

2020

DIGEST OF BILLS

Enacted by The Seventy-second General Assembly
Second Regular Session



Aquilegia caerulea (Rocky Mountain Columbine)

Named after eagles and doves

The Latin word *aquila* (which is the root of the plant's genus *Aquilegia*) means "eagle" and refers to the claw-like spurs at the base of the flower. The common name "columbine" comes from the Latin word for "dove", due to the resemblance of the inverted flower to five doves clustered together. The white and lavender columbine was adopted by the General Assembly as the **official state flower** in 1899 after winning the vote of Colorado's school children.

It is said that the Native Americans of this region used the Columbine as a herbal remedy. They would treat ailments from fever to heart tension and even poison ivy pain with Columbine-infused tea.

Prepared by the Office of Legislative Legal Services

July 2020

See reverse for the Colorado state song.

Where the Columbines Grow

*Where the snowy peaks gleam in the moonlight,
above the dark forests of pine,
And the wild foaming waters dash onward,
toward lands where the tropic stars shine;
Where the scream of the bold mountain eagle,
responds to the notes of the dove
Is the purple robed West, the land that is best,
the pioneer land that we love.*

chorus

*The bison is gone from the upland,
the deer from the canyon has fled,
The home of the wolf is deserted,
the antelope moans for his dead,
The war whoop re-echoes no longer,
the Indian's only a name,
And the nymphs of the grove in their loneliness rove,
but the columbine blooms just the same.*

chorus

*Let the violet brighten the brookside,
in sunlight of earlier spring,
Let the fair clover bedeck the green meadow,
in days when the orioles sing,
Let the golden rod herald the autumn,
but, under the midsummer sky,
In its fair Western home, may the columbine bloom
till our great mountain rivers run dry.*

chorus:

*Tis the land where the columbines grow,
Overlooking the plains far below,
While the cool summer breeze in the evergreen trees
Softly sings where the columbines grow.*

Written & Music by A.J. Fynn

"Where the Columbines Grow" was adopted as the official state song on May 8, 1915, by an act of the General Assembly, Senate Bill 308; Colorado Revised Statute 24-80-909.

DIGEST

SENATE AND HOUSE BILLS ENACTED
BY THE
SEVENTY-SECOND GENERAL ASSEMBLY
OF THE
STATE OF COLORADO

(2020 Second Regular Session)

NOTE: Electronic versions of current and past Digests are available on the Official Colorado State Legislative Home Page at: www.leg.state.co.us, click on the "U.S. & Colorado Constitutions, Statutes, Session Laws, and House and Senate Rules" link.

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PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Seventy-second General Assembly at its First Regular Session ending June 15, 2020. The summaries include the dates upon which the Governor acted and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Table of Enacted Bills, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Tables of Enacted Bills, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.
6. To identify bills that were enacted without a safety clause, refer to page viii.
7. To identify bills that were originally recommended by statutory and interim committees, refer to pages ix and x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2020 session compared to the two prior sessions, see the Legislative

Statistical Summary, page vii.

9. To identify bills that have effective dates of June 30 and later, see the listings beginning on page xi.

10. The general assembly adjourned sine die on the 84th legislative day, June 15, 2020. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Sunday, September 13, 2020. The effective date for such bills is therefore 12:01 a.m., on Monday, September 14, 2020, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Friday, September 11, 2020. Senate Bill 20-209 states that if a petition is filed within the ninety-day period after adjournment sine die of the second regular session of the seventy-second general assembly, then the act, item, section, or part of the act will not take effect unless approved by the people at the general election to be held in November 2022.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2020.

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LEGISLATIVE STATISTICAL SUMMARY

	2020		2019		2018	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	427	225	335	242	441	267
Senate Bills	224	104	263	218	280	165
Concurrent Resolutions	5	2	3	0	7	5
Bills signed by Governor	326		454		421	
Bills becoming law without Governor's signature	0		0		2	
Bills partially vetoed by the Governor	0		0		0	
Bills vetoed by the Governor	3		5		9	
Bills referred to the People/Ballot questions	1		1*		1	

** Referred to the ballot and did not require action by the Governor.*

BILLS VETOED BY THE GOVERNOR:

H.B. 20-1085 H.B. 20-1207 S.B. 20-051

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

none

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

none

Bills enacted *without a Safety Clause**:

HOUSE BILLS

H.B. 20-1003	H.B. 20-1048	H.B. 20-1094	H.B. 20-1157	H.B. 20-1230
H.B. 20-1009	H.B. 20-1050	H.B. 20-1095	H.B. 20-1159	H.B. 20-1236
H.B. 20-1013	H.B. 20-1051	H.B. 20-1100	H.B. 20-1161	H.B. 20-1275
H.B. 20-1014	H.B. 20-1052	H.B. 20-1101	H.B. 20-1165	H.B. 20-1280
H.B. 20-1017	H.B. 20-1055	H.B. 20-1104	H.B. 20-1167	H.B. 20-1281
H.B. 20-1020	H.B. 20-1056	H.B. 20-1109	H.B. 20-1174	H.B. 20-1290
H.B. 20-1024	H.B. 20-1057	H.B. 20-1124	H.B. 20-1175	H.B. 20-1297
H.B. 20-1026	H.B. 20-1062	H.B. 20-1127	H.B. 20-1176	H.B. 20-1302
H.B. 20-1029	H.B. 20-1065	H.B. 20-1133	H.B. 20-1177	H.B. 20-1313
H.B. 20-1031	H.B. 20-1067	H.B. 20-1135	H.B. 20-1178	H.B. 20-1318
H.B. 20-1032	H.B. 20-1074	H.B. 20-1136	H.B. 20-1181	H.B. 20-1330
H.B. 20-1036	H.B. 20-1077	H.B. 20-1137	H.B. 20-1182	H.B. 20-1332
H.B. 20-1037	H.B. 20-1078	H.B. 20-1145	H.B. 20-1185	H.B. 20-1343
H.B. 20-1038	H.B. 20-1080	H.B. 20-1148	H.B. 20-1205	H.B. 20-1396
H.B. 20-1039	H.B. 20-1085v	H.B. 20-1155	H.B. 20-1217	H.B. 20-1416
H.B. 20-1044	H.B. 20-1093	H.B. 20-1156	H.B. 20-1229	H.B. 20-1424

SENATE BILLS

S.B. 20-002	S.B. 20-047	S.B. 20-078	S.B. 20-113	S.B. 20-139
S.B. 20-006	S.B. 20-048	S.B. 20-081	S.B. 20-114	S.B. 20-140
S.B. 20-017	S.B. 20-051v	S.B. 20-082	S.B. 20-118	S.B. 20-167
S.B. 20-021	S.B. 20-055	S.B. 20-086	S.B. 20-120	S.B. 20-170
S.B. 20-025	S.B. 20-063	S.B. 20-090	S.B. 20-123	S.B. 20-176
S.B. 20-026	S.B. 20-064	S.B. 20-091	S.B. 20-124	S.B. 20-185
S.B. 20-032	S.B. 20-068	S.B. 20-102	S.B. 20-126	S.B. 20-194
S.B. 20-037	S.B. 20-069	S.B. 20-104	S.B. 20-129	S.B. 20-197
S.B. 20-039	S.B. 20-071	S.B. 20-106	S.B. 20-136	S.B. 20-208
S.B. 20-041				

v - vetoed

* These bills become effective on September 14, 2020, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

Enacted bills recommended by Statutory and Interim Committees:

Capital Development Committee:				
H.B. 20-1067	H.B. 20-1082	H.B. 20-1408	S.B. 20-039	S.B. 20-219
Colorado Commission on Uniform State Laws:				
S.B. 20-114				
Committee on Legal Services:				
H.B. 20-1179	H.B. 20-1402	S.B. 20-062		
Early Childhood and School Readiness Legislative Commission:				
H.B. 20-1053				
Executive Committee of the Legislative Council:				
H.B. 20-1345 H.B. 20-1416	HJR 20-1010	S.B. 20-186	S.B. 20-209	S.B. 20-214
Investor-owned Utility Review Interim Study Committee:				
S.B. 20-030				
Joint Budget Committee (other than supplementals):				
H.B. 20-1260	H.B. 20-1367	H.B. 20-1377	H.B. 20-1386	H.B. 20-1394
H.B. 20-1261	H.B. 20-1368	H.B. 20-1378	H.B. 20-1387	H.B. 20-1395
H.B. 20-1262	H.B. 20-1369	H.B. 20-1379	H.B. 20-1388	H.B. 20-1396
H.B. 20-1361	H.B. 20-1370	H.B. 20-1380	H.B. 20-1389	H.B. 20-1397
H.B. 20-1362	H.B. 20-1371	H.B. 20-1381	H.B. 20-1390	H.B. 20-1398
H.B. 20-1363	H.B. 20-1372	H.B. 20-1382	H.B. 20-1391	H.B. 20-1399
H.B. 20-1364	H.B. 20-1374	H.B. 20-1383	H.B. 20-1392	H.B. 20-1400
H.B. 20-1365	H.B. 20-1375	H.B. 20-1384	H.B. 20-1393	H.B. 20-1401
H.B. 20-1366	H.B. 20-1376	H.B. 20-1385		
Joint Technology Committee:				
S.B. 20-183				v - vetoed

Enacted bills recommended by Statutory and Interim Committees:

(cont.)

Legislative Audit Committee:				
S.B. 20-071				
Making Higher Education Attainable Interim Study Committee:				
H.B. 20-1002	S.B. 20-006			
Opioid and Other Substance Use Disorders Interim Study Committee:				
H.B. 20-1017	H.B. 20-1065	HB 20-1085v	S.B. 20-007	S.B. 20-028
Pension Review Commission:				
H.B. 20-1044				
Prison Population Management Interim Study Committee:				
H.B. 20-1019				
Sales and Use Tax Simplification Task Force:				
H.B. 20-1022	H.B. 20-1023			
School Safety Committee:				
S.B. 20-014	S.B. 20-023	SJR 20-002		
Statutory Revision Committee:				
H.B. 20-1036	H.B. 20-1167	H.B. 20-1177	S.B. 20-034	S.B. 20-134
H.B. 20-1038	H.B. 20-1174	H.B. 20-1181	S.B. 20-043	S.B. 20-136
H.B. 20-1042	H.B. 20-1175	H.B. 20-1182	S.B. 20-113	S.B. 20-152
H.B. 20-1166	H.B. 20-1176	H.B. 20-1205		
Tax Expenditure Evaluation Interim Study Committee:				
H.B. 20-1020	H.B. 20-1024	S.B. 20-021		v - vetoed

Enacted bills recommended by Statutory and Interim Committees:
(cont.)

Transportation Legislation Review Committee:				
H.B. 20-1030	S.B. 20-011	S.B. 20-017	S.B. 20-051v	
Treatment of Persons with Mental Health Disorders in the Criminal Justice System:				
S.B. 20-026	S.B. 20-037	S.B. 20-042		
Water Resources Review Committee:				
S.B. 20-048				
Wildfire Matters Review Committee:				
H.B. 20-1057	S.B. 20-056	S.B. 20-057		
Zero Waste and Recycling Interim Study Committee:				
S.B. 20-055				
Sunset Review Process:				
H.B. 20-1183	H.B. 20-1207v	H.B. 20-1212	H.B. 20-1216	H.B. 20-1230
H.B. 20-1184	H.B. 20-1208	H.B. 20-1213	H.B. 20-1217	H.B. 20-1285
H.B. 20-1185	H.B. 20-1209	H.B. 20-1214	H.B. 20-1218	H.B. 20-1286
H.B. 20-1200	H.B. 20-1210	H.B. 20-1215	H.B. 20-1219	H.B. 20-1404
H.B. 20-1206	H.B. 20-1211			
v - vetoed				

Acts with July 1, 2020, and later effective dates:

July 1, 2020			
H.B. 20-1030	H.B. 20-1216	H.B. 20-1374	S.B. 20-061
H.B. 20-1183	H.B. 20-1372	H.B. 20-1401	S.B. 20-204
H.B. 20-1210			
July 2, 2020			
H.B. 20-1143	H.B. 20-1404	S.B. 20-029	S.B. 20-206
H.B. 20-1212	H.B. 20-1423	S.B. 20-155	S.B. 20-209
H.B. 20-1265		S.B. 20-162	
July 6, 2020			
S.B. 20-033	S.B. 20-035	S.B. 20-212	
July 7, 2020			
S.B. 20-023	S.B. 20-085		
July 8, 2020			
H.B. 20-1002	H.B. 20-1312	H.B. 20-1407	S.B. 20-009
H.B. 20-1053	H.B. 20-1336	H.B. 20-1427*	S.B. 20-175
H.B. 20-1113	H.B. 20-1347		S.B. 20-183
July 10, 2020			
H.B. 20-1232	H.B. 20-1293	H.B. 20-1408	S.B. 20-213
H.B. 20-1286			
July 11, 2020			
H.B. 20-1215	H.B. 20-1409	H.B. 20-1420	S.B. 20-186
H.B. 20-1237	H.B. 20-1415		
July 13, 2020			
H.B. 20-1061	H.B. 20-1368	S.B. 20-007	S.B. 20-166
H.B. 20-1285	H.B. 20-1419	S.B. 20-056	S.B. 20-221
		S.B. 20-110	S.B. 20-223*
		v - vetoed	* - portions only

Acts with July 1, 2020, and later effective dates: (cont.)

July 14, 2020			
H.B. 20-1001 H.B. 20-1206	H.B. 20-1414 H.B. 20-1426	S.B. 20-200 S.B. 20-205	S.B. 20-207* S.B. 20-219
September 1, 2020			
H.B. 20-1218	H.B. 20-1219	S.B. 20-217*	
September 14, 2020			
House Bills - H.B. 20-1003 H.B. 20-1013 H.B. 20-1014 H.B. 20-1017 H.B. 20-1020 H.B. 20-1024 H.B. 20-1026* H.B. 20-1029 H.B. 20-1031 H.B. 20-1032 H.B. 20-1036 H.B. 20-1037 H.B. 20-1038 H.B. 20-1039 H.B. 20-1044 H.B. 20-1048	H.B. 20-1050 H.B. 20-1051 H.B. 20-1052 H.B. 20-1055 H.B. 20-1056 H.B. 20-1057 H.B. 20-1062 H.B. 20-1065 H.B. 20-1067 H.B. 20-1074 H.B. 20-1077 H.B. 20-1078 H.B. 20-1080 H.B. 20-1085v H.B. 20-1093 H.B. 20-1094	H.B. 20-1095 H.B. 20-1100 H.B. 20-1101 H.B. 20-1104 H.B. 20-1109 H.B. 20-1124 H.B. 20-1127 H.B. 20-1133 H.B. 20-1135 H.B. 20-1136 H.B. 20-1137 H.B. 20-1145 H.B. 20-1148 H.B. 20-1155 H.B. 20-1156	H.B. 20-1157 H.B. 20-1159 H.B. 20-1161 H.B. 20-1165 H.B. 20-1167 H.B. 20-1174 H.B. 20-1175 H.B. 20-1176 H.B. 20-1177 H.B. 20-1178 H.B. 20-1181 H.B. 20-1182 H.B. 20-1185 H.B. 20-1217 H.B. 20-1229
Senate Bills - S.B. 20-002 S.B. 20-006 S.B. 20-017 S.B. 20-021 S.B. 20-025 S.B. 20-026 S.B. 20-032 S.B. 20-037 S.B. 20-039	S.B. 20-041 S.B. 20-047 S.B. 20-048 S.B. 20-055 S.B. 20-063 S.B. 20-064 S.B. 20-068 S.B. 20-069	S.B. 20-071 S.B. 20-078 S.B. 20-081 S.B. 20-082 S.B. 20-086 S.B. 20-090 S.B. 20-091 S.B. 20-102	S.B. 20-104 S.B. 20-106 S.B. 20-113 S.B. 20-120 S.B. 20-124 S.B. 20-126 S.B. 20-129 S.B. 20-136
		v - vetoed	* - portions only

Acts with July 1, 2020, and later effective dates: (cont.)

November 1, 2020			
H.B. 20-1416			
December 1, 2020			
H.B. 20-1009			
December 31, 2020			
S.B. 20-096*			
January 1, 2021			
H.B. 20-1205 H.B. 20-1326*	H.B. 20-1332	S.B. 20-051v S.B. 20-118	S.B. 20-170 S.B. 20-207*
July 1, 2021			
H.B. 20-1366*		S.B. 20-114	
January 1, 2023			
S.B. 20-123			
July 1, 2023			
S.B. 20-217*			
January 7, 2025			
H.B. 20-1026*			
		v - vetoed	* - portions only

TABLE OF ENACTED HOUSE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1001	Mullica & Larson, Bridges & Priola	Nicotine Product Regulation	Approved 7/14/2020	7/14/2020	302	162
1002	McLachlan & Baisley, Zenzinger & Story	College Credit For Work Experience	Approved 7/8/2020	7/8/2020	255	40
1003	Roberts & Rich, Donovan & Scott	Rural Jump-start Zone Act Modifications	Approved 7/6/2020	No Safety Clause	234	75
1009	Jackson, Winter	Suppressing Court Records Of Eviction Proceedings	Approved 3/20/2020	No Safety Clause 12/1/2020	37	15
1010	Tipper & Coleman, Gonzales & Donovan	CO Accurate Residence For Redistricting Act	Approved 3/20/2020	3/20/2020	38	44
1013	Snyder, Lee	Specify Procedure Ratify Defective Corp Actions	Approved 3/20/2020	No Safety Clause	39	13
1014	Tipper & Rich, Gardner	Misuse Of Human Reproductive Material	Approved 7/6/2020	No Safety Clause	238	15
1017	Herod & Kennedy, Donovan & Priola	Substance Use Disorder Treatment In Crim Jus Sys	Approved 7/13/2020	No Safety Clause	288	22
1019	Herod, Gonzales	Prison Population Reduction And Management	Approved 3/6/2020	3/6/2020	9	23
1020	Snyder & Benavidez, Moreno	Long-term Lodging Sales Tax Exemption	Approved 3/20/2020	No Safety Clause	53	170
1021	McKean & Buentello, Todd & Coram	CO Youth Adv Council Membership	Approved 2/26/2020	2/26/2020	1	52
1022	Kraft-Tharp & Van Winkle, Williams A. & Tate	Sales & Use Tax Simplification Task Force	Approved 6/29/2020	6/29/2020	156	170
1023	Kraft-Tharp & Van Winkle, Williams A. & Tate	State Address Data For Sales & Use Tax Collection	Approved 3/11/2020	3/11/2020	22	170
1024	Benavidez & Snyder, Moreno	Net Operating Loss Deduction Modifications	Approved 6/26/2020	No Safety Clause	135	171

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1026	Van Winkle & Weissman, Fields & Gardner	Create Twenty-third Judicial District	Approved 3/20/2020	No Safety Clause Portions on 9/14/2020 and 1/7/2025	40	15
1027	Catlin & Esgar, Cooke & Fields	CO State Patrol Port Of Entry Direct Traffic	Approved 3/20/2020	3/20/2020	41	136
1029	Pelton, Hisey	Allow County Officers To Accept Lower Salary	Approved 7/7/2020	No Safety Clause	242	54
1030	Valdez D. & Gray, Scott & Hisey	Commercial Vehicle Annual Fleet Overweight Permits	Approved 3/20/2020	7/1/2020	42	179
1031	Benavidez & Mullica, Williams A. & Hansen	Replace Columbus Day With New State Holiday	Approved 3/20/2020	No Safety Clause	43	75
1032	Kipp & Wilson, Ginal & Coram	Timing K-12 Education Standards Review	Approved 7/11/2020	No Safety Clause	278	29
1036	Arndt & McKean, Woodward & Zenzinger	Align Emergency Medical Service Provider Statutes	Approved 3/24/2020	No Safety Clause	72	97
1037	Arndt, Coram	Augmentation Of Instream Flows	Approved 3/24/2020	No Safety Clause	73	182
1038	Arndt & Van Winkle, Woodward & Moreno	Repeal CDPHE Youth Services Statutes	Approved 3/20/2020	No Safety Clause	44	98
1039	Coleman & Baisley, Zenzinger & Tate	Transparent State Web Portal Search Rules	Approved 3/24/2020	No Safety Clause	74	75
1041	Cutter & McKean, Fields	Physician Assistants Fin Responsibility Reqmnts	Approved 3/20/2020	3/20/2020	45	143
1042	Valdez D. & McKean, Moreno & Tate	PFAS Mfr Notice Reqmnts	Approved 3/24/2020	03/24/2020	75	59
1044	Bird & Garnett, Garcia & Ginal	Modify Pension Plans Administered By FPPA	Approved 4/1/2020	No Safety Clause	105	59
1048	Herod & Buckner, Fields	Race Trait Hairstyle Anti-discrimination Protect	Approved 3/6/2020	No Safety Clause	8	76
1050	Hooton & Larson, Ginal & Tate	Other Outlet Pharmacies Drug Distribution	Approved 3/24/2020	No Safety Clause	76	143

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1051	Rich & Duran, Scott & Crowder	ID Of Veteran Remains For Proper Military Burial	Approved 3/20/2020	No Safety Clause	46	132
1052	Carver & Singer, Gardner & Lee	Privacy Protections For Human Services Workers	Approved 3/24/2020	No Safety Clause	77	76
1053	Sirota & Wilson, Story & Pettersen	Supports For Early Childhood Educator Workforce	Approved 7/8/2020	7/8/2020	249	112
1055	Garnett & Liston, Bridges & Priola	Vintner's Restaurant Alternating Proprietor	Approved 3/11/2020	No Safety Clause	15	164
1056	Landgraf & Duran, Crowder & Ginal	Nonsubstantive Reorganization Dental Practice Act	Approved 3/23/2020	No Safety Clause	64	144
1057	Carver & McCluskie, Coram & Fenberg	Modify Wildfire Risk Mitigation Grant Program	Approved 3/24/2020	No Safety Clause 9/14/2020	78	138
1061	Valdez A. & Herod, Moreno & Priola	HIV Infection Prevention Medications	Approved 7/13/2020	7/13/2020	281	120
1062	McLachlan, Lee & Coram	CO Student Free Expression Law	Approved 3/24/2020	No Safety Clause	79	30
1065	Kennedy & Herod, Pettersen & Priola	Harm Reduction Substance Use Disorders	Approved 7/13/2020	No Safety Clause	287	98
1067	Roberts & Will, Story & Fields	Mgmt Of Prop Held By Certain Junior Coll Dists	Approved 3/20/2020	No Safety Clause	47	41
1074	Ransom & Titone, Smallwood	Trash Collection By Special Districts	Approved 3/20/2020	No Safety Clause	48	66
1077	Rich & Valdez D., Holbert	Modifications Of County Treasurer Duties	Approved 3/24/2020	No Safety Clause	80	55
1078	Jaquez Lewis & Mullica, Winter	Pharmacy Benefit Management Firm Claims Payments	Approved 4/1/2020	No Safety Clause	98	120
1080	Gray & Van Winkle, Gonzales & Marble	Remove Residency Requirement For Marijuana License	Approved 3/24/2020	No Safety Clause	81	165
1082	Valdez A. & Rich, Story & Fields	State Historical Society Auth To Sell Property	Approved 6/19/2020	6/19/2020	111	52

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1085	Kennedy & Herod, Winter & Priola	Prevention Of Substance Use Disorders	Vetoed 7/2/2020			121
1087	Will & Arndt, Donovan & Rankin	Parks & Wildlife Law Enforcement Statutes Cleanup	Approved 3/20/2020	3/20/2020	49	139
1093	McCluskie & Wilson, Donovan & Rankin	County Authority License & Regulate Business	Approved 3/23/2020	No Safety Clause	65	65
1094	Catlin & Arndt, Ginal & Coram	Repeal Fee Cap On-site Wastewater Treatment System	Approved 3/11/2020	No Safety Clause	20	99
1095	Arndt, Bridges & Hansen	Local Govs Water Elements In Master Plans	Approved 3/24/2020	No Safety Clause	82	61
1100	Froelich, Crowder	Pass-through Child Support Payments	Approved 3/24/2020	No Safety Clause	83	113
1101	Wilson, Hisey & Todd	Assisted Living Residence Referrals	Approved 3/20/2020	No Safety Clause	54	99
1104	Ransom & Buckner, Crowder	Court Procedures Relinquishment Parental Rights	Approved 3/20/2020	No Safety Clause	50	11
1108	McLachlan, Coram	Fort Lewis College Board Of Trustees	Approved 3/24/2020	3/24/2020	84	41
1109	Van Winkle & Garnett, Gardner & Todd	Tax Credit Employer Contributions To Employee 529s	Approved 6/29/2020	No Safety Clause	182	172
1113	Titone & Van Winkle, Bridges & Lundeen	Mental Health Educational Resources	Approved 7/8/2020	7/8/2020	259	108
1116	Esgar & Sullivan, Todd & Gardner	Procurement Technical Assistance Program Extension	Approved 6/29/2020	6/29/2020	183	77
1119	Exum & Landgraf, Hisey & Lee	State Gov Regulation Of PFAS	Approved 6/29/2020	6/29/2020	139	62
1124	McKean & Snyder, Gardner	Disaster Emergency Transfers From County Gen Funds	Approved 3/24/2020	No Safety Clause	85	57
1127	McCluskie & McLachlan, Todd & Sonnenberg	Extend PERA Retiree Work After Retirement Limit	Approved 7/13/2020	No Safety Clause	283	30
1128	Buentello & Wilson, Zenzinger & Priola	Educator Education Requirements Special Education	Approved 3/24/2020	3/24/2020	86	31

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1132	Lontine, Fenberg	Cnty Reimbursement For Local Elections Supplies	Approved 3/4/2020	3/4/2020	3	44
1133	Kraft-Tharp & McKean, Tate	Land Use Entitlements & Municipal Disconnection	Approved 4/1/2020	No Safety Clause 9/14/2020	99	62
1135	Buck & McLachlan, Todd & Lundeen	Replace High School Social Studies Assessment	Approved 7/13/2020	No Safety Clause	284	31
1136	Snyder, Hansen & Tate	Insurance Investment Regulation Modernization	Approved 3/24/2020	No Safety Clause	87	122
1137	McCluskie & Soper, Donovan	Broadband Grant Cert Of Unserved Area Reqmnt	Approved 7/6/2020	No Safety Clause	241	158
1143	Jackson & Gonzales-Gutierrez, Winter	Envtl Justice & Projects Increase Envtl Fines	Approved 7/2/2020	7/2/2020	219	99
1145	McKean, Holbert & Garcia	Move Over Or Slow Down For Official Vehicle	Approved 4/17/2020	No Safety Clause	107	136
1148	Soper & Singer, Fields & Gardner	Offenses Committed Against A Deceased Human Body	Approved 4/1/2020	No Safety Clause	100	24
1153	Esgar, Garcia & Pettersen	CO Partnership For Quality Jobs & Services Act	Approved 6/16/2020	6/16/2020	109	77
1155	Valdez A. & Weissman, Hansen & Priola	Higher Efficiency New Construction Residence	Approved 6/30/2020	No Safety Clause	193	153
1156	Froelich & McKean, Zenzinger & Hisey	CO Municipal Election Code Admin Modifications	Approved 3/20/2020	No Safety Clause	51	44
1157	Roberts & Will, Donovan	Loaned Water For Instream Flows To Improve Envt	Approved 3/20/2020	No Safety Clause	52	182
1158	Tipper & Herod, Winter & Fenberg	Ins Cover Infertility Diagnosis Treatment Preserve	Approved 4/1/2020	4/1/2020	106	124
1159	Roberts & Catlin, Donovan & Coram	State Engr Confirm Existing Use Instream Flow	Approved 4/1/2020	No Safety Clause	101	183
1161	Bird, Winter & Tate	Private Activity Bond Allocation	Approved 3/20/2020	No Safety Clause	55	80
1165	Kraft-Tharp & McKean, Zenzinger & Coram	Interior Design Practice	Approved 4/1/2020	No Safety Clause	102	144

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1166	Arndt & McKean, Tate	Amendments Due To Automatic Repeal of Tax Credit	Approved 4/1/2020	4/1/2020	103	172
1167	Arndt, Moreno	Move Alternative Fuel Definition	Approved 3/20/2020	No Safety Clause	56	100
1174	McKean & Valdez D., Tate	Sales Tax Statute Modifications To Address Defects	Approved 4/1/2020	No Safety Clause	104	172
1175	McKean & Valdez D., Tate	Modify Certain Tax Statutes To Address Defects	Approved 3/27/2020	No Safety Clause	88	172
1176	Valdez D., Tate	Inc Tax Statute Modifications To Address Defects	Approved 3/27/2020	No Safety Clause	89	173
1177	Arndt, Tate	Enterprise Zone Statute Fixes Of Defects	Approved 6/23/2020	No Safety Clause	118	174
1178	Holtorf, Sonnenberg	Increase Speed Limit On Certain Rural Highways	Approved 3/27/2020	No Safety Clause	90	136
1179	Herod & Soper, Gardner & Lee	Rule Review Bill	Approved 3/20/2020	3/20/2020	57	1
1181	Arndt & McKean, Moreno & Woodward	Nonprofit Transit Authority Agency Fuel Tax	Approved 3/27/2020	No Safety Clause	91	174
1182	Arndt & McKean, Moreno	Residents Of Bordering States Sales Tax Exemption	Approved 3/20/2020	No Safety Clause	58	174
1183	Mullica, Ginal	Sunset Continue Certification Of Nurse Aides	Approved 6/29/2020	7/1/2020	157	145
1184	Buentello & Pelton, Hisey & Donovan	Sunset Colorado Seed Act	Approved 6/29/2020	6/29/2020	145	2
1185	Hooton & Saine, Fields	Sunset Colorado Kids Outdoors Advisory Council	Approved 3/27/2020	No Safety Clause	92	140
1196	Hooton & McCluskie, Fenberg & Lee	Mobile Home Park Act Updates	Approved 6/30/2020	6/30/2020	195	154
1197	Snyder & Rich, Bridges	2-1-1 Statewide Human Services Referral System	Approved 6/22/2020	6/22/2020	114	114
1200	Titone & Weissman, Story	Sunset HOA Information & Resource Center	Approved 6/30/2020	6/30/2020	188	155

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1201	Hooton & Gonzales-Gutierrez, Moreno & Ginal	Mobile Home Park Residents Opportunity To Purchase	Approved 6/30/2020	6/30/2020	196	156
1205	McKean, Moreno	Pre-1987 Net Operating Loss Deduction	Approved 3/20/2020	No Safety Clause 1/1/2021	59	174
1206	Michaelson Jenet & Landgraf, Winter & Tate	Sunset Mental Health Professionals	Approved 7/14/2020	7/14/2020	304	145
1207	Melton & Wilson, Foote & Cooke	Sunset Regulation Of Private Investigators	Vetoed 7/11/2020			147
1208	Roberts & Will, Donovan	Sunset Coal Mine Board Of Examiners	Approved 6/23/2020	6/23/2020	119	140
1209	Cutter & Mullica, Ginal	Sunset Nurse-physician Advisory Task Force	Approved 6/30/2020	6/30/2020	189	147
1210	Caraveo & Duran, Fields	Sunset State Board Of Chiropractic Examiners	Approved 6/29/2020	7/1/2020	158	147
1211	Valdez D. & Holtorf, Rodriguez	Sunset Regulation Of Egg Dealers	Approved 6/29/2020	6/29/2020	159	2
1212	Landgraf & Caraveo, Todd & Tate	Sunset Naturopathic Doctors	Approved 7/2/2020	7/2/2020	228	148
1213	Young & Pelton, Rodriguez & Sonnenberg	Sunset Commodity Handler & Farm Products Acts	Approved 6/29/2020	6/29/2020	160	3
1214	Snyder & Williams D., Tate	Sunset Home Warranty Service Contracts	Approved 6/24/2020	6/24/2020	122	156
1215	Valdez A. & Froelich, Foote	Sunset Water Wastewater Facility Operators Cert Bd	Approved 7/11/2020	7/11/2020	273	100
1216	Mullica, Ginal	Sunset Continue Nurse Practice Act	Approved 6/30/2020	7/1/2020	190	148
1217	Gray & McKean, Moreno	Sunset Marijuana Financial Services Coops	Approved 3/27/2020	No Safety Clause 9/14/2020	93	48
1218	Buckner & Jaquez Lewis, Danielson	Sunset Continue Hearing Aid Providers	Approved 7/14/2020	9/1/2020	299	149

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1219	Buckner & Jaquez Lewis, Danielson	Sunset Continue Licensing Audiologists	Approved 7/14/2020	9/1/2020	300	150
1225	Weissman & Catlin, Fenberg & Coram	Coop Elec Utils Reasonable Rates Energy Storage	Approved 3/27/2020	3/27/2020	94	159
1229	Buentello, Cooke & Bridges	POST Scholarship Rural And Small Law Enforcement	Approved 6/29/2020	No Safety Clause	147	24
1230	Singer & Larson, Fields	Sunset Occupational Therapy Practice Act	Approved 7/11/2020	No Safety Clause	274	151
1232	Michaelson Jenet & Liston, Todd & Priola	Equity In Access To Clinical Trials In Medicaid	Approved 7/10/2020	7/10/2020	266	104
1236	Lontine & Will, Tate & Bridges	Health Care Coverage Easy Enrollment Program	Approved 7/6/2020	No Safety Clause	236	124
1237	Young & Saine, Moreno & Sonnenberg	Medicaid Managed Care Assignment For Child Welfare	Approved 7/11/2020	7/11/2020	271	104
1242	Esgar, Moreno	Dept of Agriculture Supp	Approved 3/4/2020	3/4/2020	308	5
1243	Esgar, Moreno	Dept of Corrections Supp	Approved 3/4/2020	3/4/2020	309	5
1244	Esgar, Moreno	Dept of Education Supp	Approved 3/4/2020	3/4/2020	310	5
1245	Esgar, Moreno	Dept of Gov, Lt Gov, & OSPB Supp	Approved 3/4/2020	3/4/2020	311	5
1246	Esgar, Moreno	Dept of Health Care Policy & Financing Supp	Approved 3/4/2020	3/4/2020	312	5
1247	Esgar, Moreno	Dept of Higher Education Supp	Approved 3/4/2020	3/4/2020	313	6
1248	Esgar, Moreno	Dept of Human Services Supp	Approved 3/4/2020	3/4/2020	314	6
1249	Esgar, Moreno	Judicial Department Supp	Approved 3/4/2020	3/4/2020	315	6
1250	Esgar, Moreno	Dept of Law Supp	Approved 3/4/2020	3/4/2020	316	7

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1251	Esgar, Moreno	Dept of Local Affairs Supp	Approved 3/4/2020	3/4/2020	317	7
1252	Esgar, Moreno	Dept of Military Affairs Supp	Approved 3/4/2020	3/4/2020	318	7
1253	Esgar, Moreno	Dept of Natural Resources Supp	Approved 3/4/2020	3/4/2020	319	7
1254	Esgar, Moreno	Dept of Personnel Supp	Approved 3/4/2020	3/4/2020	320	7
1255	Esgar, Moreno	Dept of Public Health & Environment Supp	Approved 3/4/2020	3/4/2020	321	8
1256	Esgar, Moreno	Dept of Public Safety Supp	Approved 3/4/2020	3/4/2020	322	8
1257	Esgar, Moreno	Dept of Revenue Supp	Approved 3/4/2020	3/4/2020	323	8
1258	Esgar, Moreno	Dept of Treasury Supp	Approved 3/4/2020	3/4/2020	324	9
1259	Esgar, Moreno	Capital Construction Supp	Approved 3/4/2020	3/4/2020	325	9
1260	Esgar & McCluskie, Zenzinger & Rankin	School Finance Adjustment To 2019-20 Total Program	Approved 3/11/2020	3/11/2020	13	31
1261	Esgar & Ransom, Moreno & Rankin	General Fund Transfer To IT Capital Account	Approved 3/11/2020	3/11/2020	16	80
1262	Esgar & McCluskie, Moreno & Zenzinger	Housing Assistance Jus System Transition Money	Approved 3/20/2020	3/20/2020	60	80
1265	Benavidez & Valdez A., Gonzales & Moreno	Increase Public Protection Air Toxics Emissions	Approved 7/2/2020	7/2/2020	218	101
1275	Buentello, Hisey & Lee	In-state Tuition At Community College For Military	Approved 3/27/2020	No Safety Clause	95	41
1280	Kipp & Larson, Bridges & Smallwood	CDHE Data For Student Return On Investment Metrics	Approved 3/27/2020	No Safety Clause	96	42
1281	Pelton & Valdez D., Hisey	Change Salary Categorizations For Certain Counties	Approved 6/26/2020	No Safety Clause	136	57

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1285	Sullivan, Foote	Sunset Motorcycle Operator Safety Training Program	Approved 7/13/2020	7/13/2020	292	137
1286	Garnett & Williams D., Story & Cooke	Sunset Regulation Of Fantasy Sports	Approved 7/10/2020	7/10/2020	269	165
1289	Kennedy, Foote & Holbert	Align Precinct Caucus Eligibility Deadlines	Approved 3/3/2020	3/3/2020	2	45
1290	Garnett, Fenberg	Failure-to-cooperate Defense First-party Insurance	Approved 7/2/2020	No Safety Clause	229	125
1293	McCluskie & Pelton, Coram & Gonzales	Emergency Telephone Service Charges	Approved 7/10/2020	7/10/2020	267	63
1297	Baisley & Singer, Lundeen	Immunization Status & Child Abuse Neglect	Approved 7/10/2020	No Safety Clause	264	11
1300	Buentello & Pelton, Bridges & Coram	Changes To Local School Food Purchasing Program	Approved 3/27/2020	3/27/2020	97	32
1301	McLachlan, Sonnenberg	Electronic Attendance In Sch Dist Bd Meeting	Approved 3/18/2020	3/18/2020	25	32
1302	Lontine, Danielson	CAPS Check Program Changes	Approved 7/10/2020	No Safety Clause	265	114
1312	Michaelson Jenet & Titone, Todd & Hisey	Behavioral Hlth Training Reqmnts Educator License	Approved 7/8/2020	7/8/2020	258	32
1313	Sullivan, Todd	Administration Of Late Ballots	Approved 7/10/2020	No Safety Clause	260	45
1318	Bird & Will, Winter	Standards For Recording Plats	Approved 7/6/2020	No Safety Clause	239	58
1326	Bird & Van Winkle, Lee & Gardner	Create Occupational Credential Portability Program	Approved 6/25/2020	Portions on 6/25/2020 and 1/1/2021	126	151
1330	Lontine & McKean, Gardner & Lee	CGIA & A State Hospital Authority	Approved 7/2/2020	No Safety Clause 9/14/2020	230	81
1332	Herod & Jackson, Fields	Prohibit Housing Discrimination Source Of Income	Approved 7/14/2020	No Safety Clause 1/1/2021	298	81

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1336	Michaelson Jenet & Sirota, Fenberg & Hisey	Holocaust & Genocide Studies In Public Schools	Approved 7/8/2020	7/8/2020	252	33
1343	Roberts, Donovan	Egg-laying Hen Confinement Standards	Approved 7/1/2020	No Safety Clause	217	3
1345	Garnett & Neville, Fenberg & Holbert	FY 2020-21 Legislative Appropriation Bill	Approved 6/23/2020	6/23/2020	307	9
1347	Young & Jaquez Lewis, Danielson & Hansen	Licensure Exemption For Family Child Care Homes	Approved 7/8/2020	7/8/2020	251	115
1359	Garnett & Neville, Fenberg & Holbert	Ballot Access Modifications Public Health Concerns	Approved 3/16/2020	3/16/2020	23	46
1360	Esgar, Moreno	2020-21 Long Bill	Approved 6/22/2020	6/22/2020	326	10
1361	Esgar & McCluskie, Moreno & Zenzinger	Reduce The Adult Dental Benefit	Approved 6/29/2020	6/29/2020	161	104
1362	McCluskie & Ransom, Zenzinger	Limit Increase to Medicaid Nursing Facility Rates	Approved 6/30/2020	6/30/2020	203	105
1363	McCluskie & Ransom, Moreno & Rankin	Repeal Report On Increase Rate For Direct Support	Approved 6/30/2020	6/30/2020	204	115
1364	Esgar & Ransom, Moreno & Zenzinger	Repeal Opioid Awareness Program & Appropriation	Approved 6/30/2020	6/30/2020	205	109
1365	Esgar & McCluskie, Rankin & Moreno	Sustain Funding History Colorado	Approved 6/29/2020	6/29/2020	162	82
1366	Esgar & McCluskie, Zenzinger & Rankin	Higher Education Funding Allocation Model	Approved 6/29/2020	Portions on 6/29/2020 and 7/1/2021	181	42
1367	Ransom, Moreno	Reallocate State Sales & Use Tax To General Fund	Approved 6/29/2020	6/29/2020	163	175
1368	McCluskie & Ransom, Zenzinger & Rankin	Delay Implementation Of House Bill 19-1229	Approved 7/13/2020	7/13/2020	293	141
1369	McCluskie & Ransom, Zenzinger & Rankin	Reduce Prosecution Training Appropriation	Approved 6/30/2020	6/30/2020	206	26
1370	Esgar & McCluskie, Moreno & Rankin	Transfers From Unclaimed Property Trust Fund Hous	Approved 6/29/2020	6/29/2020	164	82

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1371	Esgar & McCluskie, Moreno & Zenzinger	Delay Substance Use & Mental Hlth Servs Grant Prog	Approved 6/29/2020	6/29/2020	165	82
1372	Esgar & McCluskie, Rankin	Operational Fund Mined Land Reclamation Repeal	Approved 6/29/2020	7/1/2020	166	83
1374	Esgar & Ransom, Zenzinger & Rankin	Repeal Waste Grease Program	Approved 6/29/2020	7/1/2020	167	101
1375	Ransom, Zenzinger & Rankin	Repeal Law Enforcement Grant Approp Roll-forward	Approved 6/24/2020	6/30/2020	123	83
1376	Esgar & McCluskie, Zenzinger & Rankin	Modify Transportation Funding Mechanisms	Approved 6/30/2020	6/30/2020	207	180
1377	Esgar & McCluskie, Zenzinger & Rankin	Fund Controlled Maintenance Projects	Approved 6/30/2020	6/30/2020	191	83
1378	Esgar & McCluskie, Moreno & Zenzinger	Capital-related Transfers Of Money	Approved 6/29/2020	6/29/2020	168	84
1379	Ransom, Rankin	Suspend Direct Distribution To PERA For 2020-21 FY	Approved 6/29/2020	6/29/2020	169	84
1380	McCluskie & Ransom, Moreno & Zenzinger	Move Tobacco Litig Settlement Moneys General Fund	Approved 6/29/2020	6/29/2020	170	84
1381	Esgar, Zenzinger & Rankin	Cash Fund Transfers General Fund	Approved 6/29/2020	6/29/2020	171	85
1382	McCluskie & Ransom, Moreno & Rankin	Repeal Cash Funds With General Fund Reversions	Approved 6/30/2020	6/30/2020	208	85
1383	Esgar & Ransom, Moreno & Rankin	Reduce The General Fund Reserve	Approved 6/30/2020	6/30/2020	209	85
1384	Esgar & McCluskie, Moreno	Wraparound Services For Eligible at-Risk Children	Approved 6/29/2020	6/29/2020	172	109
1385	Esgar & McCluskie, Moreno & Zenzinger	Use Of Increased Medicaid Match	Approved 6/29/2020	6/29/2020	173	105
1386	McCluskie, Moreno	Use Fees For Med Assistance Prog Gen Fund Offset	Approved 6/30/2020	6/30/2020	210	105
1387	Esgar, Moreno	Transfers From Unexpended County Reimbursements	Approved 6/29/2020	6/29/2020	174	115

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1388	Ransom, Zenzinger	Statutory Provisions Divert Gen Fund Reversions	Approved 6/24/2020	Portions on 6/24/2020 and 9/14/2020	124	115
1389	McCluskie & Ransom, Moreno & Zenzinger	Suspend Transfers Child Welfare Services Cash Fund	Approved 6/24/2020	6/24/2020	125	116
1390	Esgar & Ransom, Moreno & Rankin	Discontinue Div Youth Services Trauma Pilot Prog	Approved 6/26/2020	6/26/2020	131	11
1391	Esgar & McCluskie, Moreno & Zenzinger	Behavioral Health Programs Appropriations	Approved 6/30/2020	6/30/2020	211	109
1392	Esgar & Ransom, Zenzinger	Council & Parking Prog For Persons With Disability	Approved 6/26/2020	6/26/2020	132	116
1393	Esgar & McCluskie, Zenzinger & Rankin	Expand Mental Health Diversion Pilot Program	Approved 6/30/2020	6/30/2020	212	25
1394	McCluskie & Ransom, Moreno & Rankin	PERA Judicial Div Contribution Rate Modification	Approved 6/29/2020	6/29/2020	175	86
1395	McCluskie & Ransom, Moreno & Rankin	End WORK Act Grants Transfer Money To General Fund	Approved 6/26/2020	6/26/2020	137	130
1396	Esgar & McCluskie, Zenzinger & Rankin	Work Force Dev Council Online Career Platform	Approved 6/26/2020	No Safety Clause	138	86
1397	McCluskie & Ransom, Moreno & Zenzinger	Eliminate CDPHE Support Of Certain Boards	Approved 6/30/2020	6/30/2020	213	102
1398	Esgar & McCluskie, Rankin	Modify Automatic Funding Mechanism For Cap Constr	Approved 6/29/2020	6/29/2020	176	87
1399	Esgar & McCluskie, Moreno & Rankin	Suspend Limited Gaming Tax Transfers To Cash Funds	Approved 6/30/2020	6/30/2020	214	165
1400	Esgar & McCluskie, Moreno & Zenzinger	Temp Mod Of Ltd Gaming Tax Revenue Allocation	Approved 6/30/2020	6/30/2020	215	166
1401	Esgar & Ransom, Moreno & Rankin	Marijuana Tax Cash Fund Spending & Transfer	Approved 6/29/2020	7/1/2020	177	88
1402	Weissman & Van Winkle, Gardner & Lee	Revisor's Bill	Approved 6/30/2020	6/30/2020	216	168
1403	Roberts & Catlin, Donovan & Sonnenberg	CO Water Conservation Bd Construction Fund Project	Approved 6/29/2020	6/29/2020	150	183

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1404	Weissman & Soper, Lee & Cooke	Sunset Delay Sex Offender Management Board Review	Approved 7/2/2020	7/2/2020	231	25
1406	Arndt, Moreno & Zenzinger	Cash Fund Transfers To The General Fund	Approved 6/29/2020	6/29/2020	178	88
1407	Kipp & Baisley, Story & Zenzinger	College Admission Use Of National Test Score	Approved 7/8/2020	7/8/2020	254	33
1408	Roberts & Valdez A., Story & Sonnenberg	Distribution Of HB20-1377 Cap Constr Fund Money	Approved 7/10/2020	7/10/2020	268	89
1409	Benavidez & Garnett, Fields & Gonzales	CDPHE Inspections Of Penal Institutions	Approved 7/11/2020	7/11/2020	275	89
1410	Gonzales-Gutierrez & Exum, Gonzales & Zenzinger	COVID-19-related Housing Assistance	Approved 6/22/2020	6/22/2020	112	156
1411	Michaelson Jenet & Kraft-Tharp, Pettersen & Fields	COVID-19 Funds Allocation For Behavioral Hlth	Approved 6/22/2020	6/22/2020	115	110
1412	Kennedy & Cutter, Story & Zenzinger	COVID-19 Utility Bill Payment-related Assistance	Approved 6/22/2020	6/22/2020	113	159
1413	Bird & Cutter, Zenzinger & Donovan	Small Bus Recovery Loan Prog Premium Tax Credits	Approved 6/23/2020	6/23/2020	121	90
1414	Weissman & Titone, Foote & Pettersen	Price Gouge Amid Disaster Deceptive Trade Practice	Approved 7/14/2020	7/14/2020	305	12
1415	Herod & Sullivan, Pettersen & Rodriguez	Whistleblower Protection Public Health Emergencies	Approved 7/11/2020	7/11/2020	276	130
1416	Garnett & Neville, Fenberg & Holbert	Leg Council Staff Initiative Fiscal Summary	Approved 7/2/2020	No Safety Clause 11/1/2020	232	47
1417	Becker, Hansen	Care Subfund In The General Fund	Approved 6/22/2020	6/22/2020	117	91
1418	Becker, Todd	Public School Finance	Approved 6/30/2020	6/30/2020	197	33
1419	Esgar & Landgraf, Moreno & Coram	State Drug Assistance Program Funding	Approved 7/13/2020	7/13/2020	282	102
1420	Sirota & Gray, Moreno & Hansen	Adjust Tax Expenditures For State Education Fund	Approved 7/11/2020	7/11/2020	277	175

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1421	Roberts & Saine, Donovan & Sonnenberg	Delinquent Interest Payments Property Tax	Approved 6/14/2020	6/14/2020	108	176
1422	Esgar & Cutter, Zenzinger & Story	Food Pantry Assistance Grant Program	Approved 6/22/2020	6/22/2020	116	116
1423	Tipper & Neville, Woodward & Zenzinger	Suspend Scheduled State Legislator Salary Increase	Approved 7/2/2020	7/2/2020	233	53
1424	Colemans, Gonzales & Marble	Social Equity Licensees In Regulated Marijuana	Approved 6/29/2020	No Safety Clause	184	167
1425	Geitner & Hooton, Smallwood & Ginal	Hospital Patient Visitation Rights During COVID-19	Approved 6/29/2020	6/29/2020	179	102
1426	Esgar & McCluskie, Moreno & Rankin	Limit Emer Spending & Authorize Additional Approp	Approved 7/14/2020	7/14/2020	306	92
1427	Caraveo & McCluskie, Fields & Moreno	Cigarette Tobacco & Nicotine Products Tax	Approved 7/8/2020	Portions on 7/8/2020 and on the date of the governor's proclamation or 1/1/2021, whichever is later, if a certain referred ballot issue is approved	248	176

