



2020

COLORADO LAWS ENACTED

Affecting Municipal Governments



COLORADO
MUNICIPAL
LEAGUE

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TABLE OF CONTENTS



Foreword..... i

Summaries of laws enacted..... 1

Indexes

 Index by topic..... 219



Each year, CML analyzes the laws passed by the General Assembly that affect cities and towns.

FOREWORD



During the 2020 session of the Colorado General Assembly, CML's advocacy team worked on behalf of our member municipalities in a chaotic time due to COVID-19. The League advocated for enacted legislation that improved public safety communications, water quality, and economic development. CML successfully advocated for the defeat of legislation that affected local land use, municipal annexation, and municipal court operations. Finally, CML successfully advocated for amending significant employment and police accountability legislation to reduce the impacts on municipalities, although not all of municipal concerns were successfully resolved.

Each year, CML analyzes the laws passed by the General Assembly that affect cities and towns. *2020 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. *2020 Colorado Laws Enacted Affecting Municipalities* will be available to all for free – along with several past editions – online at www.cml.org

Kevin Bommer
CML executive director
July 2020

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 also assists in training and answering inquiries for other municipal officials on various topics. Meghan joined the League in 2011.



**LEGISLATIVE & POLICY ADVOCATE:
MORGAN CULLEN**

Morgan is responsible for advocating municipal interests before the state legislature. His issues include economic development; environment and sustainability; transportation and transit; municipal debt and finance; purchasing; and utilities. He also assists in training and answering inquiries for other municipal officials on various topics. He joined the League in 2016.



**LEGISLATIVE & POLICY ADVOCATE:
BRANDY DELANGE**

Brandy is responsible for advocating municipal interests before the state legislature. Her issues include broadband; beer, liquor and marijuana; building codes; healthcare; hemp; oil and gas; public safety; severance tax, FML and energy impact; state budget; and land use and annexation. She also assists in training and answering inquiries for municipal officials on various topics. Brandy joined the League in 2018 and left the League shortly after the 2020 Legislative Session.



**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; historic preservation; lottery and gaming; open meetings/open records; special districts; and water and wastewater/water quality. She also assists in training and answering inquiries for other municipal officials on various topics. Heather joined CML in July 2019.

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HB 20-1161**AFFORDABLE HOUSING****Private Activity Bond Allocation**<http://leg.colorado.gov/bills/hb20-1161>

The act changes oversight of private activity bond (PABs) from the Bond Allocation Committee to the State Housing Board. The Board will conduct the review and make the recommendations. The act also eliminates a requirement that the Department of Local Affairs (DOLA) limit the amount of the direct allocation fee paid by bond issuers to no more than 30 percent of department costs related to private activity bond allocation. **Effective: September 13, 2020.**

Lobbyist: Meghan Dollar.

HB 20-1196**AFFORDABLE HOUSING****Mobile Home Park Act Updates**<http://leg.colorado.gov/bills/hb20-1196>

The act makes changes to statutes regarding mobile home parks. The act defined new terms for the Mobile Home Park Act and the Mobile Home Park Act Dispute Resolution and Enforcement Program. The act also adjusts the conditions under which a tenancy may be terminated, changes management's duties concerning park maintenance and repair, and requires management to provide documentation to tenants regarding water usage and acting. The act also prohibits management from retaliatory actions, puts constraints on how management may amend park rules, and establishes a right to privacy for tenants. A mobile home park cannot have its use changed without necessary approval **Effective: June 30, 2020.** Lobbyist: Meghan Dollar.

HB 20-1201**AFFORDABLE HOUSING****Mobile Home Park Residents Opportunity to Purchase**<http://leg.colorado.gov/bills/hb20-1201>

The act gives homeowners in a mobile home park, or an association representing a majority of homeowners, the opportunity to make an offer to buy the park if the landlord or management anticipates selling it or changing the use of the land. **Effective: June 30, 2020.** Lobbyist: Meghan Dollar.

HB 20-1370**AFFORDABLE HOUSING****Transfers from Unclaimed Property Trust Fund**<http://leg.colorado.gov/bills/hb20-1370>

HB 19-1322 created a mechanism that would transfer up to \$30 million from the Unclaimed Property Trust Fund to the Housing Development Grant Fund in the Division of Housing. This act delays the implementation of this transfer by two fiscal years, with transfers possible from FY 2022-23 through FY 2024-25. **Effective: June 29, 2020.**

Lobbyist: Meghan Dollar.

SB 20-032**BEER & LIQUOR****Employee Age to Sell Alcohol Retail Liquor Store**<http://leg.colorado.gov/bills/sb20-032>

The act permits employees of a retail liquor store or liquor licenses drugstore, who are between the ages of 18 and 21, to sell and otherwise have contact with alcohol, but must be supervised by an employee who is 21 or older. Additionally, the act clarifies that the employees between 18 and 21 cannot deliver alcohol. **Effective: March 20, 2020.**

Lobbyist: Brandy DeLange.

SB 20-086**BEER & LIQUOR****Alcohol Beverage License and Permit Expiration**<http://leg.colorado.gov/bills/sb20-086>

The act allows the Liquor Enforcement Division (LED) to set a renewal fee for liquor licenses and permits. Additionally, the act allows the LED to notify licensees of expiration dates through more effective means other than first class mail. **Effective: September 13, 2020.** Lobbyist: Brandy DeLange.

SB 20-110**BEER & LIQUOR****Penalties for Liquor Law Violations**<http://leg.colorado.gov/bills/sb20-110>

The act allows both the state and local licensing authority to assess a fine for a liquor license violations, regardless if the licensee has petitioned for a fine instead of a license suspension. Additionally, the act requires the Liquor Enforcement Division to adopt rules establishing categories of violations and ranges of penalties for state and local licensing authorities. **Effective: July 13, 2020.**

Lobbyist: Brandy DeLange.

HB 20-194**BEER & LIQUOR****Brew Pub Retail Sales Malt Liquor Sealed Container**<http://leg.colorado.gov/bills/sb20-194>

The act grants brewpubs the ability to sell sealed containers of beer manufactured at another brewpub location (but is under the same ownership which the retail sales occurs). **Effective: September 13, 2020.** Lobbyist: Brandy DeLange.

