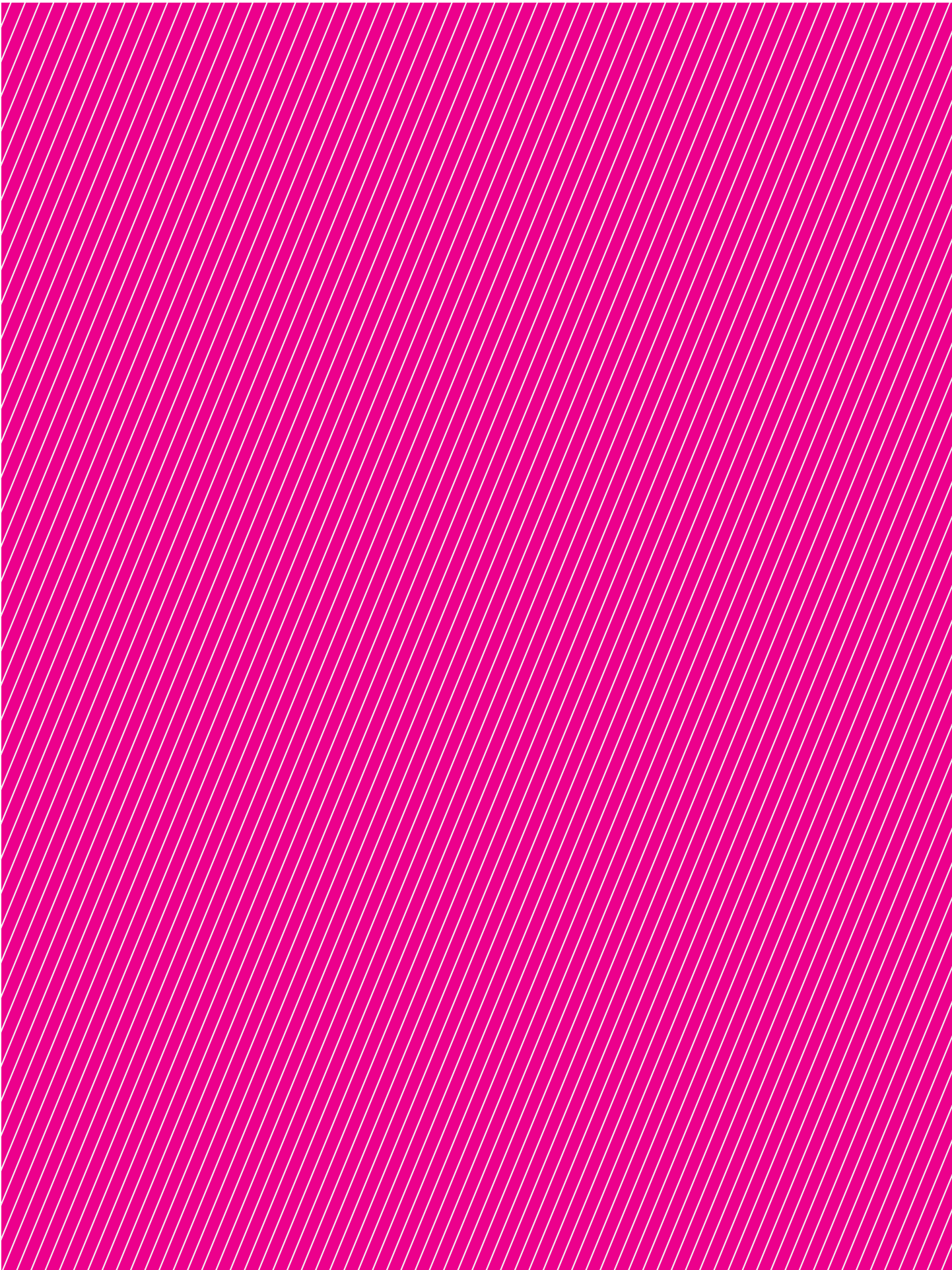


**2023**

# **COLORADO LAWS ENACTED**

**AFFECTING MUNICIPAL  
GOVERNMENTS**







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**The Colorado Municipal League is continuing its commitment to its members by providing information they need as inexpensively and easily as possible.**

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# FOREWORD



On May 8, 2023, the General Assembly adjourned sine die. The 2023 legislative session was one of the most challenging sessions in many years, as far as protecting municipalities from state preemption and unfunded mandates. Key issues included land use, housing, employment, criminal justice, and accessibility. I am proud of the work done by the advocacy and legal teams to provide the highest level of service to CML's 270 member cities and towns.

During the 2023 Legislative Session, the CML Advocacy Team followed 288 bills. CML supported 62 pieces of legislation with an 80% passage rate. Additionally, CML opposed 43 pieces of legislation, 67% 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. 2023 Colorado Laws Enacted Affecting Municipalities will be available to all for free — along with several past years' editions — online at [cml.org](http://cml.org).

**KEVIN BOMMER,**  
**CML EXECUTIVE DIRECTOR**

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## CML ADVOCACY TEAM



LEGISLATIVE ADVOCACY MANAGER  
**HEATHER STAUFFER**

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



LEGISLATIVE & POLICY ADVOCATE  
**JACLYN TERWEY**

Jaclyn is responsible for advocating municipal interests before the state legislature. Her issues include historic preservation; economic development; employment and labor; taxation and fiscal policy; retirement/pensions; lottery and gaming; municipal debt and finance; telecom/broadband/IT; and utilities. She also assists in training and answering inquiries for other municipal officials on various topics. Jaclyn joined CML in January 2022.



LEGISLATIVE & POLICY ADVOCATE  
**MEGHAN MACKILLOP**

Meghan is responsible for advocating municipal interests before the state legislature. Her issues include transportation and transit; public health; substance abuse; affordable housing; land use and annexation; air quality; sustainability; and municipal courts. She also assists in training and answering inquiries for other municipal officials on various topics. Meghan joined the League in January 2021.



LEGISLATIVE & POLICY ADVOCATE  
**MOLLIE STEINEMANN**

Mollie is responsible for advocating municipal interests before the state legislature. Her issues include beer and liquor; criminal justice; immigration; public safety; purchasing; regulated substances; and special districts. She also assists in training and answering inquiries for other municipal officials on various topics. Mollie joined CML in November 2022.

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## Air QUALITY

### HB23-1210

#### Carbon Management

<https://leg.colorado.gov/bills/HB23-1210>

The act directs the Colorado Energy Office (CEO) to contract with a qualified organization to develop a carbon management roadmap by January 1, 2024. Carbon management is defined as any combination of capturing carbon dioxide emissions before they reach the atmosphere or removing carbon dioxide from the atmosphere for use or storage. The act specifies guidelines for the roadmap, including sectors to study and stakeholders to consult. The contracted, qualified organization must create the roadmap and submit it to CEO for feedback by September 1, 2024. After receiving public feedback, the qualified organization must finalize the roadmap by February 28, 2025, and CEO must present it to the legislature during the 2025 legislative session. During the subsequent two years, CEO must update the legislature on any progress made in achieving the roadmap's goals and any recommendations to improve its implementation. In addition, the act expands the eligibility criteria of CEO's Industrial and Manufacturing Operations Clean Air Grants Program to include some types of carbon management projects.

**Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

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## Beer and LIQUOR

### HB23-1061

#### Alcohol Beverage Retail Establishment Permit

<https://leg.colorado.gov/bills/hb23-1061>

The act expands the art gallery permit into a retail establishment permit that is available to art galleries, and any business that sells goods or services to the public, has a physical location in Colorado, receives less than 50% of its gross sales from food, has no more than 25 employees and retail sales of no more than \$5 million per year, and does not educate children, provide childcare, hold a liquor license, sell firearms, motor vehicles, marijuana, gasoline, or diesel fuel. Establishments that receive this permit can serve alcohol up to 24 days per year. **Effective:** August 7, 2023. Lobbyist: Mollie Steinemann.

### SB23-264

#### Alcohol Beverage Festival Participation

<https://leg.colorado.gov/bills/sb23-264>

Under current law, certain liquor licensees may obtain a permit to hold up to nine festivals per year, and other licensees may

jointly participate in the festival with the permitted licensee. The act makes the following changes to the festival permit:

- changes the deadline to apply for a permit from 10 business days before the festival to 30 calendar days;
- increases the state permit fee from \$25 to \$50 and requires that it be paid for each festival held;
- clarifies that the nine festivals are during a calendar year, beginning January 1, 2024; and
- allows a licensee to participate in up to 52 total festivals per year, including up to nine festivals held under the licensee's own permit.

**Effective: June 1, 2023.** Lobbyist: Mollie Steinemann.

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## BROADBAND & TELECOM

### SB23-183

#### Local Government Provision of Communication Services

<https://leg.colorado.gov/bills/sb23-183>

The act eliminates the need for local government elections to authorize spending public funds on broadband infrastructure, allowing municipalities to provide middle mile services and access federal resources without the voting requirement. Starting May 1, municipalities can apply for grants. **Effective: May 1, 2023.** Lobbyist: Jaclyn Terwey.

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## Building CODES

### HB23-1057

#### Amenities for all Genders in Public Buildings

<https://leg.colorado.gov/bills/hb23-1057>

**Renovations:** The act requires that on or after January 1, 2024, in buildings wholly or partially owned by a public entity (including municipalities) in which a publicly-accessible restroom is scheduled for a renovation, the public entity must renovate the bathroom to ensure that any single-stall restroom is not a gender-specific restroom, or renovate the bathroom to allow the use of a multi-stall restroom by any gender if certain facility features are met pursuant to the International Plumbing Codes or codes adopted by the State Plumbing Board. On or after July 1, 2025, the same standards apply for areas of public buildings that are only accessible to employees and/or students.

On or after January 1, 2024, in buildings wholly or partially owned by a public entity, in which a publicly-accessible restroom is scheduled for a renovation, the public entity must ensure that a caregiver has access to at least one baby diaper changing station in a single-stall non-gendered restroom,

non-gendered multi-stall restroom, in both gender specific restrooms, or in an easily accessible location with equivalent privacy and amenities as a restroom.

“Renovations” include construction to a restroom for which a permit is required other than for a repair and that changes the structure by increasing the square footage; installing or modifying a plumbing or electric system; adding, gutting, or removing exterior restroom walls; or installing a heating, ventilation, or air conditioning system. A “renovation” does not include repairs or replacements of fixtures or features of the restroom to restore something that is damaged, deteriorated, or broken.

**New Construction:** On or after January 1, 2024, newly constructed buildings wholly or partially owned by a public entity must have single stall restrooms that are not gender specific or multi-stalled restrooms available for use by any gender on each floor where restrooms are publicly accessible. Public entities must also ensure that there is access to at least one baby diaper changing station on each floor where there are restrooms, in a single-stall non-gendered restroom, non-gendered multi-stall restroom, in both gender specific restrooms, or in an easily accessible location with equivalent privacy and amenities as a restroom. On or after July 1, 2025, the same standards apply for newly constructed public buildings for restrooms that are only accessible to employees. New buildings that are slated for construction after January 2024 but have already gone through the design review process are exempt from these requirements.

**Signage Requirements:** Beginning July 1, 2024, but no later than July 1, 2026, public buildings that are wholly or partially owned or leased by a public entity must ensure that restrooms with diaper changing stations are labeled, non-gendered restrooms are labeled with pictograms void of gender, and building entrances and central directories are updated to identify the location of baby changing stations and location of non-gendered bathrooms. State agencies without available appropriations are not subject to this requirement; local entities are not entitled to a similar exemption.

**Exemptions:** The act’s requirements for diaper changing stations and single-stall restrooms do not apply to buildings designated as certified historic structures or for projects that have completed design review and have been budgeted and finally approved by a governing body as of August 7, 2023. The diaper changing station provisions of the act are not required if the permitting entity or building inspector determines that compliance would result in a failure to comply with standards governing accessibility rights for persons with disabilities.

**Complaints:** Employees working in a building subject to the act who are aggrieved by a discriminatory or unfair practice of failing to comply with the provisions of the act can file a charge with the Colorado Civil Rights Division. Effective: August 7, 2023. Lobbyist: Heather Stauffer.

**See also: SUSTAINABILITY (HB23-1233: Electric Vehicle Charging & Parking Requirements); WILDFIRE (SB23-166: Establishment of a Wildfire Resiliency Code Board).**

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## Consumer PROTECTION

### HB23-1192

#### Additional Protections in Consumer Code

<https://leg.colorado.gov/bills/hb23-1192>

The act modifies existing laws related to unfair and anticompetitive practices. It extends the period during which price gouging is prohibited during and after a declared emergency disaster, and repeals and reenacts the “Colorado Antitrust Act of 1992” as the “Colorado State Antitrust Act of 2023.” Provisions of the Antitrust Act are updated, which include considering facilitation or aiding and abetting of antitrust violations as a violation itself, granting the attorney general the authority to request discovery from relevant individuals or entities, allowing public inspection of investigatory or intelligence records related to the act under certain circumstances, permitting the court to compensate individuals injured by antitrust violations in civil actions brought by the attorney general, increasing the maximum civil penalty for violations, and clarifying the statute of limitations for commencing civil actions. Notably, the attorney general is exempted from the statute of limitations. **Effective: June 7, 2023.** Lobbyist: Meghan MacKillop.

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## Criminal JUSTICE

### CRIMINAL OFFENSES

#### HB23-1135

#### Penalty for Indecent Exposure in View of Minors

<https://leg.colorado.gov/bills/hb23-1135>

Under current law, indecent exposure is a class 1 misdemeanor but, if the perpetrator has two prior indecent exposure convictions, then it is a class 6 felony. The act makes the perpetrator’s first indecent exposure offense a class 6 felony if the person who commits indecent exposure knew there was a child under 15 years of age in view of the act and the person is more than 18 years of age and more than 4 years older than the child. **Effective: June 7, 2023.** Lobbyist: Mollie Steinemann.

#### HB23-1167

#### Reporting of Emergency Overdose Events

<https://leg.colorado.gov/bills/hb23-1167>

Under current law, “Good Samaritan” laws make a person immune from arrest and prosecution of certain criminal offenses if the



person reports a drug or alcohol overdose event to an emergency responder and cooperates with law enforcement and emergency responders. The act extends “Good Samaritan” immunity to someone who aids or seeks aid for the person who suffered the emergency drug or alcohol overdose. The act also extends “Good Samaritan” immunity to: (1) unlawful possession of a controlled substance if the material, compound, mixture, or preparation contains a synthetic opiate, and (2) to unlawful distribution or transfer of the controlled substance for the purpose of consuming all of the controlled substance with another person at a time substantially contemporaneous with the transfer, if the distribution or transfer involves certain controlled substances. Additionally, the act makes it a level 1 drug misdemeanor rather than a level 3 or level 4 drug felony for unlawful distribution, dispensing, transfer, or sale of certain controlled substances where the person reports the overdose, remains at the scene, and provides identification to emergency responders. **Effective: May 1, 2023.** Lobbyist: Mollie Steinemann.

## HB23-1219

### Waiting Period to Deliver a Firearm

<https://leg.colorado.gov/bills/hb23-1219>

The act establishes a waiting period for the delivery of a firearm by a seller to a purchaser. Sellers must wait three days or until required background checks are completed, whichever occurs later in time. Violations are civil infractions punishable by a fine of \$500 for the first offense and ranging from \$500 to \$5,000 for subsequent offenses. Finally, the act clarifies the authority of local governments to establish a waiting period longer than described in the act. **Effective: October 1, 2023.** Lobbyist: Mollie Steinemann.

## HB23-1286

### Increase Penalty Cruelty Police and Service Animals

<https://leg.colorado.gov/bills/hb23-1286>

The act modifies the monetary penalties for second and subsequent convictions for cruelty and aggravated cruelty to animals and service animals. For subsequent convictions of cruelty or aggravated cruelty to animals, offenders are required to pay a minimum fine of \$1,000, and pay a minimum fine of \$2,000 for subsequent convictions for cruelty or aggravated cruelty to service animals. For both offenses, offenders are also required to complete an anger management treatment program or other appropriate treatment program. Finally, if a person is convicted of cruelty or aggravated cruelty to service animals, courts must order restitution for owners. **Effective: June 2, 2023.** Lobbyist: Mollie Steinemann.

## HB23-1293

### Felony Sentencing Commission Recommendations

<https://leg.colorado.gov/bills/hb23-1293>

The act increases and decreases certain felony offense classifications, removes certain offenses, modifies offenses,

adds new crimes, and removes mandatory sentences for certain felony offenses. The full breakdown of changes can be found starting on page 2 here. **Effective: October 1, 2023.** Lobbyist: Mollie Steinemann.

## SB23-034

### Definition of Serious Bodily Injury

<https://leg.colorado.gov/bills/sb23-034>

The act amends the definition of “serious bodily injury” in Title 18 to include penetrating knife or gunshot wounds. **Effective: July 1, 2023.** Lobbyist: Mollie Steinemann.

## SB23-095

### Unlawfully Aiming Laser Device at Aircraft

<https://leg.colorado.gov/bills/sb23-095>

The act makes it unlawful to knowingly aim the beam of a laser device at an aircraft in flight or on the ground, punishable as a class 6 felony. Exceptions are provided for authorized individuals conducting research, flight tests, or training, and if the laser device is used to send an emergency distress signal. The act applies to offenses committed on or after July 1, 2023. **Effective: July 1, 2023.** Lobbyist: Mollie Steinemann.

## SB23-097

### Motor Vehicle Theft and Unauthorized Use

<https://leg.colorado.gov/bills/sb23-097>

The act decouples the value of a vehicle from the charges associated with theft of that vehicle. This act modifies and reclassifies these crimes by establishing three degrees of motor vehicle theft and bases the classification of the crime on the circumstances around the crime rather than vehicle value, as follows:

- first degree motor vehicle theft, a class 3 felony, for a person who has two prior convictions of auto theft;
  - second degree motor vehicle theft, a class 4 felony, for a person who knowingly obtains another’s vehicle without authorization and there are vehicle alterations or damages, among other circumstances; and
  - third degree motor vehicle theft, a class 5 felony, for a person who knowingly obtains or receives another’s vehicle and knows the act was without authorization.
- Finally, the act creates the offense of unauthorized use of a motor vehicle, a class 1 misdemeanor, when a person obtains or exercises control over the vehicle without owner authorization; did not commit a criminal offense, other than a misdemeanor traffic offense; and the motor vehicle is returned to the owner or recovered by law enforcement within 24 hours, with no damage to the motor vehicle. **Effective: July 1, 2023.** Lobbyist: Mollie Steinemann.



## SB23-169

### Increasing Minimum Age to Purchase Firearms

<https://leg.colorado.gov/bills/sb23-169>

The act prohibits, with certain exceptions, the purchase of firearms by persons under 21 years of age and selling firearms to such persons. Exceptions to this prohibition are made for persons who are:

- an active member serving in the US armed forces, while on duty;
- a peace officer serving with an employing law enforcement agency, while on duty; or
- certified by the Peace Officer Standards and Training (POST) board.

