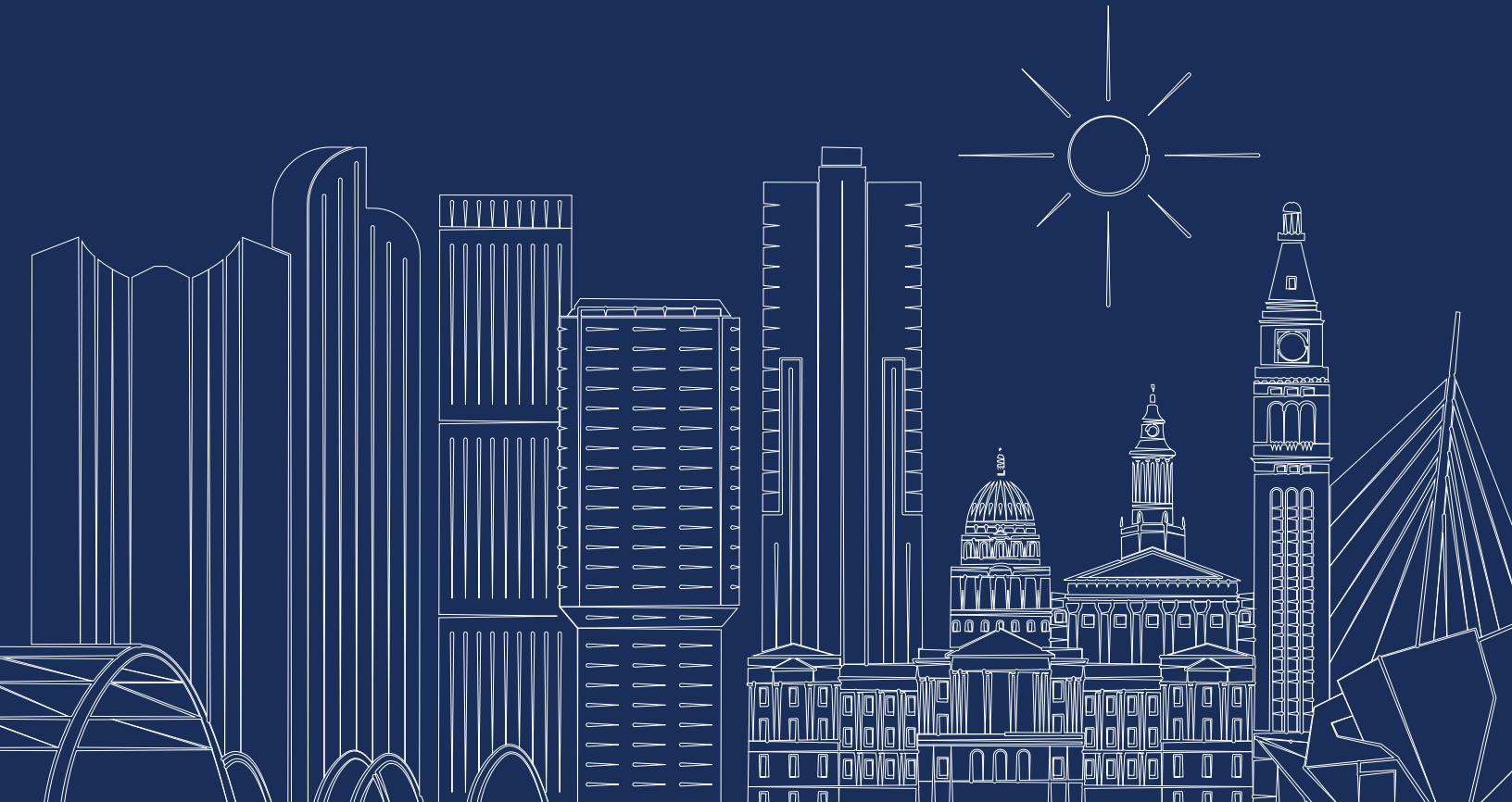




COLORADO
MUNICIPAL
LEAGUE

2021 COLORADO LAWS ENACTED

Affecting Municipal Governments



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CML is continuing its commitment to its members by providing the information they need as inexpensively and easily as possible.

FOREWORD



On June 8, 2021, nearly one month after the session would have typically ended, the General Assembly adjourned sine die. The 2021 session concluded with over \$2 billion spent in stimulus funding. The programs provide funding for many municipal needs including, but not limited to, housing, broadband, wildfire, and water.

During the 2021 Legislative Session, the CML Advocacy Team followed nearly 300 bills. CML supported 51 pieces of legislation with a 98% passage rate. Additionally, CML opposed 27 pieces of legislation, 85% of which were either defeated or amended to remove CML's opposition.

Each year, CML analyzes the laws passed by the General Assembly that affect cities and towns. Colorado Laws Enacted Affecting Municipal Governments focuses on selected acts that have a particular significance for municipal operations, services, and powers — it is not a comprehensive listing of all new legislation enacted into law affecting municipal government. For information or assistance on any legislative questions, contact CML at 303-831-6411 or 866-578-0936.

CML is continuing its commitment to its members by providing the information they need as inexpensively and easily as possible. 2021 Colorado Laws Enacted Affecting Municipalities will be available to all for free — along with several past years' editions — online at cml.org.

Kevin Bommer
CML executive director
July 2021

CML ADVOCACY TEAM



Legislative advocacy manager:
MEGHAN DOLLAR

Meghan is responsible for managing CML's advocacy team and coordinates the CML Policy Committee. Her issues include affordable housing; criminal justice and courts; immigration; employment and labor; retirement/pensions; and taxation and fiscal policy. She assists in training and answering inquiries for other municipal officials on various topics. Meghan joined the League in 2011.



Legislative & policy advocate:
BEAUCLARINE THOMAS

Beauclarine is responsible for advocating municipal interests before the state legislature. Her issues include beer and liquor/marijuana; building codes; healthcare; hemp; land use and annexation; historic preservation; lottery and gaming; state budget/JBC; and substance abuse. She assists in training and answering inquiries for other municipal officials on various topics. Beauclarine joined CML in September 2020.



Legislative & policy advocate:
MEGHAN MACKILLOP

Meghan is responsible for advocating municipal interests before the state legislature. Her issues include transportation; economic development; sustainability; immigration; telecom and broadband; public safety; and utilities. She assists in training and answering inquiries for other municipal officials on various topics. Meghan joined the League in January 2021.



Legislative & policy advocate:
HEATHER STAUFFER

Heather is responsible for advocating municipal interests before the state legislature. Her issues include natural resources and environment; elections; governmental immunity; oil and gas; open meetings/open records; special districts; severance tax/FML/energy impact; and water and wastewater/water quality. She assists in training and answering inquiries for other municipal officials on various topics. Heather joined CML in July 2019.

Affordable HOUSING

HB21-1009

Update Division of Housing Functions and Local Development

leg.colorado.gov/bills/hb21-1009

The act makes changes to the responsibilities of the Division of Housing (DOH) in the Department of Local Affairs (DOLA). These changes include altering the divisions research topics to include transit-oriented development, and advance energy performance standards. The act also repeals certain requirements on homeowners that apply for permits. The act also directs DOH to collaborate with other agencies that promote housing related incentives as well as exploring state owned assets for affordable housing. **Effective: September 7, 2021.** Lobbyist: Meghan Dollar.

HB21-1019

Modification to Regulations of Factory Built Structures

leg.colorado.gov/bills/hb21-1019

The act clarifies the jurisdictional authority of the Division of Housing (DOH) 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 act amends and narrows the existing statutory authority for local governments to regulate factory built structures in regard to “unique public safety requirements” such as snow load and wind shear. The act preserves the authority of local governments to require permits and impose fees related to “work done on-site” related to the installation of factory built structures.

Effective: September 7, 2021. Lobbyist: Meghan Dollar.

HB21-1028

Annual Public Report Affordable Housing

leg.colorado.gov/bills/hb21-1028

The act requires the Division of Housing (DOH) in the Department of Local Affairs (DOLA) to prepare an annual report for its SMART Act hearings beginning in 2021. The report must identify the sources and allocation of funding for the preservation or production of emergency or affordable housing during the prior fiscal year. The report must also include the total amount of funding received, the total amount of funding spent through grants or loans, the characteristics of each project receiving assistance, and a summary describing the sources and amounts of funding. DOH is required to post the annual report on its website. **Effective: September 7, 2021.** Lobbyist: Meghan Dollar.

HB21-1117

Local Government Authority to Promote Affordable Housing

leg.colorado.gov/bills/hb21-1117

The act clarifies that the state prohibition on local rent control laws is not applicable to local laws that restrict rents on newly constructed or redeveloped housing so long as the local regulation provides options to the property owner or land developer and creates alternatives to the construction of new affordable housing on the building site. In addition, the local government needs to adopt one or more policies that increase the supply and density of housing. **Effective: September 7, 2021.** Lobbyist: Meghan Dollar.

HB21-1271

Department of Local Affairs Innovative Housing Strategies

leg.colorado.gov/bills/hb21-1271

The act creates three different grant programs in the Department of Local Affairs (DOLA). The first program is called Local Government Affordable Housing Development Incentives Grant Program. The program allows a local government to apply for a grant if they adopt at least four policies included in the menu of options listed in the legislation including, but not limited to, lessening permitting or tap and providing density bonuses. Municipalities that have already adopted these types of policies are eligible for the grant program. The second grant program is the Local Government Planning Grant Program. This program will provide grants to local governments that lack one or more of the policy and regulatory tools that provide incentives to promote the development of affordable housing that forms the basis for a grant under the housing development incentives grant program and that could benefit from additional funding to be able to create and make use of these policy and regulatory tools. Money under the planning grant program will be available to a local government to enable the government to retain a consultant or a related professional service to assess the housing needs of its community or to make changes to its policies, programs, development review processes, land use codes, and related rules to become an eligible recipient of a grant under the housing development incentives grant program. Finally, the act creates The Affordable Housing Guided Toolkit and the Local Officials Guide Program. The purpose of the housing toolkit program is to provide local governments the tools to begin the process to identify their housing needs. **Effective: June 27, 2021.** Lobbyist: Meghan Dollar.

HB21-1329

American Rescue Plan Act Money Fund Affordable Housing

leg.colorado.gov/bills/hb21-1329

The act creates the Affordable Housing and Home Ownership Cash Fund to provide assistance to households or populations disproportionately impacted by the COVID-19 public health emergency and to support programs or services that address housing insecurity, lack of affordable housing, or homelessness.

The act transfers \$550 million from the American Rescue Plan Act Cash Fund to the newly created Affordable Housing and Home Ownership Cash Fund and appropriates \$98.5 million to the Division of Housing in the Department of Local Affairs to provide gap financing to assist persons disproportionately impacted by the COVID-19 public health emergency to obtain affordable housing. The division may use up to 3% of any money appropriated or transferred to it to cover its administrative costs. The act also appropriates \$1.5 million to the Judicial Department for the Eviction Legal Defense Fund Grant Program to provide legal representation to indigent tenants for an eviction or impending eviction related to the COVID-19 public health emergency. Funds not spent or encumbered by June 30, 2022, revert back to the Affordable Housing and Home Ownership Cash Fund. The Executive Committee of the Legislative Council must create, by resolution, a task force to meet during the 2021 interim to issue a report to the General Assembly and the Governor on policies to create transformative change in affordable housing. **Effective: June 25, 2021.** Lobbyist: Meghan Dollar.

SB21-242

Housing Development Grants Hotels Tenancy Support Program

leg.colorado.gov/bills/sb21-242

This act expands the use of the Housing Development Grant Fund in the Department of Local Affairs (DOLA). The funds may be used for tenancy support services, including those that target individuals experiencing homelessness, and for grants and loans to local governments and non-profits for the rental, acquisition, or renovation of underutilized hotels, motels, and properties to provide noncongregate sheltering or affordable housing. The act transfers \$15 million from the Affordable Housing and Home Ownership Cash Fund for the program.

Effective: June 25, 2021. Lobbyist: Meghan Dollar.

Animal CONTROL

HB21-1160

Care of Dogs and Cats in Pet Animal Facilities

leg.colorado.gov/bills/hb21-1160

The act establishes a minimum standard of care that each animal shelter and pet animal rescue for dogs and cats. Under the law, each animal shelter and pet animal rescue, including municipal shelters, must provide each dog and cat in its custody with timely veterinary care and address the behavioral needs of each dog and cat. Animal shelters and rescues are not able to import any dog or cat unless the animal has a certificate of veterinary health and proof of a rabies vaccination if the animal is over six months old. **Effective: September 7, 2021.** Lobbyist: Meghan MacKillop.

Beer and LIQUOR

HB21-1027

Continue Alcohol Beverage Takeout and Delivery

leg.colorado.gov/bills/hb21-1027

The act continues the sale of alcohol as part of takeout and delivery orders through July 1, 2025 and allows for communal outdoor dining areas. Local licensing authorities may choose to require a permit and create application fees for takeout and delivery of alcohol and communal dining areas. The local licensing authority may also approve the applicant's security and control plans related to communal dining. **Effective: June 22, 2021.** Lobbyist: Beauclarine Thomas.

HB21-1044

Winery License Include Noncontiguous Areas

leg.colorado.gov/bills/hb21-1044

The act allows the licensed location of winery or limited wineries to include up to two noncontiguous locations within a ten-mile radius. The Department of Revenue must approve an application for the use of a noncontiguous location if the federal Alcohol and Tobacco Tax and Trade Bureau approves the proposed premises. Wineries are required to submit proof of compliance with local zoning, building, fire, and occupancy, and other local codes for any new location. Only one of the noncontiguous locations may be used as a sales room. Any additional sales rooms on a noncontiguous location may be approved through the current sales room application process. In addition, any noncontiguous locations outside the boundaries of an entertainment district or common consumption area are excluded from the district or area. **Effective: September 7, 2021.** Lobbyist: Beauclarine Thomas.

SB21-082

Alcohol Beverage Festival for Tastings and Sales

leg.colorado.gov/bills/sb21-082

The act expands the wine festival permit by making it available to beer and spirits manufacturers and certain retail licensees. The act also allows local licensing authorities to create a local festival permit; however, neither a winery licensee nor a licensee that applies for a special event permit need to obtain a local festival permit. Local licensing authorities that choose to create a local festival permit may see increases in workload and revenue. Whether a local licensing authority chooses to create a permit or not, the authority may charge and impose appropriate penalties for any violations. **Effective: September 7, 2021.** Lobbyist: Beauclarine Thomas.

SB21-270

Increase Alcohol Beverages On-premises Production

leg.colorado.gov/bills/sb21-270

The act increases production limits to 875,000 liters for vintner's restaurants (currently 45,000 liters), and to 925,000 gallons for distillery pubs (currently 250,000 gallons). The act will impact the 11 vintner's restaurants, the 6 distillery pubs in Colorado, and any future business that obtain these licenses. **Effective: September 7, 2021.** Lobbyist: Beauclarine Thomas.