HB 20-213**BEER & LIQUOR****Alcohol Beverage Retail Takeout and Delivery**<http://leg.colorado.gov/bills/sb20-213>

The act creates a temporary process (set to expire July 1, 2021) to allow certain liquor licensees to provide both takeout and delivery when the Governor has not declared an emergency. In this time, orders may be no more than 750 milliliters for wine/spirits and no more than 72 ounces for beer, hard cider, etc. Additionally, the act allows local licensing authorities to establish a local permitting process and permit fee (the local

fee amount may not exceed the state permit fee). If the local authority does not establish a permit, the licensee is only required to obtain the state permit. Finally, the act directs the Liquor Enforcement Division to promulgate rules, including the creation of the permit application and the permit fee. **Effective: July 10, 2020.** Lobbyist: Brandy DeLange

HB 20-1165 **BUILDING REGULATIONS**

Interior Design Practice

<http://leg.colorado.gov/bills/hb20-1165>

The act clarifies the circumstances under which a municipality may reject a building permit submitted by an interior designer, which are: the permit did not comply with local ordinances, resolutions, or building codes. **Effective: September 13, 2020.** Lobbyist: Brandy DeLange.

SB 20-120 **BUSINESS LICENSING**

Apprentice Examinations and Licenses

<http://leg.colorado.gov/bills/sb20-120>

Under this act, electrical and plumbing apprentices are required to take a license examination-every three years for electricians and every two years for plumbers if they have been registered for at least six years with either the State Electrical Board or the State Plumbing Board. Additionally, the employer must register with the United States Department of Labor’s employment and training administration as well as a state apprentice council (recognized by the U.S. Department of Labor) to register and track practical training and classroom hours of each apprentice employed. **Effective: September 13, 2020.** Lobbyist: Brandy DeLange.

HB 20-185 **CRIMINAL JUSTICE & COURTS**

P.O.S.T. Scholarship Rural Law Enforcement

<http://leg.colorado.gov/bills/hb20-1229>

The act allows the Peace Officers Standards and Training (P.O.S.T.) Board to establish a scholarship program for law enforcement agencies in rural and small jurisdictions with limited resources to assist with the tuition costs for peace officer candidates to attend basic law enforcement training academy. **Effective: September 13, 2020.** Lobbyist: Meghan Dollar.

SB 20-217 **CRIMINAL JUSTICE & COURTS**

Enhance Law Enforcement Integrity

<http://leg.colorado.gov/bills/sb20-217>

This act makes several policy changes related to law enforcement practices. Per the definition of peace officer in the legislation, most of the provisions of the act apply to any person employed by a local government who is required to be Peace Officer Standards and Training (P.O.S.T.)-certified, a Colorado State Patrol (CSP) officer, and noncertified deputy

sheriffs. Effective June 19, 2020, the act creates a civil action for deprivation of rights by a local law enforcement officer that can be brought in state court. Qualified immunity is not a defense. The act also requires an employer to indemnify an officer for liability except the employer may require an officer pay up to 5% of the judgment or \$25,000, whichever is less, if the officer acted in bad faith. The act prohibits the use of a chokehold by law enforcement and makes significant changes to statutes regarding “fleeing felon.” The act also specifies mandatory disciplinary actions by employers as well as mandatory internal reporting. Effective September 1, 2020, the act narrows the instances when an officer can use physical force and creates criminal liability for an officer if they inappropriately use excessive force or fail to intervene when another officer uses excessive force. It also mandates law enforcement be trained on the new use of force law by September 1, 2020. Beginning January 1, 2022, the act requires that the P.O.S.T. Board must create and maintain a database containing information on any peace officer’s untruthfulness, failure to follow P.O.S.T. training, decertification, and/or termination. Effective January 1, 2023, law enforcement agencies must submit certain demographic data and other information to the Colorado Division of Criminal Justice. Effective July 1, 2023, all law enforcement agencies are required to provide body-worn cameras for peace officers interacting with the public. The act dictates the release of body camera footage and outlines punishments for intentional misuse of body cameras. The act contains numerous other provisions. **Effective: June 19, 2020.** Lobbyist: Meghan Dollar.

SB 20-181 **CRIMINAL JUSTICE & COURTS**

Measures on Competency to Proceed

<http://leg.colorado.gov/bills/sb20-181>

The act makes several changes to the competency statute. The act specifies that when a defendant is found incompetent to proceed or where civil commitment proceedings are initiated in a municipal case, the municipal court shall dismiss the case. **Effective: June 29, 2020.** Lobbyist: Meghan Dollar.

HB 20-1003 **ECONOMIC DEVELOPMENT**

Rural Jumpstart Zone Act Modifications

<http://leg.colorado.gov/bills/hb20-1003>

The act extends the rural jump-start program for an additional 5 years. The act changes the existing competition clause to specify that a new business applying for rural jump-start program benefits cannot compete with an existing business in the rural jump-start zone in which the business will be located or in any distressed county that is contiguous to the rural jump-start zone. The act adds economic development organizations as authorized entities to apply to form a rural jump-start zone or allow a new business to participate in the rural jump-start program. **Effective: September 13, 2020.** Lobbyist: Morgan Cullen.

SB 20-222**ECONOMIC DEVELOPMENT****CARES Small Business Grant Program**<http://leg.colorado.gov/bills/sb20-222>

The act creates a small business COVID-19 grant program, financed with \$20 million from money allocated to the state pursuant to federal funding from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The Colorado office of economic development will administer the grant program and the Colorado economic development commission will contract with the Colorado Housing and Finance Authority (CHFA) to operate the grant program. CHFA will work with nonprofit or community-based lenders that will underwrite and distribute the grants to small businesses. To be eligible for a grant, a small business must have fewer than 25 employees and have been affected by economic hardship caused by the COVID-19 pandemic. A preference is given for a small business that did not qualify for or receive a paycheck protection program loan; is majority owned by veterans, women, or minorities; or is in a rural area. \$5 million is earmarked, until October 1, 2020, for tourism businesses. The federal money must be spent by December 30, 2020. **Effective: June 23, 2020.** **Lobbyist: Morgan Cullen.**

along with the municipal ballots to UOCAVA voters. The code specifies that, to be valid, an active military or overseas voter must complete a signed affirmation. The act specifies the language required to be included in the affirmation for UOCAVA voters. **Effective: September 13, 2020.**
Lobbyist: Heather Stauffer.

HB 20-186**ELECTIONS****Colorado Redistricting Commissions**<http://leg.colorado.gov/bills/sb20-186>

Following the passage of Colorado Amendment Y in the 2018 election, this act repeals existing statutory criteria for congressional districts and establishes new statutory provisions established by the new independent congressional redistricting commission (the “congressional commission”). The act also updates the existing statutory provisions related to the independent legislative redistricting commission (the “legislative commission”). The act requires the legislative commission to designate which year an election for each state senate district takes place and specify from which district a new senator is elected when there is a vacancy. The act requires both the congressional and legislative commissions to provide maps of the proposed and final congressional and legislative districts to county clerks, among others. The clerk and recorder of each county, subject to the approval of its board of county commissioners, must redraw the general election precincts to ensure that no general election precinct spans more than one state representative, state senatorial, or congressional district. **Effective: July 11, 2020.**

Lobbyist: Heather Stauffer.

