



Legislative Report | February 22, 2022

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Agriculture, Wildlife & Rural Affairs

Chair: Commissioner Tony Hass, Las Animas County

Vice Chair: Commissioner Terry Hofmeister, Phillips County

CCI Staff: Daphne Gervais

SB22-131, Protect Health of Pollinators and People

SB 131 is being brought forward by the People and Pollinators Action Network (PPAN) and picks up pieces from [SB20-189](#) with additional provisions. The bill has five primary parts:

1. Repeals state preemption to authorize local government regulation of pesticide use. Local regulations must (1) be in the interest of public health, safety or environmental protection, (2) meet state and federal law, (3) exclude use on agricultural or marijuana products.
2. After 2026, prohibits the use of pesticides on the grounds of a school, preschool, childcare center, or children's resident camp, and sets notification requirements to guardians when a pesticide is to be used at those locations.
3. Requires the Commissioner of Agriculture to adopt rules designating restricted-use pesticides (those that contain neonicotinoid or sulfoximine ingredients). Specifies that use restrictions do not apply to agricultural use, use in pet care, personal care, wood preservatives, indoor pest-control products, or on golf courses.
4. Directs the Department of Natural Resources to conduct a study on pollinator decline and health in the state. Outlines what the study should achieve, at minimum, including identifying the significance of healthy pollinator communities, factors that negatively affect pollinator communities, opportunities for pollinator protection and recovery efforts, including land management practices that restore habitat functionality, etc.
5. Establishes a pilot program within the Colorado Department of Agriculture to provide financial grants to agricultural producers that test the use of noncoated seed-applied systemic insecticide on their crops.

SB 131 is scheduled for a hearing in the Senate Agriculture & Natural Resources Committee on Thursday, February 24th.

Position: Pending

Sponsors: Sens. Jaquez Lewis & Priola, Reps. Kipp & Froelich



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. The bill passed the House Transportation & Local Government Committee last week on a 11-2 vote and will face a floor vote early this week.

Position: Support

Sponsors: Reps. Hooton & Van Winkle

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. The bill passed the House last week and has been introduced in the Senate. It is currently awaiting a hearing date in the Senate Local Government Committee.

This legislation is a CCI Priority for 2022. [CCI has prepared a fact sheet on the bill, available here.](#)

Position: Support (CCI Legislative Priority)

Sponsors: Rep. D. Valdez, Sen. Simpson

HB22-1135, Marijuana Transporter License Transfers

HB 1135 would allow for transporter licenses to be transferred when a marijuana business is sold. The bill passed the House Business Affairs Committee last week and will be heard on the House floor this week.

Position: Pending

Sponsors: Reps. Snyder & Van Winkle

[HB22-1142](#), **Extended Service Hours Permit**

HB 1142 would create an extended service hours permit that would allow businesses to either serve alcohol until 4 a.m. or begin serving at 5 a.m. (current state law prohibits sales between 2 a.m. and 7 a.m.). Businesses seeking this new permit must get approval from **both** local and state licensing authorities. The bill will be heard in the House Business Affairs Committee on Feb. 23 upon adjournment.

Position: Pending
Sponsor: Rep. Snyder

[HB22-1152](#), **Prohibit Adverse Action for Employee Marijuana Use**

As introduced, HB 1152 would prohibit employers (including counties) from taking adverse action against an employee who uses medical marijuana during work hours or uses medical or retail marijuana off the premises during nonwork hours. The bill allows the employer to designate certain positions or groups of employees for whom marijuana use of any kind is still restricted.

CCI has historically opposed this type of legislation, based on the fact the state constitution guarantees an employer's right to have a drug-free workplace policy. There are also liability concerns because it is very difficult – if not impossible - to test for impairment with marijuana since THC stays in the bloodstream for days or even weeks.

The bill sponsors have indicated that a strike-below amendment will be offered in committee to instead conduct a study of the issue within the state Department of Labor. The bill will be heard in the House Business Affairs Committee on Feb. 24 at 1:30.