Violations of the prohibition are a class 2 misdemeanor for purchasers, a class 2 misdemeanor for private sellers, or a class 1 misdemeanor for licensed dealers. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

## SB23-249

### False Reporting of Emergency

<https://leg.colorado.gov/bills/sb23-249>

The act makes falsely reporting a mass shooting or an active shooter a class 6 felony. The act also expands the crime of false reporting of an emergency to include when a threat causes a shelter-in-place order or results in the initiation of a standard response protocol. Finally, the act adds false reporting of an emergency that is a bias-motivated crime to the Victim's Rights Act. **Effective: June 7, 2023.** Lobbyist: Mollie Steinemann.

## SB23-279

### Unserialized Firearms and Firearm Components

<https://leg.colorado.gov/bills/sb23-279>

The act creates the new crime of unlawful conduct involving an unserialized firearm, frame, or receiver. A first offense is a class 1 misdemeanor, and subsequent offenses are class 5 felonies. Under this act, it is unlawful to:

- knowingly possess or transport an unfinished frame or receiver, unless imprinted with a serial number by a federal firearm licensee;
- knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver, unless imprinted with a serial number by a federal firearm licensee;
- knowingly possess, purchase, transport, or receive a finished firearm, or frame, or receiver of a firearm, that does not have a serial number imprinted by a federal firearm licensee;
- knowingly sell, offer to sell, or transfer a finished firearm, or frame or receiver of a firearm, that does not have a serial number imprinted by a federal firearms licensee; and
- manufacture, or cause to be manufactured, including through the use of a three-dimensional printer, a frame or receiver of a firearm.

The act provides exceptions for federal firearm licensees to complete serialization. Licensees must also conduct required background checks before returning newly serialized items to owners, and, if the transfer is denied, surrender the items to a law enforcement agency. Licensees must also keep serialization records, allow law enforcement to inspect these records, and not give false information when making these records. Owners must have unserialized firearms and components imprinted with a serial number by January 1, 2024. Additionally, the act adds unlawful conduct involving an unserialized firearm, frame, or receiver to the list of misdemeanor convictions that are cause for a firearm transfer denial, and the list of felony convictions that make it unlawful for a person to possess a weapon.

**Effective: June 2, 2023.** Lobbyist: Mollie Steinemann.

**See also: TRANSPORTATION (HB23-1123: Move Over or Slow Down Stationary Vehicle; HB23-1267: Double Fines Speeding Trucks on Steep Grades; SB23-012: Commercial Motor Carrier Enforcement Safety Laws; HB23-1014: Yield to Larger Vehicles in Roundabouts; SB23-028: Penalty for Commercial Vehicle Offenses; SB23-200: Automated Vehicle Identification Systems).**

## GRANT FUNDING

### HB23-1107

#### Crime Victim Services Funding

<https://leg.colorado.gov/bills/hb23-1107>

The act continues the Crime Victim Service Fund indefinitely, which was scheduled to repeal on July 1, 2027. The act also requires a transfer of \$3 million from the General Fund to the State Domestic Violence and Sexual Assault Services Fund in the Department of Human Services. Qualified law enforcement agencies may be eligible for the funds. **Effective: May 25, 2023.** Lobbyist: Mollie Steinemann.

### SB23-160

#### Sunset Continue Community Crime Victims Grant Program

<https://leg.colorado.gov/bills/sb23-160>

The act continues the Community Crime Victims Grant Program in the Colorado Department of Public Health and Environment, which was scheduled to repeal on Sept. 1, 2023, for five years until Sept. 1, 2028. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

### SB23-257

#### Auto Theft Prevention Cash Fund

<https://leg.colorado.gov/bills/sb23-257>

The act expands eligibility for auto theft prevention grants issued by the Automobile Theft Prevention Authority Board to include victim support or technology enhancement programs. On July 1, 2023, the act requires a \$5 million transfer from the General Fund to the Auto Theft Prevention Cash Fund

to implement a statewide education program on auto theft, implement programs supporting victims of auto theft, provide additional overtime for law enforcement agencies, implement an auto theft prosecution program, enhance and upgrade auto theft tracking, or to cover any direct or indirect costs associated with awarding these funds. **Effective: June 2, 2023.** Lobbyist: Mollie Steinemann.

**See also: PUBLIC SAFETY (HB23-1102: Alcohol and Drug Impaired Driving Enforcement; HB23-1270: Creation of Urgent Incident Response Fund; SB23-277: Public Safety Programs Extended Uses).**

## **LAW ENFORCEMENT OPERATIONS**

### **HB23-1042**

#### **Admissibility Standards for Juvenile Statements**

<https://leg.colorado.gov/bills/hb23-1042>

The act makes any statement or admission of a juvenile presumptively inadmissible in court if a law enforcement official or agent knowingly communicates any untruthful information or belief, as defined in statute, during the custodial interrogation, unless the prosecution can prove that the statement was made voluntarily despite the deception. The Peace Officer Standards and Training Board must develop a virtual training program for law enforcement officials to take place prior to February 28, 2024. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

### **HB23-1043**

#### **Emergency or Continued Placement with Relative or Kin**

<https://leg.colorado.gov/bills/hb23-1043>

The act clarifies procedures for emergency and nonemergency continuing placement of a child by a county department of human services or law enforcement. For emergency placements, the county or law enforcement must perform an initial criminal history record check and if the individual has certain criminal convictions, the child shall not be placed in that home. Adults who fail to submit fingerprints within seven days of a placement will be notified by county departments of human services and have 72 hours to file a motion in court to retain that placement; if the individual fails to file a motion, the county or law enforcement must remove the child from the physical custody of that individual. If the results of the fingerprint-based criminal history record check show the individual has certain criminal convictions, the county or law enforcement must remove the child from the custody of that individual. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

### **HB23-1086**

#### **Due Process Civil Asset Forfeiture Act**

<http://leg.colorado.gov/bills/hb23-1086>

The act updates reporting requirements in the Department of Local Affairs' (DOLA) civil asset forfeiture report. Changes include

collecting certain information on the outcome of the forfeiture proceeding, including if the owner defaulted or was an innocent owner, or if the property was forfeited by court order, settlement, or plea agreement. The act also requires DOLA to report on the estimated value of the property seized. Local law enforcement agencies, including district attorneys, are required to submit this information to DOLA to satisfy the new reporting requirements. **Effective: September 1, 2023.** Lobbyist: Meghan MacKillop.

### **HB23-1143**

#### **Federal Authorize Firearms for DACA Peace Officers**

<https://leg.colorado.gov/bills/hb23-1143>

The act permits the Peace Officer Standards and Training (POST) Board to promulgate rules allowing an eligible immigrant to be a certified peace officer or a reserve peace officer, and allows interested law enforcement agencies to amend their written firearm policies to authorize the use of a firearm by an eligible immigrant, in compliance with federal law. Eligible immigrants are defined as persons who have been formally granted and maintain valid deferred action for childhood arrivals (DACA) status with the federal Immigration and Naturalization Service. Eligible immigrants are authorized to enroll in peace officer training academies if they are employed by a law enforcement agency that has a compliant firearm policy. Law enforcement agencies that are interested in employing eligible immigrants must notify the POST Board that an eligible immigrant is compliant with firearm policies while attending a training academy. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

### **HB23-1155**

#### **Advisement During Custodial Interrogation**

<https://leg.colorado.gov/bills/hb23-1155>

The act codifies requirements for advisements given during custodial interrogations pursuant to *Miranda v. Arizona*. The act requires that, for a statement made during a custodial interrogation to be admissible against a defendant in a criminal trial, the defendant must be advised in a manner that reasonably conveys the following warnings prior to making the statement:

- you have the right to remain silent;
- anything you say can and will be used against you in a court of law;
- you have the right to consult a lawyer prior to questioning and have the lawyer present during questioning;
- if you cannot afford to hire a lawyer, a lawyer will be appointed to represent you before any questioning if you request one; and
- you can stop the interview and request to remain silent or request a lawyer at any time before or during questioning.

**Effective: July 1, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1199

### Forensic Medical Evidence Process Improvements

<https://leg.colorado.gov/bills/hb23-1199>

The act requires the Department of Public Safety to establish a statewide system that allows victims of sexual assault to monitor the status of evidence obtained from their forensic medical evidence examinations. Every state or local law enforcement agency, medical facility, crime laboratory, or other entity that supplies, performs, analyzes, stores, or destroys examinations must participate in the system. The system must track certain information about stages of evidence analysis based on whether or not the victim consents to having the evidence analyzed and must also provide victims with certain information about navigating the criminal justice system and community resources. The system must be operational by June 30, 2025. The act also allows a law enforcement agency to request reimbursement of costs associated with the collection of forensic evidence for a victim covered through the sexual assault victim emergency payment program. **Effective: May 25, 2023.** Lobbyist: Mollie Steinemann.

## HB23-1249

### Reduce Justice-involvement for Young Children

<http://leg.colorado.gov/bills/hb23-1249>

The act implements reporting requirements for various agencies and providers related to juveniles involved in the criminal justice system. These agencies include the state Department of Human Services, county collaborative management programs, and district attorneys. Law enforcement may elect to refer a justice-involved juvenile to a county collaborative management program to receive services, but they are not required to do so. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

## SB23-054

### Missing and Murdered Indigenous Relatives Office

<https://leg.colorado.gov/bills/sb23-054>

The act expands the reporting requirements and activities of the Office of the Liaison for Missing and Murdered Indigenous Relatives. The additional duties include reviews of sentencing for violent crimes against indigenous people, additional reporting and training, and establishing an employee as the point of contact for indigenous families in need of assistance with the judicial process in a case involving a missing or murdered indigenous person. This liaison will have access to criminal justice records and law enforcement must comply with a request for data under the scope of this bill, to the extent consistent with CORA and the CCJRA. **Effective: June 2, 2023.** Lobbyist: Mollie Steinemann.

## SB23-070

### Mandatory School Resource Officer Training

<https://leg.colorado.gov/bills/sb23-070>

The act requires the Department of Law, beginning by August 1, 2024, to annually convene a training meeting for school

resource officers and school officials to discuss best practices for responding to Safe2Tell reports, including defining roles, communication about a report, outcome reporting, and training resources to improve school resource officers' support of students and school staff. **Effective: April 27, 2023.** Lobbyist: Mollie Steinemann.

## SB23-075

### Deletion of Child's Name from Criminal Justice Records

<https://leg.colorado.gov/bills/sb23-075>

The act requires the redaction of the name and any identifying information of a child victim or child witness in any criminal justice records. Any person may petition the district court for the disclosure of the name and identifying information of a child victim or child witness. Following notice and a hearing, the court may authorize the disclosure of such information upon a showing of good cause, meaning that the public interest substantially outweighs the harm of the privacy interest. Traffic offenses are excluded from the requirements of the act. **Effective: January 1, 2024.** Lobbyist: Mollie Steinemann.

## SB23-148

### Illegal Drug Laboratory Property and Certification

<https://leg.colorado.gov/bills/sb23-148>

The act requires the Colorado Department of Public Health and Environment to create a public database of residences used as illegal drug laboratories involving methamphetamine by January 1, 2024. Law enforcement agencies that discover illegal drug laboratories involving methamphetamine must report their findings to the department. The notice must include the property address, the name of the property owner, and any other information required by forthcoming rules. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

## SB23-170

### Extreme Risk Protection Order Petitions

<https://leg.colorado.gov/bills/sb23-170>

Under current law, a family or household member and a law enforcement officer or agency can petition for an Extreme Risk Protection Order (ERPO). The act expands the list of who can petition for an ERPO to include licensed medical care providers, licensed mental health-care providers, licensed educators, and district attorneys. The act does not otherwise change existing ERPO procedures. **Effective: April 28, 2023.** Lobbyist: Mollie Steinemann.

## SB23-188

### Protections for Accessing Reproductive Health Care

<https://leg.colorado.gov/bills/sb23-188>

The act codifies protections for healthcare providers and facilities that provide reproductive (abortion care) or gender-affirming healthcare services in compliance with Colorado

law. For municipalities, there are also some land use and law enforcement considerations. The act:

- Prohibits government employees from using any time or resources to engage in out-of-state investigations of legally protected healthcare activities as defined in the act;
- Prohibits a peace officer from knowingly arresting or participating in the arrest of a person who engages in a legally protected healthcare activity, unless the acts forming the basis for arrest constitute a criminal offense;
- Prohibits search warrants to search and seize property that relates to an investigation into a legally protected healthcare activity;
- Prohibits the issuance of a summons in a case when prosecution is pending, or when a grand jury investigation has started/is about to start for a criminal violation of law of another state involving a legally protected healthcare activity;
- Prohibits ex parte orders for wiretapping or eavesdropping to obtain any wire, oral, or electronic communication that relates to an investigation into a legally protected healthcare activity;
- Declares that access to outpatient clinical facilities providing reproductive healthcare is a matter of statewide concern and that, for zoning and land use planning, reproductive health facilities fall within the meaning of medical office use, medical clinic use, healthcare use, and other facilities that provide outpatient services. Zoning ordinances must recognize the provision of outpatient reproductive healthcare as a permitted use in any zone in which the provision of general outpatient healthcare is recognized as a permitted use.

**Effective: April 14, 2023.** Lobbyist: Mollie Steinemann.

## SB23-203

### Authorize Department of Corrections Inspector General to Apprehend Fugitives

<https://leg.colorado.gov/bills/sb23-203>

The act gives the inspector general in the Department of Corrections the authority to arrest a fugitive upon request of the department or a law enforcement agency. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

## SB23-254

### Search Warrant Procedures

<https://leg.colorado.gov/bills/sb23-254>

The act establishes limitations and requirements for search warrants executed by law enforcement officers. First, the act requires that no-knock warrants only be issued when there is a credible threat to the life of a person. Second, unless the court authorizes a no-knock warrant or there is a life-threatening emergency, the act requires officers to comply with the following requirements when executing a search warrant:

- execute the warrant between 7 a.m. and 7 p.m.;
- readily identify themselves as a law enforcement officer;
- wear and activate a body-worn camera;

- knock and announce presence;
- allow a reasonable amount of time for occupants to arrive at the door; and
- delay entry when the officer reasonably believes an occupant is moving to open the door.

Finally, the act requires the last four actions listed above to be performed for warrantless entries of dwellings unless the officer is working undercover, there is a life-threatening emergency, or the officer is in hot pursuit of a fleeing suspect. **Effective: June 6, 2023.** Lobbyist: Mollie Steinemann.

**See also: MUNICIPAL COURTS (HB23-1222: Cases of Domestic Violence in Municipal Court); PUBLIC SAFETY (HB23-1102: Alcohol and Drug Impaired Driving Enforcement); REGULATED SUBSTANCES (SB23-290: Natural Medicine Regulation and Legalization).**

## OTHER

### SB23-073

#### Sunset EPIC Advisory Board

<https://leg.colorado.gov/bills/sb23-073>

The act repeals the Evidence-based Practices Implementation for Capacity Program (EPIC) Advisory Board, which was scheduled to sunset on September 1, 2023. EPIC is a collaborative effort of five agencies in Colorado that “seeks to change the way correctional agencies conduct daily business by changing the ways that correctional staff interact with offenders.” As of July 1, 2021, the EPIC Resource Center had closed. This act makes conforming changes in statute to effectuate its repeal. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

### SB23-074

#### Sunset Modify Human Trafficking Prevention Training

<https://leg.colorado.gov/bills/sb23-074>

The act continues the human trafficking prevention training through the Department of Public Safety for 7 years, until September 1, 2030. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

### SB23-157

#### Sunset Offender Reentry and Education Programs

<https://leg.colorado.gov/bills/sb23-157>

The act continues the Work and Gain Education & Employment Skills Program in the Department of Corrections, which was scheduled to repeal on September 1, 2023. The act also requires the Department of Corrections to track long-term recidivism rates and other data for persons who were formerly incarcerated who participated in reentry services and programs. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.



## SB23-164

### Sunset Process Sex Offender Management Board

<https://leg.colorado.gov/bills/sb23-164>

The act continues the Sex Offender Management Board (SOMB) in the Department of Public Safety, which was scheduled to repeal on September 1, 2023, for five years until Sept. 1, 2028. In addition, the act also makes the following changes to the SOMB:

- requires the SOMB to perform a compliance review of at least 10% of treatment providers every two years;
- requires treatment to be responsive to the age, developmental status, cultural or racial characteristics, sexual orientation, and gender identify or expression of the offender;
- requires the SOMB to revise the Sex Offender Release Guideline Instrument for use by the State Board of Parole by December 1, 2023;
- requires the Division of Criminal Justice in the DPS to work with a third-party vendor to take and forward fingerprints for service provider applications;
- requires supervising officers to follow the guidelines and standards development by the SOMB; and
- requires agencies supervising sex offenders (not including those in the Division of Youth Services) to provide offenders access to the complete list of treatment providers and allows an offender to change treatment providers or agencies once within 90 days of the court imposing the sentence or the offender's release on parole.

**Effective: June 5, 2023.** Lobbyist: Mollie Steinemann.

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## Economic DEVELOPMENT

### SB23-006

#### Creation of the Rural Opportunity Office

<https://leg.colorado.gov/bills/sb23-006>

The act codifies the Rural Opportunity Office in the Colorado Office of Economic Development and International Trade (OEDIT). The main duties and responsibilities of the office are:

- Serving as the central coordinator of rural economic development programs and initiatives.
- Working with coal transitioning communities to explore business and economic development opportunities.
- Making recommendations that inform the Governor's policy on rural economic development matters.
- Measuring the success of program outreach and conduct research on whether rural communities receive more statewide funding as a result of the office's efforts.

**Effective: May, 20, 2023.** Lobbyist: Heather Stauffer.

### SB23-175

#### Financing of Downtown Development Authority Projects

<https://leg.colorado.gov/bills/sb23-175>

The act allows municipalities to adopt 20-year extensions for property tax increment financing arrangements for downtown development authorities (DDA). The extensions are allowed following an initial 30-year period and a one-time 20-year extension under current law. The act continues a default split of incremental revenue established during the one-time 20-year extension under current law with 50% allocated to the municipality that established the DDA and 50% allocated to other governmental entities that levy property taxes within the boundary of the DDA. As under current law, a municipality and a tax entity may agree to allow the DDA to retain more than 50%. The act also requires that the base value of the DDA advance by one year during each year of the automatic and recurring 20-year extension periods. The act allows a municipality and a DDA to enter into an intergovernmental agreement that allows a municipality to delegate the power to incur debt to the DDA, and enable the DDA to pledge money for the payment of the debt. Finally, two additional seats are added to the DDA board to include a county commissioner and a representative of the school district in which the DDA is located. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

### SB23-283

#### Mechanisms for Federal Infrastructure Funding

<https://leg.colorado.gov/bills/SB23-283>

Senate Bill 22-215 created the IJA Cash Fund and provided procedures for expenditures from the fund, including providing

funding to local governments for local match requirements of federal grant programs created by the IJJA. This act appropriates additional funding to the fund. **Effective: May 22, 2023.** Lobbyist: Meghan MacKillop.

