



Legislative Report 2021 Session | 3/1/2021

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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

HB21-1045, Invasive Pest Control Administration

HB21-1045 is a bill from the Colorado Department of Agriculture (CDA) that seeks to update the Pest Control Act to better align with model legislation by the National Plant Board. The bill establishes a new cash fund for emergency pest control measures, funded by a portion of the unused funds from CDA's Plant Industry Division. The bill also authorizes the Department to recover costs from local governments, citizens, and businesses for services provided under the Act, contingent upon a local government voluntarily signing into agreement with CDA.

HB 1045 allows CDA to implement a federally recognized state-managed pest control program, which would justify federal inspectors at ports of entry to support the state's efforts in excluding pests under the federally-recognized state program designation.

The Colorado Weed Management Association (CWMA) was seeking amendments on the bill to ensure the language would not interfere with the Noxious Weed Act, which includes clarifying the definitions of commonly used terms (such as "weeds" vs. "noxious weeds," "plant product," "plant part," etc.).

HB21-1045 passed the House Agriculture, Livestock & Water Committee on February 22nd on a 7-4 vote. Committee members strongly encouraged bill sponsors to work collaboratively with CWMA, and at this point there is no known opposition to the bill. HB 1045 has been laid over on second reading to accommodate CWMA's modifications, and is now calendared for second reading in the House on Monday, March 1st.

Position: Support w/ Amendments
Sponsor: Rep. Young & Valdez. A., Sen. Fields



General Government

Chair: Commissioner Hilary Cooper, San Miguel County

Vice Chair: Commissioner Scott James, Weld County

CCI Staff: Eric Bergman

HB21-1011, Multilingual Ballot Access for Voters

Currently under federal law, counties with 10,000 or more voting age citizens (or 5 percent of their total population) who do not speak English very well are required to prepare an in-person minority language ballot and make it available to those voters. There are currently four counties in Colorado that meet this federal standard: Conejos, Costilla, Denver, and Saguache. HB 1011 would move this threshold down such that counties that have at least 2,000 citizens (or 2.5 percent of the total population) who speak a minority language would be required to prepare an in-person minority language ballot that would be available upon request at voting service centers. The bill does not provide any state financial assistance to counties to achieve this requirement. The bill would also require the Secretary of State (SOS) to 1) set-up a multilingual ballot hotline to help electors translate ballot language and 2) translate all state races and state ballot questions for the county clerks.

According to the County Clerks Association, the new threshold in the bill would place this unfunded mandate on approximately 20 counties. The affected counties include Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Pueblo, Weld, Alamosa, Bent, Crowley, Eagle, Fremont, Garfield, Lincoln, Montrose, Morgan, Phillips and Rio Grande. The fiscal note on the bill estimates that annual compliance with the mandates in the bill will cost \$46,000 for a small sized county, \$61,000 for a medium sized county and \$360,000 for a large county. While CCI supports ensuring access to the ballot for all citizens, the unfunded mandates in the bill are problematic. The bill will be heard in the House State Affairs Committee on March 11 upon adjournment.

Position: Oppose Unless Amended

Sponsors: Rep. Caravao, Sens. Gonzales and Moreno

HB21-1025, Non-substantive Emails and Open Meetings Law

HB 1025 would exempt e-mails between county commissioners that concern scheduling and availability, forward information or concern responding to constituents from the requirements of Colorado's Open Meetings Law. The bill passed the House State Affairs Committee last week on a 9-2 vote and will be heard on second reading this week in the House.

Position: Support

Sponsors: Rep. Arndt, Sen. Ginal



HB21-1047, County Commissioner District Gerrymandering

HB 1047 would take the political gerrymandering protections established in the state constitution by Amendments Y and Z and attempt to apply them to county commissioner districts in those counties where at least one commissioner is not elected by the voters of the whole county. The bill would only be applicable to counties with populations greater than 70,000 that elect to move to a five-member commission or ones that have a home rule charter. Currently, there are three counties that would be subject to this legislation: Arapahoe, El Paso and Weld.

The bill requires multiple hearings around the county during the development of the commissioner districts, the creation and maintenance of a website where citizens can electronically submit alternative district maps and comments and participate remotely on hearings. Once drawn, the commissioner districts must also face review by a judicial panel. The fiscal note on the bill estimates it would cost counties up to \$135,000 each to comply. The affected counties are working with the bill sponsor on possible amendments to the bill. HB 1047 is scheduled to be heard in the House State Affairs Committee on March 4 upon adjournment.