Position: Pending
Sponsors: Reps. Hooton & Titone

[SB22-065](#), **Adjustment to County Coroner Salaries**

As introduced, SB 65 would have automatically raised the salaries of the county coroners in Category 2 counties up to the same level as the commissioner, clerk, assessor and treasurer, 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 3 and 4 counties, but **only** upon agreement between the commissioners and the coroner. At CCI's request, the bill was amended in committee to allow commissioners to decide whether the salary increase was appropriate for coroners in Category 2 counties. As amended, the bill passed the Senate Local Government Committee on a unanimous vote.

Position: Amending
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. The bill passed the Senate Local Government Committee last week on a unanimous vote. It is expected to pass the Senate this week on a final vote and move to the House.

This legislation is a CCI Priority for 2022. [CCI has prepared a fact sheet on the bill, available here.](#)

Position: Support (CCI Legislative Priority)
Sponsors: Sen. Simpson, Reps. Catlin & Bird

SB22-104, Tribal Grant Eligibility

SB 104 would make Native American tribes eligible for new local government grant and benefits programs and commission a study of existing local government grant programs to see if tribes are currently eligible. The bill will be heard Tuesday, Feb. 22, in the Senate State Affairs Committee.

Position: Pending
Sponsor: Sen. Donovan

SB22-109, Prohibit Labor Actions Against Public Employee

SB 109 would have established that strikes or work stoppages by public employees are not allowed and in the event of one a public employer could file for an injunction and those participating in the strike or work stoppage may be found in contempt of court. The bill was postponed indefinitely last week in the Senate State Affairs Committee.

Position: Pending
Sponsors: Sen. Gardner, Rep. Pico
Status: Postponed Indefinitely

SB22-120, Regulation of Kratom Processors

SB 120 would establish regulatory oversight for the processing and sale of kratom – an herbal extract from Southeast Asia that is used for pain relief and treating opioid addiction. The drug, which has no medically-approved uses, has come under increased scrutiny by the U.S. Food and Drug Administration. SB 120 would require kratom processors to register with the Department of Revenue, establish minimum requirements for kratom products and prohibit sales of kratom to anyone under 18 years of age. An amendment is expected that would allow local governments to enact additional restrictions. The bill is scheduled to be heard March 3 in the Senate Finance Committee.

