

# **2020 State Legislation: New Authorities and Mandates**

The following table is designed to serve as a brief general reference source. Commissioners, Councilmembers and Mayors should always seek advice and counsel from the county or city attorney concerning specific implementation requirements.

## General Government

2020 Legislation	Local Option	Local Requirement	Effective Date
<b>HB20-1029, Allow County Elected Officials to Accept Lower Salary</b>	Any county elected official in a category III, IV, V or VI county may elect to reduce their salary by 50 percent. The elected official is able to subsequently raise his or her salary following that initial decision, provided that the new salary amount does not exceed what is allowed in statute. The elected official cannot change the salary more than once a year. CRS 30-2-102(3)(f)		September 14, 2020

<b>HB20-1093, County Authority to License and Regulate Short-Term Rentals</b>	A board of county commissioners may license and regulate short-term rentals in the unincorporated area of the county, and may establish fees, terms and the manner in which licenses are issued and revoked. CRS 30-15-401(1)(s)(I)		September 14, 2020
<b>SB20-35, Kiosk Program Authority for County Clerks' Offices</b>	Allows the county clerk in any county to offer driver's license renewals and other services through an automated kiosk. CRS 42-1-231		July 6, 2020
<b>SB20-78, County Authority to Allow Dogs on Restaurant Patios</b>	A board of county commissioners may prohibit dogs on restaurant patios and other outdoor seating areas. CRS 25-4-1615		September 14, 2020

<b>SB20-205, Sick Leave for Employees</b>		All private and public employers are required to provide each employee with at least one hour of sick leave for every 30 hours worked. During a declared public health emergency, each employer shall provide two weeks of sick leave to all full-time employees that can be used to care for family members and children. Employers are also required to retain employee sick leave records for a two-year period. CRS 8-13.3-403 et seq	July 14, 2020
<b>SB20-213, Sales of To-Go Alcohol by Restaurants</b>	A local licensing authority may create a permitting process for restaurants and other establishments for the sale of alcohol for off-site consumption. CRS 44-3-911		July 10, 2020

## Health & Human Services

2020 Legislation	Local Option	Local Requirement	Effective Date
<b><a href="#">HB20-1052</a>, Privacy Protections for Human Services Workers</b>	<p>This is an expansion of last year's <a href="#">HB20-1197</a>, Protect Social Worker's Personal Information on the Internet.</p> <p>This year's bill expands the <u>types of human service workers</u> who can seek protections on their personal information. It includes adult protection workers, child support enforcement officers, county fraud investigators and others. Personal information means home address, telephone number, personal email etc. CRS 18-9-313.</p>		September 14, 2020

## Justice & Public Safety

2020 Legislation	Local Option	Local Requirement	Effective Date
<p><b><a href="#">HB 20-1017</a>, Substance Use Disorder Treatment in Criminal Justice System</b></p>	<p>This bill is an extension of <a href="#">SB19-008</a>, Substance Use Disorder Treatment in Criminal Justice.</p> <p>It allows counties to make opioid treatment available to those in custody CRS 17-26-104.9.</p> <p>It also allows a person to dispose of controlled substances at a ‘safe station’ (think county jail, sheriff’s office, etc) and requires staff to utilize current disposal protocols. Safe stations may provide information about the Behavioral Health Crisis Response System and provide transportation to an appropriate facility for treatment CRS 18-18-607.</p>	<p>County jails shall provide the following - upon release - to those who were treated for substance use disorder while incarcerated: 1.) post-release resources; 2.) a list of available substance use providers; and 3.) medicaid re-enrollment paperwork CRS § 17-26-140</p>	<p>September 14, 2020</p>

**SB20-217, Enhance Peace  
Officer Integrity**

Three key financial-related provisions of interest to counties:

