
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
5/11/2023 House Committee on Appropriations Lay Over Unamended - Amendment(s) Failed

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

30 Page 1, line 104, strike "SERVICE AND".

31

32

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 Monday, May 8 2023

Notification: SPECIAL ORDERS - SECOND READING OF BILLS
(2) in senate calendar.

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~~ *special district official, special district employee, school district official, or school district 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: 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:

1/19/2023 Introduced In House - Assigned to Transportation, Housing & Local Government
2/7/2023 House Committee on Transportation, Housing & Local Government Refer Amended to Appropriations
4/28/2023 House Committee on Appropriations Refer Amended to House Committee of the Whole
4/28/2023 House Second Reading Special Order - Passed with Amendments - Committee, Floor
4/29/2023 House Third Reading Passed - No Amendments
5/1/2023 Introduced In Senate - Assigned to Local Government & Housing
5/2/2023 Senate Committee on Local Government & Housing Refer Unamended to Appropriations
5/5/2023 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
5/5/2023 Senate Second Reading Special Order - Laid Over Daily - No Amendments

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 DISTRICT,"

16 and substitute "SPECIAL DISTRICT".

17

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

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

22

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

24

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

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

28

29 Page 2, after line 15 insert:

30

31 "(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

House Journal, April 28

39 HB23-1065 be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:

42

43 Strike the House Transportation, Housing & Local Government
44 Committee Report, dated February 7, 2023, and substitute:

45

46 "Amend printed bill, page 2, line 3, strike "(1)(c), (1)(d), (1)(e), and".

47

48 Page 2, line 5, strike "(1) As used in this".

49

50 Page 2, strike lines 6 through 21 and substitute: "(4.5) (a) AS USED IN
51 THIS SUBSECTION (4.5), UNLESS THE CONTEXT OTHERWISE
REQUIRES:

52 (I) "ANY OTHER STANDARDS OF CONDUCT AND REPORTING
53 REQUIREMENTS AS PROVIDED BY LAW" HAS THE SAME
MEANING AS USED

54 IN SECTION 5 OF ARTICLE XXIX OF THE STATE CONSTITUTION.

55

1 (II) "SCHOOL DISTRICT" HAS THE SAME MEANING AS SET FORTH
IN

2 SECTION 22-30-103 (13).

3 (III) "SCHOOL DISTRICT EMPLOYEE" MEANS A TEMPORARY OR
4 PERMANENT EMPLOYEE OF ANY SCHOOL DISTRICT WHO IS
APPOINTED OR

5 HIRED BY, DIRECTLY REPORTS TO, AND IS SUBJECT TO THE
DIRECTION OF

6 THE SCHOOL DISTRICT'S BOARD.

7 (IV) "SCHOOL DISTRICT OFFICIAL" MEANS A MEMBER OF A
SCHOOL

8 DISTRICT'S BOARD.

9 (V) "SPECIAL DISTRICT" MEANS ANY QUASI-MUNICIPAL
10 CORPORATION AND POLITICAL SUBDIVISION ORGANIZED OR
ACTING

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

12 ENTITY ORGANIZED OR ACTING PURSUANT TO THE
13 PROVISIONS OF ARTICLE
14 8 OF TITLE 29, ARTICLE 20 OF TITLE 30, ARTICLE 25 OF TITLE 31,
15 OR
16 ARTICLES 41 TO 50 OF TITLE 37.
17 (VI) "SPECIAL DISTRICT EMPLOYEE" MEANS A TEMPORARY OR
18 PERMANENT EMPLOYEE OF ANY SPECIAL DISTRICT WHO IS
19 APPOINTED OR
20 HIRED BY, DIRECTLY REPORTS TO, AND IS SUBJECT TO THE
21 DIRECTION OF
22 THE SPECIAL DISTRICT'S BOARD.
23 (VII) "SPECIAL DISTRICT OFFICIAL" MEANS A MEMBER OF A
24 SPECIAL DISTRICT'S BOARD.
25 (b) SPECIAL DISTRICT OFFICIALS, SPECIAL DISTRICT
26 EMPLOYEES,
27 SCHOOL DISTRICT OFFICIALS, AND SCHOOL DISTRICT
28 EMPLOYEES ARE
29 SUBJECT TO THE PROVISIONS OF ARTICLE XXIX OF THE STATE
30 CONSTITUTION AND TO ANY OTHER STANDARDS OF CONDUCT
31 AND
32 REPORTING REQUIREMENTS AS PROVIDED BY LAW."

26
27 Reletter succeeding paragraph accordingly.

28
29 Page 3, lines 5 and 6, strike "LOCAL GOVERNMENT OFFICIALS OR
30 LOCAL
31 GOVERNMENT EMPLOYEES;" and substitute "SPECIAL DISTRICT
32 OFFICIALS,
33 SPECIAL DISTRICT EMPLOYEES, SCHOOL DISTRICT OFFICIALS,
34 OR SCHOOL
35 DISTRICT EMPLOYEES;"

33
34 Page 3, lines 10 and 11, strike "LOCAL GOVERNMENT OFFICIALS OR
35 LOCAL
36 GOVERNMENT EMPLOYEES." and substitute "SPECIAL DISTRICT
37 OFFICIALS,
38 SPECIAL DISTRICT EMPLOYEES, SCHOOL DISTRICT OFFICIALS,
39 OR SCHOOL
40 DISTRICT EMPLOYEES."

38
39 Page 3, before line 12 insert:

40
41 "SECTION 2. Appropriation. (1) For the 2023-24 state fiscal
42 year, \$87,740 is appropriated to the judicial department for use by the
43 independent ethics commission. This appropriation is from the general
44 fund and is based on an assumption that the commission will require an
45 additional 0.4 FTE. To implement this act, the commission may use this
46 appropriation for program costs.

47 (2) For the 2023-24 state fiscal year, \$45,468 is appropriated to
48 the department of law. This appropriation is from reappropriated funds
49 received from the judicial department under subsection (1) of this section
50 and is based on an assumption that the department of law will require an
51 additional 0.2 FTE. To implement this act, the department of law may use
52 this appropriation to provide legal services for the judicial department.".

53

54 Renumber succeeding section accordingly.

55

1 Page 1, line 103, strike "EMPLOYEES." and substitute "EMPLOYEES,
AND,

2 IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.".

3

4

House Journal, April 28

15 Amendment No. 1, Appropriations Report, dated April 28, 2023, and
16 placed in member's bill file; Report also printed in House Journal,
17 April 28, 2023.

18

19 Amendment No. 2, by Representative Taggart:

20

21 Amend printed bill, page 1, line 103, strike "EMPLOYEES." and substitute
22 "EMPLOYEES, AND IN CONNECTION THEREWITH, EXPANDING
THE

23 INDEPENDENT ETHICS COMMISSION'S JURISDICTION TO
INCLUDE

24 SCHOOL DISTRICTS AND SPECIAL DISTRICTS.".

25

26 As amended, ordered engrossed and placed on the Calendar for Third

27 Reading and Final Passage.

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
3/31/2023 Governor Signed

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 Monday, May 8 2023
Notification: THIRD READING OF BILLS - FINAL PASSAGE
(1) in senate calendar.

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 the reengrossed version of this bill as introduced in the second house.)

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
4/21/2023 House Committee on Appropriations Refer Amended to House Committee of the Whole
4/25/2023 House Second Reading Laid Over Daily - No Amendments
5/3/2023 House Second Reading Special Order - Passed with Amendments - Committee
5/4/2023 House Third Reading Laid Over Daily - No Amendments
5/5/2023 Introduced In Senate - Assigned to Appropriations
5/5/2023 House Third Reading Passed - No Amendments
5/6/2023 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
5/6/2023 Senate Second Reading Special Order - Passed - No Amendments
5/7/2023 Senate Third Reading Laid Over Daily - No Amendments
5/8/2023 Senate Third Reading Passed - No Amendments
5/17/2023 Sent to the Governor
5/17/2023 Signed by the President of the Senate
5/17/2023 Signed by the Speaker of the House

Amendments:

House Journal, April 21

26 HB23-1220 be amended as follows, and as so amended, be referred to
27 the Committee of the Whole with favorable
28 recommendation:

29

30 Amend printed bill, page 5, after line 15 insert:

31

32 "SECTION 2. In Colorado Revised Statutes, 23-3.3-103, add
33 (12) as follows:

34 23-3.3-103. Annual appropriations - repeal. (12) (a) THE
35 PROVISIONS OF SUBSECTION (1) OF THIS SECTION CONCERNING
36 APPROPRIATIONS FOR STUDENT FINANCIAL ASSISTANCE
UNDER THIS

37 ARTICLE 3.3 DO NOT APPLY TO APPROPRIATIONS MADE FOR
THE PURPOSE

38 OF CONDUCTING A REPUBLICAN RIVER GROUNDWATER
ECONOMIC IMPACT

39 STUDY PURSUANT TO SECTION 23-31-804.

40 (b) THIS SUBSECTION (12) IS REPEALED, EFFECTIVE JULY 1, 2027.

41 SECTION 3. Appropriation. (1) For the 2023-24 state fiscal
42 year, \$146,286 is appropriated to the department of higher education. This
43 appropriation is from the general fund. To implement this act, the
44 department may use this appropriation for the board of governors of the
45 Colorado state university system for allocation to the Colorado water
46 center."

47

48 Renumber succeeding section accordingly.

49

50 Page 1, line 106, strike "COMMITTEES." and substitute "COMMITTEES
51 AND MAKING AN APPROPRIATION."

52

53

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
5/11/2023 House Committee on Appropriations Lay Over Unamended - Amendment(s) Failed

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~~ *January 1*, 2024, and ~~at least annually~~ *quarterly* 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, *including information on the recycling and reuse of produced water* .

The bill also requires the commission to adopt rules, *on or before July 1, 2024*, 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 a statewide~~

*reduction in usage of fresh water and a corresponding ~~increasing percentage~~
increase in usage 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; *and*
- 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~~ *legislative energy committees a summary of the reported information on or before April 1, 2025.*
- ~~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.~~

The bill creates the Colorado produced water consortium in the department of natural resources (department) to make recommendations to state agencies and the general assembly regarding the recycling and reuse of produced water, develop guidance documents to promote best practices for in-field recycling and reuse of produced water, and analyze and report on existing produced water infrastructure, storage, and treatment facilities; the volume of produced water in different oil and gas basins available for recycling and reuse; and additional infrastructure, storage, and technology needed to achieve different levels of recycling and reuse of produced water throughout the state. Annually starting in 2024, the consortium is required to update the legislative energy committees on the consortium's work and the executive director of the department is required to report on the consortium's recommendations as part of the department's annual "SMART Act" presentation to a joint committee of the general assembly. The bill appropriates \$464,512 from the oil and gas conservation and environmental response fund to the department of natural resources for use by the Colorado oil and gas conservation commission and \$30,169 from the perfluoroalkyl and polyfluoroalkyl substances cash fund to the department of public health and environment for use by the water quality control division.

(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: 3/11/2023 Introduced In House - Assigned to Energy & Environment
3/23/2023 House Committee on Energy & Environment Refer Amended to Appropriations
4/18/2023 House Committee on Appropriations Refer Amended to House Committee of the Whole
4/20/2023 House Second Reading Special Order - Passed with Amendments - Committee, Floor
4/21/2023 House Third Reading Passed - No Amendments
4/26/2023 Introduced In Senate - Assigned to Transportation & Energy
5/1/2023 Senate Committee on Transportation & Energy Refer Amended to Appropriations
5/3/2023 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
5/3/2023 Senate Second Reading Special Order - Passed with Amendments - Committee, Floor
5/4/2023 Senate Third Reading Passed - No Amendments
5/5/2023 House Considered Senate Amendments - Result was to Laid Over Daily
5/7/2023 House Considered Senate Amendments - Result was to Concur - Repass
5/22/2023 Sent to the Governor
5/22/2023 Signed by the President of the Senate
5/22/2023 Signed by the Speaker of the House

Amendments:

House Journal, April 19

16 Amend the House Energy & Environment Committee Report dated
17 March 23, 2023, page 8, after line 36 insert:

18

19 "SECTION 2. Appropriation. (1) For the 2023-24 state fiscal
20 year, \$464,512 is appropriated to the department of natural resources for
21 use by the Colorado oil and gas conservation commission. This
22 appropriation is from the oil and gas conservation and environmental
23 response fund created in section 34-60-122 (5)(a), C.R.S., and is based on
24 an assumption that the commission will require an additional 4.0 FTE. To
25 implement this act, the commission may use this appropriation for
26 program costs.

27 (2) For the 2023-24 state fiscal year, \$30,169 is appropriated to
28 the department of public health and environment for use by the water
29 quality control division. This appropriation is from the perfluoroalkyl and
30 polyfluoroalkyl substances cash fund created in section 8-20-206.5 (7)(a),
31 C.R.S., and is based on an assumption that the division will require an
32 additional 0.3 FTE. To implement this act, the division may use this
33 appropriation for personal services related to the drinking water
34 program."

35

36 Renumber succeeding section accordingly.

37

38 Page 8 of the committee report, after line 39 insert: "Page 1 of the bill,
39 line 101, strike "OPERATIONS." and substitute "OPERATIONS, AND, IN

40 CONNECTION THEREWITH, MAKING AN APPROPRIATION."."

House Journal, April 20

20 Amendment No. 1, Appropriations Report, dated April 18, 2023, and
21 placed in member's bill file; Report also printed in House Journal,
22 April 18, 2023.

23

24 Amendment No. 2, Energy & Environment Report, dated March 23,
25 2023, and placed in member's bill file; Report also printed in House
26 Journal, March 24, 2023.

27

28 Amendment No. 3, by Representative Boesenecker:

29

30 Amend the Energy and Environment Committee Report, dated March 23,
31 2023, page 1, strike line 3 and substitute:

32

33 ""SECTION 1. Legislative declaration. (1) The general

34 assembly finds and determines that:

35 (a) Since the year 2000, Colorado has experienced a drought that,
36 according to the Colorado state university's Colorado water institute, is
37 the most severe drought in the southwestern United States since the year
38 800;

39 (b) The drought has affected every part of Colorado, and
40 agricultural operations throughout the state have been negatively
41 impacted due to reduced water supply for irrigation;

42 (c) In the years 2020 and 2021, the historically dry conditions led
43 to the four most destructive wildfires in recorded state history; and

44 (d) Compared to twentieth century levels, the flow of the
45 Colorado river has declined twenty percent since the year 2000.

46 (2) The general assembly further finds and determines that:

47 (a) One way to conserve water is by increasing the recycling of
48 produced water in oil and gas operations;

49 (b) To reduce the use of fresh water and increase the recycling of
50 produced water in oil and gas operations, the Colorado oil and gas
51 conservation commission, referred to in this section as the "commission",
52 should ensure that it collects robust data regarding the existing use,
53 recycling, and disposal of water in oil and gas operations;

54 (c) New rules adopted by the commission will also assist in the
55 reduction of fresh water use and concomitant increase in produced water
56 recycling; and

1 (d) A produced water consortium, consisting of individuals with
2 expertise in produced water, environmental impacts, environmental
3 justice concerns, and community perspectives, would be helpful for
4 sorting through the issues related to water use in oil and gas operations,
5 with the primary goal of the consortium being to reduce the use of fresh
6 water and increase the recycling of produced water in oil and gas
7 operations.

8 (3) Therefore, the general assembly declares that:

9 (a) The collection of oil and gas operations' water use data is
10 intended to assist stakeholders, the commission, and the public to
11 determine the best solutions for reducing the use of fresh water and
12 increasing the recycling of produced water in oil and gas operations;

13 (b) The commission should adopt new rules to require a rapid and
14 substantial reduction of the use of fresh water and the increase in the
15 recycling of produced water in oil and gas operations; and

16 (c) To assist the commission and the public, a produced water
17 consortium should be appointed and should proceed in a collaborative
18 manner, with efforts to achieve consensus among consortium members
19 whenever possible. The consortium is intended to be an informational
20 resource for the commission and the public and is not intended to be a
21 party participant in any commission rule-making proceedings.

22 SECTION 2. In Colorado Revised Statutes, add 34-60-134 and".

23

24 Renumber succeeding section accordingly.

25

26 Amendment No. 4, by Boesenecker:

27

28 Amend the Energy and Environment Committee Report, dated March 23,
29 2023, page 4, line 28, strike "MARCH 31, 2025," and substitute "APRIL 1,
30 2025,".

31

32 Page 5, strike lines 14 through 18 and substitute "PRODUCED WATER
33 CONSORTIUM TO MAKE RECOMMENDATIONS THAT ARE
34 PROTECTIVE OF

35 PUBLIC HEALTH, SAFETY, AND WELFARE; THE ENVIRONMENT;
36 AND

37 WILDLIFE WITH REGARD TO:

38 (I) AN INFORMED PATH FOR THE RECYCLING AND REUSE OF
39 PRODUCED WATER WITHIN, AND POTENTIALLY OUTSIDE OF,
40 OIL AND GAS

41 OPERATIONS IN THE STATE; AND

42 (II) MEASURES TO ADDRESS BARRIERS ASSOCIATED WITH THE
43 UTILIZATION OF PRODUCED WATER.".

44

45 Page 6, line 40, strike "HOURLY" and substitute "ADDITIONAL".

46

47 Page 7, line 15, strike "APRIL 15," and substitute "MAY 1,".

48

49 Page 7, line 18, strike "APRIL 15," and substitute "SEPTEMBER 1,".

50

51 Page 7, strike lines 20 through 24 and substitute:

52

53 "(III) ON OR BEFORE NOVEMBER 1, 2024, ANY LEGISLATION OR
54 AGENCY RULES NEEDED TO REMOVE BARRIERS TO THE SAFE
55 RECYCLING

56 AND REUSE OF PRODUCED WATER IN THE STATE, TAKING INTO

53 CONSIDERATION:

54 (A) ENVIRONMENTAL JUSTICE ISSUES;".

55

56

1 Reletter succeeding sub-subparagraphs accordingly.

2

3 Page 7, line 32, strike "STORAGE;" and substitute "STORAGE AND ANY
4 OTHER DEFICIENCIES IN THE TREATMENT OF PRODUCED
WATER;".

5

6 Page 7, line 35, strike "AND SPECIFICALLY INFRASTRUCTURE AND
7 STORAGE FOR" and substitute "SPECIFICALLY".

8

9 Page 7, line 37, strike "DECEMBER 31," and substitute "DECEMBER 1,".

10

11 Page 7, line 42, strike "JANUARY 1," and substitute "MARCH 1,".

12

13 Page 8, line 3, strike "MARCH 1," and substitute "JULY 1,".

14

15 Page 8, line 9, strike "MARCH 1," and substitute "AUGUST 1,".

16

17 Page 8, line 14, strike "APRIL 15," and substitute "SEPTEMBER 1,".

18

19 Page 8, line 24, strike "BEGINNING" and substitute "ON OR BEFORE
APRIL

20 1, 2024,".

21

22 Amendment No. 5, by Representative Boesenecker:

23

24 Amend the Energy and Environment Committee Report, dated March 23,
25 2023, page 5, line 31, strike "A" and substitute "EXCEPT AS PROVIDED
IN

26 SUBSECTION (3)(a)(IV) OF THIS SECTION, A".

27

28 Page 5, line 37, after "BODY" insert "AND MEMBERS".

29

30 Page 6, line 1, strike "TWENTY-SIX" and substitute "TWENTY-TWO".

31

32 Page 6, line 15, strike "GOVERNMENT;" and substitute "GOVERNMENT,
33 WHO SHALL BE APPOINTED WITH CONSIDERATION OF THE
NEED FOR

34 GEOGRAPHIC REPRESENTATION OF AREAS OF THE STATE THAT
HAVE

35 CURRENT OR ANTICIPATED RECYCLED OR REUSED PRODUCED
WATER;

36 AND".

37

38 Page 6, strike lines 17 through 22 and substitute "PRODUCED WATER.

39 (IV) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
40 HOUSE OF REPRESENTATIVES SHALL APPOINT SIX MEMBERS
OF THE
41 CONSORTIUM AS FOLLOWS:
42 (A) THREE MEMBERS, EACH FROM A NONPROFIT
ORGANIZATION IN
43 THE STATE THAT WORKS ON AND ADVOCATES FOR POLICIES
RELATED TO
44 ENVIRONMENTAL JUSTICE AND CONSERVATION, TWO OF
WHOM ARE
45 APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF
WHOM IS
46 APPOINTED BY THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES; AND
47 (B) THREE MEMBERS, EACH FROM A NONPROFIT
ORGANIZATION IN
48 THE STATE THAT WORKS WITH AND ADVOCATES FOR
DISPROPORTIONATELY
49 IMPACTED COMMUNITIES AND COMMUNITIES OF COLOR, ONE
OF WHOM IS
50 APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF
WHOM ARE
51 APPOINTED BY THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES."

52

53 Page 6, line 25, after "(3)(a)(III)" insert "OR (3)(a)(IV)".

54

55

1 Amendment No. 6, by Representative Boesenecker:

2

3 Amend the Energy and Environment Committee Report, dated March 23,
4 2023, page 3, line 27, after the period add "THE RULES MUST NOT
APPLY

5 TO ACTIVITIES OCCURRING WITHIN THE EXTERIOR
BOUNDARIES OF AN

6 INDIAN RESERVATION LOCATED WITHIN THE STATE."

7

8 Page 5, after line 18 insert:

9

10 "(b) THE CONSORTIUM HAS NO ROLE WITHIN THE EXTERIOR
11 BOUNDARIES OF AN INDIAN RESERVATION LOCATED WITHIN
THE STATE."

12

13 Reletter succeeding paragraph accordingly.

14

15 Page 5, strike line 29 and substitute:

16

17 "(VI) AFFECTED INDUSTRIES;

18 (VII) ENVIRONMENTAL JUSTICE ORGANIZATIONS;
19 (VIII) DISPROPORTIONATELY IMPACTED COMMUNITY
MEMBERS;
20 AND".

21

22 Renumber succeeding subparagraph accordingly.

23

24 Page 8, after line 36 insert:

25

26 "(6) (a) REPORTS AND ANALYSES THAT THE CONSORTIUM
27 PROVIDES TO BOTH STATE AGENCIES AND THE GENERAL
ASSEMBLY MUST

28 BE INCLUSIVE OF ALL OF THE OPINIONS OF MEMBERS OF THE
CONSORTIUM

29 ON THE REPORTED TOPICS.

30 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
31 EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
DESIGNEE SHALL

32 INCLUDE IN THE ANNUAL "SMART ACT" DEPARTMENTAL
PRESENTATION,

33 MADE TO A JOINT COMMITTEE OF THE GENERAL ASSEMBLY,
PURSUANT TO

34 SECTION 2-7-203 (2) A SUMMARY OF THE CONSORTIUM'S WORK,
INCLUDING

35 THE CONSORTIUM'S RECOMMENDATIONS MADE TO THE
COMMISSION AND

36 REPORTS PREPARED PURSUANT TO THIS SECTION."

37

38 Amendment No. 7, by Representative Pugliese:

39

40 Amend the Energy and Environment Committee Report, dated March 23,
41 2023, page 6, lines 12 and 13, strike "INDUSTRIES ASSOCIATED WITH
42 PRODUCED WATER;" and substitute "THE OIL AND GAS INDUSTRY,
WITH

43 ONE MEMBER APPOINTED FROM EACH OF THE FOLLOWING
BASINS: THE

44 DENVER-JULESBURG OIL AND GAS BASIN; THE PICEANCE OIL
AND GAS

45 BASIN; THE SAN JUAN OIL AND GAS BASIN; AND THE RATON
OIL AND GAS

46 BASIN;"

47

48 Amendment No. 8, by Representative Wilson:

49

50 Amend the Energy and Environment Committee Report, dated March 23,
51 2023, page 2, lines 22 and 23, strike "SOURCE OF ALL FRESH WATER
52 PURCHASED OR OTHERWISE ACQUIRED" and substitute

"WHETHER THE

53 FRESH WATER WAS ACQUIRED FROM INDUSTRIAL,
COMMERCIAL,
54 MUNICIPAL, OR AGRICULTURAL WATER SOURCES".

55

56

1 Amendment No. 9, by Representative Winter:

2

3 Amend the Energy and Environment Committee Report, dated March 23,
4 2023, page 4, strike lines 15 through 20 and substitute:

5

6 "(B) ESTABLISH, BASED ON RECOMMENDATIONS OF THE
7 CONSORTIUM, AN ITERATIVE AND CONSISTENT SCHEDULE OF
DATES THAT
8 WILL SIGNIFICANTLY INCREASE THE USAGE OF RECYCLED OR
REUSED
9 PRODUCED WATER AND DECREASE THE AMOUNT OF FRESH
WATER
10 UTILIZED IN OIL AND GAS OPERATIONS IN THE STATE, WHILE
ENSURING THE
11 PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE; THE
12 ENVIRONMENT; AND WILDLIFE RESOURCES. THE CONSORTIUM
SHALL
13 REVIEW THE DATES ANNUALLY TO ENSURE THAT THE DATES
CONTINUE TO
14 REPRESENT SIGNIFICANT ADVANCEMENT OF THE GOALS OF
THIS SECTION,
15 TAKING INTO CONSIDERATION POPULATION DYNAMICS,
IMPROVEMENTS IN
16 TECHNOLOGY, RESEARCH, BEST MANAGEMENT PRACTICES,
AND
17 INFRASTRUCTURE DEVELOPMENT AROUND PRODUCED
WATER."

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

20

Senate Journal, May 1

After consideration on the merits, the Committee recommends that HB23-1242
be
amended as follows, and as so amended, be referred to the Committee on
Appropriations
with favorable recommendation.

Amend reengrossed bill, page 5, line 9, after "WELL AND" insert "THE
VOLUME,
EXPRESSED IN BARRELS, OF THE PRODUCED WATER".

Page 7, line 19, strike "JULY 1," and substitute "DECEMBER 31,".

Page 9, line 27, strike "definitions." and substitute "definitions - review of functions - repeal."

Page 12, line 8, strike "AGENCY" and substitute "AGENCY, OTHER THAN A COMMISSIONER OF THE COMMISSION,".

Page 12, line 11, strike "ENVIRONMENT;" and substitute "ENVIRONMENT. A STAFF PERSON FOR THE COMMISSION MAY BE APPOINTED PURSUANT TO THIS SUBSECTION (3)(a)(III)(A).".

Page 12, line 15, before "NONGOVERNMENTAL" insert "ENVIRONMENTAL".

Page 13, line 6, strike "NONPROFIT" and substitute "NONGOVERNMENTAL".

Page 13, line 11, after "EACH" insert "OF WHOM MUST BE", and strike "NONPROFIT" and substitute "NONGOVERNMENTAL".

Page 13, line 13, strike "COLOR," and substitute "COLOR OR MUST RESIDE IN A DISPROPORTIONATELY IMPACTED COMMUNITY,".

Page 15, line 24, after "WATER;" add "EXCEPT THAT THE CONSORTIUM SHALL NOT PARTICIPATE AS A PARTY IN ANY RULE-MAKING PROCEEDING;".

Page 17, after line 20 insert:

"(7) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2030. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 3. In Colorado Revised Statutes, 24-34-104, add (31)(a)(VIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (31) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2030:

(VIII) THE COLORADO PRODUCED WATER CONSORTIUM CREATED IN SECTION 34-60-135 (2)(a).".

Renumber succeeding sections accordingly.

Senate Journal, May 3

HB23-1242 by Representative(s) Boesenecker and Joseph; also Senator(s) Cutter--Concerning water used in oil and gas operations, and, in connection therewith, making an appropriation.

Amendment No. 1, Transportation & Energy Committee Amendment. (Printed in Senate Journal, May 1, page(s) 1252-1253 and placed in members' bill files.)

Amendment No. 2(L.018), by Senators Cutter and Priola.

Amend reengrossed bill, page 13, line 20, strike "(I)".

Page 13, strike lines 25 through 27.

Page 14, strike lines 1 through 9 and substitute:

"(d) (I) MEMBERS SHALL BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED WHILE PERFORMING OFFICIAL DUTIES, TOGETHER WITH MILEAGE, AT THE RATE AT WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE REIMBURSED PURSUANT TO SECTION 2-2-317. ALL CONSORTIUM MEMBERS ARE ENTITLED TO RECEIVE FIFTY DOLLARS FOR EACH MEETING ATTENDED DURING THE 2023-24 STATE FISCAL YEAR; EXCEPT THAT MEMBERS WHO ARE APPOINTED UNDER SUBSECTION (3)(a)(IV)(B) OF THIS SECTION AND RESIDE IN A DISPROPORTIONATELY IMPACTED COMMUNITY ARE ELIGIBLE TO RECEIVE AN ADDITIONAL ONE HUNDRED FIFTY DOLLARS FOR EACH MEETING ATTENDED DURING THE 2023-24 STATE FISCAL YEAR.
(II) A MEMBER OF THE CONSORTIUM WHO, AS PART OF THE MEMBER'S TYPICALLY ASSIGNED, REGULAR JOB DUTIES, RECEIVES PROFESSIONAL COMPENSATION FOR THE MEMBER'S PARTICIPATION IN A CONSORTIUM MEETING IS NOT ELIGIBLE FOR THE ADDITIONAL PER DIEM FOR REPRESENTATIVES OF A DISPROPORTIONATELY IMPACTED COMMUNITY PURSUANT TO

SUBSECTION
(3)(d)(I) OF THIS SECTION.
(III) THE DIRECTOR OF THE CONSORTIUM HIRED PURSUANT TO
SUBSECTION (3)(e) OF THIS SECTION SHALL ANNUALLY ADJUST
THE PER DIEM
AMOUNTS SET FORTH IN SUBSECTION (3)(d)(I) OF THIS SECTION
BASED ON THE
ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
DEPARTMENT OF LABOR'S
BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL
URBAN CONSUMERS,
OR ITS SUCCESSOR INDEX.
(IV) THE DIRECTOR OF THE CONSORTIUM SHALL DETERMINE THE
FORM
AND MANNER BY WHICH A CONSORTIUM MEMBER MAY REQUEST
EXPENSE
REIMBURSEMENT, MILEAGE REIMBURSEMENT, OR A PER DIEM
ALLOWANCE."

Reletter succeeding paragraph accordingly.

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

HB23-1255 Regulating Local Housing Growth Restrictions

Calendar NOT ON CALENDAR

Notification:

Summary:

Currently, several ~~local governments~~ *governmental entities* 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 governmental entity~~ housing growth restriction, and forbids the enactment or enforcement of any future local housing growth restriction, unless the ~~local government~~ *governmental entity* has experienced a disaster emergency, *has developed or amended land use plans or land use laws covering residential development or the residential component of a mixed-use development, or is extending or acquiring public infrastructure, public services, or water resources. A governmental entity that has experienced a disaster emergency, has developed or amended land use plans or land use laws covering residential development or the residential component of a mixed-use development, or is extending or acquiring public infrastructure, public services, or water resources may implement a growth-cap for up to 24 months in a 5-year period.*

(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: 3/24/2023 Introduced In House - Assigned to Transportation, Housing & Local Government
4/5/2023 House Committee on Transportation, Housing & Local Government Refer Amended to House Committee of the Whole
4/11/2023 House Second Reading Laid Over Daily - No Amendments
4/21/2023 House Second Reading Special Order - Passed with Amendments - Committee, Floor
4/24/2023 House Third Reading Passed - No Amendments
4/25/2023 Introduced In Senate - Assigned to Local Government & Housing
5/2/2023 Senate Committee on Local Government & Housing Refer Amended to Senate Committee of the Whole
5/3/2023 Senate Second Reading Special Order - Passed with Amendments - Committee
5/4/2023 Senate Third Reading Passed - No Amendments
5/5/2023 House Considered Senate Amendments - Result was to Laid Over Daily
5/7/2023 House Considered Senate Amendments - Result was to Concur - Repass
5/11/2023 Signed by the Speaker of the House
5/12/2023 Sent to the Governor
5/12/2023 Signed by the President of the Senate

Amendments:

House Journal, April 6

11 HB23-1255 be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:

14

15 Amend printed bill, page 3, strike lines 22 through 26 and substitute:

16 "(a) "ANTI-GROWTH LAW" MEANS A LAND USE LAW THAT
17 EXPLICITLY LIMITS THE NUMBER OF LAND USE APPLICATIONS
MADE TO OR

18 ACCEPTED BY A GOVERNMENTAL ENTITY, THE NUMBER OF
BUILDING

19 PERMITS SUBMITTED TO OR ISSUED BY A GOVERNMENTAL
ENTITY, OR THE

20 ALLOWABLE POPULATION GROWTH FOR RESIDENTIAL OR
MIXED-USE

21 DEVELOPMENTS OR RESIDENTIAL CONSTRUCTION PROJECTS
FOR ANY

22 PERIOD."

23

24 Page 4, strike lines 15 through 21 and substitute "AN ANTI-GROWTH
LAW

25 AFFECTING PROPERTY.
26 (4) NOTWITHSTANDING ANY PROVISION OF SECTION 29-20-104
OR
27 SUBSECTION (3) OF THIS SECTION TO THE CONTRARY, A
GOVERNMENTAL
28 ENTITY MAY ENACT AND ENFORCE A TEMPORARY,
NON-RENEWABLE ANTI-
29 GROWTH LAW AFFECTING PROPERTY FOLLOWING A DISASTER
EMERGENCY
30 DECLARED BY THE GOVERNOR THAT OCCURRED IN THE
JURISDICTION OF
31 THE GOVERNMENTAL ENTITY. A TEMPORARY,
NON-RENEWABLE ANTI-
32 GROWTH LAW ALLOWED BY THIS SUBSECTION (4) MAY BE
EFFECTIVE FOR
33 NO MORE THAN ONE YEAR AFTER THE DECLARATION OF A
DISASTER
34 EMERGENCY BY THE GOVERNOR."
35
36

House Journal, April 21

35 Amendment No. 1, Transportation, Housing & Local Government Report,
36 dated April 5, 2023, and placed in member's bill file; Report also printed
37 in House Journal, April 6, 2023.

38

39 Amendment No. 2, by Representative Lindstedt:

40

41 Amend the Transportation, Housing and Local Government Committee
42 Report, dated April 5, 2023, page 1, strike lines 2 through 8 and
43 substitute:

44

45 "(a) "ANTI-GROWTH LAW" MEANS A LAND USE LAW THAT
46 EXPLICITLY LIMITS EITHER THE GROWTH OF THE POPULATION
IN THE
47 GOVERNMENTAL ENTITY'S JURISDICTION OR THE NUMBER OF
48 DEVELOPMENT PERMITS OR BUILDING PERMIT APPLICATIONS
FOR
49 RESIDENTIAL DEVELOPMENT OR THE RESIDENTIAL
COMPONENT OF ANY
50 MIXED USE DEVELOPMENT SUBMITTED TO, REVIEWED BY,
APPROVED BY,
51 OR ISSUED BY A GOVERNMENTAL ENTITY FOR ANY CALENDAR
OR FISCAL
52 YEAR. AS USED IN THIS SUBSECTION (2)(a), "LAND USE LAW"
MEANS ANY
53 STATUTE, RESOLUTION, ORDINANCE, CODE, RULE,
REGULATION, PLAN,

54 POLICY, PROCEDURE, STANDARD, INITIATIVE, GUIDELINE,
55 REQUIREMENT,
56 OR LAW THAT REGULATES THE USE OR DIVISION OF PROPERTY
OR ANY
56 INTEREST IN PROPERTY.".

1 Page 4 of the bill, strike lines 6 through 10.

2

3 Reletter succeeding paragraph accordingly.".

4

5 Amendment No. 3, by Representative Dickson:

6

7 Amend the Transportation, Housing and Local Government Committee
8 Report, dated April 5, 2023, page 1, strike lines 11 through 19 and
9 substitute:

10

104 11 "(4) (a) NOTWITHSTANDING ANY PROVISION OF SECTION
29-20-

12 OR SUBSECTION (3) OF THIS SECTION TO THE CONTRARY, A
13 GOVERNMENTAL ENTITY MAY ENACT AND ENFORCE A
TEMPORARY,

14 NONRENEWABLE ANTI-GROWTH LAW:

15 (I) FOLLOWING A DISASTER EMERGENCY DECLARED BY THE
16 GOVERNOR OR LOCAL GOVERNMENT THAT OCCURRED IN THE
JURISDICTION

17 OF THE GOVERNMENTAL ENTITY;

18 (II) FOR THE PURPOSE OF DEVELOPING OR AMENDING LAND
USE

19 PLANS OR LAND USE LAWS COVERING RESIDENTIAL
DEVELOPMENT OR THE

20 RESIDENTIAL COMPONENT OF A MIXED-USE DEVELOPMENT; OR
21 (III) TO PROVIDE FOR THE EXTENSION OR ACQUISITION OF
PUBLIC

22 INFRASTRUCTURE, PUBLIC SERVICES, OR WATER RESOURCES.

23 (b) A TEMPORARY, NONRENEWABLE ANTI-GROWTH LAW
24 AFFECTING PROPERTY ALLOWED BY SUBSECTION (4)(a) OF THIS
SECTION

25 MAY BE EFFECTIVE FOR NO MORE THAN TWENTY-FOUR
MONTHS IN ANY

26 FIVE-YEAR PERIOD."."

27

28 Amendment No. 4, by Representative Dickson:

29

30 Amend printed bill, page 4, after line 21 insert:

31

32 "(4) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(b)
OF

33 THIS SECTION, NOTHING IN THIS SECTION REQUIRES A
GOVERNMENTAL

34 ENTITY TO APPROVE A PERMIT APPLICATION OR PRECLUDES A
35 GOVERNMENTAL ENTITY FROM REGULATING THE USE OF
LAND,
36 DEVELOPING LAND USE PLANS, ENACTING AFFORDABILITY
REQUIREMENTS,
37 REGULATING THE RENTAL OF ANY PROPERTY OR PORTION OF
A PROPERTY
38 THAT IS AVAILABLE FOR LODGING FOR LESS THAN THIRTY
DAYS, OR
39 DENYING A PERMIT FOR ANY REASON, INCLUDING EXTENDING
OR
40 ACQUIRING INFRASTRUCTURE, WATER RESOURCES, OR
SERVICES.
41 (b) SUBSECTION (4)(a) OF THIS SECTION DOES NOT APPLY TO A
42 HOTEL UNIT PORTION OF A STRUCTURE THAT IS USED BY A
BUSINESS
43 ESTABLISHMENT TO PROVIDE COMMERCIAL LODGING TO THE
GENERAL
44 PUBLIC FOR PREDOMINANTLY OVERNIGHT OR WEEKLY STAYS,
THAT IS
45 CLASSIFIED AS A HOTEL OR MOTEL FOR PURPOSES OF
PROPERTY TAXATION,
46 THAT IS NOT A UNIT, AS DEFINED IN SECTION 38-33.3-103 (30), IN
A
47 CONDOMINIUM, AND THAT IS ZONED OR PERMITTED BY A
GOVERNMENTAL
48 ENTITY FOR USE AS A HOTEL.".

