
HB23-1005 **New Energy Improvement Program Changes**

Calendar NOT ON CALENDAR

Notification:

Summary:

The commercial property assessed clean energy program (C-PACE) is part of the new energy improvement program. C-PACE allows owners of eligible real property to apply to the Colorado new energy improvement district (district) to finance certain energy efficiency improvements. The bill allows owners to also apply to the district to finance resiliency improvements and water efficiency improvements.

Additionally, when the district approves a C-PACE application, an owner consents to the district levying a special assessment on an owner's eligible real property. Current law requires the district to notify district members and existing lienholders about the special assessment and the availability of a hearing to resolve any complaints or objections. After a hearing, current law further requires the district to pass a resolution resolving any complaints or objections. The bill eliminates the requirements for the district to give notice about a hearing, conduct a hearing, and pass a resolution resolving complaints or objections. Instead of notifying district members and existing lienholders about the availability of a hearing, the bill requires the district to send a notice of assessment, which specifies the amount of the special assessment to be levied on the eligible real property, explains that the special assessment constitutes a lien against the eligible real property, and explains that the district is not a party to any private financing agreements.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

1/9/2023 Introduced In House - Assigned to Energy & Environment
1/26/2023 House Committee on Energy & Environment Refer Unamended to House Committee of the Whole
1/31/2023 House Second Reading Laid Over Daily - No Amendments
2/2/2023 House Second Reading Special Order - Passed - No Amendments
2/3/2023 House Third Reading Passed - No Amendments
2/8/2023 Introduced In Senate - Assigned to Transportation & Energy
2/22/2023 Senate Committee on Transportation & Energy Refer Amended to Senate Committee of the Whole
2/27/2023 Senate Second Reading Passed with Amendments - Committee
2/28/2023 Senate Third Reading Passed - No Amendments
3/1/2023 House Considered Senate Amendments - Result was to Concur - Repass
3/6/2023 Signed by the Speaker of the House
3/6/2023 Signed by the President of the Senate
3/7/2023 Sent to the Governor
3/8/2023 Governor Signed

Amendments:

Senate Journal, February 23

After consideration on the merits, the Committee recommends that HB23-1005 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 5, after "sent;" insert "AND".

Page 5, strike lines 15 through 18 and substitute "ACCORDANCE WITH SECTION 32-20-107."

HB23-1010 Task Force On High-altitude Water Storage

Calendar NOT ON CALENDAR

Notification:

Summary: **Water Resources and Agriculture Review Committee.** The bill creates a task force to study the feasibility of implementing water storage in the form of snow in high-altitude areas of the state (task force). The task force must submit a report to the water resources and agriculture review committee on or before June 1, 2024, which report:

- Describes the feasibility of implementing high-altitude water storage in Colorado;
- Describes findings and recommendations regarding issues considered by the task force; and
- Describes any legislative proposals associated with the implementation of high-altitude water storage in Colorado, including identification of any state agencies that will be responsible for implementing legislative directives and identification of funding sources.

The task force is repealed, effective December 1, 2024.

(Note: This summary applies to this bill as introduced.)

Status: 1/9/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
1/23/2023 House Committee on Agriculture, Water & Natural Resources Postpone Indefinitely

Amendments:

HB23-1018 Timber Industry Incentives

Calendar NOT ON CALENDAR

Notification:

Summary: **Wildfire Matters Review Committee.** The bill creates the timber, forest health, and wildfire mitigation industries workforce development program (program) in the state forest service. The program provides partial reimbursement to timber businesses and forest health or wildfire mitigation entities for the costs of hiring interns. The forest service must adopt rules, policies, and procedures for the program, including criteria for an internship to qualify, best practices for recruiting and selecting interns to increase representation of historically underrepresented communities in the industries, the criteria to use in selecting qualified interns, the required educational experience for an intern, and administrative requirements for the program.

For income tax years beginning on or after January 1, 2023, but before January 1, 2028, a business involved in forestry, logging, the timber trade, the production of wood and secondary products, or forest health and wildfire mitigation activities in Colorado may claim a credit against state income tax for 20% of the cost incurred by the taxpayer in purchasing certain equipment, vehicles, and equipment infrastructure. The total aggregate credit in any one income tax year is limited to \$10,000. Any amount of the credit that exceeds the taxpayer's income tax liability is not refundable but may be carried forward for up to 5 years.

(Note: This summary applies to this bill as introduced.)

Status: 1/9/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
2/6/2023 House Committee on Agriculture, Water & Natural Resources Refer Amended to Finance
2/23/2023 House Committee on Finance Refer Unamended to Appropriations

Amendments:

House Journal, February 7

14 HB23-1018 be amended as follows, and as so amended, be referred to
15 the Committee on Finance with favorable

16 recommendation:

17

18 Amend printed bill, page 2, strike lines 2 through 14.

19

20 Strike pages 3 through 5.

21

22 Page 6, strike lines 1 through 4.

23

24 Renumber succeeding sections accordingly.

25

26 Page 1, line 102, strike "CREATING AN".

27

28 Page 1, strike line 103.

29

HB23-1023 Special District Construction Contracts

Calendar NOT ON CALENDAR

Notification:

Summary:

Public notice for bids on special district construction contracts is currently required when the contract cost is \$60,000 or more. The bill increases the notice threshold to \$120,000 or more, and requires the amount to be adjusted for inflation every 5 years.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

1/9/2023 Introduced In House - Assigned to Transportation, Housing & Local Government
2/7/2023 House Committee on Transportation, Housing & Local Government Refer Unamended to House Committee of the Whole
2/10/2023 House Second Reading Special Order - Passed - No Amendments
2/13/2023 House Third Reading Passed - No Amendments
2/13/2023 Introduced In Senate - Assigned to Local Government & Housing
2/21/2023 Senate Committee on Local Government & Housing Witness Testimony and/or Committee Discussion Only
2/28/2023 Senate Committee on Local Government & Housing Refer Unamended - Consent Calendar to Senate Committee of the Whole
3/3/2023 Senate Second Reading Special Order - Passed - No Amendments
3/6/2023 Senate Third Reading Passed - No Amendments
3/8/2023 Signed by the President of the Senate
3/8/2023 Signed by the Speaker of the House
3/9/2023 Sent to the Governor
3/17/2023 Governor Signed

Amendments:

HB23-1065 Local Government Independent Ethics Commission

Calendar NOT ON CALENDAR

Notification:

Summary:

Under current law, the independent ethics commission created in article XXIX of the state constitution does not have jurisdiction over officials or employees of special districts or school districts. The bill gives the independent ethics commission jurisdiction to hear complaints, issue findings, assess penalties, and issue advisory opinions on ethics issues concerning a local government official or local government employee. "Local government" is defined to include a county,

municipality, special district, or school district. Existing ethical standards apply to a local government official and a local government employee. The bill applies those standards to a local government official or local government employee through the independent ethics commission.

(Note: This summary applies to this bill as introduced.)

Status: 1/19/2023 Introduced In House - Assigned to Transportation, Housing & Local Government
2/7/2023 House Committee on Transportation, Housing & Local Government Refer Amended to Appropriations

Amendments:

House Journal, February 8

1 HB23-1065 be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:

4

5 Amend printed bill, page 2, line 3, after "(1)(e)," insert "(1)(f), (1)(g),
6 (1)(h),".

7

8 Page 2, after line 6, insert:

9

10 "(c) "COVERED INDIVIDUAL" MEANS A LOCAL GOVERNMENT
11 OFFICIAL OR LOCAL GOVERNMENT EMPLOYEE.".

12

13 Reletter succeeding subsections accordingly.

14

15 Page 2, lines 7 and 8, strike "COUNTY, MUNICIPALITY, SPECIAL
16 DISTRICT,"

17 and substitute "SPECIAL DISTRICT".

18

19 Page 2, strike lines 10 through 12, and substitute "OR PERMANENT
20 EMPLOYEE OF ANY LOCAL GOVERNMENT WHO IS HIRED BY,
21 DIRECTLY

22 REPORTS TO, AND IS SUBJECT TO THE DIRECTION OF A LOCAL
23 GOVERNMENT'S BOARD, COMMISSION, OR OTHER GOVERNING
24 BODY.".

25

26 Page 2, line 13, strike "ELECTED OR".

27

28 Page 2, strike lines 14 and 15, and substitute "INDIVIDUAL ELECTED OR
29 APPOINTED TO A LOCAL GOVERNMENT'S BOARD OR
30 COMMISSION OR OTHER

31 MEMBER OF A GOVERNING BODY OF A LOCAL GOVERNMENT.".

32

33 Page 2, after line 15 insert:

34

35 "(g) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT

ORGANIZED

32 AND EXISTING PURSUANT TO ARTICLE 30 OF TITLE 22.

33 (h) "SPECIAL DISTRICT" MEANS ANY QUASI-MUNICIPAL

34 CORPORATION AND POLITICAL SUBDIVISION ORGANIZED OR
ACTING

35 PURSUANT TO THE PROVISIONS OF TITLE 32, AND DOES NOT
INCLUDE ANY

36 ENTITY ORGANIZED AND ACTING PURSUANT TO THE
PROVISIONS OF

37 ARTICLE 8 OF TITLE 29, ARTICLE 20 OF TITLE 30, ARTICLE 25 OF
TITLE 31,

38 OR ARTICLES 41 TO 50 OF TITLE 37."

39

40 Page 2, line 18, strike "ARTICLE XXIX OF THE STATE
CONSTITUTION AND".

41

42 Page 2, line 21, strike "TITLE 24."and substitute "TITLE 24, AND
ETHICAL

43 STANDARDS OF CONDUCT RELATING TO ACTIVITIES THAT
COULD ALLOW

44 COVERED INDIVIDUALS TO IMPROPERLY BENEFIT
FINANCIALLY FROM THEIR

45 PUBLIC EMPLOYMENT."

46

47 Page 3, lines 5 and 6, strike "LOCAL GOVERNMENT OFFICIALS OR
LOCAL

48 GOVERNMENT EMPLOYEES;" and substitute "A COVERED
INDIVIDUAL;".

49

50 Page 3, strike lines 10 and 11, and substitute "PROVIDED BY LAW
51 INVOLVING A COVERED INDIVIDUAL."

52

53

HB23-1125

Modernize Process To Obtain Water Well Information

Calendar

NOT ON CALENDAR

Notification:

Summary:

Current law requires that the owner of a groundwater well (well) permit file any change in name or mailing address with the state engineer in person, by mail, or by fax. The bill removes the requirement that the filing be in person, by mail, or by fax.

Current law requires the buyers of certain wells to complete a change in owner name form before the closing of the transaction. The bill removes the requirement that the form be submitted before the closing of the transaction.

The bill clarifies that if an existing well being sold has not been registered with the division of water resources (division), the buyer of the well must submit a registration of existing well form to the division within 63 days after closing the transaction.

Current law states that the division is responsible for obtaining the necessary well registration information from the buyer after the purchase of a well. The bill removes this requirement and clarifies that a person who provides a closing service in connection with the purchase of a well must submit a change in owner name form for the well to the division, even if the well has not yet been registered with the division.

If a change in owner name form does not include a well permit number, the bill requires the division to instruct the buyer of a well to complete a new change in owner name form or registration of existing well form and requires the buyer to submit the applicable form to the division.

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

1/30/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
2/13/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to House Committee of the Whole
2/16/2023 House Second Reading Laid Over Daily - No Amendments
2/17/2023 House Second Reading Special Order - Passed with Amendments - Floor
2/21/2023 House Third Reading Passed - No Amendments
2/23/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
3/2/2023 Senate Committee on Agriculture & Natural Resources Refer Unamended - Consent Calendar to Senate Committee of the Whole
3/7/2023 Senate Second Reading Passed - No Amendments
3/8/2023 Senate Third Reading Laid Over Daily - No Amendments
3/9/2023 Senate Third Reading Passed - No Amendments
3/21/2023 Signed by the Speaker of the House
3/22/2023 Signed by the President of the Senate
3/23/2023 Sent to the Governor

Amendments:

House Journal, February 17

46 Amend printed bill, page 3, strike lines 24 through 26.

47

48 Strike page 4 and substitute:

49

50 SECTION 3. Act subject to petition - effective date -

51 applicability. (1) This act takes effect at 12:01 a.m. on the day following

52 the expiration of the ninety-day period after final adjournment of the

53 general assembly; except that, if a referendum petition is filed pursuant
54 to section 1 (3) of article V of the state constitution against this act or an
55 item, section, or part of this act within such period, then the act, item,
56 section, or part will not take effect unless approved by the people at the
1 general election to be held in November 2024 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.

4 (2) This act applies to closing transactions on or after the
5 applicable effective date of this act."

6

7 As amended, ordered engrossed and placed on the Calendar for Third
8 Reading and Final Passage.

HB23-1152 Prohibit Foreign Ownership Agricultural and Natural Resources

Calendar NOT ON CALENDAR

Notification:

Summary:

The bill prohibits, on or after January 1, 2024, a nonresident foreign citizen, foreign entity, or foreign government of the People's Republic of China, the Russian Federation, or any country determined by the United States secretary of state to be a state sponsor of terrorism (covered foreign person) from acquiring a controlling ownership share in agricultural land, mineral rights, or water rights (property interest) in the state (prohibition). A covered foreign person who acquires a controlling ownership share in a property interest in the state prior to January 1, 2024, may continue to own the property interest but may not acquire a controlling ownership share in any additional property interests in the state.