Position: Oppose Unless Amended
Sponsors: Rep. Kennedy

HB21-1100, Electronic Filing of Documents with Governmental Entities

HB 1100 would require all governmental entities (including counties) to establish by 2022 an electronic filing option for each document capable of electronic delivery. The bill hopes to build on social distancing policies already enacted due to the COVID pandemic. This filing option can include the scanning and transmitting of a document by e-mail. The governmental entity must also protect personal identifying information in any submitted electronic filing. While CCI supports the intent of the bill and greater efficiency in the provision of county services, there is a great deal of uncertainty about the ability to accept electronic signatures, whether some smaller counties would have the ability to accept extremely large files (such as land use plats) electronically and whether encryption software would be required to protect the transmission of sensitive personal data (such as social security numbers). CCI has approached the sponsor about potentially turning the bill into a study so that county IT staff may work with the state and the sponsors over the summer on these and other highlighted issues. The bill has been assigned to the House Finance Committee but has not been calendared yet.

Position: Oppose Unless Amended
Sponsors: Rep. Soper, Sen. Bridges



HB21-1110, Colorado Laws for Persons with Disabilities

HB 1110 attempts to codify federal discrimination protections for persons with disabilities in Colorado state statute. The bill specifically requires that county websites comply with the most recent web content accessibility guidelines promulgated by international web accessibility initiatives. CCI supports the intent of the bill and has asked the sponsor for an amendment to delay implementation of these requirements to give smaller counties time to research and budget for any necessary website upgrades or software purchases. The bill has been assigned to the House Judiciary Committee but has not been calendared yet.

Position: Monitor if Amended

Sponsors: Rep. Ortiz

SB21-070, County Authority to Register Businesses

SB 70 would authorize counties to institute a registration program for all businesses in the unincorporated area of the county. As amended in the Senate, the bill limits the use of any data collected on businesses and there is no penalty or fine for failure to register with the county. The bill passed the Senate last week and has now been assigned to the House Transportation and Local Government Committee where it is awaiting a hearing.

Position: Support

Sponsors: Sen. Moreno, Rep. Bird



Health & Human Services

Chair: Commissioner Wendy Buxton-Andrade, Prowers County

Vice Chair: Commissioner Sue Hansen, Montrose County

CCI Staff: Gini Pingenet / Kiley Burress

HB21-1018, Adoptive Parents Payments to Outside Providers

HB 1018 allows foster parents to pay for services from providers that do not accept Medicaid. There are instances when a foster parent can financially pay out of pocket for services that a foster child/youth might need. An example might be sexual abuse treatment and/or a super specialized service that is not covered by Medicaid.

In preliminary conversations with the bill's sponsor, both the Colorado Department of Human Services and counties asked for clarification that if adoptive parents did pay for these sorts of services out-of-pocket, that they could not later be presented as a reason for increasing payments through an adoption agreement negotiation. Without this clarification, human service experts are concerned that adoptive parents will basically be allowed to 'shop out of Medicaid'. CCI understands the Rep. Bennett agrees with this clarification and the amendment CCI is seeking.

HB 1018 will be heard in the House Health & Insurance Committee on Tuesday, March 2nd.

Position: Support with Amendments

Sponsors: Rep. Bennett & Van Beber, Sen. Jaquez Lewis

Staff: Gini Pingenet

HB21-1030 Expanding Peace Officers Mental Health Grant Program

With the support of 22 representatives and 11 senators, HB 1030 builds upon an existing \$2.0 million grant program administered by the Colorado Department of Local Affairs. The Peace Officers Mental Health Support And Community Partnerships Grant program was first formed in 2017 to provide direct services to peace officers (i.e. mental health counseling, training to prevent and treat mental trauma, etc.) and support what is commonly referred to as 'co-responder' programs. HB 1030 continues the original purpose of the grant program while also 1.) expanding the type of law enforcement agencies that can apply for the grant dollars; 2.) modifying the grant program's name and 3.) removing the repeal date. In addition – but separately from this bill, CCI also understand that legislators will attempt to secure additional state general funds for this grant program through the budget process.

Counties are strong supporters of the co-responder model. These programs typically, but not always, pair peace officers with a behavioral health provider to respond to calls for services. Roughly 30 communities around the state have these programs and have found them to be successful at de-



escalating calls that come in through the 911 system and keeping those with behavioral health and/or substance use issues out of the criminal justice system. A recent study by the Colorado Health Institute provides a nice overview of these programs, their effectiveness and areas for continual growth and improvement – [read here](#).