TABLE OF ENACTED SENATE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
002	Donovan & Coram, McLachlan & Buentello	Rural Economic Development Initiative Grant Prog	Approved 6/29/2020	No Safety Clause	146	67
003	Garcia & Hisey, Esgar & Will	State Parks Improvement Appropriation	Approved 6/29/2020	6/29/2020	149	138
006	Zenzinger & Story, Kipp & Baisley	Amend Colorado Opportunity Scholarship Initiative	Approved 3/20/2020	No Safety Clause	26	38
007	Pettersen & Winter, Buentello & Wilson	Treatment Opioid & Other Substance Use Disorders	Approved 7/13/2020	7/13/2020	286	107
009	Zenzinger & Rankin, McLachlan & Catlin	Expand Adult Education Grant Program	Approved 7/8/2020	7/8/2020	253	27
011	Hisey & Winter, Catlin & Valdez D.	Commercial Vehicle VIN Verification Inspections	Approved 3/5/2020	3/5/2020	7	134
014	Fields, Michaelson Jenet & Cutter	Excused Absences In Public Sch For Behavioral Hlth	Approved 3/23/2020	3/23/2020	62	27
017	Winter, Gray	Transp Public-private Partnership Reporting	Approved 3/20/2020	No Safety Clause	27	179
021	Tate, Snyder & Benavidez	Tax Expenditure Bill Requirements	Approved 6/30/2020	No Safety Clause	185	169
023	Gardner & Gonzales, Michaelson Jenet & Van Winkle	Colorado Working Group On School Safety	Approved 7/7/2020	7/7/2020	247	27
025	Garcia, Buentello & Esgar	Conservancy Dist Bds Art & Beautification Projects	Approved 3/11/2020	No Safety Clause	11	181
026	Fields & Cooke, Singer & Exum	Workers' Comp For Audible Psychological Trauma	Approved 6/29/2020	No Safety Clause	142	127
028	Pettersen & Priola, Buentello & Herod	Substance Use Disorder Recovery	Approved 6/30/2020	6/30/2020	186	93
029	Fields & Moreno, Coleman & Duran	Cost Of Living Adjustment For CO Works Prog	Approved 7/2/2020	7/2/2020	220	111
030	Garcia & Rodriguez, Esgar	Consumer Protections For Utility Customers	Approved 6/29/2020	6/29/2020	148	158

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
032	Holbert, McKean & Esgar	Employee Age To Sell Alcohol Retail Liquor Store	Approved 3/20/2020	No Safety Clause	28	160
033	Tate & Fields, Lontine	Allow Medicaid Buy-in Program After Age 65	Approved 7/6/2020	7/6/2020	237	103
034	Moreno & Zenzinger, McKean & Arndt	Statutory Revision Committee Annual Report	Approved 3/5/2020	3/5/2020	4	49
035	Scott & Ginal, Gray & Carver	Kiosk Program Provider Vehicle & Identity Services	Approved 7/6/2020	7/6/2020	240	134
037	Rodriguez & Fields, Singer	Trusted Interoperability Platform Advisory Cmt	Approved 3/11/2020	No Safety Clause	14	67
039	Fields & Story, Valdez A. & Roberts	Update Accessibility Signage State-owned Facility	Approved 3/20/2020	No Safety Clause	29	49
041	Cooke & Zenzinger, Garnett	National Guard Parks & Wildlife Benefits	Approved 7/2/2020	No Safety Clause	224	68
042	Rodriguez & Fields, Singer	Extend Cmt Treatment Persons In Crim & Juv Jus Sys	Approved 6/26/2020	6/26/2020	129	108
043	Tate, Valdez D.	Out-of-network Provider Reimbursement Rate	Approved 3/11/2020	3/11/2020	21	118
047	Williams A. & Tate, Kraft-Tharp & Van Winkle	Fin Inst Agent Analyses Not Real Estate Appraisal	Approved 3/11/2020	No Safety Clause	17	142
048	Donovan & Coram, Roberts & Catlin	Study Strengthening Water Anti-speculation Law	Approved 3/11/2020	No Safety Clause	18	181
051	Priola, Valdez A.	License Plate Expiration On Change Of Ownership	Vetoed 7/11/2020			134
055	Priola & Story, Cutter & Arndt	Incentivize Development Recycling End Markets	Approved 7/13/2020	No Safety Clause	289	93
056	Crowder, Will & McLachlan	Surplus Mil Vehicles Highway Use If Firefighting	Approved 7/13/2020	7/13/2020	285	135
057	Lee, Snyder & Cutter	Fire Prevention & Control Employee Benefits	Approved 6/29/2020	6/29/2020	143	68
061	Foote, Becker	Yield To Bicycles In Bicycle Lanes	Approved 3/20/2020	7/1/2020	30	135

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
062	Gardner & Lee, Herod & Soper	Enactment of CRS 2019	Approved 3/5/2020	3/5/2020	6	168
063	Lee, Weissman & McKean	Recodify Statutes Concerning Dept Of Law	Approved 3/11/2020	No Safety Clause 9/14/2020	12	68
064	Foote, Soper & Tipper	Auth AG Challenge Fed-reviewed Mergers & Antitrust	Approved 3/20/2020	No Safety Clause	31	12
068	Moreno, Mullica	Interstate Branches For State Credit Unions	Approved 6/29/2020	No Safety Clause	152	48
069	Garcia, Buentello	Disabled Veterans Free State Park Access	Approved 3/11/2020	No Safety Clause	10	132
071	Smallwood & Fields, Michaelson Jenet & Bockenfeld	Permissible Uses Of State-owned Motor Vehicles	Approved 3/5/2020	No Safety Clause	5	69
078	Donovan, Garnett & Neville	Dogs On Restaurant Patios	Approved 3/23/2020	No Safety Clause	66	94
079	Fields & Hisey, Valdez D.	Method Of Notifying People Of Amber Alerts	Approved 3/20/2020	3/20/2020	32	70
081	Danielson & Bridges, Sullivan & Larson	School Info For Apprenticeship Directory	Approved 3/20/2020	No Safety Clause	33	28
082	Hisey & Todd, Landgraf & Lontine	Dept Of Military & Veterans Affairs Awards	Approved 3/20/2020	No Safety Clause	34	132
083	Gonzales, Herod	Prohibit Courthouse Civil Arrest	Approved 3/23/2020	3/23/2020	63	14
085	Zenzinger & Gardner, Michaelson Jenet & Soper	Sex Offender Community Corrections Requirements	Approved 7/7/2020	7/7/2020	245	17
086	Williams A. & Holbert, Snyder & McKean	Alcohol Beverage License & Permit Expiration	Approved 3/23/2020	No Safety Clause	67	160
088	Fields, Roberts & Soper	Evidentiary Rules When Interference With Witness	Approved 6/26/2020	6/26/2020	133	17
090	Winter, Esgar & Titone	Limit Liability For Food Donations To Nonprofits	Approved 6/26/2020	No Safety Clause	127	95
091	Zenzinger & Sonnenberg, Exum & Holtorf	Minimum Pay For State Military Forces	Approved 3/18/2020	No Safety Clause	24	132

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
095	Holbert & Garcia, Bockenfeld & Coleman	Middle School Students Concurrent Enrollment Info	Approved 6/29/2020	6/29/2020	180	38
096	Rodriguez & Holbert, Duran & Carver	Remote Notaries Protect Privacy	Approved 6/26/2020	Portions on 6/26/2020 and 12/31/2020	130	70
100	Gonzales & Tate, Arndt & Benavidez	Repeal The Death Penalty	Approved 3/23/2020	3/23/2020	61	17
102	Ginal & Cooke, Caraveo & Titone	Provider Disclose Discipline Convict Sex Offense	Approved 6/29/2020	No Safety Clause	153	142
104	Cooke, Roberts	Powers Of Bureau Of Animal Protection Agents	Approved 6/29/2020	No Safety Clause	154	17
106	Woodward & Ginal, Kipp & Titone	Consent To Shelter And Services By Homeless Youth	Approved 6/26/2020	No Safety Clause	128	111
110	Williams A. & Holbert, Snyder	Penalties For Liquor Law Violations	Approved 7/13/2020	7/13/2020	290	160
113	Tate, Valdez D.	CDPHE Health Facility License Requirements	Approved 3/11/2020	No Safety Clause	19	95
114	Gardner, Tipper	Registration Of Canadian Money Judgments Act	Approved 3/23/2020	No Safety Clause 7/1/2021	68	14
118	Hisey, Gray & Valdez D.	Hazardous Materials Transportation Permit Issuance	Approved 6/29/2020	No Safety Clause 1/1/2021	155	135
120	Danielson, Sullivan	Apprentice Examinations & Professional Licenses	Approved 7/7/2020	No Safety Clause	244	142
123	Fields & Bridges, Coleman & Herod	Compensation & Representation Of Student Athletes	Approved 3/20/2020	No Safety Clause 1/1/2023	35	38
124	Priola & Hansen, Will & Buentello	School Construction Guideline Utility Consultation	Approved 7/2/2020	No Safety Clause	223	28
126	Story & Smallwood, Roberts & Van Winkle	Allow Home Child Care In HOA Community	Approved 7/8/2020	No Safety Clause	250	153
129	Holbert & Ginal, Froelich & Ransom	Protection Of Individuals Subject To A Fiduciary	Approved 7/10/2020	No Safety Clause 9/14/2020	270	141
134	Woodward & Zenzinger, Arndt	Estimate Of Non-fee Sources Of Cash Fund Revenue	Approved 3/23/2020	3/23/2020	69	71

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
136	Moreno, Arndt	Statutory Revision Cmt Omnibus Bill	Approved 3/23/2020	No Safety Clause	70	49
139	Foote, Gray	County Loans For Public Infrastructure Projects	Approved 7/7/2020	No Safety Clause	246	54
140	Holbert, Melton	Powersports & Motor Vehicle Sales Bond Requirement	Approved 7/2/2020	No Safety Clause	225	160
152	Zenzinger & Woodward, Valdez D.	Correct Senate Bill 19-263 Effective Date Error	Approved 3/20/2020	3/20/2020	36	179
155	Sonnenberg, Pelton	Keep Presumption Noninjury Well On Divided Land	Approved 7/2/2020	7/2/2020	226	181
158	Todd, McLachlan & Wilson	Professional Training For Educators	Approved 6/30/2020	6/30/2020	198	39
162	Rankin & Moreno, Gonzales-Gutierrez & Ransom	Changes Related To Fed Family First Policy	Approved 7/2/2020	7/2/2020	221	111
163	Gonzales & Priola, Mullica & Roberts	School Entry Immunization	Approved 6/26/2020	6/26/2020	134	95
166	Moreno, Esgar	Simplifying Requirements For New Birth Certificate	Approved 7/13/2020	7/13/2020	280	96
167	Hansen & Priola, Becker	Electric Motor Vehicle Manufacturer & Dealer	Approved 3/23/2020	No Safety Clause	71	161
170	Danielson, Jackson & Duran	Update Colorado Employment Security Act	Approved 7/14/2020	No Safety Clause 1/1/2021	297	127
175	Zenzinger & Rankin, Titone & McLachlan	Assessment Score On A Student's Transcript	Approved 7/8/2020	7/8/2020	256	28
176	Danielson & Ginal, Titone & Young	Protect Neutral Determinations In Health Insurance	Approved 7/14/2020	No Safety Clause	301	118
181	Lee, Weissman	Measures On Incompetent To Proceed	Approved 6/29/2020	6/29/2020	144	18
183	Tate & Todd, Baisley & Titone	Definition Of State Agency For SIPA Services	Approved 7/8/2020	7/8/2020	257	71
185	Bridges & Tate, Tipper & Wilson	The Colorado Imagination Library Program	Approved 7/10/2020	No Safety Clause	261	28

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
186	Fenberg & Holbert, Garnett & Neville	Colorado Redistricting Commissions	Approved 7/11/2020	7/11/2020	272	50
194	Bridges & Fenberg, Gray & Van Winkle	Brew Pub Retail Sales Malt Liquor Sealed Container	Approved 7/10/2020	No Safety Clause 9/14/2020	264	161
197	Fenberg & Marble, McLachlan & Catlin	Aligning State And Federal Law On Hemp	Approved 6/30/2020	No Safety Clause 9/14/2020	194	2
200	Donovan & Pettersen, Kraft-Tharp & Becker	Implementation Of CO Secure Savings Program	Approved 7/14/2020	7/14/2020	295	72
201	Donovan, Roberts & Catlin	Species Conservation Trust Fund Projects	Approved 6/29/2020	6/29/2020	151	138
204	Fenberg, Jackson & Caraveo	Additional Resources To Protect Air Quality	Approved 6/30/2020	7/1/2020	192	96
205	Fenberg & Bridges, Becker & Caraveo	Sick Leave For Employees	Approved 7/14/2020	7/14/2020	294	127
206	Todd & Cooke, Landgraf & Singer	Pub Assistance Prog Recipient Disqualification	Approved 7/2/2020	7/2/2020	222	112
207	Hansen & Winter, Gray & Sullivan	Unemployment Insurance	Approved 7/14/2020	Portions on 7/14/2020 and 1/1/2021	296	129
208	Story & Coram, Cutter & Duran	Extending Expiring Tax Check-offs	Approved 7/7/2020	No Safety Clause	243	169
209	Garcia & Holbert, Becker & Neville	Act Subject To Petition Clause Bills 2020 Session	Approved 7/2/2020	7/2/2020	227	51
210	Gonzales, Snyder	Extend UCC Fee For Fraud Investigators Unit	Approved 6/30/2020	6/30/2020	199	72
211	Winter & Gonzales, Herod	Limitations On Extraordinary Collection Actions	Approved 6/29/2020	6/29/2020	140	14
212	Winter & Tate, Lontine & Soper	Reimbursement For Telehealth Services	Approved 7/6/2020	7/6/2020	235	103
213	Bridges & Priola, Larson & Roberts	Alcohol Beverage Retail Takeout & Delivery	Approved 7/10/2020	7/10/2020	262	161
214	Fenberg & Holbert, Garnett & Neville	Suspend 2020 Legislative Interim Committees	Approved 6/30/2020	6/30/2020	200	51

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
215	Moreno & Donovan, Kennedy & McCluskie	Health Insurance Affordability Enterprise	Approved 6/30/2020	6/30/2020	201	118
217	Garcia & Fields, Herod & Gonzales-Gutierrez	Enhance Law Enforcement Integrity	Approved 6/19/2020	Portions on 6/19/2020, 9/1/2020, and 7/1/2023	110	19
218	Fenberg & Lee, Singer & McKean	CDPHE Hazardous Substances Response	Approved 6/29/2020	6/29/2020	141	73
219	Fields & Sonnenberg, Valdez A. & Rich	Lease-purchase Issuance For Capital Construction	Approved 7/14/2020	7/14/2020	303	74
220	Hisey & Garcia, Soper & Young	Freeze Member Per Diem Amount	Approved 6/30/2020	6/30/2020	202	52
221	Moreno & Tate, Titone & Soper	Gay Panic Or Transgender Panic Defense	Approved 7/13/2020	7/13/2020	279	21
222	Winter & Bridges, Young & Will	Use CARES Act Money Small Business Grant Program	Approved 6/23/2020	6/23/2020	120	74
223	Hansen & Tate, Esgar & Soper	Assessment Rate Moratorium & Conforming Changes	Approved 7/13/2020	Portions on 7/13/2020 and on the date of the governor's proclamation or 1/1/2021, whichever is later, if a certain referred ballot issue is approved	291	169
224	Gonzales, Gonzales-Gutierrez	Landlord Prohibitions Tenant Citizenship Status	Approved 6/30/2020	6/30/2020	187	153

ADMINISTRATIVE RULE REVIEW

H.B. 20-1179 Continuation of 2019 rules of executive agencies - exceptions listed. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2018, and before November 1, 2019, with the exception of the rules specifically listed in the act. Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2020, on the grounds that the rules either conflict with statute or lack statutory authority.

APPROVED by Governor March 20, 2020

EFFECTIVE March 20, 2020

AGRICULTURE

S.B. 20-197 Hemp - aligning state and federal law -appropriation. The act aligns Colorado statutes on hemp with federal law, including adopting federal definitions; requiring authorized samplers to collect samples from each lot; changing the appointing authority for the industrial hemp advisory committee to the state agricultural commission; requiring that all key participants provide a criminal history record check from the federal bureau of investigation; eliminating authority to grow hemp for research and development purposes but authorizing a separate registration and waiver requirement; creating new reporting requirements; specifying unlawful acts and creating civil penalties for violations; and giving the commissioner of agriculture investigatory and subpoena authority.

The act appropriates \$55,620 to the department of public safety from the Colorado bureau of investigation identification unit fund.

APPROVED by Governor June 30, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1184 Colorado seed act - continuation under sunset law - registration fees - registration renewal schedule. The act implements recommendations of the department of regulatory agencies' sunset review and report on the registration functions of the commissioner of agriculture (commissioner) regarding the "Colorado Seed Act" by:

- Continuing the commissioner's registration functions for 11 years, until 2031;
- Setting fees for registration in statute and allowing the commissioner to adjust the registration fees by rule up to a maximum amount set in statute;
- Removing the fee discount afforded to registrants with respect to registering a second and any additional locations; and
- Authorizing the commissioner to establish a registration renewal schedule by rule and repealing language that made each registration effective for one year from March 1 through the last day in February, regardless of when the registration was approved.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1211 Poultry - licensing of egg dealers - inclusion of non-chicken eggs within scope of regulation - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies in its sunset review and report of the licensing of egg dealers by:

- Extending the program for 11 years, until September 1, 2031;
- Adding the regulation of non-chicken eggs from avian species and authorizing the commissioner of agriculture to adopt rules specifying how non-chicken eggs will be regulated; and
- Changing the fund where civil penalties are deposited from the inspection and

consumer services cash fund to the general fund.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1213 Licensing functions of the commissioner of agriculture - commodity handlers - farm products - continuation under sunset law - reorganization of statutes - small-volume commodity handlers exempt from licensure - bond increase - extension of liability period under surety bond or letter of credit - report - rules. The act implements recommendations of the department of regulatory agencies' sunset review and report on the licensing functions of the commissioner of agriculture (commissioner) regarding the "Commodity Handler Act" and the "Farm Products Act", with modifications, by:

- Continuing the commissioner's licensing functions for 5 years, until 2025;
- Combining the "Commodity Handler Act" and the "Farm Products Act";
- Exempting from licensure small-volume commodity handlers who buy less than \$250,000 worth of commodities and farm products per year and do not buy commodities for commercial feeding of livestock;
- Requiring the commissioner to adopt rules by December 31, 2020, regarding financial assurance requirements, including a schedule for filing a bond with the commissioner, record keeping requirements, initial and renewal license requirements, credit sale contract requirements, standard warehouse operation requirements, and animal feeding operations capacity and requiring the department of agriculture to convene a stakeholders' group to work on drafting the rules;
- With regard to an action to demand payment on a surety bond or letter of credit based on the misconduct of a commodity handler or dealer, extending the date for filing the action, and thus the period of liability for which the surety or issuer of the letter of credit is required to pay a claim, from up to 180 days after the later of the date of the transaction or the date of the loss to up to 548 days (approximately 18 months) after the later of the date of the transaction or the date of the loss;
- Requiring the department of agriculture, on or before November 1, 2021, to submit a report to the committees of the general assembly with jurisdiction over agricultural issues summarizing the department's progress toward implementing the act;
- Increasing the bond amount that farm products dealers must file from between \$2,000 and \$200,000 to between \$200,000 and \$1 million; and
- For the definition of "small-volume dealer", repealing the limitation on the amount of farm products or commodities, based on price, that a dealer can purchase in a single transaction to qualify as a small-volume dealer.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1343 Poultry - farms and nonfarm businesses - egg-laying hens - confinement standards. The act requires a farm owner or operator to confine chicken, turkey, duck, goose, or guinea fowl hens (hens) in accordance with the standards established in the act. On and after January 1, 2023, the act also prohibits a business owner or operator from selling shell

eggs or egg products that are produced by egg-laying hens that were confined in a manner that conflicts with these standards. In connection with this prohibition, the act:

- Requires, by January 1, 2023, hens to be confined in an enclosure with at least one square foot of usable floor space per hen;
- Requires, by January 1, 2025, hens to be confined in a cage-free housing system with at least:
 - One square foot of usable floor space per hen if the hens have unfettered access to vertical space; or
 - 1.5 square feet of usable floor space per hen if the hens do not have unfettered access to vertical space;
- Deems a sale to have occurred at the location where the buyer takes physical possession of the shell egg or egg product;
- Allows a business to rely upon written certification that the shell egg or egg product did not come from hens that were confined in a manner that conflicts with the act;
- Authorizes the commissioner of agriculture to impose a civil penalty of up to \$1,000 per violation;
- Requires the commissioner to promulgate rules to implement and enforce the act; and
- Authorizes the commissioner to use a government or private inspection process.

The act requires shell eggs and egg products to be annually certified as complying with the standards. Certification requires an inspection.

The following are exempt from the act's requirements:

- Medical research;
- Veterinary procedures;
- Transportation;
- A state or county fair exhibition, 4-H program, or similar exhibition;
- Slaughter;
- Temporary confinement in connection with animal husbandry;
- A farm with 3,000 or fewer egg-laying hens; or
- A nonfarm business owner or operator with each location selling fewer than 25 cases of, or 30 dozen, shell eggs per week if all locations owned or operated by the business sell fewer than 100 cases of shell eggs per week.

APPROVED by Governor July 1, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

APPROPRIATIONS

H.B. 20-1242 Supplemental appropriation - department of agriculture. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of agriculture. The cash funds and reappropriated funds portions of the appropriation are increased.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1243 Supplemental appropriation - department of corrections. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general funds and cash funds portions of the appropriation are increased.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1244 Supplemental appropriation - department of education. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of education. The general funds portion is increased and the federal funds portion is decreased, resulting in an overall increase to the department.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1245 Supplemental appropriation - offices of the governor, lieutenant governor, and state planning and budgeting. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased and the federal funds portion is decreased, resulting in no change in the total amount appropriated to the department.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1246 Supplemental appropriation - department of health care policy and financing. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general funds and cash funds portions are increased and the federal funds portion is decreased, resulting in an overall increase to the department.

Restrictions on funds for the department in the 2018-19 fiscal year for the payment of overexpenditures of line item appropriations are released in accordance with section 24-75-109 (4)(a).

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1247 Supplemental appropriation - department of higher education. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of higher education. The general fund portion of the appropriation is increased and the federal funds portion is decreased, resulting in no change in the total amount appropriated to the department.

Appropriations made in House Bill 19-1196, concerning student financial assistance for students who are classified as in-state students for tuition purposes, are amended to add another appropriation to the department for a financial aid assessment tool and 0.2 FTE.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1248 Supplemental appropriation - department of human services. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general funds and reappropriated funds portions are decreased and the cash funds and federal funds portions are increased, resulting in an overall increase to the department.

Appropriations made in Senate Bill 19-258, concerning child welfare services funded through federal child welfare laws, are amended to add another appropriation to the department for child welfare legal representation.

Appropriations made in Senate Bill 19-108, concerning changes to improve outcomes for youth in the juvenile justice system, changes to improve outcomes for youth in the juvenile justice system, are amended to decrease the appropriation to the department for personal services related to administration.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1249 Supplemental appropriation - judicial department. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general funds and cash funds portions are increased.

Appropriations made in Senate Bill 19-258, concerning child welfare services funded through federal child welfare laws, are amended to add another appropriation to the department for Title IV-E legal representation.

Appropriations made in Senate Bill 19-036, concerning requiring the state court administrator to administer a program to remind criminal defendants to appear in court as scheduled, are amended to extend the appropriation made for information technology infrastructure another year.

Appropriations made in Senate Bill 19-108, concerning changes to improve outcomes

for youth in the juvenile justice system, are amended to increase the appropriation for information technology infrastructure.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1250 Supplemental appropriation - department of law. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of law. The general funds portion of the appropriation is increased and federal funds portion is decreased, resulting in no change in the amount appropriated to the department.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1251 Supplemental appropriation - department of local affairs. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of local affairs. The general funds and federal funds portions of the appropriation are increased.

Appropriations made in House Bill 19-1245, concerning an increase in affordable housing funding from increased state sales tax revenue that results from a modification to the state sales tax vendor fee, are amended to increase the amount appropriated to the department for the division of housing.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1252 Supplemental appropriation - department of military and veterans affairs. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of military and veterans affairs. The general funds portion of the appropriation is increased and the federal funds portion is decreased, resulting in an increase in the amount appropriated to the department.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1253 Supplemental appropriation - department of natural resources. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of natural resources. The general funds and cash funds portions of the appropriation are increased and federal funds portion is decreased, resulting in an increase in the amount appropriated to the department.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1254 Supplemental appropriation - department of personnel. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The general funds and reappropriated funds

portions of the appropriation are increased and cash funds portion is decreased, resulting in a decrease in the amount appropriated to the department.

Appropriations made in Senate Bill 19-135, concerning methods to determine whether disparities involving certain historically underutilized businesses exist within the state procurement process, are amended to clarify that the money appropriated is for personal services.

APPROVED by Governor March 6, 2020

EFFECTIVE March 6, 2020

H.B. 20-1255 Supplemental appropriation - department of public health and environment. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public health and environment. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased and federal funds portion is decreased, resulting in an increase in the amount appropriated to the department.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1256 Supplemental appropriation - department of public safety. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public safety. The general funds and cash funds portions of the appropriation are increased.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1257 Supplemental appropriation - department of revenue. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of revenue. The cash funds portion of the appropriation is decreased.

Appropriations made in Senate Bill 19-248, concerning a requirement that the director of research of the legislative council convene a working group to conduct an analysis of the state tax system used by the department of revenue, are amended to clarify that the money appropriated is to be used by the executive director's office for personal services.

Appropriations made in House Bill 19-1230, concerning marijuana hospitality establishments, are amended to clarify the uses of the amount appropriated.

Appropriations made in House Bill 19-1234, concerning allowing delivery of regulated marijuana by regulated marijuana sellers, are amended to clarify the uses of the amount appropriated.

Appropriations made in House Bill 19-1090, concerning measures to allow greater investment flexibility in marijuana businesses, are amended to clarify the uses of the amount

appropriated.

Appropriations made in House Bill 19-1327, concerning sports betting, are amended to clarify the uses of the amount appropriated.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1258 Supplemental appropriation - department of the treasury. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of the treasury. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1259 Supplemental appropriations - capital construction. The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated capital construction projects. The capital construction fund, cash funds, and federal funds portions of the appropriation are increased.

The 2017 general appropriation act is amended to increase the amount appropriated to the department of human services for capital expansion and the department of corrections for information technology projects.

The 2016 general appropriation act is amended to add footnotes to explain that the appropriation made for certain capital construction, capital renewal, and capital lease purchase payments in the department of higher education remain available through June 30, 2020.

The 2015 general appropriation act is amended to add a footnote to explain that the appropriation made for certain capital construction, capital renewal, and capital lease purchase payments in the department of higher education remain available through June 30, 2020.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1345 Legislative appropriation - reversion to general fund - further appropriation of 2019-20 appropriation for new member orientation. The act appropriates \$50,753,612 to the legislative department for the payment of expenses in the 2020-21 state fiscal year. Additionally, the act appropriates \$25,000 to the youth advisory council cash fund within the legislative department.

The act specifies that \$1,200,000 of unexpended and unencumbered money in the legislative department cash fund at the end of the 2019-20 state fiscal year reverts to the general fund and further appropriates to the legislative council, for use in the 2020-21 state fiscal year for new member orientation, \$24,000 that was appropriated to but not expended

by the legislative council in the 2019-20 state fiscal year.

APPROVED by Governor June 23, 2020

EFFECTIVE June 23, 2020

H.B. 20-1360 General appropriation act - 2020 long bill. For the state fiscal year beginning July 1, 2020, provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2020. The grand total for the operating budget is set at \$32,749,518,270 of which \$11,743,636,837 is from the general funds portion of the appropriation; \$198,516,570 is from the general fund exempt portion; \$9,426,117,669 is from the cash funds portion; \$1,589,469,135 is from the reappropriated funds portion; and \$9,791,778,059 is from the federal funds portion.

The grand total for the state fiscal year beginning July 1, 2020, for capital construction projects is \$113,860,792 of which \$2,988,768 is from the capital construction fund portion of the appropriation; \$75,374,568 is from the cash funds portion; and \$35,497,456 is from the federal funds portion.

The 2018 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, and state.

The 2019 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the departments of corrections, education, health care policy and financing, higher education, human services, state, and treasury, and the judicial department.

Appropriations made in Senate Bill 19-059, concerning creation of an automatic enrollment in advanced courses grant program in the department of education and House Bill 19-1002, concerning professional development in leadership for public school principals, are amended to reduce the amount appropriated to the department of education.

Appropriations made in Senate Bill 19-190, concerning measures to increase the number of individuals who are well-prepared to teach in public schools, Senate Bill 19-231, concerning the creation of the Colorado second chance scholarship in the pursuit of higher education for youth previously committed to the division of youth services, and Senate Bill 19-003, concerning the educator loan forgiveness program to address educator shortages, are amended to the reduce the amount appropriated to the department of higher education.

Appropriations made in Senate Bill 19-211, concerning changes to the mental health criminal justice diversion programs, is amended to reduce the amount appropriated to the judicial department.

Appropriations made in House Bill 19-1090, concerning measures to allow greater investment flexibility in marijuana businesses, is amended to clarify that a specified amount shall remain available for expenditure through the 2020-21 fiscal year.

APPROVED by Governor June 22, 2020

EFFECTIVE June 22, 2020

CHILDREN AND DOMESTIC MATTERS

H.B. 20-1104 Reinstatement of parental rights - procedure. Current law allows for the reinstatement of parental rights that were terminated if certain conditions are met and the child has not been adopted. The act expands that to allow for reinstatement of parental rights in cases where a parent voluntarily relinquished parental rights and the same conditions are met.

The act clarifies the court procedures to be followed if a respondent parent with a pending dependency and neglect case seeks to voluntarily relinquish parental rights.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1297 Child abuse and neglect - immunizations. The act adds language to Colorado's children's code to clarify that refusing an immunization on the grounds of medical, religious, or personal belief considerations or opting to exclude immunization notification information from the immunization tracking system does not alone constitute child abuse or neglect.

APPROVED by Governor July 10, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1390 Division of youth services - pilot programs for division-wide therapeutic and rehabilitative culture - repeal. The act repeals the pilot programs in the division of youth services that were created to aid in the establishment of a division-wide therapeutic and rehabilitative culture, including the use of trauma-responsive principles and practices.

The act makes the following appropriations:

- The general fund appropriations made in the annual general appropriation act for the 2020-21 state fiscal year to the department of human services for use by the division of youth services are adjusted as follows:
 - The appropriation for personal services related to institutional programs is decreased by \$406,545, and the related FTE is decreased by 4.0 FTE; and
 - The appropriation for operating expenses related to institutional programs is decreased by \$204,309.

APPROVED by Governor June 26, 2020

EFFECTIVE June 26, 2020

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 20-64 Antitrust - mergers and acquisitions - repeal prohibition against challenging federally reviewed mergers and acquisitions. The act repeals a prohibition against the state attorney general challenging a business merger or acquisition when the merger or acquisition has been reviewed and not challenged by a federal department, agency, or commission.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1414 Consumer protection - deceptive trade practices - price gouging during a declared disaster - exemption for prices attributable to costs imposed by seller's suppliers.

The act establishes that a person engages in a deceptive trade practice if the person, within 180 days following the declaration of a disaster or disaster emergency by the president of the United States or the governor of the state and in the geographic area for which the disaster was declared, sells, offers for sale, provides, or offers to provide any of the following at a price so excessive as to amount to price gouging:

- Building materials;
- Consumer food items;
- Emergency supplies;
- Fuel;
- Medical supplies;
- Other necessities;
- Repair or reconstruction services;
- Transportation, freight, or storage services; or
- Services used in an emergency cleanup.

A price is not unreasonably excessive if the seller can prove that, due to events that gave rise to the disaster declaration, the price is attributable to additional costs imposed on the seller by the seller's supplier or suppliers or other direct costs of providing the good or service sold or offered for sale.

APPROVED by Governor July 14, 2020

EFFECTIVE July 14, 2020

CORPORATIONS AND ASSOCIATIONS

H.B. 20-1013 Defective corporate actions - ratification or validation - judicial review. The act provides a statutory procedure for the ratification or validation of corporate actions that may not have been properly authorized and for shares that may not have been properly issued. The statutory ratification procedure supplements common-law ratification and is available only when the board of directors specifies the nature of the defective authorization. Prompt judicial review and validation of the ratification process is available when a listed person claims to be substantially and adversely affected by the ratification.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

COURTS

S.B. 20-83 Court access - prohibit civil arrest at courthouse or environs. The act protects an individual from civil arrest while the person is present at a courthouse or on its environs, or while going to, attending, or coming from a court proceeding. A judge or magistrate may issue a writ of protection to prohibit a civil arrest, but a writ of protection is not required for the protection to apply.

The act provides various remedies for violation of this protection.

APPROVED by Governor March 23, 2020

EFFECTIVE March 23, 2020

S.B. 20-114 Registration of Canadian money judgments. The act enacts the "Uniform Registration of Canadian Money Judgments Act" as an alternative to the current "Uniform Foreign-country Judgments Registration Act".

APPROVED by Governor March 23, 2020

EFFECTIVE July 1, 2021

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-211 Debt collection - temporary limitation on garnishment, execution, levy, and attachment in cases of financial hardship - notice requirements - temporary exemption from execution. The act prohibits a judgment creditor from initiating a new extraordinary collection action from the effective date of the act through November 1, 2020, except in accordance with the requirements of the act. An extraordinary collection action is defined as an action in the nature of a garnishment, attachment, levy, or execution to collect or enforce a judgment on a debt as defined under the "Colorado Fair Debt Collection Practices Act" (FDCPA). Before initiating an extraordinary collection action, the judgment creditor must send a notice to the judgment debtor explaining that the judgment debtor can temporarily suspend the extraordinary collection action if the debtor is facing financial hardship as a result of the COVID-19 emergency. To exercise this right, the debtor is required to notify the judgment creditor that the debtor is experiencing hardship as a result of the crisis. The judgment debtor is not required to provide additional documentation to the judgment creditor.

The use of an extraordinary collection action during the period of the prohibition constitutes an unfair and unconscionable means of collecting a debt under the FDCPA. The administrator of the "Uniform Consumer Credit Code" (administrator) is authorized to issue an order extending the prohibition through February 1, 2021, if the administrator finds that the extension is necessary to preserve the resources of state and local agencies or to protect the residents of Colorado from economic hardship as a result of the disaster emergency caused by COVID-19.

From June 29, 2020, through February 1, 2021, up to \$4,000 cumulative in a depository account or accounts in the debtor's name is exempt from levy and sale under a writ of attachment or execution.

An attempt to collect amounts in excess of what is permitted under statutes limiting garnishment, attachment, and execution is an unfair or unconscionable debt collection practice for purposes of the FDCPA.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1009 Forcible entry and detainer - suppression of court records. Court records related to an eviction proceeding or an action for termination of a mobile home park tenancy are suppressed court records that are not publicly available. If an order granting the plaintiff possession of the premises is entered in the action, the court records are no longer suppressed and the court must make the records available to the public, unless the parties agree that the records should remain suppressed.

The names of the parties included in a court record that is suppressed may be used by a court for administrative purposes, but the court shall not, for any reason, publish the names of the parties online.

A summons in an eviction proceeding must include a notice concerning suppression of court records related to the action.

APPROVED by Governor March 20, 2020

EFFECTIVE December 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1014 Misuse of gametes - civil cause of action - crime - unprofessional conduct medical practice. The act creates a new civil cause of action and crime if a health care provider, in the course of performing or assisting with an assisted reproduction procedure, knowingly uses gametes from a donor without the express consent of the patient to use the donor's gametes. The act authorizes specified compensatory damages or liquidated damages of \$50,000 in the civil action and specifies that the crime is a class 6 felony. Conviction of an offense under the new crime is unprofessional conduct as defined in the licensing statutes for health care providers.

APPROVED by Governor July 6, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1026 Twenty-third judicial district - creation - timing - 2024 election. Effective January 7, 2025, the act:

- Removes Douglas, Elbert, and Lincoln counties from the eighteenth judicial district;
- Creates a twenty-third judicial district comprised of those counties;
- Specifies the number of district court judges for that district; and

- Reduces the number of district court judges for the eighteenth judicial district.

The act specifies that at the election in November of 2024:

- There will be an election for the district attorney for the eighteenth judicial district from the electors of Arapahoe county;
- There will be an election for the district attorney for the twenty-third judicial district from the electors of Douglas, Elbert, and Lincoln counties; and
- Any district court judge of the eighteenth judicial district who is eligible for retention may stand for retention election from the electors of the eighteenth judicial district.

The act clarifies that a district judge of the current eighteenth judicial district who is not up for a retention election in 2024 continues to serve as a district court judge for the remainder of the judge's current term, but the judge serves in the judicial district in which the judge resides.

For the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings from 2021 through 2025, the act directs the judicial department to consult with the counties of the eighteenth judicial district and report on its progress in making the system changes necessary to create the twenty-third judicial district, and for the SMART Act hearing in 2026, the act directs the judicial department to prepare a final report on how the creation of the new district went, including recommendations to the general assembly on how future changes to a judicial district might be made.

APPROVED by Governor
March 20, 2020

PORTIONS EFFECTIVE September 1, 2020
PORTIONS EFFECTIVE January 7, 2025

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CRIMINAL LAW AND PROCEDURE

S.B. 20-85 Sex offenders - release to community corrections - requirements. The act clarifies that an offender sentenced pursuant to the "Colorado Sex Offender Lifetime Supervision Act of 1998" may be released to a community corrections program only if the offender meets certain requirements for an offender being released on parole including that:

- The offender has successfully progressed in sex offender treatment as determined by the department of corrections and would not pose a threat to the community if released to community corrections;
- There is a strong and reasonable probability that the offender would not thereafter commit a new criminal offense; and
- After considering criteria established by the sex offender management board and other relevant factors, the executive director of the department of corrections finds that release to community corrections is appropriate.

APPROVED by Governor July 7, 2020

EFFECTIVE July 7, 2020

S.B. 20-88 Interference with witness - exception to hearsay rule. Pursuant to an opinion of the Colorado supreme court, if a party to a criminal case wrongfully procures the unavailability of a witness, that witness's hearsay evidence may be inadmissible. The act provides that such evidence may be admissible as an exception to the hearsay rule if:

- The proponent of the evidence has given reasonable notice of the party's intent to introduce the evidence; and
- The court determines by a preponderance of the evidence that the party intended to and did procure the unavailability of the witness.

APPROVED by Governor June 26, 2020

EFFECTIVE June 26, 2020

S.B. 20-100 Death penalty repeal. The act repeals the death penalty in Colorado for offenses charged on or after July 1, 2020. The act states that any death sentence in effect on July 1, 2020, is valid.

APPROVED by Governor March 23, 2020

EFFECTIVE March 23, 2020

S.B. 20-104 Bureau of animal protection agents - powers. The act grants bureau of animal protection agents the authority to conduct investigations related to certain complaints of animal cruelty.

APPROVED by Governor June 29, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

S.B. 20-181 Competency to proceed - competency reports and opinions - presumption against competency - dismiss victim's rights crimes - bond hearings - municipal cases. Under current law, a competency report must include an opinion regarding whether the defendant can be restored to competency. In relation to that report and opinion:

- If a court within the previous 5 years has found that the defendant will not attain competency within the reasonably foreseeable future and the evaluator provides an opinion that there is a substantial probability of attaining competency within the reasonably foreseeable future, the act requires the evaluator to state why the defendant's circumstances are different from the prior court's finding;
- When the defendant is diagnosed with a moderate to severe intellectual or developmental disability, acquired or traumatic brain injury, or dementia that affects the defendant's ability to gain or maintain competency and the evaluator's opinion is that there is a substantial probability of attaining competency, the act requires the evaluator to state whether the evaluator believes there are unique or different services outside the standard competency restoration curriculum developed by the department that the defendant may need in order to be restored to competency within the reasonably foreseeable future; and
- When the defendant has been found incompetent to proceed 3 or more times over the previous 3 years in the current case or any other case and even if the defendant is later restored, the act requires the evaluator to specifically identify those instances of findings of incompetency in the report.

When the defendant's evaluation includes one of the above situations, the court shall hold a hearing, within 35 days of receiving the report, on the issue of whether there is a substantial probability that the defendant will be restored to competency within the reasonably foreseeable future. At the hearing, there is a presumption that the defendant will not attain competency within the reasonably foreseeable future. A party attempting to overcome that presumption must prove by a preponderance of the evidence that there is a substantial probability that restoration efforts will be successful within the reasonably foreseeable future.

Under current law, when a defendant is found incompetent to proceed and charged with certain offenses that are not victims' rights act crimes, the court may dismiss those charges. The act removes the victims' rights act crimes limitation.

When the defendant is in custody on a misdemeanor, petty offense, or traffic offense, and is incompetent to proceed, the act requires the court to set a hearing on bond within 7 days of the defendant being found incompetent to proceed. At the bond hearing there is a presumption that the court shall order a personal recognizance bond. If the court does not order a personal recognizance bond, the court shall make findings of fact based on clear and convincing evidence that extraordinary circumstances exist to overcome the presumption of a release and the clinical recommendation for outpatient treatment.

When a defendant is found incompetent to proceed or when civil commitment proceedings are initiated in a municipal case, the municipal court shall dismiss the case.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

S.B. 20-217 Law enforcement - body-worn camera requirements - reporting requirements for use of force, resignation while under investigation, police contacts, and unannounced entries - basis for peace officer certification revocation - appropriate law enforcement response to protests - no qualified immunity in civil rights cases - appropriate use of physical force and deadly force - duty to intervene - required grand jury report when no charges brought - peace officer bad conduct database - attorney general patterns and practices investigations - peace officer certification - attorney general authority - appropriation. Beginning July 1, 2023, the act requires all local law enforcement agencies and the Colorado state patrol to issue body-worn cameras to their officers, except for those working in jails, working as administrative or civilian staff, the executive detail of the state patrol, and those working in court rooms. A peace officer shall wear and activate a body-worn camera when responding to a call for service or during any interaction with the public initiated by the peace officer when enforcing the law or investigating possible violations of the law. A peace officer may turn off a body-worn camera to avoid recording personal information that is not case related; when working on an unrelated assignment; when there is a long break in the incident or contact that is not related to the initial incident; and during administrative, tactical, and management discussions. A peace officer does not need to wear or activate a body-worn camera if the peace officer is working undercover. The act creates inferences, presumptions, and sanctions for failing to activate or tampering with a body-worn camera. The act requires all recordings of an incident be released to the public within 21 days after the local law enforcement agency or Colorado state patrol receives a complaint of misconduct. The act allows for redaction or nonrelease of the recording to the public if there is a specified privacy interest at stake.

Beginning July 1, 2023, the act requires the division of criminal justice in the department of public safety (division) to create an annual report of the information that is reported to the division, aggregated and broken down by state or local agency that employs peace officers, along with the underlying data. Each local agency and the Colorado state patrol that employs peace officers shall report to the division:

- All use of force by its peace officers that results in death or serious bodily injury;
- All instances when a peace officer resigned while under investigation for violating department policy;
- All data relating to contacts conducted by its peace officers; and
- All data related to the use of an unannounced entry by a peace officer.

The division of criminal justice shall maintain a statewide database with data collected in a searchable format and publish the database on its website. Any state or local law enforcement agency that fails to meet its reporting requirements is subject to suspension of its funding by its appropriating authority.

If any peace officer is convicted of or pleads guilty or nolo contendere to a crime

involving the unlawful use or threatened use of physical force or the failure to intervene in another officer's use of unlawful force or is found civilly liable in either case, the P.O.S.T. board shall permanently revoke the peace officer's certification. The P.O.S.T. board shall not, under any circumstances, reinstate the peace officer's certification or grant new certification to the peace officer unless exonerated by a court.

The act states that in response to a protest or demonstration, a law enforcement agency and any person acting on behalf of the law enforcement agency shall not:

- Discharge kinetic impact projectiles and all other non- or less-lethal projectiles in a manner that targets the head, pelvis, or back;
- Discharge kinetic impact projectiles indiscriminately into a crowd; or
- Use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order.

The act allows a person who has a constitutional right secured by the bill of rights of the Colorado constitution that is infringed upon by a peace officer to bring a civil action for the violation. A plaintiff who prevails in the lawsuit is entitled to reasonable attorney fees, and a defendant in an individual suit is entitled to reasonable attorney fees for defending any frivolous claims. Qualified immunity is not a defense to the civil action. The act requires a political subdivision of the state to indemnify its employees for such a claim; except that if the peace officer's employer determines the officer did not act upon a good faith and reasonable belief that the action was lawful, then the peace officer is personally liable for 5 percent of the judgment or \$25,000, whichever is less, unless the judgment is uncollectible from the officer, then the officer's employer satisfies the whole judgment. A public entity does not have to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises.

The act creates a new use of force standard by limiting the use of physical force and limiting the use of deadly force when force is authorized. The act prohibits a peace officer from using a chokehold.

The act requires a peace officer to intervene when another officer is using unlawful physical force and requires the intervening officer to file a report regarding the incident. If a peace officer fails to intervene when required, the P.O.S.T. shall decertify the officer.

Under current law, if a grand jury does not bring charges against a person, the grand jury may issue a report. The act requires the grand jury to issue a report when it does not charge a person.

Beginning, January 1, 2022, the act requires the P.O.S.T. board to create and maintain a database containing information related to a peace officer's:

- Untruthfulness;
- Repeated failure to follow P.O.S.T. board training requirements;
- Decertification; and
- Termination for cause.

The act makes it unlawful for any governmental authority to engage in a pattern or practice of conduct by peace officers that deprives persons of rights, privileges, or immunities secured or protected by the constitution or laws of the United States or the state of Colorado. Whenever the attorney general has reasonable cause to believe that a violation of this provision has occurred, the attorney general may in a civil action obtain any and all appropriate relief to eliminate the pattern or practice.

The act allows the P.O.S.T. board to revoke peace officer certification for a peace officer who has failed to complete required peace officer training after giving the officer 30 days to satisfactorily complete the training.

The act gives the P.O.S.T. board the authority to promulgate rules for enforcement of the provisions related to peace officer certification. The attorney general may bring criminal charges for violations of the provisions related to peace officer certification if violation is willful or wanton, or impose fines upon any individual officer or agency for failure to comply with the provisions related to peace officer certification.

The act requires a peace officer to have a legal basis for making a contact. After making a contact, a peace officer shall report to the peace officer's employing agency information that the agency is required to report to the division of criminal justice.

The act appropriates \$617,478 from the highway users tax fund to the department of public safety for use by the Colorado state patrol. To implement this act, the patrol may use this appropriation as follows:

- \$50,288 for civilians, including an additional 1.0 FTE;
- \$7,550 for operating expenses;
- \$463,700 for information technology asset maintenance; and
- \$95,940 for the purchase of legal services, which is reappropriated to the attorney general's office.

APPROVED by Governor June 19, 2020 **PORTIONS EFFECTIVE** June 19, 2020
PORTIONS EFFECTIVE September 1, 2020
PORTIONS EFFECTIVE July 1, 2023

S.B. 20-221 Offenses against the person - gender- and sexual-orientation-motivated defenses - evidence - relevance - procedure. The act states that, generally, evidence relating to the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression, or sexual orientation, including under circumstances in which the victim made an unwanted, nonforcible romantic or sexual advance toward the defendant or if the defendant and victim are or have been involved in an intimate relationship, is irrelevant in a criminal case and does not constitute sudden heat of passion in a criminal case. The act creates a protective hearing if a party claims that such evidence is relevant and wants to use it in a criminal case.

APPROVED by Governor July 13, 2020 **EFFECTIVE** July 13, 2020

H.B. 20-1017 Treatment of persons - criminal justice system - opioid use disorder - administration of medication - safe stations - continuity of care - criminal justice diversion programs. Sections 1, 2, 3, and 4 of the act allow the department of corrections, local jails, multijurisdictional jails, municipal jails, and state department of human services facilities (institutions) to make opioid agonists and opioid antagonists available to a person in custody with an opioid use disorder. The institutions are strongly encouraged to maintain the treatment of the person throughout the duration of the person's incarceration or commitment. Qualified medication administration personnel may administer opioid agonists and opioid antagonists. The facilities may contract with community-based health providers for the administration of opioid agonists and opioid antagonists.

Section 5 of the act allows a person to dispose of any controlled substances at a safe station, if safe station personnel are available, and request assistance in gaining access to treatment for a substance use disorder. A "safe station" is defined as any municipal police station; county sheriff's office; or municipal, county, or fire protection district fire station. Safe station personnel shall provide the person with information about the behavioral health crisis response system.

Sections 6 and 7 of the act require the department of corrections and jails to ensure that continuity of care is provided to inmates prior to release, which includes post-release resources and a list of available substance use providers. County jails are required to provide medicaid reenrollment paperwork to a person when the person enters the county jail and file the paperwork with the county department of health and human services upon releasing the person from the county jail's custody.

