

DIGEST OF BILLS

2020 - First Extraordinary Session

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

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Includes 10 bills passed by
the General Assembly - December 2, 2020

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The first date appearing after each digest entry is the date on which the Act was approved by the Governor. The second date is the effective date of the Act.

Bills are in categorical order. This digest is intended to direct the user to the text of specific bills and does not purport to be exhaustive of the contents of the bills.

Compiled by the
Office of Legislative Legal Services

EDUCATION - PUBLIC SCHOOLS

H.B. 20B-1001 Online education - increased broadband access - grant program - fund - COVID 19 relief - appropriation. The act creates the connecting Colorado students grant program (program) to provide grants to local education providers to use in providing broadband service and other technology for increased internet access for students, educators, and other staff. The program is created in the department of education (department). The department reviews applications, and the commissioner of education (commissioner) awards the grants. The department must consult with the office of information technology, the office of economic development, and broadband and education technology experts in reviewing the applications.

The act specifies the required contents of grant applications, the criteria that the department and the commissioner must consider in reviewing and awarding grants, and criteria for prioritizing applicants. The act creates the connecting Colorado students grant program fund out of which grants are paid. By February 1, 2021, the department must distribute the money appropriated to the department for the 2020-21 budget year for grants.

Beginning July 15, 2021, the department must submit to the state board of education, governor, and education committees of the general assembly a report concerning implementation of the program.

By January 10, 2021, the department, in collaboration with the office of information technology and broadband service providers, must develop and make publicly available a list of free or low-cost broadband services and other internet access resources.

The program is repealed, effective February 1, 2022.

For the 2020-21 budget year, the act appropriates \$20,000,000 from the state general fund to the department to implement the program.

APPROVED by Governor December 7, 2020

EFFECTIVE December 7, 2020

GOVERNMENT - COUNTY

H.B. 20B-1005 Local government authority - third-party food delivery fee restrictions - COVID 19 relief. During a declared public health disaster emergency, the act authorizes counties and municipalities to enact ordinances and resolutions that:

- Limit the amount of the fee, excluding a fee related to credit card processing, that a third-party delivery service may charge to a retail food establishment in a county or municipality where indoor dining is prohibited at a capacity of at least 50% or below at the discretion of the county or municipality;
- Restrict the ability of a third-party food delivery service to reduce the compensation rate or tips paid to a delivery driver or retail food establishment to offset revenue reductions resulting from a fee limit;
- Require that any fee or commission charged to a retail food establishment be disclosed by the third-party food delivery service to the customer; and
- Restrict a third-party food delivery service's ability to service a retail food establishment without the retail food establishment's consent.

The act immunizes any county or municipality that enacts an ordinance or a resolution as authorized by the act from liability for economic damage suffered as a result of the ordinance or resolution unless a court holds that the damage amounts to an unconstitutional taking of private property. The act also defines a declared public health disaster emergency for purposes of the act as the COVID-19 pandemic of 2020, as declared by the governor by executive order.

APPROVED by Governor December 7, 2020

EFFECTIVE December 7, 2020

GOVERNMENT - STATE

S.B. 20B-1 Support for entities affected by capacity restrictions - small businesses - arts, culture, and entertainment industry - retail food and liquor-licensed establishments - minority-owned businesses - COVID 19 relief - appropriations. The act provides funding as follows to support entities impacted by capacity restrictions imposed to address the COVID-19 pandemic and makes corresponding appropriations from the general fund to the departments and agencies specified:

- \$37 million to the department of local affairs for use by the division of local government for relief payments to small businesses located in a county or municipality that is subject to, and in good-faith compliance with, severe capacity restrictions pursuant to a public health order, with payments allocated to the counties, economic development districts, or councils of governments or, in some cases, municipalities located within a county that is subject to severe capacity restrictions and that is either not complying with the restrictions or is unable to administer the relief payments program. The distributions are to be made to eligible small businesses, which businesses include restaurants; bars; breweries, wineries, and distilleries that operate an attached sales room; caterers; movie theaters; and fitness and recreational sports centers.
- \$7.5 million for relief payments to eligible arts, culture, and entertainment artists, crew members, and organizations, with payments allocated by the creative industries division in the Colorado office of economic development;
- \$6,780,000 to the department of public health and environment to enable the department to contract with county or district boards of health and the city and county of Denver to provide state funding in lieu of those local government agencies charging annual licensing fees to certain retail food establishments;
- \$1,878,000 to the department of revenue to offset the department's waiver of certain liquor license fees; and
- \$4 million for use by the minority business office in the Colorado office of economic development to provide relief payments, grants, and loans, as well as technical assistance and consulting support, to minority-owned businesses.

