR was rented in a given calendar year.</p> <p>Exception 2: If a person wants to rent the house or a portion of the house they live in as an STR, then they must demonstrate this is their address for voter registration or otherwise demonstrate this is their full-time residence. They are limited to a maximum of 60 days of STR rental. If they go over 60 days, the impact is more commercial in nature, and they are taxed commercial. The same 1/2 LTR capacity to STR also applies to people who rent a portion of their house. If they rent two bedrooms as an STR year round, but also rent one bedroom as an LTR year round, their entire property is residential.</p> <p>A person (or company) can own as many STRs in Colorado as they wish, but they must own a LTR within 20 miles of every STR they own if they want to pay residential property taxes.</p>

	<p>The STR and LTR do not have to be in the same county, but they must be within 20 miles of each other.</p> <p>This new policy may be too much of a departure from current law, too complex, and too much of an unforeseen outcome to become new law during the 2023 legislative session. However, if this new policy looks promising to enough lawmakers and stakeholders, this could be a good candidate for an interim committee to study it.</p>
Alt. Solutions Considered	Yes, local fee-based programs are fine in my opinion, but I see a continued push for state-wide legislation on this issue that I predict will harm many counties, so I propose this policy to try to solve the problem of a lack of LTRs.
Statutory Citation /proposed edit	I think this policy would be entirely new language in CRS.
C.C. Role	<p>STRs create the same, or larger, impacts as Commercial hotels. Road wear and tear, police, EMS, traffic, noise, etc are all potential demands on County services. Commercial properties provide four times the revenue for local governments to address these demands, STRs currently do not.</p> <p>However, the primary purpose of this legislation is to incentivize the market to increase the number of LTRs.</p>
Proponents/ Opponents	<p>I have not discussed this specific policy with any organizations yet. I predict:</p> <p>Proponents: Most full-time residents of resort communities, Chambers of Commerce, Restaurants, most employers, builders' associations, most tourism workers, lawyers, and maybe most local elected officials.</p> <p>Opponents: Current STR owners, Realtors, STR platforms, some assessors, tourism boards.</p>
Fiscal Impact	There will be fiscal impacts to Counties that choose to adopt this new permissive law. It will be county employees that manage it. A new department will need to be created that can identify properties that are STRs. This department will have to process the applications from property owners who wish to only pay residential property rates. However, as many STR property owners will simply pay the new commercial property taxes, the new revenue should cover the costs. In fact, STRs paying commercial should more than cover those costs, and have extra money for roads or police or whatever your County needs are. All other property taxing districts (schools, fire districts, recreation districts, water and sanitation districts, etc) should also realize increased revenue from the number of STRs that simply choose to pay the commercial taxes rather than seek exemptions.
Priority Ranking	1/2

Tax & Finance (2/9)

Grand County | Rich Cimino, Commissioner

Issue	The unjust difference in the amount of property taxes paid by STR owners as compared to the property taxes paid by traditional hotels, motels, commercial cabins, and guest ranches. This aggression will not stand.
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Background	<p>The proponents of some sort of STR solution often cite the difference in property taxes paid by STRs vs commercial lodging establishments as a major problem. So, lets remove this problem.</p> <p>I have proposed this policy change before, and it was strongly voted down, however a Logan County commissioner has expressed a change of position, and therefore I wish to propose it again and see what new discussion might ensue.</p>
Proposed Solution	<p>All lodging establishments will be assessed as residential property.</p> <p>Alternatively, perhaps a sub-group of lodging can be converted from commercial to residential. For example, those companies that own cabins in one location, those cabins are single family houses. They should not have to compete with STRs while paying commercial taxes, they should also pay residential taxes. We should do this for cabin-based businesses and guest ranches.</p>
Alt. Solutions Considered	No.
Statutory Citation /proposed edit	Unknown at this time.
C.C. Role	The relationship, if any exists, is not strong.
Proponents/ Opponents	<p>I have not discussed this specific policy with any organizations yet. I predict:</p> <p>Proponents: Commercial lodging establishments.</p> <p>Opponents: Almost everyone else.</p>
Fiscal Impact	There would be a reduction in revenue to taxing districts that collect property taxes and have commercial hotels in them.
Priority Ranking	2/2

Tax & Finance (3/9)

Adams County | Julie George, Legislative Affairs Senior Advisor

Issue	<p>Colorado’s existing urban renewal statute limits the use of tax increment financing (TIF) to foster redevelopment of blighted property within unincorporated counties to parcels that adjoin a municipality, and only the municipality can initiate the process for designation of an urban renewal area. As a result, challenged properties within counties that do not adjoin a municipality frequently remain blighted without access to this source of financing as a mechanism to ameliorate blight. It is common for these properties to be brownfield sites, reclamation and mining sites, and/or located wholly or in part in floodplains, necessitating substantial investment to remedy the property for development. Additionally, extension of offsite and regional infrastructure represents significant upfront investments that are necessary to make redevelopment of properties a viable option.</p>
Background	<p>In 2008 the legislature recognized that unincorporated territory can be blighted and that the use of TIF to facilitate redevelopment is appropriate. Section 31-25-112.5 1, C.R.S. was amended to allow unincorporated territory to be included in an urban renewal plan if it is contiguous to a portion of an urban renewal area within the boundaries of a municipality and if both the board of county commissioners and landowners consent to its inclusion.</p>