Working in close partnership with the Fraternal Order of Police, HB 1030 is one of CCI's eight legislative priorities. The bill will be heard on Monday, March 2 in the House Public & Behavioral Health and Human Services Committee. CCI will be represented by San Miguel County Commissioner Hilary Cooper and Summit County Commissioner Tamara Pogue both of who will be testifying in support of HB21-1030.

Position: Support

Sponsors: Rep. McCluskie & McKean, Sen. Buckner & Cooke

Staff: Gini Pingnot

HB21-1072 Equal Access Service for Out of Home Placements

HB 1072 aims to ensure that all children and youth in out of home placements (think foster homes, congregate care settings, etc.) are accommodated for their identity and that providers do not discriminate.

While the overarching goal and intent will be echoed by counties, the specifics need some fine tuning. Specifically, the bill states that counties cannot delay or deny placement of a child or youth for adoption. County human service experts have flagged that there could be instances when a placement with an eligible family is not in the best interest of the child. As written, the language suggests that if there is an open placement, counties must place the child, regardless of whether or not it is a good fit for the child.

Additionally, the bill states that people who wish to be adoptive or foster parents cannot be denied the opportunity to do so. Again, there are instances – such as an individual with a disability that makes them incapable of safely parenting a specific child and/or individuals who may follow a religion that includes practices that are considered to be abusive in mainstream culture that would need to be handled on a case-by-case basis.

County Human Service experts have met with One Colorado, the bill proponent, and have shared these concerns with them. Additionally, CCI staff has visited with Rep. Froelich who is open to fine tuning the language so that it achieves the intent of protecting children and youth from discrimination while ensuring the child's safety.

HB21-1072 will be heard in the House Public & Behavioral Health & Human Services Committee on Tuesday, March 9th.



Position: Support with Amendments
Sponsors: Rep. Froelich, Sen. Fields & Jaquez Lewis
Staff: Gini Pingnot

HB21-1085 Secure Transportation Behavioral Health Crisis

HB 1085 creates a new type of secure transportation option, different than traditional ambulance services, for individuals experiencing a behavioral health crisis. This is an optional, new business opportunity for ambulance agencies, law enforcement and emergency service providers. The licensing and permitting authority for this new service will reside with the board of county commissioners. Commissioners can establish a fee to reflect the direct and indirect costs incurred by the county in licensing such service. Entities that wish to provide this service must meet – or exceed - the equipment and training and operating procedures established by the State Board of Health.

CCI proudly supported last year's bill (HB20-1284) that would have accomplished the same thing. Last year's bill was postponed indefinitely due to COVID-19. HB21-1085 will be heard in the House Public & Behavioral Health & Human Services Committee on Friday, March 12th.

Position: Support
Sponsors: Reps. McCluskie & Larson, Sens. Bridges & Smallwood
Lobbyist: Gini Pingnot

HB21-1096 Foster Parents Bill of Rights

HB 1096 creates certain rights for foster parents. Rep. Van Beber, a former foster parent herself, is seeking to ensure that foster parents have the information and supports they need to meet the needs of children in their care.

State statute already provides specific information foster parents are allowed to have such as a foster child's educational records, relevant information in the family services plan to meet the safety and well-being needs of the foster child, circumstances related to the removal of the child, etc. (CRS 19-1-303 (11)(a)). This information may be shared only if it is directly relevant to meeting the foster child's physical, mental, emotional, behavioral, and other identified trauma needs.

Additionally, foster parents are notified of permanency planning hearings and are allowed to share information with the court and weigh in on the permanency plan. CCI is working closely with Rep. Van Beber to amend her bill in a manner that reflects current foster parent rights.

Position: Monitor with Amendments
Sponsors: Reps. Van Beber
Lobbyist: Gini Pingnot



HB21-1099 Policies and Procedures to Identify Domestic Abuse

HB 1099, a CCI initiated bill, adds the exposure to ‘domestic abuse’ to the definition of child abuse and neglect.

‘Domestic abuse’ is defined in the civil code (CRS 13-14-101) and speaks to the violence, stalking, harassment or coercion that may exist between adults. Over the years, the child welfare fatality review team (CFRT) have observed an increasing number of egregious, near fatal and fatal cases in which domestic abuse is present and the corresponding emotional and psychological impact this adult behavior has on children. Out of the 232 Incidents reviewed by CFRT in CYs 2014-2019, domestic abuse was a stressor identified 94 times (232/94: 40.5%).

