



## Legislative Report | January 24, 2022

***Select Subject Area to Jump:***

[General Government](#)

[Health & Human Services](#)

[Justice & Public Safety](#)

[Land Use & Natural Resources](#)

[Taxation & Finance](#)

[Transportation & Telecommunications](#)

***Reference:***

[CCI Policy Statement](#)

[2022 Legislative Priorities](#)

[Bill Tracking/Overview](#)



## **General Government**

Chair: Commissioner Hilary Cooper, San Miguel County

Vice Chair: Commissioner Scott James, Weld County

CCI Staff: Eric Bergman

### **HB21-1037, 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

Sponsor: Rep. Hooten

### **HB22-1097, County Authority for Dissolution of District**

HB 1097 would authorize a board of county commissioners to file an application to dissolve a special district that is defunct or otherwise no longer serving a community purpose. This same authority is already granted in statute to municipalities and regional service authorities. This legislation is a CCI Priority for 2022.

Position: Pending (CCI Priority Bill)

Sponsors: Rep. D. Valdez, Sen. Simpson

### **SB22-065, Adjustment to County Coroner Salaries**

SB 65 would raise the salary of the county coroner in Category 2 counties up to the same level as the commissioner, treasurer and clerk, beginning in 2023. There are currently seven Category 2 counties in the state (Eagle, Fremont, Garfield, La Plata, Pitkin, Routt and Summit). The bill would also raise the salaries of county coroners in Category III and IV counties, but only upon agreement between the commissioners and the coroner.

Position: Pending

Sponsors: Sens. Hisey & Story

### **SB22-075, County Authority to Dismiss Cemetery Board District Member for Cause**

SB 75 would authorize a board of county commissioners to dismiss a cemetery district board member for cause. This authority exists for other types of districts where county commissioners appoint the district boards. This legislation is a CCI Priority for 2022. [View the CCI fact sheet on the bill.](#)

Position: Pending (CCI Priority Bill)

Sponsors: Sen. Simpson; Reps. Catlin and Bird



## Health & Human Services

Chair: Commissioner Wendy Buxton-Andrade, Prowers County

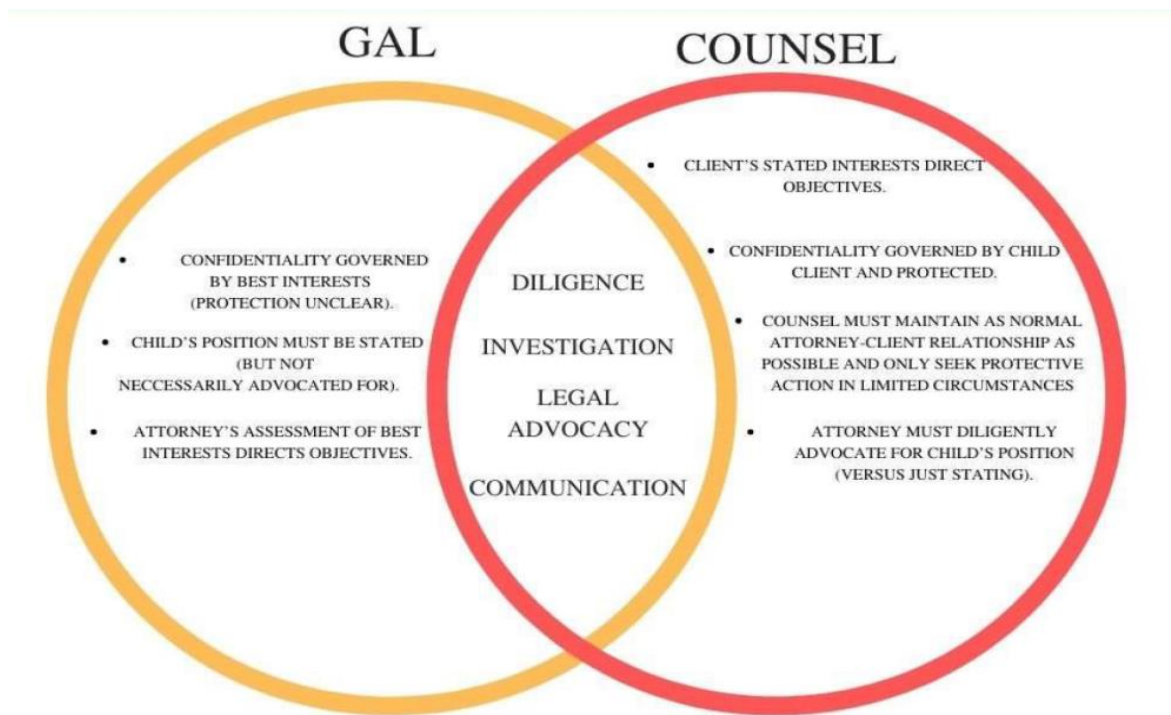
Vice Chair: Commissioner Sue Hansen, Montrose County