	<p>Since that time, many previously blighted properties have been successfully redeveloped utilizing TIF, but only in cases where the property abuts a municipality willing and able to work with the county to form an urban renewal area (URA). If a blighted property in unincorporated territory is not adjacent to a municipality, the county has no ability to utilize the urban renewal statute or TIF, and these properties remain blighted.</p> <p>Counties are usually viewed as responsible for non-urbanized, unincorporated areas. However, certain activities, particularly industrial land uses that cities have not wanted within their boundaries, are commonly found in unincorporated areas with urban levels of activity and service demands. Urban renewal is a necessary tool for redevelopment of these areas.</p>
<p>Proposed Solution</p>	<p>The proposed solution is to amend Article 20 of Title 30 (Government – County) of the Colorado Revised Statutes to add a new Part 15 (“Urban Renewal by Counties”) enabling Colorado counties to form urban renewal authorities vested with the powers set forth in Section 31-25-1, C.R.S. (“Urban Renewal Law”).</p> <p>The proposed solution makes no changes to the existing urban renewal statute, and any future amendments to urban renewal law would apply to counties the same as they do to municipalities unless otherwise specified. It is understood, for example, that there could be differentiation on the topics of agricultural land, future growth boundary areas for municipalities, how urban renewal authority boards are constituted, and how certain blight conditions are satisfied.</p> <p>A draft bill setting for the proposed revisions to Article 20 of Title 30 is available here.</p>
<p>Alt. Solutions Considered</p>	<p>While there are other funding sources to help address some of the blighted conditions typically addressed by urban renewal and TIF (brownfield revolving loan funds, etc.), these tools are limited in size and applicability. The fact is that municipalities have successfully utilized TIF to redevelop dozens of blighted properties, while similar sites in unincorporated counties remain vacant and underutilized. The proposed legislation addresses this inequity.</p>
<p>Statutory Citation /proposed edit</p>	<p>See #4 above</p>
<p>C.C. Role</p>	<p>County commissions are ultimately charged with the public health, welfare, and safety of counties, as well as approving land use and economic development proposals in the same way city councils oversee these matters in municipalities. The proposed legislation will give county commissions access to the same tools to eliminate blight and support redevelopment of underutilized property that are already available to city councils. The proposed C.R.S. revisions vest the authority to create an urban renewal authority and approve the creation of subsequent urban renewal plans and associated documents (TIF cooperation agreements, etc.) with county commissioners.</p>
<p>Proponents/ Opponents</p>	<p>We anticipate groups who historically oppose changes to the urban renewal/TIF statute will be concerned about any legislation expanding its use. Chief among those groups are:</p> <ul style="list-style-type: none"> • Other taxing entities, specifically special districts and potentially school districts; and • Property rights advocates, including those concerned about conversion of agricultural land. <p>We believe both groups can be persuaded to support the bill (or at least remain neutral) through outreach and education:</p> <p>Taxing entities such as community colleges, special districts, etc. will be concerned about an expansion of the use of TIF because, in some cases, they will see a rise in the need for services from new development made possible using urban renewal but may have to forego the new</p>

	<p>revenue generated (because it would be captured by the TIF). However, over the last decade, the statute has been amended in various ways to address these concerns:</p> <ul style="list-style-type: none"> • The Urban Renewal Statute was amended in 2010 (Section 31-25-107(3.5)(c), C.R.S.) to require the preparation of an urban renewal impact report to identify the expected fiscal impact on all taxing entities affected by the proposed project. • The Urban Renewal Statute was amended in 2015 (Section 31-25-104(2)(a), C.R.S.) to require that urban renewal authority boards include one school district board member with taxing authority and one special district board member with taxing authority (all affected special districts have a say in appointing this member). • The Urban Renewal Statute was further amended in 2015 (Section 31-25-107, C.R.S.) to: <ul style="list-style-type: none"> ○ require that a special district or school district is entitled to the reimbursement of any moneys that the special district or school district pays to, contributes to, or invests in the authority for the project; and ○ require the urban renewal authority to meet with the affected taxing entities to negotiate how to split the incremental property tax revenue and address the impacts of the plan noted in the urban renewal impact report. No TIF can be collected until a revenue sharing agreement is reached. <p>As a result of these changes, there are numerous examples of successful projects with revenue sharing agreements, and in some cases, new capital improvements funded by TIF that benefit the school and special districts themselves.</p> <p>Private property advocates will be concerned about an expansion of the use of TIF because of historic examples of abuse related to the use of TIF and/or eminent domain to advance projects that were perceived as not addressing true blight. Here again, the statute has been amended in recent years to reign in the potential use of urban renewal as a “back door” economic development tool:</p> <ul style="list-style-type: none"> • The Urban Renewal statute was updated in 2004 (Section 31-25-105.5, C.R.S.) to further restrict the use of eminent domain, limit the subsequent transfer to private parties for development, and add safeguards for persons or entities required to be relocated as a result. • The Urban Renewal statute was updated in 2010 to better define urban-level development (Section 31-25-103(7.5), C.R.S.) and to further restrict the inclusion of agricultural land to circumstances where it is surrounded by urban-level development and/or contaminated (Section 31-25-107(1)(c)(ii), C.R.S.).
<p>Fiscal Impact</p>	<p>The urban renewal statute operates under the presumption that “but for” the availability of TIF to pay for the extraordinary costs associated with developing blighted, often contaminated property, there would be no development at all. Viewed through this lens, there is no fiscal impact to taxing entities. As discussed above however, residential developments and certain commercial developments will increase the cost of providing services for some taxing entities. That said, the impact will be specific to each project, identified in the urban renewal impact report, and addressed through a cost sharing agreement as required by existing statute.</p>
<p>Priority Ranking</p>	<p>1/2</p>