SB 20-1010**ELECTIONS****Accurate Residence Redistricting Act**<http://leg.colorado.gov/bills/hb20-1010>

The act requires the department of corrections to collect and maintain the last known addresses of inmates and provide that information to legislative council following the decennial census. It directs the department to report the information to nonpartisan legislative staff offices to develop a database of population-adjusted data to be used for purposes of redistricting in congressional, state senate, and state house of representatives districts. **Effective: March 20, 2020.**
Lobbyist: Morgan Cullen.

SB 20-1048**EMPLOYMENT****Race Trait Hair Style Anti-Discrimination Protection**<http://leg.colorado.gov/bills/hb20-1048>

The act specifies that an individual’s hair style cannot be used to discriminate on the basis of race in the context of employment, housing, and public accommodation. The act specifies that race includes hair texture, hair type, and protective hairstyles that are commonly or historically associated with race, such as braids, locs, twists, corn rows, tight coils or curls, Bantu knots, Afros, and headwraps. **Effective: September 13, 2020.**
Lobbyist: Meghan Dollar.

HB 20-1156**ELECTIONS****Colorado Municipal Election Code Administrative Modifications**<http://leg.colorado.gov/bills/hb20-1156>

The act removes several outdated and conflicting requirements previously in the municipal election code. The wording of the self-affirmation that is required to appear on the envelope for a mail ballot is amended to be consistent with the wording of the self-affirmation that is required to appear on the envelope for an absentee ballot. The provision in the code that requires a withdrawal affidavit for a mail ballot election was amended to specify that withdrawals must occur prior to 63 days before the election. Similarly, the provision in the code that requires nomination petitions in mail ballot elections to be corrected was amended to specify that such petitions must be amended prior to 63 days before the election. The act clarifies that municipal mail ballots are not required to include a stub and a duplicate stub. The act also strikes the language which required municipal clerks to send a federal declaration

HB 20-1415**EMPLOYMENT****Whistleblower Protection Public Health Emergencies**<http://leg.colorado.gov/bills/hb20-1415>

The act prohibits an employer, including public employers, from discriminating, retaliating, or taking adverse action against any worker who raises any reasonable concern, in good faith, about workplace health and safety practices or hazards related to a public health emergency. It also prohibits an employer from discriminating, retaliating, or taking adverse action against a worker who voluntarily wears personal protective equipment (PPE) if it is more protective than what is provided by the employer. This provision of the

act applies if the PPE is recommended by a federal, state or local public health agency and does not prevent a worker from fulfilling the duties of their position. The requirements of this act are only applicable if an employee accuses an employer of violating government health or safety rules as it relates to either a disaster emergency declared by the governor based on a public health concern, or a public health order issued by a state or local public health agency. Outside of a public health order or declared emergency, this act does not apply. The act defines a worker as either an employee, or a person who works for an entity that contracts with five or more independent contractors in the state each year. The act is only applicable if the employer controls workplace conditions which have given rise to the threat or violation. An employer cannot require an employee to sign a contract or other agreement which would prevent the employee from disclosing information about workplace health and safety practices or hazards related to the public health emergency. An employer is required under this act to post notice of a worker's rights under the act in a conspicuous location on the employer's premises. An employee is required to exhaust administrative remedies before bringing an action in district court. An employee may, within 90 days after exhausting administrative remedies, bring an action in district court. A court may order affirmative relief it deems to be appropriate, including punitive and compensatory damages against an employer. Reasonable attorney's fees may also be awarded. The requirements of this act are prospective and not retroactive. **Effective: July 11, 2020.** **Lobbyist: Heather Stauffer.**

SB 20-026

EMPLOYMENT

Workers' Compensation for Audible Psychological Trauma

<http://leg.colorado.gov/bills/sb20-026>

Current law allows workers who visually witness psychologically traumatic events to qualify for workers' compensation benefits. This act expands the definition to include audible exposure to a death or serious bodily injury. Qualified claimants must be diagnosed with Post-Traumatic Stress Disorder (PTSD) by a licensed psychiatrist or psychologist. **Effective: September 13, 2020.**

Lobbyist: Meghan Dollar.

SB 20-205

EMPLOYMENT

Employee Paid Sick Leave

<http://leg.colorado.gov/bills/sb20-205>

The act sets requirements for both public and private employers to provide sick leave. The act sets specific paid leave thresholds that an employer must meet. If a municipal employer provides higher amounts of paid leave, quicker accrual time frames, and allows paid leave for the reasons listed below, this act may not affect current policy. Through December 31, 2020, every Colorado employer, regardless of size, must provide paid sick leave as required under the federal Families First Coronavirus Response Act. Beginning January 1, 2021, employers with 16 or more employees must provide

one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours per year. For employers with 15 or fewer employees, the act goes into effect on January 1, 2022. Paid sick leave may be used for the employee's own health or health care or that of a member of the employee's family (which is expanded to include another person related by blood, marriage, civil union, or adoption; foster or legal guardianship; or any person whom the employee is responsible for providing or arranging health-related care). Employees may also use sick leave for absences related to specified incidences of domestic abuse, sexual assault, or harassment; or when a public official has ordered the closure of the employee's workplace, or the school or childcare facility of the employee's child, due to a public health emergency. The act requires employers to provide employees with additional paid leave during a public health emergency. Employers must provide employees who normally work 40 or more hours a week with at least 80 hours of additional paid sick leave. For employees that work less than 40 hours a week, employers must provide additional paid sick leave in the amount of time the employee is scheduled to work in a 14-day period or the amount of time the employee actually works on average in a 14-day period. Employees may only use the leave once during a declared public health emergency, and employees may use this additional leave for up to a month after the end or suspension of a public health emergency. Employers must provide this additional sick leave for absences that are listed in the act such as self-isolation and seeking medical care, or caring for a family member; however, employers may require employees to use other available paid sick leave provided by the employer before using public health emergency paid sick leave. Employers are required to notify employees of the amount of paid sick leave to which they are entitled and the terms of its use. The act provides both an administrative and civil remedy for employees who feel they have been retaliated against or their employer disciplines them for taking the allowed leave in this act. Employers are required to retain records documenting hours worked, paid sick leave accrued, and paid sick leave used for each employee for a two-year period. Employers are to provide reasonable access to records to the CDLE. If the employer does not allow reasonable access, then they are presumed in violation of the act unless they can prove otherwise by preponderance of the evidence. The act contains other provisions. **Effective: July 14, 2020.** **Lobbyist: Meghan Dollar.**