APPROVED by Governor December 7, 2020

EFFECTIVE December 7, 2020

S.B. 20B-4 Transfer - controlled maintenance trust fund - availability for COVID-19 expenses - COVID 19 relief. The act requires the state treasurer to transfer \$100 million from the general fund to the controlled maintenance trust fund. The governor may further transfer this money during the current fiscal year to the disaster emergency fund for public health and emergency response expenses associated with the COVID-19 pandemic emergency. If the governor transfers any of this money to the disaster emergency fund, then the state treasurer is required to deposit in the controlled maintenance fund any reimbursements that the state receives for any expenditures made from the disaster

emergency fund, up to the amount the governor transferred under the authority granted in this act.

APPROVED by Governor December 3, 2020

EFFECTIVE December 3, 2020

HUMAN SERVICES - SOCIAL SERVICES

H.B. 20B-1002 Child care - grant programs - COVID 19 relief - appropriation. The act creates 2 emergency relief grant programs to allow the state to allocate and quickly distribute money to existing licensed and start-up child care providers (providers) in Colorado.

The child care sustainability grant program (sustainability program) is created in the department of human services (department). The purpose of the sustainability program is to provide financial support to licensed providers in Colorado, including those that are in danger of closing as a result of the COVID-19 public health emergency. The department shall develop a formula, criteria, and timeline to allocate grants to eligible providers. A grant award from the sustainability program must range from at least \$500 to no more than \$35,000. A licensed provider's child care capacity is a key criteria in determining the amount of the grant award. The department shall determine grant award amounts for eligible providers as soon as possible, but no later than January 31, 2021, and distribute the money for grant awards no later than February 28, 2021.

The emerging and expanding child care grant program (expansion program) is created in the department. The purpose of the expansion program is to expand access and availability of licensed providers throughout Colorado. The intent of the expansion program is to provide financial assistance to new or existing providers. A grant award from the expansion program must range from at least \$3,000 to no more than \$50,000. A grant award from the expansion program may be used for costs associated with expansion of an existing provider or to assist with the creation of a new child care program. Costs may include staff training, background check fees, cleaning supplies, educational supplies, and capital or facility improvement costs. The department shall begin the grant award process on or before January 31, 2021.

The act makes the following appropriation:

(1) For the 2020-21 state fiscal year, \$45,016,340 is appropriated to the department of human services for use by the office of early childhood. This appropriation is from the general fund. To implement this act, the office of early childhood may use this appropriation as follows:

(a) \$432,961 for administration, which amount is based on an assumption that the office will require an additional 1.2 FTE. Money appropriated in this subsection (1)(a) for this purpose not expended prior to July 1, 2021, is further appropriated to the department of human services for use by the office of early childhood for the 2021-22 state fiscal year for the same purpose.

(b) (I) \$34,806,917 for the child care sustainability grant program created in section 26-6-802, C.R.S.

(II) Up to \$300,000 of any appropriation made pursuant to subsection (1)(b)(I) of this section for state fiscal year 2020-21 for the child care sustainability grant program created in section 26-6-802, C.R.S., must be made available to neighborhood youth organizations.

(c) \$8,751,329 for the emerging and expanding child care grant program created in section 26-6-803, C.R.S. Money appropriated in this subsection (1)(c) not expended prior to July 1, 2021, is further appropriated to the department of human services for use by the office of early childhood for the 2021-22 state fiscal year for the same purpose.

(d) \$875,133 for early childhood councils, as defined in section 26-6.5-101.5 (2), C.R.S., in support of the emerging and expanding child care grant program created in section 26-6-803, C.R.S. Money appropriated in this subsection (1)(d) not expended prior to July 1, 2021, is further appropriated to the department of human services for use by the office of early childhood for the 2021-22 state fiscal year for the same purpose.

(e) \$150,000 for linguistic and culturally competent outreach and technical application assistance in support of the emerging and expanding child care grant program created in section 26-6-803, C.R.S.

APPROVED by Governor December 7, 2020

EFFECTIVE December 7, 2020

H.B. 20B-1003 Food assistance grant program - COVID 19 relief - appropriation. The act expands and extends the provisions of the food pantry assistance grant program (grant program) that is currently in law. Current law states that all grants from the grant program must be made on or before December 30, 2020, and allows for grants to food banks and food pantries, including faith-based organizations (eligible entities). The act extends this date to March 31, 2021. The act states that it is the intent of the general assembly that all money awarded by the grant program is expended on or before July 31, 2021.

Currently, grant awards through the grant program range from \$2,500 to \$35,000. The act no longer caps the grant awards at \$35,000. The amount a grant recipient may use for direct and indirect expenses is increased from 10% to 20%. Allowable expenses are expanded to include food delivery.

The repeal date is extended one year to June 30, 2023.