Tax & Finance (4/9)

Gunnison County | Liz Smith, Commissioner

<p>Issue</p>	<p>The Colorado Department of Revenue seeks to remove campgrounds from the definition of “accommodations” for purposes of taxation in lodging and local marketing districts through a rulemaking change. This will have a negative fiscal impact on jurisdictions with campgrounds that are subject to sales tax or lodging/local marketing district taxes.</p>
<p>Background</p>	<p>In December 2021 and June 2022, the CDOR’s Division of Taxation held public hearings on a proposed rulemaking change that would change the definition of “accommodations” for the purposes of taxation. Specifically, if passed, campgrounds would no longer be included as an “accommodation” for the collection of sales, lodging, or local marketing district taxes.</p> <p>We see a few issues with this. First, the expanded allowable uses of lodging and local marketing district revenues in HB22-1117 acknowledge the need for more resources to “address the social, cultural, and environmental issues related to tourism.” By expanding the allowable uses for these revenues in the interest of “facilitating and enhancing visitor experiences,” these funds can now be used for things like constructing bathrooms, trail maintenance, stewardship on public lands, and education campaigns to protect our environment, water quality, and prevent catastrophic fire events. Visitors staying in campgrounds are a significant demographic contributing to the need for these districts to increase environmental mitigation and stewardship efforts in response to impacts from increased numbers of tourists and visitors.</p> <p>Second, new innovations in the campground industry suggest the resource demand on local governments will continue to increase due to camping. The decrease in dispersed camping options and closure of some USFS campgrounds has been a boon to companies like Hipcamp, which provides a platform for landowners to create campsites on their private property that visitors can reserve online. Currently, this is an unregulated industry. Local governments will need resources to figure out how to account for this type of campground on private residential or agricultural land in land use codes, develop regulations that protect water quality (bathrooms are not always provided), and ensure hosts are educating visitors about things like fire restrictions. Taxes collected by Local Marketing Districts and County Lodging Districts for rooms and accommodations will continue to be an important and appropriate resource to meet these demands.</p>
<p>Proposed Solution</p>	<p>After discussing the issue with CDOR Executive Director Mark Ferrandino and learning more about the context of the rulemaking change, our proposed solution is to take a middle-road with the taxation of campgrounds by not making them subject to sales tax, but ensuring they remain eligible for taxation in lodging and local marketing districts. The expanded allowable uses for lodging and local marketing district revenues in HB22-1117 to address the impacts of tourism and enhance the visitor experience are in alignment with this proposed solution.</p>
<p>Alt. Solutions Considered</p>	<p>We have been active stakeholders throughout the Division of Taxation’s rulemaking process. Our BOCC submitted written comments, and Commissioner Smith testified at both public hearings.</p>
<p>Statutory Citation /proposed edit</p>	<p>If rulemaking recommendations are adopted, the CRS language will be as follows. We suggest adding a line that clarifies campgrounds remain eligible for taxation in lodging and local marketing districts, but they are not subject to sales tax.</p> <p>Rule 39-26-102(11). <u>Rooms and Accommodations.</u></p>