Section 8 of the act requires the executive director of the department of corrections, in consultation with the offices of behavioral health and economic security in the department of human services, the department of health care policy and financing, the department of local affairs, and local service providers to develop resources for inmates post-release that provide information to help prepare inmates for release and reintegration into their communities.

Section 9 of the act requires a court, when reviewing a petition to seal criminal records, to consider favorably, when applicable, the fact that the petitioner has entered into or successfully completed a licensed substance use disorder treatment program, in determining whether to issue the order.

Sections 10, 11, and 12 of the act allow the office of behavioral health (OBH) in the department of human services (CDHS) to contract with cities and counties for the creation, maintenance, or expansion of criminal justice diversion programs. OBH may require diversion programs to participate as a mobile crisis service. CDHS shall include an update regarding the current status of funding and implementation of the criminal justice diversion programs in its annual SMART Act presentation.

APPROVED by Governor July 13, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1019 Prison population management - use of CSP II - manage out of state prisoners - study future prison bed needs - earned time - sentencing hearing termination community corrections - crime of escape and unauthorized absence - appropriation. Under current law, the Centennial south campus of the Centennial correctional facility is only able to house inmates under limited circumstances. The act opens the facility for up to 650 close custody inmates.

The act requires the executive director of the department of corrections (department), to develop and rely upon criteria for the protection of the health, safety, and financial interests of the state of Colorado related to housing out-of-state prisoners in private prisons in Colorado. The act gives the executive director the authority to rescind his or her approval for placement of out-of-state prisoners in a Colorado private prison.

The act directs the division of local government (division) in the department of local affairs to contract with a nationally recognized research and consulting entity to study future prison bed needs in Colorado. While conducting the study, the entity shall solicit input from local communities and other interested parties or issue experts, including but not limited to public safety experts, victim's advocates, prosecutors, defense attorneys, and community reentry providers and shall convene an advisory committee with representatives from the areas that have a private prison to consult with the entity during the study. The division shall hold public hearings in the areas that have a private prison to allow public input on the study. The study must include:

- An analysis of the economic and other impacts that potential prison closure would have on local governments and the wider community and recommendations on strategies to diversify the local economy;
- A utilization analysis of all state and privately operated facilities and all other facilities that can be used for housing inmates; and
- An analysis of the feasibility of the department to obtain privately owned facilities or utilize unused state-owned buildings in Colorado.

The division shall report the study to the judiciary committees of the senate and house of representatives during the committees' SMART Act hearings held during the 2021 session.

The act adds to the list of achievements that allow an inmate to receive earned time showing exemplary leadership through mentoring, community service, and distinguished actions benefitting the health, safety, environment, and culture for staff and other inmates.

Under current law, an offender is not entitled to an evidentiary hearing for resentencing when the offender is rejected for placement in a community corrections program. The act requires the sentencing court to provide the offender with a new sentencing hearing for any termination from a community corrections program.

The act amends the escape statutes to exclude from the concepts of custody or confinement for purposes of escape:

- Direct sentences to, or transitioning from the department to, a community corrections program;
- Participating in a work release or home detention program;

- Intensive supervision program or any other similar authorized supervised or unsupervised absence from a detention facility;
- Being housed in a staff-secure facility; or
- Placement in an intensive supervision parole program.

The act creates a new crime of unauthorized absence if the person is serving a supervised sentence outside of a prison and:

- Leaves or fails to return to his or her residential or facility location without permission of the supervising agency and in violation of the terms and conditions of supervision; or
- Removes or tampers with an electronic monitoring device required by the supervising agency to be worn by the person in order to monitor his or her location without permission and with the intent to avoid arrest, prosecution, monitoring, or other legal processes.

The act appropriates \$250,000 from the general fund for the required study. The act makes adjustments to the appropriations to department of corrections for the operation of the Centennial south campus of the Centennial correctional facility.

APPROVED by Governor March 6, 2020

EFFECTIVE March 6, 2020

H.B. 20-1148 Penalties - offenses against a deceased human body. The act changes the penalty for abuse of a corpse to a class 6 felony.

The act states that a defendant may not be convicted of more than one offense for tampering with a deceased human body and abuse of a corpse if the act arises out of a single incident.

The statute of limitations for tampering with a deceased human body and abuse of a corpse will commence upon discovery of the criminal act.

APPROVED by Governor April 1, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1229 P.O.S.T. board - rural and small jurisdiction law enforcement agency scholarship. The act authorizes the peace officers standards and training (P.O.S.T.) board to establish a scholarship program for law enforcement agencies in rural and smaller jurisdictions with limited resources due to their size or location to assist the agencies with the payment of tuition costs for peace officer candidates to attend an approved basic law enforcement training academy. A peace officer who received a scholarship for a training academy tuition must be employed for at least three years by a law enforcement agency in a rural and small jurisdiction after attending the approved basic law enforcement training academy or the peace officer shall reimburse the cost of attending the basic law enforcement

training academy to the P.O.S.T. board.

APPROVED by Governor June 29, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1393 Programs to divert individuals with mental health conditions - expansion. Under current law, the alternative pilot programs to divert individuals with mental health conditions may operate in up to 4 judicial districts. The act allows the programs to be expanded into 5 or more judicial districts to increase the number of participants.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1404 Sex offender management board - sunset process - delay hearing. Due to the COVID-19 virus, the judiciary committee of the house of representatives (judiciary committee) was unable to hold a full hearing during the 2020 regular session on the sunset report on the sex offender management board (SOMB report) prepared by the department of regulatory agencies (DORA). The act continues the sex offender management board for one year and directs the judiciary committee to hold a hearing on the SOMB report during the 2021 regular session. DORA is not required to prepare an additional report prior to the 2021 session.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

DISTRICT ATTORNEYS

H.B. 20-1369 Prosecution training - reduce appropriation. The general assembly is required to annually appropriate \$350,000 to the department of law for allocation to the Colorado district attorneys' council for prosecution training. The act reduces the annual amount to \$200,000 for fiscal year 2020-21.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

EDUCATION - PUBLIC SCHOOLS

S.B. 20-9 Adult education and literacy grant program - education attainment partnerships. Before passage of the act, the adult education and literacy grant program (grant program) was focused on workforce development partnerships to provide adult education that leads to increased levels of employment. The act recognizes that, in addition to increasing employment, adult education is necessary to ensure an adult population that is better prepared to support the educational attainment of the next generation and actively participate as citizens in a democratic society.

The act expands the grant program to provide grants to adult education providers that enter into an education attainment partnership with elementary and secondary education providers or higher education providers to assist adults in attaining basic literacy and numeracy skills that lead to additional skill acquisition and may lead to postsecondary credentials and employment and that assist adults in providing academic support to their own children or to children for whom they provide care. The act allows the state board of education, in awarding grants, to give preference to adult education programs that serve populations that are underserved by federal funding.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

S.B. 20-14 School attendance policy - excused absences - behavioral health concerns. The act requires school districts to revise the school district's attendance policy to include excused absences for behavioral health concerns.

APPROVED by Governor March 23, 2020

EFFECTIVE March 23, 2020

S.B. 20-23 School safety working group - creation - duties. The act creates the Colorado interagency working group on school safety. The working group consists of 14 voting members. The mission of the working group is to enhance school safety through the cost-effective use of public resources. The working group shall:

- Study and implement recommendations of the state auditor's report regarding school safety released in September 2019;
- Consider program organization and recommend reorganization if necessary;
- Identify shared metrics to examine program effectiveness;
- Facilitate interagency coordination and communication;
- Increase transparency and accessibility of state grants and resources, particularly for school districts without a grant writer, which includes improving outreach and may include developing common grant applications;
- Facilitate and address data sharing, including allowable data sharing at the local level, when appropriate and allowable under state and federal law; and
- Address school safety program challenges in a coordinated way.

The working group may contract with a consultant to optimize the alignment and effectiveness of the school safety efforts in Colorado and identify evidence-based best practices. The general assembly may appropriate money to the working group for a

consultant, and the working group can accept gifts, grants, and donations. The working group only meets if the department of public safety identifies sufficient funding to cover the costs associated with the working group.

The act repeals the working group on September 1, 2022, but the department of regulatory agencies shall review the working group prior to its repeal.

APPROVED by Governor July 7, 2020

EFFECTIVE July 7, 2020

S.B. 20-81 Colorado state apprenticeship resource directory - contact information - designated apprenticeship training program contact. The act requires the department of labor and employment to collaborate with the department of education to include in the Colorado state apprenticeship resource directory the name and contact information for at least one designated apprenticeship training program contact for every public high school and school district.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-124 Capital construction - consultation with local electric utility. Under current law, the public school capital construction assistance board establishes guidelines for considering applications for money from the public school capital construction assistance fund. The act adds to the considerations in the guidelines consulting with the local electric utility on energy efficiency, beneficial electrification, and renewable distributed generation opportunities.

APPROVED by Governor July 2, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-175 Student transcript - assessment score prohibited. The act prohibits a student's assessment score from being indicated on the student's high school transcript.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

S.B. 20-185 Colorado imagination library program - age-appropriate, high-quality books for children. The act requires, subject to available appropriations, the state librarian in the department of education (department) to contract with a Colorado nonprofit organization (contractor) for the creation and operation of the Colorado imagination library program (program). The contractor shall manage the daily operations of the program, including but not limited to:

- Establishing county-based affiliate programs in all Colorado counties and city and counties;
- Advancing and strengthening the affiliate programs to ensure enrollment growth;
- Developing, promoting, and coordinating a public awareness campaign to make donors aware of the opportunity to donate to the affiliate program and make the public aware of the opportunity to register eligible children to receive books through the program; and
- Contracting with a national nonprofit foundation that exists for the sole purpose of working with local entities to identify eligible children and mail age-appropriate, high-quality books each month to those children at no cost to families.

The act requires the contractor to submit a report to the department which shall then submit the report to the general assembly on the total number of eligible children in each county or city and county in Colorado and how many eligible children are enrolled in the program in each county or city and county.

The act allows the department to seek, accept, and expend gifts, grants, or donations from private or public sources for the creation and maintenance of the imagination library.

APPROVED by Governor July 10, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1032 Board of education - education standards review. The act requires the state board of education (state board) to stagger the review and revision of the preschool through elementary and secondary education standards as follows:

- On or before July 1, 2022, and on or before July 1 every 6 years thereafter, the state board shall review and revise approximately 1/3 of the preschool through elementary and secondary education standards;
- On or before July 1, 2024, and on or before July 1 every 6 years thereafter, the state board shall review and revise approximately 1/3 of the preschool through elementary and secondary education standards; and
- On or before July 1, 2026, and on or before July 1 every 6 years thereafter, the state board shall review and revise the remaining approximately 1/3 of the preschool through elementary and secondary education standards.

The state board shall ensure that all preschool through elementary and secondary education standards are reviewed one time every 6 years.

APPROVED by Governor July 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1062 Free speech - student publications. The act clarifies that the term "student publication" can mean a publication in written, broadcast, or online format. A student advisor may encourage expression consistent with high standards of English and journalism.

The act also adds a provision to protect public school employees from any form of retaliation resulting solely from the employee's actions to protect a student's rights of free expression or refusing to infringe on student conduct that is protected by the Colorado student free expression law or by the first amendment to the United States constitution.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1127 Boards of cooperative services - special service providers - employment after service retirement - public employees' retirement association. A service retiree of any division of the public employees' retirement association (PERA) is allowed to work for a PERA employer for limited periods and to receive a salary without reduction in benefits under certain circumstances. Boards of cooperative services (BOCES) provide special education services to the school districts they serve. Almost all of these school districts are in rural parts of the state and it is difficult for BOCES to find qualified people to serve as special service providers in these areas. BOCES could address this issue by hiring service retirees, but PERA's employment-after-retirement provisions, including the limitation on the number of days in a calendar year that a service retiree may work for a PERA employer without a reduction in benefits, make it difficult to do so.

The act modifies the PERA employment-after-retirement provisions for certain retirees hired by a BOCES if:

- The BOCES hires the service retiree to provide services in 2 or more rural school districts as determined by the department of education based on the geographic size of the school district and the distance of the school district from the nearest large, urbanized area;
- The BOCES hires the service retiree for the purpose of providing special services to students enrolled by the districts served by the BOCES; and
- The BOCES determines that there is a critical shortage of special service providers and that the service retiree has specific experience, skills, or qualifications that would benefit the districts that the BOCES serves.

A service retiree who is a special service provider and who is hired by a BOCES may receive salary without a reduction in benefits for any length of employment in a calendar year if the service retiree has not worked for any PERA employer during the month of the effective date of retirement. The act requires a BOCES that hires the service retiree to provide full payment of all PERA employer contributions, disbursements, and working retiree contributions. In addition, the BOCES is required to pay an additional amount equal to 2% of the retiree's salary to PERA.

A service retiree may not receive salary without reduction in benefits and without

limitation in a calendar year for more than 5 consecutive years, and all BOCES combined are prohibited from hiring more than a total of 40 people over 5 years pursuant to the extension in PERA's employment-after-retirement limitations.

PERA is required to submit a report to the general assembly regarding specified aspects of the extension of PERA's employment-after-retirement limitations.

APPROVED by Governor July 13, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1128 Educator professional development requirement - special education laws and practices - teacher preparation programs - requirement to teach special education laws and practices. For renewal of an educator license, the act requires teachers, special services providers, principals, and administrators to complete 10 clock hours of the professional development required during the term of the license relating to increasing awareness of laws and practices relating to the education of students with disabilities in the classroom, including educating students with behavioral concerns or behavioral disabilities. The laws and practices include but are not limited to child find and inclusive learning environments. A licensee who has less than 3 years left in the license renewal period on June 30, 2020, has until the end of the next license renewal period to complete the professional development content requirement and may use classes and activities completed during a 5-year look-back period to comply with the content requirement. Nothing in the act prevents the licensee from applying a single professional development course to one or more content or hour requirements established in law.

The act also requires each educator preparation program, alternative teacher program, and alternative principal preparation program to include course work that provides educator candidates or alternative teachers or principals with an overview of federal laws relating to the education of students with disabilities, individualized education programs, and child find and that teaches educators effective special education classroom practices, including but not limited to inclusive learning environments.

APPROVED by Governor March 24, 2020

EFFECTIVE March 24, 2020

H.B. 20-1135 State assessments - high school - social studies. The act removes the requirement that a state assessment in social studies be administered to high school students.

APPROVED by Governor July 13, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1260 Public school finance - mid-year adjustment of appropriations. The general assembly recognizes that the actual funded pupil count and the actual at-risk pupil count for

the 2019-20 budget year are higher than anticipated when the appropriation amount was established during the 2019 legislative session, resulting in an increase in total program for the 2019-20 budget year. In addition, specific ownership tax revenue was less than anticipated, but local property tax revenue was more than anticipated, resulting in a net increase in the local share of total program funding. The increase in the local share of total program funding offsets a portion of the increase in total program.

The act declares the general assembly's intent to maintain the budget stabilization factor at the dollar amount of the original appropriation.

In addition, the total program amount set forth in statute was increased to reflect new provisions concerning funding for full-day kindergarten.

The act increases appropriations for the state share of total program.

APPROVED by Governor March 11, 2020

EFFECTIVE March 11, 2020

H.B. 20-1300 Local school food purchasing program. For the local school food purchasing program, the act:

- Makes technical changes to when a local education provider may apply to the program and when the department of education (department) selects providers;
- Requires the department to ensure geographic and district pupil size diversity among providers;
- Changes the limit for the number of lunches that all local education providers provided in the prior year to 10 million;
- Changes the reimbursement formula to \$0.05 for every meal that the local education provider provided in the previous year; and
- Specifies that if the department does not spend the full appropriation for the program, up to 5% of the appropriation is available to the department in the following year to pay for the required evaluation and report.

APPROVED by Governor March 27, 2020

EFFECTIVE March 27, 2020

H.B. 20-1301 School district board of education - school board meetings - electronic participation. The act expresses the general assembly's intent that school district board of education (board) members attending and participating in board meetings electronically be included in the number of members present and necessary to convene a meeting and that a board's policy authorizing electronic participation include a procedure for ensuring that electronically participating members have real-time access to materials presented at the meeting.

APPROVED by Governor March 18, 2020

EFFECTIVE March 18, 2020

H.B. 20-1312 Teacher licensure - renewal - requirements for behavioral health training and training related to educating students with disabilities. The act creates a requirement that of

the 90 hours of professional development training currently required for renewal of a teacher's license during the term of the teacher's license, at least 10 of those hours must include some form of behavioral health training that is culturally responsive and trauma- and evidence-informed and increases awareness of laws and practices relating to educating students with disabilities in the classroom, including child find and inclusive learning environments. The 10 clock hours may be obtained by any combination of related courses, so long as at least 1 of the 10 clock hours is related to behavioral health training and at least 1 of the 10 clock hours is related to educating students with disabilities in the classroom.

The act requires teacher preparation programs to include in program graduation requirements that each teacher candidate in an initial educator licensure program complete at least 1 semester- or quarter-length course in behavioral health training that is culturally responsive and trauma- and evidence-informed.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

H.B. 20-1336 Holocaust and genocide studies - content standards - resource bank. The act requires the state board to adopt standards related to Holocaust and genocide studies on or before July 1, 2021. The adoption of standards is conditional on the receipt of gifts, grants, or donations.

The act requires each school district board of education and charter school to incorporate the standards on Holocaust and genocide studies adopted by the state board into an existing course that is currently a condition of high school graduation for school years beginning on or after July 1, 2023, if the standards are adopted by the state board on or before July 1, 2023.

The act requires the department of education to create and maintain a publicly available resource bank of materials pertaining to Holocaust and genocide courses and programs, which must be available for access by public schools no later than July 1, 2021.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

H.B. 20-1407 Higher education - admission standards - first-time freshman students - national assessment test score optional. The governing board of an institution of higher education may, but is not required to, require a national assessment test score as an eligibility criterion for admission for first-time freshman students who graduate from high school in 2021.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

H.B. 20-1418 School finance act total program funding - school budget procedures - repeal of required appropriations and reductions in appropriations for certain education grant programs- repeal and delay of certain education programs - treasurer transfers from certain cash funds to the general fund and other funds - reset of total program mill levy - READ Act allocation of per-pupil intervention money - kindergarten part-time student count - 1st grade

student funding - commissioner stakeholder group concerning assessments, accountability, and educator evaluations - commissioner audit payments - suspend calculation of performance indicators and accreditation - extend time for nonrenewal of probationary teachers - sweep of income from state public school lands - appropriations. Section 2 of the act increases the statewide base per pupil funding for the 2020-21 budget year by \$132.08 to account for inflation of 1.9% for a new statewide base per pupil funding of \$7,083.61. In addition, it sets the minimum statewide district total program funding amount for the 2020-21 budget at \$7,230,448,891 and removes the requirement for the dollar amount of the budget stabilization factor to remain the same as during the 2019-20 budget year.

Section 3 makes changes to budget procedures for school districts, charter schools, and local college districts for the 2020-21 fiscal year. Under current law, a proposed school district budget must be submitted to the local board of education 30 days prior to July 1, the beginning of the budget year. The act requires the proposed budget to be submitted on or before June 25, 2020. Further, the act requires publication of the notice not later than June 25, 2020. Notice of the budget shall be posted for at least 2 business days.

Sections 4 and 5 repeal the required statutory appropriations of \$250,000 for the 2020-21 budget year for both the school counselor corps grant program to assist students and families with completing state and federal financial aid forms and the computer science education grant program to increase enrollment or participation of traditionally underrepresented students in computer science education.

Sections 6 and 7:

- Reduce the state fiscal year (FY) 2020-21 appropriation from the public school capital construction assistance fund (assistance fund) for "Building Excellent Schools Today Act" program cash grants for public school capital construction from \$160 million to \$60 million;
- Transfer \$100 million from the assistance fund to the state public school fund on July 1, 2020; and
- For FY 2020-21, divert revenue above the first \$40 million received from the state retail marijuana excise tax from the assistance fund to the state public school fund.

Sections 8 through 12 suspend the implementation of the K-5 social and emotional health pilot program and make conforming changes to the dates for selecting pilot program participants, the pilot program coordinator, maintenance of effort requirements for the pilot districts, and the initial and final pilot program evaluations. The department of education (department) shall implement the pilot program subject to available appropriations or gifts, grants, or donations for the 3-year term of the pilot program. Further, the general assembly is not required to appropriate money for the pilot program for the 2020-21 state fiscal year but authorizes the general assembly to appropriate marijuana tax cash fund money for the pilot program in the future. The department may accept and expend gifts, grants, or donations for the pilot program. The repeal date of the program is extended by 10 years to allow for future implementation of the pilot program.

Sections 13 through 17 repeal the grow your own educator program.

Section 18 repeals the advanced placement incentives pilot program on July 1, 2020, instead of July 1, 2021.

Sections 19 and 20 require the state treasurer to transfer to the state education fund on July 1, 2020, \$3.5 million from the early literacy fund and \$11,831 from the Colorado teacher of the year fund.

Sections 21 through 23 repeal the school cardiopulmonary resuscitation and automated external defibrillator training fund and the closing the achievement gap cash fund, which are inactive; requires the state treasurer to transfer all unexpended and unencumbered money in each of those funds to the state education fund; and makes conforming amendments.

Sections 24 through 27 require the state treasurer to transfer all unexpended and unencumbered money credited to each of the following funds to the state education fund:

- The great teachers and leaders fund on July 1, 2020;
- The nonpublic school fingerprint fund, as it existed prior to its repeal in 2006, on July 1, 2020;
- The student re-engagement grant program fund, as it existed prior to its repeal in 2019, on July 1, 2020;
- The retaining teachers fund on July 1, 2020; and
- The full-day kindergarten facility capital construction fund on June 30, 2020.

Section 28 requires the state treasurer to transfer any unexpended and unencumbered principal of the high-cost special education trust fund to the state public school fund on July 1, 2020.

Section 29 transfers \$2.5 million from the marijuana tax cash fund to the state public school fund on July 1, 2020.

Sections 30 through 32 delay certain provisions of the local school food purchasing program by one year, including delaying the start of reimbursements to October 2021; the first report to on or before December 1, 2022; and the repeal of the program to January 1, 2024.

Sections 33 through 38 reset the total program mill levy for the 2020 property tax year for each school district as follows:

- If the school district has obtained voter approval to keep revenue that exceeds the constitutional limit, the lesser of: 27 mills; the number of mills necessary to fully fund the school district's total program; or the number of mills the school district would have levied in the preceding property tax year but for unauthorized reductions in the school district's mill levy after the school district received voter approval to retain excess revenue; or
- If the school district has not obtained voter approval to keep revenue that exceeds the constitutional limit, the lesser of: 27 mills; the number of mills levied in the preceding property tax year; or the number of mills that generates an amount of revenue that does not exceed the constitutional limit.

For the 2021 property tax year and each property tax year thereafter, each school district must levy the lesser of: 27 mills; the number of mills levied in the preceding property tax year; the number of mills necessary to fully fund the school district's total program; or if the school district has not obtained voter approval to keep revenue that exceeds the constitutional limit, the number of mills that generates an amount of revenue that does not exceed the constitutional limit.

In a property tax year in which a school district is required to levy more mills than it levied for the 2019 property tax year, the school district board of education must approve a tax credit in the amount of the increase in the number of mills. The amount of revenue attributable to the number of mills for which there is a tax credit is not included in calculating the school district's state share.

Section 39 increases the maximum total annual amount of lease payments from \$110 million to \$125 million for FY 2020-21 and for each state fiscal year thereafter for lease-purchase agreements entered into by the state for public school facility capital construction projects under the "Building Excellent Schools Today Act".

Section 40 requires the department, for the 2020-21 budget year only, to use student enrollment numbers for the 2018-19 budget year in calculating a local education provider's per-pupil intervention money under the READ Act.

Section 41 clarifies that students enrolled part-time in a kindergarten program are counted for school formula funding as 0.58 of a full-day pupil.

Section 42 authorizes 5-year-old first graders to receive full school finance formula funding.

Section 43 requires the commissioner of education (commissioner) to convene education stakeholders to review the impact of the cancellation of assessments, accountability, accreditation, and educator evaluations for the 2019-20 school year and whether future modifications are needed for the accountability, accreditation, and educator evaluation systems as a result of, and in response to, the COVID-19 pandemic and possible further disruptions.

Section 44 authorizes the commissioner to expend appropriations to correct the underpayment of state funding to a school district, board of cooperative services, the state charter school institute, or to a group care facility or home due to errors in information certified to the department of education for the determination of state funding.

Sections 45 through 47 remove the requirement that the department determine the level of attainment on performance indicators achieved by each public school, each school district, the state charter school institute, and the state as a whole for the 2019-20 school year. In addition, the department shall not assign accreditation ratings for school districts or the state charter school institute, and shall not recommend improvement plans for public schools, for the 2020-21 school year. A school district, the state charter school institute, and schools shall continue to implement the plan type that was assigned for the 2019-20 school year.

Section 48 extends the June 1 deadline for written notice of contract nonrenewal to

June 26, 2020, for probationary teachers employed by a school district on a full-time basis during the 2019-20 school year, so long as the recommendation for contract nonrenewal is for reasons relating to budgetary shortfalls.

Section 49 sweeps the revenue received by the state for the 2020-21 state fiscal year for natural resources purchased or extracted from state lands and the use of state lands that would otherwise go into the permanent school fund and instead places the revenue in the state public school fund for use for school finance.

The act includes the following in reductions in appropriations to the department of education (department) in the 2020-21 long bill:

- \$15,000,000 decrease in the appropriation from the public school capital construction assistance fund to provide additional spending authority for lease payments (section 50);
- Decreases in general fund appropriations by (section 51):
 - \$675,255 and 0.4 FTE for local school food purchasing programs;
 - \$250,000 for the counselor corps grant program;
 - \$250,000 for computer science education grants;
 - \$22,933 and 0.3 FTE for the grow your own education program;
- \$100,000,000 decrease in the appropriation from the public school capital construction assistance fund for cash grants (section 51);
- \$2,500,000 decrease in the appropriation from the marijuana tax cash fund, and 1.0 FTE, for the K-5 social and emotional health program (section 51);
- \$2,500,000 decrease in the appropriation from the retaining teachers fund, and 1.0 FTE, for the retaining teachers grant program (section 50);
- \$262,763 decrease in the appropriation from the state education fund, and 0.3 FTE, for the advanced placement incentives pilot program (section 51); and
- \$721,579,451 decrease in the appropriation from the general fund (section 52) for the state share of districts' total program funding.

Section 53 authorizes the use of up to \$3,655,000 of appropriations to the department for ASCENT program funding for an estimated 500 pupils at a cost of \$7,330 per pupil.

Section 54 appropriates \$2,200,000 from the state public school fund to the department for audit recoveries and payments relating to school finance.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

EDUCATION - POSTSECONDARY

S.B. 20-6 Colorado opportunity scholarship initiative - administration of program. The act amends provisions relating to the Colorado opportunity scholarship initiative (COSI), including:

- Removing the definition of "tuition assistance" and replacing it with a definition for "financial assistance", which is tied to cost of attendance, and making amendments throughout to reflect the changed terms;
- Removing the statutory restriction that not more than 10% of money in the COSI fund in any fiscal year may be awarded to state agencies and nonprofit organizations for student success and support services and for other services, and the requirement that a certain percentage of the money awarded for student success and support services and for other services be awarded to nongovernmental entities;
- Changing the current provision that, to the extent practicable, scholarships must be equally distributed between students who are eligible for federal PELL grants and students within a certain range of income. Instead, the act requires scholarships to be equitably distributed between students with an expected family contribution, as defined in the act, of less than 100% of the annual federal PELL grant award and students with an expected family contribution between 100% and 250% of the annual federal PELL grant award.
- Removing references to obsolete reports and requirements.

The act amends provisions relating to the payment of administrative expenses by authorizing the department of higher education to spend from the COSI fund an amount equal to not more than 7.5% of total expenditures from the fund for the prior fiscal year unless the general assembly modifies the percentage in the annual budget act.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-95 Concurrent enrollment - information for middle school students. Starting in the 2021-22 fiscal year, the community college system must work with school districts, boards of cooperative services, the Colorado school for the deaf and the blind, and charter schools to provide information to the parents of students enrolled in grades 6 through 8 concerning concurrent enrollment opportunities available in grades 9 through 12. The community college system may start creating and disseminating the information in the 2020-21 fiscal year if it determines it can do so within existing resources.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

S.B. 20-123 Compensation and representation of student athletes - use of name, image, and likeness. The act states that, effective January 1, 2023, except as may be required by an athletic association, conference, or other group or organization with authority over

intercollegiate athletics (association), including the National Collegiate Athletic Association, an institution of higher education (institution) shall not uphold any rule, requirement, standard, or other limitation that prevents a student athlete of the institution from earning compensation from the use of the student athlete's name, image, or likeness (compensation). A student athlete's earning of compensation may not affect the student's scholarship eligibility. An association shall neither prevent a student athlete from earning compensation nor prevent an institution from participating in intercollegiate athletics because a student athlete receives compensation. Neither an institution nor an association shall:

- Provide compensation to a current or prospective student athlete;
- Provide remuneration to a prospective student athlete for the prospective student athlete's athletic performance or potential athletic performance; or
- Prevent a student athlete from obtaining professional representation in relation to contracts or legal matters, including representation provided by athlete advisors and legal representation provided by attorneys.

A student athlete shall not enter into a contract providing compensation to the student athlete (athlete contract) if the athlete contract conflicts with a contract of the team for which the student athlete competes (team contract). A team contract that is entered into, modified, or renewed on or after January 1, 2023, may not prevent a student athlete from using the student athlete's name, image, or likeness for a commercial purpose when the student athlete is not engaged in official team activities. A student athlete who enters into an athlete contract shall disclose the athlete contract to the athletic director of the institution within 72 hours after the student athlete enters into the athlete contract.

A student athlete who is aggrieved by an act taken in violation of the act may bring an action for injunctive relief.

APPROVED by Governor March 20, 2020

EFFECTIVE January 1, 2023

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-158 Educator preparation programs - loan forgiveness - stipends - review and approval. The act makes changes to the assistance programs that are designed to increase the number of educators within the state, especially in rural school districts, by:

- Expanding the educator loan forgiveness program by making it available to individuals who graduate from any preparation program that leads to educator licensure and removing the limitation of no more than 100 new participants per year;
- Clarifying that a stipend provided to teacher candidates in rural areas does not constitute student financial assistance;
- Clarifying that a teaching fellow may choose to have a teaching fellowship program stipend awarded as student financial assistance or wages for employment;
- Authorizing stipends for teachers employed by a rural school, rural school district, or rural board of cooperative services who seek additional license

- endorsements or a master's degree to meet a faculty need; and
- Specifying percentages for allocating funding among various programs that provide stipends for teacher candidates, teachers completing alternative licensing programs, and teachers in rural school districts.

The act amends the program requirements that the department of higher education and the Colorado commission on higher education (commission) must review when approving educator preparation programs (programs). With the passage of the act, after reviewing a program, the commission, in addition to approving the program, placing the program on probation status, or terminating the program, may grant the program conditional approval. The commission must adopt policies regarding how long a program may remain on conditional approval or probation and how a program is moved from one approval level to another. A program that receives conditional approval may continue accepting new students, but a program on probationary status cannot accept new students.

After reviewing the content of a program to ensure the content prepares teachers to meet the teacher quality standards and qualify for licensure, the state board of education (state board) may now recommend that the program be placed on conditional approval or probation. The commission must work with the state board in determining the status of educator preparation programs.

The act requires the department of higher education, by October 1, 2020, to post information on the department's website describing the various programs and pathways in Colorado that lead to teacher licensure.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1002 Department of higher education - college credit for work experience. The act requires the department of higher education to conduct a study concerning awarding academic credit for prior learning within all state institutions of higher education (institutions).

An existing council charged with examining general education courses shall implement a plan for determining and awarding academic credit for postsecondary education based on work-related experience. The plan must not be created, adopted, or implemented unless sufficient money is available from gifts, grants, or donations to cover the costs of creating, adopting, and implementing a plan.

Beginning in the 2022-23 academic year, unless a plan is implemented prior to then, institutions shall accept and transfer academic credit awarded for work-related experience as courses with guaranteed-transfer designation or part of a statewide degree transfer agreement.

Beginning March 1, 2024, and each year thereafter, the council shall report to the education committees of the senate and house of representatives, or any successor committees, regarding the implementation of the credit for work-related experience plan.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

H.B. 20-1067 State board for community colleges and occupational education - transfer Rangely and Craig campuses of Colorado Northwestern Community College. Current law includes ambiguities regarding the existence and powers of the Moffat County Affiliated Junior College District (MCAJCD) and the Rangely Junior College District (RJCD). The statutes do not allow the ownership or transfer of certain real estate held by the MCAJCD and the RJCD. Prior statutes that granted the MCAJCD and the RJCD broad authority, including the authority to own and convey real estate, were inadvertently repealed in 2009.

The act allows the MCAJCD to hold and sell its current real estate holdings, provided:

- The sale is for fair market value as determined by an independent appraiser; and
- The proceeds are used for the benefit of the Colorado Northwestern Community College (CNCC).

The act authorizes the transfer of the Rangely and Craig campuses of CNCC to the state board for community colleges and occupational education consistent with the original plan and statutory authority of the RJCD and the MCAJCD prior to the inadvertent repeal of statutes.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1108 Fort Lewis college - board of trustees. The act adds 2 voting members to the board of trustees of Fort Lewis college. Of the 9 voting members of the board:

- No more than 5 members may be from one political party;
- At least one member must be an enrolled member of a federally recognized Native American tribe; and
- At least 2 members must reside in Archuleta, Dolores, La Plata, Montezuma, or San Juan county, or on the Ute Mountain Ute or Southern Ute reservation.

APPROVED by Governor March 24, 2020

EFFECTIVE March 24, 2020

H.B. 20-1275 Community college - in-state tuition status - active military and veteran families. The act allows an active member of the armed forces of the United States or a veteran of the armed forces of the United States, or a dependent of the member or veteran, to be eligible for in-state tuition status at a community college, regardless of whether the person satisfies Colorado domicile or residency status.

APPROVED by Governor March 27, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1280 Data collection authority - return on investment metrics. The act authorizes the department of higher education to collect the data necessary to calculate return on investment metrics for certain higher education institutions not currently covered in the department's annual return on investment report. The department may include the information collected in its annual return on investment report.

APPROVED by Governor March 27, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1366 Higher education funding allocation model - fee-for-service contracts components - budget request process. The act makes revisions to the higher education funding provisions creating a new higher education funding allocation model (new funding model).

The new funding model begins in the 2021-22 state fiscal year and includes new provisions for calculating fee-for-service contracts for institutions and makes related changes to the calculation of state funding to support specialty education programs, area technical colleges, and local district colleges. Under the new funding model, fee-for-service contracts for institutions are based on 3 components: Ongoing additional funding, performance funding, and temporary additional funding. The Colorado commission on higher education (commission), in conjunction with the department of higher education (department) and in collaboration with the institutions, shall calculate and make funding recommendations to the joint budget committee for these components as part of the annual budget request process.

Ongoing additional funding is base building and may be awarded to an institution to make progress toward the commission's master plan goals, which may include addressing base funding disparities or funding priorities not addressed through performance funding metrics. An institution may also receive ongoing additional funding through a formula set forth in the act to recognize an institution's additional costs associated with educating and providing services to first-generation undergraduate students.

Performance funding is calculated based on an institution's change over time in performance on each performance funding metric compared to other institutions' change in performance and adjusted based on each institution's share of funding in the previous state fiscal year. The performance funding metrics include:

- Resident student full-time equivalent enrollment;
- Credential completion;
- Resident Pell-eligible student population share;
- Resident underrepresented minority student population share;
- Retention rate;
- One-hundred-percent-of-time graduation rate;
- One-hundred-fifty-percent-of-time graduation rate; and
- Resident first-generation undergraduate student population share.

The joint budget committee determines the amount of funding allocated to each performance funding metric for a fiscal year after considering recommendations from the commission and department that are developed in collaboration with the institutions.

Finally, temporary additional funding, which is not base building, may be awarded to an institution for a specified period of time to address commission master plan goals or other areas the commission identifies.

Under current law and the new model, minimum funding for specialty education programs, local district colleges, and area technical colleges is based on their previous year's funding, increased or decreased by the average percentage change in state funding for all institutions (percentage change). However, the act modifies how the percentage change is calculated so that it does not include amounts awarded to institutions for ongoing additional funding or temporary additional funding in the applicable state fiscal year.

The act requires the annual budget request that the commission and the department submit relating to the new funding model to include detailed information and funding recommendations. The act also requires the commission, in conjunction with the department and in collaboration with the institutions, to identify and make recommendations to the joint budget committee by July 1, 2022, concerning ways to better measure success for students who are not first-time, full-time students. This may include a recommendation for a statutory change to the calculation of one of the graduation rate performance funding metrics.

The act repeals fiscal limits, reporting requirements, and budget provisions that do not apply to the new funding model.

The act amends statutory references to reflect the creation of a new higher education funding model.

APPROVED by Governor June 29, 2020

PORTIONS EFFECTIVE June 29, 2020
PORTIONS EFFECTIVE July 1, 2021

ELECTIONS

H.B. 20-1010 Population for redistricting - adjustment of prisoners - report. For purposes of the census, the federal census bureau counts prisoners in the correctional facility in which they were housed as of April 1 of the year in which the census was taken. For redistricting purposes, the act reassigns those persons to their last known residence in Colorado prior to incarceration. If the last known residence is outside of Colorado or the last known residence is unknown, the prisoners are counted for purposes of redistricting at the correctional facility.

The act requires the department of corrections (department) to begin collecting and maintaining specified information on inmates to be able to provide that information following a federal census. It directs the department to report the information to the legislative council staff and the office of legislative legal services (nonpartisan staff) and directs nonpartisan staff to develop a database of population to be used in redistricting of congressional, state senate, and state house of representatives districts.

APPROVED by Governor March 20, 2020

EFFECTIVE March 20, 2020

H.B. 20-1132 County expenses - reimbursement. The act expands the types of election equipment and supplies for which counties can be reimbursed from the local elections assistance cash fund. Counties can also be reimbursed for the incremental increase in costs to lease that equipment, in addition to purchases of equipment that are currently eligible for reimbursement.

APPROVED by Governor March 4, 2020

EFFECTIVE March 4, 2020

H.B. 20-1156 Municipal election code - Uniformed and Overseas Citizens Absentee Voting Act - mail ballots - nomination petitions - withdrawal from candidacy. The "Colorado Municipal Election Code of 1965" (code) specifies procedures that municipal clerks are required to use when mailing ballots to voters who are covered by the federal "Uniformed and Overseas Citizens Absentee Voting Act" (UOCAVA). The code specifies that standard voting materials for the purposes of UOCAVA include a declaration prescribed to accompany a federal absentee write-in ballot; however, the municipal clerks are unable to use that declaration. The act repeals this requirement. The code also specifies that, to be valid, an active military or overseas voter must complete a signed affirmation required by federal law. The act specifies the language required to be included in the affirmation.

The code currently requires all paper ballots, including mail ballots, to include a ballot stub and a duplicate stub on the top portion of the ballot. This requirement is unnecessary for mail ballots, as municipalities have other ballot verification methods. The act specifies that mail ballots are not required to include a stub and a duplicate stub.

The act also amends several provisions in the code regarding mail ballot elections to be consistent with other general provisions in the code regarding municipal elections. Specifically:

- The provision in the code that requires nomination petitions in mail ballot elections to be corrected no later than 66 days before the election is amended to be consistent with the general provision that specifies such petitions must be amended prior to 63 days before the election;
- The provision in the code that requires a withdrawal affidavit for a mail ballot election to be filed by the close of business on the 63rd day prior to the election is amended to be consistent with the general provision that specifies such withdrawals must occur prior to 63 days before the election; and
- The wording of the self-affirmation that is required to appear on the envelope for a mail ballot is amended to be consistent with the wording of the self-affirmation that is required to appear on the envelope for an absentee ballot.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1289 Alignment of certain eligibility deadlines affecting precinct caucuses. The act clarifies that any elector who has preregistered to vote, is 17 years of age on the date of a precinct caucus, and will be 18 years of age on the date of the next general election may either vote at any caucus, assembly, or convention or be elected as a delegate to any assembly or convention even though the elector has been affiliated with the political party for less than 22 days.

Under current law, no later than 21 days prior to the date of the precinct caucus, the county clerk and recorder is required to furnish, without charge to each major political party in the county, a list of the registered electors in the county who are affiliated with that political party. The act changes this deadline to 18 days prior to the date of the precinct caucus in a year in which a political party's precinct caucus is held on the first Saturday following the presidential primary election.

The act changes the period a candidate for precinct committeeperson must have been a resident of the precinct from 30 days to 22 days before the caucus. The act also changes the period during which such candidate must have been affiliated with the political party from 2 months to 22 days before the caucus. An exception to these requirements in current law specifies that any person who has attained the age of 18 years or who has become a naturalized citizen during the 2 months immediately preceding the precinct caucus may be a candidate for the office of precinct committeeperson even though the individual has been affiliated with the political party for less than 2 months. The act changes each of these 2-month deadlines to 22 days.

APPROVED by Governor March 3, 2020

EFFECTIVE March 3, 2020

H.B. 20-1313 Administration of ballots mailed to electors toward the end of the voting period. In connection with the existing requirement that the county clerk and recorder (clerk) must ensure that any eligible applicant is registered to vote in an election in specified

circumstances, the act adds a requirement that the applicant be mailed a ballot. The act specifies the following new procedures governing the administration of ballots mailed to an elector toward the end of the voting period:

- Commencing the 15th day before an election through the 8th day before an election, the act requires the clerk to process all voter registration applications and updates to a voter registration record that requires a new ballot to be sent to an elector within 2 business days of the receipt of the application or update by the county clerk.
- The act permits an eligible elector to obtain a replacement ballot if the ballot that was originally mailed to the elector was destroyed, spoiled, lost, or for some other reason not received by the elector. The act specifies the process by which the elector requests a replacement ballot.
- The act prohibits a clerk from mailing a replacement ballot to the elector making the request if the clerk has already received a ballot for the election from the elector making the request.
- The act requires the clerk to deliver any ballot that must be sent by mail to the United States postal service (USPS) within 2 business days after processing a registration application or update to a voter registration record that requires a new ballot to be sent to an elector.
- Commencing on the 8th day before an election, the county clerk and recorder must mail all mail ballots to the elector by first class mail.
- Commencing on the 8th day before an election, the clerk is required to deliver to the USPS any ballot that must be sent by mail within 2 business days after receiving a registration application or an update to a voter registration record that results in the issuance of an original or a replacement ballot to an elector.
- Any clerk who receives information from the USPS or any third party indicating that ballots have been lost, stolen, or will, for any reason, not be timely delivered to electors, must report the issue to the secretary of state.
- The act imposes a duty on any person responsible for preparing, issuing, transporting, or mailing ballots who has personal knowledge that mail ballots under that person's care have been either lost or stolen or will, for any reason, not be timely delivered to electors, to report the issue to the clerk. A violation results in a civil penalty not to exceed \$50. The reporting and penalty provisions of the act do not apply to election judges, staff of the clerk, or individual United States postal workers.

APPROVED by Governor July 10, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1359 Ballot access for candidates - caucuses and assemblies - deadlines - remote participation - vacancies. Various deadlines related to ballot access requirements for candidates are extended in 2020 due to public health concerns. Parties may amend their bylaws as needed during 2020 to allow remote participation in assemblies and conventions and to fill vacancies. Delegates to assemblies may participate remotely if allowed by the party, and parties may reduce or waive any quorum requirements to allow assemblies to

proceed. Members of vacancy committees may participate in meetings remotely if allowed by the party, and parties may determine whether to allow proxies at vacancy committee meetings. The ability of the state chair to fill a vacancy is extended to situations in which the vacancy occurs because the designation was not filled by the assembly or the vacancy committee. If a party has restrictions in its rules or bylaws concerning the timing of notice requirements for meetings of the state central committee or other meetings, the timing requirements may be waived so long as at least 3 days notice is given. If a designated election official is not able to receive candidate petitions due to public health concerns, the official may extend the deadline to file the petitions or designate an alternate filing location, or both. Signatures gathered after the original deadline are not valid. The modifications are repealed effective December 31, 2020.

APPROVED by Governor March 16, 2020

EFFECTIVE March 16, 2020

H.B. 20-1416 Fiscal information prepared by legislative council staff for an initiated measure - appropriation. Currently, the director of research of the legislative council (director) is required to prepare a fiscal impact statement for every initiative that is submitted to the title board. An abstract of this information is required to be included on a petition section that is circulated for signatures. The act modifies this process by:

- Requiring the director to prepare a fiscal summary that will appear on a petition section instead of an abstract;
- Specifying that the fiscal summary must include a description of the measure's fiscal impact, including a preliminary estimate of any change in state and local government revenues, expenditures, taxes, or fiscal liabilities if implemented;
- Requiring the director to provide the fiscal summary when a measure is submitted to the title board;
- Requiring the director to only prepare the fiscal impact statement, which will not include an abstract, for those initiated measures for which the secretary of state has approved a petition section; and
- Requiring the fiscal impact statement to be finished 14 days after the petition section was approved.

The act allows a proponent or registered elector to challenge a fiscal summary at a rehearing by the title board and the Colorado supreme court in the same manner as abstracts are challenged. The act requires the secretary of state to notify the director that a petition section for an initiative has been approved.

To implement the act, the general fund appropriation made in the annual legislative appropriation act for the 2020-21 state fiscal year to the legislative department for use by legislative council is decreased by \$7,865, and the corresponding FTE is decreased by 0.1 FTE.

APPROVED by Governor July 2, 2020

EFFECTIVE November 1, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

FINANCIAL INSTITUTIONS

S.B. 20-68 Credit unions - out-of-state branches permitted. A Colorado state credit union may open new branches in Colorado or in other states 30 days after providing written notice to the state commissioner of financial services. The state commissioner may enter into agreements with other state credit union regulators for the purposes of examination and supervision of out-of-state offices.

APPROVED by Governor June 29, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1217 Marijuana financial services cooperatives - continuation under sunset law - repeal. Current law authorizes the formation of marijuana financial services cooperatives under the regulation of the state commissioner of financial services. The act implements the recommendations of the department of regulatory agencies' sunset review of marijuana financial services cooperatives by repealing the authorizing law.

APPROVED by Governor March 27, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GENERAL ASSEMBLY

S.B. 20-34 Statutory revision committee - annual report. The act changes the date that the statutory revision committee is required to report its findings and recommendations to the general assembly from on or before November 15 of each year to on or before July 1 of each year.

APPROVED by Governor March 5, 2020

EFFECTIVE March 5, 2020

S.B. 20-39 Capital construction - dynamic accessibility signage in a state facilities. Instead of the international symbol of accessibility icon of a character in a wheelchair, any required accessibility signage in a facility must depict an accessible icon with a more dynamic character who leans forward in the wheelchair and who shows a sense of movement. This requirement applies to the construction, acquisition, or substantial renovation of any facility that contains 5,000 or more gross square feet, undertaken on and after the date the state architect obtains approval from the United States department of justice that, on a statewide basis, the accessible icon provides equal or greater access to persons with disabilities and is thus an equivalent facilitation under the federal "Americans with Disabilities Act of 1990". The state architect is required, with assistance from the Colorado advisory council for persons with disabilities, to seek this approval no later than January 1, 2021.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-136 Statutory revision committee. The act makes the following changes to the Colorado Revised Statutes, in accordance with the statutory charge of the statutory revision committee:

- Section 1 contains a nonstatutory legislative declaration reflecting the scope of the statutory revision committee as it applies to the bill;
- Sections 2-14 update incorrect references in statute related to the term "commitment", as used in the context of treatment and evaluation of mental health disorders, to the current language of "certification";
- Sections 15-19 repeal subsections in title 43 that reference obsolete provisions or actions that have already occurred and are no longer relevant, including deleting references to the terms "motorscooter" and "motorbicycle", which were removed from statute by H.B. 09-1026;
- Sections 20-28 conform and update obsolete federal references for the definition of a "federally qualified health center";
- Sections 29-32 update outdated references to the "Colorado tourism board" and replace them with the "Colorado tourism office" and repeal a reference to a one-time transfer to a now-defunct tourism promotion fund;
- Sections 33-38 repeal outdated and previously repealed references to the "pilot alternate protest procedure" in title 39;
- Sections 39-54 update, repeal, or correct miscellaneous references to

- programs, funds, boards or commissions, terminology, or other provisions in statute that conflict with current law;
- Sections 55-57 update references to the term "regional accountable entity" to the current language of "managed care entity; and
- Sections 58-60 repeal subsections in title 33 that reference obsolete or conflicting provisions or actions that have already occurred and are no longer relevant.

APPROVED by Governor March 23, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-186 Redistricting - new commissions - requirements - total population - accounts - nonpartisan staff. Section 1 of the act repeals the existing statutory criteria for congressional districts.

Sections 2 to 13 of the act establish statutory provisions concerning congressional districts established by the new independent congressional redistricting commission (congressional commission) and update the existing statutory provisions related to the independent legislative redistricting commission (legislative commission), including:

- Stating the general assembly's intent that the congressional commission and legislative commission (commissions) apply the correct federal citation to the "Voting Rights Act of 1965" rather than the incorrect citation contained in the Colorado constitution;
- Requiring the legislative commission to designate which year an election for each senate district takes place and to specify from which district a new senator is elected when there is a vacancy in a senatorial district;
- Requiring the commissions to provide maps of the proposed and final congressional and legislative districts to county clerks, the Colorado supreme court, and the secretary of state;
- Requiring boards of county commissioners to approve new precinct boundaries and to notify the secretary of state and major party chairs of the new precinct boundaries;
- Specifying how the secretary of state may correct a redistricting plan if an approved plan fails to include property in any district, includes property in more than one district, or splits a residential parcel;
- Specifying that the boundaries of a district approved in a redistricting plan do not change if there is a change in a county or municipal boundary; and
- Requiring the secretary of state to provide maps of districts to candidates.