Position: Pending
Sponsors: Sens. Coram & Ginal, Rep. Sullivan



115 Years

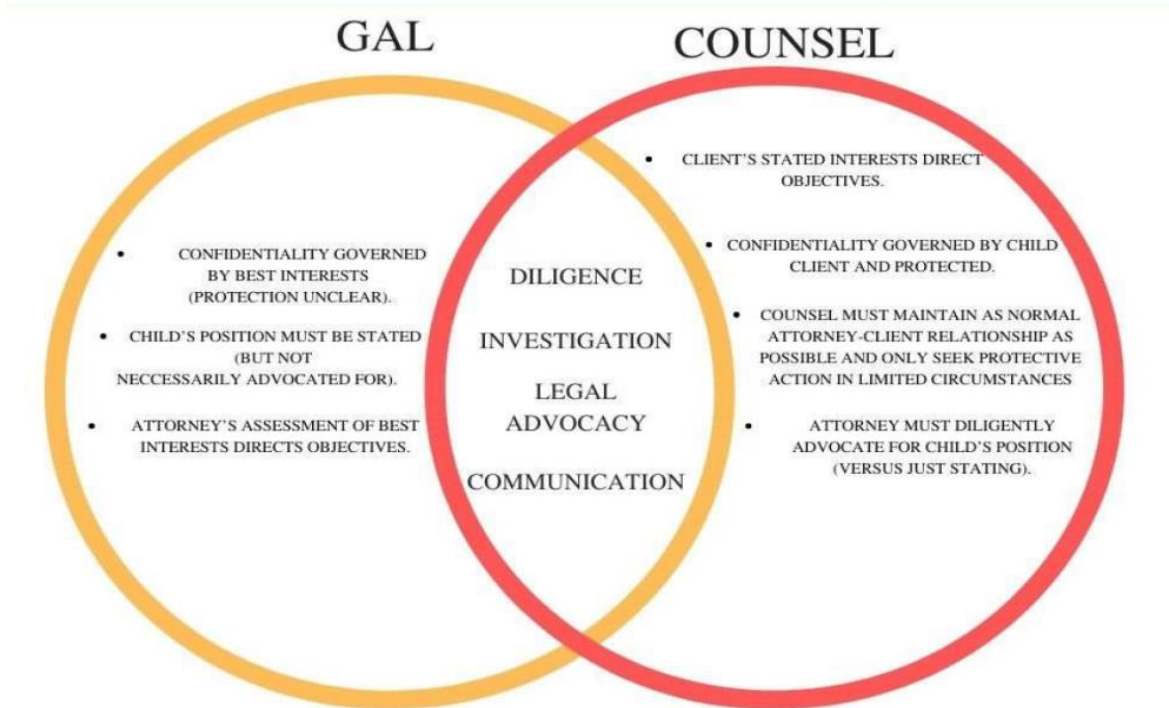
Health & Human Services

Chair: Commissioner Janet Rowland, Mesa County
 Vice Chair: Commissioner Wendy Buxton-Andrade, Prowers County
 CCI Staff: Gini Pingentot / Kyley 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 passed unanimously out of House Judiciary on February 16th.

Position: Monitor
 Sponsors: Reps. Daugherty & Van Beber, 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: Amend

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.

This bill passed unanimously out of House Public & Behavioral Health & Human Services Committee. During committee amendment L.001 was adopted which was an amendment requested by counties that focuses on building out the continuum for placement options for youth who screen out of detention

Position: Amend

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.

This bill will be heard in Public & Behavioral Health & Human Services Committee on Tuesday, February 22nd at 1:30 pm.

Position: Support

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.

This bill was heard in House Judiciary committee on Wednesday, February 16th, the bill was laid over for action.

Position: Oppose

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

Staff: Kyley Burress

HB22-1160, Establishing Family Justice Centers

This bill allows a city, a county, or a community based nonprofit organization to build their own family justice centers. Family just centers are to be created to serve victims of domestic violence, sexual assault, elder or child abuse, and human trafficking victims. Currently there are two FJC's in the state, Porchlight in Jefferson and Rose Center in Denver.

Position: Pending

Sponsor: Rep. Tipper

Staff: Kyley Burress

HB22-1214, Behavioral Health Crisis Response System

HB 1214 requires all crisis response facilities to provide BOTH substance use treatment and mental health treatment. Currently, mental health centers run crisis services in Colorado. Many provide mental health services but not substance use treatment. This can be a challenge for Coloradoans with suicidal tendencies and a meth addiction, for example. These individuals are typically turned away and redirected to the nearest hospital. HB 1214 also requires crisis facilities to provide services to youth of any age.

Current contract requirements for walk-in centers and mobile crisis programs require these facilities to provide both substance use treatment and mental health treatment services. HB 1214 set clear regulatory standards for these facilities to help ensure enforcement.

HB 1214 will be heard in the Public & Behavioral Health & Human Services Committee on Tuesday, March 8th.

Position: Pending

Sponsors: Reps. Young & Pelton, Sen. Kolker

Staff: Gini Pingnot

HB22-1224, Public Benefits Theft

This bill creates specific elements for public benefits theft in the theft statute. The bill requires that prosecutors prove that an application misrepresented information on their application. The problem at hand is that some families that receive public benefits are getting caught up in the legal system if they're found of putting false or misleading information on their application. Often, families don't realize they've made a mistake before it's too late and their public benefits have been taken away. With this bill, protections and a clearer process will be put in place to check information with families before getting them involved in the legal system.

Position: Pending

Sponsors: Rep. Tipper & Soper, Sen. Gonzales

Staff: Kiley Burress

HB22-1231, Foster Parent Bill of Rights

This bill creates a set of standards and rights for a parent who is involved in the foster care system. This bill creates some of the following rights:

1. A foster parent can receive training and support from the state department of human services or county department of human services. This training is to provide foster parents with the skills needed in providing daily care.
2. The foster parent is to be informed on how to reach the county departments during afterhours.
3. A foster parent is to be notified when a foster child they previously cared for reenters the foster care system.

The goal of the bill is to provide a more structured process for the treatment of foster parents.

Position: Pending

Sponsors: Rep. Van Beber, Sen. Coram

Staff: Kiley Burress

HB22-1240, Mandatory Reporters

HB1240 is being brought forward by the Child Protection Ombudsman (CPO) to first update mandatory reporting requirements and procedures and second to create a task force related to mandatory reporting. County peace officers, probation officers, and departments of health and human service employees are all mandatory reporters; county caseworkers also intake and investigate these reports.