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## ELECTIONS

### HB23-1185

#### Requirements for Recall Elections and Vacancies

<https://leg.colorado.gov/bills/hb23-1185>

The act (Sections 1-5) makes conforming changes in Title 31 regarding council or board vacancies. The act also clarifies how a vacancy will be filled if there are not enough members of the governing body to establish a quorum. In such situations, the act directs the municipal clerk to call an election, subject to cancellation if the governing body obtains a quorum and can fill the vacancy before the election date.

The act (Sections 6-8) also addresses municipal recall petitions and elections. The act:

- requires that members of a municipal recall committee be registered electors of the municipality, but circulators can continue to be from any place;
- clarifies that signature requirements for a recall election for an office filled by more than one person are determined by looking to the most recent election for that office, even if the person subject to recall was not elected at that election;
- requires the petition to include the municipality and county of an elector;
- confirms that disassembly of a petition section or an entire petition render the section or petition, respectively, invalid;
- clarifies the process for a clerk's review of a submitted petition to clearly bifurcate the initial review and final determination to account for the potential for a protest;
- repeals requirements to send a copy of a protest to the county clerk and for the county clerk and recorder to prepare a list of registered electors for the protest;
- clarifies that nomination petitions for successors may be circulated for 20 calendar days after the date a recall election is set;
- confirms ballot requirements for recall elections;
- confirms how to determine the election outcomes and terms for offices held by more than one person;
- provides that if an incumbent is not recalled, the votes for a successor are not recorded and unofficial results are not disclosed. The act further clarifies deadlines and procedures for circulating and filing petitions and filing protests.

**Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

### HB23-1245

#### Campaign Practices for Municipal Elections

<https://leg.colorado.gov/bills/hb23-1245>

The act establishes the maximum contribution a person can make to a candidate for a municipal office is \$400 and the maximum contribution a small donor committee can make to a candidate for municipal office is \$4,000 per election. For municipalities with a population of 1,000 or more, reports must be filed with the municipal clerk no later than 60 days, 30 days, and 15 days before and 30 days after an election; reports for runoff elections must be filed no later than 15 days before an election and 15 days after. Reports must be filed annually in off-election years on the first day of the month in which the anniversary of an election occurs. Reporting requirements are extended to independent expenditure committees. Reporting requirements for municipalities with a population under 1,000 are not changed.

The record retention period for campaign finance reports is extended from one to ten years. If the candidate is elected, the time period is extended from one to six years after the candidate leaves office. Clerks are required to make these reports publicly available without charge either on a website or for in-person inspection. This does not require the use of a website. While this act appears to restrict the charging of a research and retrieval fee if the records are sought for in-person inspection, clerks are allowed to charge appropriate fees for requests for these records if printouts or photographs are requested. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

### SB23-276

#### Modifications to Laws Regarding Elections

<https://leg.colorado.gov/bills/sb23-276>

The act changes the amount that counties are reimbursed for election costs. Beginning July 1, 2024, the Department of State will pay 45% of the cost that a county incurs in the conducting of any election with state-certified ballot content. The increase in funding for counties may have a trickle-down effect on the price municipalities pay in coordinated election agreements.

The act (Section 52) amends the Section 117 of the Fair Campaign Practices Act to confirm the time after which public funds can be expended in connection with referred measures and recall measures. For recalls, the restriction applies when the petition has been submitted for approval for circulation on an approved form, whereas existing law focused on the certification of the measure for submission to voters.

The act (Section 54) prohibits a county clerk or designated election official who is administering an election and the department of state from using an appropriation of state or federal money to pay for advertising expenses that feature a person who is a declared candidate for a federal, state, or local office. This excludes official notices and communications required or authorized by law and ongoing or routine communications.

Otherwise, the act makes changes to the Title 1 uniform election

code. These changes will not impact elections conducted pursuant to Title 31 municipal election or home-rule election codes, but there are a few changes that municipalities who coordinate their elections should be aware of including requirements for the number and location of voter service and polling centers and drop boxes (VSPC). The act allows VSPC and drop boxes to be located on campuses of private institutions of higher education and increases the number of VSPCs and drop boxes on campuses of private and state institutions of higher education. It also clarifies the number of in-person voting days at a VSPC on an Indian reservation and clarifies that a VSPC may be in a multi-use building where alcohol is served so long as it is in a separate part of the building. The act also allows counties with fewer than 15,000 active voters to have two, rather than three, election judges at each VSPC. The act allows any form of identification currently allowed to be presented in digital format for Title 1 elections.

**Effective: June 6, 2023, Section 53 and Section 33 take effect January 1, 2024, and Sections 17, 18, 27 take effect July 1, 2024.** Lobbyist: Heather Stauffer.



## Employment & LABOR

### HB23-1006

#### Employer Notice of Income Tax Credits

<https://leg.colorado.gov/bills/hb23-1006>

The act establishes that for tax years beginning in 2023 and beyond, employers (including municipal employers) are required to provide written notice of the availability of the Federal Earned Income Tax Credit, the state Earned Income Tax Credit, the Federal Child Tax Credit, and the State Child Tax Credit, in conjunction with or within a week of providing the annual statement of total compensation paid and income tax withheld for the previous calendar year. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

### HB23-1045

#### Employee Leave for Colorado National Guard Service

<https://leg.colorado.gov/bills/hb23-1045>

The act clarifies existing law military leave by changing the maximum amount of leave from fifteen days to “the equivalent of three weeks of work” on the employee’s regular schedule. The act also permits the use of any available paid leave or unpaid leave for this purpose. **Effective: March 10, 2023.** Lobbyist: Jaclyn Terwey.

### HB23-1076

#### Workers’ Compensation

<https://leg.colorado.gov/bills/HB23-1076>

The act modifies workers’ compensation benefits and creates additional avenues to prehearings at the Division of the Independent Medical Examiner. Workers’ compensation benefits resulting from reason of mental impairment claims are increased from 12 weeks to 36 weeks. Expedited hearings are permitted for employees whose temporary total disability benefits are terminated based on an authorized medical provider’s release to return to regular employment. The act also changes rules around artificial devices, updates provisions related to independent medical examinations, removes limits on medical treatments for reasonable and necessary medical benefits related to maximum medical improvement, and increases the amount of attorney fees that are presumed unreasonable. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

### HB23-1305

#### Continue Health Benefits in Work-related Death

<https://leg.colorado.gov/bills/HB23-1305>

In 2018, the General Assembly created the Police Officers’ and Firefighters’ Continuation of Benefits Board to facilitate the continuation of medical benefits for one year for the

dependents of any person who dies in a work-related death, if the person was directly involved with offering police or fire protection services. The act eliminates the requirement that an employer must contribute to the Law Enforcement Officers' and Firefighters' Continuation of Benefits Fund to be eligible for the continuation of benefits for dependents of an employee who died in a work-related death. **Effective: June 1, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-017

### Additional Uses Paid Sick Leave

<https://leg.colorado.gov/bills/sb23-017>

The act expands allowable uses for accrued paid sick leave under 2020's Healthy Families and Workplaces Act, excluding public health emergency leave, to include when the employee needs to care for a family member whose school or place of care has been closed due to unexpected occurrences like inclement weather or loss of power, heating, or water; when the employee has to evacuate their residence because of unexpected occurrences; or to grieve, attend memorial services, or deal with financial and legal matters that arise from the death of a family member. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-046

### Average Weekly Wage Paid Leave Benefits

<https://leg.colorado.gov/bills/sb23-046>

The act requires the Division of Family and Medical Leave Insurance in the Colorado Department of Labor and Employment to calculate a covered individual's weekly benefit amount under 2020's Paid Family and Medical Leave Insurance Act based on the individual's average weekly wage from all jobs worked in the base period, instead of only the jobs from which the individual is taking leave. **Effective: March 23, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-051

### Conforming Workforce Development Statutes

<https://leg.colorado.gov/bills/sb23-051>

The act codifies the current duties of the Office of Future of Work. The office must report policy recommendations to the governor at least once a year. The act also modifies statutes related to apprenticeships to conform with federal rules promulgated under the National Apprenticeship Act, including clarifying the duties of the state apprenticeship agency and two advisory councils. **Effective: March 23, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-053

### Restrict Governmental Nondisclosure Agreements

<https://leg.colorado.gov/bills/sb23-053>

This act prohibits public employers (including municipalities (Section 4)) from requiring non-disclosure agreements as a condition of employment or continued employment and declares such provisions to be unenforceable and against public policy. "Non-disclosure agreement" is not defined, but a "condition of

employment" is defined to include policies that an employee or applicant must agree to abide by to be hired or retained, which could include settlement agreements if employment is continued. The act includes substantial exceptions for provisions necessary to prevent the disclosure of certain information. However, no non-disclosure agreement can prohibit the release of information required to be released under the Colorado Open Records Act. The act permits non-disclosure agreements with third parties relating to an employee's work for the employer.

The act includes anti-retaliation protections for employees. "Materially adverse employment-related actions" are deemed to be prima facie evidence of retaliation. An employer that enforces or attempts to enforce a provision deemed against public policy by a court is liable for attorneys fees and costs in defending an action.

The act provides that settlement agreements between public employers and employees must be signed by both the employer and the employee. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-058

### Job Application Fairness Act

<https://leg.colorado.gov/bills/sb23-058>

Beginning July 1, 2024, this act prohibits an employer from requiring or requesting age-identifying information on an initial application, such as birthdate or graduation year. An employer may still request and receive transcripts, certifications, and other materials, if the employer provides notice that the applicant may redact the age-identifying information. The act does not prohibit seeking age-identifying information after the initial application or requesting that applicant's verify compliance with age requirements of bona fide occupational qualifications relating to public or occupational safety, federal law or regulation, or state or local laws based on bona fide occupational qualifications. The act is enforceable only through administrative complaints, with graduated penalties ranging from warnings to \$2,500. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-105

### Ensure Equal Pay for Equal Work

<https://leg.colorado.gov/bills/sb23-105>

This act amends the 2019 "Equal Pay for Equal Work Act." The act defines "career development," "career progression," "job opportunity," and "vacancy" to clarify job posting requirements of C.R.S. § 8-5-201. The act expands job posting requirements but clarifies that they only apply to job opportunities and not career development or career progression. Job opportunities require "good faith" disclosure of compensation, benefits, and the date the application window is anticipated to close. After selecting a person to fill a job opportunity, the employer must make "reasonable efforts" to announce certain information about the person within 30 days to employees that will work with the person. Special notice requirements apply for positions with career progression.



The act adds an administrative remedy and investigatory authority in the Division of Labor Standards and Statistics relating to violations of C.R.S. § 8-5-102, which relates to sex-based wage discrimination. The act extends the period of back pay relief from 3 to 6 years, but does not modify the 2-year statute of limitations. The administrative remedy does not limit the private action authorized by existing law. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-111

### Public Employees' Workplace Protections

<https://leg.colorado.gov/bills/sb23-111>

The act grants certain rights, enforceable by administrative action, to certain public employees (including municipal employees) relating to the expression and employee organization. The act includes the right to:

- Discuss or express the employee's views regarding representation, workplace issues, or rights under the act;
- Engage in protected, concerted activity for the purpose of mutual aid or protection;
- Fully participate in the political process while off duty and not in uniform (including speaking with their governing body on terms and conditions of employment and any matter of public concern and engaging in political activities like private citizens); and
- Organize, form, join, or assist an employee organization (or refrain from doing so).

The act contains no definitions related to these rights. The act amends the 2013 Colorado Firefighter Safety Act to provide firefighters with the same rights, potentially conflicting with the more restrictive provisions of that existing law. The act prohibits covered public employers from taking various actions relating to public employees who exercise these rights or who file complaints or provide information under the act. The act prohibits employers from interfering in the administration of an employee organization. The act does not contain considerations relating to public management traditionally found in First Amendment jurisprudence.

The act provides for administrative enforcement of complaints of "unfair labor practice" charges and "other leads" by the Division of Labor Standards and Statistics. Complaints must be filed within six months of a violation. The act grants the division authority to publish rules and to provide alternative dispute resolution or adjudicate charges as provided in the Labor Peace Act (C.R.S. § 8-3-101 et seq.). The act provides for limited appellate review of administrative decisions in the Court of Appeals.

While act takes effect in August, the authority to adjudicate unfair labor practice charges is not effective until July 1, 2024. **Effective: August 7, 2024.** Lobbyist: Jaclyn Terwey.

## SB23-172

### Protecting Opportunities and Workers' Rights Act

<https://leg.colorado.gov/bills/sb23-172>

This act rejects the "severe and pervasive" standard applied to workplace harassment claims and defines harassment to be any unwelcome physical or verbal conduct or any communication directed to an individual or group because of their membership, or perceived membership, in a protected class. The act must be subjectively offensive to the claimant and be objectively offensive to a reasonable member of the same protected class. The act further defines when conduct, including isolated instances, constitutes a violation. The act permits an affirmative defense against harassment claims

In addition, the act:

- Conditions affirmative defenses to harassment claims on the employer having a harassment prevention program, as defined through the act, that the employee failed to use;
- Includes marital status as a protected class;
- Clarifies the nature of the reasonable accommodation that an employer must provide for a disability;
- Requires that employers preserve certain personnel or employment records made, kept, or received by the employer for at least five years after the date it was made or received or the date of the personnel action or resolution of a charge of discrimination or lawsuit.
- Requires employers to maintain a repository of written or oral complaints of discriminatory or unfair employment practices including the date of the complaint, the complaining party's identify, if know, the alleged perpetrator's identity, and the substance of the complaint. These are not public records under the Colorado Open Records Act but are also deemed personnel records not subject to inspection;
- Declares non-disclosure provisions of any agreement with an employee to be void unless it applies equally to all parties, includes certain provisions, and includes a specific addendum. Each time an employer includes a nondisclosure provision in an agreement is a violation making the employer liable for actual damages, a \$5,000 penalty, and attorney fees;
- Provides that evidence of nondisclosure agreements involving the same conduct is evidence to support punitive damages.

**Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-292

### Labor Requirements for Energy Sector Construction

<https://leg.colorado.gov/bills/sb23-292>

The act creates a category of public works projects called energy sector public works projects, which consist of projects that generate, transmit, or distribute electricity or natural gas, and are built by a public utility with some public funding or approved by a cooperative electric association. These projects must comply with the apprenticeship and prevailing wage requirements established by Senate Bill 19-196. The act specifies the parameters with which projects must comply and

exceptions from these requirements, which include projects supported by federal funds and those that include a project labor agreement. The act also applies these labor standards to certain other state projects. **Effective: January 1, 2024.** Lobbyist: Jaclyn Terwey.

**See also: INFORMATION TECHNOLOGY (SB23-244: Technology Accessibility Cleanup); REGULATED SUBSTANCES (SB23-290: Natural Medicine Regulation and Legalization); YOUTH (HB23-1196: Remedies at Law for Violating Colorado Youth Act).**

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## Environment & NATURAL RESOURCES

### SB23-192

#### Sunset Pesticide Applicators' Act

<https://leg.colorado.gov/bills/sb23-192>

The act implements the recommendations of the Department of Regulatory Agencies from its sunset review of the "Pesticide Applicators' Act" and continues the act for 11 years, until September 1, 2034. Among changes in the act, it requires a local government that adopts an ordinance about pesticides to submit information to the commissioner about the ordinance. The act does not change or increase the authority that local governments currently have to regulate pesticide application in their municipalities.

The act updates various definitions to align with Federal guidelines and updates notifications and types of properties that can be included in requirements for the state's registry of pesticide-sensitive persons. The act requires that on or before July 1, 2024, the Department of Agriculture develop a searchable database of all properties that are located within 250 feet of a residential property listed on the registry for applicators to search. Applicators are required to notify pesticide-sensitive persons of pesticide application. The act also increases the maximum civil penalty for violation of the act from \$1,000 to \$2,500 for a first violation and up to \$5,000 for a second violation. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

### SB23-266

#### Neonicotinoid Pesticides as Limited-Use Pesticides

<https://leg.colorado.gov/bills/sb23-266>

The act requires that on or before January 1, 2024, the Commissioner of Agriculture adopt rules designating neonicotinoid pesticides as limited-use pesticides. Designation of this kind means that only licensed dealers can sell these products. To the extent that municipalities use these products for pest management, this may impact the availability of such products and who can use them. There are several exceptions

listed in statute including some indoor pest control products and bait station traps and scatter bait and insect strips. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

### SB23-285

#### Energy & Carbon Management Regulation in Colorado

<https://leg.colorado.gov/bills/sb23-285>

Beginning July 1, 2023, the act renames the Oil and Gas Conservation Commission to the Energy and Carbon Management Commission and expands its regulatory authority to include the authority to regulate a broader scope of energy and carbon management areas beyond oil and gas. The act authorizes the commission to regulate deep geothermal operations (deeper than 2,500 feet). Like oil & gas operations, local governments have siting authority for deep geothermal operations and state regulations of deep geothermal operations shall not impair, alter or negate the ability of a local government to regulate land use related to intrastate underground natural gas storage facilities. Prior to obtaining a permit from the commission to construct a well for deep geothermal operations, an applicant must provide evidence of any applicable siting application to the local government with jurisdiction over the deep geothermal operations, unless the local government does not regulate the siting of such operations.

The state engineer in the Division of Water Resources retains the authority to regulate shallow geothermal operations and the act clarifies jurisdiction, property rights, permitting authority and requirements, fees, and scope of geothermal management districts for shallow geothermal operations.

The act directs the commission to conduct a study and develop recommendations concerning the regulation and permitting of the underground storage of hydrogen, the transportation of hydrogen through pipelines. The act directs the commission to consult with local governments among other stakeholders on this study.

Current law states that the property right to geothermal resources that lack sufficient fluid to transport commercial amounts of energy to the surface is an incident of ownership of the overlying surface unless expressly severed. Under the act, for property rights acquired on or after July 1, 2023, the property right to a geothermal resource associated with non-tributary groundwater is also an incident of ownership of the overlying surface unless expressly severed. Further, geothermal resources associated with non-tributary groundwater cannot be transferred separately from the non-tributary groundwater. **Effective: July 1, 2023.** Lobbyist: Heather Stauffer.

**See also: YOUTH (HB23-1058: Child-occupied Facility Lead-based Paint Abatement).**

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## Governmental IMMUNITY

### HB23-1032

#### Remedies Persons with Disabilities

<https://leg.colorado.gov/bills/hb23-1032>

The act establishes that a person need not exhaust administrative remedies before filing a lawsuit for disability discrimination. The act requires that in certain civil suits, an individual with a disability is entitled to a court order requiring compliance along with either actual monetary damages or a statutory fine. The act also extends prohibitions on an individual with a disability being excluded from participation in, or denied the benefits of, services, programs, or activities to places of public accommodation. This new requirement primarily affects private businesses since sporting and recreational facilities, public transportation facilities, swimming pools, etc. are already included as entities that cannot deny access to an individual with a disability under Colorado law. **Effective: May 25, 2023.** Lobbyist: Heather Stauffer.