No later than March 1, 2024, or 60 days after acquiring any ownership in a property interest in the state, whichever is later, a covered foreign person must register with the secretary of state (registration requirement). The secretary of state is authorized to promulgate rules to implement the registration requirement.

If the attorney general has reason to believe that a covered foreign person has violated the prohibition or has not complied with the registration requirement, the attorney general must commence a civil action against the covered foreign person in a district court. If a district court finds that the covered foreign person has violated the prohibition, the district court must issue a judgment reverting the property interest to the state. If the district court finds that the covered person has not complied with the registration requirement, the district court must impose a penalty of no more than \$2,000 for each violation.

(Note: This summary applies to this bill as introduced.)

Status: 1/31/2023 Introduced In House - Assigned to State, Civic, Military, & Veterans Affairs
2/23/2023 House Committee on State, Civic, Military, & Veterans Affairs Postpone Indefinitely

Amendments:

HB23-1220 Study Republican River Groundwater Economic Impact

Calendar NOT ON CALENDAR

Notification:

Summary:

In 1942, Colorado entered into an interstate compact (compact) with Nebraska and Kansas regarding the allocation of water from the Republican river basin (basin). Colorado ratified the compact in 1943. In 2016, Colorado, Nebraska, and Kansas signed a resolution (resolution) regarding a dispute about Colorado's compliance with the compact, through which resolution and its amendment Colorado agreed to retire 25,000 acres of irrigated acreage in the basin by 2029.

The bill requires the Colorado water center (center) in the Colorado state university to study the anticipated economic effects of the forced elimination of groundwater withdrawals within and surrounding the Colorado portion of the Republican river basin that could occur if Colorado fails to comply with the resolution. The center is required to prepare a progress report and, on or before January 1, 2026, a final report of the center's findings and conclusions from the study and to post both reports on the center's website. The center must present the progress and final reports to certain legislative committees.

(Note: This summary applies to this bill as introduced.)

Status: 2/27/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
3/20/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to Appropriations

Amendments:

HB23-1221 Water Quality Data Standards

Calendar NOT ON CALENDAR

Notification:

Summary:

The bill requires the division of administration in the department of public health and environment, on and after January 1, 2024, to use quality-assured data to determine the maximum amount of a pollutant that can be discharged daily into state waters without exceeding applicable water quality standards.

(Note: This summary applies to this bill as introduced.)

Status: 2/27/2023 Introduced In House - Assigned to Energy & Environment
3/23/2023 House Committee on Energy & Environment Refer Amended to Appropriations

Amendments:

House Journal, March 24

38 HB23-1221 be amended as follows, and as so amended, be referred to
39 the Committee on Appropriations with favorable
40 recommendation:

41

42 Amend printed bill, strike everything below the enacting clause and
43 substitute:

44

45 "SECTION 1. In Colorado Revised Statutes, 25-8-103, add
46 (19.5) as follows:

47 25-8-103. Definitions. As used in this article 8, unless the context
48 otherwise requires:

49 (19.5) "TOTAL MAXIMUM DAILY LOAD" MEANS THE
CALCULATION

50 OF THE DAILY MAXIMUM AMOUNT OF A POLLUTANT FROM
ALL SOURCES

51 THAT IS ALLOWED TO ENTER STATE WATERS SO THAT AN
APPLICABLE

52 WATER QUALITY STANDARD IS MET.

53 SECTION 2. In Colorado Revised Statutes, 25-8-202, amend

54 (1)(p) and (1)(q); and add (1)(r) as follows:

55

1 25-8-202. Duties of commission - rules. (1) The commission
2 shall develop and maintain a comprehensive and effective program for
3 prevention, control, and abatement of water pollution and for water
4 quality protection throughout the entire state and, to ensure provision of
5 continuously safe drinking water by public water systems, and, in
6 connection therewith, shall:

7 (p) Establish, and revise as necessary, a schedule of nonrefundable
8 fees to cover the reasonable costs of implementing a program for the
9 beneficial use of biosolids, in accordance with section 30-20-110.5;
10 C.R.S.; and

11 (q) Hear appeals of penalties imposed pursuant to section
12 25-1-114.1 (2.5) for a violation of minimum general sanitary standards
13 and regulations for drinking water; AND

14 (r) ON OR BEFORE JANUARY 1, 2025, AFTER SOLICITING INPUT
15 FROM INTERESTED PARTIES, ISSUE WRITTEN GUIDANCE
SPECIFIC TO TOTAL

16 MAXIMUM DAILY LOAD DEVELOPMENT THAT ADDRESSES
WATER QUALITY

17 DATA COLLECTION BEST PRACTICES, RELIABLE ANALYTICAL
METHODS,

18 DATA QUALITY ASSURANCE, AND THE APPROPRIATE LEVEL

OF GEOGRAPHIC

19 AND HYDROLOGICAL ACCURACY.

20 SECTION 3. In Colorado Revised Statutes, 25-8-501, add (7) as

21 follows:

22 25-8-501. Permits required for discharge of pollutants -

23 administration. (7) ON AND AFTER JANUARY 1, 2026, THE DIVISION

24 SHALL DETERMINE A TOTAL MAXIMUM DAILY LOAD FOR

STATE WATERS AS

25 DIRECTED BY THE COMMISSION USING CREDIBLE DATA,

WHICH INCLUDES:

26 (a) DATA THAT HAS BEEN COLLECTED IN THE LAST FIVE

YEARS;

27 AND

28 (b) HISTORICAL DATA THAT IS RELEVANT FOR ESTABLISHING A

29 TOTAL MAXIMUM DAILY LOAD.

30 SECTION 4. Act subject to petition - effective date. This act

31 takes effect at 12:01 a.m. on the day following the expiration of the

32 ninety-day period after final adjournment of the general assembly; except

33 that, if a referendum petition is filed pursuant to section 1 (3) of article V

34 of the state constitution against this act or an item, section, or part of this

35 act within such period, then the act, item, section, or part will not take

36 effect unless approved by the people at the general election to be held in

37 November 2024 and, in such case, will take effect on the date of the

38 official declaration of the vote thereon by the governor."

39

40

HB23-1242

Water Conservation In Oil And Gas Operations

Calendar

NOT ON CALENDAR

Notification:

Summary:

The bill requires an oil and gas operator in the state (operator), on or before January 31, 2024, and at least annually thereafter, to report information to the Colorado oil and gas conservation commission (commission) regarding the operator's use of water entering, utilized at, or exiting each of the operator's oil and gas locations.

The bill also requires the commission to adopt rules requiring that:

- When issuing an operator a new or renewed oil and gas permit on or after June 1, 2024, the commission include as a condition of the permit a requirement that the operator use a decreasing percentage of fresh water and a corresponding increasing percentage of recycled or reused water in the operator's oil and gas operations; and
- Each oil and gas operator, on and after January 1, 2024, report on a monthly basis to the commission about the daily vehicle miles traveled for any trucks

hauling water to, within, or from the operator's oil and gas operations in the state.

From the information reported to the commission under the bill, the commission is required to:

- Include the information as part of the commission's annual reporting on cumulative impacts of oil and gas operations;
- Report to the division of administration (division) in the department of public health and environment, on a per-incident basis, any indication of technologically enhanced naturally occurring radioactive material or PFAS chemicals present in produced water; and
- On a quarterly basis, submit a cumulative report to the division and the department of transportation on reported vehicle miles traveled and public roads traveled.

(Note: This summary applies to this bill as introduced.)

Status: 3/11/2023 Introduced In House - Assigned to Energy & Environment
3/23/2023 House Committee on Energy & Environment Refer Amended to Appropriations

Amendments:

HB23-1255 **Regulating Local Housing Growth Restrictions**

Calendar Wednesday, April 5 2023
Notification: Transportation, Housing & Local Government
1:30 p.m. Room LSB-A
(2) in house calendar.

Summary: Currently, several local governments have laws restricting the growth of residential housing. The bill declares that the state has an interest in encouraging housing growth statewide, preempts any existing local housing growth restriction, and forbids the enactment or enforcement of any future local housing growth restriction, unless the local government has experienced a disaster emergency.

(Note: This summary applies to this bill as introduced.)

Status: 3/24/2023 Introduced In House - Assigned to Transportation, Housing & Local Government

Amendments:

HB23-1257 **Mobile Home Park Water Quality**

Calendar NOT ON CALENDAR
Notification:

Summary:

The bill creates a water testing program for mobile home parks (parks). The testing program is developed and administered by the water quality control division (division) in the department of public health and environment (department). The bill also sets testing prioritization criteria and testing standards. If the testing reveals a water quality issue, the division will notify the following and include information about the test results, recommended actions, remediation, and the grant program established in the bill:

- The park owner;
- The county department of health or municipality where the park is located;
- The water supplier; and
- The environmental justice ombudsperson (ombudsperson).

Upon receiving the notice, the park owner must:

- Notify the park residents;
- Comply with orders of the division;
- Not impose the cost of compliance on park residents;
- Within 90 days after receiving the notice, prepare and submit to the division a remediation plan;
- Complete the remediation plan based on a schedule approved by the division; and
- Consult with the division and provide an alternative water supply or department-approved filters.

The division will coordinate with the division of housing in the department of local affairs to identify potential money, including grant money from the grant program created in the bill, to support park water quality remediation.

The division will develop an action plan to address and improve water quality in parks. Standards are established for the action plan, including environmental justice principles, and the development of the action plan.

The bill creates a grant program to help park owners and local governments address water quality issues. The division will implement and administer the grant program. The general assembly will annually appropriate money to the department to fund the grant program.

The bill is enforced by the division, which may issue cease-and-desist orders.

A violation of the bill is a violation of the "Colorado Consumer Protection Act", and the bill further establishes that:

- If a park owner fails to develop a remediation plan or implement the

remediation plan, the park will be declared a class 3 public nuisance, and the park owner must forfeit the park;

- A park owner that fails to register under the "Mobile Home Park Act Dispute Resolution and Enforcement Program" violates the "Colorado Consumer Protection Act"; and
- A person may bring a civil action under the "Mobile Home Park Act".

A park that has been forfeited because it is a class 3 public nuisance becomes the property of the county where the park is located, and the county will continue to operate the park to provide affordable housing for no fewer than 100 years. Penalties imposed under the "Colorado Consumer Protection Act" are deposited in a fund to be used to provide grants through the grant program and for the division to administer and enforce the bill.

The ombudsperson is given the duty to represent park residents in matters of water quality.

The bill adds water quality issues to the database created by the "Mobile Home Park Act Dispute Resolution and Enforcement Program", which tracks complaints filed against parks.

(Note: This summary applies to this bill as introduced.)

Status: 3/26/2023 Introduced In House - Assigned to Transportation, Housing & Local Government

Amendments:

HJR23-1007 **Water Projects Eligibility Lists**

Calendar NOT ON CALENDAR

Notification:

Summary: *** No bill summary available ***

Status: 1/12/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
1/23/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to House Committee of the Whole
1/25/2023 House Third Reading Passed - No Amendments
1/27/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
2/2/2023 Senate Committee on Agriculture & Natural Resources Refer Unamended to Senate Committee of the Whole
2/7/2023 Senate Third Reading Passed - No Amendments
2/13/2023 Signed by the Speaker of the House
2/15/2023 Signed by the President of the Senate
2/16/2023 Sent to the Governor
2/24/2023 Governor Signed

Amendments:

SB23-005 Forestry And Wildfire Mitigation Workforce

Calendar NOT ON CALENDAR

Notification:

Summary: **Wildfire Matters Review Committee. Section 1** of the bill directs the Colorado state forest service (state forest service) to consult with other entities to develop educational materials relating to career opportunities in forestry and wildfire mitigation for distribution to high school guidance counselors to provide to high school students. **Section 2** creates the timber, forest health, and wildfire mitigation industries workforce development program (development program) in the state forest service. The development program provides partial reimbursement to timber businesses and forest health or wildfire mitigation entities for the costs of hiring interns. **Section 3** requires the state treasurer, on June 30, 2023, and on June 30 each year thereafter, to transfer \$1 million from the general fund to the wildfire mitigation capacity development fund for allowable uses of the fund. **Sections 4, 5, and 6** authorize the expansion of existing forestry programs, including wildfire mitigation, and the creation of a new forestry program within the community college system and at Colorado mountain college (forestry programs). The bill provides for the acquisition of a harvesting simulator to train students, which may be shared among the forestry programs. The bill includes funding for the forestry programs within the community college system and at Colorado mountain college through limited purpose fee-for-service contracts and grants. **Section 7** directs the state board for community colleges and occupational education (board) to administer the recruitment of wildland fire prevention and mitigation educators program (recruiting program) to increase the number of qualified educators at community colleges, area technical colleges, and local district colleges that deliver a wildfire prevention and mitigation program or course. The bill appropriates \$250,000 from the general fund for the 2023-24 and for the 2024-25 state fiscal years for the recruiting program.