Section 14 of the act requires the commissions to use the total population used by the federal census bureau in reapportioning the seats in congress as adjusted by nonpartisan staff to move certain prisoners from being counted in the prison.

Section 15 of the act creates separate accounts within the legislative department cash fund (cash fund) for each of the commissions and transfers money from the cash fund to each

of the commissions to pay for their work.

Sections 16 to 18 of the act make conforming amendments to update the statutes on the redistricting account in the legislative cash fund, the "Colorado Open Records Act", and duties of county commissioners to reflect the congressional and legislative commissions.

Sections 19 to 25 of the act contain nonstatutory provisions relating to the commissions as required by the state constitution, including:

- Appointing nonpartisan staff to assist the commissions;
- Directing staff to prepare forms for and review applications from persons interested in serving on the commissions and assisting the panels of retired justices and judges who appoint members of the commissions;
- Assembling the necessary hardware, software, and information necessary for the commissions and nonpartisan staff to redistrict congressional and legislative districts; and
- Establishing the necessary procedures for the judicial panels, commissions, and nonpartisan staff to receive a per diem and reimbursement of expenses.

APPROVED by Governor July 11, 2020

EFFECTIVE July 11, 2020

S.B. 20-209 Act subject to petition clause - application due to delayed adjournment of 2020 legislative session. The act specifies that for any act, item, section, or part of an act that is enacted by a bill with an act subject to petition clause during the second regular session of the seventy-second general assembly (2020 legislative session):

- The act, item, section, or part of the act takes effect at 12:01 a.m. on the day following the expiration of the 90-day period after adjournment sine die of the 2020 legislative session (September 14, 2020, because adjournment sine die was on June 15, 2020), unless a later date is otherwise specified in the act; and
- If a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against an act, item, section, or part of the act within the 90-day period after adjournment sine die of the 2020 legislative session, then the act, item, section, or part of the act will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

S.B. 20-214 Interim committees - suspension of activities in 2020 - reduction of general fund appropriation. For purposes of suspending legislative interim committee activities during the 2020 interim, the act:

- Prohibits the legislative council of the general assembly from prioritizing any requests for legislative interim committees, including task forces, for the 2020

- interim; and Prohibits meetings, field trips, and legislative recommendations and reports by, and suspends for one year certain reports required to be submitted to, existing legislative interim committees, including the Colorado youth advisory council review committee; wildfire matters review committee; statewide health care review committee; Colorado health insurance exchange oversight committee; pension review commission and pension review subcommittee; early childhood and school readiness legislative commission; water resources review committee; and transportation legislation review committee.

Additionally, the act removes the requirement that the early childhood and school readiness legislative commission meet at least 4 times each year and instead limits the commission to up to 4 meetings per year.

The act also reduces the state fiscal year 2020-21 general fund appropriation to the general assembly by \$100,867 to reflect the savings resulting from the suspension of interim committee activities in the 2020 interim.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

S.B. 20-220 Per diem - non-metro area members - freeze amount for FY2020-21. Currently, members of the general assembly who reside in the Denver metropolitan area are entitled to receive up to \$45 per legislative day for expenses incurred during the sessions of the general assembly. In lieu of this amount, members who do not reside in the Denver metropolitan area are entitled to an amount equal to 85% of the federal per diem rate for the city and county of Denver, which is \$219 for the 2019-2020 fiscal year. The act freezes the amount to be paid to members who do not reside in the Denver metropolitan area to this current amount for the 2020-2021 fiscal year.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1021 Youth advisory council - representatives - Southern Ute Indian Tribe and Ute Mountain Ute Tribe. The act adds 2 voting positions to the Colorado youth advisory council for representatives from the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe and reduces the number of at-large members from 5 to 3.

APPROVED by Governor February 26, 2020

EFFECTIVE February 26, 2020

H.B. 20-1082 State historical society - authority to sell vacant land - proceeds of sale to be used at museums statewide. The act grants the state historical society the authority to sell a vacant lot located in Georgetown, Colorado. The act specifies that the proceeds of the sale must be credited to the state museum cash fund to be used for capital outlay, capital construction, or controlled maintenance at museums statewide.

APPROVED by Governor June 19, 2020

EFFECTIVE June 19, 2020

H.B. 20-1423 State legislator base compensation increase - one-year delay. For the period commencing on the first day of the legislative session beginning in January of 2021, and ending on the day before the first day of the legislative session beginning in January of 2022, the act freezes the annual base compensation of members of the general assembly at \$40,242, which is the same amount as the annual base compensation for members of the general assembly whose terms commenced on the first day of the legislative session beginning in January of 2019.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

GOVERNMENT - COUNTY

S.B. 20-139 County loans to governmental entities - authorization. The act authorizes the board of county commissioners of a county (board), in consultation with the county treasurer, to make loans to a governmental entity that is created by or located within the county subject to the following requirements:

- The board must adopt underwriting standards that require each proposed loan to be analyzed with respect to risks, market rates, and loan terms before making any loans;
- Each loan must be analyzed using the underwriting standards;
- The source of a loan must be legally available money that is not otherwise encumbered or obligated, and the amount loaned must not cause the total outstanding principal balance of all such loans made to exceed 8% of the amount of such money available at the time the loan is made;
- A loan must have a specified repayment term;
- A loan recipient must pay the county interest on the loan at an initial rate that is equal to or greater than the rate of return earned on all county financial investments;
- A loan recipient must use loan proceeds for the sole purpose of funding public infrastructure projects within the county; and
- The board must make the loan by entering into an intergovernmental agreement with the loan recipient that establishes loan terms and conditions. Before entering into such an intergovernmental agreement:
 - The board must approve the public infrastructure project to be funded by the loan and the terms and conditions of the loan at a public board meeting; and
 - The board or the loan recipient must pursue private sector options for funding the public infrastructure project to be funded by the loan and report regarding the options pursued at the board meeting at which the board approves the loan.

APPROVED by Governor July 7, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1029 Elected officers - salary - allow officers to accept lower salary. The annual salary of an elected county officer (officer) is currently specified in statute. The act allows an officer in certain counties classified under specific salary categories to make an election to receive 50% of the amount specified in law. The officer may subsequently elect to increase or decrease his or her salary annually as long as it does not exceed the amount allowed in statute.

APPROVED by Governor July 7, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1077 Treasurer - authority and duties - modifications. The act modifies the authority and duties of the county treasurer (treasurer) of each county.

Treasurer's fees: The treasurer is required to charge and receive fees on all money received for town and city taxes. Current law also specifies that the fee for the collection of specific ownership taxes shall not be charged by the treasurer, as the fee is charged when the specific ownership tax is collected by the authorized agent. Section 1 of the act clarifies that the requirement to charge fees does not apply to the collection of specific ownership taxes.

In addition, section 1 makes the fees that the treasurer is required to charge for research consistent with the fees charged pursuant to the "Colorado Open Records Act", and sections 1 and 14 make the fee charged for issuing an authentication of paid ad valorem taxes and a transportable manufactured home permit discretionary.

Deputy treasurer: Current law authorizes a treasurer to appoint a deputy treasurer as necessary. Section 2 authorizes a treasurer to appoint a chief deputy and specifies that the chief deputy treasurer performs the duties of the treasurer if the treasurer is unable to perform such duties or if there is a vacancy in the treasurer's office.

Receipts: Each treasurer is required to issue a receipt upon payment of any money to him or her. Sections 3 and 11 specify that if a person who has paid taxes wants a receipt for payment of taxes, the person shall request a receipt and the treasurer is required to issue such receipt upon request.

Keeping a cash book: Current law requires each treasurer to keep a cash book with a record of every financial transaction in which the treasurer is involved. Section 4 repeals this requirement, as it is redundant to another statutory provision that requires each treasurer to keep a just and true account of the receipt and expenditure of all money that comes in or goes out of the treasurer's office.

Definition of treasurer: For county purposes, "treasurer" is defined as the elected treasurer of a county or his or her appointed successor. However, the Weld county treasurer is appointed pursuant to the county's charter rather than elected. Section 5 modifies the definition of treasurer to include the treasurer or equivalent officer, as provided in the county's charter, for any home rule county.

Conveyance of property: Current law specifies when the grantee or grantor of a conveyance of property will pay the taxes levied on the property if the conveyance does not include an express agreement regarding which party will pay the taxes due. Section 6 clarifies that this provision applies only when the property conveyed is not personal property, which is addressed in another provision of law. In addition, section 9 repeals obsolete language that required the treasurer to waive personal property tax obligations resulting from any conveyance, relocation, or change in tax status of the property that were not in the process of collection as of a certain date.

Notice of property tax exemption: By specified dates each year, each county assessor and treasurer is required to mail certain mailings or notices to each residential real property address in the county. Section 7 specifies that if the county assessor or treasurer has

reasonable certainty that such a notice will not be delivered to a residential real property address by the United States postal service, the county assessor and treasurer are not required to send the notice to that address.

Declarations: Current law allows the treasurer to assess and tax any taxable property located in the treasurer's county if the property was omitted from the county assessor's tax list and warrant. Current law also requires public utilities in the state and the operators or owners of oil and gas leaseholds in the state to file with the property tax administrator or the county assessor, respectively, certain statements regarding their property. The statements are confidential and are currently not available to the treasurers. The treasurer, however, may need access to these statements if property owned by the public utility or the oil and gas leaseholds are omitted from the tax list and warrant. Sections 8 and 10 specify that such statements filed with the property tax administrator and the county assessor are available to the treasurer.

Notice of school district mill levy: Current law requires each person whose name appears on the tax list and warrant to be informed in writing of specified information regarding the school district general fund mill levy. Section 12 modifies this provision to require the school district mill levy information be included on every tax notice.

Estimated payment of tax: Current statute does not authorize a treasurer to accept an early payment of tax. Section 13 allows a treasurer to accept an estimated prepayment of property taxes due for the current tax year prior to the treasurer's receipt of the tax warrant. Section 13 also gives the treasurer broad authority to establish the conditions and terms under which estimated prepayments will be accepted.

Tax liens on mobile homes: Current law specifies that a mobile home that is sold may be redeemed by the owner if certain criteria are satisfied. Section 15 modifies this provision to also allow the mobile home to be redeemed if it is stricken off to the county.

When a mobile home has been purchased by the county at a tax sale and the assessor has determined that the actual value of the mobile home is less than \$1,000, current law requires the treasurer to declare the mobile home condemned and to dispose of the mobile home at the end of the redemption period. Section 15 authorizes, rather than requires, the treasurer to condemn and dispose of the mobile home at the end of the redemption period.

Personal property tax moving from county: Pursuant to current law, if the treasurer has reason to believe that personal property will be removed from the state, the treasurer may proceed with collections. Current law also states that if the county assessor reports that the property is moving out of the county, the treasurer is required to proceed with the collections process. Section 16 makes the 2 provisions consistent by referencing property moving out of the county in both instances and by allowing the treasurer to determine whether to proceed with collections in both instances.

Abatement of taxes: Current law specifies that for abatements or refunds of taxes made pursuant to a petition for abatement or refund, interest accrues from the date a complete abatement petition is filed. Section 17 requires that beginning January 1, 2020, interest accrues from the date an abatement petition is filed or the date payment of taxes was received by the treasurer, whichever is later.

Certification of taxes due: Upon request, a treasurer is required to certify the amount of taxes due as shown in the records of the treasurer's office or the records of the department of revenue. Current law specifies that a certificate signed by the treasurer showing payment of all taxes due is conclusive evidence that the taxes have been paid, without distinguishing between taxes owed to the treasurer and taxes owed to the department of revenue. Section 18 specifies that a certificate signed by the treasurer is conclusive evidence that only the taxes owed to the county have been paid.

County held liens: Current law requires the treasurer, at least annually, to prepare and present to the board of county commissioners a list of all tax liens on all real property struck off to the county and all certificates of sale relating to the property if the certificates have been held by the county for 30 years or more without obtaining a deed or being otherwise disposed of. Section 19 changes this requirement to apply to certificates held by the county for 3 years to allow the board of county commissioners to take certain actions regarding the property at an earlier date.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1124 Fiscal procedures - disaster emergency - transfer of money - county general fund to county road and bridge fund. Current law allows a board of county commissioners to transfer money from the county general fund to the county road and bridge fund if the governor declares a disaster emergency in the applicable county. The transfers are allowed for 8 years following the date of the governor's declaration of a disaster in the county. The act clarifies that the 8 years begins the day after the date of the governor's final declaration of an emergency for the disaster, including all extensions to the declaration.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1281 Elected officers - salary - categorization by county. Current law categorizes each county for purposes of establishing the salaries of elected county officers in the county. The statutory salary amounts are adjusted every 2 years for inflation and take effect for terms commencing after any change is made. The act modifies the categories of 2 counties with the accompanying percentage decrease in salary as follows:

- Alamosa county changes from category III-A to category III-B (7.7% decrease); and
- Yuma county changes from category IV-B to category IV-C (8.3% decrease).

APPROVED by Governor June 26, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 20-1318 Plats - standards for recording and submitting. The act allows county clerk and recorders to receive and preserve original plats for recording in an electronic format.

The act also specifies the conditions for properly submitting plats to county clerk and recorders in both electronic and original formats.

APPROVED by Governor July 6, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - LOCAL

H.B. 20-1042 Firefighting foam - manufacturer notice requirement. House Bill 19-1279, concerning the use of perfluoroalkyl and polyfluoroalkyl substances, requires manufacturers of class B firefighting foam that contains intentionally added polyfluoroalkyl substances to notify, in writing, sellers of their products about the state's new regulations of these products "no less than one year prior to the effective date of section 25-5-1303", which is impossible because the notice requirements did not exist prior to the bill's effective date on August 2, 2019. The act addresses this error by modifying the effective date of the required notice to prior to August 2, 2020.

APPROVED by Governor March 24, 2020

EFFECTIVE March 24, 2020

H.B. 20-1044 Fire and police pensions - pension plans administered by the fire and police pension association - old hire plans - statewide defined benefit plan - death and disability plan. The act modifies various plans administered by the fire and police pension association (FPPA). The act modifies the state-assisted old hire pension plans as follows:

There are 26 state-assisted old hire police officers' and firefighters' pension plans with 5 or fewer retirees or beneficiaries who are still receiving benefits. Current law states that the amount of annual local government contributions to those plans is an amount that will amortize the unfunded liabilities of the plan over a period not to exceed 20 years or the average remaining life expectancy of the pension fund's members. Section 1 of the act modifies the method by which the contribution is calculated to more precisely set contribution requirements as the plans' liabilities decrease. The act allows the FPPA board of directors (board) to consider the following when determining the contribution amount: Stabilizing the amount of the annual required contributions over time; keeping the funded ratio of the pension fund from declining; and reducing or eliminating contributions as may be prudent based on actuarial experience.

The act modifies the statewide defined benefit plan as follows:

Increase in employee and employer contributions: Current statute specifies that all members covered under the statewide defined benefit plan administered by the FPPA contribute 8% of their salary to the FPPA on a monthly basis. In addition, every employer employing members who are covered by the statewide defined benefit plan administered by the FPPA contributes 8% of the salary paid to such members to the FPPA on a monthly basis.

In 2014, the members and employers of the statewide defined benefit plan authorized a 4% increase in the member contribution rate to be implemented over 8 years with an increase of 0.5% per year for a total employee contribution rate of 12% of salary. The first 0.5% increase in the member contribution rate occurred in 2015 and the member contribution rate will continue to increase by 0.5% each year thereafter through 2022. Sections 2, 3, and 4 of the act codify the increases in the member contribution rates that are already in effect and make required conforming amendments.

Sections 2, 3, and 4 of the act increase the employer contribution rate by 4%, to be implemented over 8 years with an increase of 0.5% a year for a total employer contribution

rate of 12% of salary. The act requires the first 0.5% increase in the employer contribution rate to occur in 2021 and requires an additional 0.5% increase each year thereafter through 2028.

Retirement eligibility: Currently, a member of the statewide defined benefit plan may retire with a full retirement benefit if the member has completed at least 25 years of service and is at least 55 years old. A member of the statewide defined benefit plan is eligible for an early retirement with a reduced benefit if the member has either completed at least 30 years of service or is at least 50 years old. Section 2 of the act allows a member of the statewide defined benefit plan to retire with an unreduced retirement benefit if the member is at least 50 years old and has a combined age and years of service that is equal to at least 80.

To cover the cost of the new full retirement benefit eligibility, section 2 of the act increases the employer contribution rate, in addition to all other increases in the employer contribution rate, by 1% of base salary to be implemented over 2 years. In 2021, the act requires the employer contribution rate to increase by 0.5% of base salary and in 2022, requires the employer contribution rate to increase by an additional 0.5% of base salary. The implementation of the increase may be deferred while other increases are being implemented.

Conforming amendment to current plan: Originally, the pension benefit for members of the statewide defined benefit plan was capped at 50% of a member's highest average salary, even when the member earned more than 25 years of service credit. In the 1990s, the cap was eliminated by an amendment to the plan approved by election of the members and employers. Sections 3 and 4 of the act eliminate the cap to conform to the current plan benefits.

Stabilization reserve account: When the statewide defined benefit plan was initially established, the revenue generated from the 8% member contribution rate and the 8% employer contribution rate was more than necessary to pay the normal costs of the defined benefit plan. Any money in excess of what was necessary to pay the normal costs of the plan was deposited into the stabilization reserve account. The stabilization reserve account consists of separate retirement accounts and upon retirement, members who have satisfied the vesting requirements of the plan are eligible for distributions from the account.

Since the stabilization reserve account was established, benefits allowed under the statewide defined benefit plan have increased to the extent that all of the revenue generated from the member and employer contributions are required to pay the normal costs of the plan and money is no longer deposited into the stabilization reserve account. Sections 3, 5, and 6 of the act change the nature of the separate retirement accounts in the stabilization reserve account to defined contribution accounts, subject to self direction by the member. In addition, the act requires the board to transfer the balances of the separate retirement accounts in the stabilization reserve account to defined contribution accounts by a specified date.

Authorization to increase contribution rate: Current law authorizes the board to increase the member contribution rate for members in the statewide defined benefit plan. Section 7 of the act authorizes the board to increase the member and employer contribution rates in equal amounts above the rates established pursuant to law or eliminate an increase in the member and employer contribution rates if certain specified conditions are satisfied, including approval by members and employers at an election proposing such increase or

decrease.

Continuing rate of contribution: Pursuant to current law, any county that does not cover, under the federal "Social Security Act", salaried employees whose duties are directly involved with the provision of law enforcement or fire protection may elect coverage under the statewide defined benefit plan and the statewide death and disability plan. Section 9 of the act specifies that the board may determine a continuing rate of contribution for all members who are active on the effective date of coverage to fund benefits to ensure that the affiliating employers' coverage does not have an adverse financial impact on the actuarial soundness of the plan.

Employers that have withdrawn from the statewide defined benefit plan but later reenter the plan are required to pay a continuing rate of contribution for all members who are active on the effective date of coverage. The continuing rate of contribution is a contribution in addition to the member and employer contribution and accounts for increased costs associated with members employed by employers who reenter the plan. The board established the continuing rate of contribution pursuant to law; however, the rate set by the board was higher than necessary to pay the costs of benefits for impacted members and current law does not authorize the board to decrease the rate. Section 12 of the act authorizes the board to decrease the continuing rate of contribution when it determines that the rate is higher than what is necessary to pay the costs of the benefits of members who are employees of employers who rejoined the plan.

The act modifies the death and disability plan as follows:

For members hired on or after January 1, 1997, and who are eligible for death and disability coverage provided by the FPPA, current law requires a contribution to the death and disability account not to exceed 2.4% of the members salary; except that the board is authorized to increase the contribution rate every 2 years by 0.1%. The current rate is 2.8% of salary. Sections 8, 10, and 11 of the act increase the maximum contribution rate in 2021 to 3% of salary and authorize the board to increase the contribution every year by up to 0.2% of the member's salary.

APPROVED by Governor April 1, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1095 Local government master plans - water supply element to include water conservation policies - assistance from department of local affairs - appropriation. The act specifies that a local government master plan that contains a water supply element must include water conservation policies, to be determined by the local government, which may include goals specified in the state water plan and policies that require implementation of water conservation and other state water plan goals as a condition of development approvals. The act authorizes the department of local affairs to hire and employ a full-time employee to provide educational resources and assistance to local governments that include water conservation policies in their master plans.

\$26,215 is appropriated from the general fund to the department of local affairs for use by the division of local government to implement the act, which amount is allocated as follows:

- \$24,066 for personal services, including an additional 0.5 FTE; and
- \$2,149 for operating expenses.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1119 Firefighting foams - use and storage - certificate of registration - restrictions in aircraft hangars - appropriation. The act addresses the authority of the state government to regulate perfluoroalkyl and polyfluoroalkyl substances (PFAS).

Section 1 of the act addresses when PFAS may be used for firefighting foam system testing both in general and in certain aircraft hangars.

Section 2 requires the solid and hazardous waste commission to promulgate rules for both a certificate of registration for any facility, fire department, or lessee subject to federal rules and regulations that uses or stores PFAS in its operations and for standards for the capture and disposal of PFAS.

Section 3 prohibits the use of class B firefighting foam that contains intentionally added PFAS in certain aircraft hangars beginning January 1, 2023.

The act appropriates \$43,836 from the hazardous waste service fund to the department of public health and environment for use by the hazardous materials and waste management division.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1133 Disconnection of land from a municipality - land use entitlements. Under the act, no later than the effective date of the disconnection of a particular tract of land from a municipality, any vested property rights affecting the land that have been established by law prior to the date that are possessed by the owner of the tract are expired or relinquished.

The act makes any tract of land that has been disconnected from a municipality, whether by means of an ordinance or a court decree, subject to the applicable county's zoning resolution and map and other land development regulations within 90 days after the effective date of the disconnection. The act specifies that any provision of the county's zoning resolution, zoning map, or zoning plan automatically applying a uniform zoning classification to all land that may be disconnected in the future is void and of no effect as to any particular tract of land. The county may institute the procedure specified in the Colorado Revised Statutes in its zoning resolution or zoning plan, or in its other land development regulations to allow the particular tract of land to obtain the necessary land entitlements at any time after

the county receives the notice from the municipality regarding enactment of an ordinance disconnecting the tract from the municipality; except that the act prohibits any such zoning resolution, zoning plan, or other land development action from being enacted and made effective until the tract of land has been disconnected from the municipality.

During the 90-day period, or such lesser time as is required to satisfy such requirement, the county may elect not to issue any building or occupancy permit for all or any portion of the land area that is the subject of the disconnection application.

The act permits a county to commence the procedure specified in its own subdivision regulations to subdivide the tract of land that is the subject of the disconnection application at any time after the disconnection has been completed and the ordinance has been filed with the county clerk and recorder; except that the act prohibits the county from making a final decision approving the subdivision until zoning affecting the particular tract of land has been enacted.

In connection with the disconnection process by court decree for statutory cities and statutory towns, respectively, the act requires any disconnected land to be made subject to the applicable county's zoning resolution and map and other land development regulations within 90 days after the effective date of the disconnection.

APPROVED by Governor April 1, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1293 Emergency telephone service - amount of local emergency telephone charge - establishment and collection of 911 surcharge - amount of prepaid wireless 911 charge - remittance procedures - allowable uses of money collected. The act amends the requirements for the imposition, collection, and uses of the emergency telephone charge imposed by local 911 governing bodies. Current law imposes a statutory cap on the amount of the emergency telephone charge that may be imposed by local governing bodies. The act allows the public utilities commission (commission) to establish the authorized threshold amount for the charge on an annual basis. A local governing body may impose the charge in an amount up to the authorized threshold. If a governing body determines it needs to impose a higher charge to fund 911 operations in its jurisdiction, it must seek the approval of the commission.

The procedures for the collection and remittance of the emergency telephone charge by telecommunication service suppliers are amended. The act provides procedures for local bodies to assess overdue or unpaid remittances, imposes a time limitation for local governing bodies to do so, and creates a process for the service supplier and local governing body to extend that time period. Local governing bodies may audit the collections of service suppliers, and may impose interest and penalties on late remittances.

A new 911 surcharge (surcharge) is established as a collection for local governing bodies. The amount of the surcharge is established each year by the commission based on the needs of the local governing bodies. Service suppliers must collect the surcharge from service users and remit the money to the commission. The commission is required to transmit

the money collected to local governing bodies within 60 days, using a formula based on the number of concurrent sessions maintained in the governing bodies' jurisdictions.

The existing "prepaid wireless E911 charge" is renamed the "prepaid wireless 911". Under current law, the amount of the charge is set in statute. The act requires the commission to establish the amount of the charge based on the average amount of the emergency telephone charges imposed by local governing bodies and the amount of the surcharge.

Governing bodies may use the money collected from the 3 charges for costs associated with the lease, purchase, installation, and planning for equipment, facilities, hardware, and software used to receive and dispatch 911 calls, charges of basic emergency service providers, costs related to the provision and operation of emergency telephone service and emergency notification service, membership fees for state or national industry organizations supporting 911, and other costs directly related to the continued operation of the emergency telephone service and emergency notification service.

APPROVED by Governor July 10, 2020

EFFECTIVE July 10, 2020

GOVERNMENT - MUNICIPAL

H.B. 20-1093 County - licensing and regulation - short-term lodging units. The act grants a board of county commissioners the authority to license and regulate an owner or owner's agent who rents or advertises the owner's lodging unit for a short-term stay, and to fix the fees, terms, and manner for issuing and revoking licenses issued therefor.

APPROVED by Governor March 23, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - SPECIAL DISTRICTS

H.B. 20-1074 Solid waste collection by district - conditions. Current law allows a sanitation district, a water and sanitation district, or a metropolitan district with a population of 2,500 or less that is located in a county with a population of 25,000 or less to provide for the collection and transportation of solid waste. The act removes the population restriction, allowing a sanitation district, water and sanitation district, or metropolitan district to provide for the collection and transportation of solid waste regardless of the population in the district or the county. The act specifies that the district may provide the waste services itself or by contracting with a third-party service provider through a public bidding process. The district is prohibited from providing waste services within a municipality or county without the consent of the municipality or county.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - STATE

S.B. 20-2 Department of local affairs - division of local government - rural economic development initiative grant program. The act creates the rural economic development initiative (REDI) grant program in the department of local affairs (department) to provide grants for projects that create new jobs through a new employer or the expansion of an existing employer and for projects that create diversity and resiliency in the local economies of rural communities. The department is required to administer the REDI grant program in consultation with the Colorado office of economic development.

Entities eligible to receive REDI grant program money include local governments and organizations or individuals working in partnership with a local government, where the local government serves as the grant administrator, including intergovernmental agencies, councils of government, housing authorities, beginning farmers, the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, nonprofit economic development organizations, and private employers.

The act specifies criteria that the department is required to consider when evaluating grant applications and requires the department to prioritize applications that would create new jobs. The act specifies the types of projects for which REDI grants may be awarded to eligible recipients and requires grant recipients to provide matching funds.

If the department determines that a rural community needs resources or assistance because it has been impacted by a significant economic event or an anticipated event that has been announced, the department may use all or a portion of the money appropriated for the purposes of the REDI grant program for the purposes of the "Rural Economic Advancement of Colorado Towns (REACT) Act".

The executive director of the department is required to adopt policies and procedures for the administration of the REDI grant program and is also required to produce a report summarizing the use of all money that was awarded as grants from the REDI grant program in the preceding fiscal year.

APPROVED by Governor June 29, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-37 Criminal and juvenile justice advisory committee - trusted interoperability platform - strategic plan. The act creates the trusted interoperability platform advisory committee to develop a strategic plan to implement a trusted interoperability platform that securely exchanges information between criminal and juvenile justice systems and community health agencies.

The act requires the committee to submit an initial strategic plan to the chief information officer no later than May 1, 2021, and a final strategic plan to specified committees of the general assembly no later than September 1, 2021.

The act repeals the committee on October 1, 2021.

APPROVED by Governor March 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-41 State parks - eagle annual pass - active members of the National Guard. The act grants active members of the National Guard a free eagle annual pass for entrance into state parks. The parks and wildlife commission may elect not to issue this pass if it does not receive funding from the general assembly to implement this pass.

APPROVED by Governor July 2, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-57 Department of public safety - division of fire prevention and control - firefighters employed by division - benefits - appropriation. Certain employers of firefighters are currently required to maintain insurance to provide benefits to a firefighter if he or she has a heart and circulatory malfunction in connection with a stressful or strenuous activity related to an emergency response activity. In addition, certain employers of firefighters may make contributions into a multiple employer health trust established to provide benefits to volunteer firefighters diagnosed with certain covered cancers.

The act adds the division of fire prevention and control in the department of public safety (division) to the definition of "employer" for the purpose of providing benefits for a heart and circulatory malfunction and to the definition of "employer" for the purpose of providing benefits for certain covered cancers.

In addition, the act expands the definition of "state trooper" for purposes of the public employees' retirement association to include all current and future employees of the division that are classified as a firefighter I through firefighter VII class titles.

For the 2020-21 state fiscal year, various amounts are appropriated from the general fund, cash funds, federal funds, and reappropriated funds to the department of health care policy and financing, the department of public health and environment, and the department of public safety for the implementation of the act.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

S.B. 20-63 Department of law - recodification. The act recodifies statutory provisions governing the department of law (department), especially by replacing outmoded language with updated terms and usage.

The act repeals outmoded language regarding internal divisions within the department, specifies the powers and duties of the attorney general, enumerates internal divisions of the department, updates the statutory provision authorizing the appointment of the chief deputy attorney general, and addresses the appointment and qualifications of the solicitor general.

The act updates statutory provisions governing the victims' services coordinator. It updates statutory provisions governing money received by the attorney general. It also specifies that any money received by the attorney general belonging to the state or received by the attorney general in his or her official capacity must be paid as soon as practicable to the department of the treasury. Moreover, generally, the attorney general has such legal duties in regard to the activities of the state and its various departments, boards, commissions, bureaus, and agencies as are imposed by law. The act specifies requirements pertaining to the legal services the attorney general provides to state agencies and clarifies that nothing in the act is to be construed as affecting, limiting, or supplanting the common law authority of the attorney general or the department.

The act specifies requirements governing the provision of identification cards to retired peace officers.

The act addresses legal representation of the state auditor and specifies that the duty of providing legal representation or otherwise rendering legal services to the state auditor in connection with the auditor's performance of his or her functions and duties is shared between the office of legislative legal services and the attorney general.

The act also repeals existing outmoded sections of law.

APPROVED by Governor March 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-71 Department of personnel - central services - motor vehicle fleet - assignment of vehicles - commuting and traveling away from home. Existing law authorizes the executive director of a state agency to assign a state-owned motor vehicle to an officer or employee of the state agency (officer or employee) for commuting. A state-owned motor vehicle may also be used by an officer or employee for traveling away from home in connection with his or her job responsibilities. Pursuant to federal internal revenue service regulations, the commuting use of a state-owned motor vehicle is taxable to an officer or employee while the use of a state-owned motor vehicle for traveling away from home is not taxable to an officer or employee.

Currently, a state-owned motor vehicle may be parked at an officer or employee's residence for more than one day per month only if the executive director of the state agency has assigned the vehicle to the officer or employee. The parking limitation does not distinguish between use of the state-owned motor vehicle for commuting and use of the vehicle for traveling away from home. This has caused confusion among state agencies regarding whether use of the vehicle is taxable to the officer or employee when a vehicle is

parked at an officer or employee's residence for more than one night for the purpose of traveling away from home rather than for commuting.

The act clarifies the provision regarding the number of nights a state-owned motor vehicle may be parked at an officer or employee's personal residence and specifies that the limitation does not apply if the officer or employee is using the state-owned motor vehicle for the purpose of traveling away from home. In addition, the act clarifies that commuting does not include traveling away from home as defined by the federal internal revenue service and that an officer or employee shall not use a state-owned motor vehicle for commuting unless such use is authorized pursuant to law.

APPROVED by Governor March 5, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-79 Ambert alerts - notification method. Under current law, for an Amber alert, the Colorado bureau of investigation (CBI) sends notice to the federal communication's designated state emergency system broadcaster. Instead, the act requires the CBI to send the alert using technological applications that promote the largest reach of community notifications.

APPROVED by Governor March 20, 2020

EFFECTIVE March 20, 2020

S.B. 20-96 Notaries public - remote notarization - data privacy - ratification of emergency rules - appropriation. Current law requires an individual who wishes to have a document notarized to appear personally before a notary public.

Effective December 31, 2020:

- The act authorizes a notary public to perform a notarial act on behalf of an individual who is not in the notary's physical presence, but only with respect to an electronic document;
- To perform a "remote notarization", a notary must use an electronic system that conforms to standards established by rules of the secretary of state, including using real-time audio-video communication;
- The act establishes the standards that a notary must comply with to have satisfactory evidence of the identity of the individual seeking the remote notarization; and
- The use or sale of personal information of a remotely located individual by a remote notary and the provider of a remote notarization system is prohibited except in specific, limited circumstances.

The governor issued an emergency executive order in response to the COVID-19 pandemic that directed the secretary of state to issue an emergency rule to authorize remote notarizations, which the secretary of state did. The act ratifies remote notarizations conducted pursuant to the emergency rule between March 30, 2020, and December 31, 2020.

The act appropriates \$132,795 from the department of state cash fund to the department of state to implement the act.

APPROVED by Governor June 26, 2020

EFFECTIVE June 26, 2020

S.B. 20-134 State funds - cash funds - limit on uncommitted reserves - non-fee sources. Current law limits the amount of uncommitted reserves that may remain in a cash fund at the end of any fiscal year. The definition of "uncommitted reserves" excludes revenue credited to a cash fund that is estimated to be derived from non-fee sources.

Current law further specifies that when calculating the estimated revenue from non-fee sources, the estimate is required to be an amount equal to the portion of total revenues received from non-fee sources in the prior fiscal year. This requirement and the phrase "prior fiscal year" are causing confusion among executive branch departments, and the requirement is not necessary for the proper administration of the statute. The act repeals the requirement that the estimate for non-fee revenue is equal to the portion of total revenues received from non-fee sources in the prior fiscal year.

APPROVED by Governor March 23, 2020

EFFECTIVE March 23, 2020

S.B. 20-183 Statewide internet portal authority - state agency - definition. When the statewide internet portal authority (SIPA) was created, it was charged with offering information technology products and services to local governments and "state agencies". At that time, SIPA's statute defined "state agency" to have the same meaning as the term was defined in the statute that governed the former office of innovation and technology. That definition defined "state agency" to mean every state office, whether legislative, executive, or judicial, and all of its respective offices, departments, divisions, commissions, boards, bureaus, and institutions, excepting only state-supported institutions of higher education, the department of higher education, the Colorado commission on higher education, or other instrumentality thereof.

Subsequent to SIPA's creation, the statutes that governed the former office of innovation and technology were amended to create the office of information technology (OIT), and the definition of "state agency" was narrowed to cover only the agencies to be served by OIT. The statute now excludes the legislative and judicial departments, the departments of law, state, and treasury, state-supported institutions of higher education, and the department of education. The changes to the OIT definition of "state agency" have inadvertently excluded these agencies from the scope of state agencies that may obtain services from SIPA.

The act restores the definition of "state agency" in SIPA's statutes to its original scope and also includes higher education institutions and agencies, as the practice has been for SIPA to serve all state agencies, including higher education institutions and agencies.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

S.B. 20-200 Colorado secure savings program - retirement savings - private sector workers - implementation - appropriation. In 2019, the general assembly created the Colorado secure savings board (board) in the office of the state treasurer to study the costs to the state of insufficient retirement savings and 3 approaches to increasing retirement savings in Colorado. The board found that a state-facilitated automatic enrollment individual retirement account program is the best option for Colorado and recommended the establishment of such a program, coupled with the greater use of financial education tools in the state. In furtherance of the board's recommendation, the act directs the board to create and implement the Colorado secure savings program (program).

The act specifies the powers and duties of the board in connection with the creation and administration of the program and updates the criteria to which the board is required to adhere in developing the program. The board is required to adopt rules regarding enrollment in the program, contributions to and withdrawals from program accounts, the process for employer exemptions from offering the program, and required disclosures.

The act creates the Colorado secure savings program fund in the state treasury to consist of money appropriated by the general assembly, money transferred to the fund by the federal government, money from fees and penalties in connection with the program, any gifts, grants, or donations made to the fund, and any gifts, grants, donations, or investments made to the state treasurer. The state treasurer may solicit gifts, grants, donations, or investments not required to be repaid, from public or private sources to cover the costs associated with the administration of the program.

All individual account information for accounts under the program is confidential and may not be disclosed except under specified circumstances.

For the 2020-21 state fiscal year, the general fund appropriation made in the annual general appropriation act to the office of the governor for use by the office of information technology for applications administration is decreased by \$1,197,552. The same amount is appropriated from the general fund to the department of the treasury for the implementation of the act. Any money appropriated that is not expended prior to July 1, 2021, is further appropriated to the department for the 2021-22 state fiscal year for the same purpose.

APPROVED by Governor July 14, 2020

EFFECTIVE July 14, 2020

S.B. 20-210 Colorado fraud investigators unit - extend fee and report until 2024. The secretary of state currently charges uniform commercial code filing fees. The filing fee is transferred for deposit in the Colorado identity theft and financial fraud cash fund to support activities of the Colorado fraud investigators unit. The current fee is \$4 and is set to be reduced to \$3 in 2020. The act extends the \$4 fee and an associated report to the general assembly until 2024.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

S.B. 20-218 Fuel products fee - air quality control commission regulations - vapor collection system civil penalties - PFAS cash fund - PFAS grant program - PFAS takeback program - appropriation. The act requires the executive director of the department of revenue to collect a fee equal to \$25 per truckload for every manufacturer of fuel products who manufactures such products for sale within Colorado or who ships such products from any point outside of Colorado to a distributor within Colorado and every distributor who ships such products from any point outside of Colorado to a point within Colorado. This fee is used primarily to:

- Fund the perfluoroalkyl and polyfluoroalkyl substances (PFAS) cash fund;
- Support the department of transportation in functions related to the administration of hazardous materials and safe and efficient freight movement and infrastructure in the state as well as infrastructure projects that enhance the safety of movement of freight and hazardous materials; and
- Support the Colorado state patrol in the regulation of hazardous materials on highways in the state.

The executive director of the department of revenue stops collecting the fee for a fiscal year once he or she has collected \$8 million of these fees for that fiscal year.

The act creates the PFAS cash fund, which is used to fund the PFAS grant program, fund the PFAS takeback program, and provide technical assistance in locating and studying PFAS to communities, stakeholders, and regulatory boards or commissions.

The act creates the PFAS grant program. The grant program provides funding for the sampling, assessment, and investigation of PFAS in ground or surface water; water system infrastructure used for the treatment of identified perfluoroalkyl and PFAS; and emergency assistance to communities and water systems affected by PFAS.

The act creates the PFAS takeback program. The takeback program is used to purchase and dispose of eligible materials that contain PFAS.

The act also requires the department of public health and environment to report to the general assembly annually on the use of the PFAS cash fund and the administration of the PFAS grant program and takeback program.

The act also creates new civil penalties for owners or operators of storage tanks at gasoline dispensing facilities who violate requirements to maintain a vapor collection system and for owners and operators of gasoline dispensing facilities who violate requirements to maintain records.

Lastly, the act requires stakeholders from gasoline dispensing facilities and gasoline transport truck companies to collaborate with the division of administration in the department of public health and environment in creating maintenance guidelines to assist owners and operators of gasoline dispensing facilities and gasoline transport trucks in complying with the requirements of air quality control commission regulations.

For the 2020-21 state fiscal year, the act appropriates \$39,769 to the department of revenue from the general fund. From this appropriation, the department of revenue may use \$24,750 for tax administration IT system support, \$12,600 for the taxation and compliance

division for personal services, and \$2,419 for the taxpayer service division for the fuel tracking system. For the 2020-21 state fiscal year, the act also appropriates \$1,552,558 from the hazardous materials safety fund to the department of public safety for use by the Colorado state patrol for the hazardous materials safety program.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

S.B. 20-219 Authority for lease-purchase agreement - capital construction needs for certain state institutions of higher education. The act requires the state treasurer, on behalf of the state, to execute a lease-purchase agreement in an amount up to \$65,500,000 plus reasonable and necessary costs to fund certain capital construction needs for state institutions of higher education that are continuations of previously funded projects as specified by the capital development committee. The capital development committee is required to post the list of specific projects and the cost of each project on its official website no later than August 15, 2020. The capital development committee is also required to specify in this list, in the event of any excess money as a result of the issuance, what any remainder money must be used for.

APPROVED by Governor July 14, 2020

EFFECTIVE July 14, 2020

S.B. 20-222 Use of federal money for COVID-19 pandemic relief - small business grant program - appropriation. The act creates a small business COVID-19 grant program, financed by \$20 million from the federal money allocated to the state pursuant to the federal "Coronavirus Aid, Relief, and Economic Security Act", also referred to as the "CARES Act". The Colorado office of economic development (office) will administer the grant program and the Colorado economic development commission will contract with the Colorado housing and finance authority (CHFA) to operate the grant program. CHFA will work with nonprofit or community-based lenders that will underwrite and distribute the grants to small businesses pursuant to the program.

To be eligible for a grant, a small business must have fewer than 25 employees and have been affected by economic hardship caused by the COVID-19 pandemic. A preference is given for a small business that did not qualify for or receive a paycheck protection program loan; is majority owned by veterans, women, or minorities; or is located in a rural area. Individual grant awards are capped at \$15,000, and of the total amount allocated for the grant program, \$5 million is earmarked, until October 1, 2020, for tourism businesses. The federal money must be spent by December 30, 2020. The office must submit reports on the grant program to the committees of the general assembly with jurisdiction over business affairs.

The act appropriates \$20,000,000 from the care subfund in the general fund to the office for administration of the small business COVID-19 grant program.

APPROVED by Governor June 23, 2020

EFFECTIVE June 23, 2020

H.B. 20-1003 Rural jump-start program - extension - change to competition clause - economic development organizations may apply for formation of zone or participation of a new business. The act:

- Extends the rural jump-start program for an additional 5 years;
- Adds a legislative declaration stating that the purpose of the 5-year extension is to create or retain jobs in order to help address the still significant contraction of local economies in certain areas of the state;
- Changes the existing competition clause to specify that a new business applying for rural jump-start program benefits cannot compete with an existing business in the rural jump-start zone in which the business will be located or in any distressed county that is contiguous to the rural jump-start zone;
- Adds economic development organizations as authorized entities to apply to:
 - Form a rural jump-start zone; or
 - To allow a new business to participate in the rural jump-start program; and
- Amends the reporting requirements to ensure that any future evaluation of the rural jump-start program can rely on clear, relevant, and ascertainable metrics and data provided by the economic development commission.

APPROVED by Governor July 6, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1031 State holidays. The act establishes Frances Xavier Cabrini day as a state legal holiday on the first Monday in October and repeals Columbus day.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1039 Administrative rules - online transparency task force - report. The act creates an online transparency task force. Interested legislators and the following individuals, or their designees, may participate in the task force:

- The head of each principal department;
- The state's chief information officer; and
- The executive director of the statewide internet portal authority, who is chair of the task force.

The purpose of the task force is to recommend:

- Ways to enhance citizens' online access to rules and the rule-making process and to increase the transparency of the rule-making process;
- Options for the design and implementation of an integrated state rule-making

- web portal;
- Common rule-making agency reporting formats, workflows, timelines, and protocols; and
- An entity to manage the integrated state rule-making web portal.

The task force shall submit a written report that summarizes its recommendations by January 1, 2021, to the general assembly's committees of reference with jurisdiction over business and state affairs and cease operations upon submission of the report.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1048 Protections against race-based discrimination - public education, employment, housing, and public accommodations - race to include protective hairstyles. The act enacts the "Creating a Respectful and Open World for Natural Hair Act of 2020", also known as the "CROWN Act of 2020", which specifies that, for purposes of anti-discrimination laws in the context of public education, employment practices, housing, public accommodations, and advertising, protections against discrimination on the basis of one's race include hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

APPROVED by Governor March 6, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1052 Human services workers - privacy of personal information. Under current law, it is unlawful for a person to make available on the internet personal information of a law enforcement official (official) or child abuse or neglect caseworker (caseworker), or the official's or caseworker's family if the dissemination of the personal information poses an imminent and serious threat to the official's or caseworker's safety or the safety of his or her family. The act replaces the definition of "caseworker" in statute with a new definition of "human services worker" to include state and county employees, including county attorneys and contractors who are engaged in duties relating to the following matters and who have contact with the public regarding these duties:

- Investigating allegations of child abuse or neglect pursuant to article 3 of title 19;
- Investigating allegations of mistreatment of an at-risk adult pursuant to article 3.1 of title 26;
- Establishing, modifying, and enforcing child support orders pursuant to article 13 of title 26; and
- Determining eligibility for or investigating fraud in public programs established in article 2 of title 26.

"Human services worker" also includes employees of juvenile detention facilities who have contact with juveniles.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1116 Office of economic development - procurement technical assistance program - contract renewal with nonprofit entity - state's contribution. The office of economic development (office) currently contracts with a nonprofit entity that was designated by the federal defense logistics agency to provide procurement technical assistance statewide (nonprofit entity). The nonprofit entity helps small businesses in the state obtain and perform government contracts at the local, state, and federal level. This includes small businesses owned by women, minorities, and veterans. The current 6-year contract between the office and the nonprofit entity will expire in September 2020. The act authorizes the office to renew the contract for up to 5 years.

As part of the state's investment in the procurement technical assistance program (state's investment), current law specifies that the general assembly shall not contribute more than \$200,000 from the general fund or any other source annually. The act specifies that for the 2020-21 and 2021-22 state fiscal years, the general assembly shall not provide more than \$175,000 from the general fund for the state's investment, and that for the 2020-21 state fiscal year only, the office shall provide, within existing resources, the remaining \$25,000 toward the state's investment.

In addition, the act allows the general assembly to increase its contribution to the state's investment in any contract year so long as the nonprofit entity contributes a 100% match to the increased amount in the same contract year by soliciting gifts, grants, and donations. In addition, the nonprofit entity is required to obtain \$200,000 in gifts, grants, or donations annually for part of the state's investment. In the 3rd through 6th contract year of the original contract, current law requires that at least 25% of the \$200,000 be in the form of cash. The act extends this requirement for each year of the renewed contract.

Current law also requires the state treasurer to annually transfer \$220,000 from the general fund to the procurement technical assistance cash fund through the 2019-20 state fiscal year. The act extends the annual transfer through the 2024-25 fiscal year; except that for the 2020-21 and 2021-22 state fiscal years, the amount of the transfer is \$175,000.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1153 Colorado partnership for quality jobs and services act - employees in the state personnel system - executive branch as employer - labor-management partnership agreements - appropriation. The act creates the "Colorado Partnership for Quality Jobs and Services Act" to facilitate the creation of formal labor-management partnership agreements between state employees in the state personnel system and the executive branch of state government. The

act specifies that certain employees in the state personnel system, due to the nature and responsibilities of their jobs, are not able to participate in partnership agreements. State employees who are allowed to participate in partnership agreements are designated covered employees.

The act specifies that there is one partnership unit in the state that consists of all covered employees. Any partnership units established pursuant to the existing Colorado executive order that authorizes partnership agreements (executive order) will be merged into the single partnership unit created in the act. Covered employees in a partnership unit that was created by the executive order and that are represented by an employee organization that the partnership unit chose to exclusively represent it (certified employee organization) will continue to be represented by the existing certified employee organization.

An employee organization that wants to represent an unrepresented partnership unit may file a petition with the division of labor standards and statistics (division) in the department of labor and employment requesting that it hold an election to determine whether covered employees want to be represented by an employee organization (representation election). An employee organization requesting a representation election is required to submit a petition to the division signed by at least 30% of the covered employees in the partnership unit. The division is required to certify, as the certified employee organization, the employee organization that receives the majority of votes cast by the covered employees. The act specifies circumstances under which the division is not allowed to hold a representation election. The act also specifies that a covered employee or an employee organization may initiate a process to decertify a certified employee organization for a partnership unit.

A covered employee has the right to work with an employee organization and communicate with other covered employees to form a partnership agreement or to discuss other work-related issues. A covered employee has the right to refrain from any activities in connection with employee organizations and the partnership process. A covered employee may also opt not to have the state provide certain personal information to a certified employee organization. Certified employee organizations have the right to reasonable access to covered employees at work, through e-mail, and through other forms of communication.

A certified employee organization is required to represent the interests of all covered employees, regardless of membership in the employee organization, in the negotiation of a partnership agreement. A certified employee organization is not required to represent covered employees in certain personnel actions. In addition, a certified employee organization is prohibited from threatening, facilitating, supporting, or causing a strike, work stoppage, work slowdown, group sickout, or any other action that would disrupt the daily functioning of the state or any of its agencies or departments. An employee who engages in such activities may be subject to disciplinary action.

The act specifies that nothing contained in the employee partnership process impairs the ability of the state to determine, carry out, and administer specified existing duties and rights of the state.

The act specifies that the state is required to:

- Make payroll deductions for membership dues and other payments that covered employees authorize to be made to the certified employee organization;

- Provide specified information about every covered employee to a certified employee organization on a monthly basis;
- Allow a certified employee organization to meet with a newly hired covered employee;
- Allow a certified employee organization to attend orientations for new covered employees;
- After the state and the certified employee organization reach a partnership agreement, submit a request to the general assembly for sufficient appropriations to implement terms of the partnership agreement requiring the expenditure of money; and
- Engage in good faith in all aspects of the partnership process.