### HB23-1296

#### Create Task Force Study Rights Persons Disabilities

<https://leg.colorado.gov/bills/hb23-1296>

The act creates the Task Force on the Rights of Coloradans with Disabilities in the Colorado Civil Rights Division (CCRD) in the Department of Regulatory Agencies (DORA). The task force is comprised of at least 15 members, including the Lieutenant Governor, representatives from disability rights advocacy organizations, legal experts, and representatives of the various state departments. The task force must be appointed by August 1, 2023, and will create four issues subcommittees which will include subcommittees to recommend a rewrite of Colorado's disability laws, to study and recommend policies around physical and programmatic "basic access" within state and local government for persons with disabilities, and to study housing and outdoor "basic access." The task force is authorized to report on "any other issue relating to accessibility." The Governor will appoint at least four members who represent local and state government to serve on the government subcommittee and at least four members who represent government or business interests to the rewrite subcommittee. The subcommittees will report to the task force by the end of 2024. The task force shall produce a final report, including policy recommendations, to the governor and general assembly on or before January 30, 2025. **Effective: May 25, 2023.** Lobbyist: Heather Stauffer.

### HB23-1306

#### Public Use of Elected Officials' Social Media

<https://leg.colorado.gov/bills/hb23-1306>

The act establishes a statutory standard for the use of "private social media" by state and local elected officials to allow them to permanently or temporarily restrict or ban an individual from the

elected official's private social media account for bullying, harassment, or intimidation in the local elected official's sole discretion. The act also states that it is not intended to infringe upon any right guaranteed by the First Amendment of the United States Constitution or the Colorado Constitution, or to prevent the expression of any religious, political, or philosophical views. A word of caution, the topic of private social media being used by elected officials is set to be addressed by the United States Supreme Court and, as such, this state law is no guarantee that officials and their municipalities will avoid liability for acting in reliance on the statute. Local social media policies and procedures should always be followed, and consultation with municipal attorneys is advised. **Effective: June 5, 2023.** Lobbyist: Heather Stauffer.

### SB23-247

#### Division of Civil Protections and Rights in Department of Law

<https://leg.colorado.gov/bills/sb23-247>

The act creates the Division of Civil Protections and Rights in the Department of Law in connection with recent legislation that has increased civil rights protections, including investigating violations by governments, employee rights, and fair housing laws. The purpose of the Division is to assist with internal operation management to better manage resources. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

**See also: BUILDING CODES (HB23-1057: Amenities for All Genders in Public Buildings); EMPLOYMENT (SB23-053: Restrict Governmental Nondisclosure Agreements; SB23-105: Ensure Equal Pay for Equal Work; SB23-058: Job Application Fairness Act; SB23-105: Ensure Equal Pay for Equal Work; SB23-111: Public Employees' Workplace Protections; SB23-172: Protecting Opportunities and Workers' Rights Act); INFORMATION TECHNOLOGY (SB23-244: Technology Accessibility Cleanup); YOUTH (HB23-1196: Remedies at Law for Violating Colorado Youth Act).**

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## HOUSING

### HB23-1068

#### Pet Animal Ownership in Housing

<http://leg.colorado.gov/bills/hb23-1068>

The act protects pet owners by:

- prohibiting homeowner insurance and fire insurance providers from changing premiums on, refusing to issue, cancelling, or refusing to renew a policy based on the breed of dog kept at a home, unless the premium amount is based on sound underwriting and actuarial principles;
- requires specific protocols during evictions when a pet is present; and,
- excluding pets from the personal items against which a landlord may place a lien for unpaid rent.

● Additionally, a landlord cannot demand a security deposit over \$300 from a prospective or current tenant as a condition of allowing a pet in the home. A landlord cannot demand or receive additional pet rent over \$35 per month, or 1% of the tenant's monthly rent, whichever is greater. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1095

### Prohibited Provisions in Rental Agreements

<http://leg.colorado.gov/bills/hb23-1095>

This act updates the requirements for rental agreements. It prohibits including certain clauses in a written rental agreement, such as penalties resulting from eviction notices or actions due to a violation of the agreement. Fee-shifting clauses in rental agreements require a determination of prevailing party status and reasonable fees. Several provisions are prohibited unless specific exceptions apply, including jury trial waivers, certain class or collective action waivers, and waivers of the implied covenants of good faith and fair dealing and quiet enjoyment. The agreement cannot impose fees, damages, or penalties for a tenant's failure to provide notice of nonrenewal, except for the set monthly payment. The act also restricts charging tenants excessive fees or markups for services and disallows recouping costs for processing such services. Lastly, it prevents providers under voucher or subsidy programs from pursuing eviction solely based on nonpayment of utilities. The act specifies that some of the new prohibitions do not apply to rental agreements for mobile homes in mobile home parks, duplexes or triplexes, or accessory dwelling units where the landlord resides in one of the units or premises. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1099

### Portable Screening Report for Residential Leases

<http://leg.colorado.gov/bills/hb23-1099>

The act requires landlords, with certain exceptions, to accept portable tenant screening reports from prospective tenants. The screening report must be prepared by a consumer reporting agency within the previous 30 days, at the tenant's expense, and provided directly to the landlord. The report should include information such as employment verification, income, rental and credit history, and criminal background. If a tenant provides a screening report, the landlord cannot charge application fees or fees to access or use the report. Prior to collecting any tenant information that would generate an application fee, the landlord must inform the prospective tenant about accepting screening reports and the prohibition on charging application fees. Landlords are not obligated to accept screening reports or provide the required advisements if they don't accept multiple application fees at a time for a dwelling unit. If a rental application results in the landlord obtaining a consumer report, the landlord must provide a copy to the prospective tenant and inform them of their right to dispute the report's accuracy with the reporting agency. Violations of the act may result in the landlord being liable for a penalty of \$2,500, plus court costs

and attorney fees. However, if the landlord rectifies the violation within 7 calendar days of receiving notice, they are only required to pay a penalty of \$50 and are not liable for further damages. The act also authorizes the attorney general to independently initiate and bring legal action to enforce the "Rental Application Fairness Act." **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1120

### Eviction Protections for Residential Tenants

<https://leg.colorado.gov/bills/hb23-1120>

The act mandates that landlords and residential tenants must engage in mandatory mediation before initiating an eviction action if the tenant receives certain forms of cash assistance. However, participation in mediation is not required if the tenant did not disclose receiving cash assistance, if the complainant is a nonprofit organization offering mediation opportunities, or if the complainant is a landlord with a limited number of rental properties. Additionally, the act prohibits law enforcement officers from executing eviction orders against tenants receiving cash assistance for at least 30 days after a judgment, except in cases of substantial violations or for landlords with five or fewer rental properties. The act requires written demands to inform tenants receiving cash assistance of their right to mediation before the landlord files an eviction complaint. Furthermore, written rental agreements must include a statement indicating that discrimination based on the source of income is prohibited, and landlords must accept any lawful and verifiable source of payment. The act also prohibits rental agreements from waiving mandatory mediation or including clauses that allow landlords to recover costs associated with mediation. The Judicial Department is required to report the number of mediations, the outcomes of those mediations, and the cost of the mediations to the General Assembly. **Effective: June 6, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1184

### Low-Income Housing Property Tax Exemptions

<https://leg.colorado.gov/bills/HB23-1184>

The act clarifies and expands the current property tax exemption for property acquired by nonprofit housing providers for the development of low-income housing. The act clarifies that property may qualify for the property tax exemption, through construction on the property, until the property is sold or transferred. Additionally, the definition of "low-income" applicants is expanded to include individuals or families who are at or below 100% of the area median income or, if the property is in a rural resort community, at or below 120% of the area median income, rather than 80% of the area median income. The act creates a property tax exemption for property held by community land trusts and nonprofit affordable homeownership developers to be used for a strictly charitable purpose. To qualify for the exemption, the property must be split into a separate taxable parcel from the improvements on the property and leased to the owner of the improvements as an affordable



homeownership property. **Effective August 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1232

### Extend Housing Toolkit Timeframe

<https://leg.colorado.gov/bills/HB23-1232>

The act clarifies that funding for the Local Government Affordable Housing Development Incentives Grant Program, and for the Affordable Housing Guided Toolkit and Local Officials Guide Program in the Department of Local Affairs (DOLA) may be expended before July 1, 2025, without additional appropriation from the General Assembly. The act also clarifies that the Division of Housing in the DOLA may award multiple grants to multiple grant recipients for multiple regional navigation campuses in the Denver metropolitan area to respond to and prevent homelessness. **Effective: May 17, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1253

### Task Force to Study Corporate Housing Ownership

<https://leg.colorado.gov/bills/hb23-1253>

The act creates the task force on corporate housing ownership within the State Demography Office. The act directs the task force to:

- examine housing ownership by corporate entities and residential real estate transactions by corporate entities in Colorado since January 1, 2008, including purchases resulting from foreclosures;
- determine a methodology by which to examine the impacts of corporate acquisition and ownership of residential property, with a focus on single-family homes, condominiums, and townhomes;
- gather and analyze data, reports, and public records related to corporate ownership of housing;
- make legislative recommendations to mitigate any negative impacts related to corporate ownership of housing that are identified by the task force; and
- report to legislative committees certain information concerning the impacts of corporate ownership of housing.

The task force must report its findings to the legislative committees of reference with jurisdiction over housing matters by October 1, 2025. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1254

### Habitability of Residential Premises

<https://leg.colorado.gov/bills/HB23-1254>

The act expands conditions covered under the warranty of habitability for residential premises to include damage due to an environmental public health event. The act requires a landlord to have a residential premises remediated to a condition that complies with applicable standards for the remediation and

clean-up of residential premises after damage due to an environmental public health event and clarifies landlord responsibilities regarding the warranty of habitability and how a tenant must give notice to a landlord if there are habitability issues with the tenant's residence. The act prohibits a landlord from retaliating against a tenant for making a good faith complaint about the conditions of the residential premises and provides conditions by which a tenant may terminate a lease if a habitability issue is not remediated. The act also specifies conditions by which certain vulnerable populations may terminate a lease if the residential premises has been damaged due to an environmental public health event that would be detrimental to the health, safety, or quality of life of those vulnerable populations. **Effective: May 12, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1304

### Prop 123 Affordable Housing Programs

<https://leg.colorado.gov/bills/hb23-1304>

In the 2022 general election, voters approved Proposition 123, which established new affordable housing programs funded by income tax revenue. The allocated revenue is divided into two funds: the Affordable Housing Financing Fund (60% of the revenue) and the Affordable Housing Support Fund (40% of the revenue). The Office of Economic Development and the Division of Housing are responsible for administering these programs. This act amends the programs by allowing tribal governments to participate, transferring administration to the division of local government, permitting OEDIT to use financing funds for administrative expenses, clarifying income and rent calculations, specifying unit counting for the 3% growth obligation, establishing a process for rural resort communities to adjust income percentages, exempting federal coronavirus funds from maintenance of effort requirements, and requiring annual reports on the programs. **Effective: June 5, 2023.** Lobbyist: Meghan MacKillop.

## SB23-001

### Authority of Public-private Collaboration Unit for Housing

<https://leg.colorado.gov/bills/SB23-001>

This act expands the functions of the Public-private Collaboration Unit in the Department of Personnel, which promotes public-private partnerships for efficient completion of public projects. The unit is now authorized to undertake additional functions related to public projects that provide housing. Specifically, the unit is allowed to accept gifts, grants, and donations, with monetary contributions credited to the unused state-owned real property fund and utilize proceeds from real estate transactions and revenue from public-private agreements. Additionally, the unit can act as an agent on behalf of the department in real estate transactions involving state-owned property, including purchases, transfers, exchanges, sales, dispositions, and leases. The governor's approval is required for the department to receive the deeded property from a state public entity. The act also establishes a process for using requests for information to solicit public projects. **Effective: May 20, 2023.** Lobbyist: Meghan MacKillop.

## SB23-035

### Middle-income Housing Authority Act

<https://leg.colorado.gov/bills/SB23-035>

The act clarifies the power of the middle-income housing authority (authority) created by Senate Bill 22-232 to enter into public-private partnerships and specifies that an affordable rental housing project can include commercial space incidental to the housing. Only the affordable rental housing component of such a project qualifies for the tax exemptions for such projects. Senate Bill 22-232 purported to exempt all income and assets of the authority from state and local income, property, and sales and use taxes.

The act also allows for the transfer of the interest in an affordable rental housing project to an entity other than the authority within a public-private partnership. The authority is authorized to issue bonds to finance the affordable rental housing component, and these bonds can be payable from the revenue and assets of the affordable rental housing component or solely from the authority's revenue or assets, as required by current law. In addition, the act expands the board of directors of the authority from 14 to 16 members. Two nonvoting members will be added, appointed by the senate majority leader and the house majority leader. If they are from the same political party, the appointment from the house will be made by the house minority leader. **Effective: June 2, 2023.** Lobbyist: Meghan MacKillop.

## SB23-184

### Protections for Residential Tenants

<https://leg.colorado.gov/bills/sb23-184>

The act limits landlords from using certain financial and rental history information about prospective tenants during the rental application process, and places other requirements on landlords concerning rental applications. Specifically, under the act, a landlord must:

- not inquire about the amount of income, except to verify that it exceeds 200% of annual rent, or credit score, if an applicant uses a housing subsidy;
- not inquire about applicant income for applicants not using a housing subsidy except to determine whether annual income equals or exceeds 200% of annual rent; and
- not require applicant income greater than 200% of annual rent if an applicant is not using a housing subsidy.

Violations of these provisions constitute an unfair housing practice, with remedies allowed by law. Additionally, landlords are liable for an initial penalty of \$50 to an aggrieved party for violations, and another statutory penalty of \$2,500 if a violation is not cured within seven calendar days. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

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# IMMIGRATION

## HB23-1100

### Restrict Government Involvement in Immigration Detention

<https://leg.colorado.gov/bills/hb23-1100>

The act prohibits state and local governments from entering into an agreement to detain individuals in an immigration facility operated by a private entity, sell property for the purpose of establishing an immigration detention facility operated by a private entity, pay a private entity for the operation of an immigration facility, receive a payment related to the detention of individuals in an immigration facility from a private entity, or give financial incentive or benefit to a private entity or person that operates a detention facility. **Effective: January 1, 2024.** Lobbyist: Mollie Steinemann.

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# Information TECHNOLOGY

## SB23-244

### Technology Accessibility Cleanup

<https://leg.colorado.gov/bills/sb23-244>

The act amends the 2021 digital accessibility bill, House Bill 21-1110. The act requires the Office of Information Technology to engage in formal rulemaking to establish rules regarding accessibility standards for state and local government IT systems. The act expands the references on which the rulemaking may be based and appears to preserve the existing interpretation that current law applies to all digital media. The act clarifies that for a claim brought against a public entity for violation of accessibility standards, the violation must be considered a single incident and not a separate violation if the violation occurred on a single digital product including a website or an application. The act also amends the definition of "accessible" and "accessibility" to specify that digital content must "reasonably" enable an individual to access the same information, engage in the same interactions, and enjoy the same services offered to other individuals. **Effective: April 20, 2023.** Lobbyist: Heather Stauffer.

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## LAND USE

### HB23-1255

#### Regulate Local Housing Growth Restrictions

<https://leg.colorado.gov/bills/hb23-1255>

The act amends the Local Government Land Use Control Enabling Act of 1974 to target local growth caps by prohibiting local land use laws that, within any calendar or fiscal year, explicitly limit the growth of population in a jurisdiction or the number of development permits or applications for residential development (including mixed use development with residential components) that can be submitted, reviewed, approved, or issued. The act defines “law” broadly to include ordinances, policies, plans, and guidelines, among other things, provided they regulate the use or division of property. The act does not mandate the approval of any application and does not preclude land use laws generally, affordability requirements, short term rental regulations, or denying an application for any reason. The act purports to extend to statutory and home rule local governments.

The act permits temporary, non-renewable laws that would otherwise violate the act in limited circumstances: following a declared disaster emergency in the jurisdiction; to develop or amend land use plans or laws covering residential development; or to “provide for” extending or acquiring public infrastructure, public services, or water resources. Such a law can be effective for up to 24 months in a 5-year period. **Effective August 7, 2023.** Lobbyist: Meghan MacKillop.

### HB23-1287

#### County Regulation Related to Short-term Rentals

<https://leg.colorado.gov/bills/hb23-1287>

The act clarifies that a county’s authority to regulate short term rentals applies to lodging units available for less than 30 days and excludes hotel units from the scope of this authority. Additionally, the act changes “internet hospitality service” to “vacation rental service” in statute. A county may require an owner or owner’s agent to include a rental license or permit number in any listing for a short-term rental unit on the agent’s website. A board may also require the service to remove a listing from any digital platforms, within seven days, if the owner of the listed rental unit has a local short-term rental license or permit suspended or revoked; has been issued a notice violation or similar legal process for not possessing a valid local short-term rental license or permit; or the county has a prohibition on short-term rentals that applies to the lodging unit. To facilitate a vacation rental service’s ability to comply with a county ordinance, a county, upon request of the owner of a hotel unit or a vacation rental service on which the hotel unit is listed, is required to provide written verification that the hotel unit is exempt from the ordinance because it is not a lodging unit. **Effective Date: August 7, 2023.** Lobbyist: Meghan MacKillop.

See also: **CRIMINAL JUSTICE (HB23-188: Protections for Accessing Reproductive Health Care); ENVIRONMENT/ NATURAL RESOURCES (SB23-285: Energy & Carbon Management Regulation in Colorado); HOUSING (HB23-1304: Prop 123 Affordable Housing Programs); REGULATED SUBSTANCES (SB23-290: Natural Medicine Regulation and Legalization); SUSTAINABILITY (HB23-1233: Electric Vehicle Charging & Parking Requirements); UTILITIES (HB23-1234: Streamlined Solar Permitting and Inspection Grants); WATER (SB23-178: Water-wise Landscaping in HOA Communities).**

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## Lottery & GAMING

### SB23-165

#### Sunset Division of Racing and Racing Commission

<https://leg.colorado.gov/bills/sb23-165>

The act continues the Division of Racing and the Colorado Racing Commission until September 1, 2032, and implements the recommendations of the Department of Regulatory Agencies’ 2022 Sunset Review. The act modifies the statutory definition for in-state simulcast facility and repeals redundant greyhound kennel inspection requirements. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

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## Miscellaneous Governmental OPERATIONS

### HB23-1156

#### Public Airport Authority Act Modernization

<https://leg.colorado.gov/bills/hb23-1156>

This act amends the public airport authority (PAA) code to:

- require a local government that terminates a PAA to assume all outstanding financial and contractual obligations, assume the operations and maintenance of the airport, and take full fee title ownership;
- clarify that members of a PAA board of commissioners do not receive compensation;
- require a majority vote of a PAA board of commissioners to authorize expenditures greater than \$250,000;
- authorize a PAA to remove hazards and encroachments, impose fees on airport users, and regulate commercial activities conducted within a PAA;
- allow a PAA to request that a county or municipality levy a tax for the authority’s benefit;

- allow a PAA to request that a county or municipality adopt or modify certain existing zoning regulations;
- clarify that tenants or users of a PAA airport are not entitled to the tax exemptions that apply to airport authorities; and
- modify the definition of “local government official” to include a member of the board of commissioners of any PAA.