Updated mandatory reporting requirements include: adding unlawful sexual behavior as a reason to report; requiring reports to be made within twenty-four hours; clarifying the individual who observes the subjected child shall report (as opposed to employers filing reports on their behalf); allowing reporters to ask clarifying questions; protecting reporters confidentiality; and requiring employers to provide reporter employees with an explanation of their requirements and information on free training.

The bill also creates a Mandatory Reporter Task Force to study and make recommendations to create a more equitable mandatory reporting system, such as training to address and decrease the disproportionate impact of families of color and under-resourced communities; standardized training materials; and

information on the reporters' obligations and protections. The task force will include two county human service department representatives, one rural and one urban and a county attorney representative.

HB1240 has been scheduled to the House Judiciary committee, but its hearing has not yet been scheduled.

Position: Pending

Sponsors: Rep. Froelich & Young, Sen. Fields

Staff: Katie First

SB22-102, Transparency Out-of-home Placements Developmental Disabilities

This bill requires the Department of Human Services develop additional rules for children and youth with intellectual and developmental disabilities who are in out-of-home placement. Specifically, these rules are to be created for anyone being removed from the program before meeting the discharge criteria.

Position: Pending

Sponsors: Sen. Kirkmeyer, Rep. Young

Staff: Kiley Burress

SB22-106, Conflict of Interest in Public Behavioral Health

SB 106 requires all Regional Accountable Entities (RAE), Managed Services Organizations (MSO) and Administrative Service Organizations (ASO) that have over 25% provider ownership to comply with certain conflict of interest policies in order to promote transparency and accountability by October 1, 2022. Those are:

- 1.) Providers that have ownership or board membership in a RAE, MSO, ASO shall not have control, influence or decision-making authority in the establishment of provider networks;
- 2.) More oversight by the state to monitor network adequacy, network denials and funding allocation to ensure providers that have ownership or board membership are not inappropriately given preference in funding decisions;
- 3.) Prohibition of an employee of a contracted provider of a RAE, MSO or ASO serving as an employee of a RAE, MSO or ASO;
- 4.) Requirement that no more than 50% of a RAE, MSO, ASO's board members can consist of providers.

SB 106 will be heard in the Senate Health and Human Services Committee on Wednesday, February 23rd.

Position: Pending

Sponsor: Sens. Kolker & Sonnenberg, Reps. Michaelson Jenet & Rich

Staff: Gini Pingnot



Justice & Public Safety

Chair: Commissioner Tamara Pogue, Summit County
Vice Chair: Commissioner Longinos Gonzalez, El Paso 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.

During committee an amendment was added to the bill to include medical health professionals and attorneys and advocates with the Office of Child Representative.

This bill passed that House this week and will be heard in Senate Health & Human Services in the coming weeks.

Position: Support (CCI Legislative Priority)
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 sheriff's, 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 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.

Bill was amended in committee to change the bill to a report. The commission under DPS is required to write a report on the state of jails in Colorado. This report is to be submitted to the legislature and then it's up to the legislature to run a bill.

Position: Amend

Sponsors: Reps. 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 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.

Position: Support

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



Land Use & Natural Resources

Chair: Commissioner Mike Freeman, 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 (CSFS) available to local governments, tribal agencies or nonprofit organizations for outreach projects to inform landowners in high wildfire hazard areas of wildfire mitigation resources and best practices. Grant applications that CSFS evaluates as having a larger potential impact are prioritized.

Beginning in 2030, 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* available beginning in 2023 to landowners with a federal taxable income at or below \$120,000 to reimburse 25% of mitigation costs, up to \$625 in any taxable year. Wildfire mitigation measures include creating defensible space, establishing fuel breaks, thinning woody vegetation, prescribed burns, chipping, etc.

HB 1007 passed the House Energy & Environment Committee unanimously on Thursday, February 17th. The bill now heads to the House Finance Committee, but is not yet calendared.

Position: Support

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

HB22-1011, Wildfire Mitigation Incentives for Local Governments

HB 1011 is being brought forward by Healthy Air and Water Colorado (HAWC) and establishes a new grant program administered by the Colorado State Forest Service to provide state match dollars to local revenue sources dedicated to wildfire mitigation projects (fuel breaks, forest thinning, fire fuel removal, landowner outreach and education, etc.). A local government can apply for and receive a grant before having a dedicated revenue stream if local voters approve a ballot issue creating the revenue source in the same year the grant is awarded.