49

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

52

Senate Journal, May 3

After consideration on the merits, the Committee recommends that HB23-1255
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 12, strike "REQUIREMENTS," and
substitute
"REQUIREMENTS THAT REGULATE OR RESTRICT MARKET RATE
DEVELOPMENT OR
REDEVELOPMENT IN ORDER TO ENFORCE AFFORDABILITY
REQUIREMENTS,".

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 division of housing in the department of local affairs;*
- 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~~ 120 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~~ a *reasonable and sufficient amount of accessible drinking water* 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, *nonprofit entities*, 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, *and the attorney general*. ~~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;~~

- *The division may impose a civil penalty of up to \$10,000 plus an additional \$5,000 per full calendar month the violation continues;*
- 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~~
- *Retaliation against a tenant for making a complaint is prohibited; 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.

To implement the act, \$3,611,859 is appropriated from the general fund to the mobile home park water quality fund.

(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: 3/26/2023 Introduced In House - Assigned to Transportation, Housing & Local Government
4/12/2023 House Committee on Transportation, Housing & Local Government Refer Amended to Finance
4/17/2023 House Committee on Finance Refer Unamended to Appropriations
4/25/2023 House Committee on Appropriations Refer Amended to House Committee of the Whole
4/26/2023 House Second Reading Special Order - Passed with Amendments - Committee, Floor
4/27/2023 House Third Reading Laid Over Daily - No Amendments
4/29/2023 House Third Reading Passed - No Amendments
5/1/2023 Introduced In Senate - Assigned to Finance
5/4/2023 Senate Committee on Finance Refer Amended to Appropriations
5/5/2023 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
5/5/2023 Senate Second Reading Special Order - Passed with Amendments -

Committee

5/6/2023 Senate Third Reading Passed - No Amendments

5/7/2023 House Considered Senate Amendments - Result was to Concur - Repass

5/22/2023 Sent to the Governor

5/22/2023 Signed by the President of the Senate

5/22/2023 Signed by the Speaker of the House

Amendments:

House Journal, April 13

14 HB23-1257 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 3, strike lines 20 through 22.

19

20 Page 4, strike lines 1 through 12.

21

22 Renumber succeeding subsections accordingly.

23

24 Page 4, line 16, after "INCLUDES" insert "DRINKING".

25

26 Page 4, strike line 17 and substitute "THE DISTRIBUTION SYSTEM".

27

28 Page 5, strike lines 18 through 20 and substitute:

29

30 "(a) THE FINISHED WATER FAILS TO COMPLY WITH THE
PRIMARY

31 DRINKING WATER QUALITY STANDARDS ESTABLISHED BY
RULE UNDER

32 SECTIONS 25-8-202 AND 25-8-204, OR WITH ANY MAXIMUM
CONTAMINANT

33 LEVEL ESTABLISHED BY THE UNITED STATES".

34

35 Page 7, line 2, strike "CRITERIA:" and substitute "CRITERIA, NOT
LISTED IN

36 ORDER OF IMPORTANCE:".

37

38 Page 7, line 8, strike "A" and substitute "THE MOST RECENT VERSION
OF

39 ITS".

40

41 Page 7, line 13, strike "AND".

42

43 Page 7, line 15, strike "SUPPLY." and substitute "SUPPLY; AND

44 (F) PARKS THE DIVISION DETERMINES SHOULD BE
PRIORITIZED.".

45

46 Page 7, strike lines 19 through 27.

47

48 Page 8, strike line 1 and substitute:

49

50 "(2) Testing parameters. (a) IN DEVELOPING THE TESTING
51 PROGRAM, THE DIVISION SHALL INTERVIEW RESIDENTS OF
52 PARKS TO
53 UNDERSTAND RESIDENT EXPERIENCES, INCLUDING DAMAGE
54 TO
55 APPLIANCES, HEALTH EFFECTS, AND ECONOMIC EFFECTS, AND
56 SHALL
57 ASSESS POSSIBLE CAUSES OF CONCERN ABOUT THE QUALITY
58 OF FINISHED
59 WATER, INCLUDING CONCERNS ABOUT FINISHED WATER THAT
60 HAS AN

2023 Page 1126 House Journal--95th Day--April 13,

61 ABNORMAL COLOR, ODOR, OR TASTE. THE DIVISION SHALL
62 CONDUCT THE
63 INTERVIEWS IN ENGLISH, SPANISH, OR ANY OTHER LANGUAGE
64 REQUESTED

65 BY A RESIDENT OR THAT THE DIVISION DETERMINES IS
66 NECESSARY TO
67 CONDUCT THE INTERVIEW.

68 (b) IN DEVELOPING THE TESTING PROGRAM, THE DIVISION
69 SHALL

70 DETERMINE AND APPROVE A SPECIFIC SAMPLING AND TESTING
71 PLAN FOR

72 EACH PARK REQUIRING ANY WATER QUALITY TESTING THAT
73 THE

74 DIVISION".

9

75 Page 8, strike lines 3 through 8 and substitute "QUALITY AND TO
76 ASSESS

77 PARK RESIDENT CONCERNS IDENTIFIED IN THE INTERVIEWS
78 DESCRIBED IN

79 SUBSECTION (2)(a) OF THIS SECTION. THE TESTING MAY
80 INCLUDE:

81 (I) TESTING TO DETERMINE IF THE WATER COMPLIES WITH THE
82 PRIMARY AND SECONDARY DRINKING WATER STANDARDS
83 ESTABLISHED BY

84 RULE UNDER SECTIONS 25-8-202 AND 25-8-204 AND WITH THE
85 MAXIMUM

86 CONTAMINANT LEVELS OR SECONDARY MAXIMUM
87 CONTAMINANT LEVELS

88 ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL
89 PROTECTION

90 AGENCY;

91 (II) TESTING TO EVALUATE HARDNESS, IRON, CALCIUM, AND
92 TOTAL

20 DISSOLVED SOLIDS; AND
21 (III) TESTING FOR CHEMICALS WITH HEALTH ADVISORY
LEVELS IF
22 THE DIVISION BELIEVES THE CHEMICALS MAY BE PRESENT IN
THE FINISHED
23 WATER."
24
25 Page 8, line 9, strike "(II) IS" and substitute "(c) EACH APPROVED
26 SAMPLING AND TESTING PLAN IS".
27
28 Reletter succeeding paragraphs accordingly.
29
30 Page 8, line 12, strike "PRESENT" and substitute "NEAR OR IN EXCESS
OF
31 THE STANDARD".
32
33 Page 8, strike lines 21 through 25 and substitute:
34
35 "(II) AVOID TESTING WITHIN A MOBILE HOME WITHOUT THE
36 OWNER'S OR RENTER'S CONSENT AND EVALUATE POSSIBLE
ALTERNATE
37 TESTING LOCATIONS, INCLUDING PEDESTALS AND SERVICE
LINES."
38
39 Page 9, after line 12 insert:
40
41 "(D) THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL
42 AFFAIRS;"
43
44 Reletter succeeding sub-subparagraphs accordingly.
45
46 Page 10, line 3, after "RESULTS" insert "WITHIN FORTY-EIGHT
HOURS".
47
1 48 Page 10, lines 26 and 27, strike "ENFORCEMENT PURSUANT TO
ARTICLE
49 OF TITLE 6." and substitute "SECTION 38-12-1104 AND PART 2 OF
ARTICLE
50 12 OF TITLE 38."
51
52 Page 11, line 3, strike "DIVISION:" and substitute "DIVISION SHALL:".
53
54
1 Page 11, line 4, strike "MAY PERFORM OR REQUIRE ADDITIONAL
TESTING"
2 and substitute "PERFORM OR REQUIRE ADDITIONAL TESTING, IF
3 NECESSARY,".
4

5 Page 11, line 6, strike "TESTING AND" and substitute "TESTING,".

6

7 Page 11, line 7, strike "SUPPLY;" and substitute "SUPPLY OUTSIDE THE
8 MOBILE HOME, AND TESTING OF FLOW RATES AND WATER
PRESSURE;".

9

10 Page 11, line 8, strike "SHALL NOTIFY" and substitute "NOTIFY".

11

12 Page 11, line 10, strike "SHALL TIMELY" and substitute "TIMELY".

13

14 Page 11, line 16, strike "SHALL, WHEN" and substitute "WHEN".

15

16 Page 11, line 24, strike "NINETY" and substitute "ONE HUNDRED
TWENTY".

17

18 Page 11, line 27, strike "NOTICE;" and substitute "NOTICE AND MUST
19 INCLUDE DEADLINES, WITH STATUS UPDATE REQUIREMENTS,
TO ADDRESS

20 THE WATER QUALITY ISSUE;".

21

22 Page 12, lines 3 and 4, strike "AN ALTERNATE SOURCE OF" and
substitute

23 "A REASONABLE AND SUFFICIENT AMOUNT OF ACCESSIBLE".

24

25 Page 12, line 6, strike "MAY" and substitute "SHALL".

26

27 Page 12, lines 15 and 16, strike "MUST BE DESIGNED TO HELP
ACHIEVE

28 ENVIRONMENTAL JUSTICE AND".

29

30 Page 12, line 18, strike "DIVISION:" and substitute "DIVISION SHALL:".

31

32 Page 12, line 19, strike "SHALL CONDUCT" and substitute "CONDUCT",
and

33 strike "PARKS" and substitute "PARK RESIDENTS".

34

35 Page 12, line 23, strike "SHALL COORDINATE" and substitute

36 "COORDINATE".

37

38 Page 12, line 26, strike "SHALL ENSURE" and substitute "ENSURE".

39

40 Page 13, line 3, strike "MAY CONSULT" and substitute "CONSULT".

41

42 Page 13, line 5, after "HIGHER EDUCATION," insert "THE WATER
43 PROVIDER,".

44

45 Page 13, line 7, strike "SHALL CONSIDER" and substitute "CONSIDER".

46

47 Page 13, line 9, strike "SHALL ASSESS" and substitute "ASSESS".

48

49 Page 13, line 15, strike "SHALL COLLECT" and substitute "COLLECT".

50

51 Page 13, line 20, strike "TESTED" and substitute "TESTED, THE TESTING

52 LOCATIONS,".

53

54 Page 14, line 2, strike "AND".

55

2023 Page 1128 House Journal--95th Day--April 13,

1 Page 14, strike line 4 and substitute "PLAN; AND

2 (f) INCLUDE A WRITTEN DESCRIPTION OF HOW PARK RESIDENT

3 FEEDBACK WAS AND WAS NOT INCORPORATED.".

4

5 Page 14, line 12, strike "OWNERS" and substitute "OWNERS, NONPROFIT

6 ENTITIES,".

7 Page 14, line 16, before "PARK." insert "PARK OR IMPROVE WATER

8 QUALITY IN A".

9

10 Page 15, line 3, strike "OWNER" and substitute "OWNER, NONPROFIT

11 ENTITY,".

12

13 Page 15, line 8, after "OWNER," insert "NONPROFIT ENTITY,".

14

15 Page 15, line 14, after "REMEDIATION" insert "OR IMPROVEMENT".

16

17 Page 15, line 22, strike "ISSUE." and substitute "ISSUE OR IMPROVE

WATER

18 QUALITY.".

19

20 Page 15, lines 26 and 27, strike "THE DIVISION SHALL DISTRIBUTE

GRANT

21 MONEY WITHIN ONE HUNDRED TWENTY DAYS".

22

23 Page 16, strike line 1.

24

25 Page 16, line 11, strike "6-1-112 (3)" and substitute "25-8-1007 (3)".

26

27 Page 16, line 17, strike "MAY" and substitute "SHALL, AS NECESSARY TO

28 ADDRESS A PARK'S WATER QUALITY ISSUES OR IMPROVE A PARK'S WATER

29 QUALITY,".

30

31 Page 16, line 22, strike "MAY" and substitute "SHALL, AS NECESSARY TO

32 ADDRESS A PARK'S WATER QUALITY ISSUES OR IMPROVE A

PARK'S WATER

33 QUALITY,".

34

35 Page 16, line 23, strike "10." and substitute "10 IN ACCORDANCE WITH
36 SECTION 25-8-605.

37

38 Page 16, strike lines 24 through 27 and substitute:

39

40 "(3) (a) IF THE PARK OWNER FAILS TO COMPLY WITH A CEASE
AND

41 DESIST ORDER, CREATE A REMEDIATION PLAN, IMPLEMENT A
REMEDICATION

42 PLAN, OR RESPOND TO THE DIVISION IN CONNECTION WITH A
REMEDICATION

43 PLAN, THE DIVISION MAY IMPOSE A CIVIL PENALTY OF UP TO
TEN

44 THOUSAND DOLLARS PLUS AN ADDITIONAL FIVE THOUSAND
DOLLARS FOR

45 EACH FULL CALENDAR MONTH AFTER THE FIRST CALENDAR
MONTH FOR

46 WHICH THE VIOLATION CONTINUES. THE DIVISION MUST
IMPOSE A CIVIL

47 PENALTY IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.

48 (b) THE DIVISION SHALL TRANSFER A CIVIL PENALTY
COLLECTED

49 PURSUANT TO THIS SUBSECTION (3) TO THE STATE
TREASURER, WHO SHALL

50 CREDIT THE CIVIL PENALTY TO THE FUND.".

51

52 Page 17, strike lines 1 through 5.

53

54 Page 17, strike lines 11 through 14.

55

1 Renumber succeeding subsection accordingly.

2

3 Page 18, strike line 6 and substitute "SECTION 38-12-1106.".

4

5 Page 18, strike lines 7 through 27.

6 Strike page 19.

7

8 Page 20, strike lines 1 through 10.

9

10 Renumber succeeding sections accordingly.

11

12 Page 20, line 22, strike "REPRESENT" and substitute "ADVOCATE FOR
AND

13 LIAISE WITH".

14

15 Page 21, after line 7 insert:

16

17 "SECTION 5. In Colorado Revised Statutes, 38-12-204, amend
18 (4) introductory portion, (4)(b), and (4)(c); and add (4)(d) as follows:
19 38-12-204. Nonpayment of rent - notice required for rent
20 increase - limitation on rent increases. (4) A landlord shall not increase
21 rent on a RESIDENT OF A mobile home park lot if the park:
22 (b) Has any unpaid penalties owed to the division of housing; or
23 (c) Has not fully complied with any final agency order issued by
24 the division of housing; OR
25 (d) HAS NOT FULLY COMPLIED WITH SECTION 25-8-1003 (2).

26 SECTION 6. In Colorado Revised Statutes, 38-12-212.3, amend
27 (2)(b)(III) and (2)(b)(IV); and add (2)(b)(V) as follows:

28 38-12-212.3. Responsibilities of landlord - acts prohibited.

29 (2) In addition to the responsibilities described in subsection (1)(a) of
30 this section, a landlord is responsible for:

31 (b) The premises, including:

32 (III) Maintaining lot grades, regrading lots as necessary to prevent
33 the accumulation of stagnant water and the detrimental effects of moving
34 water, and taking reasonably necessary steps to maintain the integrity of
35 the foundation of each mobile home's utility pedestal or pad space in
36 order to prevent structural damage to the mobile home, except in
37 circumstances where the need for such maintenance is caused by a
38 resident's actions; and

39 (IV) Maintaining trees on the premises in a manner that protects
40 the safety of residents of the park and their property, including the
41 preservation of healthy, mature trees that home owners reasonably
42 expected to remain on the premises when they signed their rental
43 agreements, so long as such preservation does not pose a safety risk to
44 any person, property, or infrastructure; AND

8 45 (V) COMPLYING WITH THE PROVISIONS OF PART 10 OF
ARTICLE

46 OF TITLE 25."

47

48 Renumber succeeding sections accordingly.

49

50 Page 21, after line 14 insert:

51

52 "SECTION 8. In Colorado Revised Statutes, 38-12-502, add
53 (6.5) as follows:

54

2023 Page 1130 House Journal--95th Day--April 13,

1 38-12-502. Definitions. As used in this part 5 and part 8 of this
2 article 12, unless the context otherwise requires:

3 (6.5) "ORGANIZING INCLUDES:

4 (a) FACILITATING OR ATTENDING A MEETING FOR PURPOSES OF
5 FORMING A TENANTS' ORGANIZATION OR FILING A COMPLAINT,
EVEN IF THE

6 ORGANIZATION IS NOT YET FORMED OR THE COMPLAINT HAS
7 NOT YET BEEN
8 FILED WHEN THE RETALIATION OCCURS OR
9 (b) DISTRIBUTION OF FLYERS OR OTHER PROMOTIONAL OR
10 EDUCATIONAL MATERIALS RELATED TO EFFORTS TO
11 ORGANIZE TENANTS."

12

13 Renumber succeeding sections accordingly.

14

15 Page 21, line 16, strike "(1)" and substitute "(1); and add (5)".

16

17 Page 21, strike lines 18 and 19 and substitute "retaliate against a tenant
18 by increasing rent, or BY decreasing services, or by bringing or
19 threatening to bring an action for possession, OR BY BRINGING ANY
20 OTHER

21 ADVERSE ACTION in response to".

22

23 Page 22, after line 2 insert:

24

25 "(5) A RETALIATORY ACTION DESCRIBED IN SUBSECTION (1) OF
26 THIS SECTION IS REBUTTABLY PRESUMED TO BE RETALIATION
27 IN VIOLATION

28 OF THIS SECTION IF DONE WITHIN ONE HUNDRED TWENTY
29 DAYS AFTER THE

30 TENANT DOES AN ACTION DESCRIBED IN SUBSECTION (1)(a) TO
31 (1)(c) OF

32 THIS SECTION."

33

34 Page 22, line 18, strike "SOURCE AND THE WATER" and substitute
35 "SOURCE."

36

37 Page 22, strike lines 19 and 20.

House Journal, April 25

38 HB23-1257 be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:

41

42 Amend printed bill, page 23, after line 8 insert:

43

44 "SECTION 11. Appropriation. (1) For the 2023-24 state fiscal
45 year, \$3,611,859 is appropriated to the mobile home park water quality
46 fund created in section 25-8-1006 (1), C.R.S. This appropriation is from
47 the general fund. The department of public health and environment is
48 responsible for the accounting related to this program.

49 (2) For the 2023-24 state fiscal year, \$3,407,448 is appropriated
50 to the department of public health and environment. This appropriation
51 is from reappropriated funds in the mobile home park water quality fund

35 under subsection (1) of this section. To implement this act, the
36 department may use the appropriation for as follows:
37 (a) \$1,065,779 for use by the water quality control division for
38 administration, which amount is based on an assumption that the division
39 will require an additional 10.8 FTE;
40 (b) \$2,303,603 for use by the water quality control division for
41 personal services related to the drinking water program; and
42 (c) \$38,066 for the purchase of legal services.
43 (3) For the 2023-24 state fiscal year, \$38,066 is appropriated to
44 the department of law. This appropriation is from reappropriated funds
45 received from the department of public health and environment under
46 subsection (2) of this section and is based on an assumption that the
47 department of law will require an additional 0.2 FTE. To implement this
48 act, the department of law may use this appropriation to provide legal
49 services for the department of public health and environment.
50 (4) For the 2023-24 state fiscal year, \$128,909 is appropriated to
51 the mobile home park act dispute resolution and enforcement program
52 fund created in section 38-12-1110 (1), C.R.S. This appropriation is from
53 the general fund. The department of local affairs is responsible for the
54 accounting related to this program."

55

56 Renumber succeeding sections accordingly.

1 Page 1, line 101, strike "PARKS." and substitute "PARKS, AND, IN
2 CONNECTION THEREWITH, MAKING AN APPROPRIATION."

3

4

House Journal, April 26

47 Report, dated April 12, 2023, page 1, after line 5 insert:

48

49 "Page 5 of the printed bill, after line 12 insert:

50 "(14) "SUFFICIENT WATER PRESSURE" MEANS WATER PRESSURE
OF

51 AT LEAST THIRTY-FIVE POUNDS PER SQUARE INCH
THROUGHOUT THE

52 DISTRIBUTION SYSTEM."

53

54 Renumber succeeding subsections accordingly."

55

56 Page 3 of the report, line 18, before "WATER" insert "FOR SUFFICIENT".

1 Page 4 of the report, strike line 1 and substitute:

2

3 "Page 12 of the bill, line 10, strike "OR".

4

5 Page 12 of the bill, line 12, strike "ISSUE." and substitute "ISSUE; OR

6 (d) CREATE A REMEDIATION PLAN, IMPLEMENT A REMEDIATION
7 PLAN, OR RESPOND TO THE DIVISION IN CONNECTION WITH A
REMEDATION

8 PLAN.

9 (4) AN ORDER ISSUED UNDER SUBSECTION (3)(d) OF THIS SECTION

10 BECOMES EFFECTIVE UPON ISSUANCE TO THE PARK OWNER. A PARK OWNER

11 MAY FILE A REQUEST FOR A HEARING, PURSUANT TO 24-4-105, ON ANY

12 ISSUE RAISED BY THE ORDER IF FILED WITHIN TWENTY DAYS AFTER THE

13 ORDER IS MAILED.

14 (5) THIS SECTION DOES NOT REQUIRE A PARK OWNER TO

15 REMEDIATE A WATER QUALITY ISSUE WITHIN A MOBILE HOME."."

16

17 Page 6 of the report, strike lines 3 and 4 and substitute:

18

19 "Page 19 of the bill, strike lines 15 through 27 and substitute:

20 "SECTION 4. In Colorado Revised Statutes, 24-31-101, amend

21 (1)(s) and (1)(t); and add (1)(u) as follows:

22 24-31-101. Powers and duties of attorney general. (1) The

23 attorney general:

24 (s) May bring or intervene in a civil action, conduct investigations,

25 and issue civil investigation demands pursuant to the "Colorado False

26 Claims Act", part 12 of this article 31; and

27 (t) May bring a civil action to enforce section 25-7-144; AND

28 (u) MAY, IF THE ATTORNEY GENERAL HAS REASON TO BELIEVE

29 THAT A MOBILE HOME PARK IS CAUSING AN IMMINENT AND

30 SUBSTANTIVE

31 ENDANGERMENT TO THE PUBLIC HEALTH, WATER QUALITY,

OR

32 ENVIRONMENT IN VIOLATION OF STATE STATUTE OR RULE,

REQUEST A

33 TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION,

PERMANENT

34 INJUNCTION, OR ANY OTHER RELIEF NECESSARY TO PROTECT

THE PUBLIC

35 HEALTH, WATER QUALITY, OR ENVIRONMENT."."

36

36 Page 7 of the report, line 4, strike "TITLE 25." and substitute "TITLE 25.

37 SECTION 8. In Colorado Revised Statutes, 38-12-212.5, amend

38 (2)(d) and (2)(e); and add (2)(f) and (6) as follows:

39 38-12-212.5. Prohibition on retaliation and harassment -

40 definition. (2) Except as described in subsection (3) of this section, in an

41 action or administrative proceeding by or against a home owner or

42 resident, the management's action is presumed to be retaliatory if, within

43 the one hundred twenty days preceding the management's action, the

44 home owner or resident:

45 (d) Made any other effort to secure or enforce any of the rights or

46 remedies provided by this part 2 or any other provision of law; or
47 (e) Participated in a vote or decision-making process concerning
48 the opportunity to purchase the mobile home park pursuant to section
49 38-12-217; OR

50 (f) FILED A WATER QUALITY COMPLAINT OR REQUESTED
51 REMEDIATION TO ADDRESS A WATER QUALITY ISSUE UNDER
PART 10 OF
52 ARTICLE 8 OF TITLE 25.

53 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT
OTHERWISE

54 REQUIRES, "ORGANIZING" INCLUDES:

55

1 (a) FACILITATING OR ATTENDING A MEETING FOR PURPOSES OF
2 FORMING A TENANTS' ORGANIZATION OR FILING A COMPLAINT,
EVEN IF THE

3 ORGANIZATION IS NOT YET FORMED OR THE COMPLAINT HAS
NOT YET BEEN

4 FILED WHEN THE RETALIATION OCCURS; OR

5 (b) DISTRIBUTION OF FLYERS OR OTHER PROMOTIONAL OR
6 EDUCATIONAL MATERIALS RELATED TO TENANT
ORGANIZATION EFFORTS."

7

8 Renumber succeeding sections accordingly."

9

10 Page 7 of the report, strike lines 6 through 23 and substitute:

11

12 "Page 21 of the bill, strike lines 15 through 27.

13

14 Page 22 of the bill, strike lines 1 and 2.

15

16 Renumber succeeding sections accordingly."

17

18 Page 7 of the report, after line 29 insert:

19

20 "Page 22 of the bill, line 4, strike "(7)(e) and (7)(f);" and substitute

21 "(7)(e);".

22

23 Page 22 of the bill, strike lines 15 and 16."

24

25 Page 7 of the report strike line 31 and substitute ""SOURCE; AND

26 (h) THE METHOD FOR CHARGING RESIDENTS FOR WATER AND
27 SEWER, WHETHER WATER AND SEWER CHARGES ARE
INCLUDED IN RENT,

28 SUBMETERED, OR BY OTHER COLLECTION MEANS."."

29

30 Amendment No. 4, by Representative Boesenecker:

31

32 Amend printed bill, page 8, line 12, strike "WATER." and substitute

33 "WATER OR IF TESTING OF THE CONTAMINANT IS ALREADY
REQUIRED BY

34 A PARK'S REGISTRATION AS A PUBLIC WATER SYSTEM.".

35

36 Amendment No. 5, by Representative Wilson:

37

38 Amend printed bill, page 7, after line 5 insert:

39

40 "(B) PARKS IN A GEOGRAPHIC AREA THAT IS KNOWN TO
PRODUCE

41 CONTAMINANTS IN FINISHED WATER BECAUSE OF THE
GEOLOGY OF THE

42 GEOGRAPHIC AREA;".

43

44 Reletter succeeding sub-subparagraphs accordingly.

45

46 Amendment No. 6, by Representative Taggart:

47

48 Amend printed bill, page 7, line 11, strike "COMPLAINTS" and substitute

49 "COMPLAINTS, INCLUDING CONSIDERATION OF THE LARGEST
NUMBER OF

50 COMPLAINTS,".

51

52 As amended, ordered engrossed and placed on the Calendar for Third

53 Reading and Final Passage.

HB23-1274 Species Conservation Trust Fund Projects

Calendar NOT ON CALENDAR

Notification:

Summary:

The bill appropriates \$5 million from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that state or federal law lists as threatened or endangered or that are candidate species or are likely to become candidate species for such listing as determined by the United States fish and wildlife service, allocated as follows:

- \$750,000 for native terrestrial wildlife conservation;
- \$1,500,000 for native aquatic wildlife conservation;
- \$2,200,000 for the upper Colorado river endangered fish recovery program and the San Juan river basin recovery implementation program;
- \$50,000 for selenium management, research, monitoring, evaluation, and control; and
- \$500,000 for the federal endangered species act litigation program.

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

Status: 3/30/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
4/13/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to Appropriations
4/18/2023 House Committee on Appropriations Refer Unamended to House Committee of the Whole
4/18/2023 House Second Reading Special Order - Passed - No Amendments
4/19/2023 House Third Reading Laid Over Daily - No Amendments
4/21/2023 House Third Reading Passed - No Amendments
4/24/2023 Introduced In Senate - Assigned to Appropriations
4/28/2023 Senate Committee on Appropriations Refer Unamended - Consent Calendar to Senate Committee of the Whole
4/28/2023 Senate Second Reading Special Order - Passed - No Amendments
5/1/2023 Senate Third Reading Passed - No Amendments
5/7/2023 Signed by the Speaker of the House
5/8/2023 Signed by the President of the Senate
5/9/2023 Sent to the Governor

Amendments:

HB23-1282 **Protect Consumers From Additional Entities**

Calendar NOT ON CALENDAR

Notification:

Summary:

The bill adds a public utility to the definition of "person" in the "Colorado Consumer Protection Act" (Act). In doing so, the bill affords consumers protections against any public utility that violates the Act and subjects a public utility to enforcement actions instituted by the attorney general or district attorneys as authorized by the Act.

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

Status: 4/3/2023 Introduced In House - Assigned to Energy & Environment
4/20/2023 House Committee on Energy & Environment Refer Unamended to House Committee of the Whole
4/21/2023 House Second Reading Special Order - Laid Over Daily - No Amendments
4/28/2023 House Second Reading Special Order - Laid Over to 05/01/2023 - No Amendments
5/3/2023 House Second Reading Laid Over to 07/01/2023 - No Amendments
5/3/2023 House Second Reading Special Order - Laid Over to 07/01/2023 - No Amendments

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 5 of the bill authorizes fee-for-service contracts to provide money for the development program.* **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 *s* the expansion of existing forestry programs, including wildfire mitigation, and the creation of a new forestry program (*forestry programs*) ~~within the community college system and at Colorado mountain college~~ (*forestry programs*) ~~at public institutions of higher education (public institutions)~~ to include state institutions of higher education, local district colleges, and area technical colleges . The commission on higher education shall determine which public institutions receive funding for expanded or new forestry programs, prioritizing public institutions that can provide a trained workforce expeditiously. 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 6** 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: 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:

1/9/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
1/26/2023 Senate Committee on Agriculture & Natural Resources Refer Amended to Appropriations
4/11/2023 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
4/13/2023 Senate Second Reading Passed with Amendments - Committee
4/14/2023 Senate Third Reading Passed - No Amendments
4/14/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
4/17/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to Appropriations
4/21/2023 House Committee on Appropriations Refer Unamended to House Committee of the Whole
4/21/2023 House Second Reading Special Order - Passed with Amendments - Floor
4/24/2023 House Third Reading Passed - No Amendments
4/25/2023 Senate Considered House Amendments - Result was to Laid Over Daily
4/26/2023 Senate Considered House Amendments - Result was to Pass
4/26/2023 Senate Considered House Amendments - Result was to Reconsider
4/26/2023 Senate Considered House Amendments - Result was to Concur - Repass
5/4/2023 Signed by the President of the Senate
5/5/2023 Signed by the Speaker of the House
5/5/2023 Sent to the Governor
5/12/2023 Governor Signed

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".

House Journal, April 21

48 Amendment No. 1, by Representative Weinberg:

49

50 Amend reengrossed bill, page 4, line 17, strike "24-33.5-202," and
51 substitute "24-33.5-1202,".

52

53 As amended, ordered revised and placed on the Calendar for Third

54 Reading and Final Passage.

55

56

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 NOT ON CALENDAR

Notification:

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~~ \$720,368 from the general fund to implement the program.

(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: 1/10/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
1/26/2023 Senate Committee on Agriculture & Natural Resources Refer Unamended to Appropriations
4/6/2023 Senate Committee on Appropriations Refer Amended - Consent Calendar to Senate Committee of the Whole
4/6/2023 Senate Second Reading Special Order - Passed with Amendments - Committee
4/10/2023 Senate Third Reading Passed - No Amendments
4/10/2023 Introduced In House - Assigned to State, Civic, Military, & Veterans Affairs
4/27/2023 House Committee on State, Civic, Military, & Veterans Affairs Refer Unamended to Appropriations
5/11/2023 House Committee on Appropriations Lay Over Unamended - Amendment(s) Failed

Amendments:

Senate Journal, April 6

After consideration on the merits, the Committee recommends that SB23-032 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 4, strike lines 1 through 5 and substitute:

"SECTION 2. Appropriation. (1) For the 2023-24 state fiscal year, \$720,368 is appropriated to the department of public safety. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$25,750 for use by the executive director's office for vehicle lease payments;

(b) \$138,533 for use by the division of fire prevention and control for personal services, which amount is based on an assumption that the division will require an additional 1.8 FTE; and

(c) \$556,085 for use by the division of fire prevention and control for

operating expenses."

Appropriations

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
4/10/2023 House Committee on State, Civic, Military, & Veterans Affairs Refer
Amended to House Committee of the Whole
4/12/2023 House Second Reading Laid Over Daily - No Amendments
4/28/2023 House Second Reading Special Order - Laid Over Daily - No
Amendments
4/29/2023 House Second Reading Special Order - Passed with Amendments -
Committee, Floor
5/1/2023 House Third Reading Passed with Amendments - Floor
5/2/2023 Senate Considered House Amendments - Result was to Concur - Repass
5/4/2023 Signed by the President of the Senate
5/5/2023 Signed by the Speaker of the House
5/5/2023 Sent to the Governor
6/2/2023 Signed by Governor

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.

House Journal, April 10

40 Amend reengrossed bill, page 8, after line 20 insert:

41

42 "(4) A NONDISCLOSURE AGREEMENT MAY NOT PROHIBIT THE
43 RELEASE OF INFORMATION REQUIRED TO BE RELEASED UNDER
THE
44 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF
TITLE 24."

45

46 Renumber succeeding subsection accordingly.

47

48 Page 10, after line 6 insert:

49

50 "(VII) INFORMATION AND MATTERS RELATED TO STATE ACTIVE

51 DUTY ORDERS OF NATIONAL GUARD SOLDIERS AND AIRMEN
AND

52 PERSONNEL DISPUTES SUBJECT TO THE JURISDICTION OF THE
UNITED

53 STATES DEPARTMENT OF DEFENSE;".

54

55

1 Renumber succeeding subparagraphs accordingly.

2

3 Page 11, after line 18 insert:

4

5 "(VII) INFORMATION AND MATTERS RELATED TO STATE ACTIVE
6 DUTY ORDERS OF NATIONAL GUARD SOLDIERS AND AIRMEN
AND
7 PERSONNEL DISPUTES SUBJECT TO THE JURISDICTION OF THE
UNITED
8 STATES DEPARTMENT OF DEFENSE;"

9

10 Renumber succeeding subparagraphs accordingly.

11

12 Page 12, after line 26 insert:

13

14 "(4) A NONDISCLOSURE AGREEMENT MUST STATE THAT STATE
15 EMPLOYEES ARE PROTECTED FROM RETALIATION FOR
DISCLOSURE OF
16 INFORMATION ABOUT STATE AGENCIES THAT ARE WORKING
OUTSIDE THE
5 17 PUBLIC INTEREST IN ACCORDANCE WITH THE PROVISIONS OF
ARTICLE 50.

18 OF TITLE 24.

19 (5) A NONDISCLOSURE AGREEMENT MAY NOT PROHIBIT THE
20 RELEASE OF INFORMATION REQUIRED TO BE RELEASED UNDER
THE

21 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF
TITLE 24."

22

23 Renumber succeeding subsection accordingly.

24

25 Page 15, line 1, after "OR" insert "CRIMINAL".

26

27 Page 16, line 16, after "OR" insert "CRIMINAL".

28

29 Page 17, after line 15 insert:

30

31 "(4) A NONDISCLOSURE AGREEMENT MAY NOT PROHIBIT THE
32 RELEASE OF INFORMATION REQUIRED TO BE RELEASED UNDER
THE

33 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF
TITLE 24."

34

35 Renumber succeeding subsection accordingly.

11 Amendment No. 1, State, Civic, Military, & Veterans Affairs Report,
12 dated April 10, 2023, and placed in member's bill file; Report also printed
13 in House Journal, April 10, 2023.

14

15 Amendment No. 2, by Representative Woodrow:

16

17 Amend reengrossed bill, page 6, after line 9 insert:

18

19 "(V) INFORMATION DERIVED FROM COMMUNICATIONS OF THE
20 EMPLOYER RELATED TO THREATENED OR PENDING LEGAL OR
21 ADMINISTRATIVE ACTION;

22 (VI) DISCUSSIONS THAT OCCUR IN AN EXECUTIVE SESSION
23 AUTHORIZED BY SECTION 24-6-402; OR

24 (VII) TRADE SECRETS OR INFORMATION DERIVED FROM TRADE
25 SECRETS OR PROPRIETARY INFORMATION OF THE EMPLOYER.".

26

27 Page 6, strike lines 10 through 25 and substitute:

28

29 "(b) ANY PROVISION IN ANY CONTRACT OR AGREEMENT THAT
30 VIOLATES SUBSECTION (1)(a) OF THIS SECTION OF THIS
SECTION IS DEEMED

31 TO BE AGAINST PUBLIC POLICY AND IS UNENFORCEABLE
AGAINST AN

32 EMPLOYEE UNLESS THE PROVISION IS INTENDED TO PREVENT
DISCLOSURE

33 OF:".

34

35 Page 7, after line 19 insert:

36

37 "(V) INFORMATION DERIVED FROM COMMUNICATIONS OF THE
38 EMPLOYER RELATED TO THREATENED OR PENDING LEGAL OR
39 ADMINISTRATIVE ACTION;

40 (VI) DISCUSSIONS THAT OCCUR IN AN EXECUTIVE SESSION
41 AUTHORIZED BY SECTION 24-6-402; OR

42 (VII) TRADE SECRETS OR INFORMATION DERIVED FROM TRADE
43 SECRETS OR PROPRIETARY INFORMATION OF THE EMPLOYER.".