Behavioral HEALTH

HB21-1021

Peer Support Professionals Behavioral Health

leg.colorado.gov/bills/hb21-1021

The act requires the Department of Human Services (DHS) to develop procedures to reimburse recovery support services organizations that meet certain qualifications. The act also creates the Peer Support Workforce Cash Fund that contains revenue from fees paid by recovery support services organizations as well as from gifts, grants, and donations. Local behavioral health organizations may apply for funding through the Peer Support Workforce Cash Fund to expand their services.

Effective: September 7, 2021. Lobbyist: Beauclarine Thomas.

HB21-1097

Establish Behavioral Health Administration

leg.colorado.gov/bills/hb21-1097

The act requires the Department of Human Services (DHS) to develop a plan to establish the Behavioral Health Administration by July 1, 2022. This administration will be the single state agency responsible for state behavioral health programs. One of the core components of the Behavioral Health Administration will be examining potential opportunities for collaboration with local governments. Once the Behavioral Health Administration is established, local governments may be required to update procedures and policies to reflect the changes in administration at the state level. **Effective: April 22, 2021.** Lobbyist: Beauclarine Thomas.

HB21-1281

Community Behavioral Health Disaster Program

leg.colorado.gov/bills/hb21-1281

The act creates the Community Behavioral Health Disaster Preparedness and Response Program in the Colorado Department of Public Health and Environment (CDPHE). The program is intended to enhance, support, and formalize behavioral health disaster preparedness and response activities of community behavioral health organizations. **Effective: June 28, 2021.** Lobbyist: Beauclarine Thomas.

SB21-154

988 Suicide Prevention Lifeline Network

leg.colorado.gov/bills/sb21-154

The act creates the 988 Crisis Hotline Enterprise to fund the 988 Crisis Hotline which will provide intervention services and crisis care coordination for individuals calling 988. The act may reduce costs to local law enforcement and other first responder personnel if individuals call 988 instead of 911 for a mental health crisis. **Effective: September 7, 2021.** Lobbyist: Beauclarine Thomas.

SB21-239

2-1-1 Statewide Human Services Referral System

leg.colorado.gov/bills/sb21-239

The act requires the Colorado 2-1-1 to provide referrals to behavioral health services and find other public resources for unemployed individuals. The act also requires the state to partner with Colorado 2-1-1 to conduct targeted outreach for the hotline. This act may increase the utilization of local government behavioral health services. **Effective: June 18, 2021.** Lobbyist: Beauclarine Thomas.

Business LICENSING

SB21-070

County Authority to Register Businesses

leg.colorado.gov/bills/sb21-070

The act authorizes a board of county commissioners to require the registration of businesses in the unincorporated portions of the county. Municipalities already have the power to license businesses within their municipal boundaries. **Effective: September 7, 2021.** Lobbyist: Meghan Dollar.

Criminal JUSTICE

HB21-1030

Expanding Peace Officers Mental Health Grant Program

leg.colorado.gov/bills/hb21-1030

The act allows additional public safety agencies and behavioral health entities to apply to the newly renamed Peace Officers Mental Health Support and Community Partnerships Grant Program. This grant program will expand co-responder programs, community-focused responses, and counseling services for peace officers and their immediate family members.

The act appropriates an additional \$1.0 million to the grant program and encourages grant recipients to work with their regional community-based service providers. Local public safety agencies may apply for and receive grant funding to support on-scene responsive services. **Effective: September 7, 2021.**
Lobbyist: Beauclarine Thomas.

HB21-1064

Update Processes Juvenile Sex Offender Registry

leg.colorado.gov/bills/hb21-1064

The act makes several changes to the requirements for juveniles to register as a sex offender. First, it updates when a juvenile can be removed from the registry. The duty to register automatically terminates when the juvenile turns 25, or is seven years removed from having to register, and has not committed a new sex offense as an adult. If the individual attempts to or inquires about their duty to register, law enforcement must inform the individual that their duty has been terminated and must remove the person from their registry and notify the Colorado Bureau Investigation (CBI) to remove the person from Colorado's registry. Law enforcement or CBI may establish a fee to determine whether a person's duty to register has been terminated. The fee must reflect the direct costs for searching the registry and cannot exceed \$15. The fee may be waived for persons who are indigent. A person may also petition the court to be removed from the registry if they qualify for automatic removal but were not removed. The act also changes what information on juveniles can be released from the registry. First, the act restricts who can request information to law enforcement, probation officials, parole officials, governmental child welfare agencies, the Division of Youth Services, and victims. In addition to restrictions on who can request juvenile information, the act does not allow local law enforcement to release information about juvenile sex offenders and does not allow CBI to post information about juvenile sex offenders on their website. Contains numerous other provisions. **Effective: September 1, 2021.** Lobbyist: Meghan Dollar.

HB21-1122

First Responder Interactions Persons with Disabilities.

leg.colorado.gov/bills/hb21-1122

The act creates the Commission on Improving First Responder Interactions with Persons with Disabilities in the Attorney General's Office to review training for first responders to enhance interactions with people with disabilities. The Attorney General's Office must provide a staff member to coordinate and support the Commission. The Commission consists of twelve members appointed by the Attorney General which includes persons with a disability, advocates, and law enforcement. The Commission must perform a detailed study of existing training for peace officers on interactions with persons with disabilities, both in Colorado and in other states. By February 28, 2022, the Commission must recommend a curriculum to the POST Board.

The training curriculum must be implemented for basic training and the annual in-service training by July 1, 2022, subject to available appropriations. Once the curriculum is implemented, the Commission must examine any implementation challenges and the curriculum's effectiveness and present any suggestions to the POST Board. **Effective: June 30, 2021.** Lobbyist: Meghan Dollar.

HB21-1142

Eyewitness Identification Showup Regulations

leg.colorado.gov/bills/hb21-1142

The term "showup" refers to situations where law enforcement officials present a criminal suspect or arrestee individually to a witness for identification. Effective November 15, 2021, the act requires that law enforcement agencies ensure that their showup policies meet additional requirements, including a recommended set of policies developed by the Attorney General, the Colorado District Attorneys' Council, a representative of law enforcement, and a representative of the State Public Defender Office. Beginning January 1, 2022, the act requires law enforcement agencies using showups to collect and annually certain information on all showups. That information must include the date, the technique that was used, the gender and race of the suspect, the alleged crime, and the outcome. The act specifies that a peace officer may only use a showup in certain instances. The act directs a peace officer conducting a showup to communicate to the eyewitness certain information and instructions about the showup process, and the eyewitness must agree to comply with the instructions for the showup to proceed. The act also creates new criteria for showup compliance related transport, lighting, use of interpreters, and avoidance of suggestive elements and statements. The showup must also be video recorded. In a case in which a showup was conducted, the court shall hold a hearing to determine the admissibility of the identification upon motion of the defendant. If the prosecution establishes by a preponderance of the evidence that the showup complied with the conditions, the identification is admissible. Beginning January 1, 2023, the act requires law enforcement agencies to include showups in its contact reporting to the Division of Criminal Justice. **Effective: September 7, 2021.** Lobbyist: Meghan Dollar.

HB21-1215

Expansion Of Justice Crime Prevention Initiative

leg.colorado.gov/bills/hb21-1215

The act expands the Justice Reinvestment Crime Prevention Initiative in the Department of Local Affairs to Grand Junction and Trinidad and creates a statewide program to provide grants to establish business and entrepreneurship training programs for justice-system-involved persons beginning September 1, 2021. Previously, only Aurora and Colorado Springs were eligible for this program. **Effective: June 17, 2021.** Lobbyist: Beauclarine Thomas.

HB21-1250

Measures to Address Law Enforcement Accountability

leg.colorado.gov/bills/hb21-1250

The act makes adjustments to SB20-217, the legislation originally adopted in June of 2020 “concerning measures to enhance law enforcement integrity.”

Officer contacts. The act clarifies what “contact” does and does not mean, for purposes of provisions of the law that require local law enforcement agencies to collect information and annually report on certain contacts with the public to the Colorado Division of Criminal Justice for inclusion in a statewide database. The act also moves up the deadline for local law enforcement to begin reporting contacts to the state from July 1, 2023 to April 1, 2022. The term “legal basis” is defined as it pertains to making a contact.

Exoneration of officers. The act defines “exonerated” in the context of criminal, civil, and administrative proceedings, and internal investigations in order to clarify when a peace officer may or may not be sanctioned under the law.

Body-worn cameras and dash cameras. The act clarifies when body-worn cameras (BWCs) or dash cameras must be turned on and may be turned off and provisions related to the release of the footage. SB20-217 imposed a variety of requirements and restrictions on agencies already deploying BWCs, but these requirements were originally described as not being effective until July 1, 2023. The act advances the effective date in two ways. Now requirements related to disclosure of BWC video and prohibitions against tampering with BWCs are effective immediately. Other BWC operational requirements in the law will be effective July 1, 2022. For local law enforcement agencies that have not yet implemented BWC, the deadline for doing so remains July 1, 2023. The General Assembly appropriated \$2 million in FY 2021-22 from the General Fund to the Body-worn Camera Fund to make grants to local law enforcement agencies.

Failure to intervene; whistle-blower protection. SB20-217 required the Peace Officer Standards and Training (POST) Board to permanently decertify a peace officer if the officer failed to intervene, and where serious bodily injury or death occurred. The act prohibits peace officer employers from retaliating against a peace officer for disclosure of information that shows a danger to public health or safety, or a violation of law or policy committed by another peace officer. Agencies employing peace officers must provide a training, a workplace posting, or both on this requirement by January 1, 2022. Violators of this policy must be disciplined by their employer.

Civil Liability. The act includes the Colorado State Patrol in the civil liability provisions of SB20-217, which originally applied only to local law enforcement officers. SB20-217 broadly imposed a duty on the employer of a law enforcement officer to indemnify the officer for all civil claims against the officer arising under the law, but contained an exception for criminal acts committed by the officer. The act now requires the employer to indemnify the officer even for claims and damages arising from criminal acts of the officer if the employer was a “causal factor” in the actions

of the officer. SB20-217 potentially exposed individual officers to a maximum of \$25,000 personal liability in cases of “bad faith” as determined by their employer. The act now requires the employer to make a case-by-case determination of “bad faith” and prohibits blanket policies that always commit the employer to covering the officer’s \$25,000 exposure.

Multi-Agency review. As of September 1, 2020, the act applies multi-agency review protocols for peace officer-involved shooting investigations to any incident where a peace officer causes a death, regardless of whether a “shooting” was involved.

Pattern or practice investigations. The act permits the Attorney General to issue subpoenas to conduct an investigation into patterns or practices of conduct by a government authority or its agent that deprives individuals of their rights.

Background checks; POST database. Prior to hiring a new employee, appointing a new employee, or transferring an existing employee to a position requiring POST certification, a law enforcement agency shall determine if the person has a record contained in the POST misconduct database. If the person is listed in the database and the law enforcement agency proceeds to employ the person in a position requiring POST certification, the agency shall notify the POST Board of the hire, appointment, or transfer. The act clarifies that local law enforcement officers have the duty to report the use of excessive force. The act clarifies and adds information required to be included in the POST Board database related to peace officer misconduct. By January 1, 2022, the POST Board is required to adopt procedures to allow a peace officer to seek review of their status based on new evidence or circumstances not previously provided to show the peace officer’s record may be removed from the database.

Encryption. The act requires municipal police departments and county sheriff’s offices that encrypts all of its radio communications to create a policy, with input from members of the media based in Colorado, that includes a process for developing an agreement governing access to radio communications through commercially available radio receivers or scanners to the media.

Records requests. The act potentially expands public access to internal investigation records upon completion of the investigation by no longer requiring the requestor to name a “specific, identifiable” incident of alleged misconduct when making a records request.

No-knock warrants. Finally, the act creates a no-knock warrant study group, and funds and creates an independent study regarding best practices in police reform.

Effective: July 6, 2021. Lobbyist: Meghan Dollar.

HB21-1251

Appropriate Use of Chemical Restraints (Ketamine) on a Person

leg.colorado.gov/bills/hb21-1251

The act limits the use of ketamine.

Restriction on EMS providers. Absent a justifiable medical emergency, an emergency medical (EMS) provider must not administer ketamine in a pre-hospital setting to subdue, sedate, or chemically incapacitate an individual suspected of committing a crime. Second, the act also requires EMS providers who administer ketamine to provide urgent transportation for the individual receiving ketamine, and record any complaints arising from the administration of ketamine. Finally, if a peace officer is present at the scene of an emergency an EMS provider must only administer ketamine in certain circumstances. Those circumstances include having weighed the individual to ensure accurate dosage or estimates the individual's weight with the agreement of two other trained personnel, having attempted to obtain verbal authorization from the provider's medical director, training in the administration of ketamine, and training in advanced airway support techniques. There must also be equipment available to manage respiratory depression and immediately monitor vital signs. The medical director of an agency that has a waiver to administer ketamine must develop necessary training for EMS providers when administering ketamine in the presence of a peace officer. Failure to comply with the above requirements is considered misconduct for the EMS provider.

Restrictions on peace officers. Additionally, the act prohibits peace officers—unless the officer is also certified as an EMS provider—from using, directing, or unduly influencing the use of chemical restraints upon another person. EMS providers must report to the POST Board within 10 days any instance when this occurs. A peace officer cannot influence medical decisions or diagnoses made by EMS providers and EMS providers cannot make medical decisions based solely on information from peace officers, except that a peace officer may provide critical medical information that may assist the EMS provider's assessment of the need to administer ketamine. The act creates two class 1 misdemeanors. First, it is a class 1 misdemeanor for peace officers to not report to the POST Board if they see another peace officer use or direct the use of ketamine. Upon receipt of the report, the POST Board must submit the report to the peace officer's employing agency who must conduct an internal investigation. The employing agency must submit the findings of the investigation to the POST Board. Second, it is a class 1 misdemeanor for a peace officer to not intervene to prevent the use of ketamine. If an administrative law judge (ALJ) finds that an officer failed to intervene, they must forward the findings to the district attorney. If a district attorney chooses not to file charges, they must write an explanatory report. Per the act, the POST Board shall permanently revoke certification in certain circumstances. The POST Board shall reinstate the peace officer's certification if the officer is exonerated by an ALJ. Contains numerous other provisions. **Effective: July 6, 2021.**

Lobbyist: Meghan Dollar.

HB21-1314

Elimination of Driver's License Suspensions for Failure to Pay or Appear on Traffic Citations

leg.colorado.gov/bills/hb21-1314

Effective January 1, 2022, this act repeals longstanding procedures in state law that have allowed municipal and county courts to report unpaid traffic tickets to the state, and required the state to place a hold on the driver's license until the driver appeared in court or paid the ticket. Among other provisions, the act repeals the Department of Revenue's (DOR's) discretionary and mandatory authority to cancel, deny, or deny reissuance for a driver license or minor driver license for unlawful or fraudulent use or conviction of misuse of license, titles, permits, or license plates; failure to register a car in Colorado; and having any of the following: an outstanding judgment for a violation related to the regulation of motor vehicles or traffic; having a bench warrant for failure to appear to answer for a traffic situation; or having an outstanding judgement for failing to present a valid transit pass or coupon. By September 1, 2021, the act requires the Colorado State Patrol to convene a study group to study methods to encourage persons to appear in a municipal court to contest a citation or pay the judgement associated with the citation. The group will survey evidence-based policy; review the efficacy of municipal practices; survey policies and procedures of municipal courts; gather stakeholder feedback; and study the cost of implementing improved systems. The study group must report their findings to the Department of Public Safety by December 31, 2021, and the department must present the report in its annual report to the General Assembly in 2022. **Effective: January 1, 2022.** Lobbyist: Beauclarine Thomas.