CCI has worked with HAWC and bill sponsors to expand the grant program to local governments that may not have a dedicated revenue source but that demonstrate long-term commitment to wildfire mitigation measures in other ways, knowing that many counties have tried to pass ballot measures for mitigation funding without success. An amendment was adopted to specify that local governments without dedicated revenue can qualify for grants by demonstrating an existing local program, project, or other funding mechanism (such as recurring general fund contributions) dedicated to wildfire mitigation. The amendment also defines "dedicated revenue source" as (1) a tax, (2) a mill levy, and/or (3) voter approval of local government retention of excess revenue on a permanent basis for forest management or wildfire mitigation efforts.

HB 1011 passed the House Energy & Environment Committee on a 9-3 vote, and now heads to the House Appropriations Committee but has not yet been calendared.

Position: Support

Sponsors: Reps. Cutter & Snyder, Sens. Story & 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. Grants are awarded by the CSFS in consultation with the Division of Fire Prevention and Control (DFPC) and the Colorado Forest Health Council.

In administering the grant program, the bill states that CSFS must ensure that projects 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. CCI pursued an amendment to seek clarity on the carbon reduction provisions to ensure grants are available to counties that may not have access to preferred biomass disposal methods.

A strike below amendment was adopted to fold this grant concept into the existing Forest Restoration Wildfire Risk Mitigation (FRWRM) Grant Program currently administered by CSFS. The amendment expands FRWRM to include projects that help communities with forested areas prevent and recover from wildfires by removing dead trees, other potential fuels, and wildfire or insect infestation debris. It also allows for grants to be used to reduce post-fire erosion through seeding and aerial mulching.

HB 1012 passed the House Energy & Environment Committee on a 11-1 vote, and now heads to the House Appropriations Committee but has not yet been calendared.

Position: Amend

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

HB22-1104, Powerline Trails

HB 1104 seeks to promote the development of recreational trails in electric transmission corridors (powerline trails) throughout the state by requiring transmission providers to notify public entities (the state and local governments) of the opportunity to build a trail when expanding or constructing a transmission line. Notices must include informational resources on powerline trails (outlining design options, safety requirements, and examples of existing powerline trails in the state). The construction of any powerline trail is voluntary for counties – the bill does not require any county to build, allow or consider a powerline trail.

The bill authorizes transmission providers to enter into contract with public entities (the state, local governments, and special districts) and private landowners for the construction of powerline trails.

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.

CCI opposes HB 1104, with primary concerns including (1) ambiguity on ownership and operation of powerline trails, (2) concern with allowable contractual provisions, (3) trail safety and access concerns, (4) concern with allowance for transmission providers to raise rates. An amendment was adopted to (1) strike the possible contractual provisions, (2) specify that transmission operators are not required to allow a trail or other facility in their rights-of-way, (3) specify that landowners with property adjacent to or inclusive of a transmission line right-of-way are not required to allow access to any portion of their property, including the transmission right-of-way, (4) strike the allowance for transmission providers to increase their rates.

HB 1104 passed the House Transportation & Local Government Committee on an 8-5 vote, and will be heard on second reading in the House on Tuesday, February 22nd.

Position: Oppose

Sponsors: Rep. Boesenecker, Sen. Priola

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 bill gives fire departments the authority to determine whether personnel must supervise the controlled burn, and describes weather conditions during which controlled burns are prohibited.

The bill lays out 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: Monitor

Sponsors: Rep. Holtorf, Sen. Liston

HB22-1151, Turf Replacement Program

HB 1151 establishes a turf replacement program to incentivize water-wise landscaping designed for water conservation, efficient irrigation, and soil health. The bill requires the Colorado Water Conservation Board (CWCB) to develop a state program by 2023 to finance the voluntary removal and replacement of irrigated turf with water-wise landscaping on residential, commercial, institutional, or industrial properties.

