



## Legislative Report | January 18, 2022

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## **General Government**

Chair: Commissioner Hilary Cooper, San Miguel County

Vice Chair: Commissioner Scott James, Weld County

CCI Staff: Eric Bergman

### **HB22-1037, Option for Retail and Medical Marijuana in Same Location**

HB 1037 would allow the operation of a retail marijuana store and a medical marijuana store in the same location, as long as the local licensing authority and local jurisdiction allow it. The store would still be required to physically separate retail and medical marijuana products.

Position: Pending

Sponsors: Rep. Hooten



## Health & Human Services

Chair: Commissioner Wendy Buxton-Andrade, Prowers County

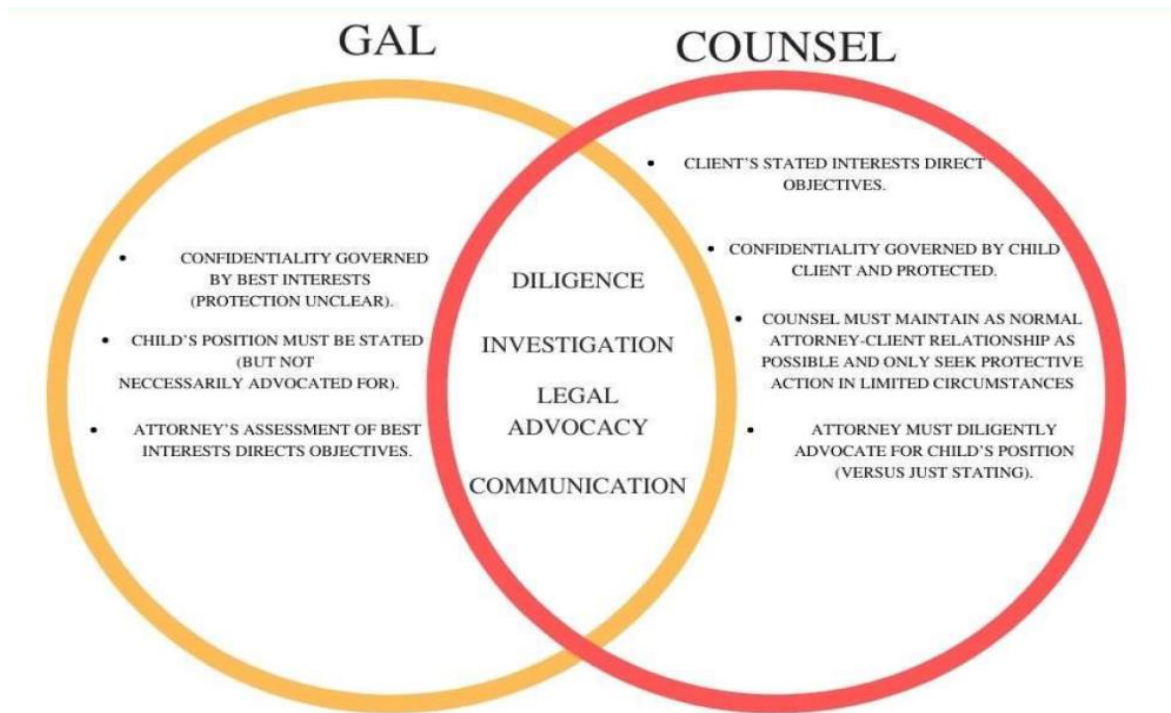
Vice Chair: Commissioner Sue Hansen, Montrose County

CCI Staff: Gini Pingenot / Kiley Burress

### HB22-1038, Right to Counsel for Youth

Current law requires the appointment of a guardian ad litem (GAL) for children and youth in dependency and neglect cases in our child welfare system. This bill will require that a youth 12 years of age or older will be appointed a client-directed counsel. This change in the system means a youth 12 years of age or older will be giving an opportunity to express their interests within the legal system the same way an adult does.

#### Role Differences and Similarities



This bill will be heard in committee in the coming weeks.