CCI Staff: Gini Pingenot / Kyley Burress / Katie First

### 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 and Sens. Moreno & Gardner

Staff: Kyley 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 and 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

Sponsor: Rep. Michaelson-Jenet

Staff: Kyley Burress

### **HB22-1113, Appeal Procedures Dependency and Neglect Cases**

In foster care cases when an appeal is pending in a dependency and neglect case, families can be faced with uncertainty because appeal cases can take up to three years if not longer to resolve. This bill is taking recommendation made in 2021 by the child welfare appeals working group and applying them to appeal procedures in dependency and neglect cases in child welfare so that appeals may be done in a timelier manner.

Position: Pending

Sponsor: Rep. Van Beber

Staff: Kyley Burress



### **[HB22-1131](#), Reduce Justice Involvement for Young Children**

Under current law, a child ten years of age or older can be prosecuted and incarcerated for misdemeanors and felonies committed. The bill raises the minimum age a child can be prosecuted in juvenile court from 10 years old to 13 years of age. This bill is being brought forward to eliminate some of the devastating impacts that a 10, 11, 12-year-old can face when incarcerated.

Position: Pending

Sponsors: Reps. Gonzalez-Gutierrez & Bacon and Sens. Coram & Gonzalez

Staff: Kyley Burress

### **[SB22-052](#), Medical Assistance Income Eligibility Requirements**

This bill aligns the Medicaid and children's basic health plan (CHP) income eligibility requirement for pregnant women. The bill increases the income eligibility level under the children's basic health plan for children and pregnant women from 250% of the federal poverty level to a federally approved percentage of the federal poverty level and will be adjusted for family size.

Position: Pending

Sponsors: Sen. Jaquez Lewis, Rep. Mullica

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**

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 CRS 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 (CCI Priority Bill)  
Sponsors: Rep. Boesenecker, Sen. Ginal

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

Colorado is one of 12 states that does not have a state-wide jail standards commission. This bill creates a 20-member jail standards commission, made up of 5 county sheriffs, 2 county commissioners, 3 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 is 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: Reps. Amabile & Benavidez



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

Under current law, the court reminder program currently provides defendants 2 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 3 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: Sens. Lee & Cooke and Reps. Benavidez & Soper



## **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

### **HB22-1104, Powerline Trails**

HB 1104 seeks to facilitate the development of recreational trails in electric transmission corridors throughout the state. The bill authorizes transmission providers to enter into contract with public entities (the state, local governments, and special districts) and private landowners for the construction of trails under powerlines, or powerline trails. The bill also requires that transmission providers provide informational resources (outlining design options, safety requirements, potential funding sources, and examples of existing powerline trails in the state) and notices to public entities on the potential for powerline trails when expanding or constructing transmission lines. The bill allows transmission providers to include certain provisions in powerline trail contracts (for example, requiring consultation on design of trails and related amenities, assigning costs of construction and maintenance of trails to the public entity or private landowner, etc.), and allows transmission providers to increase rates to recover costs incurred from implementing the bill. Transmission providers does not include those owned by single local governments.

The bill requires the Public Utilities Commission (PUC) to amend its rules to also require electric public utilities in the state to develop and maintain informational resources on powerline trails, and to consider plans for construction of new powerline trails. Finally, the bill requires the Colorado Electric Transmission





Authority (CETA) to continue existing powerline trail contracts before entering into a project or divesting of a facility, and to give priority in project solicitations to electric utilities interested in continuing or creating a powerline trail.

HB 1104 has been assigned to the House Transportation & Local Government Committee, but has not yet been calendared.

Position: Pending

Sponsor: Rep. Boesenecker, Sen. Priola

### **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

### **HB22-1132, Regulation and Services for Wildfire Mitigation**

HB 1132 requires any person planning to conduct a controlled burn on private property to provide notice to the fire department that services the area where the burn would be conducted. The notice must be provided at least 48 hours in advance, and must include the date, time, and location of the planned burn, and contact information for the person responsible for the burn. The bill authorizes fire departments to determine whether personnel must be present to supervise the controlled burn, and the fire department may require the burn to be re-scheduled if personnel is required but unavailable at the planned time.