Currently, child welfare caseworkers classify these situations under the catchall of ‘injurious environment’. In the absence of a specific definition for domestic abuse in the children’s code, mandatory reporters and case workers lack clear and intentional direction to watch for the effects of this adult behavior on a child’s wellbeing.

Defining this term in the children’s code establishes clarity for child welfare practice, training, and assessment protocol.

CCI continues to work with stakeholders to fine-tune the bill’s language. We are striving to protect the safety of vulnerable children while ensuring that we are not creating a situation whereby the perpetrator of domestic abuse has another tool to use against their victim.

Position: CCI Bill - Support

Sponsors: Rep. Michaelson Jenet & Ransom, Sen. Zenzinger & Smallwood

Staff: Gini Pingnot

HB21-1115 Board of Health Member Requirements

HB 1115 prohibits county commissioners from serving on a county/district board of health. The bill also specifies that board of health members may only be removed for malfeasance, willful neglect of duty or for any cause that renders a member incapable of serving.

Commissioners have expressed the following concerns with HB 1115:

- Public Health Touches on All Aspects of the County. From land use planning to operating jails and providing public benefits, public health considerations is THE common thread that runs throughout county services. Disconnecting county commissioners from the public health considerations they must bring to every aspect of their job will create a silo effect that works against critical public health outcomes for communities.



- Balancing a broad spectrum of community impacts. Commissioners are well-suited for the challenge of listening to and balancing disparate viewpoints in their communities. The pandemic obviously has public health impacts but is also taking a toll on the economic livelihood of Coloradoans in disproportionate ways. Commissioners – through their positions – have been able to convene the community to help identify solutions & innovative approaches.
- Direct connection to supports. Having commissioners serve as the BOH creates a direct feedback loop between public health and county leaders. This creates efficiency and elevates the financial and workforce needs of public health.
- Local flexibility. Current statute already allows counties – of all sizes - to appoint a BOH consisting of community members, a BOH consisting of community members & commissioners, etc.
- Accountability. Commissioners are elected officials working for their communities. Having the BOH consist of elected county commissioners gives the public a vehicle to express (and act on) their discontent with decisions that are made.
- Lack of Volunteers. Small/Medium sized counties struggle to find willing volunteers. Navigating the complexities of the pandemic and the ‘big picture’ understanding and strategy that is required when it comes to the county’s budget, public interaction, direction to departments and the economy is a task few volunteers are willing to assume.

Position: Oppose

Sponsors: Rep. Kipp & Mullica, Sen. Ginal & Priola

Staff: Gini Pingnot

HB21-1097 Establish Behavioral Health Administration

HB 1097 addresses multiple recommendations from the Colorado Behavioral Health Task Force. Specifically, the bill requires the Colorado Department of Human Services to develop a plan for the creation of the Behavioral Health Administration (BHA) and to establish the BHA with specified duties by July 1, 2022.

CDHS is already working closely with Health Management Associates (HMA) to develop the plan that is called for in HB21-1097. HMA will be visiting with CCI on Thursday, March 4th from 3:00-4:00pm to hear concerns or unintended consequences that should be considered as the state develops the BHA (for zoom details, e-mail kfirst@ccionline.org).

HB 1097 will be heard in the House Public & Behavioral Health & Human Services Committee on Tuesday, March 9th.

Position: Support

Sponsors: Rep. Young & Pelton, Sen. Fields

Staff: Gini Pingnot



SB 21-071 Limit the Detention of Juveniles

This bill's main objective is to cap the number of juvenile detention beds being used in the State from 327 to 188. The reasoning behind the 188 cap is that is the number juvenile detention centers are currently sitting at. Division of Youth Services (DYS) will be tasked with capping beds by January 2022. The bill prohibits the use of money and property on a bond for charged juveniles.

Position: Oppose unless amended
Sponsors: Sen. Buckner
Lobbyist: Kiley Burress

SB21-117 Foster Care Student Services Coordination

This bill updates the foster care transportation law from 2018, which came from CDHS after a study showed that once a foster kid changes school district three or more times, only a small percentage graduate, while the majority drop out. A vast majority of this population moves between adjacent counties, for example Jefferson and Denver, so keeping them in the same school when placements switch is vital to their ongoing success.

In meetings with fostering Colorado, counties, and human service directors, there were complaints from counties over uniform billing practices and school districts covering multiple counties and how to allocate money to foster kids in our public-school systems. There is a fix in this bill from CDHS to more smoothly allocate the federal funds for this purpose.

This bill may sound familiar, because it was a bill we supported last year, but it didn't make it to the finish line because of COVID.