	<p><u>Basis and Purpose.</u> The statutory bases for this rule are sections 39-21-112(1), 39-26-102(11), and 39-26-122, C.R.S. The purpose of this rule is to define the terms “room” and “accommodation” as those terms are used in section 39-26-102(11), C.R.S., and elsewhere in article 26 of title 39, C.R.S. The rule also defines “auto camp.”</p> <p>(1) A “room” is a regular sleeping room or unit which is a part of a hotel, apartment hotel, inn, lodging house, guest house, motor hotel, motel, mobile home, dude ranch or guest ranch, for which a charge is made for its use.</p> <p>(2) “Accommodation” includes the furnishing of space in any camp grounds, auto camp, or trailer court or park, under any concession, permit, right to access, license to use, or any other agreement by or through which any such space may be used or occupied. Accommodations are exempt from taxation if rented for at least thirty consecutive days during the calendar year or preceding year. (See Rule 39-26-704-4.)</p> <p>(3)</p> <p>(a) An “auto camp” is a temporary, overnight lodging accommodation that specifically caters to persons traveling by motor vehicle, and that offers one or more of the following amenities:</p> <p>(i) vehicle electricity supply;</p> <p>(ii) vehicle water supply;</p> <p>(iii) a vehicle sewage and waste water dump station; or</p> <p>(iv) a temporary or permanent overnight shelter (such as a tent, yurt, teepee, or other shelter) provided by the owner or operator of the auto camp.</p> <p>(b) A temporary, overnight lodging accommodation whose only amenity is stations for charging the engine of an electric vehicle is not an “auto camp.”</p>
<p>C.C. Role</p>	<p>Our BOCC is also the Gunnison Valley Local Marketing District. Removing campgrounds from taxation of lodging and local marketing districts affects the revenues we collect for tourism/marketing, economic development, and with the approval of the voters, expanded allowable uses to support the workforce and recreation infrastructure to enhance the visitor experience.</p>
<p>Proponents/ Opponents</p>	<p>At the request and interest of others, we have shared the written comments from our BOCC with CCI and numerous commissioners/counties.</p>
<p>Fiscal Impact</p>	<p>Increased revenue for lodging and local marketing districts.</p>
<p>Priority Ranking</p>	<p>n/a</p>

Tax & Finance (5/9)

Pitkin County | Kelly McNicholas Kury, Commissioner

<p>Issue</p>	<p>Ability for Local Governments to Implement a Real Estate Transfer Tax with voter approval</p>
<p>Background</p>	<p>The passage of the Taxpayers’ Bill of Rights in 1992 prohibited the creation of new Real Estate Transfer Taxes (RETTs) or increased rates for existing RETTs. This provision in TABOR removed the ability of voters statewide, and in local jurisdictions, to consider RETTs even with voter approval. While RETTs may not be an appropriate revenue source for all communities, counties and municipalities should be allowed to request approval of RETTs from their voters. RETTs (also known as “real property transfer taxes”) are sales taxes most often used as general revenue. However, RETTs, can be devoted to specific uses such as affordable housing, preserving open space, marketing resort amenities, etc. When RETTs are used in a community receiving an influx of investment, they can be a powerful form of value recapture, raising additional revenue as investment bolsters land value. RETTs are an</p>

	especially important tool for Colorado’s resort communities, which typically have high levels of second homes, high property values and high service needs. Resort communities require a broad base of service workers who often require additional services and affordable housing to remain in the community. RETTs provide a potential revenue source to local governments to provide necessary infrastructure and services that protect the vibrancy of service based economies, especially in resort communities with high numbers of second homes. This change would enable local entities to enact a RETT with voter approval, and provide another financial tool for local jurisdictions to provide critical community services. Such language could be drafted so as to exempt a certain value or percentage of real estate value in order to maintain affordability for primary homebuyers and small businesses.
Proposed Solution	Lobby Legislature to refer a statewide ballot measure to the 2023 ballot to amend TABOR to remove language in TABOR prohibiting new or increased RETTs
Alt. Solutions Considered	Yes. Only an amendment to TABOR will allow for a RETT.
Statutory Citation /proposed edit	Article X, Colorado Constitution
C.C. Role	Authority to raise revenues for county services
Proponents/ Opponents	Real estate transfer taxes can be an important tool for land conservation, affordable housing development and community marketing/economic development. Supporters are advocates for those issues listed above; counties, and municipalities; and proponents of local control. Opponents are likely to be: pro-TABOR advocates, those in the real estate and lending business including realtors and real estate associations, and mortgage brokers.
Fiscal Impact	None to local jurisdictions. Localities that wish to pursue a campaign to support the ballot measure or to subsequently campaign for a local RETT may choose to expend funding in support of these efforts.
Priority Ranking	1/1

Tax & Finance (6/9)

