



## **2023 State Legislation: New Authorities & Mandates for Counties**

The following table is designed to serve as a brief general reference guide.

Commissioners & County staff should always seek the advice and counsel of their county attorney concerning specific implementation requirements.

Historic Authorities & Mandates Tables can be found at:  
<http://ccionline.org/advocacy/legislative-session/>

\*CCI Legislative Priority Bill

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**General Government**  
CCI Staff: Eric Bergman

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<a href="#">HB23-1057</a> , Amenities for All Genders in Public Buildings		<p>Requires that if any major restroom renovation takes place in an <i>existing</i> public building, the owner must comply with the non-gender restroom availability requirement with signage. Historic buildings and buildings that are leased by a governmental entity are exempt from the non-gender bathroom requirements. [C.R.S. 9-5.7-103(1)(a)]</p>	January 1, 2024
		<p>Requires that at least one diaper changing station be made available in an <i>existing</i> non-gender restroom on each floor where there is a public restroom. The bill allows diaper changing stations to be in areas other than bathrooms, as long as these areas are cleaned with the same regularity as bathrooms. [C.R.S. 9-5.7-103(1)(IV)]</p>	July 1, 2024
		<p>Requires signage alerting the public to the presence of a diaper changing station using pictograms that are void of gender. [C.R.S. 9-5.7-103(3)(c)]</p>	July 1, 2024
		<p>Beginning Jan. 1, 2024, requires that all <i>newly</i> constructed public buildings provide a non-gendered restroom facility with signage or a multi-stall non-gendered facility on each floor where restrooms are available. New buildings that are slated for construction but have already gone through the design review process are exempt from this requirement. [C.R.S. 9-5.7-103 (1)(b)]</p>	January 1, 2024
<a href="#">HB23-1139</a> , Modification of County Salary Categories		<p>Adjusts salary category/subcategory designations for the following counties: Archuleta, Delta, Eagle, Grand, Las Animas, Ouray, Montezuma, Pitkin, Routt, Saguache, and Summit. [C.R.S. 30-2-102 (1.5)(a)]</p>	August 7, 2023 (although salaries will not change until officials are elected/re-elected)

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<a href="#">HB23-1279</a> , Allow Retail Marijuana Online Sales	<p>Allows marijuana dispensaries to sell online (with some stipulations). [C.R.S. 44-10-601]</p> <p>Local authority to place restrictions on time, place and manner of sales (granted in the state constitution) or ban sales altogether is preserved.</p>		August 7, 2023
<a href="#">HB23-1287</a> , Modification to County Short-Term Rental (STR) Licensing Authority	<p>Allows for the enforcement of county STR licensing requirements via VRBO and Airbnb by allowing counties to regulate these vacation rental services by requiring these rental services to include the license or permit number (if applicable) of the STR on the platform, and to remove listings for those STRs which have had their license or permit suspended or revoked by a county. [C.R.S. 30-15-401(1)(s)(III)]</p>		August 7, 2023
<a href="#">SB23-053</a> , Prohibition on Requiring Nondisclosure Agreements (NDAs)		<p>Prohibits local governments from making it a condition of employment (or potential employment) that an employee (or prospective employee) sign a nondisclosure agreement (NDA). There are a number of exceptions to this prohibition, including NDAs that prevent disclosure of privacy interests of the employee, matters that are required to be kept confidential by federal or state law or matters bearing on the specialized details of security arrangements or investigations. [C.R.S. 29-1-1601]</p> <p>Requires both the employee and the local government employer to sign any settlement agreements. [C.R.S. 29-1-1601(3)]</p>	August 7, 2023

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<a href="#">SB23-105</a> , Implementation Measures for Equal Pay for Equal Work	Exempt “career progression” and “career development” opportunities from the job opportunity posting requirements in the original legislation. [C.R.S. 8-5-101(5.5)(b)]		August 7, 2023
<a href="#">SB23-172</a> , Protecting Opportunities and Workers’ Rights (POWR) Act	Provides an affirmative defense for employers if they can show they 1) have a program to prevent harassment, 2) took prompt action to investigate or address discrimination/harassment, and 3) took prompt remedial actions in response to complaints of discrimination or harassment. [C.R.S. 24-34-402(1.5)(a)]	Establishes a new legal standard for workplace harassment claims that will replace the existing “severe or pervasive” standard. The new definition of harassment is “physical or verbal conduct or written or visual communication that is subjectively offensive to an individual or objectively offensive to an individual of the same protected class.” [C.R.S. 24-34-402(1.3)]  Creates a five-year record keeping requirement for employers for personnel or employment records regarding complaints or personnel actions. Establishes that these records are not public records and are not subject to Colorado Open Records Act (CORA) requests. [C.R.S. 24-34-408]  Makes changes to the use of nondisclosure agreements (NDAs) in workplace settings, including allowing for disclosure of harassment to medical or mental health providers, religious advisors, legal counsel, or family. [C.R.S. 24-34-407]	August 7, 2023
<a href="#">SB23-276</a> , Modifications to Election Law		Replaces current election cost reimbursement model with a new cost sharing model wherein the county shall be reimbursed for forty-five percent of the cost of conducting the election. [C.R.S. 1-5-5-505.5(1)]  Allows counties with a population fewer than 15,000 active electors to appoint just two election judges at each Voter Service and Polling Center (VSPC). Current statute requires that three election judges be appointed. [C.R.S. 1-6-111]	Upon Governor’s Signature