Position: Pending
Sponsors: Sen Moreno, Rep Michaelson Jenet
Lobbyist: Kiley Burress

HB21-1101 Preserving Family Relationships in Child Placement

With respect to a hearing in dependency and neglect cases, this bill gives authority to courts that may find good causes for granting a delay or continuance if there is evidence that in-person visitation or services were significantly delayed or interrupted by a public health emergency. Additionally, the bill would require child welfare provide additional reports to the court and would create a stricter timeline by the court around visitation. Counties have concern around the visitation piece. Counties would like to see a taskforce established to look at parenting time in dependency and neglect cases.

Position: Oppose unless amended



Sponsors: Sen. Buckner
Lobbyist: Kyley Burress

HB21-1107 Protections for Public Health Department workers

This bill is a continuum of pieces of legislation that passed the last two years to increase protections for social workers and human service workers, HB19-1197 and HB20-1052. Under current law it is unlawful for personal information of human service workers, caseworkers, and law enforcement personnel to be made available on the internet. HB21-1107 extends these protections to public health workers. Examples of personal information include phone number, home address, name of children and/ or spouse etc.

This legislation is necessary because with COVID putting public health directors in the spotlight, employees are concerned about their personal information being available on the internet and clients using that information for malicious purpose.

This will be heard in House Judiciary on Tuesday, March 3rd at 1:30 pm.

Position: Support
Sponsors: Rep Caraveo and Carver, Sen. Bridges and Lundeen
Lobbyist: Kyley Burress

HB21-1084 Drivers' License for Foster Children

HB 1084 will assist individuals in the foster care system acquire a driver's license. This bill also creates a grant program in the Department of Human Services to reimburse counties for the costs paid to a public or private driving school for foster children between the ages of 15-20.

This bill may sound familiar because it was around last session, HB20-1071, but because of COVID it did not make it across the finish line.

This will be heard in House Transportation and Local Government Committee on Tuesday, March 3rd at 1:30 pm.

Position: Support
Sponsors: Rep Exum and Van Winkle, Sen. Hisey
Lobbyist: Kyley Burress



Land Use & Natural Resources

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

HB21-1008, Forest Health Project Financing

HB21-1008 is a proposal developed by the Southwest Colorado Wildfire Impact Fund that adds an additional option for financing forest health projects and wildfire mitigation treatments. The bill enables any combination of local governments, contingent upon voter approval, to establish a special improvement district with the power to assess property taxes to conduct forest health projects. A forest health project includes “any undertaking that improves the health of a forest”.

The bill also extends the Colorado water resources power and development authority’s power to issue bonds to fund watershed protection and forest health projects through July 2033.

HB21-1008 passed the House Agriculture, Livestock & Water Committee unanimously on February 22nd. It was amended to clarify authorities of special districts, and to allow the use of the county local improvement district statutes as an alternate process to implement the special assessments authorized in the bill, instead of the municipal special improvement district process. It is scheduled for a hearing in the House Finance Committee on Thursday, March 4th.

CCI voted to support HB 1008 recognizing the need for additional tools to fund forest health and wildfire mitigation projects. While existing law allows local governments to assess and collect sales tax for similar purposes, assessing property taxes may be more appropriate in some communities, and CCI strongly supports giving counties the option to choose what works best for them locally.

Position: Support

Sponsor: Rep. Arndt & Catlin, Sen. Cooke & Hansen

HB21-1019, Modification to Regulations Of Factory-built Structures

HB21-1019 is a Colorado Department of Local Affairs (DOLA) bill that seeks to make it easier and more affordable to deploy modular homes, a type of affordable housing, in our state. The bill clarifies the jurisdictional authority of the Division of Housing in the Department of Local Affairs (DOLA) to regulate the manufacture and installation of factory-built structures. A local government may not duplicate efforts to review or approve a factory-built structure that is under review or approved by the division, nor may it charge separate building permit fees for plan reviews or inspections performed by the division. A local government may be authorized by the division to perform this work and collect fees.



The bill also allows a local government to require onsite mitigation addressing public safety requirements that comply with the federal manufactured home construction and safety standard.

HB21-1019 is assigned to the House Transportation & Local Government Committee, but has not yet been scheduled for a hearing.

Position: Monitor
Sponsor: Rep. Hooton

HB21-1042, Water Storage Tanks Grant Program

HB21-1042 creates the Water Storage Tank Wildfire Mitigation Grant Program within the Colorado State Forest Service to make grants available to local governments, tribal agencies, and non-profits for the purchase of water storage tanks for wildfire fighting efforts. The grant program is funded by a cash fund created in the bill, to which the General Assembly is required to annually transfer \$5 million general fund through fiscal year 2024-25.