SB 20-207

EMPLOYMENT

Unemployment Insurance

<http://leg.colorado.gov/bills/sb20-207>

The act expands and increases qualifications for unemployment insurance (UI) benefits and increases the amount of money workers can make (from 25 percent of the benefit amount to 50 percent) and still receive UI benefits. The legislation expands "good cause" reasons for workers to quit their jobs and still be eligible for benefits including – employers failing to follow health and safety guidelines, a childcare crisis due to the public health emergency, or caring for sick or quarantined family members. Additionally, the act codifies standards for a person refusing to return to work

due to health concerns, and still qualify for UI benefits. This provision takes into consideration whether or not an employee is immunocompromised and more susceptible to illness or disease during a public health emergency as evidenced by the employee's healthcare provider. While much of the anticipated \$18 million in increased unemployment assistance costs will be covered by federal CARES Act relief funding passed by Congress earlier this spring, it is important to note that the legislation will result in an increase in UI premiums once the funding ends for proprietors - including local government employers over the coming years. **Effective: July 14, 2020.** [Lobbyist: Morgan Cullen.](#)

SB 20-083**IMMIGRATION****Prohibit Courthouse Civil Arrest**

<http://leg.colorado.gov/bills/sb20-083>

The act protects an individual from civil arrest while the person is present at a courthouse or on its environs, or while going to, attending, or coming from a court proceeding. A judge or magistrate may issue a writ of protection to prohibit a civil arrest, but a writ of protection is not required for the protection to apply. A person who violates this prohibition is liable for damages in a civil action and commits contempt of court. The Attorney General may bring a civil action for violating this law and a person arrested or detained may seek a writ of habeas corpus. The act does not apply to criminal arrests. **Effective: March 23, 2020.** [Lobbyist: Meghan Dollar.](#)

SJR 20-005**INDUSTRIAL HEMP****Support of the State of Colorado
Comments Federal Hemp Rule**

<http://leg.colorado.gov/bills/sjr20-005>

Following the year-long Colorado Hemp Advancement and Management Plan (CHAMP) initiative, the Colorado Department of Agriculture submitted written comments to the United States Department of Agriculture reflecting the work of stakeholders who participated in the CHAMP initiative. Some of the comments include: concerns that USDA requirements may be overly burdensome to farmers, requesting that state and tribal-certified labs be allowed for testing, requesting that the THC concentration threshold of dry-weight hemp be raised from 0.5% to 1.0%, and requesting that the state should be allowed to develop a disposal process for plants that test above 0.3% THC concentrate rather than relying on the Drug Enforcement Administration. **Effective: January 27, 2020.** [Lobbyist: Brandy DeLange.](#)

HB 20-1133**LAND USE****Land Use Entitlements and Municipal
Disconnection**

<http://leg.colorado.gov/bills/hb20-1133>

The act changes the process and conditions for municipal disconnection. Under the new provisions, a landowner is prohibited from applying for disconnection until all vested

property rights affecting the tract of land have either been terminated or have expired. Additionally, any tract of land that has been disconnected from a municipality is now subject to county zoning and land use regulations (within 90 days of the disconnection). Only after the county has received notice via ordinance that the municipality is disconnecting can the county allow land development entitlements. **Effective: September 13, 2020.** [Lobbyist: Brandy DeLange.](#)

HB 20-1399**LIMITED GAMING****Suspend Limited Gaming Tax
Transfers to Cash Funds**

<http://leg.colorado.gov/bills/hb20-1399>

The act suspends, for 2 years, the statute which automatically allocates specific amounts of revenue derived from the tax on limited gaming activity to various cash funds, including the local government limited gaming impact fund. This provision of the act is repealed on July 1, 2023. The act also appropriates \$1,875,000 to the local government limited gaming impact fund for the 2020-2021 fiscal year. **Effective: June 30, 2020.** [Lobbyist: Heather Stauffer.](#)

HB 20-1400**LIMITED GAMING****Temporary Modification of Limited
Tax Revenue Allocation**

<http://leg.colorado.gov/bills/hb20-1400>

The act temporarily modifies the manner in which limited gaming tax revenues are allocated between the limited gaming fund and the extended limited gaming fund in order to more equitably address recovery in the years immediately following the impacts of coronavirus. Beginning in fiscal year 2020-2021, any annual growth or decline in total net gaming tax distribution will be allocated between the limited gaming fund recipients, including the state historical fund and governing bodies in Central City, Black Hawk, and City of Cripple Creek, based on the relative percentages in which each group of recipients shared in the decrease in total net gaming tax distributions from fiscal year 2018-2019 to fiscal year 2019-2020. This provision continues through each fiscal year until the fiscal year immediately following the fiscal year in which total limited gaming tax revenue collections have again equaled or exceeded the amount of total limited gaming tax revenues collected in state fiscal year 2018-2019. **Effective: June 30, 2020.** [Lobbyist: Heather Stauffer.](#)

HB 20-1424**MARIJUANA****Social Equity Licensees in Regulated Marijuana**

<http://leg.colorado.gov/bills/hb20-1424>

The act makes several significant changes to the Colorado Marijuana Code. First, the act changes the term "accelerator licensee" to "social equity licensee" and modifies the qualifications for application, allowing a person who has been arrested or convicted of a marijuana offense, who has a family member that has been arrested or convicted of a marijuana

offense, or lives in an economically disadvantaged area to be eligible. Additionally, the act delays implementation of the original accelerator program established in 2019 and directs the Marijuana Enforcement Division to conduct rulemaking for the newly established program. Finally, the act gives power to the governor to expunge records of those who were convicted of possession of up to two ounces of marijuana. This may be done without an application or seeking comment from the district attorney or judges associated with the case. **Effective: September 13, 2020.** **Lobbyist: Brandy DeLange**

SB 20-139 MUNICIPAL DEBT & FINANCE

County Loans for Public Infrastructure Projects

<http://leg.colorado.gov/bills/sb20-139>

The act authorizes the board of county commissioners, in consultation with the county treasurer, to make loans to any governmental entity, including municipalities, that is created by or located within the county subject to a number of terms and requirements including: specified underwriting standards; specified repayment terms; used solely to fund public infrastructure. **Effective: September 13, 2020.**

Lobbyist: Morgan Cullen.