SB21-174

Policies for Peace Officer Credibility Disclosures

leg.colorado.gov/bills/sb21-174

In criminal cases, prosecuting attorneys have an obligation to turn over to the defendant any relevant information that may have a bearing on the credibility of law enforcement officers who may be testifying in the case. The act creates the Peace Officer Credibility Disclosure Notification Committee, tasked with developing a statewide model for peace officer credibility disclosure notifications by December 1, 2021. The statewide model must include policies and procedures that law enforcement agencies and district attorney's offices are required to adopt and implement on or before January 1, 2022, and make their policies available to the public on or before February 1, 2022. The act specifies what the committee's policies and procedures must include. The act requires district attorneys to review the committee's policies and procedures at least every four years to ensure compliance with controlling federal and state case law, as well as the Colorado Rules of Criminal Procedure. The act also requires a district attorney to make available to the public the committee's policies and procedures. The act requires the Peace Officer Standards and Training (POST) Board in the Department of Law to create and

maintain a database, subject to appropriations. The database must be in a searchable format to be published on its website, containing information related to a peace officer's actions that resulted in a credibility disclosure notification. **Effective: September 7, 2021.** Lobbyist: Meghan Dollar.

SB21-193

Protection Of Pregnant People In Perinatal Period

leg.colorado.gov/bills/sb21-193

The act makes changes to statute concerning care for pregnant persons in correctional facilities. These changes address medical malpractice insurance coverage, policies for health facilities that provide labor and delivery services, and the treatment of pregnant persons in correctional facilities. The act also requires local jails to train staff, develop policy and provide additional services for pregnant and postpartum persons in their facility. **Effective: September 7, 2021.** Lobbyist: Beauclarine Thomas.

SB21-271

Misdemeanor Reform

leg.colorado.gov/bills/sb21-271

This bill will change and in most cases reduce the criminal penalties associated with hundreds of state misdemeanors and petty offenses. Effective March 1, 2022, the act reduces the number of misdemeanor classifications to two classifications, reduces the number of petty offenses to one classification, and creates a new civil infraction classification. The act also revises statutes to reflect new sentencing. First, a class 1 misdemeanor is punishable up to 364 days in jail, a fine of up to \$1,000, or both. Second, a class 2 misdemeanor is punishable by up to 120 days in jail, a fine of up to \$750, or both. Third, a petty offense is punishable by up to 10 days in jail, a fine of up to \$300, or both. Finally, a civil infraction is punishable by a fine of up to \$100. The act also updates the alternate sentencing options for misdemeanors and petty offenses and creates standard time credits for jail sentences. Of particular interest to municipalities, the act modifies the dividing line between misdemeanor and felony property crimes from \$1000 to \$2000 in theft of damage, meaning the crime is now classified as a felony only when the value of the property exceeds \$2000. Thus municipalities that choose to do so may modify their own counterpart ordinances to assert municipal court jurisdiction for property crimes to cases involving up to \$2000 in theft or damage to property.

Effective: March 1, 2022. Lobbyist: Meghan Dollar.

Economic DEVELOPMENT

HB21-1263

Meeting and Events Incentive Program

leg.colorado.gov/bills/hb21-1263

This act creates the Colorado Meeting and Events Incentive Program within the Colorado Tourism Office to provide support for events like meetings, conferences, or festivals. The program may provide rebates of up to 10% of the hard costs of an event and up to 25% for costs related to costs to comply with public health requirements due to COVID-19 restrictions. To be eligible for funding, an event must occur between July 1, 2021, and December 31, 2022, and must generate at least 25 paid overnight stays in a hotel or other vacation rental. \$10 million is appropriated to the program, and local governments are eligible to apply for funding. **Effective: June 14, 2021.** Lobbyist: Meghan MacKillop.

HB21-1285

Funding to Support Creative Arts Industries

<http://leg.colorado.gov/bills/hb21-1285>

The act provides funding to support the creative arts industries and arts-related economic development. \$5 million is allocated to the Colorado Office of Film, Television, and Media Operational Account Cash Fund for use in awarding performance-based incentives for film production in the state, as well as for the loan guarantee program to finance production activities. \$5 million is allocated to the Creative Industries Cash Fund to fund the arts relief program and to fund grants to cultural facilities that focus on programming for historically marginalized and under-resourced communities. Local governments are eligible to apply for the incentive and grant programs. **Effective: September 7, 2021.** Lobbyist: Meghan MacKillop

HB21-1288

Colorado Startup Loan Program

leg.colorado.gov/bills/hb21-1288

The act creates the Colorado Startup Loan Program in the Office of Economic Development to provide loans and grants to businesses seeking capital to start, restart, or restructure businesses. **Effective: July 7, 2021.** Lobbyist: Meghan MacKillop

HB21-1290

Additional Funding for Just Transition

leg.colorado.gov/bills/hb21-1290

The Office of Just Transition was created in 2019 to support coal workers, employers, and communities as they plan for future closings of coal plants upon which their communities depend. The act provides funding for the Office of Just Transition and the Coal Transition Worker Assistance Programs. The Office of Just Transition is appropriated \$8 million to implement the final just transition plan and to provide supplemental funding for existing state programs that the office identifies as the most effective vehicles for targeted investment in coal transition communities. The act also appropriates \$7 million to the Coal Transition Worker Assistance Program for assistance programs that directly assist coal transition workers and to support family of coal transition workers. Local government entities located in designated coal transition communities will receive this funding. El Paso, Gunnison, La Plata, Larimer, Moffat, Montrose, Morgan, Pueblo, Rio Blanco, and Routt counties have been identified as coal transition communities. **Effective: June 30, 2021.** Lobbyist: Meghan MacKillop.

SB21-148

Creation of Financial Empowerment Office

leg.colorado.gov/bills/sb21-148

The act creates the Financial Empowerment Office in the Department of Law. The Office is charged with growing the financial resilience of Coloradans by expanding access to safe and affordable banking and credit as well as developing stronger consumer protections. Among other provisions, the Office will support local governments that choose to implement financial empowerment services in their jurisdiction. **Effective: July 1, 2021.** Lobbyist: Beauclarine Thomas.

HB21-1302

Continue COVID-19 Small Business Grant Program

leg.colorado.gov/bills/hb21-1302

The act continues the grant program enacted in SB20-222 to support small business facing economic hardship caused by the COVID-19 pandemic. The act modifies the criteria and preferences for grant applicants and specifies that small businesses must demonstrate financial losses related to the pandemic. Preference will be given to businesses who did not receive any or sufficient assistance from the Paycheck Protection Program. **Effective: June 21, 2021.** Lobbyist: Meghan MacKillop.

SB21-204

Rural Economic Development Initiative Grant Program Funding

leg.colorado.gov/bills/sb21-204

The act appropriates to the Department of Local Affairs (DOLA) for the Rural Economic Development Initiative grant program,

which provides grants that create new jobs in rural communities through a new employer or an expansion of an existing employer, or that create diversity and resiliency in a rural community's local economy. The funding may also be used for the Rural Economic Advancement of Colorado Towns program, which assists the state in responding to significant economic impacts in rural communities. The act would provide direct relief to rural cities and towns experiencing economic downturns due to the COVID-19 pandemic. **Effective: June 15, 2021.** Lobbyist: Meghan MacKillop.

SB21-229

Rural Jump-start Zone Grant Program

leg.colorado.gov/bills/sb21-229

The act creates the Rural Jump-Start Zone Grant Program in the Office of Economic Development and Trade (OEDIT). Under this program, the Colorado Economic Development Commission (EDC) may issue grants to new businesses that locate inside a rural jump-start zone, as identified in the Rural Jump Start Program, or a coal transition community. Eligible businesses located in a rural jump-start zone may receive tax benefits, including a tax credit equal to 100% of the income taxes imposed on a new business for income generated within a rural jump-start zone, and a full sales and use tax refund for purchases of any tangible personal property acquired by the new business and used exclusively within the rural jump-start zone. Additionally, new employees of eligible businesses may also receive a 100% income tax credit for work performed in a rural jump-start zone. The EDC is responsible for developing guidelines for the administration of the rural jump-start zone program and identifying eligible distressed countries. **Effective: June 15, 2021.** Lobbyist: Meghan MacKillop..

SB21-241

Small Business Accelerated Growth Program

leg.colorado.gov/bills/sb21-241

The act creates the Small Business Accelerated Growth Program in the Office of Economic Development and International Trade (OEDIT) to provide business development support to businesses with fewer than 19 employees. On or before September 1, 2021, OEDIT is required to develop a marketing initiative to promote the program in target areas, in coordination with local, state, and federal partners. OEDIT must identify participants by December 2022 and disburse grants by December 2023. **Effective: June 14, 2021.** Lobbyist: Meghan MacKillop.

SB21-252

Community Revitalization Grant Program

leg.colorado.gov/bills/sb21-252

The act creates the Community Revitalization Grant Program in the Division of Creative Industries (DCI) in the Office of Economic Development and International Trade (OEDIT), and it appropriates \$65 million to fund the grant program.

Local governments may receive grants from the program to support creative projects that revitalize or construct mixed-use commercial centers. DCI must collaborate with the Division of Local Government in the Department of Local Affairs (DOLA) to administer the grant program, create an application processes, and award grants. Funds that are appropriated to the program must be spent by December 22, 2022, and any remaining funds are reverted back to the General Fund. **Effective: June 16, 2021.**
Lobbyist: Meghan MacKillop.

SB21-291

Economic Recovery and Relief Cash Fund

leg.colorado.gov/bills/sb21-291

The act creates the Economic Recovery and Relief Cash Fund to help small businesses, industries, unemployed workers, communities disproportionately impacted by the COVID-19 pandemic, or for certain infrastructure projects. Money in the fund is being used to fund broadband infrastructure outlined in HB21-1289 and SB21-060 also summarized in this publication.

Effective: June 21, 2021. Lobbyist: Meghan MacKillop.

ELECTIONS

HB21-1071

Ranked Choice Voting in Nonpartisan Elections

leg.colorado.gov/bills/hb21-1071

Beginning on or after January 1, 2023, the act allows a municipality located in a single county to conduct a municipal election using instant runoff/ ranked choice voting as part of a coordinated election with a county. If the county uses a voting system that is certified by the Secretary of State for use in an election using instant runoff voting, they are required to conduct the election as part of the coordinated election. A voter education campaign must be included in the agreement between a municipality and county to conduct the election, and the municipality will be responsible for paying for the reasonable increased costs associated with conducting an instant runoff/ ranked choice voting election including programming, ballot design, additional voter information, education and tabulation. On or after July 1, 2026, the act allows a municipality located in more than one county to conduct an election using instant runoff/ ranked choice voting to a county for a coordinated election. If all of the counties are using voting systems that are certified by the Secretary of State for use in an election using instant runoff/ ranked choice voting, they are required to conduct the election as part of the coordinated election. A voter education campaign must also be included in the agreement between a municipality and counties to conduct the election, and the municipality will be responsible for paying for the reasonable increased costs associated with conducting an instant runoff election including programming,

ballot design, additional voter information and education and tabulation. Each county canvass board will certify the abstract of votes cast and provide tabulation data to the designated municipal election official for the municipality. The secretary of state is required to promulgate rules establishing the minimum system requirements and specifications for a voting system to be used in an election using instant runoff voting for counties by December 31, 2022. On or before April 1, 2023, the Secretary of State will adopt rules for tabulation, reporting and canvassing of results for a coordinated election for a single county, and will do the same for coordinated elections in multiple counties by January 1, 2025. Also, by January 1, 2025, the Secretary of State's Office will promulgate rules to conduct risk limiting audits in an election using instant runoff voting. **Effective: July 1, 2022.**
Municipalities in single counties may refer an instant runoff election beginning January 1, 2023. Lobbyist: Heather Stauffer.

HB21-1321

Voter Transparency in Ballot Measures

leg.colorado.gov/bills/hb21-1321

The act requires specific language appear at the beginning of a state ballot measure which either increases or decreases tax revenue through tax policy changes. The act only impacts Title 1 elections, the new language is not required for Title 31 municipal elections. However, two provisions of the legislation will be of direct interest to municipalities because they will guide the wording of future state ballot questions that implicate local tax revenue streams. For measures that increase tax revenue for any district, including the state, cities, counties, school districts, or special districts, the ballot title must include specified language concerning increases or improvements in the level of public services funded by the measure. For measures that decrease local property tax revenue, the ballot title must include specified language about the types of local governments affected and an estimate of the statewide decrease in property tax revenue. **Effective: July 7, 2021.** Lobbyist: Heather Stauffer.

SB21-250

Elections and Voting

leg.colorado.gov/bills/sb21-250

The act amends various laws related to the conduct of elections. Most of the changes occur within Title 1 election codes and impact state-wide elections, however a small section of the act applies to Title 31 municipal recall elections. Cleanup for Title 31 recall elections which includes striking language in Title 31 related to the requirement to vote on the question of recall in order to vote on a successor candidate. The requirement to vote on the question of recall in order to then vote on a successor candidate was deemed unconstitutional by the Colorado Supreme Court in 2013. The act also adds language to Title 31 that makes it clear that a recall can be held for someone who is appointed to an office as well as elected. Additional language specifies in Title 31 that no recall petition can be filed against an elected official whose office is up for election within six

months. Corresponding language in Title 31 around petitioning requirements in advance of a regular election at which the office is “up for election” anyway is also stricken. Finally, the act strikes language in Title 1 which references petitions for nominating municipal candidates in coordinated elections. These requirements are already spelled out in Title 31 statutes, making the dual reference confusing an unnecessary. **Effective: June 21, 2021.** Lobbyist: Heather Stauffer.

Employment and LABOR

HB21-1050

Workers' Compensation

leg.colorado.gov/bills/hb21-1050

The act makes various changes and clarifications to the Workers' Compensation Act of Colorado. First, the act requires an injured worker who is claiming mileage reimbursement related to obtaining medical care to submit the claim within 120 days of incurring the expense, and requires the employer or insurer to pay or dispute the mileage within 30 days after submission. Next, the act clarifies that offsets to disability benefits granted by the federal “Old-Age, Survivors, and Disability Insurance Amendments of 1965” only apply if the payments were not already being received by the employee at the time of the work-related injury. The act also prohibits the reduction of an employee's temporary disability or medical benefits based on apportionment, limits apportionment of permanent impairment to specific situations, and declares that the employer or insurer bears the burden of proof at an apportionment hearing regarding a reduction in permanent impairment or permanent total disability benefits. The act adds conditions that must be met for an employer or insurer to request the selection of an independent medical examiner when an authorized treating physician has not determined that the employee has reached maximum medical improvement (MMI). Those conditions include that an examining physician must have examined the employee at least 20 months after the date of the injury, they have determined that the employee has reached MMI, and have served a written report to the authorized treating physician specifying that the examining physician has determined that the employee has reached MMI. The final condition is that the authorized treating physician must have responded that the employee has not reached MMI or must have failed to respond within 15 days after service of the report. The act also lowers the whole person impairment rating threshold for combined temporary disability and permanent partial disability payment caps and clarifies when benefits and penalties payable to an injured worker are deemed paid. It prohibits an employer or insurer from withdrawing an admission of liability when two years or more have passed since the

date the admission of liability on the issue of compensability was filed, except in cases of fraud. Contain numerous other provisions. **Effective: June 30, 2021.** Lobbyist: Heather Stauffer.