Position: Pending

Sponsors: Reps. Daugherty & Van Beber, Sens. Moreno & Gardner

Staff: Kiley Burress



### **HB22-1042, Teen Parent Driving Instruction Course**

This bill will require the Department of Human Services to reimburse counties for costs paid by the county department to a public or private driving school for teen parents (15–21-year-olds) who are on WIC or within the child welfare system. This bill is essentially adding on to HB21-1084 Drivers' Licenses for Foster Children bill, which was a bill CCI worked on during the 2021 legislative session.

This bill will be heard in committee in the coming weeks.

Position: Pending

Sponsors: Reps. Exum & Van Winkle, Sens. Buckner & Hisey

Staff: Kyley Burress

### **HB22-1056, Emergency Temporary Care for Children**

This bill will allow county department of human services to establish their own placement option for all youth regardless of whether they are in the child welfare system or juvenile justice systems. This bill allows youth to be housed in a temporary shelter for up to five days. If a child chooses to receive care at a temporary shelter, their care is voluntary, and the child may leave at any time. During their time at the temporary shelter, a child may do an assessment to assess what services and care are needed.

Position: Pending

Sponsors: Rep. Michaelson-Jenet

Staff: Kyley Burress



## **Justice & Public Safety**

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

### **HB22-1041, Privacy Protections for Protected Persons**

HB 1041 is one of CCI's eight legislative priority bills for 2022. Under current law, it is unlawful for a person to make available on the internet the personal information of a law enforcement official, human service worker, public health worker, and their families. This bill amends C.R.S. §18-9-313 to allow code enforcers and their families to request the removal of their personal information from the internet. Code enforcement officers often experience threats related to their official duties. Workers' personal information is available on the internet and creates safety issues for the workers, their children, and their families, even while at home. Threats against code enforcers cause safety, morale, and job retention problems.

With this bill, code enforcers may submit a written request to a local government official to remove records that pose an imminent and serious threat to their safety. Additionally, the bill creates a carve out for real estate transactions, so that they may occur in a timely manner while equally ensuring that an individual is provided the necessary protections.

This bill will be heard in committee on February 4<sup>th</sup> upon adjournment.

Position: Pending

Sponsors: Rep. Boesenecker, Sen. Ginal

### **HB22-1063, Jail Standards Commission**

Colorado is one of twelve states that does not have a state- wide jail standards commission. This bill creates a 20 member jail standards commission, made up of five county sheriff's, two county commissioners, three people with lived experience, and others (for a full list of members please refer to the [bill](#)). The commission will be housed in the Department of Public Safety and the purpose of the commission it to oversee and recommend jail standards for county jails across the state. Some of recommended standards are, making sure that inmates have access to clean water, making sure inmates have access to phones or laptops, and that jails are complying with safety and sanitary guidelines (for a complete list please refer to the [bill](#)). Not complying with these standards could result in a sanction. The commission is to be stood up by January 1, 2023, with recommendation made by July 1, 2023, and each year after until September 1, 2029.

Position: Pending

Sponsors: Rep. Amabile & Benavidez



## **SB22-018, Expand Court Remind Program**

Under current law, the court reminder program currently provides defendants two text message reminders for court appearances, this program is currently an opt-in program, meaning defendants only get these reminders if they've opted in to receive them. Which is creating more failure to appear and bench warrants for missing court.

The bill will change the program to an opt-out program, meaning all defendants will be automatically enrolled in the program. The bill will require the program to provide at least three reminders, including one reminder the day before the court appearance, the second reminder with a virtual court option, and the final reminder which must include a link to the virtual court hearing. The program is required to send these reminders via text messages but must use another method if a defendant is unable to receive text messages.

This bill will be heard in committee in the coming weeks.

Position: Pending

Sponsors: Reps. Benavidez & Soper, Sens. Lee & Cooke



## **Land Use & Natural Resources**

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

### **HB22-1007, Assistance Landowner Wildfire Mitigation**

HB 1007 is a priority bill from the Wildfire Matters Interim Review Committee that establishes a new grant program administered by the Colorado State Forest Service available to local governments, tribal agencies or nonprofit organizations for outreach projects to landowners in high wildfire hazard areas. Outreach should inform landowners of available resources and best practices for wildfire mitigation. Grant applications that the Forest Service evaluates as having a larger potential impact are prioritized.

