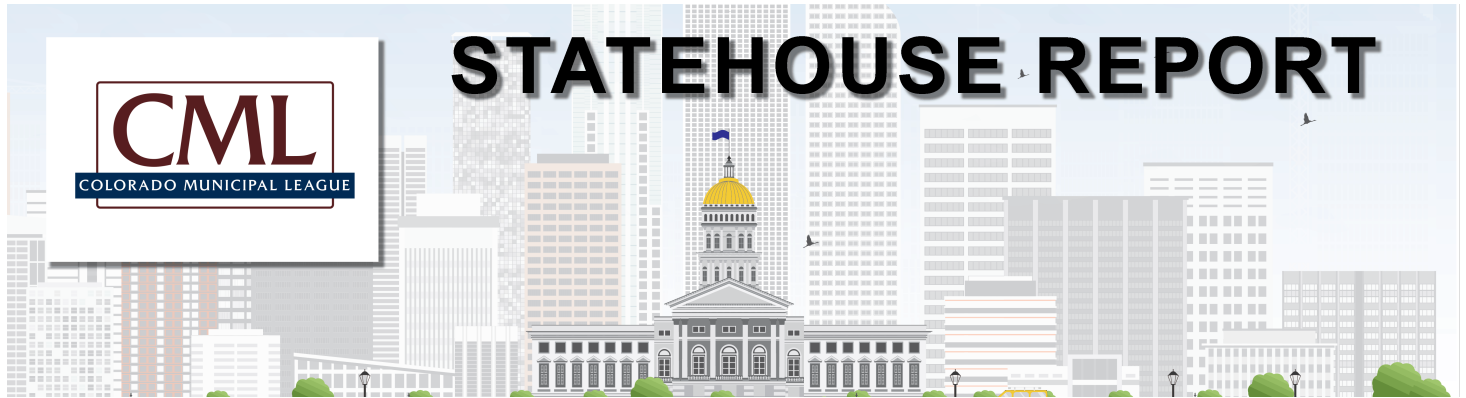




Statehouse Report



In this issue...

[Affordable Housing](#)

[Beer & Liquor](#)

[Broadband](#)

[Criminal Justice](#)

[Economic Development](#)

[Elections](#)

[Employment](#)

[Energy](#)

[Lodging Tax](#)

[Marijuana](#)

[Oil and Gas](#)

[Parks and Recreation](#)

[Pensions & Retirement](#)

Property Tax

Public Safety

Sales Tax

Severance Tax & FML

Sustainability

Transportation

Utilities

Water & Wastewater

Water and Wastewater

Share with social networks

Affordable Housing: Right to Rest Act

A version of the “Colorado Right to Rest Act” was introduced the first day of the legislative session. The legislation attempts to apply certain rights to the homeless and would preempt the adoption and enforcement of municipal ordinances that conflict with those rights. CML will again oppose the legislation as this very important issue should be dealt with at the local level.

Bill: HB 18-1067, Right to Rest Act

Sponsors: Reps. Jovan Melton, D-Aurora and Joe Salazar, D-Thornton

Status: H. Local Government

Position: Oppose

Lobbyist: Meghan Dollar

Updated 1/17/2018

Affordable Housing: State Low-Income Housing Tax Credit

During the 2014 legislation session, HB 14-1017 was passed to create a state low-income housing tax credit that is operated through the Colorado Housing and Finance Authority (CHFA); CML supported this legislation. The program was reauthorized in 2016 until 2019. Legislation was introduced to reauthorize the program in 2018 ahead of its sunset date in 2019. Since its inception, the program has directly supported 4,263 affordable housing units statewide. It is another tool for the state to develop affordable housing in communities.

Bill: SB 18-007, State Low Income Housing Tax Credit

Sponsors: Sens. Jake Tate, R-Centennial & Lucia Guzman, D-Denver; Speaker Crisanta Duran, D-Denver & Rep. Jon Becker, R-Ft. Morgan

Status: S. Appropriations

Position: Support

Lobbyist: Meghan Dollar

Updated 1/26/2018

Affordable Housing: Use of Criminal Records for Housing

SB 18-057 prohibits housing authorities from denying or terminating dwelling accommodations. It also prevents housing authorities from taking adverse action against a person, on the basis of arrest records or certain conviction records. CML staff is still identifying the full impact this legislation would have on housing authorities; however, CML opposes the state interfering in a local housing authority's discretion regarding tenants.

Bill: SB 18-057, Use of Criminal Records for Housing

Sponsors: Sen. Daniel Kagan, D-Cherry Hills Village

Status: S. State, Veterans & Military Affairs

Position: Oppose

Lobbyist: Meghan Dollar

Updated 1/19/2018

Beer & Liquor: Allow Donated Alcohol on Licensed Premises

A premise licensed for on-premise consumption is unable to allow donated alcohol beverages in sealed containers to be auctioned or given as prizes. The League was approached to assist with creating a narrow exception in the law to allow charitable events to auction donated alcohol on a licensed premises so long as the container stays sealed.

Bill: SB 18-067, Allow Donated Alcohol on Licensed Premises

Sponsors: Sens. Rachel Zenzinger, D-Arvada and Kevin Priola, R-Brighton; Rep. Tracy Kraft-Tharp, D-Arvada

Status: S. 2nd Reading

Position: Support

Lobbyist: Kevin Bommer

Updated 1/30/2018

Beer & Liquor: Fermented Malt Beverage Licenses

The CML Executive Board previously approved CML-initiated legislation to allow for more restrictions on fermented malt beverage (FMB) licenses issued on or after Jan. 1, 2019. On that date, all FMB licensees will be allowed to sell malt liquor (full-strength beer and equivalents). Since that time, staff has confirmed the legislation will have compromise language from multiple sources. Staff met with both sponsors, who agreed to include the CML language with some minor changes. The following will be included in the bill:

1. Allow local licensing authorities to adopt a moratorium on new FMB licenses on or after the effective date of the bill through Dec. 31, 2018.
2. All FMB licenses shall be subject to distance limitations from schools (i.e., other Article 47 licenses) with identical authority for the municipality to reduce or eliminate distance restrictions for all FMB licenses. Applies to existing and future off-

premise FMB licenses. (CML only requested application to future licenses, but the sponsor wants universal application)

3. Authority for the local licensing authority to deny a new FMB license beginning on Jan. 1, 2019, based on determination of an undue concentration of other FMB licenses, liquor-licensed drugstore licenses, and/or retail liquor store licenses. (Using existing language in Article 47 for retail liquors stores and taverns as a template.)