HB21-1108

Gender Identity Expression Anti-Discrimination

leg.colorado.gov/bills/hb21-1108

This act modifies the definition of sexual orientation and adds gender expression and gender identity to statutes prohibiting discrimination against members of a protected class. It prohibits discrimination based on gender expression or gender identity in areas including employment, housing, financial services, healthcare, funeral arrangements, access to and participation in public services, education, youth services, criminal justice, and transportation. The act also specifies that expenses paid by a taxpayer to a private club that discriminates based on gender expression or gender identity are not tax deductible. Residential properties that are exempt from property taxes for charitable purposes are also prohibited from discrimination based on gender expression and gender identity. **Effective: September 7, 2021.** Lobbyist: Meghan Dollar.

HB21-1207

Overpayment of Workers' Compensation Benefits

leg.colorado.gov/bills/hb21-1207

This act limits the definition of overpayments of workers' compensation benefits to include only those paid as a result of fraud, certain errors, or duplicate benefits as defined by the act. Narrowing the definition limits the reasoning by which the state can ask for overpayments back from unemployed individuals, meaning less money will be returned to the state through this process. **Effective: January 1, 2022.** Lobbyist: Meghan Dollar.

ENERGY

HB21-1253

Renewable and Clean Energy Project Grants

leg.colorado.gov/bills/hb21-1253

The act transfers \$5 million from the general fund to the local government severance tax fund for the purpose of funding grants to local governments for renewable and clean energy infrastructure implementation projects. Grants will be distributed through the Department of Local Affairs by August 15, 2021, or as soon as possible thereafter. Successfully funded projects will meet the departments eligibility criteria for funding under DOLA's Renewable and Clean Energy Initiative Program. Communities in which renewable energy and clean energy are sparse will be prioritized for funding. **Effective: June 14, 2021.** Lobbyist: Heather Stauffer.

HB21-1284

Limit Fee Install Active Solar Energy System

leg.colorado.gov/bills/hb21-1284

Current law imposes limitations on the permit, application review, or any other related or associated fees to install solar systems. This bill clarifies that these fee limitations apply to the aggregate of all charges assessed by state, county, or municipal governments for residential and non-residential permits to install active solar energy systems. State, county, and municipal governments may not impose aggregate permitting fees that are more than \$500 for residential installations or \$1,000 for nonresidential installations. The act restricts a government body from increasing its fees or other charges by more than 5% annually until the \$500 fee limit is achieved. The act also extends the repeal date of the fee limitations to December 31, 2029. **Effective Date: September 7, 2021.** Lobbyist: Meghan MacKillop.

SB21-231

Energy Office Weatherization Grants

leg.colorado.gov/bills/sb21-231

This act transfers \$3 million to the Colorado Energy Office to provide grants for the office's Weatherization Assistance Program. The grants must be provided prior to June 30, 2022. The Weatherization Assistance Program operates through nonprofit and local government partners to provide energy-efficiency services to income qualified Colorado residents. The purpose of the program is to increase the energy-efficiency of the dwellings owned or occupied by low-income persons to reduce energy expenditures and improve health and safety in homes. **Effective: June 14, 2021.** Lobbyist: Meghan MacKillop.

Governmental IMMUNITY

SB21-073

Civil Action Statute of Limitations Sexual Assault

leg.colorado.gov/bills/sb21-073

The act removes from law the 6-year statute of limitations for causes of action for a claim based on sexual assault or sexual offense against a child. This also applies to any cause of action that includes sexual misconduct that is brought against a person or entity that is not the perpetrator of the sexual misconduct, which could include municipalities. This bill will apply to claims against municipalities in the future because SB 21-088 was also adopted, waiving government immunity and making municipalities and other public entities potentially liable for negligent hiring or supervision of persons who commit sexual assault against children. The normal statute of limitations for negligence claims against municipalities is two years from the date of the incident, but civil claims related to sexual assault

may now be brought regardless of how long ago the incident occurred. **Effective: January 1, 2022.** Lobbyist: Heather Stauffer.

SB21-088

Child Sexual Abuse Accountability Act

leg.colorado.gov/bills/sb21-088

The act creates a private right of action for a victim of sexual misconduct against organizations, including municipalities, that operate or manage a youth related activity or program if the misconduct occurred while the victim was a minor participating in a youth program, and the organization knew or should have known of a risk of sexual misconduct against minors participation and did not take action to address risks or warn participants. This applies to members, employees, agents, and volunteers of an organization. The cause of action applies to a victim of sexual misconduct that occurred when the victim was a minor on or any time after January 1, 2022, without limitation. In addition, the act creates a 3-year window in which the cause of action applies retroactively to incidents which occurred on or after January 1, 1960, but before January 1, 2022. Any retroactive cause of action must commence before January 1, 2025. While the cause of action exists outside of the Colorado Governmental Immunity Act (CGIA), the act offers limited protections for public entities by placing a limitation on damages collected from public entities that mirror CGIA damage caps. A public entity does not have a duty to defend or indemnify a public employee if the employee's conduct is willful or wanton. **Effective: January 1, 2022.** Lobbyist: Heather Stauffer.

IMMIGRATION

HB21-1054

Housing Public Benefit Verification Requirement

leg.colorado.gov/bills/hb21-1054

The act removes the requirement to verify lawful presence for public or assisted housing benefits unless otherwise required by federal law. **Effective: April 15, 2021.** Lobbyist: Meghan Dollar.

HB21-1060

U Visa Certification Requirements

leg.colorado.gov/bills/hb21-1060

A U visa allows a foreign citizen to remain in the United States if the person has been the victim of a crime and is willing to assist law enforcement in the prosecution of that crime. The act makes several changes to the process regarding applications for a U visa. The act sets time limits for a certifying agency, which includes municipal police departments, to either sign or decline to sign a U visa certification form and limits the factors that can be considered. The act sets accelerated deadlines for applications from persons facing imminent deportation. The act states that a certifying agency is prohibited from disclosing

personal identifying information or the immigration status of a victim or requestor except to comply with federal law and is required to report annually to the Division of Criminal Justice (DCJ) on requests for certifications received. If a certifying official or agency signs the certification form, they must also provide relevant documentation to the requestor at no cost. Finally, a certifying agency is required to provide information regarding the U visa to victims of qualifying crimes. **Effective: May 10, 2021.** Lobbyist: Meghan Dollar.

HB21-1075

Replace the Term Illegal Alien

leg.colorado.gov/bills/hb21-1075

Since 2006 state laws has required municipalities and other public entities in Colorado to include a term in any contract for services prohibiting the contractor from employing “illegal aliens.” The act replaces the term “illegal alien” with “worker without authorization” in public contracts for services. The act will require local governments to update contract templates and forms for future contracts for services. **Effective: September 7, 2021.** Lobbyist: Meghan MacKillop.

SB21-077

Remove Lawful Presence Verification Credentialling

leg.colorado.gov/bills/sb21-077

In 2006, the General Assembly met in a special session and passed several measures addressing immigration. The act reverses the action taken during that special session by repealing the requirement that local governments require verification of lawful presence in the United States in order for applicants to qualify for a license, certificate, or registration to practice a regulated profession. **Effective: May 27, 2021.** Lobbyist: Meghan MacKillop.

SB21-199

Remove Barriers to Certain Public Opportunities

leg.colorado.gov/bills/sb21-199

Upon passage of the act, lawful presence in the United States will no longer be a qualification for receipt of any state or local benefit as defined by federal immigration laws. Starting on July 1, 2022, this bill repeals the broad prohibition of providing state and local public benefits to individuals not lawfully present and repeals specific requirements that individuals must be lawfully present when applying for a professional licenses, public works contracts, and local business licenses. The act expands what forms of identifications may be accepted by state agencies and repeals the Secure and Verifiable Identity Act. Under 8 U.S. Code § 1621, unlawfully present individuals are ineligible to receive any “state and local benefits” unless a state enacts a law granting eligibility to these individuals. State and local benefits are defined in federal law to include the following, if provided by a state or local government: grants, contracts, loans, professional or commercial licenses, retirement benefits, welfare

and food assistance, healthcare, disability benefits, public or assisted housing, postsecondary education, unemployment benefits, or any other similar benefits. With the passage of this act, local governments can no longer require proof of lawful residence to administer these benefits. **Effective: June 25, 2021.** Lobbyist: Meghan MacKillop.

LAND USE

HB21-1222

Regulation of Family Child Care Homes

leg.colorado.gov/bills/hb21-1222

Under current state law, a family child care home is a type of state-licensed child care facility serving up to 12 children and operated by a person who resides in the same dwelling where the care is provided. The act requires local governments to treat family child care homes as residential property when it comes to zoning, land use, fire and life safety, sanitation, and building code regulations. Local governments cannot impose regulations on family childcare homes unless the regulations apply to all residential properties. A local government retains the ability to prohibit, on a case-by-case basis, the operation of childcare homes immediately adjacent residences of two or more large family child care homes to manage the flow of traffic and parking. The act also requires the Department of Human Services (DHS) to seek advice and assistance from the Department of Public Safety (DPS) and councils and associations representing fire marshals and building code officials when promulgating rules related to fire protection and prevention standards for childcare agencies or facilities.

Effective: September 7, 2021. Lobbyist: Meghan Dollar

SB21-263

Outdoor Advertising Act

leg.colorado.gov/bills/sb21-263

This act makes a number of technical changes to CDOT’s permitting system for billboards. First, the act changes the definition of “advertising device,” requiring that direct or indirect compensation be received in exchange for a device’s existence or use in order to be regulated by the act. Second, it disallows advertising devices with a message center display from being placed within 1,000 feet of each other when facing the same direction of travel on the same side of a highway. Third, it establishes a timeline for the acceptance or rejection of related permit applications by CDOT, and creates a process to appeal rejections. The act allows property owners to maintain a potential advertising device if they attest in an affidavit that the device is not being used for advertising as regulated under the act. Contains numerous other provisions. **Effective: June 30, 2021.** Lobbyist: Meghan MacKillop.

Lottery and GAMING

SB21-155

Limited Gaming Commission Member from Gaming Area

leg.colorado.gov/bills/sb21-155

When considering appointments to the Limited Gaming Control Commission, the act requires that the Governor prioritize appointing members who are registered electors of Gilpin County or Teller County. These members may live in the county, own private residential property, and work in certain industries that are represented on the commission. **Effective: September 7, 2021.** Lobbyist: Beauclarine Thomas.

HB21-1132

Local Government Limited Gaming Impact Fund

leg.colorado.gov/bills/hb21-1132

The act further defines criteria used to allocate funds from the Local Government Limited Gaming Impact Fund. The act refines the definition of “documented gaming impacts” to include documented negative gaming impacts that harm, damage, hurt, interfere, or undermine a local government. In addition, the act requires that grants from the fund be prioritized for eligible local governments with lower property values compared to the property values of all eligible local governments. Lastly, the act allows grants from the gambling addiction account of the fund to be used for to train staff at nonprofit community mental health centers or clinics administered by the Department of Human Services (DHS). **Effective: May 24, 2021.** Lobbyist: Beauclarine Thomas.

HB21-1249

Repeal Gaming City Audit Requirement

leg.colorado.gov/bills/hb21-1249

The act repeals the requirement that the Office of the State Auditor conduct audits in 2017, 2022, and 2027 on the portion of limited gaming fund revenue that is transferred to the State Historical Fund for the preservation and restoration of the cities of Black Hawk, Central City, and Cripple Creek. **Effective: May 24, 2021.** Lobbyist: Beauclarine Thomas.

HB21-1296

Limited Gaming Codify Executive Orders

leg.colorado.gov/bills/hb21-1296

The act codifies three provisions of Governor's COVID-19 Executive Orders related to limited gaming. It repeals the maximum number of players allowed in a game of blackjack (previously seven); repeals provisions limiting a casino to two noncontiguous gaming areas; and allows an applicant for a limited gaming or sports betting license to submit fingerprints

as a supplement to their application, rather than submitting the fingerprints and the application simultaneously. **Effective: June 30, 2021.** Lobbyist: Beauclarine Thomas.

MARIJUANA

HB21-1216

Marijuana Licensees Ability to Change Designation

leg.colorado.gov/bills/hb21-1216

Starting July 1, 2022, the act allows licensees to change the designation of marijuana from medical to retail, and vice versa. Specifically, it allows a retail marijuana cultivation facility to transfer retail marijuana to a co-located medical marijuana cultivation facility, and change the marijuana's designation from retail to medical. The act also applies to a medical marijuana products manufacturer, which may receive retail marijuana that has been extracted and is in concentrated form from a co-located retail marijuana products manufacturer and change the marijuana's designation from retail to medical. The act specifies that a transfer and change of designation from retail to medical does not result in a right to a refund of any retail marijuana excise tax paid prior to the transfer. The act also allows a medical marijuana cultivation facility to transfer medical marijuana to a co-located retail marijuana cultivation facility and change the marijuana's designation from medical to retail. A medical marijuana cultivation facility may also transfer marijuana to a retail marijuana cultivation facility that is not co-located. Both types of cultivation facilities must remain at or under their inventory limits, and the retail marijuana cultivation facility must pay any retail marijuana excise sales tax. Marijuana must obtain passing test results prior to a transfer, co-located facilities must share at least one controlling beneficial owner, and the designation change must be entered into the seed-to-sale tracking system. Once the change is entered, the marijuana is the product of the cultivation facility or products manufacturer that received the marijuana and cannot be transferred back to the originating facility. Before all of this takes place, the state licensing authority must provide a report to the general assembly analyzing the feasibility of allowing the designation of marijuana licenses to change from medical to retail, including any impacts or challenges for local governments. **Effective: The study is effective June 23, 2021 and the rest of the act is effective July 1, 2022.** Lobbyist: Beauclarine Thomas.

HB21-1301

Cannabis Outdoor Cultivation Measures

leg.colorado.gov/bills/hb21-1301

The act addresses the cross pollination of marijuana and industrial hemp, adverse weather events as they relate to the outdoor growing of medical marijuana and retail marijuana and convenes a working group to prepare the state in the event of the federal legalization of marijuana. Adverse weather

events include droughts, freezes, hail storms, excessive moisture, excessive wind, tornados, earthquakes, wildfires, floods, and any other type of weather event defined in state rule. Beginning January 1, 2022, outdoor marijuana cultivation operations may take reasonable and necessary actions under a contingency plan to prevent or ameliorate crop loss due to an adverse weather event without the action being a violation of any state or local law, rules, or regulations. Prior to action, these cultivators must file the contingency plan with the state licensing authority for approval and send a copy of the plan to the local licensing authority. Once approved, outdoor marijuana cultivation operations may follow their contingency plans in the case of an adverse weather event. The plan must be maintained on the licensed premises and must follow all local land use rules and regulations. The act applies to both medical and retail marijuana outdoor cultivation operations. Beginning January 1, 2023, local authorities can regulate and require approval of these plans as part of the local licensing process. **Effective: June 24, 2021.** Lobbyist: Beauclarine Thomas.

