



# 2019 State Legislation: New Authorities and Mandates

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

## Agriculture, Wildlife and Rural Affairs

2019 Legislation	Local Option	Local Requirement	Effective Date
HB19-1191 Allow Farm Stands on Any Size Principal Use Site		Farm stands are allowed to operate on a principal use site parcel <u>of any size</u> . (i.e, a three-acre parcel operating as a farm cannot be prohibited from operating a farm stand). Local governments can still require a farm stand operator to obtain a permit or comply with any other applicable local land use laws. CRS §29-31-101	July 1, 2019

## General Government

2019 Legislation	Local Option	Local Requirement	Effective Date
HB19-1035 Remove Fee Cap on Local Electrical Inspections	Local governments that opt to conduct their own electrical inspections may set their own permitting and inspection fees, as long as they do not exceed a base fee of \$120. CRS § 12-23-117		August 2, 2019
HB19-1086 Plumbing Inspections	Local governments that opt to conduct their own plumbing inspections must conduct a contemporaneous review of each plumbing project to ensure compliance with the plumbing law, including licensure and apprentice requirements. Local governments must also develop standard procedures to advise inspectors on how to conduct a contemporaneous review and post those standard procedures on a public website. CRS § 12-58-114.5		January 1, 2020

<p>HB19-1087 Local Public Meeting Notices Posted on Website</p>		<p>Local governments are required to post public meeting notices on the website if practicable. The notices shall be searchable, if feasible, by type of meeting, date and time of meeting, and agenda contents. Local governments that publish online no longer have to physically post a meeting notice. CRS § 24-6-402</p>	<p>August 2, 2019</p>
<p>HB19-1210 Local Government Minimum Wage</p>	<p>Local governments may set a local minimum wage within their jurisdiction that is higher than the state minimum wage. Regional minimum wages may be set through an intergovernmental agreement. CRS § 29-1-1401</p>		<p>January 1, 2020</p>
<p>HB19-1230 Marijuana Hospitality Establishments</p>	<p>Local governments have the ability to license cannabis hospitality spaces (in which legal cannabis may be consumed on site) and retail cannabis hospitality and sales establishments (in which retail marijuana and retail marijuana products may be sold and consumed on site). Local governments that choose to allow these businesses may enact standards that are more restrictive than those of the state. CRS § 44-12-408 and CRS § 44-12-409</p>		<p>August 2, 2019</p>
<p>HB19-1234 Marijuana Deliveries</p>	<p>Local governments have the ability to permit licensed medical marijuana centers and transporters and licensed retail marijuana stores and transporters to deliver medical marijuana and medical marijuana-infused products to customers beginning in 2020 and retail marijuana and retail marijuana products to customers beginning in 2021. Cross-jurisdictional deliveries may only occur if the jurisdictions involved have agreed to it. CRS § 44-11-301 and CRS § 44-12-402</p>		<p>August 2, 2019</p>

HB19-1260 Energy Code Adoption		By January 1, 2020, local governments must notify the Colorado Energy Office as to which version of the International Energy Conservation Code (IECC) they have currently adopted. When a local government decides to update its energy/ building code, they must adopt one of the three most recent versions of the energy code (2012, 2015 or 2018). CRS § 30-28-201	August 2, 2019
HB19-1278 Uniform Election Code		Certain counties must provide additional voter and service polling centers (VSPCs) and ballot drop boxes. CRS § 1-5-102.9	August 2, 2019
HB19-1299 Local Government Retirement Plan Contribution Rates	Local governments may establish a differentiated contribution rate for the local government and the employee on retirement plans, as long as neither party goes below 3% of the participant's basic salary or wage. CRS § 24-54-104		August 2, 2019
SB19-019 County Fireworks Bans	To enact a ban on the sale, use and possession of fireworks around the Fourth of July holiday, counties may make a finding of high fire danger through a resolution instead of an ordinance. Counties may consider additional types of predictive information on weather conditions when considering a finding of high fire danger. CRS § 30-15-401		March 21, 2019
SB19-106 Peace Officers Leaving County Retirement Plan	Every four years, the BOCC may hold an election to allow peace officers in the sheriff's office to leave the county's defined contribution plan for a plan offered by FPPA. If more than 55% of the peace officers vote in affirmative, they may leave the plan. CRS § 24-54-106		August 2, 2019
SB19-240 Hemp Regulation	Local governments may charge license fees and adopt ordinances or resolutions regulating the storage, extraction, processing, or manufacturing of industrial hemp or industrial hemp products. Local government regulations may not go beyond state statute. CRS § 30-15-401		June 2, 2019