CCI took a “Monitor & Seek Amendments” position on HB 1042 to ensure that the approval of a grant to purchase a water storage tank is conditional on having sufficient water rights to supply the tank, or to see if the purchase of water storage tanks can be looped into existing grant programs geared towards fire mitigation.

HB21-1042 is scheduled for a hearing in the House Agriculture, Livestock & Water Committee today, March 1st.

Position: Monitor & Seek Amendments
Sponsor: Rep. Hanks

HB21-1117, Local Government Authority Promote Affordable Housing Units

HB21-1117 is a bill from the Colorado Municipal League that seeks to clarify local governments’ ability to enact land use regulations that promote the development of new affordable housing units. This is the return of HB20-1351 that was postponed indefinitely due to COVID-19 last session. HB 1117 clarifies that local governments have the authority to enact inclusionary zoning, and in doing so, specifies that the provisions of the state's rent control statute do not apply to any land use regulation that restricts rent on newly constructed or redeveloped housing units as long as the regulation provides options or alternatives to the property owner or land developer.

HB 1117 is assigned to the House Transportation & Local Government Committee, but has not yet been scheduled for a hearing.

Position: Support



Sponsor: Rep. Lontine & Gonzales-Gutierrez, Sen. Gonzales & Rodriguez

SB21-054, Transfers For Wildfire Mitigation And Response

SB21-054 transfers funds to be used to address wildland fires. The bill transfers \$6 million general fund to the Forest Restoration and Wildfire Risk Mitigation Grant Program, which is available to local governments. It transfers \$3 million general fund to the Wildfire Preparedness Fund for the Department of Public Safety to (1) use as the state match for federal hazard mitigation assistance grants to local governments used to mitigate fire hazards, and (2) to provide local governments eligible to receive a federal grant with strategic planning assistance for wildland fire hazard mitigation. Finally, the bill transfers \$4 million general fund to the Colorado Water Conservation Board Construction Fund for the Watershed Restoration Program to support post-fire recovery and mitigation efforts.

SB 054 passed the Senate Appropriations Committee unanimously on February 23rd, was assigned to the Consent Calendar, then passed third reading in the Senate unanimously on February 26th. It is scheduled for a hearing by the House Appropriations Committee on Tuesday, March 2nd.

Position: Support

Sponsor: Sen. Hansen & Rankin, Rep. McCluskie

SB21-072, Public Utilities Commission Modernize Electric Transmission Infrastructure

SB21-072 seeks to expand electric transmission facilities in the state by creating the Colorado Electric Transmission Authority (CETA). CETA is granted various powers in the bill, including the power to exercise eminent domain, and to establish intra- and interstate electric transmission corridors. CETA is governed by a board of directors, and is authorized to select a transmission operator that finances, operates and maintains transmission and related facilities. The bill requires transmission utilities to join a regional transmission organization by 2030, and streamlines the Public Utilities Commission's (PUC) approval process for new transmission facilities.

CCI took a "Monitor & Seek Amendments" position on SB 72 to clarify that CETA would not be property-tax exempt, would be accountable to the Public Utilities Commission (PUC), would not have permitting or siting authority, and would need to coordinate with local planning efforts in the establishment of regional corridors. In addition, CCI is working to ensure protection of county conservation easements & open space in any case where CETA utilizes its condemnation authority. Finally, we are exploring the intersections the bill may have with access to broadband.

SB 72 is scheduled for a hearing by the Senate Transportation & Energy Committee on Tuesday, March 9th. In the meantime, CCI will be convening a work session with interested county officials to develop the proposals described.



Position: Monitor & Seek Amendments
Sponsor: Sen. Hansen, Rep. Valdez, A.

SB21-113, Firefight Aircraft Wildfire Management and Response

The bill transfers \$30.8 million from federal stimulus funds flowing through the General Fund to the Colorado Firefighting Air Corps Fund in the Colorado Department of Public Safety (DPS) for the purchase and operation of a Firehawk helicopter, and for the lease and operation of another helicopter or other appropriate aviation resource equipped for wildfire mitigation.