44

45 Page 8, line 7, strike "PERSON" and substitute "EMPLOYER".

46

47 Page 8, line 8, after "DEEMED" insert "BY A COURT".

48

49 Page 8, line 9, strike "(1)(b)" and substitute "(1)".

50

51 Page 10, after line 16 insert:

52

53 "(IX) INFORMATION DERIVED FROM COMMUNICATIONS OF THE
54 EMPLOYER RELATED TO THREATENED OR PENDING LEGAL OR
55 ADMINISTRATIVE ACTION;

1 (X) DISCUSSIONS THAT OCCUR IN AN EXECUTIVE SESSION
2 AUTHORIZED BY SECTION 24-6-402; OR
3 (XI) TRADE SECRETS OR INFORMATION DERIVED FROM TRADE
4 SECRETS OR PROPRIETARY INFORMATION OF THE EMPLOYER.".

5
6 Page 10, strike lines 17 through 27.

7
8 Page 11, strike line 1 and substitute:

9
10 "(b) ANY PROVISION IN ANY CONTRACT OR AGREEMENT THAT
11 VIOLATES SUBSECTION (1)(a) OF THIS SECTION OF THIS
12 SECTION IS DEEMED
13 TO BE AGAINST PUBLIC POLICY AND IS UNENFORCEABLE
14 AGAINST AN
15 EMPLOYEE UNLESS THE PROVISION IS INTENDED TO PREVENT
16 DISCLOSURE
17 OF:".

18
19 Page 12, after line 1 insert:

20
21 "(IX) INFORMATION DERIVED FROM COMMUNICATIONS OF THE
22 EMPLOYER RELATED TO THREATENED OR PENDING LEGAL OR
23 ADMINISTRATIVE ACTION;

24 (X) DISCUSSIONS THAT OCCUR IN AN EXECUTIVE SESSION
25 AUTHORIZED BY SECTION 24-6-402; OR
26 (XI) TRADE SECRETS OR INFORMATION DERIVED FROM TRADE
27 SECRETS OR PROPRIETARY INFORMATION OF THE EMPLOYER.".

28
29 Page 12, line 14, strike "PERSON" and substitute "EMPLOYER".

30
31 Page 12, line 15, after "DEEMED" insert "BY A COURT".

32
33 Page 12, line 16, strike "(1)(b)" and substitute "(1)".

34
35 Page 15, after line 1 insert:

36
37 "(VII) INFORMATION DERIVED FROM COMMUNICATIONS OF THE
38 EMPLOYER RELATED TO THREATENED OR PENDING LEGAL OR
39 ADMINISTRATIVE ACTION;

40 (VIII) DISCUSSIONS THAT OCCUR IN AN EXECUTIVE SESSION
41 AUTHORIZED BY SECTION 24-6-402; OR
42 (IX) TRADE SECRETS OR INFORMATION DERIVED FROM TRADE
43 SECRETS OR PROPRIETARY INFORMATION OF THE EMPLOYER.".

44
45 Page 15, strike lines 2 through 14 and substitute:

46
47 "(b) ANY PROVISION IN ANY CONTRACT OR AGREEMENT THAT
48 VIOLATES SUBSECTION (1)(a) OF THIS SECTION OF THIS

SECTION IS DEEMED

46 TO BE AGAINST PUBLIC POLICY AND IS UNENFORCEABLE

AGAINST AN

47 EMPLOYEE UNLESS THE PROVISION IS INTENDED TO PREVENT
DISCLOSURE

48 OF:".

49

50 Page 16, after line 16 insert:

51

52 "(VII) INFORMATION DERIVED FROM COMMUNICATIONS OF THE
53 EMPLOYER RELATED TO THREATENED OR PENDING LEGAL OR
54 ADMINISTRATIVE ACTION;

55

1 (VIII) DISCUSSIONS THAT OCCUR IN AN EXECUTIVE SESSION

2 AUTHORIZED BY SECTION 24-6-402; OR

3 (IX) TRADE SECRETS OR INFORMATION DERIVED FROM TRADE

4 SECRETS OR PROPRIETARY INFORMATION OF THE EMPLOYER.".

5

6 Page 17, line 2, strike "PERSON" and substitute "EMPLOYER".

7

8 Page 17, line 3, after "DEEMED" insert "BY A COURT".

9

10 Page 17, line 4, strike "(1)(b)" and substitute "(1)".

11 Amendment No. 3, by Representative Evans:

12

13 Amend reengrossed bill, page 5, line 21, strike "IDENTITY, SUCH".

14

15 Page 5, strike line 22 and substitute "IDENTITY OR SUCH FACTS AND
16 CIRCUMSTANCES;".

17

18 Page 5, strike line 26 and substitute "REGULATIONS, THE STATE

19 CONSTITUTION, STATE LAW, STATE REGULATIONS, OR STATE

RULES, OR A

20 COURT OF LAW OR AS ATTORNEY-CLIENT PRIVILEGED

COMMUNICATIONS,

21 AS PRIVILEGED WORK PRODUCT, AS COMMUNICATIONS

RELATED TO A

22 THREATENED OR PENDING LEGAL OR ADMINISTRATIVE

ACTION, OR AS

23 MATERIALS RELATED TO PERSONNEL OR REGULATORY

INVESTIGATIONS BY

24 THE EMPLOYER;".

25

26 Page 6, strike lines 2 through 7 and substitute "A CURRENT OR

27 PROSPECTIVE CONTRACTOR, VENDOR, GRANTEE OR AS PART

OF A

28 PUBLIC-PRIVATE PARTNERSHIP, OR ENTITY WORKING WITH

THE STATE AS

29 PART OF AN ECONOMIC DEVELOPMENT ACTIVITY; OR".

30

31 Page 6, line 9, strike "INVESTIGATIONS." and substitute

"INVESTIGATIONS

32 INCLUDING SECURITY ARRANGEMENTS FOR OR
INVESTIGATIONS INTO

33 ELECTED OFFICIALS OR OTHER INDIVIDUALS, PHYSICAL
INFRASTRUCTURE,

34 OR CYBERSECURITY;".

35

36 Page 6, before line 10 insert:

37

38 "(V) INFORMATION AND RECORDS NOT SUBJECT TO
DISCLOSURE

39 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
ARTICLE 72 OF

40 TITLE 24; OR

41 (VI) TRADE SECRETS OWNED BY THE EMPLOYER.".

42

43 Page 7, line 4, strike "IDENTITY, SUCH".

44

45 Page 7, strike line 5 and substitute "IDENTITY OR SUCH FACTS AND
46 CIRCUMSTANCES;".

47

48 Page 7, strike line 9 and substitute "REGULATIONS, THE STATE
49 CONSTITUTION, STATE LAW, STATE REGULATIONS, OR STATE
RULES, OR A

50 COURT OF LAW OR AS ATTORNEY-CLIENT PRIVILEGED
COMMUNICATIONS,

51 AS PRIVILEGED WORK PRODUCT, AS COMMUNICATIONS
RELATED TO A

52 THREATENED OR PENDING LEGAL OR ADMINISTRATIVE
ACTION, OR AS

53 MATERIALS RELATED TO PERSONNEL OR REGULATORY
INVESTIGATIONS BY

54 THE EMPLOYER;".

55

1 Page 7, strike lines 12 through 17 and substitute "A CURRENT OR
2 PROSPECTIVE CONTRACTOR, VENDOR, GRANTEE OR AS PART OF

A

3 PUBLIC-PRIVATE PARTNERSHIP, OR ENTITY WORKING WITH THE
STATE AS

4 PART OF AN ECONOMIC DEVELOPMENT ACTIVITY; OR".

5

6 Page 7, line 19, strike "INVESTIGATIONS." and substitute
"INVESTIGATIONS

7 INCLUDING FOR ELECTED OFFICIALS OR OTHER INDIVIDUALS,
PHYSICAL

8 INFRASTRUCTURE, OR CYBERSECURITY;".

9

10 Page 7, before line 20 insert:

11

12 "(V) INFORMATION AND RECORDS NOT SUBJECT TO
DISCLOSURE

13 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
ARTICLE 72 OF

14 TITLE 24; OR

15 (VI) TRADE SECRETS OWNED BY THE EMPLOYER."

16

17 Page 8, before line 21 insert:

18

19 "(4) NOTHING IN THIS SECTION PREVENTS AN EMPLOYER FROM
20 REQUIRING AN EMPLOYEE TO ENTER INTO A NONDISCLOSURE
AGREEMENT

21 WITH A THIRD PARTY IN THE EMPLOYEE'S OFFICIAL CAPACITY
AND ON

22 BEHALF OF THE EMPLOYER."

23

24 Renumber succeeding subsection accordingly.

25

26 Page 9, line 22, strike "IDENTITY, SUCH".

27

28 Page 9, strike line 23 and substitute "IDENTITY OR SUCH FACTS AND
29 CIRCUMSTANCES;".

30

31 Page 9, strike line 27 and substitute "REGULATIONS, THE STATE
32 CONSTITUTION, STATE LAW, STATE REGULATIONS, OR STATE
RULES, OR A

33 COURT OF LAW OR AS ATTORNEY-CLIENT PRIVILEGED
COMMUNICATIONS,

34 AS PRIVILEGED WORK PRODUCT, AS COMMUNICATIONS
RELATED TO A

35 THREATENED OR PENDING LEGAL OR ADMINISTRATIVE
ACTION, OR AS

36 MATERIALS RELATED TO PERSONNEL OR REGULATORY
INVESTIGATIONS BY

37 THE EMPLOYER;".

38

39 Page 10, strike lines 9 through 14 and substitute "A CURRENT OR
40 PROSPECTIVE CONTRACTOR, VENDOR, GRANTEE OR AS PART
OF A

41 PUBLIC-PRIVATE PARTNERSHIP, OR ENTITY WORKING WITH
THE STATE AS

42 PART OF AN ECONOMIC DEVELOPMENT ACTIVITY; OR".

43

44 Page 10, line 16, strike "INVESTIGATIONS." and substitute

45 "INVESTIGATIONS INCLUDING FOR ELECTED OFFICIALS OR
OTHER

46 INDIVIDUALS, PHYSICAL INFRASTRUCTURE, OR
CYBERSECURITY;".

47

48 Page 10, before line 17 insert:

49

50 "(IX) INFORMATION AND RECORDS NOT SUBJECT TO
DISCLOSURE

51 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
ARTICLE 72 OF

52 TITLE 24; OR

53 (X) TRADE SECRETS OWNED BY THE EMPLOYER.".

54

55 Page 11, line 7, strike "IDENTITY, SUCH".

1 Page 11, strike line 8 and substitute "IDENTITY OR SUCH FACTS AND
2 CIRCUMSTANCES;".

3

4 Page 11, strike line 12 and substitute "REGULATIONS, THE STATE
5 CONSTITUTION, STATE LAW, STATE REGULATIONS, OR STATE
RULES, OR A

6 COURT OF LAW OR AS ATTORNEY-CLIENT PRIVILEGED
COMMUNICATIONS,

7 AS PRIVILEGED WORK PRODUCT, AS COMMUNICATIONS
RELATED TO A

8 THREATENED OR PENDING LEGAL OR ADMINISTRATIVE ACTION,
OR AS

9 MATERIALS RELATED TO PERSONNEL OR REGULATORY
INVESTIGATIONS BY

10 THE EMPLOYER;".

11

12 Page 11, strike lines 21 through 26 and substitute "A CURRENT OR
13 PROSPECTIVE CONTRACTOR, VENDOR, GRANTEE OR AS PART
OF A

14 PUBLIC-PRIVATE PARTNERSHIP, OR ENTITY WORKING WITH
THE STATE AS

15 PART OF AN ECONOMIC DEVELOPMENT ACTIVITY; OR".

16

17 Page 12, line 1, strike "INVESTIGATIONS." and substitute
"INVESTIGATIONS

18 INCLUDING FOR ELECTED OFFICIALS OR OTHER INDIVIDUALS,
PHYSICAL

19 INFRASTRUCTURE, OR CYBERSECURITY;".

20

21 Page 12, before line 2 insert:

22

23 "(IX) INFORMATION AND RECORDS NOT SUBJECT TO
DISCLOSURE

24 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
ARTICLE 72 OF
25 TITLE 24; OR
26 (X) TRADE SECRETS OWNED BY THE EMPLOYER."

27

28 Page 12, before line 27 insert:

29

30 "(4) NOTHING IN THIS SECTION PREVENTS AN EMPLOYER FROM
31 REQUIRING AN EMPLOYEE TO ENTER INTO A NONDISCLOSURE
AGREEMENT

32 WITH A THIRD PARTY IN THE EMPLOYEE'S OFFICIAL CAPACITY
AND ON

33 BEHALF OF THE EMPLOYER."

34

35 Renumber succeeding subsection accordingly.

36

37 Page 14, line 5, strike "IDENTITY, SUCH".

38

39 Page 14, strike line 6 and substitute "IDENTITY OR SUCH FACTS AND
40 CIRCUMSTANCES;".

41

42 Page 14, strike line 10 and substitute "REGULATIONS, THE STATE
43 CONSTITUTION, STATE LAW, STATE REGULATIONS, OR STATE
RULES, OR A

44 COURT OF LAW OR AS ATTORNEY-CLIENT PRIVILEGED
COMMUNICATIONS,

45 AS PRIVILEGED WORK PRODUCT, AS COMMUNICATIONS
RELATED TO A

46 THREATENED OR PENDING LEGAL OR ADMINISTRATIVE
ACTION, OR AS

47 MATERIALS RELATED TO PERSONNEL OR REGULATORY
INVESTIGATIONS BY

48 THE EMPLOYER;".

49

50 Page 14, strike lines 13 through 18 and substitute "A CURRENT OR
51 PROSPECTIVE CONTRACTOR, VENDOR, GRANTEE OR AS PART
OF A

52 PUBLIC-PRIVATE PARTNERSHIP, OR ENTITY WORKING WITH
THE STATE AS

53 PART OF AN ECONOMIC DEVELOPMENT ACTIVITY; OR".

54

55

1 Page 15, line 1, strike "INVESTIGATIONS." and substitute
"INVESTIGATIONS

2 INCLUDING FOR ELECTED OFFICIALS OR OTHER INDIVIDUALS,
PHYSICAL

3 INFRASTRUCTURE, OR CYBERSECURITY;".

4

5 Page 15, before line 2 insert:

6

7 "(VII) INFORMATION AND RECORDS NOT SUBJECT TO
DISCLOSURE

8 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
ARTICLE 72 OF

9 TITLE 24; OR

10 (VIII) TRADE SECRETS OWNED BY THE EMPLOYER."

11

12 Page 15, line 20, strike "IDENTITY, SUCH".

13

14 Page 15, strike line 21 and substitute "IDENTITY OR SUCH FACTS AND
15 CIRCUMSTANCES;"

16

17 Page 15, strike line 25 and substitute "REGULATIONS, THE STATE
18 CONSTITUTION, STATE LAW, STATE REGULATIONS, OR STATE
RULES, OR A

19 COURT OF LAW OR AS ATTORNEY-CLIENT PRIVILEGED
COMMUNICATIONS,

20 AS PRIVILEGED WORK PRODUCT, AS COMMUNICATIONS
RELATED TO A

21 THREATENED OR PENDING LEGAL OR ADMINISTRATIVE
ACTION, OR AS

22 MATERIALS RELATED TO PERSONNEL OR REGULATORY
INVESTIGATIONS BY

23 THE EMPLOYER;"

24

25 Page 16, strike lines 1 through 6 and substitute "A CURRENT OR
26 PROSPECTIVE CONTRACTOR, VENDOR, GRANTEE OR AS PART
OF A

27 PUBLIC-PRIVATE PARTNERSHIP, OR ENTITY WORKING WITH
THE STATE AS

28 PART OF AN ECONOMIC DEVELOPMENT ACTIVITY; OR"

29

30 Page 16, line 16, strike "INVESTIGATIONS." and substitute

31 "INVESTIGATIONS INCLUDING FOR ELECTED OFFICIALS OR
OTHER

32 INDIVIDUALS, PHYSICAL INFRASTRUCTURE, OR
CYBERSECURITY;"

33

34 Page 16, before line 17 insert:

35

36 "(VII) INFORMATION AND RECORDS NOT SUBJECT TO
DISCLOSURE

37 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF
ARTICLE 72 OF

38 TITLE 24; OR

39 (VIII) TRADE SECRETS OWNED BY THE EMPLOYER."

40

41 Page 17, before line 16, insert:

42

43 "(4) NOTHING IN THIS SECTION PREVENTS AN EMPLOYER FROM
44 REQUIRING AN EMPLOYEE TO ENTER INTO A NONDISCLOSURE
AGREEMENT

45 WITH A THIRD PARTY IN THE EMPLOYEE'S OFFICIAL CAPACITY
AND ON

46 BEHALF OF THE EMPLOYER."

47

48 Renumber succeeding subsection accordingly.

49

50 As amended, ordered revised and placed on the Calendar for Third
51 Reading and Final Passage.

52

House Journal, May 1

7 Amend revised bill, strike "OR" on: Page 6, lines 9 and 18; Page 7, line
16 8 23; Page 8, line 5; Page 11, line 19; Page 12, line 1; Page 13, lines
9 and 25; Page 17, lines 8, 16, and 25; and Page 19, lines 3, 11, and 20.

10

11 Strike "OF THIS SECTION" on: Page 6, line 26; Page 12, line 9; and Page
12 18, line 6.

13

14 Strike "EMPLOYER." and substitute "EMPLOYER;" on: Page 6, line 20;
15 Page 8, line 7; Page 12, line 3; Page 13, line 27; Page 17, line 27; and
16 Page 19, line 22.

17

18 The amendment was declared passed by the following roll call vote:

19

20 YES 63 NO 0 EXCUSED 2 ABSENT

21 Amabile Y English Y Lindstedt Y Sirota Y

22 Armagost Y Epps Y Luck Y Snyder Y

23 Bacon Y Evans Y Lukens Y Soper Y

24 Bird Y Frizell Y Lynch Y Story Y

25 Bockenfeld Y Froelich Y Mabrey Y Taggart Y

26 Boesenecker Y Garcia Y Marshall Y Titone Y

27 Bottoms Y Gonzales-Gutierrez Y Martinez Y Valdez Y

28 Bradfield Y Hamrick Y Mauro Y Velasco Y

29 Bradley Y Hartsook Y McCormick Y Vigil Y

30 Brown Y Herod Y McLachlan Y Weinberg Y

31 Catlin Y Holtorf Y Michaelson Jenet Y Weissman E

32 Daugherty Y Jodeh Y Ortiz Y Willford Y

33 DeGraaf Y Joseph Y Parenti Y Wilson Y

34 deGruy Kennedy E Kipp Y Pugliese Y Winter T. Y

35 Dickson Y Lieder Y Ricks Y Woodrow Y

36 Duran Y Lindsay Y Sharbini Y Young Y

37 Speaker Y

38

39 The question being, "Shall the bill, as amended, pass?".

40 A roll call vote was taken. As shown by the following recorded vote, a
41 majority of those elected to the House voted in the affirmative, and the
42 bill, as amended, was declared passed.

43

44 YES 63 NO 0 EXCUSED 2 ABSENT

45 Amabile Y English Y Lindstedt Y Sirota Y

46 Armagost Y Epps Y Luck Y Snyder Y

47 Bacon Y Evans Y Lukens Y Soper Y

48 Bird Y Frizell Y Lynch Y Story Y

49 Bockenfeld Y Froelich Y Mabrey Y Taggart Y

50 Boesenecker Y Garcia Y Marshall Y Titone Y

51 Bottoms Y Gonzales-Gutierrez Y Martinez Y Valdez Y

52 Bradfield Y Hamrick Y Mauro Y Velasco Y

53 Bradley Y Hartsook Y McCormick Y Vigil Y

54 Brown Y Herod Y McLachlan Y Weinberg Y

55 Catlin Y Holtorf Y Michaelson Jenet Y Weissman E

1 Daugherty Y Jodeh Y Ortiz Y Willford Y

2 DeGraaf Y Joseph Y Parenti Y Wilson Y

3 deGruy Kennedy E Kipp Y Pugliese Y Winter T. Y

4 Dickson Y Lieder Y Ricks Y Woodrow Y

5 Duran Y Lindsay Y Sharbini Y Young Y

6 Speaker Y

7 Co-sponsor(s) added: Representative(s) Amabile, Bird, Brown, Hamrick,
Jodeh,

8 Lieder, Lindsay, Marshall, Mauro, Michaelson Jenet, Sharbini, Story, Valdez

9

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
4/3/2023 Governor Signed

Amendments:

SB23-059 State Parks And Wildlife Area Local Access Funding

Calendar NOT ON CALENDAR

Notification:

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.~~*The bill requires the parks and wildlife commission (commission) to promulgate rules authorizing a local government to request that a state park or wildlife area charge an additional per vehicle fee, not to exceed \$2, to visit. Upon the request, the commission must establish the fee, which will be transferred, minus an administrative deduction, to the local access route cash fund created by the bill and then distributed to local governments to maintain and operate local access routes. The fee will be adjusted every 5 years for inflation or deflation. The division of parks and wildlife (division) is required to collaborate with local governments to identify and study issues surrounding local access route transportation infrastructure and funding deficits and sources of funding for the routes. The division is given factors to consider and must seek input from the department of transportation and the department of local affairs before completing the study. Based on the study, the division will make legislative recommendations regarding sources of funding or partnerships to assist in the maintenance of local access routes and state park services. To implement this act, \$411,000 is appropriated to the department of natural resources for use by the division of parks and wildlife from the parks and outdoor recreation cash fund.*

(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: 1/19/2023 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
3/28/2023 Senate Committee on Finance Refer Amended to Appropriations
4/6/2023 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
4/11/2023 Senate Second Reading Passed with Amendments - Committee
4/12/2023 Senate Third Reading Passed - No Amendments
4/13/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
4/17/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to Finance
5/1/2023 House Committee on Finance Refer Unamended to Appropriations
5/2/2023 House Committee on Appropriations Refer Unamended to House Committee of the Whole
5/4/2023 House Second Reading Laid Over Daily - No Amendments
5/5/2023 House Second Reading Special Order - Passed - No Amendments
5/6/2023 House Third Reading Passed - No Amendments
5/16/2023 Signed by the Speaker of the House
5/17/2023 Sent to the Governor
5/17/2023 Signed by the President of the Senate
5/19/2023 Signed by Governor
5/19/2023 Governor Signed

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".

Renumber 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."

Senate Journal, March 29

Amend the Agriculture and Natural Resources Committee Report, dated March 16, 2023, page 1, strike lines 10 through 12 and substitute:

"Strike pages 5 and 6.

Page 7 of the bill, strike lines 1 through 5 and substitute:

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

(1) (a) (I) BY JULY 1, 2024, THE COMMISSION SHALL ESTABLISH, BY RULE:

(A) A PROCESS FOR LOCAL GOVERNMENTS TO REQUEST AN ADDITIONAL FEE TO BE CHARGED ON A DAILY VEHICLE PASS THAT AUTHORIZES THE USE OF A STATE PARK LOCATED WITHIN THE LOCAL GOVERNMENT'S GEOGRAPHIC BOUNDARIES; AND

(B) CRITERIA FOR APPROVING A REQUEST MADE UNDER SUBSECTION

(1)(a)(I)(A) OF THIS SECTION; AND

(II) THE DIVISION SHALL NOT COLLECT THE FEE FROM A STATE PARK". ". "

Page 1 of the report, strike line 14.

Page 2 of the report, line 3, strike "(1)(" and substitute "(1)".

Page 2 of the report, after line 21 insert:

"Page 7 of the bill, line 19, strike "2024," and substitute "2025,". "

Page 2 of the report, line 26, before "FEE" insert "THE".

Page 3 of the report, line 13, strike "PROBABLE" and substitute "POTENTIAL".

Page 3 of the report, line 24, strike "GOVERNMENT" and substitute "GOVERNMENTS".

Page 3 of the report, line 31, strike "LOCAL" and substitute "EXISTING LOCAL".

Page 4 of the report, line 21, strike "AFTER" and substitute "WHEN".

Page 4 of the report, line 22, strike "COMMENTS" and substitute "INPUT".

Senate Journal, April 6

After consideration on the merits, the Committee recommends that SB23-059 be amended

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

favorable
recommendation.

65

66

67

Page 702 Senate Journal-88th Day-April 6, 2023

Amend printed bill, page 13, before line 3 insert: 1

2

"SECTION 6. Appropriation. For the 2023-24 state fiscal year, 3

\$411,000 is appropriated to the department of natural resources for use by the 4
division of parks and wildlife. This appropriation is from the parks and outdoor

5

recreation cash fund created in section 33-10-111 (1), C.R.S. To implement this

6

act, the division may use this appropriation for state park operations.". 7

8

Renumber succeeding section accordingly. 9

10

Page 1, line 103, strike "AREAS." and substitute "AREAS,

AND,INCONNECTION 11

THEREWITH, MAKING AN APPROPRIATION.".

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
4/10/2023 Signed by the Speaker of the House
4/10/2023 Signed by the President of the Senate
4/10/2023 Sent to the Governor
4/11/2023 Governor Signed

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 NOT ON CALENDAR

Notification:

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 (**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~~ *comprehensive dam safety evaluation* 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~~ \$23,200,000 of sports betting revenues from the water plan implementation cash fund and \$2,000,000 from the ~~CWCB-construction~~ *water plan implementation cash* 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.

(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: 3/3/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
3/23/2023 Senate Committee on Agriculture & Natural Resources Refer Amended to Appropriations
4/6/2023 Senate Committee on Appropriations Refer Amended - Consent Calendar to Senate Committee of the Whole
4/6/2023 Senate Second Reading Special Order - Passed with Amendments - Committee
4/10/2023 Senate Third Reading Passed - No Amendments
4/10/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
4/17/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to Appropriations
4/21/2023 House Committee on Appropriations Refer Amended to House Committee of the Whole
4/21/2023 House Second Reading Special Order - Passed with Amendments - Committee
4/24/2023 House Third Reading Passed - No Amendments
4/25/2023 Senate Considered House Amendments - Result was to Laid Over Daily
4/26/2023 Senate Considered House Amendments - Result was to Concur - Repass
5/8/2023 Signed by the Speaker of the House
5/8/2023 Signed by the President of the Senate
5/9/2023 Sent to the Governor

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)".

Senate Journal, April 6

After consideration on the merits, the Committee recommends that SB23-177 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 11, line 15, strike "\$10,600,000" and substitute

"\$23,200,000".

Appro-
priations

House Journal, April 21

8 SB23-177 be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable

10 recommendation:

11

12 Amend reengrossed bill, page 11, line 14, strike "(a)".

13

14 Page 11, line 15, strike "\$23,200,000" and substitute "\$25,200,000".

15

16 Page 11, strike line 24 and substitute:

17

18 "(2) The money appropriated in subsection (1) of this section".

19

20 Page 11, strike lines 26 and 27.

21

22 Page 12, strike lines 1 through 9.

23

24

SB23-178

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

**Calendar
Notification:** NOT ON 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~~ *or be part of a water conservation program operated by a local water provider .*

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 up to a maximum of \$500 or the unit owner's actual damages, whichever is greater.~~ *The bill states that the new provisions apply only to a unit that is a single-family detached home and do not apply to:*

- *A unit that is a single-family attached home that shares one or more walls with another unit; or*
- *A condominium.*

(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: 3/3/2023 Introduced In Senate - Assigned to Local Government & Housing
 3/28/2023 Senate Committee on Local Government & Housing Refer Amended to Senate Committee of the Whole
 3/31/2023 Senate Second Reading Laid Over Daily - No Amendments
 4/3/2023 Senate Second Reading Passed with Amendments - Committee, Floor
 4/4/2023 Senate Third Reading Passed - No Amendments
 4/5/2023 Introduced In House - Assigned to Transportation, Housing & Local Government
 4/12/2023 House Committee on Transportation, Housing & Local Government Witness Testimony and/or Committee Discussion Only
 4/18/2023 House Committee on Transportation, Housing & Local Government Refer Amended to House Committee of the Whole
 4/20/2023 House Second Reading Laid Over Daily - No Amendments
 4/24/2023 House Second Reading Special Order - Passed with Amendments - Committee
 4/25/2023 House Third Reading Laid Over Daily - No Amendments

4/26/2023 House Third Reading Passed - No Amendments
4/27/2023 Senate Considered House Amendments - Result was to Concur - Repass
5/4/2023 Signed by the President of the Senate
5/5/2023 Signed by the Speaker of the House
5/5/2023 Sent to the Governor
5/17/2023 Governor Signed

Amendments:

Senate Journal, March 29

Amend printed bill, page 3, line 7, strike "or regulate" and substitute "OR TO VEGETABLE GARDENS or THAT regulate".

Page 4, strike lines 5 and 6 and substitute "LANDSCAPING, AS DEFINED IN SECTION 37-60-135 (2)(1), WHICH EMPHASIZE DROUGHT-TOLERANT AND NATIVE PLANTS, OR BE PART OF A WATER CONSERVATION PROGRAM OPERATED BY A LOCAL WATER PROVIDER. EACH GARDEN DESIGN MAY BE".

Page 4, line 13, strike "GUIDELINES." and substitute "GUIDELINES AND SHALL ALLOW A UNIT OWNER TO USE REASONABLE SUBSTITUTE PLANTS WHEN A PLANT IN A DESIGN ISN'T AVAILABLE."

Page 4, strike lines 25 and 26 and substitute "SHALL NOTIFY THE ASSOCIATION IN WRITING OF THE VIOLATION AND ALLOW THE ASSOCIATION FORTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE TO CURE THE VIOLATION."

Page 5, line 11, after "RESTRICT" insert "CHANGES THAT INTERFERE WITH".

Page 5, strike lines 17 and 18 and substitute:

"CONTRARY, THIS SUBSECTION (1)(i) APPLIES ONLY TO A UNIT THAT IS A SINGLE-FAMILY DETACHED HOME AND DOES NOT APPLY TO:
(A) A UNIT THAT IS A SINGLE-FAMILY ATTACHED HOME THAT SHARES ONE OR MORE WALLS WITH ANOTHER UNIT; OR
(B) A CONDOMINIUM."

Senate Journal, April 3

Amend printed bill, page 4, strike lines 18 through 22 and substitute "CIVIL ACTION TO RESTRAIN FURTHER VIOLATION AND TO RECOVER UP TO A MAXIMUM

OF FIVE HUNDRED DOLLARS OR THE UNIT OWNER'S ACTUAL DAMAGES,
WHICHEVER IS GREATER."

Amendment No. 3(L.009), by Senator Will.

Amend printed bill, page 7, after line 16 insert:

"SECTION 3. In Colorado Revised Statutes, 37-60-115, amend (6)(e) as follows:
37-60-115. Water studies - rules - repeal. (6) Precipitation harvesting pilot projects. (e) (I) This subsection (6) is repealed, effective July 1, 2026.
(II) THIS REPEAL DOES NOT AFFECT OR OTHERWISE PRECLUDE WATER COURTS FROM ADJUDICATING ANY APPLICATION FOR AN AUGMENTATION PLAN PURSUANT TO THIS SUBSECTION (6) THAT IS FILED PRIOR TO JULY 1, 2026."

Renumber succeeding section accordingly.

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

House Journal, April 19

39 Amend reengrossed bill, page 2, strike line 3 and substitute "amend
40 (1)(i)(I)(A); and add (1)(i.5) as follows:".

41

42 Page 2, strike line 11 and substitute:

43

44 "(i) (I) (A) The use of xeriscape, nonvegetative turf grass, or
45 drought-tolerant vegetative landscapes to provide ground covering to
46 property for which a unit owner is responsible, including a limited
47 common element or property owned by the unit owner. Associations may
48 adopt and enforce design or aesthetic guidelines or rules that apply to
49 nonvegetative turf grass and drought-tolerant vegetative landscapes or
50 regulate the type, number, and placement of drought-tolerant plantings
51 and hardscapes that may be installed on a unit owner's property or on a
52 limited common element or other property for which the unit owner is
53 responsible. An association may restrict the installation of nonvegetative
54 turf grass to rear yard locations only. THIS SUBSECTION (1)(i)(I)(A), AS
55 AMENDED BY SENATE BILL 23-178, ENACTED IN 2023, APPLIES
ONLY TO
1 A UNIT THAT IS A SINGLE-FAMILY HOME THAT SHARES ONE OR
MORE
2 WALLS WITH ANOTHER UNIT AND DOES NOT APPLY TO A UNIT

THAT IS A
3 DETACHED SINGLE-FAMILY HOME.
4 (i.5) (I) THE USE OF XERISCAPE, NONVEGETATIVE TURF GRASS,
OR
5 DROUGHT-TOLERANT OR NONVEGETATIVE LANDSCAPES TO
PROVIDE
6 GROUND COVERING TO PROPERTY FOR WHICH A UNIT OWNER
IS
7 RESPONSIBLE, INCLUDING A LIMITED COMMON ELEMENT OR
PROPERTY
8 OWNED BY THE UNIT OWNER AND ANY RIGHT-OF-WAY OR TREE
LAWN THAT
9 IS THE UNIT OWNER'S RESPONSIBILITY TO MAINTAIN.
ASSOCIATIONS MAY
10 ADOPT AND ENFORCE DESIGN OR AESTHETIC GUIDELINES OR
RULES THAT
11 APPLY TO DROUGHT-TOLERANT VEGETATIVE OR
NONVEGETATIVE
12 LANDSCAPES OR TO VEGETABLE GARDENS OR THAT
REGULATE THE TYPE,
13 NUMBER, AND PLACEMENT OF DROUGHT-TOLERANT
PLANTINGS AND
14 HARDSCAPES THAT MAY BE INSTALLED ON".

15

16 Page 3, strike lines 1 through 12.

17

18 Page 3, line 24, strike "(1)(i)," and substitute "(1)(i.5)".

19

20 Page 4, line 1, strike "(1)(i)," and substitute "(1)(i.5)".

21

22 Page 4, line 20, strike "(1)(i)(IV)" and substitute "(1)(i.5)(IV)".

23

24 Page 4, line 22, strike "(1)(i)," and substitute "(1)(i.5)".

25

26 Page 4, line 27, strike "(1)(i)(III)" and substitute "(1)(i.5)(III)".

27

28 Page 5, strike lines 4 to 10 and substitute:

29

30 "(V) NOTHING IN THIS SUBSECTION (1)(i.5) SHALL BE
CONSTRUED".

31

32 Page 5, line 21, strike "(VIII)" and substitute "(VI)".

33

34 Page 5, line 22, strike "(1)(i)" and substitute "(1)(i.5)".

35

36 Page 6, strike line 1 and substitute "(11)(b)(IV); and add (11)(a)(III) and
37 (11)(a.5) as follows:".

38

39 Page 6, strike lines 5 through 23 and substitute:

40

41 "repeal. (11) (a) (III) THIS SUBSECTION (11)(a), AS AMENDED BY
SENATE

42 BILL 23-178, ENACTED IN 2023, APPLIES ONLY TO A UNIT THAT
IS A

43 SINGLE-FAMILY HOME THAT SHARES ONE OR MORE WALLS
WITH ANOTHER

44 UNIT AND DOES NOT APPLY TO A UNIT THAT IS A DETACHED
SINGLE-FAMILY

45 HOME.

46 (a.5) (I) ANY SECTION OF A RESTRICTIVE COVENANT OR OF THE
47 DECLARATION, BYLAWS, OR RULES AND REGULATIONS OF A
COMMON

48 INTEREST COMMUNITY, ALL AS DEFINED IN SECTION
38-33.3-103, AND ANY

103 49 RULE OR POLICY OF A SPECIAL DISTRICT, AS DEFINED IN
SECTION 32-1-

50 (20), THAT PROHIBITS OR LIMITS XERISCAPE, PROHIBITS OR
LIMITS THE

51 INSTALLATION OR USE OF DROUGHT-TOLERANT VEGETATIVE
OR

52 NONVEGETATIVE LANDSCAPES, REQUIRES CULTIVATED
VEGETATION TO

53 CONSIST WHOLLY OR PARTIALLY OF TURF GRASS, OR
PROHIBITS THE USE OF

54 NONVEGETATIVE TURF GRASS IN THE BACKYARD OF A
RESIDENTIAL

55 PROPERTY IS HEREBY DECLARED CONTRARY TO PUBLIC
POLICY AND, ON

1 THAT BASIS, IS UNENFORCEABLE. THIS SUBSECTION (11)(a.5)
DOES NOT

2 PROHIBIT COMMON INTEREST COMMUNITIES OR SPECIAL
DISTRICTS FROM

3 ADOPTING AND ENFORCING DESIGN OR AESTHETIC GUIDELINES
OR RULES

4 THAT APPLY TO DROUGHT-TOLERANT VEGETATIVE OR
NONVEGETATIVE

5 LANDSCAPES OR REGULATE THE TYPE, NUMBER, AND
PLACEMENT OF

6 DROUGHT-TOLERANT PLANTINGS AND HARDSCAPES THAT MAY
BE

7 INSTALLED ON PROPERTY THAT IS SUBJECT TO THE
GUIDELINES OR RULES;

8 EXCEPT THAT THE GUIDELINES OR RULES MUST:

9 (A) NOT PROHIBIT THE USE OF NONVEGETATIVE TURF GRASS IN
10 THE BACKYARD OF A RESIDENTIAL PROPERTY;".

11

12 Page 7, line 6, strike "(11)(a)(II)(D)," and substitute "(11)(a.5)(II)(D),".

13

14 Page 7, strike lines 10 to 12 and substitute:

15

16 "(II) THIS SUBSECTION (11)(a.5) DOES NOT APPLY TO:

17 (A) A UNIT OWNERS' ASSOCIATION, AS DEFINED IN SECTION
18 38-33.3-103 (3), THAT INCLUDES TIME SHARE UNITS, AS DEFINED
19 IN

19 SECTION 38-33-110 (7); OR

20 (B) A UNIT, AS DEFINED IN SECTION 38-33.3-103 (30), THAT IS A
21 SINGLE-FAMILY HOME THAT SHARES ONE OR MORE WALLS
22 WITH ANOTHER

22 UNIT."

23

24 Page 7, strike lines 20 to 24.

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

Calendar

Monday, May 8 2023

Notification:

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS
(10) in senate calendar.