HB21-1317

Regulating Marijuana Concentrates

leg.colorado.gov/bills/hb21-1317

The act requires a study of high-potency marijuana concentrates, defines retail and medical marijuana concentrates, and makes changes to state law related to physician recommendations for medical marijuana, the sale of medical marijuana, and the sale of marijuana concentrate, among other changes. Upon signature of the Governor, potential medical marijuana patients 18-20 are not eligible for medical marijuana unless they meet specific outlined criteria. The Colorado School of Public Health (SPH) will be required to review and report on available evidence-based research on the possible physical and mental health effects of high-potency THC marijuana concentrates and convene a scientific review council to review the report and make recommendations to the General Assembly. The SPH must also produce a public information campaign, approved by the scientific review council, on the effect of high-potency THC marijuana on the brain and on physical and mental health. Under the act, a medical marijuana store may not sell more than eight grams of medical marijuana concentrate to a patient in a single day, or no more than two grams to a patient in a single day if the patient is between 18 and 20 years old. A retail marijuana store may not sell more than eight grams of retail marijuana concentrate to a person in a single day. When completing a patient sales transaction, a medical marijuana store must immediately record the transaction into the seed-to-sale tracking system. Employees of the store must verify that the purchase will not exceed the patient's daily authorized quantity limit or amount listed on the physician certification in the seed-to-sale tracking system. The act also requires the Department of Revenue conduct rulemaking on an educational resource regarding marijuana concentrate; the definition of physical or geographic hardship for the purposes of sales limits; a prohibition on medical marijuana advertising

aimed at people under age 21; new inventory tracking system requirements; and a requirement that advertising for a product with marijuana concentrate include a notice of potential risks of overconsumption. Lastly, beginning January 1, 2022, for each case of a non-natural death, excluding homicide, of a person under age 25, the act requires that coroners order a toxicology screen, including testing for THC, alcohol or other drugs. Hospitals must complete the screen if the death occurs in the hospital. Results must be reported through the Colorado Violent Death Reporting System or the Health Information Exchange. At the request of a county, the Colorado Department of Public Health and Environment must reimburse the county for the costs of the screen and may provide training and supplies. **Effective: June 24, 2021.** Lobbyist: Beauclarine Thomas.

Natural RESOURCES

HB21-1045

Invasive Pest Control Administration

leg.colorado.gov/bills/hb21-1045

The act creates the Emergency Invasive Pest Response Fund. The act allows the Commissioner of Agriculture to enter into voluntary agreements with local governments to provide pest control services, either directly, or through a local government, and allows the Department of Agriculture to charge for such services. The act will cover insect pests that directly impact municipalities and their residents, including emerald ash borers and Japanese beetles. The act further allows the Commissioner of Agriculture to determine that a public nuisance creates an unacceptable risk of spreading a pest and support local governments to take emergency action to quarantine, control or eradicate the pest by making grants. **Effective: September 7, 2021.** Lobbyist: Heather Stauffer.

HB21-1318

Create Outdoor Equity Grant Program

leg.colorado.gov/bills/hb21-1318

The act creates the Outdoor Equity Board and the Outdoor Equity Grant Program in the Division of Parks and Wildlife in the Department of Natural Resources to increase access and opportunity for underserved youth and their families to experience Colorado's outdoor resources. The grant is available to applicants that engage underserved youth, offer outdoor-based educational opportunities, and reduce barriers to the outdoors, which can include governmental entities. The fund receives revenue diverted from lottery revenue which would otherwise be deposited in the general fund and does not change or impact Great Outdoors Colorado's (GOCO) funding allocation. **Effective: June 21, 2021.** Lobbyist: Heather Stauffer.

Open Meetings/ OPEN RECORDS

HB21-1025

Nonsubstantive Emails and Open Meetings Law

leg.colorado.gov/bills/hb21-1025

The act clarifies provisions of the Colorado Open Meetings Law to specify that e-mail communication between elected officials which is related to scheduling and availability, forwarding of information, responding to an inquiry from a constituent, or posing a question for later discussion do not constitute a meeting for open meetings law purposes. **Effective: September 7, 2021.** Lobbyist: Heather Stauffer.

HB21-1051

Public Information Applicants for Chief Executive Officer Positions

leg.colorado.gov/bills/hb21-1051

The act changes provisions of the Colorado Open Meeting Law to specify that a state or local public body can name one or more candidates as finalists for the position of chief executive officer (for municipalities this is usually the City Manager or Town Administrator position). The state or local public body shall make public the name of the single finalist or multiple finalists for the position under consideration no less than 14 days before an offer of employment or appointment, and the records of the finalist or finalists will be available for inspection under the Colorado Open Records Act. The names and materials of candidates who are not named as either the sole finalist or finalists are not discoverable under Colorado Open Records Act. However, the act does specify that a custodian shall allow the public inspection of the demographic data of candidates interviewed, defined as race and gender, if that information is legally requested or voluntarily provided in application materials. It is important to note that this does not require any municipality to collect a candidate's demographic data. **Effective: September 7, 2021.** Lobbyist: Heather Stauffer.

HB21-1100

Electronic Filing of Documents with Governmental Entities

leg.colorado.gov/bills/hb21-1100

The act requires the governing bodies of counties and cities and counties (only Denver and Broomfield) to submit a report to the Office of Information Technology (OIT) by October 15, 2021 concerning the county's electronic filing capacity. The report should include the number of documents that can be filed electronically, actions which would need to be taken to allow the county to file at least 80% of their documents electronically, and any obstacles or barriers the county would face in implementing electronic filing for 80% of its documents. Note that this act does not include all municipalities, only cities which also operate as counties. **Effective: September 7, 2021.** Lobbyist: Heather Stauffer

HB21-1110

Colorado Laws for Persons with Disabilities

leg.colorado.gov/bills/hb21-1110

This act was primarily designed to ensure access to state and local websites for people with disabilities, but goes well beyond websites. The act adds language to the Colorado Anti-discrimination Act (CADA) which mirrors Title II of the federal Americans with Disabilities Act (ADA) and prohibits a person with a disability from being excluded from participating in or being denied the benefits of services, programs, or activities of a public entities or be subjected to discrimination by any such entity. The effect of the act will be to allow discrimination claims related to government programs and services to be filed with the Colorado Civil Rights Commission, not just federal authorities. Section 2 (c) of the act goes beyond Title II of the ADA and adds language which defines discrimination to include the failure of a public entity or state agency to develop an accessibility plan for websites using the accessibility standards established by the Colorado Office of Information Technology (OIT) and fully comply with those standards by July 1, 2024. The act allows for a civil action against a public entity, including a municipality, which fails to fully comply with those standards. Additionally, the act requires OIT to establish the standards and any updates to the guidelines to the standards. Outside of the legislation, OIT is planning to offer some technical resources to local governments and will have a mail list which will alert the public to any upcoming changes in the standards. Municipalities with Statewide Internet Portal Authority (SIPA) hosted websites can be assured that the platform will be compliant but will be required to ensure that any documents added onto the website are complaint with OIT guidelines. **Effective: June 30, 2021 except for Section 2 (C) which takes effect July 1, 2024.**

Lobbyist: Heather Stauffer.

PROCUREMENT

HB21-1168

Historically Underutilized Businesses Local Government Procurement

leg.colorado.gov/bills/hb21-1168

The act requires the Department of Local Affairs (DOLA) to establish a pilot program no later than August 13, 2021, to help local governments identify perceptual and substantial barriers to entry for historically underutilized businesses in local government procurement. DOLA is required to ensure that at least five local governments opt-in to the pilot program and are representative of rural, urban, and suburban areas of the state. Local governments participating in the pilot program are required to identify implementation needs as outlined in the act. **Effective: June 7, 2021.** Lobbyist: Beauclarine Thomas.

Public SAFETY

HB21-1015

Security Protections Criminal Justice Personnel

leg.colorado.gov/bills/hb21-1015

The act permits public safety workers and law enforcement officials to request that state or local governments remove personal information from online records. **Effective: June 24, 2021.** Lobbyist: Meghan Dollar.

HB21-1106

Safe Storage of Firearms

leg.colorado.gov/bills/hb21-1106

The act requires firearm owners to securely store their firearms, requires federally licensed gun dealers to provide a locking device with each sale or transfer or a firearm, and requires the Colorado Department of Public Health and Environment (CDPHE) to provide the public with information on safe storage on its website and in other materials. Securely storing a firearm means carrying it on his or her person, keeping it in a locked gun safe, keeping it in another secure container which a reasonable person would believe to be secure, installing a locking device when a person knows that a juvenile or a resident who is ineligible to possess a firearm can gain access to the firearm, or possessing a personalized firearm with activated safety characteristics. The safe storage requirement does not apply when the firearm is an antique firearm. Failure to safely store a firearm is a class 2 misdemeanor. A licensed gun dealer who does not provide a locking device or post the required notice commits an unclassified misdemeanor punishable by a fine of up to \$500. **Effective: April 19, 2021.** Lobbyist: Meghan Dollar.

HB21-1107

Protections For Public Health Department Workers

leg.colorado.gov/bills/hb21-1107

The act extends the protection of personal information on the internet to public health workers, including employees of a local public health agency. In addition, a protected person, which includes both human services and public health workers, can submit a written request to a state or local government official to remove their personal information from public records that are available on the internet. Starting July 1, 2021, local government entities will be responsible for removing personal information covered by this act upon request of a protected person. Violations will fall under the jurisdiction of local peace officers and District Attorney offices. A violation is a class 1 misdemeanor. **Effective: May 18, 2021.** Lobbyist: Beauclarine Thomas.

HB21-1235

Regulation of Fireworks

leg.colorado.gov/bills/hb21-1235

The act clarifies that it is unlawful for a person who is licensed as a retailer, display retailer, wholesaler, or importer of fireworks to sell, offer for sale, expose for sale, possess with intent to sell, deliver, consign, give, or otherwise furnish fireworks outside of what the person's license permits. The act eliminates the ability for an exporter of fireworks to sell certain fireworks for transport if the purchaser shows proof of a valid out-of-state driver's license. Under the law, an exporter may sell certain fireworks for transport only if the purchaser provides proof of a valid out-of-state driver's license and a valid wholesale or retail license or a valid exporter of fireworks license. **Effective: June 30, 2021.** Lobbyist: Meghan MacKillop.

HB21-1255

Protection Order Issued Against Domestic Abuser

leg.colorado.gov/bills/hb21-1255

The act modifies procedures relating to firearm relinquishment following the issuance of a protection order. The act requires a person to complete an affidavit—which must be filed in the court record within 7 business days after a protection order including an act of domestic violence involving the threat of use, use of, or attempted use of physical force is issued against them—stating information about firearms in the person's immediate possession or control. If the person does not possess a firearm at the time the order is issued, the person shall indicate such non-possession in the affidavit. The act requires the court to conduct a compliance hearing not less than 8 but no more than 12 business days after the issuance of a protection order if the person has not completed the affidavit. The court may vacate this hearing if the court determines the respondent has complied with the affidavit described above. For criminal cases, the court may consider the compliance issue in another proceeding. Failure to appear at this hearing constitutes contempt of court. Information compelled or any information directly or indirectly derived from testimony, the affidavit, or other information may not be used against the defendant in any criminal case, except for prosecution of perjury. Upon sworn statement or testimony of the petitioner or of any law enforcement officer alleging there is probable cause to believe the respondent has failed to comply with relinquishment provisions, the court is required to determine whether probable cause exists. Where probable cause exists, the court shall issue a search warrant that states with particularity the places to be searched and the items to be taken into custody. The act requires a federally licensed firearms dealer, law enforcement agency, or private party to issue a signed declaration memorializing the sale or transfer of the firearm. The act requires a copy of the signed declaration and, where applicable, the written statement of the background check results to be filed with the court as proof of relinquishment at the same time the person files the signed affidavit. Both the signed declaration and

written statement are only available for inspection by the court and the parties to the proceeding. A law enforcement agency may enter into an agreement with any other law enforcement agency or storage facility for the storage of transferred firearms. The act requires a law enforcement agency that elects to store a firearm to obtain a search warrant to examine or test the firearm or facilitate any criminal investigation if the law enforcement agency has probable cause to believe the firearm has been used in the commission of a crime, is stolen, or is contraband. A federally licensed firearms dealer, law enforcement agency, storage facility, or private party that elects to store a firearm is not civilly liable for any resulting damages to the firearm, as long as such damage did not result from the willful and wrongful act or gross negligence of the person or agency storing the firearm. The act prohibits the person from transferring the firearm to a private party living in the same residence as the person at the time of transfer. Contains numerous other provisions. **Effective: June 22, 2021.** Lobbyist: Meghan Dollar.

SB21-064

Retaliation Against an Elected Official

leg.colorado.gov/bills/sb21-064

The act creates a crime of retaliation against an elected official. An individual commits the crime who makes a credible threat against or commits an act of harassment as retaliation or retribution against an elected official, their family members or close relations, or a person residing in the same household. The crime is a class 1 misdemeanor, unless committed by means of a credible threat, in which case it is a class 6 felony. The act defines elected official as any person who is serving in an elected position in the state of Colorado at any level of government, including municipal elected officials. **Effective: July 1, 2021.** Lobbyist: Meghan Dollar.

SB21-078

Lost or Stolen Firearms

leg.colorado.gov/bills/sb21-078

This bill requires the owner of a firearm who has reasonable cause to believe the firearm was lost or stolen to report to a law enforcement agency that the firearm has been lost or stolen. The individual must report within 5 days of making the discovery. Failure to report a lost or stolen firearm is a civil infraction punishable by a \$25 fine. A second or subsequent offense is an unclassified misdemeanor punishable by a maximum fine of \$500. The owner of a lost or stolen firearm is not required to report it if a family member or person who resides with the owner has already reported the firearm. Any law enforcement agency that receives a report must enter available descriptive information related to the firearm into the Colorado Bureau of Investigations Crime Information Center Database. **Effective: September 7, 2021.** Lobbyist: Meghan Dollar.

SB21-159

Nurse Intake of 911 Calls Grant Program

leg.colorado.gov/bills/sb21-159

The act creates a pilot grant program to finance nurse intake of 911 calls with the goal of diverting non-urgent calls from emergency rooms to more appropriate and lower-cost alternatives. The Department of Public Safety must implement the program by January 1, 2022, and should award grants to public safety answering points that will operate the program. Four total grants will be awarded: one to a recipient operating in a county with a population exceeding 60,000 and three to recipients operating in counties with populations below that threshold. **Effective: July 8, 2021.** Lobbyist: Meghan MacKillop.