Clear Creek County | George Marlin, Commissioner

Issue	<p>The issue is a large gap between Sales tax rates in Municipalities and unincorporated areas. Tax rates in the municipalities are 3-5% higher than those in unincorporated Clear Creek. Counties cannot seek to increase sales taxes in unincorporated areas without increasing rates in the municipal areas that are already high. The most recent calculations estimate that every 1% of sales tax can generate roughly \$1M. That has nearly doubled since last year due to the implementation of wayfair and the continued expansion of economic activity in unincorporated areas. This trend is very likely to exist across the state.</p> <p>Every county in Colorado struggles to deliver the services that our constituents expect.</p> <p>As property taxes become uncertain, impacts to unincorporated areas are increasing in many areas of the state. Recreational tourism has been steadily increasing for decades and exploded this summer. Sales tax generating activity has increased as well. Some examples of this activity are Ski Areas, Rental companies, Retail, Short Term Rentals, Truck Stops and</p>
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	<p>Convenience Stores. As has often been discussed, sales taxes provide a way for visitors to pay for the impacts that they create.</p> <p>The ability to ask for sales tax revenue in unincorporated areas only will give voters more flexibility to structure revenue streams that are fair and provide for effective public services.</p>																																																																																		
<p>Background</p>	<p>There is a very large potential source of revenue in unincorporated county areas. In unincorporated Clear Creek County, every 1% of sales taxes generates \$ 1,025,093.75. This tax base is growing faster than the incorporated tax bases as recreational activity increases, online ordering becomes more popular and wayfair is implemented.</p> <table border="1" data-bbox="370 516 1536 1142"> <tr> <td>2021</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Revenue Potential Calculation</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Jurisdiction</td> <td>Collections</td> <td>Tax rate</td> <td>Sales tax base</td> <td>% of tax base</td> <td>Annual growth</td> </tr> <tr> <td>Clear Creek (actual)</td> <td>\$2,354,932.00</td> <td>1.0%</td> <td>\$235,493,200.00</td> <td>100%</td> <td>43%</td> </tr> <tr> <td>Idaho Springs (actual)</td> <td>\$3,569,977.00</td> <td>4.0%</td> <td>\$89,924,425.00</td> <td>38%</td> <td>23%</td> </tr> <tr> <td>Silver Plume (estimated)</td> <td>\$182,891.36</td> <td>3.0%</td> <td>\$6,069,378.64</td> <td>3%</td> <td>32%</td> </tr> <tr> <td>Georgetown (actual)</td> <td>\$1,520,810.00</td> <td>4.5%</td> <td>\$33,795,777.78</td> <td>14%</td> <td>32%</td> </tr> <tr> <td>Empire (estimated)</td> <td>\$306,580.08</td> <td>5%</td> <td>\$6,131,601.70</td> <td>3%</td> <td>32%</td> </tr> <tr> <td>unincorporated</td> <td></td> <td></td> <td>\$99,545,016.89</td> <td>42%</td> <td>77%</td> </tr> <tr> <td>Revenue potential at 4% increase</td> <td></td> <td></td> <td>Revenue potential per 1%</td> <td></td> <td></td> </tr> <tr> <td>\$3,981,800.68</td> <td></td> <td></td> <td>\$995,450.17</td> <td></td> <td></td> </tr> </table> <table border="1" data-bbox="370 1178 1143 1329"> <thead> <tr> <th>Year</th> <th>Uninc. Sales</th> <th>Revenue per 1% tax</th> <th>% growth</th> </tr> </thead> <tbody> <tr> <td>2019</td> <td>\$36,466,301.00</td> <td>\$364,663.01</td> <td>base</td> </tr> <tr> <td>2020</td> <td>\$56,143,297.00</td> <td>\$561,432.97</td> <td>54%</td> </tr> <tr> <td>2021</td> <td>\$102,509,375.00</td> <td>\$1,025,093.75</td> <td>83%</td> </tr> </tbody> </table>	2021						Revenue Potential Calculation						Jurisdiction	Collections	Tax rate	Sales tax base	% of tax base	Annual growth	Clear Creek (actual)	\$2,354,932.00	1.0%	\$235,493,200.00	100%	43%	Idaho Springs (actual)	\$3,569,977.00	4.0%	\$89,924,425.00	38%	23%	Silver Plume (estimated)	\$182,891.36	3.0%	\$6,069,378.64	3%	32%	Georgetown (actual)	\$1,520,810.00	4.5%	\$33,795,777.78	14%	32%	Empire (estimated)	\$306,580.08	5%	\$6,131,601.70	3%	32%	unincorporated			\$99,545,016.89	42%	77%	Revenue potential at 4% increase			Revenue potential per 1%			\$3,981,800.68			\$995,450.17			Year	Uninc. Sales	Revenue per 1% tax	% growth	2019	\$36,466,301.00	\$364,663.01	base	2020	\$56,143,297.00	\$561,432.97	54%	2021	\$102,509,375.00	\$1,025,093.75	83%
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<p>Alt. Solutions Considered</p>	<p>The is a local solution is to have every municipality in the county agree to lower their tax rate voluntarily upon a promise by the county to remit what would have been collected at the higher rate back to the municipality. This solution requires complicated ballot language that will be difficult to pass. It is far less efficient than simply giving counties and our constituents this flexibility.</p>																																																																																		
<p>Statutory Citation /proposed edit</p>	<p>We propose the strikethrough as indicated below: 29-2-103: (1) Each county in this state is authorized to levy a county sales tax, use tax, or both in accordance with the provisions of this article. No proposal for a county sales tax, use tax, or both shall become effective until approved by a majority of the registered electors of the county voting on such proposal pursuant to section 29-2-104 . Such a proposal for a sales tax, use tax, or both, upon approval by a majority of the registered electors voting thereon, shall be effective throughout the incorporated and unincorporated portions of the county except when less than countywide application is authorized pursuant to subsection (2) of this section.</p>																																																																																		