**Effective: August 7, 2023.** Lobbyist: Mollie Steinemann

## HB23-1271

### Lunar New Year Day as an Observed State Holiday

<https://leg.colorado.gov/bills/hb23-1271>

The act establishes the first Friday in February as “Lunar New Year Day,” an observed state holiday. Observed holidays, unlike legal holidays, do not impact hours worked for state or local employees. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

## SB23-052

### Municipal Priority Lien Surviving Treasurer’s Deed

<https://leg.colorado.gov/bills/sb23-052>

The act specifies that a county treasurer must accept for collection a lien levied on a property for costs associated with weeds, brush, and other removal from a property, including from alleys behind and sidewalk areas in front of a property if the municipality has filed a notice of lien with the county clerk within 4 months of abatement of a nuisance and a municipality certifies the amount of the unpaid assessment to the county treasurer within one year of filing the notice of lien for recording. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

## SB23-153

### Sunset Revised Uniform Law on Notarial Acts

<https://leg.colorado.gov/bills/sb23-153>

The act continues the Revised Uniform Law on Notarial Acts until 2032. The act repeals the requirement that a certificate evidencing a notarial act performed by a notary public indicate the date of expiration of the notary public’s commission. The act also repeals statutory fees for notarial acts performed by a notary public and requires the secretary of state to adopt rules that prescribe or establish caps for fees that a notary public may charge for notarial acts. The act further establishes requirements and limitations for the use of interpreters in the facilitation of notarial acts and limits the liability of a notarial officer for errors in interpretation made in the facilitation of a notarial act. **Effective: May 17, 2023.** Lobbyist: Heather Stauffer.

# Municipal COURTS

## HB23-1132

### The Court Data-sharing Task Force

<https://leg.colorado.gov/bills/hb23-1132>

The act creates the Task Force on Data Sharing Between State Courts and Municipal Courts to evaluate data-sharing practices between state and municipal courts. The task force must investigate current data sharing and access to court data systems, consider processes for sharing data and providing access to court data systems statewide, and consider safety measures or integration of systems to protect sensitive data in court systems. Task force members include the judicial department (including the state court administrator), municipal courts (including a municipal prosecutor and a municipal public defender), the Colorado District Attorney’s Council, the Colorado State Public Defender, the Office of the Child Protection Ombudsman, and domestic violence or sexual assault advocates. The task force shall report its findings and recommendations to the judiciary committees of the House of Representatives and the Senate on or before January 8, 2024. **Effective: June 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1151

### Clarifications to 48-hour Bond Hearing Requirement

<https://leg.colorado.gov/bills/hb23-1151>

Current law requires an individual who is in jail to be brought before a judge for a bond hearing on any state and municipal charges within 48 hours of arriving at the jail. The act clarifies the circumstances when the 48-hour requirement does not apply because the individual is unable to attend court. When an arrestee is unable to attend court within the 48-hour requirement, the sheriff shall create a list of those individuals, the date of the individual’s arrest, and the location where the individual is in custody. The sheriff shall document the length of the delay, the reason for the delay, and the efforts to abate a delay caused by an emergency. The act requires the sheriff to make the in-custody arrestee available to appear as soon as an emergency has sufficiently abated. The act also clarifies that the 48-hour requirement applies regardless of whether:

- the individual is held in custody in a jurisdiction other than the one that issues the arrest warrant;
- money bond was previously set ex parte; or
- the in-custody arrestee did not appear for a first appearance.

**Effective: October 1, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1182

### Remote Public Access to Criminal Court Proceedings

<http://leg.colorado.gov/bills/hb23-1182>

The act requires all courts in Colorado to provide real time



remote access for the public to observe any criminal court proceeding conducted in open court, unless:

- the court does not have the technology available to do so;
- the court has ordered that the public is excluded from the proceeding;
- technology, staffing, or internet issues limit or prevent remote observation; or

after a request, the court makes findings that:

- the remote observation of live proceedings risks compromising the safety of any person, the defendant's right to a fair trial, or the victim's rights; and
- there is no less restrictive alternative that preserves the public interest in remote observation.

The act also requires the court to post links on its website for the remote observation and requires courts to take reasonable steps to ensure that no audio or visual transmission of privileged, confidential communications occurs, to include posting an on-screen warning that any recording of the proceedings without a court order is prohibited. If a proceeding is subject to a sequestration order, the court should take reasonable steps to ensure compliance with the sequestration order. If a court does not have the sufficient existing staff or technology to allow remote observation to the public but later obtains such staff or technology, the act requires the court to comply with the act within 90 days after obtaining the necessary staff or technology. **Effective: September 1, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1222

### Cases of Domestic Violence in Municipal Court

<https://leg.colorado.gov/bills/hb23-1222>

Beginning January 1, 2024, the act requires a municipality that has a municipal ordinance that criminalizes an act of domestic violence to adopt an ordinance establishing:

- protections and rights for victims, victims' families, and witnesses equivalent to certain protections under the Victim Rights Act;
- sentencing guidelines;
- conditions of probation;
- conditions of release on bond;
- guidelines and standards that are consistent with the guidelines and standards adopted by the domestic violence offender management board; and
- a requirement that the prosecuting attorney who initially meets with the victim after the charges are filed makes a reasonable effort to remain as the prosecuting attorney throughout the proceeding.

For cases of domestic violence, a municipal court must issue a protection order and report the issuance of the order to the Colorado Bureau of Investigation (CBI). The court must also enter the information into the Colorado Crime Information Center (CCIC) database and the National Crime Information

Center (NCIC) database and search the CBI, CCIC database, and the NCIC database to determine if a defendant has a history of domestic violence. The act states that a municipal domestic violence offense is a misdemeanor for the purposes of complying with federal law and authorizes any affected person to enforce compliance with the act by notifying the crime victim services advisory board of any noncompliance by a municipal court. If the board determines that the report of noncompliance has a basis in fact and cannot be resolved, the act requires the board to refer the report to the governor, who shall request that the attorney general file suit to enforce compliance. Beginning January 2025 and each year thereafter until January 2029, the act requires the department of public safety to report during the department's "SMART Act" hearing the total number of reports and inquiries submitted to CBI, the CCIC database, and the NCIC database. **Effective: January 1, 2024.** Lobbyist: Meghan MacKillop.

## SB23-072

### Sunset Defense Counsel First Appearance Program

<https://leg.colorado.gov/bills/SB23-072>

The Defense Counsel on First Appearance Program was created in House Bill 18-1353 to award grants to local governments to reimburse costs associated with providing defense counsel to defendants at their first appearance in municipal courts. This act extends the program until September 1, 2028. **Effective August 7, 2023.** Lobbyist: Meghan MacKillop.

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## Open Meeting & RECORDS

### SB23-286

#### Access to Government Records

<https://leg.colorado.gov/bills/sb23-286>

The act makes various updates to the Colorado Open Records Act (CORA). The act makes procedural changes, including:

- Restricting a custodian from requiring a requester to produce identification in most scenarios;
- Specifying that a custodian must transmit public records in a digital format if the record is available in that format, unless otherwise agreed;
- Prohibits the conversion of digital records into a non-searchable format except where otherwise required;
- Prohibits charges of per-page fees for providing digital records;
- Requires agencies to accept fees by credit card or electronic payment, if other services can be paid in that manner, and permits the agency to pass along a service charge or fee imposed by the processor.

The act makes substantive changes, including:

- Permitting a custodian to deny inspection of telephone numbers and home addresses provided by a person to an elected official for the purposes of future electronic communications;

- Except where otherwise restricted by CORA (except C.R.S. § 24-72-203(3)(a)(X) and (X.5)), requires the disclosure of records of sexual harassment complaints made against an elected official and the results or report of investigations conducted by or for the official's government if the investigation finds the elected official culpable for any act of sexual harassment. The identity of and any other information that would identify the accuser, victim, accused who is not an elected official, or witness must be redacted. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

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## Public & Behavioral HEALTH

### HB23-1236

#### Implementation Updates Behavioral Health Administration

<https://leg.colorado.gov/bills/HB23-1236>

The act involves the transfer of administrative responsibilities in the behavioral health sector within various departments. It designates the Department of Human Services as responsible for certain administrative functions previously held by the Behavioral Health Administration (BHA) and the Office of Behavioral Health (OBH). The act also expands the role of the BHA as the overseeing agency for the behavioral health-care system in Colorado and allows the BHA to seek and accept gifts, grants, or donations for program administration. The act also extends the licensing and operating deadlines for behavioral health entities to December 31, 2023, and emphasizes the inclusion of services addressing language and cultural barriers for underserved populations. The act establishes regional subcommittees and expands the BHA's responsibilities for jail-based behavioral health services and care navigation programs. It appropriates funds to the 988 crisis hotline cash fund and clarifies certain rights of detained individuals, regardless of their location prior to transportation to a mental health facility. Finally, the act adjusts the licensing timeline for mental health residential facilities and the operation of behavioral health entities without a license. **Effective: May 16, 2023.** Lobbyist: Meghan MacKillop.

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## Public SAFETY

### HB23-1102

#### Alcohol and Drug Impaired Driving Enforcement

<https://leg.colorado.gov/bills/hb23-1102>

The act expands high-visibility drunk driving enforcement programs to include both alcohol and drug-impaired driving. It requires the Transportation Commission to annually allocate \$1.5 million from the State Highway Fund to the Office of Transportation Safety in the Department of Transportation for distribution to local governments that implement high-visibility alcohol and drug-impaired driving enforcement. Law enforcement agencies that obtain funding must comply with various reporting and training requirements and must follow specific guidelines regarding how they conduct enforcement episodes. If a law enforcement agency fails to comply with the requirements, it must return the funding to the state. **Effective: June 5, 2023.** Lobbyist: Mollie Steinemann.

### HB23-1237

#### Inclusive Language Emergency Situations

<https://leg.colorado.gov/bills/hb23-1237>

The act directs the University of Colorado's Natural Hazards Center to conduct a study to assess what counties, municipalities, sheriff's offices, fire districts, and local 911 agencies need to be able to provide emergency alerts in a minority language by July 1, 2024, and what local 911 agencies need in order to provide live interpretation during a 911 call by July 1, 2024. The division must consult with the Division of Homeland Security and Emergency Management in the Department of Public Safety and submit its study report by January 8, 2024. **Effective: May 12, 2023.** Lobbyist: Mollie Steinemann.

### HB23-1270

#### Creation of Urgent Incident Response Fund

<https://leg.colorado.gov/bills/hb23-1270>

The act creates the Urgent Incident Response Cash Fund for use by the Division of Homeland Security and Emergency Management in the Department of Public Safety (DPS). The fund consists of any state appropriations or transfers, and any gifts, grants, or donations received by DPS. The DPS may make expenditures from the fund for reimbursing state agencies and local governments for the costs of responding to urgent incidents that do not rise to the level of statutorily defined disasters or emergencies. There will be forthcoming rulemaking to determine the process for local governments to receive reimbursements. **Effective: June 1, 2023.** Lobbyist: Mollie Steinemann.

## SB23-277

### Public Safety Programs Extended Uses

<https://leg.colorado.gov/bills/sb23-277>

The act modifies four grant programs in the Department of Public Safety. The act allows the Department of Public Safety to spend the money remaining from the previous Crime Prevention Through Safer Streets Grant Program through July 1, 2027. The act extends the Law Enforcement Workforce Recruitment, Retention, and Tuition Grant and the State's Mission for Assistance in Recruiting and Training Policing Grant Program through July 1, 2027. Finally, the act allows the Behavioral Information and Data-Sharing Program to extend the program appropriation for use in FY 2023-2024. **Effective: June 7, 2023.** Lobbyist: Mollie Steinemann.

**See also:** CRIMINAL JUSTICE (HB23-1219: **Waiting Period to Deliver a Firearm**; SB23-169: **Increasing Minimum Age to Purchase Firearms**; SB23-170: **Extreme Risk Protection Order Petitions**; SB23-279: **Unserialized Firearms and Firearm Components**); REGULATED SUBSTANCES (HB23-1021: **Embargo and Destroy Marijuana**; SB23-271: **Intoxicating Cannabinoid Hemp and Marijuana**); SUSTAINABILITY (SB23-280: **Hazardous Material Mitigation**); WILDFIRE (HB23-1075: **Wildfire Evacuation & Clearance Time Modeling**).

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## Regulated SUBSTANCES

### HB23-1015

#### Taxation Tobacco Products Remote Retail Sales

<https://leg.colorado.gov/bills/hb23-1015>

The act makes several adjustments to the remittance of taxes on tobacco and nicotine products. The act separates the tobacco tax treatment of out-of-state retailers into two distinct but parallel tax treatments. The act excludes cigars and pipe tobacco from the existing definition of "delivery sale," and defines "remote retail sale" for sales of cigars and pipe tobacco from out-of-state retailers. Remote retail sales will be taxed in the same manner as delivery sales. The act clarifies how the "manufacturer's list price" should be calculated in specific instances. For a manufacturer who is also a remote retail seller or a delivery seller of tobacco or nicotine, the act sets the manufacturer's list price equal to the cost to manufacture the product. This act codifies current practice. **Effective: January 1, 2024.** Lobbyist: Mollie Steinemann

### HB23-1021

#### Embargo and Destroy Marijuana

<https://leg.colorado.gov/bills/hb23-1021>

The act authorizes the Department of Revenue (DOR) to issue

and lift administrative holds on the movement of regulated marijuana products pending an investigation. The act also gives DOR the authority to embargo marijuana products when required for the health, safety, or welfare of the public, and order the destruction of marijuana products after notice and a hearing opportunity is provided. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann

### HB23-1279

#### Allow Retail Marijuana Online Sales

<https://leg.colorado.gov/bills/hb23-1279>

The act allows retail marijuana stores to accept online payments. An individual must be physically present at the store to take possession of marijuana products purchased online, unless the purchase is connected to a lawful delivery order. The act clarifies that stores must follow the same protocols and requirements for online sales as in-person sales, including age and identity verification, and providing warning and educational materials. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann

### SB23-199

#### Marijuana License Applications and Renewals

<https://leg.colorado.gov/bills/sb23-199>

The act clarifies that the Department of Revenue (DOR) must retain application fees and local licensing authorities may choose whether to retain application fees for marijuana license applications that are denied; the DOR may refund the licensing fee. Additionally, the act allows the department to renew, for up to one year, a state marijuana license that has not yet received local jurisdiction approval prior to the expiration of the state license. An applicant must submit a renewal application and demonstrate good cause as to why local jurisdictional approval has not yet been obtained. The renewed license is conditional upon local jurisdictional approval. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann

### SB23-271

#### Intoxicating Cannabinoid Hemp and Marijuana

<https://leg.colorado.gov/bills/sb23-271>

The act modifies the regulation of the manufacture, production, distribution, and storage of cannabinoids and compounds derived from hemp and marijuana, including synthetic cannabinoids. Cannabinoids and compounds are divided into the following classifications for hemp and marijuana derived cannabinoids:

- intoxicating cannabinoids;
- nonintoxicating cannabinoids; and
- potentially intoxicating compounds.

The Department of Revenue (DOR) is responsible for the regulation and enforcement of marijuana-derived cannabinoids and compounds, and the Colorado Department of Public Health and Environment (CDPHE) is responsible for the regulation and enforcement of hemp-derived cannabinoids and compounds.

The act requires that manufacturers of intoxicating or potentially intoxicating products derived from marijuana obtain a license under the Marijuana Code. The act charges CDPHE and DOR with adopting rules related to labeling, regulation of synthetic cannabinoids, sales limits, definitions or classification of intoxicating products, and other regulations required. **Effective: June 7, 2023.** Lobbyist: Mollie Steinemann

## SB23-290

### Natural Medicine Regulation and Legalization

<https://leg.colorado.gov/bills/sb23-290>

In 2022, Colorado voters passed Proposition 122, which required the Department of Regulatory Agencies (DORA) to establish a regulatory framework for the administration of certain natural psychedelics in licensed facilities and to decriminalize the use of certain natural psychedelics. This act reorganizes and amends the voter-approved legislation, but largely retains the broadly permissive personal use provisions as well as restrictions on local control related to personal use and licensed administration and cultivation. With regard to regulated activities, DORA must start accepting “facilitator” licensure applications by December 31, 2024, which covers the cultivation, manufacturing, testing, storage, distribution, transport, transfer, and dispensation of regulated natural psychedelics. The act outlines types of business licenses, which include a health center license, cultivation facility license, manufacturer license, testing facility license, and any other licenses determined necessary by the division, and occupation licenses and registrations for owners, staff, and contractors who work or have access to restricted areas. The act preempts local laws that would conflict with its provisions and expressly prohibits local governments from prohibiting licensed facilitators and licensed entities from operating in their jurisdictions. Local governments continue to be able to regulate the time, place, and manner of the operation of licensed entities.

As in Proposition 122, the act immediately decriminalizes the personal cultivation, use, and giving away of certain natural psychedelics if the person is twenty-one years of age or older and only within the context of counseling, spiritual guidance, beneficial community-based use and healing, supported use, or related services. Personal cultivation is acceptable in locked rooms no larger than 12x12 feet. The act clarifies the impact of personal use standards on employers and confirms that employers can have policies relating to the use of or impairment from natural medicine in the workplace.

The act allows those under the age of 21 to be fined up to \$100 or attend four hours of substance use education or counseling, and creates new crimes including:

- facilitating without a license (a class 2 misdemeanor);
- open consumption of natural psychedelics (drug petty offense and a fine of up to \$100 and up to 24 hours of public service);
- illegal cultivation (drug petty offense and a fine of up to \$1,000); and
- unlicensed and illegal manufacturing (level 2 drug felony)

Peace officers may apprehend individuals for violations of this act. **Effective: July 1, 2023.** Lobbyist: Mollie Steinemann

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## Retirement & PENSIONS

### HB23-1106

#### FPPA Board’s Noncompounding Authorization

<https://leg.colorado.gov/bills/HB23-1106>

The act allows the Fire and Police Pension Association (FPPA) board to determine the form in which cost of living adjustments may be paid, including non-compounding payments. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

### SB23-056

#### Compensatory Direct Distribution to PERA

<https://leg.colorado.gov/bills/sb23-056>

The act requires the State Treasurer to issue a warrant to the Public Employees’ Retirement Association (PERA) in the amount of the balance of the PERA Payment Cash Fund, plus \$10 million from the General Fund. The payment is intended to recompense PERA for interest earnings on the repealed July 1, 2020, direct distribution payment, in addition to the partial recompensation provided in previous legislation. **Effective: June 2, 2023.** Lobbyist: Jaclyn Terwey.