SB21-245

Backcountry Search and Rescue

leg.colorado.gov/bills/sb21-245

Colorado's current search and rescue program is supported by the Search and Rescue Fund, which is managed by the Department of Local Affairs (DOLA). The fund reimburses local governments and search and rescue organizations statewide for the costs incurred to conduct search and rescue operations, including reimbursements for equipment and training. This act requires that the Division of Parks and Wildlife in the Department of Natural Resources (DNR) conduct a study to develop recommendations for addressing the challenges associated with backcountry search and rescue in the state. The study must address availability of compensation and benefits and training and other supports for backcountry search and rescue personnel and volunteers. The department must report its findings to the General Assembly by January 2022. DNR must conduct outreach and training across the state on the physical injuries and psychological stress faced by backcountry search and rescue volunteers. This outreach may include working with a consultant and developing a grant program for local governments and backcountry search and rescue organizations. **Effective: June 27, 2021.** Lobbyist: Meghan MacKillop.

SB21-256

Local Regulation of Firearms

leg.colorado.gov/bills/sb21-256

This act partially reverses the effect of laws originally adopted in 2003 to preempt the authority of local governments to regulate firearms more strictly than the state. The act permits a local government to enact an ordinance, regulation, or other law governing the sale, purchase, transfer, or possession of a firearm, ammunition, or firearm component or accessory as long as it is not less restrictive than state laws. A local ordinance may only impose a criminal penalty for a violation upon a person who knew or reasonably should have known their conduct was prohibited. In addition, it allows local governments, including a special district or governing board of an institution of higher

education, to regulate the carrying of concealed handguns in specific locations in their jurisdiction. Local governments may not restrict the manufacture or sale of items related to a U.S. military or law enforcement procurement contract. **Effective: June 19, 2021.** Lobbyist: Meghan Dollar.

Severance TAX

HB21-1253

Renewable and Clean Energy Project Grants

leg.colorado.gov/bills/hb21-1253

The act transfers \$5 million from the general fund to the local government severance tax fund for the purpose of funding grants to local governments for renewable and clean energy infrastructure implementation projects. Grants will be distributed through the Department of Local Affairs by August 15, 2021, or as soon as possible thereafter. Successfully funded projects will meet the departments eligibility criteria for funding under DOLA's Renewable and Clean Energy Initiative Program. Communities in which renewable energy and clean energy are sparse will be prioritized for funding. **Effective: June 14, 2021.** Lobbyist: Heather Stauffer

SB21-281

State Severance Tax Trust Fund Allocation

leg.colorado.gov/bills/sb21-281

The act requires metropolitan districts created after July 1, 2021, to annually pay the state an amount equal to the total of all severance tax ad valorem credits claimed for property taxes that are imposed by the metropolitan district. This money will be allocated like severance tax revenues. The act also requires the director of the Office of State Planning and Budgeting and the executive directors of the Departments of Revenue, Natural Resources, and Local Affairs, or their designees, to review and analyze elements of the state severance tax and, after a stakeholder process with local governments, make recommendations for any future changes to the severance tax to the joint budget committee by January 1, 2022. The act includes numerous other provisions which include eliminating the current formula-based transfers in DNR's Severance Tax Operations Fund and replace it with three programs which will remain funded by the operational fund including the Species Conservation Trust Fund, The Aquatic Nuisance Species Program, and the Soil Conservation District Grant Program. Three programs which transition to discretionary annual funding from the severance tax perpetual base fund, including the Water Supply Reserve Fund, the Interbasin Compact Committees and Water Efficiency Grant Programs. And two programs which are eliminated as severance tax recipients including the Low-Income Energy Assistance Programs (LEAP) (to be funded

through HB21-1105) and State Forest Service Forestry Grant Programs. The act does not change any allocations within the Department of Local Affairs Severance Tax allocations. Section 2 of the act does, however, require that metro districts, who are charging large property taxes on those companies who own mineral estates below new development sites, to hold harmless the severance tax funds by paying an equal amount to set off credits being claimed by these companies. This section will continue to preserve severance tax fund allocations. **Effective: June 18, 2021.** Lobbyist: Heather Stauffer.

Special DISTRICTS

HB21-1278

Special District Meeting Requirements

leg.colorado.gov/bills/hb21-1278

The act clarifies how boards of directors of special districts may hold meetings. The act allows regular and special board meetings to be held by telephone, electronically, virtually or using a combination of these methods. The act also requires that the meeting notice for all meetings held virtually include the method of meeting, and the conference number or link for the general public. The act further prohibits a challenge to the method of conducting a regular or special meeting which was held virtually before the effective date of the act. **Effective: July 8, 2021.** Lobbyist: Heather Stauffer.

SB21-160

Modifications to Local Government Election Codes

leg.colorado.gov/bills/sb21-160

This act only impact special district elections. The act establishes a process for dividing Title 32 special districts to establish separate director districts, or to consolidate into a single-district board structure. Special districts that create director districts must specify if board members are elected by special district voters at-large or by registered voters within each director district. The act contains several other technical provisions related to the conduct of Title 32 elections. **Effective: September 7, 2021.** Lobbyist: Heather Stauffer.

SB21-262

Special District Transparency

leg.colorado.gov/bills/sb21-262

The act makes changes to various statutes that govern the operation of Title 32 metropolitan districts. The act prohibits a metro district from exercising its power of dominant eminent domain within a municipality or unincorporated area of a county outside of the boundaries of the jurisdiction that approved its service plan without a written resolution from the county

or municipality approving the action. The act changes the requirements around annual reports, requiring every special district created after July 1, 2000, to file an annual report to the Board of County Commissioners or Municipal governing body by September 1 of each year (unless another date is requested by the municipality or county). Required information in the annual report includes among other things, boundary changes made, intergovernmental agreements entered into or terminated, a summary of litigation involving public improvements owned by the special district, status of construction of public improvements or facilities improvements, assessed valuation of the special district, the current year's budget, a copy of the audited financial statements, and notice of any uncured defaults. The act requires that a special district provide notification of a call for nominations for a regular election through a publication and also through email or direct mail. In addition, notices can also include either a newsletter, or posting the information on a website. The act requires metro districts to establish and maintain an official website that is accessible to the public which contains specific information including the current directors of the board, the current fiscal year budget, the district's annual report, the date, time and location of scheduled regular board meetings for the fiscal year, certified election results, and a current map depicting the boundaries of the metro district. After January 1, 2022, an entity selling property within a metro district is required to provide the purchaser with information related to the finances of the metro district which includes debt obligations and estimates of property taxes at the time of sale.

Effective: September 7, 2021. Lobbyist: Heather Stauffer.

Substance USE

SB21-122

Opiate Antagonist Bulk Purchase and Standing Orders

leg.colorado.gov/bills/sb21-122

The act allows additional units of local government to purchase opiate antagonists through the Opiate Antagonist Bulk Purchase Fund pursuant to a standing order or protocol. The act also clarifies that local governments have immunity when administering an opiate antagonist. **Effective: April 15, 2021.** Lobbyist: Beauclarine Thomas.

SUSTAINABILITY

HB21-1162

leg.colorado.gov/bills/hb21-1162

The act phases out the use of single-use plastic carry out bags and expanded polystyrene (Styrofoam) products and repeals the state preemption that prohibits local governments from regulating the use or sale of specific plastic materials or products effective July 1, 2024. Beginning January 1, 2023, a store may provide a customer with one or more single-use plastic or recycled paper carryout bags for fee of 10 cents per bag, or a higher fee adopted by the municipality where the store is located. Customers that provide evidence of participation in a federal or state food assistance program are exempted from the fee. Stores are required to provide customers with a transaction receipt for the fee, conspicuously display a sign that alerts customers to the fee and are prohibited from refunding customers any portion of the fee. 60% of the fee is remitted to the municipality where the store is located on a quarterly basis beginning April 1, 2024. Municipalities must use the revenue from the fee to pay for administrative costs and any recycling, composting, or other waste diversion programs and related outreach and education activities. Beginning January 1, 2024, stores are prohibited from providing singleuse carry out bags. Exempted from the ban are plastic bags that a pharmacy provides to a customer purchasing medication; a customer uses for loose or bulk items or for frozen foods, meat, seafood, or fish; contain unwrapped prepared foods; or are used for laundry or dry cleaning. Also Beginning January 1, 2024, restaurants are prohibited from using Styrofoam products as containers for ready-to-eat or takeout food. The act authorizes local governments to enforce against violations of this bill in a manner that they choose, except they cannot enforce violations against restaurants located in schools. And, on July 1, 2024, local governments may enact, implement, or enforce more stringent regulations. **Effective: July 6, 2021.** Lobbyist: Meghan MacKillop.

HB21-1266

Reduction in Greenhouse Gas Emissions

leg.colorado.gov/bills/hb21-1266

The act creates the environmental justice ombudsman and advisory board within the Department of Public Health and Environment to engage with disproportionately impacted communities. It also directs the Air Quality Control Commission (AQCC) to establish a fee on greenhouse gas emissions and to adopt and implement rules limiting greenhouse gas emissions from the electric utility, oil and gas, and industrial and manufacturing sectors. The act also directs the AQCC to update permitting requirements for sources that affect disproportionately impacted communities and requires electric utilities serving more than 50,000 customers to file clean energy plans with the Public Utilities Commission. The act

directs the AQCC to promulgate rules by June 1, 2023, that include additional permitting requirements for sources of affected pollutants in disproportionately impacted communities. **Effective: July 2, 2021.** Lobbyist: Meghan MacKillop.

HB21-1286

Energy Performance for Buildings

The act requires the Colorado Energy Office (CEO) to implement an energy performance program for buildings in the state over 50,000 square feet, with some exceptions for agriculture, manufacturing, industrial, or historic buildings. The program requires owners of covered buildings to submit annual benchmarking data by December 1, 2022, and by June 1 every year thereafter to the CEO and meet building performance standards beginning in 2026. The CEO must convene a task force no later than October 1, 2021, to develop and provide consensus recommendations to the Air Quality Control Commission (AQCC) on the Governor regarding the setting of performance standards. The AQCC is authorized to create rules, with input from the task force, modifying the program and setting penalty amounts for violations. Local government buildings only need to comply with performance standards if the building owner begins construction or renovation on their building that costs more than \$500,000. Local governments are also exempt from civil penalties imposed on building owners that do not comply with provisions of the benchmarking and performance programs. **Effective: September 7, 2021.** Lobbyist: Meghan MacKillop.

TAXATION

HB21-1077

Legislative Oversight Committee Concerning Tax Policy

leg.colorado.gov/bills/hb21-1077

The act creates Legislative Oversight Committee Concerning Tax Policy. The Committee is made up of six-member and must meet at least four times a year to consider the policy recommendations contained in the tax expenditure evaluations prepared by the Office of the State Auditor (OSA). The act also creates the Task Force Concerning Tax Policy. The Task Force is made up of 21-members and must meet at least six times a year to study tax policy and develop and propose to the committee any modification to the current system of state and local taxation. Each committee member must attend or call into at least one task force meeting. The chair and the vice-chair of the committee will appoint the task force's voting members. Legislative Council Staff (LCS) and the Department of Revenue (DOR) will provide staff support for the task force. **Effective: July 7, 2021.** Lobbyist: Meghan Dollar.

HB21-1083

State Board Assessment Appeals Valuation Adjustment

leg.colorado.gov/bills/hb21-1083

Under current law, when a property owner appeals the valuation of property set by a county board of equalization, the State Board of Assessment Appeals may not increase the valuation. The act removes this restriction. **Effective: April 7, 2021.** Lobbyist: Meghan Dollar.

HB21-1261

Extend Beetle Kill Wood Products Sales Tax Exemption

leg.colorado.gov/bills/hb21-1261

Statutes exempted the sale of wood and wood products from trees killed by pine and spruce beetles in the state from sales and use tax from 2008 through June 2020. The act extends the exemption through June 2026. **Effective: June 24, 2021.** Lobbyist: Meghan Dollar.

HB21-1267

County Authority to Delegate Mill Levy Certification

leg.colorado.gov/bills/hb21-1267

The act gives a Board of County Commissioners the option to authorize mill levies by written approval rather than by formal hearing and to delegate the certification process to staff or other authorized parties. **Effective: June 18, 2021.** Lobbyist: Meghan Dollar.

HB21-1312

Changes to Taxation including Business Personal Property Tax

leg.colorado.gov/bills/hb21-1312

The act increases the exemption for business personal property tax to \$7,900 in property value for tax years 2021 and 2022, and \$50,000 starting 2023. The exemption will then be adjusted every two years for inflation. The state is required to reimburse local governments for their lost revenue as a result of the increased exemption. For tax year 2021, each county is required to calculate and report the amount of revenue lost. Using the statewide rate of change in personal property valuation prepared by the property tax administrator, each county is required to produce an annual estimate of the amount of lost property tax revenue for each of its taxing jurisdictions based on the amounts of lost revenue reported for 2021. Subject to review by the property tax administrator, these amounts are reimbursed to local governments each year from the state treasury via each county treasurer. If, for any year, reimbursements are not funded, then the exemption returns to its current law level. The act codifies existing practice by adding digital goods to the definition of tangible personal property for state sales and use taxation. The definition includes property such as videos, music, and electronic books that are delivered or stored digitally via compact disc, electronic download, or internet streaming. In addition, the act adds mainframe computer access,

photocopying, and packing and crating to property and services taxed. Contain numerous other provisions. **Effective: July 1, 2021.** Lobbyist: Meghan Dollar.

SB21-019

Authorize Notices of Valuation on Postcard

leg.colorado.gov/bills/sb21-019

The act allows county assessors to mail an abbreviated notice of valuation of a property's assessed value on a postcard sent to taxpayers and specifies the minimum information to be included. The form of the notification must be approved by the property tax administrator in the Department of Local Affairs. **Effective: March 21, 2021.** Lobbyist: Meghan Dollar.

SB21-020

Energy Facility and Equipment Property Tax Valuation

leg.colorado.gov/bills/sb21-020

This act specifies that beginning January 1, 2021, clean energy resources and energy storage systems used to store electricity are assessed for valuation for the purpose of property taxation in a similar manner to renewable energy facility property used to generate and deliver electricity. Under current law, the Property Tax Administrator in the Department of Local Affairs is required to determine the actual value of a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility using the income approach to valuation only. Valuation under this approach currently involves a 20-year tax factor. The act extends the period of the tax factor to 30 years for a renewable energy facility that begins generating energy on or after January 1, 2021. For property tax years beginning January 1, 2021, the act requires county assessors to utilize the income approach in valuing all solar energy facilities that generate 2 megawatts or less. **Effective: September 7, 2021.** Lobbyist: Meghan Dollar.

SB21-279

Delinquent Interest Payments Property Tax

leg.colorado.gov/bills/sb21-279

The act allows a board of county commissioners or the city councils in Denver or Broomfield to reduce or waive delinquent property tax interest payments for any period of time between June 16, 2021, and September 30, 2021. The board or city council must notify a local taxing jurisdiction of the intent to reduce, waive, or suspend payments. If a local taxing jurisdiction would be unable to meet its bond payment obligations after the proposed reduction, waiver, or suspension, the local taxing jurisdiction must notify the board or city council. A county treasurer may advance property tax amounts to enable a local taxing jurisdiction to help pay for bonded indebtedness if the jurisdiction has notified the board or council and has collected 90% of property tax revenue as of the time of the notification. **Effective: June 28, 2021.** Lobbyist: Meghan Dollar.