In order to support the legislation, staff will need to verify that there are no other components of the bill to which there is any opposition. As of January 26, there is still no draft and parties that are supposed to be working together are advocating for different approaches to the legislation. The League is concerned that nothing will happen and CML will have to try to get our own legislation introduced.

Bill: Fermented Malt Beverage Licenses

Sponsors: Sen. Chris Holbert, R-Parker

Status: Not yet introduced

Position: Staff discretion to support

Lobbyist: [Kevin Bommer](#)

Updated 1/26/2018

Beer & Liquor: Special Event Permits

A change in Colorado Liquor Rules in 2012 allowed for the operation of special event permits by municipalities and special districts, as well for special event permits for educational purposes. Some municipalities have since operated special events under that authority. The Liquor Enforcement Division (LED) now believes that the underlying statutes do not allow for the more expansive rule and have thus proposed rescinding it. The bill will clarify the statute, allowing the rule to remain unchanged and municipalities to continue operating special events.

Bill: HB 18-1096, Special Event Permits

Sponsors: Rep. Matt Gray, D-Broomfield; Sen. Kevin Priola, R-Brighton

Status: H. Business, Labor, Economic and Workforce Development

Position: Support

Lobbyist: [Kevin Bommer](#)

Updated 1/19/2018

Broadband: Fairness in Right of First Refusal

In administering the right of first refusal of a incumbent telecom provider to provide service in an unserved area when another telecommunications provider applies for funding of a proposed project to provide access to a broadband network, the incumbent can currently get away with providing service of lower quality than the applicant would have. The bill would require the Broadband Deployment Board to establish that an incumbent exercising its right agree to provide broadband speeds equal to or faster than the speeds in the proposed project and at a cost per household that is equal to or less than the cost per household indicated in the proposed project.

Bill: HB 18-1096, Fairness in Right of First Refusal

Sponsors: Rep. Marc Catlin, R-Montrose, and Barbara McLachlan, D-Durango; Sen. Don Coram, R-Montrose

Status: H. Transportation & Energy

Position: Support

Lobbyist: [Kevin Bommer](#)

Updated 1/26/2018

Broadband: Financing Rural Broadband

The main purpose of this bill is to repurpose a portion of the High Cost Support Mechanism (HCSM) that currently all goes to CenturyLink for telephone service to fund broadband deployment any private telecommunications provider. The bill increases the requirement to 10 megabits downstream and broadens the definition of 'unserved area.' The bill further specifies how the HCSM will be allocated and specifies the use of money from the HCSM for broadband deployment grant applications approved by the Broadband Deployment Board in DORA, such that money will be transferred directly from the HCSM to approved broadband deployment grant applicants. A problem in the bill that must be addressed is a prohibition on the Department of Local Affairs from implementing a broadband deployment program or approving a grant application concerning broadband deployment without specific approval from the Broadband Deployment Board. DOLA has traditionally funded middle mile projects, and the Broadband Deployment Board has funded last mile projects.

Bill: SB 18-002, Financing Rural Broadband

Sponsors: Sens. Jerry Sonnenberg, R-Sterling, and Don Coram, R-Montrose; Speaker Crisanta Duran, D-Denver, and Rep. KC Becker, D-Boulder

Status: H. Business Affairs & Labor

Position: Staff discretion to support

Lobbyist: [Kevin Bommer](#)

Updated 1/19/2018

Criminal Justice: Court System For Remote Participation In Hearings

This legislation passed out of the County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. The bill creates a program at the state level to implement the use of technology in order to hold hearings quicker and more efficiently. Several municipal courts have expressed interest in participating in such a program. CML is currently identifying ways municipal courts could be added to the program and, if applicable, support the legislation to get more access to technology for municipal courts.

Bill: HB 18-1131, Court System For Remote Participation In Hearings

Sponsors: Rep. Dafna Michaelson Jenet, D-Commerce City; Sens. Larry Crowder, R-Alamosa and Rhonda Fields, D-Aurora

Status: H. Judiciary

Position: Staff discretion to support

Lobbyist: [Meghan Dollar](#)

Updated 1/26/2018

Criminal Justice: Enhancing Protections for Minors Involved in Human Trafficking

SB 18-084 provides immunity for minors that participated in acts of prostitution as part of a human trafficking ring. Human trafficking is a huge issue in Colorado and victims' rights advocates are working to avoid criminal punishment for minors forced into illegal acts against their will. CML generally agrees with this tenet, however, we have concerns that providing blanket immunity to these minors may not leave any incentive for them to work with law enforcement. Many municipalities are dealing with massage parlors popping up in their communities as a result of these human trafficking rings, and have few tools to shut them down. There are several potential amendments to the bill, and CML is working with proponents with the hope of addressing our concerns.

Bill: SB 18-084, Enhancing Protections for Minors Involved in Human Trafficking

Sponsors: Sen. John Kefalas, D-Fort Collins; Reps. Lois Langraf, R-Fountain, and Paul Lundeen, R-Monument

Status: S. Health & Human Services

Position: Oppose unless amended

Lobbyist: [Meghan Dollar](#)

Updated 1/26/2018

Criminal Justice: Funding HB 16-1309

CML is drafting legislation to fund the unfunded mandate that was created by HB 16-1309, which requires defense counsel at first appearance in municipal court. At this time, the governor's budget contains \$2 million from the General Fund for municipal defense counsel. The legislation will create the program to distribute funding to municipalities. HB 16-1309 will go into effect on July 1, 2018.