The bill prohibits a person from conducting a controlled burn if high winds or D-4 drought conditions are present, or if there is a red flag warning in effect in the county where the burn would be conducted. If these conditions are present, a fire department can still allow a burn if personnel is available to supervise.



The bill outlines fines and penalties for noncompliance. Any person found to be negligent or willful and wanton is liable for any costs incurred by the fire department in responding to a controlled burn, and to any other person facing damage or injury from the burn. The bill specifies that no person is exempt from complying with any other applicable local, state, or federal requirements pertaining to open burning.

HB 1132 has been assigned to the House Energy & Environment Committee, but has not yet been calendared.

Position: Pending

Sponsor: Rep. Holtorf, Sen. Liston

### **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) 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 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 Coloradans. 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 and will be heard on Tuesday, February 1<sup>st</sup>.

Position: Pending (CCI Priority Bill)

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

### **HB22-1051, Modernize Affordable Housing Tax Credit**

HB 1051 makes two key changes to the state's low income housing tax credit (aka LIHTC) to make it more accessible for those building affordable housing projects. Specifically, it increases the amount of income tax credits that can be claimed each year from \$10 million to \$15 million. Additionally, HB 1051 extends the availability of the credit from 2024 to 2034.



These credits are typically coupled with other forms of financial incentives – such as the federal LIHTC, deferred development fees and Private Activity Bonds – in order to build housing for residents with incomes below the area median income.

HB 1051 will be heard in the House Transportation and Local Government Committee on Wednesday, February 2<sup>nd</sup>.

Position: Pending

Sponsor: Reps. Bird & McKean, Sens. Zenzinger & Hisey

### **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

### **HB22-1117, Use of Lodging Tax Revenue**

HB22-1117 is one of CCI's eight legislative priority bills for 2022. The bill modifies **two** existing tools and empowers local voters to identify how their county lodging tax revenues should be invested.

Here are the 2 tools that are being expanded:

#### **1.) Section 1: Title 29 – Local Marketing District (LMD)**

Counties – in partnership with cities or on their own - can currently seek voter approval for a 4% excise on the purchase of hotel rooms, short term rentals and other lodging accommodations via a 'local marketing district' (CRS 29-25-101). Proceeds from this tax can support tourism but **cannot** be used for



capital expenditures, except tourist information centers. To date, voters in 3 counties (and 3 cities) have approved this tool.

### 2.) Section 2: Title 30 - County Lodging Tax

In addition to the Title 29 LMD authority, counties can also seek voter approval for a 2% excise tax on the purchase of hotel rooms, short term rentals and other lodging accommodations (CRS 30-11-107.5). Pursuant to this 1987 statute, any revenue generated by this tax must be committed to marketing and advertising the county. To date, voters in twenty-nine counties have approved a county lodging tax for this purpose.

Contrary to the limitations placed on counties in Title 30, home rule municipalities have **NO** limitations in the amount or the use of their lodging taxes.

HB 1117 grants local voters the ability to expand the uses of both taxes for purposes that enhance the visitor experience. Tourism is a critical industry in our state but the workforce supports (housing, child care centers, et.) and other investments that are needed to help Colorado retain its attractive appeal are lacking. HB 1117 will help remedy this challenge.

HB 1117 was assigned to the House Finance Committee but has not yet been calendared.

Position: Pending (CCI Priority Bill)

Sponsors: Reps. Roberts & Catlin, Sens. Coram & Donovan

### **SB22-051, Policies To Reduce Emissions From Built Environment**

SB 51 contains a series of preferential tax exemptions for specific products and equipment to help promote their purchase and address climate change.

Specifically, the bill states that air-source and ground source heat pump systems are household furnishings in a residence and will therefore be considered as part of the home's real property value. This is consistent with any type of home furnace or air conditioning unit and thus it is not expected to result in any sort of property tax reduction for local governments.

The bill also exempts air-source and ground source heat pump systems from the state's sales tax – regardless of whether or not they are used in a residential or commercial setting. SB 51 allows local governments to adoption this exemption if they so choose.

Finally, SB 51 exempts decarbonizing building materials such as asphalt, cement, glass, post-tension steel, reinforcing steel, structural steel and wood structural elements from the state's sales tax. The bill creates this optional exemption at the local level and specifies that it can – as determined by local governments – apply to sales tax as well as use tax.

SB 51 has been assigned to the Senate Transportation and Energy Committee but has not yet been calendared.

Position: Pending

Sponsor: Sen. Hansen



## **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 and 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 (CCI Priority Bill)  
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 and Garcia, Reps. Ricks and Tipper