Beginning in 2023, the bill repeals an existing income tax *deduction* available to offset a landowner's costs from wildfire mitigation measures, and creates a new state income tax *credit* to reimburse a landowner's costs. Wildfire mitigation measures include but are not limited to creating defensible space around structures, establishing fuel breaks, thinning woody vegetation, and treating woody fuels through prescribed burn, chipping, piling, removal, etc. A landowner with a federal taxable income at or below \$120,000 in 2023 and every year thereafter is allowed a credit equal to 25% of mitigation costs, with a maximum credit of \$625 in any taxable year.

HB 1007 has been assigned to the House Energy & Environment Committee, but has not yet been calendared.

Position: Pending

Sponsor: Reps. Valdez, D. & Lynch, Sens. Simpson & Lee

### **HB22-1012, Wildfire Mitigation and Recovery**

HB 1012 is a priority bill from the Wildfire Matters Interim Review Committee that establishes a new grant program administered by the Colorado State Forest Service (CSFS) to help counties with forested areas prevent and recover from wildfire incidents by removing deadwood, other potential wildfire fuels, and debris from a wildfire incident. CSFS must ensure that such efforts are done in a manner that reduces the amount of carbon that enters the atmosphere, and if awarded a grant, a county must ensure that biomass that is removed through eligible projects is recycled or disposed of, to the extent practicable. Grants are awarded by the CSFS in consultation with the Division of Fire Prevention and Control (DFPC) and the Colorado Forest Health Council, and can be used to:

- Purchase or lease equipment, including mobile woodchippers, to help with removal of biomass;
- Hire and compensate laborers to assist with removal of biomass; and
- Initiate and maintain reforestation efforts after a wildfire incident

HB 1012 has been assigned to the House Energy & Environment Committee, but has not yet been calendared.

Position: Pending

Sponsor: Reps. Valdez, D & Cutter, Sens. Ginal & Lee



## **SB22-002, Resources for Volunteer Firefighters**

SB 2 is a priority bill from the Wildfire Matters Interim Review Committee that allows fire departments, including fire protection districts and volunteer fire departments, to be compensated from state funding sources (Governor’s Emergency Fund, the Emergency Fire Fund, and the Wildland Cost Recovery Fund) for wildland fire suppression activities. Fire departments are eligible for reimbursement after performing wildland fire suppression activities if (1) the fire department relies primarily on volunteer firefighters, (2) a fire event exceeds the department’s capacity to extinguish or control, *and* (3) the period of mutual aid has ended.

As necessary, the bill requires county sheriff’s offices to modify any intergovernmental agreements (IGAs) governing reimbursement for wildland fire suppression activities to allow for this type of reimbursement, and also authorizes Boards of County Commissioners (BOCCs) to reimburse fire departments from county funds in the same circumstances. Fire departments must use money received to compensate volunteer firefighters as directed by the Division of Fire Prevention of Control (DFPC).

The bill amends the existing Local Firefighter Safety and Disease Prevention Fund grant program to allow grants to be spent on (1) providing access to mental health services, (2) purchasing equipment, and (3) providing training to volunteer firefighters involved in wildland fire suppression. The bill allows DFPC to use money in the fund to reimburse mental and behavioral healthcare specialists for services provided to volunteer firefighters. The program receives an annual appropriation of \$5 million with flexibility to appropriate additional money as necessary to meet needs.

Priority is given to applicants that:

- Have lost tax revenue as a result of decreased assessment values due to a wildland fire in the previous 5 years;
- Rely solely or primarily on volunteer firefighters and serve communities affected by wildland fires;
- Demonstrate the greatest need for additional funding to ensure the safety of volunteer firefighters

SB 2 has been assigned to the Senate Local Government Committee, but has not yet been calendared.

Position: Pending

Sponsor: Sens. Ginal & Story, Reps. Cutter & Will





## **Taxation & Finance**

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

### **HB22-1006, Child Care Center Property Tax Exemption**

HB 1006 is one of CCI's eight legislative priority bills for 2022. The bill allows property owners that lease space to a non-profit child care center to claim a property tax exemption. Click [here](#) for a factsheet.