The act specifies that not engaging in such duties constitutes an unfair labor practice that can be subject to review by the division.

A certified employee organization and the state are required to discuss and cooperatively draft mutually agreed upon written partnership agreements, which are binding on the state, the certified employee organization, and covered employees. The parties are required to bargain over wages, hours, and terms and conditions of employment. All other subjects are permissive and may be addressed by mutual agreement. A partnership agreement is required to provide a grievance procedure to resolve disputes over the interpretation, application, and enforcement of any provision of the partnership agreement. Meetings held to negotiate a partnership agreement and grievance and arbitration proceedings are not open meetings as defined in law. In addition, records prepared or exchanged prior to submission of a final partnership agreement are not subject to the "Colorado Open Records Act".

If disputes arise during the formation of a partnership agreement, the certified employee organization and the state are required to engage in the dispute resolution process established by the act or in a mutually agreed upon alternate procedure. The act specifies how mediators will be selected. If the parties do not reach an agreement on outstanding issues within 30 days of commencing mediation, the mediator is required to issue a recommendation on all of the outstanding issues. Either party may make the mediator's recommendation public. Any controversy concerning unfair labor practices of the state or a certified employee organization may be submitted to the division for review. The state or the certified employee organization may seek judicial review of decisions or orders on representation or decertification petitions, unfair labor practice charges, rules or regulations issued by the division, or an arbitrator's decision.

The act makes the following changes to the state personnel system:

- Eliminates the account dedicated to each department in the state employee reserve fund and requires that the money in the fund be used to provide merit pay to employees in a manner consistent with current law;
- Repeals the limit on the number of senior executive service employees in the state; and
- When considering a disciplinary action against an employee in the state personnel system for engaging in or threatening violent behavior against another person while on duty, requires the appointing authority to give predominant weight to the safety of the other person over the interests of the employee. If the appointing authority finds that the employee has engaged in or threatened violent behavior, the appointing authority is authorized to take

disciplinary action as deemed appropriate by the appointing authority.

The act creates the COVID heroes collaboration fund in the state treasury and requires the state treasurer to transfer \$7 million from the state employee reserve fund to the COVID heroes collaboration fund on the effective date of the act. Subject to annual appropriation by the general assembly, applicable state agencies may expend money from the COVID heroes collaboration fund for the purposes of the "Colorado Partnership for Quality Jobs and Services Act".

In addition, the act modifies the "Colorado Open Records Act" to specify that records created in compliance with the requirements of a partnership agreement and documents created in connection with the dispute resolution process for a partnership agreement are not public records.

The act also makes appropriations to the governor's office and various executive branch agencies for the 2020-21 state fiscal year for the implementation of the act.

APPROVED by Governor June 16, 2020

EFFECTIVE June 16, 2020

H.B. 20-1161 Allocation of state private activity bond cap - state housing board to make recommendations to department of local affairs - elimination of fee cap and rule-making authority. Federal law limits the amount of tax-exempt private activity bonds that may issued within each state and allows each state to provide by law a formula for allocating the limited amount of bonding authority among eligible bond issuers. The act eliminates the bond allocation committee that currently reviews and makes recommendations to the executive director of the department of local affairs (DOLA) regarding statewide priorities for the allocation of the limited amount of bonding authority and requires the state housing board to conduct the review and make the recommendations. The act also eliminates a cap on the amount of the direct allocation fee paid to DOLA by bond issuers that use the direct allocation of bonding authority to issue private activity bonds or that make a mortgage credit certificate election and eliminates the executive director's authority to promulgate rules to implement the statutes that govern private activity bond allocation.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1261 General fund - transfer - information technology capital account. The act requires the state treasurer to transfer \$7,466,648 from the general fund to the information technology capital account within the capital construction fund on April 1, 2020.

APPROVED by Governor March 11, 2020

EFFECTIVE March 11, 2020

H.B. 20-1262 Housing assistance for persons transitioning from the criminal or juvenile justice system cash fund - repeal general fund reversions. The housing assistance for persons transitioning from the criminal or juvenile justice system cash fund, which is administered by the division of housing in the department of local affairs, currently includes reversions

from unspent general fund appropriations to the division of criminal justice. The act repeals these reversions.

APPROVED by Governor March 20, 2020

EFFECTIVE March 20, 2020

H.B. 20-1330 Governmental immunity - exclusion from definition of "public employee" of certain individuals employed by the university of Colorado hospital authority - specification of circumstances where basic immunity from liability granted to public entities applies to the hospital authority. The act makes the following modifications to the "Colorado Governmental Immunity Act" (CGIA):

- Unless otherwise excepted under the CGIA, the act excludes from the definition of "public employee" under the CGIA any health care practitioner or any health care professional who is employed by the university of Colorado hospital authority (authority) unless the practitioner or professional is providing services within the course and scope of the person's responsibilities as an employee or volunteer of the authority in a facility that is either located on the Anschutz medical campus (AMC) or that is operating under the hospital license issued to the university hospital, including off-campus locations. The act specifies that the "Health Care Availability Act" (HCAA) is applicable to health care practitioners and health care professionals employed by the authority that are not immune from liability because of the definition of "public employee".
- The act also specifies that the basic immunity from liability granted to public entities by the CGIA does not apply to the authority except for any hospital, clinic, surgery center, department, or other facility it owns or operates that is located on the AMC or that is a facility operating under the hospital license issued to the university hospital, including off-campus locations. The HCAA is applicable to health care institutions that are not immune from liability under the CGIA.

APPROVED by Governor July 2, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1332 Unfair housing practices - prohibition on discrimination based on source of income - exemptions. The act adds discrimination based on source of income as a type of unfair housing practice. "Source of income" is defined to include any source of money paid directly, indirectly, or on behalf of a person, including income from any lawful profession or from any government or private assistance, grant, or loan program.

A person is prohibited from refusing to rent, lease, show for rent or lease, or transmit an offer to rent or lease housing based on a person's source of income. In addition, a person cannot discriminate in the terms or conditions of a rental agreement against another person based on source of income, or based upon the person's participation in a 3rd-party contract required as a condition of receiving public housing assistance. A person cannot include in any advertisement for the rent or lease of housing any limitation or preference based on source of income, or to use representations related to a person's source of income to induce

another person to rent or lease property. The restrictions do not apply to a landlord with 3 or fewer rental units. A landlord who owns 5 or fewer single family rental homes, and no more than 5 total rental units including any single family rental homes, is not required to accept federal housing choice vouchers for the single family homes.

A landlord is not prohibited from checking the credit of prospective tenant. Checking the credit of a prospective tenant is not an unfair housing practice if the landlord checks the credit of every prospective tenant.

APPROVED by Governor July 14, 2020

EFFECTIVE January 1, 2021

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1365 Historical society - state historical fund - transfers. Current law authorizes the general assembly to appropriate money to the state historical society from the museum and preservation operations account of the state historical fund to pay for history Colorado certificates of participation. The act allows money to also be appropriated from the general fund or any other available fund.

On October 1, 2019, the state treasurer transferred \$1 million from the preservation grant program account in the state historical fund to the capital construction fund to repaint the interior of the dome of the state capitol building. The act transfers the unencumbered portion of that amount on July 1, 2020, from the capital construction fund to the museum and preservation operations account in the state historical fund.

The state historical society is authorized to direct the state treasurer to transfer up to \$1 million from the preservation grant program account in the state historical fund to the museum and preservation operations account for each of the 2020-21 and 2021-22 state fiscal years.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1370 Delay of transfers from unclaimed property trust fund to the housing development grant fund to support statewide affordable housing. Under current law, commencing with the 2020-21 state fiscal year and for 3 total state fiscal years, assuming certain conditions are satisfied, the state is required to transfer \$30 million from the unclaimed property trust fund to the housing development grant fund to support the provision of affordable housing statewide. The act delays the starting date for the first transfer by 2 state fiscal years.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1371 Substance use and mental health treatment - county program grants - decreased appropriation. Existing law requires the department of local affairs (department) to award grants to counties pursuant to the community substance use and mental health

services grant program (grant program) and requires the general assembly, beginning in fiscal year 2020-21, to appropriate money for the grant program from the estimated savings from House Bill 19-1263, concerning changing the penalty for certain violations pursuant to the "Uniform Controlled Substances Act of 2013".

The act makes the department's requirement to issue grants subject to available appropriations, removes the requirement to appropriate money for the grant program, and states the general assembly's intent to fund the grant program with money generated from the estimated savings from House Bill 19-1263.

An appropriation to the department for program costs related to field services is decreased by \$66,208, and an appropriation to the department for community substance use and mental health services grants is decreased by \$1,800,000.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1372 Severance tax operational fund - repeal of transfers. The act repeals the requirement that \$500,000 of the core departmental programs appropriation to the division of reclamation, mining, and safety in the department of natural resources be annually transferred to the abandoned mine reclamation fund, which itself is repealed on July 1, 2023. The act also repeals the requirement that \$127,000 be transferred to a special account in the general fund that is used by the mined land reclamation board.

APPROVED by Governor June 29, 2020

EFFECTIVE July 1, 2020

H.B. 20-1375 Law enforcement assistance grant program - repeal appropriations rolling forward. The act repeals the requirement that amounts appropriated to the division of criminal justice in the department of public safety for the law enforcement assistance grant program that are unexpended and unencumbered remain available for expenditure by the division in the next fiscal year without further appropriation.

APPROVED by Governor June 24, 2020

EFFECTIVE June 30, 2020

H.B. 20-1377 State fiscal year 2019-20 lease-purchase agreement - use of portion of proceeds for controlled maintenance projects. Under current law, enacted by Senate Bill 17-267, the state executed the second of 4 tranches of lease-purchase agreements of up to \$500 million in principal value each before the end of state fiscal year 2019-20 for the sole purpose of funding transportation projects. Due to a favorable interest rate environment, the state actually received more than \$600 million of proceeds from the execution of this second tranche of lease-purchase agreements. The act requires the first \$49 million of proceeds received in excess of \$500 million to be credited to the capital construction fund and appropriated for controlled maintenance projects, including controlled maintenance projects that are capital renewal projects, instead of transportation projects.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1378 Capital-related transfers of money. For the 2019-20 state fiscal year, the act transfers:

- \$1,397,624 from the general fund to the capital construction fund; and
- \$21,134,709 from the information technology capital account of the capital construction fund to the general fund.

For the 2020-21 state fiscal year, the act transfers:

- \$500,000 from the general fund exempt account of the general fund to the capital construction fund;
- \$2,043,768 from the general fund to the capital construction fund; and
- \$445,000 from the general fund to the information technology capital account of the capital construction fund.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1379 Public employees' retirement association - direct distribution - suspension for 2020-21 state fiscal year - reduction in appropriation. Current law specifies that on July 1, 2018, and on July 1 each year thereafter until there are no unfunded actuarial accrued liabilities of any division of the public employees' retirement association (PERA) that receives the direct distribution, the state treasurer is required to issue a warrant to PERA in an amount equal to \$225 million from the general fund or any other fund. The act specifies that the state treasurer shall not issue the warrant to PERA for the 2020-21 state fiscal year.

The act reduces the figures included in the annual general appropriation act for the 2020-21 state fiscal year for informational purposes to the department of the treasury for the direct distribution. The act also reduces appropriations made to various state agencies in the annual general appropriation act for the 2020-21 state fiscal year for the direct distribution.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1380 Tobacco litigation settlement moneys - one-year redirection of portion to general fund. The act redirects a portion of tobacco litigation settlement moneys (settlement moneys) to the general fund for state fiscal year (FY) 2020-21 by:

- Transferring \$20 million of settlement moneys received during FY 2019-20 to the general fund and offsetting the \$20 million reduction in the amount of such settlement moneys available for allocation in FY 2020-21 to the programs that receive settlement moneys by allocating to the programs in FY 2020-21 \$20 million of settlement moneys to be received by the state in FY 2020-21 that would otherwise be allocated in FY 2021-22;
- Removing \$2,000,130 of settlement moneys received in excess of projections during FY 2019-20 from the base amount used to calculate the statutory allocations of settlement moneys to various programs;
- Reducing the statutory allocations of settlement moneys:
 - For the tobacco settlement defense account of the tobacco litigation settlement cash fund (litigation account) from 2.5% to 0.75% of the settlement moneys; and
 - For the state dental loan repayment program by \$160,717;
- Requiring all settlement moneys received during FY 2019-20 that are not allocated for state fiscal year 2020-21 under the modified statutory allocation formula to be transferred to the general fund on July 1, 2020;

- Requiring additional July 1, 2020, transfers to the general fund of settlement moneys previously credited to cash funds that receive statutory allocations of settlement moneys as follows:
 - \$8 million from the tobacco settlement defense account;
 - \$4,237,375 from the nurse home visitor program fund; and
 - \$3 million from the Colorado state veterans trust fund.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1381 General fund - transfers from cash funds. For the purpose of augmenting the revenue in the state general fund, the act requires the state treasurer to make specific transfers to the general fund. On June 30, 2020, the state treasurer is required to transfer the following amounts to the general fund:

- \$3,176 from the employment verification fund, as it existed prior to its repeal in 2016;
- The unexpended and unencumbered balance from the fund state employee reserve fund;
- \$7.9 million from the Fort Logan land sale account in the capital construction fund;
- \$8,381,753 from the indirect costs excess recovery fund;
- \$1,887,116 from the state supplemental security income stabilization fund;
- \$1 million from the veterans assistance grant program cash fund;
- \$167,463 from the Moffat tunnel cash fund; and
- \$10 million from the multimodal transportation options fund.

On July 1, 2020, the state treasurer is required to transfer:

- \$45.5 million from the severance tax perpetual base fund to the general fund; and
- \$43 million from the unclaimed property trust fund.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1382 Technology advancement and emergency fund - repeal. The act repeals the technology advancement and emergency fund and the reversion of unspent general fund appropriations to the fund. Prior to the repeal, the state treasurer is required to transfer the unspent and unencumbered balance of the fund to the general fund.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1383 General fund - statutory reserve - reduction. Under current law, the general fund reserve requirement is equal to 7.25% of the amount appropriated for expenditure from the general fund for the fiscal year. The act reduces the percentage used to determine the general fund reserve as follows:

- 3.07% for fiscal year 2019-20; and
- 2.86% for fiscal years 2020-21 and 2021-22.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1394 Public employees' retirement association - judicial division - employer and member contribution rate modification - 2020-21 and 2021-22 state fiscal years - appropriation. The employer and member contribution rates for the public employees' retirement association (PERA) are specified in statute. For the 2020-21 and 2021-22 state fiscal years only, the act decreases the employer contribution rate for employers in the judicial division of PERA by 5% and increases the member contribution rate for employees in the judicial division of PERA by 5%. The contribution rates will be changed as follows:

- For the 2020-21 state fiscal year, the employer contribution rate is decreased from 13.91% to 8.91% of salary and the member contribution rate is increased from 9.5% to 14.5% of salary.
- For the 2021-22 state fiscal year, the employer contribution rate is decreased from 13.91% to 8.91% of salary and the member contribution rate is increased from 10% to 15% of salary.

The act specifies that the change in contributions does not apply to the employer or member contributions for judges employed by the Denver county court. The act does not impact the employer or member contribution rates for any of the other divisions of PERA.

The appropriations made to the judicial department in the annual general appropriation act for the 2020-21 state fiscal year are reduced in accordance with the act.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1396 Work force development council - online platform - career - education - training - planning and exploration. The state work force development council (state council), in collaboration with the department of higher education, the department of labor and employment, and the department of human services (state agencies), is required to implement and maintain a free online platform (platform) to provide Coloradans with personalized information to assist them in making career and education planning decisions; except that this requirement is subject to available appropriations or money from other sources. The state council and the state agencies may conduct outreach and training for the individuals who provide career counseling and for the public to promote awareness of the platform.

For the purposes of implementing and maintaining the platform, the state council may receive money from other state agencies, the general assembly may appropriate money to the state council, and the state council may solicit, accept, and expend gifts, grants, and donations. The state council may transfer any money appropriated by the general assembly for the purposes of the platform to the department of higher education to implement and maintain the platform, to disseminate information regarding the platform, and to provide training about the platform.

The governor's office of information technology (office) is required to ensure that the

platform complies with state and federal information technology security and privacy requirements and standards. To ensure such compliance, the office is required to ensure that the contract for the platform includes a requirement that the vendor conduct an external security assessment that complies with the office's requirements and standards and that the assessment and remediation plan be shared with the office. In addition, the state auditor may, in his or her discretion, conduct an audit or assessment of the online platform and of the administration and maintenance of the platform.

The authority to implement and maintain the platform is repealed, effective June 30, 2025. Before the repeal, the joint technology committee is required to assess the impact, effectiveness, and compliance with state and federal information technology requirements and standards of the platform and to make a recommendation to the general assembly regarding whether to continue the platform.

The act specifies that the department of higher education shall provide certain notice that it is already required by law to provide to certain students and parents of students in Colorado, through the platform. In addition, the act repeals requirements that each board of education and the state charter school institute ensure that students in the sixth grade are registered with a previously used online platform, known as College in Colorado.

The act repeals the talent pipeline cash fund and authorizes the general assembly to appropriate money from the general fund to the state council for the purposes of the state council. The act also specifies that state council requirements related to career pathways are subject to available appropriation or money from other sources.

APPROVED by Governor June 26, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1398 Capital construction - automatic funding mechanism for payment of future costs - exemption of legislative department cash fund - suspension of funding mechanism for the 2020-21 state fiscal year. The act:

- Exempts the legislative department cash fund and the redistricting account in the legislative department cash fund from the definition of "cash fund" for purposes of the requirements under the automatic cash fund funding mechanism for payment of future costs attributable to certain of the state's capital assets;
- Suspends the automatic cash fund funding mechanism for payment of future costs attributable to certain of the state's capital assets for the 2020-21 state fiscal year;
- Clarifies that any amount of money that may currently be identified in a capital reserve of the legislative department cash fund or in a capital reserve of the redistricting account is also excluded and may be used for the purposes set forth in the statute that created the cash fund; and
- Makes an appropriation.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1401 Marijuana tax cash fund - repeal of delayed appropriations from fund - transfer to general fund. The act repeals the prohibition on the general assembly appropriating the bulk of the money from the marijuana tax cash fund until the year following the year that the revenue is received by the state. The fund reserve is clarified in light of this change. The state treasurer is required to transfer \$136,989,750 from the fund to the general fund on October 1, 2020.

APPROVED by Governor June 29, 2020

EFFECTIVE July 1, 2020

H.B. 20-1406 General fund - transfers from cash funds - transfer to petroleum storage tank fund. For the purpose of augmenting the amount of revenues in the state general fund, the act requires the state treasurer to make specific transfers to the general fund. On June 30, 2020, the state treasurer is required to transfer \$4 million from the petroleum cleanup and redevelopment fund to the petroleum storage tank fund, which total amount will then be transferred to the general fund with 8 transfers of \$500,000, beginning on October 15, 2020.

On June 30, 2020, the state treasurer is required to transfer the following amounts to the general fund:

- \$2 million from the petroleum cleanup and redevelopment fund;
- \$1 million from the workers' compensation cash fund;
- \$2 million from the unemployment revenue fund;
- \$500,000 from the conveyance safety fund;
- \$1 million from the school safety resource center cash fund;
- \$771,204 from the waste tire market development fund, as it existed prior to its repeal in 2018;
- \$5.6 million from the small communities water and wastewater grant fund;
- \$180,000 from the vital statistics records cash fund;
- \$433,728 from the construction sector fund;
- \$500,000 from the public and private utilities sector fund;
- \$483,535 from the water quality improvement fund;
- \$422,411 from the hazardous waste service fund;
- \$363,243 from the solid waste management fund;
- \$5,372,415 from the waste tire administration, enforcement, market development, and cleanup fund;
- \$1.4 million from the end users fund;
- \$5 million from the off-highway vehicle recreation fund;
- \$2.3 million from the local government permanent fund; and
- \$1.6 million from the marijuana cash fund.

On July 1, 2020, the state treasurer is required to transfer the following amounts to the general fund:

- \$1,224,100 from the division of insurance cash fund;
- \$370,795 from the division of banking cash fund;
- \$267,521 from the prescription drug monitoring fund;
- \$130,000 from the state archives and records cash fund;
- \$4,908,395 from an account with the proceeds of sales of real estate that was acquired for military purposes; and

- \$1,007,176 from the highway-rail crossing signalization fund.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1408 Capital construction - distribution of certain money credited to the capital construction fund. The act specifies that the money credited to the capital construction fund pursuant to House Bill 20-1377, concerning a requirement that a portion of the proceeds of the Senate Bill 17-267 lease-purchase agreement that will be executed in state fiscal year 2019-20 be credited to the capital construction fund and appropriated only for controlled maintenance projects, including controlled maintenance projects that are capital renewal projects, must be appropriated in the following priority:

- \$34,098,768 for current year and out year level 1 controlled maintenance projects;
- \$3,779,372 for the capital renewal project at University of Northern Colorado for the Boiler #3 Replacement;
- \$2,819,630 for the capital renewal project at Adams State University for the Plachy Hall HVAC Upgrade and Replacement; and
- Any remaining money is appropriated to the emergency controlled maintenance account.

The act also specifies that in the event there is insufficient money credited to the capital construction fund to fully fund the first 3 appropriations, no partial projects may proceed with partial appropriations. Any partial appropriation must instead be appropriated to the emergency controlled maintenance account.

The act takes effect upon passage only if House Bill 20-1377 becomes law and takes effect either upon the effective date of this act or House Bill 20-1377, whichever is later.

APPROVED by Governor July 10, 2020

EFFECTIVE July 10, 2020

NOTE: House Bill 20-1377 became law and took effect June 30, 2020.

H.B. 20-1409 Annual penal institution inspections - facilities that house noncitizens for civil immigration proceedings - unannounced follow-up inspections - FY 2020-21 inspection report. Under current law, the department of public health and environment (department) is charged with making annual sanitary, sewerage, and health inspections of penal institutions. The act defines "penal institutions" and includes in that definition public and private facilities that house noncitizens for civil immigration proceedings. The act specifically authorizes unannounced follow-up inspections by the department.

For the 2020-21 fiscal year, the act directs the department to make the annual inspections of facilities that house noncitizens before January 1, 2021, and to submit a report to the governor and specified committees of the general assembly.

APPROVED by Governor July 11, 2020

EFFECTIVE July 11, 2020

H.B. 20-1413 Small business recovery loan program - establishment - oversight board - funding and eligibility requirements - issuance of premium insurance tax credits. The state treasurer is authorized to enter into a contract or contracts to establish a small business recovery loan program (loan program). The purpose of the loan program is to assist the state's recovery from the COVID-19 pandemic by leveraging private investment for loans to Colorado small businesses recovering from the COVID-19 crisis. The treasurer is authorized to contract with the Colorado housing and finance authority or a private entity selected through an open and competitive process.

Subject to the availability of proceeds from insurance premium tax credit purchases, the state treasurer may invest up to \$30 million in first loss capital from the small business recovery fund established in the act in fiscal year 2020-21, and up to \$30 million in first loss capital in fiscal year 2021-22; except that the total invested across both fiscal years may not exceed \$50 million. The investments must be made in tranches of no more than \$10 million each. Each tranche must be matched at a 4-to-1 ratio by money invested from other sources before it is committed or deployed. Once the money in a tranche is matched, it must be used to make loans of working capital to Colorado businesses with between 5 and 100 employees that meet eligibility criteria. The loans must be between \$30,000 and \$500,000, with a maturity of up to 5 years. The state treasurer may not invest a new tranche of state money until the prior tranche is at least 90% invested in small business loans.

When each tranche is deployed, it is subject to an initial period of time in which a portion of the money is allocated to each county on a basis proportionate to the county's share of small businesses or small business employees relative to the state, or a similar metric, or based on a formula that accounts for how affected each county has been by the COVID-19 pandemic. During this time period, the money allocated to the county is reserved for eligible borrowers located in that county. After the initial period of time passes, the money remaining in the tranche is available on a statewide basis.

The small business recovery loan program oversight board (oversight board) is created in the department of the treasury (department). The oversight board consists of the state treasurer, the director of the minority business office on behalf of the office of economic development, a member appointed by the speaker of the house of representatives, a member appointed by the president of the senate, and a member appointed by the governor. The oversight board consults with the treasurer on the selection of a loan program manager, establishes certain terms and criteria applicable to the loan program in consultation with lending industry leaders and small business representatives, and provides oversight and guidance to the loan program to ensure it complies with statutory requirements and fulfills the purpose of assisting Colorado small businesses recovering from the COVID-19 crisis. The loan program manager must report on a quarterly basis to the oversight board. The oversight board must file written reports with the joint budget committee twice each fiscal year, and must report once each fiscal year for the first 2 years to the business committees of the house and senate.

The department is authorized to issue insurance premium tax credits to insurance companies that are authorized to do business in Colorado and incur premium tax liability, subject to procedures established by the department. The department may contract or consult with an independent third party to manage the bidding process. The department is required to issue a tax credit certificate to each successful purchaser. The department is authorized to issue up to \$40 million in tax credit certificates in fiscal year 2020-21. The department is authorized to issue up to an additional \$28 million in tax credits in fiscal year 2021-22, unless

an equivalent amount of federal money is appropriated or allocated to the program.

A qualified taxpayer may claim the tax credit against its premium tax liability. For a tax credit certificate issued in fiscal year 2020-21, the qualified taxpayer may claim up to 50% of the credit in calendar year 2026, and may claim the remaining amount of the credit beginning in calendar year 2027. For a tax credit certificate issued in fiscal year 2021-22, the qualified taxpayer may claim the credit beginning in calendar year 2028. The amount of the credit claimed cannot exceed the taxpayer's premium tax liability for a given year. The unused amount carries forward and may be claimed in subsequent years; except that a credit cannot be claimed for premium tax liability incurred in a taxable year that begins after December 31, 2031.

The act creates the small business recovery fund in the treasury. The fund consists of tax credit sale proceeds, any revenues, disbursements, or money returned to the state from the loan program, and any other money the general assembly appropriates or transfers to the fund. The money in the fund is continuously appropriated to the department to implement the loan program and to pay for the department's direct and indirect costs in administering the loan program and in issuing the tax credits. Beginning in fiscal year 2025-26, the treasurer must credit any unexpended and unencumbered money remaining in the fund at the end of a fiscal year to the general fund. The fund is repealed on July 1, 2029, and all unexpended and unencumbered money remaining in the fund is transferred to the general fund.

APPROVED by Governor June 23, 2020

EFFECTIVE June 23, 2020

H.B. 20-1417 General fund - care subfund - codification - reporting and record-keeping requirements - exception from statutory reserve base - use of federal money for COVID-19 pandemic relief. The state received \$1.67 billion from the federal coronavirus relief fund created in the federal "Coronavirus Aid, Relief, and Economic Security Act of 2020" (CARES Act), and the governor allocated \$70 million of these federal funds to the general fund for further allocation by the general assembly for any permissible uses under the CARES Act. The state controller set aside this money in a special account, known as the care subfund.

The act codifies the care subfund (subfund) in the general fund and reiterates the requirement that the money in the subfund can only be used as permitted under the CARES Act. Any state department that receives an appropriation from the subfund is required to comply with any reporting and record-keeping requirements established by the state controller or the office of state planning and budgeting. Any money transferred from the care subfund to another cash fund is subject to the same reporting and record-keeping requirements. Any appropriations from the subfund are excluded from the base for purposes of calculating the state reserve for fiscal year 2020-21.

The act requires any unexpended amounts before the close of business on December 30, 2020, to revert to the subfund and the state treasurer is directed to transfer such amount to the unemployment compensation fund, which is a permissible use of the federal funds. If as of that date, there is any unexpended money that originated from the care subfund in another cash fund, then the state treasurer shall transfer the unexpended amount from the cash fund to the subfund prior to the transfer to the unemployment compensation fund.

APPROVED by Governor June 22, 2020

EFFECTIVE June 22, 2020

H.B. 20-1426 Disaster emergency - reporting to general assembly - disaster emergency fund - reporting - audits - federal funds reporting - continuation of appropriation transfer and overexpenditure authority. The act establishes triannual meetings, which take place in March, August, and December, whereby members of the executive committee of the legislative council and the joint budget committee (committees) are able to receive information from the executive branch related to a disaster if the governor has declared a disaster emergency since the 1st day of the month for the last required meeting. During the meeting, the governor or his or her designee must appear before the committees to provide information of a comprehensive nature and respond to questions from the committees with respect to the disaster emergency. The governor and any state agency is also required to promptly give notice to the general assembly of the promulgation of any executive order or other order by the governor or the agency, as applicable, issued in connection with the disaster emergency.

The office of state planning and budgeting is required to provide quarterly reports to the joint budget committee about the expenditures from the disaster emergency fund (fund) and to post the reports on the office's website. The office is also required to prepare quarterly reports of federal funds that the state receives and spends.

The state auditor is required to conduct or cause to be conducted a performance audit of the fund that is completed on December 1, 2022. Thereafter, the state auditor is required to conduct a biennial financial audit of the fund for the 2 most recently completed fiscal years.

The act extends the repeal date for the authority to transfer spending authority between line items in specified circumstances from September 1, 2020, to September 1, 2025, and similarly extends the repeal date for the provision permitting overexpenditures in excess of the amount authorized by an item of appropriation in limited circumstances, including for medicaid programs.

APPROVED by Governor July 14, 2020

EFFECTIVE July 14, 2020

HEALTH AND ENVIRONMENT

S.B. 20-28 Substance use disorders - continuation of the opioid and other substance use disorders study committee - additional study areas for committee - state substance abuse trend and response task force duties - determination of child abuse, neglect, and dependency - appropriation. The act:

- Continues the opioid and other substance use disorders study committee (committee) for an additional 4 years, meeting every other year beginning in 2021;
- In addition to the existing areas of study, for the 2021 interim, requires the committee to study the relationship between mental health conditions and substance use disorders and the effect of COVID-19 on substance use disorders;
- Requires the state substance abuse trend and response task force to convene stakeholders for the purpose of generating policy recommendations related to opioid and other substance use disorders and reviewing progress on bills introduced by the committee and passed by the general assembly;
- Modifies how child abuse, neglect, or dependency is determined in situations involving alcohol or substance exposure; and
- Authorizes the statewide perinatal substance use data linkage project to conduct ongoing research related to the incidence of perinatal substance exposure or related infant and family health and human service outcomes based on the new standards for determining child abuse, neglect, or dependency when alcohol or substance exposure is involved.

\$74,620 is appropriated from the general fund to the department of human services and reappropriated to the department of law to purchase legal services. The appropriation to the office of the governor, for use by the office of information technology for applications administration, is reduced by \$74,620.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

S.B. 20-55 Recycling - market development - business personal property tax reimbursement - education campaign - appropriation. Section 1 of the act directs the department of public health and environment (department) to convene stakeholders to inform the department regarding a structure and governing guidance for a recycling market development center to support the development of end-market businesses within the state. Section 1 also directs the department to conduct a literature review of what industry and other states are doing around the country regarding producer responsibility and to create policy and legislative recommendations regarding the feasibility of requiring producers to design, manage, and finance programs for end-of-life management of their products and packaging as a condition of sale.

Sections 3, 4, and 5 allow the pollution prevention advisory board (board) to use the recycling resources economic opportunity fund and the front range waste diversion cash fund to reimburse eligible recycling businesses for locally assessed personal property taxes paid in the current tax year in this state on personal property. Section 2 directs the board to establish a formula that it would use in awarding personal property tax reimbursements.

Section 6 requires the department, as soon as practicable, to administer a statewide campaign to educate Colorado residents concerning recycling. The department shall ensure the campaign includes:

- Communications delivered via social media;
- Television and radio public service announcements; and
- The placement of written materials in public locations, such as community centers, recreation centers, and shopping centers.

In administering the campaign, the department shall consult with municipal governments, county governments, and private agencies that operate recycling programs. The department may contract with one or more public or private entities for the preparation of materials to be used in the campaign. The requirement is repealed, effective September 1, 2021.

Section 7 appropriates \$985,283 from the recycling resources economic opportunity fund and 2.1 FTE to the department to implement the act.

APPROVED by Governor July 13, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-78 Retail food establishments - pet dogs in outdoor dining areas - local government opt out. The act authorizes a retail food establishment to allow a person to bring a pet dog to an outdoor dining area if:

- The retail food establishment elects to allow pet dogs in its outdoor dining area, has a separate entrance to the area through which pet dogs may enter and exit without passing through the retail food establishment, does not use the area for food or drink preparation, and complies with any other control measures approved by the county or district public health agency;
- The person who brings a pet dog to the outdoor dining area does not allow the pet dog on chairs, benches, seats, or other furniture or fixtures and maintains control of the pet dog, including leashing the pet dog or confining the pet dog in a pet carrier; and
- The retail food establishment licensee ensures compliance with local ordinances related to sidewalks, public nuisances, and sanitation.

A person who brings a pet dog in an outdoor dining area is responsible for the behavior of that pet dog.

Local governing bodies may prohibit the presence of pet dogs for all retail food establishments within the governing body's jurisdiction.

APPROVED by Governor March 23, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-90 Donations of food encouraged - limited immunity for donors of food and farmers allowing access to crops for donation. Correctional facilities, school districts, hospitals, and retail food establishments are encouraged to donate apparently wholesome food to local nonprofit organizations for distribution to needy or poor individuals. Correctional facilities, school districts, and hospitals that donate items of food to nonprofit organizations are provided limited immunity from civil and criminal liability, which limited immunity state law already provided to donor retail food establishments. The immunity does not apply to willful, wanton, or reckless acts of donors that result in injury to recipients of the donated foods.

A farmer who allows one or more individuals to enter the farmer's property for the purpose of gleaning produce for donation to a nonprofit organization for use or distribution in providing assistance to needy or poor persons is not liable for damages in any civil action or subject to prosecution in any criminal proceeding resulting from an injury to any such individual unless the injury results from a willful or wanton act or omission of the farmer.

APPROVED by Governor June 26, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-113 Health care facilities - requirements for department to issue license. The act repeals language requiring each health facility license issued by the department of public health and environment to include the signature of the president of the state board of health, the attestation of the secretary of the state board, and the state board's seal.

APPROVED by Governor March 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-163 Immunizations - school entry - nonmedical exemptions - annual evaluation - vaccinated children standard - appropriation. The act codifies a definition of "nonmedical exemption" to mean an immunization exemption based upon a religious belief whose teachings are opposed to immunizations or a personal belief that is opposed to immunizations.

The act requires the department of public health and environment (department) to develop standardized forms and a submission process for persons who want to claim a nonmedical exemption for an immunization for a religious or personal belief. A person who wants to claim a nonmedical exemption for an immunization can do so by submitting to the school either:

- A certificate of completion of the online education module; or
- A certificate of nonmedical exemption.

The act requires the department to annually evaluate the state's immunization practices, including an examination of best practices and guidelines recommended by the advisory committee on immunization practices. The state board of health may update the state's immunization practices pursuant to the annual evaluation.

The act creates a vaccinated children standard, whereby the immunization rate goal for every school is 95% of the student population to be vaccinated. The act requires the department to amend an immunization document it currently publishes annually to include information about the vaccinated children standard. Every school shall publish its immunization rate and exemption rate for the measles, mumps, and rubella vaccine on the document and annually distribute it to the parents, legal guardians, and students of the school.

The act requires, as applicable, a practitioner who is a licensed physician, physician assistant, advanced practice nurse, or person authorized to administer immunizations within their scope of practice to students to submit immunization, medical, or nonmedical exemption data to the immunization tracking system. The practitioner is not subject to a regulatory sanction for noncompliance.

The act appropriates \$41,906 from the general fund to the department of public health and environment for the following uses:

- \$31,884 for use by the environmental epidemiology division for program costs and an additional 0.1 FTE; and
- \$10,022 for the purchase of information technology services, which is reappropriated to the office of the governor for use by the office of information technology.

APPROVED by Governor June 26, 2020

EFFECTIVE June 26, 2020

S.B. 20-166 Birth certificate - driver's license - identification card - requirements for minor - aligning gender identity with sex designation. The act aligns the requirements for a minor to obtain a new birth certificate from the state registrar and a new driver's license or identification card from the department of revenue with the requirements for an adult. A minor must also obtain a statement from a medical or mental health professional confirming that the minor's sex designation does not align with the minor's gender identity.

APPROVED by Governor July 13, 2020

EFFECTIVE July 13, 2020

S.B. 20-204 Air quality - enterprise created - modeling, monitoring, data assessment, and research - emission mitigation projects - enterprise fees - enterprise report - sunset review - emissions fees increase - use of increased fee revenue - division report on fees - appropriation. The act creates the air quality enterprise and specifies that its revenues are exempt from the state constitution's TABOR provisions. The enterprise will conduct air quality modeling, monitoring, data assessment, and research; implement emission mitigation projects; and provide its data to the division of administration (division) and the air quality control commission (commission) in the department of public health and environment (department) to facilitate the administration of the state's air quality laws, including by facilitating the timely issuance and effective enforcement of appropriate emission permits.

The enterprise is governed by a board of directors comprised of the executive director of the department or the executive director's designee and 9 members appointed by the governor and representing the commission, fee payers, business management, and scientific

researchers. The board shall establish by rule the following enterprise fees in an amount that, in aggregate, reflects the value of the services the enterprise provides:

- A fee per ton of air pollutant;
- A fee for services performed for third parties for air quality modeling, monitoring, assessment, or research;
- A fee for emission mitigation project services.

The fees are credited to the newly created air quality enterprise cash fund. Revenue collected from the fees must not exceed the following amounts:

- For state fiscal year 2021-22, \$1 million;
- For state fiscal year 2022-23, \$3 million;
- For state fiscal year 2023-24, \$4 million; and
- For state fiscal years commencing on or after July 1, 2024, \$5 million.

The enterprise is required to submit an annual report to the general assembly each December 1 detailing its activities, revenues, and the value of its business services. The enterprise is repealed on September 1, 2034, and is subject to sunset review.

For purposes of the fees for air pollutant emission notices, annual per-ton emissions, and application processing, the act:

- Removes the statutory maximum for the fees;
- Establishes the amount of the fees for state fiscal years 2020-21 and 2021-22; and
- Allows the commission to thereafter adjust the fees by rule.

Additionally, for annual per-ton emission fees and processing fees, the act specifies the purposes for which the increased revenues from those fees may be spent and requires annual reporting by the division regarding the fees.

The act appropriates \$10,660 from the general fund to the department and reappropriates the money to the department of law for legal services necessary to implement the act.

APPROVED by Governor June 30, 2020

EFFECTIVE July 1, 2020

H.B. 20-1036 Emergency medical service providers - peer health assistance program - application to licensees. In 2019, Senate Bill 19-242, concerning the creation of an emergency medical service provider license, was enacted to authorize a certified emergency medical service (EMS) provider to seek licensure if the provider demonstrates to the department of public health and environment that the provider has sufficient educational credentials for licensure. Numerous conforming amendments added references to licensed EMS providers where certified EMS providers were referenced in statute. Also in 2019, Senate Bill 19-065, concerning the creation of a peer health assistance program for emergency medical service providers, was enacted to establish a peer health assistance program for EMS providers.

The act amends the statute created in Senate Bill 19-065 by adding references to

licensed EMS providers and licensees to align Senate Bill 19-065 with Senate Bill 19-242.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1038 Youth prevention, intervention, and treatment services - repeal. The act repeals statutory language requiring the department of public health and environment (CDPHE) to provide prevention, intervention, and treatment services for youths since these functions were previously transferred from CDPHE to the department of human services.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1065 Substance use disorders - carrier reimbursement for opiate antagonists provided by a hospital - pharmacists to notify of availability of opiate antagonists - authorization to sell nonprescription syringes or needles - immunity for furnishing or administering expired opiate antagonists - clean syringe exchange programs operated by nonprofit organizations. The act:

- Requires a carrier that provides coverage for opiate antagonists to reimburse a hospital if the hospital provides a covered person with an opiate antagonist upon discharge;
- Requires a pharmacist who dispenses a prescription for an opioid to notify the individual to whom the opioid is being dispensed about the availability of an opiate antagonist;
- Allows a pharmacist or pharmacy technician to sell a nonprescription syringe or needle to any person and exempts pharmacists and pharmacy technicians who sell nonprescription syringes or needles from the drug paraphernalia criminal statutes;
- Extends civil and criminal immunity for a person who acts in good faith to furnish or administer an opiate antagonist to an individual the person believes to be suffering an opiate-related drug overdose when the opiate antagonist was expired; and
- Allows a nonprofit organization to operate a clean syringe exchange program without local board of health approval and requires the nonprofit organization to annually report specified information to the department of public health and environment.

APPROVED by Governor July 13, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1094 On-site wastewater treatment systems - local government permits - fee limit - repeal. Current law requires that a local board of health set the permit fee for an on-site wastewater treatment system permit in an amount to recover the actual direct and indirect costs associated with the permit and sets a \$1,000 cap on the fee. The act repeals the dollar limitation on the fee. Upon request, the local board of health shall provide a permittee with a statement that specifies how the permit fee amount was calculated.

APPROVED by Governor March 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1101 Assisted living residence referrals - agreement requirements - termination of services - cancellation of agreement - prohibitions - definition of assisted living residence. The act requires an agreement between an assisted living residence referral agency and a prospective resident of an assisted living residence to be in writing and include:

- The right of the prospective resident or representative of the prospective resident to terminate the referral agency's services for any reason at any time; and
- A requirement that the referral agency communicate the cancellation of the agreement to all assisted living residences to which the prospective resident has been referred.

The act prohibits an assisted living residence from:

- Paying a referral fee to a referral agency if the agreement between the referral agency and the prospective resident has been terminated; and
- Selling the prospective resident's or prospective resident's representative's contact information to a third party without written consent.

The act expands the definition of "assisted living residence" to include a facility operated for persons with intellectual and developmental disabilities.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1143 Air and water pollution - civil and criminal violations - increased penalties. Current state law sets the maximum civil fine for most air quality violations at \$15,000 per day and most water quality violations at \$10,000 per day, but federal law allows the federal environmental protection agency to assess higher maximum daily fines per violation. Sections 1 and 2 of the act raise the maximum fine to \$47,357 per day for air quality violations and \$54,833 per day for water quality violations and direct the air quality control commission and the water quality control commission in the department of public health and environment to annually adjust the maximum fine based on changes in the consumer price index. Section 2 also extends the repeal date for the water quality improvement fund to September 1, 2025.

Current law specifies that a person who commits criminal pollution of state waters that is committed:

- With criminal negligence or recklessly is subject to a maximum daily fine of \$12,500; and
- Knowingly or intentionally is subject to a maximum daily fine of \$25,000.

Section 3 makes a:

- Criminally negligent or reckless violation a misdemeanor and increases the maximum daily penalty to \$25,000, imprisonment of up to 364 days, or both; and
- Knowing or intentional violation a class 5 felony and increases the maximum daily penalty to \$50,000, imprisonment of up to 3 years, or both.

Current law specifies that a person who knowingly makes any false representation in a required record or who knowingly renders inaccurate any required water quality monitoring device or method is guilty of a misdemeanor and is subject to a fine of not more than \$10,000, imprisonment in the county jail for not more than 6 months, or both. Section 4 makes these violations a class 5 felony and specifies that if 2 separate offenses occur in 2 separate occurrences during a period of 2 years, the maximum fine and term of imprisonment for the second offense are double the default amounts.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

H.B. 20-1167 Alternative fuel - statutory definition moved - statutory cross-references updated. The act repeals the definition of "alternative fuel" in the air quality control statutes because there is no longer any reference to the definition in those statutes and moves the definition to the statutes regarding the department of personnel's central state motor vehicle fleet system, where the defined term is used. Cross-references to the definition of "alternative fuel" are updated to refer to the statute to which the definition is moved.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1215 Water and wastewater facility operators certification board - continuation under sunset law - definitions - fund created - appropriation. The act implements the recommendations of the department of regulatory agencies in its sunset review of the water and wastewater facility operators certification board by:

- Extending the repeal date of the board until September 1, 2031;
- Amending the definition of "domestic wastewater treatment facility" by excluding small on-site wastewater treatment systems with a design capacity of 2,000 gallons or less per day, unless the system discharges directly to surface water;
- Amending the definition of "industrial wastewater treatment facility" by:
 - Repealing the exclusion of facilities designed to operate for less than

- one year and facilities with in-situ discharges; and
- Adding an exclusion of construction dewatering activities that use only passive treatment and occur for less than one year;
- Creating a water and wastewater facility operators fund for fees that the board receives directly and uses for the exclusive use of the regulatory program; and
- Repealing an obsolete provision of law relating to a reorganization of the board on July 1, 2004.

The act appropriates \$24,815 from the water and wastewater facility operators fund to the department of public health and environment for use by the drinking water program in the water quality control division.

APPROVED by Governor July 11, 2020

EFFECTIVE July 11, 2020

H.B. 20-1265 Air quality - covered air toxics - covered facilities - community communications regarding the occurrence of incidents. The act defines "covered air toxics" as hydrogen cyanide, hydrogen sulfide, and benzene. A stationary source of air pollutants that reported in its federal toxics release inventory filing at least one of the following amounts of a covered air toxic for the year 2017 or later is defined as a "covered facility":

- For hydrogen cyanide, 10,000 pounds;
- For hydrogen sulfide, 5,000 pounds; and
- For benzene, 1,000 pounds.

"Incidents" are defined as unauthorized emissions of an air pollutant from a covered facility. Each covered facility will:

- Conduct outreach to representatives of the community surrounding the covered facility to discuss communications regarding the occurrence of an incident;
- Use reverse-911 to communicate with, and make data available to, the community surrounding the covered facility regarding the occurrence of an incident;
- Implement reverse-911 within 6 months; and
- Pay all costs associated with its use of reverse-911.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

H.B. 20-1374 Waste grease regulatory program - repeal - reducing an appropriation. The act:

- Repeals the state regulatory program concerning the registration, fees, record keeping, violations, and rules regarding waste grease; and
- Reduces the cash funds appropriation from the solid waste management fund made in the 2020-21 general appropriation act (long bill) by \$100,890 and reduces the related FTE by 0.7 FTE.

APPROVED by Governor June 29, 2020

EFFECTIVE July 1, 2020

H.B. 20-1397 Department of public health and environment - elimination of board support - stroke advisory board and Colorado coroners standards and training board - appropriation. The act eliminates the requirement that the department of public health and environment (department) assist and staff the stroke advisory board and the Colorado coroners standards and training board. Each board is authorized to accept and expend gifts, grants, and donations to cover the board's direct expenses.

The general fund appropriation to the department for use by the health facilities and emergency medical services division is decreased by \$44,007.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1419 Drug assistance program - AIDS or HIV medications - rebates for charges in excess of a federal price agreement - deposit rebates in new cash fund - continuous appropriation - exempt from uncommitted reserves limit. Under current law, the department of public health and environment (department) receives pharmaceutical rebates for money it receives based on charges in excess of a federal price agreement related to the state's operation of a drug assistance program to assist individuals with lower incomes who have medical or preventive needs regarding AIDS or HIV (state program). The rebates are designated in statute as donations. The act removes the statutory designation of the rebates as a donation and creates a cash fund into which the rebates are credited for continuous appropriation to the department for the state program. The cash fund is exempted from the statutory limit on uncommitted reserves in a cash fund.

APPROVED by Governor July 13, 2020

EFFECTIVE July 13, 2020

H.B. 20-1425 Hospital patient visits - encourage hospitals to improve policies. The act acknowledges the challenges to the state's health care systems caused by the COVID-19 virus, which has resulted in hospitals, in their efforts to keep patients and employees in a safe environment and minimize the risk of spreading the virus, limiting patients' ability to have loved ones visit them during hospitalizations. The act encourages hospitals to follow infection prevention protocols and identify ways to improve patient visitation policies.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

HEALTH CARE POLICY AND FINANCING

S.B. 20-33 Medicaid buy-in program - expanded eligibility - appropriation. Subject to federal authorization and funding, the act authorizes working adults with disabilities who are 65 years of age or older to continue participating in the existing medicaid buy-in program (program).

The act directs the department of health care policy and financing (department) to seek federal authorization to expand the program to include individuals in the work incentives eligibility group, which is defined, to match federal eligibility criteria, as individuals who are age 65 years or older with a disability who, except for assets or income, would be eligible for the supplemental security income program. The department shall submit necessary state plan amendments to implement the program and must implement the program by July 1, 2022.

For the 2020-21 fiscal year, the act appropriates \$50,000 from the general fund to the department, with \$50,000 anticipated in federal funds.

APPROVED by Governor July 6, 2020

EFFECTIVE July 6, 2020

S.B. 20-212 CARES Act - telehealth and telemedicine - health insurance carrier prohibitions - medicaid reimbursement - expansion of services - appropriation. The act prohibits a health insurance carrier from:

- Imposing specific requirements or limitations on the HIPAA-compliant technologies used to deliver telehealth services;
- Requiring a covered person to have a previously established patient-provider relationship with a specific provider in order to receive medically necessary telehealth services from the provider; or
- Imposing additional certification, location, or training requirements as a condition of reimbursement for telehealth services.

The act specifies that, to the extent the state board of health adopts rules addressing supervision requirements for home care agencies, the rules must allow for supervision in person or by telemedicine or telehealth.