For the 2020-21 state fiscal year, the act appropriates \$5,000,000 to the department of human services. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.5 FTE. To implement the act, the department may use the appropriation for the food pantry assistance grant program created in section 26-2-139, C.R.S.

APPROVED by Governor December 7, 2020

EFFECTIVE December 7, 2020

INSURANCE

H.B. 20B-1006 Premium tax liability - payments - credits - COVID 19 relief. The act:

- Adjusts how calendar quarter estimates of the tax on insurance premiums are calculated and allows the payment for the first calendar quarter of a year to be adjusted to reflect the claiming of an allowable tax credit or previous estimated payments;
- Allows a company that has overpaid on its estimated premium tax liability to either apply the overpayment to future estimated payments or claim a refund;
- Provides that in calculating the amount of a refund, any nonrefundable tax credits claimed by the company are applied to the company's tax liability first, and the amount of the refund cannot exceed the total amount of any additional payments made by the company;
- Allows a taxpayer to claim a small business recovery tax credit or an affordable housing tax credit against estimated premium tax payments; and
- Provides for the transfer of small business recovery tax credits among affiliates.

APPROVED by Governor December 7, 2020

EFFECTIVE December 7, 2020

PROPERTY

S.B. 20B-2 Housing - emergency financial assistance to individuals experiencing COVID-19-related financial need - emergency direct assistance grant program created - eviction legal defense fund - eligibility for extended unemployment benefits - COVID 19 relief - appropriation. The act requires the state treasurer to transfer \$54 million from the general fund to the housing development grant fund for the purpose of providing emergency housing assistance to individuals and households who have experienced financial need due to the COVID-19 pandemic or second-order effects of the COVID-19 pandemic. The money must be used by June 30, 2021.

The act also creates the emergency direct assistance grant program (program) in the division of housing (division) within the department of local affairs (department) to provide grants to individuals who have experienced financial need due to the COVID-19 pandemic or second-order effects of the COVID-19 pandemic and are ineligible for certain other types of assistance. The act allows the division to promulgate rules and requires the department to submit a report to legislative committees of reference with jurisdiction over local government concerning the program.

The act creates the emergency direct assistance grant program fund (fund) and directs the state treasurer to transfer \$5 million from the general fund to the fund for the program. The division must use the money by June 30, 2021.

The program is repealed, effective June 30, 2022.

The act requires the state treasurer to transfer \$1,000,000 from the general fund to the eviction legal defense fund for the purpose of providing legal representation to indigent tenants to resolve civil legal matters arising on and after March 1, 2020, concerning an eviction or impending eviction related to the public health emergency caused by the COVID-19 pandemic.

For weeks of unemployment beginning on or after November 1, 2020, the act changes the statutory formula for calculating eligibility for extended unemployment benefits by adding additional conditions of eligibility.

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

- \$1,000,000 from the eviction legal defense fund to the judicial department for the eviction legal defense grant program; and
- \$16,751 to the office of the governor for use by the office of information technology, from reappropriated funds received from the transfer from the general fund to the housing development grant fund, to provide information technology services to the department of local affairs.

APPROVED by Governor December 7, 2020

EFFECTIVE December 7, 2020

PUBLIC UTILITIES

S.B. 20B-3 Electric and gas utilities - low-income energy assistance - transfer of money - COVID 19 relief. The act directs the state treasurer to transfer, on December 7, 2020, \$5 million from the general fund to the energy outreach Colorado low-income energy assistance fund (fund). The Colorado energy office (office) administers the fund for use by Energy Outreach Colorado, which organization provides direct utility bill payment assistance to low-income households. Energy Outreach Colorado must expend the money before June 30, 2021. On or before July 15, 2021, Energy Outreach Colorado is required to report to the office regarding the amount of the transferred money that was disbursed for direct bill payment assistance and the amount returned to the state. The office may audit Energy Outreach Colorado's financial transactions and accounts regarding the money received.

The act prohibits Energy Outreach Colorado from spending any of the money disbursed under the act:

- For administrative purposes; or
- To cover any expenses related to an application requesting direct utility bill payment assistance using money that Energy Outreach Colorado received from money given to the state under the federal "Coronavirus Aid, Relief, and Economic Security Act", commonly referred to as the "CARES Act".

The act requires that Energy Outreach Colorado must spend the CARES Act money it received before December 11, 2020.

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EFFECTIVE December 7, 2020

TAXATION

H.B. 20B-1004 Sales tax - temporary deduction from state net taxable sales for qualifying retailers - COVID 19 relief. The act allows a temporary deduction from state net taxable sales for qualifying retailers in the alcoholic beverages drinking places industry, the restaurant and other eating places industry, and the mobile food services industry in the state in order to allow such qualified retailers to retain the resulting sales tax collected as assistance for lost revenue as a result of the economic disruptions due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

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EFFECTIVE December 7, 2020

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