SB 113 passed the Senate Appropriations Committee unanimously on February 23rd and was assigned to the Consent Calendar. The bill was amended to expand the uses of the Wildfire Emergency Preparedness Fund (WERF) to authorize DPS to use these funds to provide wildfire suppression assistance to county sheriffs, municipal fire departments, or fire protection districts at no cost to these entities. This aligns with the annual guidelines in the DPS Wildfire Preparedness Plan, and bolsters initial response capabilities to maximize the use of the Firehawk. The bill passed the Senate unanimously on February 26th, and is scheduled for a hearing by the House Appropriations Committee on Tuesday, March 2nd.

CCI voted to Support SB 113 with clarifications on the adopted amendment, to ensure that existing uses of WERF won't be diminished.

Position: Support w/ Clarifications
Sponsor: Sen. Fenberg & Rankin, Rep. McCluskie & Lynch

SB21-114, Minimum Setback New Schools From Existing Oil & Gas

SB 114 requires that proposed public school building sites be set back from existing oil and gas facilities by the setback distance required by the local government having land use jurisdiction over the site for locating new oil and gas facilities from public school properties. In the case where there is no local government setback requirements, the setback distance is set by the Colorado Oil & Gas Conservation Commission.

SB 114 has been assigned to the Senate Transportation & Energy Committee, but has not yet been calendared for a hearing.

Position: Pending
Sponsor: Sen. Kirkmeyer



Taxation & Finance

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

HB21-1023 Energy Facility Real Property Classification

HB 1023 allows the county assessor to change the classification of real property where a solar garden (over 2 MWs) or wind farm exists. For the most part, these renewable energy installations operate on land that is classified as 'agricultural'. As such, it is valued using a 'productive capacity' consideration which usually results in a low valuation. The 29% assessment rate is then applied.

Under HB 1023, a county assessor can classify the real property as something other than 'agricultural'. It could be classified as 'industrial' or 'vacant' land. In both cases, the 29% assessment rate would still be applied but the starting value would be a market value which is generally higher resulting in increased property taxes.

Position: Support
Sponsors: Rep. Will, Sen. Coram

HB21-1061 Residential Land Property Tax Classification

HB 1061 is the culmination of a long-standing legal debate around the application of the term 'residential land'. For many years, hundreds of land owners have argued that their vacant parcels that might be near – or touching – the parcel with their home on it should receive the 7.15% residential assessment rate rather than the 29% assessment rate. The debate has centered around these currently undefined terms in state statute: 1.) contiguous and 2.) residential improvement.

HB 1061 defines these terms and clarifies that only parcels that meet all three of the following criteria can be considered residential and assessed at the 7.15%: 1.) identical ownership based on the record title; 2.) physically touching except that contiguity is not interrupted by an intervening local street, alley, or common element in a common-interest community and 3.) consists of a related improvement like a driveway or a parking space.

Position: Monitor with Amendments
Sponsors: Rep. Gray, Sen. Hansen



SB21-020 Energy Equipment and Facility Property Tax Valuations

SB 20 does primarily two things: 1.) values battery storage using a ‘cost approach’ and 2.) extends the existing 20-year valuation tax factor for solar gardens of 2 MW or less to 30-years and applies the income approach to valuing these renewable energy installations.

According to the fiscal note, changing the valuation methodology for community solar gardens to the income approach will result in reduced local property tax revenue of \$3.1m in tax year 2022 and \$3.5 million in tax year 2023. As it relates to battery storage and the reduced rate at which it is assessed, the fiscal note reads: “the bill will reduce the amount of property taxes collected by local government by an indeterminate amount”.

SB 20 will be heard on second reading in the senate on Monday, March 1st.

Position: Monitor

Sponsors: Sen. Hansen & Hisey, Rep. A. Valdez & Soper



Tourism, Resorts & Economic Development

Chair: Commissioner Richard Cimino, Grand County
Vice Chair: Commissioner Elisabeth Lawrence, Summit County
CCI Staff: Daphne Gervais

HB21-1009, Update Division of Housing Function & Local Development

HB21-1009 is a bill from the Department of Local Affairs that seeks to update the statutory functions of the Division of Housing to promote the state's goals related to local development, affordable housing, and energy performance. Currently, the statutory functions of the Division include conducting research on new approaches to housing; the bill expands the Division's functions to include both researching and incentivizing (1) transit-oriented development, (2) increased housing density near employment, education, and town centers, and (3) advanced energy performance standards that minimize total building operational costs. The bill also expands the Division's functions to include collaboration with other state agencies to develop these incentives and to dispose of state-owned assets to be used for low- and moderate-income housing.

HB21-1009 is scheduled for a hearing by the House Transportation & Local Government Committee on Tuesday, March 2nd.