	<p>(2) A county may levy a sales tax, use tax, or both, in whole or in part, in less than the entire county when the following conditions are met:</p> <p>(a) Deleted by Laws 2008, Ch. 264, § 4, eff. Aug. 5, 2008.</p> <p>(b) The area to be excluded from the tax levy is comprised solely of a portion of a municipality whose boundaries are located in more than one county; and</p> <p>(c) All other counties in which a portion of the municipality described in paragraph (b) of this subsection (2) is located have agreed to provide fair compensation to the county for any services extended to such municipality as a result of revenues derived from the county tax levy from which the municipality is excluded.</p> <p>(3) The approval provisions of subsection (1) of this section, the restrictions on contents of sales or use tax proposals set forth in section 29-2-105 , and the collection procedures of section 29-2-106 shall apply to county sales or use taxes or both levied pursuant to subsection (2) of this section.</p>
C.C. Role	County Commissioners approve all ballot measures. This would expand our ability to propose taxation alternatives to our communities
Proponents/ Opponents	Department of revenue views this change as conflicting with the momentum towards simplifying Sales and Use Taxes. They have reduced the total number of location codes from 900 to 400 and have concerns that this could cause the number to grow by more than 64. It will be important to devise guardrails to make sure that this would allow for the creation of no more than one additional location code per county.
Fiscal Impact	The fiscal impact would be positive. This could give communities access to a robust and growing revenue stream. There will likely be a one-time state fiscal impact and a possibly a marginal ongoing fiscal impact.
Priority Ranking	1/2

Tax & Finance (7/9)

Clear Creek County | George Marlin, Commissioner

Issue	The issue is the impact of tens of thousands of tourists recreating on lands in Clear Creek County often by purchasing recreational services like ski passes or guided tours like rafting or OHV services. The lack of ability to tax these services means we have limited ability to develop management approaches that help us offset the impact of these activities without seeking support from other sources.
Background	Clear Creek County has tens of thousands of visitors on a weekly basis, with 50-90,000 participating in raft trips, 35,000 or more ascending Bierstadt alone, and an estimated (according to our trail counters we have installed) 100,000 hikers, bikers and OHV users annually. Many of these visitors make purchases in the County and pay sales tax that contribute to government operations but millions of dollars in payments to ski passes and guided tours are untaxed.
Proposed Solution	This proposal is for enabling legislation granting Colorado counties the authority to levy sales tax on Outdoor Services & Experiences. This would allow counties, with voter approval, to enact sales taxes on outdoor lessons and guided tours, including biking, fishing, mountain biking, rafting, ski lessons, winter mountaineering, snow-cat tours, jeep and OHV tours, birding, walking tours, mining tours and other experiences led by a tour guide, instructor or other leader. It would also grant authority for counties to tax outdoor experiences like tickets/tuition for experiences including outdoor festivals and fairs, day camps and residential camps, outdoor concerts and lift tickets, gondola rides etc.

Alt. Solutions Considered	A non-legislative solution is not apparent.
Statutory Citation /proposed edit	
C.C. Role	This would expand our authority to propose taxes to our communities.
Proponents/ Opponents	
Fiscal Impact	Clear Creek County estimates that tax revenue from outdoor lessons and guided tours and tickets for outdoor experiences including festivals, concerts and ski passes may be as high as \$250K based on a 1% sales tax on outdoor services & experiences
Priority Ranking	2/2

Tax & Finance (8/9)

El Paso County | Carrie Geitner, Commissioner

Issue	<p>Counties have been innovators as it pertains to refunding TABOR overages to citizens. This proposal would allow for further innovation by allowing counties to coordinate with the State to refund TABOR overages by applying the dollar amount to a resident’s vehicle registration fee.</p> <p>Additionally, the proposal would establish a mechanism wherein a citizen can public sector projects to which a refund may be applied, such as parks, roads, or public safety.</p> <p>The options would all be permissive, so citizens can choose how they’d like to receive the funds.</p>
Background	Counties have been innovators as it pertains to refunding TABOR overages to citizens. Some counties send checks, others issue a credit on a resident’s property tax bill. This continues that innovation by authorizing the State to work with Counties on other creative ideas, such as refunding TABOR overages by applying the amount to a person’s vehicle registration fees or facilitating the citizen to make a direct contribution public project that supports a county’s core mission.
Proposed Solution	Refund local TABOR overages by applying a person’s refund amount to car registration fees. Or insert option in regular property tax mailing that allows the amount to be donated to public projects such as parks, roads, or public safety.
Alt. Solutions Considered	Yes. El Paso County staff have explored the vehicle registration fee idea with the State in the past. The State has advised that this idea requires legislative authorization.
Statutory Citation /proposed edit	
C.C. Role	Commissioners have the unique role to authorize TABOR overage refunds or ask voters to retain money collected above the cap. This proposal would give Commissioners additional tools they can use to refund money in a way that benefits citizens, their wishes, and public projects.
Proponents/ Opponents	Proponents –El Paso County Commissioners Opponents – Unknown