The bill allows local governments, districts, tribes and nonprofit organizations to apply to the CWCB for matching funds (up to 50% of the direct and indirect costs) to support and expand existing local turf replacement programs. Matching funds must be used to increase the financial incentives offered per

property, or to expand annual total acreage of turf replaced under the program. Where local programs do not exist, the CWCB will contract with third parties to administer a statewide program.

HB 1151 is scheduled for a hearing in the House Agriculture, Livestock and Water Committee on Monday, February 28th.

Position: Pending

Sponsors: Reps. Catlin & Roberts, Sens. Bridges & Simpson

HB22-1242, Regulate Tiny Home Manufacture Sale and Install

HB 1242 is being initiated by Larimer County and seeks to create a legal pathway for permanent occupancy of tiny homes by establishing a state regulatory regime in a manner that upholds structural, fire, electrical, and gas safety. The bill creates a class for tiny homes to be regulated in a similar way as factory-built structures and manufactured homes. It defines tiny homes for permanent residential use, and adds tiny homes to the scope of authority of the Division of Housing and State Housing Board.

The bill adds two tiny home industry representative to the advisory committee that assists the State Housing Board in promulgating standards for tiny home manufacture and connection to utilities. The bill specifies that the Board can adopt a national or international standard once one is created and can modify that standard as needed. The Board is directed to regulate the foundation for manufactured homes and factory-built structures where no construction standards exist.

The bill allows local governments to require inspection of a tiny home installed prior to a state standard, and allows local governments or the state electrical or plumbing inspector (where there is no such local inspection) to approve the connection to electrical and plumbing. The bill makes clear that local governments have the authority to approve connections of tiny homes that comply with the bill's provisions.

The bill declares the sale or installation of a tiny home out of compliance with the bill a deceptive trade practices, subject to damages in a lawsuit, a class 1 misdemeanor, and civil penalties up to \$50,000 per violation.

Finally, the bill also folds tiny homes into the mobile home park regulatory regime related to notice requirements, lease termination limits and requirements, security deposit regulations, entry fee prohibitions, antitrust prohibitions, selling fee prohibitions, kickback prohibitions, retaliation prohibitions, regulation of how and if park rules are established, a right of first refusal when the owner wants to sell the mobile home park, a peaceful enjoyment right, and remedy provisions. Tiny homes are added to the current sales and use tax exemption that applies to manufactured homes.

HB 1242 is scheduled for a hearing in the House Transportation & Local Government Committee on Tuesday, March 1st.

Position: Pending

Sponsors: Reps. Kipp & Exum, Sens. Ginal & Hisey

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 and Control (DFPC).

The bill currently 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

The Joint Budget Committee (JBC) passed [HB22-1194](#) which appropriates \$5 million to the Local Firefighter Safety and Disease Prevention Fund to directly pay for or reimburse local and volunteer fire department training and equipment costs without requiring a grant application, so this component of SB 2 is expected to be altered or removed.

CCI supports SB 2, and has confirmed that an amendment will strike the inclusion of the county-funded Emergency Fire Fund as a reimbursement source.

The bill is scheduled for a hearing in the Senate Local Government Committee on Tuesday, February 22nd.

Position: Support

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

SB22-015, Douglas County on Urban Drainage Flood Control District

SB 15 adds a Douglas County municipal representative to the Mile High Flood Control District that oversees flood mitigation projects throughout the district. This district was created in 1969 in response to the 1965 flood in the Denver metro area. Currently, other counties in the district including Adams, Arapahoe, Boulder, and Jefferson all have municipal representation, but when the district was formed, Douglas County's population did not meet the threshold for a municipal representative.

As supported by the District's Board, SB 15 adjusts the District Board membership to reflect the population of Douglas County as it exists today as well as the revenues it contributes to the District.

SB 15 passed the Senate unanimously and is scheduled for a hearing in the House Transportation & Local Government Committee on Tuesday, February 22nd.

Position: Support

Sponsors: Sen. Holbert, Rep. Titone

SB22-110, Equip Wind Turbine Aircraft Detection Lighting System

SB 110 requires owners and operators of wind-powered energy generation facilities to install aircraft detection lighting systems on their facilities before September 2024. Detection systems must meet Federal Aviation Administration (FAA) standards, and be sensor-based to only deploy a warning light when an approaching aircraft is detected. The owner or operator of the facility is responsible for the cost of installing, operating, or maintaining the system.