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<p><a href="#">SB23-286</a>, Access to Public Records</p>		<p>Prohibits a records custodian from requiring a form of identification from a records examiner. [C.R.S. 24-72-203(1)(a)]</p> <p>A records custodian shall not charge a per-page fee if the document is provided to the requestor electronically. [C.R.S. 24-72-205(5)(a)]</p> <p>If a governmental entity accepts payments by credit card currently, it must also do so for CORA requests. [C.R.S. 24-72-205(8)]</p> <p>A records custodian must make records of sexual harassment complaints against an elected official (and investigatory reports regarding the harassment complaints) available for inspection <i>if</i> the investigation concludes that the elected official is culpable. The records shall be redacted, however, to protect the anonymity of the accuser. [C.R.S. 24-72-204(9)]</p>	<p>August 7, 2023</p>
<p><a href="#">SB23-290</a>, Natural Medicine Regulation and Legalization</p>	<p>A local jurisdiction may enact ordinances or regulations governing the time, place and manner of the operation of licenses within its boundaries. [C.R.S. 44-50-104(5)]</p> <p>Employers are not required to permit or accommodate the use, consumption, or possession of natural medicine or natural medicine product in the workplace. [C.R.S. 44-50-104(4)(a)]</p>	<p>A local jurisdiction shall not prohibit a licensed facilitator from providing natural medicine services within its boundaries. [C.R.S. 12-170-112(1)]</p> <p>A local jurisdiction shall not adopt, enact, or enforce any ordinance, rule or resolution that is otherwise in conflict with the provisions of this Article 170. [C.R.S. 12-170-115]</p>	<p>May 23, 2023</p>

**Health & Human Services**  
 CCI Staff: Katie First & Gini Pingenot

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<p><a href="#">HB23-1201</a>, Prescription Drug Benefits Contract Term Requirements</p>	<p>Counties that are self-insured may require their health benefit plans to disclose reimbursement rates for drugs among other disclosures.            [C.R.S. 10-16-163 (2)]</p> <p>Counties with self-insured plans may ask the Commissioner of Insurance to audit a PBM for violations.            [C.R.S. 10-16-163 (4)]</p> <p>On or after January 1, 2025, counties that are self-insured may require their carrier or pharmacy benefit manager (PBM) to cover prescription drug costs at prices equal to or less than the amount paid for by the carrier or PBM.            [C.R.S. 10-16-163 (6)]</p>		<p>May 10, 2023</p> <p>May 10, 2023</p> <p>January 1, 2025</p>
<p><a href="#">SB23-039</a>, Reduce Child and Incarcerated Parent Separation</p>		<p>Requires the Sheriff to designate at least one individual to serve as a communication liaison between the county jail and county departments of human services for the purpose of improving communication and ensuring opportunities for family time between incarcerated parents and their children who are subject to a dependency and neglect case.            [C.R.S. 30-10-528]</p>	<p>January 1, 2024</p>
<p><a href="#">SB23-210</a>, Update Administration of Certain Human Services</p>		<p>Counties must post on their website their conflict resolution process for resolving grievances about child welfare personnel.            [C.R.S. 19-3-211 (4)]</p>	<p>May 24, 2023</p>

## Justice & Public Safety

CCI Staff: Katie First

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<a href="#">HB23-1100</a> , <b>Restrict Government Involvement in Immigration Detention</b>		<p>Prohibits a government entity from participating or facilitating the detention of immigrants, including entering into agreements for detention, selling government property to be used for detention, subsidizing costs for construction or management of a detention facility, or receiving per diem for detention.</p> <p>[C.R.S. 24-76.7-102]</p> <p>Prohibits a government entity from entering or renewing an immigration detention agreement with the federal government &amp; those with an existing agreement shall exercise termination provisions.</p> <p>[C.R.S. 24-76.7-103]</p>	January 1, 2024
<a href="#">SB23-166</a> , <b>Establishment of a Wildfire Resiliency Code Board</b>	<p>A governing body may petition the Wildfire Resiliency Code Board for a modification of the codes, in accordance with a procedure to be set by the Wildfire Resiliency Code Board.</p> <p>[C.R.S. 24-33.5-1237(3)]</p>	<p>Requires a governing body within the wildland urban interface (as defined by the Wildfire Resiliency Code Board) to adopt a code that meets or exceeds the minimum standards set forth by the Wildfire Resiliency Code Board.</p> <p>Enforcement of adopted codes shall be in accordance with the governing body's regulations for code enforcement.</p> <p>[C.R.S. 24-33.5-1237(2)]</p>	<p>Three months after Wildfire Resiliency Code Board's adoption</p> <p>(Code Board must adopt no later than July 1, 2025)</p>