For purposes of the medicaid program, the act:

- Requires the department of health care policy and financing (state department) to allow home care agencies to supervise services through telemedicine or telehealth;
- Clarifies the methods of communication that may be used for telemedicine;
- Requires the state department to reimburse rural health clinics, the federal Indian health service, and federally qualified health centers for telemedicine services provided to medicaid recipients and to do so at the same rate as the department reimburses those services when provided in person;
- Requires the state department to post telemedicine utilization data to the state department's website no later than 30 days after the effective date of the act and update the data every other month through state fiscal year 2020-21; and
- Specifies that health care and mental health care services include speech therapy, physical therapy, occupational therapy, hospice care, home health

care, and pediatric behavioral health care.

The act appropriates \$5,068,381 to the state department from the care subfund for telemedicine expansion services and prohibits the state department from using the appropriation for the state-share of medicaid services.

APPROVED by Governor July 6, 2020

EFFECTIVE July 6, 2020

H.B. 20-1232 Medicaid - participation in clinical trials. The act authorizes the state medical assistance program (medicaid) to cover routine costs associated with phase I through phase IV clinical trials involving the prevention, detection, diagnosis, or treatment of life-threatening or debilitating diseases or conditions. The medicaid recipient's (recipient's) treating physician must determine that the recipient has a qualifying disease or condition and that the recipient meets the selection criteria for the clinical trial. The clinical trial must be an approved clinical trial, as described in the act, and must be conducted by agencies and organizations specified in the act.

As used in the act, "routine costs" include medically necessary items or services included under the medicaid program for a recipient, to the extent that the provision of such items or services to the individual outside the course of such participation would otherwise be covered under the medical assistance program, without regard to whether the recipient is participating in a clinical trial. Routine costs do not include items specified in the act, including the investigational item, device, or service itself; items and services provided solely to satisfy data collection and analysis needed for the clinical trial; and items, drugs, or services that would otherwise be provided by the clinical trial or provided for free to any individual participating in the clinical trial.

APPROVED by Governor July 10, 2020

EFFECTIVE July 10, 2020

H.B. 20-1237 Medicaid - assignment of managed care entity - children and youth in out-of-home placement. For a child or youth who obtains services under the state's medicaid program through the initiation of a dependency and neglect action or juvenile delinquency action resulting in out-of-home placement, the act requires the department of health care policy and financing (department) to assign the child or youth to the managed care entity (MCE) in the county in which the action was initiated. The department shall only change the MCE designation if requested by the county with jurisdiction over the action or the child's or youth's legal guardian.

APPROVED by Governor July 11, 2020

EFFECTIVE July 11, 2020

H.B. 20-1361 Medical assistance program - adult dental benefit - reduction. Beginning when the higher federal match afforded through the federal "Families First Coronavirus Response Act" expires, the act reduces the adult dental benefit so that it does not exceed \$1,000 per year for a participant.

From the savings from the reduction of the adult dental benefit in the medical assistance program, the act transfers \$1,139,402 from the unclaimed property trust fund to the general fund in the 2020-21 fiscal year and \$2,278,804 in the 2021-22 fiscal year.

Furthermore, the act requires \$331,462 to be appropriated from the healthcare affordability and sustainability fee cash fund to offset general fund expenditures for the state medical assistance program.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1362 Medicaid - nursing facilities - per diem rate limitation - decrease in appropriation. The act limits to 2% the annual increase in the general fund share of per diem rates to nursing facilities for the 2020-21 and 2021-22 state fiscal years.

For the 2020-21 fiscal year, the act decreases the general fund appropriation to the department of health care policy and financing for medical services premiums by \$3,288,230, with an anticipated corresponding decrease in federal funds of \$3,722,921.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1385 Use of increased federal participation - appropriations adjustments. For fiscal years 2019-20 and 2020-21, the act specifies that:

- If a provider or a school district submits a certification of public expenditure pursuant to federal law, the provider or school district shall receive federal matching funds in the amount of 50% of the amount certified, and any federal financial participation in excess of 50% of the amount certified must be transferred to the general fund for the medical assistance program;
- The amount of increased federal financial participation in excess of 50% generated from appropriations out of the healthcare affordability and sustainability fee cash fund must be used to offset other general fund appropriations for the medical assistance program;
- The amount of increased federal financial participation in excess of 50% for reimbursements and payments must be transferred from the medicaid nursing facility cash fund to the general fund for the medical assistance program expenditures; and
- The appropriation to the university of Colorado for fee-for-service contracts for health services is reduced by the amount of federal financial participation that exceeds 50%.

The act makes adjustments to the appropriations to transfer the amounts in excess of 50% to the general fund and appropriates those amounts for the medical services program.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1386 Healthcare affordability and sustainability fee - use of fee revenue to offset general fund expenditures for the state medical assistance program - appropriation. For the 2020-21 state fiscal year (FY 2020-21), the act:

- Authorizes the use of healthcare affordability and sustainability fee revenue for state medical assistance program expenditures;
- Requires \$161 million to be appropriated from the healthcare affordability and

- sustainability fee cash fund to offset general fund expenditures for the state medical assistance program;
- Reduces the FY 2020-21 general fund appropriation to the department of health care policy and financing (HCPF) for medical services premiums by \$161 million; and
- Appropriates \$161 million from the healthcare affordability and sustainability fee cash fund to HCPF for medical services premiums.

The act also clarifies that if the amount of healthcare affordability and sustainability fee revenue collected exceeds a federal limit, hospitals that received such excess federal matching money are responsible for repaying the excess federal money and any associated federal penalties to the federal government.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

HUMAN SERVICES - BEHAVIORAL HEALTH

S.B. 20-7 Treatment of substance use disorders - utilization of services - access to care - medication-assisted treatment - consolidation of statutory provisions for emergency and voluntary and involuntary commitment and treatment of persons with alcohol use and substance use disorders. The act requires insurance carriers to provide coverage for the treatment of substance use disorders in accordance with the American society of addiction medicine (ASAM) criteria for placement, medical necessity, and utilization management determinations in accordance with the most recent edition of the ASAM criteria. The act also authorizes the commissioner of insurance, in consultation with the department of human services (DHS) and the department of health care policy and financing, to identify by rule alternate nationally recognized substance-use-disorder-specific treatment criteria if the ASAM criteria are no longer available, relevant, or reflect best practices. These provisions apply to health benefits plans issued or renewed on or after January 1, 2022.

The act prohibits managed service organization contracted providers; withdrawal management services; and recovery residences from denying access to medical or substance use disorder treatment services, including recovery services, to persons who are participating in prescribed medication-assisted treatment for substance use disorders. In addition, the act prohibits courts and parole, probation, and community corrections from prohibiting the use of prescribed medication-assisted treatment as a condition of participation or placement.

The act requires managed care entities to provide coordination of care for the full continuum of substance use disorder and mental health treatment and recovery services, including support for individuals transitioning between levels of care.

The act authorizes the commissioner of insurance, in consultation with the department of public health and environment (CDPHE), to promulgate rules, or to seek a revision of the essential health benefits package, for prescription medications for medication-assisted treatment to be included on insurance carriers' formularies.

The act requires insurance carriers to report to the commissioner of insurance on the number of in-network providers who are licensed to prescribe medication-assisted treatment for substance use disorders, including buprenorphine, and the number of prescriptions for medication-assisted treatment filled by enrollees. Further, insurance carriers shall report on the carrier's efforts to ensure sufficient capacity for and access to medication-assisted treatment. The act requires the commissioner of insurance to promulgate rules concerning the reporting.

The act requires insurance carriers to provide coverage for at least one opiate antagonist.

The act consolidates part 1 of article 82 of title 27, Colorado Revised Statutes, relating to emergency treatment and voluntary and involuntary commitment of persons for treatment of drugs into the existing part 1 of article 81 of title 27 relating to emergency treatment and voluntary and involuntary commitment of persons for treatment of alcohol use disorders, in order to create a single process that includes all substances. The new scope of part 1 of article 81 of title 27 includes both alcohol use disorder and substance use disorder under the defined term "substance use disorder". The amendments and additions to part 1 of article 81 of title 27 include:

- Defining "administrator" to include an administrator's designee;
- Adding a definition of "incapacitated by substances" to include a person who is incapacitated by alcohol or incapacitated by substances;
- Changing terminology throughout that refer to "substances" to include both alcohol and drugs;
- Adjusting the duration of the initial involuntary commitment from 30 days to up to 90 days;
- Allowing a person to enter into a stipulated order for committed treatment, expediting placement into treatment;
- Removing the mandatory hearing for the initial involuntary commitment but allowing a person to request a hearing if the person does not want to enter into a stipulated order for committed treatment;
- Incorporating in statute "patient's rights" relating to civil commitment;
- Using person-centered language throughout the statutory process; and
- Relocating the existing opioid crisis recovery funds advisory committee from article 82 in title 27 to article 81 in title 27.

In addition, the act amends statutory references, including several in the professional licensing statutes in title 12, Colorado Revised Statutes, to remove references to both alcohol use disorder and substance use disorder as grounds for professional discipline, and replaces those terms with the single term "substance use disorder", which the act now defines in article 81 of title 27 to include both drugs and alcohol. The act also amends statutory references to provisions in part 2 of article 82 of title 27, which the act repeals and replaces those references with a new reference to the relevant provisions in article 81 of title 27.

APPROVED by Governor July 13, 2020

EFFECTIVE July 13, 2020

S.B. 20-42 Legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice system - suspend interim activities - repeal. The act extends the repeal date for the legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems (committee), and the associated task force (task force), to July 1, 2023. The act suspends activities of the committee and task force for the 2020 interim, as well as any interim for which the general assembly suspends the activities of all interim committees. An additional member is added to the task force who represents a nonprofit organization that works on statewide legislation and organizing Coloradans to promote behavioral, mental, and physical health needs.

APPROVED by Governor June 26, 2020

EFFECTIVE June 26, 2020

H.B. 20-1113 Safe2tell program - system enhancements. Under current law, the safe2tell program is required to provide awareness and educational materials to preschools. The act removes this requirement.

The act clarifies that safe2tell does not have to provide information about a call to law enforcement and school personnel if the call was forwarded to the statewide behavioral crisis response system. The act requires the safe2tell program to develop training materials outlining appropriate responses to safe2tell tips to ensure standardized messaging. The act directs the department of law to devise a process and develop standardized protocols so that

any communication related to mental health or substance use received by safe2tell may be transferred to the statewide behavioral crisis response system.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

H.B. 20-1364 Center for research into substance use disorder prevention, treatment, and recovery support strategies - public awareness program - appropriation reduction. Current law requires appropriations of \$750,000 for state fiscal years 2019-20 through 2023-24 from the marijuana tax cash fund to the center for research into substance use disorder prevention, treatment, and recovery support strategies to implement a program to increase public awareness concerning the safe use, storage, and disposal of opioids and the availability of naloxone and other drugs used to block the effects of an opioid overdose. The act reduces the appropriation to \$250,000 for state fiscal years 2020-21 through 2023-24.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1384 High-fidelity wraparound services for children and youth - implementation delay - appropriation reduced. The act removes the requirement that the department of health care policy and financing and the department of human services implement high-fidelity wraparound services for children and youth at risk of out-of-home placement or in an out-of-home placement unless money is appropriated for the implementation of the services.

The act removes the requirement that the department of public health and environment provide statewide training for primary care providers on the standardized screening tools unless money is appropriated for the training.

The act reduces appropriations to the department of health care policy and financing and the department of human services.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1391 Behavioral health capacity tracking system - care navigation program - reduction in appropriations. The act removes the requirement that the state department of human services (department) implement a behavioral health capacity tracking system and make available to the public appropriate information from the capacity tracking system, unless money is appropriated for the system.

The act removes the requirement that the department implement a care navigation program to assist engaged clients in obtaining access to treatment for substance use disorders, unless money is appropriated for the program. The act requires the department to report to the general assembly if the care navigation program is implemented.

For the 2020-21 fiscal year, the act reduces the appropriation from the marijuana tax cash fund, created in section 39-28.8-501, to the department of human services by \$546,013.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1411 CARES Act - behavioral health programs and services - appropriation. The act appropriates money from the cares subfund in the general fund to the department of human services, the department of public health and environment, the department of higher education, and the department of law for behavioral health programs and services that were not accounted for in the state budget most recently approved as of March 27, 2020, and are necessary to respond to the COVID-19 public health emergency. All of the appropriations must be expended on or before December 30, 2020.

APPROVED by Governor June 22, 2020

EFFECTIVE June 22, 2020

HUMAN SERVICES - SOCIAL SERVICES

S.B. 20-29 Colorado works program - basic cash assistance - one-time supplemental payment for assistance units - appropriation. An assistance unit that receives a basic cash assistance (BCA) payment from the Colorado works program at any time within one month after the effective date of the act shall receive a one-time \$500 supplemental payment in addition to the amount of BCA an assistance unit currently receives. The one-time supplemental payment is not income for the purpose of any publicly funded program. The act prohibits the general assembly from appropriating more than \$10 million for the one-time supplemental payments. If the one-time supplemental payment to each assistance unit exceeds \$10 million, the one-time supplemental payment must be distributed evenly to each assistance unit.

Beginning July 1, 2021, and each fiscal year thereafter, the joint budget committee must review the sustainability of the Colorado long-term works reserve.

The act appropriates \$8,424,500 to the department of human services from the federal temporary assistance for needy families block grant.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

S.B. 20-106 Homeless youth - licensed homeless youth shelters. The act allows a homeless youth who is 15 years of age or older (youth) to consent to receiving shelter or shelter services from a licensed homeless youth shelter. The state department of human services shall promulgate rules for licensed homeless youth shelters to follow when a youth consents to receiving shelter or shelter services.

APPROVED by Governor June 26, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-162 Foster care prevention services and supports - appropriation. The act updates Colorado's statutory provisions related to foster care prevention services and supports (prevention services) in the context of the federal "Family First Prevention Services Act", including:

- Updating the definition of "kin" to ensure that kin are eligible for prevention services;
- Updating the definition of "qualified individual" to clarify eligibility;
- Clarifying the elements of reviews of qualified residential treatment program placements (placements) to ensure that the placement of children, juveniles, and youth are reviewed initially by the court and not by the administrative review division;
- Updating language referring to children to include juveniles and youth to ensure that delinquent youth are also identified as a population that is eligible for prevention services and meet the requirements for placements;
- Adding information about prevention services and the authority of county

- departments of human or social services to provide prevention services;
- Requiring that when a youth is committed to the state department of human services, the court shall make additional findings to ensure the commitment is not the result of a lack of available appropriate placements;
- Adding requirements to a court to make specific findings when it deviates from the assessor's recommendation of a placement;
- Setting a new requirement that residential child care facilities must renew licenses annually; and
- Requiring the existing delivery of the child welfare services task force to make recommendations on the reduction of state reimbursements for certain out-of-home placements on or before December 15, 2020.

The act makes the following appropriations for the 2020-21 state fiscal year:

- \$936,412 is reduced from the general fund and increased from the reappropriated funds for the department of human services executive director's office for employment and regulatory affairs;
- \$546,652 is appropriated to the department of human services executive director's office for legal services and the administrative review unit;
- \$91,039 in anticipated federal funds is appropriated to the office of information technology services for Colorado trails and the division of child welfare for administration;
- \$242,250 is appropriated to the office of the governor for department of human services information technology;
- \$38,376 is appropriated to the department of law for department of human services legal services;
- \$211,200 is appropriated to the judicial department for office of the child's representative personal services; and
- \$178,560 is appropriated to the judicial department for respondent parents' counsel personal services.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

S.B. 20-206 Public assistance programs - disqualification from programs. Current law disqualifies a recipient who is found to have committed an intentional violation from participation in any public assistance program for a specified amount of time. The act clarifies that a recipient who is found to have committed an intentional violation is only disqualified from participating in the public assistance program in which the recipient is found to have committed the intentional violation.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

H.B. 20-1053 Early childhood - child care program licensing - educator credentials - Colorado shines system program quality improvement incentives - mental health consultation program - creation. The act directs the state board of human services (state board) in the department of human services (DHS) to establish licensing standards that will allow an early care and education program to be licensed for a period of time determined by the state board if one or more early childhood educators have pursued DHS-approved early childhood

credentials but have not yet completed the credential and other state-board-determined quality, safety, and supervision conditions are met. The state board shall also promulgate rules allowing an early childhood educator to earn points toward an early childhood credential based on the candidate's prior experience and demonstrated competency. DHS and the department of education (CDE) shall streamline and align the early childhood professional credential, child care program licensing, and educator licensing to make requirements clear and consistent and to reduce the administrative and paperwork burden relating to credentialing and licensing of early childhood educators. DHS shall analyze and prepare a written report every year, starting in 2022, concerning Colorado's current supply of qualified early childhood educators.

DHS, CDE, and the department of higher education shall direct resources to support concurrent enrollment opportunities and career pathways for high school students and other nontraditional students interested in earning college credit toward becoming an early childhood educator.

The act authorizes DHS to provide technical assistance and financial incentives to programs that are rated at a level one or 2 in the Colorado shines system to support the programs in advancing to a level 3 or higher quality level, and to programs at a level 3, 4, or 5 to support the programs in maintaining a high-quality level or advancing to a higher quality level. The early childhood council (council) may support DHS by providing local community outreach and engagement strategies. A council seeking school-readiness quality improvement funding must describe how the council will target and recruit programs that are rated at a level one or higher and target and recruit programs to increase access and availability of quality care.

The act directs DHS to design, implement, and operate a statewide voluntary program of early childhood mental health consultation (program) by July 1, 2022. The purpose of the program is to support mental health care across the state in a variety of early childhood settings and practices. Specifically, the program must be designed to increase the number of qualified and appropriately trained early childhood mental health consultants (mental health consultants) for on-site consultations and to utilize the mental health consultants, through on-site visits, to support a variety of early childhood settings and practices from the prenatal period through 8 years of age.

The program must also include a model of consultation for mental health consultants (model) that includes job qualifications and expectations, expected outcomes, and guidance on ratios of mental health consultants and the settings they support. Further, the model must include standards and guidelines for mental health consultants developed from evidence-based programs and a professional development plan for mental health consultants.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

H.B. 20-1100 Child support payments - temporary assistance for needy families. The act allows the department of human services to promulgate rules to make any necessary changes to the relevant human services automated systems to ensure child support payments are not passed through to temporary assistance for needy families (TANF) recipients if the general assembly does not appropriate an amount of money that is at least 90% of the total county share of collections passed through to the custodial party after the full federal share is paid.

The act also creates the child support collection fund.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1197 2-1-1 human services referral service - grant - appropriation of CARES Act money. The act amends provisions relating to the human services referral service authorized by the Colorado 2-1-1 collaborative.

The act requires the department of human services to award a grant for \$500,000 to the Colorado 2-1-1 collaborative for necessary human services referral services in the state through December 30, 2020, relating to the COVID-19 public health emergency. The services may include, among others, providing information on COVID-19 test site locations and referrals regarding equity, access, or discrimination concerning employment and health access, as well as other necessary referrals and intake services due to the presence of COVID-19 in the state. The act includes a legislative declaration describing the source of federal funding for the act and the restrictions on the use of the grant money.

For the 2019-20 fiscal year, the act appropriates \$500,000 from the care subfund in the general fund to the department of human services to award a grant to the Colorado 2-1-1 collaborative, which appropriation may be used through December 30, 2020.

APPROVED by Governor June 22, 2020

EFFECTIVE June 22, 2020

H.B. 20-1302 CAPS check program - permitted uses of CAPS check program - requirement to provide accurate information - cooperate with investigations rule. Under current law, when an employer is going to hire a person to work in a position in which the person has contact with at-risk adults, the employer must perform a check of the system that contains substantiated claims of mistreatment against an at-risk adult (CAPS check). The act makes various clarifying changes to the adult protection statutes related to the CAPS check program.

The act states that if an employer receives a CAPS check on a person and does not hire the person at the time of receiving the check but wants to hire the person at a subsequent time, the employer shall request a new CAPS check prior to hiring the person. The act requires that if the employer is also an employee, the employer and employer's parent or oversight agency would get the results if the employer was a substantiated perpetrator. The act prohibits using a CAPS check request for a person who is not going to be an employee. The act prohibits an employee or volunteers from knowingly providing inaccurate information for a CAPS check or an employer or other person or entity conducting an employee screening on behalf of the employer from knowingly providing inaccurate information in the request for a CAPS check.

The act requires entities that care for at-risk adults to cooperate with a county or district department of human or social services in investigations into allegations of

mistreatment at the entities' facilities pursuant to department rule.

APPROVED by Governor July 10, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1347 Child care - licensure - family child care homes. The act clarifies language and requirements related to the child care license exemption for family child care homes and extends the licensure exemption from September 1, 2020, to September 1, 2026.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

H.B. 20-1363 Persons with IDD - service agencies - report on funding increase. Under current law, following the 2019-20 and 2020-21 fiscal years, service agencies serving persons with intellectual and developmental disabilities are required to report to the department of health care policy and financing how they used a funding increase intended to increase compensation for direct support professionals. The act repeals this reporting requirement.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1387 Older Coloradans cash fund - repeal transfers - repeal senior services account - transfer. The act repeals the current provision that directs the state treasurer to transfer the unexpended money from the appropriation to pay counties for the amount of money lost due to exemptions from property taxes to the senior services account (account) of the older Coloradans cash fund (fund) and to the veterans assistance grant program cash fund. The act directs the state treasurer to transfer any money remaining in the account to the fund and repeals the account. The act directs the state treasurer to deduct \$13 million from the fund and transfer it to the general fund.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1388 Reversion of money in programs and funds to general fund - appropriations. The act repeals several statutory provisions that allow for unexpended money in programs operated by the department of human services (department) to remain in the program fund rather than reverting to the general fund. The act repeals other statutory provisions that require the general assembly to appropriate money to a department program. The affected programs and funds include the:

- Aid to the needy disabled program;
- Child support collection fund;
- Child care services and substance use disorder treatment pilot program; and
- High-risk families cash fund.

The act makes the following appropriations:

(1) Appropriations made in the annual general appropriation act for the 2020-21 state fiscal year to the department of human services for use by adult assistance programs are adjusted as follows:

(a) The general fund appropriation for administration is decreased by \$165,149, and the related FTE is decreased by 0.1 FTE; and

(b) The general fund appropriation for the disability benefits application assistance program is decreased by \$3,589,850.

(2) The general fund appropriation made in the annual general appropriation act for the 2020-21 state fiscal year to the department of human services for use by the office of early childhood for the child care services and substance use disorder treatment pilot program is decreased by \$500,000 and the related FTE is decreased by 0.6 FTE.

APPROVED by Governor June 24, 2020 **PORTIONS EFFECTIVE** June 24, 2020
PORTIONS EFFECTIVE September 14, 2020

H.B. 20-1389 Child welfare prevention and intervention services - suspend transfer of funds. The act suspends for 3 years transfers to the child welfare prevention and intervention services cash fund of unspent general fund appropriations to the child welfare services line item.

APPROVED by Governor June 24, 2020 **EFFECTIVE** June 24, 2020

H.B. 20-1392 Persons with a disability - advisory council - parking education - appropriation. The act repeals the Colorado advisory council for persons with disabilities and the disabled parking education program.

The general fund appropriation made in the annual general appropriation act for the 2020-21 state fiscal year to the department of human services for use by the special purpose division for the Colorado advisory council for persons with disabilities is decreased by \$238,497 and the related FTE is decreased by 1.0 FTE.

APPROVED by Governor June 26, 2020 **EFFECTIVE** June 26, 2020

H.B. 20-1422 Food pantry assistance grant program - creation - appropriation. The act creates the food pantry assistance grant program (grant program) to aid Colorado food pantries and food banks in the purchase of foods to meet the needs of their clientele, which has expanded significantly as a result of the COVID-19 public health emergency. A secondary purpose of the grant program is to create new market opportunities for Colorado's agricultural producers. Food purchased by a grant recipient using grant money from the grant program must be designated as a Colorado agricultural product.

The department of human services (department) is directed to administer and monitor the grant program. The act repeals the grant program, effective June 30, 2022.

The act authorizes an allocation of money from the "Coronavirus Aid, Relief, and Economic Security Act" (CARES Act) subfund in the general fund to the department for the

grant program to meet expenses not approved as of March 27, 2020, and are necessary to respond to the COVID-19 public health emergency. The appropriations must be expended on or before December 30, 2020.

For the 2019-20 state fiscal year, \$500,000 is appropriated to the department of human services from the care subfund in the general fund. The department of human services may use this appropriation for the food pantry assistance grant program. Any money appropriated not expended prior to July 1, 2020, is further appropriated to the department of human services for the period from July 1, 2020, through December 30, 2020, for the same purpose.

APPROVED by Governor June 22, 2020

EFFECTIVE June 22, 2020

INSURANCE

S.B. 20-43 Health insurance - out-of-network reimbursement for health care services - reimbursement rate. The act corrects the reimbursement rate specified in law that a health insurance carrier is required to reimburse an out-of-network health care provider who provides either emergency services to a covered person or covered nonemergency services to a covered person at an in-network facility so that the law accurately states the reimbursement rate as the greater of:

- 110% of the carrier's median in-network rate of reimbursement; or
- The sixtieth percentile of the in-network rate of reimbursement for the same service in the same geographic area for the prior year based on claims from the all-payer health claims database.

APPROVED by Governor March 11, 2020

EFFECTIVE March 11, 2020

S.B. 20-176 Health insurance - determinations regarding eligibility for health or disability benefits - prohibition on discretionary clauses - claimant's right to de novo review of matters in dispute - application to existing policies. The act clarifies 2008 legislation prohibiting discretionary clauses in certain plans and insurance policies and providing for the *de novo* standard of review (roughly translated as "anew" or "from a clean slate") in any court by:

- Declaring that the legislation should be construed broadly to effectuate its remedial purpose, notwithstanding any contractual or statutory choice-of-law provision to the contrary;
- Nullifying any contract provision that purports to give an insurer or its agent discretionary authority to determine the insured person's entitlement to benefits in any specific circumstance; and
- Separating the provision requiring *de novo* review of policy disputes from the provision allowing a claimant to demand a jury trial, to clarify that these are separate issues.

The act applies to all plans and policies existing, offered, issued, delivered, or renewed in Colorado or providing health or disability benefits to a resident or domiciliary of Colorado on or after the applicable effective date of the act.

APPROVED by Governor July 14, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-215 Health insurance affordability enterprise - insurer fees - hospital assessments - allocation of revenues - reinsurance program - reducing health insurance costs in individual market - consumer enrollment, outreach, and education - governing board - extend reinsurance program. The act establishes the health insurance affordability enterprise, for purposes of section 20 of article X of the state constitution, that is authorized to assess a health insurance affordability fee (insurer fee) on certain health insurers and a special assessment (hospital assessment) on hospitals in order to:

- Provide business services to carriers that pay the insurer fee, including services to increase enrollment in health benefit plans offered by carriers across the state; increase the number of individuals who are able to purchase health benefit plans in the individual market by providing financial support for certain qualifying individuals; fund the reinsurance program that offsets the costs carriers would otherwise pay for covering consumers with high medical costs; improve the stability of the market throughout the state by providing consistent private health care coverage and reducing the movement of individuals from insured to uninsured status; reduce provider cost shifting from the individual market and the uninsured to the group market; and create a healthier risk pool for all carriers by establishing a path for consistent coverage for individuals; and
- Provide business services to hospitals, including by reducing the amount of uncompensated care provided by hospitals; reducing the need of providers to shift costs of providing uncompensated care to other payers; and expanding access to high-quality, affordable health care for low-income and uninsured residents.

The enterprise is to start assessing and collecting the insurer fee in 2021, which fee is based on a percentage of premiums collected by health insurers in the previous calendar year on health benefit plans issued in the state. The hospital assessment is a specified amount assessed and collected in the 2022 and 2023 calendar years. Money collected from the insurer fee and hospital assessment is to be deposited in the health insurance affordability cash fund (fund), which the act creates. The act also transfers an amount of premium taxes collected by the state in 2020 or later years that exceeds the amount collected in 2019, but not more than 10% of the enterprise's revenues, to the fund.

The enterprise is required to use the insurer fee, the hospital assessment, and any premium tax revenues or other money available in the fund, in accordance with the allocation specified in the act, for the following purposes:

- To provide funding for the Colorado reinsurance program;
- To provide payments to carriers to increase the affordability of health insurance on the individual market for Coloradans who receive the premium tax credit available under federal law;
- To provide subsidies for state-subsidized individual health coverage plans purchased by qualified low-income individuals who are not eligible for the premium tax credit or public assistance health care programs;
- To pay the actual administrative costs of the enterprise and the division of insurance for implementing and administering the act, limited to 3% of the enterprise's revenues; and
- To pay the costs for consumer enrollment, outreach, and education activities regarding health care coverage.

The enterprise is governed by an 11-member board composed of the executive director of the Colorado health benefit exchange and the commissioner of insurance or their designees and 9 members appointed by the governor and representing various aspect of the health care industry and health care consumers.

With regard to the Colorado reinsurance program and enterprise, the act:

- Incorporates the reinsurance program enterprise within the health insurance affordability enterprise;
- Eliminates funding for the reinsurance program from special assessments on hospitals and health insurers, excess premium tax revenues, and specified transfers from the state general fund and instead allocates a portion of the health insurance affordability enterprise revenues to the reinsurance program annually; and
- Extends the reinsurance program, subject to federal approval of a new or extended state innovation waiver to enable the state to operate the reinsurance program and access federal funding for the program.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1061 Health insurance carriers - HIV infection prevention drugs - step therapy - prior authorization - required coverage - standing orders - statewide drug therapy protocols - definition of practice of pharmacy - rules - appropriation. With regard to coverage under a health benefit plan for HIV infection prevention medications, the act:

- Prevents a health insurance carrier from requiring a covered person to undergo step therapy or to receive prior authorization before receiving HIV infection prevention drugs prescribed and dispensed by a pharmacist; and
- Requires carriers to reimburse a pharmacist employed at an in-network pharmacy for prescribing HIV infection prevention drugs to a covered person and to provide an adequate consultative fee to those pharmacists.

Additionally, the act:

- Allows a pharmacist to prescribe and dispense HIV infection prevention drugs pursuant to a standing order or a statewide protocol if the pharmacist fulfills specific requirements;
- Directs the department of public health and environment to develop and implement a standing order for pharmacists to prescribe post-exposure HIV infection prevention drugs;
- Directs the state board of pharmacy, the Colorado medical board, and the state board of nursing, in collaboration with the department of public health and environment, to develop statewide drug therapy protocols for pharmacists to prescribe and dispense HIV infection prevention drugs and the state board of pharmacy to promulgate rules to implement the protocols; and
- Expands the definition of "practice of pharmacy" to include the prescribing and dispensing of HIV infection prevention drugs and the ordering of laboratory tests in conjunction with prescribing or dispensing the drugs.

\$13,347 is appropriated from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance to implement the act.

APPROVED by Governor July 13, 2020

EFFECTIVE July 13, 2020

H.B. 20-1078 Pharmacy benefit management firms - pharmacy claims reimbursement - prohibition on retroactive payments - carriers to enforce PBM compliance - rules. Beginning

January 1, 2021, the act:

- Prohibits a pharmacy benefit management firm (PBM) from reimbursing a pharmacy in an amount less than the amount that the PBM reimburses any affiliate for the same pharmacy services;
- Prohibits PBMs from retroactively reducing payment on a clean claim submitted by a pharmacy unless as the result of an audit conducted in accordance with state law; and
- Requires health insurers that contract with PBMs to ensure that the PBMs are complying with this prohibition.

The division of insurance is authorized to promulgate rules to establish the manner in which carriers and pharmacy benefit management firms are required to show compliance with the act.

APPROVED by Governor April 1, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1085 Health insurance coverage - alternatives to opioids - atypical opioids - insurance carrier and provider contracts - Colorado medical board rules - prescription drug monitoring program - appropriations. The act requires a health benefit plan, beginning January 1, 2022, to provide coverage for nonpharmacological treatment as an alternative to opioids. The required coverage must include, at a cost-sharing amount not to exceed the cost-sharing amount for a primary care visit for nonpreventive services and without a prior authorization requirement, at least 6 physical therapy visits, 6 occupational therapy visits, 6 chiropractic visits, and 6 acupuncture visits per year.

The act requires an insurance carrier (carrier) that provides prescription drug benefits to provide coverage, beginning January 1, 2022, for at least one atypical opioid that is approved by the federal food and drug administration (FDA) for the treatment of acute or chronic pain at the lowest cost-sharing tier of the carrier's formulary with no requirement for step therapy or prior authorization and to not require step therapy for any additional FDA-approved atypical opioids.

The act precludes a carrier that has a contract with a physical therapist, occupational therapist, or acupuncturist from:

- Prohibiting the physical therapist, occupational therapist, or acupuncturist from, or penalizing the physical therapist, occupational therapist, or acupuncturist for, providing a covered person information on the amount of the covered person's financial responsibility for the covered person's physical therapy, occupational therapy, or acupuncture services; or
- Requiring the physical therapist, occupational therapist, or acupuncturist to charge or collect a copayment from a covered person that exceeds the total charges submitted by the physical therapist, occupational therapist, or acupuncturist.

The commissioner of insurance is required to take action against a carrier that the

commissioner determines is not complying with these prohibitions.

The act requires the executive director of the department of regulatory agencies to promulgate rules that limit the supply of a benzodiazepine that a prescriber may prescribe to patient who has not had a prescription for benzodiazepine in the last 12 months.

Current law limits an opioid prescriber from prescribing more than a 7-day supply of an opioid to a patient who has not had an opioid prescription within the previous 12 months unless certain conditions apply, and this prescribing limitation is set to repeal on September 1, 2021. The act continues the prescribing limitation indefinitely.

The act requires the Colorado medical board (board) to consult with the center for research into substance use disorder prevention, treatment, and recovery support strategies to promulgate rules establishing competency-based continuing education requirements for physicians and physician assistants concerning prescribing practices for opioids.

With regard to the prescription drug monitoring program (program), the act:

- Modifies requirements for adding prescription information to the program; (program)
- Prohibits the state board of pharmacy from charging practitioners or pharmacists a fee for registering or maintaining an account with the program;
- Continues indefinitely the requirement that a health care provider query the program before prescribing a second fill for an opioid;
- Requires each health care provider to query the program before prescribing a second fill for a benzodiazepine, unless certain exceptions apply;
- Requires the board to promulgate rules designating additional controlled substances and other prescription drugs to be tracked by the program; and
- In addition to current law allowing medical examiners and coroners to query the program when conducting an autopsy, allows medical examiners and coroners to query the program when conducting a death investigation.

The act appropriates \$18,540 from the division of professions and occupations cash fund to the department of regulatory agencies to implement the act, with \$2,550 allocated to the Colorado medical board and \$15,990 reappropriated to the department of law to provide legal services to the department of regulatory agencies.

VETOED by Governor July 2, 2020

H.B. 20-1136 Domestic insurer - regulation of investments. The act amends the statutes that regulate the types and amounts of investments a domestic insurer may make, including investments in bonds and other evidences of indebtedness. Section 1 of the act clarifies the types of indebtedness that may be invested in and allows the domestic insurer to invest in the debts of an issuer that is in default in the payment of interest on the debt.

Preexisting law allows a domestic insurer to invest in first-priority mortgage loans in the United States and Canada. In connection with this, section 2:

- Authorizes investment in lower-priority loans if the holder of the lower-priority loan holds the first-priority loan;

- Repeals the requirement that the mortgaged land have a building, be used for agriculture or pasture, or be income-producing;
- Expands the requirement that improvements to the land have fire insurance to a requirement that these improvement have casualty insurance; and
- Authorizes domestic insurers to acquire mortgage loans for land located in other foreign jurisdictions that have a sovereign debt rating of "1" from the securities valuation office of the National Association of Insurance Commissioners if these assets do not exceed 10% of the domestic insurer's investments.

Preexisting law allows a domestic insurer to invest in real estate for income. In connection with this, section 3 broadens the current definition of "real estate", which covers fee simple ownership and leasehold estates, to include all interests in property, including mineral estates.

Preexisting law allows a domestic insurer to invest in preferred or common stock in businesses within the United States and Canada. In connection with this, section 4:

- Broadens current law to allow investment in equity interests of businesses other than preferred or common stock, but limits the aggregate value of all equity interests that may be admitted assets to 10% of the company's admitted assets;
- Repeals the requirement that the business not be in arrears as to dividends for the last 3 years;
- Repeals the requirement that any sinking fund for preferred stock must be current;
- Repeals the requirement that a corporation had net earnings available for dividends on its outstanding common stock in each of the 3 fiscal years immediately preceding the date of acquisition;
- Repeals the requirement that common stock must be registered on a national securities exchange or regularly traded on a national or regional basis;
- Exempts mutual funds, open-end index funds, or exchange-traded index funds from a prohibition on investing, in one company, more than 2% of the insurer's assets in common stock or 5% of these assets in any stock;
- Limits the amount of equity that is not listed on a nationally registered securities exchange or securities market to 5% of the domestic insurer's assets; and
- Authorizes a domestic insurer to invest in equity interests in businesses created in other foreign jurisdictions that have a sovereign debt rating of "1" from the securities valuation office of the National Association of Insurance Commissioners if these assets do not exceed 3% of the domestic insurer's investments.

Preexisting law allows a domestic insurer to invest in money market mutual funds. Section 9 requires the funds to comply with certain federal regulations and requires government-backed funds to meet certain standards of the National Association of Insurance Commissioners.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 20-1158 Health insurance coverage - infertility diagnosis and treatment - fertility preservation services - exemption for religious employers - applicability contingent on determination by insurance division - appropriation. The act enacts the "Colorado Building Families Act", which requires health benefit plans issued or renewed in Colorado on or after January 1, 2022, to cover diagnosis of infertility, treatment for infertility, and fertility preservation services. The coverage for fertility medications must not impose any limits that are not applicable to coverage under the plan for other prescription medications, and the plan cannot impose deductibles, copayments, coinsurance, benefit maximums, waiting periods, or other limitations that are not applicable to other medical services covered under the plan. A religious employer may request an exclusion from the infertility coverage in a health benefit plan offered by the religious employer if the coverage conflicts with the religious organization's bona fide religious beliefs and practices.

The act directs the division of insurance to make a determination as to whether the coverage required by the act is in addition to essential health benefits required by the federal "Patient Protection and Affordable Care Act" (Affordable Care Act) and would be subject to deferral by the state pursuant to the Affordable Care Act. The division is to seek confirmation of its determination from the federal department of health and human services, and the coverage applies and is to be implemented by the division in health benefit plans issued or renewed on or after January 1, 2022, if the division receives confirmation that the coverage is not an additional benefit or if the federal department fails to respond in a timely manner.

The act appropriates \$3,337 from the division of insurance cash fund to the division of insurance in the department of regulatory agencies for personal services to implement the act.

APPROVED by Governor April 1, 2020

EFFECTIVE April 1, 2020

H.B. 20-1236 Colorado affordable health care coverage easy enrollment program - assessment for eligibility for free or subsidized health care coverage - advisory committee - tax schedules and forms - rules. The act creates the Colorado affordable health care coverage easy enrollment program (program) for the purpose of leveraging the tax filing process to connect uninsured Coloradans to free or subsidized health care coverage through a health care coverage affordability program, which includes medicaid, the children's basic health plan, or a subsidized health benefit plan, or other creditable coverage. The program will allow Coloradans to request on their state income tax returns that the Colorado health benefit exchange (exchange) assess whether uninsured household members are potentially eligible for free or subsidized health care coverage. If the tax filer requests that the eligibility of uninsured household members be assessed under the program, the tax filer will receive information about coverage options and assistance with enrollment.

The act creates the affordable health care coverage easy enrollment advisory committee (advisory committee) to guide implementation of the program. The advisory committee is co-chaired by the executive director of the exchange and the executive director of the department of revenue (department), or their designees, and consists of the following 9 members, appointed by the board of directors of the exchange:

- A representative of the department of health care policy and financing;
- A representative of the division of insurance in the department of regulatory agencies;
- A representative of consumer advocacy groups;
- A representative of small employers;
- A representative of insurers;
- A health care consumer;
- A health coverage guide or other person with expertise in the process of applying for federal insurance or assistance;
- An insurance producer; and
- A tax preparer.

If the exchange verifies that the uninsured individual is a United States citizen, the exchange, through procedures determined by the advisory committee, will assess whether uninsured individuals identified through the program are potentially eligible for a health care coverage affordability program or other creditable coverage, notify uninsured individuals about their potential eligibility, and enroll or assist with enrolling uninsured individuals in creditable coverage.

The department is required to implement the tax forms and schedules created by the advisory committee and to share the tax information gathered, as authorized by individual tax filers, with the exchange.

The executive director of the department is required to promulgate rules to implement the new tax forms and schedules and to implement the authorized sharing of the tax information provided on the state individual income tax return forms for the purpose of enrolling uninsured individuals in a health care coverage affordability program.

APPROVED by Governor July 6, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1290 Claims - civil actions - failure- to-cooperate defense. The act bars an insurer from using a failure-to-cooperate defense in an action regarding the insurer's request for information from the insured about a claim unless:

- The insurer has submitted a written request to the insured for the information;
- The information necessary for litigation is not available to the insurer without the assistance of the insured;
- The request provides the insured 60 days to respond;
- The written request is for information a reasonable person would determine the insurer needs to adjust the claim filed by the insured or to prevent fraud; and
- The insurer gives the insured an opportunity to cure within 60 days and provides notice to the insured within 60 days, describing, with particularity, the alleged failure to cooperate.

A failure-to-cooperate defense acts as a defense to the portion of the claim that is materially and substantially prejudiced to the extent the insurer could not evaluate or pay that portion of the claim. Any language in an insurance contract that conflicts with the act is void.

If an insurer is giving the insured the time to respond or cure under the act, the insurer is not liable for failing to pay the claim while providing the time.

APPROVED by Governor July 2, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

LABOR AND INDUSTRY

S.B. 20-26 Workers' compensation - eligibility for benefits - definition of "psychologically traumatic event" - include audible exposure to traumatic event. For the purpose of determining eligibility for workers' compensation benefits for a mental impairment caused by an accidental injury that consists of a psychologically traumatic event arising out of and in the course of employment, the act establishes that a worker's audible or visual and audible exposure to the serious bodily injury or death, or the immediate aftermath of the serious bodily injury or death, of one or more people as the result of a violent event, the intentional act of another person, or an accident is a "psychologically traumatic event".

APPROVED by Governor June 29, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-170 Employment security - eligibility for benefits - inclusion of certain siblings in "immediate family" - no documentation requirement for work separations involving domestic violence - "severance allowance" substituted for "remuneration" - enforcement and fines. For the purpose of establishing a worker's eligibility for unemployment benefits, "immediate family" includes:

- A sibling of the worker who is under 18 years of age and for whom the worker stands in loco parentis; and
- A sibling of the worker who is incapable of self-care due to a mental or physical disability or a long-term illness.

A worker who separates from a job because the worker reasonably believes that continuing employment would jeopardize the safety of the worker or any member of the worker's immediate family as a result of domestic violence no longer must provide certain documentation to establish the worker's eligibility for unemployment benefits.

The term "severance allowance" is substituted for "remuneration" in a provision that concerns remuneration received by an individual who has been separated from employment.

Subject to the approval of the executive director of the department of labor and employment, the director of the division of unemployment insurance may enter into an interagency agreement with the department of law for assistance in enforcing certain provisions concerning the misclassification of employees by an employer. Fines imposed pursuant to the enforcement of laws concerning employment security must be transferred to the department of labor and employment and credited to the unemployment revenue fund.

APPROVED by Governor July 14, 2020

EFFECTIVE January 1, 2021

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-205 Paid sick leave - leave for COVID-19 pandemic - accrued leave - leave for public health emergencies - purpose of leave - prohibition on retaliation - enforcement -

appropriation. On the effective date of the act through December 31, 2020, all employers in the state, regardless of size, are required to provide each of their employees paid sick leave for reasons related to the COVID-19 pandemic in the amounts and for the purposes specified in the federal "Emergency Paid Sick Leave Act" in the "Families First Coronavirus Response Act".

Starting January 1, 2021, for employers with 16 or more employees, and starting January 1, 2022, for all employers, the act requires employers to provide paid sick leave to their employees, accrued at one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours per year.

An employee begins accruing paid sick leave when the employee's employment begins, may use paid sick leave as it is accrued, and may carry forward and use in subsequent calendar years up to 48 hours of paid sick leave that is not used in the year in which it is accrued. An employer is not required to allow the employee to use more than 48 hours of paid sick leave in a year.

Employees may use accrued paid sick leave to be absent from work for the following purposes:

- The employee has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- The employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care;
- The employee or family member has been the victim of domestic abuse, sexual assault, or harassment and needs to be absent from work for purposes related to such crime; or
- A public official has ordered the closure of the school or place of care of the employee's child or of the employee's place of business due to a public health emergency, necessitating the employee's absence from work.

In addition to the paid sick leave accrued by an employee, the act requires an employer, regardless of size, to provide its employees an additional amount of paid sick leave during a public health emergency in an amount based on the number of hours the employee works.

The act prohibits an employer from retaliating against an employee who uses the employee's paid sick leave or otherwise exercises the employee's rights under the act. Employers are required to notify employees of their rights under the act by providing employees with a written notice of their rights and displaying a poster, developed by the division of labor standards and statistics (division) in the department of labor and employment (department), detailing employees' rights under the act.

The director of the division will implement and enforce the act and adopt rules necessary for such purposes. An employer found in violation of the act is liable to the employee for back pay and other equitable damages.

The act treats an employee's information about the employee's or a family member's

health condition or domestic abuse, sexual assault, or harassment case as confidential and prohibits an employer from disclosing such information or requiring the employee to disclose such information as a condition of using paid sick leave.

The act specifies the conditions in which collective bargaining agreements result in compliance with, or exemption from, the act.

\$206,566 is appropriated to the department for use by the division to implement the act, based on the assumption that the division will require an additional 2.7 FTE for such purpose.

APPROVED by Governor July 14, 2020

EFFECTIVE July 14, 2020

S.B. 20-207 Unemployment compensation - employer premiums paid to the unemployment compensation fund - election judges - benefit calculations - eligibility for benefits - notice of claim response period - work share plan - employment support fund - unemployment assistance study - transfer of any unexpended federal money for COVID-19 pandemic relief to unemployment compensation fund. Beginning in calendar year 2021 and each year thereafter, the act increases the amount of wages paid to an individual employee during a calendar year on which the employer of that employee is required to pay premiums to the unemployment compensation fund (fund).

The act exempts payment for services to an election judge, up to the maximum amount permissible by federal law, for the purposes of calculating total unemployment compensation benefits.

Current law requires the weekly total and partial unemployment benefit amounts to be reduced by the amount of an individual's wages that exceeds 25% of the weekly benefit amount. For the next 2 calendar years only, the act changes the deduction amount to the amount of an individual's wages that exceeds 50% of the weekly benefit amount.

When determining whether an individual qualifies for unemployment insurance, the act directs the division of unemployment insurance (division) in the department of labor and employment (department) to consider whether the individual has separated from employment or has refused to accept new employment because:

- The employer requires the individual to work in an environment that is not in compliance with: Federal centers for disease control and prevention guidelines applicable to the employer's business and workplace at the time of the determination; state and federal laws, rules, and regulations concerning disease mitigation and workplace safety; or an executive order issued by the governor, or a public health order issued by the department of public health and environment or a local government, requiring the employer to close the business or modify the operation of the business;
- The individual is the primary caretaker of a child enrolled in a school that is closed due to a public health emergency or of a family member or household member who is quarantined due to an illness during a public health emergency; or
- The employee is immunocompromised and more susceptible to illness during a public health emergency.

The act changes the time period that an interested party has to respond to a notice of claim received by the division concerning unemployment benefits from 12 calendar days to 7 calendar days.

Current law authorizes the division to approve a work share plan submitted by an employer if the employee's normal weekly work hours have been reduced by at least 10% but not more than 40%. The act changes the amount that hours may be reduced to an amount consistent with rules adopted by the division and federal law.

The act removes the cap on the amount of money that can be paid into and remain in the employment support fund.

The act prohibits the division from assessing a solvency surcharge for the fund on employers for the calendar years 2021 and 2022.

The act requires the state treasurer to transfer any unexpended federal funds received by the state from the federal "CARES Act" to the fund prior to the close of business on December 30, 2022.

The act requires the office of future of work in the department to study unemployment assistance as part of a study on the modernization of worker benefits and protections and report its findings to the governor and the general assembly.

APPROVED by Governor July 14, 2020

PORTIONS EFFECTIVE July 14, 2020
PORTIONS EFFECTIVE January 1, 2021

H.B. 20-1395 Skilled worker outreach, recruitment, and key training grant program - eliminate new grant awards - final report - transfer fund balance to general fund - repeal program - eliminate appropriation. The act precludes the department of labor and employment from accepting applications for, awarding, or issuing grants under the "Skilled Worker Outreach, Recruitment, and Key Training Act", also known as the "WORK Act", on or after the effective date of the act. The grant review committee is directed to submit a final report on the WORK Act grant program to the governor and specified legislative committees by August 31, 2021.

The state treasurer is directed to transfer any balance in the WORK fund as of September 1, 2020, and September 1, 2021, to the general fund. The program is repealed on September 30, 2021.

The act adjusts the 2020 long bill by eliminating the \$3.3 million general fund appropriation for the WORK Act grant program.

APPROVED by Governor June 26, 2020

EFFECTIVE June 26, 2020

H.B. 20-1415 Worker protections - public health emergencies - prohibition on discrimination, retaliation, and adverse action against a worker - relief for aggrieved individuals - whistleblower enforcement - rules - appropriation. The act prohibits a principal, which includes an employer, certain labor contractors, public employers, and entities that contract with 5 or more independent contractors, from discriminating, retaliating, or taking

adverse action against any worker who:

- In good faith, raises any concern about workplace health and safety practices or hazards related to a public health emergency to the principal, the principal's agent, other workers, a government agency, or the public if the workplace health and safety practices fail to meet guidelines established by a federal, state, or local public health agency with jurisdiction over the workplace;
- Voluntarily wears at the worker's workplace the worker's own personal protective equipment, such as a mask, faceguard, or gloves, under specified circumstances; or
- Opposes a practice the worker reasonably believes is unlawful or makes a charge, testifies, assists, or participates in an investigation, proceeding, or hearing of alleged unlawful acts.