(Note: This summary applies to this bill as introduced.)

Status: 1/9/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
1/26/2023 Senate Committee on Agriculture & Natural Resources Refer Amended to Appropriations

Amendments:

Senate Journal, January 27

After consideration on the merits, the Committee recommends that SB23-005 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 9, after "SAFETY," insert "THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION,".

Page 7, line 18, strike "and (1.5)".

Page 7, strike lines 24 and 25 and substitute "INCLUDING WILDFIRE MITIGATION, PURSUANT TO SECTION 23-1-142".

Page 7, line 26, strike "2025." and substitute "2027".

Page 7, strike line 27.

Page 8, strike lines 1 through 4.

Page 8, line 10, strike "23-60-111" and substitute "23-1-142".

Page 8, line 12, strike "23-60-111. Expansion" and substitute "23-1-142. Commission directive - expansion".

Page 8, lines 19 and 20, strike "WITHIN THE COMMUNITY COLLEGE SYSTEM".

Page 8, line 23, strike "IN THE COMMUNITY COLLEGE SYSTEM".

Page 9, line 4, strike "A" and substitute "AN UNDERGRADUATE".

Page 9, strike lines 5 and 6 and substitute "PROGRAM THAT WILL MEET FORESTRY WORKFORCE NEEDS, INCLUDING FOREST HEALTH AND MANAGEMENT AND WILDFIRE MITIGATION".

Page 9, after line 8 insert:
"(c) "STATE INSTITUTE OF HIGHER EDUCATION" HAS THE MEANING SET FORTH IN SECTION 23-1-108 (7)(g)(II)".

Page 9, line 9, strike "BOARD" and substitute "COMMISSION".

Page 9, strike line 11, and substitute "CREATION OF UP TO TWO NEW FORESTRY PROGRAMS AT STATE INSTITUTIONS OF HIGHER EDUCATION".

Page 9, line 12, strike "COLLEGE SYSTEM".

Page 9, line 16, after "CONTRACTS" insert "OR GRANTS".

Page 9, line 18, after "CONTRACT", insert "OR GRANT".

Page 9, strike lines 23 and 24 and substitute "WITH FORESTRY PROGRAMS AT

OTHER STATE INSTITUTIONS OF HIGHER EDUCATION; AND".

Page 9, line 27, strike "COMMUNITY COLLEGE WISHES TO" and substitute "STATE INSTITUTION OF HIGHER EDUCATION WISHES TO EXPAND AN EXISTING FORESTRY PROGRAM OR".

Page 10, line 1, strike "BOARD" and substitute "COMMISSION, IN CONSULTATION WITH THE COLORADO STATE FOREST SERVICE,".

Page 10, line 2, strike "PROGRAM." and substitute "PROGRAMS, PRIORITIZING PROGRAMS AND STATE INSTITUTIONS OF HIGHER EDUCATION THAT CAN PROVIDE A TRAINED WORKFORCE EXPEDITIOUSLY.", and strike "BOARD" and substitute "COMMISSION".

Page 10, line 8, strike "PROGRAM" and substitute "PROGRAMS".

Page 10, strike lines 10 and 11 and substitute:

"(d) ACCESSIBILITY AND EQUITY.".

Page 10, line 12, strike "2025." and substitute "2027.".

Page 10, strike lines 13 through 27.

Strike page 11.

Page 12, strike lines 1 through 13.

Renumber succeeding sections accordingly.

Before "DEGREE" insert "UNDERGRADUATE" on: Page 8, lines 18 and 25.

Page 1, strike lines 111 and 112 and substitute "CREATION OF FORESTRY PROGRAMS; AND".

SB23-010

Water Resources And Agriculture Review Committee

Calendar

NOT ON CALENDAR

Notification:

Summary: **Water Resources and Agriculture Review Committee.** The bill removes a reference to the water resources and agriculture review committee being an interim committee and removes an outdated reference to Senate Bill 96-074 in the legislative declaration. The bill also removes limitations on the number of meetings and the number of field trips the committee may hold and requires the committee to meet at least 4 times during each calendar year.
(Note: This summary applies to this bill as introduced.)

Status: 1/9/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
1/26/2023 Senate Committee on Agriculture & Natural Resources Refer Unamended to Senate Committee of the Whole
1/31/2023 Senate Second Reading Passed - No Amendments
2/1/2023 Senate Third Reading Passed - No Amendments
2/1/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
2/16/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to House Committee of the Whole
2/21/2023 House Second Reading Special Order - Passed - No Amendments
2/22/2023 House Third Reading Passed - No Amendments
2/28/2023 Signed by the President of the Senate
2/28/2023 Signed by the Speaker of the House
2/28/2023 Sent to the Governor
3/10/2023 Governor Signed

Amendments:

SB23-032 Wildfire Detection Technology Pilot Program

Calendar Notification: NOT ON CALENDAR

Summary: **Wildfire Matters Review Committee.** The bill requires the center of excellence for advanced technology aerial firefighting (center of excellence) in the division of fire prevention and control in the department of public safety to establish one or more remote camera technology pilot programs. The program may include the use of artificial intelligence technologies. The center of excellence must acquire or contract for a system of remote pan-tilt-zoom cameras and associated tools to provide a live feed of information that can detect, locate, and confirm ignition in the wildland-urban interface. The center of excellence may acquire or contract for artificial intelligence technologies to assist in the detection, containment, and monitoring of wildfires. The center of excellence must report to the wildfire matters review committee on the system's effectiveness and potential for more widespread use in the state. The bill appropriates \$2 million from the general fund to implement the program.
(Note: This summary applies to this bill as introduced.)

Status: 1/10/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
1/26/2023 Senate Committee on Agriculture & Natural Resources Refer Unamended to Appropriations

Amendments:

SB23-053 Restrict Governmental Nondisclosure Agreements

Calendar NOT ON CALENDAR

Notification:

Summary:

The bill prohibits the state, counties, cities and counties, municipalities, school districts, and any of their departments, institutions, or agencies from making it a condition of employment that an *applicant for employment or current or past employee* ~~or a prospective employee~~ (*employee*) executes a contract or other form of agreement that prohibits, prevents, or otherwise restricts the employee ~~or prospective employee~~ from disclosing factual circumstances concerning the ~~individual's~~ *employee's* employment with the government (nondisclosure agreement) unless the nondisclosure agreement is necessary to prevent disclosure of:

- *The employee's identity, facts that might lead to the discovery of the employee's identity, or factual circumstances relating to the employment that reasonably implicate legitimate privacy interests held by the employee who is a party to the agreement if the employee elects to restrict such disclosure ;* ~~or~~
- ~~Matters required to be kept confidential by federal law or rules, the state constitution, or state statute, or matters bearing on the specialized details of security arrangements or investigations.~~
- *Data, information, including personal identifying information, or matters that are required to be kept confidential by federal law or regulations, the state constitution, or state law or rules;*
- *Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by a contractor or prospective contractor of the employee's employer during the procurement process or while the contractor is providing goods or services to the employee's employer if the protection of such information is needed to ensure successful procurement or provision of the goods or services; or*
- *Information bearing on the specialized details of security arrangements or investigations.*

For an employer that is the state or a department, institution, or agency of the state, a nondisclosure agreement is also allowed if it is necessary to prevent disclosure of:

- *Nonpublic and confidential labor relations positions and strategies;*
- *Attorney work product;*
- *Vendor lists and vendor preferences; or*
- *State business-related information received from a third party that the third party has designated confidential.*

For an employer that is a county, a city and county, a municipality, or a department, institution, or agency of a county, a city and county, or a municipality, a nondisclosure agreement is also allowed if it is necessary to prevent disclosure of:

- *Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by an employer's current or prospective customer, contractor, lessee, lessor, business partner, or affiliate; or*
- *Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by a purchaser or seller of property that is engaged in negotiations or under contract with the employer.*

The bill prohibits nondisclosure agreements that prohibit employees of the state, counties, city and counties, municipalities, school districts, or any of their departments, institutions, or agencies from disclosing factual circumstances concerning their employment. To the extent that an employer includes any such provision in any employment contract or agreement, the provision is deemed to be against public policy and unenforceable against ~~a current or former~~ *an* employee who is a party to the contract or agreement unless the provision is intended to prevent disclosure of:

- *The employee's identity, facts that might lead to the discovery of the employee's identity , or factual circumstances ~~implicating~~ relating to the employment that reasonably implicate the employee's legitimate privacy interests if the employee elects to restrict such disclosure ; ~~matters required to be kept confidential by federal law or rules, the state constitution, or state statute, or matters bearing on the specialized details of security arrangements or investigations.~~*
- *Data, information, including personal identifying information, or matters that are required to be kept confidential by federal law or regulations, the state constitution, or state law or rules;*
- *Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by a contractor or prospective contractor of the employee's employer during the procurement process or while the contractor is providing goods or services to the employee's employer if the protection of such information is needed to ensure successful procurement or provision of the goods or services; or*
- *Information bearing on the specialized details of security arrangements or investigations.*

The bill prohibits the state, counties, city and counties, municipalities, *and school districts*, or any of their departments, institutions, or agencies from taking any ~~retaliatory~~ *materially adverse employment-related action, including withdrawal of an offer of employment*, against an ~~individual~~ *employee* on the grounds that the ~~individual~~ *employee* does not enter into a contract or agreement deemed to be against public policy and unenforceable under the bill. *The bill also states that the taking of a materially adverse employment-related action after an employee has refused to enter into such a contract or agreement is prima facie evidence of retaliation and that any person who enforces or attempts to enforce a contract or agreement provision deemed to be against public policy and unenforceable under the bill is liable for the employee's reasonable attorney fees and costs in defending against the action. The bill requires an action to enforce a provision of the bill to be*

brought in the district court for the district in which the employee is primarily employed. A settlement agreement between an employer that is subject to the bill and an employee of the employer must be signed by both the employer and the employee.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

1/17/2023 Introduced In Senate - Assigned to State, Veterans, & Military Affairs
2/2/2023 Senate Committee on State, Veterans, & Military Affairs Lay Over Unamended - Amendment(s) Failed
2/2/2023 Senate Committee on State, Veterans, & Military Affairs Witness Testimony and/or Committee Discussion Only
2/16/2023 Senate Committee on State, Veterans, & Military Affairs Refer Amended to Senate Committee of the Whole
2/22/2023 Senate Second Reading Laid Over Daily - No Amendments
2/23/2023 Senate Second Reading Laid Over to 03/03/2023 - No Amendments
3/3/2023 Senate Second Reading Laid Over to 03/10/2023 - No Amendments
3/10/2023 Senate Second Reading Laid Over to 03/17/2023 - No Amendments
3/17/2023 Senate Second Reading Laid Over to 03/21/2023 - No Amendments
3/23/2023 Senate Second Reading Passed with Amendments - Committee, Floor
3/24/2023 Senate Third Reading Passed - No Amendments
3/26/2023 Introduced In House - Assigned to State, Civic, Military, & Veterans Affairs

Amendments:

Senate Journal, February 17

Amend printed bill, page 4, line 26, strike "employees." and substitute "employees - definition."

Page 5, line 16, strike "OR".

Page 5, strike lines 17 and 18 and substitute:

"(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;
(III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S EMPLOYER

DURING THE PROCUREMENT PROCESS OR WHILE THE CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR SERVICES; OR (IV) INFORMATION".

Page 6, line 14, strike "OR".

Page 6, strike lines 15 and 16 and substitute:

"(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES; (III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR SERVICES; OR (IV) INFORMATION".

Page 6, line 17, strike "MATTERS".

Page 7, after line 6 insert:

"(c) AN ACTION TO ENFORCE A PROVISION OF THIS SECTION SHALL BE BROUGHT IN THE DISTRICT COURT FOR THE DISTRICT IN WHICH THE EMPLOYEE IS PRIMARILY EMPLOYED.
(3) AS USED IN THIS SECTION, "CONDITION OF EMPLOYMENT" MEANS AN EMPLOYMENT-RELATED POLICY, PRACTICE, REQUIREMENT, OR RESTRICTION DICTATED BY AN EMPLOYER THAT AN INDIVIDUAL MUST AGREE TO ABIDE BY IN

ORDER TO BE HIRED BY OR RETAIN EMPLOYMENT WITH THE EMPLOYER."

Page 7, line 10, strike "definition." and substitute "definitions."

Page 7, line 24, strike "AND".

Page 7, strike lines 25 and 26 and substitute:

"(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;
(III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR SERVICES; OR
(IV) INFORMATION".

Page 8, line 18, strike "AND".

Page 8, strike lines 19 and 20 and substitute:

"(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;
(III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S EMPLOYER IF THE PROTECTION OF SUCH

INFORMATION IS NEEDED TO ENSURE SUCCESSFUL
PROCUREMENT OR PROVISION
OF THE GOODS OR SERVICES; OR
(IV) INFORMATION".