## Health and Human Services

2019 Legislation	Local Option	Local Requirement	Effective Date
HB19-1023 Foster Children Driving Licenses	Counties may create a program to help foster youth (under 18) obtain their driving instruction permits. In establishing the program, the county department of human services may: <ol style="list-style-type: none"> <li>1.) Assess the youth’s mental, emotional and physical ability to safely drive and based on that assessment, approve or deny applications for an instruction permit; and</li> <li>2.) Use gifts, grants or donations to develop such a program.</li> </ol> CRS§ 42-2-108		August 2, 2019
SB19-227 Harm Reduction Substance Use Disorder	A public entity that makes a defibrillator or AED available to the general public may also make available an opiate antagonist to aid an individual believed to be suffering from an opioid-related drug overdose. CRS§ 25-20.5-1001		Upon Governor’s Signature

## Justice & Public Safety

2019 Legislation	Local Option	Local Requirement	Effective Date
SB19-008 Substance Use Disorder Treatment in Criminal Justice System		Any county jail that receives funding through the Jail-based Behavioral Health Services program is required to develop a policy that describes how medication-assisted treatment (as defined in CRS§ 23-21-803) could be provided to individuals confined in county jail. CRS§ 27-60-106	August 2, 2019
HB19-1224 Free Menstrual Hygiene Products in Custody		All county jails must provide menstrual hygiene products to a person in custody at no expense to the person in custody. CRS§17-1-113.6	April 25, 2019

## Land Use & Natural Resources

2019 Legislation	Local Option	Local Requirement	Effective Date
HB19-1221 Regulation of Electric Scooters	<p>Where suitable bike paths exist, local governments may prohibit electric scooters on heavily traveled streets upon the basis of an engineering and traffic investigation. Prohibited routes must be noticed with signs. CRS§ 42-4-109</p> <p>Local governments may also regulate the operation of an electric scooter in a manner that is no more restrictive than the manner in which they regulate the operation of an electrical assisted bicycle. CRS§ 42-4-221 &amp; CRS§ 42-4-1412.5</p> <p>Local ordinances can prohibit the use of electric scooters on sidewalks. CRS§ 42-4-1412</p>		May 23, 2019

<p>HB19-1274 BOCC Delegation Subdivision Platting</p>	<p>A county may delegate one or more of the following duties to county administrative officials as long as the delegation includes procedures for providing public notice and the submission of written comments:</p> <ul style="list-style-type: none"> <li>○ Subdivision improvement agreements;</li> <li>○ Final plat, plat amendments or plan correction review and approval</li> <li>○ Review and approve any subdivision exemption as authorized under CRS§ 30-28-101(10)(d)</li> </ul> <p>The following duties may not be delegated:</p> <ul style="list-style-type: none"> <li>○ Approval of any agreement to spend public funds; and</li> <li>○ The waiver or restriction of any appeals process</li> </ul> <p>CRS§ 30-28-133.5</p>		<p>September 1, 2019</p>
<p>HB19-1309 Mobile Home Park Act Oversight</p>	<p>Local governments may regulate the operations of mobile home parks in their jurisdiction. Local ordinances and resolutions may be enacted within – and beyond - the scope of the Mobile Home Park Act (CRS§ 38-12-201) which covers issues like responsibilities of landlords, disclosure of terms in rental agreements, home owners’ and landlords’ rights, and much more.</p> <p>CRS § 30-11-128</p> <p>Counties can also impose penalties (for not posting info on home owner rights, etc.) or adopt a local registration system (to maintain a database of mobile home parks operating in the county).</p> <p>CRS § 30-11-128</p>		<p>May 23, 2019</p>
<p>SB19-141 Entertainment Districts Counties Optional Premise</p>	<p>Counties may designate certain areas as an entertainment district. This includes ‘optional premises’ (think outdoor areas that are part of a hotel or restaurant where alcohol can be sold and served.). CRS § 44-3-103</p>		<p>August 2, 2019</p>