Summary:

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

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

The primary objectives of the study are to:

- *Proactively and systematically locate and survey methane gas seepage in the Raton basin;*
- *Document previous areas of seepage;*
- *Calculate any differences in seepage amounts; and*
- *Assess the potential for methane to create hazardous conditions.*

The study must include:

- *A ground and air survey to identify suspected seepage areas, previous seepage areas, and increases or decreases in seepage;*
- *Detailed mapping of suspected seepage areas;*
- *Sampling and analysis of gas collected from selected seepage areas; and*
- *Sampling and analysis of water from selected water wells and methane capture wells in the Raton basin.*

In performing the study, the commission and the division shall coordinate with:

- *The Colorado energy office;*
- *The division of water resources in the department of natural resources (department);*
- *The division of mining, reclamation, and safety in the department;*
- *The division of parks and wildlife created in the department; and*
- *Local governments, including the boards of county commissioners in Las Animas and Huerfano counties.*

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. For the 2023-2024 state fiscal year, the bill appropriates \$424,500 to the department from the oil and gas conservation and environmental response fund, for use by the commission.~~

(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: 3/9/2023 Introduced In Senate - Assigned to Transportation & Energy
3/22/2023 Senate Committee on Transportation & Energy Refer Amended to Appropriations
3/31/2023 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
4/4/2023 Senate Second Reading Laid Over Daily - No Amendments
4/6/2023 Senate Second Reading Passed with Amendments - Committee, Floor
4/10/2023 Senate Third Reading Passed - No Amendments
4/10/2023 Introduced In House - Assigned to Energy & Environment
4/20/2023 House Committee on Energy & Environment Refer Amended to Appropriations
4/28/2023 House Committee on Appropriations Refer Amended to House Committee of the Whole
5/2/2023 House Second Reading Laid Over Daily - No Amendments
5/4/2023 House Second Reading Special Order - Passed with Amendments - Committee
5/5/2023 House Third Reading Laid Over Daily - No Amendments
5/6/2023 House Third Reading Passed - No Amendments
5/8/2023 Senate Considered House Amendments - Result was to Concur - Repass
5/16/2023 Signed by the Speaker of the House
5/17/2023 Sent to the Governor

5/17/2023 Signed by the President of the Senate

6/2/2023 Signed by Governor

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.

Renumber 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".

Senate Journal, March 31

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

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

Amend printed bill, page 4, before line 17 insert:

"SECTION 3. Appropriation. For the 2023-24 state fiscal year, \$424,500 is appropriated to the department of natural resources for use by the oil and gas conservation commission. This appropriation is from the oil and gas conservation and environmental response fund created in section 34-60-122 (5), C.R.S. To implement this act, the commission may use this appropriation for program costs."

Re-number succeeding section accordingly.

Page 1, line 104, strike "CATEGORY." and substitute "CATEGORY AND MAKING AN APPROPRIATION."

Senate Journal, April 6

SB23-186 by Senator(s) Pelton R. and Winter F.; also Representative(s) Winter T. and Willford--

Concerning methane seepage in the Raton basin of Colorado, and, in connection therewith, requiring the Colorado oil and gas conservation commission to complete a study and establish a new regulatory category.

Amendment No. 1, Transportation & Energy Committee Amendment.
(Printed in Senate Journal, March 23, page(s) 544 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 31, page(s) 643 and placed in members' bill files.)

Amendment No. 3(L.005), by Senator Pelton R.

Amend the Transportation and Energy Committee Report, dated March 22, 2023, page 1, strike lines 10 through 15 and substitute:

""(2) THE PRIMARY OBJECTIVES OF THE STUDY DESCRIBED IN SUBSECTION (1) OF THIS SECTION ARE TO:
(a) PROACTIVELY AND SYSTEMATICALLY LOCATE AND SURVEY METHANE GAS SEEPAGE IN THE RATON BASIN;
(b) DOCUMENT PREVIOUS AREAS OF SEEPAGE;
(c) CALCULATE ANY DIFFERENCES IN SEEPAGE AMOUNTS; AND

(d) ASSESS THE POTENTIAL FOR METHANE TO CREATE HAZARDOUS CONDITIONS.

(3) THE STUDY DESCRIBED IN SUBSECTION (1) OF THIS SECTION MUST INCLUDE:

(a) A GROUND AND AIR SURVEY TO IDENTIFY SUSPECTED SEEPAGE AREAS, PREVIOUS SEEPAGE AREAS, AND INCREASES OR DECREASES IN SEEPAGE;

(b) DETAILED MAPPING OF SUSPECTED SEEPAGE AREAS;

(c) SAMPLING AND ANALYSIS OF GAS COLLECTED FROM SELECTED SEEPAGE AREAS; AND

(d) SAMPLING AND ANALYSIS OF WATER FROM SELECTED WATER WELLS AND METHANE CAPTURE WELLS IN THE RATON BASIN.

(4) IN PERFORMING THE STUDY DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE COMMISSION AND THE WATER QUALITY CONTROL DIVISION SHALL COORDINATE WITH:

(a) THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101;

(b) THE DIVISION OF WATER RESOURCES CREATED IN THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO SECTION 24-1-124;

(c) THE DIVISION OF MINING, RECLAMATION, AND SAFETY IN THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO SECTION 34-20-103;

(d) THE DIVISION OF PARKS AND WILDLIFE CREATED IN THE DEPARTMENT OF NATURAL RESOURCES PURSUANT TO SECTION 33-9-104; AND

(e) LOCAL GOVERNMENTS, INCLUDING THE BOARDS OF COUNTY COMMISSIONERS IN LAS ANIMAS AND HUERFANO COUNTIES."."

Amendment No. 4(L.006), by Senator Pelton R.

Amend the Transportation and Energy Committee Report, dated March 22, 2023, page 1, after line 3 insert:

"Page 3 of the printed bill, lines 15 and 16, strike "and 24-60-135".

Page 3 of the bill, line 19, strike "COMMISSION," and substitute "COMMISSION AND THE WATER QUALITY CONTROL DIVISION IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,"."

Page 1 of the report, strike lines 17 and 18 and substitute:

"Page 4 of the bill, strike lines 8 through 16."

Strike page 2 of the report.

Amend the Appropriations Committee Report, dated March 31, 2023, strike lines 9 and 10 and substitute:

"Page 1 of the bill, strike line 104 and substitute "STUDY AND MAKING AN APPROPRIATION.".

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

House Journal, April 20

1 SB23-186 be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:

4

5 Amend reengrossed bill, page 3, line 8, strike "GROUND AND AIR".

6

7 Page 4, line 1, strike "LOCAL GOVERNMENTS, INCLUDING THE" and
8 substitute "THE".

9

10 Page 4, line 9, strike "DECEMBER 1, 2023." and substitute "JUNE 30,
11 2025.".

12

13 Page 4, line 10, strike "2024." and substitute "2025.".

14

15

House Journal, April 28

9 SB23-186 be amended as follows, and as so amended, be referred to
10 the Committee of the Whole with favorable
11 recommendation:

12

13 Amend reengrossed bill, page 4, line 12, before "For" insert "(1)".

14

15 Page 4, line 13, strike "\$424,500" and substitute "\$558,500".

16

17 Page 4, after line 17 insert:

18

19 "(2) For the 2023-24 state fiscal year, \$85,361 is appropriated to

20 the department of public health and environment. This appropriation is
21 from the general fund and is based on an assumption that the department
22 will require an additional 0.2 FTE. To implement this act, the department
23 may use this appropriation for clean water program costs .".

24
25

SB23-213 **Land Use**

Calendar Monday, May 8 2023

Notification: CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS
(1) in senate 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
 4/18/2023 Senate Committee on Local Government & Housing Refer Amended to Appropriations
 4/26/2023 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
 4/27/2023 Senate Second Reading Special Order - Passed with Amendments - Committee, Floor
 4/28/2023 Introduced In House - Assigned to Transportation, Housing & Local Government
 4/28/2023 Senate Third Reading Passed - No Amendments
 5/2/2023 House Committee on Transportation, Housing & Local Government Refer Amended to Appropriations
 5/4/2023 House Committee on Appropriations Refer Amended to House Committee of the Whole
 5/4/2023 House Second Reading Special Order - Passed with Amendments - Committee, Floor
 5/5/2023 House Third Reading Passed - No Amendments
 5/6/2023 Senate Considered House Amendments - Result was to Laid Over Daily

Amendments:

Senate Journal, April 26

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

"SECTION 1. In Colorado Revised Statutes, add article 33 to title 29 as follows:

State Land Use Requirements For Affordable Housing

PART 1

HOUSING NEEDS PLANNING

29-33-101. Legislative declaration. (1) THE GENERAL ASSEMBLY

HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) COLORADO LACKS A COORDINATED PROCESS TO SET GOALS, DEVELOP SOLUTIONS, AND TRACK PROGRESS TOWARDS MEETING STATEWIDE,

REGIONAL, AND LOCAL HOUSING NEEDS;

(b) CONSISTENT INFORMATION ABOUT STATEWIDE, REGIONAL, AND

LOCAL HOUSING NEEDS IS ESSENTIAL IN DEVELOPING EQUITABLE AND EFFECTIVE

HOUSING POLICIES AND STRATEGIES AND IMPROVING EFFORTS TO INCREASE

HOUSING AFFORDABILITY OVER TIME;

(c) HOUSING MARKETS EXPAND BEYOND THE BORDERS OF INDIVIDUAL

LOCAL GOVERNMENTS, AND INFORMATION IS REQUIRED ON A LOCAL, REGIONAL,

AND STATEWIDE SCALE TO MAKE A HOLISTIC PLAN FOR ADDRESSING HOUSING

NEEDS;

(d) ALTHOUGH SOME LOCAL GOVERNMENTS WORK TO ASSESS AND

ADDRESS HOUSING NEEDS, THESE LOCAL GOVERNMENTS USE DIFFERENT

METHODOLOGIES, DO THIS WORK AT DIFFERENT TIMES, AND LACK REGIONAL

COORDINATION;

(e) LOCAL GOVERNMENTS THAT DO NOT ALLOW HOUSING SUPPLY TO

KEEP PACE WITH HOUSEHOLD AND JOB GROWTH IN THEIR JURISDICTIONS EXPORT

THEIR HOUSING NEEDS TO NEIGHBORING COMMUNITIES, CAUSING REGIONAL

IMBALANCES THAT IMPACT EQUITY, POLLUTION, INFRASTRUCTURE COSTS, AND

QUALITY OF LIFE;

(f) REQUIRING LOCAL GOVERNMENTS TO PLAN FOR AND IMPLEMENT

STRATEGIES TO MEET AN EQUITABLE AMOUNT OF THEIR REGION'S HOUSING

DEMAND WILL HELP MITIGATE THESE IMBALANCES AND THEIR NEGATIVE

IMPACTS;

(g) THE STATE MANAGES MULTIPLE GRANT-BASED PROGRAMS DESIGNED

TO HELP LOCAL GOVERNMENTS ASSESS AND MEET HOUSING NEEDS, AND THESE

PROGRAMS WILL BE ABLE TO MORE EFFECTIVELY ADDRESS HOUSING ISSUES WITH

MORE COMPREHENSIVE AND CONSISTENT INFORMATION INFORMED BY REGIONAL AND STATEWIDE DATA; AND (h) THE AFFORDABLE HOUSING TRANSFORMATIONAL TASK FORCE ESTABLISHED IN SECTION 24-75-229 (6)(a), IDENTIFIED A STATEWIDE HOUSING NEEDS ASSESSMENT AND PRODUCTION STRATEGY AS A TOP LEGISLATIVE PRIORITY FOR COLORADO IN THE TASK FORCE'S FEBRUARY 23, 2022, REPORT TO THE GENERAL ASSEMBLY.

29-33-102. Definitions. AS USED IN THIS ARTICLE 33, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED.

(2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL, ATTACHED, OR DETACHED RESIDENTIAL DWELLING UNIT THAT:

(a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS;

(b) IS LOCATED ON THE SAME LOT AS A PROPOSED OR EXISTING PRIMARY RESIDENCE; AND

(c) INCLUDES PROVISIONS FOR LIVING, SLEEPING, EATING, COOKING, AND SANITATION.

(3) "AFFORDABLE HOUSING" MEANS HOUSING FOR WHICH LOW- AND MODERATE-INCOME HOUSEHOLDS DO NOT SPEND MORE THAN THIRTY PERCENT OF THEIR HOUSEHOLD INCOME ON HOUSING COSTS.

(4) "BROWNFIELD DEVELOPMENT" MEANS THE DEVELOPMENT OF BROWNFIELD SITES, AS DEFINED IN SECTION 31-25-103 (3.1).

(5) "BUILDABLE LANDS ANALYSIS" MEANS AN EVALUATION OF LANDS

SUITABLE FOR DEVELOPMENT INCLUDING POTENTIAL GREYFIELD DEVELOPMENT, BROWNFIELD DEVELOPMENT, AND GREENFIELD DEVELOPMENT.

(6) "BUS RAPID TRANSIT" MEANS A BUS-BASED TRANSIT SERVICE THAT INCLUDES AT LEAST THREE OF THE FOLLOWING:

(a) SERVICE THAT IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR

LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS;

(b) DEDICATED LANES OR BUSWAYS;

(c) TRAFFIC SIGNAL PRIORITY;

(d) OFF-BOARD FARE COLLECTION;

(e) ELEVATED PLATFORMS; OR

(f) ENHANCED STATIONS.

(7) "COMMUTER BUS RAPID TRANSIT" MEANS A BUS RAPID TRANSIT

SERVICE THAT OPERATES ON A LIMITED-ACCESS HIGHWAY FOR THE MAJORITY OF ITS ROUTE.

(8) "COTTAGE CLUSTER" MEANS A GROUPING OF TWO OR MORE DETACHED HOUSING UNITS, EACH HOUSING UNIT HAVING A FOOTPRINT OF NO

MORE THAN NINE HUNDRED SQUARE FEET, AND THE GROUPING HAVING A

COMMON COURTYARD.

(9) "DISCRETIONARY APPROVAL PROCESS" MEANS A DEVELOPMENT

APPROVAL PROCESS CONDUCTED PURSUANT TO LOCAL LAW THAT REQUIRES A

PUBLIC BODY OR OFFICIAL TO MAKE ONE OR MORE SUBJECTIVE DETERMINATIONS, INCLUDING:

(a) EVALUATIONS OF CONSISTENCY OF AN APPLICATION WITH LOCAL PLANS;

(b) COMPATIBILITY OR HARMONY OF AN APPLICATION WITH SURROUNDING LAND USES OR DEVELOPMENT;

(c) INDIVIDUALIZED EVALUATIONS RELATING TO MITIGATION OF IMPACTS; OR

(d) EVALUATION OF AN APPLICATION'S CONSISTENCY WITH PUBLIC WELFARE.

(10) "DISPLACEMENT" MEANS THE RELOCATION OF RESIDENTS DUE TO:

(a) INCREASED REAL ESTATE PRICES, RENTS, PROPERTY TAXES, OR

OTHER ECONOMIC FACTORS;

(b) CAUSES SUCH AS EMINENT DOMAIN, LEASE NONRENEWALS, AND EVICTIONS;

(c) PHYSICAL CONDITIONS AND NEGLECT THAT RENDER RESIDENCES

UNINHABITABLE;

(d) PHYSICAL DISPLACEMENT WHEREIN EXISTING HOUSING UNITS ARE

LOST DUE TO PROPERTY REHABILITATION, REDEVELOPMENT, OR DEMOLITION;

OR

(e) INDIRECT DISPLACEMENT THAT OCCURS WHEN LOW-INCOME RESIDENTS VACATE UNITS AND THOSE UNITS ARE NO LONGER AFFORDABLE TO OTHER LOW-INCOME HOUSEHOLDS.

(11) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS, INCLUDING PERMANENT PROVISIONS FOR COOKING, EATING, LIVING, SANITATION, AND SLEEPING.

(12) "FIXED-RAIL TRANSIT" MEANS PASSENGER RAIL TRANSIT THAT USES AND OCCUPIES A SEPARATE RIGHT-OF-WAY OR RAIL LINE, INCLUDING COMMUTER RAIL AND LIGHT RAIL.

(13) "GREENFIELD DEVELOPMENT" MEANS NEW DEVELOPMENT ON LAND THAT HAS NOT BEEN PREVIOUSLY DEVELOPED AND THAT IS EITHER WITHIN A MUNICIPALITY OR OUTSIDE OF A MUNICIPALITY, BUT IS WITHIN A POTENTIAL ANNEXATION AREA.

(14) "GREYFIELD DEVELOPMENT" MEANS INFILL, REDEVELOPMENT, OR NEW DEVELOPMENT WITHIN AN EXISTING MUNICIPALITY OR CENSUS URBANIZED AREA ON VACANT, PARTIALLY VACANT, OR UNDERUTILIZED LAND THAT TAKES INTO CONSIDERATION DEVELOPMENT READINESS AND MARKET FACTORS.

(15) "KEY CORRIDORS" MEANS ROADWAYS AND TRANSIT STOPS SERVED BY URBAN BUS RAPID TRANSIT SERVICES, COMMUTER BUS RAPID TRANSIT SERVICES, AND FREQUENT BUS SERVICES. FOR PURPOSES OF THIS SUBSECTION

(15), "FREQUENT BUS SERVICE" MEANS A BUS ROUTE THAT IS SCHEDULED TO RUN AT LEAST EVERY FIFTEEN MINUTES DURING THE HIGHEST FREQUENCY SERVICE HOURS AND IS AT LEAST ONE MILE LONG.

(16) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CITY OR TOWN, CITY AND COUNTY, OR COUNTY AND HOME RULE COUNTY.

(17) "LOCAL INCLUSIONARY ZONING ORDINANCE" MEANS A LOCAL LAW ENACTED PURSUANT TO SECTION 29-20-104 (1)(e.5) TO EITHER REQUIRE OR INCENTIVIZE THE CONSTRUCTION OF AFFORDABLE OR REGULATED AFFORDABLE HOUSING UNITS WITHIN MIXED-INCOME DEVELOPMENTS.

(18) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY, REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING, BUT NOT LIMITED TO, LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

(19) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(20) (a) "MIDDLE HOUSING" MEANS A TYPE OF HOUSING THAT INCLUDES

BETWEEN TWO AND FOUR SEPARATE UNITS IN:

(I) A BUILDING DESIGNED AS A SINGLE STRUCTURE;

(II) A TOWNHOME BUILDING; OR

(III) A COTTAGE CLUSTER.

(b) MUNICIPALITIES MAY DEFINE "MIDDLE HOUSING" TO INCLUDE ADDITIONAL HOUSING TYPES AND EXPANDED HOUSING UNIT AMOUNTS, SO LONG

AS THE MUNICIPALITY'S DEFINITION IS NOT MORE RESTRICTIVE THAN THE

DEFINITION OF "MIDDLE HOUSING" IN SUBSECTION (20)(a) OF THIS SECTION.

(21) "MIXED-INCOME DEVELOPMENT" MEANS HOUSING WHERE SOME OF

THE HOUSING UNITS WITHIN A PARTICULAR DEVELOPMENT HAVE RESTRICTED

RENTAL OR FOR-SALE RATES THAT ARE AFFORDABLE FOR LOW- AND

MODERATE-INCOME HOUSEHOLDS AND SOME OF THE UNITS HAVE HIGHER

RENTAL OR FOR-SALE RATES.

(22) "MIXED-USE DEVELOPMENT" MEANS A DEVELOPMENT PROJECT

THAT INTEGRATES MULTIPLE LAND USE TYPES.

(23) "MULTI-AGENCY ADVISORY COMMITTEE" MEANS THE COMMITTEE

ESTABLISHED IN SECTION 29-33-103.

(24) "MULTI-AGENCY GROUP" MEANS A GROUP CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS COMPOSED OF STAFF FROM:

(a) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT

OF

LOCAL AFFAIRS;

(b) THE COLORADO ENERGY OFFICE;

(c) THE DEPARTMENT OF NATURAL RESOURCES; AND

(d) THE DEPARTMENT OF TRANSPORTATION.

(25) "MULTIFAMILY HOUSING" MEANS A BUILDING OR GROUP OF BUILDINGS ON THE SAME LOT WITH SEPARATE LIVING UNITS FOR THREE OR MORE HOUSEHOLDS.

(26) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY OR

TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

(27) "OBJECTIVE STANDARD" MEANS A STANDARD THAT BOTH:

(a) DOES NOT REQUIRE A PUBLIC BODY OR OFFICIAL TO MAKE A PERSONAL OR SUBJECTIVE JUDGMENT; AND

(b) IS UNIFORMLY VERIFIABLE OR ASCERTAINABLE BY REFERENCE TO AN

EXTERNAL OR UNIFORM BENCHMARK OR CRITERION THAT IS AVAILABLE AND

KNOWABLE BY THE DEVELOPMENT APPLICANT OR PROPONENT AND THE PUBLIC

BODY OR OFFICIAL PRIOR TO THE DEVELOPMENT APPLICANT OR PROPONENT'S

FILING OF A DEVELOPMENT PROPOSAL.

(28) "POPULATION" MEANS THE CURRENT POPULATION AS REPORTED BY

THE STATE DEMOGRAPHY OFFICE.

(29) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE HOUSING THAT:

(a) IS CREATED OR SUPPORTED BY PUBLIC SUBSIDIES, LOCAL INCLUSIONARY ZONING ORDINANCES, OR OTHER REGULATIONS OR PROGRAMS;

(b) RESTRICTS OR LIMITS RENTAL OR SALE PRICE; AND

(c) RESTRICTS RESIDENT INCOME LEVELS TO LOW- TO MODERATE-INCOME HOUSEHOLD LEVELS FOR A SPECIFIED PERIOD.

(30) (a) "RURAL RESORT JOB CENTER MUNICIPALITY" MEANS A MUNICIPALITY THAT:

(I) IS NOT WITHIN A METROPOLITAN PLANNING ORGANIZATION;

(II) HAS A POPULATION OF ONE THOUSAND OR MORE;

(III) HAS AT LEAST ONE THOUSAND TWO HUNDRED JOBS ACCORDING TO

THE MOST RECENT UNITED STATES CENSUS BUREAU LONGITUDINAL

EMPLOYER-HOUSEHOLD DYNAMICS ORIGIN-DESTINATION EMPLOYMENT

STATISTICS;

(IV) HAS A MINIMUM JOBS-TO-POPULATION RATIO OF SIXTY-FOUR HUNDREDTHS; AND

(V) HAS A TRANSIT STOP SERVICED BY A TRANSIT AGENCY THAT SERVES

AT LEAST TWO MUNICIPALITIES AND WITH SERVICE THAT INCLUDES AN AVERAGE

OF AT LEAST TWENTY TRIPS PER DAY, AS OF JANUARY 1, 2023.

(b) FOR PURPOSES OF THIS SUBSECTION (30), "TRANSIT AGENCY" MEANS

AN ENTITY THAT IS BOTH:

(I) A REGIONAL SERVICE AUTHORITY PROVIDING SURFACE TRANSPORTATION PURSUANT TO PART 1 OF ARTICLE 7 OF TITLE 32, A REGIONAL

TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6 OF ARTICLE 4 OF

TITLE 43, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE, PUBLIC ENTITY,

OR NONPROFIT CORPORATION PROVIDING MASS TRANSPORTATION SERVICES TO

THE GENERAL PUBLIC; AND

(II) ELIGIBLE TO RECEIVE MONEY UNDER A GRANT AUTHORIZED BY 49

U.S.C. SEC. 5307 OR 49 U.S.C. SEC. 5311.

(31) "SHORT-TERM RENTAL" MEANS THE RENTAL OF A LODGING UNIT

FOR LESS THAN THIRTY DAYS. AS USED IN THIS SUBSECTION (31), "LODGING

UNIT" MEANS ANY PROPERTY OR PORTION OF A PROPERTY THAT IS AVAILABLE

FOR LODGING; EXCEPT THAT THE TERM EXCLUDES A HOTEL UNIT. LOCAL

GOVERNMENTS MAY APPLY THEIR OWN DEFINITION OF "SHORT-TERM RENTAL"

FOR THE PURPOSES OF THIS ARTICLE 33.

(32) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED BUILDING WITH A SINGLE DWELLING UNIT AND ON A SINGLE LOT.

(33) "STRATEGIC GROWTH AREA" MEANS AN AREA IDENTIFIED PURSUANT TO SECTION 29-33-108 (2)(a) THAT HAS THE POTENTIAL FOR GROWTH

AND CHARACTERISTICS THAT MAKE IT A PRIORITY AREA FOR GROWTH IN

RELATION TO THE GOALS OF THIS SENATE BILL 23-213.

(34) "STRATEGIC GROWTH AND HOUSING MIX ANALYSIS" MEANS A

COMPREHENSIVE ANALYSIS THAT IDENTIFIES STRATEGIC GROWTH AREAS, AS

DEFINED IN SECTION 29-33-108 (3)(a), THAT CAN BOTH

ACCOMMODATE THE HOUSING NEEDS IDENTIFIED IN HOUSING NEEDS ASSESSMENTS AND BE UTILIZED IN THE STRATEGIC GROWTH ELEMENT OF MASTER PLANS, AS DEFINED IN SECTION 31-23-206.

(35) "TIER ONE URBAN MUNICIPALITY" MEANS EITHER:

(a) A MUNICIPALITY THAT:

(I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT HAS A

POPULATION OF ONE MILLION OR MORE;

(II) HAS AT LEAST TEN PERCENT OF ITS LAND WITHIN AN AREA THAT IS

DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT FEDERAL

DECENNIAL CENSUS WITH A POPULATION GREATER THAN SEVENTY-FIVE

THOUSAND; AND

(III) HAS A POPULATION OF AT LEAST ONE THOUSAND; OR

(b) A MUNICIPALITY THAT:

(I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT HAS A

POPULATION OF LESS THAN ONE MILLION; AND

(II) HAS A POPULATION OF AT LEAST TWENTY-FIVE THOUSAND.

(36) "TIER TWO URBAN MUNICIPALITY" MEANS A MUNICIPALITY THAT

DOES NOT SATISFY THE DEFINITION OF A TIER ONE URBAN MUNICIPALITY AND:

(a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;

(b) HAS A POPULATION OF BETWEEN FIVE THOUSAND AND TWENTY-FIVE

THOUSAND; AND

(c) IS IN A COUNTY WITH A POPULATION OF TWO HUNDRED FIFTY THOUSAND OR MORE.

(37) "TOWNHOME" MEANS A SINGLE-UNIT DWELLING UNIT CONSTRUCTED IN A GROUP OF ATTACHED UNITS IN WHICH EACH UNIT EXTENDS

FROM FOUNDATION TO ROOF AND HAS OPEN SPACE ON AT LEAST TWO SIDES.

(38) "TRANSIT-ORIENTED AREA" MEANS AN AREA WHERE ALL PARCELS

HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA WITHIN ONE-HALF MILE

OF AN EXISTING FIXED-RAIL TRANSIT STATION. FOR THE PURPOSES OF THIS

SUBSECTION (38), A FIXED-RAIL TRANSIT STATION IS A FIXED-RAIL TRANSIT

SERVICE BOARDING AND EXITING LOCATION OR STATION FOR

THE GENERAL
PUBLIC.

(39) "URBAN BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID
TRANSIT
SERVICE THAT OPERATES ON A SURFACE STREET FOR THE
MAJORITY OF ITS
ROUTE.

(40) "URBAN MUNICIPALITY" MEANS BOTH A TIER ONE AND A
TIER TWO
URBAN MUNICIPALITY.

29-33-103. Multi-agency advisory committee - rural resort area
committee - urban area advisory committee. (1) THERE IS HEREBY
CREATED
IN THE DEPARTMENT OF LOCAL AFFAIRS THE MULTI-AGENCY
ADVISORY
COMMITTEE, REFERRED TO IN THIS SECTION AS THE COMMITTEE.
(2) THE COMMITTEE IS A TYPE 2 ENTITY, AS DEFINED IN SECTION
24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES
AND
FUNCTIONS UNDER THE DEPARTMENT OF LOCAL AFFAIRS.

(3) (a) THE COMMITTEE CONSISTS OF THIRTEEN VOTING MEMBERS
AS
FOLLOWS:

(I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
AFFAIRS,

OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY
OFFICE, OF

THE EXECUTIVE DIRECTOR'S DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
NATURAL

RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(V) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
AGRICULTURE,

OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(VI) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
FROM A

METROPOLITAN PLANNING ORGANIZATION WHO IS APPOINTED
BY THE SPEAKER

OF THE HOUSE OF REPRESENTATIVES;

(VII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
FROM A

METROPOLITAN PLANNING ORGANIZATION WHO IS APPOINTED
BY THE MINORITY

LEADER OF THE SENATE;

(VIII) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE

PLANNING,
IS A STAFF-LEVEL REPRESENTATIVE FROM A TIER ONE URBAN MUNICIPALITY,
AND IS APPOINTED BY THE PRESIDENT OF THE SENATE;
(IX) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE PLANNING,
IS A STAFF-LEVEL REPRESENTATIVE FROM A TIER ONE URBAN MUNICIPALITY,
AND IS APPOINTED BY THE GOVERNOR;
(X) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE PLANNING, IS
A STAFF-LEVEL REPRESENTATIVE FROM A RURAL RESORT JOB CENTER MUNICIPALITY, AND IS APPOINTED BY THE GOVERNOR;
(XI) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE PLANNING,
IS A STAFF-LEVEL REPRESENTATIVE FROM A RURAL RESORT JOB CENTER MUNICIPALITY, AND IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;
(XII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM A COUNTY WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE;
AND
(XIII) ONE MEMBER WHO IS A COMMUNITY REPRESENTATIVE WITH HOUSING EXPERTISE WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.
(b) INITIAL APPOINTMENTS TO THE COMMITTEE MUST BE MADE NO LATER THAN SEPTEMBER 1, 2023.
(c) WHEN MAKING APPOINTMENTS TO THE MULTI-AGENCY ADVISORY COMMITTEE, REASONABLE EFFORTS MUST BE MADE TO APPOINT MEMBERS WHO REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY OF THE ENTIRE STATE.
(4) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED PURSUANT TO SUBSECTION (3) OF THIS SECTION SERVES AT THE PLEASURE OF THE OFFICIAL WHO APPOINTED THE MEMBER. THE TERM OF APPOINTMENT IS FOUR YEARS;
EXCEPT THAT THE TERM OF EACH MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (3)(a)(I), (3)(a)(II), (3)(a)(III), (3)(a)(IV), AND (3)(a)(V) OF THIS

SECTION IS TWO YEARS AND THE TERM OF EACH MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (3)(a)(VI), (3)(a)(VII), (3)(a)(VIII), (3)(a)(IX), (3)(a)(X), (3)(a)(XI), (3)(a)(XII), AND (3)(a)(XIII) OF THIS SECTION IS ONE YEAR.

NO APPOINTED MEMBER OF THE COMMITTEE SHALL SERVE MORE THAN TWO CONSECUTIVE TERMS.

(5) (a) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE COMMITTEE NO LATER THAN OCTOBER 1, 2023.

(b) THE COMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS

TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS, AS DETERMINED BY THE COMMITTEE. A MEMBER IS NOT ELIGIBLE TO SERVE AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

(c) THE COMMITTEE SHALL MEET AT LEAST ONCE EVERY YEAR. THE

CHAIR MAY CALL SUCH ADDITIONAL MEETINGS AS ARE NECESSARY FOR THE COMMITTEE TO COMPLETE ITS DUTIES.

(6) THE COMMITTEE SHALL COMPLETE ITS DUTIES AS REQUIRED BY THIS ARTICLE 33.

(7) UPON REQUEST BY THE COMMITTEE, THE DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF SERVICES AS MAY BE NECESSARY TO IMPLEMENT THIS SECTION.

(8) (a) THERE IS CREATED AS PART OF THE MULTI-AGENCY ADVISORY

COMMITTEE THE RURAL RESORT AREA SUBCOMMITTEE.

(b) THE RURAL RESORT AREA SUBCOMMITTEE CONSISTS OF AT LEAST

ONE OF THE MEMBERS OF THE MULTI-AGENCY COMMITTEE APPOINTED

PURSUANT TO SUBSECTION (3)(a)(X) OR (3)(a)(XI) OF THIS SECTION, WHO SHALL

SERVE AS THE CHAIR OF THE SUBCOMMITTEE, AND OTHER MEMBERS AS

DETERMINED BY THE MULTI-AGENCY'S COMMITTEE BYLAWS TO ENSURE

COMMUNITY ENGAGEMENT ACROSS RURAL RESORT JOB CENTER MUNICIPALITIES.

(c) IN ACCORDANCE WITH SECTION 29-33-109, THE RURAL RESORT AREA

SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT TO THE MULTI-AGENCY COMMITTEE CONCERNING MATTERS RELATED TO RURAL RESORT JOB CENTER MUNICIPALITIES. PRIOR TO FINALIZING ANY RECOMMENDATIONS, THE RURAL RESORT AREA SUBCOMMITTEE SHALL PROVIDE A DRAFT OF THE RECOMMENDATIONS TO ALL RURAL RESORT AREA JOB CENTER MUNICIPALITIES AND SHALL HOLD A PUBLIC HEARING ON SUCH RECOMMENDATIONS NO SOONER THAN SIXTY DAYS AFTER PROVIDING THESE RECOMMENDATIONS.

(9) (a) THERE IS CREATED AS PART OF THE MULTI-AGENCY ADVISORY

COMMITTEE THE URBAN AREA SUBCOMMITTEE.

(b) THE URBAN AREA SUBCOMMITTEE CONSISTS OF AT LEAST ONE OF

THE MEMBERS OF THE MULTI-AGENCY COMMITTEE APPOINTED PURSUANT TO

SUBSECTIONS (3)(a)(VI), (3)(a)(VII), (3)(a)(VIII), AND (3)(a)(IX) OF THIS SECTION, WHO SHALL SERVE AS THE CHAIR OF THE SUBCOMMITTEE, AND OTHER

MEMBERS AS DETERMINED BY THE MULTI-AGENCY'S COMMITTEE BYLAWS TO

ENSURE COMMUNITY ENGAGEMENT ACROSS TIER ONE AND TWO URBAN

MUNICIPALITIES.

(c) IN ACCORDANCE WITH SECTION 29-33-109, THE URBAN AREA SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT TO THE

MULTI-AGENCY COMMITTEE CONCERNING MATTERS RELATED TO URBAN

MUNICIPALITIES. PRIOR TO FINALIZING ANY RECOMMENDATIONS, THE URBAN

AREA SUBCOMMITTEE SHALL PROVIDE A DRAFT OF THE RECOMMENDATION TO

ALL TIER ONE AND TIER TWO MUNICIPALITIES AND SHALL HOLD A PUBLIC

HEARING ON SUCH RECOMMENDATIONS NO SOONER THAN SIXTY DAYS AFTER

PROVIDING THESE RECOMMENDATIONS.

29-33-104. Housing needs assessments - methodology. (1) (a) THE

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL ISSUE A

METHODOLOGY FOR DEVELOPING STATEWIDE, REGIONAL, AND LOCAL HOUSING

NEEDS ASSESSMENTS.

(b) THE MULTI-AGENCY ADVISORY COMMITTEE, IN CONSULTATION WITH THE STATE DEMOGRAPHY OFFICE, SHALL, AS PART OF THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE METHODOLOGY FOR DEVELOPING STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS.

(2) THE METHODOLOGY FOR DEVELOPING HOUSING NEEDS ASSESSMENTS MAY INCLUDE:

(a) FOR THE STATEWIDE HOUSING NEEDS ASSESSMENT, METHODS TO:

(I) ESTIMATE EXISTING HOUSING STOCK;

(II) CONDUCT A HOUSING SHORTAGE ANALYSIS;

(III) ESTIMATE THE HOUSING NECESSARY TO ACCOMMODATE THE

DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE

DEMOGRAPHY OFFICE, CATEGORIZED BY HOUSEHOLD SIZE; HOUSEHOLD TYPE,

INCLUDING FOR SUPPORTIVE, FOR-SALE, AND RENTAL HOUSING; AND INCOME

LEVEL, INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND

LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES DEPARTMENT

OF HOUSING AND URBAN DEVELOPMENT; AND

(IV) ENSURE LOCAL GOVERNMENT INPUT AND COORDINATION.

(b) FOR REGIONAL HOUSING NEEDS ASSESSMENTS, METHODS TO:

(I) ASSESS REGIONAL HOUSING NEEDS FOR EACH REGION, BASED ON:

(A) EXISTING AND PROJECTED HOUSING SHORTAGES AND SURPLUSES

FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS, INCLUDING

EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME HOUSEHOLDS

AS DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT;

(B) EXISTING HOUSING DIVERSITY AND STOCK;

(C) CURRENT JOBS BY INCOME LEVEL;

(D) FUTURE POPULATION AND JOB GROWTH PROJECTIONS; AND

(E) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE

DEMOGRAPHY OFFICE; AND

(II) DESIGNATE REGIONS BASED ON THE BOUNDARIES OF METROPOLITAN

PLANNING ORGANIZATIONS, RURAL REGIONS, AND RURAL RESORT REGIONS. THE

DESIGNATION OF RURAL REGIONS AND RURAL RESORT REGIONS MUST BE BASED

ON REGIONAL COMMUTING PATTERNS AMONG OTHER FACTORS.