Fiscal Impact	No fiscal impact. Refund would either be applied to car registration fee or donated to public project.
Priority Ranking	High [county submitted 3 issues]

Tax & Finance (9/9)

El Paso County | Carrie Geitner, Commissioner

Issue	<p>Honoring the men and women who have served our nation in uniform is a long and proud tradition of the Colorado General Assembly.</p> <p>During the 2022 General Assembly session, HCR22-1003: Extend Homestead Exemption to Gold Star Spouses was introduced and passed. This legislation will place a question on the November ballot concerning the extension of the property tax exemption for qualifying seniors and disabled veterans to the surviving spouse of a United States Armed Forces service member who died in the line of duty or veteran whose death resulted from a service-related injury or disease.</p> <p>The El Paso County Assessor and the Board of Commissioners would like to work with the General Assembly to pass legislation that would further extend the Homestead Property Tax Exemptions to families of fallen peace officers and firefighters.</p>
Background	Peace officers, firefighters, and their families have sacrificed so much for their communities and put their lives on the line during every shift. When a peace officer or firefighter dies in the line of duty, it leaves spouses and families trying to figure out if they'll be able to stay in their homes. With property values continuing to rise across the state, extending this exemption will help these families remain in their homes without the financial instability after an earthshattering loss.
Proposed Solution	Like was done with HCR22-1003, El Paso County would like to see this exemption also extended to spouses of peace officers, and firefighters that are killed in the line of duty.
Alt. Solutions Considered	This change can only be accomplished through a legislative fix.
Statutory Citation /proposed edit	<p>2017 Colorado Revised Statutes Title 38 - Property - Real and Personal Real Property, Article 41 – Limitations Homestead Exemptions Part 2 - Homestead Exemptions § 38-41-201. Homestead exemption - definitions</p> <p>Proposed language would also include spouse of peace officer or firefighter killed in the line of duty</p>
C.C. Role	Counties rely on revenues generated from property tax collections, however, any financial impact is far outweighed by the positive impact this policy would have on the surviving family members of fallen peace officers and firefighters.
Proponents/ Opponents	<p>Potential proponents would include police/firefighter departments and state associations, current El Paso County Assessor Steve Schleiker, El Paso County Board of Commissioners</p> <p>Potential opponents: Unknown.</p>

Fiscal Impact	Minimal county fiscal impact if the exemption is extended to the spouses of peace officers/firefighters killed in the line of duty. Two local peace officers have perished in the line of duty in the last five years.
Priority Ranking	High [county submitted 3 issues]

Transportation & Telecommunications (1/3)

Montrose County | Roger Rash, Commissioner

Issue	Register and plate OHV's and allow use on certain low traffic, low speed state highways
Background	Colorado has yet to provide a means to license street legal OHVs. Once registered and issued a license plate, these vehicles should be allowed on certain low traffic and low speed state highways
Proposed Solution	Implement a uniform statewide registration system for street legal OHVs and promulgate regulations authorizing use on certain state highways
Alt. Solutions Considered	Not applicable
Statutory Citation /proposed edit	We respectfully ask that CCI staff research and recommend the required citation(s).
C.C. Role	This legislative change would even inconsistencies between registration in Colorado and other states. This change would also resolve inconsistencies in authorized use on county roads versus state highways.
Proponents/ Opponents	Montrose County completed an OHV frontage trail on Highway 141 that could have been addressed by authorizing OHV use on a short section of rural highway. As a county bordering the state of Utah, Montrose County also has experienced issues with Colorado residents not having license plates when traveling to a neighboring state. The Montrose County BOCC Is happy to elaborate on these issues.
Fiscal Impact	A uniform registration and license plate system for OHVs in Colorado would generate revenue for the State of Colorado
Priority Ranking	4/4

Transportation & Telecommunications (2/3)