HB 20-1001 PUBLIC HEALTH

Nicotine Product Regulation

<http://leg.colorado.gov/bills/hb20-1001>

The act increases the minimum statewide purchase age of nicotine products from 18 to 21. In addition to increasing the minimum age, the act creates a dual state and local licensing process. If a city or town has opted to license retailers, they may impose more stringent requirements than the state. Additionally, the state shall not issue a license to a retailer until the retailer has obtained local licensing approval and is able to provide a copy of that local license to the Liquor Enforcement Division. State and local licensing authorities will also work in tandem to conduct compliance checks and respond to complaints. Finally, the act allows for delivery of vaping products, so long as the delivery is made by an individual 21 or older and the individual checks the identification for age verification of the person receiving the delivery. **Effective: July 14, 2020.** **Lobbyist: Brandy DeLange.**

HB 20-1427 PUBLIC HEALTH

Cigarette Tobacco and Nicotine Product Tax

<http://leg.colorado.gov/bills/hb20-1427>

The act refers a ballot measure to voters for the November 2020 statewide election. The measure will increase cigarette and tobacco taxes and create a new tax on nicotine products (i.e. vaping products). As part of the measure, new revenue generated from nicotine products will be directed to the Old Age Pension Fund and then deposited into the state general fund in accordance with the state constitution. Following this, revenues will be deposited into the newly created 2020 Tax Holding fund and will be distributed to the: newly-created Rural Schools cash fund, newly-created Preschool Cash Fund,

the newly-created Affordable Housing Construction Grants and Loans fund, the Eviction Legal Assistance Fund, and the Tobacco Education Fund. It should be noted that a portion of Tobacco Tax Cash fund will continue to be distributed to local governments and does not prohibit a local government from levying and collecting a local tax. **Effective: July 8, 2020/if approved by voters in the November 2020 election.**

Lobbyist: Brandy DeLange.

HB 20-078 PUBLIC HEALTH

Dogs on Restaurant Patios

<http://leg.colorado.gov/bills/sb20-078>

The act allows restaurants to allow dogs in an outdoor dining area so as long as the local government allows such practice, a separate entrance is available, the area is not used for food/drink preparations, the dog is leashed or in a carrier, and the restaurant follows all other local ordinances. **Effective: September 13, 2020.** **Lobbyist: Brandy DeLange.**

HB 20-1044 PENSIONS & RETIREMENT

Modify Pension Plans Administered by FPPA

<http://leg.colorado.gov/bills/hb20-1044>

The act modifies various pension plans administered by the Fire and Police Pension Association (FPPA). Specifically, the act makes changes to the member contributions in the Statewide Death and Disability (SWD&D) Plan. Beginning January 1, 2021, the act increases member and employer contributions to the SWD&D plan from 2.8 percent to 3.0 percent of base salary. Thereafter, the act authorizes the FPPA Board to further increase the contribution rate by 0.2 percent annually. The act increases employer contribution rates in the Statewide Defined Benefit (SWDB) Plan beginning January 1, 2021. The contributions rates are increased from 8 percent to 12 percent of base salary. The rate increase is to be implemented over eight years with an increase of 0.5 percent a year. Additionally, beginning January 1, 2021, the act allows a member to retire with unreduced retirement benefits if they are at least 50 years old and have a combined age and years of service equal to at least 80 years. The act also provides the FPPA Board authority to increase member contribution rates in certain circumstances. Contains numerous other provisions. **Effective: September 13, 2020.**

Lobbyist: Meghan Dollar.

HB 20-1057 PUBLIC SAFETY

Modify Wildfire Risk Mitigation Grant Program

<http://leg.colorado.gov/bills/hb20-1057>

The act changes the amount a municipality must self-finance a project when applying to the Wildfire Mitigation Grant Program. Originally, applicants were required to self-finance/match 50% of the project costs; under the new guidelines, municipalities that have fewer economic resources (as identified by policies established by the Colorado State Forest Service (CSFS) are only required to self-finance 25% of project costs. **Effective: September 1, 2020.** **Lobbyist: Brandy DeLange**

HB 20-1124**PUBLIC SAFETY****Disaster Emergency Transfers
from County General Funds**

<http://leg.colorado.gov/bills/hb20-1124>

Current law dating from the catastrophic floods of 2013 allows a board of county commissioners to make transfers from the county general fund to the road and bridge fund for disaster response and recovery for eight years following the declared emergency by the Governor. The act clarifies that eight years begins the day after the Governor's declaration and includes all extensions. **Effective: September 13, 2020.**

Lobbyist: Brandy DeLange.

HB 20-1293**PUBLIC SAFETY****Emergency Telephone Service Charges**

<http://leg.colorado.gov/bills/hb20-1293>

The act makes several changes to both state and local surcharges for 911 emergency telephone services. Currently, local 911 emergency telephone charges are capped at \$0.70 per month. This cap has been eliminated and will now be set annually by Public Utilities Commission (PUC). If a local 911 authority finds this new amount is not sufficient to cover costs, the local authority may obtain approval from the PUC to charge a higher rate. The bill also changes the 911 surcharge rate, repeals the prepaid 911 wireless surcharge and sets it to be based on the average amount of local emergency telephone charges and the 911 surcharge, and finally, creates a reporting system for violations that occur. **Effective: July 10, 2020.** Lobbyist: Brandy DeLange.

SB 20-079**PUBLIC SAFETY****Method of Notifying People of Amber Alerts**

<http://leg.colorado.gov/bills/sb20-079>

The act requires the Colorado Bureau of Investigations (CBI) to send out AMBER Alerts through technology that promotes the largest reach of community (i.e. wireless emergency alerts). **Effective: March 20, 2020.** Lobbyist: Brandy DeLange

SB 20-104**PUBLIC SAFETY****Powers of Bureau of Animal Protection Agents**

<http://leg.colorado.gov/bills/sb20-104>

Currently, Bureau of Animal protection agents assist local law enforcement agencies in animal cruelty and neglect cases. SB 20-104 provides additional authority to Bureau of Animal Protection agents, including the authority to conduct investigations and to take possession of an animal the agent believes to be a victim of animal cruelty. **Effective: September 13, 2020.** Lobbyist: Brandy DeLange.

HB 20-1318**RECORDS****Standards for Recording Plats**

<http://leg.colorado.gov/bills/hb20-1318>

In addition to receiving plat information in the original mylar, paper or polyester sheets, the act authorizes a clerk to receive and preserve original plats for recording in an electronic format. The act also specifies the conditions for properly submitting a plat to a clerk in both electronic and original format. **Effective: September 13, 2020.**

Lobbyist: Heather Stauffer.