Bill: Funding HB 16-1309

Status: Not yet introduced

Position: Support

Lobbyist: [Meghan Dollar](#)

Updated 12/20/2017

Criminal Justice: Monetary Bond and Bail

HB 18-1089 proposes monetary bond and bail reform. This includes removing monetary bail for municipal ordinance violations, petty offenses, and certain low level misdemeanors. CML recognizes that criminal justice reform is a national movement and an important conversation. Several municipal judges and CML staff are already working with the ACLU on potential monetary bond and bail reform in municipal courts and we are happy to continue that conversation. Our concern with HB 18-1089 is that, if passed, this legislation will leave municipal courts with zero remedies to incentivize individuals that frequently fail to appear in court to appear. Judge Shawn Day, Aurora and Judge Anne Stavig, Lakewood joined CML staff at a meeting with Rep. Adrienne Benavidez (D-Commerce City), the bill sponsor. The conversation is thoughtful and we appreciate the willingness of the sponsor to hear our concerns. Rep. Benavidez will gather a meeting with all stakeholders to discuss potential amendments to HB 18-1089. Whether they will get CML to a neutral position remains to be seen.

Bill: HB 18-1089, Monetary Bond and Bail

Sponsors: Rep. Adrienne Benavidez, D-Commerce City

Status: H. Judiciary

Position: Oppose

Lobbyist: Meghan Dollar

Updated 1/26/2018

Economic Development: Assistance for Rural Communities

SB 18-005 authorizes the Executive Director of the Department of Local Affairs to coordinate nonmonetary resources to assist with job retention or creation in rural communities experiencing a significant economic event, such as a plant closure or layoffs. The bill also authorizes the Executive Director to award money to qualifying rural communities experiencing a significant economic event and creates the Rural Economic Advancement of Colorado Towns Fund for grant-making purposes over the next three years. \$500,000 is transferred each year from the General Fund to the fund and the money is continuously appropriated to the Department of Local Affairs.

Bill: SB 18-005, Assistance for Rural Communities

Sponsors: Sen. Kerry Donovan, D-Vail; Rep. Dylan Roberts, D-Eagle

Status: H. State, Veterans & Military Affairs

Position: Support

Lobbyist: Morgan Cullen

Updated 1/17/2018

Elections: Nomination Committees

Each year, the Statutory Revision Committee solicits statutory clean-up ideas. This year, the municipal clerks brought forward an idea to remove three unnecessary subsections in the Municipal Election Code of 1965 (Title 31, Article 10) regarding the nominating committee process for dealing with vacancies in nomination when a potential municipal election official withdraws from candidacy. Such a vacancy occurs when someone decides, after filing a nomination petition and having that petition certified, that he/she no longer wishes to run for municipal office. The statutes provide that if a vacancy committee has been designated on the petition (this is a “may” designate, rather than “must/shall”), then that committee is notified of the candidate’s withdrawal. However, the statute does not require the vacancy committee to fill that vacancy (and, to our knowledge, a committee filling a vacant nomination has never happened). These provisions are probably modeled after state partisan vacancy committees, the purpose of which is to actually vote on someone to fill a vacancy, whether in nomination or in office. The statutory nomination committee process for municipal candidate petitions is an unused process and causes confusion for both municipal clerks and candidates.

Bill: Nomination Committees

Position: Support

Lobbyist: Dianne Criswell

Updated 12/20/2017

Employment: Leave to Participate in Elections

This bill allows leave to vote to also include registering to vote, obtaining a ballot or replacement ballot, or to obtain documents or ID necessary to vote or register. For a general, primary, or coordinated election, the bill allows an employee to take the leave

on any day that polling locations are open. For all other elections, the bill allows the employee to take the leave on any day during the 8 days prior to and including the day of the election. An employer may deny a request for leave if the employee has 3 consecutive hours in which he or she is not scheduled to work during the hours the employee is entitled to take the leave.

Bill: HB 18-1033, Leave to Participate in Elections

Sponsors: Rep. Mike Weissman, D-Aurora

Status: H. State, Veterans & Military Affairs

Position: Neutral

Lobbyist: [Kevin Bommer](#)

Updated 1/26/2018

Employment: Medical Leave Insurance

The legislation establishes the Family Medical Leave Insurance (FAMLI) program in the Department of Labor as a TABOR-exempt enterprise funded with no more than a 0.99% employee payroll deduction. The program would provide partial wage replacement to employees while out on authorized family medical leave as specified in the bill. Employees of both private and public employers in Colorado are covered. The prospects for this bill are dim again this year in the Senate. CML and other organizations representing employers have spoken with sponsors about additional provisions like allowing the employer to retain a portion of the revenue to cover the administrative costs of the automatic payroll deduction. While that will not be included in this year's bill, there is an expectation that it would be discussed when the bill is no doubt introduced in 2019.

Bill: HB 18-1001, Medical Leave Insurance

Sponsors: Reps. Faith Winter, D-Westminster, and Matt Gray, D-Broomfield; Sen. Kerry Donovan, D-Vail

Status: H. Business, Labor, Economic and Workforce Development

Position: Neutral

Lobbyist: [Kevin Bommer](#)

Updated 1/26/2018

Energy: Colorado Energy Office

SB 18-003 restores funding for the Colorado Energy Office for four years and makes a number of reforms to the mission of the office to take an all of the above approach to promoting both alternative and conventional sources of energy in Colorado. The bill also removes and repeals a number of programs that are allegedly obsolete or no longer implemented by the office. This bill is a dressed down version of Senator Scott's energy omnibus legislation (SB 17-301) that was introduced last year that had a large number of provisions both related and unrelated to the Colorado Energy Office. When that bill failed to pass on the second to last day of the session, the Colorado Energy Office lost its state funding and has since been operating solely on the funding it receives from the Federal Government.