Page 9, strike line 9 and substitute:

"(c) AN ACTION TO ENFORCE A PROVISION OF THIS SECTION
SHALL BE
BROUGHT IN THE DISTRICT COURT FOR THE DISTRICT IN WHICH
THE EMPLOYEE
IS PRIMARILY EMPLOYED.

(3) AS USED IN THIS SECTION:

(a) "CONDITION OF EMPLOYMENT" MEANS AN EMPLOYMENT-
RELATED
POLICY, PRACTICE, REQUIREMENT, OR RESTRICTION DICTATED
BY AN EMPLOYER
THAT AN INDIVIDUAL MUST AGREE TO ABIDE BY IN ORDER TO BE
HIRED BY OR
RETAIN EMPLOYMENT WITH THE EMPLOYER.

(b) "THE STATE" INCLUDES WITHOUT".

Page 9, line 19, strike "definition." and substitute "definitions."

Page 10, line 7, strike "OR".

Page 10, strike lines 8 and 9 and substitute:

"(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING
INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS
THAT ARE
REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR
REGULATIONS, THE
STATE CONSTITUTION, OR STATE LAW OR RULES;
(III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE
INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE
EMPLOYEE BY A
CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE
EMPLOYEE'S EMPLOYER
DURING THE PROCUREMENT PROCESS OR WHILE THE
CONTRACTOR IS PROVIDING
GOODS OR SERVICES TO THE EMPLOYEE'S EMPLOYER IF THE
PROTECTION OF SUCH
INFORMATION IS NEEDED TO ENSURE SUCCESSFUL
PROCUREMENT OR PROVISION
OF THE GOODS OR SERVICES; OR
(IV) INFORMATION".

Page 11, line 2, strike "OR".

Page 11, strike lines 3 and 4 and substitute:

"(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;
(III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR SERVICES; OR
(IV) INFORMATION".

Page 11, strike line 21 and substitute:

"(c) AN ACTION TO ENFORCE A PROVISION OF THIS SECTION SHALL BE BROUGHT IN THE DISTRICT COURT FOR THE DISTRICT IN WHICH THE EMPLOYEE IS PRIMARILY EMPLOYED.
(3) AS USED IN THIS SECTION:
(a) "CONDITION OF EMPLOYMENT" MEANS AN EMPLOYMENT-RELATED POLICY, PRACTICE, REQUIREMENT, OR RESTRICTION DICTATED BY AN EMPLOYER THAT AN INDIVIDUAL MUST AGREE TO ABIDE BY IN ORDER TO BE HIRED BY OR RETAIN EMPLOYMENT WITH THE EMPLOYER.
(b) "LOCAL GOVERNMENT" MEANS A".

State,
Veterans, &
Military
Affairs

Senate Journal, March 23

SB23-053 by Senator(s) Kirkmeyer; --Concerning restrictions on nondisclosure

agreements that affect
government employees.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment.
(Printed in Senate Journal, February 17, page(s) 242-244 and placed in
members' bill
files.)

Amendment No. 2(L.003), by Senators Kirkmeyer and Gonzales.

Amend the State, Veterans, and Military Affairs Committee Report, dated
February 16, 2023, page 1, before line 1 insert:

"Amend printed bill, page 3, line 1, strike "Public" and substitute
"Government".

Page 3 of the bill, line 15, strike "government".

Page 3 of the bill, strike line 16 and substitute "applicants for government
employment, government employees, and past government employees that
effectively prohibit such applicants and".

Page 3 of the bill, line 17, after "their" insert "prospective, current, or past".

Page 3 of the bill, strike line 21 and substitute "such applicants or employees
as a condition of their hiring or employment or in".

Page 3 of the bill, line 22, strike "service;" and substitute "service or their past
government service;".

Page 3 of the bill, line 24, strike "government employees," and substitute
"applicants for government employment, government employees, and past
government employees,".

Page 3 of the bill, line 27, strike "their" and substitute "such applicants and".

Page 4 of the bill, line 1, after "their" insert "prospective, current, or past".

Page 4 of the bill, line 2, after "Such" insert "applicants and".

Page 4 of the bill, line 3, after "their" insert "prospective, current, or past".

Page 4 of the bill, lines 7 and 8, strike "its employees or prospective
employees"
and substitute "applicants for employment or employees".

Page 4 of the bill, line 10, after "when" insert "or after".

Page 1 of the report, line 1, strike "Amend printed bill, page" and substitute "Page".

Page 1 of the report, after line 2 insert:

"Page 5 of the bill, lines 3 and 4, strike "OR A PROSPECTIVE EMPLOYEE".

Page 5 of the bill, line 6, strike "OR PROSPECTIVE EMPLOYEE".

Page 5 of the bill, line 7, strike "INDIVIDUAL'S" and substitute "EMPLOYEE'S".

Page 5 of the bill, line 12, strike "FACTUAL" and substitute "THE EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF THE EMPLOYEE'S IDENTITY, OR FACTUAL".

Page 5 of the bill, line 13, after "IMPLICATE" insert "LEGITIMATE".

Page 5 of the bill, line 15, after "OF" insert "THE EMPLOYEE'S IDENTITY, SUCH FACTS, OR".

Page 1 of the report, after line 17 insert:

"Page 6 of the bill, line 2, strike "INDIVIDUAL'S" and substitute "EMPLOYEE'S".

Page 6 of the bill, line 7, strike "A CURRENT OR FORMER" and substitute "AN".

Page 6 of the bill, line 10, strike "FACTUAL" and substitute "THE EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF THE EMPLOYEE'S IDENTITY, OR FACTUAL".

Page 6 of the bill, line 11, after "IMPLICATE" insert "LEGITIMATE".

Page 6 of the bill, line 13, after "OF" insert "THE EMPLOYEE'S IDENTITY, SUCH FACTS, OR".

Page 2 of the report, after line 11 insert:

"Page 6 of the bill, line 22, strike "RETALIATORY" and substitute "MATERIALLY ADVERSE EMPLOYMENT-RELATED".

Page 6 of the bill, line 23, strike "FAILURE TO HIRE," and substitute "WITHDRAWAL OF AN OFFER OF EMPLOYMENT,".

Page 6 of the bill, line 25, strike "INDIVIDUAL" and substitute "EMPLOYEE".

Page 6 of the bill, line 26, strike "INDIVIDUAL" and substitute "EMPLOYEE".

Page 7 of the bill, line 1, after the period add "THE TAKING OF SUCH A MATERIALLY ADVERSE EMPLOYMENT-RELATED ACTION AFTER AN EMPLOYEE HAS REFUSED TO ENTER INTO SUCH A CONTRACT OR AGREEMENT IS PRIMA FACIE EVIDENCE OF RETALIATION."."

Page 2 of the report, after line 15 insert:

"(3) A SETTLEMENT AGREEMENT BETWEEN AN EMPLOYER THAT IS A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR PUBLIC SCHOOL OR A DEPARTMENT, INSTITUTION, OR AGENCY OF A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES, OR A PUBLIC SCHOOL AND AN EMPLOYEE OF THE EMPLOYER MUST BE SIGNED BY BOTH THE EMPLOYER AND THE EMPLOYEE."."

Page 2 of the report, line 16, strike "(3)" and substitute "(4)" and strike "SECTION, "CONDITION OF EMPLOYMENT"" and substitute "SECTION: (a) "CONDITION OF EMPLOYMENT"".

Page 2 of the report, line 20, strike "EMPLOYER."." and substitute "EMPLOYER.

(b) "EMPLOYEE" MEANS AN APPLICANT FOR EMPLOYMENT WITH OR CURRENT OR PAST EMPLOYEE OF A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR PUBLIC SCHOOL OR A DEPARTMENT, INSTITUTION, OR AGENCY OF A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR PUBLIC SCHOOL."."

Page 2 of the report, after line 21 insert:

"Page 7 of the bill, lines 12 and 13, strike "OR A PROSPECTIVE

EMPLOYEE".

Page 7 of the bill, lines 14 and 15, strike "OR PROSPECTIVE EMPLOYEE".

Page 7 of the bill, line 16, strike "INDIVIDUAL'S" and substitute "EMPLOYEE'S".

Page 7 of the bill, line 20, strike "FACTUAL" and substitute "THE EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF THE EMPLOYEE'S IDENTITY, OR FACTUAL".

Page 7 of the bill, line 21, after "IMPLICATE" insert "LEGITIMATE".

Page 7 of the bill, line 23, after "OF" insert "THE EMPLOYEE'S IDENTITY, SUCH FACTS, OR".

Page 2 of the report, after line 36 insert:

"Page 8 of the bill, line 7, strike "INDIVIDUAL'S" and substitute "EMPLOYEE'S".

Page 8 of the bill, lines 11 and 12, strike "A CURRENT OR FORMER" and substitute "AN".

Page 8 of the bill, line 14, strike "FACTUAL" and substitute "THE EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF THE EMPLOYEE'S IDENTITY, OR FACTUAL".

Page 8 of the bill, line 15, after "IMPLICATE" insert "LEGITIMATE".

Page 8 of the bill, line 17, after "OF" insert "THE EMPLOYEE'S IDENTITY, SUCH FACTS, OR".

Page 3 of the report, after line 15 insert:

"Page 8 of the bill, line 24, strike "RETALIATORY" and substitute "MATERIALLY ADVERSE EMPLOYMENT-RELATED".

Page 8 of the bill, line 25, strike "FAILURE TO HIRE," and substitute "WITHDRAWAL OF AN OFFER OF EMPLOYMENT,".

Page 9 of the bill, line 1, strike the first "INDIVIDUAL" and substitute

"EMPLOYEE" and strike the second "INDIVIDUAL" and substitute "EMPLOYEE".

Page 9 of the bill, line 3, after the period add "THE TAKING OF SUCH A MATERIALLY ADVERSE EMPLOYMENT-RELATED ACTION AFTER AN EMPLOYEE HAS REFUSED TO ENTER INTO SUCH A CONTRACT OR AGREEMENT IS PRIMA FACIE EVIDENCE OF RETALIATION."."

Page 3 of the report, after line 19 insert:

"(3) A SETTLEMENT AGREEMENT BETWEEN AN EMPLOYER THAT IS THE STATE OR A DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE AND AN EMPLOYEE OF THE STATE OR THE DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE MUST BE SIGNED BY BOTH THE EMPLOYER AND THE EMPLOYEE.".

Page 3 of the report, line 20, strike "(3)" and substitute "(4)".

Page 3 of the report, after line 24 insert:

"(b) "EMPLOYEE" MEANS AN APPLICANT FOR EMPLOYMENT WITH OR CURRENT OR PAST EMPLOYEE OF THE STATE OR A DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE.".

Page 3 of the report line 25, strike "(b)" and substitute "(c)".

Page 3 of the report, after line 26 insert:

"Page 9 of the bill, line 22, strike "OR A PROSPECTIVE EMPLOYEE".

Page 9 of the bill, line 24, strike "OR PROSPECTIVE EMPLOYEE".

Page 9 of the bill, line 25, strike "INDIVIDUAL'S" and substitute "EMPLOYEE'S".

Page 10 of the bill, line 3, strike "FACTUAL" and substitute "THE EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF THE EMPLOYEE'S IDENTITY, OR FACTUAL".

Page 10 of the bill, line 4, after "IMPLICATE" insert "LEGITIMATE".

Page 10 of the bill, line 6, after "OF" insert "THE EMPLOYEE'S IDENTITY, SUCH FACTS, OR".

Page 4 of the report, after line 6 insert:

"Page 10 of the bill, line 17, strike "INDIVIDUAL'S" and substitute "EMPLOYEE'S".

Page 10 of the bill, line 22, strike "A CURRENT OR FORMER" and substitute "AN".

Page 10 of the bill, line 25, strike "FACTUAL" and substitute "THE EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF THE EMPLOYEE'S IDENTITY, OR FACTUAL".

Page 10 of the bill, line 26, after "IMPLICATE" insert "LEGITIMATE".

Page 11 of the bill, line 1, after "OF" insert "THE EMPLOYEE'S IDENTITY, SUCH FACTS, OR".

Page 4 of the report, after line 21 insert:

"Page 11 of the bill, line 9, strike "RETALIATORY" and substitute "MATERIALLY ADVERSE EMPLOYMENT-RELATED".

Page 11 of the bill, lines 9 and 10, strike "FAILURE TO HIRE," and substitute "WITHDRAWAL OF AN OFFER OF EMPLOYMENT,".

Page 11 of the bill, line 12, strike the first "INDIVIDUAL" and substitute "EMPLOYEE" and strike the second "INDIVIDUAL" and substitute "EMPLOYEE".

Page 11 of the bill, line 15, after the period add "THE TAKING OF SUCH A MATERIALLY ADVERSE EMPLOYMENT-RELATED ACTION AFTER AN EMPLOYEE HAS REFUSED TO ENTER INTO SUCH A CONTRACT OR AGREEMENT IS PRIMA FACIE EVIDENCE OF RETALIATION.".