SB 20-096**RECORDS****Remote Notaries Protect Privacy**

<http://leg.colorado.gov/bills/sb20-096>

The act authorizes a notary public to perform a notarial act on behalf of an individual who is not in the notary's physical presence, but only with respect to an electronic document. A notary must use an electronic system that conforms to standards established by the Colorado Secretary of State, which include using real-time audio-video communication. The act also establishes specific standards that a notary must comply with in order to confirm the identities of individuals. The act also prohibits the use or sale of personal information of a remotely located individual by the remote notary and the provider of a remote notarization system. **Effective: January 1, 2022.** Lobbyist: Heather Stauffer.

HB 20-1074**SPECIAL DISTRICTS****Trash Collection by Special Districts**

<http://leg.colorado.gov/bills/hb20-1074>

The act allows a sanitation special district or a water and sanitation district to provide collection and transportation of solid waste including residential waste services. Previously a special district could only provide waste services if it had a resident elector population of 2,500 or less which was located in whole or in part within a county with a population of 25,000 or less. The act removes the population requirements in statute. The act specifies that a special district may not provide collection and transportation of solid waste services within the boundaries of any municipality, city and county, or county that is providing solid waste services, without the consent of the municipality, city and county, or county. **Effective: September 13, 2020.** Lobbyist: Heather Stauffer.

HB 20-1020**TAXATION****Long-term Lodging Sales Tax Exemption**

<http://leg.colorado.gov/bills/hb20-1020>

Beginning on January 1, 2021, this act limits the state sales tax exemption on long-term lodging to only apply to natural persons. Long-term lodging includes stays of 30 days or more at hotels, apartment hotels, lodging houses, motor hotels, guesthouses, guest ranches, trailer coaches, mobile homes, auto camps, or trailer courts and parks. The act also

continues the application of the sales tax exemption to local governments unless they choose to explicitly subject long-term lodging to their local sales and use tax rates. **Effective: September 13, 2020.** Lobbyist: Meghan Dollar.

HB 20-1022 **TAXATION**
Sales And Use Tax Simplification Task Force

<http://leg.colorado.gov/bills/hb20-1022>

This act continues the Sales and Use Tax Simplification Task Force until July 1, 2025 and eliminates a requirement that the Department of Regulatory Agencies perform a sunset review of the task force prior to its repeal. Legislative interim committees will not be meeting until 2021 due to state budget constraints. There are no changes to the makeup of the task force. The act modifies the scope of the task force's duties to include, new sales tax collection rules and destination sourcing the state sales and use tax system, and newly-implemented changes to the vendor fee. **Effective: June 29, 2020.** Lobbyist: Meghan Dollar.

HB 20-1023 **TAXATION**
State Address Data for Sales and Use Tax Collection

<http://leg.colorado.gov/bills/hb20-1023>

The act repeals the current hold harmless provisions for vendors that use the currently available state-certified electronic address databases, used for determining the jurisdiction(s) to which sales tax is owed. The provisions are removed 90 days after the implementation of the new state Geographic Information System (GIS) database. Once the GIS database is implemented, the Department of Revenue (DOR) is required to immediately notify vendors that it is available for use. The act then establishes a hold harmless provision for vendors that use the state's GIS database to determine sales and use tax rates for addresses and taxing jurisdictions. The hold harmless provision also applies to vendors that use third-party databases, which are verified as containing the most current information from the state GIS database. Vendors using the GIS database are not liable for any taxes, fees, or other charges that result from errors from using the state GIS database. DOR is responsible for ensuring that 95 percent of the information provided in the database is accurate and up to date. DOR may also promulgate rules associated with administering the hold harmless provision. **Effective: March 11, 2020.** Lobbyist: Meghan Dollar.

HB 20-1421 **TAXATION**
Delinquent Interest Payments Property Tax

<http://leg.colorado.gov/bills/hb20-1421>

This act allows, under certain conditions, a board of county commissioners or a city council to reduce or waive delinquent property tax interest payments and aid local taxing jurisdictions in paying bonds or monthly operational costs if the taxing jurisdiction provides notice. The act is repealed December 31, 2020. **Effective: June 14, 2020.** Lobbyist: Meghan Dollar.

SCR 20-001 **TAXATION**
Repeal Gallagher Amendment
<http://leg.colorado.gov/bills/scr20-001>

SCR 20-001 repeals the Gallagher Amendment which, since 1982, has required that residential property must never bear more than 45% of the total property tax revenue collected statewide. The general assembly will no longer be required to establish the residential assessment rate based on the formula mandated by the Colorado Constitution. The resolution also repeals the reference to the residential rate of 21%, which last applied in 1986, prior to the first adjustment required by the Gallagher Amendment. Finally, the resolution repeals the 29% assessment rate that applies for all nonresidential property, excluding producing mines and lands or leaseholds producing oil or gas. **Effective: Upon Passage by Voters in November 2020.** Lobbyist: Morgan Cullen.

SB 20-223 **TAXATION**
Assessment Rate Moratorium Upon Gallagher Repeal

<http://leg.colorado.gov/bills/sb20-223>

The act only takes effect if the voters statewide approve SCR 20-001, the repeal of constitutional provisions related to the ratio of valuation for assessment for residential property and nonresidential property commonly referred to as the Gallagher Amendment. The legislation states that beginning with the property tax year that commences on January 1, 2020, there is a moratorium on changing the ratio of valuation for assessments on any class of property. **Effective: June 23, 2020 and upon voter approval of SCR 20-001.** Lobbyist: Morgan Cullen.

HB 20-1137 **TELECOMMUNICATION**
Broadband Grant Certification of Unserved Area Requirement

<http://leg.colorado.gov/bills/hb20-1137>

HB 1137 allows local governments (including, cities, counties, school districts, etc) to collect and review any relevant speed data, make a determination on the "unserved status" of a community and then submit a written certification of this unserved status as part of the application process for the state's Broadband Grant Program. In this process, the local government must provide public notice, notice to the incumbent provider, and hold a public hearing. The intent of this data collection and certification is to allow the Broadband Board to consider with greater weight an application submitted from an area that is currently "unserved". **Effective: September 13, 2020.** Lobbyist: Brandy DeLange.

HB 20-1145 **TRANSPORTATION**
Move Over or Slow Down for Official Vehicle
<http://leg.colorado.gov/bills/hb20-1145>

Under current law, a driver must move over or reduce and

maintain a safe speed when overtaking an emergency, tow, or public utility vehicle. This act defines safe speed as 25 mph if the speed limit is less than 45 mph. For speeds 45 mph or higher, the specifies that a safe speed is 20 mph less than the speed limit. **Effective: September 13, 2020.**

Lobbyist: Meghan Dollar.