Bill: SB 18-003, Colorado Energy Office

Sponsors: Sen. Ray Scott, R-Grand Junction

Status: S. Appropriations

Position: Neutral

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Energy: Expansion of Renewable Energy Standard

SB18-064 updates the Colorado renewable energy standard to require utilities to derive 100% of their electricity from renewable sources by 2035. It also expands the requirement to all utilities including cooperative electric associations and municipally owned utilities. Currently, home rule cities and towns are not constitutionally obligated to adhere to Amendment 38 requirements although some have chosen to adopt the requirements in deference to the will of voters. The bill also removes a customer threshold cap of below 40K customers and requires them to adopt a 100% renewable portfolio as well. This could prove particularly challenging for smaller municipalities that have flat or declining electricity demand and have no need for additional power sources.

Bill: SB18-063, Expansion of Renewable Energy Standard

Sponsors: Sen. Matt Jones, D-Louisville; Rep. Mike Foote, D-Lafayette

Status: S. Agriculture, Natural Resources & Energy

Position: Oppose

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Energy: Research the Health Effects of Wind Turbines

HB 18-1085 requires Colorado Department of Public Health and Environment to research and compile information on the health effects of noise and stray voltage from industrial wind turbines on humans and animals. The bill requires CDPHE to report the results of the study to the general assembly by January 1, 2020.

Bill: HB 18-1085, Research the Health Effects of Wind Turbines

Sponsors: Rep. Paul Lundeen, R-Monument

Status: H. Transportation & Energy

Position: Neutral

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Lodging Tax: Expanding Uses of County Lodging Tax

Currently, counties are authorized to impose a lodging tax within a county, subject to voter approval, to be used only for tourism advertising and marketing. The tax does not apply within a municipality that already has or adopts in the future its own lodging tax. (Because there is no authority for statutory municipalities to impose a lodging tax, only home rule cities – and likely only those that self-collect – can impose a lodging tax.) HB 18-1088 would allow a county with a lodging tax to adopt a resolution to expand the use of the tax for any purpose with subsequent voter approval. While there is some question about expansion of the lodging tax that comes from largely within municipalities should be used for any purpose, staff recommends that the legislation at least include a requirement to notify municipalities of the county commission's intent to consider an expansion and provide an opportunity to consult.

Bill: HB 18-1084, Expanding Uses of County Lodging Tax

Sponsors: Reps. Dan Thurlow, R-Grand Junction, and Millie Hamner, D-Dillion; Sen. Don Coram, R-Montrose

Status: H. Finance

Position: Oppose unless amended

Lobbyist: Dianne Criswell

Updated 1/26/2018

Marijuana: Accessory Consumption Establishments

While a final form of draft legislation is not yet available, staff believes the latest draft presents enough detail to make a recommendation. The bill would apply to both medical marijuana and retail marijuana establishments. In local jurisdictions that have medical and/or retail marijuana and that opt-in to the statute by either adopting an ordinance or that have a successful initiative or referendum, “medical marijuana accessory establishments” and/or “marijuana accessory establishments” would be permitted. While the optional nature of the establishments is preferable, CML has flagged a number of issues of concern on operational aspects of the bill, including:

- The inclusion of medical marijuana, which is intended to be medicine and not a social use. Staff believes this is in conflict with the intent of creating a location for social consumption.
- The accessory premise is not allowed to be attached to the store or center and may be located anywhere within the jurisdiction.
- The draft inappropriately mimics the beer manufacturers tasting room model, which are state-only licenses, whereas the existing marijuana code recognizes dual authority.
- Even though consumption on the accessory premises is restricted to non-smoking consumption, it appears in the draft that any product can be sold at the location.
- Licensed retail stores only operate an accessory premises only without being connected to an actual retail store.
- A store approved for an accessory establishment can sell marijuana to any other accessory establishment
- The language for local opt-in by ordinance or initiated/referred measure complicated and should be streamlined to comport with similar language in the existing marijuana code.
- The requirement that any unconsumed product purchased must be consumed on premise or destroyed may actually incentivize overconsumption.

Even though the intent of the legislation is to create an option, CML is currently opposed to the current draft unless amended, given the number of issues that still need to be resolved.

Bill: Accessory Consumption Establishments

Sponsors: Reps. Jonathan Singer, D-Longmont, and Jovan Melton, D-Aurora; Sens. Tim Neville, R-Littleton, and Stephen Fenberg, D-Boulder

Status: Not yet introduced

Position: Oppose unless amended

Lobbyist: [Kevin Bommer](#)

Updated 12/20/2017

Marijuana: Delivery Pilot Program

The bill creates a pilot program to allow marijuana delivery. Upon request from one to three municipalities, the marijuana state licensing authority can enter into a up to three memorandums of understanding to allow medical and/or retail marijuana delivery. In order to issue a local marijuana delivery license, at least one of the municipalities would have to allow medical and/or retail marijuana, but the other municipalities could be opted-out and still allow delivery. Taxation is also a problem because there is no marijuana use tax. The state licensing authority can adopt rules regarding marijuana delivery and can issue up to 15 marijuana delivery licenses. While the business would be licensed locally by one municipality, it is not clear how local enforcement and administration would occur with allowed deliveries outside of the licensee's jurisdiction. CML's Policy Committee will discuss this legislation on February 16, but staff is recommending a neutral position. The mechanics of the bill are convoluted enough that it is hard to believe any municipalities would participate.