(c) FOR LOCAL HOUSING NEEDS ASSESSMENTS, METHODS TO ASSESS

LOCAL HOUSING NEEDS FOR EACH LOCAL GOVERNMENT, BASED ON:

(I) THE CURRENT PROPORTION OF THE LOCALITY'S POPULATION IN

DIFFERENT HOUSEHOLD INCOME LEVELS, INCLUDING EXTREMELY LOW-INCOME,

VERY LOW-INCOME, AND LOW-INCOME HOUSEHOLDS AS DEFINED BY THE

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

(II) THE LOCALITY'S CURRENT MEDIAN INCOME;

(III) THE LOCALITY'S JOB-HOUSING BALANCE, INCLUDING THE AVAILABILITY OF HOUSING AFFORDABLE TO LOW-INCOME

WORKERS IN THE LOCALITY;

(IV) THE LOCALITY'S POPULATION AND DEMOGRAPHICS;

(V) MEASURES OF LOCAL RESOURCES IN THE LOCALITY;

(VI) VACANCY RATES IN THE LOCALITY;

(VII) MEASURES OF HOMELESSNESS AND HOUSING INSTABILITY IN THE

LOCALITY; AND

(VIII) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE

STATE DEMOGRAPHY OFFICE.

(3) (a) NO LATER THAN DECEMBER 31, 2024, AND EVERY SIX YEARS THEREAFTER, IN ACCORDANCE WITH THE METHODOLOGIES FOR DEVELOPING

HOUSING NEEDS ASSESSMENTS, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT

OF LOCAL AFFAIRS, WITH INPUT FROM THE MULTI-AGENCY ADVISORY

COMMITTEE, SHALL PRODUCE STATEWIDE, REGIONAL, AND LOCAL HOUSING

NEEDS ASSESSMENTS WITH TWENTY-YEAR PLANNING FORECASTS.

(b) EACH OF THE ASSESSMENTS MUST INCLUDE FOR THE

RELEVANT
AREA, BASED ON STATE DEMOGRAPHIC DATA DURING THE
TWENTY-YEAR
PLANNING PERIOD, ESTIMATES OF:
(I) HOUSING NEEDS IN THE AREA SORTED BY INCOME LEVELS,
INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND
LOW-INCOME
HOUSEHOLDS AS DEFINED BY THE UNITED STATES DEPARTMENT
OF HOUSING
AND URBAN DEVELOPMENT; AND UNIT TYPES, INCLUDING
ACCESSIBLE UNITS,
SUPPORTIVE HOUSING, FOR-SALE HOUSING AND RENTAL
HOUSING;
(II) THE NUMBER OF HOUSEHOLDS IN THE AREA;
(III) THE NUMBER OF JOBS IN THE AREA;
(IV) THE AREA'S POPULATION AND DEMOGRAPHICS; AND
(V) THE AREA'S EXISTING HOUSING STOCK;
(c) MUNICIPALITIES THAT ARE REQUIRED TO COMPLETE HOUSING
NEEDS
PLANS MAY USE THE LOCAL AND REGIONAL HOUSING NEEDS
ASSESSMENTS TO
INFORM THEIR HOUSING NEEDS PLANS.

29-33-105. Housing needs plans - guidance - definition. (1) (a) NO
LATER THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR OF
THE
DEPARTMENT OF LOCAL AFFAIRS SHALL ISSUE GUIDANCE FOR
CREATING A
HOUSING NEEDS PLAN.

(b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART
OF THE
PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN
SECTION 29-33-109

(2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
EXECUTIVE DIRECTOR OF
THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING GUIDANCE
FOR CREATING A
HOUSING NEEDS PLAN.

(2) THE GUIDANCE FOR CREATING A HOUSING NEEDS PLAN MUST
INCLUDE GUIDANCE SPECIFICALLY FOR URBAN MUNICIPALITIES.

(3) (a) NO LATER THAN DECEMBER 31, 2026, AND EVERY SIX YEARS
THEREAFTER, IN ACCORDANCE WITH THE GUIDANCE FOR
CREATING A HOUSING
NEEDS PLAN, EVERY URBAN MUNICIPALITY SHALL DEVELOP,
ADOPT, AND
SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS A HOUSING
NEEDS PLAN. THE
DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE SUBMITTED
PLANS PUBLICLY

ON ITS WEBSITE.

(b) BEFORE ADOPTING AND SUBMITTING A HOUSING NEEDS PLAN, AN

URBAN MUNICIPALITY SHALL PUBLISH THE MOST RECENT DRAFT OF ITS HOUSING

NEEDS PLAN AND PROVIDE NOTICE OF A PUBLIC COMMENT PERIOD FOR THE

RECEIPT OF WRITTEN COMMENTS CONCERNING THE PLAN. THE URBAN

MUNICIPALITY MAY ALSO CHOOSE TO HOLD A PUBLIC HEARING ON THE PLAN.

(c) ON OR BEFORE JUNE 30, 2024, AND ON OR BEFORE JUNE 30 EVERY

SIX YEARS THEREAFTER, A TIER ONE OR TIER TWO URBAN MUNICIPALITY WITH

A POPULATION OF LESS THAN TWENTY-FIVE THOUSAND AND AN ANNUAL

MEDIAN HOUSEHOLD INCOME OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS

NEED NOT SUBMIT A HOUSING NEEDS PLAN TO THE DEPARTMENT OF LOCAL

AFFAIRS, IF THE MUNICIPALITY INSTEAD SENDS A LETTER TO THE DEPARTMENT

IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT INDICATING THAT

THE MUNICIPALITY DOES NOT INTEND TO SUBMIT A HOUSING NEEDS PLAN.

(4) A HOUSING NEEDS PLAN MUST INCLUDE:

(a) A NARRATIVE DESCRIPTION OF THE STAKEHOLDER ENGAGEMENT

CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING NEEDS PLAN;

(b) AN ANALYSIS OF HOW THE URBAN MUNICIPALITY WILL PROVIDE A

REALISTIC OPPORTUNITY FOR DEVELOPMENT THAT WILL ADDRESS ITS LOCAL

HOUSING NEEDS ASSESSMENT, INCLUDING THE DEMONSTRATED HOUSING NEEDS

FOR PERSONS OF DIFFERENT AGES AND INCOME LEVELS, OVER THE NEXT TWENTY

YEARS WITH AN EQUITABLE DISTRIBUTION OF HOUSING WITHIN THE

JURISDICTION;

(c) A HOUSING NEEDS IMPLEMENTATION PLAN, WHICH MUST DESCRIBE

THE STRATEGIES THAT THE URBAN MUNICIPALITY WILL PURSUE TO MEET ITS

HOUSING NEEDS, INCLUDING THE IDENTIFICATION OF HOUSING

RESOURCES,
CHANGES TO LOCAL LAWS, AND OTHER STRATEGIES SUCH AS
THOSE IN THE
MENU OF AFFORDABILITY STRATEGIES CREATED IN SECTION
29-33-106;

(d) A DESCRIPTION OF ANY STRATEGIES THAT THE URBAN
MUNICIPALITY
ADOPTS OR HAS PREVIOUSLY ADOPTED FROM THE MENU OF
AFFORDABILITY
STRATEGIES DESCRIBED IN SECTION 29-33-106. THESE STRATEGIES
SHOULD

MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING
NEEDS ACROSS
ALL HOUSEHOLD INCOMES AND TYPES; AND

(e) IN THE CASE OF AN URBAN MUNICIPALITY, A NARRATIVE
ANALYSIS

OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL
DISPLACEMENT THAT THE

URBAN MUNICIPALITY HAS IDENTIFIED AND A DESCRIPTION OF
AND

IMPLEMENTATION PLAN FOR ANY STRATEGIES FROM THE MENU
OF

DISPLACEMENT MITIGATION MEASURES DESCRIBED IN SECTION
29-33-107, THAT

THE URBAN MUNICIPALITY WILL USE TO MITIGATE IDENTIFIED
DISPLACEMENT

RISKS IN THESE AREAS.

(5) WHEN UPDATING ITS MASTER PLAN, AN URBAN MUNICIPALITY
SHALL

INCLUDE ITS MOST RECENT HOUSING NEEDS PLAN IN ITS MASTER
PLAN.

(6) AN URBAN MUNICIPALITY THAT ADOPTED A PLAN TO
ADDRESS

LOCAL HOUSING NEEDS PRIOR TO THE EFFECTIVE DATE OF THIS
SECTION MAY,

RATHER THAN DEVELOPING AND ADOPTING A NEW HOUSING
NEEDS PLAN

PURSUANT TO SUBSECTION (3) OF THIS SECTION, UPDATE ITS
EXISTING PLAN TO

ADDRESS ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL
HOUSING NEEDS

ASSESSMENT BEYOND WHAT THE MUNICIPALITY'S EXISTING
PLAN TO ADDRESS

LOCAL HOUSING NEEDS INCLUDES, AND ANY REQUIREMENTS IN
SECTION

29-33-105 (4) NOT ALREADY INCLUDED IN THE MUNICIPALITY'S
EXISTING PLAN

TO ADDRESS LOCAL HOUSING NEEDS.

(7) (a) A COUNTY OR MUNICIPALITY WITHIN A REGION DEFINED IN THE REGIONAL HOUSING NEEDS ASSESSMENT MAY PARTICIPATE IN A REGIONAL HOUSING NEEDS PLANNING PROCESS.

(b) A REGIONAL HOUSING NEEDS PLANNING PROCESS MAY BE LED BY A REGIONAL ENTITY AND MUST ENCOURAGE PARTICIPATING COUNTIES AND MUNICIPALITIES TO IDENTIFY STRATEGIES THAT IMPROVE COORDINATION BETWEEN ENTITIES TO MEET THE HOUSING NEEDS IDENTIFIED FOR THOSE LOCAL GOVERNMENTS IN THE REGIONAL AND LOCAL HOUSING NEEDS ASSESSMENTS.

(8) (a) THE MULTI-AGENCY COMMITTEE CREATED IN SECTION 29-33-103 SHALL PROVIDE GUIDANCE FOR THE COMPLETION OF A STRATEGIC GROWTH AND HOUSING MIX ANALYSIS.

(b) IN COMPLETING A STRATEGIC GROWTH AND HOUSING MIX ANALYSIS, A METROPOLITAN PLANNING ORGANIZATION OR A MUNICIPALITY MUST:

- (I) COMPREHENSIVELY IDENTIFY AREAS THAT CAN BE DEVELOPED OR REDEVELOPED AND THAT QUALIFY AS STRATEGIC GROWTH AREAS;
- (II) PRIORITIZE STRATEGIC GROWTH AREAS WITHIN EXISTING CENSUS-DEFINED URBANIZED AREAS, AND INCLUDE GUIDANCE FOR THE LOCATION OF MIDDLE AND MULTIFAMILY HOUSING;
- (III) DEVELOP SCENARIOS THAT EVALUATE THE IMPACTS OF PRIORITIZING GROWTH IN STRATEGIC GROWTH AREAS IN COMPARISON TO EXISTING GROWTH PATTERNS. THESE SCENARIOS MUST ADDRESS THE FISCAL IMPACTS ON INFRASTRUCTURE OF GROWTH PATTERNS IN ADDITION TO OTHER PERFORMANCE MEASURES AS IDENTIFIED BY THE METROPOLITAN PLANNING ORGANIZATION. METROPOLITAN PLANNING ORGANIZATIONS AND MUNICIPALITIES MAY UTILIZE PREVIOUS SCENARIO ANALYSES IN SATISFYING THIS SUBSECTION (8)(b)(III).
- (IV) EVALUATE THE EXISTING ZONING AND DENSITY PERMITTED WITHIN

STRATEGIC GROWTH AREAS; AND
(V) USE A METHOD THAT ALLOWS A MUNICIPALITY TO EFFICIENTLY UTILIZE THE INFORMATION IN THE STRATEGIC GROWTH AND HOUSING MIX ANALYSIS IN THE DEVELOPMENT OF THE STRATEGIC GROWTH ELEMENT OF THE MUNICIPALITY'S MASTER PLAN, REQUIRED PURSUANT TO SECTION 31-23-206.

(c) (I) ON OR BEFORE DECEMBER 31, 2025, A METROPOLITAN PLANNING ORGANIZATION WITH A POPULATION OF TWO HUNDRED FIFTY THOUSAND OR MORE SHALL, IN CONSULTATION WITH THE RELEVANT COUNTIES AND MUNICIPALITIES, COMPLETE A STRATEGIC GROWTH AND HOUSING MIX ANALYSIS.

(II) ON OR BEFORE DECEMBER 31, 2025, A MUNICIPALITY WITH A POPULATION OF FIFTY THOUSAND OR MORE THAT IS WITHIN A METROPOLITAN PLANNING ORGANIZATION WITH A POPULATION OF LESS THAN TWO HUNDRED FIFTY THOUSAND SHALL COMPLETE A STRATEGIC GROWTH AND HOUSING MIX ANALYSIS.

29-33-106. Menu of urban municipality affordability strategies. IN ORDER TO SUPPORT AFFORDABILITY AND ADVANCE MEETING THE HOUSING NEEDS OF ALL INCOME LEVELS IDENTIFIED IN THE LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN MUNICIPALITY MUST INCLUDE THE FOLLOWING:

(1) IMPLEMENTATION OF A LOCAL INCLUSIONARY ZONING ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 29-20-104 (e.5) AND (e.7);

(2) THE CREATION OF A PROGRAM TO SUBSIDIZE OR OTHERWISE REDUCE LOCAL DEVELOPMENT REVIEW OR FEES, INCLUDING:

- (a) BUILDING PERMIT FEES;
- (b) PLANNING WAIVERS;

(c) WATER AND SEWER TAP FEES; AND
(d) INFRASTRUCTURE COSTS FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;
(3) THE CREATION OF AN EXPEDITED DEVELOPMENT REVIEW PROCESS FOR REGULATED AFFORDABLE HOUSING DEVELOPMENTS;
(4) THE ESTABLISHMENT OF A DENSITY BONUS PROGRAM THAT GRANTS INCREASED FLOOR AREA

Senate Journal, April 27

SB23-213 by Senator(s) Moreno; also Representative(s) Jodeh and Woodrow--Concerning state land use requirements, and, in connection therewith, establishing a process to diagnose and address housing needs across the state, addressing requirements for the regulation of accessory dwelling units, middle housing, transit-oriented areas, key corridors, and manufactured and modular homes, prohibiting certain planned unit development resolutions, prohibiting a local government from enforcing certain occupancy limits, modifying the content requirements for county and municipal master plans, prohibiting certain municipalities from imposing minimum square footage requirements for residential units, requiring entities to submit a completed and validated water loss audit report to the Colorado water conservation board, prohibiting a unit owners' association from prohibiting certain kinds of housing, requiring the transportation commission and the department of transportation to modify the state highway access code, criteria for certain grant programs, and expenditures from the multimodal transportation options fund to align with state strategic growth objectives, and making an appropriation.

Amendment No. 1, Local Government & Housing Committee Amendment.
(Printed in Senate Journal, April 19, page(s) 921-956 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 26, page(s) 1086-1110 and placed in members' bill files.)

Amendment No. 3(L.084), by Senator Moreno.

Amend printed bill page 36, strike lines 2 through 24 and substitute:

"29-33-106. Menu of urban municipality affordability strategies.

(1) IN ORDER TO SUPPORT AFFORDABILITY AND ADVANCE MEETING THE HOUSING NEEDS OF ALL INCOME LEVELS IDENTIFIED IN THE LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN MUNICIPALITY MUST INCLUDE THE FOLLOWING:

(a) IMPLEMENTATION OF A LOCAL INCLUSIONARY ZONING ORDINANCE

IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 29-20-104 (e.5) AND (e.7);

(b) THE CREATION OF A PROGRAM TO SUBSIDIZE OR OTHERWISE REDUCE

LOCAL DEVELOPMENT REVIEW OR FEES, INCLUDING:

(I) BUILDING PERMIT FEES;

(II) PLANNING WAIVERS;

(III) WATER AND SEWER TAP FEES; AND

(IV) INFRASTRUCTURE COSTS FOR REGULATED AFFORDABLE HOUSING

DEVELOPMENT;

(c) THE CREATION OF AN EXPEDITED DEVELOPMENT REVIEW PROCESS

FOR REGULATED AFFORDABLE HOUSING DEVELOPMENTS;

(d) THE ESTABLISHMENT OF A DENSITY BONUS PROGRAM THAT GRANTS

INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND WHAT IS

REQUIRED BY THIS ARTICLE 33 TO INCREASE THE CONSTRUCTION OF REGULATED

AFFORDABLE HOUSING UNITS;

(e) ENABLING REGULATED AFFORDABLE HOUSING AS A USE BY RIGHT

IN HOUSING TYPES AND AREAS BEYOND WHAT IS REQUIRED BY THIS ARTICLE 33,

SUCH AS ADDITIONAL ZONE DISTRICTS, HIGHER ALLOWED DENSITIES, OR OTHER

APPROACHES CONSISTENT WITH THE GOALS OF INCREASING HOUSING AFFORDABILITY, SUPPLY, AND HOUSING UNIT TYPE DIVERSITY;

(f) THE ESTABLISHMENT OF A POLICY OR PLAN TO LEVERAGE MUNICIPALLY OWNED, SOLD, OR MANAGED LAND FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT.

(g) THE ESTABLISHMENT OF A DEDICATED LOCAL REVENUE SOURCE FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS INSTITUTING A LINKAGE FEE ON NEW DEVELOPMENTS;

(h) THE REGULATION OF SHORT-TERM RENTALS OR SECOND HOMES IN A WAY THAT SUPPORTS LOCAL HOUSING NEEDS;

(i) THE ELIMINATION OF LOCAL PARKING REQUIREMENTS FOR REGULATED AFFORDABLE HOUSING;

(j) MAKING COMMITMENT TO AND REMAINING ELIGIBLE FOR THE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1);

(k) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM TO FACILITATE INVESTMENT IN LAND BANKING OR COMMUNITY LAND TRUSTS; AND

(l) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT EQUAL OR GREATER AFFORDABILITY CONSISTENT WITH THE NEEDS IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.

(2) (a) URBAN MUNICIPALITIES SHALL DEMONSTRATE THE ADOPTION OF THE NUMBER OF AFFORDABILITY STRATEGIES REQUIRED BY SECTION 29-33-105

(4)(e)(I) AND SUBMIT A REPORT DETAILING THESE STRATEGIES TO THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN JUNE 30, 2025. IN DETERMINING WHICH STRATEGIES TO ADOPT, AN URBAN MUNICIPALITY SHALL CONSIDER PREVIOUS PLANS ADDRESSING HOUSING NEEDS OR OTHER AVAILABLE DATA TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING NEEDS.

(b) AN URBAN MUNICIPALITY CAN ONLY USE ONE OF THE AFFORDABILITY STRATEGIES IDENTIFIED IN SUBSECTIONS (1)(c) AND (1)(j) OF THIS SECTION TO SATISFY THE REQUIREMENTS OF SECTION 29-33-105 (4)(e)(I).

(3) NOTWITHSTANDING SECTION 29-33-105 (4)(e)(I), AN URBAN MUNICIPALITY MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING AFFORDABILITY STRATEGIES THAT THE MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE LISTED IN THIS SECTION, OR THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, AND THE DEPARTMENT MAY DETERMINE WHETHER THOSE STRATEGIES MAY QUALIFY AS AFFORDABILITY STRATEGIES FOR PURPOSES OF SECTION 29-33-105 (4)(e)(I)."

Renumber succeeding sections accordingly.

Amendment No. 4(L.094), by Senator Moreno.

Amend the Appropriations Committee Report, dated April 26, 2023, page 6, line 38, strike "29-33-108 (3)(a)," and substitute "29-33-108 (2)(a),".

Page 10, line 12, strike "TIER ONE AND TIER TWO" and substitute "URBAN".

Page 12, line 37, strike "A TIER ONE OR TIER TWO" and substitute "AN".

Page 13, line 23, strike "IN THE CASE OF AN URBAN MUNICIPALITY, A" and substitute "A".

Page 15, line 13, strike "FEES, INCLUDING:" and substitute "FEES FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT THAT MAY INCLUDE:".

Page 15, lines 17 and 18, strike "COSTS FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;" and substitute "COSTS;".

Page 15, strike line 43.

Page 16, strike lines 1 through 3 and substitute:

"(12) PRIORITIZING WATER SUPPLIES FOR AFFORDABLE OR DENSE

HOUSING TYPES OVER LESS EFFICIENT HOUSING OR OTHER LESS
CRITICAL USES
THROUGH A WATER ALLOCATION POLICY ESTABLISHED BY THE
MUNICIPALITY
OR IN COORDINATION WITH A UTILITY PROVIDER;".

Page 18, strike lines 7 and 8.

Renumber succeeding subparagraphs accordingly.

Page 18, line 23, strike "(2)(a)(VI), (2)(a)(VII), AND (2)(a)(VIII)" and
substitute
"(2)(a)(V), (2)(a)(VI), AND (2)(a)(VII)".

Page 22, line 16, after "FEES" insert "FOR REGULATED AFFORDABLE
HOUSING
DEVELOPMENT".

Page 24, line 36, strike "29-33-106." and substitute "29-33-111 (2)".

Page 28, line 33, strike "MUNICIPALITY" and substitute "COUNTY".

Page 28, line 36, strike "MUNICIPALITY" and substitute "COUNTY".

Page 32, line 38, strike "STANDARDS" and insert "OBJECTIVE
STANDARDS, AS
DEFINED IN SECTION 29-33-102 (27)",

Page 32, line 40, strike "SUBJECTIVE REVIEW PROCESS," and substitute
"DISCRETIONARY REVIEW PROCESS, AS DEFINED IN SECTION
29-33-102 (9)",

Page 33, lines 6 and 7, strike "SUBJECTIVE REVIEW PROCESS," and
substitute
"DISCRETIONARY REVIEW PROCESS, AS DEFINED IN SECTION
29-33-102 (9)",

Page 38, strike lines 23 through 29.

Amendment No. 5(L.093), by Senator Moreno.

Amend the Appropriations Committee Report, dated April 26, 2023, page 7,
line 43, strike "THIRTEEN" and substitute "FOURTEEN".

Page 8, line 32, strike "AND".

Page 8, line 34, strike "SENATE." and substitute "SENATE; AND
(XIV) ONE MEMBER WHO REPRESENTS SPECIAL DISTRICTS AND IS

APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES."

Page 9, line 6, strike "AND (3)(a)(XIII)" and substitute "(3)(a)(XIII), AND (3)(a)(XIV)".

Amendment No. 6(L.092), by Senator Moreno.

Amend the Appropriations Committee Report, dated April 26, 2023, page 15, line 43, strike "ALLOCATION".

Amendment No. 7(L.091), by Senator Moreno.

Amend the Appropriations Committee Report, dated April 26, 2023, page 27, after line 16 insert:

"29-33-116. Statewide summit. (1) NO LATER THAN APRIL 15, 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, ALONG WITH A STATEWIDE ASSOCIATION OF MUNICIPALITIES, A STATEWIDE ASSOCIATION OF COUNTIES, AND A STATEWIDE ASSOCIATION OF SPECIAL DISTRICTS, SHALL HOLD BOTH A STATEWIDE SUMMIT AND AT LEAST SIX REGIONAL MEETINGS THROUGHOUT THE STATE. (2) PARTICIPANTS AT THE SUMMIT AND REGIONAL MEETINGS SHALL: (a) DISCUSS THE ISSUES OF LAND USE, HOUSING AVAILABILITY AND AFFORDABILITY, WATER AVAILABILITY, AND TRANSPORTATION; AND (b) DEVELOP REGIONAL AND STATEWIDE SOLUTIONS FOR ADDRESSING THE ISSUES DISCUSSED AT THE SUMMIT AND REGIONAL MEETINGS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. (3) NO LATER THAN SEPTEMBER 15, 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL REPORT ON THE RESULTS OF THE SUMMIT AND REGIONAL MEETINGS TO THE SENATE LOCAL GOVERNMENT AND HOUSING COMMITTEE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

(4) AT LEAST FOUR OF THE REGIONAL MEETINGS MUST BE HELD OUTSIDE OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS' AREA.
(5) THE SUMMIT AND REGIONAL MEETINGS MUST INCLUDE REPRESENTATIVES FROM:
(a) LOCAL GOVERNMENTS;
(b) CHAMBERS OF COMMERCE;
(c) AFFORDABLE HOUSING GROUPS;
(d) INFRASTRUCTURE AND SERVICE PROVIDERS;
(e) WATER PROVIDERS;
(f) THE AGRICULTURAL SECTOR;
(g) HOMEBUILDERS;
(h) ENVIRONMENTAL GROUPS;
(i) ECONOMIC DEVELOPMENT PROFESSIONALS;
(j) TRANSPORTATION EXPERTS;
(k) TRIBAL GOVERNMENTS; AND
(l) OTHER STAKEHOLDERS AS NECESSARY TO PROVIDE DIVERSE PERSPECTIVES ON THE ISSUES DISCUSSED AT THE SUMMIT AND REGIONAL MEETINGS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION."

Amendment No. 8(L.078), by Senator Jaquez Lewis.

Amend the Appropriations Committee Report, dated April 26, 2023, page 9, line 15, strike "ONCE" and substitute "THREE TIMES".

Page 10, line 38, strike "AND".

Page 10, line 39, strike "COORDINATION." and substitute "COORDINATION; AND
(V) ASSESS AND PROVIDE DATA REGARDING ANY HOME OWNERSHIP OR RENTAL HOUSING INEQUITIES IMPACTING POPULATIONS THAT MAY HAVE BEEN HISTORICALLY EXCLUDED FROM HOME OWNERSHIP OR RENTAL HOUSING OPPORTUNITIES. THIS DATA MAY INCLUDE, BUT IS NOT LIMITED TO, HOUSING STATUS BY VETERAN STATUS, GENDER, AGE, FAMILY STATUS, INCOME, RACE AND ETHNICITY, AND SPEAKING ENGLISH LESS THAN VERY WELL."

Page 12, line 7, strike "AREA;" and substitute "AREA BY ANNUAL SALARY AND WAGE;".

Page 13, line 9, strike "AGES" and substitute "AGES, FAMILY STATUS

AND SIZE,".

Page 13, after line 17, insert:

"(d) AN ANALYSIS OF ADDITIONAL FUNDING NEEDED TO IMPLEMENT THE HOUSING PLAN;".

Reletter succeeding paragraphs accordingly.

Page 14, line 18, strike "HOUSING;" and substitute "HOUSING THAT SUPPORTS THE GOALS OF SENATE BILL 23-213 WHICH INCLUDE BUT ARE NOT LIMITED TO MEETING THE STATE'S HOUSING NEEDS FOR PEOPLE OF ALL INCOME LEVELS, AGE, AND FAMILY STATUS AND REDUCING TRANSPORTATION-RELATED CLIMATE AND AIR QUALITY IMPACTS;".

Page 15, line 13, strike "FEES," and substitute "FEES FOR REGULATED AFFORDABLE HOUSING,".

Page 15, lines 17 and 18, strike "COSTS FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;" and substitute "COSTS;".

Page 17, after line 3, insert:

"(V) THE NUMBER OF RESIDENTS WHO ARE OVER THE AGE OF SIXTY-FIVE AND HAVE LIVED IN THEIR HOME FOR MORE THAN TEN YEARS;".

Renumber succeeding subparagraphs accordingly.

Page 18, strike lines 11 and 12, and substitute:

"(V) THAT INCLUDE GREYFIELD DEVELOPMENT AND BROWNFIELD DEVELOPMENT;".

Page 18, line 20, strike "HOUSING TYPES;" and substitute "DESIGN;".

Page 19, after line 3, insert:

"(a) MEETING THE HOUSING NEEDS OF ALL OF COLORADO'S RESIDENTS;".

Reletter succeeding paragraphs accordingly.

Page 19, line 4, after "FOR" insert "ENVIRONMENTALLY SUSTAINABLE".

Page 19, line 5, after "HOUSING" insert "AND TRANSPORTATION".

Page 19, lines 9 and 10, strike "EMISSIONS; AND" and substitute
"EMISSIONS TO
MEET THE STATE'S STATUTORY REDUCTION GOALS;
(h) INCREASING TRANSPORTATION CHOICES AND IMPROVING
MOBILITY,
SAFETY, CONNECTIVITY, AND ACCESS FOR NON-DRIVING MODES,
AND REDUCING
PER CAPITA VEHICLE MILES TRAVELED;
(i) ADVANCING EQUITY AND ENVIRONMENTAL JUSTICE BY
PRIORITIZING
DISPROPORTIONATELY IMPACTED COMMUNITIES IN ACCESSING
HOUSING AND
TRANSPORTATION;
(j) PRIORITIZING EXISTING HIGH DENSITY, MIXED USE
COMMUNITIES
THAT LACK ADEQUATE STATE FUNDING FOR PUBLIC
TRANSPORTATION
INFRASTRUCTURE; AND".

Reletter succeeding paragraph accordingly.

Page 19, line 21, strike "AND" and substitute:

"(II) POLICY OPTIONS TO PROMOTE WATER USE EFFICIENCY;
AND".

Renumber succeeding subparagraph accordingly.

Page 19, line 35, after "GAS" insert "EMISSION IN A MANNER
SUFFICIENT TO
MEET THE STATE'S STATUTORY REDUCTION GOALS".

Page 19, line 36, after "POLLUTION," insert "DEMONSTRATES THE
REDUCTION OF
NEAR-ROAD AIR POLLUTION,".

Page 22, line 16, after "FEES" insert "FOR REGULATED AFFORDABLE
HOUSING".

Page 22, line 20, strike "HOUSING DEVELOPMENT;" and substitute
"HOUSING;".

Page 26, after line 29, insert:

"(a) THE NUMBER OF PERMITS ISSUED BY EACH OF THE CATEGORIES WITHIN THE HOUSING NEEDS ASSESSMENT OF A MUNICIPALITY OR RURAL RESORT JOB CENTER, INCLUDING, BUT NOT LIMITED TO, BY INCOME, BY HOME OWNERSHIP VERSUS RENTAL, BY REGULATED AFFORDABLE HOUSING, AND BY NUMBER OF BEDROOMS;".

Reletter succeeding paragraphs accordingly.

Page 26, after line 41, insert:

"(g) THE NUMBER OF DWELLING UNIT PERMITS FOR TRANSIT-ORIENTED COMMUNITIES.".

Reletter the succeeding paragraphs.

Page 39, line 12, strike "emissions;" and substitute "emissions IN A MANNER SUFFICIENT TO MEET THE STATE'S GOALS, AND REDUCTION OF NEAR-ROAD AIR POLLUTION;".

Amendment No. 9(L.101), by Senator Jaquez Lewis.

Amend the Appropriations Committee Report, dated April 26, 2023, page 10, after line 31 insert:

"(III) DETERMINE THE NEED FOR ACCESSORY DWELLING UNITS;".

Reletter succeeding subparagraphs accordingly.

Page 11, line 9, strike "AND".

Page 11, after line 9 insert:

"(II) DETERMINE THE NEED FOR ACCESSORY DWELLING UNITS; AND".

Reletter succeeding subparagraph accordingly.

Amendment No. 10(L.080), by Senator Bridges.

Amend the Appropriations Committee Report, dated April 26, 2023, page 13, line 42, strike "COUNTY OR MUNICIPALITY" and substitute "COUNTY, COUNCIL OF GOVERNMENT, OR MUNICIPALITY".

Page 14, strike lines 2 through 7 and substitute:

"(b) THE COUNTIES, COUNCILS OF GOVERNMENT, OR MUNICIPALITIES

THAT PARTICIPATE IN A PLANNING PROCESS:

(I) MAY UTILIZE DATA AND INFORMATION FROM A RELEVANT REGIONAL

HOUSING NEEDS ASSESSMENT THAT IS NO MORE THAN FIVE YEARS OLD TO

INFORM THEIR PARTICIPATION IN THE PLANNING PROCESS;

(II) ARE ENCOURAGED TO INCORPORATE STRATEGIC GROWTH OBJECTIVES AS DEFINED IN SECTION 29-33-108 IN THE PLANNING PROCESS; AND

(III) ARE ENCOURAGED TO IDENTIFY STRATEGIES THAT ADDRESS THE

HOUSING NEEDS IDENTIFIED IN LOCAL HOUSING NEEDS ASSESSMENTS THROUGH

THE ADOPTION OF INTERJURISDICTIONAL STRATEGIES AND AFFORDABILITY

STRATEGIES IDENTIFIED IN SECTION 29-33-106.

(c) IF NO EXISTING REGIONAL PLAN EXISTS, A GROUP OF COUNTIES,

COUNCILS OF GOVERNMENT, OR MUNICIPALITIES MAY REQUEST THAT THE

URBAN AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (9) FACILITATE

THE CREATION OF A REGIONAL PLANNING PROCESS.

(d) A REGIONAL HOUSING NEEDS PLANNING PROCESS MAY BE LED BY A

REGIONAL ENTITY AND MUST ENCOURAGE PARTICIPATING COUNTIES, COUNCILS

OF GOVERNMENT, AND MUNICIPALITIES TO IDENTIFY STRATEGIES THAT IMPROVE

COORDINATION BETWEEN ENTITIES TO MEET THE HOUSING NEEDS IDENTIFIED

FOR THOSE LOCAL GOVERNMENTS IN THE REGIONAL AND LOCAL HOUSING NEEDS

ASSESSMENTS.

(e) BY DECEMBER 31, 2024, THE URBAN AREA SUBCOMMITTEE CREATED

IN SECTION 29-33-103 (9) SHALL ISSUE A REPORT TO THE EXECUTIVE DIRECTOR

OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE STATUS, OPPORTUNITIES, AND

CHALLENGES OF REGIONAL PLANNING IN THE URBAN REGIONS, INCLUDING THE CONNECTION BETWEEN HOUSING, TRANSPORTATION, AND REGIONAL EQUITY IN REGARD TO COMMUNITIES THAT HOUSE THE WORKFORCE AND THOSE THAT ARE URBAN MUNICIPALITIES. THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (9) SHALL ALSO EVALUATE AND MAKE RECOMMENDATIONS ON THE USE OF DATA TO CREATE AFFORDABILITY STRATEGIES IN REGIONAL AND LOCAL HOUSING ASSESSMENTS AND REGIONAL AND LOCAL HOUSING PLANS THAT FOLLOW STRATEGIC GROWTH OBJECTIVES AS DEFINED IN SECTION 29-33-108."

Amendment No. 11(L.089), by Senator Ginal.

Amend the Appropriations Committee Report, dated April 26, 2023, page 2, after line 1 insert:

"(e) ALTHOUGH SOME LOCAL GOVERNMENTS WORK TO BECOME AGE-FRIENDLY COMMUNITIES, THESE LOCAL GOVERNMENTS USE DIFFERENT APPROACHES TO ADDRESS OLDER ADULT HOUSING NEEDS, AND MANY LOCAL GOVERNMENTS DO NOT SPECIFICALLY PLAN FOR STRATEGIES TO ADDRESS OLDER ADULT HOUSING NEEDS. OLDER ADULTS REPRESENT THE FASTEST GROWING SEGMENT OF COLORADO'S POPULATION AND HAVE DIVERSE HOUSING NEEDS. LOCAL GOVERNMENTS THAT DO NOT PLAN TO ADEQUATELY MEET THE NEED FOR MORE ACCESSIBLE AND AFFORDABLE HOUSING UNITS BUILT WITH UNIVERSAL DESIGN AND LOCATED WITHIN AGE FRIENDLY COMMUNITIES, CONTRIBUTE TO AN IMBALANCE IN THE LOCAL, REGIONAL, AND STATEWIDE HOUSING MARKETS."

Reletter succeeding paragraphs accordingly.

Page 2, line 3, after "GROWTH" insert "AND CHANGING DEMOGRAPHICS".

Page 2, line 25, strike "AMENDED." and substitute "AMENDED AND INCORPORATES UNIVERSAL DESIGN."

Page 5, line 2, after "SECTION." insert "THIS MAY INCLUDE AGE RESTRICTED HOUSING, WHICH MEANS HOUSING DEVELOPMENTS FOR OLDER ADULTS THAT HAVE MINIMUM AGE REQUIREMENTS FOR RESIDENCY."

Page 7, after line 29, insert:

"(39) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED AND CONSTRUCTED THAT IS SAFE AND ACCESSIBLE FOR EVERYONE, REGARDLESS OF AGE, PHYSICAL ABILITY, OR STATURE."

Re-number succeeding subsections accordingly.

Page 15, line 1, after "affordability" insert "and accessibility".

Page 16, line 10, strike "AND".

Page 16, after line 10 insert:

"(14) ESTABLISHING HOUSING AND LAND USE POLICIES INFORMED BY THE FINDINGS AND RECOMMENDATIONS OF THE STRATEGIC ACTION PLAN ON AGING, DEVELOPED PURSUANT TO SECTION 24-32-3406, AND THE LIFELONG COLORADO INITIATIVE CREATED PURSUANT TO SECTION 26-11-302, INCLUDING THE EIGHT REALMS OF LIVABLE AND AGE FRIENDLY COMMUNITIES; AND".

Re-number succeeding subsection accordingly.

Page 16, line 14, after "AFFORDABILITY" insert "AND ACCESSIBILITY".

Page 17, after line 3 insert:

"(V) THE NUMBER OF ADULTS WHO ARE SIXTY-FIVE YEARS OF AGE OR OLDER;"

Re-number succeeding subparagraphs accordingly.

Amendment No. 12(L.079), by Senator Gonzales.