Arapahoe County | Bryan Weimer, Public Works & Development Director

Issue	<p>Capital improvement projects regularly encounter utility conflicts during design and construction. Often, even with advanced coordination, utilities are not relocated in a timely manner and projects incur unanticipated delay resulting in substantial project cost overruns.</p> <p>Utility providers do not commit to a utility relocation timeline, are not responsive to utility design/coordination/actual utility relocations, and are not being held accountable to reasonable utility relocation timelines, which negatively impact capital project budgets, timelines, and induce delay claims to local governments.</p>
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	<p>Utility companies often do not sign Utility Clearance letters, which help them to become partners in the project. The letters communicate the utility company's plans to the owner of the project. This information is critical in planning a successful project.</p> <p>In addition, for jurisdictions that have a 1% franchise fee fund, it has been difficult to receive costs estimates for the work to be performed and transparency of the utility company's use of those funds for the work being performed.</p>
Background	<p>As local governments are constructing transportation/roadway projects, they typically have to work with utility companies (predominantly electric/gas and telecommunications) to relocate existing utility lines. Utility relocations are often critical path components for capital improvement projects, so any delays can significantly impact project timelines and place additional unexpected financial burden on local governments responsible for the project.</p> <p>Arapahoe County has experienced delay costs in capital road projects that have been caused by delay by the utility owner in performing relocation work, including design and construction items. A particular project that the County is currently working has experienced significant project delays, which will result in significant cost increases and impacts, that are directly attributed to one large utility company's failure to respond adequately and reasonably to the County's requests for relocation./ In this particular case, the County has been working with the utility owner for over two years during design of the project and has not been able to get the utility owner to relocate per the project schedule. This delay is projected to cost the project in excess of two million dollars. The County is seeking a legislative remedy to incentivize cooperation with capital projects in terms of such utility relocations.</p> <p>The 811 Legislation has not helped with this matter and neither has the County's new Utility Relocation Policy. The County does not have enough teeth in the CRS to motivate utility companies to partner in a reasonable manner to become accountable for their actions and be responsive to requests and need for utility relocations.</p>
Proposed Solution	<p>A proposed concept for remedying the problem is to amend existing statutes that allow utilities, including sewer and water facilities, electric transmission facilities, gas lines, and telecommunication and broadband facilities, to locate in public highway rights of way under local jurisdiction to require the utility owner to cooperate with road improvement projects in terms of establishing project schedules for relocation of utility facilities, if necessary for purposes of the project, and to establish penalties or other incentives for the utility owners to adhere to such schedules.</p> <p>At this point, this proposed only as a general concept and will, of course, require more detail on matters such as:</p> <ol style="list-style-type: none"> a. What the penalties or incentives may be; b. Provisions for notice of projects; c. Provisions for establishing agreements for project schedules and relocation needs; d. Provisions to make sure the legislation is fair and reasonable and minimizes impacts to costs of performing projects, minimizes disruptions to utility services and the use of the public highways; and e. Provisions for minimizing impacts to the cost of providing the utility services to the public.
Alt. Solutions Considered	<p>Yes, the County adopted a Utility Clearance Policy & Procedure in 2021 outlining utility coordination with "wet" utility providers (sewer and water) on proposed construction projects. The County currently does not have the statutory authority that is required to adopt</p>

	by ordinance or resolution measures to hold utility owners accountable and responsible for timely relocations.
Statutory Citation /proposed edit	
C.C. Role	County Commissioners are responsible for the county budget. Any unnecessary or unexpected expenses affect the county's financial health and, therefore, our ability to provide other critical services to residents. As elected officials, County Commissioners are also accountable to the voters to ensure that capital projects are delivered in a timely and cost-efficient manner. Furthermore, local governments are responsible for and have authority to manage their right-of-way.
Proponents/ Opponents	The County has spoken with multiple local governments in the area, and most are dealing with similar issues and would likely support legislation to incentivize cooperation to relocate utilizes for construction projects. County staff is working with other neighboring county and municipal jurisdictions, which may support such legislation. County staff has not had discussion with utility owner regarding proposed legislation.
Fiscal Impact	The intent of the proposed legislative solution is to provide positive fiscal impacts to governments if utility relocations can be regulated by the owners of the ROW including local governments.
Priority Ranking	n/a

Transportation & Telecommunications (3/3)

Huerfano County | Carl Young, County Administrator

Issue	The process to form a rail district is relatively complicated and it is unclear how such a district might be formed or operate if the district is only the rail right of way.
Background	The San Luis and Rio Grande Railroad is in Bankruptcy and set to be auctioned in July 2022. One of the options for emergence from bankruptcy involves creating a rail district or some other form of public ownership of the rail ROW.
Proposed Solution	We propose to amend Article 12 of Title 32 to provide for a formation method and governance structure for if the rail district only consists of the rail right of way or other non-populated areas.
Alt. Solutions Considered	Yes, we have considered ownership by a multi-jurisdiction IGA-created authority or direct public ownership.
Statutory Citation /proposed edit	Article 12 of Title 32. Language forthcoming
C.C. Role	As Counties collect the taxes for jurisdictions within their territory the Counties have been involved in the bankruptcy proceedings. County Commissioners have been directly involved with negotiations.
Proponents/ Opponents	We do not believe there are any opponents, though this proposal will likely draw the attention of railroads and rail enthusiasts.
Fiscal Impact	None/Minimal
Priority Ranking	1/1