Position: Monitor
Sponsor: Rep. Bennett, Sen. Bridges & Coram

HB21-1028, Annual Public Report Affordable Housing

HB21-1028 is being brought forward by Habitat for Humanity Colorado and the Colorado Realtors Association, and it creates an annual public reporting requirement for the State Division of Housing within the Department of Local Affairs. The report would look at how state and federal housing funds are distributed across the state, by including information on the types of projects being funded (home ownership, permanent supportive housing, homelessness assistance, rental housing assistance, housing rehabilitation, preservation, etc.), the purpose of awards (constructing new housing stock, rehabilitating existing stock, down payment assistance, etc.), the number of housing units built, preserved, or rehabilitated, the location or projects, and the source of funding.

The bill is scheduled for a hearing by the House Transportation & Local Government Committee on Wednesday, March 10th.

Position: Support
Sponsor: Rep. Bird & Rich, Sen. Story & Woodward



Transportation & Telecommunications

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

HB21-1056, CDOT Cost Thresholds for Public Project Bidding Requirements

HB 1056 would raise the statutory cap for CDOT highway maintenance from the current \$150,000 up to \$500,000. The bill is an efficiency measure that should allow CDOT to more expeditiously make highway maintenance repairs – especially on the state’s rural highways – without having to go out to bid so frequently. The bill is assigned to the House Transportation and Local Government Committee but has not been calendared yet.

Position: Support
Sponsors: Rep. Pelton, Sen. Hansen

HB21-1095, Exempt County Road Maintenance from 811 Locate Requirement

HB 1095 would allow county road and bridge departments to conduct basic maintenance on unpaved county roads without having to call Colorado 811 for utility locates, provided that the maintenance activity does not lower the grade of the road or disturb more than six inches of soil.

The bill is a CCI legislative priority and reflects a compromise that was reached between CCI, Colorado 811, the Colorado Contractors Association, Xcel Energy and the Colorado Association of Road Supervisors and Engineers (CARSE) in 2019. Twenty-nine other states have a similar exemption for road maintenance. The bill is scheduled to be heard in the House Transportation and Local Government Committee on March 10. CCI has prepared a fact sheet on HB 1095 and it can be found [by clicking here](#).

Position: Support (CCI Legislative Priority)
Sponsors: Reps. Baisley and Kipp, Sens. Ginal and Woodward

HB21-1109, Broadband Board Changes to Expand Broadband Service

HB 1109 makes a number of changes to the Broadband Deployment Board and to the processes for granting funds to improve broadband service around the state. The bill reduces the number of members on the board from 16 down to 11 - but mandates that two of the members must be county commissioners (one from the Eastern Plains and one from the West Slope). Up to 75 percent of the program funds are to be prioritized to the most critically underserved areas of the state, which are



defined as areas not currently receiving service at speeds of 10 megabits down and 1 megabit up. The bill also provides for better mapping and speed testing in order to determine where these critically underserved areas are.

The bill was heard in the House Transportation and Local Government Committee last week and passed on a 9-2 vote. The bill was amended in committee to lower the dedicated program revenue for critically unserved areas from 75 percent down to 60 percent. CCI subsequently voted to support the legislation and seek an additional amendment lowering that dedicated percentage down to 50 percent. The bill now heads to the House Finance Committee.

Position: Support and Seek Amendment
Sponsors: Reps. Titone and Soper

SB21-060, Expand Broadband Service

SB 60 is another piece of legislation that makes changes to the Broadband Deployment Board and some of the grant program processes. Like HB 1109, it reduces the number of members on the Board – in this case from 16 members down to nine. Three of the nine members must be representatives of local government. The bill would direct 50% of the program funding to areas that are critically underserved and also directs a portion of the program funding to households that qualify for free school lunches to aid in providing Internet service to school-aged children. Finally, the bill requires better coordination between the Middle-Mile Grant Program in the Department of Local Affairs and the Broadband Deployment Program. The bill is awaiting a hearing date in the Senate Business, Labor and Technology Committee.

Position: Support
Sponsors: Sen. Donovan, Rep. Roberts

SB21-084, County Authority on Roughed-In Roads

SB 84 clarifies that counties have the authority to prohibit motor vehicles from travelling on roughed-in roads. The bill defines “roughed-in roads” as areas of ground that have been cut with the intention of making a roadway but have not been improved enough to qualify as a roadway. The bill will be heard on March 9 in the Senate Local Government Committee.

Position: Support
Sponsors: Sen. Smallwood, Rep. Gray