Amend the Appropriations Committee Report, dated April 26, 2023, page 3, strike lines 28 through 41, and substitute:

"(10) "DISPLACEMENT" MEANS THE INVOLUNTARY RELOCATION OF RESIDENTS DUE TO:

- (a) NEW DEVELOPMENT AND AN INFLUX OF WEALTHIER RESIDENTS RESULTING IN THE GENTRIFICATION OF A NEIGHBORHOOD;
- (b) HOMES BEING VACATED BY LOW-INCOME RESIDENTS AND OTHER LOW-INCOME RESIDENTS BEING UNABLE TO AFFORD TO MOVE IN OR FORCED TO VACATE BECAUSE RENTS AND SALES PRICES HAVE INCREASED ABOVE WHAT LOW-INCOME RESIDENTS CAN AFFORD;
- (c) DISCRIMINATORY POLICIES, SUCH AS BANNING TENANTS WITH HOUSING VOUCHERS, ELIMINATING UNITS LARGE ENOUGH FOR HOUSEHOLDS WITH CHILDREN, OR CHANGING LAND USE OR ZONING THAT FOSTER A CHANGE IN THE CHARACTER OF THE RESIDENTIAL DEVELOPMENT;
- (d) GENTRIFICATION-INDUCED DISPLACEMENT, TAKING INTO ACCOUNT RESIDENTS WHO HAVE ALREADY BEEN DISPLACED AND CURRENT AND FUTURE RESIDENTS WHO ARE OR MAY BE DISPLACED INCLUDING RENTERS, LOW-INCOME HOUSEHOLDS, PERSONS OF COLOR, HOUSEHOLDS HEADED BY A RESIDENT WITHOUT A COLLEGE DEGREE, AND FAMILIES IN POVERTY WITH CHILDREN;
- (e) WIDESPREAD DISPLACEMENT OF SOCIAL AND CULTURAL CONNECTIONS AND COMMUNITY-SERVING ENTITIES;
- (f) DETERIORATION OF OR PHYSICAL CONDITIONS THAT RENDER RESIDENCES UNINHABITABLE, WHICH MAY BE CAUSED BY LACK OF RENOVATION OR REHABILITATION, OR DEMOLITION OR REDEVELOPMENT, OF AGING AFFORDABLE HOUSING OR COMMERCIAL SPACES; OR
- (g) INCREASED REAL ESTATE PRICES, RENTS, PROPERTY TAXES, NEW DEVELOPMENT INCLUDING AMENITIES, AND OTHER ECONOMIC FACTORS THAT LEAD TO GENTRIFICATION."

Amendment No. 13(L.081), by Senator Gonzales.

Amend the Appropriations Committee Report, dated April 26, 2023, page 27, after line 16 insert:

"29-33-116. Legislative oversight committee concerning affordable housing and homelessness - creation - duties. (1) Creation. (a) THERE IS CREATED A LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS, WHICH IS REFERRED TO IN THIS SECTION AS THE "COMMITTEE".

(b) THE COMMITTEE CONSISTS OF SIX MEMBERS AS FOLLOWS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE; AND (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THREE REPRESENTATIVES TO SERVE ON THE COMMITTEE, NO MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.

(c) AS SOON AS PRACTICABLE AFTER THE CONVENING DATE OF THE SECOND REGULAR SESSION OF THE SEVENTY-FOURTH GENERAL ASSEMBLY, BUT

NO LATER THAN THE END OF THE LEGISLATIVE SESSION, THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE SHALL EACH APPOINT MEMBERS TO THE COMMITTEE PURSUANT TO SUBSECTION (1)(b) OF THIS

SECTION. THEREAFTER, THE TERMS OF MEMBERS APPOINTED OR REAPPOINTED

BY THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE

EXPIRE ON THE CONVENING DATE OF THE FIRST REGULAR SESSION OF THE NEXT

GENERAL ASSEMBLY, AND ALL SUBSEQUENT APPOINTMENTS AND

REAPPOINTMENTS BY THE SPEAKER, THE PRESIDENT, AND THE MINORITY LEADER

OF THE SENATE MUST BE MADE AS SOON AS PRACTICABLE AFTER THE

CONVENING DATE, BUT NO LATER THAN THE END OF THE LEGISLATIVE SESSION.

(d) THE PERSON MAKING THE ORIGINAL APPOINTMENT OR

REAPPOINTMENT SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE REMAINDER OF AN UNEXPIRED TERM. MEMBERS APPOINTED OR REAPPOINTED SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED.

(e) THE PRESIDENT OF THE SENATE SHALL SELECT THE FIRST CHAIR OF

THE COMMITTEE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL

SELECT THE FIRST VICE-CHAIR. THE CHAIR AND VICE-CHAIR SHALL ALTERNATE

ANNUALLY THEREAFTER BETWEEN THE TWO HOUSES.

(f) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY ESTABLISH

ORGANIZATIONAL AND PROCEDURAL RULES AS ARE NECESSARY FOR THE

OPERATION OF THE COMMITTEE AND, IN COLLABORATION WITH THE TASK FORCE

CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS CREATED IN SECTION

29-33-117, GUIDELINES AND EXPECTATIONS FOR ONGOING COLLABORATION

WITH THE TASK FORCE.

(g) (I) MEMBERS OF THE COMMITTEE MAY RECEIVE PAYMENT OF PER

DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES

AUTHORIZED PURSUANT TO SECTION 2-2-307.

(II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE

DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL SUPPLY STAFF

ASSISTANCE TO THE COMMITTEE AS THEY DEEM APPROPRIATE, WITHIN EXISTING

APPROPRIATIONS.

(2) Duties. (a) (I) THE COMMITTEE SHALL MEET AT LEAST THREE, BUT

NO MORE THAN SIX, TIMES EACH YEAR AND AT SUCH OTHER TIMES AS IT DEEMS

NECESSARY. ALL MEETINGS OF THE COMMITTEE ARE OPEN TO THE PUBLIC AND

MUST BE RECORDED.

(II) EACH COMMITTEE MEMBER SHALL ANNUALLY EITHER ATTEND OR

CALL INTO AT LEAST ONE REGULAR TASK FORCE CONCERNING AFFORDABLE

HOUSING AND HOMELESSNESS MEETING. COMMITTEE MEMBERS ARE ENCOURAGED TO ATTEND SEPARATE MEETINGS AND INFORM THE REST OF THE COMMITTEE ABOUT THE CURRENT WORK OF THE TASK FORCE.

(b) THE COMMITTEE IS RESPONSIBLE FOR THE OVERSIGHT OF THE TASK FORCE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS CREATED IN SECTION 29-33-117, AND SHALL SUBMIT ANNUAL REPORTS PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO THE GENERAL ASSEMBLY REGARDING THE TASK FORCE'S FINDINGS AND RECOMMENDATIONS. IN ADDITION, THE COMMITTEE MAY RECOMMEND LEGISLATIVE CHANGES THAT ARE TREATED AS BILLS RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

(c) (I) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE COMMITTEE IS REQUIRED TO SUBMIT A REPORT TO THE GENERAL ASSEMBLY AND MAKE SUCH REPORT PUBLICLY AVAILABLE ON ITS WEBSITE; HOWEVER, DURING ANY INTERIM IN WHICH THE GENERAL ASSEMBLY HAS SUSPENDED INTERIM COMMITTEE ACTIVITIES, THE COMMITTEE IS NOT REQUIRED TO SUBMIT SUCH A REPORT. THE ANNUAL REPORT MUST BRIEFLY SUMMARIZE THE STUDY ISSUES, RECOMMENDATIONS CONSIDERED, AND ANY ACTIONS TAKEN BY THE COMMITTEE AND THE TASK FORCE DURING THE PREVIOUS YEAR.

(II) THE REPORT MUST COMPLY WITH THE PROVISIONS OF SECTION 24-1-117 (9). NOTWITHSTANDING SECTION 24-1-117 (11)(a)(I), THE REQUIREMENT IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY CONTINUES INDEFINITELY.

(d) AS NECESSARY, THE COMMITTEE MAY REQUEST PUBLIC TESTIMONY AND TESTIMONY AND REPORTS FROM STATE AGENCIES.

(3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW, ALONG

WITH SECTION
29-33-117, IN ACCORDANCE WITH SECTION 24-34-104.
29-33-117. Task force concerning affordable housing and
homelessness - creation - membership - duties. (1) Creation. THERE IS
CREATED A TASK FORCE CONCERNING AFFORDABLE HOUSING
AND
HOMELESSNESS, WHICH IS REFERRED TO IN THIS SECTION AS THE
"TASK FORCE".
THE TASK FORCE CONSISTS OF TWENTY-FIVE MEMBERS
APPOINTED AS PROVIDED
IN SUBSECTION (2) OF THIS SECTION AND ANY STAFF SUPPORT AS
PROVIDED FOR
IN SECTION 29-33-116.
(2) Membership - terms. (a) THE FOLLOWING NINE MEMBERS MUST BE
APPOINTED ON OR BEFORE AUGUST 1, 2024:
(I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
AFFAIRS
SHALL APPOINT ONE MEMBER TO REPRESENT THE DIVISION OF
HOUSING;
(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
AFFAIRS
SHALL APPOINT ONE MEMBER TO REPRESENT THE DIVISION OF
HOUSING'S OFFICE
OF HOMELESSNESS INITIATIVES;
(III) THE EXECUTIVE DIRECTOR OF THE COLORADO HOUSING AND
FINANCE AUTHORITY SHALL APPOINT ONE MEMBER TO
REPRESENT THE
AUTHORITY;
(IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
CARE
POLICY AND FINANCING SHALL APPOINT ONE MEMBER TO
REPRESENT THE
DEPARTMENT;
(V) THE COMMISSIONER OF THE BEHAVIORAL HEALTH
ADMINISTRATION
SHALL APPOINT ONE MEMBER REPRESENTING THE BEHAVIORAL
HEALTH
ADMINISTRATION;
(VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
CORRECTIONS
SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;
(VII) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
EDUCATION
SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;
(VIII) THE GOVERNOR SHALL APPOINT ONE MEMBER TO
REPRESENT
EITHER THE DEPARTMENT OF LABOR AND EMPLOYMENT OR THE
DEPARTMENT

OF HUMAN SERVICES; AND
(IX) THE GOVERNOR SHALL APPOINT ONE MEMBER TO REPRESENT EITHER THE COLORADO ENERGY OFFICE OR THE OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE.

(b) THE CHAIR AND VICE-CHAIR OF THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS CREATED IN SECTION 29-33-116, REFERRED TO IN THIS SECTION AS THE "COMMITTEE",

SHALL APPOINT SIXTEEN ADDITIONAL MEMBERS. COMMITTEE STAFF ARE RESPONSIBLE FOR PUBLICLY ANNOUNCING VACANCIES FOR THE FOLLOWING POSITIONS, AND REQUESTING CANDIDATES SUBMIT A LETTER OF INTEREST FOR THE SPECIFIC POSITION, SO THAT THE LETTERS OF INTEREST ARE DUE NO LATER THAN ONE WEEK AFTER THE EFFECTIVE DATE OF THIS SECTION.

THE LEGISLATIVE OVERSIGHT COMMITTEE, BY MAJORITY VOTE, SHALL APPROVE THE APPOINTMENTS FOR THESE POSITIONS. THE TASK FORCE MEMBERS TO BE

APPOINTED PURSUANT TO THIS SUBSECTION (2)(b) INCLUDE:

- (I) ONE MEMBER WHO REPRESENTS A HOMELESS SERVICES PROVIDER IN AN URBAN AREA;
- (II) ONE MEMBER WHO REPRESENTS A HOMELESS SERVICES PROVIDER IN A RURAL OR RURAL RESORT AREA;
- (III) ONE MEMBER WHO REPRESENTS A FOR-PROFIT DEVELOPER OF AFFORDABLE RENTAL HOUSING;
- (IV) ONE MEMBER WHO REPRESENTS A NOT-FOR-PROFIT DEVELOPER OF AFFORDABLE RENTAL HOUSING;
- (V) ONE MEMBER WHO REPRESENTS A FOR-PROFIT DEVELOPER OF AFFORDABLE FOR-SALE HOUSING;
- (VI) ONE MEMBER WHO REPRESENTS A NOT-FOR-PROFIT DEVELOPER OF AFFORDABLE FOR-SALE HOUSING;
- (VII) ONE MEMBER WHO REPRESENTS A PROVIDER OF SUPPORTIVE HOUSING OR SUPPORTIVE SERVICES;
- (VIII) ONE MEMBER WHO REPRESENTS AN OPERATOR OF MULTIFAMILY

AFFORDABLE HOUSING;
(IX) ONE MEMBER FROM A LOCAL GOVERNMENT IN AN URBAN AREA;
(X) ONE MEMBER FROM A LOCAL GOVERNMENT IN A RURAL AREA;
(XI) ONE MEMBER FROM A LOCAL GOVERNMENT IN A RURAL RESORT AREA;
(XII) ONE MEMBER WHO REPRESENTS AN AFFORDABLE HOUSING ADVOCACY ORGANIZATION;
(XIII) ONE MEMBER WHO REPRESENTS EITHER A HOMELESSNESS ADVOCACY ORGANIZATION OR AN ANTI-POVERTY ADVOCACY ORGANIZATION;
(XIV) ONE MEMBER WITH LIVED EXPERIENCE OF HOMELESSNESS WHO IS LIVING IN PERMANENT SUPPORTIVE HOUSING AT THE TIME OF THEIR APPOINTMENT;
(XV) ONE MEMBER WHO, AT THE TIME OF THEIR APPOINTMENT, IS LIVING IN AFFORDABLE RENTAL HOUSING THAT IS RESTRICTED TO EIGHTY PERCENT OR LESS OF AREA MEDIAN INCOME; AND
(XVI) ONE MEMBER WHO, AT THE TIME OF THEIR APPOINTMENT, IS LIVING IN AFFORDABLE RENTAL HOUSING THAT IS RESTRICTED TO ONE HUNDRED AND TWENTY PERCENT OR LESS OF AREA MEDIAN INCOME.

(c) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, MEMBERS APPOINTED TO THE TASK FORCE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION SHALL SERVE NO MORE THAN THREE CONSECUTIVE TWO-YEAR TERMS, WITH THE APPOINTING AUTHORITY'S APPROVAL FOR EACH SPECIFIC TERM. WITH THE APPOINTING AUTHORITY'S APPROVAL, A MEMBER OF THE TASK FORCE WHO IS SERVING ON THE TASK FORCE AS OF THE EFFECTIVE DATE OF THIS SECTION IS CONSIDERED TO BE BEGINNING THE MEMBER'S FIRST TWO-YEAR TERM.

(d) (I) A VACANCY OCCURRING IN A POSITION THAT IS APPOINTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE INITIAL APPOINTING OFFICIAL. IN ADDITION, THE INITIAL APPOINTING OFFICIAL MAY REMOVE AND REPLACE ANY

APPOINTMENT THE
OFFICIAL MADE TO THE TASK FORCE MADE PURSUANT TO
SUBSECTION (2)(a) OF
THIS SECTION.

(II) A VACANCY OCCURRING IN A POSITION FILLED BY THE CHAIR
AND
VICE-CHAIR OF THE COMMITTEE PURSUANT TO SUBSECTION (2)(b)
OF THIS
SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE CHAIR
AND VICE-CHAIR
OF THE COMMITTEE IN ACCORDANCE WITH THE LIMITATIONS
SPECIFIED IN
SUBSECTION (2)(b) OF THIS SECTION. IN ADDITION, THE CHAIR
AND VICE-CHAIR
OF THE COMMITTEE MAY REMOVE AND REPLACE ANY
APPOINTMENT TO THE
TASK FORCE MADE PURSUANT TO SUBSECTION (2)(b) OF THIS
SECTION.

(e) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE
APPOINTING
AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE
TASK FORCE
INCLUDES PERSONS WHO HAVE EXPERIENCE WITH OR INTEREST
IN THE STUDY
AREAS OF THE TASK FORCE AS SET FORTH IN SUBSECTION (3) OF
THIS SECTION;
PERSONS WHO REFLECT THE ETHNIC, CULTURAL, AND GENDER
DIVERSITY OF THE
STATE; PERSONS REPRESENTING OF ALL AREAS OF THE STATE;
AND, TO THE
EXTENT PRACTICABLE, PERSONS WITH DISABILITIES.

(f) (I) ALL TASK FORCE MEMBERS ARE EXPECTED TO SEEK INPUT
FROM
THE VARIOUS NETWORKS OR ORGANIZATIONAL STRUCTURES OF
THE BODY THEY
REPRESENT, IF ANY. EVERY APPOINTING OFFICER IS
ENCOURAGED TO NOMINATE
A REPRESENTATIVE WHO CAN PARTICIPATE IN MAKING TASK
FORCE SUBJECT
MATTER EXPERT RECOMMENDATIONS, YET STILL
APPROPRIATELY REPRESENT
THE RELEVANT STATE AGENCY.

(II) IN ORDER TO ADVANCE THE WORK OF THE TASK FORCE, TASK
FORCE
MEMBERS ARE ENCOURAGED TO PARTICIPATE IN
DECISION-MAKING, WITH THE
UNDERSTANDING THAT INDIVIDUAL VOTES ON TASK FORCE ISSU

House Journal, May 3

20 SB23-213 be amended as follows, and as so amended, be referred to
21 the Committee on Appropriations with favorable
22 recommendation:

23

24 Amend reengrossed bill, page 7, after line 1 insert:

25

26 "SECTION 1. Legislative declaration. (1) (a) (I) The general
27 assembly finds and declares that:

28 (A) Colorado housing is currently among the most expensive in
29 the nation. In 2021, Colorado had the sixth highest median home values
30 and the fourth highest median gross rent but only the tenth highest median
31 income, according to the state demographer;

32 (B) Between 2010 and 2021, the percentage of Coloradans
33 making less than seventy-five thousand dollars a year who were housing
34 cost-burdened, meaning they spend more than thirty percent of their
35 income on housing needs, increased from fifty-four percent to sixty-one
36 percent, and, for renters making less than seventy-five thousand dollars
37 a year, that percentage increased from fifty-nine percent to seventy-three
38 percent, according to the American Community Survey;

39 (C) Colorado's housing supply has not kept pace with population
40 growth. Between 2010 and 2020, the state added one hundred twenty-six
41 thousand fewer housing units than in the prior decade, despite the
42 population increasing by a similar amount in each decade. The state has
43 an unmet housing need, as of 2022, of between sixty-five thousand and
44 ninety thousand units, according to the state demographer;

45 (D) Many cities restrict the development of more compact
46 affordable home types, such as accessory dwelling units, townhomes,
47 duplexes, and multifamily homes, on most of their residential land;

48 (E) Older adults represent the fastest growing segment of
49 Colorado's population and have diverse housing needs that are not being
50 adequately met in the current housing market, including the need for more
51 accessible and affordable housing units built with universal design and
52

1 located within age-friendly communities. The housing and land use
2 policies of the state must be informed by the findings and
3 recommendations of the strategic action plan on aging, developed
4 pursuant to section 24-32-3406, prior to the repeal of that section, and the
5 lifelong Colorado initiative created in section 26-11-302, including the
6 eight realms of livable and age-friendly communities.

7 (F) The ten largest municipalities in the Denver metropolitan area
8 allow single-unit detached dwellings as a use by right on over eighty-five
9 percent of their residential land, compared to allowing as a use by right
10 an estimated twenty-four percent of their residential land for accessory
11 dwelling units, thirty-three percent of their residential land for
12 townhomes, thirty-one percent of their residential land for duplexes up to
13 quadplexes, and thirty-five percent of their residential land for
14 multifamily homes, according to publicly available zoning data;

15 (G) The ten largest municipalities in the Denver metropolitan area
16 require a minimum lot size of over five thousand square feet on more than
17 half of their residential land, according to publicly available zoning data;

18 (H) These types of common zoning practices make it difficult to
19 build more affordable home types and have historically been used to
20 exclude low-income residents and renters;

21 (I) To stabilize housing prices and ensure development of housing
22 to meet the state's growing need, the state must increase its housing
23 supply to address the unmet housing need from the past decade and plan
24 for future household growth; and

25 (J) Displacement from low-income neighborhoods has occurred
26 in Colorado under current land use regulations as housing rents and prices
27 have increased faster than wages, which has fundamentally changed the
28 demographics of some areas. These pressures have led to both direct
29 displacement of individual households from homes they can no longer
30 afford and indirect displacement as the result of changes in the
31 neighborhood population as low-income residents move out and the
32 vacated units are no longer affordable to similar households. As the state
33 and local governments seek to increase housing options and affordability,
34 it is essential to take steps to mitigate further displacement and enable
35 residents to stay in their neighborhoods if they wish.

36 (II) Therefore, the general assembly finds, determines and
37 declares that the lack of housing is a critical problem that threatens the
38 economic, environmental, and social quality of life in Colorado.

39 (b) (I) The general assembly finds and declares that:

40 (A) The consequences of land use policies that limit housing
41 supply and diversity include a lack of housing that is affordable to
42 Coloradans of low and moderate incomes, a lack of housing to support
43 employment growth, an imbalance in jobs and housing, segregated and
44 unequal communities, reduced mobility and long commutes, reduced
45 options for older adults to age in their community of choice, loss of open
46 space and agricultural land, high water usage, and increased greenhouse
47 gas and air pollution;

48 (B) When a local government's policies reduce and limit the
49 supply of housing, neighboring local governments are also affected by
50 more people seeking affordable housing; and

51 (C) People are not able to live near where they work, leading to
52 longer commutes, putting additional strain on Colorado's roads, and
53 increasing pollution.

54

1 (II) Therefore, the general assembly finds, determines, and
2 declares that the lack of housing supply and unsustainable development
3 patterns are partially caused by local government policies that effectively
4 limit the construction of a diverse range of housing types in areas already
5 served by infrastructure or in close proximity to jobs and public transit.

6 (c) (I) The general assembly further finds and declares that the
7 general assembly and the people of Colorado have made historic
8 investments in affordable housing, including the following:

9 (A) In 2021 and 2022, the general assembly approved close to one
10 billion dollars for affordable housing investments funded primarily by the
11 federal "American Rescue Plan Act of 2021", Pub.L. 117-2, and the
12 general fund; and

13 (B) In the November 2022 election, Colorado voters approved
14 Proposition 123, which will dedicate an estimated three hundred million
15 dollars per year to affordable housing.

16 (II) Therefore, the general assembly finds, determines, and
17 declares that, coupled with historic investments in affordable housing,
18 reforms to local land use regulations can accelerate an increase in housing
19 supply that is affordable at all income levels and accessible for people of
20 all ages and abilities.

21 (A) National studies, such as the article "Relationships between
22 Density and per Capita Municipal Spending in the United States",
23 published in Urban Science, have found that lower density communities
24 have higher government capital and maintenance costs for water, sewer,
25 and transportation infrastructure, and lower property and sales tax
26 revenues. These increased costs are often borne by both state and local
27 governments.

28 (B) A study for a rural resort municipality in Colorado found that
29 doubling the average residential density for future growth would save
30 thirty-one percent in capital and maintenance costs over twenty years.

31 (2) The general assembly finds and declares that the availability
32 of affordable housing is a matter of mixed statewide and local concern.
33 Therefore, it is the intent of the general assembly in enacting this act to:

34 (a) Create a more consistent ability statewide to develop a variety
35 of housing types, limit the ability of local governments to reduce density
36 or render infeasible housing development projects that can address the
37 state's housing shortage for all parts of the income spectrum, and support
38 more fiscally and environmentally sustainable development patterns;

39 (b) Improve regional collaboration and outcomes by reducing the
40 ability of individual local governments' land use restrictions to negatively
41 influence regional concerns such as housing affordability, open space,
42 traffic, and air pollution; and

43 (c) Increase housing supply, allow more compact development,
44 encourage more affordable housing, encourage more environmentally and
45 fiscally sustainable development patterns, encourage housing patterns that
46 conserve water resources, and encourage housing units that are located in
47 close proximity to public transit, places of employment, and everyday
48 needs.

49 (3) In finding and declaring that land use policies that affect
50 housing supply are matters of mixed statewide and local concern, the
51 general assembly finds and declares that there is a need for uniformity in
52 policies that affect housing supply because:

53

1 (a) The state has an interest in planning for future growth. The
2 state demographer estimates that between 2023 and 2030 the state will
3 add an average of thirty-five thousand households per year, and that

4 between 2030 and 2040 the state will add an additional twenty-nine
5 thousand six hundred households per year. According to the state
6 demographer, households headed by a household age sixty-five and above
7 are expected to increase by 197,000 from 2020 to 2030, meaning over
8 half of the growth in households across the state is expected to be
9 households over sixty-five.

10 (b) Housing supply impacts housing affordability. Housing prices
11 are typically higher when housing supply is restricted by local land use
12 regulations in the metropolitan region, according to studies such as the
13 National Bureau of Economic Research's working papers "Regulation and
14 Housing Supply", "The Impact of Zoning on Housing Affordability", and
15 "The Impact of Local Residential Land Use Restrictions on Land Values
16 Across and Within Single Family Housing Markets".

17 (c) Increasing housing supply moderates price increases and
18 improves housing affordability across all incomes, according to studies
19 such as "The Economic Implications of Housing Supply" in the Journal
20 of Economic Perspectives and "Supply Skepticism: Housing Supply and
21 Affordability" in Housing Policy Debate;

22 (d) Academic research such as "The Impact of Building
23 Restrictions on Housing Affordability" in the Federal Reserve Bank of
24 New York Economic Policy Review has identified zoning and other land
25 use controls as a primary driver of rising housing costs in the most
26 expensive housing markets;

27 (e) Local land use regulations influence what types of housing are
28 built throughout the state and can restrict more affordable housing
29 options;

30 (f) Between 2000 and 2019, over seventy percent of homes built
31 in Colorado were single-unit detached dwellings, while less than three
32 percent of homes were duplexes to quadplexes, and less than twenty-five
33 percent of homes were homes in multifamily buildings with five or more
34 units, according to the American Community Survey;

35 (g) Middle housing and multifamily housing types are more
36 affordable than detached dwellings, in part because land costs are shared
37 between more households;

38 (h) In 2019, Colorado duplexes and larger multifamily housing
39 units cost between fourteen to forty-three percent less to own, and
40 between nine to twenty-six percent less to rent, than single-unit detached
41 dwellings depending on the type of housing, according to the American
42 Community Survey;

43 (i) Proposed market-rate and affordable housing projects are
44 routinely delayed or denied due to discretionary and subjective political
45 processes and land use regulations that limit denser development either
46 directly or indirectly;

47 (j) According to a 2022 article titled "Does Discretion Delay
48 Development?", in the American Planning Association Journal,
49 residential projects using by-right approval processes are approved
50 twenty-eight percent faster than those using discretionary approval
51 processes, and faster approval times reduce developer costs and therefore

52 housing costs;

53

1 (k) Compact housing types such as duplexes, townhomes, and
2 multifamily homes also use significantly less energy for heating, cooling,
3 and electricity than detached dwellings, which saves residents money and
4 results in lower emissions;

5 (l) In Colorado, household energy savings range from forty
6 percent less for townhomes to seventy percent less for larger multifamily
7 homes compared to single-unit detached dwellings, according to
8 residential housing stock data from the National Renewable Energy
9 Laboratory;

10 (m) The state has an interest in ensuring economic mobility by
11 increasing affordable housing opportunities throughout the state:

12 (I) Researchers have demonstrated that restrictive local land use
13 regulations help explain segregation income within metropolitan areas,
14 which leads to disparate incomes and access to opportunities;

15 (II) In Colorado, households with the lowest incomes experienced
16 the highest rates of housing cost burden, according to the American
17 Community Survey;

18 (III) Housing costs can dictate the quality of a child's education,
19 and the highest performing schools are located in areas with the highest
20 housing costs;

21 (IV) According to a Brookings Institution report entitled "Housing
22 Costs, Zoning, and Access to High Scoring Schools" that analyzed the
23 one hundred largest metropolitan areas in the United States, housing costs
24 an average of two and four-tenths times as much near a high-scoring
25 public school than near a low-scoring one. The same study found that
26 metro areas with the least restrictive zoning have housing cost gaps
27 between high-scoring and low-scoring schools that are sixty-three percent
28 lower than metro areas with the most restrictive zoning.

29 (V) Researchers have also found that upward mobility is
30 significantly greater in more compact development areas than in low
31 density areas, primarily due to better job accessibility by multiple
32 transportation modes, according to the study "Does urban sprawl hold
33 down upward mobility?", published in the journal of Landscape and
34 Urban Planning.

35 (VI) Nationwide, cities with the highest housing costs and lowest
36 vacancy rates experience the highest rates of homelessness, according to
37 a report by the Urban Institute, "Unsheltered Homelessness Trends,
38 Characteristics, and Homeless Histories". These indicators explain a
39 greater portion of the variation in regional rates of homelessness than
40 other commonly assumed factors, such as poverty rate, substance use, or
41 mental illness, according to a study in the European Journal of Housing
42 Policy, "The Economics of Homelessness: The Evidence from North
43 America".

44 (VII) Through legislation such as House Bill 21-1266 and Senate
45 Bill 21-272, the state has made significant efforts to identify
46 disproportionately impacted communities and to prioritize benefits to

47 these communities;
48 (VIII) Researchers in the article "Housing Constraints and Spatial
49 Misallocation", in the American Economic Journal, found that restrictions
50 on new housing supply in high productivity places limit the number of
51 workers who have access to jobs in those places, which over the past
52 several decades they estimate has lowered aggregate economic growth in
53 the United States by thirty-six percent;

54

1 (IX) Researchers in the study "Unaffordable Housing and Local
2 Employment Growth", published by the Federal Reserve Bank of Boston,
3 found that metropolitan areas in the United States and counties with lower
4 housing affordability experience significantly less employment growth;
5 and

6 (X) Within regions, national surveys have found that a lack of
7 affordable housing within a reasonable commuting distance impacts
8 businesses' ability to attract and retain workers, according to a literature
9 review conducted by the Center for Housing Policy; and

10 (n) The state has an interest in advancing efficient water use, and
11 local government decisions that encourage dispersed, low density
12 development negatively affect the state's water supply:

13 (I) Efficient water use is essential for creating vibrant
14 communities that balance water supply and demand needs to create a
15 sustainable urban landscape, according to the vision laid out in the
16 Colorado water plan;

17 (II) Compact infill development reduces water demand and
18 infrastructure costs through shorter pipes that reduce losses, less
19 landscaped space per unit, and better use of existing infrastructure; and

20 (III) Compared to a single-unit detached dwelling, accessory
21 dwelling units use twenty-two percent less water, small multifamily
22 homes sixty-three percent less, and larger multifamily homes eighty-six
23 percent less, based on data from Denver and Aurora water users analyzed
24 for the Colorado water and growth dialogue Final Report in 2018.

25 (4) (a) The general assembly finds and declares that there is an
26 extraterritorial impact when local governments enact local ordinances that
27 have impacts that cross jurisdictional lines because:

28 (I) Local restrictions on housing push people further from their
29 work and increase driving commute times;

30 (II) Communities with the most restrictive local land use
31 regulations often enable job growth while limiting the ability of housing
32 growth to keep pace, which affects the pace of housing development in
33 neighboring jurisdictions. This results in regional imbalances between
34 jobs and housing that researchers have found have a significant impact on
35 vehicle miles traveled and commute times, according to studies such as
36 "Which Reduces Vehicle Travel More: Jobs-Housing Balance or
37 Retail-Housing Mixing?", published in the Journal of the American
38 Planning Association.

39 (III) In the ten rural resort municipalities with the highest jobs to
40 housing ratios in the state, over ninety percent of workers commute from

41 other jurisdictions, according to housing data from the 2020 federal
42 decennial Census and jobs and commuting data from the Longitudinal
43 Employer-Household Dynamics Origin-Destination Employment Dataset
44 from the Census;

45 (IV) The ten rural resort municipalities with the highest jobs to
46 housing ratios in the state added eighteen percent fewer housing units per
47 capita and their commute times for workers were seventeen percent
48 longer on average than jurisdictions in rural resort counties as a whole,
49 according to data from the 2020 federal decennial Census, American
50 Community Survey, and the Longitudinal Employer-Household Dynamics
51 Origin-Destination Employment Dataset from the Census;

52 (V) Nationwide, the number of jobs within the typical commute
53 distance for residents in major metropolitan areas has declined over time
54 according to a report by the Brookings Institution titled "The Growing
55 Distance Between People and Jobs in Metropolitan America";

1 (VI) Coloradans drive more miles per person than they used to, in
2 part due to dispersed, low-density development patterns, putting stress on
3 transportation infrastructure and increasing household costs;

4 (VII) Since 1981, per capita vehicle miles traveled in Colorado
5 have risen by over twenty percent according to data from the Federal
6 Highway Administration;

7 (VIII) High transportation costs impact low-income households
8 in particular, with households making less than forty-thousand dollars per
9 year in the western United States spending over twenty-four percent of
10 their income on transportation, when spending more than fifteen percent
11 of income on transportation is considered cost burdened, according to
12 data from the Bureau of Labor Statistics Consumer Expenditure Surveys;
13 and

14 (IX) In Colorado, households in more dense areas, census tracts
15 with more than four thousand units per square mile or about fifteen units
16 per acre, drive twenty percent less than the state average, and higher
17 density areas, census tracts with more than ten thousand units per square
18 mile or about forty units per acre, drive forty percent less than the state
19 average, according to data from the 2017 National Household Travel
20 Survey; and

21 (b) The increase in vehicle traffic due to local land use restrictions
22 also has an environmental extraterritorial impact:

23 (I) Vehicle traffic, which increases when land use patterns are
24 more dispersed, contributes twenty percent of nitrogen oxides emissions,
25 a key ozone precursor, according to the Executive Summary of the
26 Moderate Area Ozone SIP for the 2015 Ozone NAAQS by the Regional
27 Air Quality Council;

28 (II) The United States environmental protection agency has
29 classified the Denver Metro/North Front Range area as being in severe
30 non-attainment for ozone and ground level ozone, which has serious
31 impacts on human health, particularly for vulnerable populations;

32 (III) According to the greenhouse gas pollution reduction
33 roadmap, published by the Colorado energy office and dated January 14,

34 2021, the transportation sector is the single largest source of greenhouse
35 gas pollution in Colorado;

36 (IV) Nearly sixty percent of the greenhouse gas emissions from
37 the transportation sector come from light-duty vehicles, the majority of
38 cars and trucks that Coloradans drive every day;

39 (V) As part of the greenhouse gas pollution reduction roadmap,
40 a strategic action plan to achieve legislatively adopted targets of reducing
2005 41 greenhouse gas pollution economy-wide by fifty percent below
42 levels by 2030 and ninety percent by 2050, the state committed to
43 reducing emissions from the transportation sector by forty-one percent by
44 2030 from a 2005 baseline;

45 (VI) The Greenhouse Gas Transportation Planning Standard
46 adopted by the Transportation Commission in 2021 set a target to reduce
47 transportation greenhouse gas emissions through the transportation
48 planning process by one million five hundred thousand tons by 2030;

49 (VII) Local government land use decisions that require a
50 minimum amount of parking spaces beyond what is necessary to meet
51 market demand increase vehicle miles traveled and associated greenhouse
52 gas emissions. According to the UCLA Institute of Transportation Studies
1 article titled "What Do Residential Lotteries Show Us About
2 Transportation Choices", higher amounts of free parking provided in
3 residential developments cause higher rates of vehicle ownership, higher
4 rates of vehicle miles traveled, and less frequent transit use.

5 (VIII) Local government land use decisions that require a
6 minimum amount of parking spaces increase the cost of new residential
7 projects, which increases housing costs. According to the Regional
8 Transportation District study "Residential Parking in Station Areas: A
9 Study of Metro Denver", structured parking spaces in the Denver
10 metropolitan areas cost twenty-five thousand dollars each to build in
11 2020, and use space which would otherwise be used for revenue
12 generating residential units, decreasing the profitability of residential
13 development. As a result, parking requirements may discourage
14 developers from building new residential projects, or, if they do move
15 forward with projects, force them to recoup the costs of building
16 excessive parking by increasing housing prices.

17 (5) (a) Local land use policies that encourage dispersed, low
18 density development have an impact on open space and agricultural land,
19 and exposure to climate hazards outside of their jurisdictional limits:

20 (I) A study of urbanized areas in the United States, "The Effect of
21 Land-Use Controls on the Spatial Size of U.S. Urbanized Areas", in the
22 Journal of Regional Science, found that the presence of density
23 restrictions such as minimum lot sizes and floor area ratio limits result in
24 larger urbanized areas;

25 (II) Enabling denser housing near transit and in already developed
26 areas can limit continued loss of agricultural and natural lands;

27 (III) Between 1982 and 2017, Colorado lost over twenty-five
28 percent of its agricultural cropland, according to data from the National
29 Resources Inventory published by the United States department of

30 agriculture, and, over the same time period, the size of urban and built-up
31 areas grew faster than the population by over one hundred percent
32 compared to eighty-three percent;

33 (IV) Encouraging growth in infill locations is an important
34 strategy for minimizing wildfire risk by limiting the growth of households
35 in fire-prone areas; and

36 (V) Between 2012 and 2017, the number of people living in the
37 wildland-urban interface increased by nearly fifty percent according to the
38 Colorado state forest service.

39 (b) Therefore, the general assembly finds, determines and declares
40 that local government land use decisions that limit housing and encourage
41 dispersed low-density development impact local and state government
42 fiscal health and the business community."