Page 4 of the report, after line 25 insert:

"(3) A SETTLEMENT AGREEMENT BETWEEN AN EMPLOYER THAT IS A LOCAL GOVERNMENT OR A DEPARTMENT, INSTITUTION, OR AGENCY OF A LOCAL GOVERNMENT AND AN EMPLOYEE OF THE LOCAL GOVERNMENT OR THE DEPARTMENT, INSTITUTION, OR AGENCY OF THE LOCAL GOVERNMENT MUST BE SIGNED BY BOTH THE EMPLOYER AND THE EMPLOYEE."

Page 4 of the report, line 26, strike "(3)" and substitute "(4)".

Page 4 of the report, after line 31 insert:

"(b) "EMPLOYEE" MEANS AN APPLICANT FOR EMPLOYMENT WITH OR CURRENT OR PAST EMPLOYEE OF A LOCAL GOVERNMENT OR A DEPARTMENT, INSTITUTION, OR AGENCY OF A LOCAL GOVERNMENT."

Page 4 of the report, line 32, strike "(b)" and substitute "(c)".

Strike "SHALL" and substitute "MUST" on: Page 2 of the report, line 13; Page 3 of the report, line 17; and Page 4 of the report, line 23.

Amendment No. 3(L.004), by Senator Kirkmeyer.

Amend the State, Veterans, and Military Affairs Committee Report, dated February 16, 2023, page 4, line 5, strike "OR".

Page 4, strike line 6 and substitute:

"(IV) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY AN EMPLOYER'S CURRENT OR PROSPECTIVE CUSTOMER, CONTRACTOR, LESSEE, LESSOR, BUSINESS PARTNER, OR AFFILIATE;
(V) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY A PURCHASER OR SELLER OF PROPERTY THAT IS ENGAGED IN NEGOTIATIONS OR UNDER CONTRACT WITH THE EMPLOYER; OR
(VI) INFORMATION".

Page 4, line 20, strike "OR".

Page 4, strike line 21 and substitute:

"(IV) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY AN EMPLOYER'S CURRENT OR PROSPECTIVE CUSTOMER, CONTRACTOR, LESSEE, LESSOR, BUSINESS PARTNER, OR AFFILIATE;
(V) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY A PURCHASER OR SELLER OF PROPERTY THAT IS ENGAGED IN NEGOTIATIONS OR UNDER CONTRACT WITH THE EMPLOYER; OR
(VI) INFORMATION".

Amendment No. 4(L.005), by Senator Kirkmeyer.

Amend the State, Veterans, and Military Affairs Committee Report, dated February 16, 2023, page 2, after line 27, insert:

"(III) NONPUBLIC AND CONFIDENTIAL LABOR RELATIONS POSITIONS AND STRATEGIES;
(IV) ATTORNEY WORK PRODUCT;
(V) VENDOR LISTS AND VENDOR PREFERENCES;
(VI) STATE BUSINESS-RELATED INFORMATION RECEIVED FROM A THIRD PARTY THAT THE THIRD PARTY HAS DESIGNATED CONFIDENTIAL;"

Renumber succeeding subparagraphs accordingly.

Page 3, after line 6 substitute:

"(III) NONPUBLIC AND CONFIDENTIAL LABOR RELATIONS POSITIONS AND STRATEGIES;
(IV) ATTORNEY WORK PRODUCT;
(V) VENDOR LISTS AND VENDOR PREFERENCES;
(VI) STATE BUSINESS-RELATED INFORMATION RECEIVED FROM A THIRD PARTY THAT THE THIRD PARTY HAS DESIGNATED CONFIDENTIAL;"

Renumber succeeding subparagraphs accordingly.

As amended, ordered engrossed and placed on the calendar for third reading and final passage.

SB23-057 County Treasurer No Longer Ex Officio District Treasurer

Calendar NOT ON CALENDAR

Notification:

Summary:

Under current law, county treasurers are ex officio district treasurers for drainage districts, irrigation districts, and internal improvement districts that provide services related to drainage and ditches (collectively, district). The bill removes the duty of the county treasurer to be ex officio district treasurer and provides that district treasurers are appointed by the board of directors of the district. The bill also clarifies that duties of the county treasurer as ex officio district treasurer are solely duties of the district treasurer. Additionally, the bill clarifies that irrigation district ~~taxes~~ *assessments* and internal improvement district ~~taxes~~ *assessments* are distributed in alignment with current law for the distribution of ~~taxes~~ *assessments* collected by county treasurers *and updates the amount of fees a county treasurer can charge and receive for collecting district assessments to 0.25% upon all money collected by the county treasurer for assessments beginning on and after January 1, 2026 .*

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

1/17/2023 Introduced In Senate - Assigned to Local Government & Housing
2/14/2023 Senate Committee on Local Government & Housing Refer Amended - Consent Calendar to Senate Committee of the Whole
2/21/2023 Senate Second Reading Passed with Amendments - Committee
2/22/2023 Senate Third Reading Passed - No Amendments
2/23/2023 Introduced In House - Assigned to Transportation, Housing & Local Government
3/8/2023 House Committee on Transportation, Housing & Local Government Refer Unamended to House Committee of the Whole
3/13/2023 House Second Reading Laid Over Daily - No Amendments
3/14/2023 House Second Reading Passed - No Amendments
3/15/2023 House Third Reading Passed - No Amendments
3/24/2023 Sent to the Governor
3/24/2023 Signed by the Speaker of the House
3/24/2023 Signed by the President of the Senate

Amendments:

SB23-059

State Parks And Wildlife Area Local Access Funding

Calendar Tuesday, March 28 2023
Notification: SENATE FINANCE COMMITTEE
2:00 PM SCR 357
(3) in senate calendar.

Summary:

The bill creates the state park and wildlife area access grant program (program), which reimburses local governments for access route maintenance, construction, service, and operational work resulting from people visiting state parks and wildlife areas. The program is administered by the division of parks and wildlife (division) and the parks and wildlife commission (commission). In connection with the program, the bill:

- Using overflow money from the keep Colorado wild pass, helps finance local governments' maintenance and operation of access routes. A local government must use the grant money to support direct access to state parks and wildlife areas. Supporting direct access may include maintaining and constructing local roads, bicycle lanes, or other recreational access routes or providing or facilitating shuttle operations.
- Requires the commission to promulgate rules, in collaboration with and after consultation with affected local governments, to establish the process for local governments to apply for grants, the criteria for awarding grants, and the criteria for determining the amount of grant money to be awarded;
- Creates a grant review committee (committee) to make recommendations to the division; and
- Authorizes a local government to request that the state park or wildlife area charge an additional per vehicle fee, not to exceed \$2, to visit. Upon the request, the commission may establish the fee, which will be transferred to the local government to maintain and operate access routes. The fee will be adjusted every 5 years for inflation or deflation.

The grant review committee consists of the following 5 members:

- 3 representatives of local governments from different geographic areas of Colorado, one of whom must be a county commissioner;
- One representative of the commission; and
- One representative of the division.

The members of the committee serve without additional compensation from the state. The committee will review grant applications and make recommendations to the division. The committee is repealed on September 1, 2032, but before the repeal, the department of regulatory agencies will review the committee in accordance with the sunset process.

On or before November 1, 2025, and on or before November 1 of each subsequent year, the division will report about the implementation of the bill to a joint session of the house of representatives agriculture, water, and natural resources committee and the senate agriculture and natural resources committee. The report must include a list of local governments and access projects that received grants and the amount of grant money that each local government and access project received.

(Note: This summary applies to this bill as introduced.)

Status: 1/19/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources + Finance
2/9/2023 Senate Committee on Agriculture & Natural Resources Witness Testimony and/or Committee Discussion Only
3/16/2023 Senate Committee on Agriculture & Natural Resources Refer Amended to Finance

Amendments:

Senate Journal, March 17

After consideration on the merits, the Committee recommends that SB23-059 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 3, line 11, strike "and wildlife areas".

Page 3, line 13, strike "parks and wildlife areas;" and substitute "parks;".

Page 3, line 15, after "partnership" insert "with the state and other partners".

Page 3, strike lines 17 through 27.

Page 4, strike lines 1 to 6 and substitute:

"(f) Establishing a new fee on daily vehicle passes may provide local governments".

Page 4 strike lines 11 through 27.

Strike pages 5 and 6 and substitute:

"33-10-117. State park access - fees - definitions - rules.

(1) (a) UPON REQUEST OF ONE OR MORE LOCAL GOVERNMENTS".

Re-number succeeding subsections accordingly.

Page 7, line 1, strike "RECREATIONAL" and substitute "LOCAL".

Page 7, line 13, strike "(4)(c)" and substitute "(1)(c)".

Page 7, after line 18, insert:

"(d) (I) (A) THE LOCAL ACCESS ROUTE CASH FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND IN ACCORDANCE WITH THIS SUBSECTION (1)(AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.
(B) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.
(C) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DIVISION TO IMPLEMENT THIS SECTION.
(II) THE DIVISION SHALL PERFORM, ON AN ANNUAL BASIS, AN ANALYSIS TO DETERMINE THE NET INCREMENTAL COST OF THE COLLECTION AND ADMINISTRATION OF THE FEE. THE DIVISION MAY RETAIN A PORTION OF THE FEE TO COVER THE COST OF COLLECTING AND ADMINISTERING THE FEE, BUT MAY RETAIN ONLY THE AMOUNT OF THE FEE THAT IS DETERMINED TO BE NECESSARY BY THE COST ANALYSIS. THE DIVISION SHALL NOT RETAIN MORE THAN THREE AND ONE-THIRD PERCENT OF THE FEE. THE DIVISION SHALL TRANSMIT THE RETAINED PORTION OF THE FEE TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE PARKS AND OUTDOOR RECREATION CASH FUND CREATED IN SECTION 33-10-111."

Page 7, line 20, strike "(4)" and substitute "(1)".

Page 7, strike lines 23 and 24 and substitute "TRANSFER THE FEE, MINUS THE AMOUNT RETAINED UNDER SUBSECTION (1)(d) OF THIS SECTION, TO THE STATE TREASURER, WHO SHALL CREDIT THE FEE TO THE FUND. THE DIVISION SHALL

TRANSFER THE REMAINDER OF FEE FROM THE FUND TO THE LOCAL GOVERNMENT THAT REQUESTED THE FEE AND IS RESPONSIBLE FOR THE LOCAL ACCESS ROUTE. IF A STATE".

Page 7, line 25, strike "RECREATIONAL" and substitute "LOCAL".

Page 7, line 27, strike "(4)(a)" and substitute "(1)(a)".

Page 8, line 7, strike "(5)" and substitute "(2)".

Page 8, lines 7 and 8, strike "PARKS AND WILDLIFE AREAS." and substitute "PARKS."

Page 8, line 16, strike "(4)" and substitute "(1)".

Page 8, lines 18 and 19, strike "STATE PARK AND WILDLIFE AREA ACCESS GRANT FUND CREATED IN SUBSECTION (2)" and substitute "LOCAL ACCESS ROUTE CASH FUND CREATED IN SUBSECTION (1)(d)(I)".

Page 8, strike lines 20 through 27 and substitute:

"(d) "LOCAL ACCESS ROUTE" MEANS A RIGHT-OF-WAY, INCLUDING A BIKE OR PEDESTRIAN PATH, THAT IS NORMALLY USED TO TRAVEL TO OR FROM A STATE PARK.

(e) "LOCAL GOVERNMENT" MEANS A CITY, COUNTY, CITY AND COUNTY, OR SPECIAL DISTRICT OF THIS STATE."

Strike pages 9 through 12 and substitute:

"33-10-118. Division to study access to state parks. (1) THE DIVISION SHALL COLLABORATE WITH LOCAL GOVERNMENTS TO IDENTIFY:

(a) DEFICITS OR PROBABLE DEFICITS WITH LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES USED BY VISITORS TO ACCESS STATE PARKS;
AND

(b) SOURCES OF FUNDING AND PARTNERSHIPS TO ADDRESS THE DEFICITS OR POTENTIAL DEFICITS DESCRIBED IN SUBSECTION (1)(a) OF THIS

SECTION.