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## Special DISTRICTS

### HB23-1062

#### Metropolitan District Tax for Parks and Recreation

<https://leg.colorado.gov/bills/hb23-1062>

The act allows a metropolitan district to levy a sales tax to provide parks or recreational facilities or programs, alongside other allowable uses. This applies to any area of the district that is not also within the boundaries of an incorporated municipality. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

### HB23-1105

#### Homeowners’ Association & Metropolitan District Homeowners’ Rights Task Forces

<https://leg.colorado.gov/bills/hb23-1105>

The act creates two task forces: the HOA Homeowners’ Rights Task Force (HOA task force) and the Metropolitan District Homeowners’ Rights Task Force (metro district task force) in



the Department of Law. The task forces are comprised of state legislators, representatives of state agencies, and members of the public, including HOA homeowners, local government and metro district officials, attorneys, and others with relevant experience. The city council position on the metro district task force will likely be recommended by CML.

HOA task force: The task force must convene by July 1, 2023, and is required to:

- study issues regarding HOA homeowners' rights, including homeowners' associations' fining authority and practices, foreclosure practices, and communications with homeowners;
- review HOA homeowners' complaints as reported to the HOA Information and Resource Center in the Department of Regulatory Agencies;
- prepare an interim report regarding its findings and conclusions by October 15, 2023; and
- prepare a final report to relevant legislative committees by January 15, 2024.

Metro district task force: The task force must convene by November 1, 2023, and is required to:

- study issues confronting metropolitan district homeowners' rights and consider the HOA task force's findings and conclusions as they relate to metropolitan district homeowners' rights; and
- prepare and submit a report regarding its findings and conclusions by March 15, 2024.

**Effective: May 24, 2023.** Lobbyist: Mollie Steinemann.

## SB23-110

### Transparency for Metropolitan Districts

<https://leg.colorado.gov/bills/sb23-110>

The act makes changes to service plan requirements submitted for proposed metropolitan districts and establishes new rules to increase transparency around outstanding projects and debt. The act requires that:

- an organizing metropolitan district include a maximum mill levy and maximum debt issuance in a service plan;
- beginning 2023, active metropolitan districts that have residential units and were organized after January 1, 2020, conduct an annual meeting with information about outstanding projects and debt, and allow for questions from the public;
- prior to issuing debt to a director of a metropolitan district on or after January 1, 2024, a registered municipal advisor certifies that the debt's interest rate, prior to issuing debt, is the lesser of the current market interest rate or the AAA general obligation municipal bond rate plus 400 basis points; and
- residential property sellers in a metropolitan district provide the purchaser with the official website established by the metropolitan district.

**Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

# SUSTAINABILITY

## HB23-1161

### Environmental Standards for Appliances

<https://leg.colorado.gov/bills/HB23-1161>

The act expands and updates the water and energy efficiency standards for various appliances and fixtures sold in the state, including showerheads, urinals, water closets, faucets, lamps, hot food holding cabinets, portable electric spas, residential ventilating fans, and spray sprinkler bodies. The act also establishes new standards, beginning January 1, 2026, for air purifiers, commercial ovens, electric storage water heaters, electric vehicle supply equipment, gas fireplaces, irrigation controllers, tub spout diverters, showerhead tub spout diverter combinations, residential windows, doors, skylights, and thermostats. The act removes standards for air compressors, general service lamps, and uninterruptible power supplies, and requires the Department of Public Health and Environment (CDPHE) to promulgate rules establishing standards for appliances and devices not currently subject to the standards by January 1, 2026. The act requires the executive director of CDPHE to verify major retailers' and distributors' compliance with the standards and report any violations to the attorney general.

Manufacturers are exempt from demonstrating compliance with the law if their products are listed in the state appliance standards database. Additionally, the act creates the "Clean Lighting Act" to phase out the sale of fluorescent light bulbs containing mercury. The act also establishes standards for heating and water heating appliances, including emission limits and testing protocols. The executive director may update emission standards to maintain consistency with other states' standards. By January 1, 2023, the executive director of CDPHE must conduct an analysis to determine if greenhouse gas emissions from water heaters and furnaces are declining, and if not, the executive director will propose rules to align with reduction goals. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1194

### Closed Landfills Remediation Local Governments Grants

<https://leg.colorado.gov/bills/hb23-1194>

The act creates the closed landfill remediation grant program to help eligible local governments pay the costs of environmental remediation efforts and landfill management. On and after July 1, 2024, the department of public health and environment (CDPHE) is required to administer the grant program in accordance with rules promulgated by the solid and hazardous waste commission (commission). CDPHE, in consultation with a 5-person advisory committee created in the act, may award grants from money in the closed landfill remediation grant program fund, which is also created in the act. On or before February 1, 2026, and on or before each February 1 every three years thereafter, the commission must evaluate the current and future financial needs of the grant program and make written recommendations to the general assembly regarding funding. Additionally, CDPHE

must prepare and post on its website an annual report that summarizes the use of all grant money awarded under the grant program in the preceding fiscal year. The grant program is repealed effective September 1, 2033, subject to a sunset review by the department of regulatory agencies. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1233

### Electric Vehicle Charging & Parking Requirements

<https://leg.colorado.gov/bills/HB23-1233>

The act includes several provisions concerning electric vehicle charging stations, including electric code requirements, local parking minimum requirements, property tax provisions, and potential charging stations at rest areas. The State Electrical Board must adopt rules requiring that applicants for an electrical permit must comply with the Model Electric Ready and Solar Ready Code, created by HB22-1362. The model codes require multifamily buildings to have charging equipment installed. The rules created by the State Electrical Board, which are effective March 1, 2024, supersede any local government building codes. If a site development plan application is submitted to a local government and has been approved before the effective date of the new rules, the local government may determine how to apply the requirements. With respect to parking regulations, current law prohibits a lease agreement or a homeowner's association from preventing a tenant from installing an electric vehicle charging station on leased or owned property. The act expands the prohibition to parking spaces that are assigned to the resident or otherwise available to the resident. It further prohibits parking restrictions for plug-in vehicles.

The act asserts a statewide interest in minimum parking requirements and specifies how parking spaces served by charging stations must be counted towards local government minimum parking requirements. The act prohibits local governments from prohibiting the installation or utilization of charging stations except when addressing safety concerns.

Additionally, from tax years 2023 through 2029, electric vehicle charging stations are exempt from property tax. The act also clarifies that the state can install electric vehicle charging stations on interstate highway rights-of-way if federal law changes to allow this practice. **Effective: May 23, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1285

### Store Use of Carryout Bags & Sustainable Products

<https://leg.colorado.gov/bills/HB23-1285>

In 2021 the General Assembly passed HB21-1162, which instituted a 10-cent fee on single use bags, with a portion of the fee going to local governments. This act amends that law by advancing the start date for remitting carryout bag fees to local governments from 2024 to 2023. The act also permits stores to retain fees and utilize the revenue for purchasing reusable bags or for any recycling, composting, or other waste diversion programs and related outreach and education activities if the respective municipality or county has not established a fee collection process. **Effective: June 1, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1294

### Pollution Protection Measures

<https://leg.colorado.gov/bills/hb23-1294>

The act updates procedures and requirements for how the Air Quality Control Commission (AQCC) in the Department of Public Health and Environment (CDPHE) and the Colorado Oil and Gas Conservation Commission (COGCC) in the Department of Natural Resources regulate pollution control measures. Specifically, the act updates the CDPHE's public notice requirements for certain construction permit applications, renewable operating permit applications, and public hearings. It also requires the AQCC, within 30 days of receiving a complaint, to notify the complainant of the steps and status of the investigation. Additionally, a person may submit a complaint to the COGCC alleging a violation related to oil and gas regulation. The COGCC must then investigate, unless the complaint appears to be trivial, falsified, or frivolous or if the complaint is withdrawn. The act updates what must be considered and submitted by oil and gas applicants regarding cumulative impacts. Finally, the act creates an interim Committee on Ozone Air Quality. The committee may meet up to six times and may introduce up to five bills or resolutions during the 2024 legislative session. **Effective: June 6, 2023.** Lobbyist: Meghan MacKillop.

## SB23-191

### CDPHE Organics Diversion Study

<https://leg.colorado.gov/bills/SB23-191>

The act requires the Department of Public Health and Environment to conduct a study on the impacts, benefits, and feasibility of diverting organic materials from landfills. The study will explore how to utilize existing projects to inform broader organics diversion efforts statewide. The study will evaluate the environmental benefits, review necessary infrastructure, create parameters and toolkits for local governments, recommend policies and regulations, assess informational resources, and identify opportunities for end-market development of diverted organic materials. The department must submit a report on the study's findings by August 1, 2024. **Effective: May 17, 2023.** Lobbyist: Meghan MacKillop.

## SB23-253

### Standards for Products Represented as Compostable

<https://leg.colorado.gov/bills/SB23-253>

The act establishes standards for products marketed in the state as compostable. Starting July 1, 2024, producers cannot represent a product as compostable unless it has received certification and complies with specific labeling standards. Beginning January 1, 2024, producers of non-certified compostable products are prohibited from using certain tinting, color schemes, labeling, or words that could mislead consumers. Producers of plastic products are also prohibited from using language or images that imply the product will biodegrade in a landfill. Producers must provide information and documentation of compliance

upon request, and the Department of Public Health and Environment, in collaboration with local governments, will conduct education and outreach activities to inform the public about these standards. The department will establish a forum for filing complaints against producers violating the standards. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## SB23-280

### Hazardous Material Mitigation

<https://leg.colorado.gov/bills/sb23-280>

The act establishes the Fuels Impact Enterprise in the Department of Transportation, which imposes a fuels impact reduction fee on fuel manufacturers to fund the Fuels Impact Reduction Grant Program. The fee is collected per gallon of fuel products delivered and deposited into the enterprise fund until it reaches \$15 million. The grants provided under the program support hazardous mitigation corridors and transportation projects related to emergency responses and environmental mitigation. The Clean Fleet Enterprise, created by Senate Bill 21-260, is required to impose a heavy-duty diesel vehicle registration fee for certain vehicles, until December 31, 2032. The fee applies to heavy-duty diesel vehicles with model years between 2010 and 2014 and cannot exceed \$30. Revenue from this fee will be distributed to the Diesel Truck Emissions Reduction Grant Program to decommission diesel trucks and replace them with newer model trucks. The act also modifies the fee collected for the Perfluoroalkyl and Polyfluoroalkyl Substances Cash Fund, extending the collection period and changing the distribution of the fee revenue to support various departments and programs related to hazardous materials and transportation. Other provisions of the act include extending authorization for the Division of Oil and Public Safety to use the Petroleum Storage Tank Fund, allowing reimbursement from the fund for remediation expenses, making hazardous materials troopers eligible for firefighter cancer benefits, conforming hazardous materials routing regulations, and phasing out certain diesel trucks on state projects. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

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# TAXATION

## HB23-1017

### Electronic Sales & Use Tax Simplification System

<https://leg.colorado.gov/bills/hb23-1017>

The act requires the Department of Revenue (DOR) to undertake modifications to the electronic sales and use tax simplification system (SUTS). The modifications include various simplifications, improvements, data accessibility, and additional filing options and features to assist both retailers and local jurisdictions that use SUTS. The act also prohibits the DOR from imposing a convenience fee or other charge for payments through SUTS, except for credit cards, and from passing the charges on to local taxing jurisdictions. Lastly, the act requires that the DOR

create a campaign to promote SUTS and to solicit feedback from stakeholders to enhance SUTS. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## HB23-1052

### Modify Property Tax Exemption for Veterans with Disabilities

<https://leg.colorado.gov/bills/hb23-1052>

The act makes conforming statutory changes to reflect the expansion of the Veterans with Disabilities property tax exemption to include qualified veterans with individual unemployability status if voters approve a related constitutional amendment in 2024. In most cases, to have that status, a veteran must be unable to remain employed because the veteran either has at least one service-connected disability rated at 60% or more disabling or has two or more service-connected disabilities with at least one disability rated at 40% or more disabling and a combined rating of 70% or more disabling. The act also requires a veteran who has individual unemployability status to be treated equivalently to a veteran who has 100% permanent disability when determining eligibility for any state veterans' benefit. **Effective: January 1, 2025.** Lobbyist: Jaclyn Terwey.

## HB23-1272

### Tax Policy that Advances Decarbonization

<https://leg.colorado.gov/bills/HB23-1272>

Beginning in tax year 2024, the act makes various modifications to many state tax policies some of which have implications for municipalities. The act extends two state income tax credits for purchases and leases of electric and plug-in hybrid electric passenger vehicles and trucks. As under current law, the act allows the purchaser of a vehicle to assign the credit to the motor vehicle dealer or financier. If the purchaser assigns the credit to the dealer or financier, the purchaser must be compensated for the full value of the tax credit, excluding a service fee of up to \$250. Dealers and financiers may register for advance payments of the credit, in which case they must file a quarterly report to the Department of Revenue (DOR) who will then issue the credit. Beginning in 2024, the act allows purchasers who are exempt from taxation to qualify for the credit, which may benefit them if they then assign the credit to a dealer or financier.

The act modifies the ad valorem (AV) credit allowed under the state's severance tax on oil and gas. Under current law, taxpayers are able to claim a tax credit equal to 87.5% of the ad valorem (real property) taxes assessed or paid to a local government on oil and gas production. Starting in tax year 2025 under current law, the AV credit will be calculated on a per-well basis by applying the prior year's mill levy to the current year's gross income multiplied by the statewide oil and gas assessment rate of 87.5%, and then taking 87.5% of that amount, or 76.56% of each well's current year gross income multiplied by the previous year's mill levy. Under the act, the AV credit will be reduced from 87.5% to 75% of the ad valorem taxes assessed

or paid to a local government on oil and gas production in tax years 2024 and 2025. In tax year 2026, the AV credit will be calculated as 65.625 percent (75% of the assessment rate of 87.5%) of each well's current year gross income multiplied by the previous year's mill levy. In 2027, the AV credit will be calculated as under current law. **Effective: May 11, 2023.** Lobbyist: Jaclyn Terwey.

## HB23-1284

### Modifications to the Property Tax Deferral Program

<https://leg.colorado.gov/bills/HB23-1284>

Under current law, a homeowner may not defer tax on a home that is income-producing. The act exempts homeowners from this restriction if they are 65 and older, called into military service, or a surviving spouse who chooses to continue to defer property taxes. The act also allows homeowners who are called into military service and have a loan guaranteed by the U.S. Veterans Administration to choose to defer property taxes if the value of deferred taxes and all other liens on the property exceed the current legal limit, which is 90% of the home's actual value. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## HB23-1311

### Identical Temporary TABOR Refund

<https://leg.colorado.gov/bills/HB23-1311>

If the ballot measure referred in Senate Bill 23-303 (Proposition HH) is approved by voters, then House Bill 23-1311 requires any amount that would otherwise be refunded via the six-tier sales tax refund mechanism to instead be refunded on returns for tax year 2023 in equal amounts to all taxpayers who qualify for the six-tier sales tax refund. **Effective: January 1, 2024.** Lobbyist: Jaclyn Terwey.

## SB23-108

### Allowing Temporary Reductions in Property Tax Due

<https://leg.colorado.gov/bills/sb23-108>

The act amends C.R.S. § 39-1-111.5 to authorize local governments to use temporary property tax credits or mill levy reductions for the purpose of providing temporary property tax relief, subject to annual renewal, and return to their prior taxing levels without requiring a vote of the people. The act does not modify the statutory authority to provide TABOR refunds through temporary property tax credits or temporary mill levy rate reductions.

**Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-143

### Retail Delivery Fees

<https://leg.colorado.gov/bills/sb23-143>

The act exempts businesses that have \$500,000 or less in retail sales in the prior year from having to pay the Retail Delivery Fee (\$0.27/delivery) created by Senate Bill 21-260. The seller may choose to pay this fee on behalf of the purchaser, in which case

the Retail Delivery Fee does not need to be itemized on a receipt or bill of sale. **Effective: May 4, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-156

### Sunset Private Letter Ruling & Information Letter

<https://leg.colorado.gov/bills/sb23-156>

The act indefinitely continues the authority of the Department of Revenue (DOR) to issue private letter rulings and information letters, which is currently scheduled to repeal on September 1, 2023. The act also implements the recommendations in the sunset report, allowing the DOR to extend the 90-day deadline to issue a ruling if the taxpayer agrees to the extension and to issue letters and rulings for any issue related to a tax or fee administered by the department. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-303

### Reduce Property Taxes and Voter-approved Revenue Change

<https://leg.colorado.gov/bills/sb23-303>

This act refers Proposition HH to the ballot in November 2023. Proposition HH temporarily lowers the assessment rates for both residential and nonresidential properties and provides all residential properties with a \$50,000 reduction in value for the 2023 tax year and a \$40,000 reduction in value for the 2024 tax year. The act creates a distinction between owner-occupied and non-owner-occupied housing, starting in the 2025 tax year, which will result in slightly higher property taxes for non-owner-occupied homes due to these properties not being afforded the continuing \$40,000 reduction in actual value. The Senior Homestead exemption is increased to \$140,000 starting in the 2025 tax year and the act makes the exemption portable.

Starting in 2023, growth in revenue limits for local property taxes (except for school districts and home rule cities and counties) is limited to the rate of inflation in the Denver-Aurora-Lakewood CPI (based on the most recently published estimate of inflation for the prior calendar year), over the prior year's property tax revenue. Local governments can exceed the cap if the governing body, on an annual basis, votes to do so following notice, a public hearing, and public comment. CML obtained an amendment to make clear that a local government's decision to increase the revenue growth limit on an annual basis is a final decision that is not subject to appeal.

The ballot question increases the state's TABOR cap, thereby reducing TABOR refunds. This revenue will be used to partially backfill the property tax revenues that local governments will lose out on as a result of the various reductions that will go into effect. A portion of the state revenue will go to fund K-12 education. Lost property tax revenue resulting from reduced mill levies (e.g., due to the local property tax limit in the act) will not be reimbursed. Additionally, once a municipality reaches an increase of 20% or more in the assessed value of real property from the 2022 tax year, they will no longer be eligible for backfill. Fire Districts, EMS and Hospital Districts will receive 50% of their backfill amount if they go over the 20% increase



in assessed value, and are at the front of the line for available dollars. **Effective: May 24, 2023, except provisions which go into effect if Proposition HH passes at the general election in November 2023.** Lobbyist: Jaclyn Terwey.

## SB23-304

### Property Tax Valuation

<https://leg.colorado.gov/bills/sb23-304>

The act makes changes to the valuation of property by county assessors. In addition to the methods specified in current law, the act requires that assessors consider the following when determining a property's actual value: current use, existing zoning or government land use, or environmental regulations and restrictions, multiyear leases or other contractual agreements affecting the use of or income from the property, easements and reservations of record, and covenants, conditions, and restrictions of record. Current law requires that assessors provide to a taxpayer the data used to determine their actual property value upon request. The act specifies that the primary method and rates used to value the property must be included in that data. The act also requires that counties with a population of at least 300,000 use an alternative protest and appeal procedure to handle objections and protests to property valuations, beginning January 1, 2024. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SJR23-004

### Uniform Sales and Use Tax on Construction Material

<https://leg.colorado.gov/bills/sjr23-004>

The resolution urges CML to bring a group together to discuss ways to simplify the construction materials sales and use tax remittance process. The resolution requests that CML update the Sales and Use Tax Simplification Task Force on its coordination efforts by August 2023. **Effective: May 17, 2023.** Lobbyist: Jaclyn Terwey.