Additionally, a principal is prohibited from requiring or attempting to require a worker to sign a contract or other agreement that limits or prevents the worker from disclosing information about workplace health and safety practices or hazards related to a public health emergency.

A worker who knowingly discloses false information or discloses information with reckless disregard for the truth or falsity of the information is not protected under the act.

A person may seek relief by:

- Filing a complaint with the division of labor standards and statistics (division) in the department of labor and employment;
- Bringing an action in district court, after exhausting administrative remedies; or
- Bringing a whistleblower action in the name of the state in district court, after exhausting administrative remedies.

The division is authorized to adopt rules necessary to implement the act.

\$270,153 is appropriated to the department of labor and employment from the employment support fund, of which \$206,193 is allocated for use by the division for enforcement of worker's rights related to a public health emergency, based on the assumption that the division will require an additional 2.5 FTE, and \$63,960 is reappropriated to the department of law for legal services.

APPROVED by Governor July 11, 2020

EFFECTIVE July 11, 2020

MILITARY AND VETERANS

S.B. 20-69 State parks - pass - free transferable annual transferable parks pass - veterans with a disabilities. Currently, Colorado residents who display a disabled veteran's license plate are allowed free entrance to any state park or recreation area, not including campgrounds, on any day of the year that such park or area is open.

The act allows a Colorado resident to acquire a free transferable annual state parks pass by presenting the same documents required for a Colorado disabled veteran's license plate at a regional office or the central office of the division of parks and wildlife, or at any other locations the division determines. Thus, Colorado residents who are veterans with disabilities will be able to obtain free access to state parks without acquiring a Colorado disabled veteran's license plate.

APPROVED by Governor March 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-82 Awards and decorations. The act creates the Colorado legion of merit medal, which may be awarded by the department of military and veterans affairs (department) to any person who has rendered service in a clearly exceptional, unprecedented, or superior manner. The act makes changes regarding eligibility and criteria for certain medals awarded by the department and repeals awards that are duplicative of other department or federal awards.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-91 State military forces - Colorado National Guard - minimum pay. The act sets the minimum pay for a member of the state military forces engaged in any service ordered by the governor as the rate paid to an enlisted person holding the rank of E-4 with over 6 years of service.

APPROVED by Governor March 18, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1051 Unclaimed cremated remains - identification procedure - transfer of cremated remains. The act permits an organization recognized and authorized by the United States veterans administration and the national personnel records center to determine whether any unclaimed cremated remains are of United States military veterans or qualified family members who are eligible for interment in a national cemetery or state veterans' cemetery.

If such unclaimed cremated remains are identified, the facility in possession of the remains is required to transfer the remains to a national cemetery or state veterans' cemetery.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 20-11 Vehicle inspection number verification program. A pilot program (program) created in 2017 authorized third-party transportation associations or organizations approved by the chief of the Colorado state patrol to perform vehicle identification number (VIN) verification inspections for commercial vehicles. The statute authorizing the program repealed, in accordance with its provisions as enacted, effective January 1, 2020. The act recreates the program as a permanent program.

APPROVED by Governor March 5, 2020

EFFECTIVE March 5, 2020

S.B. 20-35 Driver's licenses, vehicle registration, and certificates of title - private vendors - appropriation. Under preexisting law, a county clerk may conduct a pilot kiosk program using private providers to issue driver's licenses, register motor vehicles, or issue certificates of title. The act eliminates the program's pilot status, converting it to a regular program, and makes the following substantive changes:

- Requires counties to provide services across county jurisdictions;
- Expands the services the program may provide;
- Authorizes mobile telephone and web-based services;
- Replaces the cap of \$3.00 on the convenience fee for services with a requirement that the cap be negotiated between the county clerk and the private provider;
- Adds data security requirements for the private provider; and
- Limits the private provider's ability to retain and transfer data to those purposes contemplated by the motor vehicle statutes.

\$112,500 is appropriated from the Colorado DRIVES vehicle services account to the department of revenue to implement the act.

APPROVED by Governor July 6, 2020

EFFECTIVE July 6, 2020

S.B. 20-51 License plates - expiration upon transfer of vehicle - appropriation. The act specifies that:

- The license plates of a motor vehicle that is Class C personal property for purposes of the laws governing the levying of specific ownership tax and registration of vehicles expire upon the transfer of the owner's title or interest in the motor vehicle;
- If either the expired license plates are personalized license plates or the owner wishes to continue to use the same combination of letters or numbers on the owner's expired license plates that were not originally issued as personalized license plates, the owner retains the priority right to use the combination of letters or numbers displayed on the expired license plates to the extent provided for in current law and may, after surrendering the expired license plates to the department of revenue (department), apply for personalized license plates that use the combination in the manner specified in current law when registering another motor vehicle; and
- The department shall approve any application for personalized license plates

received from an individual who wishes to retain the same combination of letters or numbers displayed on the individual's expired license plates and who has surrendered the expired plates to the department unless the department determines that the combination is misleading or duplicates another registration number or that, due to evolving social mores, the combination, despite having previously been issued, carries connotations offensive to good taste or decency; and

- Any resulting incremental costs of producing and distributing additional new license plates are excluded from the calculation of the amount necessary to recover the costs of license plate, decal, and validating tab production, and distribution that is used to annually establish the amount of the fee charged to cover those costs.

Class C personal property includes passenger cars, noncommercial light trucks, and motorcycles. The act does not apply to the transfer or assignment of an owner's interest in Class C personal property that is a horseless carriage.

The act appropriates \$9,000 from the Colorado DRIVES vehicle services account in the highway users tax fund to the department for DRIVES maintenance and support needed to implement the act.

VETOED by Governor July 11, 2020

S.B. 20-56 Certificates of title - registrations - surplus military vehicles - limited exclusion from definition of "off-highway vehicles". For the issuance of vehicle titles and for the registration of recreational off-highway vehicles, a surplus military vehicle is not an "off-highway vehicle" if it is owned or leased by a municipality, county, or fire protection district for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

APPROVED by Governor July 13, 2020

EFFECTIVE July 13, 2020

S.B. 20-61 Traffic offenses - failure to yield in bicycle lane. The act creates a new traffic offense for failing to yield to a bicyclist or other authorized user in a bicycle lane. The offense is a class A traffic offense unless it is the proximate cause of a crash or if it causes bodily injury, then it is careless driving and is punished under the careless driving offense.

APPROVED by Governor March 20, 2020

EFFECTIVE July 1, 2020

S.B. 20-118 Hazardous materials and nuclear materials transportation permits - transfer of issuing authority from public utilities commission to department of transportation - appropriation. Effective January 1, 2021, the act transfers the function of issuing permits for the transportation of hazardous materials and nuclear materials by motor vehicle from the public utilities commission to the department of transportation.

The act also reduces state fiscal year 2020-21 cash fund appropriations from the public utilities commission motor carrier fund to the public utilities commission for personal services and operating expenses by a total amount of \$20,918.

APPROVED by Governor June 29, 2020

EFFECTIVE January 1, 2021

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1027 Colorado state patrol - port of entry officers - direct traffic. The act authorizes a port of entry officer to direct traffic in addition to existing enforcement powers.

APPROVED by Governor March 20, 2020

EFFECTIVE March 20, 2020

H.B. 20-1145 Rights-of-way - overtaking a parked emergency vehicle. Preexisting law requires a driver who is overtaking an emergency vehicle, tow vehicle, or public utility vehicle that is parked on the side of the road to reduce and maintain a safe speed. The act makes it a presumption that the following speeds are safe unless the conditions require a lower speed:

- 25 miles per hour if the speed limit is less than 45 miles per hour; or
- At least 20 miles per hour less than the posted speed limit if the speed limit is 45 miles per hour or more.

The act also requires the Colorado state patrol and the department of transportation to create a campaign raising public awareness of the requirement to move over or slow down and of the dangers to stationary emergency and service vehicles.

APPROVED by Governor April 17, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1178 Speed regulations - identification of rural highways where the speed limit may be safely raised. The act requires the department of transportation to study relevant and appropriate state highways in rural areas of the state for the purpose of identifying portions of rural state highways where the speed limit can be raised without endangering public safety. On or before March 1, 2021, the department shall complete its study. The department shall include a summary of the study in the department's next annual report to the legislative committees of reference.

APPROVED by Governor March 27, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1285 Motorcycle operator safety training program - continuation under sunset law - qualifications of instructors - composition of advisory board. The act implements the recommendations of the department of regulatory agencies in its sunset review and report of the motorcycle operator safety training (MOST) program by:

- Extending the repeal date of the MOST program until September 1, 2025 ; and
- Removing the requirement that an applicant for a MOST instructor certificate have a license to drive a motorcycle that was issued in Colorado.

The act also changes the membership of the motorcycle operator safety advisory board by replacing a representative of unaffiliated motorcycle training providers with a representative of instructor training specialists.

APPROVED by Governor July 13, 2020

EFFECTIVE July 13, 2020

NATURAL RESOURCES

S.B. 20-3 State parks - Fishers Peak - capital construction - appropriation. The act transfers \$1,000,000 from the general fund to the capital construction fund for use by the department of natural resources to develop infrastructure to open a state park on the property surrounding Fishers Peak.

The parks and wildlife commission is instructed to seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of developing and improving Fishers Peak state park. By December 1, 2020, the commission will submit a report to the general assembly detailing state park funding needs and shortfalls.

The general fund appropriation made in the annual general appropriation act for the 2020-21 state fiscal year to the office of the governor for use by the office of information technology for applications administration is decreased by \$1,000,000, thus enabling the transfer of \$1,000,000 from the general fund to the capital construction fund. The act appropriates \$1,000,000 from the capital construction fund to the department of natural resources for use by the division of parks and wildlife for capital construction related to infrastructure development projects, including conducting any necessary cultural and natural resource studies, at the new Fishers Peak state park in Las Animas county.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

S.B. 20-201 Conservation of native species - appropriations from species conservation trust fund for species conservation projects. The act appropriates \$1.5 million from the species conservation trust fund for programs that are designed to conserve native species that state or federal law lists as threatened or endangered, that are candidate species, or that are likely to become candidate species as determined by the United States fish and wildlife service, allocated as follows:

- Native terrestrial wildlife conservation, \$454,505;
- Native aquatic wildlife conservation, \$295,495;
- Platte river recovery implementation program, \$670,000; and
- Selenium management, research, monitoring, evaluation, and control, \$80,000.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1057 Forest Restoration and Wildfire Risk Mitigation Act - modifications to requirements affecting grants funding. The act makes the following modifications to the existing "Forest Restoration and Wildfire Risk Mitigation Act" (FRWRMA) and, specifically, the grant program funded by FRWRMA:

- Currently, grant applicants are required to self-finance 50% of the cost of a project funded by a grant. In the case of a project that is located in an area with fewer economic resources, the act lessens this requirement so that grant applicants are required to self-finance 25% of the total cost of the project. The forest service is required to establish a policy that specifies the criteria by which a project will satisfy such requirements.
- In meeting the match requirements under FRWRMA, the act specifies that a

project may be funded in whole or in part from gifts, grants, or donations received from any organization, entity, or individual.

- In measuring an in-kind contribution under FRWRMA, the act specifies that such a contribution may include volunteer hours provided by the staff of an entity or organization applying for grant funding and the time for which staff receives monetary compensation in the form of salary or other financial benefits.
- Permits a grant project eligible to receive funding to support ongoing maintenance efforts undertaken by eligible recipients to reduce the threat of large, high-intensity wildfires.
- Eliminates an existing requirement that, to receive funding, a project must include a diverse and balanced group of stakeholders as well as appropriate governmental representatives. As part of the submission of grant applications, the forest service encourages applicants to include on their grant applications information that indicates whether the project satisfies these objectives.
- Adds to the list of recipients eligible to receive grant funding a fire protection district and a nonprofit organization or entity engaged in firefighting or fire management activities.
- Extends the date by which the grant program will be repealed to September 1, 2029.

In the act, the general assembly encourages the forest service to modify its administrative policies and procedures to enable funding to be provided to grant recipients in March to enable wildfire mitigation to commence before the prime wildfire season starts in June.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1087 Parks and wildlife - enforcement - statutory cleanup. The act modifies various provisions relating to the enforcement of parks and wildlife statutes as follows:

- Clarifies that any person, not just a hunter, may be prosecuted for violations of parks and wildlife statutes;
- Amends the definition of "take" to clarify that the term includes the killing of wildlife with certain exceptions;
- States that licenses issued by the division of parks and wildlife (division) are not subject to the "Secure and Verifiable Identity Document Act";
- Specifies the default penalties that apply to a person who is convicted of a violation of a parks and wildlife statute or rule promulgated under those statutes that does not list a specific penalty;
- Extends the period of time within which an alleged offender may pay fines and surcharges identified in a penalty assessment notice issued to the alleged offender from 15 days to 20 days and authorizes personal service or service by certified mail of a summons and complaint or a penalty assessment notice;
- Authorizes the parks and wildlife commission or a hearing officer to suspend a person's license issued by the division for a failure to comply with an official notice of an alleged violation of the parks and wildlife statutes. The suspension

is lifted once the person furnishes or causes to be furnished to the division satisfactory evidence of compliance with the official notice of an alleged violation.

- Makes the imposition of additional penalties regarding the unlawful taking of trophy animals permissive instead of mandatory;
- For the purposes of hunting in a careless manner, amends the definition of "careless" and authorizes a lesser fine for a person who hunts in a careless manner while hunting with a big game license for a type of animal different than the type of animal killed and who immediately field dresses the killed animal and reports the killing to the division;
- Amends the definition of "vessel" to include all types of stand-up paddleboards and excludes from the definition of "river outfitter" a person whose only service is providing instruction in stand-up paddleboarding;
- Authorizes a person to possess a loaded pistol or revolver while snowmobiling and clarifies that the division may authorize certain conduct while operating a snowmobile that is otherwise unlawful; and
- Prohibits a river outfitter, guide, trip leader, or guide instructor from allowing another person to operate a vessel without due regard for river conditions or other attending circumstances or in a manner that endangers any person, property, or wildlife. A person who violates the prohibition commits a class 3 misdemeanor.

APPROVED by Governor March 20, 2020

EFFECTIVE March 20, 2020

H.B. 20-1185 Colorado kids outdoors grant program - Colorado kids outdoors advisory council - continuation under sunset law. The act implements the recommendation of the department of regulatory agencies' 2019 sunset review and report concerning the Colorado kids outdoors advisory council by repealing the council.

APPROVED by Governor March 27, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1208 Regulation of persons working in coal mines - coal mine board of examiners - continuation under sunset law. The act implements recommendations of the department of regulatory agencies' sunset review and report on the coal mine board of examiners in the department of natural resources by:

- Continuing the board for 9 years, until 2029;
- Defining "commissioner" as the commissioner of mines in the statute that lists the board members;
- Replacing an obsolete reference to a "flame safety lamp" with a reference to a "digital gas detector"; and
- Repealing references to "assistant mine foreman" because that is no longer a position held in coal mines.

APPROVED by Governor June 23, 2020

EFFECTIVE June 23, 2020

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 20-129 Emergency guardian - appointments without notice - court visitor required - ruling on motions for emergency review. If a court appoints as an emergency guardian or special conservator a professional person or public administrator, the act requires the court to also appoint a court visitor to interview the respondent and others and report to the court on the supported decision-making surrounding the respondent.

Current law allows a court on its own motion or at the request of an interested person to conduct an emergency review of a fiduciary's actions. The act requires the judge to rule on the motion or request within 14 days.

APPROVED by Governor July 10, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1368 Estate planning documents - preservation of abandoned documents - delay from 2021 to 2023 - decreased appropriation. The act delays the effective date of the "Colorado Electronic Preservation of Abandoned Estate Planning Documents Act" until January 1, 2023.

Appropriations for fiscal year 2020-21 related to the "Colorado Electronic Preservation of Abandoned Estate Planning Documents Act" to the judicial department for:

- Information technology infrastructure is decreased by \$125,230, and
- Trial court programs is decreased by \$28,147.

APPROVED by Governor July 13, 2020

EFFECTIVE July 13, 2020

PROFESSIONS AND OCCUPATIONS

S.B. 20-47 Real estate - appraisals - definition - exemption for analyses prepared by agents of financial institutions and affiliates. Current law exempts from the definition of a "real estate appraisal" certain analyses prepared by an officer, director, or regularly salaried employee of a financial institution or its affiliate when the analyses are used for internal purposes only. Federal law also exempts such analyses when they are prepared by an agent of a financial institution or its affiliate. The act adds these agents to the list of people who can make these exempt analyses.

APPROVED by Governor March 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-102 Health care providers - disclosure of sexual misconduct required - patient agreement to treatment - exceptions to disclosure requirement - failure to comply ground for discipline. Beginning March 1, 2021, the act requires a health care provider (provider) to disclose to patients if the provider has been convicted of a sex offense or has been subject to final agency action resulting in probation or a limitation on practice when the discipline is based in whole or in part on the provider's sexual misconduct. The act specifies the content of the disclosure and requires the provider to obtain the patient's signed agreement to treatment and acknowledgment of receipt of the disclosure before rendering services to the patient.

The disclosure requirement ends when a provider has satisfied the requirements of probation or other limitations on the provider's ability to practice. Additionally, a provider is not required to make the disclosure before providing professional services to a patient who is unconscious or otherwise unable to comprehend or sign the disclosure and for whom a guardian is unavailable; who seeks care at an emergency room or freestanding emergency department or at an unscheduled visit; who is unknown to the provider until immediately before the start of the patient visit; or with whom the provider does not have a direct treatment relationship or direct contact.

Failure to comply with the requirements of the act constitutes unprofessional conduct or grounds for discipline under the practice act that regulates the provider's profession but does not create a private right of action.

APPROVED by Governor June 29, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-120 Electrician and plumbing apprentices - removal from apprentice registration requirement - training and classroom hours reporting requirement - examination requirements and exemptions - gifts, grants, and donations - report on barriers for certain apprentices. Current law requires an electrical or plumbing employer to register an apprentice with the respective governing board within 30 days after beginning employment. When an apprentice

is no longer employed as an apprentice, the act requires an employer to remove each apprentice from the apprentice program and annually notify the applicable board of the termination of employment.

The act requires an employer, an apprenticeship program registered with the United States department of labor's employment and training administration, and a state apprenticeship council recognized by the United States department of labor that employs an apprentice in Colorado to track the number of practical training hours and, for electrician apprentices, the classroom hours of each apprentice and provide the information to the state electrical board or the state plumbing board, as applicable. The boards are required to keep this information confidential. If existing resources or gifts, grants, or donations are available, the boards must provide the reported information to the department's online apprenticeship directory.

Contingent on the availability of existing resources within the department or the receipt of gifts, grants, and donations, the act requires electrician apprentices and plumbing apprentices who have been registered with their respective boards for at least 6 years to take a license examination at least every 3 or 2 years, respectively, based on the registration renewal cycle, until the apprentice passes the examination. If an apprentice fails the examination, the apprentice may apply for an exemption from the examination requirement. The act allows an apprentice to request special accommodations to take the examination if the apprentice has a learning disability.

Subject to available funds, the department of regulatory agencies, in collaboration with the electrician and plumbing governing boards, industry stakeholders, examination proctors, national code organizations, apprenticeship training coordinators, and the department of labor and employment, is required to conduct research to determine what barriers exist to preparing for and taking the licensing examinations for apprentices for whom English is a second language and report its findings to the general assembly by January 1, 2021.

APPROVED by Governor July 7, 2020

EFFECTIVE July 7, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1041 Physician assistants - financial responsibility requirements. The act specifies that a physician assistant who has been practicing for at least 3 years must comply with the same financial responsibility requirements to which physicians are subject, namely to maintain professional liability coverage of at least \$1 million per incident and \$3 million aggregate per year. Additionally, the act authorizes the Colorado medical board to exempt physician assistants from the financial responsibility requirements, or lessen the requirements, to the same extent permitted for physicians.

APPROVED by Governor March 20, 2020

EFFECTIVE March 20, 2020

H.B. 20-1050 Registered prescription drug outlet - other outlet - casual sale of drugs. The act clarifies that a registered prescription drug outlet and an other outlet may make a casual

sale of a drug in the manufacturer's sealed container to another registered outlet and to a practitioner authorized to prescribe the drug.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1056 Dental practice act - reorganization. The act reorganizes the "Dental Practice Act", which includes the laws governing the practices of dentistry and dental hygiene and other procedures, tasks, and activities related to those practices.

APPROVED by Governor March 23, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1165 Interior designers - exemption from practice of architecture - eligibility criteria - prohibiting limits on local government ability to deny permits - scope of practice. Under current law, interior design work is exempted from the types of work regulated under the laws governing the practice of architecture. The act modifies the interior design exemption:

- To remove an inconsistency in the language of that exemption whereby one portion of the exemption requires that interior designers not be engaged in work that affects the life safety of building occupants and another portion of the exemption requires that interior designers engage in their work "with due concern for the life safety of the occupants of the building"; and
- To amend the language of the first portion of the exemption by limiting the restriction to alterations that are outside the content of interior design documents and specifications filed for the purpose of obtaining building permit approval and retains the language of the second portion of the exemption.

Additionally, the act authorizes a city, city and county, or regional building authority to reject a building permit application filed by an interior designer only for a reason provided by law.

The act also modifies the eligibility criteria for interior designers by removing references to educational requirements. The national certification requirement that is maintained in the statute itself includes educational requirements.

Finally, the act modifies the description of "nonstructural or nonseismic" work that is within an interior designer's scope of practice.

APPROVED by Governor April 1, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1183 Certified nurse aides - regulation by state board of nursing - continuation under sunset law - implementation of sunset recommendations - authority of certified nurse aides to perform additional tasks. The act implements the recommendations of the department of regulatory agencies in its sunset review and report on the certification of nurse aides by the state board of nursing (board) as follows:

- Continues the regulation of certified nurse aides by the board for 7 years, until 2027;
- Combines the laws regulating the practice of certified nurse aides with the "Nurse Practice Act";
- Modifies the grounds for disciplining a certified nurse aide regarding the excessive use or abuse of alcohol or drugs;
- Eliminates an inconsistency regarding the waiting period to apply for a new certification following the revocation or surrender of a nurse aide certification;
- Repeals the requirement that the board send communications regarding disciplinary actions by certified mail; and
- Modifies the exception to uncertified nurse aide practice in a medical facility to allow an uncertified individual to practice for up to 4 months if the practice is within the scope of employment and is part of an approved training program prior to certification and the certification is not by endorsement.

Additionally, the act permits a certified nurse aide, if deemed competent by a registered nurse to do so, to:

- Place into a minor client's mouth medication that has been sorted by the minor's parent or guardian; and
- Administer oxygen and change ostomy bags.

APPROVED by Governor June 29, 2020

EFFECTIVE July 1, 2020

H.B. 20-1206 Mental health professionals - regulation - continuation under sunset law - opiate antagonists - disclosure of information - exemptions from regulation - title protection - mental health disciplinary record work group - confidential communications - violations of practice act - contracts for services - suspension of practice - supervision of social worker applicants - social worker candidate registration - social worker competency requirements - unlicensed psychotherapists - addiction counselors. The act implements recommendations of the department of regulatory agencies in its sunset review and report on the regulation of mental health professionals as follows:

- Continues the regulation of mental health professionals for 9 years, until September 1, 2029;
- Clarifies that mental health professionals may possess, furnish, and administer opiate antagonists;
- Exempts students who are enrolled in a school program and are practicing as part of a school practicum or clinical program;
- Grants title protection to additional persons practicing in the mental health field;
- Makes the conviction of a crime that is related to mental health practice a violation of the mental health practice acts;
- Authorizes the appropriate mental health board to suspend a mental health

- professional's license, certification, or registration for the failure to comply with a board-ordered mental or physical examination; and
- Repeals the requirement that members of the mental health boards must be United States citizens.

In addition to implementing the sunset recommendations, the act:

- Allows the staff of a mental health board to approve applications for licensure, certification, and registration without ratification from the respective board unless the board deems ratification necessary;
- Clarifies that licensees, certificate holders, and registrants are not required to form a professional service corporation;
- Exempts persons performing auricular acudetox from licensing, certification, and registration requirements;
- Creates the mental health disciplinary record work group for the purpose of making legislative and rulemaking recommendations concerning records that impact the initial licensure, certification, registration, and ongoing practice of mental health professionals;
- Clarifies when a mental health professional may disclose a client's confidential communications;
- Clarifies that it is not a prohibited activity for a mental health professional to offer or accept payment for services provided in connection with a referral as long as the payment is not for the referral itself;
- Prohibits a contract entered into by a mental health professional for marketing, office space, administrative support, or any other overhead expense from providing remuneration for referrals of clients or patients or otherwise creating financial benefit or incentive to the mental health professional;
- Allows supervision of an applicant for a social worker license to be done virtually and by a person other than a licensed social worker;
- Creates a registration process for clinical social work candidates;
- States that, for licensed social workers or licensed clinical social workers, course work is the only professional competency activity that can fulfill all the continuing competency requirements;
- Requires applicants for psychology licensure to complete a name-based criminal history record check upon initial application;
- Requires applicants for a professional counselor license to complete 2,000 hours of practice in counseling, including at least 1,500 hours of face-to-face direct client contact under clinical supervision;
- Changes the name of "registered psychotherapists" to "unlicensed psychotherapists", allows current psychotherapists to continue to practice as unlicensed psychotherapists, and prohibits the registration of any new psychotherapists with the board of unlicensed psychotherapists;
- Repeals the provision allowing a licensed mental health professional or a licensure candidate to register with the database of unlicensed psychologists; and
- Changes the titles of certified addiction counselors to "certified addiction technicians" and "certified addiction specialists" and changes the scope of practice and educational requirements for the certificate holders.

APPROVED by Governor July 14, 2020

EFFECTIVE July 14, 2020

H.B. 20-1207 Regulation of private investigators - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies in its sunset review of the regulation of private investigators by continuing the regulation for 5 years, until September 1, 2025.

VETOED by Governor July 11, 2020

H.B. 20-1209 Nurse-physician advisory task force for Colorado health care - continuation under sunset law - physician representation - appropriation. The act continues the nurse-physician advisory task force for Colorado health care (NPATCH) for 7 years, until September 1, 2027. Additionally, the act specifies that 3 of the NPATCH members must be licensed physicians recommended by and representing a statewide physicians' organization that represents multi-specialty physicians and whose membership includes at least one-third of the doctors of medicine and osteopathy licensed in the state.

\$15,554 is appropriated from the division of professions and occupations cash fund to the department of regulatory agencies for use by the division of professions and occupations for personal services needed to implement the act.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1210 State board of chiropractic examiners - continuation under sunset law - board members - examination - continuing education requirements - limitations on practice - grounds for discipline - chiropractic students - rules. The act implements the recommendations of the department of regulatory agencies' 2019 sunset review and report on the functions of the Colorado state board of chiropractic examiners (board) by:

- Continuing the board for 9 years, until 2029;
- Repealing the requirement that members of the board be citizens of the United States;
- Repealing the requirement that an applicant for licensure pass the examination given by the National Board of Chiropractic Examiners and authorizing the board to determine the appropriate examination;
- Changing the continuing education requirements for a licensed chiropractor (licensee) from 15 hours annually to 30 hours every 2 years;
- Clarifying the grounds for discipline of a licensee concerning the use or abuse of controlled substances or alcohol and modifying the definition of "unethical advertising";
- Requiring a licensee to notify the board of any physical or mental conditions that limit the ability to safely deliver chiropractic services and allowing the board to enter into an agreement with the licensee that specifies the limitations on the licensee's practice;
- Clarifying that a license is not prohibited or required for a chiropractic student or intern to perform chiropractic services in this state while under the supervision of a licensee; and
- Allowing chiropractic students at board-approved schools to perform supervised chiropractic services with the signed, written consent of the patient.

APPROVED by Governor June 29, 2020

EFFECTIVE July 1, 2020

H.B. 20-1212 Naturopathic doctors - continuation under sunset law - division and staff immunity from liability in certain civil actions - naturopathic medicine advisory committee membership and meetings - additions to the naturopathic doctor formulary - title protection. The act implements the recommendations of the department of regulatory agencies in its sunset review and report on the regulation of naturopathic doctors as follows:

- Continues the regulation of naturopathic doctors by the department of regulatory agencies for 9 years, until September 1, 2029; and
- Provides immunity from liability for the director of the division of professions and occupations (director), division staff, consultants, and complainants in any civil action brought against the individual for acts occurring while the individual is acting in the individual's capacity as director, board member, staff, consultant, or witness, respectively.

The act also:

- Requires that of the 3 doctors of medicine or osteopathy who serve on the naturopathic medicine advisory committee (committee), one must be a pediatrician and one must be a member of a statewide multispecialty medical society;
- Requires the committee to meet at least once each year and tasks the committee with reviewing the naturopathic doctor formulary, making recommendations to the director on additions to the formulary, and discussing issues of importance to naturopathic doctors and their patients;
- Allows the director to make additions to the naturopathic formulary; and
- Prohibits a person who is not registered as a naturopathic doctor from using any title that implies the person is registered or licensed as a naturopathic doctor.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

H.B. 20-1216 Nurses - regulation by state board of nursing - continuation under sunset law - grounds for discipline - title modification for advanced practice - volunteer license requirements - prescriptive authority - delegation of nursing tasks. The act implements the recommendations of the department of regulatory agencies in its sunset review and report on the "Nurse Practice Act", under which nurses are regulated by the state board of nursing (board), as follows:

- Continues the regulation of nurses by the board for 7 years, until September 1, 2027;
- Authorizes the board to enter into a confidential agreement to limit practice with a nurse who has a health condition that affects the ability of the nurse to practice safely and modifies grounds for disciplining a nurse to specify that a nurse may be disciplined for failing to notify the board of a health condition that limits the nurse's ability to practice safely, failing to act within the limits imposed by the health condition, or failing to comply with the terms of a confidential agreement entered into with the board;
- Adds, as a ground for disciplining a nurse, engaging in a sexual act with a patient during the course of care or within 6 months after care is concluded;

- Requires licensees and insurance carriers to report malpractice settlements and judgments;
- Modifies the grounds for discipline relating to alcohol or drug use or abuse to clarify that the use or abuse need not be ongoing to trigger discipline;
- Requires a nurse to report an adverse action or the surrender of a license within 30 days after the action;
- Requires a nurse to report a criminal conviction within 30, rather than 45, days after the conviction;
- Repeals the standards of "willful" and "negligent" with regard to certain grounds for disciplining a nurse;
- Changes the title "advanced practice nurse" and the acronym "A.P.N." to "advanced practice registered nurse" and "A.P.R.N.";
- Eliminates the age limit and the requirement to be retired for a nurse to obtain a volunteer license;
- Repeals the requirement for the director of the division of professions and occupations to consult with the board before appointing an executive administrator and other personnel for the board; and
- Repeals the requirement for at least one board member to sit on the panel to interview candidates for the board executive administrator position.

In addition to implementing the sunset recommendations, the act:

- Reduces the number of experience hours required for an A.P.R.N. to obtain prescriptive authority from 1,000 hours to 750 hours and includes a legislative declaration stating that the experience hours should not be adjusted downward before the next sunset review of the "Nurse Practice Act";
- Eliminates the requirement that an A.P.R.N. seeking or who has obtained prescriptive authority develop, maintain, or update an articulated plan and that the board audit those plans;
- Adds definitions of "collaboration", "delegation of patient care", and "licensed health care provider" to the "Nurse Practice Act" for purposes of clarifying the ability of nurses to delegate nursing tasks to other providers and assistive personnel; and
- Modifies the definitions of "practice of practical nursing" and "practice of professional nursing".

APPROVED by Governor June 30, 2020

EFFECTIVE July 1, 2020

H.B. 20-1218 Hearing aid providers - continuation under sunset law - appeal of agency actions - requiring licensure to sell a hearing aid - title protection - financial assurance requirement - grounds for discipline - competency examination - continuing education - deceptive trade practices. The act implements recommendations of the department of regulatory agencies' sunset review and report on the licensing of hearing aid providers by:

- Continuing the licensing of hearing aid providers for 11 years, to 2031;
- Requiring final agency actions to be appealed directly to the court of appeals;
- Repealing language specifying that the hearing aid provider practice act does not prohibit an individual from performing tasks that would be permissible if the licensee was not licensed;
- Prohibiting a person who is not licensed as a hearing aid provider from using

- any titles that imply the person is qualified as a hearing aid provider;
- Requiring a hearing aid provider to be licensed before directly or indirectly selling or negotiating to sell any hearing aid for the hearing impaired;
- Repealing references to the national competency examination of the National Board for Certification in Hearing Instrument Sciences and requiring the director of the division of professions and occupations (director) to determine the competency examination required for licensure;
- Requiring hearing aid providers to post a surety bond, maintain professional liability insurance, or comply with other financial responsibility requirements determined by the director;
- Adding failure to practice according to commonly accepted professional standards to the grounds for discipline;
- Authorizing the director to accept disciplinary action taken by another state, a local jurisdiction, or the federal government as prima facie evidence of misconduct if the basis for the action would be grounds for discipline in Colorado; and
- Adding deceptive trade practice provisions related to the sale of hearing aids by hearing aid providers.

In addition to implementing the sunset recommendations, the act also:

- Updates the scope of practice to require either the initial testing or the first fitting to be performed in-person; and
- Requires each hearing aid provider to attend at least 8 hours of continuing education each year.

APPROVED by Governor July 14, 2020

EFFECTIVE September 1, 2020

H.B. 20-1219 Audiologists - continuation under sunset law - malpractice settlements and judgments - appeal of agency actions - grounds for discipline for alcohol or substance use disorders - deceptive trade practices - continuing education. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the licensing of audiologists by:

- Continuing the licensing of audiologists for 11 years, to 2031;
- Requiring licensees and insurance carriers to report any malpractice settlements or judgments to the director of the division of professions and occupations in the department of regulatory agencies within 30 days and specifying that failure of a licensee to comply with this requirement is grounds for discipline;
- Requiring final agency actions to be appealed directly to the court of appeals;
- Amending the language in the grounds for discipline referring to an alcohol or substance use disorder; and
- Adding deceptive trade practice provisions related to the dispensing of hearing aids by audiologists.

The act also requires each audiologist to complete at least 10 hours of continuing education each license renewal period.

APPROVED by Governor July 14, 2020

EFFECTIVE September 1, 2020

H.B. 20-1230 Licensing of occupational therapists and occupational therapy assistants - continuation under sunset law - new protected titles - prohibited behaviors. The act implements, with amendments, the recommendations of the department of regulatory agencies (department) in its sunset review and report on the licensing of occupational therapists and occupational therapy assistants (OTAs) by the director of the division of professions and occupations in the department. Specifically, the act:

- Continues the "Occupational Therapy Practice Act" for 10 years, until 2030;
- Modifies the legislative declaration and definitions related to the scope of practice of occupational therapy;
- Designates "occupational therapy consultant", "M.O.T.", "M.O.T./L.", "occupational therapy assistant", "O.T.A.", and "C.O.T.A." as protected titles and clarifies that individuals who legally practice temporarily as occupational therapists in Colorado may use protected titles;
- Reorders and amends certain provisions concerning examinations and applications for licensure by occupational therapists and OTAs; and
- Adds certain prohibited behaviors as grounds for discipline.

APPROVED by Governor July 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1326 Occupational credential portability program - endorsement, reciprocity, or transfer of out-of-state profession or occupation credentials - exclusion for specified professions and occupations - modify military spouse exemption - rules. The act creates the occupational credential portability program (program) in the division of professions and occupations within the department of regulatory agencies, which permits a member of a regulated profession or occupation from another jurisdiction to obtain licensure, certification, registration, or enrollment in the profession or occupation in this state by endorsement, reciprocity, or transfer. The program is available to members of business and health care professions and occupations regulated by the division and the regulatory boards in the division for which licensure, certification, registration, or enrollment by endorsement is permitted under current law; except that the following professions and occupations are specifically excluded from the program:

- Combative sports;
- Electricians;
- Fantasy contests;
- Mortuaries and crematories;
- Nontransplant tissue banks;
- Outfitters and guides;
- Passenger tramway operators;
- Plumbers;
- Private investigators;
- Direct-entry midwives; and
- Surgical assistants and surgical technologists.

Under the program, the director of the division and most regulatory boards and

commissions within the division (regulators) are required to strive to reduce certification, registration, licensure, and enrollment barriers for applicants and to adopt rules to establish the program in the least burdensome way necessary to protect the public.

The act also relocates the existing occupational credential exemption for military spouses to the new occupational credential portability program and modifies the exemption by specifying that the exemption is valid for 3 years and applying the exemption to all members of business and health care professions and occupations regulated by the division and the regulatory boards in the division.

APPROVED by Governor June 25, 2020

PORTIONS EFFECTIVE June 25, 2020
PORTIONS EFFECTIVE January 1, 2021

PROPERTY

S.B. 20-126 Common interest communities - covenants and restrictions on use of property - exceptions - operation of licensed family child care home. The act allows a homeowner in a community organized under the "Colorado Common Interest Ownership Act" to operate a licensed family child care home, as defined in state laws governing child care facilities, notwithstanding anything to the contrary in the community's governing documents.

The community's regulations concerning architectural control, parking, landscaping, noise, and other matters continue to apply, but the community must make reasonable accommodations for any requirements pertaining to fences under the state's family child care home licensing laws. The owner or operator of the child care home may also be required to carry additional liability insurance.

The act does not apply to a community qualified as housing for older persons under federal law.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-224 Tenants and landlords - protections for immigrant tenants - remedies. The "Immigrant Tenant Protection Act" (Act) is created, which prohibits a landlord from engaging in certain housing practices or related activities based on the immigration or citizenship status of a tenant. A tenant who is aggrieved by a landlord's violation of the Act may bring a civil action and seek certain remedies.

In a civil action brought under the Act, a tenant's immigration or citizenship status is not relevant, and inquiry into the tenant's status is not permitted unless:

- The claims raised by the tenant place the tenant's immigration or citizenship status in contention; or
- The person seeking to make the inquiry demonstrates by clear and convincing evidence that the inquiry is necessary in order to comply with federal law.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1155 Single-family homes - new construction - high efficiency options - home builder required to offer. Preexisting law requires a home builder to offer to a buyer of a new home one of the following:

- A solar panel system or a solar thermal system;
- To prewire or preplumb the home for these systems; or
- A chase or conduit to wire or plumb the home for these systems in the future.

The act requires the home builder to offer each of these options to the buyer and deletes these requirements for manufactured homes.

The act also requires a home builder to offer the following options to a buyer of a newly constructed residence, which is defined to mean a traditional detached, single-family home:

- An electric vehicle charging system; upgrades of wiring to accommodate future installation of an electric vehicle charging system; or a 208- to 240-volt alternating current plug-in located in a place accessible to a motor vehicle parking area;
- Efficient electric heating and water heating options; and
- Pricing, energy efficiency, and utility bill information for each option available from the builder.

The Colorado energy office must develop basic consumer education about leased solar installation and purchased solar installation in consultation with industries that offer these options to consumers.

APPROVED by Governor June 30, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1196 Tenants and landlords - mobile home parks. The act makes various changes and additions to the existing "Mobile Home Park Act" and "Mobile Home Park Act Dispute Resolution and Enforcement Program" (program).

The act clarifies provisions relating to notices that the management of a mobile home park (management) is required to provide to a home owner in the mobile home park (home owner) when management intends to terminate the home owner's tenancy in the mobile home park (park). The time a home owner has to cure certain instances of noncompliance is increased from 30 days to 90 days, and this 90-day period to cure runs concurrently with the period to sell the mobile home or remove it from the premises, which is increased from 60 to 90 days.

The act restates, with amendments, the permissible reasons for which management may terminate a home owner's tenancy and the notice requirements associated with a termination. Currently, management may terminate a home owner's tenancy if the homeowner's conduct constitutes an annoyance to other homeowners or interference with management. The act eliminates this as a permissible reason for termination of tenancy. When a landlord intends to change the use of the land on which a park sits, and the change will result in eviction of the home owners, the amount of prior notice that the landlord is required to provide to the home owners is increased from 6 months to 12 months. A notice to quit tenancy and a notice of nonpayment of rent must include language notifying a home owner of the home owner's right to file a complaint through the program.

Currently, management may charge an amount up to 2 month's rent as a security deposit for a multiwide unit. The act reduces the amount to no more than one month's rent.

The act clarifies management's duties concerning maintenance and repair of a park and creates new duties relating to the maintenance and repair of water, sewer, and other utility service lines or related connections. Management must annually provide certain

information concerning water usage and billing to home owners and post the information in a clearly visible location in at least one common area of the park. If management charges home owners for water usage in the park, management must provide each home owner a monthly water bill showing the amount owed by the home owner, the total amount owed by all home owners in the park, the methodologies used to determine the amount billed to each home owner, and, if management purchases the water from a provider, the total amount paid by management to the provider.

The act prohibits management from taking retaliatory action against a home owner who exercises any right conferred upon the home owner by law. An action by management is presumed to be retaliatory if the action was taken within 120 days after the home owner made an effort to secure or enforce the home owner's rights, and management may rebut a presumption of retaliation with sufficient evidence that an action was taken against the home owner for a nonretaliatory purpose.

The act allows management to add or amend rules and regulations only after acquiring the consent of each home owner or after providing written notice of the amendment to each home owner at least 60 days before the amendment becomes effective. A home owner may file a complaint challenging a rule, regulation, or amendment pursuant to the program within 60 days after receiving the notice. If a home owner files a complaint, and the new or amended rule or regulation will increase a cost to the home owner in an amount equal to or exceeding 10% of the home owner's monthly rent obligation under the rental agreement, management may not enforce the rule, regulation, or amendment unless and until the parties reach an agreement concerning the rule, regulation, or amendment or the dispute resolution process concludes with a written determination that the rule, regulation, or amendment may be enforced.

The act requires management to respect the privacy of home owners. Management has a right of entry to the land upon which a mobile home is situated for the maintenance of utilities and to ensure compliance with applicable codes, statutes, ordinances, administrative rules, rental agreements, and the rules of the community. A landlord shall not make entry in a manner that interferes with a home owner's peaceful enjoyment of the land except in the case of an emergency. Except when posting notices that are required by law or by a rental agreement, management shall make a reasonable effort to notify a home owner of management's intention to make entry at least 48 hours before making entry.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1200 Homeowners' associations - rights and responsibilities - continuation of HOA information and resource center under sunset law - limits on specific forms of religious expression. The act continues the HOA information and resource center for 5 years, until 2025. The act also precludes an HOA governed by the "Colorado Common Interest Ownership Act" from prohibiting the display of a religious item or symbol on the entry door or entry door frame of a home or condominium, subject to the right of the HOA to limit such displays to a reasonable size or to prohibit displays that are obscene or unlawful or that threaten public health or safety.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1201 Mobile home parks - residents' option to purchase upon notice of a proposed sale or change of use - notice to home owners - exempt transactions - rights and duties of landlord and home owners. The act gives home owners in a mobile home park the opportunity to make an offer to buy the park if the landlord anticipates selling it or changing the use of the land. A landlord must give notice of a pending sale to the home owners, the applicable municipality or county, the division of housing in department of local affairs, and each home owners' association, residents' association, or similar body that represents the residents of the park. A landlord must give notice of a pending change of use of the land to all home owners of the park at least 12 months before the change of use occurs. After receiving notice of a pending sale or change of use, home owners have 90 days to make an offer to purchase and arrange financing if necessary. A purchase may be made by an association representing at least 51% of the home owners. The landlord may request that information relating to any pending offer be kept confidential and, if the landlord so requests, the association is required to do so.

If a sale of a mobile home park occurs and the home owners are not the buyers, the landlord must send the municipality or county and the division of housing an affidavit of compliance with the requirements of the act.

The notice and purchase-option provisions do not apply if the proposed sale is to a family member of the landlord, another closely affiliated person or entity, or someone who is already a cotenant of the property or if a transfer occurs due to inheritance or eminent domain.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1214 Consumer protection - regulation of home warranty service contracts - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies in its sunset review and report on home warranty service contracts by continuing the statutes governing the contracts for 6 years, until 2026, and clarifying that home warranty service contracts are not insurance.

APPROVED by Governor June 24, 2020

EFFECTIVE June 24, 2020

H.B. 20-1410 Housing assistance - eviction assistance - rental assistance - residential mortgage assistance - use of federal money for COVID-19 pandemic relief - appropriation. The act provides eviction assistance, rental assistance, residential mortgage assistance, and guidance on other housing assistance to households facing financial hardship due to the COVID-19 pandemic.

In determining how to distribute rental assistance, the division of housing in the department of local affairs (division) is required to prioritize:

- Homeless families with dependents or other children enrolled in preschool, elementary, or secondary schools;
- Medicaid clients in nursing homes who are able to live in their communities with in-home services;
- Family unification and related services;
- Homeless or disabled veterans;

- Low-income households with an income at or below one hundred percent of the area median income;
- Survivors of domestic violence;
- People experiencing homelessness who are at a higher risk of contracting COVID-19 according to the federal centers for disease control; and
- Entities that provide direct services to youth experiencing or at risk of experiencing homelessness.

In determining how to distribute residential mortgage assistance, the division is required to prioritize households with an income at or below 100% of the area median income.

From money given to the state in the federal "Coronavirus Aid, Relief, and Economic Security Act":

- \$350,000 is appropriated to the judicial department for use by the eviction legal defense grant program; and
- \$19,650,000 is transferred from the care subfund in the general fund to the housing development grant fund administered by the division.

APPROVED by Governor June 22, 2020

EFFECTIVE June 22, 2020

PUBLIC UTILITIES

S.B. 20-30 Electric and gas utilities - residential service - consumer protections - disconnection for nonpayment - eligibility for medical exemption from tiered rates - reporting of data by utilities - rules prescribing standard practices - appropriation. The act directs the public utilities commission (PUC) to exercise its existing authority to require information from regulated public utilities in the areas of:

- The number of utility customers who are exempted from tiered rates due to a medical condition or the use of medical equipment requiring higher amounts of electricity than other customers, and the efforts the public utilities are taking to ensure that customers entitled to the exemption are able to do so; and
- Disconnections and delinquencies, including the number of disconnections and a narrative analysis of any trends or inconsistencies revealed by the data.

The act also raises the income threshold for eligibility for a medical exemption from tiered electricity rates from 250% of the federal poverty level (FPL) to 400% of the FPL.

The act directs the PUC, on or before September 1, 2020, to open rulemaking proceedings to prescribe standard practices for disconnection due to nonpayment, including the provision of resources to support customers in multiple languages, as appropriate to the geographic areas served; standard terms for repayment plans to cure delinquencies; and a prohibition on remote disconnection without a reasonable attempt to make contact with the customer of record by telephone or engaging in a personal, physical visit to the premises.

For any change in a public utility's rate design approved on or after September 1, 2020, the act requires that the change of design be revenue-neutral and creates a presumption that a change of design that has a disproportionate impact on low-income residential customers compared to other residential customers is presumed to be contrary to the public interest.

The act appropriates \$16,545 to the department of regulatory agencies for use by the PUC.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1137 Telecommunications - broadband service - broadband deployment board - grant application to serve an unserved area - written certification from a local entity that the area is unserved - notice and hearing requirements - effect of written certification. The broadband deployment board (board) awards grants for the provision of broadband service in unserved areas of the state, which are areas deemed to have insufficient broadband service. The act authorizes but does not require an applicant seeking grant money from the board to submit to the board a written certification from the local entity with jurisdiction over the area that the applicant proposes to serve, certifying that the area is an unserved area. A local entity that is requested to provide written certification may not do so without first holding a hearing on the matter after providing notice of the hearing, including notice to any incumbent provider. The board is required to give substantial weight to a local entity's written certification that an area is an unserved area.

APPROVED by Governor July 6, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1225 Public utilities commission - jurisdiction over electric cooperatives - energy storage interconnection to electrical system - withdrawal from wholesale cooperative membership. The act:

- Declares that the jurisdiction of the Colorado public utilities commission (commission) does and traditionally has always been understood to extend to the determination of just and reasonable rates by all public utilities;
- Explicitly states that the terms and conditions imposed by one cooperative electric association on another regarding the installation, interconnection, and use of energy storage systems must be just and reasonable; and
- Declares that if a retail cooperative electric association withdraws from membership in a wholesale electric cooperative, the withdrawal is a matter of statewide concern for which the commission has authority to adjudicate complaints regarding such withdrawal. In relation to a retail cooperative electric association's withdrawal from membership, the wholesale electric cooperative must act in good faith and fair dealing, cannot impose unreasonable contractual terms in relation to the withdrawal, and must facilitate maintaining the retail cooperative electric association's native electric load priority for accessing firm transmission capacity.

APPROVED by Governor March 27, 2020

EFFECTIVE March 27, 2020

H.B. 20-1412 Electric and gas utilities - low-income energy assistance - use of federal money for COVID-19 pandemic relief - report. From money given to the state pursuant to the federal "Coronavirus Aid, Relief, and Economic Security Act", commonly referred to as the "CARES Act", \$4,800,000 is allocated to the energy outreach Colorado low-income energy assistance fund administered by the Colorado energy office for use by energy outreach Colorado before December 4, 2020, to provide direct utility bill payment assistance to households facing economic hardship due to the COVID-19 pandemic. Any unexpended money will be transmitted to the unemployment compensation fund on or before December 30, 2020.