HB 20-1376 **TRANSPORTATION**

Modify Transportation Funding Mechanisms

<http://leg.colorado.gov/bills/hb20-1376>

The act repeals the requirement that a ballot issue seeking approval for the issuance of transportation revenue anticipation notes (TRANS) be submitted to the voters of the state. The act also eliminates two statutory transfers of \$50 million each from the general fund to the state highway fund that are scheduled under current law to be made on June 30, 2021, and June 30, 2022. **Effective: June 30, 2020.**

Lobbyist: Morgan Cullen.

SB 20-056 **TRANSPORTATION**

Surplus Military Vehicles Highway Use for Firefighting

<http://leg.colorado.gov/bills/sb20-056>

The act codifies an exception in state law that a surplus military vehicle is not an "off-highway vehicle" if it is owned or leased by a municipality, county, or fire protection district for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires. It allows surplus military vehicles to be driven legally on state highways for firefighting and fire mitigation efforts. **Effective: July 13, 2020.**

Lobbyist: Morgan Cullen.

SB 20-061 **TRANSPORTATION**

Yield to Bicycles in Bike Lanes

<http://leg.colorado.gov/bills/sb20-061>

The act creates a new traffic offense for failing to yield to a bicycle or other authorized user in a bicycle lane. The offense is a class A traffic offense unless it is the proximate cause of a crash or if it causes bodily injury, then it is careless driving and is punished under the careless driving offense. **Effective: July 1, 2020.**

Lobbyist: Morgan Cullen.

SB 20-118 **TRANSPORTATION**

Hazardous Materials Transportation Permits

<http://leg.colorado.gov/bills/sb20-118>

The act transfers the function of issuing permits for the transportation of hazardous materials and nuclear materials by motor vehicle from the Colorado Public Utilities Commission to the Colorado Department of Transportation. **Effective: January 1, 2021.**

Lobbyist: Morgan Cullen.

SB 20-152 **TRANSPORTATION**

Correct Senate Act 19-263 Effective Date Error

<http://leg.colorado.gov/bills/sb20-152>

The act updates of the effective date clause of Senate Act 19-263 for the purpose of ensuring that the act accomplishes its intended legal effect of eliminating the requirement that the state treasurer execute lease-purchase agreements to fund transportation projects during the 2020-21 and 2021-22 state fiscal years if a referred ballot issue that authorizes the state to issue transportation revenue anticipation notes is approved at the 2020 general election. **Effective: March 20, 2020.**

Lobbyist: Morgan Cullen.

HB 20-1225 **UTILITIES**

Cooperative Electric Utilities Reasonable Rates

<http://leg.colorado.gov/bills/hb20-1225>

The act declares that the jurisdiction of the Colorado Public Utilities Commission extends to the determination of just and reasonable rates by all public utilities and that the terms and conditions imposed by one cooperative electric association on another regarding the installation, interconnection, and use of energy storage systems must be just and reasonable. Establishes terms and conditions for an electric association's withdrawal from an electric cooperative. **Effective Date: March 27, 2020.**

Lobbyist: Morgan Cullen.

SB 20-030 **UTILITIES**

Consumer Protection for Utility Customers

<http://leg.colorado.gov/bills/sb20-030>

The act directs the public utilities commission (PUC) to exercise its existing authority to require information from regulated public utilities of customers who are exempted from tiered rates due to a medical condition or the use of medical equipment requiring higher amounts of electricity. It also requires data on customer disconnections and delinquencies and directs the PUC to open rule-making proceedings to prescribe standard practices for disconnection due to nonpayment. **Effective: June 29, 2020.**

Lobbyist: Morgan Cullen.

SB 20-124 **UTILITIES**

School Construction Guidance Utility Consultation

<http://leg.colorado.gov/bills/sb20-124>

Under current law, the Public-School Capital Construction Assistance Board establishes guidelines for considering applications for money from the public-school capital construction assistance fund. The act adds to the considerations in the guidelines consulting with the local electric utility on energy efficiency, beneficial electrification, and renewable distributed generation opportunities. **Effective: September 18, 2020.**

Lobbyist: Morgan Cullen.

HB 20-1095 WATER AND WASTEWATER**Local Governments Water Elements in Master Plans**

<http://leg.colorado.gov/bills/hb20-1095>

Municipalities are not required to include a water supply element in their master plans. However, if a municipality chooses to include a water supply element in their master plan, this act states that the water supply element of the master plan must include water conservation policies, which are to be determined by the municipality. The water supply element of a master plan can also include Colorado State Water Plan goals if the municipality chooses. A municipality that has chosen to include a water supply element in their master plan must ensure that its water supply element contains water conservation policies at the first amending of the master plan that occurs after the effective date of the bill, but in no case later than July 1, 2025. **Effective: September 13, 2020.** Lobbyist: Heather Stauffer.

HB 20-1119 WATER AND WASTEWATER**State Government Regulation of perfluoroalkyl and polyfluoroalkyl substances (PFAS)**

<http://leg.colorado.gov/bills/hb20-1119>

The act exempts certain testing structures which are used for the storage or maintenance of aircraft from the firefighting foam fire system testing restrictions if the structures are located in an airport that is an FAA-designated public use airport, and has containment systems which can catch all discharged firefighting foam for disposal in accordance with applicable state and federal regulations. These exemptions are repealed January 1, 2023 after which the use of class B firefighting foam that contains perfluoroalkyl or polyfluoroalkyl substances (PFAS) will be prohibited at structures used for the storage or maintenance of aircraft. The act also directs the Colorado Department of Public Health and Environment (CDPHE) to promulgate rules establishing a certificate of registration for any facility, including fire departments, which uses or stores PFAS. Any facility that uses or stores PFAS must obtain a certificate of registration either before June 1, 2021 or 6 months after it obtains PFAS substances, whichever is later. **Effective: June 29, 2020.** Lobbyist: Heather Stauffer.

HB 20-1143 WATER AND WASTEWATER**Environmental Justice and Projects Increase Environmental Fines**

<http://leg.colorado.gov/bills/hb20-1143>

The act increases the maximum civil fine for air quality violations to \$47,357 per day and \$54,833 per day for water quality violations. This brings civil penalties in line with EPA maximum daily fines. The act also raises the penalty for any person who commits criminal pollution of state waters. A violator guilty of a misdemeanor can be punished by a maximum fine of \$25,000 per day for each day the violation occurs, imprisonment of up to 364 days, or both. A person who is found guilty of knowingly and intentionally polluting state waters can face a class 5 felony and can be punished by

a maximum fine of \$50,000 per day for each day the violation occurred, imprisonment of up to three years, or both. If two separate criminal offenses occur in two separate occurrences during a period of two years, the maximum fine and period of imprisonment for the second offense are double the previously stated amounts. **Effective: July 2, 2020.**

Lobbyist: Heather Stauffer.