Under current law, a property owner may qualify for the child care center property tax exemption only if the owner is a non-profit corporation. Because of this, many non-profit child care centers either own their own buildings or are located in churches or schools – both of which are property owners that are already exempt from property taxes. Most non-profit child care centers serve children, families, and communities furthest from opportunity, however; they are often viewed as a tenant that is higher risk and more costly to lease to.

Section 5 of article X of the state constitution provides that property that is used solely and exclusively for strictly charitable purposes is exempt from property tax, unless otherwise provided by law. Child care is a critical component to the provision of governmental public services and is closely tied to economic development and security for Coloradoans. As such, a narrow exemption (which is the purview of the state legislature) from the requirement that property must be owned by a non-profit will help expand child care opportunities in our state and help Colorado make progress on economic development and security public policy goals.

HB 1006 includes a provision requiring the lessee to sign the property owner's application to secure the property tax exemption. Complying with the space requirements and other accommodations like child size toilets and sinks, fencing, etc. can be costly for a property owner. Allowing the tax exemption to inure to the property owner while requiring the lessee to sign off on the owner's application for the exemption will prompt a conversation between the two parties and allows for the creative flexibility that is needed in communities around the state.

HB 1006 has been assigned to the House Public & Behavioral Health & Human Services Committee, but has not yet been calendared.

Position: Pending

Sponsor: Reps. Roberts & Van Winkle, Sens. Donovan & Smallwood

### **HB22-1062, Expand Sales and Use Tax Exemption for Food**

Currently, food purchased at grocery stores and other markets that's intended for home consumption is exempt from the state's sales tax. This is also one of eleven optional exemptions that counties can choose to adopt.



HB 1062 expands this sales and use tax exemption to include foods prepared for on-site consumption. This would include food sold at restaurants, packaged sandwiches sold at grocery stores and other foods that can be carried out and consumed without additional cooking or preparation. Alcoholic beverages are still taxable under HB 1062, in addition to candy and soft drinks.

HB 1062 is expected to create a large fiscal impact on the state's general fund. Additionally, this bill will fiscally impact the 20 counties that have chosen to exempt food for home consumption from their local sales tax base because it broadens the type of food that will be subject to their already adopted exemption. Those counties are: Adams, Arapahoe, Boulder, Custer, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Larimer, Mesa, Otero, Park, Pueblo, Routt, Saguache, San Miguel, Teller and Washington.

HB 1062 has been assigned to the House Finance Committee but has not yet been calendared.

Position: Pending

Sponsor: Rep. McKean, Sen. Hisey



## **Transportation & Telecommunications**

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

### **HB22-1028, Statewide Regulation of Controlled Intersections**

HB 1028 would allow cyclists statewide to treat stop signs as yield signs, red lights as stop signs and yield at traffic light intersections if they're making a right-turn. The legislation is sometimes known as “The Idaho Stop” since Idaho was the first state to pass legislation granting cyclists this operating flexibility.

Position: Pending

Sponsors: Reps. Gray & Hooten, Sen. Winter

### **HB22-1046, Local Designation of Over-Snow Use Only on County Roads**

In many rural counties, certain county roads are not maintained in the winter and over time have become popular recreational routes for cross country skiing, snowmobiling and fat bike riding. HB 1046 would establish explicit authority for counties to designate all or a portion of a county road for the over-snow use only during winter months. This legislation is a CCI Priority for 2022. CCI has prepared a [fact sheet](#) on the bill.

Position: Pending

Sponsors: Reps. McLachlan & Catlin, Sen. Winter

### **SB22-001, Crime Prevention Through Safer Streets**

SB 1 would create a new \$10 million grant program for local governments in the Department of Public Safety (DPS). The grants would be for physical improvements to streetscapes (such as better lighting, territorial reinforcement, access control, improved trash collection and better space management approaches) to enhance public safety and reduce crime. It also creates an advisory committee to review grant requests and make recommendations to the executive director of DPS.

Position: Pending

Sponsors: Sens. Buckner & Garcia, Reps. Ricks & Tipper