(2) IN STUDYING THE ISSUES DESCRIBED IN SUBSECTION (1) OF THIS

SECTION, THE DIVISION SHALL CONSIDER:

(a) THE USE OF AND EFFECT ON LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES OF VISITORS TRAVELING TO AND FROM STATE

PARKS;

(b) INFRASTRUCTURE COSTS INCURRED BY LOCAL GOVERNMENT IN SUPPORTING THE STATE IN MANAGING STATE PARKS AND THE APPROPRIATENESS

OF THE DIVISION OR OTHER PERSONS, INCLUDING USERS, TO HELP SUPPORT

INFRASTRUCTURE FUNDING;

(c) ECONOMIC AND COMMUNITY BENEFITS AND NEGATIVE EFFECTS OF

STATE PARKS ON LOCAL ECONOMIES, AND THE DIFFERENCE IN BENEFITS AND

EFFECTS INCURRED BY COUNTIES AND MUNICIPALITIES;

(d) LOCAL GOVERNMENT REVENUE, INCLUDING FEES, ASSESSMENTS,

AND TAXES, AND PAYMENTS BY THE DIVISION IN LIEU OF TAXES THAT ARE

AVAILABLE TO:

(I) DEVELOP AND MAINTAIN TRANSPORTATION INFRASTRUCTURE; OR

(II) PROVIDE TRANSPORTATION SERVICES RELATED TO RECREATION;

(e) METHODS OF PROVIDING GUIDANCE TO DETERMINE WHICH LOCAL

ACCESS ROUTES SHOULD BE ELIGIBLE FOR ANY IDENTIFIED FUNDING;

(f) PAST EXAMPLES OF ISSUES WITH PROVIDING LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES USED TO ACCESS STATE

MANAGED RECREATIONAL LAND, AND OPPORTUNITIES TO WORK WITH THE

DIVISION IN ADDRESSING THOSE ISSUES BOTH AT THE INCEPTION STAGE AND

OVER THE LIFESPAN OF THE STATE PARK;

(g) CURRENT RESOURCES AVAILABLE FOR AND DEDICATED TO A COMMUNITY'S LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES FOR

A BASELINE OF EXISTING MAINTENANCE BUDGETS, NEW SOURCES OF FUNDING

OR PARTNERSHIPS TO ASSIST IN THE MAINTENANCE OF LOCAL ACCESS ROUTES

TO AND FROM STATE PARKS, AND THE PREDICTABILITY AND RELIABILITY OF THE SOURCES;

(h) THE LOCAL GOVERNMENT'S FINANCIAL DEMANDS OF MAINTAINING TRANSPORTATION INFRASTRUCTURE AND SERVICES NEEDED TO ACCESS STATE PARKS IN RELATIONSHIP TO THE FINANCIAL DEMANDS OF MAINTAINING OTHER LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES WITHIN THE LOCAL JURISDICTION; AND

(i) THE EFFECTS OF LOCAL TRANSPORTATION CONDITIONS ON LOCAL ACCESS ROUTES SERVING STATE PARKS ON THE VISITOR EXPERIENCE.

(3) AFTER PERFORMING THE INITIAL STUDY REQUIRED IN SUBSECTION (2) OF THIS SECTION, THE DIVISION SHALL SEEK COMMENTS FROM THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF LOCAL AFFAIRS BEFORE COMPLETING THE STUDY.

(4) THE DIVISION SHALL COMPLETE THE STUDY DESCRIBED IN THIS SECTION AND MAKE LEGISLATIVE RECOMMENDATIONS TO THE GENERAL ASSEMBLY BY NOVEMBER 1, 2024. THE RECOMMENDATIONS MUST INCLUDE SOURCES FOR FUNDING OR PARTNERSHIPS TO ASSIST IN THE MAINTENANCE OF LOCAL TRANSPORTATION INFRASTRUCTURE AND SERVICES ASSOCIATED WITH STATE PARKS."

Page 13, strike lines 1 and 2.

SB23-103 Update Colorado Recreational Use Statute

Calendar NOT ON CALENDAR

Notification:

Summary:

The bill amends the Colorado recreational use statute (CRUS).

Section 1 of the bill amends the stated purposes of the CRUS. **Section 2** amends definitions of terms and adds a definition of the term "inherent dangers or risks". **Section 3** changes the conditions under which the CRUS limits a landowner's

(owner's) liability for damages that occur as a result of other persons' use of the owner's land for recreational purposes. **Section 3** also repeals limitations on the total amount of damages that may be recovered from a private landowner that leases land to a public entity for recreational purposes or that grants an easement or other right to use land to a public entity for recreational purposes. In place of these limitations, the bill substitutes language stating that, except as otherwise agreed by a public entity and an owner, an owner is not liable for losses resulting from a public entity's management, or failure to provide adequate management, of land that is used for recreational purposes. **Section 3** also removes unused and redundant definitions of terms. **Section 4** amends several exceptions that describe circumstances under which the CRUS does not limit an owner's liability. Specifically:

- The CRUS allows an owner to be found liable for "willful or malicious" failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause "harm". **Section 4** limits this exception to apply only to malicious failures and amends the exception to apply to a known dangerous condition, use, structure, or activity likely to cause "harm or death".
- The CRUS includes an exception in cases in which an owner imposes a charge upon a person who goes on the land for recreational purposes. **Section 4** removes certain language from this exception that is redundant with language that appears elsewhere in the CRUS.
- The CRUS includes an exception concerning attractive nuisances. **Section 4** provides that if a property used for public recreational purposes contains active or inactive agricultural operations; active or inactive mining operations, gravel operations, or other mineral and energy development; or certain water structures, neither the property nor the agricultural operations, nor the mining or gravel operations or other development, nor the water or water structures constitute an attractive nuisance.
- The CRUS allows an owner to be held liable for injury received on land incidental to the use of land on which a commercial or business enterprise of any description is being carried on. However, when land is leased to a public entity for recreational purposes or a public entity has been granted an easement or other right to use land for recreational purposes, the land is not considered to be land upon which a business or commercial enterprise is being carried on. **Section 4** removes this qualification from the exception.

Section 5 relocates language stating that the CRUS does not limit the protections afforded to an owner under Colorado's premises liability statute. **Section 5** also states that nothing in the CRUS creates a prescriptive easement on private land where an owner has acquiesced to public use of existing trails that have historically been used by the public for recreational purposes.

Current law allows the prevailing party in any civil action brought by a recreational user for damages against a landowner who allows the use of the landowner's property for public recreational purposes to recover the costs of the action together with reasonable attorney fees as determined by the court. **Section 6**

states that in the event that an action is commenced by any party, the prevailing party is entitled to recover all fees, costs, and expenses, including fees and expenses of attorneys and experts and fees and expenses associated with appeals of the court's decision. **Section 7** states that nothing in the CRUS may be construed to limit the authority of an owner to:

- Determine any or all of the recreational purposes that are allowed on the owner's land;
- Identify areas of the land where recreational purposes are allowed or not allowed; or
- Restrict persons from engaging in recreational purposes on the owner's land.

Section 7 also describes means by which an owner who elects to take any of these actions may provide notice to the public of such actions. **Section 7** also states that except as otherwise provided in the CRUS:

- An owner owes no duty of care to keep the owner's premises safe for entry by other persons for recreational purposes or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering the land for such purposes; and
- Neither the installation of a sign or other form of warning of a dangerous condition, nor the failure to maintain or keep in place any sign or other warning, nor the failure to make any modification to improve safety creates any liability on the part of an owner when there is no other basis for liability. *(Note: This summary applies to this bill as introduced.)*

Status: 1/31/2023 Introduced In Senate - Assigned to Judiciary
3/1/2023 Senate Committee on Judiciary Postpone Indefinitely

Amendments:

SB23-150 **Require Labeling Disposable Wipes**

Calendar NOT ON CALENDAR

Notification:

Summary:

Starting December 31, 2023, the bill requires each entity described below to label packages of premoistened, nonwoven disposable wipes (covered product) with the phrase "Do Not Flush":

- A manufacturer of a covered product that is sold or offered for sale in this state; and
- A wholesaler, supplier, or retailer that is responsible for the labeling or packaging of a covered product.

The bill *outlines the parameters by which the labeling must adhere in order to comply with state and federal requirements, as applicable, and specifies that a knowing or reckless violation of the requirements of the bill is a deceptive trade practice under the "Colorado Consumer Protection Act".*

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status: 2/13/2023 Introduced In Senate - Assigned to Business, Labor, & Technology
3/7/2023 Senate Committee on Business, Labor, & Technology Refer Amended - Consent Calendar to Senate Committee of the Whole
3/9/2023 Senate Second Reading Passed with Amendments - Committee
3/10/2023 Senate Third Reading Passed - No Amendments
3/11/2023 Introduced In House - Assigned to Business Affairs & Labor
3/16/2023 House Committee on Business Affairs & Labor Refer Unamended to House Committee of the Whole
3/20/2023 House Second Reading Special Order - Passed - No Amendments
3/21/2023 House Third Reading Passed - No Amendments

Amendments:

Senate Journal, March 7

After consideration on the merits, the Committee recommends that SB23-150 be amended

as follows, and as so amended, be referred to the Committee of the Whole with favorable

recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend printed bill, page 3, line 18, strike "(a)".

Page 3, line 20, strike "(I)" and substitute "(a)".

Page 3, line 22, strike "(II)" and substitute "(b)".

Page 3, line 23, strike "(A)" and substitute "(I)".

Page 3, line 25, strike "(B)" and substitute "(II)".

Page 3, strike lines 26 and 27 and substitute "POTENTIAL TO BE FLUSHED, INCLUDING BABY WIPES, BATHROOM".

Page 9, line 15, strike "AND THE" and substitute "AND, TO THE EXTENT NOT PREEMPTED BY 7 U.S.C. SEC. 136v (b), BY THE COLORADO".

Page 9, line 17, strike "ENTITY" and substitute "ENTITY, TO THE EXTENT PERMITTED UNDER FEDERAL LAW,".

Page 9, line 19, strike "AGENCY." and substitute "AGENCY AND, UPON ITS APPROVAL, TO THE DEPARTMENT OF AGRICULTURE, WHICH SHALL REVIEW THE LABEL OF THE COVERED PRODUCT IN THE MANNER AUTHORIZED UNDER THE "PESTICIDE ACT", ARTICLE 9 OF TITLE 35, AND ADMINISTRATIVE RULES ADOPTED UNDER THE "PESTICIDE ACT", ARTICLE 9 OF TITLE 35."

Page 9, line 20, after "AGENCY" insert "OR THE COLORADO DEPARTMENT OF AGRICULTURE".

Page 9, line 24, strike "FEDERAL ENVIRONMENTAL PROTECTION" and substitute "RELEVANT".

Page 10, strike lines 3 through 7 and substitute:

"25-18.9-105. Enforcement. A PERSON THAT, IN THE COURSE OF THE PERSON'S BUSINESS, VOCATION, OR OCCUPATION, VIOLATES SECTION 25-18.9-104 COMMITS A DECEPTIVE TRADE PRACTICE UNDER THE "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6. SECTION 2. In Colorado Revised Statutes, 6-1-105, add (1)(uuu) as follows:
6-1-105. Unfair or deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:
(uuu) VIOLATES SECTION 25-18.9-104."

Re-number succeeding section accordingly.

Business,
Labor, &
Technology

SB23-177 2023 Colorado Water Conservation Board Water Projects Appropriations

Calendar Notification: NOT ON CALENDAR

Summary:

The bill appropriates the following amounts for the 2023-24 state fiscal year 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, \$380,000 Capital letters or bold & italic numbers indicate new material to be added to existing law. (section 1 of the bill);
- * Continuation of the floodplain map modernization program, \$500,000 (section 2);
- * Continuation of the weather modification permitting program, \$500,000 (section 3);
- * Continuation of the watershed restoration program, \$500,000 (section 6);
- * Continuation of the Colorado Mesonet project, \$150,000 (section 7);
- * Continuation of the weather forecasting partnership project, \$1,000,000 (section 8);
- * Support for the division of water resources mobile field data collection application project, \$800,000 (section 9);
- * Continuation of the reservoir enlargement assessment project, \$1,000,000 (section 11);
- * Support for the central Colorado water conservancy district augmentation efficiency project, \$3,000,000 (section 15); and
- * Support for the state water plan action advancement project, \$2,000,000 (section 16). The bill directs the state treasurer to transfer the following amounts on July 1, 2023, from the severance tax perpetual base fund to the CWCB construction fund, and appropriates those amounts from the CWCB construction fund to the CWCB for the following projects:
 - * Continuation of the Platte river recovery implementation program, \$19,000,000 (section 12);
 - * Support for the upper Colorado river endangered fish recovery program and the San Juan river basin recovery implementation program, \$15,000,000 (section 13); and
 - * Additional and continued support for the Frying Pan - Arkansas project, \$20,000,000 (section 14). The bill directs the state treasurer to transfer the following amounts from the CWCB construction fund on July 1, 2023:
 - * \$2,000,000 to restore the fish and wildlife resources fund (section 4);
 - * Up to \$2,000,000 to the CWCB litigation fund (section 5); and
 - * \$2,000,000 to the water plan implementation cash fund for continuation of the water plan implementation grant program (section 10). Section 17 appropriates \$10,600,000 of sports betting revenues from the water plan implementation cash fund and \$2,000,000 from the CWCB construction fund to the CWCB to fund grants that will help implement the state water plan. Section 18 appropriates \$8,000,000 from the wildlife cash fund to the division of parks and wildlife to purchase up to 924 acre-feet of orphan shares from the CWCB as part of the Chatfield reservoir reallocation project. Be it enacted by the General Assembly of the State of Colorado:1 SECTION 1. Continuation of the satellite monitoring system2 - operation and maintenance - appropriation. (1) For the 2023-243 state fiscal year, \$380,000 is appropriated to the department of natural4 resources for use by the division of water resources. This appropriation5 is from the Colorado water conservation board construction fund created6 in section 37-60-121, C.R.S. To

implement this section, the division of water resources may use this appropriation to install, maintain, and operate satellite monitored stream gauges and lysimeters for water rights administration and data collection pursuant to section 37-80-102 (10), C.R.S. (2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

SECTION 2. Continuation of the Colorado floodplain map modernization program - appropriation. (1) For the 2023-24 state fiscal year, \$500,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to continue to assist with the preparation of revised and improved floodplain studies and maps for communities throughout Colorado and participate in federally sponsored floodplain map modernization activities. (2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

SECTION 3. Continuation of the weather modification permitting program - appropriation. (1) For the 2023-24 state fiscal year, \$500,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to assist water conservation and conservancy districts with the development of cloud seeding programs to provide benefits to recreation, streams, and reservoirs through snowpack enhancement. (2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

SECTION 4. Restoration of fish and wildlife resources fund balance - transfer. On July 1, 2023, the state treasurer shall transfer \$2,000,000 from the unreserved cash in the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to the fish and wildlife resources fund created in section 37-60-121 (6), C.R.S., to continue grant-making to assist with the mitigation of fish and wildlife resources affected by the construction, operation, or maintenance of water diversion, delivery, or storage facilities.