43

44 Renumber succeeding sections accordingly.

45

46 Page 9, after line 21 insert:

47

48 "(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
THE

49 DEVELOPMENT AND USE OF LAND IS A MATTER OF MIXED
STATEWIDE AND

50 LOCAL CONCERN."

51

52 Page 10, strike lines 8 through 11 and substitute:

53

54

1 "(3) "AFFORDABLE HOUSING" MEANS HOUSING FOR WHICH LOW-
2 AND MODERATE-INCOME HOUSEHOLDS DO NOT SPEND MORE
THAN THIRTY

3 PERCENT OF THEIR HOUSEHOLD INCOME ON HOUSING COSTS."

4

5 Page 10, strike lines 14 through 17.

6

7 Renumber succeeding subsections accordingly.

8

9 Page 11, strike lines 19 through 27.

10

11 Page 12, strike lines 1 through 19 and substitute:

12

13 "(9) "DISPLACEMENT" MEANS THE INVOLUNTARY RELOCATION
OF

14 LOW-INCOME RESIDENTS DUE TO:

15 (a) INCREASED RENTS OR NEW DEVELOPMENT RESULTING IN A
16 HIGHER AREA MEDIAN INCOME THAN THE CURRENT
NEIGHBORHOOD;

17 (b) DISCRIMINATORY POLICIES OR ACTIONS, SUCH AS BANNING
18 TENANTS WITH HOUSING VOUCHERS, ELIMINATING UNITS

LARGE ENOUGH

19 FOR HOUSEHOLDS WITH CHILDREN, OR LAND USE OR ZONING
THAT FOSTERS

20 A CHANGE IN THE AVERAGE AREA MEDIAN INCOME OF AN
AREA;

21 (c) WIDESPREAD DECREASE IN SOCIAL AND CULTURAL
22 COMMUNITY-SERVING BUSINESSES AND ENTITIES;

23 (d) DETERIORATION OF PHYSICAL CONDITIONS THAT RENDER
24 RESIDENCES UNINHABITABLE; OR

25 (e) INCREASED REAL ESTATE PRICES, RENTS, PROPERTY TAXES,
26 NEW DEVELOPMENT INCLUDING AMENITIES, AND OTHER
ECONOMIC

27 FACTORS.".

28

29 Page 13, strike lines 9 through 14 and substitute:

30

31 "(14) "HISTORIC DISTRICT" MEANS A DISTRICT ESTABLISHED BY
36 32 LOCAL LAW THAT MEETS THE DEFINITION OF "DISTRICT"
SET FORTH IN

33 CFR 60.3 (d).

34 (15) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED ON THE
35 NATIONAL REGISTER OF HISTORIC PLACES, LISTED ON THE
COLORADO

36 STATE REGISTER OF HISTORIC PROPERTIES, OR LISTED AS A
CONTRIBUTING

37 STRUCTURE OR HISTORIC LANDMARK BY A CERTIFIED LOCAL
38 GOVERNMENT, AS DEFINED IN SECTION 39-22-514.5 (2)(b).

39 (16) "INDUSTRIAL USE" MEANS A BUSINESS USE OR ACTIVITY
AT A

40 SCALE GREATER THAN HOME INDUSTRY INVOLVING
MANUFACTURING,

41 FABRICATION, ASSEMBLY, WAREHOUSING, OR STORAGE.".

42

43 Renumber succeeding subsections accordingly.

44

45 Page 15, after line 9 insert:

46

47 "(28) "NET DENSITY" MEANS THE NUMBER OF RESIDENTIAL
UNITS

48 PER ACRE OF TOTAL RESIDENTIAL LAND AREA, EXCLUDING
LAND OCCUPIED

49 BY PUBLIC RIGHTS-OF-WAY AND ANY RECREATIONAL, CIVIC,
COMMERCIAL,

50 AND OTHER NONRESIDENTIAL USES.

51 (29) "OBJECTIVE PROCEDURE" MEANS A DEVELOPMENT REVIEW
52 PROCEDURE OR PROCESS THAT DOES NOT INVOLVE A
DISCRETIONARY

53 APPROVAL PROCESS.".

54

55 Renumber succeeding subsections accordingly.

1 Page 17, after line 6 insert:

2

3 "(36) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:

4 (a) LIES ENTIRELY OUTSIDE OF AN AREA THAT IS DESIGNATED
AS

5 AN URBANIZED AREA BY THE MOST RECENT FEDERAL
DECENNIAL CENSUS;

6 (b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE
7 TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

8 (c) IS IN AN AGRICULTURAL, FORESTRY, NATURAL RESOURCE
9 PRESERVATION, OR OPEN SPACE ZONING DISTRICT;

10 (d) IS A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC
11 DISTRICT; OR

12 (e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR
FLOODPLAIN,

13 AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY."

14

15 Renumber succeeding subsections accordingly.

16

17 Page 19, after line 1 insert:

18

19 "(46) "USE BY RIGHT" MEANS A LAND USE, THE DEVELOPMENT
OF

20 WHICH PROCEEDS UNDER OBJECTIVE STANDARDS SET FORTH
IN ZONING OR

21 OTHER LOCAL LAWS, AND THAT DOES NOT HAVE A
DISCRETIONARY

22 APPROVAL PROCESS."

23

24 Page 19, line 10, strike "FOURTEEN" and substitute "FIFTEEN".

25

26 Page 19, line 15, strike "OF" and substitute "OR".

27

28 Page 19, after line 21 insert:

29

30 "(VI) THE DIRECTOR OF THE OFFICE OF ECONOMIC
DEVELOPMENT,

31 OR THE DIRECTOR'S DESIGNEE;".

32

33 Renumber succeeding subparagraphs accordingly.

34

35 Page 20, line 5, strike "A TIER ONE" and substitute "TIER TWO".

36

37 Page 21, line 5, strike "(3)(a)(I), (3)(a)(II),".

38

39 Page 21, strike lines 6 through 9 and substitute "(3)(a)(VII), (3)(a)(IX),
40 (3)(a)(XI), (3)(a)(XIII), AND (3)(a)(XV) OF THIS SECTION IS TWO
YEARS

41 AND THE TERM OF EACH MEMBER INITIALLY APPOINTED
PURSUANT TO

42 SUBSECTIONS (3)(a)(VIII), (3)(a)(X), (3)(a)(XII), AND (3)(a)(XIV) IS".
43

44 Page 22, line 4, after "SUBCOMMITTEE," insert "THE TWO MEMBERS
OF

45 THE TASK FORCE CONCERNING AFFORDABLE HOUSING AND
HOMELESSNESS

46 ESTABLISHED IN SECTION 29-33-118 (1) APPOINTED PURSUANT
TO SECTION

47 29-33-118 (2)(b)(II) AND (2)(b)(IV),".

48

49 Page 22, strike lines 5 through 7 and substitute "TEN OTHER MEMBERS
AS

50 FOLLOWS:

51 (I) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
FROM

52 A COUNTY CONTAINING A RURAL RESORT JOB CENTER,
APPOINTED BY THE

53 GOVERNOR;

54

1 (II) TWO MEMBERS WHO ARE STAFF-LEVEL REPRESENTATIVES
2 FROM TWO DIFFERENT RURAL RESORT JOB CENTERS,
APPOINTED BY THE

3 PRESIDENT OF THE SENATE;

4 (III) ONE MEMBER WHO HAS A BACKGROUND IN AFFORDABLE
5 HOUSING ADVOCACY WITH EXPERIENCE IN A RURAL RESORT
JOB CENTER,

6 APPOINTED BY THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES;

7 (IV) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
FROM

8 A HOUSING AUTHORITY SERVING A RURAL RESORT JOB
CENTER, APPOINTED

9 BY THE GOVERNOR;

10 (V) ONE MEMBER WHO HAS A BACKGROUND IN
NOT-FOR-PROFIT OR

11 FOR-PROFIT HOUSING DEVELOPMENT IN RURAL RESORT JOB
CENTERS,

12 APPOINTED BY THE GOVERNOR;

13 (VI) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVES
FROM

14 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES TO
RURAL RESORT

15 JOB CENTERS, INCLUDING BUT NOT LIMITED TO WATER,

WASTEWATER, AND
 16 ELECTRIC UTILITIES, APPOINTED BY THE MINORITY LEADER OF
 THE SENATE;
 17 (VII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
 FROM
 18 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES TO
 RURAL RESORT
 19 JOB CENTERS, INCLUDING BUT NOT LIMITED TO WATER,
 WASTEWATER, AND
 20 ELECTRIC UTILITIES, APPOINTED BY THE MINORITY LEADER OF
 THE HOUSE
 21 OF REPRESENTATIVES;
 22 (VIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
 23 FROM A TRANSIT AGENCY THAT PROVIDES SERVICES TO A
 RURAL RESORT
 24 JOB CENTER OR THAT WORKS AS A TRANSPORTATION
 PLANNER IN A RURAL
 25 RESORT JOB CENTER, APPOINTED BY THE GOVERNOR; AND
 26 (IX) ONE MEMBER WHO IS A RECREATION INDUSTRY
 EMPLOYER,
 27 HOSPITALITY INDUSTRY EMPLOYER, OR OTHER EMPLOYER
 WHO EMPLOYS
 28 AT LEAST SEVENTY-FIVE EMPLOYEES WHO WORK IN RURAL
 RESORT JOB
 29 CENTERS, APPOINTED BY THE GOVERNOR."
 30
 31 Page 22, strike lines 14 through 16 and substitute "AREA JOB CENTER
 32 MUNICIPALITIES, ALLOW AT LEAST A SIXTY-DAY PUBLIC
 COMMENT PERIOD,
 33 AND

<u>SB23-237</u>	Transfer To Water Plan Implementation Cash Fund
Calendar Notification:	NOT ON CALENDAR
Summary:	<p>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.</p> <p><i>(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)</i></p>
Status:	<p>3/24/2023 Introduced In Senate - Assigned to Appropriations</p> <p>3/28/2023 Senate Committee on Appropriations Refer Unamended - Consent Calendar to Senate Committee of the Whole</p> <p>3/29/2023 Senate Second Reading Special Order - Passed - No Amendments</p> <p>3/30/2023 Senate Third Reading Passed - No Amendments</p> <p>3/30/2023 Introduced In House - Assigned to Appropriations</p>

4/3/2023 House Committee on Appropriations Refer Unamended to House Committee of the Whole
4/3/2023 House Second Reading Special Order - Passed - No Amendments
4/4/2023 House Third Reading Laid Over Daily - No Amendments
4/6/2023 House Third Reading Passed - No Amendments
4/12/2023 Signed by the President of the Senate
4/12/2023 Signed by the Speaker of the House
4/13/2023 Sent to the Governor
4/20/2023 Governor Signed

Amendments:

SB23-238

Small Communities Water and Wastewater Grant Fund

Calendar NOT ON CALENDAR

Notification:

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 the reengrossed version of this bill as introduced in the second house.)

Status: 3/24/2023 Introduced In Senate - Assigned to Appropriations
3/28/2023 Senate Committee on Appropriations Refer Unamended - Consent Calendar to Senate Committee of the Whole
3/29/2023 Senate Second Reading Special Order - Passed - No Amendments
3/30/2023 Senate Third Reading Passed - No Amendments
3/30/2023 Introduced In House - Assigned to Appropriations
4/3/2023 House Committee on Appropriations Refer Unamended to House Committee of the Whole
4/3/2023 House Second Reading Special Order - Passed - No Amendments
4/4/2023 House Third Reading Laid Over Daily - No Amendments
4/6/2023 House Third Reading Passed - No Amendments
4/20/2023 Signed by the President of the Senate
4/21/2023 Sent to the Governor
4/21/2023 Signed by the Speaker of the House
4/25/2023 Governor Signed

Amendments:

SB23-262

Water Desalination Study And Report

Calendar NOT ON CALENDAR

Notification:

Summary:

The bill requires the Colorado water conservation board (CWCB) to perform a comprehensive literature review of existing research on the challenges and opportunities of desalination facilities in California or Mexico. The literature review must include a summary of the current status of research on desalination, including quantification of certain costs of and benefits that could be realized from the construction and perpetual operation of one or more water desalination facilities in California or Mexico, or both.

On or before July 1, 2025, the CWCB must complete the study and submit a report of the CWCB's findings and recommendations to:

- The Colorado legislative committees of reference that consider water matters;
- The governor; and
- The bureau of reclamation in the federal department of the interior.

For the 2023-24 state fiscal year, the bill appropriates \$50,000 from the Colorado water conservation board construction fund to the department of natural resources for use by the CWCB to pay operating expenses.

(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:

4/3/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
4/12/2023 Senate Committee on Agriculture & Natural Resources Refer Unamended to Appropriations
4/21/2023 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
4/21/2023 Senate Second Reading Special Order - Passed with Amendments - Committee
4/24/2023 Introduced In House - Assigned to Energy & Environment
4/24/2023 Senate Third Reading Passed - No Amendments
4/27/2023 House Committee on Energy & Environment Refer Unamended to Appropriations
5/11/2023 House Committee on Appropriations Lay Over Unamended - Amendment(s) Failed

Amendments:**Senate Journal, April 21**

After consideration on the merits, the Committee recommends that SB23-262 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, after line 15 insert:

"SECTION 2. Appropriation. For the 2023-24 state fiscal year, \$50,000 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 (1)(a), C.R.S. To implement this act, the board may use this appropriation for operating expenses."

Re-number succeeding section accordingly.

Page 1, line 104, strike "BASIN." and substitute "BASIN, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

SB23-270 **Projects To Restore Natural Stream Systems**

Calendar NOT ON CALENDAR

Notification:

Summary: ~~The bill creates a rebuttable presumption that a project that is designed and constructed within a natural stream system for certain restoration purposes (stream restoration project) does not cause material injury to vested water rights (rebuttable presumption). A holder of a vested water right may challenge the rebuttable presumption by sufficiently demonstrating in a court of competent jurisdiction that the operation of the stream restoration project has caused material injury to a vested water right. The bill also requires that, at least 63 calendar days before the commencement of a stream restoration project, the owner or proponent of the stream restoration project register the project with the state engineer and provide notice to the substitute water supply plan notification list (registration and notice requirement). Upon the completion of a stream restoration project, the owner or proponent of the stream restoration project shall file a completion report with the state engineer. If a stream restoration project is limited to certain minor restoration activities:~~

- ~~• The stream restoration project does not cause material injury to any vested water right;~~
- ~~• The stream restoration project is not an unnecessary dam or other obstruction;~~
~~and~~
- ~~• The owner or proponent of the stream restoration project is not required to comply with the registration and notice requirement.~~

The bill states that a project that is designed and constructed within a natural stream system (stream restoration project) that is limited to certain minor restoration activities or has obtained any applicable permits or is under construction or completed by August 1, 2023:

- *Does not cause material injury to any vested water right; and*
- *Is not an unnecessary dam or other obstruction.*

(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: 4/5/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
 4/13/2023 Senate Committee on Agriculture & Natural Resources Refer Amended to Senate Committee of the Whole
 4/17/2023 Senate Second Reading Special Order - Passed with Amendments - Committee
 4/18/2023 Senate Third Reading Passed - No Amendments
 4/18/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
 4/24/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to House Committee of the Whole
 4/27/2023 House Second Reading Laid Over Daily - No Amendments
 5/3/2023 House Second Reading Special Order - Passed - No Amendments
 5/4/2023 House Third Reading Laid Over Daily - No Amendments
 5/6/2023 House Third Reading Passed - No Amendments
 5/15/2023 Signed by the Speaker of the House
 5/15/2023 Signed by the President of the Senate
 5/15/2023 Sent to the Governor

Amendments:

Senate Journal, April 14

Amend printed bill, page 4, strike lines 3 through 8 and substitute:

"(A) STABILIZING THE BANKS OR SUBSTRATE OF A NATURAL STREAM WITH HARD, BIOENGINEERED, OR NATURAL MATERIALS THAT, UNDER LESS THAN EXTREME FLOW CONDITIONS, ALLOW WATER TO FLOW DOWNSTREAM, DO NOT CAUSE THE WATER LEVEL TO EXCEED THE ORDINARY HIGH WATER MARK, AND MAY INCIDENTALLY INCREASE SURFACE AREA OF THE NATURAL STREAM;" .

Page 5, line 4, after "SYSTEM;" add "AND".

Page 5, lines 7 and 8, strike "DROUGHT RESILIENCE;" .

Page 5, line 9, strike "MANAGEMENT; AND" and substitute "MANAGEMENT." .

Page 5, strike lines 10 through 27.

Strike page 6.

Page 7, strike lines 1 through 10.

Page 7, line 11, strike "(f)" and substitute "(c)".

Page 7, line 14, after "RIGHT;" add "AND".

Page 7, line 16, strike "OBSTRUCTION; AND" and substitute "OBSTRUCTION."

Page 7, strike lines 17 through 19.

Page 7, line 20, strike "(g)" and substitute "(d)".

Page 7, strike lines 26 and 27.

Page 8, strike lines 1 through 12.

Page 8, line 13, strike "(i)" and substitute "(e)".

Page 8, after line 14 insert:

"(I) CREATES A PRESUMPTION OF INJURY FOR ANY ACTIVITY THAT DOES NOT MEET THE DEFINITION OF A MINOR STREAM RESTORATION ACTIVITY PURSUANT TO SUBSECTION (9)(b)(I) OF THIS SECTION;"

Renumber succeeding subparagraphs accordingly.

Page 9, strike lines 4 through 9 and substitute:

"(f) A STREAM RESTORATION PROJECT THAT HAS OBTAINED ANY APPLICABLE PERMITS OR IS UNDER CONSTRUCTION OR COMPLETED BY AUGUST 1, 2023 DOES NOT CAUSE MATERIAL INJURY TO ANY VESTED WATER RIGHT AND IS NOT AN UNNECESSARY DAM OR OTHER OBSTRUCTION."

Page 9, strike lines 10 through 12 and substitute:

"SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period

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

Page 1, line 101, strike "PROJECTS" and substitute "ACTIVITIES".

SB23-274**Water Quality Control Fee-setting By Rule**

Calendar NOT ON CALENDAR

Notification:

Summary: **Section 1** of the bill increases the percent of appropriated funds that the department of public health and environment (department) may use for the administration and management of the public water systems and domestic wastewater treatment works grant program from 5% to 10%. **Section 3** modifies the composition of the water quality control commission (commission) by requiring that:

- No more than 5 members of the commission be affiliated with the same political party; and
- The commission include members with specific types of expertise, including expertise in areas of science and environmental law or policy or areas such as municipal water or wastewater treatment, industry, or labor.

Section 4 requires the commission, on or before October 31, 2025, and after engaging in stakeholder outreach, to set the following fees by rule:

- Drinking water fees assessed on public water systems;
- Commerce and industry sector permitting fees;
- Construction sector permitting fees;
- Pesticide sector permitting fees;
- Public and private utilities sector permitting fees;
- Municipal separate storm sewer systems sector permit fees;
- Review fees for requests for certification under section 401 of the federal "Clean Water Act";
- Preliminary effluent limitation determination fees;
- Wastewater site application and design review fees;
- On-site wastewater treatment system fees; and
- Biosolids management program fees.

The commission's fee-setting rules must become effective on or before January 1, 2026, and the commission may by rule authorize the division to phase in the fee-setting rules.

Section 4 also creates the clean water cash fund into which the fees collected under the commission's rules, other than the drinking water fees assessed

on public water systems, are credited.

The statutory fee provisions in **sections 2, 5, 6, and 8** repeal on July 1, 2026. Before the repeal, the state treasurer is required to transfer any money remaining in the various funds into which the statutory fees are credited to the clean water cash fund; except that **section 2** specifies that drinking water fees will continue to be credited to the drinking water cash fund and that any money in the drinking water cash fund will remain in that cash fund. **Section 7** repeals the division's regulatory authority concerning nuclear and radioactive wastes. **Section 9** requires the division to include, in its annual reporting to the commission and the general assembly, information on:

- The division's implementation and enforcement of the discharge permitting program (program);
- For reports submitted before October 1, 2025, the division's fee revenue and direct and indirect costs associated with the program; and
- For the report submitted in 2025, the fee structure set forth in the commission's proposed or adopted fee-setting rules.

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

Status:

4/11/2023 Introduced In Senate - Assigned to Finance
4/18/2023 Senate Committee on Finance Refer Amended to Senate Committee of the Whole
4/21/2023 Senate Second Reading Passed with Amendments - Committee, Floor
4/24/2023 Senate Third Reading Passed with Amendments - Floor
4/24/2023 Introduced In House - Assigned to Energy & Environment
4/27/2023 House Committee on Energy & Environment Refer Unamended to House Committee of the Whole
5/1/2023 House Second Reading Special Order - Passed - No Amendments
5/2/2023 House Third Reading Passed - No Amendments
5/9/2023 Signed by the Speaker of the House
5/10/2023 Sent to the Governor
5/10/2023 Signed by the President of the Senate
5/17/2023 Governor Signed

Amendments:

Senate Journal, April 19

Amend printed bill, page 5, strike lines 8 through 13 and substitute:

"(III) AT LEAST ONE MEMBER OF THE COMMISSION MUST HAVE AGRICULTURAL EXPERIENCE, PREFERABLY A MEMBER WITH AGRICULTURAL EXPERIENCE WHO IS ALSO REGULATED BY THE DIVISION. AT LEAST THREE OTHER MEMBERS OF THE COMMISSION MUST BE FROM THE COMMUNITY REGULATED BY THE DIVISION, EMPLOYED BY AN ENTITY THAT IS SUBJECT TO FEES SET

PURSUANT TO THIS ARTICLE 8, AND, TO THE EXTENT PRACTICABLE, EACH IS EMPLOYED BY AN ENTITY THAT IS SUBJECT TO A DIFFERENT TYPE OF FEE PURSUANT TO THIS ARTICLE 8 THAN THE TYPE OF FEE THAT THE EMPLOYERS OF THE OTHER TWO MEMBERS ARE SUBJECT.

(IV) A MEMBER OF THE COMMISSION MUST HAVE EXPERIENCE OR TRAINING IN ONE OR MORE OF THE FOLLOWING AREAS:

- (A) SCIENCE;
- (B) ENGINEERING;
- (C) TECHNOLOGY;
- (D) INDUSTRY;
- (E) CONSTRUCTION;
- (F) LABOR;
- (G) AGRICULTURE;
- (H) ENVIRONMENTAL LAW;
- (I) ENVIRONMENTAL POLICY;
- (J) ENVIRONMENTAL JUSTICE;
- (K) MUNICIPAL WATER TREATMENT;
- (L) MUNICIPAL WASTEWATER TREATMENT;
- (M) MUNICIPAL GOVERNMENT; OR
- (N) COUNTY GOVERNMENT."

Page 7, line 4, strike "FEES" and substitute "FEES, AND THE GENERAL ASSEMBLY MAY, BY BILL, ANNUALLY ADJUST THE FEES,".

Page 8, line 2, strike "SECTION" and substitute "SECTION, OR ADOPTS ANY SUBSEQUENT ADJUSTMENTS TO THE FEES,".

Page 8, strike line 7 and substitute "CASH FEES.

(b) THROUGH THE STAKEHOLDER PROCESS, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL IDENTIFY THE FEE REVENUE NEEDED FOR EVALUATION OF THE FEASIBILITY OF TREATMENT METHODS REQUIRED TO MEET WATER QUALITY STANDARDS AND OTHER REGULATIONS ADOPTED OR PROPOSED FOR ADOPTION, INCLUDING THE FUNDING NEEDED:

- (I) TO SUPPORT THE DEVELOPMENT OF VARIANCES;
- (II) TO IMPROVE PERMIT ISSUANCE PROCESSES TO INCREASE EFFICIENCY AND FACILITATE THE TIMELY ISSUANCE OF NEW PERMITS;
- (III) FOR RENEWAL PERMITS, PERMIT MODIFICATIONS, AND REDUCING

PERMIT BACKLOG; AND
(IV) FOR THE PREPARATION OF COST-BENEFIT ANALYSES AND
REGULATORY ANALYSES WHEN REQUIRED PURSUANT TO
SECTION 24-4-103 (2.5)
OR (4.5) OF THE "STATE ADMINISTRATIVE PROCEDURE ACT".
(c) IN CONDUCTING STAKEHOLDER OUTREACH, THE".

Reletter succeeding paragraph accordingly.

Page 8, line 8, after "DEPARTMENT" insert "OF PUBLIC HEALTH AND
ENVIRONMENT".

Page 8, line 22, strike "SUBSECTION (2)(a) OF THIS SECTION" and
substitute
"THIS SUBSECTION (2)".

Page 16, line 19, strike "AND".

Page 16, line 22, strike "REPORT." and substitute "REPORT; AND
(g) REVENUE AND EXPENDITURES, INCLUDING FOR THE
DIVISION'S
GENERAL ADMINISTRATION NEEDS, THE DIVISION'S
ADMINISTRATION OF THE
CLEAN WATER AND DRINKING WATER PROGRAMS, AND THE
DIVISION'S
ALLOCATION OF ANY INCREASED FEES ESTABLISHED THROUGH
SECTION
25-8-210 FOR SERVICES THAT THE DIVISION PROVIDES. THE
DEPARTMENT SHALL
PRESENT THIS INFORMATION AS PART OF THE DEPARTMENT'S
ANNUAL "SMART
ACT" PRESENTATION PURSUANT TO SECTION 2-7-203."

Senate Journal, April 21

SB23-274 by Senator(s) Winter F.; also Representative(s)
Dickson--Concerning water quality
regulation in the state, and, in connection therewith, transferring fee-setting
authority to the
water quality control commission and modifying the membership of the
commission.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 19, page(s) 908-909 and placed in members'
bill files.)

Amendment No. 2(L.004), by Senator Winter.

Amend printed bill, page 18, after line 26 insert:

"SECTION 12. In Colorado Revised Statutes, 24-31-101, amend (1)(s) and (1)(t); and add (1)(u) as follows:

24-31-101. Powers and duties of attorney general. (1) The attorney general:

(s) May bring or intervene in a civil action, conduct investigations, and issue civil investigation demands pursuant to the "Colorado False Claims Act", part 12 of this article 31; and

(t) May bring a civil action to enforce section 25-7-144; AND

(u) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, MAY, IF THE

ATTORNEY GENERAL HAS CAUSE TO BELIEVE THAT A PERSON CREATES AN

IMMINENT AND SUBSTANTIVE ENDANGERMENT TO THE PUBLIC HEALTH, WATER

QUALITY, OR ENVIRONMENT IN VIOLATION OF STATE LAW, REQUEST A

TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, PERMANENT

INJUNCTION, OR ANY OTHER RELIEF NECESSARY TO PROTECT THE PUBLIC

HEALTH.".

Renumber succeeding sections accordingly.

Amendment No. 3(L.003), by Senator Winter.

Amend the Finance Committee Report, dated April 18, 2023, page 2, strike line

20 and substitute:

"(c) IN CONDUCTING STAKEHOLDER OUTREACH, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL DISCUSS WITH STAKEHOLDERS THE OPTIONS FOR SETTING A CAP ON THE AMOUNT OF FEE INCREASES.

(d) THROUGH THE STAKEHOLDER PROCESS, THE".

Page 17 of the printed bill, line 24, strike "AND".

Page 17 of the bill, line 27, strike "STRUCTURE." and substitute "STRUCTURE;

AND

(III) A SUMMARY OF OPTIONS FOR SETTING A CAP ON THE AMOUNT OF

FEE INCREASES AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S

RECOMMENDATIONS ON SETTING A CAP BASED ON
STAKEHOLDER FEEDBACK."

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

Senate Journal, April 24

Amend engrossed bill, page 20, strike lines 22 through 27.

Page 21, strike lines 1 through 9.

Renumber succeeding sections accordingly.

SB23-285

Energy And Carbon Management Regulation In Colorado

Calendar

Monday, May 8 2023

Notification:

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS
(14) in senate calendar.

Summary:

Effective July 1, 2023, the bill changes the name of the oil and gas conservation commission to the energy and carbon management commission (commission) and expands the commission's regulatory authority to include the authority to regulate a broader scope of energy and carbon management areas beyond oil and gas (**section 1** of the bill). The bill also changes the name of the oil and gas conservation and environmental response fund to the energy and carbon management cash fund (fund) and allows the fund to also be used by the commission for the purposes of administering the expanded regulatory areas (**section 2**). **Section 3** requires the commission to create and maintain a website that serves as the state portal for information and data regarding the commission's regulatory activities.

Current law states that the property right to the natural heat of the earth (geothermal resource) that lacks sufficient fluid associated with the geothermal resource (geothermal fluid) to transport commercial amounts of energy to the surface is an incident of ownership of the overlying surface unless expressly severed. ~~Section 6~~ **Section 7** states that, as to property rights acquired on or after July 1, 2023, the property right to a geothermal resource associated with nontributary groundwater (allocated geothermal resource) is also an incident of ownership of the overlying surface unless expressly severed.

Current law requires, prior to constructing a well to explore for or produce geothermal resources, the operator of the well to obtain a permit from the state engineer. ~~Section 7~~ defines different types of geothermal operations and **Section 8** bifurcates regulation of ~~the different types of geothermal operations~~ between the commission and the state engineer. Specifically, the commission is granted the

exclusive authority to regulate operations (deep geothermal operations) for the exploration for or production of:

- An allocated geothermal resource; or
- A geothermal resource that is deeper than 2,500 feet below the surface.

The state engineer retains the exclusive authority to regulate operations that are not deep geothermal operations (shallow geothermal operations).

Prior to obtaining a permit from the commission to construct a well for deep geothermal operations, the applicant must provide evidence of any applicable siting application to the local government with jurisdiction over the deep geothermal operations, unless the local government does not regulate the siting of such operations. The commission and the state engineer may adopt rules for the assessment of fees for the processing and granting of a permit to construct a well for deep geothermal operations or shallow geothermal operations, as applicable. Any fees collected by the commission will be deposited by the state treasurer into the fund.

Current law requires, prior to the production of geothermal fluid from a well, the operator of the well to obtain a permit from the state engineer. **Section 8** **Section 9** instead requires:

- A permit from the state engineer prior to the use of a geothermal resource that is not an allocated geothermal resource (distributed geothermal resource);
- The state engineer to issue the permit for the use of a distributed geothermal resource ~~after a determination that the proposed use is in accordance with applicable requirements for groundwater wells~~ ;
- A permit from the state engineer prior to the use of an allocated geothermal resource; and
- The state engineer to issue a permit for the use of an allocated geothermal resource after a finding that any associated geothermal fluid is nontributary.

Current law allows the state engineer to adopt procedures that establish geothermal management districts for the management of geothermal operations within the district. ~~Section 9~~ **Section 10** limits the scope of geothermal management districts to distributed geothermal resources. The state engineer is also required to notify the commission of any application for a geothermal management district that is anticipated to affect deep geothermal operations. ~~Section 10~~ **Section 11** allows the commission to adopt procedures by rule to establish geothermal resource units for allocated geothermal resources. ~~Section 12~~ **Section 13** grants the commission the exclusive authority to regulate any intrastate facility that stores natural gas in an underground facility that is not a pipeline facility subject to regulation by the public utilities commission (UNGS facility). If the commission submits a certification to, or enters into an agreement with, the federal secretary of transportation pursuant to applicable federal law, any rules regulating UNGS facilities must be at least as stringent as the applicable federal requirements. Before

commencing construction of a new UNGS facility, the operator of the facility must provide evidence of any applicable siting application to a local government with jurisdiction over the UNGS facility, if applicable.

The commission may assess and collect fees from operators of UNGS facilities in an amount and frequency determined by the commission by rule. Any fees collected will be deposited into the fund.

The bill directs the commission to conduct the following studies, prepare reports summarizing the findings of the studies, and submit the reports to the general assembly:

- A technical study of the state's geothermal resources (~~section 10~~ *section 11*);
- A study, in collaboration with the state engineer, that evaluates the state regulatory structure for geothermal resources and whether any changes to law or rules are necessary (~~section 10~~ *section 11*);
- A study concerning the regulation and permitting of *underground* hydrogen operations (~~section 18~~ *section 19*); and
- A study, in coordination with the public utilities commission, examining the siting and regulation of interstate pipelines (~~section 18~~ *section 19*).

~~Sections 19~~ *Sections 20 through 42* make conforming amendments.

(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: 4/17/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
4/19/2023 Senate Committee on Agriculture & Natural Resources Refer Amended to Appropriations
4/24/2023 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
4/24/2023 Senate Second Reading Special Order - Passed with Amendments - Committee, Floor
4/25/2023 Senate Third Reading Passed - No Amendments
4/25/2023 Introduced In House - Assigned to Energy & Environment
4/27/2023 House Committee on Energy & Environment Refer Unamended to Appropriations
5/2/2023 House Committee on Appropriations Refer Amended to House Committee of the Whole
5/3/2023 House Second Reading Special Order - Passed with Amendments - Committee, Floor
5/4/2023 House Third Reading Laid Over Daily - No Amendments
5/6/2023 House Third Reading Passed - No Amendments
5/8/2023 Senate Considered House Amendments - Result was to Concur - Repass
5/9/2023 Signed by the Speaker of the House

5/10/2023 Sent to the Governor
5/10/2023 Signed by the President of the Senate
5/22/2023 Signed by Governor
5/22/2023 Governor Signed

Amendments:

Senate Journal, April 19

Amend printed bill, page 5, after line 11 insert:

"SECTION 3. In Colorado Revised Statutes, 34-60-106, amend (7)(a);
and add (22) as follows:

34-60-106. Additional powers of commission - rules - definitions -
repeal. (7) (a) The commission may establish, charge, and collect docket fees
for the filing of applications, petitions, protests, responses, and other pleadings.
All fees shall be deposited in the oil and gas conservation and environmental
response ENERGY AND CARBON MANAGEMENT CASH fund established
by section

34-60-122 CREATED IN SECTION 34-60-122 (5) and are subject to
appropriations

by the general assembly for the purposes of this article 60.

(22) THE COMMISSION SHALL CREATE AND MAINTAIN A WEBSITE
THAT

SERVES AS THE STATE PORTAL FOR INFORMATION AND DATA
REGARDING THE
COMMISSION'S REGULATORY ACTIVITIES."

Re-number succeeding sections accordingly.

Page 6, line 12, strike "(I)".

Page 6, strike lines 17 through 25.

Page 10, after line 20 insert:

"(11) "LOCAL GOVERNMENT" MEANS A HOME RULE OR
STATUTORY
COUNTY, MUNICIPALITY, OR CITY AND COUNTY."

Re-number succeeding subsections accordingly.

Page 11, line 9, strike "(4)" and substitute "(4); and add (5)".

Page 11, after line 21 insert:

"(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
CONTRARY, GEOTHERMAL RESOURCES ASSOCIATED WITH
NONTRIBUTARY
GROUNDWATER SHALL NOT BE TRANSFERRED SEPARATELY
FROM THE
NONTRIBUTARY GROUNDWATER."

Page 12, lines 4 and 5, strike "THE OWNER OR OPERATOR OF THE WELL SHALL OBTAIN AN OPERATIONS PERMIT" and substitute "AN OPERATIONS PERMIT MUST BE OBTAINED".

Page 15, strike lines 5 and 6 and substitute "RESOURCES CONSISTENT WITH THE REQUIREMENTS DESCRIBED IN SECTION 37-90-137".

Page 15, line 9, strike "IN ACCORDANCE WITH SECTION 37-90-137 (4)" and substitute "CONSISTENT WITH THE REQUIREMENTS DESCRIBED IN SECTION 37-90-137".

Page 15, strike line 12 and substitute "DETERMINATION MUST RELY ON THE DEFINITION OF NONTRIBUTARY GROUNDWATER PURSUANT TO SECTION 37-90-103 (10.5) AS DETERMINED BY:".

Page 16, strike lines 2 through 4 and substitute "obtained from the state engineer. This requirement shall not apply to Nondiversionary utilization methods DO NOT REQUIRE A USE PERMIT PURSUANT TO SUBSECTION (1) OF THIS SECTION BUT ARE SUBJECT TO THE RULES ADOPTED PURSUANT TO SECTION 37-90.5-106 (1)(a)(I) AND (1)(b)(I); however, such exemption".

Page 16, line 10, strike "OPERATIONS." and substitute "OPERATIONS USING ALLOCATED GEOTHERMAL RESOURCES".

Page 16, line 24, after "RESOURCE" insert "ASSOCIATED WITH TRIBUTARY GROUNDWATER".

Page 21, line 4, strike "IMPACTS;" and substitute "IMPACTS, INCLUDING ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS;".

Page 22, line 5, strike "(1.5)" and substitute "(1.3), (1.5)".

Page 22, after line 10 insert:

"(1.3) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY

COUNTY, MUNICIPALITY, OR CITY AND COUNTY.".

Page 24, after line 26 insert:

"(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, NOTHING IN THIS SECTION ESTABLISHES, ALTERS, IMPAIRS, OR NEGATES THE ABILITY OF A LOCAL GOVERNMENT TO REGULATE LAND USE RELATED TO INTRASTATE UNDERGROUND NATURAL GAS STORAGE FACILITIES.".

Page 28, line 3, strike "(1)(g) and (4)(d)" and substitute "(1)(g), (4)(d), and (4)(e)".

Page 29, line 3, strike "AND".

Page 29, line 5, strike "37-90.5-110." and substitute "37-90.5-110;".

Page 29, after line 6 insert:

"(e) TO CREATE AND MAINTAIN THE WEBSITE DESCRIBED IN SECTION 34-60-106 (22)."

Page 41, strike lines 7 through 16.
Re-number succeeding sections accordingly.

Page 43, line 16, strike "chief inspector of coal mines." and substitute "COAL MINING REGULATORY AUTHORITY.".

Strike "RIGHTS," on: Page 14, lines 5, 9, 17, and 24.

Senate Journal, April 24

Amend printed bill, page 47, after line 4 insert:

"SECTION 43. Appropriation. (1) For the 2023-24 state fiscal year, \$1,200,480 is appropriated to the department of natural resources. This appropriation is from the energy and carbon management cash fund created in section 34-60-122 (5)(a), C.R.S. To implement this act, the department may use

this appropriation as follows:

- (a) \$1,108,857 for use by the energy and carbon management commission for program costs, which amount is based on an assumption that the commission will require an additional 7.0 FTE;
- (b) \$7,031 for use by the division of water resources for water administration related to division operations; and
- (c) \$84,592 for the purchase of legal services.

(2) For the 2023-24 state fiscal year, \$7,031 is appropriated to the department of natural resources for use by the division of water resources. This appropriation is from reappropriated funds received from the department of natural resources under subsection (1)(b) of this section. To implement this act, the division may use this appropriation for water administration related to division operations.

(3) For the 2023-24 state fiscal year, \$84,592 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of natural resources under subsection (1)(c) of this section and is based on an assumption that the department of law will require an additional 0.4 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of natural resources."

Renumber succeeding sections accordingly.

Page 1, line 104, strike "COMMISSION AND" and substitute "COMMISSION,".