SB 20-218 WATER AND WASTEWATER**CDPHE Hazardous Substances Response and PFAS Mitigation Funding**

<http://leg.colorado.gov/bills/sb20-218>

The act requires a fee be established on manufacturers of fuel products of \$25 per truckload of product. The collected fee will be used to fund the perfluoroalkyl or polyfluoroalkyl substances (PFAS) cash fund, support the Department of Transportation in functions related to the administration of hazardous materials freight movements and support the Colorado state patrol in the regulation of hazardous materials on highways in the state. The fee is capped at \$8 million per year. The act establishes the PFAS grant program which can be used by municipalities and water systems to fund sampling, investigation and infrastructure associated with the treatment of PFAS substances in ground and surface water. The act also creates the PFAS takeback program in the Department of Public Health and Environment, which is used to purchase and dispose of eligible materials, such as firefighting foams, that contain PFAS. **Effective: June 29, 2020.**

Lobbyist: Heather Stauffer.

INDEX BY TOPIC

AFFORDABLE HOUSING

HB 20-1161 – Private Activity Bond Allocation	1
HB 20-1196 – Mobile Home Park Act Updates	1
HB 20-1201 – Mobile Home Park Residents Opportunity to Purchase	1
HB 20-1370 – Transfers from Unclaimed Property Trust Fund	1

BEER & LIQUOR

SB 20-032 – Employee Age to Sell Alcohol Retail Liquor Store	1
SB 20-086 – Alcohol Beverage License and Permit Expiration	1
SB 20-110 – Penalties for Liquor Law Violations	1
SB 20-194 – Brew Pub Retail Sales Malt Liquor Sealed Container	1
SB 20-213 – Alcohol Beverage Retail Takeout and Delivery	1

BUILDING REGULATIONS

HB 20-1165 – Interior Design Practice	2
---------------------------------------	---

BUSINESS LICENSING

SB 20-120 – Apprentice Examinations and Licenses	2
--	---

CRIMINAL JUSTICE AND COURTS

HB 20-1229 – P.O.S.T. Scholarship Rural Law Enforcement	2
SB 20-217 – Enhance Law Enforcement Integrity	2
SB 20-181 – Measures on Competency to Proceed	2

ECONOMIC DEVELOPMENT

HB 20-1003 – Rural Jumpstart Zone Act Modifications	2
SB 20-222 – CARES Small Business Grant Program	3

ELECTIONS

HB 20-1010 – Accurate Residence Redistricting Act	3
HB 20-1156 – Colorado Municipal Election Code Administrative Modifications	3
SB 20-186 – Colorado Redistricting Commissions	3

EMPLOYMENT

HB 20-1048 – Race Trait Hair Style Anti-Discrimination Protection	3
HB 20-1415 – Whistleblower Protection Public Health Emergencies	3
SB 20-026 – Workers’ Compensation for Audible Psychological Trauma	4
SB 20-205 – Employee Paid Sick Leave	4
SB 20-207 – Unemployment Insurance	4

IMMIGRATION

SB 20-083 – Prohibit Courthouse Civil Arrest	5
--	---

INDUSTRIAL HEMP

SJR 20-005 – Support of the State of Colorado Comments Federal Hemp Rule	5
--	---

LAND USE

HB 20-1133 – Land Use Entitlements and Municipal Disconnection	5
--	---

LIMITED GAMING

HB 20-1399 – Suspend Limited Gaming Tax Transfers to Cash Funds	5
HB 20-1400 – Temporary Modification of Limited Tax Revenue Allocation	5

MARIJUANA

HB 20-1424 – Social Equity Licensees in Regulated Marijuana 5

MUNICIPAL DEBT AND FINANCE

SB 20-139 – County Loans for Public Infrastructure Projects 6

PUBLIC HEALTH

HB 20-1001 – Nicotine Product Regulation 6
HB 20-1427 – Cigarette Tobacco and Nicotine Product Tax 6
SB 20-078 – Dogs on Restaurant Patios 6

PENSIONS AND RETIREMENT

HB 20-1044 – Modify Pension Plans Administered by FPPA 6

PUBLIC SAFETY

HB 20-1057 – Modify Wildfire Risk Mitigation Grant Program 6
HB 20-1124 – Disaster Emergency Transfers from County General Funds 7
HB 20-1293 – Emergency Telephone Service Charges 7
SB 20-079 – Method of Notifying People of Amber Alerts 7
SB 20-104 – Powers of Bureau of Animal Protection Agents 7

RECORDS

HB 20-1318 – Standards for Recording Plats 7
SB 20-096 – Remote Notaries Protect Privacy 7

SPECIAL DISTRICTS

HB 20-1074 – Trash Collection by Special Districts 7

TAXATION

HB 20-1020 – Long-term Lodging Sales Tax Exemption 7
HB 20-1022 – Sales and Use Tax Simplification Task Force 8
HB 20-1023 – State Address Data for Sales and Use Tax Collection 8
HB 20-1421 – Delinquent Interest Payments Property Tax 8
SCR 20-001 – Repeal Gallagher Amendment 8
SB 20-223 – Assessment Rate Moratorium Upon Gallagher Repeal 8

TELECOMMUNICATIONS

HB 20-1137 – Broadband Grant Certification of Unserved Area Requirement 8

TRANSPORTATION

HB 20-1145 – Move Over or Slow Down for Official Vehicle 8
HB 20-1376 – Modify Transportation Funding Mechanisms 9
SB 20-056 – Surplus Military Vehicles Highway Use for Firefighting 9
SB 20-061 – Yield to Bicycles in Bike Lanes 9
SB 20-118 – Hazardous Materials Transportation Permits 9
SB 20-152 – Correct Senate Act 19-263 Effective Date Error 9

UTILITIES

HB 20-1225 – Cooperative Electric Utilities Reasonable Rates 9
SB 20-030 – Consumer Protection for Utility Customers 9
SB 20-124 – School Construction Guidance Utility Consultation 9

WATER & WASTEWATER

HB 20-1095 – Local Governments Water Elements in Master Plans 10
HB 20-1119 – State Government Regulation of perfluoroalkyl and polyfluoroalkyl substances (PFAS) 10
HB 20-1143 – Environmental Justice and Projects Increase Environmental Fines 10
SB 20-218 – CDPHE Hazardous Substances Response and PFAS Mitigation Funding 10

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2020

COLORADO LAWS ENACTED
Affecting Municipal Governments



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