**See also: HOUSING (HB23-1184: Low-Income Housing Property Tax Exemptions); REGULATED SUBSTANCES (HB23-1015: Taxation Tobacco Products Remote Retail Sales); SPECIAL DISTRICTS (HB23-1062: Metropolitan District Tax for Parks and Recreation); SUSTAINABILITY (HB23-1233: Electric Vehicle Charging & Parking Requirements).**

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# TRANSPORTATION

## HB23-1014

### Yield to Larger Vehicles in Roundabouts

<http://leg.colorado.gov/bills/hb23-1014>

The act requires a driver to yield the right-of-way to a driver of a truck, bus, emergency vehicle, or recreational vehicle that

generally has a total length of more than 35 feet or a total width of more than 10 feet (large vehicle) when entering, exiting, or driving in the circulatory lanes in a roundabout. The act also requires that when two drivers of large vehicles enter, exit, or drive in the circulatory lanes in a roundabout at the same time, the driver on the right must yield the right-of-way to the driver on the left. A person who fails to yield commits a class A traffic infraction and is subject to a fine of \$70 and an \$11 surcharge. **Effective: October 1, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1101

### Ozone Season Transit Grant Program Flexibility

<https://leg.colorado.gov/bills/hb23-1101>

The act updates the eligibility requirements for the Ozone Season Transit Grant Program by allowing transit agencies operating in regions with different peak ozone periods to designate an alternate "ozone season," expands grant funding to include marketing expenses, rider surveys, and expanding free services or routes, and permits agencies to receive additional funding despite previous lower amounts. The act also requires the department of transportation to complete a study and report of the boundaries of the transportation planning regions (TPRs) of the state, the membership of the transportation advisory committee and the special interim transit and rail advisory committee, and the consistency and transparency of the transportation planning process across the TPRs. The study must include consideration of specified matters and shall not include any recommendation that, if adopted, would reduce the number of rural TPRs. Before June 1, 2024, the transportation commission, taking into consideration the findings of the study, is required to initiate updates to its rules concerning the statewide transportation planning process and TPRs. The act requires, beginning September 1, 2023, that the governing body of the transportation planning organization for each TPR include at least one voting representative to represent all transit agencies in the TPR. The act increases the maximum rate of sales or use tax, or both, that a regional transportation authority (RTA) may impose, with voter approval, from 1% to 2%, and it makes permanent the existing power of a RTA to impose, with voter approval, a uniform mill levy of up to 5 mills. **Effective: April 28, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1123

### Move Over or Slow Down Stationary Vehicle

<https://leg.colorado.gov/bills/hb23-1123>

The act requires a motor vehicle driver to move to one lane apart from any stationary motor vehicle when the stationary motor vehicle has its hazard lights activated, at least two lanes move in the same direction, and the driver can move to the lane apart. If a driver cannot move to be one lane apart from the stationary motor vehicle, the driver must slow down and drive at a safe speed. The act also clarifies that the law applies to public utility service vehicles operated by the public utility or by an authorized contractor of the public utility. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1217

### Motor Vehicles Tows & Crime Victims

<https://leg.colorado.gov/bills/HB23-1217>

The act requires the transportation legislation review committee (committee) to analyze the issue of an owner of a motor vehicle that was nonconsensually towed because the vehicle was stolen or because the owner was the victim of a certain serious crime. The committee may take testimony and is required to make legislative recommendations to the general assembly on the issue. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## HB23-1267

### Double Fines Speeding Trucks on Steep Grades

<https://leg.colorado.gov/bills/hb23-1267>

The act allows the Department of Transportation to establish steep downhill grade zones within the public highways of the state where the downhill grade is 5% or greater and where there are safety concerns related to commercial motor vehicle drivers exceeding the posted speed limits. The act subjects a commercial motor vehicle driver who commits a speeding violation in a steep downhill grade zone to doubled fines and surcharges. If the department establishes a steep downhill grade zone, the department must erect signs identifying the zone and notifying commercial motor vehicle drivers that increased fines are assessed for speeding in the zone. The act also creates the mountain highways commercial motor vehicle safety account within the highway users tax fund and requires the state treasurer to credit one-half of the amount of each doubled fine and surcharge to the account for the department to pay costs associated with providing educational outreach and public information about runaway truck events, the purchase and implementation of equipment for the purpose of reducing the frequency of runaway truck events, and the completion of studies to reduce the frequency of runaway truck events and improve overall commercial motor vehicle safety on state highways that pass through the state's mountains. **Effective: January 1, 2024.** Lobbyist: Meghan MacKillop.

## HB23-1276

### Scope of Bridge and Tunnel Enterprise

<https://leg.colorado.gov/bills/HB23-1276>

The Bridge and Tunnel Enterprise (BTE) in the Department of Transportation completes tunnel projects and finances, repairs, reconstructs, replaces, and maintains designated bridges in the state. A designated bridge is a bridge that is part of the state highway system, and that the department has identified as structurally deficient or functionally obsolete and has rated as poor. The act expands the scope of the BTE to include the completion of preventative maintenance bridge projects, which are projects that involve a treatment or strategy to extend the service life of a fair-rated or good-rated bridge by preventing, delaying, or reducing deterioration. The act authorizes the BTE to repair, reconstruct, replace, and maintain a bridge that the department has rated as fair if the fair-rated bridge is included

as part of a project to repair, reconstruct, replace, or maintain a designated bridge. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## SB23-012

### Commercial Motor Carrier Enforcement Safety Laws

<https://leg.colorado.gov/bills/SB23-012>

The act changes the amount of civil penalties that may be levied on commercial motor carriers for failure to comply with rules for the safe operation of commercial vehicles by tying the amount of civil penalties to the amount of federal civil penalties for interstate commercial motor carriers. The act also authorizes the Department of Revenue to enter both the motor carrier and its vehicles as out-of-service in the federal motor carrier safety administration system of record and cancel or deny registration of a commercial motor carrier that fails to cooperate with the completion of a safety compliance review within 30 days.

**Effective: August 7, 2023, except some provisions take effect April 1, 2024.** Lobbyist: Meghan MacKillop.

## SB23-028

### Penalty for Commercial Vehicle Offenses

<https://leg.colorado.gov/bills/sb23-028>

In 2021, Senate Bill 21-271 adjusted misdemeanor penalties for a variety of offenses, including changing the penalty for certain offenses involving the operation of a commercial vehicle from a misdemeanor to a class A traffic infraction. Despite making this change, Senate Bill 21-271 retained language describing the punishment for the former misdemeanor offense. **Effective: June 6, 2023.** Lobbyist: Meghan MacKillop.

## SB23-059

### State Parks & Wildlife Area Local Access Funding

<https://leg.colorado.gov/bills/SB23-059>

The act requires the Parks and Wildlife Commission to promulgate rules authorizing a local government to request that a state park or wildlife area charge an additional per vehicle fee, not to exceed \$2, to visit a park within the jurisdiction beginning January 1, 2025. The fee will be distributed, minus an administrative deduction, from the new local access route cash fund to local governments to maintain and operate local access routes. The fee will be adjusted every five years for inflation or deflation. The Division of Parks and Wildlife is required to collaborate with local governments to identify and study issues surrounding local access route transportation infrastructure and funding deficits and sources of funding for the routes. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## SB23-094

### School Transportation Task Force

<https://leg.colorado.gov/bills/SB23-094>

The act creates the Colorado School Transportation Modernization Task Force to create a report containing findings and recommendations to improve public school transportation services for students. The task force must analyze the costs and benefits associated with requiring school buses to have automated vehicle identification systems to record vehicles that unlawfully pass a stopped bus. The task force must submit its findings to the General Assembly by January 31, 2024. **Effective: May 16, 2023.** Lobbyist: Meghan MacKillop.

## SB23-200

### Automated Vehicle Identification Systems

<https://leg.colorado.gov/bills/sb23-200>

The act expands the use of Automated Vehicle Identification Systems (AVIS) to permit the use of AVIS systems in areas designated as an AVIS corridor, subject to certain adoption procedures, signage standards, and operating and reporting requirements. The act removes the requirement that a person be present during the operation of an AVIS system. The act establishes adoption standards for any new AVIS systems after July 1, 2023, including public announcement of the system and a period where only warnings can be issued. The act also modifies provisions for the service of process, reduces notice deadlines, establishes content standards for notices, updates signage standards, and restricts the retention, use, and disclosure of AVIS data. The act expressly states that a collection action cannot commence unless certain notices were personally served. **Effective: June 5, 2023.** Lobbyist: Meghan MacKillop.

## SB23-268

### Ten-year Transportation Plan Information

<https://leg.colorado.gov/bills/sb23-268>

This act increases transparency requirements for projects approved by the Transportation Commission by requiring the Colorado Department of Transportation to include certain information regarding projects identified in the ten-year transportation plan. For each transportation project identified in the ten-year plan, the commission must identify the time frame during which the project is expected to be completed; the total estimated amount of funding required to complete the project; and funding that has been allocated for the project or is anticipated to be allocated for the project. The act also instructs the commission to provide a designated and readily available CDOT contact to state and local government elected officials, without creating a new position or hiring additional personnel. **Effective: September 1, 2023.** Lobbyist: Meghan MacKillop.

# UTILITIES

## HB23-1039

### Electric Resource Adequacy Reporting

<https://leg.colorado.gov/bills/HB23-1039>

The act requires each load-serving entity in the state, or its designated wholesale electric supplier, to create a resource adequacy annual report by April 1 each year, beginning in 2024. The reports must be published online and delivered to the entity's regulatory oversight entity, which in turn must submit them to the Colorado Energy Office by April 30. Finally, the Colorado Energy Office must compile the reports received and publish a statewide resource adequacy aggregate annual report each year by July 1. The act specifies further reporting requirements and exemptions. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## HB23-1234

### Streamlined Solar Permitting and Inspection Grants

<https://leg.colorado.gov/bills/HB23-1234>

This act creates a \$1 million grant program in the Colorado Energy Office (CEO) to assist local governments with implementing free automated solar permitting and inspection software for residential solar energy systems. The application and review process must be created, allowing grants to be awarded no later than June 30, 2024. Grantees are required to implement software within 180 days, and make annual reports to the state. The CEO must make progress reports annually to relevant legislative committees each January from 2025 through 2033. **Effective: May 11, 2023.** Lobbyist: Jaclyn Terwey.

## HB23-1247

### Assess Advanced Energy Solutions in Rural Colorado

<https://leg.colorado.gov/bills/HB23-1247>

The act directs the Colorado Energy Office (CEO) to conduct two studies of electric transmission and advanced energy solutions. The studies must include specific energy generation and storage solutions, regional economic impacts, and potential, prerequisite regulatory changes. One study must focus on parts of Montrose County; the other must focus on southeastern Colorado. CEO must submit its findings and recommendations to the General Assembly and the Just Transition Office in the Department of Labor and Employment by July 1, 2025. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## HB23-1252

### Thermal Energy

<https://leg.colorado.gov/bills/HB23-1252>

The act authorizes the Colorado Energy Office to award grants for retrofitting existing buildings for installation of geothermal systems for heating and cooling under the single-structure

geothermal grant program, and for generating geothermal energy through direct air capture technology under the geothermal electricity generation grant program. The act also establishes labor standards for thermal energy public projects that a state agency or a state institution of higher education procures. The act adds thermal energy as an eligible clean heat resource for helping to meet clean heat targets. A gas utility that the commission regulates is authorized to apply for review and approval of the use of thermal energy networks in the gas utility's service area. A gas utility that the Public Utilities Commission regulates and that serves more than 500,000 customers is additionally required to propose pilot thermal energy network projects for the commission's review and approval. The commission shall initiate a proceeding on or before January 1, 2025, to determine if rule-making or legislative changes are needed to facilitate the development of thermal energy in the state. The act repeals the "Geothermal Heat Suppliers Act," which requires geothermal heat suppliers to obtain operating permits from the commission. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

## SB23-016

### Greenhouse Gas Emission Reduction Measures

<https://leg.colorado.gov/bills/sb23-016>

The act requires the Colorado Energy Office (CEO) to work with communities to support reaching greenhouse gas emission reduction goals, deployment of clean energy and storage, beneficial electrification, and land use patterns that reduce energy consumption and greenhouse gas pollution. CEO will support advancing energy codes and provide technical assistance. The benchmarking for building efficiency recommendations from the task force are delayed from June to September of this year. Greenhouse gas reduction goals are added for 65% reduction by 2035, 75% reduction by 2040, 90% reduction by 2045, and 100% reduction by 2050 compared to 2005 levels. A tax credit is offered through the retail purchase of an electric lawn mower, leaf blower, trimmer or snowblower of 33% at the point of sale. The act expands the definition of a "project" for the Colorado Electric Transmission Authority and requires local expedited review processes, as practicable, to the authority's rebuilding, renovating, or reconditioning of transmission lines. Local governments are also allowed to regulate impacts and siting of Class VI injection wells. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-198

### Clean Energy Plans

<https://leg.colorado.gov/bills/sb23-198>

This act establishes a requirement for wholesale power providers who have not previously filed a Clean Energy Plan to file a plan to achieve greenhouse gas emission reductions 80% below their 2005 levels by 2030. As originally drafted, the measure would have required Colorado Springs Utilities and Platte River Power Authority to make additional interim reductions by 2027, but the act was amended to remove this requirement. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-291

### Utility Regulation

<https://leg.colorado.gov/bills/sb23-291>

The act updates transparency, rulemaking, and rate filing requirements for certain electric and gas utilities. Investor-owned gas utilities must file a gas price risk management plan with the Public Utilities Commission (PUC) by November 1, 2023. The plan must include proposals for reducing the volatility of fuel costs that are recovered pursuant to an annual gas cost adjustment filing and a maximum per-month fuel cost. When submitting a gas infrastructure plan, utilities must include additional information on system pipes. The PUC must establish by rule mechanisms to align the financial incentives of investor-owned gas utilities with customers regarding fuel costs, including a mechanism to incentivize electricity production cost efficiency by January 1, 2025. The act prohibits gas utilities from offering incentives to property owners for establishing new gas service. Subject to rules adopted by the PUC, gas utilities may not charge a customer a fee or penalty for terminating gas service. The PUC must investigate how residential development drive natural gas infrastructure costs and the impacts on nonparticipating, income-qualified customers. The investigation must include a hearing for public comment to determine whether alternative cost-recovery mechanisms are appropriate. The Colorado Energy Office (CEO) must commission a study with an independent third party to evaluate the risk of stranded or underutilized natural gas infrastructure and its impact on ratepayers by July 1, 2024. The CEO must submit the results to the PUC, which must consider updating rules or depreciation schedules as determined by the study. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

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## WATER

## HB23-1242

### Water Conservation in Oil & Gas Operations

<https://leg.colorado.gov/bills/hb23-1242>

The act creates reporting requirements for oil & gas operators around volume, disposal, and type of water being used in operations. Reports also require information on the supply of water whether it be industrial, commercial, municipal, or agricultural water sources. The act also directs the Colorado Oil and Gas Conservation Commission to adopt rules to require a statewide reduction in freshwater usage and increase in recycled or reused produced water at oil and gas locations on or before December 31, 2024. The act also creates the Colorado Produced Water Consortium to make recommendations for policies around the use of recycled and reused produced water within oil and gas operations. The consortium includes two representatives who serve on a governing body of a local government. **Effective: June 7, 2023.** Lobbyist: Heather Stauffer.



## HB23-1257

### Mobile Home Park Water Quality

<https://leg.colorado.gov/bills/hb23-1257>

The act addresses water quality in mobile home parks by creating a water quality testing program within the Department of Public Health and Environment (CDPHE), directing the department to develop an action plan to address water quality in mobile home parks, and establishing a grant program which CDPHE administers. Municipalities can apply for funding through the Mobile Home Water Quality Grant Program to help address water quality issues and wastewater problems identified during water quality testing. Grants will be awarded annually beginning July 1, 2025. **Effective: June 5, 2023.** Lobbyist: Heather Stauffer.

## SB23-150

### Labeling of Disposable Wipes

<https://leg.colorado.gov/bills/sb23-150>

The act requires that by December 31, 2023, manufacturers, wholesalers, suppliers, or retailers of disposable premoistened wipes sold in Colorado must be labeled with “do not flush” symbols on the packaging to deter consumers from flushing wipes down toilets leading damage of municipal sewer systems. A covered entity that violates these requirements commits a deceptive trade practice under the Colorado Consumer Protection Act. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

## SB23-178

### Water-wise Landscaping in HOA Communities

<https://leg.colorado.gov/bills/sb23-178>

Under current law, a homeowner’s association (HOA) may not prohibit the use of xeriscape, nonvegetative turf grass, or drought-tolerant vegetative landscapes to provide ground covering to property for which a unit owner is responsible. There is an exception in current law authorizing an association to adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes. The act adds criteria around that exception stating that an HOA cannot prohibit the use of nonvegetative turf grass in the backyard of a unit owners property and cannot require the use of hardscape on more than 20% of the landscaping are of a unit owners property. An HOA must allow a unit owner an option that consists of at least 80% drought tolerant plantings and not prohibit vegetable gardens in the front, back, side yard of a unity owners property. The act also requires an HOA to permit the installation of at least three garden designs that are preapproved by the association for installation in front yards within the common interest community. To be preapproved, a garden design must adhere to the principles of water-wise landscaping or be part of a water conservation program operated by a local water provider. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

## SB23-237

### Transfer to Water Plan Implementation Cash Fund

<https://leg.colorado.gov/bills/sb23-237>

The act transferred \$12.6 million dollars from the State’s Severance Tax Operational Fund to the Water Plan Implementation Fund. This transfer does not impact the local government portion of severance tax funds. Funds in the Water Plan Implementation fund can be used to fund Colorado Water Conservation Board water plan grants which municipalities are eligible for and expenditures to ensure compliance with interstate water compacts. **Effective: April 20, 2023.** Lobbyist: Heather Stauffer.

## SB23-238

### Small Communities Water and Wastewater Grant Funding

<https://leg.colorado.gov/bills/sb23-238>

The act expands the use of the Small Communities Water and Wastewater Grant Fund by the Department of Public Health and Environment to include a state match as required by the federal Infrastructure Investment and Jobs Act. This is estimated to require \$6 million to secure \$60 million in federal funds with expenditures taking place in fiscal year 2023-24. **Effective: April 24, 2023.** Lobbyist: Heather Stauffer.