1.) a.) Counties shall provide body cams for each peace officer of the law enforcement agency who interacts with members of the public. This does not apply to peace officers working undercover, jail staff if there are video cameras in the jail, peace officers working in a courtroom or civilian or administrative staff of a local law enforcement agency. CRS § 24-31-902.  
b.) Local law enforcement agencies shall establish a retention schedule for body cam recordings in compliance with Colorado state archives rules and direction. CRS § 24-31-902 (1)(b)

2.) All sheriffs offices must provide a detailed report of a.) all uses of force by peace officers that results in death or bodily injury; b.) all instances when a peace officer resigned while under investigation; c.) data relating to contacts conducted by peace officers and d.) all instances of unannounced entry into a residence, with or without a warrant. CRS § 24-31-903.

3.) For peace officers who violate someone's constitutional rights, qualified immunity is no longer an acceptable defense. Counties must indemnify their peace officers except

Body cam: July 1, 2023  
Reporting requirement: January, 1  
2023  
Qualified immunity: September  
14, 2020

when the officer is found to have not acted in good faith. In those cases, the peace officer is personally responsible for 5% of the judgement or \$25,000, whichever is less. If this amount is uncollectible from the peace officer, the peace officer's employer or insurance shall pay the full amount of the judgement. CRS § 13-21-131.



## **Land Use & Natural Resources**

<b>2020 Legislation</b>	<b>Local Option</b>	<b>Local Requirement</b>	<b>Effective Date</b>
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<p><b><u>HB20-1057</u>, Modify Wildfire Risk Mitigation Grant Program</b></p>	<p>Local government entities are eligible to apply for these grants. Applicants were originally required to provide a 50% match. HB 1057 reduces this match requirement to 25% for projects in areas with fewer economic resources, for which the Colorado State Forest Service (CSFS) will establish satisfying criteria. The bill allows in-kind contributions to meet the match requirement, so any gifts, grants, or donations, as well as volunteer hours provided by the applicant's staff are eligible match funds. CRS § 23-31-310.3</p>		<p>September 1, 2020</p>
<p><b>CCI Bill</b> <b><u>HB20-1094</u>, Repeal Fee Cap On-site Wastewater Treatment Systems (OWTS)</b></p>	<p>The bill strikes the existing \$1000 statutory cap on permit fees for on-site wastewater treatment systems (septic systems) to allow local public health agencies to recover the actual costs of their OWTS services. CRS § 25-10-107.1</p>	<p>Upon request, the local board of health must provide the permittee with a statement that specifies how the permit fee was calculated.</p>	<p>September 14, 2020</p>

<p><b><u>HB20-1095</u>, Local Government Water Supply Elements in Master Plans</b></p>	<p>The bill maintains the option for counties to include water supply elements (which describe the general location and extent of a suitable supply of water) in their master plans, but adds a requirement that this water element include conservation policies determined by the county. CRS § 30-28-106 (3)(a)(IV)(C)</p>		<p>September 14, 2020. A county with a master plan that includes a water supply element must include water conservation policies at the first amending of the master plan after this date, or no later than July 1st, 2025.</p>
<p><b><u>HB20-1133</u>, Land Use Entitlements and Municipal Disconnection</b></p>	<p>The bill (1) makes disconnected (“de-annexed”) land subject to the county’s zoning resolution, map, and any other land development regulations within 90 days of the disconnection, (2) voids any county zoning resolution that automatically and uniformly zones all future disconnected land, (3) clarifies that once the county receives notice of the disconnection from the municipality and the ordinance has been filed, the county can – through its zoning resolution, zoning plan, or other land development regulations– allow the newly incorporated land to obtain necessary land entitlements, (4) declares that the county may elect not to</p>		<p>September 1, 2020</p>

issue building or occupancy permits to the land before disconnection is filed and complete, and (5) permits a county to subdivide the disconnected land once the ordinance has been filed with the county clerk and recorder, and relevant zoning has been enacted. CRS § 31-12-501.5