Page 1, line 108, strike "FACILITIES." and substitute "FACILITIES, AND MAKING AN APPROPRIATION.".

Senate Journal, April 24

Amend printed bill, page 4, strike line 3 and substitute "(1); and add (6) as follows:".

Page 4, after line 8 insert:

"(6) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL REFERENCES TO THE OIL AND GAS CONSERVATION COMMISSION THAT APPEAR IN THE COLORADO REVISED STATUTES TO THE ENERGY AND CARBON MANAGEMENT COMMISSION.".

Page 4, line 10, strike "(5)(a)" and substitute "(5)(a); and add (5)(d)".

Page 5, after line 11 insert:

"(d) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL REFERENCES TO THE OIL AND GAS CONSERVATION AND ENVIRONMENTAL RESPONSE FUND THAT APPEAR IN THE COLORADO REVISED STATUTES TO THE ENERGY AND CARBON MANAGEMENT CASH FUND.".

Amendment No. 4(L.006), by Senator Hansen.

Amend printed bill, page 30, line 15, after "OTHER" insert "UNDERGROUND".

Amendment No. 5(L.007), by Senator Simpson.

Amend printed bill, page 7, strike line 25 and substitute "(1)(a) and (1)(b); and repeal (1)(c) as follows:".

Page 7, after line 27 insert:

"(a) The development of geothermal resources is in the public interest because it enhances local economies and provides an alternative to conventional fuel sources; AND"

Page 8, line 5, strike "RIGHTS; AND" and substitute "RIGHTS.
(c) While the doctrine of prior appropriation is, and always has been, expressly recognized with respect to geothermal resources, such doctrine should be modified to permit the full economic development of the resource."

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

House Journal, May 2

39 SB23-285 be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:

42

43 Amend reengrossed bill, page 14, line 3, after "(b)" insert "(I)".

44

45 Page 14, line 6, strike "(I)" and substitute "(A)".

46

47 Page 14, line 10, strike "(II)" and substitute "(B)".

48

49 Page 14, after line 12 insert:

50

51 "(II) UPON REQUEST BY A LOCAL GOVERNMENT, THE
COMMISSION

52 SHALL PROVIDE TECHNICAL SUPPORT TO THE LOCAL
GOVERNMENT

53 CONCERNING THE IMPLEMENTATION OF THE COMMISSION'S
RULES

54 PURSUANT TO THIS SECTION OR THE IMPLEMENTATION BY
THE LOCAL

55 GOVERNMENT OF THE COMMISSION'S RULES."

56

1 Page 22, line 11, strike "IMPACTS;" and substitute "IMPACTS, AND A
2 CONSIDERATION OF:

3 (A) POTENTIAL IMPACTS TO OZONE NONATTAINMENT AREAS
4 FROM

5 THE DEVELOPMENT OF GEOTHERMAL RESOURCES; AND

6 (B) POTENTIAL OZONE MITIGATION MEASURES.".

7

8 Page 23, line 12, strike "and (3.5)" and substitute "(3.5), and (3.7)".

9

10 Page 24, after line 14 insert:

11

12 "(3.7) "UNDERGROUND NATURAL GAS STORAGE FACILITY
13 IMPACTS" MEANS, FOR AN UNDERGROUND NATURAL GAS
14 STORAGE

15 FACILITY PROPOSED TO BE SITED IN AN AREA THAT WOULD
16 AFFECT A

17 DISPROPORTIONATELY IMPACTED COMMUNITY, THE EFFECT
18 ON PUBLIC

19 HEALTH AND THE ENVIRONMENT, INCLUDING AIR, WATER,
20 SOIL, AND THE

21 CLIMATE, CAUSED BY THE INCREMENTAL IMPACTS THAT A
22 PROPOSED NEW

23 UNDERGROUND NATURAL GAS STORAGE FACILITY WOULD
24 HAVE WHEN

25 ADDED TO THE IMPACTS FROM DEVELOPMENT IN THE
26 AFFECTED AREA.".

27

28 Page 25, strike lines 16 and 17.

29

30 Reletter succeeding paragraph accordingly.

31

32 Page 25, line 21, strike "RULE." and substitute "RULE;

33 (c) SHALL, IF AN UNDERGROUND NATURAL GAS STORAGE
34 FACILITY

35 IS PROPOSED TO BE SITED IN AN AREA THAT WOULD AFFECT A
36 DISPROPORTIONATELY IMPACTED COMMUNITY, EVALUATE
37 AND ADDRESS

38 ANY UNDERGROUND NATURAL GAS STORAGE FACILITY
39 IMPACTS FROM THE

40 PROPOSAL TO ENSURE THAT THE TERMS AND CONDITIONS OF
41 ANY PERMIT

42 ISSUED UNDER THIS SECTION ARE SUFFICIENT TO ENSURE
43 THAT ANY

44 UNDERGROUND NATURAL GAS STORAGE FACILITY IMPACTS
45 ARE AVOIDED,

46 MINIMIZED TO THE EXTENT PRACTICABLE, OR, TO THE EXTENT
47 THAT ANY

33 UNDERGROUND NATURAL GAS STORAGE FACILITY IMPACTS
REMAIN, THE
34 REMAINING UNDERGROUND NATURAL GAS STORAGE FACILITY
IMPACTS
35 ARE MITIGATED; AND
36 (d) SHALL, IF ANY UNDERGROUND NATURAL GAS STORAGE
37 FACILITY IMPACTS ARE EVALUATED AND ADDRESSED
PURSUANT TO
38 SUBSECTION (2)(c) OF THIS SECTION, PROVIDE A PLAIN
LANGUAGE
39 SUMMARY OF HOW THE UNDERGROUND NATURAL GAS
STORAGE FACILITY
40 IMPACTS ARE AVOIDED, MINIMIZED IF NOT AVOIDED,
MITIGATED IF NOT
41 MINIMIZED, AND ANY UNDERGROUND NATURAL GAS STORAGE
FACILITY
42 IMPACTS THAT CANNOT BE AVOIDED, MINIMIZED, OR
MITIGATED."

43

44 Page 32, line 10, strike "AND".

45

46 Page 32, line 12, strike "(2)(b)(II)." and substitute "(2)(b)(II); AND

47 (c) CONSIDER ANY POTENTIAL CUMULATIVE IMPACTS,
INCLUDING

48 IMPACTS ON AIR, WATER, SOIL, AND THE CLIMATE,
ASSOCIATED WITH THE

49 DEVELOPMENT OF THE STATE'S HYDROGEN RESOURCES."

50

51 Page 33, line 6, strike "AND".

52

53 Page 33, line 8, strike "(2)(b)(II)." and substitute "(2)(b)(II); AND

54 (c) CONSIDER ANY POTENTIAL CUMULATIVE IMPACTS ARISING
OUT

55 OF THE USE AND SITING OF PIPELINES FOR CURRENT AND
EMERGING

56 TECHNOLOGIES."

House Journal, May 3

7 Amendment No. 1, Appropriations Report, dated May 2, 2023, and placed
8 in member's bill file; Report also printed in House Journal, May 2, 2023.

9

10 Amendment No. 2, by Representative McCormick:

11

12 Amend reengrossed bill, page 29, line 11, after "WELLS" insert "FOR
DEEP

13 GEOTHERMAL OPERATIONS, AS DEFINED IN SECTION 37-90.5-103
(3),".

14

15 Amendment No. 3, by Representative McCormick:

16

17 Amend reengrossed bill, page 28, line 11, after "INTRASTATE" insert

18 "UNDERGROUND".

19

20 Page 28, strike lines 20 and 21 and substitute "the environment by

21 avoiding adverse impacts from oil and gas operations, AS DEFINED IN

22 SECTION 34-60-103 (6.5), DEEP GEOTHERMAL OPERATIONS, AS
DEFINED IN

23 SECTION 37-90.5-103 (3), AND INTRASTATE UNDERGROUND
NATURAL GAS

24 STORAGE FACILITIES, AS DEFINED IN SECTION 34-64-102 (3.5), and

25 minimizing and".

26

27 Page 28, strike lines 24 through 26 and substitute:

28

29 "(II) The location and siting of oil and gas facilities and oil and

30 gas locations, as those terms are defined in section 34-60-103 (6.2) and

31 (6.4); DEEP GEOTHERMAL OPERATIONS, AS DEFINED IN SECTION

32 37-90.5-103 (3); AND INTRASTATE UNDERGROUND NATURAL GAS
STORAGE

33 FACILITIES, AS DEFINED IN SECTION 34-64-102 (3.5);".

34

35 Amendment No. 4, by Representative Dickson:

36

37 Amend reengrossed bill, page 27, line 15, strike "(6)(b)(IX)" and

38 substitute "(6)(b)(IX); and add (6)(b)(X)".

39

40 Page 27, line 27, strike "APPLICABLE." and substitute "APPLICABLE;

AND

41 "(X) EXPLORATION AND PRODUCTION WASTE, AS DEFINED IN

42 SECTION 34-60-103 (4.5)".

43

44 Amendment No. 5, by Representative Dickson:

45

46 Amend reengrossed bill, page 22, after line 24 insert:

47

48 "(c) THE COMMISSION SHALL PRESENT THE REPORT DESCRIBED

IN

49 SUBSECTION (2)(b)(I) OF THIS SECTION TO THE ENERGY AND

ENVIRONMENT

50 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE

51 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE,

OR ANY

52 SUCCESSOR COMMITTEES, DURING THE 2025 LEGISLATIVE

SESSION.".

53

54

1 Amendment No. 6, by Representative Dickson:

2

3 Amend reengrossed bill, page 32, after line 21 insert:

4

5 "(4) THE COMMISSION SHALL PRESENT THE REPORT DESCRIBED
IN

6 SUBSECTION (3)(a) OF THIS SECTION TO THE ENERGY AND
ENVIRONMENT

7 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
8 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE,
OR ANY

9 SUCCESSOR COMMITTEES, DURING THE 2025 LEGISLATIVE
SESSION.".

10

11 Renumber succeeding subsection accordingly.

12

13 Amendment No. 7, by Representative Dickson:

14

15 Amend reengrossed bill, page 33, after line 19 insert:

16

17 "(4) THE COMMISSION SHALL PRESENT THE REPORT DESCRIBED
IN

18 SUBSECTION (3)(a) OF THIS SECTION TO THE ENERGY AND
ENVIRONMENT

19 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
20 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE,
OR ANY

21 SUCCESSOR COMMITTEES, DURING THE 2025 LEGISLATIVE
SESSION.".

22

23 Renumber succeeding subsection accordingly.

24

25 As amended, ordered revised and placed on the Calendar for Third

26 Reading and Final Passage.

27

SB23-286 **Access To Government Records**

Calendar NOT ON CALENDAR

Notification:

Summary:

The bill makes changes to the "Colorado Open Records Act" (CORA). ~~and to record retention requirements for state agencies.~~ **Definitions.** The bill modifies the definition of "public records" (records) in CORA to clarify that writings made, maintained, or kept by the state, including any office of the state, are records. The bill also changes the definition of "electronic mail" to "electronic communication" to encompass all forms of electronic communication. *Public records open to*

inspection. *The bill prohibits, with certain specified exceptions, a custodian of public records from requiring a requester to provide any form of identification to request or inspect records pursuant to CORA.* **Format of records for inspection.** Current law specifies how a custodian is required to provide a record for inspection if the record is available in a digital format that is sortable, searchable, or both. *The bill repeals the current requirements regarding records that are available in a sortable format.* The bill specifies that if a record is available ~~and can be transmitted~~ in digital format, the custodian is required to transmit the record *in a digital format* by electronic communication ~~unless otherwise requested by the requester or by another mutually-agreed upon transmission method if the size of the record prevents transmission by electronic communication~~. In addition, the bill prohibits a custodian from converting a digital record into a non-searchable or non-sortable format prior to transmission. **Records subject to inspection.** CORA currently allows a custodian to deny a requester's right to inspect certain records on the ground that disclosure of the record would be contrary to the public interest. The bill includes in this category the telephone number or home address that a person provides to an elected official, *agency, institution, or political subdivision of the state* for the purpose of future communication with the elected official, *agency, institution, or political subdivision of the state*.

~~The bill specifies that if an elected official is the subject of a government-authorized investigation into the elected official's alleged sexual harassment in the workplace, the final report of the investigation is a public record, except that the identity of any accuser and any potentially identifiable characteristics of any accuser must be redacted unless the identity of all accusers is already known to the public.~~ *records of sexual harassment complaints made against an elected official and the results or report of investigations regarding alleged sexual harassment by an elected official conducted by or for that official's government shall be made available for inspection if the investigation concludes that the elected official is culpable for any act of sexual harassment. The bill specifies that the identity of any accuser, accused who is not an elected official, victim, or witness and any other information that would identify any such person must be redacted.*

Electronic mail policy. *The bill requires each member of the general assembly, the governor's office and each office of the governor, and each state agency and institution to submit, on or before January 1, 2024, a report to the staff of the legislative council of the general assembly outlining its respective electronic mail retention policy.* **Transmission and per-page fees for records.** Currently, a custodian may transmit a record to a requester in one of several ways and may charge the requester for the costs associated with transmitting the record; except that the custodian may not charge a fee if the record is transmitted via electronic communication. In addition, a custodian may currently charge a per-page fee for providing copies of a record. The bill specifies that the custodian may not charge a per-page fee if the records are provided in a digital or electronic format. **Electronic payments.** The bill requires a custodian to allow records requesters to pay any fee or deposit associated with the request via a credit card or electronic payment if the custodian allows members of the public to pay for any other product or service

provided by the custodian with a credit card or electronic payment. ~~Records-retention requirements.~~ The bill requires all electronic communications sent to or received by an officer or employee of a state agency, the contents of which include any discussion of the public business of the state agency and are relevant to any proceeding in which the state agency is involved, to be retained for at least the length of the applicable proceeding. In addition, the bill requires each state agency to retain all electronic mail messages in its custody or control that may be responsive to a request for records pursuant to CORA until the request for records and any subsequent appeals are resolved.

(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: 4/17/2023 Introduced In Senate - Assigned to State, Veterans, & Military Affairs
4/20/2023 Senate Committee on State, Veterans, & Military Affairs Refer Amended to Appropriations
4/28/2023 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
4/28/2023 Senate Second Reading Special Order - Passed with Amendments - Committee, Floor
5/1/2023 Introduced In House - Assigned to State, Civic, Military, & Veterans Affairs
5/1/2023 Senate Third Reading Passed with Amendments - Floor
5/1/2023 Senate Third Reading Reconsidered - No Amendments
5/1/2023 Senate Third Reading Passed with Amendments - Floor
5/3/2023 House Committee on State, Civic, Military, & Veterans Affairs Refer Amended to Appropriations
5/6/2023 House Committee on Appropriations Refer Unamended to House Committee of the Whole
5/6/2023 House Second Reading Special Order - Passed with Amendments - Committee
5/7/2023 House Third Reading Passed with Amendments - Floor
5/8/2023 Senate Considered House Amendments - Result was to Concur - Repass
5/16/2023 Signed by the Speaker of the House
5/17/2023 Sent to the Governor
5/17/2023 Signed by the President of the Senate

Amendments:

Senate Journal, April 20

After consideration on the merits, the Committee recommends that SB23-286 be amended

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

favorable recommendation.

Amend printed bill, page 3, line 2, strike "(6)(a)(I),".

Page 3, strike lines 16 through 23.

Page 4, line 2, after "amend" insert "(1)(a),".

Page 4, strike line 5 and substitute:

"24-72-203. Public records open to inspection. (1) (a) All public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise provided by law, but the official custodian of any public records may make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such

records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office. A

CUSTODIAN

OF PUBLIC RECORDS SHALL NOT REQUIRE A REQUESTER TO PROVIDE THE

CUSTODIAN WITH ANY FORM OF IDENTIFICATION TO REQUEST OR INSPECT

RECORDS PURSUANT TO THIS PART 2.

(3.5) (a) Except".

Page 4, strike lines 15 through 17 and substitute "CUSTODIAN SHALL TRANSMIT

A DIGITAL COPY OF THE PUBLIC RECORD IN THAT DIGITAL FORMAT BY

ELECTRONIC COMMUNICATION OR BY ANOTHER MUTUALLY-AGREED UPON

TRANSMISSION METHOD IF THE SIZE OF THE RECORD PREVENTS TRANSMISSION

BY ELECTRONIC COMMUNICATION.".

Page 5, strike lines 12 through 18 and substitute:

"(VII) Electronic mail COMMUNICATION addresses, TELEPHONE NUMBERS, OR HOME ADDRESSES provided by a person to an ELECTED OFFICIAL,

agency, institution, or political subdivision of the state for the purposes of future

electronic communications to the person from the ELECTED OFFICIAL, agency,

institution, or political subdivision; and".

Page 6, line 15, strike "(6)(c) and".

Page 7, strike lines 13 through 15.

Page 7, line 21, after "PAYMENT." add "THE CUSTODIAN MAY REQUIRE A

REQUESTER TO PAY ANY SERVICE CHARGE OR FEE IMPOSED BY THE PROCESSOR OF A CREDIT CARD OR ELECTRONIC PAYMENT." Alright EGH

State,
Veterans, &
Military
Affairs

Senate Journal, April 28

After consideration on the merits, the Committee recommends that SB23-286 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 16, strike "COMMUNICATION" and substitute "MAIL".

Page 5, line 12, strike "mail COMMUNICATION" and substitute "mail".

Page 6, strike lines 2 through 13 and substitute:

"SECTION 4. In Colorado Revised Statutes, 24-72-204.5, add (3) as follows:
24-72-204.5. Adoption of electronic mail policy. (3) ON OR BEFORE JANUARY 1, 2024, EACH MEMBER OF THE GENERAL ASSEMBLY, THE GOVERNOR'S OFFICE AND EACH OFFICE OF THE GOVERNOR, AND EACH STATE AGENCY AND INSTITUTION SHALL SUBMIT A REPORT TO THE STAFF OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY OUTLINING ITS RESPECTIVE ELECTRONIC MAIL RETENTION POLICY. THE MEMBERS OF THE GENERAL ASSEMBLY MAY SUBMIT INDIVIDUAL REPORTS OR MAY SUBMIT A REPORT THAT SPECIFIES THE ELECTRONIC MAIL RETENTION POLICIES OF MULTIPLE MEMBERS OF THE GENERAL ASSEMBLY."

Page 6, line 15, strike "(1)(b) and".

Page 6, line 17, strike "(1) (b) Upon request for".

Page 6, strike lines 18 through 27.

Page 7, strike lines 1 through 6.

Page 7, strike lines 22 through 27.

Strike page 8.

Page 9, strike lines 1 through 3.

Renumber succeeding section accordingly.

Amend the State, Veterans, and Military Affairs Committee Report, dated April 20, 2023, strike lines 1 through 3 and substitute:

"Amend printed bill, strike page 3.

Page 4, strike line 1.

Renumber succeeding sections accordingly."

Appropriations

Senate Journal, April 28

SB23-286 by Senator(s) Hansen; also Representative(s) Snyder and Soper--Concerning public access to government records.

Amendment No. 1, State, Veterans & Military Affairs Committee Amendment. (Printed in Senate Journal, April 20, page(s) 983-984 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, April 28, page(s) 1190 and placed in members' bill files.)

Amendment No. 3(L.005), by Senator Hansen.

Amend the State, Veterans, and Military Affairs Committee Report, dated April 20, 2023, page 1, line 12, strike "A" and substitute "EXCEPT AS OTHERWISE REQUIRED BY SECTION 24-72-204 (3.5)(g), AND EXCEPT WHEN A RECORD

REQUESTED IS CONFIDENTIAL AND ACCESSIBLE ONLY ON THE BASIS THAT THE REQUESTER IS THE PERSON IN INTEREST, A".

Page 1, line 18, strike "THAT" and substitute "A".

Amendment No. 4(L.008), by Senator Hansen.

Amend printed bill, page 1, line 101, after "CONCERNING" insert "IMPROVING".

Amendment No. 5(L.009), by Senator Hansen.

Amend printed bill, page 4, line 20, strike "OR NON-SORTABLE".

Amend printed bill, page 5, strike line 19 through 27.

Page 6, strike line 1 and substitute:

"(9) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-511 AND SUBSECTIONS (3)(a)(X) AND (3)(a)(X.5) OF THIS SECTION, RECORDS OF SEXUAL HARASSMENT COMPLAINTS MADE AGAINST AN ELECTED OFFICIAL AND THE RESULTS OR REPORT OF INVESTIGATIONS REGARDING ALLEGED SEXUAL HARASSMENT BY AN ELECTED OFFICIAL CONDUCTED BY OR FOR THAT OFFICIAL'S GOVERNMENT SHALL BE MADE AVAILABLE FOR INSPECTION IF THE INVESTIGATION CONCLUDES THAT THE ELECTED OFFICIAL IS CULPABLE FOR ANY ACT OF SEXUAL HARASSMENT; EXCEPT THAT THE IDENTITY OF ANY ACCUSER, ACCUSED WHO IS NOT AN ELECTED OFFICIAL, VICTIM, OR WITNESS AND ANY OTHER INFORMATION THAT WOULD IDENTIFY ANY SUCH PERSON MUST BE REDACTED. THE RECORDS MUST BE REDACTED, IF POSSIBLE, TO PERMIT INSPECTION WITHOUT REVEALING ANY PART OF THE RECORD THAT WOULD NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ANY OTHER PROVISION OF THIS PART
2. NOTHING IN THIS SUBSECTION (9) REQUIRES THE DISCLOSURE OF ANY RECORD SUBJECT TO PART 3 OF THIS ARTICLE 72."

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

Senate Journal, April 28

SB23-286 by Senator(s) Hansen; also Representative(s) Snyder and Soper--Concerning public access to government records.

Senator Kirkmeyer moved to amend the Report of the Committee of the Whole to show that the following Kirkmeyer floor amendment, (L.006) to SB 23-286, did pass.

Amend printed bill, page 4, after line 1, insert:

"SECTION 2. In Colorado Revised Statutes, 24-72-202, add (6.5)(c)(V) as follows:

24-72-202. Definitions. As used in this part 2, unless the context otherwise requires:

(6.5) (c) "Work product" does not include:

(V) Notwithstanding the provisions of subsection (6.5)(a) of this section, the results of any quadratic voting conducted by members of the general assembly."

Renumber succeeding sections accordingly.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the report of the Committee of the Whole was lost on the following roll call vote:

YES 11 NO 19 EXCUSED 5 ABSENT 0

Baisley Y Ginal N Marchman N Simpson Y

Bridges N Gonzales N Moreno N Smallwood Y

Buckner N Hansen E Mullica E Sullivan N

Coleman N Hinrichsen N Pelton B. Y Van Winkle Y

Cutter N Jaquez N Pelton R. Y Will Y

Danielson E Kirkmeyer Y Priola N Winter F. N

Exum N Kolker E Rich E Zenzinger N

Fields N Liston Y Roberts N President N

Gardner Y Lundeen Y Rodriguez N

Senate Journal, May 1

SB23-286 by Senator(s) Hansen; also Representative(s) Snyder and

Soper--Concerning improving
public access to government records.

A majority of those elected to the Senate having voted in the affirmative,
Senator Hansen
was given permission to offer a third reading amendment.

Third Reading Amendment No. 1(L.011), by Senator Hansen.

Amend engrossed bill, page 3, line 3, strike "(3.5)(a)(III)".

Page 3, line 22, strike "searchable but not sortable," and substitute "searchable,
but not sortable,".

Page 3, strike lines 25 through 27.

Page 4, line 10, strike "or sortable" and substitute "or sortable".

Page 4, line 16, strike "or sortable" and substitute "or sortable".

Page 5, line 4, strike "NOTWITHSTANDING" and substitute "UNLESS ANY
OTHER
PROVISION OF THIS PART 2 APPLIES TO PREVENT OR RESTRICT
DISCLOSURE AND
NOTWITHSTANDING".

The amendment was passed on the following roll call vote:

House Journal, May 3

51 SB23-286 be amended as follows, and as so amended, be referred to
52 the Committee on Appropriations with favorable
53 recommendation:

54

55

1 Amend reengrossed bill, page 4, line 8, strike "or sortable" and substitute
2 "or sortable".

3

4 Page 4, line 14, strike "or sortable" and substitute "or sortable".

5

6

House Journal, May 7

30 Amend revised bill, page 4, line 1, strike "COMMUNICATION" and
31 substitute "MAIL".

32

33 Page 4, line 24, strike "mail COMMUNICATION" and substitute "mail".

34

35 The amendment was declared passed by the following roll call vote:

36

37 YES 63 NO 1 EXCUSED 1 ABSENT

38 Amabile Y English Y Lindstedt Y Sirota Y

39 Armagost Y Epps N Luck Y Snyder Y

40 Bacon Y Evans Y Lukens Y Soper Y

41 Bird Y Frizell Y Lynch Y Story Y

42 Bockenfeld Y Froelich Y Mabrey Y Taggart Y

43 Boesenecker Y Garcia Y Marshall Y Titone Y

44 Bottoms E Gonzales-Gutierrez Y Martinez Y Valdez Y

45 Bradfield Y Hamrick Y Mauro Y Velasco Y

46 Bradley Y Hartsook Y McCormick Y Vigil Y

47 Brown Y Herod Y McLachlan Y Weinberg Y

48 Catlin Y Holtorf Y Michaelson Jenet Y Weissman Y

49 Daugherty Y Jodeh Y Ortiz Y Willford Y

50 DeGraaf Y Joseph Y Parenti Y Wilson Y

51 deGruy Kennedy Y Kipp Y Pugliese Y Winter T. Y

52 Dickson Y Lieder Y Ricks Y Woodrow Y

53 Duran Y Lindsay Y Sharbini Y Young Y

54 Speaker Y

55

1 The question being, "Shall the bill, as amended, pass?".

2 A roll call vote was taken. As shown by the following recorded vote, a
3 majority of those elected to the House voted in the affirmative, and the
4 bill, as amended, was declared passed.

5

6 YES 64 NO 0 EXCUSED 1 ABSENT

7 Amabile Y English Y Lindstedt Y Sirota Y

8 Armagost Y Epps Y Luck Y Snyder Y

9 Bacon Y Evans Y Lukens Y Soper Y

10 Bird Y Frizell Y Lynch Y Story Y

11 Bockenfeld Y Froelich Y Mabrey Y Taggart Y

12 Boesenecker Y Garcia Y Marshall Y Titone Y

13 Bottoms E Gonzales-Gutierrez Y Martinez Y Valdez Y

14 Bradfield Y Hamrick Y Mauro Y Velasco Y

15 Bradley Y Hartsook Y McCormick Y Vigil Y

16 Brown Y Herod Y McLachlan Y Weinberg Y

17 Catlin Y Holtorf Y Michaelson Jenet Y Weissman Y

18 Daugherty Y Jodeh Y Ortiz Y Willford Y

19 DeGraaf Y Joseph Y Parenti Y Wilson Y

20 deGruy Kennedy Y Kipp Y Pugliese Y Winter T. Y

21 Dickson Y Lieder Y Ricks Y Woodrow Y

22 Duran Y Lindsay Y Sharbini Y Young Y

23 Speaker Y

24 Co-sponsor(s) added: Representative(s) Brown, Hamrick, Lindsay, Ricks,

25 Titone

26

SB23-295**Colorado River Drought Task Force****Calendar**

Monday, May 8 2023

Notification:CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS
(16) in senate calendar.**Summary:**

The bill creates the Colorado river drought task force (task force). The members of the task force must, to the extent practicable, reflect the racial and ethnic diversity of the state and have experience with a wide range of water issues. The task force must begin meeting no later than July 31, 2023, and may hold up to 12 meetings in the 2023 legislative interim.

The purpose of the task force is to develop recommendations for state legislation that provides additional tools for the Colorado water conservation board to collaborate with the Colorado river water conservation district, the southwestern water conservation district, and other relevant stakeholders in the development of programs that address drought in the Colorado river basin and interstate commitments related to the Colorado river and its tributaries through conservation of the waters of the Colorado river and its tributaries (recommendations).

The bill also requires the task force to establish a sub-task force to study tribal matters (sub-task force) and provide additional recommendations for state legislation.

No later than December 15, 2023, the task force *and the sub-task force* must submit a written report that includes the recommendations and a summary of the task force's *and sub-task force's* work to the water resources and agriculture review committee.

(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:

4/20/2023 Introduced In Senate - Assigned to Agriculture & Natural Resources
4/26/2023 Senate Committee on Agriculture & Natural Resources Refer Amended to Appropriations
4/28/2023 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
4/28/2023 Senate Second Reading Special Order - Passed with Amendments - Committee, Floor
5/1/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources
5/1/2023 Senate Third Reading Passed - No Amendments
5/3/2023 House Committee on Agriculture, Water & Natural Resources Refer

Amended to Appropriations
5/4/2023 House Committee on Appropriations Refer Unamended to House
Committee of the Whole
5/4/2023 House Second Reading Special Order - Laid Over Daily - No
Amendments
5/5/2023 House Second Reading Special Order - Passed with Amendments -
Committee
5/6/2023 House Third Reading Passed - No Amendments
5/8/2023 Senate Considered House Amendments - Result was to Concur - Repass
5/16/2023 Signed by the Speaker of the House
5/17/2023 Sent to the Governor
5/17/2023 Signed by the President of the Senate
5/20/2023 Governor Signed

Amendments:

Senate Journal, April 27

After consideration on the merits, the Committee recommends that SB23-295
be amended

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

favorable recommendation.

Amend printed bill, page 3, after line 21 insert:

"(h) "SUB-TASK FORCE" MEANS THE SUB-TASK FORCE
ESTABLISHED
PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION."

Reletter succeeding paragraphs accordingly.

Page 4, strike line 4 and substitute:

"(II) THE COMMISSIONER OF AGRICULTURE OR THE
COMMISSIONER OF
AGRICULTURE'S DESIGNEE;".

Page 4, after line 14 insert:

"(VII) A REPRESENTATIVE OF THE SOUTHEASTERN COLORADO
WATER
CONSERVANCY DISTRICT, APPOINTED BY THE BOARD OF
DIRECTORS OF THE
SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT;
(VIII) A REPRESENTATIVE OF THE NORTHERN COLORADO WATER
CONSERVANCY DISTRICT, APPOINTED BY THE BOARD OF
DIRECTORS OF THE
NORTHERN COLORADO WATER CONSERVANCY DISTRICT;".

Reletter succeeding subparagraphs accordingly.

Page 4, strike lines 17 through 19.

Reletter succeeding sub-subparagraphs accordingly.

Page 5, strike lines 1 through 3.

Page 5, after line 3 insert:

"(A) A REPRESENTATIVE OF A STATEWIDE AGRICULTURAL ORGANIZATION;"

Page 5, after line 18 insert:

"(b) THE STATE ENGINEER OR THE STATE ENGINEER'S DESIGNEE SHALL ALSO SERVE ON THE TASK FORCE IN AN ADVISORY, NONVOTING CAPACITY."

Reletter succeeding paragraph accordingly.

Page 6, line 6, after "(c)" insert "(I)".

Page 6, after line 11 insert:

"(II) ANY MEETING OF THE TASK FORCE OR SUB-TASK FORCE MUST BE OPEN TO THE PUBLIC. THE TASK FORCE AND SUB-TASK FORCE SHALL ALLOW PUBLIC TESTIMONY DURING AT LEAST ONE MEETING OF THE TASK FORCE AND SUB-TASK FORCE. A TASK FORCE MEMBER, SUB-TASK FORCE MEMBER, OR GOVERNMENTAL ENTITY THAT IS PARTICIPATING IN THE TASK FORCE OR SUB-TASK FORCE IS NOT REQUIRED TO PROVIDE ANY INFORMATION THAT IS PROTECTED FROM DISCLOSURE BY APPLICABLE LAW."

Page 7, strike lines 21 through 24 and substitute "LINE FOR INTERSTATE PURPOSES MUST BE OPERATED CONSISTENT WITH:
(A) THE AGREEMENT REGARDING STORAGE AT COLORADO RIVER STORAGE PROJECT ACT RESERVOIRS UNDER AN UPPER BASIN DEMAND MANAGEMENT PROGRAM, ENTERED INTO BY THE STATES OF COLORADO, NEW MEXICO, UTAH, AND WYOMING AND THE FEDERAL SECRETARY OF THE INTERIOR ON MAY 20, 2019; AND

(B) PRINCIPLE FOUR OF COLORADO'S CONCEPTUAL FRAMEWORK, REFERENCED ON PAGE SEVENTY-FIVE OF THE COLORADO WATER PLAN, WHICH WAS FINALIZED AND APPROVED BY THE BOARD ON JANUARY 24, 2023."

Page 8, after line 15 insert:

"(5) (a) THE TASK FORCE SHALL ESTABLISH A SUB-TASK FORCE TO STUDY TRIBAL MATTERS. THE SUB-TASK FORCE CONSISTS OF: (I) THE REPRESENTATIVE OF THE SOUTHERN UTE INDIAN TRIBE APPOINTED PURSUANT TO SUBSECTION (2)(a)(IV) OF THIS SECTION; (II) THE REPRESENTATIVE OF THE UTE MOUNTAIN UTE TRIBE APPOINTED PURSUANT TO SUBSECTION (2)(a)(V) OF THIS SECTION; (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE DIRECTOR'S DESIGNEE; AND (IV) TWO OTHER MEMBERS JOINTLY APPOINTED BY THE SOUTHERN UTE INDIAN TRIBE, THE UTE MOUNTAIN UTE TRIBE, AND THE DEPARTMENT. (b) THE PURPOSE OF THE SUB-TASK FORCE IS TO PROVIDE RECOMMENDATIONS FOR STATE LEGISLATION THAT WILL: (I) PROVIDE FOR FULL TRIBAL PARTICIPATION IN THE PROGRAMS IN A MANNER THAT RECOGNIZES THE UNIQUE NATURE OF TRIBAL WATER RIGHTS AND TRIBAL WATER USE, SPECIFICALLY IN REGARD TO FORBEARANCE AND DEMAND MANAGEMENT OPPORTUNITIES; (II) PROVIDE FOR TRIBAL PARTICIPATION IN THE PROGRAMS IN A MANNER THAT IS VOLUNTARY, TEMPORARY, AND COMPENSATED; AND (III) EVALUATE SOURCES OF REVENUE TO APPROPRIATELY COMPENSATE THE SOUTHERN UTE INDIAN TRIBE AND THE UTE MOUNTAIN UTE TRIBE FOR PARTICIPATION IN THE PROGRAMS."

Renumber succeeding subsections accordingly.

Page 8, strike line 19 and substitute "FORCE, EXCEPT FOR PROPRIETARY INFORMATION A STATE AGENCY HAS RECEIVED FROM THE SOUTHERN UTE INDIAN TRIBE AND THE UTE MOUNTAIN UTE TRIBE."

Page 8, line 21, strike "(6)(b)" and substitute "(7)(b)".

Page 8, strike line 27 and substitute "SUBSECTIONS (4)(a) AND (5)(b) OF

THIS
SECTION;"

Page 9, line 1, after "FORCE'S" insert "AND SUB-TASK FORCE'S".

After "FORCE" insert "AND SUB-TASK FORCE" on Page 8, lines 24 and 26; and
Page 9, lines 3 and 5.

Senate Journal, April 28

After consideration on the merits, the Committee recommends that SB23-295 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 9, after line 7 insert:

"SECTION 3. Appropriation. (1) For the 2023-24 state fiscal year, \$200,000 is appropriated to the legislative department for use by the legislative council. This appropriation is from the general fund. To implement this act, the council may use this appropriation to implement the bill."

Re-number succeeding section accordingly.

Page 1, line 102, strike "FORCE." and substitute "FORCE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION."

Appro-
priations

Senate Journal, April 28

SB23-295 by Senator(s) Roberts and Will, Bridges, Pelton B., Rich; also Representative(s) McCluskie and Catlin, Holtorf, Lukens, McCormick, McLachlan, Soper, Velasco--Concerning the creation of the Colorado river drought task force.

Amendment No. 1, Agriculture & Natural Resources Committee Amendment. (Printed in Senate Journal, April 27, page(s) 1134-1136 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, April 28, page(s) 1191 and placed in members' bill files.)

Amendment No. 3(L.012), by Senator Roberts.

Amend printed bill, page 3, line 16, strike "OR CITY AND COUNTY." and substitute "CITY AND COUNTY, WATER CONSERVANCY DISTRICT, OR WATER AND SANITATION DISTRICT."

Page 6 of the bill, strike line 27 and substitute "RECOMMENDATIONS FOR POTENTIAL STATE LEGISLATION THAT WOULD PROVIDE".

Page 7 of the bill, line 14, strike "MUST, AT A MINIMUM:" and substitute "MUST:".

Page 7 of the bill, line 15, strike "MUST BE ADOPTED AND" and substitute "BE DESIGNED TO BE REASONABLY".

Strike "LOCATED" and substitute "THAT OWNS WATER RIGHTS" on:
Page 5 of the
bill, lines 7 and 13.

Amend the Agriculture and Natural Resources Committee Report, dated April 26, 2023, page 2, strike line 3 and substitute "ORGANIZATION THAT IS THE OWNER OF WATER RIGHTS;
(B) A REPRESENTATIVE OF A FRONT RANGE MUNICIPAL WATER PROVIDER THAT DIVERTS WATER FROM THE COLORADO RIVER;".

Reletter succeeding sub-subparagraphs accordingly."

Page 2 of the report, strike line 25 and substitute "THE INTERIOR ON MAY 20, 2019, AND ANY EXTENSION OF, AMENDMENT TO, OR REPLACEMENT OF THAT PROGRAM THAT IS INTENDED TO ACHIEVE SIMILAR OBJECTIVES; AND".

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

House Journal, May 3

6 SB23-295 be amended as follows, and as so amended, be referred to
7 the Committee on Appropriations with favorable
8 recommendation:

9

10 Amend reengrossed bill, page 9, line 24, strike "(2)(a)(V)" and substitute
11 "(2)(a)(III)".

12

13