SECTION 5. Restoration of litigation fund cash balance - transfer. On July 1, 2023, the state treasurer shall transfer \$2,000,000, or so much thereof as may be necessary to restore the balance of the litigation fund to \$2,000,000, from the unreserved cash in the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to the litigation fund created in section 37-60-121 (2.5), C.R.S., to assist in addressing legal issues associated with compact compliance or any other litigation activities as specified under section 37-60-121, C.R.S.

SECTION 6. Continuation of the watershed restoration program - appropriation. (1) For the 2023-24 state fiscal year, \$500,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to provide planning, engineering, and implementation measures to address technical needs for watershed restoration and flood mitigation projects throughout the state; aquatic habitat protection; flexible operations for multiple uses;

restoration work; quantification of environmental flow needs; and monitoring efforts to support healthy stream and watershed goals outlined in the state water plan. (2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

SECTION 7. Continuation of the Colorado Mesonet project - appropriation. (1) For the 2023-24 state fiscal year, \$150,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to support the Colorado Mesonet, including for the following activities: Operation, maintenance, travel, communications, and database and website management for temperature and precipitation stations. (2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

SECTION 8. Continuation of the water forecasting partnership project - appropriation. (1) For the 2023-24 state fiscal year, \$1,000,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to support the development of new ground and aerial remote sensing data, to develop hydrologic modeling practices, to provide reliable volumetric water supply forecasting, and to provide better characterization of snowpack. (2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

SECTION 9. Division of water resources mobile field data collection application project - appropriation. (1) For the 2023-24 state fiscal year, \$800,000 is appropriated to the department of natural resources for use by the division of water resources. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the division of water resources may use this appropriation to develop a mobile application for phone operating systems that will allow division employees to perform work more efficiently and provide updated information in real time. (2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

SECTION 10. Grant-making for projects that assist in implementing the state water plan - transfer. On July 1, 2023, the state treasurer shall transfer \$2,000,000 from the unreserved cash in the Colorado water conservation board construction fund created in section 37-60-121, C.R.S., to the water plan implementation cash fund created in section 37-60-123.3 (1)(a), C.R.S., to provide additional grant funding for projects that assist with the implementation of the state water plan.

SECTION 11. Continuation of the reservoir enlargement assessment project - appropriation. (1) For the 2023-24 state fiscal year, \$1,000,000 is appropriated to the department of natural resources for use by the division of water resources. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the division of water resources may use this appropriation to evaluate potential reservoir enlargement plans, spillway adequacy, and protection of nearby life and property. (2) The money appropriated in

subsection (1) of this section¹⁷ remains available for the designated purposes until it is fully expended.¹⁸ SECTION 12. Continuation of the Platte river recovery¹⁹ implementation program - transfer - appropriation. (1) On July 1, 2023, the state treasurer shall transfer \$19,000,000 from the severance tax²¹ perpetual base fund created in section 39-29-109 (2)(a)(I.5), C.R.S., to the²² Colorado water conservation board construction fund created in section²³ 37-60-121, C.R.S., to support the Platte river recovery implementation²⁴ program.²⁵ (2) (a) For the 2023-24 state fiscal year, \$19,000,000 is²⁶ appropriated to the department of natural resources for use by the²⁷ Colorado water conservation board. This appropriation is from the¹ Colorado water conservation board construction fund created in section² 37-60-121, C.R.S. To implement this section, the Colorado water³ conservation board may use this appropriation to support the Platte river⁴ recovery implementation program, which implements certain aspects of⁵ the United States fish and wildlife service's recovery plans for the⁶ whooping crane, pallid sturgeon, and piping plover and provides⁷ compliance with the "Endangered Species Act of 1973", 16 U.S.C. sec.⁸ 1531, et seq., as amended, for Colorado water projects.⁹ (b) The money appropriated in subsection (2)(a) of this section¹⁰ remains available for the designated purposes until it is fully expended.¹¹ SECTION 13. Upper Colorado river endangered fish recovery¹² program and San Juan river basin recovery implementation program¹³ - transfer - appropriation. (1) On July 1, 2023, the state treasurer shall¹⁴ transfer \$15,000,000 from the severance tax perpetual base fund created¹⁵ in section 39-29-109 (2)(a)(I.5), C.R.S., to the Colorado water¹⁶ conservation board construction fund created in section 37-60-121,¹⁷ C.R.S., to support the upper Colorado river endangered fish recovery¹⁸ program and the San Juan river basin recovery implementation program.¹⁹ (2) (a) For the 2023-24 state fiscal year, \$15,000,000 is²⁰ appropriated to the department of natural resources for use by the²¹ Colorado water conservation board. This appropriation is from the²² Colorado water conservation board construction fund created in section²³ 37-60-121, C.R.S. To implement this section, the Colorado water²⁴ conservation board may use this appropriation to support the upper²⁵ Colorado river endangered fish recovery program and the San Juan river²⁶ basin recovery implementation program, which ensures compliance with²⁷ the "Endangered Species Act of 1973", 16 U.S.C. sec. 1531, et seq., as¹ amended, for Colorado water users, and contributes to the protection of² at least four endangered or threatened fish species.³ (b) The money appropriated in subsection (2)(a) of this section⁴ remains available for the designated purposes until it is fully expended.⁵ SECTION 14. In Session Laws of Colorado 2020, section 17 of⁶ chapter 150, (HB 20-1403), amend (2) as follows:⁷ Section 17. Frying Pan - Arkansas project loan authorization⁸ - transfer - appropriation. (2) (a) On July 1, 2020, the state treasurer⁹ shall transfer the sum of \$10,000,000, AND ON JULY 1, 2023, THE STATE¹⁰ TREASURER SHALL TRANSFER \$20,000,000, from the severance tax¹¹ perpetual base fund created in section 39-29-109 (2)(a) (2)(a)(I.5),¹² C.R.S., to the Colorado water conservation board construction fund¹³ created in section 37-60-121, C.R.S., to grant money to EITHER the¹⁴ southeastern Colorado water conservancy district OR OTERO COUNTY to¹⁵ provide nonfederal cost-share funding for the Frying Pan-Arkansas¹⁶ project, which project helps provide quality drinking water to six counties¹⁷ in the lower Arkansas valley.¹⁸ (b) (I) For the 2020-21 state fiscal year \$10,000,000 is THE¹⁹

FOLLOWING AMOUNTS ARE appropriated to the department of natural20 resources for use by the Colorado water conservation board This21 appropriation is IN THE SPECIFIED STATE FISCAL YEARS:22 (A) FOR THE 2020-21 STATE FISCAL YEAR, \$10,000,000; AND23 (B) FOR THE 2023-24 STATE FISCAL YEAR, \$20,000,000.24 (II) THE APPROPRIATIONS SPECIFIED IN SUBSECTION (2)(b)(I) OF25 THIS SECTION ARE from the Colorado water conservation board26 construction fund created in section 37-60-121, C.R.S. To implement this27 subsection (2), the Colorado water conservation board may use this1 appropriation THESE APPROPRIATIONS to grant money to EITHER the2 southeastern Colorado water conservancy district OR OTERO COUNTY to3 provide nonfederal cost-share funding for the Frying Pan-Arkansas4 project, which project helps provide quality drinking water to six counties5 in the lower Arkansas valley.6 (II) (III) The money appropriated in subsection (2)(b)(I) of this7 section remains available for the designated purposes until it is fully8 expended.9

SECTION 15. Central Colorado water conservancy district10 augmentation efficiency project - appropriation. (1) For the 2023-2411 state fiscal year, \$3,000,000 is appropriated to the department of natural12 resources for use by the Colorado water conservation board. This13 appropriation is from the Colorado water conservation board construction14 fund created in section 37-60-121, C.R.S. To implement this section, the15 Colorado water conservation board may use this appropriation to support16 the groundwater management subdistrict of the central Colorado water17 conservancy district with improving the efficiency and effectiveness of18 its augmentation plans. The augmentation efficiency project includes19 construction of pipelines, augmentation wells, and groundwater recharge20 sites.21 (2) The money appropriated in subsection (1) of this section22 remains available for the designated purposes until it is fully expended.23

SECTION 16. State water plan advancement project -24 appropriation. (1) For the 2023-24 state fiscal year, \$2,000,000 is25 appropriated to the department of natural resources for use by the26 Colorado water conservation board. This appropriation is from the27 Colorado water conservation board construction fund created in section1 37-60-121, C.R.S. To implement this section, the Colorado water2 conservation board may use this appropriation to implement identified3 actions under the 2023 state water plan, including developing tools,4 convening stakeholder groups, and conducting research and data analysis.5 The appropriation will be used for projects that include an evaluation of6 municipal water conservation standards, an economic analysis of7 agricultural opportunities, the development of watershed planning8 platforms, and the establishment of a framework for drought-ready9 communities.10 (2) The money appropriated in subsection (1) of this section11 remains available for the designated purposes until it is fully expended.12

SECTION 17. Grant-making for projects that assist in13 implementing the state water plan - appropriation. (1) (a) For the14 2023-24 state fiscal year, \$10,600,000 is appropriated to the department15 of natural resources for use by the Colorado water conservation board.16 This appropriation is from the water plan implementation cash fund17 created in section 37-60-123.3 (1)(a), C.R.S. To implement this18 subsection (1), the Colorado water conservation board may use this19 appropriation for grant-making for projects that assist in the20 implementation of the state water plan pursuant to section 37-60-106.321 (6), C.R.S., through the Colorado water conservation board's application22 and

guidelines process.²³ (b) The money appropriated in subsection (1)(a) of this section²⁴ remains available for the designated purposes until it is fully expended.²⁵ (2) (a) For the 2023-24 state fiscal year, \$2,000,000 is²⁶ appropriated to the department of natural resources for use by the²⁷ Colorado water conservation board. This appropriation is from the¹ Colorado water conservation board construction fund created in section² 37-60-121, C.R.S. To implement this subsection (2), the Colorado water³ conservation board may use this appropriation for grant-making for⁴ projects that assist in the implementation of the state water plan pursuant⁵ to section 37-60-106.3 (6), C.R.S., through the Colorado water⁶ conservation board's application and guidelines process.⁷ (b) The money appropriated in subsection (2)(a) of this section⁸ remains available for the designated purposes until it is fully expended.⁹ SECTION 18. Chatfield reservoir reallocation project -¹⁰ orphan shares purchase - appropriation. (1) For the 2023-24 state¹¹ fiscal year, \$8,000,000 is appropriated to the department of natural¹² resources for use by the division of parks and wildlife. This appropriation¹³ is from the wildlife cash fund created in section 33-1-112 (1), C.R.S. To¹⁴ implement this section, the division of parks and wildlife may use this¹⁵ appropriation for the purchase of up to 924 acre-feet of orphan shares¹⁶ owned by the Colorado water conservation board as part of the Chatfield¹⁷ reservoir reallocation project.¹⁸ (2) The money appropriated in subsection (1) of this section¹⁹ remains available for the designated purposes until it is fully expended.²⁰ SECTION 19. Safety clause. The general assembly hereby finds,²¹ determines, and declares that this act is necessary for the immediate²² preservation of the public peace, health, or safety.²³

Status: 3/3/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
3/23/2023 Senate Committee on Agriculture & Natural Resources Refer Amended to Appropriations

Amendments:

Senate Journal, March 24

After consideration on the merits, the Committee recommends that SB23-177 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 7, strike lines 14 through 16 and substitute "resources may use this appropriation to conduct comprehensive dam safety evaluations on existing dams that are under potential consideration for enlargement."

Page 12, strike line 2 and substitute "water plan implementation cash fund created in section".

Page 12, line 3, strike "37-60-121," and substitute "37-60-123.3 (1)(a)".

SB23-178**Water-wise Landscaping In Homeowners' Association Communities**

Calendar

Tuesday, March 28 2023

Notification:

SENATE LOCAL GOVERNMENT & HOUSING COMMITTEE

2:00 PM SCR 352

(2) in senate calendar.