SB21-282

Continue Small Business Destination Sourcing Exception

leg.colorado.gov/bills/sb21-282

This act allows small retailers to continue sourcing sales to their business location when collecting and remitting sales and use tax until February 1, 2022. **Effective: June 30, 2021.** Lobbyist: Meghan Dollar.

SB21-293

Property Tax Classification and Assessment Rates

leg.colorado.gov/bills/sb21-293

With the repeal of the Gallagher Amendment to the Colorado Constitution in 2020, assessment rates for residential and non-residential property (i.e. the percentage of a property's actual value that is subject to taxation) is now set solely by statute. This act makes changes to property tax assessment rates and the property tax deferral program. Under current law, the assessment rate for residential property is 7.15%, and the assessment rate for most nonresidential property is 29%. For property tax years 2022 and 2023, the act temporarily reduces the assessment rates for certain subclasses of property for the next two years. First, the assessment rate for multifamily residential property, including duplexes, triplexes, and apartment buildings, is reduced to 6.80%, and the assessment rate for all other residential property is reduced to 6.95%. Second, the assessment rate for agricultural nonresidential property is reduced to 26.40%. Third, the assessment rate for nonresidential property used to produce renewable energy is reduced to 26.40%.

The adoption of the act was motivated, in part, by the fact that there may be an initiative on the November, 2021 statewide ballot that is designed to reduce the assessment rates permanently, and to a much greater extent than the reductions provided in the act. The potential initiative was designed to reduce the assessment rates applicable to all residential and non-residential property. However, as a result of the adoption of this act, the initiative (if it makes the ballot and is approved by the voters) will reduce the assessment rate only for multi-family residential properties and lodging properties.

Beginning for 2022 property taxes, which are due in 2023, the act broadens the state property tax deferral program by allowing any homeowner to apply to have a portion of property taxes due on their primary residence deferred if their property tax liability grows by more than 4% from the average amount owed over the previous two years. At least \$100 of any property tax increase that exceeds the 4% growth factor may be deferred. The total amount that may be deferred across multiple years is limited to \$10,000 for the property. To qualify, a homeowner must apply with their county treasurer by April 1 of the year when tax is due. **Effective: June 23, 2021.** Lobbyist: Meghan Dollar.

TELECOMMUNICATIONS

HB21-1109

Broadband Board Changes to Expand Broadband Service

leg.colorado.gov/bills/hb21-1109

This act moves the Broadband Deployment Board from the Department of Regulatory Agencies to the Office of Information Technology (OIT), in the Governor's Office, and modifies the membership and duties of the board. Upon signature of the Governor, the board and the Broadband Administrative Fund will be housed in the Office of Information Technology. Effective September 1, 2021, the membership of the board is reduced from 16 to 11 members. Membership of the board will still include three members representing local governments, including one representing municipalities. The act directs the board to establish an annual Request for Proposals (RFP) process to award grants to critically underserved areas of the state, as identified by OIT. Critically unserved is defined as a household or area that lacks access to at least one non-satellite provider of broadband service delivered at measurable speeds of either at least 10 megabits per second downstream and one megabit per second upstream or at measurable speeds at least equal to one-half of the minimum measurable speeds that qualify as broadband under the FCC definition, whichever is faster. Local governments, including municipalities, are eligible to apply for the grants through the RFP process to improve internet access in unserved areas. **Effective: July 7, 2021.** Lobbyist: Meghan MacKillop.

HB21-1236

State Information Technology

leg.colorado.gov/bills/hb21-1236

The act modifies statutes pertaining to the Office of Information Technology (OIT), the Colorado Cybersecurity Council, and the Joint Technology Committee. A municipal representative will be appointed to the Cybersecurity Council and help the council create a whole of state approach to cybersecurity efforts. The act will help local governments respond to ransomware and cybersecurity attacks. **Effective: September 7, 2021.** Lobbyist: Meghan MacKillop.

HB21-1289

Funding for Broadband Deployment

leg.colorado.gov/bills/hb21-1289

The act codifies the Colorado Broadband Office in the Office of Information Technology (OIT) to serve as the central broadband policy coordination body for the state. The act also funds grant programs to support broadband infrastructure using federal relief funds from the American Rescue Plan Act of 2021 (ARPA). The broadband office is required to provide technical assistance to grant applicants develop a statewide plan to encourage broadband access and usage, collect broadband data, update maps to measure broadband

deployment progress, and coordinate with various stakeholders, including local governments, to expand broadband access statewide. Four grant programs are funded through the act – the Digital Inclusion, Broadband Stimulus, Interconnectivity, and Connecting Colorado Students. Local governments are able to apply for grant funding through the programs; however, projects funded through the Broadband Stimulus Grant Program and Interconnectivity Grant Program must comply with ARPA standards. A total of \$75 million is appropriated from the Economic Recovery and Relief Cash Fund created in SB21-291 to fund the grant programs. The act is effective July 7, 2021 or on the effective date of SB21-291, whichever is later, except that Section 5 of this act takes effect on September 7, 2021.

Effective: July 7, 2021. Lobbyist: Meghan MacKillop.

SB21-060

Expand Broadband Service

leg.colorado.gov/bills/sb21-060

The act directs the Colorado Broadband Office in the Office of Information Technology (OIT) to contract with a nonprofit organization to create a reimbursement program subsidizing certain households for broadband service, based on household income and local broadband accessibility, or to provide another form of payment assistance, if the office and the nonprofit organization determine that a reimbursement program is not cost-effective. The office must submit an annual report beginning February 1, 2022, to the Governor, the Joint Budget Committee, and the Joint Technology Committee, and the program is repealed September 1, 2026. The act authorizes the office to use up to \$5 million from the Digital Grant Inclusion Program created by HB21-1289 to implement the program that would otherwise be used for telehealth services. Of that, up to \$500,000 may be used to cover the direct and indirect administrative costs of the office and the nonprofit organization. If the office is unable to find a nonprofit organization to administer the program, the program will not be implemented, and the funds will again be available for telehealth services. The act is effective one day after the effective date of HB21-1289 or SB21-291, whichever is later. **Effective: June 27, 2021.** Lobbyist: Meghan MacKillop.

TRANSPORTATION

SB21-110

Fund Safe Revitalization of Main Streets

leg.colorado.gov/bills/sb21-110

This act funds the Revitalizing Main Streets Program in the Colorado Department of Transportation. Within the program there are two grant programs that are available to local governments: Larger Safety Infrastructure Grants and Small Multimodal and Economic Resiliency Project Grants. The Revitalizing Main Streets Program also received funding from SB21-260, which funds transportation projects statewide.

Effective: March 19, 2021. Lobbyist: Meghan MacKillop.

HB21-1138

Restrict Off-highway Vehicles on Public Roads

leg.colorado.gov/bills/hb21-1138

Under this act, off-highway vehicles registered or titled in other states or jurisdictions are subject to the same restrictions on public streets, roads, or highways as those that are registered or titled in Colorado. **Effective: May 7, 2021.**

Lobbyist: Meghan MacKillop.

HB21-1186

Regional Transportation District Operation

leg.colorado.gov/bills/hb21-1186

The act removes several requirements and restrictions related to powers of the Regional Transportation District (RTD). Under the law, RTD is able to enter into contracts with nonprofit organizations and local governments for provision of vehicle services. To the extent that local governments contract with RTD for vehicle services, revenue and expenditures may increase. The act also expands the authority of RTD to co-locate retail, commercial and residential development at park-and-ride sites and other transfer stations. **Effective: September 7, 2021.**

Lobbyist: Meghan MacKillop.

HB21-1245

On-track Equipment Railroad Crossings

leg.colorado.gov/bills/hb21-1245

Under current law, motor vehicle drivers are required to safely interact with railroad crossings in relation to train traffic, including stopping at crossings to look for approaching trains and not obstructing the passage of trains. Drivers of other vehicles, like buses, are required to stop at all railroad crossings to listen and look for approaching trains, unless this requirement has been exempted by local or state authorities on an official sign. This bill extends these provisions to non-train equipment that operates on railroad tracks. On-track maintenance equipment has evolved into “train-like” machines, presenting similar dangers of trains, and this equipment does not always activate crossing gates where they are utilized. **Effective: September 7, 2021.** Lobbyist: Meghan MacKillop.

SB21-238

Create Front Range Rail District

leg.colorado.gov/bills/sb21-238

The act creates the Front Range Passenger Rail District, which will extend from Wyoming to New Mexico, including:

- the cities and counties of Denver and Broomfield;
- all areas within Adams, Arapahoe, Boulder, Douglas, El Paso, Huerfano, Jefferson, Larimer, Las Animas, Pueblo, and Weld counties that are located within the territory of a metropolitan planning organization;
- all areas within Huerfano, Las Animas, and Pueblo counties that are outside of a metropolitan planning organization but inside a county precinct located within five miles of the

Interstate 25 right-of-way; and

- all areas within Larimer and Weld counties that are outside of a metropolitan planning organization, but inside a county precinct north of the city of Fort Collins and within five miles of the I-25 right-of-way.

The district is granted authority to plan, design, develop, finance, construct, operate, and maintain a new interconnected passenger rail system. This authority will include the power to exercise taxing authority, levy a sales and use tax of up to 0.8%, collect fares and fees, and issue bonds; exercise imminent domain; create station improvement districts near existing and proposed passenger rail stations; enter into public-private partnerships; provide retail and commercial goods and services at passenger rail stations; and employ its own personnel or contract with other entities for operation and maintenance of the system. The new district will be governed by a board of directors with appointees from transportation planning organizations that have jurisdiction in the new district, as well as by the Governor and the Department of Transportation. Upon approval by registered voters in the new district, a sales and use tax may be levied to fund the rail system. Additionally, \$2.5 million is appropriated to fund the development of the rail system via SB21-260, which funds transportation projects throughout the state. Southwest Chief and Front Range Passenger Rail Commission are both repealed effective May 15, 2022. **Effective: June 30, 2021.** Lobbyist: Meghan MacKillop.

SB21-260

Sustainability of the Transportation System

leg.colorado.gov/bills/sb21-260

This act represents the largest transportation funding package in state history. Among many other things, the act will increase the amount of money available for HUTF distributions to counties and municipalities over time, as explained in greater detail below. The act creates new sources of dedicated funding for the state's transportation system and creates new enterprises to support the development of that system. New sources of funding come from new fees for users of transportation infrastructure, including fees for purchases of gasoline and diesel fuel, retail deliveries, passenger ride services, electric motor vehicle registrations, and short-term vehicle rentals. The new fees on gasoline and diesel fuel are phased in beginning July 2022 through July of 2031. All other fees are implemented starting in July 2022. The act indexes new and existing fees either to inflation or to the national highway construction costs index (NHCCI) and temporarily reduces road safety surcharges on vehicle registrations in 2022 and 2023. The reduction in revenue from the temporary reduction in vehicle registration fees is supplemented through General Fund dollars. The act creates four new state enterprises and modifies the existing state bridge enterprise originally created in 2009 to cover improvements to tunnels as well as bridges. The enterprises are authorized to impose fees on retail deliveries, passenger ride services from transportation network companies, or both, and to issue revenue bonds. Beginning

July 1, 2022, CDOT and the Transportation Commission are required to implement new procedures and guidelines for regionally significant transportation capacity projects that account for the impacts these projects will have on statewide greenhouse gas emissions and vehicle miles traveled. The new procedures and guidelines must evaluate the environmental and health impacts of significant projects on disproportionately impacted communities and be incorporated into future ten-year plans. Additionally, the act authorizes transportation planning organizations to exercise the powers of a regional transportation authority, and contains several other provisions concerning transportation projects throughout the state. The act also makes one-time transfers to fund transportation projects. In the current FY 2020-21, the act makes one-time transfers totaling \$380 million from federal American Rescue Plan Act funds to the State Highway Fund, the Highway Users Tax Fund (HUTF), and the Multimodal Transportation and Mitigation Options Fund (Multimodal Options Fund). The act then makes an additional transfer of \$170.0 million from the General Fund to the State Highway Fund in FY 2021-22. \$36.5 million in federal funds is transferred to the HUTF and allocated entirely to local governments. These transfers will occur on June 30, 2021. For FY 2024-25 through FY 2031-32, annual transfers from the General Fund to the Multimodal Options Fund and the State Highway Fund, for purposes of funding the Revitalizing Main Streets Program, will occur. Revenue deposited or transferred to the HUTF is allocated to the State Highway Fund for expenditure at the discretion of the Transportation Commission and to local governments. Revenue collected in the HUTF through new fees is allocated in shares of 60% for the State Highway Fund, 22% for counties, and 18% for municipalities. Revenue that is transferred to the HUTF from the General Fund or another cash fund is allocated in shares of 55% for counties and 45% for municipalities. **Effective: June 17, 2021.** Lobbyist: Meghan MacKillop.

UTILITIES

HB21-1052

Define Pumped Hydroelectricity as Renewable Energy

leg.colorado.gov/bills/hb21-1052

Under the renewable energy standard, each electricity provider in the state, other than municipally owned utilities that serve 40,000 customers or fewer, is required to obtain a minimum percentage of their electricity from eligible energy resources. This bill would allow those utilities to use hydroelectricity generation as a source of renewable energy. The pumped hydroelectricity generation must not combust fossil fuel to pump water, cannot be located on a natural waterway, and must not impact any decreed instream flow or cause violations of state water quality standards. The generation also should include measures to prevent fish mortality in the pumping facility.

Effective: September 7, 2021. Lobbyist: Meghan MacKillop.

HB21-1238

Public Utilities Commission Modernize Gas Utility Demand-side Management Standards

leg.colorado.gov/bills/hb21-1238

The act revises requirements of gas utility demand-side management (DSM) programs beginning in 2022. DSM programs aim to reduce end-use natural gas consumption in a cost-effective manner, and are defined as programs that support energy efficiency, conservation, and load management. Since 2008, Colorado's gas utilities are required to implement cost-effective DSM programs for full-service customers. Gas utilities have the discretion of managing their portfolio of DSM programs to ensure cost effectiveness and to meet energy savings targets. Under the act, the Public Utilities Commission (PUC) is required to consider the avoided costs to ratepayers resulting from reduced consumption of natural gas when considering cost-effectiveness of DSM programs. Avoided costs must include carbon dioxide and methane emissions based on the most recent federal assessment on the social costs of carbon and methane. **Effective: September 7, 2021.** Lobbyist: Meghan MacKillop.

HB21-1269

Public Utilities Commission Study of Community Choice Energy

leg.colorado.gov/bills/hb21-1269

Community Choice Energy (CCE) is a mechanism that allows cities, counties, or groups of cities and counties to combine their purchasing power and choose alternative electricity suppliers. The act directs the Public Utilities Commission (PUC) to evaluate the viability of the wholesale, opt-out model of CCE in Colorado. The PUC should open an investigatory proceeding by January 15, 2022, to consider the regulatory and legal implications of CCE and provide recommendations to the General Assembly. The PUC must submit a final report to the General Assembly by December 15, 2022. **Effective: June 25, 2021.** Lobbyist: Meghan MacKillop.