Bill: HB 18-1092, Delivery Pilot Program

Sponsors: Rep. Jovan Melton, D-Aurora; Sen. Tim Neville, R-Littleton

Status: H. Finance

Position: Neutral

Lobbyist: [Kevin Bommer](#)

Updated 1/26/2018

Oil and Gas: Compensation for Mineral Interests

For the past three sessions, legislation has been introduced that specifies that a local government that bans hydraulic fracturing of an oil and gas well is liable to the mineral interest owner for the value of the mineral interest and that a local government that enacts a moratorium on oil and gas activities shall compensate oil and gas operators, mineral lessees, and royalty owners for all costs, damages, and losses of fair market value. Staff anticipates the bill will come back again in 2018.

Bill: Compensation for Mineral Interests

Sponsors: Rep. Perry Buck, R-Windsor

Position: Oppose

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Oil and Gas: Financial Assurance of Operators

SB 18-063 requires the Colorado Oil and Gas Conservation Commission to make sure that an oil and gas company is financially solvent before issuing a drilling permit. The COGCC would be required to look into whether a potential operator could handle the financial exposure to unforeseen circumstances such as a possible reclamation, explosion or environmental mishap. The commission would be required to calculate the total financial assurance required by multiplying the number of wells subject to the application by the projected cost to finance any unforeseen circumstances associated with them.

Bill: SB 18-063, Financial Assurance of Operators

Sponsors: Sen. Matt Jones, D-Louisville; Rep. Adrienne Benavidez, D-Commerce City

Status: S. Agriculture, Natural Resources & Energy

Position: Neutral

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Oil and Gas: Local Government Siting Authority

Under current law, local governments have the authority to designate geographic areas or specific activities as matters of state interest, and may control development by adopting regulations for these areas and activities that require permitting. However, a local government may not designate an area containing oil and gas development, unless the Colorado Oil and Gas Conservation Commission (COGCC) in the Department of Natural Resources (DNR) has done so. This bill repeals that prohibition. The bill also adds the siting of oil and gas facilities to the enumerated powers a county has when zoning unincorporated land and gives municipalities similar power. Current law gives the COGCC exclusive jurisdiction over regulating oil and gas development. This bill specifies that the COGCC authority does not exempt oil and gas facilities from local government siting authority. The bill also requires operators to ensure that the location of such facilities complies with local government site regulations.

Bill: SB 18-048, Local Government Siting Authority

Sponsors: Sen. Matt Jones, D-Louisville; Rep. Mike Foote, D-Lafayette

Status: S. State, Veterans & Military Affairs

Position: Support

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Oil and Gas: Public Safety

Last March, the Colorado Court of Appeals ruled in *Martinez v. the COGCC* that the general health, safety and welfare of Colorado residents is a condition “that must be fulfilled” before oil and gas activity is permitted. HB 18-1071 codifies this ruling in statute.

Bill: HB 18-1071, Public Safety

Sponsors: Rep. Joe Salazar, D-Thornton

Status: H. Health, Insurance & Environment

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Oil and Gas: School Set Back Requirements

The Colorado Oil and Gas Conservation Commission (COGCC) rules require oil and gas production facilities and wells to be located at least 1,000 feet from school buildings. This legislation changes the setback requirement to state that it applies to the school property line and not the school building. An exemption would be provided if a school commences operations near oil and gas facilities or wells that are already in use or permitted.

Bill: School Set Back Requirements

Sponsors: Rep. Mike Foote, D-Lafayette

Position: Support

Lobbyist: [Morgan Cullen](#)

Updated 12/18/2017

Parks and Recreation: Reauthorization of the Division of Lottery

Legislation will be introduced in 2018 to reauthorize the Division of Lottery in the Department of Revenue in perpetuity. Per the Colorado Constitution, Colorado Lottery funds parks and recreation and open space projects all over the state. Many municipalities have received Conservation Trust Fund dollars as well as grants through Great Outdoors Colorado. CML supports the re-authorization as all of our members have benefited from projects funded by Lottery proceeds. CML staff testified in support before the Senate Agriculture, Natural Resources & Energy Committee on behalf of local governments and the Keep It Colorado Coalition. The bill passed unanimously and will be heard next in Senate Finance.

Bill: SB 18-066, Reauthorization of the Division of Lottery

Sponsors: Sens. Jerry Sonnenberg, R-Sterling, and Leroy Garcia, D-Pueblo; Reps. Jeni James Arndt, D-Fort Collins and Cole Wist, R-Centennial

Status: S. Finance

Position: Support

Lobbyist: [Meghan Dollar](#)

Updated 1/26/2018

Pensions & Retirement: FPPA Employee History Health Data

As introduced, HB 18-1056 would allow the Fire & Police Pension Association (FPPA) to implement an electronic statewide health history form, rather than requiring employees to fill out a paper form. In addition, the legislation would close a gap on preexisting conditions omitted from the completed health history form. Currently, employees that fail to disclose a preexisting condition upon hire have to be shown to have done so fraudulently for FPPA to deny death and disability payments if the condition causes the death or disabling condition. The change would protect the vitality of the plan by ensuring any applicable omission is able to be considered by FPPA in determining the appropriate application of benefits. HB 18-1056 had a public hearing in House State Affairs on January 18, and was held over again to January 31 for purpose of amending the preexisting condition provisions.

Bill: HB 18-1056, FPPA Employee History Health Data

Sponsors: Rep. Kevin Van Winkle, R-Highlands Ranch; Sen. John Cooke, R-Greeley

Status: S. State, Veterans & Military Affairs

Position: Support

Lobbyist: Dianne Criswell

Updated 1/26/2018

Pensions & Retirement: FPPA Simplified Reentry into Defined Benefit Plan

HB 18-0131, which passed out of House Finance to the Committee of the Whole, allows an employer to enroll new employees in the Fire & Police Pension Association (FPPA) defined benefit system, should the employer choose to affiliate with FPPA. Existing employees can stay in their existing plan. The bill also simplifies statutory process for local money purchase (defined contribution) department to join FPPA.

Bill: FPPA Simplified Reentry into Defined Benefit Plan

Sponsors: Reps. Jovan Melton, D-Aurora, and Kim Ransom, R-Littleton; Sens. Matt Jones, D-Louisville, and John Cooke, R-Greeley

Status: Passed House

Position: Support

Lobbyist: Dianne Criswell

Updated 1/26/2018

Pensions & Retirement: PERA Reform

Some of CML's 27 PERA-member municipalities have participated in discussions since October with the goal of arriving at specific advocacy recommendations. The discussion was based on comparisons between the PERA Board proposed legislative package and Gov. John Hickenlooper's proposed package as outlined in his Nov. 1 budget request to the state Joint Budget Committee.

Based on recommendations from the PERA Member Municipality Committee, CML has established the following policy positions on any proposed 2018 PERA reform bills:

- CML and PERA member municipalities support the goal of passing legislation in 2018 that will allow PERA to achieve 100-percent funded status in all divisions in 30 years or less with the following inclusions:
 - Oppose any additional employer contribution in the Local Government Division
 - Support the governor's proposal that employee contributions for new and current employees in the Local Government Division are the same
 - Support a reduction of the proposed additional employee contribution for employees in the Local Government Division
- CML and PERA Member Municipalities would retain the discretion to oppose fixing in state statutes an automatic ratchet-up contribution mechanism that would:

- Unnecessarily create another automatic trigger affecting budget and revenue (i.e. TABOR, Amendment 21, Gallagher)
- Create budgetary impacts when local governments would be reducing costs or personnel
- Bypass the legislative process that should be part of any potential increase in the expenditure of taxpayer dollars

Bill: PERA Reform

Status: Not yet introduced

Lobbyist: Kevin Bommer, Dianne Criswell

Updated 1/26/2018

Property Tax: Increase Business Personal Property Tax Exemption

HB 18-1036 proposes to increase the threshold exemption for business personal property tax to \$50,000 in 2018 and adjusts the threshold exemption thereafter by inflation. Businesses exempt under the threshold would not have to file a return to claim the exemption. The bill would also raise the exemption for consumable property from the current \$350 threshold to \$500.

Bill: HB 18-1036, Increase Business Personal Property Tax Exemption

Sponsors: Rep. Tim Leonard, R-Evergreen; Sen. Tim Neville, R-Littleton

Status: H. State, Veterans & Military Affairs

Position: Oppose

Lobbyist: Dianne Criswell

Updated 1/12/2018

Public Safety: Civil Asset Forfeiture

Following his signing of HB 17-1313 regarding civil asset forfeiture, Governor Hickenlooper convened a task force made up of supporters and opponents of HB 17-1313. The task force met several times in the interim, and HB 18-1020 is the legislation to implement the task force recommendations. The legislation includes a grant program for law enforcement agencies, a new share back formula for law enforcement that will now utilize the state civil asset forfeiture process, clarification of which agencies must report the use of civil asset forfeiture to DOLA, and expanding the reporting requirement to apply to certain local public nuisance ordinances. The last issue was a contentious conversation as the League was concerned with a broad reporting requirement for municipalities that seize property under public nuisance ordinances. Through negotiation, the ACLU and CML developed language that applies a reporting requirement for a municipality if they receive proceeds through a forfeiture process. The task force voted to include that language in their recommendations. As introduced, HB 18-1020 does not include the agreed upon language regarding local public nuisances. The League informed the bill sponsor and staff expects that this will be corrected in the first committee. Currently, the League is opposed unless amended, but will reevaluate that position once our amendment is adopted in committee. CML thanks Rep. Leslie Herod, D-Denver for her quick action and committing to run CML's amendment.

Bill: HB 18-1020, Civil Asset Forfeiture

Sponsors: Rep. Leslie Herod, D-Denver; Sens. Tim Neville, R- Littleton, and Daniel Kagan, D-Cherry Hills

Status: H. Judiciary

Position: Oppose unless amended

Lobbyist: [Meghan Dollar](#)

Updated 1/19/2018

Public Safety: Expand Access to Behavioral Health Providers

This legislation adds behavioral health care providers to the list of health care providers that are eligible for loan repayment. It also creates a scholarship program to cover costs of certification and medication assisted treatment training. The goal is to get providers in rural areas and increase the opportunities for substance abuse treatment in rural areas.

Bill: SB 18-024, Expand Access to Behavioral Health Providers

Sponsors: Sens. Cheri Jahn, I-Wheat Ridge and Jack Tate, R-Centennial; Rep. Jonathan Singer, D-Longmont

Status: S. Appropriations

Position: Support

Lobbyist: [Meghan Dollar](#)

Updated 1/30/2018

Public Safety: Law Enforcement Information Sharing Grant Program

SB 18-059 creates the law enforcement information-sharing grant program within the division of homeland security and emergency management. The grant program created in the bill will provide a grant to a consortium of at least 50 law enforcement agencies in the state. The grant is for the purpose of operating and maintaining a law enforcement information-sharing system. CML supports any opportunity for law enforcement to engage in information sharing as it is vital to maintaining public safety.

Bill: SB 18-059, Law Enforcement Information Sharing Grant Program

Sponsors: Sen. Rhonda Fields, D-Aurora; Rep. Dan Pabon, D-Denver

Status: S. Judiciary

Position: Support

Lobbyist: [Meghan Dollar](#)

Updated 1/19/2018

Public Safety: Opioids and Health Plans

This bill prohibits individual and group health benefit plans from requiring prior authorization for medication-assisted treatment, and requires all individual and group health benefit plans to include in the carrier's prescription drug benefit coverage a transdermal analgesic lidocaine patch for treatment of pain. Since municipalities are employers, and many with group plans, CML staff will track this legislation with a neutral position.

Bill: Opioids and Health Plans

Position: Neutral

Lobbyist: [Kevin Bommer](#)

Updated 12/20/2017

Public Safety: Prevention of Opioid Misuse

This is proposed legislation out of the legislative interim committee on opioid and substance abuse. The bill sets aside funds for substance abuse programs from the marijuana tax cash fund and continues the opioid interim committee for three years. The committee will meet year around. The legislation also allows for school-based health clinics to utilize grant funding to provide treatment for opioid and other substance use disorders.

Bill: HB 18-1003, Prevention of Opioid Misuse

Sponsors: Rep. Brittany Pettersen, D-Lakewood; Sens. Cheri Jahn, I-Wheat Ridge and Kevin Priola, R-Brighton

Status: H. Public Health Care & Human Services

Position: Support

Lobbyist: [Meghan Dollar](#)

Updated 1/12/2018

Public Safety: Prevention of Wildfires

Proposed legislation from the Wildfire Matters Review Committee creates tougher penalties for individuals that leave camp fires unattended or have not extinguished them properly. In addition, the bill removes the requirement that counties post notices regarding unattended campfires. The hope is that individuals will take more precautions when operating fires in forested areas. Colorado Coalition for the Homeless and the Criminal Defense Bar have expressed concerns with the legislation, particularly with the increased penalties. A stakeholder meeting is scheduled to discuss their concerns.

Bill: HB 18-1051, Prevention of Wildfires

Sponsors: Reps. Millie Hamner, D-Dillion, and Terri Carver, R-Colorado Springs; Sens. Don Coram, R-Montrose, and Mike Merrifield, D-Colorado Springs

Status: H. Health, Insurance & Environment

Position: Support

Lobbyist: [Meghan Dollar](#)

Updated 1/26/2018

Public Safety: Red Light Cameras and Speed Radar

Following the 2016 session, Gov. John Hickenlooper vetoed HB 16-1231, which was a prohibition on the use of red light cameras. This year the legislature has introduced HB 18-1072 which prohibits the use of both red light cameras and speed radar. The League maintains the same position it has with past legislation. Traffic safety is a matter of local concern and that includes the use of technology. HB 18-1072 is scheduled for committee on February 14.

Bill: HB 18-1072, Red Light Cameras and Speed Radar

Sponsors: Rep. Stephen Humphrey, R-Severance; Sen. Tim Neville, R-Littleton

Status: H. Transportation & Energy

Position: Oppose

Lobbyist: [Meghan Dollar](#)

Updated 1/26/2018

Sales Tax: Fix for impact of SB 17-267 on Special Districts

HB 18-1062 repeals the state's general sales tax exemption, enacted last year in SB 17-267, for sales of retail marijuana. The bill also reduces the state's retail marijuana sales tax rate to 12.1% (which was increased to 15% last year in SB 17-267). This would undo part of the negative fiscal impact of SB 17-267 on special districts which are statutorily authorized to impose a sales tax (such as RTD and SCFD), and which follow the state's base (thus, the state's general sales tax exemption for retail marijuana sales also resulted in decreased revenues for these special districts). The bill sponsor has agreed to an amendment to include an upward adjustment to C.R.S. 39-28.8-203 to ensure that local share-back revenues do not decrease; therefore, the amended bill would have no municipal fiscal impact.

SB 18-088 is the other special district "fix" bill, introduced with bi-partisan sponsorship. This is the likely vehicle, and has no municipal fiscal impact. SB 18-088 passed out of Senate Finance on January 23.

Bill: HB 18-1062, Sales Tax: Fix for impact of SB 17-267 on Special Districts

Sponsors: Rep. Steve Lebsack, D-Thornton

Status: H. Finance

Position: Formerly opposed

Lobbyist: Dianne Criswell

Updated 1/26/2018

Sales Tax: 2018 Task Force Proposal

HB 18-1022, which passed unanimously out of the House Business Affairs and Labor Committee on January 18, directs the Department of Revenue to issue a request for information (RFI) to vendors for:

- an accurate address locator database;
- a single application and point for state & local sales tax licenses;
- a single point of state and local sales tax remittance;
- an accurate taxability matrix;
- a solution that integrates with existing systems; and
- costing options.

Vendors must respond with the understanding that there

- will not be changes to the tax base (and rate);

- may not be uniform definitions; and
- will not be a unified audit authority or process.

CML's representatives on the task force worked with legislators to include strong recognition of home rule authority in the RFI process. Responses to the RFIs could provide useful information about cost and feasibility of vendor solutions.

Bill: HB 18-1022, 2018 Task Force Proposal

Sponsors: Reps. Lang Sias, R-Arvada and Tracy Kraft-Tharp, D-Arvada; Sens. Cheri Jahn, I-Wheat Ridge and Tim Neville, R-Littleton

Status: Passed House

Position: Support

Lobbyist: Dianne Criswell

Updated 1/26/2018

Severance Tax & FML: Debruce Severance Tax

SB 17-267, which enterprised the hospital provider fee program, includes a compromise that lowered the TABOR cap by \$200 million (and not a much larger reduction initially proposed). CML noted that the state would inevitably exceed the TABOR cap in the future, putting a bullseye on severance tax. Thanks to higher income tax receipts, the state will be pushed closer to its TABOR cap much faster than anticipated and may exceed the cap within the next three to four years. Despite low severance tax receipts, the revenue would be exposed if the state exceeds its TABOR cap and there is little faith that the state would leave it alone. A debrucing question would allow Colorado voters the option to decide if prior legislative intent for severance tax purpose and use should be respected and upheld. For local governments currently and historically impacted by energy extraction, this would ensure that revenues would continue to be available to mitigate the impacts and help communities continue to survive as Colorado's natural resources extraction declines and even disappears from some areas. For the state (and also to the benefit of municipalities, counties, and their citizens), vital water infrastructure programs in DNR, as well as Tier I and Tier II programs and the Colorado Water Plan, would be able to have better certainty of annual funding as prioritized by the General Assembly. Debrucing would also allow additional room under the TABOR cap to use for transportation, education, or other state priorities.

Bill: Debruce Severance Tax

Status: Not yet introduced

Position: Support

Lobbyist: Kevin Bommer

Updated 1/26/2018

Sustainabilty: Architectural Paint Stewardship Act

SB 18-045 repeals the "Architectural Paint Stewardship Act" which requires paint producers to create paint recycling programs by charging assessments on retailers and distributors, who are then required to add the amount of the assessment to the purchase price of containers of architectural paint sold in Colorado. Paint products are treated as hazardous waste so this program has been vital to assist municipalities' ability to ensure paint products are disposed of properly.

Bill: SB 18-045, Architectural Paint Stewardship Act

Sponsors: Sen. Kevin Lundberg, R-Berthoud; Rep. Kim Ransom, R-Parker

Status: S. Appropriations

Position: Oppose

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Transportation: OHV Local Safety Standards

HB 18-1103 allows local governments to impose additional safety requirements for off-highway vehicles on roads within their jurisdiction. The bill clarifies that local governments who impose these ordinances will do consistent with state rules.

Bill: HB 18-1103, OHV Local Safety Standards

Sponsors: Rep. Barbara McLachlan, D-Durango; Sen. Don Coram, R-Montrose

Status: H. Transportation & Energy

Position: Support

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Transportation: Transportation Funding

Senate Bill 1 repeals the provisions required by SB-267 that provides revenue generated through lease purchase agreements to be used for transportation projects. In its place, it offers a 20-year bonding proposal, subject to voter approval in 2018, similar to the Trans Bonds issued in 1999 that funded the TRex project in South Denver. The bond would be paid for by allocating 10 percent of existing sales tax revenue. The bill still maintains many of the general requirements outlined in SB-267 including requiring 25 percent of the money go to state highway projects in rural areas and 10 percent of the money going to transit. Any remaining money that is not required to repay the bonds would go to projects included in USDOT's Strategic Transportation Project Investment Program and designated to tier 1 funding.

Bill: SB 18-001, Transportation Funding

Sponsors: Sen. Randy Baumgardner, R-Cowdrey; Rep. Perry Buck, R-Windsor

Status: S. Finance

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Utilities: Electric Storage Systems

SB18-009 declares that consumers of electricity have a right to install, interconnect, and use electricity storage systems on their property, and that this will enhance the reliability and efficiency of the electric grid, save money, and reduce the need for additional electric generation facilities. The bill directs the PUC to adopt rules governing the installation, interconnection, and use of customer-sited distributed electricity storage systems.

Bill: SB 18-009, Electric Storage Systems

Sponsors: Sen. Stephen Fenberg, D-Boulder

Status: H. Agriculture, Livestock & Natural Resources

Position: Neutral

Lobbyist: [Morgan Cullen](#)

Updated 1/17/2018

Water & Wastewater: Expanded Duration for Revolving Loans

Pursuant to the federal Clean Water Act and the federal Safe Water Drinking Act, the Colorado Water Resources and Power Development Authority (CWRPDA) makes loans under its water pollution control revolving fund and its drinking water revolving fund. Under state law, the duration of any water pollution control loan made by the authority must not exceed 20 years after a project's completion. However, the Clean Water Act now allows for loans up to the lesser of 30 years or the projected useful life of the project, as determined by the state. This proposed legislation, submitted by the Water Resources Review Committee, would remove the 20-year limitation on water pollution control loans and authorizes the authority to make loans in compliance with the Clean Water Act and the Safe Water Drinking Act.

Bill: SB 18-019, Expanded Duration for CWRPDA Revolving Loans

Sponsors: Sens. Kerry Donovan, D-Vail, and Don Coram, R-Montrose; Reps. Chris Hansen, D-Denver, and Jennifer Arndt, D-Ft. Collins

Status: Passed Senate

Position: Support

Lobbyist: [Morgan Cullen](#)

Updated 1/26/2018

Water & Wastewater: Invasive Species

HB 18-1008 creates several new funding and enforcement mechanisms to support Colorado's Division of Parks and Wildlife's Aquatic Nuisance Species Program. Specifically the bill:

- Authorizes the division of parks and wildlife to seek reimbursement for motor vehicles or water craft impounded for suspected of aquatic nuisance species.
- Requires the purchase of an special aquatic nuisance stamp for boat use in Colorado. \$25 resident; \$50 nonresident.
- Increases penalties related to aquatic nuisance species and for failing to purchase a stamp.
- Combines the division of parks and outdoor recreation aquatic nuisance species fund and the division of wildlife aquatic nuisance species fund into a single fund.

Bill: HB 18-1008, Financing Aquatic Nuisance Species Program

Sponsors: Rep. Daneya Esgar, D-Pueblo; Sen. Kerry Donovan, D-Vail

Status: H. Finance

Lobbyist: Morgan Cullen

Updated 1/26/2018

Water and Wastewater: Duration of CWRPDA Loans

The Federal Clean Water Act and Safe Water Drinking Act allow the Colorado Water Resources and Power Development Authority to make loans under its water pollution control revolving fund and its drinking water revolving fund. Under state law, the duration of any water pollution control loan made by the authority must not exceed 20 years. However, the Clean Water Act now allows for loans up to the lesser of 30 years or the useful life of the project. This bill removes the 20-year limitation on water pollution control loans and authorizes the authority to make loans up to 30 years.

Bill: SB 18-019, Duration of CWRPDA Loans

Sponsors: Sen. Kerry Donovan, D-Vail, Sen. Don Coram, R-Montrose; Rep. Chris Hansen, D- Denver

Status: S. Agriculture, Natural Resources & Energy

Position: Support

Lobbyist: Morgan Cullen

Updated 1/17/2018

© 2013 Colorado Municipal League
1144 Sherman Street Denver, CO 80203
(p) 303-831-6411 or 866-578-0936 | (f) 303-860-8175 | cml@cml.org