## SB23-270

### Projects to Restore Natural Stream Systems

<https://leg.colorado.gov/bills/sb23-270>

The act creates a rebuttable presumption that a minor stream restoration project does not cause material injury to a vested water right and therefore does not need to be heard in water court. If a water right holder believes a stream restoration project has caused material injury to their water right, they may challenge this rebuttable presumption by presenting evidence of the material injury in the appropriate division water court. Minor stream restoration projects are defined as:

- stabilization of banks of a natural stream to allow water to flow downstream with materials that allow water to flow downstream,
- mechanical grading of ground surface along a natural stream system without exposing groundwater, diverting surface water, or collecting storm water,
- stabilizing an ephemeral or intermittent stream by installing structures that may increase surface area or infiltration.
- daylighting a natural stream that had been piped or buried.
- reducing the surface area of a natural stream to address historical flows; or
- installing structures or reconstructing a channel in a stream system to recover from wildfire or flood impacts. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

## SB23-274

### Water Quality Control Fee-setting by Rule

<https://leg.colorado.gov/bills/sb23-274>

Currently, the Water Quality Control Commission fees are set in statute and require legislation to change. The act allows fee setting authority for drinking water fees assessed on public water systems, municipal separate storm sewers systems, wastewater site application and wastewater on-site treatment system permit fees to be set by CDPHE's Water Quality Control Commission. The act requires the commission, after engaging with stakeholders, to set the fees by rule by October 31, 2025. The existing fees remain in place until January 1, 2026, unless the commission adopts rules to phase-in the new fees earlier. In addition, fees established for the disposal of biosolids are currently set in statute. The commission must establish the fees by rule beginning July 1, 2026. **Effective: May 17, 2023.** Lobbyist: Heather Stauffer.

## SB23-295

### Colorado River Drought Task Force

<https://leg.colorado.gov/bills/sb23-295>

The act establishes the Colorado river drought task force. The task force is charged with developing recommendations for state legislation that provides additional tools for the Colorado Water Conservation board to collaborate with the Colorado River Conservation District, Southwest Water Conservation District, and other stakeholders to develop programs to address drought in the Colorado river basin and interstate compact commitments. The task force must begin meeting no later than July 31, 2023, and can hold up to 12 meetings in the 2023 legislative interim. The task force must produce written recommendations to the water resources and agriculture review committee. **Effective: May 20, 2023.** Lobbyist: Heather Stauffer.

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# WILDFIRE

## HB23-1075

### Wildfire Evacuation & Clearance Time Modeling

<https://leg.colorado.gov/bills/hb23-1075>

The act requires the Office of Emergency Management to study the efficacy and feasibility of local or interjurisdictional emergency management agencies with jurisdiction in wildfire risk areas integrating evacuation and clearance time modeling into their emergency management plans. The study will be completed by December 1, 2023. **Effective: May 12, 2023.** Lobbyist: Heather Stauffer.

## HB23-1174

### Homeowner's Insurance Underinsurance

<https://leg.colorado.gov/bills/hb23-1174>

The act requires the State Insurance Commissioner to prepare an annual residential reconstruction consumer information report on the cost of reconstructing homes in Colorado which will be posted on the Division of Insurance's website each year by April 15. The act also prohibits an insurer from canceling or refusing to renew a homeowners insurance policy unless they have contacted the person 60 days in advance, except for cancellations due to nonpayment. An insurer must also offer law and ordinance coverage equal to 20% of the limit of the insurance for the dwelling and extended replacement-cost coverage in an amount of insurance that is at least 50% of the limit of the insurance for the dwelling. On or after January 1, 2025, the act requires the insurer to provide additional information to the applicant or policy holder at application and renewal of a replacement cost homeowners insurance policy in order to increase transparency for coverage. The act also requires insurers to consider additional factors as a basis for establishing a reconstruction cost for a dwelling. **Effective: August 7, 2023, except for provisions that take effect January 1, 2025.** Lobbyist: Heather Stauffer.

## HB23-1240

### Sales Use Tax Exemption Wildfire Disaster Construction

<https://leg.colorado.gov/bills/hb23-1240>

The act creates an exemption from state sales and use taxes for the sale, storage, use or consumption of construction and building materials used for rebuilding or repairing residential structures that have been damaged or destroyed by wildfire. A qualified homeowner can claim a refund for each qualified residential structure and claims for refunds must be filed by the homeowner on or before June 30, 2028.

Local governments with jurisdiction to issue a building permit in an area affected by a declared wildfire disaster may issue a wildfire rebuild exemption certificate to a homeowner for an exemption of state sales and use tax. The wildfire rebuild exemption certificate will be provided to qualifying local governments by the Department of Revenue. On or before September 30, 2023, and on or before September 30 of each calendar year thereafter through September 30, 2025, a local government shall provide the department with an electronic report of the number of wildfire rebuild exemption certificates issued by the local government for the preceding calendar year. **Effective: May 12, 2023.** Lobbyist: Heather Stauffer.

## HB23-1273

### Creation of Wildfire Resilient Homes Grant Program

<https://leg.colorado.gov/bills/hb23-1273>

The act creates the Wildfire Resilient Homes Grant Program in the Department of Public Safety (CDPS). Homeowners may apply and receive grants for retrofitting projects to make homes or structures more resilient to wildfires by retrofitting or

otherwise improving a house or other existing nonresidential structures with best practice techniques for structure hardening in order to make them more resilient to wildfire risk. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

## SB23-013

### Fire Investigations

<https://leg.colorado.gov/bills/sb23-013>

The act requires the Director of the Division of Fire Prevention and Control within the Department of Public Safety to report on the investigation of wildland fires in the state to the wildfire matter review committee in the state legislature. The act also creates the fire investigation fund to fund fire investigations.

**Effective: May 12, 2023.** Lobbyist: Heather Stauffer.

## SB23-166

### Establishment of a Wildfire Resiliency Code Board

<https://leg.colorado.gov/bills/sb23-166>

The act creates the Wildfire Resiliency Code Board in the Department of Public Safety. By July 1, 2025, the board must define and identify which areas of the state lie within the Wildland Urban Interface (WUI) and adopt statewide minimum codes and standards for “hardening structures and reducing fire risk in the defensible space surrounding structures” in the WUI. The codes must apply to “permitting and inspections for new construction of structures or defensible space” around them and for certain external additions and repairs.

Within three months of the board’s adoption of the state codes, local governments in the WUI with authority to adopt building or fire codes must adopt codes that meet or exceed the state minimum codes. Local codes must require compliance within three months. A governing body may petition the board for modifications of the state minimum code within its jurisdiction. The board may review a governing body’s codes to determine compliance, and governing bodies must cooperate and provide requested information. If a governing body does not have rules and regulations for the enforcement of a code adopted by the board, the body may request inspections and enforcement from the Division of Fire Prevention and Control, which may charge the local governing body a reasonable fee for that support. The act also states that governing bodies may petition the board for a modification of local codes. The act asserts that it applies to statutory and home rule municipalities.

The board will consist of 21 members, including 6 members representing local governments, which will be appointed no later than September 30, 2023. **Effective: May 12, 2023.** Lobbyist: Heather Stauffer.

## SB23-263

### General Fund Loan Natural Disaster Mitigation Enterprise

<https://leg.colorado.gov/bills/sb23-263>

The Natural Disaster Mitigation Enterprise was created in the Department of Public Safety (DPS) in 2021 to administer a grant program, provide public education, and supply technical assistance to local governments concerning natural hazard mitigation. The enterprise is a state-owned business and funded by fees charged to insurance companies providing specific types of property and hazard insurance. Fee revenue to the enterprise will begin in FY 2023-24. The act transfers \$95,000 from the General Fund to the Natural Disaster Mitigation Enterprise Fund in DPS. The transfer is a loan from the state treasury to the enterprise to defray costs until the enterprise receives fee revenue, or revenue bond proceeds. **Effective: June 6, 2023.** Lobbyist: Heather Stauffer.

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## YOUTH

### HB23-1058

#### Child-occupied Facility Lead-based Paint Abatement

<https://leg.colorado.gov/bills/hb23-1058>

The act aligns Colorado and federal law definitions of “child-occupied facility” for the purposes of lead-based paint abatement applicability. A building or portion of a building visited by a specific child two or more days a week can now qualify as a child-occupied facility if each visit totals three or more hours, instead of the prior threshold of six or more hours. Existing law also requires that the building have been constructed before 1978, be regularly visited by the same child under 7 years of age and be visited by the child at least sixty hours in a year. This could have impacts for municipalities who provide child-care.

**Effective: March 31, 2023.** Lobbyist: Heather Stauffer.

### HB23-1091

#### Continuation of Child Care Contribution Tax Credit

<https://leg.colorado.gov/bills/HB23-1091>

This act extends the state childcare contribution tax credit that is currently available through tax year 2024 to taxpayers who make a monetary contribution to promote childcare in Colorado. The credit is nonrefundable, meaning that the amount claimed cannot exceed a taxpayer’s income tax liability for a given year. The credit is equal to the lesser of 50% of the total contribution, up to \$100,000 per taxpayer per year or the taxpayer’s actual income tax liability. Qualifying contributions include those to facilities, schools, or programs that provide childcare, programs that train childcare providers, and grant or loan programs for parents requiring financial assistance for childcare purposes. The Department of Revenue will also collect reports to measure the effectiveness of the tax credit and study possible improvements.

**Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

## HB23-1196

### Remedies at Law for Violating Colorado Youth Act

<https://leg.colorado.gov/bills/HB23-1196>

The act amends the “Colorado Youth Employment Opportunity Act of 1971” to allow aggrieved parties, including children and parents of children, to pursue legal and equitable remedies, including tort remedies, and remedies under the Workers Compensation Act, if the injury occurred in a week when the employer intentionally required the minor to work hours in violation of article 12 of title 8 or when the minor was engaging in work prohibited by that article. Economic damages for tort claims must be reduced by compensation and benefits received through a worker’s compensation insurance policy. **Effective: July 1, 2023.** Lobbyist: Jaclyn Terwey.

## HB23-1223

### Task Force to Prioritize Grants Target Population

<https://leg.colorado.gov/bills/HB23-1223>

The act creates a task force in the Colorado Department of Public Health and Environment (CDPHE) to establish shared goals, objectives, and guidelines for governmental agencies and community-based agencies to reduce youth violence, suicide, and delinquency risk for target communities. The task force must be convened by December 31, 2023, and identify target communities in the state where disproportionately high levels of youth violence, suicide, and delinquency risk factors exist. After identifying target communities, the task force must consult with local government entities that have received state-level grants in the area of youth suicide, violence prevention and intervention, and reducing youth risk factors. Starting July 1, 2025, and for three years thereafter, the task force will work to prioritize, align, and pool government resources, and work to prioritize the distribution of existing and new government grants to target communities. In addition, the task force must create a streamlined grant application; a common application form; a clearinghouse of resources; and a job description for a support employee to provide technical support and assistance to grant applicants. The task force must present preliminary findings to the General Assembly in January 2024 and present its final report by January 2025. **Effective: June 7, 2023.** Lobbyist: Jaclyn Terwey.

## SB23-269

### Colorado Preschool Program Provider Bonus Payments

<https://leg.colorado.gov/bills/sb23-269>

The act creates the Colorado Universal Preschool Program Provider Participation Bonus Program within the Department of Early Childhood (CDEC). The program provides a one-time bonus payment to preschool providers that are participating in the Colorado Universal Preschool program and have not previously participated in the Colorado state-run preschool program. Providers may receive an additional bonus payment if they maintain or increase their capacity to serve infants and toddlers between April 1, 2022, and April 1, 2024, or are in low-capacity preschool areas. The bonus must be used to implement the preschool program or maintain or expand infant and toddler care. **Effective: June 2, 2023.** Lobbyist: Jaclyn Terwey.



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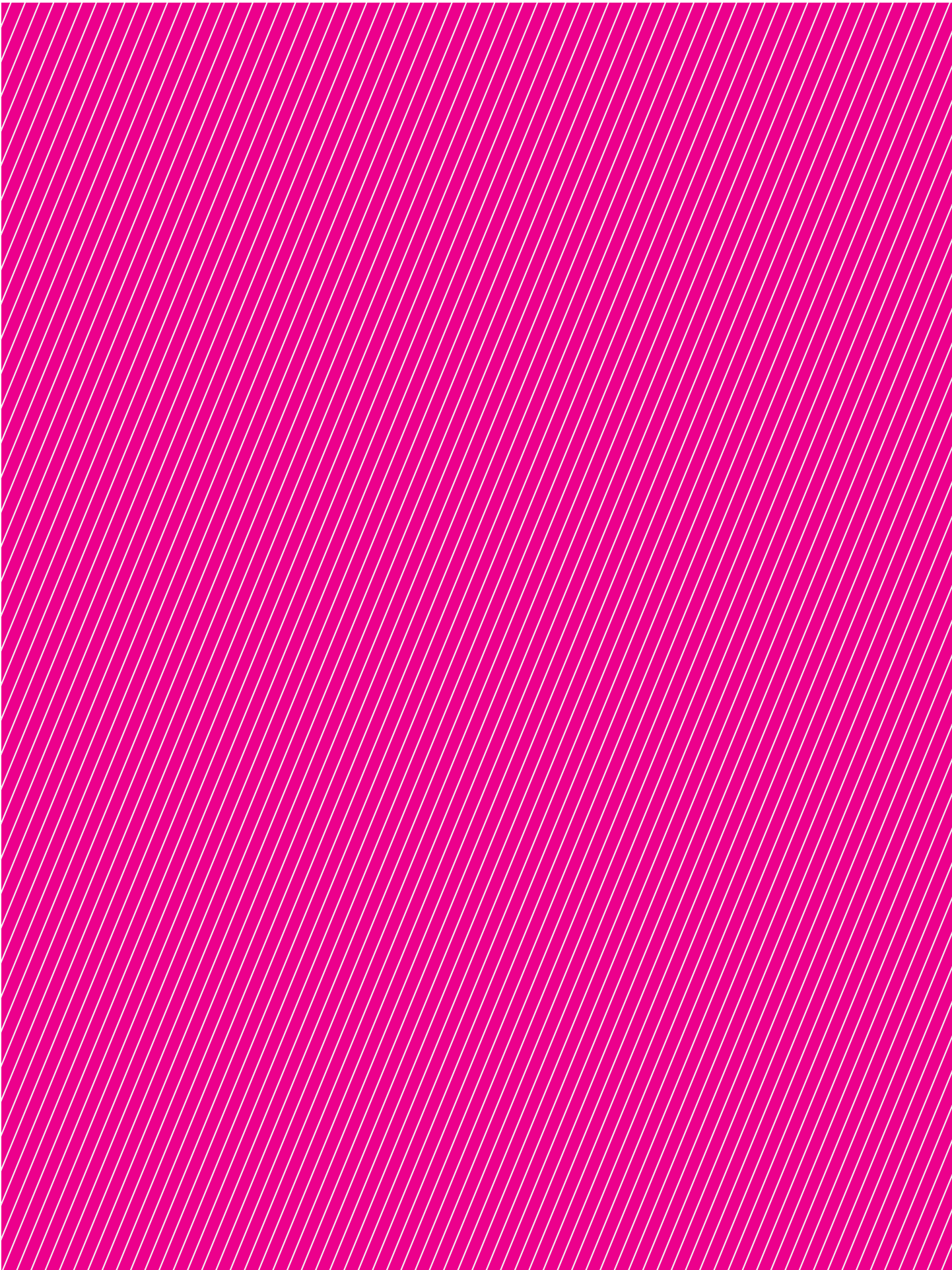
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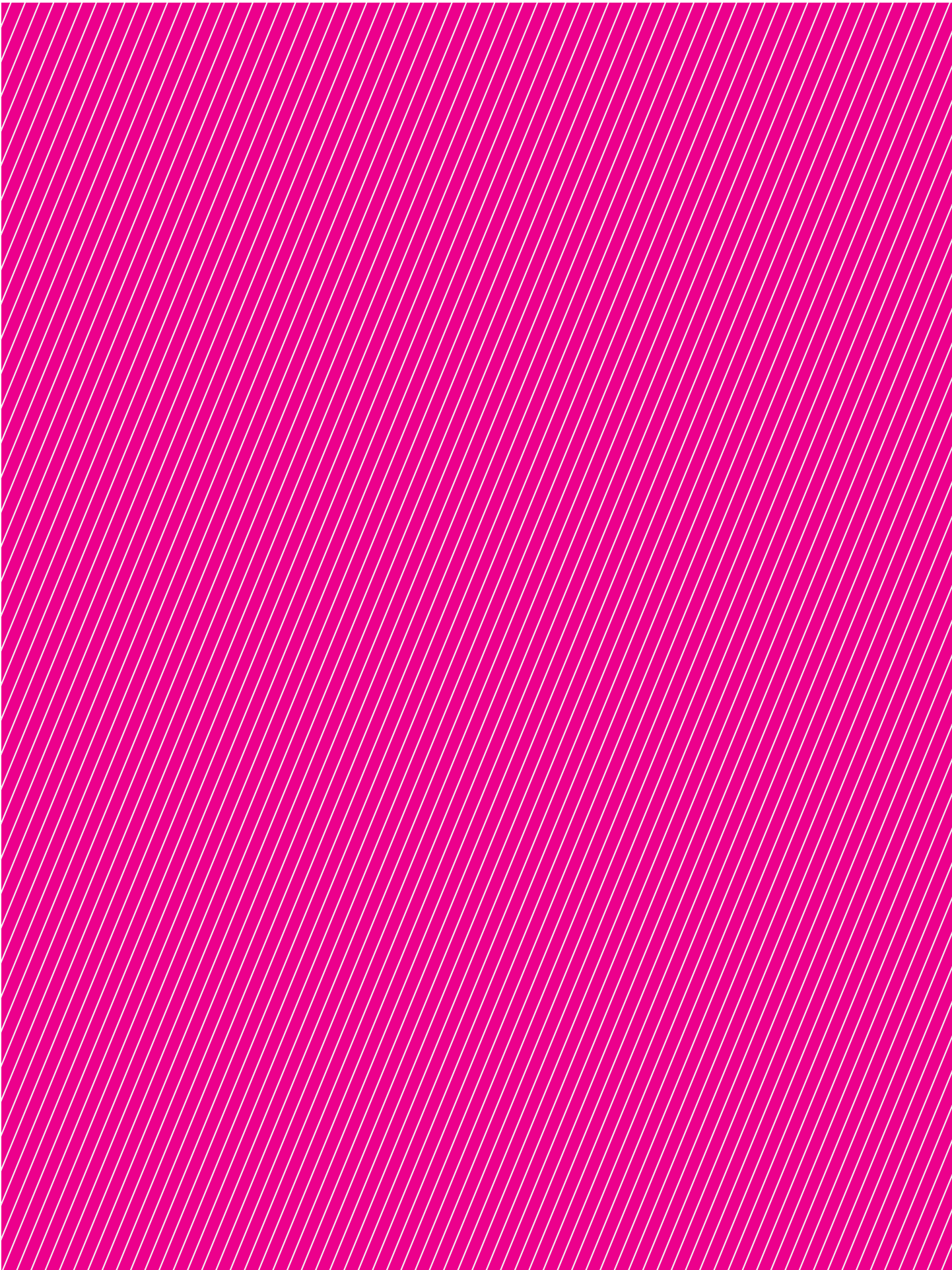


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