SB21-072

Public Utilities Commission Modernize Electric Transmission Infrastructure

leg.colorado.gov/bills/sb21-072

The act expands electric transmission facilities in the state by creating the Colorado Electric Transmission Authority (CETA). CETA is granted various powers in the act, 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. Transmission utilities are required to join an organized wholesale market by 2030. The act streamlines the Public Utilities Commission's (PUC) approval process for new transmission facilities, directing the PUC to issue a final order within 240 days after a utility's application to build

new transmission facilities is complete. An application can be approved if the construction or expansion of transmission facilities can cost-effectively enable the reliable delivery of electricity to Colorado consumers and meet renewable energy standards. CETA is not property-tax exempt. Further, CETA's condemnation authority does not apply to local government property, and CETA is subject to local land use and siting approval. **Effective: June 24, 2021.** Lobbyist: Meghan MacKillop.

SB21-246

Electric Utility Promote Beneficial Electrification

leg.colorado.gov/bills/sb21-246

The act requires investor-owned electric utilities to file beneficial electrification plans with the Public Utilities Commission (PUC) by April 1, 2022, and no less frequently than every three years. Beneficial electrification is defined as converting the energy source of a customer's end use from a non-electric fuel source to a high-efficiency electric source. If the result reduces greenhouse gas emissions over the lifetime of the conversion or avoidance and reduces societal costs or provides more efficient use of grid resources, beneficial electrification can also be defined as avoiding the use of non-electric fuel sources in new construction or industrial applications. The act outlines the requirements of beneficial electrification plans and directs utilities and the PUC to account for the social cost of carbon dioxide and methane in cost-benefit analyses and include both avoided emissions from combustion and leakage. Municipal utilities are encouraged, but not required, to file beneficial electrification plans. **Effective: September 7, 2021.** Lobbyist: Meghan MacKillop.

SB21-261

Public Utilities Commission Encourage Renewable Energy Generation

leg.colorado.gov/bills/sb21-261

The act makes various changes to the renewable energy standard (RES) and the regulation of distributed generation. Current law limits the size of a renewable energy system allowed on a customer's premise to no more than 120% of the total customer energy usage of the building. Any applications submitted to utilities that come in over the 120% rule are declined and asked to adjust the system size accordingly. The act increases that limitation on the size of distributed generation facilities from 120% to 200% of a customer's historical annual usage, to qualify for renewable energy credits. It also expands an existing exemption from regulation as a public utility to include persons who sell excess power from distributed generation located on property owned or leased by a customer or a master meter operator or customer served by a master meter operator, such as an apartment complex or mobile home park. The act also includes directives to the Public Utilities Commission to encourage renewable energy distribution and generation. **Effective: June 21, 2021.** Lobbyist: Meghan MacKillop.

SB21-264

Adopt Programs Reduce Greenhouse Gas Emissions Utilities

leg.colorado.gov/bills/sb21-264

The act addresses reducing greenhouse gas emissions through changes to gas distribution utilities regulations, including the filing of clean heat plans with the Public Utilities Commission (PUC). The PUC and the Air Quality Control Commission (AQCC) are required to initiate rulemaking proceedings related to clean heat plans. Each gas distribution utility, defined as a gas public utility with more than 90,000 retail customers, is required to file a clean heat plan with the PUC. The plan must demonstrate how the utility will use clean heat resources to meet the clean heat targets established in the act. The largest utility, Xcel Energy, must file a clean heat plan application by August 1, 2023, and all other utilities must file plans no later than January 1, 2024. Clean heat plans may be filed as part of any other plan, including demand-side management plans. Municipal gas distribution utilities are also required to implement clean heat plans and file the plans with the PUC by August 1, 2023. Small municipal gas distribution utilities, or utilities serving less than 90,000 customers, are encouraged, but not required, to file clean heat plans with the PUC. **Effective: June 24, 2021.** Lobbyist: Meghan MacKillop.

WATER

HB21-1105

Low-income Utility Payment Assistance Contributions

leg.colorado.gov/bills/hb21-1105

The act expands Energy Outreach Colorado's programs to include a water utility bill payment assistance program. This is a voluntary, opt-in charge that a municipal water utility could offer its customers, which Energy Outreach Colorado would administer. Additional provisions of the act remove Energy Outreach Colorado from the grant program reserve funded by DNR severance tax operational fund money. To fill that funding gap, the act creates an energy assistance system benefit charge that electric and gas utilities are required to collect from their customers which goes to fund the Low-income Energy Assistance Program (LEAP). However, current statute (C.R.S 40-8.7-106) specifically exempts municipally owned electric and gas utilities and cooperative electric associations from contributing to Energy Outreach Colorado programs if they currently operate an alternative energy assistance program for their customers and self-certify. All municipally owned utilities do currently fall under this exemption. **Effective: September 7, 2021.** Lobbyist: Heather Stauffer.

HB21-1226

More Robust Check Station Aquatic Nuisance Species

leg.colorado.gov/bills/hb21-1226

The act instructs the division of parks and wildlife to investigate the methods that other states are using for the operation and location of boating check stations. The act establishes a \$100 fine if a person willfully or knowingly fails to stop at an aquatic nuisance species check station while transporting a conveyance during the check station's hours of operation without presenting the conveyance for inspection. A conveyance is defined as a motor vehicle, vessel, trailer, or any associated equipment or containers, including, but not limited to, live wells, ballast tanks, and bilge areas that may contain or carry an aquatic nuisance species. **Effective: September 7, 2021.** Lobbyist: Heather Stauffer.

HB21-1260

General Fund Transfer Implement State Water Plan

leg.colorado.gov/bills/hb21-1260

The act authorizes a \$20 million transfer from the general fund to the Colorado Water Conservation Board in order to help implement the state water plan. The transfer includes \$15 million for the water plan implementation cash fund, of which 5% can be used for grants which municipalities are eligible to apply for. The transfer also includes \$5 million for the water supply reserve fund, which is used to provide grants and loans to assist Colorado water users, including municipalities, with funds to complete critical water supply projects. The act lowers the matching fund requirements of these CWCB grants from 50% to 25% and further specifies that the CWCB may award grants in 2021 and 2022 with further reduced matching fund requirements. **Effective: June 24, 2021.** Lobbyist: Heather Stauffer.

SB21-240

Watershed Restoration Grant Program Stimulus

leg.colorado.gov/bills/sb21-240

The act transfers \$30 million from the general fund to the Colorado Water Conservation Board Construction Fund for use by the Colorado Water Conservation Board (CWCB) to protect watersheds against the impacts of wildfires through the existing Watershed Restoration Grant Program. The grants can be used for watershed restoration and flood mitigation to restore, mitigate and protect stream channels and riparian areas susceptible to flood hazards, sediment erosion and deposition after wildfire. Funds can also be used for the repair, replacement, modification, maintenance or installation of related water and debris-control structures with special consideration of projects with federal and local matching requirements. CWCB will award at least \$10 million dollars by July 1, 2022, and the remaining money by December 31, 2022. Additionally, the bill directs the CWCB to conduct a statewide watershed analysis to investigate the susceptibility of life, safety, infrastructure,

and water supplies to wildfire impacts. The CWCB can use up to 5% of the money to administer the grant program and up to 10% to provide technical engineering services to grantees. Municipalities are eligible for these grants. **Effective: June 15, 2021.** Lobbyist: Heather Stauffer

WILDFIRE

HB21-1008

Forest Health Project Financing

leg.colorado.gov/bills/hb21-1008

The act establishes the ability of separate legal entities such as counties, municipalities and other political subdivisions of the state who already possess the authority to provide public improvements, to enter into voluntary contracts with one another to establish a separate legal entity to provide public improvements for forest health projects and to participate in forest health projects outside of their political boundaries in order to reduce the risk of wildfire and damage to watersheds. These new local or special improvement districts may levy special assessments on properties benefited by the improvements. Like other special districts, assessments must be levied with the written consent of all the owners of impacted properties, or upon approval of a majority of the eligible electors of the district. A board of directors will constitute the governing body of the special improvement district. The act also allows a municipality, among others, to enter into long-term rental or leasehold agreements to finance forest health projects. **Effective: May 20, 2021.** Lobbyist: Heather Stauffer.

HB21-1180

Measures to Increase Biomass Utilization

leg.colorado.gov/bills/hb21-1180

The act creates a grant program administered by the Colorado Forest Service to demonstrate the utilization of biomass throughout the state. The forest service may award up to \$2.5 million in grants for proposed projects that seek to demonstrate the wildfire prevention and mitigation benefits, energy or agricultural benefits derived from increasing biomass/ biochar usage. Municipalities are eligible to apply for these grants. The program is repealed September 1, 2026. **Effective: September 8, 2021.** Lobbyist: Heather Stauffer.

HB21-1208

Natural Disaster Mitigation Enterprise

leg.colorado.gov/bills/hb21-1208

The act creates the Natural Disaster Mitigation Enterprise. The enterprise collects a fee on insurance companies collected on or before July 1, 2023 that offer certain insurance policies through 2029 and uses the fee revenue to finance the Natural Disaster Mitigation Grant program to provide local governments

technical assistance on natural disaster mitigation. The enterprise awards natural disaster mitigation grants to assist local governments in implementing resilience and natural disaster mitigation measures and to assist entities that apply for federal grants that require matching funds and are dedicated to assisting in the implementation of pre-disaster natural disaster mitigation measures. The program is repealed January 1, 2030.

Effective: September 8, 2021. Lobbyist: Heather Stauffer.

SB21-054

Transfers for Wildfire Mitigation and Response

leg.colorado.gov/bills/sb21-054

The act appropriates money into various cash funds to be used to address wildland fires. The act appropriates \$6 million from the general fund to the Forest Restoration and Wildfire Risk Mitigation grant program cash fund which municipalities are eligible to apply for. The act also appropriates \$3 million from the general fund to the Wildfire Preparedness Fund. Local governments can apply for money in the Wildfire Preparedness Fund for use as the state match for federal hazard mitigation assistance grants. The money can also be used by the Division of Homeland Security and Emergency Management to provide local governments with strategic planning assistance for wildland fire hazard mitigation. Finally, the act appropriates \$4 million from the general fund to the Colorado Water Conservation Board Construction Fund for watershed restoration programs to support post-fire recovery and mitigation efforts. **Effective: March 21, 2021.** Lobbyist: Heather Stauffer.

SB21-113

Firefighting Aircraft Wildfire Management and Response

leg.colorado.gov/bills/sb21-113

The act directs the state treasurer to transfer \$30,800,000 from the general fund to the Colorado Firefighting Air Corps Fund to support the purchase of a fire hawk helicopter by the Department of Public Safety (CDPS) configured for wildfire mitigation. The funding will also be used for leasing a type 1 helicopter or other available and appropriate aviation resources configured for wildfire mitigation in advance of the 2021 wildfire season. **Effective: March 21, 2021.** Lobbyist: Heather Stauffer.

SB21-166

Colorado Fire Commission Recommendations

leg.colorado.gov/bills/sb21-166

The act implements recommendations from the 2020 Colorado Fire Commission Annual Report. It does so by updating, three mutual aid statutes affecting the responsibilities of requesting and assisting fire control. Under current statutory provisions, all resources from an agency assisting in fire prevention are under the control of the requesting agency and liability is placed with the requesting agency. Under the changes made by the act, the assisting agency, working under the direction

of the incident commander, retains operational control of its resources and therefore retains liability for the actions of its crews. These changes also add public emergency medical services (EMS) agencies to the applicable statutory provisions to allow for better coordination of EMS mutual aid resources. The act additionally creates the Colorado Coordinated Regional Mutual Aid System (CCRMAS), which establishes Division of Fire Prevention and Control Districts throughout the state which act as the point of contact and coordinate with the office of emergency management and charges the Division of Fire Prevention and Control with implementing it. The act also creates the Regional and Statewide Mutual Aid System (RSMAS), a regional and statewide system that provides for the coordinated initial response of emergency responders to emergency incidents. the act directs the director of the division of fire prevention and control to establish, implement, and maintain the RSMAS. Finally, the act requires at the end of each state fiscal year excess money in the aviation resources line of the annual general appropriation act for that same state fiscal year go to the wildfire preparedness fund rather than the general fund. **Effective: June 22, 2021.** Lobbyist: Heather Stauffer.

SB21-221

Projects Under Wildfire Risk Management Grant Program

leg.colorado.gov/bills/sb21-221

The Joint Budget committee appropriated \$7 million to the Forest Restoration and Wildfire Risk Mitigation Grant Program in the Long Bill this session. This act works in conjunction with that appropriation and removes the \$1 million limit for the grant share of individual projects to allow for larger projects to take place. It also directs the Colorado Forest Service Technical Advisory Panel who review grant applications to show preference to hazardous fuel reduction projects from communities who have, or plan to adopt local measures that reduce wildfire risks which complement funds provided through the program. Stronger measures shall receive greater preference while taking into account geographic differences and needs for mitigation.

Effective: May 4, 2021. Lobbyist: Heather Stauffer.

SB21-237

Create Forest Health Council In Department of Natural Resources

leg.colorado.gov/bills/sb21-237

This act repeals the Forest Health Advisory Council within the Colorado State Forest Service and places it within the Department of Natural Resources. Among the members of the Forest Health Advisory Council are two members employed by a water supplier, including a municipal drinking water supplier who are appointed by the Governor to serve on the council.

Effective: June 22, 2021. Lobbyist: Heather Stauffer.

SB21-258

Wildfire Risk Mitigation

leg.colorado.gov/bills/sb21-258

The act allows the forest service to issue Forest Restoration and Wildfire Risk Mitigation grants for projects on federal land if part of a larger project that also includes a majority nonfederal land. The act also expands the allowable uses of the Forest Restoration and Wildfire Risk Mitigation grants to include capacity-building efforts which can include community and partner outreach and engagement, identifying priority project areas, prescription planning, and acquiring community equipment for use by landowners. The act also creates the Hazard Mitigation Fund to assist local jurisdictions in obtaining the matching funds required for certain federal hazard mitigation grants. The act also creates the Wildfire Mitigation Capacity Development Fund which will be used by the Department of Natural Resources to conduct assessments of wildfire mitigation efforts, hiring staff resources to coordinate cross-boundary wildfire mitigation efforts, and funding projects or grants to support fuel reduction and wildfire mitigation projects. The act appropriates \$5 million from the general fund to the Healthy Forests and Vibrant Communities Fund, \$2.5 million from the general fund to the Wildfire Risk Mitigation Revolving Fund for loans issued by the Wildfire Risk Mitigation Loan Program. \$17.5 million from the general fund to the newly created Wildfire Mitigation Capacity Development Fund. \$3 million from the Wildfire Preparedness Fund to the newly created Hazard Mitigation Fund. \$600,000 from the Wildfire Preparedness Fund and \$1.2 million from the Colorado Firefighting Air Corps Fund to the Wildfire Emergency Response Fund. **Effective:**

June 15, 2021. Lobbyist: Heather Stauffer.

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