The act requires energy outreach Colorado to include in its annual report to the general assembly, the legislative audit committee, and the state auditor information detailing how the organization allocated the "CARES Act" money for direct utility bill payment assistance.

APPROVED by Governor June 22, 2020

EFFECTIVE June 22, 2020

REVENUE - ACTIVITIES REGULATION

S.B. 20-32 Alcohol beverage regulation - age of employees having contact with alcohol products. The act removes the prohibition against an employee of a liquor-licensed drugstore who is under 21 years of age having contact with alcohol beverages at the liquor-licensed drugstore.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-86 Alcohol beverage regulation - license renewal notification - application fees. Under preexisting law, the executive director of the department of revenue was required to notify by first-class mail an alcohol beverage licensee of the license expiration date. The act authorizes the executive director to use any reasonable method to notify a licensee of a license expiration date, but the executive director must promulgate rules governing the notice.

The act also authorizes the executive director to set and collect a fee for applications for license or permit renewals for all types of alcohol beverages, including fermented malt beverages.

APPROVED by Governor March 23, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-110 Alcohol beverages - fines for violations - state and local licensing authorities. Currently, the state or a local licensing authority may suspend or revoke a licensee's license or permit for the licensee's violation of a law related to the regulation of alcohol beverages. The licensee may choose to pay a fine instead of the revocation or suspension.

The act:

- Authorizes the state and local licensing authorities to fine the licensee initially;
- Increases the potential fine for violations related to alcohol beverages from between \$200 and \$5,000 to between \$500 and \$100,000; and
- Requires the manner in which licensees pay fines to the state licensing authority to be determined by the state licensing authority.

APPROVED by Governor July 13, 2020

EFFECTIVE July 13, 2020

S.B. 20-140 Motor vehicle dealers - bond requirements - fraud. Preexisting law requires motor vehicle and powersports dealers, salespersons, buyer agents, wholesale auction dealers, business disposers, and wholesalers to have bonds to compensate people for fraud or a violation of the motor vehicle dealer statutes if the violation is designated as recoverable by the motor vehicle dealer board. The act requires the violation to be related to fraud in order for a person to recover from the bond. A person may recover from a bond in an action if the

board issues a final agency order with a finding of fraud.

APPROVED by Governor July 2, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-167 Motor vehicle dealers - electric motor vehicle manufacturers - limited exception to prohibition against dealer licensure. Preexisting law prohibits, with certain exceptions, a motor vehicle manufacturer from owning, operating, or controlling any motor vehicle dealer or used motor vehicle dealer in Colorado. The act creates a new exception that allows a manufacturer to own, operate, or control a motor vehicle dealer if the manufacturer makes only electric motor vehicles and has no franchised dealers of the same line-make.

APPROVED by Governor March 23, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-194 Alcohol beverages - sale of malt liquor at brew pub under same ownership as brew pub where produced. The act allows a licensed brew pub to sell to the public in sealed containers for off-premises consumption malt liquors that are manufactured at a separate licensed brew pub under the same ownership as the brew pub at which the retail sale occurs.

APPROVED by Governor July 10, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-213 Alcohol beverage retailers - takeout and delivery - temporary authorization for on-premise licensees - limitations and requirements - exceptions - state and local permits - fees - rules - repeal. The act authorizes a business (retailer) with one of the following types of alcohol beverage licenses to sell and deliver alcohol beverages to customers, including by the drink, for off-premises consumption and to allow customers to take alcohol beverages off the licensed premises:

- A manufacturer or wholesaler license, if the retailer operates a sales room;
- A beer and wine license;
- A hotel and restaurant license;
- A tavern license;
- A brew pub license;
- A club license;
- A vintner's restaurant license;
- A distillery pub license;
- A lodging and entertainment license; or
- A fermented malt beverage on- and off-premises retailer's license or on-premises retailer's license.

To engage in the sale and delivery of alcohol beverages for off-premises consumption, a retailer must:

- Sell or deliver the alcohol beverages in a sealed container that complies with state licensing authority rules;
- Sell or deliver alcohol beverages only to a customer who is 21 years of age or older;
- If the governor has not declared a disaster emergency, or the retailer is not a wholesaler or manufacturer that operates a sales room, a brew pub, a vintner's restaurant, or a distillery pub, sell or deliver no more than 750 milliliters of vinous liquors and spirituous liquors and no more than 72 fluid ounces of malt liquors, fermented malt beverages, and hard cider;
- If the governor has not declared a disaster emergency, or the retailer is not a wholesaler or manufacturer that operates a sales room, derive no more than 50% of its gross annual revenues for sales of food and alcohol beverages from the sale of alcohol beverages through takeout orders and deliveries;
- If the governor has not declared a disaster emergency, obtain a state and, if applicable, local permit to sell takeout or deliver alcohol beverages; and
- Permit delivery only by an employee of the licensee who is 21 years of age or older and who has satisfactorily completed seller and server training under the responsible vendor program.

The act directs the state licensing authority to adopt rules:

- Specifying the types of containers to be used for delivery of alcohol beverages;
- Creating a state permit for retailers to engage in takeout and delivery of alcohol beverages;
- Setting fees for takeout and delivery state permits; and
- Concerning any other matters necessary to implement the bill act.

If a business demonstrates the ability to comply with the requirements of the act, the state licensing authority is required to issue a takeout and delivery permit to the retailer. The act authorizes local licensing authorities to create a local takeout and delivery permit and establish fees to process and approve applications. If a local licensing authority creates a local takeout and delivery permit, a retailer wishing to engage in takeout and delivery of alcohol beverages, other than a manufacturer or wholesaler that operates a sales room, must obtain the local takeout and delivery permit in addition to the state permit and must apply simultaneously to the state and local licensing authorities.

The act does not apply to any other person licensed or permitted under the "Colorado Liquor Code" or the "Colorado Beer Code" or to a caterer that is licensed to sell alcohol beverages. The act repeals on July 1, 2021.

APPROVED by Governor July 10, 2020

EFFECTIVE July 10, 2020

H.B. 20-1001 Cigarettes, tobacco products, and nicotine products regulation - minimum age of purchase raised to 21 - retailer licensing required - minimum age to sell set at 18 - minimum distance from schools required for new retail locations - products delivery - increased penalties - rules - appropriations. Sections 1 through 8 of the act raise the minimum age of a person to whom cigarettes, tobacco products, and nicotine products

(products) may be sold from 18 years of age to 21 years of age. A products retailer must card anyone seeking to purchase products who appears to be under 50 years of age at the time of purchase.

Section 1 repeals criminal penalties against a minor for purchasing or attempting to purchase a product.

Section 7 prohibits a retailer from permitting a person under 18 years of age to sell or participate in the sale of products.

Section 8 also:

- Increases the minimum number of compliance checks required of each retail location at which the products are sold to 2 per year or at least the minimum number annually required by federal regulation, whichever number is greater; and
- Requires the executive director of the department of revenue (executive director) to adopt rules concerning enforcement of the laws governing the regulation of products, including rules:
 - Regarding enforcement coordination between the division of liquor enforcement (division) in the department of revenue and local licensing authorities and regarding enforcement against products smuggling;
 - Regarding fees, which must not exceed \$400 per year, unless the executive director determines that statewide compliance with products regulation has dropped below 90%, at which time the executive director may, by rule, raise the maximum fee to \$600; and
 - Authorizing a single, large-operator license fee for retailers with more than 10 retail locations, which fee is not subject to the general maximum fee amount.

Section 9 requires every retailer of the products in the state, on and after July 1, 2021, to obtain a license for each retail location owned. The division is charged with licensing retailers and coordinating with local authorities on retail location compliance checks and investigations of complaints about retailers.

Section 10 prohibits:

- New retail locations at which products are sold from being located within 500 feet of a school unless a local licensing authority has approved a license application for the new retail location;
- Retail locations that sell electronic smoking device products from advertising those products in a manner that is visible from outside the retail location; and
- Delivery of products, other than cigars and pipe tobacco, directly to consumers unless the delivery is made by an owner or employee of a licensed retailer who is at least 21 years of age and, at the time of delivery, checks the identification of the individual receiving the delivery to determine that the individual is 21 years of age or older.

Section 11 authorizes the division to seek injunctive relief against a person who violates the act and impose fines on or suspend or revoke the state license of a retailer found to have violated the act.

Section 12 adjusts the fine amounts for violating the prohibition against selling products to minors from a maximum fine of \$1,000 to \$15,000 for a fifth or subsequent violation within 24 months to a maximum fine of \$1,000 to \$15,000 for a fourth or subsequent violation within 24 months. Additionally, the division must prohibit a retailer who commits a second or subsequent violation within 24 months from selling products at the retail location where the violation occurred for a specified period of time, starting with at least 7 days for a second violation within 24 months, to at least 30 days for a third violation within 24 months, and finally for up to 3 years for a fourth or subsequent violation within 24 months.

Additionally, section 12 establishes fines ranging from \$1,000 for a first violation to \$3,000 for a third or subsequent violation within 24 months for the following violations:

- Advertising electronic smoking device products at a retail location where they are sold in a manner that is visible from outside the retail location;
- Delivering products without complying with the delivery requirements; and
- Selling or offering to sell products without a valid state license. If a person sells or offers to sell products without a valid state license at least 3 times within 24 months, the person is not eligible to apply for a state license for 3 years thereafter.

Further, section 12 also applies the same fine structure that applies to selling products from a vending machine or failing to display the requisite warning to a violation of the prohibition against allowing a person under 18 years of age to sell or participate in the sale of products.

For the 2019-20 state fiscal year, the act appropriates \$45,414 to the department of revenue from the liquor enforcement division and state licensing authority cash fund (cash fund) for implementation of the act.

For the 2020-21 state fiscal year, the act appropriates:

- \$2,391,262 to the department of revenue from the cash fund for implementation of the act;
- \$98,605 to the department of law from reappropriated funds received from the department of revenue for legal services for the department of revenue; and
- \$69,450 to the department of personnel from reappropriated funds received from the department of revenue for vehicle replacement lease or purchase.

APPROVED by Governor July 14, 2020

EFFECTIVE July 14, 2020

H.B. 20-1055 Alcohol beverages - vintner's restaurant licensees - ability to manufacture vinous liquors on alternating proprietor licensed premises - limitations. The act allows a vintner's restaurant licensee (licensee) to apply to the state licensing authority in the department of revenue for approval to manufacture vinous liquors on alternating proprietor licensed premises, which is a distinct and definite area that is owned by or in possession of the licensee and within which the licensee is authorized to manufacture and store vinous liquors. A licensee that is authorized to manufacture on alternating proprietor licensed premises is not permitted to conduct retail sales of vinous liquors on the alternating

proprietor licensed premises.

APPROVED by Governor March 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1080 Marijuana licensing - repeal residency requirement - license period. Under current law, all managers and employees of a medical marijuana business or a retail marijuana business with day-to-day operational control must be Colorado residents when they apply for licensure. The act repeals this residency requirement.

The act clarifies that all employee licenses are valid for a period not to exceed 2 years and all regulated marijuana business licenses and licenses granted to a controlling beneficial owner are valid for one year.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1286 Fantasy contest operators - continuation under sunset law - transfer of regulatory authority from department of regulatory agencies to department of revenue - elimination of sunset review requirement - annual audits for small operators - appropriation. The act implements the recommendations of the department of regulatory agencies in its sunset review and report of the "Fantasy Contests Act", with modifications, by:

- Transferring regulatory authority over fantasy contest operators from the director of the division of professions and occupations in the department of regulatory agencies to the director of the division of gaming in the department of revenue;
- Requiring small fantasy contest operators (i.e., those with 7,500 or fewer active customer accounts in Colorado) to undergo annual audits by an independent third party and submit the results to the department of revenue, as larger operators are currently required to do; and
- Removing the regulation of fantasy contest operators from the list of programs subject to sunset review, making it permanent as are other programs administered by the division of gaming.

The act reduces the fiscal year 2020-21 appropriation to the division of professions and occupations in the department of regulatory agencies by \$11,252.

APPROVED by Governor July 10, 2020

EFFECTIVE July 10, 2020

H.B. 20-1399 Limited gaming - allocation of tax revenue - statutory provisions - temporary suspension of allocations to specific cash funds - appropriation. The act suspends, for 2 years, the operation of statutory provisions allocating specific amounts of revenue derived

from the tax on limited gaming activity to the following cash funds:

- The Colorado travel and tourism promotion fund, administered by the board of directors of the Colorado tourism office;
- The advanced industries acceleration cash fund, administered by the Colorado office of economic development;
- The local government limited gaming impact fund, including the limited gaming impact account and the gambling addiction account, administered by the departments of local affairs and human services and local governmental entities;
- The innovative higher education research fund, administered by the higher education competitive research authority;
- The creative industries cash fund, administered by the council on creative industries; and
- The Colorado office of film, television, and media operational account cash fund, administered by the Colorado office of film, television, and media.

The act also changes allocations within the local government limited gaming impact fund by:

- Eliminating a temporary earmarking of funds in the gambling addiction account for:
 - A study, by the department of local affairs, to define the documented expenses, costs, and other impacts incurred directly as a result of limited gaming; and
 - The development, by the department of human services, of a statewide program to address gambling addiction; and
- Making money available from the limited gaming impact account, in addition to the gambling addiction account, to award grants for the provision of gambling addiction counseling to Colorado residents.

Finally, the act adjusts current long bill appropriations to fund the programs listed above for the 2020-21 state fiscal year.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1400 Limited gaming - allocation of tax revenue - mitigation of impacts of pandemic and recession. The act temporarily modifies the manner in which limited gaming tax revenues are allocated between the limited gaming fund and the extended limited gaming fund (*i.e.*, the portion of limited gaming tax revenues derived from increased hours of operation, enlarged wagering limit, and the addition of craps and roulette, as authorized by Colorado voters with the passage of Amendment 50 in 2008) in order to more equitably address recovery in the years immediately following the global pandemic and economic recession of 2020. The modification ends in the fiscal year following the fiscal year in which total limited gaming tax revenues again equal or exceed the total limited gaming tax revenues collected in state fiscal year 2018-19.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

H.B. 20-1424 Social equity licensees - pardon to class of persons convicted of marijuana possession. In the "Colorado Marijuana Code", the act changes the term "accelerator licensee" to "social equity licensee" and alters the qualifications. A social equity licensee may participate in the accelerator program on the premises of a retail marijuana licensee whereby the social equity licensee receives assistance from an experienced retail marijuana licensee. The act expands the accelerator program to include a retail marijuana store licensee. A retail marijuana licensee participating in the accelerator program and a social equity licensee may be entitled to incentives from the department of revenue or the office of economic development and international trade.

Under current law, before the governor is allowed to pardon any person, the application must include a certificate from the superintendent of a prison where the person was held and be submitted to the judge who sentenced the person, the district attorney for the judicial district, and the attorney who prosecuted the person for their comments. The act authorizes the governor to pardon a class of persons convicted of possession of up to 2 ounces of marijuana without the certificate or submitting the application to anyone else.

APPROVED by Governor June 29, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

STATUTES

S.B. 20-62 Enactment of Colorado Revised Statutes 2019. The act enacts the softbound volumes of the Colorado Revised Statutes 2019 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor March 5, 2020

EFFECTIVE March 5, 2020

H.B. 20-1402 Revisor's bill. To improve the clarity and certainty of the statutes, the act amends, repeals, and reconstructs various statutory provisions of law that are obsolete, imperfect, or inoperative. The specific reasons for each amendment or repeal are set forth in the appendix to the act. The amendments made by the act are not intended to change the meaning or intent of the statutes, as amended.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

TAXATION

S.B. 20-21 Tax expenditures - ensuring that intended purpose is clearly outlined in legislation. Current law requires a legislative declaration stating the intended purpose of a new tax expenditure or the intended purpose for extending an expiring tax expenditure. The act expands that law by:

- Requiring a statutory legislative declaration, not nonstatutory;
- Requiring any bill that creates a new tax expenditure to include a repeal of the expenditure after a specified period of tax years and any bill that extends an expiring tax expenditure to extend the expenditure for a specified period of tax years; and
- Requiring the statement of the intended purpose to be a part of a tax preference performance statement, which includes:
 - The classification of the type of the tax expenditure; and
 - Detailed information regarding the legislative purpose of the tax expenditure, which, at minimum, includes clear, relevant, and ascertainable metrics and data requirements that allow the tax expenditure to be measured for effectiveness in achieving the intended purpose.

APPROVED by Governor June 30, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-208 Income tax - tax check-offs - extension. The voluntary contributions to the American Red Cross Colorado disaster response, readiness, and preparedness fund, Colorado domestic abuse program fund, Habitat for Humanity of Colorado fund, pet overpopulation fund, and Special Olympics Colorado fund are currently scheduled to appear on the state income tax return form for income tax years beginning prior to January 1, 2020. The contributions are set to repeal unless they are continued. The act reauthorizes the funds to remain on the form so long as they meet the existing statutory requirement that a voluntary contribution fund must receive at least \$50,000 in contributions each tax year.

APPROVED by Governor July 7, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-223 Repeal of constitutional property tax assessment rates - contingent moratorium on assessment rate changes and conforming amendments. The act only takes effect if the voters statewide approve the repeal of constitutional provisions related to property tax assessment rates set forth in Senate Concurrent Resolution 20-001. Beginning with the property tax year that commences on January 1, 2020, the act creates a moratorium on changing property tax assessment rates. The act also makes conforming amendments to reflect the repealed constitutional provisions.

APPROVED by Governor July 13, 2020

PORTIONS EFFECTIVE July 13, 2020

PORTIONS EFFECTIVE January 1, 2021

NOTE: Portions of this act take effect only if voters approve a ballot issue and takes effect on the date of the governor's proclamation or January 1, 2021, whichever is later. See Senate Concurrent Resolution 20-001.

H.B. 20-1020 Sales tax - exemptions - long-term lodging. Under current law, the sales tax exemption for long-term lodging exempts stays of 30 days or more at hotels, apartment hotels, lodging houses, motor hotels, guesthouses, guest ranches, trailer coaches, mobile homes, auto camps, or trailer courts and parks from the state sales tax on lodgings. The act limits this exemption so it only applies to natural persons.

The act applies to sales tax levied on or after January 1, 2021.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1022 Sales and use tax - continuation of sales and use tax simplification task force.
The act:

- Continues the sales and use tax simplification task force for 6 years;
- Specifies that the task force will not meet during the 2020 interim;
- Includes a process for selecting a chair and vice-chair of the task force;
- Modifies the task force's duties;
- Requires the joint technology committee to seek regular updates from the office of information technology (OIT) and the department of revenue (DOR) regarding the development of the electronic sales and use tax simplification (SUTS) system, to monitor and encourage participation by businesses and home rule municipalities in the SUTS system, and to seek regular updates from OIT and DOR regarding the purchase and development of a geographic information system (GIS) database; and
- Removes the requirement that the task force undergo an evaluation by the department of regulatory agencies prior to the task force's repeal.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1023 Sales tax - state GIS database - hold harmless provision for vendors who use the database. The act:

- Establishes a hold harmless provision for vendors who use the state's geographic information system database (GIS database) to determine the jurisdictions to which sales or use tax is owed and to calculate appropriate sales or use tax rates for individual addresses;
- Requires the department of revenue to notify vendors when the GIS database is online, tested, and verified by the department of revenue to be operational, supported, and available for use;

- Specifies that the notification to vendors may be provided in any way that the department of revenue deems appropriate and must be accomplished within existing resources;
- Requires the department of revenue to ensure that the GIS database data is at least 95% accurate based on a statistically valid sample of addresses from the database, or based on another acceptable method of proving accuracy;
- Requires the executive director of the department of revenue to promulgate rules for the administration and use of the GIS database;
- Specifies that the statutory section regarding certified address location databases used for collecting and remitting sales and use tax is repealed 90 days after the date that the revisor of statutes is notified by the department of revenue that a geographic information system that meets the defined scope of work set forth in the request for solicitation is online, tested, and verified by the department of revenue to be operational, supported, and available for use; and
- Requires the department of revenue to notify the revisor of statutes no later than 15 days after such a system is online, tested, and verified by the department of revenue to be operational, supported, and available for use.

APPROVED by Governor March 11, 2020

EFFECTIVE March 11, 2020

H.B. 20-1024 Income tax - net operating loss deduction for certain taxpayers - limiting carryforward period to twenty years - treating financial institutions like other taxpayers. Colorado taxpayers can claim a net operating loss deduction on their Colorado tax return. Unless statute otherwise provides, the state deduction is currently allowed in the same manner that a similar deduction is allowed under the internal revenue code to determine federal taxable income.

Under current law, corporate taxpayers in Colorado are allowed to carry forward their net operating loss deduction for the same number of years as allowed for a federal net operating loss. For many years, taxpayers were limited to a 20-year carryforward period for both state and federal taxes. The federal "Tax Cuts and Jobs Act" (TCJA), enacted in 2017, allowed federal taxpayers unlimited years to carry forward net operating losses. Because Colorado's statute specifies that net operating losses may be carried forward "for the same number of years as allowed for a federal net operating loss", the TCJA's change resulted in the same change to Colorado's law. The act partially decouples the corporate net operating loss deduction from the federal net operating loss deduction by returning the state's carryforward period to 20 years for net operating losses generated in income tax years commencing on or after January 1, 2021.

The act also repeals a state provision that was effective only for financial institutions, so that, for purposes of the period of years a loss can be carried forward, financial institutions will now be treated the same as any other taxpayer.

APPROVED by Governor June 26, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1109 Income tax - extend the credit for employer contributions to employee 529 accounts. The act extends the income tax credit for employer contributions to employee 529 qualified state tuition programs for an additional 10 years.

APPROVED by Governor June 29, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1166 Enterprise zones - income tax credit for new business facility employees - conforming amendments for repealed credit. Current law includes an income tax credit for new business facility employees in enterprise zones for income tax years commencing prior to January 1, 2014. That statute, found in section 39-30-105, repealed on December 31, 2019. The income tax credit was replaced in 2013 with a modified income tax credit found in section 39-30-105.1, for tax years commencing on or after January 1, 2014. When the modified income tax credit was enacted, certain conforming amendments for the eventual repeal of section 39-30-105, were not made.

APPROVED by Governor April 1, 2020

EFFECTIVE April 1, 2020

H.B. 20-1174 Sales tax - modifications to address defects and anachronisms in statute. The act:

- Makes corrections to the penalty for a taxpayer's failure to pay the correct amount of sales taxes due or for a taxpayer's failure to account for sales taxes correctly so that the statute reads the way the department of revenue applies the law;
- Changes the penalty section for use tax collections so that it is the same as for sales tax collections; legislative history makes clear that the legislature has intended these sections to be the same, but over the years bills revising these sections did not successfully align the 2 sections; and
- Repeals a temporary partial sales tax rate reduction for a new or used commercial truck, truck tractor, tractor, semitrailer, or vehicle used in combination therewith that has a gross vehicle weight rating in excess of 26,000 pounds. While the rate reduction could still be used, it is preempted by a full rate reduction for low-emitting vehicles in another statutory section. Any vehicle that could qualify for the temporary partial rate reduction in a TABOR refund year already qualifies for the full exemption from sales or use tax under the other section, so the partial rate reduction is not used.

APPROVED by Governor April 1, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1175 Tax administration - modifications to address defects and anachronisms in statute. The act:

- Addresses an inconsistency in statute regarding section 39-21-113 (4), which

prohibits the disclosure by the executive director of the department of revenue and his or her agents, clerks, and employees of information obtained during the course of investigations conducted by the department or disclosed in any document, report, or return filed in connection with the collection and payment of tax; various provisions of the section allow for exceptions to the prohibition, but not all of them are listed together and therefore the bill updates the section to reflect all the exceptions to the prohibition;

- Adds some missed mandatory electronic filing and payment requirements that didn't make it into the correct section of House Bill 19-1256, concerning electronic filing of certain taxes, which broadly authorized the department of revenue to promulgate rules requiring mandatory electronic filing and payment; and
- Fixes a conflict with regard to the tax threshold above which a taxpayer must remit estimated payments between 2 statutes that jointly impose payment requirements for severance tax on corporations.

APPROVED by Governor March 27, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1176 Income tax - modifications to address defects and anachronisms in statute.

The act:

- Repeals an income tax deduction for money earned on Colorado investment deposits issued by a qualified financial institution because the definition of "Colorado investment deposits" relies on the "Colorado Investment Deposit Act", which was repealed in 2004, so it is unlikely that there have been any new certificates of deposit issued since 2004; and there are also no known eligible certificates of deposit that still exist and thus there would be no allowable amount of interest earnings to subtract.
- Repeals 2 income tax deductions meant to correct for the difference between the standard deduction amounts for federal income tax filings that used to be called the "marriage penalty" approximately 15 years ago. The "marriage penalty" was addressed by Congress in 2003, so the deductions are no longer necessary.
- Repeals an income tax credit for estate taxes paid on the transfer of agricultural land. The Colorado estate tax is effectively zero because it is based on a federal credit in the provisions of the federal estate tax. The federal provision for the credit is not allowed for estates of decedents who passed away after December 31, 2004. Because the federal credit has not been extended, there is no state estate tax, and thus the income tax credit is not useable.
- Addresses some circular cross references within the statutory section.
- Corrects an issue in statute that erroneously requires nonresident beneficiaries to prepay income tax twice, once through estimated payments and again through tax withheld by the fiduciary.

APPROVED by Governor March 27, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 20-1177 Urban and Rural Enterprise Zone Act - amendments to existing statutes to address defects. The act:

- Repeals obsolete provisions that allow an income tax credit for contributions to enterprise zone administrators to implement economic development plans;
- Moves certain cross references that are incorrectly placed in the section that allows for an investment tax credit in enterprise zones; and
- Fixes an incorrect cross reference in the section that allows a credit for new enterprise zone business employees.

APPROVED by Governor June 23, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1181 Fuel excise tax - exemptions - nonprofit transit agencies. Under current law, the fuel tax exemption for nonprofit transit agencies exempts nonprofit transit agencies from the fuel excise tax on liquefied petroleum gas and natural gas used in vehicles for transit purposes. The act repeals this tax exemption.

APPROVED by Governor March 27, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1182 Sales tax - exemptions - residents of bordering states. Under current law, the sales tax exemption for sales to residents of bordering states without retail sales taxes exempts from state sales tax all retail sales made within 20 miles of the Colorado border to residents of states that border Colorado and do not have a retail sales tax, so long as those residents are in Colorado for the primary purpose of making the purchase. The act repeals this exemption.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1205 Income tax - net operating loss deduction - pre-1987 net operating loss deduction. Under current law, the pre-1987 net operating loss deduction for individuals, estates, and trusts allows individuals, estates, and trusts to deduct Colorado net operating losses carried forward from tax years beginning prior to January 1, 1987, from their federal taxable income when computing their Colorado taxable income. But the latest year that an individual, estate, or trust could have used the pre-1987 net operating loss deduction and carried forward a net operating loss generated in 1987 was 2002. The act repeals the deduction.

The act applies to income tax years tax beginning on or after January 1, 2021.

APPROVED by Governor March 20, 2020

EFFECTIVE January 1, 2021

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1367 Sales and use tax revenue - older Coloradans cash fund - temporary reduction. For the state fiscal year 2020-21, the act reduces the amount of state sales and use tax revenue that is credited to the older Coloradans cash fund from \$10 million to \$8 million, with the difference credited to the general fund.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

H.B. 20-1420 Income tax - additions to federal taxable income - state calculation of federal net operating loss limitation - expansion of earned income tax credit - transfers to the state education fund - appropriation. Section 1 of the act specifies that the act shall be known as the "Tax Fairness Act".

Sections 2 and 3 of the act require taxpayers to add to federal taxable income:

- For income tax years ending on and after the enactment of the March 2020 "Coronavirus Aid, Relief, and Economic Security Act" (CARES Act), but before January 1, 2021, and for income tax years beginning on and after the enactment of the CARES Act, but before January 1, 2021, an amount equal to the difference between a taxpayer's net operating loss deduction as determined under federal law before the amendments made by section 2303 of the CARES Act and the taxpayer's net operating loss deduction as determined under federal law after the amendments made by section 2303 of the CARES Act;
- For income tax years ending on and after the enactment of the CARES Act, but before January 1, 2021, and for income tax years beginning on and after the enactment of the CARES Act, but before January 1, 2021, an amount equal to a taxpayer's excess business loss as determined under federal law without regard to the amendments made by section 2304 of the CARES Act, but with regard to the technical amendment made in that section of the CARES Act;
- For income tax years ending on and after the enactment of the CARES Act, but before January 1, 2021, and for income tax years beginning on and after the enactment of the CARES Act, but before January 1, 2021, an amount equal to the amount in excess of the limitation on business interest under federal law without regard to the amendments made by section 2306 of the CARES Act; and
- For income tax years commencing on or after January 1, 2021, but before January 1, 2023, an amount equal to the deduction for qualified business income for an individual taxpayer who files a single return and whose adjusted gross income is greater than \$500,000, and for an individual taxpayer who files a joint return and whose adjusted gross income is greater than \$1 million. This federal deduction may be claimed for income tax years commencing prior to January 1, 2026, except that the add-back is not required for a taxpayer who files a schedule F, profit or loss from farming, or successor form, as an

attachment to a federal income tax return.

Section 4 of the act specifies that for net operating losses incurred after December 31, 2017, the 80% limitation set forth in federal law applies without regard to the amendments made in section 2303 of the CARES Act.

The earned income tax credit is equal to a percentage of the federal earned income tax credit. Section 5 of the act increases the percentage from 10% to 15% beginning in 2022. Section 5 also specifies that for income tax years commencing on or after January 1, 2021, taxpayers filing with an individual taxpayer identification number are eligible for the earned income tax credit.

Section 6 of the act specifies that the state treasurer shall transfer \$113 million on March 1, 2021, and \$23 million on March 1, 2022, from the general fund to the state education fund created in section 17 (4) of article IX of the state constitution.

Section 7 of the act makes an appropriation.

APPROVED by Governor July 11, 2020

EFFECTIVE July 11, 2020

H.B. 20-1421 Property tax - delinquent interest payments - reduction, waiver, or suspension - advance payments to local taxing jurisdictions. The act allows, upon approval of the county treasurer, a board of county commissioners or a city council of a city and county to temporarily reduce, waive, or suspend delinquent interest payments for property tax payments.

The act also requires a board of county commissioners or city council to notify local taxing jurisdictions of the intent to reduce, waive, or suspend delinquent property tax interest payments. If a local taxing jurisdiction would be unable to meet its bond payment obligations after the proposed reduction, waiver, or suspension, the local taxing jurisdiction shall notify the board of county commissioners or city council.

Finally, the act requires a treasurer to advance property tax payments to local taxing jurisdictions to assist the local taxing jurisdictions in the payment of bonded indebtedness payments and monthly operation costs, if the local taxing jurisdiction submits a letter to the board of county commissioners of the county or the city council of the city and county that contains the local taxing jurisdiction.

APPROVED by Governor June 14, 2020

EFFECTIVE June 14, 2020

H.B. 20-1427 Cigarette tax and tobacco products tax increases - nicotine products tax - ballot issue - nicotine products distributor license - minimum price for cigarettes - allocation of new tax revenue. The act refers a ballot issue to the voters at the November 2020 general election for the following tax changes:

- To increase the statutory per cigarette tax from 1 cent to 6.5 cents until July 1, 2024, then to 8 cents until July 1, 2027, and thereafter to 10 cents;
- To increase the statutory tobacco products tax from 20% of the manufacturer's list price (MLP) to 30% of MLP until July 1, 2024, then to 36% of MLP until

- July 1, 2027, and to 42% thereafter of MLP for tobacco products;
- To create a tax on nicotine products that is equal to 50% of MLP until July 1, 2024, then 56% of MLP until July 1, 2027, and thereafter 62% of MLP, which is the same tax as the total tax levied on most tobacco products, including the tax from Amendment 35, with the increase;
- To establish a tax rate for cigarettes, tobacco products, and nicotine products that are modified risk tobacco products approved by the United States department of health and human services that is 50% of the statutory tax rate;
- To establish a minimum tax for tobacco products that are moist snuff;
- To expand the cigarette and tobacco products taxes to include delivery sales made by a seller outside of the state directly to a consumer; and
- To create an inventory tax on cigarettes that is imposed on all stamped cigarettes and unaffixed stamps in a wholesaler or wholesale subcontractor's possession or control at the time of a tax increase that takes place after January 1, 2022.

If voters approve the ballot measure, then the state will have the authority to impose these taxes and the rest of the act will be effective.

The act also establishes a minimum price for cigarettes that is equal to \$7 for a pack and \$70 for a carton until July 1, 2024, and \$7.50 for a pack and \$75 for a carton on and after July 1, 2024, and civil penalties imposed for any person who sells cigarettes for less than the minimum amount. A portion of the sales tax revenue that is estimated to be attributable to the minimum price requirement is transferred from the general fund to the newly created preschool programs cash fund, from which the general assembly may appropriate money to a designated department to be used for an array of preschool education purposes.

The new nicotine products tax is modeled after the tobacco products tax. Nicotine products are products that contain nicotine and that are ingested into the body, which at this time is typically through vaping with an electronic cigarette. The excise tax is levied on the sale, use, consumption, handling, or distribution of all nicotine products in the state, and it is imposed on a distributor at the time the product is brought into the state, made here, or shipped or transported to retailers in the state, or the wholesaler or distributor makes a delivery sale. If a distributor fails to pay the tax, then any person or entity in possession of the nicotine products is liable for the tax.

To be a distributor of nicotine products, a person must have a license. The license costs \$10 per year and requires that the distributor must have a tax license and comply with all of the laws relating to the collection of the tax. Distributors are required to file electronic quarterly returns. Licensees are required to maintain certain records, and retailers are likewise required to maintain records about nicotine products they purchase from a licensed distributor. The department of revenue may share the names and addresses of persons who purchased nicotine products for resale with the department of public health and environment and county and district public health agencies.

To account for the fully phased-in increased taxes per cigarette, the discount percentage on cigarette stamps that a cigarette wholesaler may retain for its collection costs is reduced from 4% to .4% and the similar discount for a tobacco products distributor is reduced from 3.33% to 1.6%. A nicotine products distributor will be permitted to retain 1.1% of the taxes collected.

The revenue from the new nicotine products tax, the inventory tax, and the additional cigarette and tobacco products taxes is deposited in the old age pension fund and then credited to the general fund in accordance with the state constitution. The state treasurer is required to transfer an amount equal to the total new tax revenue from the general fund to the 2020 tax holding fund (holding fund). For fiscal years beginning prior to July 1, 2023, the bulk of the money in the holding fund will be transferred to the state education fund, and thereafter, to the preschool programs cash fund. In addition, the state treasurer is required to transfer varying amounts of money in different fiscal years from the holding fund to the following funds:

- The tobacco tax cash fund;
- The general fund;
- The housing development grant fund;
- The eviction legal defense fund;
- The newly created rural schools cash fund, which will in turn be distributed to small and large rural school districts based on funded pupil counts; and
- The tobacco education programs fund.

The state auditor is required to annually conduct a financial audit of the use of the new tax revenue.

APPROVED by Governor July 8, 2020

EFFECTIVE July 8, 2020

TRANSPORTATION

S.B. 20-17 High-performance transportation enterprise - additional reporting on public-private partnerships. The high-performance transportation enterprise (HPTE) enters into public-private partnerships, which are contractual agreements between HPTE and one or more private or public entities, to deliver or contribute to the delivery of surface transportation projects and provides an annual report on its activities to the legislative committees that have jurisdiction over transportation. The act requires HPTE to include in the annual report, for each of its executed or proposed public-private partnerships, summaries of:

- The processes that HPTE has used leading up to or anticipates using to lead up to its entry into the public-private partnership, including the processes for obtaining and responding to public questions, concerns, and other comments or input, the processes for keeping the state legislators and local elected officials who represent any area in which a surface transportation infrastructure project of the public-private partnership will be located informed and updated about the project and the public-private partnership, and the processes for selecting each partner to the public-private partnership; and
- The actual major financial, performance, and length-of-term provisions of its executed public-private partnerships and, to the extent feasible, the anticipated major financial, performance, and length-of-term provisions of its proposed public-private partnerships.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-152 Correct Senate Bill 19-263 effective date clause error. The state treasurer is required to execute up to \$500 million of lease-purchase agreements in each of the 2020-21 and 2021-22 state fiscal years for the purpose of funding transportation projects. A statewide ballot issue will be referred to the voters at the 2020 general election as required by Senate Bill 19-263 (SB 263) and will, if approved, authorize the state to issue up to \$1.837 billion of transportation revenue anticipation notes (TRANS) for the purpose of funding transportation projects.

When enacting SB 263, the general assembly intended that, upon approval of the ballot issue, the TRANS authorized would replace the lease-purchase agreements as a source of funding for transportation projects. However, due to an error in the effective date clause of SB 263, if the TRANS are approved, the state treasurer will still be required to execute the lease-purchase agreements. The act corrects the error and thereby ensures that approval of the ballot issue stops the issuance of the lease-purchase agreements.

APPROVED by Governor March 20, 2020

EFFECTIVE March 20, 2020

H.B. 20-1030 Commercial motor vehicle annual fleet overweight permits - single permit for fleets including differently configured vehicles. A commercial motor vehicle fleet owner that wishes to apply for an annual fleet overweight permit has been required to apply for separate

annual fleet permits for vehicles that have a quad axle grouping for divisible vehicles or loads, and vehicle combinations with a trailer that have 2 or 3 axles for divisible vehicles or loads. The act allows a fleet owner that has a fleet consisting of vehicles from both of these categories to apply for a single annual fleet overweight permit.

APPROVED by Governor March 20, 2020

EFFECTIVE July 1, 2020

H.B. 20-1376 Transportation funding adjustments - general fund transfer reductions - one-year delay of transportation revenue anticipation notes ballot issue - repeal of rule-making and reporting requirements - appropriations. Before the enactment of the act, existing law, enacted by Senate Bills 18-001 and 19-263, required that a ballot issue seeking approval for the issuance of transportation revenue anticipation notes (TRANs) be submitted to the voters of the state at the November 2020 general election. If the ballot issue had been approved, the requirement, enacted by Senate Bill 17-267, that the state execute 2 separate tranches of up to \$500 million each of lease-purchase agreements in state fiscal years 2020-21 and 2021-22 for the purpose of funding transportation would have been repealed. Existing law, enacted by Senate Bill 19-239, also required department of transportation (CDOT) rule-making and reporting relating to motor vehicles used for certain types of commercial purposes. The act:

- Delays from the November 2020 general election to the November 2021 statewide election the requirement that a ballot issue seeking approval for the issuance of transportation revenue anticipation notes (TRANs) be submitted to the voters of the state;
- Amends the ballot issue to reduce the amount of TRANs authorized to be issued by \$500 million to offset the additional \$500 million of lease-purchase agreement transportation funding that becomes available because the approval of the ballot issue at the November 2020 general election will repeal only the state fiscal year 2021-22 and tranche of Senate Bill 17-267 lease-purchase agreements, rather than both the state fiscal year 2020-21 and 2021-22 tranches of such lease-purchase agreements;
- Eliminates 2 statutory transfers of \$50 million each from the general fund to the state highway fund that are scheduled under current law to be made on June 30, 2021, and June 30, 2022;
- Reduces the amount of general fund money dedicated to make lease-purchase agreement payments due in state fiscal years 2020-21 and 2021-22 by \$12 million per year by increasing the amount of such payment to be paid by the department of transportation from its other sources of legally available money by \$12 million per year;
- Makes corresponding adjustments to the state fiscal year 2020-21 long bill appropriations to the department of treasury for lease-purchase agreements that decrease the general fund appropriation by \$12 million and increase the cash funds appropriation from various cash funds under the control of the transportation commission by \$12 million; and
- Repeals the CDOT rule-making and reporting requirements relating to motor vehicles used for certain types of commercial purposes.

APPROVED by Governor June 30, 2020

EFFECTIVE June 30, 2020

WATER AND IRRIGATION

S.B. 20-25 Conservancy districts - boards of directors - powers. Current law authorizes the board of directors of a conservancy district (board) to participate in the development of parks and recreational facilities within the district. The act permits a board to consider such participation a current expense of the district.

The act also authorizes a board to participate in artistic and beautification projects that improve the aesthetic appearance of waterways within the district and to consider such participation a current expense of the district.

APPROVED by Governor March 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-48 Anti-speculation work group - report to water resources review committee. Current law specifies that an appropriation of water cannot be based on speculation. Speculation may be evidenced by either of the following:

- The applicant for an appropriation of water does not have either a legally vested interest or a reasonable expectation of procuring such an interest in the lands or facilities to be served by the appropriation, unless the appropriator is a governmental agency or an agent in fact for the persons proposed to be benefitted by the appropriation; or
- The applicant does not have a specific plan and intent to divert, store, or otherwise capture, possess, and control a specific quantity of water for specific beneficial uses.

The act requires the executive director of the department of natural resources to convene a work group to explore ways to strengthen current anti-speculation law and to report to the water resources review committee by August 15, 2021, regarding any recommended changes.

APPROVED by Governor March 11, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 20-155 Well permits - domestic wells exempt from administration - presumption of noninjury remains after land divided. Under current law, a well that is exempt from the state engineer's administration and is used for domestic purposes is afforded a rebuttable presumption that the use of the well will not cause material injury to others' vested water rights or to any other existing well. If the land on which the exempt well is located is later divided into multiple parcels, the well loses that presumption. The act maintains the presumption of noninjury to vested water rights or other wells when the land on which the well is located is later divided and use of the well continues to meet certain requirements.

APPROVED by Governor July 2, 2020

EFFECTIVE July 2, 2020

H.B. 20-1037 Colorado water conservation board - water decreed for augmentation - use to augment stream flows. The act authorizes the Colorado water conservation board to augment stream flows to preserve or improve the natural environment to a reasonable degree by use of an acquired water right that has been previously quantified and changed to include any augmentation use, without a further change of the water right being required.

APPROVED by Governor March 24, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1157 Colorado water conservation board - loaned water for instream flow use - use for preserving or improving natural environment - duration of loan - increased filing fee. Under current law, the Colorado water conservation board (board), subject to procedural requirements established to prevent injury to water rights and decreed conditional water rights, may use loaned water for instream flows if the loaned water is used for preserving the natural environment of a stream reach that is subject to a decreed instream flow water right held by the board. The act expands the number of years within a 10-year period that a renewable loan may be exercised from 3 years to 5 years, but for no more than 3 consecutive years, and allows a loan to be renewed for up to 2 additional 10-year periods. The act limits the duration that an expedited loan may be exercised for up to one year, and prohibits an applicant from seeking additional expedited loans regarding a water right following an approved expedited loan of that water right.

The act also expands the board's ability to use loaned water for instream flows to improve the natural environment to a reasonable degree pursuant to a decreed instream flow water right held by the board.

In considering whether to accept a proposed loan, the board must evaluate the proposed loan based on biological and scientific evidence presented, including a biological analysis performed by the division of parks and wildlife.

The state engineer will review a proposed loan and must consider any comments filed by parties notified of the application in determining whether the loaned water will not cause injury to other vested or conditionally decreed water rights, decreed exchanges of water, or undecreed existing exchanges of water that were administratively approved before the date that the loan application was filed. The filing fee is increased from \$100 to \$300.

The board is required to promulgate rules regarding the necessary steps for reviewing and accepting a loan for instream flow use to improve the natural environment to a reasonable degree.

The state engineer's decision to approve or deny a proposed loan may be appealed to a water judge, who is required to hear and determine the matter on an expedited basis using the procedures and standards established for matters rereferred to the water judge by a water referee.

APPROVED by Governor March 20, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 20-1159 Instream flows - subject to existing uses - confirmation of existing uses. Current law specifies that the Colorado water conservation board's appropriation of water for instream flow purposes is subject to existing uses and exchanges of water. The act directs the state engineer, in administering current law, to confirm a claim of an existing use or exchange if the use or exchange has not previously been confirmed by court order or decree. The person making the claim may also seek confirmation by the water judge.

APPROVED by Governor April 1, 2020

EFFECTIVE September 14, 2020

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 20-1403 Colorado water conservation board construction fund - project and loan authorizations - appropriations - transfers - repeal of appropriation for water education. The act appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund to the CWCB or the division of water resources in the department of natural resources for the following projects:

- Continuation of the satellite monitoring system operation and maintenance, \$380,000 (section 1 of the act);
- Continuation of the Colorado floodplain map modernization program, \$500,000 (section 2);
- Continuation of the weather modification permitting program, \$350,000 (section 3);
- Continuation of the Colorado Mesonet project, \$150,000 (section 4);
- Acquisition of LIDAR data, \$200,000 (section 5);
- Continuation of the Arkansas river decision support system, \$500,000 (section 6);
- Continuation of the Colorado decision support system operation and maintenance, \$500,000 (section 7);
- Continuation of the water forecasting partnership project, \$350,000 (section 8);
- Creation of the Colorado water loss control initiative, \$1,000,000 (section 9);
- Continuation of the watershed restoration program, \$4,000,000 (section 10); and
- Continuation of the alternative agricultural transfer methods grant program, \$750,000 (section 11).

The state treasurer will make the following transfers from the CWCB construction fund:

- Up to \$2,000,000 on July 1, 2020, to the litigation fund (section 12); and
- \$1,000,000 on July 1, 2020, to the fish and wildlife resources fund (section 13).

Section 14 appropriates \$7,500,000 to the CWCB to continue implementation of the state water plan from the CWCB construction fund to be used as follows:

- Up to \$3,000,000 to facilitate the development of additional storage, artificial recharge into aquifers, and dredging existing reservoirs;
- Up to \$1,000,000 for grant funding to implement long-term strategies for conservation, land use, and drought planning;
- Up to \$500,000 for grants for water education, outreach, and innovation efforts;
- Up to \$1,500,000 for agricultural projects; and
- Up to \$1,500,000 for environmental and recreational projects.

The CWCB is authorized to make loans from the severance tax perpetual base fund or the CWCB construction fund:

- In an amount up to \$23,230,000 to the Pueblo conservancy district to bring levees up to federal emergency management agency standards (section 15);
- In an amount up to \$17,250,800 to the Tunnel Water Company to rehabilitate the Laramie-Poudre tunnel (section 16); and
- In an amount up to \$90,000,000 to the southeastern Colorado water conservancy district to provide nonfederal cost-sharing funding for the Frying Pan-Arkansas project. \$10,000,000 is also transferred from the severance tax perpetual base fund to the CWCB construction fund and then appropriated from the CWCB construction fund for the 2020-21 state fiscal year to the CWCB to grant money to the southeastern Colorado water conservancy district for the Frying Pan-Arkansas project (section 17).

Current law prohibits the CWCB from recommending treated water distribution systems to the general assembly, and section 18 removes the prohibition.

Section 19 extends the CWCB's water efficiency grant program to June 30, 2030.

Section 20 reduces the \$1,700,000 appropriation made to the CWCB in the 2019-20 state fiscal year for stakeholder outreach and technical analysis regarding the development of a water resources demand management program to \$833,258, which amount is available to the CWCB through the 2020-21 state fiscal year.

Current law authorizes an annual, continuous appropriation of \$150,000 from the CWCB construction fund to the Colorado water conservation board for the ongoing operations of a water education foundation, which is currently known as Water Education Colorado. Section 21 repeals the continuous appropriation.

APPROVED by Governor June 29, 2020

EFFECTIVE June 29, 2020

CONCURRENT RESOLUTIONS

S.C.R. 20-1 Residential assessment rate - statewide proportion of residential property as compared to all other taxable property valued for property tax purposes - repeal the nonresidential property tax assessment rate of twenty-nine percent. Property tax in Colorado is generally equal to the actual value of property multiplied by an assessment rate, and the resulting assessed value is multiplied by each applicable local government's mill levy. The assessment rate for residential real property is established by the general assembly in accordance with a provision of the state constitution that is commonly known as the "Gallagher Amendment" and is limited by section 20 of article X of the state constitution (TABOR). Under the Gallagher Amendment, there are 2 relevant classes of property for the purposes of determining the residential assessment rate: residential property and nonresidential property. The assessment rate for most nonresidential property is fixed in the state constitution at 29%. The residential assessment rate was initially set at 21%, but the rate has been adjusted prior to each 2-year reassessment cycle to keep the percentage of aggregate statewide assessed value attributable to residential property the same as it was in the year immediately preceding the new reassessment cycle. Currently, the residential assessment rate is 7.15%.

The concurrent resolution repeals the Gallagher Amendment so that the general assembly will no longer be required to establish the residential assessment rate based on the formula expressed in the Gallagher Amendment. The resolution also repeals the reference to the residential rate of 21%, which last applied in 1986 prior to the first adjustment required by the Gallagher Amendment. Finally, the resolution repeals the 29% assessment rate that applies for all nonresidential property, excluding producing mines and lands or leaseholds producing oil or gas.

H.C.R. 20-1001 Charitable gaming - bingo and raffles - qualifications of charitable organizations seeking to be licensed - operation of games by hired personnel. If approved by voters at the general election held on November 3, 2020, the concurrent resolution would amend section 2 of article XVIII of the Colorado constitution by:

- Replacing the existing requirement that a charitable organization have 5 years' continuous existence before obtaining a charitable gaming license with a requirement that it:
 - Be registered with the secretary of state; and
 - Have 3 years' continuous existence or, beginning in 2024, have a different period of continuous existence if the general assembly establishes that different period by statute; and
- Allowing charitable games to be managed or operated by persons other than unpaid volunteers who are bona fide members of the organization, so long as those persons are not paid more than minimum wage.

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