The bill gives local governments enforcement authority by allowing counties to revoke or deny land-use permit applications and renewals if an owner or operator fails to comply with the bill. The bill authorizes local governments to impose civil penalties for non-compliance.

SB 110 has been assigned to the Senate State, Veterans & Military Affairs Committee, but has not yet been calendared.

Position: Pending

Sponsors: Sen. Sonnenberg, Rep. Pelton

SB22-114, Fire Suppression Ponds Water Rights

SB 114 is a CCI-priority bill that establishes a process for Boards of County Commissioners to apply to the State Engineer for the designation and preservation of fire suppression ponds. Fire suppression ponds must be in existence as of 1975, and additional criteria will be developed through rule to consider the maximum size of ponds, allowable refill mechanisms, as well as location, accessibility, and infrastructure requirements.

The bill authorizes a Board of County Commissioners to apply for the designation of a fire suppression pond with the following steps:

1. Consult with local fire district
2. Provide notice through the Substitute Water Supply Plan list, and a 35-day comment period
3. Conduct a local needs assessment that identifies critical and functional fire suppression ponds (based on criteria to be established through rule)
4. Acquire landowner approval if the pond is located on private property; and
5. Submit the assessment and proposed pond designations to the State Engineer's Office for review and approval

Approved fire suppression pond designations are exempt from the administration of water rights and as such, are not subject to drainage orders by the State Engineer. Approved ponds carry an active designation for 20 years, require an annual inspection by the county and fire district, and can receive a renewed designation after the 20-year period if the county completes an updated needs assessment.

SB 114 was heard by the Senate Agriculture & Natural Resources Committee and was laid over to finalize amendment language. All testimony was in support of the bill.

[CCI has prepared a fact sheet on this bill available here.](#)

Position: Support (CCI Priority Bill)

Sponsors: Sens. Hisey & Story, Reps. Catlin & Roberts

SB22-138, Reduce Greenhouse Gas Emissions In Colorado

SB 138 is an expansive greenhouse gas (GHG) emissions reduction measure.

1. The bill updates the statewide GHG emission reduction goals to add a 40% reduction for 2028, and a 75% reduction goal for 2040 compared to 2005 GHG pollution levels.
2. It phases out the use of gas-powered engines of 50 horsepower or less (like lawn mowers and leaf blowers) by prohibiting their sale in nonattainment areas of the state after 2030. The bill provides financial incentives to promote the replacement of small, off-road, gas-powered equipment with electric-powered equipment, and establishes a state income tax credit equal to 30% of the purchase price for new, electric-powered, small off-road equipment for purchases made in 2023 through 2029.
3. The bill gives the Colorado Oil & Gas Conservation Commission (COGCC) authority over class VI injection wells used for sequestration of GHG, including through the issuance and enforcement of permits.
4. It requires the Commissioner of Agriculture, in consultation with the Colorado Energy Office and Air Quality Control Commission, to conduct a study on carbon reduction and sequestration opportunities in Colorado's agricultural sector, including the potential development of certified carbon offset programs or credit instruments. The Commissioner is required to submit a study report with any legislative recommendations by December 2022.
5. To support the use of agrivoltaics (solar panels collocated on agricultural land), the bill authorizes the Colorado Agriculture Value-Added Development Board to provide grants or loans for agricultural research on agrivoltaics. For awarded research projects, the Director of the Division of Parks and Wildlife is required to provide consultation on agrivoltaic impacts to wildlife. The bill also updates the statutory definition of agrivoltaics to include additional agricultural land uses where solar panels can be collocated, including land used for animal husbandry, cover cropping for soil health, and carbon sequestration.
6. The bill amends the definition of solar energy facility to include agrivoltaics in determining the valuation of public utilities for property tax purposes.

7. Finally, the bill defines a climate-risk assessment as a determination of the economic and business risks that climate change poses to an investment. It requires insurance companies to prepare and file an annual report with the insurance commissioner providing a climate-risk assessment for the insurance company's investment portfolio from the previous 12 months, and requires the Board of Trustees of the Public Employees' Retirement Association (PERA Board) to prepare a similar annual report to be posted on their website.

SB 138 has been assigned to the Senate Transportation & Energy Committee, but has not yet been calendared.

Position: Pending

Sponsors: Sen. Hansen, Rep. Valdez, A.