<p>SB19-181 Protect Public Welfare Oil and Gas Operations</p>	<p>Local governments may regulate oil and gas development as areas of state interest. CRS § 24-65.1-202</p> <p>Local governments may plan and regulate the surface impacts of oil and gas operations in a manner to protect and minimize adverse impacts to public health, safety and welfare and the environment. Regulations can cover:</p> <ul style="list-style-type: none"> <li>○ land use;</li> <li>○ location and siting of oil and gas facilities;</li> <li>○ impacts to public facilities and services;</li> <li>○ water quality and source, noise, vibration, odor, light, dust, air emissions and air quality, land disturbance, reclamation procedures, cultural resources, emergency preparedness and coordination with first responders, security, and traffic and transportation impacts;</li> <li>○ financial securities, indemnification and insurance as appropriate to ensure compliance with local regulations;</li> <li>○ all other nuisance-type effects of oil and gas development; and</li> <li>○ otherwise plan and regulate the use of land and protection of the environment in a manner consistent with constitutional rights.</li> </ul> <p>To implement the above powers, local governments may inspect all facilities subject to their regulations, impose fines for leaks, spills and emissions and impose fees on operators or owners to cover the direct and indirect costs of permitting, regulating, monitoring and inspecting oil and gas development. CRS § 29-20-104</p> <p>A local government's regulations may be more protective or stricter than state requirements. CRS § 34-60-131</p>	<p>Local governments need to choose whether to have siting regulations of oil and gas locations or not. If they choose to have siting regulations, operators must indicate the local government's disposition of their drilling application. If not, the operator must indicate that the local government does not regulate the siting of oil and gas locations. CRS § 34-60-116</p>	<p>April 16, 2019</p> <p style="text-align: right;">8</p>
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## Taxation and Finance

2019 Legislation	Local Option	Local Requirement	Effective Date
<p>HB19-1033 Local Governments May Regulate Nicotine Products</p>	<p>Counties may increase the legal age of purchase to 21. CRS§ 25-14-301</p> <p>Counties may regulate the sale of cigarettes, tobacco products or nicotine products by requiring a local license. CRS§30-15-401</p> <p>Upon voter approval, counties may impose, levy and collect a special sales tax on the sale of cigarettes, tobacco products or nicotine products. The special tax can be collected in municipalities UNTIL a municipality obtains voter approval to levy a municipal special sales tax (works like the retail marijuana and lodging taxes) and/or the county and city enter into an IGA that allows the county to still collect. Counties, not the CO Dept. of Revenue, are responsible for collecting, administering and enforcing their special sales tax. CRS§39-28-112</p> <p>If a local government receives voter approval for a special sales tax, the local government foregoes its shareback of the state cigarette tax. Licensing the sale and/or assessing a license fee does not jeopardize a local government's shareback. CRS§39-22-623</p>		<p>July 1, 2019</p>
<p>HB19-1162 Expand Farm Equipment Sales and Use Tax Exemption</p>	<p>Counties may choose to exempt the purchase of ear tags (which may or may not be electronic) and ear tag readers from the county sales tax. CRS§ 29-2-105 (1)(d)(I)(F)</p>		<p>August 2, 2019</p>

HB19-1323 Occasional Sales by Charitable Organizations		Counties who have exempted 'sales by non-profits' from their sales tax must increase the 'threshold' for the exemption from \$25,000 to \$45,000. This applies to 12 counties who are: Adams, Arapahoe, Douglas, Elbert, Fremont, La Plata, Larimer, Mesa, Park, Rio Blanco, Sedgwick, and Washington. CRS§ 39-26-718	January 1, 2020
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## Transportation & Telecommunications

2019 Legislation	Local Option	Local Requirement	Effective Date
SB19-107 Electrical Easements for Broadband	Allows counties to enter into contracts with electrical easement holders to lease excess fiber capacity. CRS § 38-5-103		August 2, 2019