## Taxation and Finance

2020 Legislation	Local Option	Local Requirement	Effective Date
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**HB20-1001, Nicotine  
Product Regulation**

1.) Codifies an optional authority (granted under HB19-1033) counties have to locally license the sale of cigarettes, tobacco products or nicotine products. CRS 30-15-401 (1.5)(c)

a.) If a local government has its own licensing requirements of retailers, they must be as stringent as - and may be more stringent than - the statewide licensing requirement. CRS 44-7-104.5 (4) (By July 1, 2021, all retailers selling cigarettes, tobacco products or nicotine products must have a state license)

b.) A state license will not be issued until a retailer can demonstrate they have obtained a local license in jurisdictions that require local licenses

c.) The state shall collaborate with any local government requiring a local license on compliance checks and complaints received.

2.) While existing retail locations are 'grandfathered', new locations must be 500 feet or further from a school. CRS 44-7-104.7

Local governments are prohibited from lowering the 21 years minimum age for the purchase of cigarettes, tobacco products or nicotine. CRS 18-13-121; CRS 25-14-301 (4)(b) & federal law

Upon Signature

	<p>a.) Local governments may eliminate one or more types of schools from this distance restrictions</p> <p>b.) Local governments may adopt shorter distance restrictions</p>		
<p><b><u>HB20-1421</u>, Delinquent Interest Payments Property Tax</b></p>	<p>For a limited time, counties and cities and counties, upon approval of their treasurer, may reduce or waive the 1%/month interest rate for late property tax payments. This action can be taken anytime between June 14th and October 1, 2020. CRS 39-10-104.5</p> <p>Counties that choose this option must notify all the local taxing jurisdictions of their intent in advance of adopting this policy. Additionally, counties who choose this option must financially float local taxing jurisdictions that need help paying off bonds or covering their operational costs. CRS 39-10-112</p>		<p>June 14, 2020</p>

	<p>(Executive Order D 2020 31 waived the 1%/month interest rate for late property tax payments through April 30, 2020. 2020 property tax payments were due June 15, 2020)</p>		
<p><b><u>SB20-139</u>, County Loans for Public Infrastructure Projects</b></p>	<p>Allows counties to loan funds to any governmental entity undertaking an infrastructure project. CRS 30-11-107</p> <p>There are many restrictions on the use of this optional tool including a limitation on the total amount that can be loaned, requirements for a specified repayment term and interest rate, and the adoption of underwriting standards prior to issuing a loan. Additionally, the loan recipient must pursue private sector options prior to doing business with the county. CRS 30-25-106.5</p>		<p>September 14, 2020</p>

## Transportation & Telecommunications

<b>2020 Legislation</b>	<b>Local Option</b>	<b>Local Requirement</b>	<b>Effective Date</b>
<b>HB20-1137, Local Government Certification of Unserved Status for Broadband Grants</b>	Counties and municipalities may collect additional data/information and take testimony at a public meeting in order to issue a written certification that an area is unserved as part of a broadband grant application. This certification shall be given substantial weight by the Broadband Deployment Board as they consider making grant awards. CRS 40-15-509.5		September 14, 2020



<p><b>HB20-1293, Emergency Telephone Service Charges</b></p>	<p>Local governing entities may increase their emergency telephone charge pursuant to a new cap, which shall be set by the PUC. Additionally, a new state 911 surcharge will also be assessed, with the proceeds going to local governments. CRS 29-11-102</p>		<p>July 10, 2020</p>
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<p><b>Tourism, Resorts, &amp; Economic Development</b></p>			
<p><b>2020 Legislation</b></p>	<p><b>Local Option</b></p>	<p><b>Local Requirement</b></p>	<p><b>Effective Date</b></p>

**[HB20-1201](#), Mobile  
Home Park Residents  
Opportunity to Purchase**

The bill specifies that a group of mobile home owners may assign their mobile home park purchase right to a local or state government. CRS § 38-12-217.8

June 30th, 2020