115 Years

Taxation & Finance

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

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 was approved by the House Public & Behavioral Health & Human Services Committee on an 11 to 1 vote. It now awaits a hearing in the House Appropriations Committee due to the fact that it has a roughly \$1 million state general fund impact. Expect HB 1006 to be in a holding pattern for up to two months while the state's budget for next year is developed.

Position: Support

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

HB22-1051, Modification 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 Finance Committee on Monday, February 28.

Position: Support

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: Oppose

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.

[Click here for a factsheet.](#)

In partnership with tourism advocates, CCI agreed to amendments on HB 1117 that specifically lists housing and childcare needs as allowable investments of lodging tax dollars. The amendment also states that new or revisited lodging excise taxes must have at least 10% of the revenue directed to marketing and advertising efforts.

HB 1117 has passed the house and is waiting to be heard in the Senate Finance Committee.

Position: Support

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

HB22-1223, Mobile Home Property Tax Sale Notice and Exemption

HB 1223 creates a property tax exemption for mobile homes that have an assessed value of \$2,000 or less. The bill also eliminates the requirement for a county treasurer to publish a notice in a newspaper of a sale of a mobile home due to property taxes owed if the county treasurer publishes the notice on the treasurer's website and a distraint warrant has been delivered to the mobile home owner.

HB 1223 will be heard in the Transportation and Local Government Committee on Tuesday, March 1.

Position: Pending

Sponsors: Reps. Kipp & Rich, Sens. Coram & Ginal

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.

The bill was amended in the Senate Transportation and Energy Committee to remove the property tax implications of the bill. The bill was further amended to include a 10 year income tax credit that amounts to 10% of the cost of an air-source and ground-source heat pump storage system.

SB 51 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 will be heard in the Senate Finance Committee on Wednesday, March 2nd.

Position: No position

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 are making a right-turn. The legislation is sometimes known as “The Idaho Stop” as Idaho was the first state to pass legislation granting cyclists this operating flexibility. Commissioners have concerns about the safety of this permissive authority and feel it might be overreach of local government authority by the General Assembly. The bill is also opposed by the Colorado Municipal League and both CDOT and State Patrol have voiced concerns. The bill passed the House Local Government and Transportation Committee last week on a 9-4 vote.

Position: Oppose

Sponsors: Reps. Gray & Hooton, Sens. Winter & Priola

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 over-snow use during winter months. The bill was amended on the House floor to provide more flexibility in local decision making on these roads. As amended the bill has passed the House and should be introduced in the Senate this week.

This legislation is a CCI Priority for 2022. [CCI has prepared a fact sheet on the bill, available here.](#)

Position: Support (CCI Legislative Priority)

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. Commissioners are concerned that all or most of the grant funds will end up being awarded to the Front Range and are

seeking an amendment to guarantee a carveout for rural communities. The bill is still awaiting a hearing in the Senate Local Government Committee.

Position: Amending

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

SB22-083, Broadband Provider's Use of CDOT Right-of-Way

SB 83 is an attempt to address continued frustrations with utilizing CDOT rights-of-way to expand broadband service around Colorado. The bill would prohibit CDOT from charging unreasonable fees to broadband providers seeking to utilize state rights-of-way. The bill was set to be heard last week in the Senate State Affairs Committee but was pulled off the calendar in light of an executive order issued by Governor Polis that directs CDOT to develop a uniform fee structure for non-governmental applicants seeking to utilize CDOT rights-of-way. The executive order basically removes the need for the legislation, and the bill is expected to be postponed indefinitely by the sponsor.

Position: Support

Sponsors: Sen. Coram. Rep. Catlin

SB22-123, Temporarily Exempting FASTER Fees

SB 123 would exempt citizens from having to pay the various late fees, fines and surcharges for late titling of vehicles and trailers between 2021 and 2023. The bill directs the Department of Revenue to reimburse citizens who paid these fines between 2021 and 2022. Finally, the bill requires the state to backfill the Highway Users Tax Fund (HUTF) for lost revenue from these FASTER fines and surcharges – essentially holding local governments and CDOT harmless. The bill will be heard on Tuesday, Feb. 22, in Senate State Affairs.

Position: Pending

Sponsors: Sens. Lundeen & Woodward