## Land Use & Natural Resources

CCI Staff: Reagan Shane

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<a href="#">HB23-1233</a> , Electric Vehicle (EV) Charging and Parking Requirements		Counties must count spaces served by an EV charging station for any local government minimum parking requirements. [C.R.S. 30-28-140(2)]	May 23, 2023
		Counties may not prohibit the installation or utilization of EV charging stations unless the prohibition is narrowly drafted to address a bona fide safety concern. Prohibitions are subject to judicial review. [C.R.S. 30-28-212]	May 23, 2023
		Local governments will need to comply with updated rules from the State Electrical Board, promulgated to require compliance with the EV power transfer infrastructure requirements for <i>new</i> multifamily buildings in the <a href="#">Model Electric Ready and Solar Ready Code</a> . [C.R.S. 12-115-107]	March 1, 2024
<a href="#">HB23-1255</a> , Regulating Local Housing Growth Restrictions		A governmental entity may not enact or enforce an anti-growth law affecting property – that is, a land use law regulating the use or division of property that explicitly limits the growth of the population or the number of development/building permits reviewed or approved. [C.R.S. 29-20-104.2(3)]	August 7, 2023
<a href="#">SB23-016</a> , Greenhouse Gas Emission Reduction Measures <sup>1</sup>	Local governments may regulate surface impacts of class VI injection wells (i.e., injection wells for geologic sequestration of carbon dioxide). [C.R.S. 29-20-104(1)(h)]  Local governments have authority to impose fees to enhance emergency preparedness in case of carbon dioxide release. [C.R.S. 29-20-104(2)(d)]	A local government shall expedite, as practicable, its review of a land use application to renovate, rebuild, or recondition a transmission line. [C.R.S. 29-20-108(7)]	August 7, 2023

<sup>1</sup> For information on the other 28 sections of SB23-016, please refer to [CCI's summary of the final act](#).

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<a href="#">SB23-285</a> , Energy and Carbon Management Regulation in Colorado	Local governments may regulate the surface impacts of deep geothermal operations and intrastate underground natural gas storage facilities. [C.R.S. 29-20-204(1)(h)]		July 1, 2023

**Public Lands**

CCI Staff: Gini Pingenot

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<a href="#">SB23-059</a> , State Parks and Wildlife Area Local Access Funding	Beginning January 1, 2025, counties with state parks may have an up to \$2 surcharge on daily vehicle passes to help pay for county transportation infrastructure costs servicing the park. [C.R.S. 33-10-117 (2)]		January 1, 2025

**Taxation & Finance**  
CCI Staff: Gini Pingenot

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<a href="#">HB23-1240</a> , Sales Use Tax Exemption Wildfire Disaster Construction	Counties with a declared wildfire disaster between 1/1/20 -1/1/23 (Bent, Boulder, Conejos, Eagle, Garfield, Grand, Jackson, Jefferson, La Plata, Larimer, Las Animas, Mesa, Otero, Routt, and Teller) may issue a wildfire rebuild exemption certificate to homeowners rebuilding or repairing a home they owned that was lost in a wildfire. [C.R.S. 39-26-734 (5)(a)]	On or before 9/30/23 (and on or before 9/30 of each calendar year), local governments shall provide the CO Dept. of Revenue with a report of the number of exemption certificates issued in the preceding calendar year. [C.R.S. 39-26-734 (5)(c)]	May 12, 2023
<a href="#">SB23-108</a> , Allowing Temporary Reductions in Property Tax Due	Local governments may, for the purpose of providing tax relief, provide a temporary reduction in property taxes. Such reductions are subject to annual renewal. [C.R.S. 39-1-111.5 (1)]		June 5, 2023
<a href="#">SB23-175</a> , Financing of Downtown Development Authority Projects		Downtown development authorities in existence beyond 50 years in age are required to include a county commissioner on their board. [C.R.S 31-25-805 (1)]	August 7, 2023

## Transportation & Telecommunication

CCI Staff: Eric Bergman

2023 Legislation	Local Option(s)	Local Requirement(s)	Effective Date
<p><a href="#">SB23-183</a>, Local Government Provisions of Communications Services (Repeal of SB05-152)</p>	<p>Authorizes counties and municipalities to provide cable television service, telecommunications service, broadband internet service or middle mile infrastructure. [C.R.S. 29-27-103(2)]</p> <p>Removes the requirement in statute that counties and municipalities must receive voter approval before they expend public funds on broadband infrastructure for middle mile or last mile connectivity. [repealing C.R.S. 29-27-201]</p>		<p>May 1, 2023</p>