Summary:

Under current law, a unit owners' association (association) of a common interest community may not prohibit the use of xeriscape, nonvegetative turf grass, or drought-tolerant vegetative landscapes to provide ground covering to property for which a unit owner is responsible. There is, however, an exception authorizing an association to adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes or to regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on a unit owner's property, on a limited common element, or on other property for which the unit owner is responsible.

The bill states that an association's guidelines or rules must:

- Not prohibit the use of nonvegetative turf grass in the backyard of a unit owner's property;
- Not unreasonably require the use of hardscape on more than 20% of the landscaping area of a unit owner's property;
- Allow a unit owner an option that consists of at least 80% drought-tolerant plantings; and
- Not prohibit vegetable gardens in the front, back, or side yard of a unit owner's property.

The bill also requires an association to permit the installation of at least 3 garden designs that are preapproved by the association for installation in front yards within the common interest community. To be preapproved, a garden design must adhere to the principles of water-wise landscaping and emphasize drought-tolerant and native plants.

The bill allows a unit owner who is affected by an association's violation of the new requirements to bring a civil action to restrain further violation and to recover damages in an amount equal to actual damages plus \$500, plus any other damages, costs, and reasonable attorney fees.

(Note: This summary applies to this bill as introduced.)

Status:

3/3/2023 Introduced In Senate - Assigned to Local Government & Housing

Amendments:

SB23-186**Oil And Gas Commission Study Methane Seepage Raton Basin**

Calendar NOT ON CALENDAR**Notification:****Summary:**

The bill requires the Colorado oil and gas conservation commission (commission), in consultation with local governments, to perform a study that:

- Recognizes best management practices for capturing methane seepage in the Raton basin;
- Confirms the high quality of water resulting from such methane capture operations; and
- Confirms the high potential to preserve and make beneficial use of such water.

The commission must complete the study and submit it to legislative committees of reference by December 1, 2023.

The bill also requires the commission to implement a regulatory category for methane recovery in the Raton basin, which category includes consideration of enforcement, financial assurance, flow lines, forms, operator guidance, orphan well programs, rules, and policies and allows for beneficial uses deemed prudent by local governments.

(Note: This summary applies to this bill as introduced.)

Status: 3/9/2023 Introduced In Senate - Assigned to Transportation & Energy
3/22/2023 Senate Committee on Transportation & Energy Refer Amended to Appropriations

Amendments:**Senate Journal, March 23**

After consideration on the merits, the Committee recommends that SB23-186 be amended

as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 18.

Page 3, strike lines 1 through 14.

Re-number succeeding sections accordingly.

Page 3, line 21, strike "RECOGNIZES" and substitute "IDENTIFIES".

Page 3, line 23, strike "CONFIRMS THE HIGH" and substitute "EVALUATES THE".

Page 3, line 25, strike "CONFIRMS THE HIGH" and substitute "EVALUATES THE".

Page 3, after line 26, insert:

"(2) IN PERFORMING THE STUDY DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL CONSULT WITH THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101 REGARDING HOW METHANE CAPTURE IN THE RATON BASIN MAY AFFECT COLORADO'S GREENHOUSE GAS EMISSION REDUCTION GOALS, AS SET FORTH IN SECTION 25-7-102 (2)(g).".

Renumber succeeding subsections accordingly.

Page 4, line 10, after "METHANE" insert "AND REDUCING OR ELIMINATING METHANE SEEPAGE".

Page 4, strike lines 15 and 16 and substitute "ORPHAN WELL PROGRAMS, RULES, AND POLICIES.".

SB23-213

Land Use

Calendar Notification: NOT ON CALENDAR

Summary: **Housing needs planning.** The executive director of the department of local affairs (director) shall, no later than December 31, 2024, and every 5 years thereafter, issue methodology for developing statewide, regional, and local housing needs assessments. The statewide housing needs assessment must determine existing statewide housing stock and current and future housing needs. The regional housing needs assessments must allocate the addressing of housing needs identified in the statewide housing needs assessment to regions of the state. Similarly, the local housing needs assessments must allocate the addressing of the housing needs allocated in the regional housing needs assessment to localities in the relevant region.

The director shall, no later than December 31, 2024, issue guidance on creating a housing needs plan for both a rural resort job center municipality and an urban municipality. Following this guidance, no later than December 31, 2026, and every 5 years thereafter, a rural resort job center municipality and an urban municipality shall develop a housing needs plan and submit that plan to the department of local affairs (department). A housing needs plan must include,

among other things, descriptions of how the plan was created, how the municipality will address the housing needs it was assigned in the local housing needs assessment, affordability strategies the municipality has selected to address its local housing needs assessment, an assessment of displacement risk and any strategies selected to address identified risks, and how the locality will comply with other housing requirements in this bill.

The director shall, no later than December 31, 2024, develop and publish a menu of affordability strategies to address housing production, preservation, and affordability. Rural resort job center municipalities and urban municipalities shall identify at least 2 of these strategies that they intend to implement in their housing plan, and urban municipalities with a transit-oriented area must identify at least 3.

The director shall, no later than December 31, 2024, develop and publish a menu of displacement mitigation measures. This menu must, among other things, provide guidance for how to identify areas at the highest risk for displacement and identify displacement mitigation measures that a locality may adopt. An urban municipality must identify which of these measures it intends to implement in its housing plan to address any areas it identifies as at an elevated risk for displacement.

The director shall, no later than March 31, 2024, publish a report that identifies strategic growth objectives that will incentivize growth in transit-oriented areas and infill areas and guide growth at the edges of urban areas. The multi-agency advisory committee shall, no later than March 31, 2024, submit a report to the general assembly concerning the strategic growth objectives.

The bill establishes a multi-agency advisory committee and requires that committee to conduct a public comment and hearing process on and provide recommendations to the director on:

- Methodologies for developing statewide, regional, and local housing needs assessments;
- Guidance for creating housing needs plans;
- Developing a menu of affordability strategies;
- Developing a menu of displacement mitigation measures;
- Identifying strategic growth objectives; and
- Developing reporting guidance and templates.

A county or municipality within a rural resort region shall participate in a regional housing needs planning process. This process must encourage participating counties and municipalities to identify strategies that, either individually or through intergovernmental agreements, address the housing needs assigned to them. A report on this process must be submitted to the department. Further, within 6 months of completing this process, a rural resort job center municipality shall submit a local housing needs plan to the department. Once a year, both rural resort job centers and urban municipalities shall report to the department on certain

housing data.

A multi-agency group created in the bill and the division of local government within the department shall provide assistance to localities in complying with the requirements of this bill. This assistance must include technical assistance and a grant program.

Accessory dwelling units. The director shall promulgate an accessory dwelling unit model code that, among other things, requires accessory dwelling units to be allowed as a use by right in any part of a municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a municipality does not adopt the accessory dwelling unit model code, the municipality shall adhere to accessory dwelling unit minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow accessory dwelling units as a use by right in any part of the municipality where the municipality allows single-unit detached dwellings as a use by right;
- Only adopt or enforce local laws concerning accessory dwelling units that use objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning accessory dwelling units that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of accessory dwelling units infeasible.

Middle housing. The director shall promulgate a middle housing model code that, among other things, requires middle housing to be allowed as a use by right in any part of a rural resort job center municipality or a tier one urban municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the middle housing model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow middle housing as a use by right in certain areas;
- Only adopt or enforce local laws concerning middle housing that use objective standards and procedures;
- Allow properties on which middle housing is allowed to be split by right

using objective standards and procedures;

- Not adopt, enact, or enforce local laws concerning middle housing that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of middle housing infeasible.

Transit-oriented areas. The director shall promulgate a transit-oriented area model code that, among other things, imposes minimum residential density limits for multifamily residential housing and mixed-income multifamily residential housing and allows these developments as a use by right in the transit-oriented areas of tier one urban municipalities. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a tier one urban municipality does not adopt the transit-oriented model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Create a zoning district within a transit-oriented area in which multifamily housing meets a minimum residential density limit and is allowed as a use by right; and
- Not apply standards that make the permitting, siting, or construction of multifamily housing in transit-oriented areas infeasible.

Key corridors. The director shall promulgate a key corridor model code that applies to key corridors in rural resort job center municipalities and tier one urban municipalities. The model code must, among other things, include requirements for:

- The percentage of units in mixed-income multifamily residential housing that must be reserved for low- and moderate-income households;
- Minimum residential density limits for multifamily residential housing; and
- Mixed-income multifamily residential housing that must be allowed as a use by right in key corridors.

The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the key corridor model code, the municipality shall adhere to key corridor minimum standards promulgated by the director and developed by the department. These minimum standards, among other things, must identify a net residential zoning capacity for a municipality and must require a municipality to:

- Allow multifamily residential housing within key corridors that meets the net residential zoning capacity as a use by right;
- Not apply standards that make the permitting, siting, or construction of multifamily housing in certain areas infeasible; and
- Not adopt, enact, or enforce local laws that make satisfying the required minimum residential density limits infeasible.

The committee shall provide recommendations to the director on promulgating these minimum standards. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Adoption of model codes and minimum standards. A relevant municipality shall adopt either the model code or local laws that satisfy the minimum standards concerning accessory dwelling units, middle housing, transit-oriented areas, and key corridors. Furthermore, a municipality shall submit a report to the department demonstrating that it has done so. If a municipality fails to adopt either the model code or local laws that satisfy the minimum standards by a specified deadline, the relevant model code immediately goes into effect, and municipalities shall then approve any proposed projects that meet the standards in the model code using objective procedures. However, a municipality may apply to the department for a deadline extension for a deficiency in water or wastewater infrastructure or supply.**Additional provisions.** The bill also:

- Requires the advisory committee on factory-built structures and tiny homes to produce a report on the opportunities and barriers in state law concerning the building of manufactured homes, mobile homes, and tiny homes;
- Removes the requirements that manufacturers of factory-built structures comply with escrow requirements of down payments and provide a letter of credit, certificate of deposit issued by a licensed financial institution, or surety bond issued by an authorized insurer;
- Prohibits a planned unit development resolution or ordinance for a planned unit with a residential use from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors in a way not allowed by this bill;
- Prohibits a local government from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling;
- Modifies the content requirements for a county and municipal master plan, requires counties and municipalities to adopt or amend master plans as part of an inclusive process, and requires counties and municipalities to submit master plans to the department;
- Allows a municipality to sell and dispose of real property and public buildings for the purpose of providing property to be used as affordable housing, without requiring the sale to be submitted to the voters of the municipality;
- Requires the approval process for manufactured and modular homes to be based on objective standards and administrative review equivalent to the approval process for site-built homes;
- Prohibits a municipality from imposing more restrictive standards on

manufactured and modular homes than the municipality imposes on site-built homes;

- Prohibits certain municipalities from imposing minimum square footage requirements for residential units in the approval of residential dwelling unit construction permits;
- Requires certain entities to submit to the Colorado water conservation board (board) a completed and validated water loss audit report pursuant to guidelines that the board shall adopt;
- Allows the board to make grants from the water efficiency grant program cash fund to provide water loss audit report validation assistance to covered entities;
- Allows the board and the Colorado water resources and power development authority to consider whether an entity has submitted a required audit report in deciding whether to release financial assistance to the entity for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility;
- Prohibits a unit owners' association from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors;
- Requires the department of transportation to ensure that the prioritization criteria for any grant program administered by the department are consistent with state strategic growth objectives, so long as doing so does not violate federal law;
- Requires any regional transportation plan that is created or updated to address and ensure consistency with state strategic growth objectives;
- Requires that expenditures for local and state multimodal projects from the multimodal transportation options fund are only to be made for multimodal projects that the department determines are consistent with state strategic growth objectives; and
- For state fiscal year 2023-24, appropriates \$15,000,000 from the general fund to the housing plans assistance fund and makes the department responsible for the accounting related to the appropriation.

(Note: This summary applies to this bill as introduced.)

Status: 3/22/2023 Introduced In Senate - Assigned to Local Government & Housing

Amendments:

SB23-237 **Transfer To Water Plan Implementation Cash Fund**

Calendar Tuesday, March 28 2023

Notification: SENATE APPROPRIATIONS COMMITTEE
8:00 AM LSB-B
(25) in senate calendar.

Summary: **Joint Budget Committee.** The bill requires the state treasurer, on June 30, 2023, to transfer \$12.6 million from the severance tax operational fund to the water plan implementation cash fund.

(Note: This summary applies to this bill as introduced.)

Status: 3/24/2023 Introduced In Senate - Assigned to Appropriations

Amendments:

SB23-238 **Small Communities Water and Wastewater Grant Fund**

Calendar Tuesday, March 28 2023

Notification: SENATE APPROPRIATIONS COMMITTEE
8:00 AM LSB-B
(26) in senate calendar.

Summary: **Joint Budget Committee.** The bill allows money from the small communities water and wastewater grant fund to be used to match money provided by the federal government through the federal "Infrastructure Investment and Jobs Act" for certain clean water projects.
(Note: This summary applies to this bill as introduced.)

Status: 3/24/2023 Introduced In Senate - Assigned to Appropriations

Amendments: