

2022 Legislative Preview

Issues of Municipal Interest

January 12, 2022



COLORADO
MUNICIPAL
LEAGUE

First Regular Session of the 73rd Colorado General Assembly

CML Advocacy



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Air Quality

Clean Commute

- Similar to Employee Trip Reduction Plan rulemaking by the Air Quality Control Division
- Incentives for employers to encourage their employees not to come to work in single-occupancy vehicles, increase carpooling, use transit, and work more from home



Criminal Justice and Courts

Municipal Courts

- Mandatory bail hearings within 48 hours
- CML-initiated legislation to create a municipal court text reminder program
- Automatic record sealing for nonviolent offenses

Police

- Legislation prohibiting tactics by police that involve deceiving a juvenile
- Legislation to create a process for law enforcement to intervene when someone is in a mental or behavioral health crisis.
- Legislation that takes a narrower approach to arrest standards and pre-trial reform



Elections

Election Official Protection

- Legislation extends anti-doxing statutes to election officials and workers. It will make it illegal to threaten, coerce, intimidate, or make their personal information available on the internet. This includes municipal clerks, municipal elections staff and municipal election judges.

Recall Elections

- We expect legislation early in the session around recall election reform. That will include changes to Title 31 statutes.



Employment and Labor

POWR Act

- Defeated last year. A new version will be coming in 2022

Collective Bargaining

- Legislation that purports to confer collective bargaining rights to all employees of municipalities and other public entities
- The legislation mandates the structure of collective bargaining and allows employees to choose to apply it locally, regardless of any existing collective bargaining agreements
- CML is opposed to the legislation as a matter of local control and home rule authority
- A grassroots effort from municipal Members is critical



Environment & Natural Resources

Pesticides

- We expect legislation this session which will repeal local pre-emption on pesticide use and application of pesticides. The bill is similar in concept to a 2020 bill but may be more extensive and include additional provisions not in the previous bill.



Gaming

Division of Gaming Sunset Bill

- Recommendations from the Sunset Review:
 - Continue the regulation of Sports Betting by DOG for 5 years until 2027 and continue Division of Gaming for 11 years until 2033
 - Allow Commission to delegate licensing tasks it believes necessary to the division
 - Establish 18-years-old as the age a person may work in a Colorado casino, down from 21-years-old
 - Amend the Fantasy Contests Act to use DOR's Hearings Division to conduct hearings.
 - Repeal the mandatory fingerprint criminal history record checks for internationally-based internet sports betting personnel.
 - Make sports betting payoffs subject to the Gambling Payment Intercept Act.
- Additional Ideas being floated by other stakeholders:
 - Allow Division to regulate the illegal video arcade machines; looking at language from other states for this concept
 - Sweeping top of "hold harmless" fund created in the Sports Betting law to be used for problem gambling



Housing

Mobile Home Park Legislation

- Omnibus bill that will contain several changes to the mobile home park statute
- Includes CML priority language which strengthens the process for residents to purchase the land in which their home is located

Legislation spending ARPA dollars

- Interim Process, Affordable Housing Transformational Task Force
- What are the funding recommendations?
- Land use, Incentives, Funding directly to local governments, modular housing, improved and keeping existing affordable housing



Marijuana

Marijuana Cultivation Rules and Tax Laws Working Group

- Participating in the working group created by HB21-1301 to examine how Colorado businesses could be better positioned to be competitive in interstate commerce if marijuana is legalized federally.



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Open Meetings/ Open Records

Colorado Open Records Act

- While there is not currently a bill, there is interest from legislators to standardize record retention schedules and address research and retrieval fees within CORA statutes.



Municipal Debt and Finance

Allowing Public Entities to use Credit Unions

- Modifies current law to allow credit unions to accept deposits of public funds if the credit union is federally insured.
- Public entities, including municipalities, will have another option for banking and financing, enhancing municipalities' flexibility to finance public projects.



Pensions

Public Employees Retirement Association (PERA)

- Legislation to transfer \$200 million to the PERA General Fund per SB 18-200

Fire and Police Pension Association (FPPA)

- Legislation to transfer \$33 million to the FPPA Death and Disability Fund
- Legislation to combine the statewide hybrid plan with the statewide defined benefit plan



Public Health

Behavioral Health Task Force

- Recommendations for spending the ARPA dollars will be released January 21st
- Outcomes of the funding include those with the highest needs get the care they need when they need it and people with behavioral health needs are connected to services across the continuum, among other goals.

Vaping

- Will likely see a bill to ban flavored vaping products, similar to the language that was vetoed by Denver Mayor Michael Hancock



Severance Tax

SB21-281 Severance Tax Working Group Recommendations

- During the interim, the working group met and proposed several recommendations to the Joint Budget Committee regarding severance tax variability.
- This includes a recommendation for a permanent trust fund which impacts local governments direct distribution dollars. CML is opposed to this recommendation.



Sustainability

Advanced Energy Codes

- Colorado Energy Office priority legislation
- Requiring local governments to upgrade to 2021 energy codes by 2025
- Requiring local governments to adopt new zero carbon energy codes by 2030

Extended Producer Responsibility Program

- Policy based on CDPHE report submitted pursuant to SB20-055
- Incentivizing producers to increase use of recyclable materials in packaging
- Proceeds will help improve and create recycling infrastructure statewide



Taxation

Legislative Oversight Committee Concerning Tax Policy

- Extend state sales tax exemption for public school projects to home rule municipalities
- Taxation of short-term rentals

Sales and Use Tax Simplification Task Force

- Simplification of business licensing for remote sellers
- Extension of destination sourcing exemption for small businesses



Transportation

Statewide Regulation of Controlled Intersections

- TLRC Approved bill creating a statewide “Safety Stop” for cyclists.
- The bill would supersede any conflicting local ordinance or resolution regarding safety stops, overriding local control of traffic stops and lights.

Governor Polis' Supplemental Budget Proposal

- Delay the implementation of Road Usage Fee by 6 months from July 2022 to January 2023, utilizing \$28M in General Fund to backfill the revenue.
- Further reducing the Road Safety Surcharge in 2023. The request keeps the fee at \$11.10 below its normal level in 2023 instead of bringing it back up by \$5.55, utilizing \$35M in General Fund to backfill the revenue.
- Allocate \$100 million for matching funds to be used to apply for federal grants under the bipartisan federal Infrastructure Investment and Jobs Act.



Utilities

CML-initiated legislation

- CML is initiating legislation regarding competitive bidding in the undergrounding of utilities

Microgrids for Community Resilience Act

- Creates a grant fund open to Municipal Utilities and Cooperative Electric Associations in eligible rural communities to acquire microgrids to support load during severe weather or natural disaster events.
- Eligible rural communities include those at significant risk of experiencing severe weather or natural disaster events, and have one or more "community anchor institutions", like schools, hospitals, critical community service facilities, etc.



Water

Recreational In-Channel Values Reach

- We expect legislation this session which will allow for the voluntary loan or lease of water rights specifically for recreational purposes.

Grant funding for turf removal programs

- We expect legislation to incentivize local governments to create or expand turf removal programs through grant opportunities.



Wildfire

Wildfire Incentives for Local Governments

- The bill creates a grant that provides matching funds for local governments who have a dedicated revenue stream for fire mitigation.

Resources for Volunteer Firefighters

- The bill expands eligibility for certain state emergency wildfire response cash funds to fire departments primarily staffed by volunteer firefighters.

Assistance Landowner Wildfire Mitigation

- The bill creates a grant program in the CSFS which can be used by local governments to conduct outreach among landowners regarding wildfire mitigation best practices.

Statewide Minimum Building Codes

- While there is no bill yet, there is renewed interest among legislators to create a statewide minimum building codes to address wildfire.



Staying Connected to the Statehouse

HOW CML KEEPS YOU INFORMED



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How CML Keeps You Informed

- *CML Statehouse Report* in your inbox
- CML's website – www.cml.org/advocacy-legal
 - CML position papers
 - CML box score and list of bills followed
- Social media
 - Facebook 
 - Twitter (www.twitter.com/co_municipal) 
- Annual *Colorado Laws Enacted Affecting Municipalities*
- *CML Newsletter* (bi-weekly)
- *Colorado Municipalities* magazine (bi-monthly)
- Statehouse Report Webinars- starting 1/28 at noon. CML Advocacy Staff will conduct legislative webinar updates every other Friday throughout the session. You can register to attend by going to <https://www.cml.org/home/networking-events>.



Make your voice heard in the Statehouse

GRASSROOTS ADVOCACY



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How to Contact Your Legislator

- Who is my legislator?
- What is the best way to contact my legislator?
 - In person – virtually of course
(Invite your legislators to come to a council or board meeting, study session, or special event)
 - Email
 - Phone



What Should You Say?

- Talk to them about legislative & policy issues that affect your municipality
- Refer to CML positions on bills
 - Bill log on the website
 - Position papers
- Ask them to talk to CML's lobbyist for more detail
- Let them know you'd really appreciate their vote



Want to be part of the action?

- CML's Annual Legislative Workshop
 - February 17, 2022
 - More info at www.cml.org
- Sign up for the *CML Statehouse Report*



Thank you!

Questions?

Contact CML anytime!

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